



Town of Medway
ZONING BOARD OF APPEALS
155 Village Street, Medway, MA 02053

Eric Arbeene, Chair
Brian White, Vice Chair
Carol Gould, Clerk
Bridgette Kelly, Member
Rori Stumpf, Member

**DECISION
SPECIAL PERMIT
5 BROOKSIDE ROAD**



Date Application Filed: September 13, 2017

Applicant(s): William Goodwin
Rosemary Conway (the "Applicants")
5 Brookside Road
Medway, MA 02053

Location of Property: The Project is located on a parcel of land in Medway, 5 Brookside Road (Assessor Parcel No. 69-010).

Approval Requested: Special Permit under Section 5.4 Table 1 of the Medway Zoning Bylaw to allow for a personal kennel license.

Members Participating: Eric Arbeene (Chair), Brian White (Vice Chair), (Clerk), Bridgette Kelly, and Rori Stumpf

Members Voting: Eric Arbeene (Chair), Brian White (Vice Chair), (Clerk), Bridgette Kelly, and Rori Stumpf

Hearing Opened: October 4, 2017

Hearing Closed: November 1, 2017

Date of Decision: November 1, 2017

Decision: Granted with Conditions



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I. PROCEDURAL HISTORY

1. On September 13, 2017, the Applicants filed a Special Permit Application, pursuant to G.L. c. 40A, as amended, and the Medway Zoning Bylaw, for a personal kennel license to be used at 5 Brookside Road.
2. Notice of the public hearing was published in the Milford Daily News on September 20, 2017 and September 27, 2017, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on October 4, 2017, continued without testimony until October 18, 2017. The hearing was also continued to November 1, 2017. The hearing was closed and the Decision was voted on November 1, 2017.
4. The Project is located at 5 Brookside Road (Assessor Parcel No. 69-010).
5. The Property is located in the Agricultural Residential II (AR-II) District. The required frontage is 150 feet and the required area is 22,500 sq. ft.
6. The Board notified Town departments, boards and committees of this application. Comments were received by the Board of Health and Animal Control Officer.
7. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V. of this Decision.

II. TESTIMONY

At the October 4, 2017 meeting, the hearing was opened and continued without testimony to the October 18, 2017 ZBA meeting.

At the October 18, 2017 hearing, the Applicant explained the request for a special permit for a personal kennel license. The Applicant had three dogs and had taken in another from the Baypath Humane Society. The Applicant stated that he knew state law allowed for up to four dogs and had not realized that the Town required a special permit for anything over three dogs. The dogs are small, mostly indoor dogs. They are typically restricted to the deck at nighttime and are let into the yard during the day only under supervision, due to the coyote population. There is no commercial operation on the premise, the dogs are under personal ownership.

The Board closed the hearing on November 1, 2017.

III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered evidence and testimony presented at the public hearings and comments submitted by Town departments, boards and committees as well as residents placed in the public record during the course of the hearings.

A. Special Permit Criteria

1. *The proposed site is an appropriate location for the proposed use.*
 2. *Adequate and appropriate facilities will be provided for the operation of the proposed use.*
 3. *The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians, or the environment.*
 4. *The proposed use will not cause undue traffic congestion or conflicts in the immediate area.*
 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.*
 6. *The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district.*
 7. *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.*
 9. *The proposed use will not be detrimental to the public good.*
- a. The Board finds that the proposed special permit for a personal kennel license is consistent with all of the required criteria under Section 3.4 of the Medway Zoning Bylaw.

IV. DECISION

Based upon the findings of the Board and testimony and information received into the record during the public hearing process, the Board grants the Applicant a Special Permit under Section 5.4 Table 1 of the Medway Zoning Bylaw to allow for a personal kennel license, subject to the conditions herein.

1. The dog population shall be limited to 5 dogs at any one time. The Applicants may only increase the dog population limit through a special permit modification with the Board.
2. There shall be no commercial operations associated with this kennel license. All dogs on the Property shall be owned by the Applicants.
3. 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 modification.

Any work or use that deviates from the approved special permit or this Decision shall be a violation of the *Medway Zoning Bylaw*, unless the Applicants requests a modification and such approval is provided in writing by the Board.

Any request for a modification shall be reviewed by the Board. Modifications that the Board determines are insubstantial may be reviewed as a discussion at a regularly scheduled Board meeting. Modification that the Board determines are substantial shall require a public hearing.

4. Upon receipt of a written request by the applicant filed at least thirty (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. If no request for extension is filed and approved, the special permit shall lapse two years from the date of Decision, unless acted on or otherwise specified, and may be reestablished only after a new filing, hearing, and decision.

V. INDEX OF DOCUMENTS

A. This Special Permit application includes the following plans and information that were provided to the Board at the time the application was filed:

1. N/A

B. During the course of the review, the following materials were submitted to the Board by Town Departments/Boards and Residents:


1. Comments: Board of Health, Beth Hallal, received September 27, 2017
2. Comments: Animal Control, Brenda Hamelin, received October 3, 2017

C. During the course of the review, the following materials were submitted to the Board by the applicant and their representatives:

1. N/A


By a vote of 4 to 0, on a motion made by Pro, Stumpf and seconded by Burrows, the Zoning Board of Appeals hereby **GRANTS** the Applicants, William Goodwin and Rosemary Conway, a **SPECIAL PERMIT UNDER SECTION 5.4** of the Zoning Bylaw to Bylaw to allow for a personal kennel license for 5 Brookside Road, subject to the **CONDITIONS** herein.

Signature: 



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Budgete K. Kelly



Vote of the Board
5 Brookside Road