

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING JUNE 27, 2012

Messrs. Musmanno and Cole and Ms. Gould and Doherty were present when the Chairman called the meeting to order at 7.46 p.m.

A motion to accept the Minutes of the previous meeting on April 18, 2012 as submitted by the clerk was made by Mr. Musmanno, seconded by Ms. Gould and passed unanimously.

Mr. Biocchi joined the meeting at 7.49 pm.

A motion was made by Mr. Cole and seconded by Mr. Musmanno to adopt the draft Decision on the application of Mr. Greene as presented by Mr. Cole. A further motion was made by Mr. Musmanno and seconded by Mr. Cole to add as Condition No. 1 to the Decision that at no time shall dogs be permitted outside the building while unattended. This motion was passed 4-0, with Mr. Biocchi abstaining.

A motion was made by Mr. Musmanno and seconded by Ms. Doherty to vary the penultimate paragraph of the draft Decision and to add as Condition No. 2 that no more than 15 dogs be permitted outside at any one time. This motion was passed 4-0, with Mr. Biocchi abstaining.

A motion was made by Mr. Musmanno and seconded by Ms. Gould to strike the final paragraph of the Draft Decision and to replace it with the following:

There exists a greater likelihood of noise and other disturbances during night time hours; the Zoning ByLaw defines this as between 7 pm and 7 am. Additional limitations are appropriate during these hours.

This motion was passed 4-0, with Mr. Biocchi abstaining.

A motion was made by Mr. Musmanno and seconded by Mr. Cole to addition a Condition No. 3 that not more than 73 dogs be present on the premises at any one time, and that between the hours of 7 pm and 7 am not more than 25 dogs be present on the premises at any one time. This motion was passed 4-0, with Mr. Biocchi abstaining.

A motion was made by Mr. Musmanno and seconded by Ms. Gould to amend Condition No. 2 by adding that between the hours of 7 pm and 7 am not more than 3 dogs be outside at any one time. This motion was passed 4-0, with Mr. Biocchi abstaining. A further motion was made by Ms. Doherty and seconded by Mr. Cole to vary “3 dogs” to “5 dogs” in this Condition. This motion was passed by a vote of 3-1, with Ms. Gould voting against and Mr. Biocchi abstaining.

A motion was then made by Ms. Doherty and seconded by Ms. Gould to add as Condition No. 4 that there shall be at least one attendant for each 25 dogs on the premises. This motion was defeated by a vote of 0-4, with Mr. Biocchi abstaining. Next, a motion was made by Ms. Doherty and seconded by Ms. Gould to require an attendant be present at all times when dogs are on the premises. This motion was passed 4-0, with Mr. Biocchi abstaining.

It was agreed by unanimous consent to add the word “existing” before “steel structure”.

A motion was made by Mr. Cole and seconded by Ms. Doherty to add a paragraph at the end of the decision as follows, “For the foregoing reasons, grant of a suitably condition Special Permit would not be inconsistent with any of the requirements of Section III.J of the Zoning ByLaw. This motion was passed 4-0, with Mr. Biocchi abstaining.

A final vote was then held on the main motion with the modifications and conditions as set forth above. This motion was passed 4-0, with Mr. Biocchi abstaining.

On a motion made Mr. Musmanno, seconded by Mr. Cole and passed by a vote of 4-0 (Ms. Doherty abstaining), the Board adjourned at about 9.15 pm.