

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA
THURSDAY, August 15, 2024 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241 To join the meeting click this link: <u>https://us02web.zoom.us/j/86964757241</u>
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Minutes	Review and approve Minutes from July 18, 2024 meeting.
7:30PM	20 Alder Brook Lane – Amit Schwartz and Neta Levin Schwartz, owners, applied for a Special Permit under section 1.4.6 and any other section of the Zoning By-Law to allow the change, extension, alteration and enlargement of a lawful, pre-existing, non-conforming structure for relief of a right setback from 9.6 feet to 9.1 feet; and the left setback from 11 feet to 9.9 feet. This request is associated with the addition and alterations to an existing single-family home. The property is located at 20 Alder Brook Lane, Needham, MA in the Single Residence B (SRB) zoning district. <i>Continued from July 18, 2024.</i>
7:30PM	277 Brookline Street – Needham Enterprise, LLC, owner, applied to the for a Variance under 3.2.1 and any other applicable section of the Needham By-Law to seek a Plan Substitution and or further relief pursuant to a Variance issued January 18, 1951 for two-family use and any and all other relief necessary and appropriate to permit the demolition of an existing two-family dwelling and replacement to a new two-family structure. The property is located in the Single Residence B (SRB) zoning district. <i>Continued from July 18, 2024.</i>
7:45PM	6 Brook Road - Tail Waggers Pet Care, Inc., applicant, applied for a Special Permit to allow the operation of a dog daycare/boarding/grooming business under Section 3.2.6.2 (h); and to waive strict adherence to the number of required parking and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 and any other applicable sections of the By-Law. The property is located in the Mixed Use -128 zoning district.

Next ZBA Meeting – September 19, 2024

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, July 18, 2024 - 7:30PM

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 869-6475-7241
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Pursuant to notice published at least 48 hours prior to this date, a meeting of the Needham Board of Appeals was held in the Select Board Chambers, Needham Town Hall, 1471 Highland Avenue, Needham, MA 02492 on Thursday, June 20, 2024 at 7:30 p.m.

BOARD MEMBERS PRESENT: Jonathan D. Tamkin, Chair; Howard Goldman, Vice-Chair, Valentina Elzon, Associate Member

BOARD MEMBER(S) ABSENT: Nik Ligris and Peter Friedenberg

STAFF PRESENT: Daphne M. Collins, Zoning Specialist

Mr. Tamkin, Chair presided and opened the meeting at 7:30 p.m.

1. MINUTES OF JUNE 20, 2024

Mr. Goldman moved to approve the minutes of June 20, 2024. Ms. Elzon seconded the motion. The motion was unanimously approved.

2. 20 ALDER BROOK LANE

SPECIAL PERMIT

PUBLIC HEARING CONTINUED TO AUGUST 15, 2024

The Board requested clarification be sought from the Building Commissioner to establish the existing right side non-conforming setback; and that the applicant provide clear measurable dimensions for the proposed setbacks.

Mr. Goldman moved to continue the Public Hearing to August 15, 2024 at 7:30 p.m., Charles River Room, PSAB, 500 Highland Ave., Needham, MA 02492. Ms. Elzon seconded the motion. The motion was unanimously approved.

3. 277 BROOKLINE STREET

VARIANCE

PUBLIC HEARING CONTINUED TO AUGUST 15, 2024

Issues were raised by members of the public regarding the siting of the proposal; driveway width, blind sight lines and school pedestrian safety; and runoff/ledge/slope concerns. The Board requested that the applicant meet with the neighbors and the Engineering Department to see if issues raised could be addressed.

Mr. Goldman moved to continue the Public Hearing to August 15, 2024 at 7:30 p.m., Charles River Room, PSAB, 500 Highland Ave., Needham, MA 02492. Ms. Elzon seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:07 p.m.

A summary of the discussions on each subject, a list of the documents and other exhibits used at the meeting, the decisions made, and the actions taken at each meeting, including a record of all votes, are set forth in a detailed decision signed by the members voting on the subject and filed with the Town Clerk. Copies of the Decisions are filed at the Board website linked here:

<https://needhamma.gov/Archive.aspx?AMID=141&Type=&ADID=>

or by contacting Daphne Collins, Zoning Specialist, dcollins@needhamma.gov or 781-455-7550, ext. 261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and <https://www.youtube.com/@TownofNeedhamMA/videos>



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

August 5, 2024

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 20 Alder Brook Rd.

Dear Board Members,

This application proposes a 2-story addition on the right side of the dwelling comprised of a first floor attached garage and a second-floor bedroom along with an expansion of the 1-story mudroom. The rear deck is also being expanded further along the right-side property line and, on the left side, an 8' x 10' unenclosed entry canopy is proposed.

The existing home enjoys existing setback non-conformities along both the left and right-side property lines.

The existing left side setback is non-conforming at 11' and the proposed canopy will be 9.9'.

The existing right-side setback, as measured to the existing deck, is 6.4'. The proposed deck extension will be 6.4' from the right-side property line. The proposed enclosed staircase will be 9.1' from the right-side property line. The proposed 2nd floor cantilever will be 11.5' from the right-side property line.

All of the dimensions are taken from a plot plan by Peter Nolan, PLS dated 7/26/2024

None of these proposed additions extend into the required front or rear setbacks.

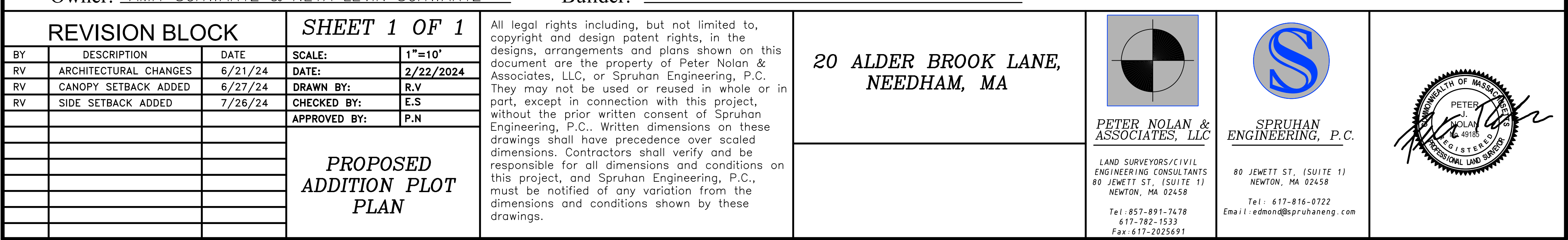
This proposal does increase the non-conforming nature of the premises and can only be permitted upon the issuance of a Special Permit by the Zoning Board of Appeals pursuant to section 1.4.6 of the Zoning Bylaw.

Sincerely,

Joseph Prondak
Building Commissioner



-EC- = EROSION CONTROL:
FILTER SOCK OR COMPOST/STRAW
WATTLE STAKED IN PLACE.
MAINTAIN UNTIL SOIL STABLE





ZBA Application For Hearing

Applicants must consult with the Building Inspector prior to filing this Application. Failure to do so will delay the scheduling of the hearing.

Applicant Information

Applicant Name	Tail Waggez Pet Care Inc. (Robyn Toscano)			Date: 7/22/24
Applicant Address	217 California St. Newton, MA 02458			
Phone	Work -617-340-2163	Cell-617-470-8248	email	tailwaggez@hotmail.com
Applicant is ☐ Owner; ☒ Tenant; ☐ Purchaser; ☐ Other _____				
If not the owner, a letter from the owner certifying authorization to apply must be included				
Representative Name	William A. Eldredge Jr.			
Address	500 Edmands Road Framingham, MA 01701			
Phone	617-224-6658	email	william.eldredge@gmail.com	
Representative is ☐ Attorney; ☐ Contractor; ☐ Architect; ☒ Other <u>Engineer</u>				
Contact ☒ Me ☐ Representative in connection with this application.				

Subject Property Information

Property Address	6 Brook Road Needham, MA 02494		
Map/Parcel Number	1990740003000000	Zone of Property	Mixed Use - 128
Is property within 100 feet of wetlands, 200 feet of stream or in flood Plain? ☐ Yes ☒ No			
Is property ☐ Residential or ☒ Commercial			
If residential renovation, will renovation constitute "new construction"? ☐ Yes ☒ No			
If commercial, does the number of parking spaces meet the By-Law requirement? ☒ Yes ☐ No			
Do the spaces meet design requirements? ☒ Yes ☐ No			
Application Type (<i>select one</i>): ☒ Special Permit ☐ Variance ☐ Comprehensive Permit ☐ Amendment ☐ Appeal Building Inspector Decision			



ZBA Application For Hearing

Existing Conditions:

"Chilly Bears" Apparel Decorating - screen printing - embroidery

Statement of Relief Sought:

Seeking special permit to operate dog daycare/boarding/grooming business in zone Mixed Use-128

Parking waiver for design

Parking waiver for number of spaces

Applicable Section(s) of the Zoning By-Law:

3.2.6.2 (h)

If application under Zoning Section 1.4 above, list non-conformities:

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (<i>square feet</i>)		
Front Setback (<i>feet</i>)		
Rear Setback (<i>feet</i>)		
Left Setback (<i>feet</i>)		
Right Setback (<i>feet</i>)		
Frontage (<i>feet</i>)		
Lot Coverage (%)		
FAR (<i>Floor area divided by the lot area</i>)		
<i>Numbers must match those on the certified plot plan and supporting materials</i>		



ZBA Application For Hearing

Date Structure Constructed including additions:

Date Lot was created:

Submission Materials	Provided
Certified Signed Plot Plan of Existing and Proposed Conditions <i>(Required)</i>	YES
Application Fee, check made payable to the Town of Needham Check holders name, address, and phone number to appear on check and in the Memo line state: "ZBA Fee – Address of Subject Property" <i>(Required)</i>	YES
If applicant is tenant, letter of authorization from owner <i>(Required)</i>	YES
Electronic submission of the complete application with attachments <i>(Required)</i>	YES
Elevations of Proposed Conditions <i>(when necessary)</i>	N/A
Floor Plans of Proposed Conditions <i>(when necessary)</i>	N/A

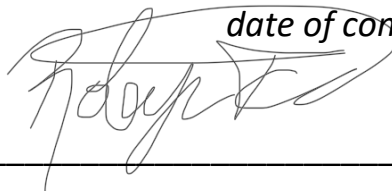
Feel free to attach any additional information relative to the application.
Additional information may be requested by the Board at any time during the
application or hearing process.



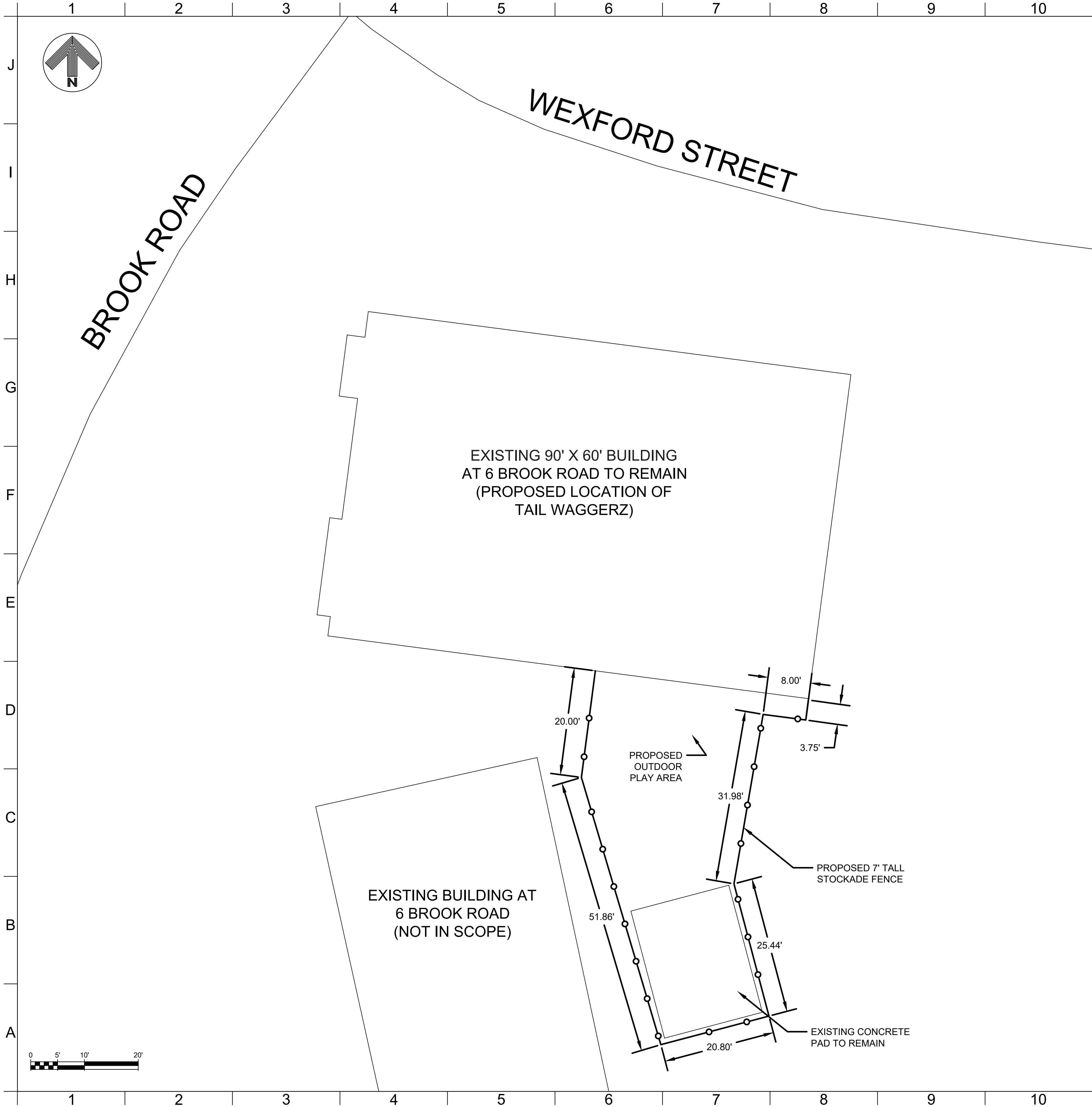
I hereby request a hearing before the Needham Zoning Board of Appeals. I have
reviewed the Board Rules and instructions.

I certify that I have consulted with the Building Inspector 7/15/2024

date of consult

Date: 7/22/2024 Applicant Signature 

*An application must be submitted to the Town Clerk's Office at
townclerk@needhamma.gov and the ZBA Office at dcollins@needhamma.gov*



GENERAL NOTES

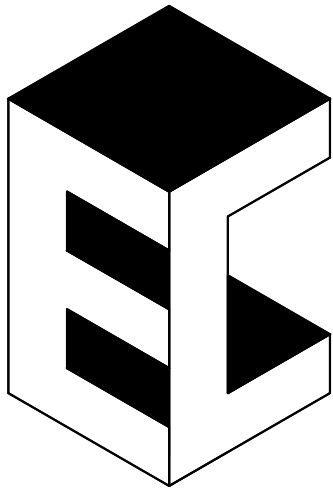
- THIS PLAN IS BEING SUBMITTED AS PART OF A SPECIAL PERMIT APPLICATION TO THE TOWN OF NEEDHAM ZONING BOARD OF APPEALS FOR TAIL WAGGERZ PET CARE, INC.
- THE INTENT OF THIS PLAN IS TO ILLUSTRATE LIMITED EXISTING AND PROPOSED TOPOGRAPHICAL FEATURES ASSOCIATED WITH THE SPECIAL PERMIT APPLICATION ONLY.
- THIS PLAN DOES NOT ESTABLISH OR LOCATE ANY BOUNDARY LINES, PROPERTY LINES, OR PUBLIC RIGHTS-OF-WAY. STREET NAMES ARE PROVIDED FOR GENERAL REFERENCE AND ORIENTATION ONLY.
- BUILDING DIMENSIONS WERE OBTAINED FROM GIS DATA AVAILABLE AT THE TOWN OF NEEDHAM WEBSITE.
- THE SCOPE OF EXTERIOR WORK IS LIMITED TO APPROXIMATELY 162 LINEAR FEET OF 7 FOOT-TALL WOOD STOCKADE-STYLE FENCING TO ENCLOSE AN OUTDOOR PLAY AREA.
- PARKING REQUIREMENTS FOR THIS USE TYPE (PET CARE FACILITY) ARE NOT DEFINED IN SECTION 5.1.2 OF THE NEEDHAM ZONING BY-LAW AMENDED MAY 2023. AS SUCH, REQUIREMENTS FOR A MANUFACTURING OR INDUSTRIAL ESTABLISHMENT WERE USED IN THE CALCULATION BELOW.
- AS SHOWN IN THE CALCULATION BELOW, THE EXISTING AVAILABLE PARKING MEETS BYLAW REQUIREMENTS FOR INDUSTRIAL USE.
- THE EXISTING PARKING IS ALSO ESTIMATED BY TAIL WAGGERZ TO BE SUFFICIENT TO ACCOMMODATE EMPLOYEES AND CUSTOMERS DURING MORNING DROP-OFFS AND AFTERNOON PICK-UPS. BUSINESS HOURS ARE DETAILED IN THE FOLLOWING NOTES.
- WEEKDAY HOURS: 7AM - 7PM.
 - DROP-OFFS BEFORE 10AM ONLY.
 - PICK-UPS ANY TIME (TYPICALLY AFTER 3PM)
- WEEKEND HOURS 8AM - 5PM.
 - DROP-OFF HOURS: 8AM -10AM ONLY.
 - PICK-UP HOURS: 3PM-5PM.

PARKING REQUIREMENT CALCULATION

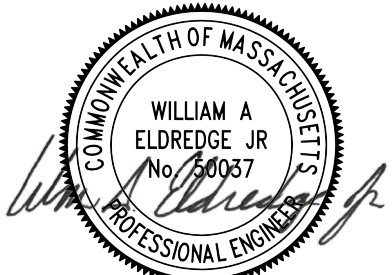
USE:	MANUFACTURING OR INDUSTRIAL ESTABLISHMENT
NUMBER OF OFF-STREET PARKING SPACES REQUIRED PER SECTION 5.1.2 OF THE NEEDHAM ZONING BY-LAW AMENDED MAY 2023:	ONE SPACE PER 400 SQUARE FEET OF FLOOR AREA OR ONE PER TWO EMPLOYEES ON THE LARGEST SHIFT, WHICHEVER IS GREATER.
SQUARE FOOTAGE OF BUILDING:	5,577 SQUARE FEET
NUMBER OF EMPLOYEES ON LARGEST SHIFT:	4
PARKING SPACES REQUIRED BASED ON SQUARE FOOTAGE:	$5400 / 400 = 13.9 = 14$
PARKING SPACES REQUIRED BASED ON NUMBER OF EMPLOYEES ON LARGEST SHIFT:	$4 / 2 = 2$
NUMBER OF EXISTING PARKING SPACES:	10 ALONG WEXFORD STREET, 6 ALONG BROOK ROAD (ESTIMATED). 16 TOTAL.
CONCLUSION:	NUMBER OF EXISTING PARKING SPACES (16) EXCEEDS REQUIRED NUMBER OF PARKING SPACES (14). ALSO SEE NOTE BELOW.

NOTE: ADDITIONAL OFF-STREET PARKING SPACES CAN LIKELY BE ACCOMMODATED ON THE PROPERTY. ONLY THE SPACES IMMEDIATELY ADJACENT TO THE BUILDING ON THE NORTH AND WEST SIDES OF THE BUILDING WERE CONSIDERED ABOVE.

NOT FOR CONSTRUCTION



ELDREDGE
CONSULTING
500 EDMANDS ROAD
FRAMINGHAM, MA 01701



PE SEAL

PROPOSED
TAIL WAGGERZ
PET CARE FACILITY

6 BROOK ROAD
NEEDHAM, MA 02494

BUSINESS OWNERS:
JOSEPH AND ROBYN TOSCANO

BUILDING OWNER:
L & T, LLC

PROJECT NO:	202400001
DRAWN BY:	W. ELDREDGE
DESIGN BY:	W. ELDREDGE

SHEET TITLE

EXISTING AND
PROPOSED
CONDITIONS

DRAWING NUMBER

C-001

SHEET 1 OF 1

TO: THE MEMBERS OF THE BOARD OF APPEALS
TOWN OF NEEDHAM, MA

August 6, 2024

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMITS
Tail Waggerz Pet Care, Inc.
6 Brook Road, Needham, MA

The applicant, Tail Waggerz Pet Care, Inc. (hereinafter, interchangeably, the “Applicant” and “Tail Waggerz”), seeks a Special Permit pursuant to Section 3.2.6.2, for an animal care facility, including, but not limited to the care, training, sitting and/or boarding of animals, and a Special Permit pursuant to Section 5.1.1.5, waiving strict adherence with the requirements of Section 5.1.2 (Required Parking) and/or 5.1.3 (Parking Plan and Design Requirements), as applicable, as well as any and all other relief as may be necessary and appropriate for the use of the property known and numbered 6 Brook Road, Needham, MA (the “Premises”) as a dog care facility, including both and overnight boarding and accessory activities, as described herein.

I. EXISTING CONDITIONS / BACKGROUND

The Premises is located in the Mixed Use-128 Zoning District at the corner of Wexford Street and Brook Road. It consists of a one-story commercial building containing approximately 5,577 square feet of space, as well as 16 existing parking spaces adjacent to and used in connection therewith; six on the Brook Road side of the building and ten on the Wexford Street side.¹ The building appears to have been built and developed and the parking laid out in 1966 pursuant to building permit no. 6705.² Based on available records, it appears that the building and the existing parking surrounding the building have existed without material change since that time.

For over twenty years, the building has been used and occupied by Chilly Bear, a company specializing in the production and manufacture of decorated apparel. Prior to such use, the building appears to have been used and occupied for many years by Anderson Machine Company, Inc. for warehouse and manufacturing purposes.

¹ See Exhibit A for parking layout.

² See Exhibit B, permit and foundation certification attached hereto.

The building is one of three (3) buildings within the Brook Road Condominium, a commercial condominium established pursuant to Master Deed, dated November 14, 2006, recorded with Norfolk County Registry of Deeds in Book 24268, Page 112.³ Each building in the condominium is a separate, stand-alone structure, with its own independent access and parking.

II. PROPOSED CHANGE

A. Use

Since July, 2009, the Applicant has operated a dog daycare and boarding business at 217 California Street, Newton, MA under the Tail Waggez name. The Applicant now intends to open a substantially similar operation at the Premises to serve the Needham area. The business will use the entire building and will provide both day and overnight boarding of dogs.

The business is expected to initially be open for day care services only, from 7 AM through 7 PM, Monday through Friday. Eventually, likely within a couple of years, weekend and overnight services will be added, with the business open for day care on Saturdays and Sundays 8 AM through 5 PM, as at the Newton location. Drop off times for both day care and overnight boarding are limited to 7 – 10 AM, Monday through Friday and 8 – 10 AM, weekends. There is no set time for pick-ups Monday through Friday, but based on the 15 years of operation in Newton, it is the Applicant's observation that nearly all pick-ups occur between 3 – 7 PM. On weekends, pick ups are limited to 3 – 5 PM.

All dogs undergo an evaluation and interview of sorts before they will be accepted for day care services, and not all dogs make the cut.⁴ Dogs that are accepted are placed into separate groups, based on factors such as size, age and activity level. So, for example, there might be one group of older, less active dogs and another group of younger, more energetic dogs, and small dogs are generally in a separate group. In general, only about 20% of the dogs that are accepted fall into the younger / more energetic category.

³ The other two buildings are the "L" shaped building at 50 Brook Road and the rectangular building at 56 Brook Road, both of which are further along Brook Road from Wexford Street.

⁴ Tail Waggez utilizes an online application that features multiple questions designed to evaluate whether a particular dog will be a good fit for current openings.

The maximum number of dogs on site at any given time once the business is established will be 100. However, the Applicant expects that it will take a couple of years to reach that number. Moreover, based on the experience at the Newton location, notwithstanding the maximum, the average weekday count is expected to be around 60-75 dogs and the average weekend count is expected to be around 5 dogs. The maximum number of dogs that will be accepted for overnight boarding will be 50, but based on the Newton location, the average is expected to be 20, with the maximum generally only occurring during “peak” boarding times such as Independence Day, Thanksgiving, Christmas and Chanukah. In addition, only dogs that are already enrolled in day care and known to staff will be accepted for overnight boarding, and dogs enrolled in overnight boarding would be included in the 100 dog maximum.

The maximum number of staff expected to be on site at any given time is 4. But initially, the average is expected to be 3, until the business gets established and enrollment increases. The target staff level is one staff to no more than 25 dogs. Employees are required to have a minimum of 3 years’ experience in large scale dog daycare, with 5 years’ experience supervising large groups of dogs preferred. All staff are pet first aid and CPR certified and the average number of years of experience in the industry for staff at the Newton location is about 10 years.

B. Parking

Section 5.1.3 of the By-Law, “Required Parking”, sets forth various categories of uses and the parking demands associated therewith. However, there is no category for dog or other animal boarding, whether day or overnight. Based, in part, on a conversation with the Building Commissioner, the Applicant calculated a parking demand based on the use falling within the “manufacturing or industrial establishment” category, which requires “one space per 400 square feet of floor area or one per two employees on the largest shift, whichever is greater”.

Applying such standard, the parking demand associated with the proposed use would be 14 spaces, calculated as follows:

$5,577 \text{ square feet of space} \div 400 = 13.94 \text{ spaces} = 14 \text{ spaces required (rounded up);}$
this being greater than $4 \text{ employees on the largest shift} \div 2 = 2 \text{ spaces required}$

While this standard likely overstates parking demand based on the characteristics of the business, it is consistent with the range of parking standards set forth in Parking Standards PAS Report 510/511, published by the American Planning Association.⁵

It is also consistent with the Applicant's observations at the Newton location. At that location, for the period July 22 through July 26, an average of 21 clients dropped off their dogs between 7 AM and 8 AM, 17 between 8 AM and 9 AM and 14 between 9 AM and 10 AM.⁶ Whereas these averages cover a one hour period, and whereas each drop off typically lasts no more than several minutes, the actual parking demand at any given time within each hour period should be less than the observed averages.

As mentioned above, there are currently 16 parking spaces adjacent to the building; six on the Brook Road side and ten on the Wexford Street side. In addition, there are approximately 8 other non-exclusive parking spaces within the three building condominium that are available for general use. Based on the parking calculation above and the observations at Tail Waggers Newton location, this should be more than ample parking to support the proposed use, both on paper and in practice. However, in as much as the applicable parking demand category is not well established, a waiver has been requested as a precautionary measure.

But even if a waiver from the number of spaces is not required, the existing parking spaces do not comply with many of the design guidelines set forth at Section 5.1.3. As indicated above, it appears these spaces were created in or about 1966 when the building was constructed, well prior to the adoption of parking requirements in the 1980s. While not an exhaustive list, the spaces clearly do not comply with the requirements of subsection (a) relative to illumination, subsection (c) relative to handicapped parking, subsection (d) relative to driveway openings, subsection (h) relative to parking space layout, subsection (j) relative to parking setbacks, subsection (k) relative to landscaping, and subsection (l) relative to trees. In addition, the spaces may also fail to comply with the requirements of subsection (f) parking space size. The Applicant is not proposing any change or alteration to the existing parking and therefore has requested a waiver from the applicable design guidelines.

⁵ See Exhibit C.

⁶ See Exhibit D.

III. LAW

Massachusetts General Laws, Chapter 40A, Section 9 states as follows: “Special Permits may be issued only for uses that are in harmony with the general purpose and intent of the ordinances of the by-law, and shall be subject to general or specific provisions set forth therein; and that such permits may also impose conditions, safeguards, and limitations on time and use.” Pursuant to Section 3.2.2 of the By-Law, the request for a special permit for an animal care facility, including, but not limited to the care, training, sitting and/or boarding of animals is to be evaluated pursuant to the standards of Section 7.5.2 of the By-law. That Section requires that all use related aspects:

- (a) comply with such criteria or standards as may be set forth in the section of the By-Law which refers to the granting of the requested special permit;
- (b) are consistent with: 1) the general purposes of the By-Law as set forth in subparagraph 1.1, and 2) the more specific objectives and purposes applicable to the requested special permit which may be set forth elsewhere in the By-Law, such as, but not limited to, those at the beginning of the various sections; and
- (c) are designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area

Section 5.1.1.5 authorizes and empowers the Board to waive strict adherence with the requirements of Sections 5.1.2 and 5.1.3 where a particular use, structure, or lot, owing to special circumstances, does not warrant the application of the parking requirements of Section 5.1.2 or the design requirements contained in Section 5.1.3. In addition, pursuant to Section 5.1.1.5 the Board is directed to consider whether the issuance of the special permit would be detrimental to the Town or to the general character and visual appearance of the surrounding neighborhood and abutting uses and is further consistent with the intent of the Zoning By-Law.

IV ARGUMENT / ANALYSIS

A. Use

The proposed use of the Premises for an animal care facility, including, but not limited to the care, training, sitting and/or boarding of animals is consistent with both the general and

specific purposes of the By-Law. Provision of dog care as proposed will promote the welfare and interests of the residents of the Town of Needham by providing a quality care facility for dog owners within the Town.

The Premises is in a highly developed, mixed commercial and industrial area, within an existing commercial zoning district that contemplates a mixture of uses, specifically including the type of animal care proposed. In fact, the Zoning By-Law was specifically amended in 2017 to allow for such use.⁷ Therefore, the proposed use is compatible with the spirit and intent of the Zoning District as well as the characteristics of the surrounding area and the Applicant asserts that the proposed use complies with the applicable provisions of both Chapter 40A and the By-Law.

B. Parking

The current use of the Premises likely falls in the category of “Manufacturing or industrial establishment” and therefore requires a total of 14 parking spaces.⁸ This is the same category that would seem to apply to the proposed use, and therefore, no change in parking demand is expected or proposed. Moreover, there are 16 parking spaces available for the proposed use, and therefore, sufficient parking appears to be available.

However, the existing 16 parking spaces, which have been in existence for over 40 years, do not comply with current design standards. Whereas no changes are proposed to the parking, Tail Waggers asserts that a waiver from the applicable design requirements contained in Section 5.1.3 is appropriate. If the parking area were forced to comply with current design requirements, due to the arrangement, location and layout of the existing building and parking, nearly all, if not all the existing parking would need to be removed.

V. CONCLUSION

According to the World Population Review, approximately one third of households in MA own a dog. As a result, provision of quality dog care services benefits a substantial portion of the population. This is as true for Needham as any other community. As a result, the proposed use of the Premises for dog day and overnight care will be a tangible benefit to the residents of

⁷ See Exhibit E, excerpt Special Town Meeting Warrant, May 18, 2017.

⁸ Calculated as follows: 5,577 square feet of space ÷ 400 = 13.94 = 14 spaces (rounded up).

the Town. Moreover, there appears to be sufficient parking available on site to serve such use, notwithstanding the need for a waiver from current design requirements.

Therefore, Tail Waggez asserts that the requested zoning relief is both proper and appropriate and should be granted.

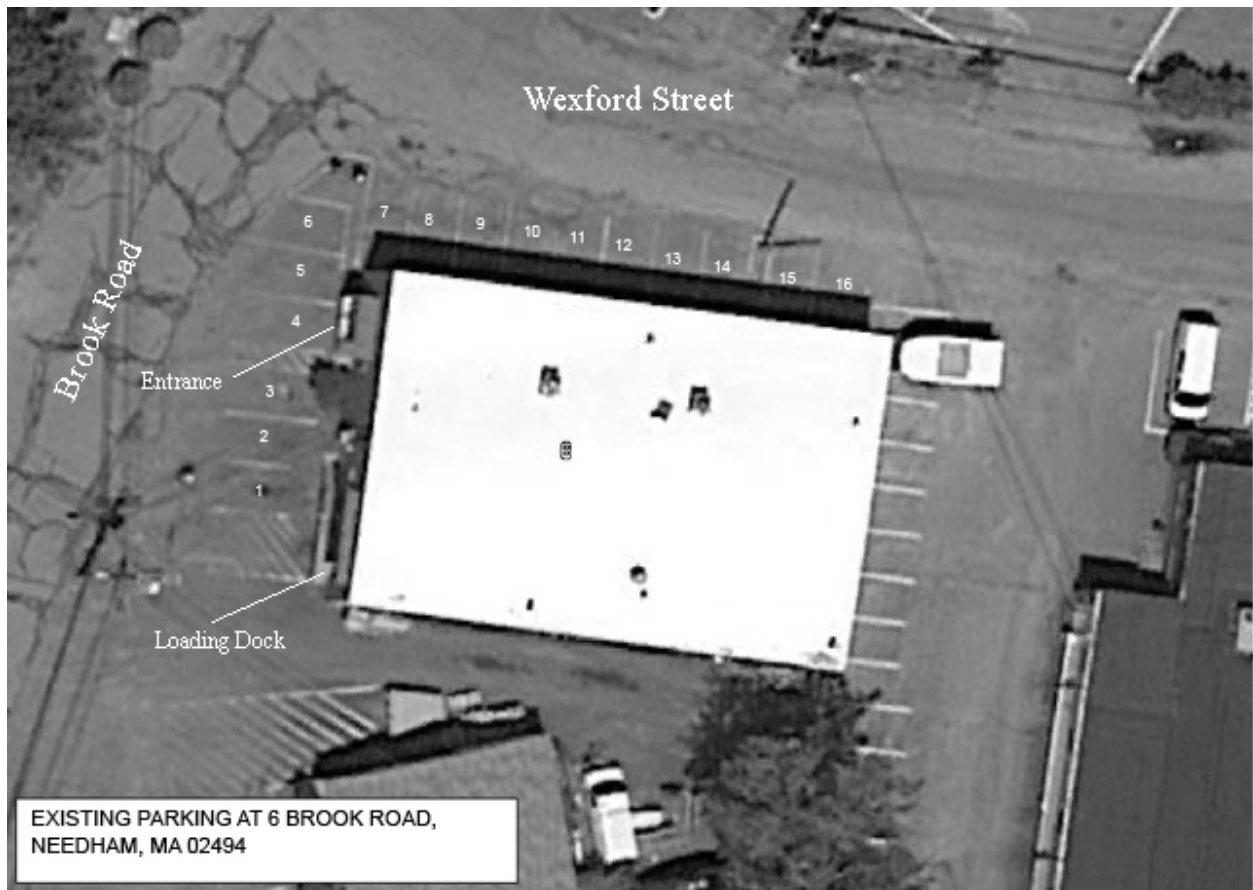
Respectfully submitted,
Tail Waggez Pet Care, Inc.
by its attorney,



George Giunta, Jr., Esquire
281 Chestnut Street
Needham, Massachusetts 02492
617.840.3570

EXHIBIT A

Existing Parking Layout



Spaces 1 – 6 accessed via Brook Road

Spaces 7 – 16 accessed via Wexford Street

EXHIBIT B
(Page 1 of 2)

Building Permit No. 6705

APPLICATION

Plans must be submitted and approved by this Department before a permit for erection will be granted. Separate application required for every building.

No Construction to be Started until Permit is Issued.

Needham, Mass., 19
TO THE INSPECTOR OF BUILDINGS: No. **6705**

The undersigned hereby applies for a permit to build, according to the following specifications:

1. Purpose of Building Warehouse
2. First-class ☒ Second-class ☐ Third-class ☐
Fourth-Class ☐ Fifth-Class ☐ Sixth-Class ☐
3. Zoning District ☐
4. Location, St. and No. 6 Brook Road Nearest St. ☐ Tel. B14-3410
5. Owner Anderson Machine Inc. Address ☐ Tel. ☐
6. Builder Mallozzi Bros. Address ☐ Tel. ☐
7. Size of Building—Front 60' Rear 60' Depth 90'
8. No. of Feet Level of Ground to Highest Point of Roof Approx. 16'
9. Set Back from Street 16' min Right Side ☐ Left Side 10' min
10. Area of Lot ☐ No. of Rooms 3 Baths 0 Lavs. 3
11. Material of Foundation Concrete Material of Underpinning ☐
12. Size of Girder ☐ Kind ☐
13. Size of Sills ☐ Posts ☐
14. First Floor Timbers ☐ Second ☐ Third ☐
15. Size of Corner Braces ☐ Outside Window and Door Studs ☐
16. Size of Bridging 32' Par Joist Rafters ☐
17. Roof Covering Metal Deck Exterior Wall Covering Brick & Block
18. Is the Roof to be Flat, Pitch, Mansard or Hip Flat Pitched
19. Heated by Steam, Furnace, Hot Water, Air Conditioned Hot Water & Hot Air
20. Oil Burner ☐ Gas Fired ☒ Electric ☐
21. Plumbing ☐ Wiring ☐
22. Estimated Value \$45,000.00
23. Plans Submitted ☐

In addition to the foregoing statement this building will be constructed under the Building and Zoning By-Laws of the Town of Needham. It shall not be lawful to start construction or demolition before obtaining a formal Permit. Permit card to be displayed until work is completed.

Board of Appeals

REQUIRED	FURNISHED
<u>NO</u>	<u>NO</u>
<u>NO</u>	<u>NO</u>
<u>NO</u>	<u>NO</u>

Fee, \$ 45.00

Sign Here Mallozzi Bros. Inc.
Address 143 Revere Ave. Waltham

*Contr to obtain Roof
affidavit from Roof supplier
prior to obtaining superstructure
Permit ESD.*

Anthony Mallozzi
RM

Foundation Certification

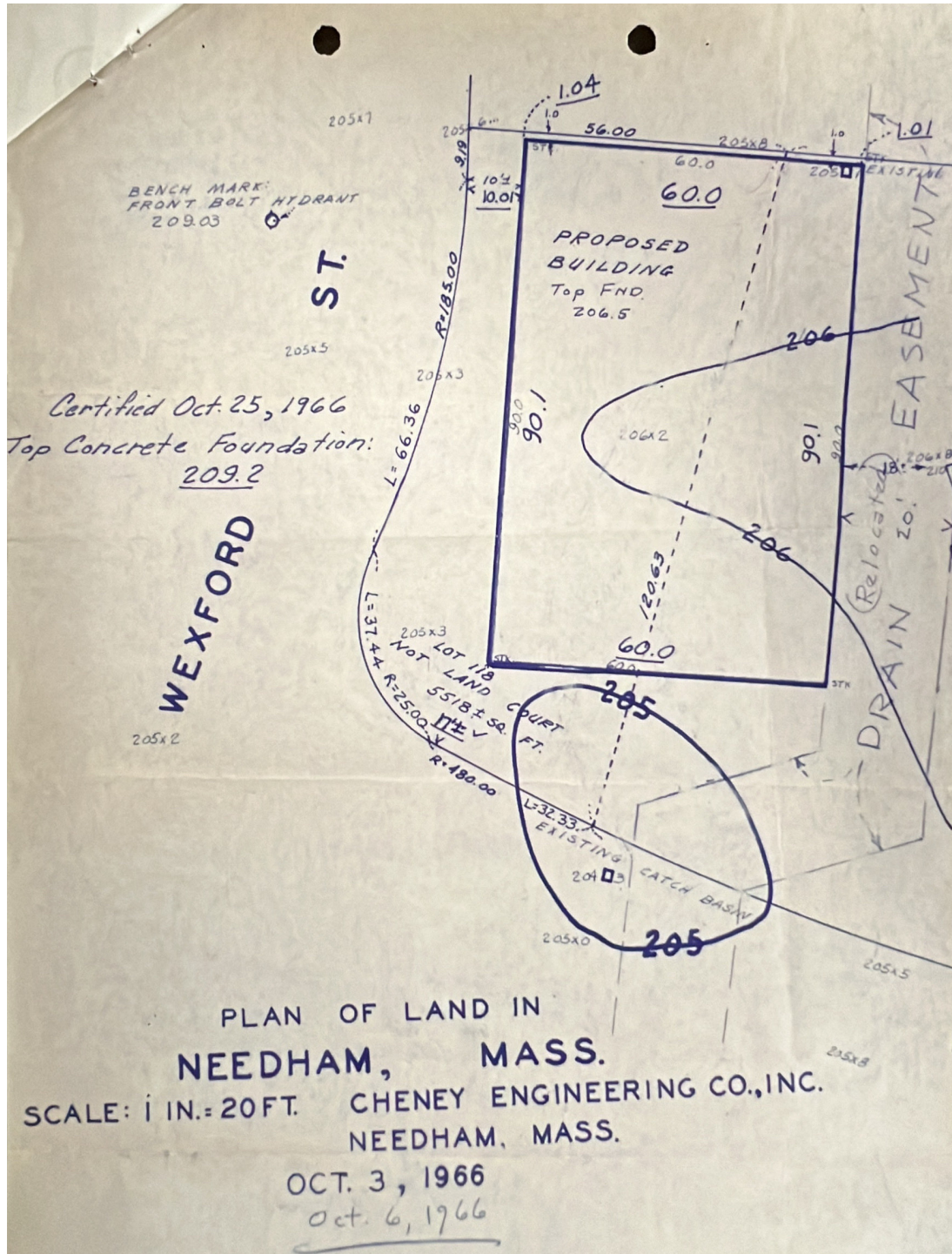


EXHIBIT C

Excerpt from APA Parking Standards PAS Report 510/511

animal boarding facility

- 1 per 400 square feet of gross floor area (*Rohnert Park, Calif., pop. 42,236; Henderson, Nev., 175,381*)
- 1 per employee, plus 1 per 1,000 square feet (*San Jose, Calif., pop. 894,943*)
- 1 space for each 600 square feet of gross floor area (*St. Cloud, Minn., pop. 59,107*)
- 1 per 300 square feet (*Granbury, Tex., pop. 5,718*)
- 1 space per 200 square feet, excluding animal exercise areas (*Lenexa, Kans., pop. 40,238*)
- 1 space per 400 square feet of gross floor area including runs, plus 1 space per employee (*Smithfield, Va., pop. 6,324*)
- 2 per 1,000 square feet (*St. Mary's County, Md., pop. 86,211*)
- 2 spaces per 1,000 square feet of gross floor area (*Lakewood, Colo., pop. 144,126*)
- 4 per 1,000 square feet of gross floor area (*Cedar Rapids, Iowa, pop. 120,758*)
- 5, plus 1 per each employee on maximum shift (*Owensboro, Ky., pop. 54,067*)

Minimum: 1 per 1,500 square feet of gross floor area

Maximum: 1 per 300 square feet of gross floor area
(*San Antonio, Tex., pop. 1,144,646*)

Minimum: 3 spaces, plus 1 for each 2 employees on maximum shift, plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught onsite

Maximum: 5 spaces, plus 1 for each employee on maximum shift, plus 1 space for each 3 pet owners at maximum capacity if animal training classes taught on-site (*Jefferson County, Ky., pop. 693,604*)

Minimum: 1 per 400 square feet of gross floor area

Maximum: 1 per 250 square feet of gross floor area
(*Glenville, N.Y., pop. 28,183*)

EXHIBIT D

Observed Customer Drop Offs
Taig Waggez Newton
7/22 – 7/26

Date	Day of Week	Incoming Daycare Customers	AVERAGE 7:00AM-8:00AM	AVERAGE 8:00AM-9:00AM	AVERAGE 9:00AM-10:00AM
07/22/2024	Monday	56	20.8	16.8	13.4
07/23/2024	Tuesday	60			
07/24/2024	Wednesday	51			
07/25/2024	Thursday	52			
07/26/2024	Friday	43			

EXHIBIT E

Warrant Excerpt Article 11, May 8, 2017 Special Town Meeting

ARTICLE 11: VETERINARY USES IN THE MIXED USE-128 DISTRICT

Seeking to Amend Section 3.2.6 Uses in the Mixed Use-128 District, Section 3.2.6.2 Uses Permitted by Special Permit, subsection (h) so that it reads:

(h) Veterinary office and/or treatment facility and/or animal care facility, including but not limited to, the care, training sitting, and/or boarding of animals.

By deleting the words “convalescent stays but not” and inserting “and/or animal care facility” after the words “treatment facility” and inserting the words “care, training sitting and/or” between the words “including” and “boarding”.

INSERTED BY: Anne Marie Doyle, et. al.

FINANCE COMMITTEE RECOMMENDS THAT: Recommendation to be Made at Town Meeting

Article Information: This petition seeks to change the Town’s Zoning By-law to expand allowed animal boarding uses in the Mixed Use-128 District. Zoning provisions adopted by Town Meeting in 2001 allow veterinary offices and/or treatment facilities by special permit in the Mixed Use-128 District, but limit stays to convalescent stays only – expressly disallowing the boarding of animals. This has served to effectively prohibit veterinary uses, as such offices commonly provide boarding as a service to their clients. Given the “convalescent stays” limitation, business models offering not only sitting, training, and care, but also boarding cannot be located in the Mixed Use-128 District.

Daphne Collins

From: Justin Savignano
Sent: Tuesday, August 6, 2024 6:13 PM
To: Daphne Collins
Cc: Thomas Ryder
Subject: RE: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

Hi Daphne,

I have no comment or objection to the relief for the proposed project.

Thanks,
Justin

Justin Savignano
Assistant Town Engineer

Department of Public Works
Town of Needham
500 Dedham Ave Needham, MA
Tel: 781-455-7538 x362
Cell: 781-801-5937
Email: jsavignano@needhamma.gov
Website: www.needhamma.gov

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, August 6, 2024 3:01 PM
To: John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
Subject: FW: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

Good Afternoon-
Friendly reminder. ZBA reviews due today.
Thanks,
Daphne

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street
Needham, MA 02492
781-455-7550, ext 261
dcollins@needhamma.gov
www.needhamma.gov

Daphne Collins

From: Tom Conroy
Sent: Wednesday, July 24, 2024 11:14 AM
To: Daphne Collins
Cc: Donald Anastasi; Ronnie Gavel
Subject: RE: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

Hi Daphne,
No issue with Fire.
Thanks.



Thomas M. Conroy

Fire Chief - Needham Fire Department

tconroy@needhamma.gov

Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, July 24, 2024 10:20 AM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

Good Morning-

6 Brook Road – Tail Waggers Pet Care, Inc., is seeking a Special Permit to permit to operate a dog daycare/boarding/grooming business in the zone Mixed-use 128 and are seeking a parking waiver for number of spaces and parking plan and design.

Attached please find the application with its associated back-up documents for your information and review.

I appreciate your comments no later than **August 6, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.

Daphne

Daphne M. Collins

Zoning Specialist

Phone 781-455-7550, x 261

Web <https://www.needhamma.gov/>

<https://needhamma.gov/1101/Board-of-Appeals>

www.needhamma.gov/NeedhamYouTube

Daphne Collins

From: Tara Gurge
Sent: Monday, August 5, 2024 5:56 PM
To: Daphne Collins
Cc: Sainath Palani
Subject: RE: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024/Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board review for the proposed dog daycare/boarding/grooming business for the property located at **#6 Brook Road**. See our comments noted below:

- We recommend that the owner must develop strict cleaning protocols (both interior and exterior); proper waste pick-up protocols, so the waste does not end up in the stormwater; and also, disinfection protocols, especially outside; along with a plan to decrease the risk of nuisance noise (i.e., excessive barking, etc.) These protocols need to be developed to prevent the risk of any public health nuisance issues (i.e., odors, noise, etc.) for neighboring abutters.
- We recommend that the owner must secure a contract with a certified pest control service company that conducts at least a monthly service, both interior and exterior. And will be willing to bump-up this pest service schedule, if needed.
- They must have a waste hauler contract which includes 2 separate dumpsters, one for trash, and one for recycling. These dumpsters must be on a sufficient service schedule to ensure no waste overflow occurs, which could cause the attraction of pests. This dumpster area must be kept clean and sanitary at all times and be on a frequent clean-up schedule to prevent trash accumulation or odors. The location of these dumpsters should be such that it cannot create a nuisance.
- It must be part of the protocol that any dogs being boarded are vaccinated for Rabies, Kennel cough, Parvo, etc. We recommend that proper records must be kept and maintained on site for each animal.
- We recommend that the owner develops and maintains a copy of an emergency plan on site for staff to refer to in order to properly evacuate and transport animals that are on site, if an emergency occurs. It is recommended there is a plan to address pets that escape and how they keep track of animals that are checked in. For overnight boarding, 24/7 coverage/contact numbers shall be provided in case of an emergency.
- There should be sufficient indoor ventilation provided.
- All areas where pets are staying should be smooth, easily cleanable and non-absorbent, including exterior play areas. These areas need to be put on a frequent cleaning and disinfection schedule in order to prevent the risk of odors and unsanitary conditions.
- We recommend that both hot and cold water be present, and a mop sink is installed on site to discard dirty mop water. Due to the proposed outdoor play area, we recommend that an exterior water faucet also needs to be installed to ensure that the exterior 'dog run' areas, etc., are able to be sufficiently cleaned and power washed on a routine basis.
- We recommend that shade structures (i.e. an awning, etc.) are installed and also proper flooring materials are installed for the exterior space to help prevent the risk of excessively hot surfaces. We recommend that this exterior area should also have a proper water drainage system installed to ensure that the wastewater from cleaning/power washing the area is properly drained and to help prevent the risk of parasites, etc.

We had one additional request. If our contact info. can be provided to the owner, that would be great. We would like to connect with them and be involved with the plan review phase and we also request that our Environmental

Health Agent (who I also cc'd on this email), along with the Needham Animal Control Officer, conduct joint a site visit with the owner before they formally open. Would that be possible?

Please let us know if you have any follow-up questions or if you need any additional information from us on what was stated above.

Thanks,

TARA E. GURGE, R.S., C.E.H.T., M.S. (she/her/hers)
ASSISTANT PUBLIC HEALTH DIRECTOR
Needham Public Health Division
Health and Human Services Department
178 Rosemary Street
Needham, MA 02494
Ph- (781) 455-7940; Ext. 211/Fax- (781) 455-7922
Mobile- (781) 883-0127
Email - tgurge@needhamma.gov
Web- www.needhamma.gov/health



please consider the environment before printing this email

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From: Daphne Collins <dcollins@needhamma.gov>

Sent: Wednesday, July 24, 2024 10:20 AM

To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>

Subject: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

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I appreciate your comments no later than **August 6, 2024** to allow time for the applicant to respond prior to the hearing.

If you have any questions, feel free to contact me.



Town of Needham
Building Department
500 Dedham Ave.
Needham, MA 02492

Tel. 781-455-7550 x 308

August 6, 2024

Town of Needham / Zoning Board of Appeals
500 Dedham Ave.
Needham, MA. 02492

Re: 6 Brook Rd.

Dear Board Members,

I have reviewed the application of Tail Waggers Pet Care Inc., Robyn Toscano, to use the building at 6 Brook Rd for a pet day care center with overnight boarding.

This property lies in the Mixed Use-128 Zoning District.

This use is allowed upon the issuance of a Special Permit by the Zoning Board of Appeals per Section 3.2.6.2 (h) of the Zoning Bylaw.

For parking determination, this use most closely resembles a child day-care use. The building is approximately 7,000 square feet. Using the formula from the most recent ITE Parking Manual ($7,000 \times 3.6 \text{ per thousand} \times 63\% = 15.8$), 16 spaces would be required for this proposed use. A photographic plan submitted by the applicant shows 16 spaces and I have driven to the site and verified that they exist. In my opinion, no relief is required for parking.

This office has no additional concerns for this proposal.

Sincerely,

Joseph Prondak
Building Commissioner

Daphne Collins

From: John Schlittler
Sent: Tuesday, August 6, 2024 3:18 PM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review- Due August 6, 2024

Police have no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, August 6, 2024 3:01 PM
To: John Schlittler <JSchlittler@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>
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In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Daphne Collins
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