

**Town of Medway  
Zoning Board of Appeals Meeting  
Sanford Hall, Town Hall  
155 Village Street, Medway**

**MINUTES OF MEETING  
June 3, 2015**

David Cole, Chairman called the meeting to order at 8:05 p.m. Attending Board members were Mr. Olsen, Mr. Arbeene and Ms. Gould, Clerk. Mr. Kennedy was not present.

**General Business:**

None

**Public Hearings:**

**BARBOSA**

By unanimous consent, the Board agreed to hear the application of Vander and Kathryn Barbosa, seeking a special (kennel) permit for Flying Fur Pet Grooming and Dare Care located at 122 Main Street, Medway. Mr. Barbosa appeared on his own behalf and noted there are 30 parking spaces on the property. The applicant proposes to build a fenced in area to the left side of building; this fenced area is 35 ft. back from the lot line and thus meets the setback requirements. This outdoor space includes 75 sq. ft. per medium dog. Mr. Barbosa explained there will be ample employees on premises in the event one would need to leave in order to take a dog to a veterinarian. Flying Fur has never had trouble with the animal control officer or received customer complaints. Parking appears to be ample for traffic flow.

There were no questions or comments from the public. *A motion to close the hearing was moved by Mr. Olsen, seconded by Mr. Cole and passed unanimously.*

**ALLEN**

The Board then proceeded, by unanimous consent, to hear the application of Todd and Lori Allen seeking modification of an existing special permit to expand the retail space by 2096 sq. ft. Mr. Cole explained he had a potential conflict; his wife was previously a sub-tenant or licensee of the tenant wishing to occupy the new retail space. Mr. Cole did not believe these facts required him to recuse himself but would do so if any person present wished him to do so. There being no objection stated, Mr. Cole continued to participate in the hearing. Mr. Allen appeared on his own behalf and explained that the condition in the Written Opinion of the Zoning Board of Appeals granting a Special Permit dated September 9, 2014 that the space designated for retail use “shall not exceed 1,600 sq. ft.” is causing a problem for the retail tenant. The antiques dealer that currently occupies the first floor would like to expand the retail space to the second floor. A second tenant, whose primary business is to make embroidered goods, wants to be able to sell examples of the products; the proposed space for this use would be the first floor of the back unit. Board members expressed concerns that, although an antique store may not generate large amounts of traffic, a future use change to a high traffic type of business might cause problems.

There were no questions or comments from the public. *A motion was made by Mr. Olsen, seconded by Mr. Arbeene and passed unanimously to close the hearing.*

## **PERKINS**

The Board then proceeded by unanimous consent to hear the application of Kevin and Deborah Perkins seeking a variance to own chickens on a lot less than one acre. The applicants stated that the chickens do not cause a problem since they have installed new fencing and containment. Also, they do not own a rooster. Board members expressed concerns as to how owning chickens can be related to the statutory factors of lot shape, topography and soil condition in order to grant a variance. Mr. Cole then read into the record two letters from neighbors, one in favor and one against.

There were no questions or comments from the public. *A motion was made by Mr. Olsen, seconded by Mr. Arbeene and passed unanimously to close the hearing.*

Mr. Chairman then asks for a 5-minute recess at 8:55 p.m., and called the meeting back into order at 8:59 p.m..

## **DELIBERATIONS**

### **BARBOSA**

The Board proceeded, by unanimous consent, to deliberate on application of Vander and Kathryn Barbosa of Flying Fur.

After some discussion among the Board members, it was decided that the applicant proved there is adequate parking for the business. The applicant has had no negative reports from the animal control officer, customers or neighbors. *Mr. Cole moved to find that the applicant demonstrated they have previously conducted a dog daycare and grooming business for a number of years in Medway. Mr. Olsen seconded and the motion passed unanimously.*

*Mr. Cole moved to find that the applicant demonstrated that the subject premises provide sufficient facilities, both indoor and outdoor, to accommodate 28 dogs for day care and an additional 3 to 5 dogs for grooming purposes. Mr. Olsen seconded and the motion passed unanimously. Mr. Cole further moved to find that the applicant demonstrated that the subject premises are sufficiently spaced from adjacent residences that noise from dogs in the outside run should not pose substantial problems. Mr. Olsen seconded and the motion passed unanimously.*

*Mr. Olsen moved to find that that the applicant sufficiently demonstrated that they meet the Special Permit criteria in Article IIIJ of the Zoning By-Law; that the Grant of a suitably conditioned Special permit would not be a substantial detriment to the public good; and that the existing parking is adequate for the proposed use. Mr. Cole seconded and the motion passed unanimously.*

*Mr. Cole then moved and Mr. Olsen seconded, a motion, which passed unanimously to grant to the applicants Vander and Kathryn Barbosa a kennel permit for 122 Main Street, Medway subject to the following terms and conditions:*

- 1. There shall not be more than 35 dogs on the premises at any time.*
- 2. Hours of operation shall be 7 a.m. to 7:30 Monday through Friday, 8 a.m. to 4:30p.m. on Saturday and closed on Sunday; no dog shall be permitted on the premises outside those hours.*
- 3. An outdoor run shall be provided substantially as per plans submitted, and shall have a fence not less than 8 ft. in height.*
- 4. At any time when more than 4 dogs are present on the premises, at least 2 employees shall be present on the premises*

- 5. Not more than 10 dogs shall be present in the outdoor run at any time, and when any dogs are present in the outdoor run, at least one employee shall also be present in the outdoor run.*

*Special Permit Granted.*

**ALLEN**

The Board then proceeded by unanimous consent to deliberate on the application of Todd Lori Allen. Mr. Cole moved that the Board re-adopt all the findings of fact set out in its previous Decision of September 6, 2014. Mr. Olsen seconded and the motion passed unanimously.

*Mr. Cole moved to find that in view of the fact that the traffic factors discussed in the previous Decision are still a concern; the proposed use of a substantial additional area for retail purposes by an antiques business does not raise significant traffic concerns, but the use of a similar area for retail purposes by a different retail use might raise addition traffic concerns. Mr. Olsen seconded and the motion passed unanimously. Mr. Cole further moved to modify the existing Special Permit granted to Todd and Lori Allen for use of the premises at 135 Main Street, Medway for retail office and storage space by rendering such use subject to the condition that the space designated for retail use shall not exceed 3,696 square feet provided at least 2,000 square feet of that retail space shall be occupied by a retail antiques business. Mr. Olsen seconded and the motion passed unanimously. Special Permit Granted.*

**PERKINS**

The Board then decided unanimously to postpone deliberation of the application of Kevin and Deborah Perkins to the June 17, 2015 meeting.

**Adjournment**

*A motion to adjourn was made by Mr. Cole and seconded by Mr. Olsen and passed unanimously. Board adjourned at 10:10p.m.*

Respectfully submitted,  
Wendy Harrington  
ZBA Secretary