

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

MINUTES OF MEETING

January 3, 2018

Present: Chair Eric Arbeene; Vice Chair Brian White; Clerk, Carol Gould; Committee Members: Rori Stumpf, Bridgette Kelly

Also present: Mackenzie Leahy, Administrative Assistant, Community & Economic Development

Chairman Arbeene called the meeting to order at 7:34 PM.

Citizen Comments:

There were no members of the public that wished to make comments on items other than those already on the agenda.

Public Hearings:

7:35 P.M. – The Applicant, Kent Leung, seeks a Special Permit under Section 5.4 of the Zoning Bylaw for a Commercial Kennel License for the property located at 67 Village Street.

The Applicant provided an overview of the proposed use. The Applicant has an established business with five existing locations. The Applicant started their business after their dog had been attacked at a kennel. After that occurred, they felt a need to start their own company. They have the only dog company that has not had any dog attack recorded in Massachusetts. The company only accepts 5 to 10 percent of dogs whose owners apply to be clients and part of the dog day care. The Applicant hopes to build a better environment for dogs.

Typically the kennel would not have 200 dogs, however, there are three major holidays that have a significant rise in the amount of kenneling: Christmas, Thanksgiving, and St. Patrick's Day. 40% to 50% of kenneling and income is provided during these peak holiday seasons. The Applicant was requesting up to 200 dogs to hit the peak numbers in order to off-set the number of dogs throughout the remainder of the year—if the Applicant did not have a 200 dog limit, they would need to take in more dogs on a regular basis. They do not intend to have 200 dogs on a regular basis, the limit would provide flexibility for other times that may see an increase in a need for services as well.

The Kennels operate with a pet taxi service and with minimal amounts of parking. The business calculates pick-ups similarly to a regular transportation system creating routes.

The daycare uses a three-phase 30 day evaluation system for dogs which will interact with other dogs, that is the dogs that are “clients” which would not remain kenneled at all times.

The standard industry kennel size is 3 feet by 5 feet. The Applicant is proposing a variety of kennels and pet suites to provide different levels of affordable options.

There are no veterinarian services proposed at this time.

In regards to noise, odor, and waste—the flooring is an anti-microbial coated rubber flooring called “Paint Shield.” The building is made of concrete filled concrete-block. Mr. Stumpf asked how strongly the permit could be conditioned, if it could be conditioned to say, “Dogs will not be heard outdoors” (from within the facility). The Applicant stated that they would not be heard (from within the facility) at all. Internal to the facility, there will be one inch double laminated glass with a thermal layer in the middle. The glass helps to reduce sound but also helps to the dogs to become accustomed to seeing other dogs and people in the facility to help reduce barking. The waste is contained in a dumpster on a non-pervious surface and it is enclosed. The doggie bags are tied and then contained in a sealed trash bag which is then stored in the dumpster that is enclosed and outdoors. Dumpsters are typically emptied with a waste disposal company on a weekly basis. The facility will also have “pooper-scooper stands,” or mini waste stands for clients.

Ms. Leahy, Community & Economic Development Department, explained that she had spoken to the Animal Control Officer who had made it very clear that there are standards that the Applicant would need to abide by in terms of animal treatment and care and that the Animal Control Officer was not concerned about needing any additional protections included for how the business would be operated in accordance with the Massachusetts standards.

Mr. Arbeene noted that the Fire Chief provided comments that the building would need to be sprinklered.

The Applicant clarified that the dogs would not be socializing if they were strictly a boarding/kennel client, but would be if they were a client that had been through the review process and were part of the doggie day care. The Applicant hires a board certified behaviorist to assist with the review process.

There was not a proposed location for an outdoor area for the dogs at this time. All services would be indoors except for bathroom breaks and walks outdoors. There would not be non-leashed outdoor activities. Ms. Leahy noted that the Applicant could come back for a modification to a permit to include outdoor areas if they decided to move forward in that direction.

The Applicant noted that they use slip lead leashes and have never had a dog escape from one of the leashes.

The Applicant controls pick-up and drop-off times in which clients visit the facility the volume of clients, to ensure that they are not coming in at “off times,” and to avoid fees for missing the pick-ups. The Applicant works with clients for pick-up times. In addition, most clients (75 to 80%) use the pet taxi service to have their dogs picked-up instead of dropping them off at the facility.

One taxi would be kept at the Medway Facility, and the other taxis would be stored overnight at one of the larger facility locations.

The pet taxis are fitted with kennel packages that are welded into the vans. The taxis are spotted cleaned on-the-go as needed and sanitized with car washes.

The Applicant explained that dogs aren't allowed into the building without being provided a vaccination certificate.

The Applicant checks ID's before anyone enters the building.

The Applicant noted that typically staffing is 1:10 or 1:12 staff to dogs for the doggie day care. Ms. Leahy noted that the Animal Control Officer would like to see 1:10, preferably 1:6. Mr. White asked if a limit of 108 dogs for doggie day care would be an issue. The Applicant said that would be fine for the day care.

The Applicant intends for the facility to be open 7 days a week, however, the weekends are typically for pick-up only.

The Board moved to public comment.

Helen Kelley, 72 Village Street, questioned the hours of operation. She also noted that there is typically flooding in the neighborhood.

Gary Kendig, 65 Village Street, was opposed to the request. He stated that there was a history of noise pollution from that property and the canoe launch nearby. He felt there was no way that dogs could be going outside all day without him being able to hear the dogs.

Jeff Boudro, 73 Village Street, was also opposed to the request. He was concerned about barking heard during operation and the location of waste from the dogs.

Ken & Mary Farley, 75 Village Street, were also opposed to the request and also felt there was no way that there would not be barking heard during operation.

Anthony Varrichione, 249 Village Street, stated that he was the listing agent for the property. He stated that applying for this special permit was well within the Applicant's right under state and local law. What the Applicant proposes is a much better use than the other types and classes of businesses of other proposals and interested buyers for the property.

The Applicant stated that every time he applies for a permit with a Zoning Board, there are residents that complain about the potential impact, especially the noise. After being granted the permits, no complainant has come back with any official complaints or concerns.

Helen Kelley, stated that her main concern was for the things that were out of the Applicant's control, such as outdoor barking.

The Board moved to deliberations.

Bridgette Kelly stated that the Applicant had provided evidence that the business was well run and established. There is substantial evidence that the business will be well run and controlled.

Carol Gould stated that she agreed with Ms. Kelly and that the business was very well thought out. Ms. Gould felt that granting the permit with conditions would appease the neighbors' concerns.

Mr. White, Mr. Stumpf, and Mr. Arbeene agreed.

The Board moved to Deliberations:

Section 3.4 Special Permit Decision Criteria

The Board finds that the Applicant has provided thorough documentation in the Special Permit general application form submitted with this application and as explained during hearing to satisfy the Special Permit Criteria. Motion by Mr. Arbeene, seconded by Mr. White, and approved unanimously.

Decision:

The Board ***Granted*** the Applicant(s), Kent Leung, a ***Special Permit*** for a ***Commercial Kennel License*** under Section 5.4 of the Zoning Bylaw for the property located at 67 Village Street (Parcel ID: 61-046), subject to the ***Conditions*** herein. Motion by Mr. White, seconded by Ms. Kelly, and approved unanimously.

The Board voted to incorporate, as conditions of approval, all items, tasks, and requirements to which the applicant agreed to throughout the hearing. Motion by Ms. Kelly, seconded by Mr. White, and approved unanimously.

- The Applicant, Michael Curatola, seeks a Special Permit under Section 5.4 of the Zoning Bylaw to demolish an abandoned single family residence and construct a new two-family/duplex for the property at 250 Main Street.

The Applicant's Representative provided an overview of the proposed duplex/two family. The Applicant has a purchase and sales agreement with the owner of the property. They explained that the existing home dilapidated and in disrepair. The house is on a property of roughly one and a half acres and an "L" shaped lot. The lot is in the AR-II zoning district where a duplex/two family is allowed by special permit, provided it has the appearance of a single family residence. The house has not been occupied for a number of years. The plan would be to demolish the existing residential structure and reconstruct a new duplex/two-family. The Applicant's Representative stated that all other zoning requirements would be met and read through the Special Permit Criteria of Section 3.4 of the Zoning Bylaw and explained how the criteria was met.

The applicant had already met with the Historical Commission to determine if the home was historically significant. The commission did not find it to be and so there is no demolition delay for the home.

Mr. Arbeene asked how the driveway(s) would be arranged for the units. The applicant intended to keep the existing driveway and create a new one for the second unit. The second driveway would require a new curb cut. Ms. Leahy, Community & Economic Development, explained that the Department of Public Services (“DPS”) had not provided comments, but the department may have an issue with a second curb cut for one property. The curb cut would require a permit, and DPS may rather see a shared curb from the existing entry with the two driveways then splitting off to the two units internal to the property.

Ms. Leahy explained that the Fire Chief would require the fire systems to be interconnected between the two dwelling units.

Abutters from 252 Main Street and 248 Main Street attended the hearing and spoke in favor of the requested Special Permit.

The Board moved to Deliberations:

Section 3.4 Special Permit Decision Criteria

The Board finds that the Applicant has provided thorough documentation in the Special Permit general application form submitted with this application and as explained during hearing to satisfy all Special Permit Criteria. Motion by Mr. Arbeene, seconded by Mr. White, and approved unanimously.

Decision:

The Board ***Grants*** the Applicant(s), Michael Curatola, a ***Special Permit*** for a ***duplex/two family*** under Section 5.4 of the Zoning Bylaw for the property located at 250 Main Street (Parcel ID: 66-025), substantially in accordance with the plan of land submitted with this application, prepared by Colonial Engineering Inc. of 11 Awl Street, Medway, MA, dated January 1, 2018. Motion by Mr. Stumpf, seconded by Mr. White, and approved unanimously.

Any other business that may properly come before the Board:

Discussion of Zoning Board of Appeals Rules & Regulations Amendments – Tabled.

Correspondence:

None.

Approval of Minutes:

12/06/17: Motion by Mr. White, seconded by Ms. Kelly to approve the minutes as presented. Approved unanimously.

Upcoming Meetings:

January 17 – Ms. Leahy explained that there were other applications that had been submitted but they were not scheduled for the 17th. The Board decided to cancel the meeting for January 17th, 2018.

February 7 – Ms. Leahy noted that there were at least two applications scheduled for February 7th, 2018 – 15 West Street Wireless Communication Facility special permit application and 180 Village Street request for variances.

February 21st – No new applications at this time.

Adjournment

A motion to adjourn was made by Mr. White, seconded by Ms. Kelly and approved unanimously. The Board adjourned at 10:16 p.m.

Respectfully submitted,

Mackenzie Leahy
Administrative Assistant
Community and Economic Development