

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

**IN THE MATTER OF:** Russ and Kathy Wheeler  
Petitioners

**PROPERTY OWNER:** Russ and Kathy Wheeler  
8 Shaw St.  
Medway, MA 02053

**OPINION OF THE BOARD**

**REQUEST FOR SPECIAL PERMIT**  
**Kennel License**  
**8 Shaw St.**

Hearing: April 30, 2014  
Decision: April 30, 2014

**MEMBERS PRESENT:** David Cole, Chairman  
Anthony Biocchi  
Carol Gould  
Craig Olsen  
Arlene Doherty



*30 day appeal date*

**THE WRITTEN OPINION WAS DELIVERED ON JUNE 4, 2014**

*June 25<sup>TH</sup>, 2014*

## 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, Russ and Kathy Wheeler, request a Kennel License (V.F.1.c.6) for dog walking, day care and boarding for up to five (5) dogs at 8 Shaw St., 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 16 and 23, 2014. 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 30, 2014. At the hearing, one person spoke in favor of; no one spoke in opposition to the application. However, concerns and questions were voiced by several members of the public.

### Hearing Summary

The Applicants, Russ and Kathy Wheeler, came before the Board to request a Kennel License to allow five (5) dogs on the premises at 8 Shaw St., located within the ARII zoning district. The Applicants own one (1) dog, and are seeking the license to allow a dog walking, daycare and boarding business for an additional four (4) dogs. There would be no breeding or selling of dogs. All dogs cared for would be spayed/neutered, non-aggressive, vaccinations up to date and compatible with each other. Potential clients would be interviewed before taking on the responsibility of the dogs to insure compliance with aforementioned directives. Dogs would be sometimes housed outside in the newly installed 18' x 25' fenced area, which is not visible from the street. Dogs would not be left outdoors unattended. There is a finished basement within the home for the dogs, and they would be leashed when walked off the premises. There would be occasional overnight boarding, but this would not be the norm. The operation would entail normal business hours Monday through Friday with an occasional weekend or overnight option. The Animal Control Officer has inspected the property and posed no objection to the proposal, and will inspect yearly should permit be granted.

### 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 forth in Section III.J of the Medway Zoning ByLaw.

**Relief Granted:**

By vote of 5-0:

A Special Permit (V.F.1.c.6) for a Kennel License is granted to Russ & Kathy Wheeler, 8 Shaw 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. Except for one (1) dog owned by the residents, there shall be no more than two (2) dogs on the premises for boarding purposes between the hours of 8PM and 7AM.
3. No dogs shall be left outside unattended.
4. Normal hours of operation shall be 7AM to 8PM.
5. There shall be no on-street parking in connection with the business.

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.***



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David Cole, Chairman



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Anthony Biocchi



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Carol Gould



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Craig Olsen



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Arlene Doherty