



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 929-6350

Board of Selectmen

**LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on July 25, 2016 at 7:10 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, MA 01720 for an order to show cause to determine a Dangerous Dog housed at 14 Strawberry Hill Road, Acton, MA 01720. The documentation concerning this public hearing can be inspected before the public hearing at Town Hall during normal business hours (8 am – 5pm, Monday through Friday).

Acton Board of Selectmen

**SEL/14 STRAWBERRY HILL ROAD
LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING**

The Acton Board of Selectmen will hold a public hearing on July 25, 2016 at 7:10 PM in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, MA 01720 for an order to show cause to determine a Dangerous Dog housed at 14 Strawberry Hill Road, Acton, MA 01720. The documentation concerning this public hearing can be inspected before the public hearing at Town Hall during normal business hours (8 am – 5pm, Monday through Friday).

Acton Board of Selectmen

AD#13444275
Acton Beacon 7/14/16



Town of Acton
472 Main Street
Acton, MA 01720

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1. ACTON COACH ESTATES, LLC 181 WELLS AVE NEWTON, MA 02459	.46	.36				.82							
2. NAGOG KNOLL LLC 260 GREAT ROAD ACTON, MA 01720	.46	.36				.82							
3. BELLAR REALTY LLC 271 NEVADA ST NEWTONVILLE, MA 02460	.46	.36				.82							
4. THE ABEND FAMILY LIMITED PARTNERSHIP 304 CONCORD STREET WAYLAND, MA 01778	.46	.36				.82							
5. ALLEN JO ANN F TRUSTEE STRAWBERRY HILL REALTY TRUST 2001 6 STRAWBERRY HILL ROAD ACTON, MA 01720	.46	.36				.82							
6. KERAMARIS GEORGE 16 STRAWBERRY HILL ROAD ACTON, MA 01720	.46	.36				.82							
7. KERAMARIS GEORGE 18 STRAWBERRY HILL ROAD ACTON, MA 01720	.46	.36				.82							



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ORDER TO SHOW CAUSE

TO: Elizabeth Holleran
14 Strawberry Hill Road, Apt. 22
Acton, MA 01720

FROM: Acton Board of Selectmen

RE: Dangerous Dog Hearing under General Laws, Chapter 140, §157

DATE: June 20, 2016

The Acton Board of Selectmen ("Board"), as the Hearing Authority under General Laws Chapter 140, § 157 has received a written complaint about the dog, known as "Evey", that you own and house at 14 Strawberry Hill Road, Apt 22, Acton, MA 01720 (the "Dog"). Pursuant to the provisions of Massachusetts General Laws, Chapter 140, § 157, the Board orders that you **appear at a hearing before the Board at 7:10 PM on July 25, 2016** in the Frances Faulkner Hearing Room on the third level (Floor #2) of the Acton Town Hall, 472 Main Street, Acton MA 01720, **and show cause** as to why the Board should not determine the Dog to be a Dangerous Dog as defined in the General Laws (enclosed) and order appropriate action be taken as a result, including the possibility of humanely euthanizing the Dog. A "Dangerous Dog" is defined as

a dog that either: (I) without justification, attacks a person or domestic animal causing physical injury or death; or (II) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. G.L. c. 140 § 136A.

The Board's investigation into whether the Dog should be deemed a Dangerous Dog shall inquire into facts relating to the incident on June 7, 2016 that allegedly was an aggressive attack by the Dog causing bodily harm. You have the right to be present at the hearing, to have a counselor or a representative of your own choosing present for the purpose of advising you, and to speak on your own behalf. You and other witnesses may be called by the Board and/or its representative to testify at the hearing. You are invited to cross-examine these witnesses and to call witnesses of your own, who shall then be subject to cross-examination by the Board and/or its representative.

Copies of the incident report and other materials from Acton Police Department and a copy of the Massachusetts General Laws, Chapter 140, § 157, are attached for your information.

THE TOWN OF ACTON,

By and through the
Acton Board of Selectmen



Peter J. Berry, Chairman

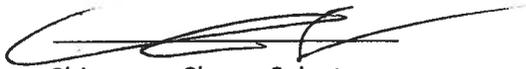


Janet K. Adachi, Vice-Chairman

Frances J. Osman, Clerk



Katie Green, Selectmen

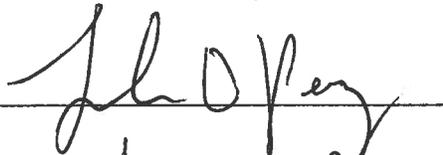


Chingsung Chang, Selectmen

Hand Delivered on: _____

06/21/16

By: _____



LUKE D. PENNEY # 58

Acton Police Department

Master Card Detail

Print Date: June 9, 2016

Activity range: All

Printed By: bleblanc

MASTER CARD: 2002000001227 FILE NUMBER: M0201127

Last Activity Date: 06/07/2016 PCF:

Name: Holleran, Elizabeth

Street: 14 STRAWBERRY HILL RD A Apt: 22

City, State, Zip: ACTON, MA 01720

Home Telephone #: [REDACTED]

Social Security #: [REDACTED]

Fingerprint Date:



5/21/2016 6:26:27PM
Height: 360
Width: 400
Landscape

CURRENT MASTER CARD INFORMATION

Sex: Female	Height: 5' 8"	Mailing Address: 14A STRAWBERRY H
Race: Caucasian	Weight: 0	ACTON MA, 01720
DOB: [REDACTED] Age: [REDACTED]	Shoe Size:	E-Mail Address:
Place of Birth: N/A	Build: Medium	Alternate Telephone: N/A
Country of Birth:	County of Residence:	Work Telephone: N/A
Maiden Name:	Eye Color: Unknown	Cellular Telephone: [REDACTED]
Mother's Name:	Hair Color: Unknown	Fax No: N/A
Father's Name:	Skin Tone: N/A	Pager No: N/A
Legal Spouse:	Ethnicity: Not Hispanic	Pin No: N/A
Step Parent/Guardian:	Handicapped: No	Occupation: N/A
Marital Status: N/A	Contacts: No	Employer: N/A
FBI No:	Glasses: No	Employer's Telephone: N/A
Religion:	INS Status:	Employer Address:
Probation Central File No:	Info Source:	Military Experience:
Dept. of Corrections No:	Caution:	State ID:
Date of Death:	County ID:	INS No:
Body Recovered:	Cause of Death:	Place of Death:
	Blood Type:	Citizenship:

Scars / Marks / Tattoos

No Physical Characteristic Data Reported

Comments:

Medical Comments:

LICENSE INFORMATION

License No.	State	Expiration	CDL	Class #1	Class #2	Restriction	Endorsement
[REDACTED]	MA	01/06/2002	No	D		[B] Corrective Lenses	

KNOWN ALIASES

Create Date	Alias Name	Type	S.S.N.	DOB	Last Activity Date
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

INCIDENTS - Police

Date	Incident	Incident Type	Person Type	Comments
06/07/2016	2016000012756	Animal Problem	Suspect	
05/23/2016	2016000011584	Animal Problem	Other	
05/21/2016	2016000011375	Animal Problem	Other	

Acton Police Department

P. O. Box 2212
 371 Main Street
 Acton, MA 01720
 978-263-2911



Incident Number: 2016000012756

File No: N/A

Dispatch Incident Number: 2016000013703

Print Date: June 9, 2016

Printed By: bleblanc

Incident Report

Incident Information

Occurred On/From	Day of Week Tues	Date 06/07/2016	Time 6:34:00PM	Occurred To	Day of Week Tues	Date 06/07/2016	Time 6:34:00PM	Reported On →	Date 6/7/2016	Time 6:34:29PM	
Reported As Animal Problem P:012756			Incident Type - Primary Animal Problem			Arresting Officer					
Incident Address 14 STRAWBERRY HILL RD, ACTON, MA 01720						Reporting Officer Patrol Officer David Joachim (94DJ)					
Sector NOR		Stat. Area North Precinct Map E5		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A				Incident Types - Other				Action Taken REPORT			

Associated Persons Summary

Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Other	STEEVES, JESSICA S	[REDACTED]	F	N/A	[REDACTED]	N/A
Address: 14 STRAWBERRY HILL RD, ACTON, MA 01720						
Suspect	Holleran, Elizabeth	[REDACTED]	F	[REDACTED]	[REDACTED]	N/A
Address: 14 STRAWBERRY HILL RD, Apt #: 22, ACTON, MA 01720						
Caller	GOULET, JOSHUA	[REDACTED]	M	N/A	[REDACTED]	N/A
Address: 14 STRAWBERRY HILL RD, Apt #: 12B, ACTON, MA 01720						

Involved Officers

Officer Title	Officer Name	Officer Type	Division
Patrol Officer	David C Joachim	Reporting Officer	Acton Police Department
Patrol Officer	David C Joachim	Responding Officer	Acton Police Department

Suspect Seq. # 1

Suspect Type		Suspect Name		Alias/Nickname		Occupation		Probation Central File		SSN
N/A		Holleran, Elizabeth		VARGAS, ELIZABETH		N/A		N/A		N/A
Date of Birth	Age	Sex	Race	Ethnicity	Skin Tone	Height	Weight	Eye Color	Hair Color	
[REDACTED]	57	Female	Caucasian	Not Hispanic	N/A	5' 8"	N/A	Unknown	Unknown	
Scars / Marks / Tattoos / Other Physical Characteristics:										
No Physical Characteristic Data Reported										

Acton Police Department
P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911
Incident Report



Incident Number: 2016000012756
File No: N/A
Dispatch Incident Number: 2016000013703
Print Date: June 9, 2016
Printed By: bleblanc

Narratives for Incident Number 2016000012756 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrol Officer David Joachim (94DJ) Division: Acton Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
06/07/2016 19:03	Dog attack	Patrol Officer David Joachim (94DJ)	Closed	Sergeant Raymond Grey	06/07/2016

On the above date and time I was dispatched to the above for report of a dog attack. Upon arrival I spoke with Josh Goulet and Jessica Steeves who stated they were walking their dog on a leash in the rear grass area of 14 Strawberry Hill Rd. A black Shepard that is familiar to them due to its past aggressive behavior (see incident 11375 from 5/21/16) ran up to them and began attacking their dog. Josh stated that the Shepard had a leash attached to its collar, but there was no owner or person caring for the dog in sight. Josh stated he pushed the Shepard back with his foot and was able to scare the dog off. They then saw an older male party with gray hair open the back door and take the dog inside. Josh stated he told the man about the attack and the man responded "Go ahead and call the cops, I don't care". Josh stated he recognized the man to be the boyfriend of the dogs owner. Josh stated he believed his dog to be physically ok, but believes it has become very frightened due to being attacked. I was unable to locate the owner of the dog, however was informed that the owner is Elizabeth Holleran 14a Strawberry Hill Rd apt 14. A copy of this report will be forwarded to the Dog Officer.

Respectfully Submitted
Ofc. Joachim

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

06/07/2016 19:39:31

94DJ responded for dog attacked by dog. Dog officer notified.

Acton Police Department

**P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911**



Incident Number: 2016000011584

File No: N/A

Dispatch Incident Number: 2016000012398

Print Date: June 9, 2016

Printed By: bleblanc

Incident Report

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Mon	05/23/2016	8:20:00PM		Mon	05/23/2016	8:20:00PM	→	5/23/2016	8:20:36PM
Reported As Animal Problem P:011584			Incident Type - Primary Animal Problem			Arresting Officer				
Incident Address 18 STRAWBERRY HILL RD, Apt #: 12, ACTON, MA 01720						Reporting Officer Tyler Russell (161TR)				
Sector NOR		Stat. Area North Precinct Map E5		Sub Stat. Area		Census Tract		Landmark		
Business Name N/A				Incident Types - Other				Action Taken REPORT		

Associated Persons Summary						
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Other	Holleran, Elizabeth	[REDACTED]	F	[REDACTED]	[REDACTED]	N/A
Address: 14 STRAWBERRY HILL RD, Apt #: 22, ACTON, MA 01720						
Reporter	Robertson, Lyndsay B	[REDACTED]	F	N/A	[REDACTED]	N/A
Address: 18 STRAWBERRY HILL RD 12, ACTON, MA 01720-5707						
Caller	Robertson, Lindsey	N/A	F	N/A	[REDACTED]	N/A
Address: 18 STRAWBERRY HILL RD, Apt #: 12, ACTON, MA 01720						
Other	STRAWBERRY HILL APTS, -	N/A	N/A	N/A	N/A	N/A
Address: 14 STRAWBERRY HILL RD, ACTON, MA 01720						

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Tyler Russell	Reporting Officer	Acton Police Department
N/A	Tyler Russell	Responding Officer	Acton Police Department

Acton Police Department

**P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911**



Incident Number: 2016000011584

File No: N/A

Dispatch Incident Number: 2016000012398

Print Date: June 9, 2016

Printed By: bleblanc

Incident Report

Narratives for Incident Number 2016000011584 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Tyler Russell (161TR) Division: Acton Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/23/2016 21:44		Tyler Russell (161TR)	Closed	Sergeant Raymond Grey	05/23/2016

The following is a brief description of the events that occurred on May 23, 2016 at approximately 20:20 hours.

On May 23, 2016 I was on patrol in cruiser #1 working 1500-2300 shift assigned to the North Sector. I was dispatched to the area of the Strawberry Hill apartments for a report an ongoing animal issue. The prior incident occurred on 05/21/16 and was referred to the ACO. The reporting party stated the dog was walking around the complex with no one around with kids in the area.

Upon my arrival I was soon spotted by the reporting party Ms. Lyndsay Robertson [REDACTED] Ms. Robertson advised the dog was on a leash but in the area of kids riding bikes. Ms. Robertson advised the owner of the dog Ms. Elizabeth Holleran [REDACTED] didn't make any attempts to get the animal away from the area. I advised Ms. Robertson I would attempt to make contact with Ms. Holleran and speak with her.

While sitting in the area I was able to locate Ms. Holleran and her animal walking the parking lot. As I made my way over to Ms. Holleran I observed there was a leash on the animal approximately 2-3 feet of slack. I also observed the animal which seemed calm and non-aggressive towards me. I advised Ms. Holleran I was in the area to follow up about the incident from 05/21/16 and that there was a report her dog was walking freely. Ms. Holleran advised me of the stipulations that the ACO gave her and that she was following them. Ms. Holleran advised when taking the dog out to go to the bathroom she attempts to keep it away from other people and animals to the best of her abilities due to the incident.

I didn't see any issues with how Ms. Holleran was handling the animal nor how the animal was acting with her or towards me. I advised Ms. Holleran I didn't see any issues for concern with her or the animal and just advised her that the ACO may contact her due to the incident.

Respectfully Submitted,

Officer Tyler Russell #161
Acton Police Department

Signature - Reporting Officer

Signature - Reviewing Officer

Acton Police Department
P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911
Incident Report



Incident Number: 2016000011584
File No: N/A
Dispatch Incident Number: 2016000012398
Print Date: June 9, 2016
Printed By: bleblanc

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

05/23/2016 21:27:16

161TR responded for complaint of dog in the area responsible for previous dog bite. Palmer Kennels notified. Dog is supposed to be inside on quarantine. Parties were spoken to and Tack Palmer was notified see report.

Acton Police Department

P. O. Box 2212
 371 Main Street
 Acton, MA 01720
 978-263-2911



Incident Number: 2016000011375

File No: N/A

Dispatch Incident Number: 2016000012185

Print Date: June 9, 2016

Printed By: bleblanc

Incident Report

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sat	05/21/2016	5:51:00PM		Sat	05/21/2016	5:51:00PM	→	5/21/2016	5:51:08PM
Reported As Animal Problem F:001875 P:011375			Incident Type - Primary Animal Problem				Arresting Officer			
Incident Address 18 STRAWBERRY HILL RD, Apt #: 12, ACTON, MA 01720						Reporting Officer Tyler Russell (161TR)				
Sector NOR		Stat. Area North Precinct Map E5		Sub Stat. Area		Census Tract		Landmark		
Business Name N/A				Incident Types - Other				Action Taken TRANSPORT		

Associated Persons Summary

Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Caller	Robertson, Lyndsay B	[REDACTED]	F	N/A	[REDACTED]	N/A
Address: 18 STRAWBERRY HILL RD 12, ACTON, MA 01720-5707						
Other	Holleran, Elizabeth	[REDACTED]	F	[REDACTED]	[REDACTED]	N/A
Address: 14 STRAWBERRY HILL RD, Apt #: 14, ACTON, MA 01720						
Witness J	Feoll, Jaylene	[REDACTED]	F	N/A	N/A	N/A
Address: 16 STRAWBERRY HILL RD, Apt #: 18, ACTON, MA 01720						
Witness J	Rivard, Rhiannon	[REDACTED]	F	N/A	N/A	N/A
Address: 18 STRAWBERRY HILL RD, Apt #: 16, ACTON, MA 01720						
Other	STRAWBERRY HILL APTS, -	N/A	N/A	N/A	N/A	N/A
Address: 14 STRAWBERRY HILL RD, ACTON, MA 01720						
Victim J	Robertson, Rachel	[REDACTED]	F	N/A	N/A	N/A
Address: 18 STRAWBERRY HILL RD, Apt #: 12, ACTON, MA 01720						

Involved Officers

Officer Title	Officer Name	Officer Type	Division
Detective	Leo D Gower	Responding Officer	Acton Police Department
N/A	Tyler Russell	Reporting Officer	Acton Police Department
N/A	Tyler Russell	Responding Officer	Acton Police Department

Victims

Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A J	Robertson, Rachel	Female	Unknown	Unknown	N/A	N/A



Narratives for Incident Number 2016000011375 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Tyler Russell (161TR) Division: Acton Police Department

<u>Date & Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
05/21/2016 19:07		Tyler Russell (161TR)	Closed	Sergeant Raymond Grey	05/21/2016

The following is a brief description of the events that occurred on May 21, 2016 at approximately 17:51 hours.

On May 21, 2016 I was on patrol in cruiser #1 working the 1500-2300 shift assigned to the North Sector. At approximately 17:51 hours I was dispatched to a report of a dog bite. While responding the scene dispatch advised the animal had been taken into the building and secured.

Upon arrival I was met by Detective Gower fire was already on scene as well. I made my way over to a crowd of pedestrians and located the mother of the victim identified as Mrs. Lyndsay Robertson [REDACTED]. Mrs. Robertson advised she placed the call to dispatch about her daughter Rachel Robertson [REDACTED] being bit by a dog. I asked anyone in the crowd if they saw the animal bite Rachel no adults witnessed the incident. Two girls stated they saw it happen, one named Jaylene Feoli DOB [REDACTED] and the other Rhiannon Rivard [REDACTED].

I asked both Jaylene and Rhiannon what happened both said they were outside and asked the dog owner later identified as Ms. Elizabeth Holleran DOB [REDACTED] if they could pet the dog. Ms. Holleran advised the girls they could pet the dog named "Evey" a black Shepherd. Jaylene stated she was the first one to pet the dog. Jaylene and Rhiannon both stated after Jaylene was petting the dog it began nipping at them and eventually bit Rachel in the abdomen area.

Jaylene and Rhiannon were the only witnesses to the incident of the bite. Multiple pedestrians in the area stated the dog always seems aggressive around the property citing multiple incidents with the animal being aggressive towards other animals and people. Mrs. Robertson advised she has had issues with the dog coming after her dog as well in the past.

Detective Gower was able to locate the dog's owner located at 14A Apt #14. The dog at this time was secured in her residence. While speaking with Ms. Holleran she advised the dog was on a leash at the time of the bite and the girls came over and asked to pet her dog. She stated everything was fine and then her dog nipped at the girls she didn't believe that the bite had broken Rachel's skin. I advised Ms. Holleran that the bit did break the skin and asked about the dogs medical records. She stated her dog was about 2 - 2 ½ years old and had all of its "first round of shots" from when the animal was a puppy. Ms. Holleran advised the animal had not had a rabies vaccination but didn't believe the animal was sick in anyway.

I inquired if the dog had a regular vet or seen one in the area, to which she replied no, the animal hasn't been to a vet since it was a puppy. Detective Gower contact Sergeant Grey about the incident and the Animal Control Officer was contact about the incident and given the info of the owner. The ACO was not in the area and advised they would be following up with the owner of the animal.

Respectfully Submitted,

Officer Tyler Russell #161
Acton Police Department

Acton Police Department

**P. O. Box 2212
371 Main Street
Acton, MA 01720
978-263-2911**



Incident Number: 2016000011375

File No: N/A

Dispatch Incident Number: 2016000012185

Print Date: June 9, 2016

Printed By: bleblanc

Incident Report

Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

05/21/2016 18:30:42

161TR, 64LG, E22, R33 Responded to above address for report of a dog biting a child. R33 to Emerson Hospital 0-4.0.



TOWN OF ACTON COMPLAINT LOG 2016

Complaint Log ID:

1329

Date:

6/7/2016

Time:

6:35 PM

Message By:

Tack

Nature Of Complaint:

dog attack on another dog at 14 strawberry hill rd apts

Callers First Name:

apd

Callers Last Name:

apd

Callers Address:

apd

Town<State,Zip: ACTON, MA 01720

Callers Phone #:

(978) 263-2911

Dog Description:

blk german shep

Breed:

german shep

Color:

black

Sex::

Female

Tags:

Collar:

Owners First Name:

elizabeth

Owners Last Name:

holleran

Owners Address:

14 strawberryhill apt#22

Owners Phone #:

(978) 430-0946

Next Record

6/7/2016

I called and left messages for Elizabeth Halleran 3 times and no calls have been returned. I have gone to the apartment and no one answers the ~~door~~^{door} to let me in. A neighbor said that Elizabeth works at the VA in Bedford. I asked if the neighbor saw the dog outside please call me immediately.

I have asked the police chief to request a dangerous dog hearing.

I have again cited Ms. Halleran for bylaw violations e23 and e24 and assume her dog has not been vaccinated for rabies and confirmed that the dog has not been licensed in Acton

Tack Palmer

From: Tack Palmer <kenltack@comcast.net>
Sent: Thursday, June 09, 2016 6:25 AM
To: Frank Widmayer (fwidmayer@acton-ma.gov)
Cc: djoachim@acton-ma.gov
Subject: FW: Dog located at 14 Strawberry Hill Rd

Hi Frank,

Please forward this through the proper channels to request a "Dangerous Dog Hearing". The latest incident #13703 by Officer David Joachim should be used as reference. I have tried numerous time to contact the animal owner by phone And have gone to the apartment with no success of contact with the dog owner Elisabeth Holleran. I have given her the opportunity to bring her dog under control, get her dog vaccinated for Rabies and License her dog in the Town of Acton and she Has not to this date followed through with any of my requests.

Regards,
Tack

-----Original Message-----

From: David Joachim [<mailto:djoachim@acton-ma.gov>]
Sent: Wednesday, June 08, 2016 8:35 PM
To: Tack Palmer
Subject: Dog located at 14 Strawberry Hill Rd

Tack,

I think something needs to be done about that dog asap. This is multiple incidents in a short time period and the owners seem to not care. I think this dog is going to seriously hurt someone (again) soon and is a threat to everyone who lives at that complex. It has already attacked a child as well as multiple other dogs. I would not doubt that it will do so again and this time might end up seriously injuring someone. Children are outside around that complex all day everyday playing in the grass or riding bikes. Residents have told me they avoid/steer clear of the rear of the building now because they are so afraid of this dog. This dog has become a menace and obviously tickets/citations to the owners are not going to do anything to change the situation. As my report said the owners boyfriend told the other dog owner to "Go ahead and call the cops, I don't give a shit". These people have no consideration for the people who live around them and the chaos their dog has brought to the area.

It is my suggestion that severe actions need to be taken at this point seeing as the owners will not take any responsibility what so ever and allow the dog to continue to terrorize the residents of the complex at its own free will.

Respectfully
Dave Joachim

TOWN OF ACTON NOTICE OF VIOLATION OF TOWN BY LAW OR REGULATION

№ 5126

6/7/16 DATE OF THIS NOTICE
ELIZABETH HOLLERAN NAME OF OFFENDER
14 Strawberry Hill Rd apt #22 ADDRESS OF OFFENDER
ACTON MA 01720 CITY, STATE, ZIP CODE

MV OPERATOR LICENSE NUMBER MV/MS REGISTRATION NUMBER

OFFENSE E23 UNLICENSED DOG \$50

E24 - DOG NOT UNDER CONTROL

Causing dog attack \$25

2nd offense both by laws

6:30 (A.M.) MON ON 6/7/16 20 TIME AND DATE OF VIOLATION

AT 14 Strawberry Hill Rd LOCATION OF VIOLATION
SIGNATURE OF ENFORCING PERSON

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

x [Signature]
UNABLE TO OBTAIN SIGNATURE OF OFFENDER.

THE FINE FOR THIS OFFENSE IS \$ 75.00
YOU HAVE THE FOLLOWING ALTERNATIVES WITH REGARD TO DISPOSITION OF THIS MATTER.

- 1) You may elect to pay the above fine, either by appearing in person between 8:00 A.M. and 5:00 P.M. Monday through Friday, legal holidays excepted, before: The Town Clerk. Town of Acton 472 Main Street Acton, MA 01720 or by mailing a check, money order or postal note to the Town Clerk WITHIN TWENTY-ONE (21) DAYS OF THIS NOTICE. This will operate as a final disposition of the matter, with no resulting criminal record.
2) If you desire to contest this matter in a non-criminal proceeding, you may do so by making a written request to the Concord District Court for a hearing. A determination by a Judge, Clerk-Magistrate or Assistant Clerk will operate as a final disposition with no resulting criminal record, providing any fine imposed by that officer is paid within the time specified.
3) If you fail to pay the above fine or to appear as specified, a criminal complaint may be issued against you.

- A. I HEREBY ELECT the first option above, confess to the offense charged, and enclose payment in the amount of \$
B. I HEREBY REQUEST a hearing on this matter.

Signature



ID	65	PERSON BITTEN	RASCHAEL ROBERTSON
DATE REPORTED	5/21/2016	ADDRESS	18 STRAWBERRYH HILL RD APTS APT 12
DATE OF BITE	5/21/2016	TOWN,STATE,ZIP	ACTON, MA 01720
ANIMAL OWNER	ELIZABETH HOLLERAN	PHONE #	339-368-2349 MOTHERS NUMBER
PHONE #	978-430-0946	RABIES EXPIRES	
OWNER ADDRESS	14A APT 14 STRAWBERRYHILL RD APTS	LOCATION OF BITE	STOMACH
TOWN,STATE,ZIP	ACTON, MA 01720	SEEN BY DOCTOR	<input checked="" type="checkbox"/>
ANIMAL NAME	EVEY	ORDER ISSUED	<input checked="" type="checkbox"/>
BREED	GERAN SHEP	DURATION OF ORDER	10 DAY
COLOR	BLACK	RELEASE DATE	5/31/2016
M/F	FEMALE	REMARKS	CITATION ISSUED FOR E23 AND E24
RABIES EXPIRES	EXPIRED		
TOWN LIC #	NONE		

5/21/16

I Called and spoke with dog owner Elizabeth Holleran about a dog bite that occurred. She thought the bite not to be serious in nature. I told her I understood that the person bitten was taken to the hospital by ambulance so I felt the bite or injury was more serious than she described. Elizabeth stated her dog had no shots and was unable to provide a reason why. I told her it was state law for domestic cats and dogs to have at a minimum, rabies shots and dogs are required to be licensed in Acton as other towns in Massachusetts.

I told her dog would be quarantined for 10 days for infectious disease, to be under her direct supervision, not to leave the state and to report anything abnormal to me immediately. After the quarantine period I directed her to vaccinate her dog for rabies and immediately license her dog.

I also issued a e23 bylaw violation for \$50 for a unlicensed dog in Acton and a e24 bylaw violation \$25 for not having her dog under her complete control.

TOWN OF ACTON NOTICE OF VIOLATION
OF TOWN BY LAW OR REGULATION

No 5123

5/21/2016
DATE OF THIS NOTICE
ELIZABETH HOLLIGAN
NAME OF OFFENDER
14A Strawberry Hill RD Apt 14
ADDRESS OF OFFENDER
ACTON, MA 01720
CITY, STATE, ZIP CODE

MV OPERATOR LICENSE NUMBER _____ MV/MS REGISTRATION NUMBER _____

OFFENSE E23 - UNLICENSED DOG \$50
E-24 - Dog NOT UNDER CONTROL
Leading to Dog Bite \$25.00

TIME AND DATE OF VIOLATION
6:30 (A.M.) (P.M.) ON 5/21/2016 20
LOCATION OF VIOLATION
AT STRAWBERRY HILL RD APTS
SIGNATURE OF ENFORCING PERSON

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION

X Patrick Palmer

UNABLE TO OBTAIN SIGNATURE OF OFFENDER.

THE FINE FOR THIS OFFENSE IS \$ 75.00
YOU HAVE THE FOLLOWING ALTERNATIVES WITH REGARD TO DISPOSITION OF THIS MATTER.

- 1) You may elect to pay the above fine, either by appearing in person between 8:00 A.M. and 5:00 P.M. Monday through Friday, legal holidays excepted, before: The Town Clerk.
Town of Acton
472 Main Street
Acton, MA 01720
or by mailing a check, money order or postal note to the Town Clerk WITHIN TWENTY-ONE (21) DAYS OF THIS NOTICE. This will operate as a final disposition of the matter, with no resulting criminal record.
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- 3) If you fail to pay the above fine or to appear as specified, a criminal complaint may be issued against you.

- A. I HEREBY ELECT the first option above, confess to the offense charged, and enclose payment in the amount of \$ _____
- B. I HEREBY REQUEST a hearing on this matter.

Signature _____



Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH
ORDER OF QUARANTINE
Massachusetts General Laws, Chapter 129 § 2, 21, 22

ORIGINAL
to be delivered
to owner or person
in charge

Date: 5/21/2016

Person having an interest in person in charge:

Town or City of: Acton MA

To: Elizabeth Holleran Address: 14 Strausberg Hill Rd Acton MA

Upon premises of 14 Strausberg Hill Rd Acton MA The following is quarantined, by virtue of the power and authority vested in me by law:

1 German Shepherd 2 1/2 yrs Black "Evey"

Reason for quarantine: 18 Strausberg Hill Rd Acton MA

Dr. Richard Robertson

Further conditions of quarantine: Release date 5/31/2016

You and all other persons whom they may contact are hereby notified to remove anything under quarantine from the premises for any purpose whatsoever except by permission of the Director of Animal Health. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE THOUSAND DOLLARS OR BY IMPRISONMENT FOR UP TO ONE YEAR OR BOTH.

Frank Sawyer Inspector of Animals

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 157** Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance

behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the

organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).