

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Lori Wojciak
Petitioner

OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT

**Kennel License
20 Milford 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

RECEIVED

MAR 31 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, Lori Wojciak, requests a Kennel License for more than three dogs, pets only, at 20 Milford 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, Lori Wojciak, came before the Board to request a Kennel License to allow more than three dogs on the premises at 20 Milford Street. Ms. Wojciak stated that currently there are four (4) four dogs on the premises. All the dogs normally remain inside except that one is left outside on a fixed leash for short periods of time. There would be no breeding, boarding or selling of dogs. The dogs are pets only. Three of the dogs are small, under 20 lbs., and one is a Boxer approximately 45 lbs. The smaller dogs are not left outdoors unattended. On occasion, the applicant's sister may bring her dog over for a play date and may dog sit for a few days. There have been no complaints received by the Applicant personally, or from the Animal Control Officer. A letter from the Animal Control Officer recommending limiting the permit to five dogs 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 Lori Wojciak, 20 Milford 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.



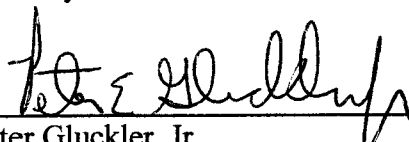
Joseph F. Musmanno, Chairman



David Cole



Anthony Biocchi



Peter Gluckler, Jr.



Carol Gould