

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Gerald and Sara Merchant
Petitioners

OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT

**Kennel License
7 Freedom Trail**

Hearing: April 27, 2011
Decision: April 27, 2011

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

THE WRITTEN OPINION WAS DELIVERED ON APRIL 27, 2011

RECEIVED

APR 28 2011

TOWN CLERK

*Today 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 petitioners, Gerald & Sara Merchant, request a Kennel License (V.A.p7) for four (4) dogs, pets only, at 7 Freedom Trail, Medway, 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 April 13 and 20, 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 27, 2011. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

The Applicants, Gerald and Sara Merchant, came before the Board to request a Kennel License to allow four (4) dogs, pets only, on the premises at 7 Freedom Trail, located within the ARII zoning district. The petitioners stated that currently there are four (4) dogs on the premises. All have been spayed/neutered, and all are small, miniature dachshunds, approximately 12 lbs each. The dogs are house dogs and are not left outdoors unattended. The petitioners are very conscience about keeping the dogs within their lot boundaries. The lot itself is slightly under one acre. Indoors, the dogs are crated when no one is at home. 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 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:

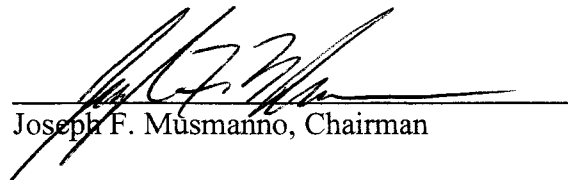
By vote of 5-0:

A Special Permit for a Kennel License is granted to Gerald and Sara Merchant, 7 Freedom Trail, 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.

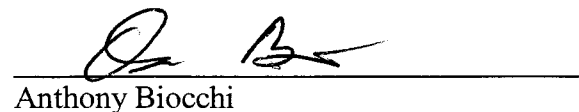
IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAW, CHAPTER 40A, SECTION 11 NO VARIANCE, SPECIAL PERMIT OR CONSTRUCTIVE GRANT OF A VARIANCE TAKES EFFECT UNTIL RECORDED IN THE REGISTRY OF DEEDS.



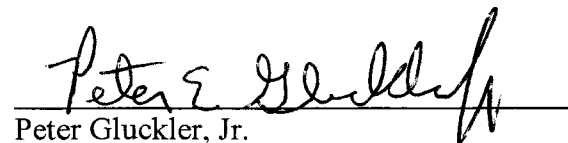
Joseph F. Musmanno, Chairman



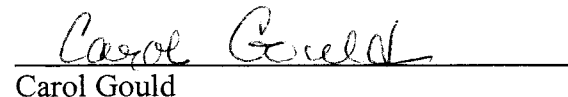
David Cole



Anthony Biocchi



Peter Gluckler, Jr.



Carol Gould