

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Thomas McGowan
Petitioner

OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT
Kennel License
235 Main St.

Hearing: April 6, 2011
Decision: April 6, 2011

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

THE WRITTEN OPINION WAS DELIVERED ON APRIL 27, 2011

RECEIVED

APR 28 2011

TOWN CLERK

*30 day appeal
May 18, 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, Thomas McGowan, requests a Kennel License (V.A.p7) for four (4) dogs, pets only, at 235 Main 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 23 and 30, 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 April 6, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

The Applicant, Thomas McGowan, came before the Board to request a Kennel License to allow four (4) dogs, pets only, on the premises at 235 Main St., located within the ARII zoning district. The petitioner stated that currently there are four (4) ~~four~~ dogs on the premises. The dogs have been altered. The dogs are house dogs and let outdoors in a dog run, and are not left outside unattended. There would be no breeding, boarding or selling of dogs. The dogs are pets only and are small, under 20 lbs each. There have been no complaints received by the Applicant personally, or from the Animal Control Officer.

No correspondence from the Animal Control Officer was submitted to this Board with recommendations for, or in objection to issuance of the permit.

Findings:

By vote of ⁴/₅-0: *M*

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:

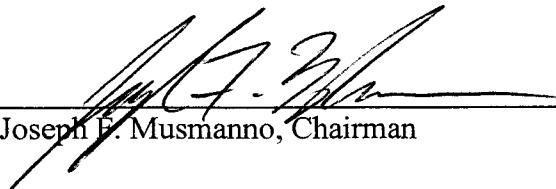
By vote of 4-0:

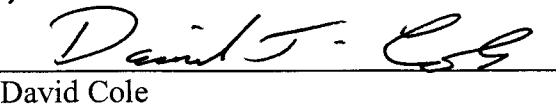
A Special Permit for a Kennel License is granted to Thomas McGowan, 235 Main St., Medway, MA 02053 subject to the following conditions and/or restrictions:

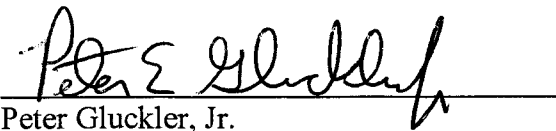
1. All rights and privileges of this license are limited to keeping domestic pets owned by residents.
2. There shall be no more than four (4) dogs on the premises at any one time.
3. No dogs shall be left outside unattended.
4. This permit shall expire 5 years from date of issue.
5. There shall be no commercial activities in connection with the kennel permit.

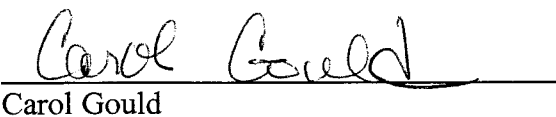
The Board hereby makes a detailed record of its findings and proceedings relative to this petition, sets forth its reasons for its findings and decision, incorporates by reference any plan or diagram received by it, directs that this decision be filed in the office of the Town Clerk and be made a public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


David Cole


Peter Gluckler, Jr.


Carol Gould