

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF: **Jason Roberts**
 Petitioner

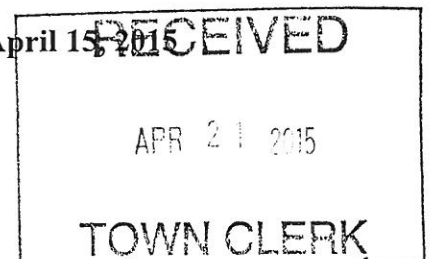
OPINION OF THE BOARD

REQUEST FOR SPECIAL PERMIT
Kennel License
23A Village Street
Medway, MA 02053

Hearing: March 4, 2015
Continued: April 1, 2015
Decision: April 1, 2015

MEMBERS PRESENT: David Cole, Chairman
 Anthony Biocchi
 Carol Gould, Clerk
 William Kennedy

THE WRITTEN OPINION WAS DELIVERED ON April 15, 2015



30 Day appeal
11/11/15

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, Jason Roberts, request a Kennel License (V.A.p7) for six (6) dogs, pets only, at 23A Village Street, 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 February 18th and 25, 2015. 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 1, 2015. At the hearing, no one spoke in favor of, or in opposition to the application.

Hearing Summary

The Applicant, Jason Roberts, came before the Board to request a Kennel License to allow six (6) dogs, pets only, on the premises at 23A Village Street, Medway, MA 02053. Mr. Roberts explained that it is a two family dwelling with both residents owning dogs. His 6 dogs live in 23A Village Street, second floor apartment, and tenant’s two dogs living at 23 Village Street, first floor apartment.

The property is over an acre with a fenced in exterior area for the animals. Mr. Roberts said that he has a special kennel inside that his 6 dogs reside. Dogs are not used for breeding. Mr. Roberts’s are primarily outdoor dogs with a structure that is heated and provisions for cleanliness. Tenant’s 2 dogs are primarily inside dogs.

The Board took note of a letter from the Animal Control Officer and added it to the records.

Findings:

By vote of 4-0

1. The grant of an appropriately conditioned special permit would not be substantially detrimental to the public good.

2. The grant of an appropriately conditioned special permit would not be contrary to any of the criteria for the grant of a Special Permit set out in article IIIJ of the Zoning By-Laws.

Relief Granted:

By vote of 4-0

A Special Permit for a Kennel License is granted to Jason Roberts, 23A and Chris Mele, tenant, 23 Village Street Medway, MA 02053 subject to the following terms and conditions.

- a. Not more than 8 dogs on the premises known as 23 and 23A Village Street at any one time.
- b. Mr. James Roberts of 23A Village Street shall not keep more than 6 dogs on the premises.
- c. Mr. Chris Mele of 23 Village Street shall not keep more than 2 dogs on the premises.
- d. No commercial activity at 23 and 23A Village Street.

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 Cole, Chairman



Carol Gould, Clerk



Anthony Biocchi



William Kennedy