

**TOWN OF MEDWAY**  
**ZONING BOARD OF APPEALS**  
**MINUTES OF MEETING APRIL 30, 2014**

The Chairman called the meeting to order at 7.50 p.m. with all members present.

The Board proceeded by unanimous consent to continue with the hearing on the application Caryn V. Cantrell, Elliott M. Vanetzian, Jr. and Celeste L. Cantrell of 10 Franklin Street for a kennel permit. The Animal Control Officer and a representative of the Board of Health indicated that the previously-noted problem with the smell of urine was no longer present, the carpets had been cleaned, the dogs' inoculations were up-to-date and the females had been spayed. However, Ms. Lisa Anderson, the daughter of the landlord, appeared on her father's behalf and advised the Board that the landlord no longer wished to consent to the issuance of a kennel permit. The Board then advised the applicant that in view of the landlord's opposition, they saw no way in which they could issue the requested kennel permit. The applicants indicated that they believed that they had a remedy at law against the landlord's refusal to consent but sought leave to withdraw the present application without prejudice to its renewal should they succeed in obtaining relief at law. On a motion made by Mr. Biocchi, seconded by Mr. Cole and passed unanimously, the Board consented to withdrawal of the application without prejudice.

By unanimous consent, the Board then proceeded to hear the application of Russ and Kathy Wheeler of 8 Shaw Street for a kennel permit. The applicants, who represented themselves, explained that they sought a permit for five dogs, including their own dog, because they wished to run a dog day care and possibly dog boarding service. The proposed hours of operation were 7 am. to 6 pm. Monday to Friday. There would be no breeding of dogs. The lot at 8 Shaw Street exceeds one half acre and has an 18 x 25 foot fenced cage in the backyard. Any dogs kept overnight would be kept indoors.

The Animal Control Officer noted that the Kathy Wheeler was undergoing training in animal behavior. The house includes provision for separation of dogs and a mixture of tile and carpet is available.

When comments were invited from the public, Mr. Mike Cannistraro of 5 Shaw Street expressed concerns about dogs barking when outside and speeding of vehicles on the street while dogs were being walked. The Trustee of 10 Shaw Street also expressed concerns about noise, about the fact that the subject lot was in a flood prone area, and about odor. She further noted that there is not a huge distance between the houses at 8 and 10 Shaw Street, and there is no natural noise barrier, both backyards being open. Ms. Susan Robinson of 6 Shaw Street stated that the applicants had performed extensive work on a house that was now meticulous, and expressed the opinion that any noise from dogs on the subject lot would not be intrusive given that she can already hear noise from the nearby dog park. Overall, she was in favor of the proposed kennel permit. Ms. Carol Hopson of 1 Samoset Circle expressed concerns about parking of vehicles dropping off dogs.

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

After a brief recess, the Board agreed unanimously to move to immediate deliberation on the application of Russ and Kathy Wheeler. The following motions were then successively made by Ms. Doherty, seconded by Mr. Biocchi (except as indicated) and passed unanimously:

(1) The grant of a suitably conditioned kennel permit would not be substantially detrimental to the public good;

(2) The application is consistent with the criteria for the grant of a special permit found in Section III.J of the Zoning ByLaw;

(3) To grant a Special Permit for a Kennel License to Russ and Kathy Wheeler of 8 Shaw Street subject to the following terms and conditions:

(a) There shall be no more than five dogs on the premises at any one time;

(b) There shall be no more than two dogs on the premises between the hours of 8 pm. and 7 am. (proposed by Mr. Cole, seconded by Mr. Biocchi);

(c) No dog shall be left outside unattended;

(d) Normal hours of operation shall be 7 am. to 8 pm.; and

(e) There shall be no on-street parking in connection with the business.

The Board then proceeded to general business and signed routine expense reports. The Board then reviewed correspondence received in connection with the Petition of Elite Home Buildings relating to the proposed ARCPUD at Winthrop and Lovering Streets, and determined that the application was ready for advertisement and hearing. The Board also reviewed the applications of New England Wireless PCS, LLC, Todd and Lori Allen, and Dennis Coakley, and in each case determined that the application was ready for advertisement and hearing.

A motion was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously to accept the Minutes of the March 19, 2014 meeting as presented by the Chairman.

A motion to adjourn was made by Ms. Doherty, seconded by Mr. Biocchi and passed unanimously, and the Board adjourned at about 9.50 p.m.