

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING MARCH 16, 2011

All five members of the Board were present. The Chair called the meeting to order at 7.45 p.m.

By unanimous consent, the Board agreed to hear the application of Ms. Wojciak, who appeared on her own behalf.

The applicant stated that the dog normally remain inside except that one dog is left outside on a fixed leash for short periods; there were no other outside facilities. No commercial activities were contemplated in relation to the dogs. Sometimes the applicant's sisters brings other dogs over for play dates, and the applicant may keep these other dogs for a couple of days. The applicant has four dogs of her own and may have two more on the premises for short periods. There have been no complaints from neighbors or from the Animal Control Officer.

There were no comments or questions from the public.

A letter from the Animal Control Officer, recommending limiting any permit to five dogs, was read into the record.

On a motion made by Mr. Biocchi, seconded by Mr. Gluckler and passed unanimously, the hearing was closed.

The Board then consented unanimously to hear the application of Ms. Auclair, who appeared on her own behalf.

The applicant stated that she owned four dogs, which were house dogs with a fenced kennel attached to the house. The dogs comprises three miniature pinschers and one Manchester terrier, all being less than 20 lbs each. There have been no complaints from neighbors or from the Animal Control Officer. The dogs are not allowed out in the kennel when the owner is not at home. The applicant would have no problem with a condition barring commercial activities in relation to the dogs. The applicant's lot comprised 10 acres so there was a substantial distance from the kennel to the nearest neighbor's house. The applicant is asking for a permit for five dogs since she occasionally wishes to take in one rescue dog.

There were no public question or comments.

On a motion made by Mr. Biocchi, seconded by Ms. Gould and passed unanimously, the hearing was closed.

There was unanimous consent to begin deliberation on the two applications just heard.

On a motion made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously, it was found that the grant of a suitably conditioned kennel permit would not be a detriment to the public good. On a motion made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, it was found that the application was consistent with the criteria for a special permit set out in Section III.J of the Zoning ByLaw. Accordingly, on a motion made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, the requested special permit was granted for 20 Milford Street subject to the following conditions (proposer and seconder of each condition is given in parentheses; all conditions were adopted unanimously):

- (a) There shall not be more than five dogs on the premises at any one time (Musmanno/Biocchi);
- (b) There shall be no commercial activities in connection with the kennel permit (Musmanno/Biocchi); and
- (c) No dogs shall be left outside unattended (Biocchi/Musmanno).

A motion made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, made the same findings and granted the same permit to Ms. Auclair as to Ms. Wojciak.

New petitions by Messrs. McGowan and Carson were approved unanimously for advertisement and hearing.

A motion was made by Ms. Gould, seconded by Mr. Gluckler and passed unanimously to accept the minutes of the January 19 meeting.

The latest petition by Delphic Associates, and the response made by the Chair, were read into the record. After some discussion, the fee for the petition was set at \$175.00 by unanimous consent. The Chair noted that there is no specific language in Section 40B regarding repetitive petitions, so the Board can hear the new petition, and by unanimous consent the Board granted a hearing to the petitioner.

On a motion made by Mr. Musmanno, seconded by Mr. Biocchi and passed unanimously, the Board adjourned at 9:31 pm.