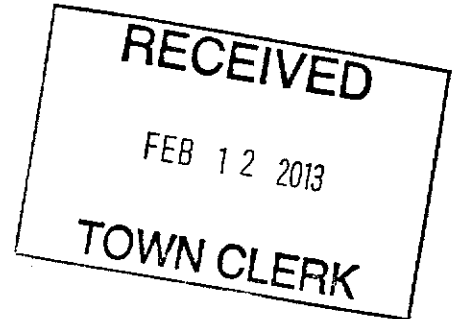


COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: Terence McNally and Leika Cooke
Petitioners



*20 Day Appeal
March 4, 2013*

OPINION OF THE BOARD

**REQUEST FOR SPECIAL PERMIT
Kennel License
19 Broken Tree Road**

Hearing: January 16, 2013
Decision: January 16, 2013

MEMBERS PRESENT: Joseph F. Musmanno, Chairman
David Cole
Anthony Biocchi
Carol Gould
Arlene Doherty

THE WRITTEN OPINION WAS DELIVERED ON FEBRUARY 6, 2013

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, Terence McNally and Leika Cooke, request a Kennel License for four (4) dogs, pets only, at 19 Broken Tree Road, 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 January 2 and 9, 2013. 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, January 16, 2013. At the hearing, no one spoke in favor of; nor did anyone speak in opposition to the application.

Hearing Summary

Mr. Terence McNally, one of the Applicants, came before the Board to request a Kennel License (V.E.1.c.6) to allow four (4) dogs on the premises at 19 Broken Tree Road, located in the ARI zoning district. Mr. McNally and Ms. Cooke are recently engaged to be married and each own two dogs. The dogs are two Chihuahuas, an 8 year old Labrador, and a 4 month old Boxer. Mr. McNally's statements included: The dogs were kept indoors, with a fenced backyard used for exercise. Neither applicant had received any complaints from neighbors. The lot is almost two acres, with the fenced backyard being approximately 100 foot square. The lot line of closest house is 20 to 30 feet from the fenced area. The applicants keep the dogs only as domestic pets, no breeding, boarding or selling of dogs, and would have no objection to a condition in the permit barring commercial activities. There are no known neighbors with kennel permits.

A letter from the Animal Control Officer stating she had no issue with the requested kennel license 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 (V.E.1.c.6) is granted to Terence McNally and Leika Cooke, 19 Broken Tree Road, 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. 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



Carol Gould



Arlene Doherty