

**COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK, SS**

**IN THE MATTER OF: Vander and Kathryn Barbosa  
Flying Fur, Inc.  
Petitioner**

**Owner Dufficy Enterprises, Inc.  
2 Mill Street  
Franklin, MA 02038**

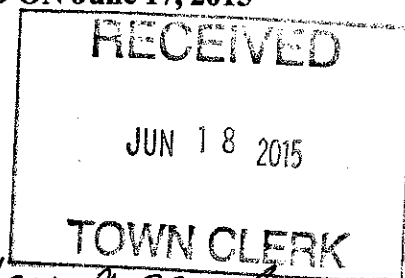
**OPINION OF THE BOARD**

**REQUEST FOR SPECIAL PERMIT  
Kennel License  
122 Main Street, Medway, MA**

**Hearing: June 3, 2015  
Decision: June 3, 2015**

**MEMBERS PRESENT: David J. Cole, Chairman  
Eric Arbeene  
Carol Gould  
Craig Olsen**

**THE WRITTEN OPINION WAS DELIVERED ON June 17, 2015**



*30 day appeal  
July 8, 2015*

## 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-Law of the Town of Medway, MA, 02053, and Massachusetts General Laws, Chapter 40A, as amended, in which the petitioner, Flying Fur, Inc., requests a Special Permit under Section V.G.2.1.8 Kennel to permit a dog grooming and dog day care facility located at 122 Main Street, Medway.

### Hearing

Notice of the Public Hearing by the Zoning Board of Appeals in this matter was published in the Milford Daily News on May 20 and 27. Notice also was sent to all "parties of interest" and posted in the Town Hall as required by Massachusetts General Laws, Chapter 40A Section 11.

The Public Hearing was held and closed on June 3, 2015. At the hearing, no members of the public spoke in favor of or in opposition to the application.

### Hearing Summary

The applicant, Mr. Vander Barbosa, President of Flying Fur, Inc. appeared before the Board to request a Special Permit for a pet grooming and dog day care facility only, located at 122 Main Street, Medway.

The applicant operates an existing business in Town and seeks to relocate and expand at 122 Main Street. The space consists of 1,800 square feet and was previously used by Cumberland Farms. The applicant stated that there is ample parking on the property. The applicant is proposing a 1,800 square foot outdoor space to be located on the left side of the building abutting Pond St. The fenced area will be 35 feet from Pond Street therefore it meets the setback requirements. The applicant proposes to install an eight foot solid fence for privacy and dog safety. There would be a limit on the amount of time and number of dogs outdoors at any one time and they would be supervised. The business will operate from 7am to 7pm, Monday through Fridays, and 9am to 5pm on Saturdays. During operation, there will be 4-5 employees on the premises so there would be ample supervision in the event that one employee needs to leave in order to take a dog to a veterinarian. There will be no overnight boarding of dogs.

### Findings:

By votes of 4-0:

1. The applicant demonstrated they have previously conducted a dog day care and grooming business for a number of years in Medway.

2. The applicant demonstrated that the subject premises provide sufficient facilities both indoor and outdoor to accommodate approximately 28 dogs for day care and for an additional 3-5 dogs for grooming.
3. The applicant demonstrated that existing parking on the subject lot is adequate for the proposed use.
4. The applicant demonstrated that the subject premises are sufficiently spaced from adjacent residences that noise from dogs in the outdoor run should not pose substantial problems.
5. The grant of the requested Special Permit would not be inconsistent with any of the criteria for a Special Permit criteria under Section III.J of the Zoning Bylaw.
6. The grant of the Special Permit would not be substantially detrimental to the public good.

**Relief Granted:**

By vote of 4-0:

The Zoning Board of Appeals hereby grants a kennel Permit under Section V.G.2.1.8 to Vander and Kathryn Barbosa of Flying Fur, Inc. for 122 Main Street, Medway, MA 02053 subject to the following terms and conditions:

1. There shall not be more than 35 dogs on the premises at any one time.
2. The hours of operation shall be 7am to 7:30pm Monday through Fridays and 8am to 4:30pm on Saturdays with no Sunday opening, and no dog shall be permitted on the premises outside of those hours.
3. An outdoor run shall be constructed substantially in accordance with the plans provided and an 8ft fence shall be provided around the outdoor run.
4. At any time there are more than 4 dogs on the premises, there shall be at least 2 employees on the premises.
5. Not more than 10 dogs be present in the outdoor run at any one time and, whenever any dogs are present in the outdoor run, that there be at least 1 employee present in the outdoor run.

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.**



David J. Cole, Chairman



Eric Arbeene



Carol Gould

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William Kennedy

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Craig Olsen