

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Kandie Auclair
Petitioner

OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT

**Kennel License
47 Winthrop St.**

Hearing: March 16, 2011
Decision: March 16, 2011

MEMBERS PRESENT: Joseph F. Musmanno, Chairman
David Cole
Anthony Biocchi
Peter Gluckler, Jr.
Carol Gould

THE WRITTEN OPINION WAS DELIVERED ON MARCH 30, 2011

*30 day appeal
date April 30, 2011*

OPINION OF THE BOARD

This is a proceeding of the Zoning Board of Appeals of the Town of Medway, MA (hereinafter the Board) acting under the Zoning By-Laws of the Town of Medway, MA, 02053 and the Massachusetts General Law C40A, as amended, in which the petitioner, Kandie Auclair, requests a Kennel License five (5) dogs, pets only, at 47 Winthrop St., MA 02053.

Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on March 3 and 9, 2011. Notice also was sent to all "parties in interest" and posted in the Town Hall as required by Massachusetts General Laws Chapter 40A, Section 11.

The Public Hearing was held, and the record closed, on March 16, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

The Applicant, Kandie Auclair, came before the Board to request a Kennel License to allow five (5) dogs on the premises at 47 Winthrop St., located in the ARI zoning district. Ms. Auclair stated that she currently owned four dogs, but was requesting the permit for five dogs to allow for the care of an occasional rescue dog. All the dogs are house dogs and there is a fenced kennel attached to the house. The applicant's lot is large, 10 acres, so there is substantial distance from the fenced kennel to the nearest neighbor's house. The dogs are not outside in the kennel when no one is home. All the dogs are small, under 20 lbs. each, namely three Miniature Pinschers and one Manchester Terrier. There would be no breeding, boarding or selling of dogs. The dogs are pets only. There have been no complaints received by the Applicant personally, or from the Animal Control Officer. A letter from the Animal Control Officer stating she had no issue with Ms. Auclair receiving a kennel permit was read into the record.

Findings:

By vote of 5-0:

1. The grant of a suitably conditioned Kennel License would not cause substantial detriment to the public good.
2. The application is consistent with the criteria for a special permit set out in Section III.J of the Medway Zoning ByLaw.

Relief Granted:

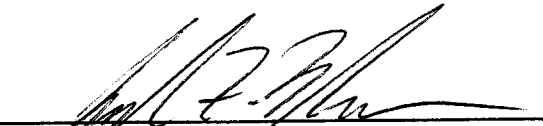
By vote of 5-0:

A Special Permit for a Kennel License is granted to Kandie Auclair, 47 Winthrop St., Medway, MA 02053 subject to the following conditions and/or restrictions:


1. There shall be no more than five (5) dogs on the premises at any one time.
2. There shall be no commercial activities in connection with the kennel permit.
3. No dogs shall be left outside unattended.

The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public record and that notice and copies of its decision be made forthwith to all parties or persons interested.

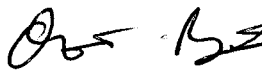
IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.



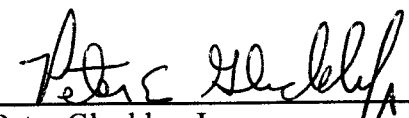
Joseph P. Musmanno, Chairman



David Cole



Anthony Biocchi



Peter Gluckler, Jr.



Carol Gould