

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

IN THE MATTER OF:     **Kevan and Deborah Perkins**  
                                  **Petitioners**

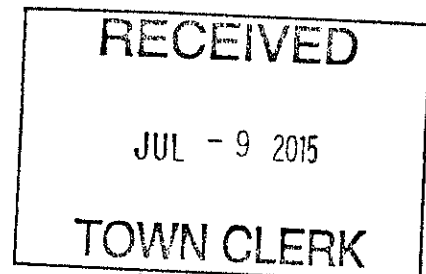
OPINION OF THE BOARD

REQUEST FOR A VARIANCE  
396 Village Street, Medway, MA

Hearing: June 3, 2015  
Decision: July 1, 2015

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

THE WRITTEN OPINION WAS DELIVERED ON July 8, 2015



*20 day appeal  
July 29, 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 petitioners, Kevan and Deborah Perkins, request a Variance from the requirements of Section V.F.1 to allow for poultry on land having a total area less than 44,000 square feet located at 396 Village 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 April 22 and 29. 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 opened and closed on June 3, 2015. The Medway Zoning Board of Appeals Members present during the public hearing were David Cole, Chairman; Carol Gould, Clerk; Eric Arbeene; and Craig Olsen. William Kennedy was not present for the hearing.

At the hearing, no members of the public spoke in favor of or in opposition to the application. A letter from an abutter, in opposition to the request, and an email from an abutter, in support of the request, were entered into the record.

### **Hearing Summary**

The applicants, Kevan and Deborah Perkins, appeared before the Board to request a Variance to allow for poultry on land having a total area of less than 44,000 square feet, located at 396 Village Street, Medway.

The applicants stated that they are requesting relief to keep four chickens and four baby chicks in an enclosed coop and cage area. There is no noise because there are no roosters. The hens have organically helped to control the mosquito/insect population without the need for pesticides. The coop structure would be within 10-15 feet of neighboring properties, which would be closer than the 50 foot distance as required under the Board of Health regulations. Their property is 0.23 acres and is fenced on two sides. The applicants mentioned that they are seeking relief to allow time for them and other residents to pursue a zoning change.

The Board questioned the applicants about the characteristics of their property and how this request meets the criteria for a Variance according to Massachusetts General Laws Chapter 40A and the Town's Zoning Bylaw.

**Findings:**

By a vote of 4-0:

The applicants failed to demonstrate circumstances relating to soil condition, shape, and topography of the subject lot, which especially affects such land but not affecting generally the zoning district which it is located, sufficient to overcome the specific prohibition written in Section V.F.1 of the Medway Zoning By-Law that livestock and poultry are prohibited on premises having a total land area of less than 44,000 square feet.

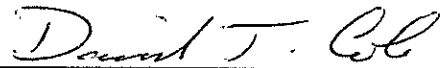
**Relief Denied:**

By a vote of 4-0:

In view of the foregoing finding, the Zoning Board of Appeals hereby denies the request for a Variance from Section V.F.1 to Kevan and Deborah Perkins for 396 Village Street, Medway to allow for poultry on land having a total area less than 44,000 square feet.

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



Carol Gould

Eric Arbeene

  
Craig Olsen