

TOWN OF MEDWAY
ZONING BOARD OF APPEALS
MINUTES OF MEETING APRIL 15, 2015

The meeting was opened by Mr. Cole, Chairman at 7:38 p.m. Ms. Gould and Mr. Kennedy were in attendance. The Chairman explained to the petitioners that they were waiting for the fourth member, who was on his way, and then while waiting decided to take care of some ZBA General Business.

General Business: expense report was signed and then the board reviewed four new applications. Chairman, Cole made a motion to accept all four and to hear them at the May 6th meeting; Mr. Kennedy seconds the motion. Expense report signed. At 8:10 p.m. Mr. Biocchi arrived.

The Board proceeded by unanimous consent to commence the hearing on the applicant of Mr. Richardson. The application should have been filed with the Planning Board instead of the ZBA and Mr. Richardson had the option to withdraw without prejudice and he did so with a written letter, and was entered into record. A motion from Mr. Cole, and second by Mr. Biocchi and passed unanimously.

The Board proceeded by unanimous consent to commence the hearing on the applicants, Vander and Kathryn Barbosa of Flying Fur. Also attending was Chris Courtemanche, VP of Operations, requesting a Special Permit for a pet grooming and dog day care facility only, located at 122 Main Street, Medway.

Previously known as Cumberland Farms, consisting of 1800 square feet of space. Outdoor space is located on the left side of the building abutting Pond St. An 8 foot privacy fence will be constructed for privacy and dog safety. Grooming dogs are only on premises for approximately 1 hour +/- . There are parking spaces for 15 cars. During operation hours 4-5 employees will be on the premises. Board questioned how many parking places for employees. Parking is available in the rear of the building for employees or the right side of building. Mr. Biocchi voiced concerns for flow of traffic and parking. Mr. Courtemanche, owner of Dominos and representative for Dufficy Enterprises, Inc., property owner, stated Dominos closes at 1:00 p.m. and is only carry out. Mr. Biocchi suggests a parking diagram which would help the Board. The Board has a standard for parking and all three businesses need to meet requirements. Mr. Biocchi suggested that to make this process more streamlined, would ask the applicant provide a parking diagram to

decide if the Board would need to grant a variance to meet the parking requirements. Hearing will need to be continued to a later date to give time to get the parking diagram and if they meet parking requirements. Discussion of comparison to the Cumberland Farm traffic and the proposed traffic. The applicant feels the traffic will be less dense. Mr. Biocchi also asks for a plot plan. The Applicant is adding to the front of the building the fenced area on the side of Elm Street. Drawing to the plot plan can suffice. Mr. Biocchi makes a motion to continue this petition to the May 6th meeting, Mr. Kennedy second. Passed unanimously.

The Board moved to deliberate on 7 Longmeadow Lane, Maia Vicuna. Mr. Cole spoke to the Building Inspector and he feels this is beyond home office. He justified that the business is running a right to say they cannot park a certain amount of commercial vehicles at one time. There was a complaint in the neighborhood and the building inspector investigated. The Special Permit AAIII, applicant is seeking more than 2 vehicles associated with a home based business. (Mr. Cole reads AAIII). If lot was larger, i.e. farm land, or area was more hidden it could be granted. This lot does not conform to criteria. Refuse relief and without special permit it defaults to the building inspector to enforce non-compliance.

Mr. Cole moves to find that the alleged home base business involves the parking of at least 4 commercial vehicles, and their associated ladders and similar equipment outdoors on the driveway of limited length in a manner in which leaves all vehicles visible from the street. Mr. Biocchi amends that as testified by applicant there are 4 commercial vehicles parked at the property. Mr. Biocchi second. Motion passed unanimously.

Mr. Biocchi moves to find as observation there is a fifth vehicle that is being used to store equipment, for the home based business. Mr. Cole seconds.

Mr. Cole moves to find that the applicant stated the home base business routinely involves the parking of at least 2 employees' private vehicles on the public way adjacent to the subject lot for extended periods of time. Second and passed unanimously.

Mr. Cole moves to the find the request would be inconsistent with the Special permit criteria set forth in article 3J of the Zoning Board of Appeals By-Law. I move that in view of the foregoing findings the request for Special Permit be denied. Mr. Biocchi second

Relief for special permit is denied. Passed unanimously.

The Board moved to continue deliberations on Michelle Civetti, 51 Fisher Street, without speaking with the building inspector. The applicant had been asked to clarify home business with the building inspector. This will be continued to the May 6th meeting. Mr. Cole will speak to the building inspector.

A motion of changes to decision of Gary Doucette, motion accepted.

Moved by Mr. Biocchi and second by Mr. Kennedy that the minutes of April 1st be accepted. Passed unanimously.

Mr. Cole motioned to adjourn the meeting, Mr. Biocchi second, meeting adjourned at 9:23.