

Town of Medway

ZONING BOARD OF APPEALS

155 Village Street, Medway MA 02053 (508) 321-4915 Rori Stumpf, Chair Brian White, Vice Chair Gibb Phenegar, Clerk Christina Oster, Member Tom Emero, Member Carol Gould, Associate Member Brian Cowan, Associate Member

Zoning Board of Appeals Meeting Wednesday, September 4, 2019 at 7:30 pm Sanford Hall 155 Village Street Medway, MA 02053 Meeting Minutes

Present: Rori Stumpf, Chairman; Brian White, Vice Chair (arrived at 8:20 p.m.); Gibb Phenegar, Clerk; Tom Emero, Member (arrived at 7:42 p.m.); Brian Cowan, Associate Member **Also Present:** Barbara Saint Andre, Director, Community and Economic Development Stefany Ohannesian, Administrative Assistant, Community and Economic Development

Chairman Rori Stumpf called the meeting to order at 7:43 p.m. and stated the meeting was being broadcast on Medway Cable Access.

1 Rolling Lane – application is for a **special permit** under Section 8.2 of the Zoning Bylaw to approve an Accessory Family Dwelling Unit ("AFDU") already constructed in the existing home; in order for the home to conform with the Zoning Bylaw.

The Applicant, Mr. Tagliaferri, was present and provided an overview of his application. He stated that when he purchased the home in 2005 the accessory family dwelling unit was already existing in the home, where his mother-in-law currently resides. Mr. Stumpf asked if there was a permit pulled for the unit, Mr. Tagliaferri stated he did not know. After a brief discussion amongst the Board regarding the criteria for the special permit as well as AFDU criteria they decided to grant the Applicant the special permit.

By a motion made by Gibb Phenegar, seconded by Tom Emero, the Board finds that the Applicant has met all of the required special permit decision criteria, vote passed with a unanimous vote of 4-0.

By a motion made by Gibb Phenegar seconded by Tom Emero, the Board finds that the Applicant has met all of the required Accessory Family Dwelling Unit decision criteria, the vote passed with a unanimous vote of 4-0.

By a motion made by Gibb Phenegar, seconded by Tom Emero the Board decided to grant Accessory Family Dwelling Unit special permit request for 1 Rolling Lane with a unanimous vote of 4-0.

Potential CONDITIONS OF APPROVAL

- Smoke detectors and carbon monoxide detectors must be installed in accordance with the Massachusetts Fire and Building Codes.
- 2. This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.
- 3. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw.
- 4. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.
- 5. The AFDU shall be built in compliance with the documents submitted to the Board as listed in Section V of this Decision.

Motion to approve conditions as presented was made by Gibb Phenegar, seconded Tom Emero, passed with a unanimous vote of 4-0.

Motion to allow any one member of the Board to sign the decision made by Gibb Phenegar, seconded by Tom Emero, passed with a unanimous vote of 4-0.

Motion to close the public hearing for 1 Rolling Lane made by Gibb Phenegar, seconded by Tom Emero, passed with a unanimous vote of 4-0.

2 Cottage Street – application is for a variance from Section 5.4 Table 1.A of the Zoning Bylaw to allow livestock (two goats) on the property which is not allowed in the VR zone.

Ms. McDade was present and discussed her application. She explained the size of the goats and that she has a cow's milk allergy. She stated she would not use the goats for commercial business. She explained she will provide a proper fenced in area for the goats.

Mr. Stumpf explained the criteria needed for a variance to the Applicant, and asked the Applicant how the property met the first criterion. Ms. McDade explained she will use their manure for

mulch and she will not be building or disrupting the land. Mr. Phenegar discussed the size of her lot and that she does not have enough land for this use. Medway Animal Control Officer Brenda Hamelin was present and clarified to the Board the small size of this breed of goats.

Mr. Stumpf asked about the goats and the noise level they would produce as well as the process of producing milk and cheese. Ms. McDade then explained that she would breed them and then a family member would be taking the "kids" after she was able to get them to produce dairy in order to limit just two goats on the property. She did mention that if the dairy process was not successful she would just keep the goats as personal pets.

Ms. Hamelin asked about how she is going to breed them i.e. in another location. She also discussed the breeding process as well as the noise level this breed of goats produces. She asked about the shed on the property and will it be their shelter. Ms. McDade stated she would be building a 7 foot by 7 foot shed for them. Ms. Hamelin then discussed each goat needing 250 square feet in area. Ms. Hamelin discussed the fenced in area, and noted that goats are expert in getting out of their enclosures. She is very concerned if the goats do get out, the location of the home on the corner of Cottage Street and Main Street would pose a safety concern.

Ms. Saint Andre clarified that under the bylaw, in zoning districts where livestock is allowed, there needs to be 44,000 sq. feet in lot size in order to have livestock.

Andy Rodenhiser, 7 Dover Lane discussed having goats on his property, and that you have to make sure you have the correct size of square footage because putting livestock on a smaller area might not be best for the neighborhood.

Kathleen Waldron, 141 Main Street stated she is a direct abutter and that she is in support of the variance request. Dennis Coakley, 9 Evergreen Street also spoke in support of the variance request.

Mr. Stumpf explained that a variance would stay with the land, not with the owner, and certain criteria needs to be met in order to qualify. The Board then discussed the variance criteria.

- 1. Circumstances relating to the shape, topography, or soil conditions of the subject property, which do not generally affect other land in the zoning district.
- Mr. Stumpf stated that none of the listed conditions would apply to this property to meet this criterion. The Applicant did not submit any evidence supporting this criterion.
- 2. Substantial hardship caused by the circumstances from Criteria A.1 when the Zoning Bylaw is literally enforced.

Due to no finding for Criteria A.1 this criterion is also not met.

3. Desirable relief may be granted without substantial detriment to the public good.

The grant of relief would cause substantial detriment to the public good. Mr. Phenegar spoke about a personal experience with an abutter that had a goat, the goat got out of a 6-foot fence onto Holliston Street on a regular basis. Mr. Stumpf stated there is a safety concern with the goats potentially getting out onto Main Street, as well as the noise component.

4. Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning by-law.

The grant of relief would substantially derogate from the intent of the zoning bylaw. Mr. Stumpf stated that he thinks the zoning districts are in place for a reason and he does not believe that having goats on the property would support the intent of the zoning bylaw. Some Board members felt it was a close call as to whether this criterion is met, but since all four criteria must be met, it would not change the Board's decision. The Board collectively decided that this request does substantially derogate from the intent of the zoning bylaw.

By a motion made by Tom Emero, seconded by Gibb Phenegar, the Board determined the Applicant has not met all of the required variance criteria with a unanimous vote of 4-0.

By a motion made by Gibb Phenegar, seconded by Tom Emero the Board voted to deny the variance request for 2 Cottage Street with a unanimous vote of 4-0.

Motion to allow any one member of the Board to sign the decision made by Gibb Phenegar, seconded by Tom Emero, passed with a unanimous vote of 4-0.

Motion to close the public hearing for 2 Cottage Street made by Gibb Phenegar, seconded by Tom Emero, passed with a unanimous vote of 4-0.

1 Wild Turkey Run – application is for a **special permit** under Section 5.4 Table 1 of the Zoning Bylaw to request a Kennel License for four dogs, pets only, on the property.

The Applicant, Joanne Toso, was present with her representative, Attorney Jeremy Cohen. Attorney Cohen submitted a number of documents to the Board, including dog licenses, insurance information, and fencing plans. He gave an overview of the Applicant, her dogs, and her interactions with Medway Animal Control Officer Brenda Hamelin. He discussed that the Applicant would like to have four dogs on her property as pets, currently she has three dogs that are properly licensed and vaccinated. Ms. Hamelin also discussed the history of the dogs currently on the property and her interactions with the Applicant.

There was a discussion among the Board, attorney Cohen, and Ms. Hamelin about acceptable potential conditions to be placed on the special permit. The Board reviewed the documents submitted by the Applicant regarding proposed fencing. It was agreed that the fencing should include the "black welded wire" to prevent the dogs from digging under the fence to escape,

and that the fence should be six feet high. The Applicant stated that she is in the process of adding a screen door to the front door of the home to prevent the dogs from running loose. Attorney Cohen explained the area of the yard that will be fenced for the dogs, and drew an outline of the area on the property plot plan. After further discussion and review of the special permit criteria, the Board decided to grant the special permit to the Applicant with conditions

Criteria for Special Permit

A. Section 3.4 Special Permit Decision Criteria

1. The proposed site is an appropriate location for the proposed use.

The proposed site is an appropriate location due to having adequate square footage on the lot and will have a fenced area for the dogs.

2. Adequate and appropriate facilities will be provided for the operation of the proposed use.

The applicant will be putting in a fenced area for the dogs on the property. The fence will be a 6-foot fence and the dogs will not be able to dig under it to get out. The applicant will also be adding a screen door to her home for added security.

3. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.

Provided that the animals are cared for and appropriately vaccinated with the proposed facilities it would not create a hazard to abutters, vehicles or pedestrians.

4. The proposed use will not cause undue traffic congestion or conflicts in the immediate area.

This criterion does not apply.

5. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site, or operational attributes of the proposed use.

The waste will be removed appropriately.

6. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.

The proposed use will not adversely affect the surrounding neighborhood.

7. The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

The proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

- 8. The proposed use is consistent with the goals of the Medway Master Plan. This criterion does not apply.
- 9. The proposed use will not be detrimental to the public good.

 If the animals are well cared for, vaccinated and contained the proposed use will not

If the animals are well cared for, vaccinated and contained the proposed use will not be detrimental to the public good.

By a motion made by Gibb Phenegar, seconded by Tom Emero, the Board finds that the Applicant has met all of the required special permit decision criteria under Section 5.4 with a unanimous vote of 4-0.

By a motion made by Gibb Phenegar seconded by Tom Emero the Board decided to grant the special permit with conditions as discussed for 1 Wild Turkey Run with a unanimous vote of 4-0.

Potential Conditions upon Approval

- This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.
- 2. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw.
- 3. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.
- 4. The Applicant shall only have up to four dogs on the property at any time. If they are housed outside there shall be a designated area and Applicant shall manage waste to ensure that it is collected in a timely fashion and disposed of properly.
- 5. There shall be no commercial operations associated with this kennel special permit. All dogs on the property shall be owned by the Applicant and properly registered with the office of the Town Clerk in Medway.
- 6. The dogs must be up to date with vaccinations on a yearly basis.
- 7. There shall be adequate fencing installed in accordance with the photo provided of the proposed fenced area.
- 8. The Applicant shall only have 3 dogs on the property until the fencing is installed.

By a motion by Gibb Phenegar, seconded by Tom Emero, the Board approved the conditions as presented with a unanimous vote of 4-0.

Motion to allow any one member of the Board to sign the decision by Gibb Phenegar, seconded by Tom Emero, passed with a unanimous vote of 4-0.

Motion to close the public hearing for 1 Wild Turkey Run made by Gibb Phenegar, seconded Tom Emero, passed with a unanimous vote of 4-0.

Other Business

 Discuss possible Zoning Bylaw Amendments and identify any additions or modifications from Zoning Board of Appeal

Andy Rodenhiser, Chairman of the Planning and Economic Development Board was present to discuss the potential zoning amendments with the Board. Mr. Stumpf discussed his concerns around use variances and how they can be regulated or limited more in residential areas. Mr. Phenegar discussed two family homes and duplexes and how the regulations could be "tightened up" more. Mr. Stumpf talked about lot split applications and how the size of the home built on the new lot can be regulated better in comparison to the neighborhood. Ms. Saint Andre discussed Provincetown and their process for this situation. Mr. Rodenhiser reminded the Board that they can utilize Gino Carlucci for consultation if needed. There is a brief discussion around stormwater as well. Ms. Saint Andre discussed the Oak Grove Zoning proposed amendments, and the proposed zoning amendments for the fall Town Meeting, specifically changes to multifamily housing, outdoor storage, site plan and special permits. The Board scheduled to have the Oak Grove Zoning Task force present its proposed zoning amendments on September 18, 2019.

• Discuss Zoning Board Application i.e. completeness and contents

Ms. Saint Andre discussed the application check list and Mr. Stumpf made a suggestion around language as far as what is needed. Mr. Phenegar stated each application is different and it can be situational to the extent of what is needed in regards to plans. The Board collectively agreed to add some language to the check list.

 Consideration of Proposed Change Order from Tetra Tech Inc. for Timber Crest

Ms. Saint Andre explained the reason for needing additional funding for the final review of the Timber Crest project.

Motion to approve proposed change order from Tetra Tech Inc. for an additional \$10,000.00 for Timber Crest additional review fees made by Brian White, seconded by Gibb Phenegar, passed with a unanimous vote of 5-0.

Correspondence

Letter from Affordable Housing Committee and Affordable Housing Trust

Ms. Saint Andre described the letter suggesting that affordable housing units should have air conditioning installed where the market rate units have air conditioning, and stated it is something to think about for future decisions it would pertain to.

Approval of Minutes

- July 31, 2019
- August 7, 2019

Motion to approve minutes from July 31, 2019 and August 7, 2019 as presented made by Brian White, seconded by Gibb Phenegar, passed with a unanimous vote of 4-0.

Upcoming Meetings

- September 18, 2019
 - 81 Lovering Street Lots 2A & 3A Two Special Permit Applications

Adjournment

Motion to adjourn the meeting at 9:36 p.m. made by Brian White, seconded by Gibb Phenegar, passed with a unanimous vote of 5-0.

Respectfully submitted,

Stefany Ohannesian Administrative Assistant Community and Economic Development

Documents Reviewed at this Meeting:

- 1. Packet titled "Applicant's Submission" from Attorney Jeremy Cohen of Boston Dog Lawyers
- 2. Email dated November 30, 2018 from Joanne Toso to Brenda Hamelin, Medway Animal Control Officer

JEREMY M. COHEN Attorney at Law

BOSTON DOG

[toll-free] 844-Dog-Atty [Incal] 978-867-7251

100 Cummings Center, Ste. 207P www.bostondoglawyers.com Beverly, Massachusetts 01915 | jcohen@bostondoglawyers.com



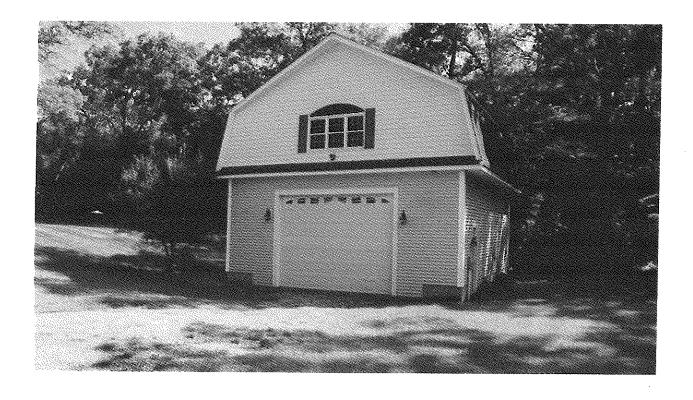
TOWN OF MEDWAY ZONING BOARD OF APPEALS| REQUEST FOR KENNEL LICENSE JOANNE TOSO 1 WILD TURKEY RUN September 4, 2019

Applicant's Submission

- 1. Site plan and property photos
- 2. Opinions from town Conservation, Fire and DPW
- 3. Fencing Plans
- 4. Insurance
- 5. Letters of Reference
- 6. Active Medway Dog Licenses for resident dogs

Photos of 1 Wild Turkey Run, Medway, MA



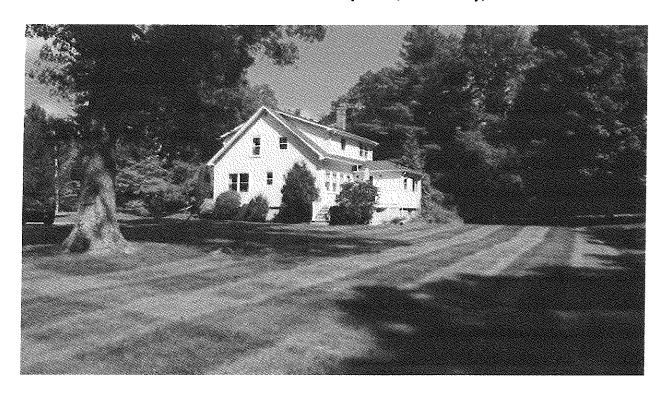


Photos of 1 Wild Turkey Run, Medway, MA





Photos of 1 Wild Turkey Run, Medway, MA



Stefany Ohannesian

From:

Bridget Graziano

Sent:

Monday, August 12, 2019 8:01 AM

To: Cc: Stefany Ohannesian Barbara Saint Andre

Subject:

RE: REQUEST FOR COMMENTS: 1 Wild Turkey Run

No Comments on dogs from Conservation!

From: Stefany Ohannesian

Sent: Friday, August 09, 2019 12:16 PM

To: Allison Potter; 'Andy Rodenhiser'; Barry Smith; Beth Hallal; Bridget Graziano; Carol Pratt; Chief Tingley; David Damico; Donna Greenwood; Doug Havens; Jack Mee; Jeff Lynch; Jeff Watson; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; 'Andy Rodenhiser'; Mary Jane White; Barbara Saint Andre; Liz Langley; Mike Fasolino; Brenda Hamelin

Subject: REQUEST FOR COMMENTS: 1 Wild Turkey Run

To:

Department of Public Services

Fire Department

Police Department Building Department

Treasurer/Collector
Assessing Department

Animal Control

Planning & Economic Development Board

Board of Health

Conservation Commission Design Review Committee

2 Cottage Street - Use Variance

The application is for a Special Permit under Section 5.4 Table 1 of the Zoning Bylaw to request a Kennel License for four dogs, pets only, on the property.

The opening of the hearing is scheduled for Wednesday, September 4, 2019 at 7:30 pm.

<u>The ZBA is requesting comments from your Department/Board</u>. Please send any comments you may have by 11:00 am Tuesday, September 3rd, 2019 to be included for discussion at the hearing.

The Application and related materials can be found on the Common Drive under Community and Economic Development, Zoning Board of Appeals, 1-Current Applications, 1 Wild Turkey Run. I have also attached the application.

Thank you,

Stefany Ohannesian Administrative Assistant Community & Economic Development Town of Medway 155 Village Street Medway, MA 02053 508.321.4915

Stefany Ohannesian

From:

Jeff Lynch

Sent:

Friday, August 9, 2019 12:29 PM

To:

Stefany Ohannesian

Subject:

RE: REQUEST FOR COMMENTS: 1 Wild Turkey Run

The Fire Department does not oppose pet dogs. Thank you. Chief Lynch

From: Stefany Ohannesian

Sent: Friday, August 09, 2019 12:16 PM

To: Allison Potter <apotter@townofmedway.org>; 'Andy Rodenhiser' <andy@rodenhiser.com>; Barry Smith

<bsmith@townofmedway.org>; Beth Hallal <bhallal@townofmedway.org>; Bridget Graziano

<bgraziano@townofmedway.org>; Carol Pratt <cpratt@townofmedway.org>; Chief Tingley

<amtingley@medwaypolice.com>; David Damico <ddamico@townofmedway.org>; Donna Greenwood

<dgreenwood@townofmedway.org>; Doug Havens <dhavens@townofmedway.org>; Jack Mee

<jmee@townofmedway.org>; Jeff Lynch <ChiefLynch@townofmedway.org>; Jeff Watson

<watson@mail.medwaypolice.com>; Joanne Russo <jrusso@townofmedway.org>; 'Matt Buckley'

<matt@matthewbuckley.com>; Susan Affleck-Childs <sachilds@townofmedway.org>; 'Andy Rodenhiser'

<andyrodenhiser@gmail.com>; Mary Jane White <mwhite@townofmedway.org>; Barbara Saint Andre

<bsaintandre@townofmedway.org>; Liz Langley <llangley@townofmedway.org>; Mike Fasolino

<mfasolino@townofmedway.org>; Brenda Hamelin <bhamelin@townofmedway.org>

Subject: REQUEST FOR COMMENTS: 1 Wild Turkey Run

To:

Department of Public Services

Planning & Economic Development Board

Fire Department

Board of Health

Police Department

Conservation Commission

Building Department

Design Review Committee

Treasurer/Collector
Assessing Department

Animal Control

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The Application and related materials can be found on the Common Drive under Community and Economic Development, Zoning Board of Appeals, 1-Current Applications, 1 Wild Turkey Run. I have also attached the application.

Thank you,

Stefany Ohannesian Administrative Assistant Community & Economic Development

Stefany Ohannesian

From:

David Damico

Sent:

Monday, August 12, 2019 10:24 AM

To:

Stefany Ohannesian

Subject:

RE: REQUEST FOR COMMENTS: 1 Wild Turkey Run

Stefany,

DPW main concern focuses on stormwater in this case. The applicant does not state a kennel area on the property. If they are housed outside, it should designate an area. Even if that is not the applicants intent, it should be designated. The property does abut a wetland and stream area and natural drainage does flow from their property down to the stream. The applicant should be directed to manage waste to ensure that it is collected in a timely fashion and disposed of properly. The applicant has Town trash service and this is an acceptable disposal method. Any waste accumulating on the ground would not be acceptable.

Thanks,

Dave DPS Director 508-533-3275

Check us out on-line at www.townofmedway.org

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The information in this e-mail, including attachments, may contain privileged and confidential information intended only for the person(s) identified above. If you are not the intended recipient, you are hereby notified that any dissemination, copying or disclosure of this communication is strictly prohibited. Please discard this e-mail and any attachments and notify the sender immediately.

From: Stefany Ohannesian

Sent: Friday, August 09, 2019 12:16 PM

To: Allison Potter; 'Andy Rodenhiser'; Barry Smith; Beth Hallal; Bridget Graziano; Carol Pratt; Chief Tingley; David Damico; Donna Greenwood; Doug Havens; Jack Mee; Jeff Lynch; Jeff Watson; Joanne Russo; 'Matt Buckley'; Susan Affleck-Childs; 'Andy Rodenhiser'; Mary Jane White; Barbara Saint Andre; Liz Langley; Mike Fasolino; Brenda Hamelin **Subject:** REQUEST FOR COMMENTS: 1 Wild Turkey Run

To:

Department of Public Services

Planning & Economic Development Board

Fire Department

Board of Health

Police Department

Conservation Commission

Building Department

Conservation Commission

Treasurer/Collector
Assessing Department

Design Review Committee

Animal Control

2 Cottage Street - Use Variance

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The opening of the hearing is scheduled for Wednesday, September 4, 2019 at 7:30 pm.

Jeremy Cohen

From:

JoAnne Applebaum <jojoapple731@gmail.com>

Sent:

Wednesday, August 28, 2019 5:18 PM

To:

Jeremy Cohen

Subject:

2 best fence estimates

Attachments:

1567026220481-17c52241-a5da-4f42-a814-bc3cd6e04496_.jpg

Colonial Fence Company and Lowe's

---- Forwarded message -----

From: Colonial Fence Co. < sales@colonialfences.com>

Date: Wed, Aug 28, 2019, 2:41 PM

Subject: RE: Estimate

To: JoAnne Applebaum <jojoapple731@gmail.com>

Hi JoAnne - Here is what we have come up with.

Smaller Area: \$5,695

Larger Area: 7,895

5' High - Hamilton Picket, scallop top 1 x 2 dado cap, with 1 inch spacing - White Vinyl

1 - 4' Wide Walk Gate

Warm Regards,

Colonial Fence Sales Team

Colonial Fence Inc. 32 Pine St., Norfolk, MA 02056 (508)384-7980 Ext. #4 (Phone) (508)384-7956 (Fax) www.colonialfences.com



Installation Proposal - Fencing

Store#		Sales Specialist	John Day	
Customer Name	1 T	License #	Jone Day	
2nd Contact Name	JUANUE TOSO			
Job Site Address	1 0	Home Phone		
	Wild furkey kun	Work/Cell Phone		
City, State and Zip	MEDINAY MY 02053			
☐Obtain and post an	e protection to home during installation y necessary permits upport staff will be in contact with you	Additional Considerations: Clear fence line		
Installation: Mark and prepare Install posts and ba Install fence materifasteners	oost hole locations ckill holes with concrete al, including gates, hardware, and	Clean-up/final Inspection: Complete final cleanup and hauf away all job related debris Test product and perform complete inspection with customer		
stepping State of Blaze	stalled to the following grade specification Racking 170 W15 Straight W13 Conch K Chain Link \$ 420 Scalloped Picket \$	Cedan 3 r i' Black w i GATES. Lete #5.		

All installation services are guaranteed by Loser's Jahne superanty. Additional disagreeshy apply for permit fees. Professional installation available through independent contractors becomed and registered subme applicable. Increase numbers and certifications fixed by or archerist of terms of terms (fix. and/or Loser's Home Centers, IE. and Centers, IE. a



Safety Indemnity Insurance Company 20 Custom House Street Boston, MA 02110 1-800-951-2100

CHANGE COVERAGE

Homeowners **Amendment Declaration Declarations Effective: 11/13/18**

Policy N	lumber	From Polic	y Period _{To}	Be	ginning and End	ing at	Ace	nt Code
HMA049	6146	11/06/2018	11/06/2019		12:01 A.M. STANDARD TIME 23100			
	Named Insured and Address Agent							
JOANNE APPLEBAUM TOSO 1 WILD TURKEY RUN MEDWAY, MA 02053			950 HI	ARONSON INS 950 HIGHLAND AVE NEEDHAM MA 02494				
				Phone:	617-965-303	0		
	· · · · · · · · · · · · · · · · · · ·	The residence pren	nises covered by	this policy is loca	nted at the addre	ess stated beli	ow.	
ONE WILD	TURKE	Y RUN., MEDWAY MA	, 02053					
	Jania			emium Summary				
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				ting Information				
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			Coverage Limits	Premiums and E	odorsements			
Coverage	- Secti	on I				Limit	Prei	mium
		-A- Dwelling				\$300,00	0 \$1	,668
		-B- Other Structures C- Personal Property				\$30,00		
Cov	erage -	D- Loss of Use				\$210,00 \$60,00		
Coverage	- Secti	on II						
Covi	erage -	E- Personal Liability				\$500,00	0	
Cove	erage -	F- Medical Payments	s to Others			\$5,00	0	\$37
Policy Fon	ms and	Endorsements						
-	0491	HOMEOWNERS SPEC	TAT FORM					
SP0120	1214	SPECIAL PROVISI	ONS - MASSACI	HUSETTS				
SRS012	SRS012 1117 IDENTITY THEFT RESTORATION SERVICE							
HO0496 0491 DAYCARE EXCLUSION								
HO0446	HO0446 0491 INFLATION GUARD							
HO0015	ANNUAL INCREASE IS 3% HO0015 0491 SPECIAL PERSONAL PROPERTY COVERAGE							
HO0416 0491 PREMISES ALARM SYSTEM					Ċ.	-100		
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	0216	SAFETY WATER BACK UP AND SUMP OVERFLOW \$5,000 \$75				I .		
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Print Date: 11/13/2018
Page 1 of 2
HODEC2018

Authorized Signature



Safety Indemnity Insurance Company 20 Custom House Street Boston, MA 02110 1-800-951-2100

CHANGE COVERAGE

Homeowners **Amendment Declaration Declarations Effective: 11/13/18**

Policy Numb	er From Polici	y Period To	Beginning and Ending at	Agent Code
HMA0496146		11/06/2019	12:01 A.M. STANDARD TIME	23100
Nam	ed Insured and Addres	is	Agent	
JOANNE APPLEBAUM TOSO 1 WILD TURKEY RUN MEDWAY, MA 02053		ARONSON INS 950 HIGHLAND AVE NEEDHAM MA 02494 Phone: 617-965-3030		
Policy Form ar	nd Endorsements	······································		
HO-CPD	AUTO POLICY CR	EDIT		\$-334
HO-LFC	LOSS FREE CREDIT		\$-2.	
HO-PLS E-CUSTOMER PROGRAM			\$-83	

Print Date: 11/13/2018 Page 2 of 2 HODEC2018

SECTION II - LIABILITY COVERAGES

COVERAGE E - Personal Liability

If a claim is made or a suit is brought against an "insured" for damages because of "bodily injury" or "property damage" caused by an "occurrence" to which this coverage applies, we will:

- Pay up to our limit of liability for the damages for which the "insured" is legally liable. Damages include prejudgment interest awarded against the "insured"; and
- 2. Provide a defense at our expense by counsel of our choice, even if the suit is groundless, false or fraudulent. We may investigate and settle any claim or suit that we decide is appropriate. Our duty to settle or defend ends when the amount we pay for damages resulting from the "occurrence" equals our limit of liability.

COVERAGE F – Medical Payments To Others

We will pay the necessary medical expenses that are incurred or medically ascertained within three years from the date of an accident causing "bodily injury." Medical expenses means reasonable charges for medical, surgical, x-ray, dental, ambulance, hospital, professional nursing, prosthetic devices and funeral services. This coverage does not apply to you or regular residents of your household except "residence employees." As to others, this coverage applies only:

- To a person on the "insured location" with the permission of an "insured"; or
- To a person off the "insured location," if the "bodily injury":
 - Arises out of a condition on the "insured location" or the ways immediately adjoining;
 - b. Is caused by the activities of an "insured";
 - Is caused by a "residence employee" in the course of the "residence employee's" employment by an "insured"; or
 - d. Is caused by an animal owned by or in the care of an "insured."

SECTION II - EXCLUSIONS

- Coverage E Personal Liability and Coverage F
 — Medical Payments to Others do not apply to "bodily injury" or "property damage":
 - a. Which is expected or intended by the "insured";
 - b. Arising out of or in connection with a "business" engaged in by an "insured." This exclusion applies but is not limited to an act or omission, regardless of its nature or circumstance, involving a service or duty rendered, promised, owed, or implied to be provided because of the nature of the "business";
 - c. Arising out of the rental or holding for rental of any part of any premises by an "insured." This exclusion does not apply to the rental or holding for rental of an "insured location":
 - On an occasional basis if used only as a residence;
 - (2) In part for use only as a residence, unless a single family unit is intended for use by the occupying family to lodge more than two roomers or boarders; or
 - (3) In part, as an office, school, studio or private garage;
 - Arising out of the rendering of or failure to render professional services;
 - e. Arising out of a premises:
 - (1) Owned by an "insured";

- (2) Rented to an "insured"; or
- (3) Rented to others by an "insured"; that is not an "insured location";
- f. Arising out of:
 - (1) The ownership, maintenance, use, loading or unloading of motor vehicles or all other motorized land conveyances, including trailers, owned or operated by or rented or loaned to an "insured";
 - (2) The entrustment by an "insured" of a motor vehicle or any other motorized land conveyance to any person; or
 - (3) Vicarious liability, whether or not statutorily imposed, for the actions of a child or minor using a conveyance excluded in paragraph (1) or (2) above.

This exclusion does not apply to:

- A trailer not towed by or carried on a motorized land conveyance.
- (2) A motorized land conveyance designed for recreational use off public roads, not subject to motor vehicle registration and:
 - (a) Not owned by an "insured"; or
 - (b) Owned by an "insured" and on an "insured location";
- (3) A motorized golf cart when used to play golf on a golf course;

- (4) A vehicle or conveyance not subject to motor vehicle registration which is:
 - (a) Used to service an "insured's" residence:
 - (b) Designed for assisting the handicapped; or
 - (c) In dead storage on an "insured location";
- g. Arising out of:
 - The ownership, maintenance, use, loading or unloading of an excluded watercraft described below;
 - (2) The entrustment by an "insured" of an excluded watercraft described below to any person; or
 - (3) Vicarious liability, whether or not statutorily imposed, for the actions of a child or minor using an excluded watercraft described below.

Excluded watercraft are those that are principally designed to be propelled by engine power or electric motor, or are sailing vessels, whether owned by or rented to an "insured." This exclusion does not apply to watercraft:

- (1) That are not sailing vessels and are powered by:
 - (a) Inboard or inboard-outdrive engine or motor power of 50 horsepower or less not owned by an "insured";
 - (b) Inboard or inboard-outdrive engine or motor power of more than 50 horsepower not owned by or rented to an "insured";
 - (c) One or more outboard engines or motors with 25 total horsepower or less:
 - (d) One or more outboard engines or motors with more than 25 total horsepower if the outboard engine or motor is not owned by an "insured";
 - (e) Outboard engines or motors of more than 25 total horsepower owned by an "insured" if:
 - (i) You acquire them prior to the policy period; and
 - (a) You declare them at policy inception; or
 - (b) Your intention to insure is reported to us in writing within 45 days after you acquire the outboard engines or motors.

(ii) You acquire them during the policy period.

This coverage applies for the policy period.

- (2) That are sailing vessels, with or without auxiliary power:
 - (a) Less than 26 feet in overall length;
 - (b) 26 feet or more in overall length, not owned by or rented to an "insured."
- (3) That are stored;
- h. Arising out of:
 - The ownership, maintenance, use, loading or unloading of an aircraft;
 - (2) The entrustment by an "insured" of an aircraft to any person; or
 - (3) Vicarious liability, whether or not statutorily imposed, for the actions of a child or minor using an aircraft.

An aircraft means any contrivance used or designed for flight, except model or hobby aircraft not used or designed to carry people or cargo;

- i. Caused directly or indirectly by war, including the following and any consequence of any of the following:
 - Undeclared war, civil war, insurrection, rebellion or revolution;
 - (2) Warlike act by a military force or military personnel; or
 - (3) Destruction, seizure or use for a military purpose.

Discharge of a nuclear weapon will be deemed a warlike act even if accidental:

- j. Which arises out of the transmission of a communicable disease by an "insured";
- Arising out of sexual molestation, corporal punishment or physical or mental abuse; or
- I. Arising out of the use, sale, manufacture, delivery, transfer or possession by any person of a Controlled Substance(s) as defined by the Federal Food and Drug Law at 21 U.S.C.A. Sections 811 and 812. Controlled Substances include but are not limited to cocaine, LSD, marijuana and all narcotic drugs. However, this exclusion does not apply to the legitimate use of prescription drugs by a person following the orders of a licensed physician.

Exclusions **e., f., g.,** and **h.** do not apply to "bodily injury" to a "residence employee" arising out of and in the course of the "residence employee's" employment by an "insured."

- Coverage E Personal Liability, does not apply to:
 - a. Liability:
 - For any loss assessment charged against you as a member of an association, corporation or community of property owners;
 - (2) Under any contract or agreement. However, this exclusion does not apply to written contracts:
 - (a) That directly relate to the ownership, maintenance or use of an "insured location"; or
 - (b) Where the liability of others is assumed by the "insured" prior to an "occurrence";

unless excluded in (1) above or elsewhere in this policy;

- Property damage to property owned by the "insured";
- c. "Property damage" to property rented to, occupied or used by or in the care of the "insured." This exclusion does not apply to "property damage" caused by fire, smoke or explosion;
- d. "Bodily injury" to any person eligible to receive any benefits:
 - Voluntarily provided; or
 - Required to be provided;
 - by the "insured" under any:
 - Workers' compensation law;
 - (2) Non-occupational disability law; or
 - (3) Occupational disease law;
- e. "Bodily injury" or "property damage" for which an "insured" under this policy:
 - (1) Is also an insured under a nuclear energy liability policy; or
 - (2) Would be an insured under that policy but for the exhaustion of its limit of liability.

- A nuclear energy liability policy is one issued by:
- (1) American Nuclear Insurers;
- (2) Mutual Atomic Energy Liability Underwriters;
- (3) Nuclear Insurance Association of Canada:
- or any of their successors; or
- f. "Bodily injury" to you or an "insured" within the meaning of part a. or b. of "insured" as defined.
- Coverage F Medical Payments to Others, does not apply to "bodily injury":
 - To a "residence employee" if the "bodily injury":
 - (1) Occurs off the "insured location"; and
 - (2) Does not arise out of or in the course of the "residence employee's" employment by an "insured";
 - b. To any person eligible to receive benefits:
 - (1) Voluntarily provided; or
 - (2) Required to be provided; under any:
 - Workers' compensation law;
 - (2) Non-occupational disability law; or
 - (3) Occupational disease law;
 - c. From any:
 - (1) Nuclear reaction;
 - (2) Nuclear radiation; or
 - (3) Radioactive contamination:
 - all whether controlled or uncontrolled or however caused; or
 - (4) Any consequence of any of these; or
 - d. To any person, other than a "residence employee" of an "insured," regularly residing on any part of the "insured location."

SECTION II - ADDITIONAL COVERAGES

We cover the following in addition to the limits of liability:

- 1. Claim Expenses. We pay:
 - Expenses We incur and costs taxed against an "insured" in any suit we defend;
 - Premiums on bonds required in a suit we defend, but not for bond amounts more than the limit of liability for Coverage E. We need not apply for or furnish any bond;
- c. Reasonable expenses incurred by an "insured" at our request, including actual loss of earnings (but not loss of other income) up to \$50 per day, for assisting us in the investigation or defense of a claim or suit; and
- d. Interest on the entire judgment which accrues after entry of the judgment and before we pay or tender, or deposit in court that part of the judgment which does not exceed the limit of liability that applies.

To: Medway Board of Appeals 155 Village Street Medway, MA 02053

RE: Letter of Reference for JoAnne Applebaum

To whom it may concern:

It has been my pleasure to know JoAnne Applebaum and her family for the last 30 years. I can attest to her devotion to her wonderful mother & father and a dedicated friend. Joanne is a dedicated champion and loving advocate to her canine family. I know JoAnne to be a giver and truly caring person in all aspects of her life.

JoAnne's generosity of self is truly a gift in our friendship and all those lucky enough to know her. She is a very smart and competent individual with the skills to accomplish anything she put her mind too. A selfless, trustworthy and truly respectful person, are just a few things that make JoAnne such a wonderful person.

If you require any further detail or have any questions please feel free to contact me.

Signed under pains and penalties of perjury,

Lori Baker

81 Williamson Road Manchester ME 04351

207-724-3583

Medway Zoning Board of Appeals 155 Village St. Medway, MA 02053

My name is Kaitlyn Miklinevich. I am a dog trainer specializing in overcoming behavior problems in pets. I use primarily food-based, minimally aversive training and my focus is on actually changing, not just managing, a dog's behavior.

JoAnne Toso reached out to me to help her learn how to manage a household with several dogs. I have been working with her throughout the summer. We are working on increasing confidence in her two more nervous dogs, and overcoming her third dog's pushy behavior and low-level resource guarding. While Samson, the more pushy dog, has some learned behavior that Jo has asked me to work on with her, I have not seen any signs that he is inherently aggressive. All three dogs in the household have made incredible progress already; we have a plan going forward and will continue working together throughout the fall.

I feel Jo has a strong handle on her dogs and her household and have no qualms about the number of dogs she has and her behavior. Jo's dedication to her dogs and her willingness to work with me to ensure her home is safe are both obvious when I communicate and work with her. I hope you will consider Jo for a kennel license.

Signed under pains and penalties of perjury,

Kaitlyn Miklinevich

K. Mukhered

Owner, K9 Kait's Training Academy



JT Testimonial

August 29, 2019 Medway Board of Appeals 155 Village Street Medway, Massachusetts 02053

I strongly urge you to grant a Kennel license to Joanne Toso. I have known her both as a co-worker and a friend since 2003. Throughout that time, she has proven to be an honest, steadfast, and generous person. Her dogs are her family. She has always placed the highest priority on their well-being. She even relocated to her new home in Medway because it provided a better environment for them. I cannot imagine a more eloquent testament to her commitment to be a responsible pet owner than that. Under Pains and Penalties of Perjury,

Geoff Nolin 21 Brooks Road Wayland, Massachusetts 01778



KEVIN J. FALLON, D.V.M.

MILL BROOK ANIMAL CLINIC 1183 Massachusetts Ave. Arlington, MA 02476 Telephone: (781) 643-7387

Medway Zoning Board of Appeals 155 Village Street Medway, MA 02053

August 20, 2019

Dear Members of the Board

I am writing a recommendation letter for Joanne Toso for the application of a kennel license in Medway, Massachusetts. I have seen one of her four dogs, Sophie, a Jindo rescue from South Korea, who was brought to me for examination for vaccines and spay. Due to Sophie's past experiences on a South Korean dog meat farm and lack of socialization before she was adopted, Sophie is an anxious and fearful dog that made it difficult to physically restrain for exam and treatment.

In our first meeting with Sophie, I was unable to examine her due to her fearfulness. I then recommended trying medication to sedate and decrease anxiety and return for another appointment. Because of Ms. Toso's compliance with our recommendations and determination, I was successfully able to provide services to Sophie while maintaining the least amount of stress possible. Ms. Toso returned to us for Sophie's spay procedure, which was successful, and she has been doing well since. I have recommended that Ms. Toso find a dog behaviorist or trainer to help condition and socialize Sophie, which Ms. Toso has already done.

The actions that Ms. Toso has taken for Sophie shows that she is receptive to veterinary professional advice to provide quality health care for her dogs, and it shows that she is willing to go above and beyond to fulfill the needs for her dogs. I hope you take my recommendation in consideration for Ms. Toso's kennel license.

Signed under the pains and penalties of perjury,

Alexandra Yu, DVM

Associate Veterinarian

DOG LICENSE

Town of Medway 155 Village Street Medway, MA 02053 506-533-3204

This License Expires On 03/31/2020

tssued To		Joanne Toso	
Address		1 Wild Turkey Run	
		Medway, MA 02053	
Email Address	:		
Telephone	:	857-523-0464	
Name of Dog	į	Barley	
Breed		Mix Breed	
Age	•		
Color			
Sex	•	Male	
Neutered/Spayed/None		Reutered	·
2019 Tag Number	•	2019-1240	
License Tag Issue Date	7	03/20/2019	
License Fee	:	\$11.00	
late Fee		\$0.00	
Von Renewal Fee	300	50.00	
otal Fee	2	\$11.00	
et Hospital	•	Slade Veterinary Hospital	
abies Exp Date		62/01/2022	
abies Tag No.			

The signs of rables vary in animals; the behavior of an animal is NOT a reliable indicator of whether or not it has rables. Some of the more common signs include: unexplained aggression, impaired locomotion, varying degrees of paralysis, hyper salivation and extreme depression.

To: Joanne Toso 1 Wild Turkey Run Medway, MA 02053

DOG LICENSE

Town of Medway 155 Village Street Medway, MA 02053 508-533-3204

This License Expires On 03/31/2020

Issued To	1	Joanne Toso
Address		1 Wild Turkey Run
		Medway, MA 02053
Email Address	1	
Telephone	•	657-523-0464
Name of Dog	j.	Samson
Breed		Lab Mix
Age		
Color		Fawn
Sex		Male
Neutered/Spayed/None	;	Neutered
2019 Tag Humber	;	2019-1235
License Tag Issue Date		03/20/2019
License Fee	7	\$11.00
late fee		\$0.00
Von Renewal Fee		\$0.00
rotal Fee	2	\$11.00
et Hospital		Slade Veterinary Hospital
ables Exp Date	# *	01/25/2020
abies Tag No.	;	

The signs of rables vary in animals; the behavior of an animal is NOT a reliable indicator of whether or not it has rables. Some of the more common signs include: unexplained aggression, impaired locomotion, varying degrees of paralysis, hyper salivation and extreme depression.

To: Joanne Toso 1 Wild Turkey Run Medway, MA 02053

Brenda Hamelin

From:

Brenda Hamelin

Sent:

Friday, November 30, 2018 12:56 PM

To:

jojoapple731@gmail.com

Subject:

RE: [Town of Medway MA] Number of dogs per household (Sent by JoAnne Toso,

jojoapple731@gmail.com)

Hi JoAnne,

3 dogs any more, for any reason you need a kennel license.

Brenda

----Original Message----

From: cmsmailer@civicplus.com [mailto:cmsmailer@civicplus.com]

Sent: Friday, November 30, 2018 12:05 PM

To: Brenda Hamelin

Subject: [Town of Medway MA] Number of dogs per household (Sent by JoAnne Toso, jojoapple731@gmail.com)

Hello bhamelin,

JoAnne Toso (jojoapple731@gmail.com) has sent you a message via your contact form (https://www.townofmedway.org/user/286/contact) at Town of Medway MA.

If you don't want to receive such e-mails, you can change your settings at https://www.townofmedway.org/user/286/edit.

Message:

Hi, I just moved to Medway, and I three dogs. How many dogs per household is permitted in Medway? Thank you. JoAnne Toso

Town of Medway Town Clerk's Office 155 Village St. Medway MA 02053

Email: mwhite@townofmedway.org

DOG License Receipt

Pet Owner Information

Pet Owner First and Last Name: Joanne Toso

Pet Owner Address: 1 WILD TURKEY RUN, Medway, Massachusens 02053

Pet Owner User Code: 103366ZWXY000000 (This is your code to retrieve your license history and pet information. You can only use this code once and it creates an account on the new pet licensing portal and GoPette mobile app. There is no need to create an additional

Pet's Information

Pet's Name	
Breed	: Sephie
Color	: Jindo
Age	: White
Gender	: 3Year(s) 5Month(s)
	: Female/spayed
Rables Expiration Date Microchip No:	: 06/26/2020
Vet/Clinic Name:	
	: Mill Brook Asimal Clinic
License Information	
License Number:	: 2019-1633
License Expiration Date	: 03/31/2020
Issued Date	: 08/07/2019
License Fee	: \$11.00
Late Fee	: \$0.00
Service Fee	: \$ 00.00
Discount	: 5.90,00
Manual Adjustments	: \$ 00,00
Total	± \$11.00
Payment method	and.

The signs of rabies vary in animals; the behavior of sea animal is NOT a reliable indicator of schedule or not it has rabies. Some of the more common signs include: anexplained aggressasz, impaired bacomotion, varying degrees of paralysis, hyper salivation and extreme depression.

Joanne Toso

I WILD TURKEY RUN.

Medway, Massachusetts 02053