

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING APRIL 18, 2012

Messrs. Musmanno and Cole and Ms. Gould and Doherty were present when the Chairman called the meeting to order at 7.54 p.m.

A motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to accept the minutes of the March 21, 2012 meeting with four agreed corrections.

Ms. Doherty volunteered to revise a draft decision on the application of Mr. Currivan.

The Secretary reported that no new petitions had been received.

By unanimous consent, the Board then agreed to hear the application of Mr. Geraghty, who was represented by his attorney, Mr. Paul Kenney. Mr. Kenney noted that the application related to the relocation of a business from Millis Auto Repair, and that an automobile repair business is a common use in an industrial zone. The existing building is adequate for the proposed business, all of which will be conducted indoors; there will be no new lighting. The nearest neighbor is Swenson Granite, and the proposed business will generate minimal traffic. Mr. Kenney further noted that the proposed use is consistent with the Master Plan in as much as it will increase the industrial/commercial tax base in Medway. The building is at present provided with one bay door, and it may later be desired to add one or two more such doors. The subject lot does not fall within a special flood hazard zone. No body work will be performed, and the applicant seeks hours of operation of 8 am to 5 pm Monday to Friday, 8 am to 12 noon Saturday, with no Sunday work. It is proposed to have four full-time employees at present, but it may be desired to add one or two more later.

There were no questions or comments from the public.

A motion was made by Mr. Cole, seconded by Ms. Doherty and passed unanimously to close the hearing. The Board then proceeded, by unanimous consent, to deliberate on the application of Mr. Geraghty. A motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to find that the grant of the requested

Special Permit would not cause substantial detriment to the public good. A second motion was made by Ms. Doherty, seconded by Mr. Musmanno and passed unanimously to find that the project as proposed meets the criteria set forth in Section III.J of the Zoning ByLaw. Accordingly, a motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to grant a special permit to the petitioner to operate an automobile service station in accordance with Section V.Y(1)(1)(1) of the Zoning ByLaw subject to the following conditions (proposer and seconder of each condition given after text of condition; both conditions adopted unanimously):

(1) the use of the premises shall be limited to service and repair of automobiles, including the sale and installation of lubricants, tires and other accessories, and including auto body repairs (Musmanno/Doherty); and

(2) the hours of operation shall be limited to 7 am to 8 pm seven days per week (Musmanno/Cole).

The Board next proceeded, by unanimous consent, to hear the application of Mr. Greene, who appeared on his own behalf. Mr. Cole made a statement pointing out that his wife was a sub-tenant in Medway Mill, part of the subject lot, that he did not believe that this required him to recuse himself from this hearing but that he would be prepared to do so if anyone objected. No objection was made.

The applicant stated that the proposed use was appropriate to the Medway Mill, which is essentially its own community, and the nearest residence is approximately 350 feet from the buildings to which this application relates. The buildings have been provided with 6 inch wall insulation and 4 inch roof insulation to deaden noise from dogs within the buildings. The dogs are taken outside two or three times per day for about 15 minutes each time, so the proposed use would not be detrimental to surrounding properties. There would be no new lighting. Customers would drop dogs off from about 6 am to about noon, with perhaps 50 cars arriving during this time. The proposed use would bring another business to Medway with two to four employees. The outside runs would be occupied by groups of dogs sorted by size and energy, with perhaps 15-25 dogs with one handler. If overnight boarding was carried out (it was not proposed to begin overnight boarding immediately), there would be one attendant per 25 dogs, which would be in small cages. The area behind the buildings to be used is wooded so the dogs would

not be seen by neighbors. The applicant pointed out that he would not wish to do anything which would adversely affect the revamped buildings on the Mill site. The buildings which are proposed to be used as kennels would be difficult to lease for any other purpose since they have no loading dock and access is difficult. The buildings do not presently have windows but the applicant wished to be able to add a few double-paned windows to allow the animals to have natural light.

There were no questions from the public. However, when public comments were invited, Ms. Cathy Sutton, of 216 Main Street (a neighbor of the Medway Mill site) stated that housing 200 dogs in 3500 square feet does not meet industry standards as recommended by trade associations, and is a danger to the animals; Ms. Sutton owns a dog kennel in Franklin.

The petitioner noted that the space is expandable to 6500 square feet; the two spaces are not segregated from one another. The existing garage door would, the petitioner stated, have to be rebuilt to a more normal entrance. The building is of steel post and beam construction. The proposed windows would be four feet square on 12-16 foot centers; there would be four or five such windows adjacent the first run and a similar number adjacent the second run.

A move to close the hearing was made by Mr. Cole, seconded by Ms. Doherty and passed unanimously.

The Board then proceeded, by unanimous consent, to hear the application of Mr. Robinson, who appeared on his own behalf. Mr. Robinson stated that it is not possible to move the house far enough back to allow a 35 foot front setback and keep the existing leaching field. The proposed new building would meet the side setback requirement, which is the smallest setback. The existing carport will remain; the existing house dates from 1836 and the Medway Historical Society have been consulted and raised no objection.

There were no questions from the public. Mr. and Mrs. Mosher of 24 Milford Street spoke in favor of the application; no one spoke in opposition. Board members noted that the applicant may have to file with the Conservation Commission.

A motion was made by Mr. Cole, seconded by Ms. Doherty and passed unanimously to close the hearing. The Board then proceeded, by unanimous consent, to

deliberate on the application of Mr. Robinson. A motion was made by Mr. Musmanno, seconded by Ms. Gould and passed unanimously to find that the setbacks of buildings on adjoining and nearby lots vary from the front setback requirements of the zoning district. A further motion was made by Mr. Musmanno, seconded by Ms. Doherty and passed unanimously to find that the grant of the requested relief would not cause substantial detriment to the public good. A third motion was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously to find that the criteria set for in Section III.J of the Zoning ByLaw are met by this application. Accordingly, a motion to grant a special permit to the petitioner in accordance with the provisions of Section V.F.7 of the Zoning ByLaw for construction of a dwelling substantially in accordance with the attached and initialled plans with a front setback of not less than 27 feet on the condition that the side setback shall be at least 15 feet was made by Mr. Musmanno, seconded by Mr. Cole and passed unanimously.

After a preliminary discussion regarding the application of Mr. Greene, during which various opinions were expressed to the effect that the proposed limit of 200 dogs was considerably too large, Mr. Cole agreed to prepare a draft decision for consideration at the Board's next meeting, which was set for May 20.

On a motion made Mr. Cole, seconded by Ms. Doherty and passed unanimously, the Board adjourned at about 10.20 pm.