

TOWN OF MEDWAY
ZONING BOARD OF APPEALS

MINUTES OF MEETING MARCH 12, 2009

All members of the Board, including the alternate member, were present.

The meeting was called to order at 7:20 p.m.

There being no objection from any member, the Board proceeded to hear the application of Mr. and Mrs. Heaton; Mr. Heaton appeared on his own behalf. Mr. Heaton stated that in the late 1970's and early 1980's he held a ten dog kennel license without restriction. There would be no breeding of dogs. Five dogs lived outside in a 12 by 10 foot shed with an adjoining concrete pad, or else were let out into a fenced-in backyard of about 12,000 square feet. The only complaint regarding to the dogs had come from the house directly behind his lot; a family who had lived there for 30 years had moved out with their dogs and the new neighbor also had a dog. All the dogs are beagles with one litter every eight years or so, and the applicants keep one dog from each litter. Although intact males are present on the lot, all four females are spayed. The applicants' daughter is trying to sell her house and move to New Hampshire; after she leaves, there will only be three dogs on the premises. There would be no boarding of other's dogs.

There were no questions from the public. Ms. Marian Pierre-Louis spoke in support of the application, stating that the dogs were always kept confined, and that she had no problems with the proposed permit. Mr. and Mrs. Strong, of 26 Village Street, spoke in support, stating that the applicants were excellent neighbors who take great care of their pets, and for a long period he did not realize there were so many dogs on the premises. He further stated that the tenant of the house behind the applicants' tends to yell at the dogs excitedly. Mr. Jason Roberts, the owner (not the occupier) of the house behind the applicants', also spoke in support of the application, stating that the barking is not objectionable and that the dogs are friendly; furthermore, his tenant has only been occupying the house for about six months.

No member of the public spoke in opposition to the application.

Five letters were entered into the record, including a 2002 letter regarding a Notification of Complaint regarding noise as early as 4 a.m., a response from Mr.

Heaton, a copy of a complaint to the Animal Control Officer (ACO), and a letter from the ACO to Mr. Heaton, suggesting a limit on the number of dogs in the backyard at one time. Mr. Heaton stated that the dogs were on this occasion chasing a rabbit who had taken up residence in the backyard, and that the dogs are normally out until about 6:30 p.m. and are kenneled after dinner except when house dogs are let out later to relieve themselves.

A motion to close the hearing was made by Mr. Biocchi, seconded by Mr. Flotta and passed unanimously.

By unanimous consent, the Board agreed to hear the application of Mr. and Mrs. Grimes. A letter was presented from the neighbors on the side on which the carport would be located stating that they had no objection to the proposed carport; the neighbors have a garage on the other side of their lot. A list of local variations for garages and carports was presented, but the applicants stated they did not know the extent of the variations involved.

There were no questions from the general public. Mrs. Missy Dzicek of Village Street, spoke in favor of the application, and a letter in support was received from Ms. Gloria O'Byck of 8 Lee Lane. The applicants indicated that a conversion of the application to one for a special permit would be acceptable to them.

A motion to close the hearing was made by Mr. Cole, seconded by Mr. Biocchi and passed unanimously.

By unanimous consent, the Board agreed to hear the applications of the Medway Council on Aging, on whose behalf Mrs. Missy Dzicek appeared, and to allow withdrawal without prejudice of the application for a shelter at the intersection of Summer and Milford Streets. The Chairman of the Board asked for consent by the Selectmen to erection of the bus shelter and for a statement that the bus shelter would be part of the roadway system.

By unanimous consent, the Board agreed to deliberate on the application of Mr. Perry. Mr. Flotta stated that the proposed addition was small even if laid out in a rather unusual manner, and that the addition would actually make the existing house look more like a single family house. Mr. Biocchi noted that after the addition the house would still only have one door facing the street. The Board reached a consensus that the

proposed structure was a conventional AFDU set back 52" behind the existing house. The Secretary and Mr. Flotta was delegated to write the detailed decision.

On a motion made by Mr. Musmanno, seconded by Mr. Cole and passed by a vote of 4-0 (Messrs. Musmanno, Cole, Biocchi and Flotta voting in favor, the other members abstaining since they had not been present at the hearing), the draft Decision on the application of Mr. Bedell was approved in the form presented by the Secretary.

By unanimous consent, three petitions were approved for advertisement.

The Board experienced some difficulty in setting the date of its March meeting in view of doubts as to whether a quorum could be present on the normal date of March 4, and uncertainty as to the availability of a hearing room on dates other than the Board's regular 1st and 3rd Wednesday dates. Finally, it was agreed to leave the choice of meeting date to the chairman, who would enquire as to the availability of a hearing room on various dates.

The Board then agreed unanimously to adjourn.