

NEEDHAM
ZONING BOARD OF APPEALS
AGENDA

Thursday, May 15, 2025 - 7:30PM

Charles River Room Public Service Administration Building 500 Dedham Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID:820-9352-8479 To join the meeting click this link: https://us02web.zoom.us/j/82093528479
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Minutes Review and approve Minutes from April 17, 2025 meeting.

7:30 PM **6 Brook Road** – Advanced Softball Training, LLC, applied for a Special Permit to allow the operation of softball training facility with indoor batting cages under Section 3.2.6.2 private school and indoor athletic and exercise facilities; 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 (MU-128) zoning district.

Informal Matter **51 Fremont Street** – Rental City, Inc. Consider a de minimis change for the propane tank associated with the Special Permit dated January 19, 2025.

7:30 PM* **339 Chestnut Street** (*Continued from April 17, 2025*) - Needham Enterprises, LLC, Owner, applied for a Comprehensive Permit under MGL Chapter 40B, Sections 20 through 23, and 760 CMR 56.00, to allow the development of six rental units consisting of one one-bedroom units and five two-bedroom units with 8 parking spaces. Two units will be affordable. The project involves the demolition of the existing two-story building and the redevelopment of the site. The property is located in the Chestnut Street Business (CSB) zoning district.

**Prior cases may delay the precise start time.*

Next ZBA Meeting – June 12, 2025

NEEDHAM
ZONING BOARD OF APPEALS
MINUTES
THURSDAY, April 17, 2025 - 7:15PM

Charles River Room Public Services Administration Bldg. 500 Highland Avenue Needham, MA 02492	Also livestreamed on Zoom Meeting ID: 820-9352-8479
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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 Charles River Room, Public Services Administration Building, 500 Dedham Avenue, Needham, MA 02492 on Thursday, April 17, 2025 at 7:30 p.m.

BOARD MEMBERS PRESENT: Howard Goldman, Vice-Chair; Peter Friedenberg, Associate Member
Valentina Elzon, Associate Member

BOARD MEMBERS ABSENT: Jonathan Tamkin, Chair; Nikolaos Ligris, Member

STAFF PRESENT: Alison Steinfeld, Housing Coordinator; Kathryn Copley, Administrative Coordinator; Daphne Collins, Zoning Coordinator (*attended remotely*).

ATTENDANCE: See attached Sign-In Form

Howard S. Goldman, Vice-Chair presided and opened the meeting at 7:15p.m.

1. COMPREHENSIVE PERMIT OVERVIEW – CHRIS HEEP, TOWN COUNSEL

Chris Heep, Town Counsel, provided a brief overview of Comprehensive Permits highlighting the Board’s role, timelines, waivers, conditions, and legal standards. He noted that the scheduled 40B before the Board was a Local Initiative Project (LIP), a type of Comprehensive permit where the developer must seek and have support from the Town to access state subsidies. The Needham Select Board granted its support and a letter signed by the Town Manager was submitted to the state. The Town is understood as a co-applicant; and a project of this type is identified as a “friendly 40B.”

2. 0 COLGATE ROAD

APPEAL OF A BUILDING INSPECTOR DECISION

WITHDRAWN

The Applicant requested that the Appeal of Building Inspector Decision be withdrawn without prejudice. Mr. Friedenberg noted that as an Appeal of a Building Inspector Decision there is a specific Building Inspector's Decision with its associated timeline and it would be inappropriate to grant a withdrawal without prejudice. He suggested the withdrawal be granted and be silent on the type. Mr. Friedenberg moved to accept the request to withdraw the Appeal of Building Inspector Decision at 0 Colgate Road. Mr. Goldman seconded the motion. The motion was unanimously approved.

3. 282 WARREN STREET

VARIANCE

WITHDRAWN WITHOUT PREJUDICE

The Applicant requested that the Variance application be withdrawn. Ms. Elzon moved to accept the request to Withdraw without Prejudice the Application for a Variance at 282 Warrant Street. Mr. Friedenberg seconded the motion. The motion was unanimously approved.

4. 339 CHESTNUT STREET

COMPREHENSIVE PERMIT (LIP)

CONTINUED TO MAY 15, 2025

The public hearing was conducted, the Applicant and public provided comments. The Chair and the Board agreed to continue the meeting to May 15, 2025 at 7:30 p.m.

5. MINUTES OF MARCH 20, 2025

Mr. Friedenberg moved to approve the minutes of March 20, 2025. Ms. Elzon seconded the motion. The motion was unanimously approved.

The meeting adjourned at 9:00 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. 72261.

The hearings can be viewed at <http://www.needhamchannel.org/watch-programs/> and

<https://www.youtube.com/@TownofNeedhamMA/videos>

Town Clerk
Received April 17, 2025
4:17 PM


GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
281 CHESTNUT STREET
NEEDHAM, MASSACHUSETTS 02492
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

April 17, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Advanced Softball Training LLC
6 Brook Road, Needham, MA

Dear Ms. Collins,

Please be advised this office represents Advanced Softball Training LLC (hereinafter the Applicant and "Advanced Softball") in connection with the proposed operation of softball training facility with indoor batting cages in the Mixed Use-128 Zoning District at the property known and numbered 6 Brook Road, Needham, MA (hereinafter the "Premises"). In connection therewith, submitted herewith, please find the following:

1. Seven copies of a Completed Application for Hearing;
2. Seven copies of site plan and floor plans;
3. Seven copies of Memorandum in Support of Application of Advanced Softball Training LLC;
4. Seven copies of authorization letter; and
6. Check in the amount of \$500 for the applicable filing fee.

The Premises, which is located at the corner of Wexford Street and Brook Road, is occupied by an existing commercial building and associated parking. The building has been used and occupied for many years by "Chilly Bears", an apparel decorating, screen printing and embroidery business, open to the general public. Advanced Softball is proposing to use and occupy approximately 60% of the building and Chilly Bears will continue to use and occupy approximately 32% of the building. The balance of the building will be occupied by a common hallway and bathroom facilities.

After consultation with the Building Commissioner, the proposed softball training facility with indoor batting cages may be considered to fall into two use categories: private school and indoor athletic and exercise facility. Both such categories require a special permit in the Mixed use-128 Zoning District and both have been requested to cover all bases.

In addition, a special permit pursuant to Section 5.1.1.5 waiving strict adherence with the off-street parking requirements of Sections 5.1.2 and 5.1.3 is also required, as the calculated parking demand for the use exceeds the number of available spaces, and none of the existing spaces comply with design requirements. However, due to the nature and characteristics of the proposed use, the calculated parking demand far exceeds actual, anticipated demand, as further discussed in the Memorandum submitted herewith.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "George Giunta, Jr.", with a stylized, cursive script.

George Giunta, Jr.



ZBA Application For Hearing

Town Clerk
Received April 17, 2025
4:17 PM
[Signature]

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	Advanced Softball Training LLC			Date:	4/17/25
Applicant Address	C/O Emily Sargent 88 Harnden Avenue, Watertown, MA 02472				
Phone	774-261-0559	email	emilysargent19@gmail.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	George Giunta, Jr., Esq.				
Address	P.O. Box 70, South Weymouth, MA 02190				
Phone	781-449-4520	email	george.giuntajr@needhamlaw.net		
Representative is ☒ Attorney; ☐ Contractor; ☐ Architect; ☐ Other _____					
Contact ☒ Me ☒ Representative in connection with this application.					

Subject Property Information

Property Address	6 Brook Road		
Map/Parcel Number	Map 74 / Parcel 30	Zone of Property	Mixed Use-128 Zoning District
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:

Existing commercial building used and operated by "Chilly Bears" for apparel decorating, screen printing, embroidery and similar activities open to the general public

Statement of Relief Sought:

Special permit pursuant to Section 3.2.6.2 for a private school not otherwise classified under Section 3.2.6.1;

Special Permit pursuant to Section 3.2.6.2 for an indoor athletic or exercise facility;

Special Permit pursuant to Section 5.1.1.5 waiving the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); and

Any and all other relief as may be necessary for the use of the Premises as a softball training facility with indoor batting cages.

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

3.2.6.2, 5.1.1.5, 5.1.2, 5.1.3, 7.5.2 and any other applicable section or by-law.

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

	Existing Conditions	Proposed Conditions
Use		
# Dwelling Units		
Lot Area (square feet)		
Front Setback (feet)		
Rear Setback (feet)		
Left Setback (feet)		
Right Setback (feet)		
Frontage (feet)		
Lot Coverage (%)		
FAR (Floor area divided by the lot area)		
<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 (Required)	
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" (Required)	
If applicant is tenant, letter of authorization from owner (Required)	
Electronic submission of the complete application with attachments (Required)	
Elevations of Proposed Conditions (when necessary)	
Floor Plans of Proposed Conditions (when necessary)	

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 prior to filing this application.

date of consult

Advanced Softball Training LLC

Date: April 17, 2025 Applicant Signature


by its attorney
George Giunta, Jr., Esq.

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

Town Clerk
Received April 17,
4:17 PM 2021


L & T, LLC
52 Brook Road
Needham, MA 02494

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: 6 Brook Road, Needham, MA
Application for Zoning Relief

Dear Mrs. Collins,

Please accept this letter as confirmation that L & T, LLC, owner of the commercial property known and numbered 6 Brook Road, Needham, MA (the "Premises"), has authorized Emily Sargent, acting on her own or through her attorney, George Giunta, Jr., Esquire, to make application for special permits and any and all other zoning, planning, general by-law and other relief that may be required or appropriate in connection with the use of the said Premises for an indoor athletic or exercise facility. In connection therewith, Attorney Giunta is specifically authorized to execute, sign, deliver and receive any and all necessary documentation related thereto, including, without limitation, Application for Hearing.

Sincerely,

L & T, LLC



By Edward P. Pidcock
Manager

Town Clerk
Received April 17, 2025
4:17 pm

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

April 17, 2025

MEMORANDUM IN SUPPORT OF
APPLICATION FOR SPECIAL PERMITS
Advanced Softball Training LLC
6 Brook Road, Needham, MA

The applicant, Advanced Softball Training LLC (hereinafter, interchangeably, the “Applicant” and “Advanced Softball”), seeks a Special permit pursuant to Section 3.2.6.2 for a private school not otherwise classified under Section 3.2.6.1, a Special Permit pursuant to Section 3.2.6.2 for an indoor athletic or exercise facility, a Special Permit pursuant to Section 5.1.1.5 waiving the requirements of Section 5.1.2 (Required Parking) and Section 5.1.3 (Parking Plan and Design Requirements); and any and all other relief as may be necessary for the use of a portion of the Premises for a softball training facility with indoor batting cages, 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 and is identified on Assessor’s Map 74 as Parcel 30. It consists of a one-story commercial building containing approximately 5,577 square feet of space, as well as 17 existing parking spaces adjacent to and used in connection therewith; seven on the Brook Road side of the building and ten on the Wexford Street side. The building appears to have been built and developed and the parking laid out in 1966 pursuant to building permit no. 6705.¹ 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 Bears, a company specializing in the production and manufacture of decorated apparel, including screen printing and embroidery. 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, 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 112.² Each building in the condominium is a separate, stand-alone structure, with its own independent access and parking.

II. PROPOSED CHANGE

A. Use

Advanced Softball is owned and operated by Emily Sargent, a registered strength and conditioning coach, a certified strength and conditioning specialist, and softball coach. For several years, she has provided private and semiprivate softball lessons as well as coaching to athletes aged 8-18 and has also provided instruction in strength and conditioning. She has provided group lessons, camps, and clinics for all skill levels and ages, and in 2020 started Sargent Softball Training.³ She now seeks to offer a dedicated indoor facility for softball training, including indoor batting cages.

Because of its location, the open floor space and the available parking, the Premises is an ideal location for such an operation. The business will occupy approximately 60% of the building, or 3,346 square feet.⁴ Chilly Bears will continue to use and occupy approximately 32% of the building (1,785 square feet) with the the remaining 8% occupied by a common hallway and bathroom facilities. The softball training facility will consist of three batting cages with turfed flooring, separated by netting that can easily be moved to open up the entire space. There will also be two weight racks and dumb bells for small strength training sessions.

The business will provide both one on one instruction as well as group training and lessons, including strength and conditioning. Groups will be limited to no more than 18 participants with 2 instructors. These services will account for approximately 90% of all business. The remaining 10% will be open bookings / rentals of the batting cages.

² 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.

³ For more information on Sargent Softball Training, visit: <https://www.sargentsoftballtraining.com/>.

⁴ Chilly Bears will continue to use and occupy approximately 32% of the building, 1,785 square feet, and the remaining 8% is occupied by common hallway and bathroom facilities.

The target clientele are youth athletes, ranging in age from 10 to 18 years old, with the majority being between 12 and 15. Currently, most clients get dropped off by parents and are picked up after sessions. Older clients may drive themselves, but based on experience, no more than about 20% of all attendees are old enough to drive.

Anticipated hours of operation are 6 AM -10 AM and 3 PM – 9 PM on weekdays, and 8 AM – 9 PM on weekends. The vast majority of the time there will be no more than 2 staff on site, however, on occasion there may be one additional staff present.

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 set category for a softball coaching facility with indoor batting cages. In consultation with the Building Commissioner, it has been determined to apply the Indoor Athletic or Exercise Facility or Personal Fitness Service Establishment category, which requires one parking space “for each 150 square feet or fraction thereof of gross floor area and one space of each three employees to be employed or anticipated or to be employed on the largest shift”.

Applying such standard, the parking demand associated with the proposed use would be 24 spaces, calculated as follows:

$3,346 \text{ square feet of space} \div 150 = 22.31 \text{ spaces} + 1 \text{ space for three employees} = 23.31, \text{ or } 24 \text{ spaces}$
(rounded up).

In addition, the continued use of the remainder of the building by Chilly Bears requires 6 spaces, calculated as follows:

$1,785 \text{ square feet of space} \div 300 = 5.95 = 6 \text{ spaces}$ (rounded up)

As a result, the total calculated parking demand for the building is 31 spaces.

As mentioned above, there are currently 17 parking spaces adjacent to the building; seven 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. As a result, there is a calculated shortfall of 6 spaces and a waiver is required.

Furthermore, 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.

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 3.2.6.2 of the By-Law, the request for special permits for a private school and for an indoor athletic or exercise facility 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 a portion of the Premises for a softball training facility with indoor batting cages is consistent with both the general and specific purposes of the By-Law. Provision of athletic instruction as proposed will promote the welfare and interests of the residents of the Town of Needham by enhancing and facilitating the physical development and well-being of residents 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 uses such as the one proposed. 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

Based on information provided by the owner / operator of Chilly Bears, that business has been and is currently open to the general public and customers not only visit the business, but also participate in operations on a regular basis. As a result, the current use of the Premises likely entails a mixture of “Retail Services” and “Manufacturing” pursuant to Section 5.1.2 of the By-Law. Applying the more conservative category of Retail Services, the existing use requires a total of 19 parking spaces.⁵ As a result, the proposed use will result in an increase in calculated parking demand of 12 spaces.

However, actual demand is anticipated to be far less. As indicated above, maximum occupancy for the softball training facility will be 21; 18 clients and 3 instructors. In addition, based on information provided by the owner / operator of Chilly Bears, the maximum number of staff on site at any given time will be 3 people. Therefore, a maximum of 24 people are anticipated to be on site at any one time; substantially less than the 31 spaces calculated pursuant to the By-Law.

Furthermore, with respect to the 18 clients on site in connection with the softball training operation, a maximum of 3-4 are anticipated to be of driving age. Even assuming that all such clients actually do drive themselves, that means a maximum of 7 spaces required for the softball training use. Coincidentally, this is the same parking demand that would apply pursuant to the after school program parking demand (applied to Code Whiz, Needham ACE and other private school / after school operations). That standard, for enrollments fewer than 45, requires one space for every five students, plus one space for each employee. Applying that standard, the softball training facility would require a total of 7 spaces, calculated as follows:

Maximum enrollment of $18 \div 5 = 3.6 = 4$ spaces (rounded up)

Maximum 3 staff at any given time = 3 spaces

$4 + 3 = 7$ spaces required

As a result, the Applicant asserts that, notwithstanding the calculated parking demand, actual parking demand will be substantially and materially less, and there is sufficient parking available on site to accommodate the proposed use as well as the continued, but reduced, Chilly Bears operation.

In addition, the existing 17 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, Advanced Softball 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

There are only a limited number of softball or baseball training facilities with indoor batting cages in the greater Boston area. Furthermore, not all facilities offer the high level of instruction and coaching that will be provided by Advanced Softball. As a result, the proposed

⁵ Calculated as follows: $5,577$ square feet of space $\div 300 = 18.59 = 19$ spaces (rounded up). If the Manufacturing category were applied, the calculated demand would be 14 spaces as follows: $5,577$ square feet of space $\div 400 = 13.94 = 14$ spaces (rounded up).

use will be a great benefit to the Town of Needham, both in terms of offering a direct benefit, but also in terms of bringing people from outside of Town who may then contribute to the local economy.

The proposed use, which includes both instructional elements and athletic elements, is permissible by special permit under two applicable categories. Moreover, while parking waivers are required, there is sufficient parking available in practice to support the proposed use. Therefore, Advanced Softball asserts that the requested zoning relief is both proper and appropriate and should be granted.

Respectfully submitted,
Advanced Softball LLC
by its attorney,



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

EXHIBIT A
(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. 814-3410
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' Bar 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
No 1000 2000
Yes 11 REG PERMIT
1003 SUPPLY OUTSIDE

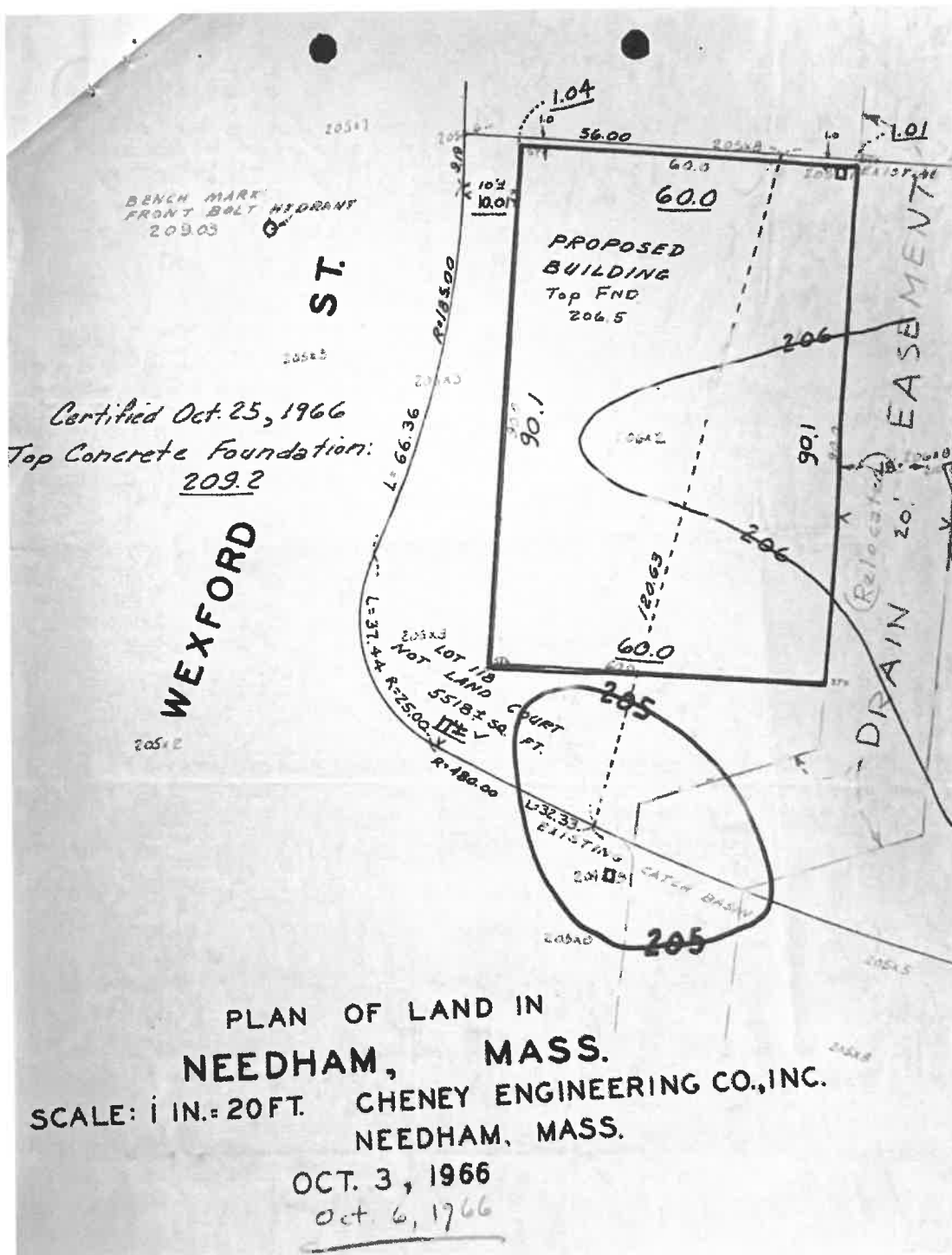
Letter to obtain Roof
affidavit from Roof supplier
prior to obtaining superstructure
Permit ESD.

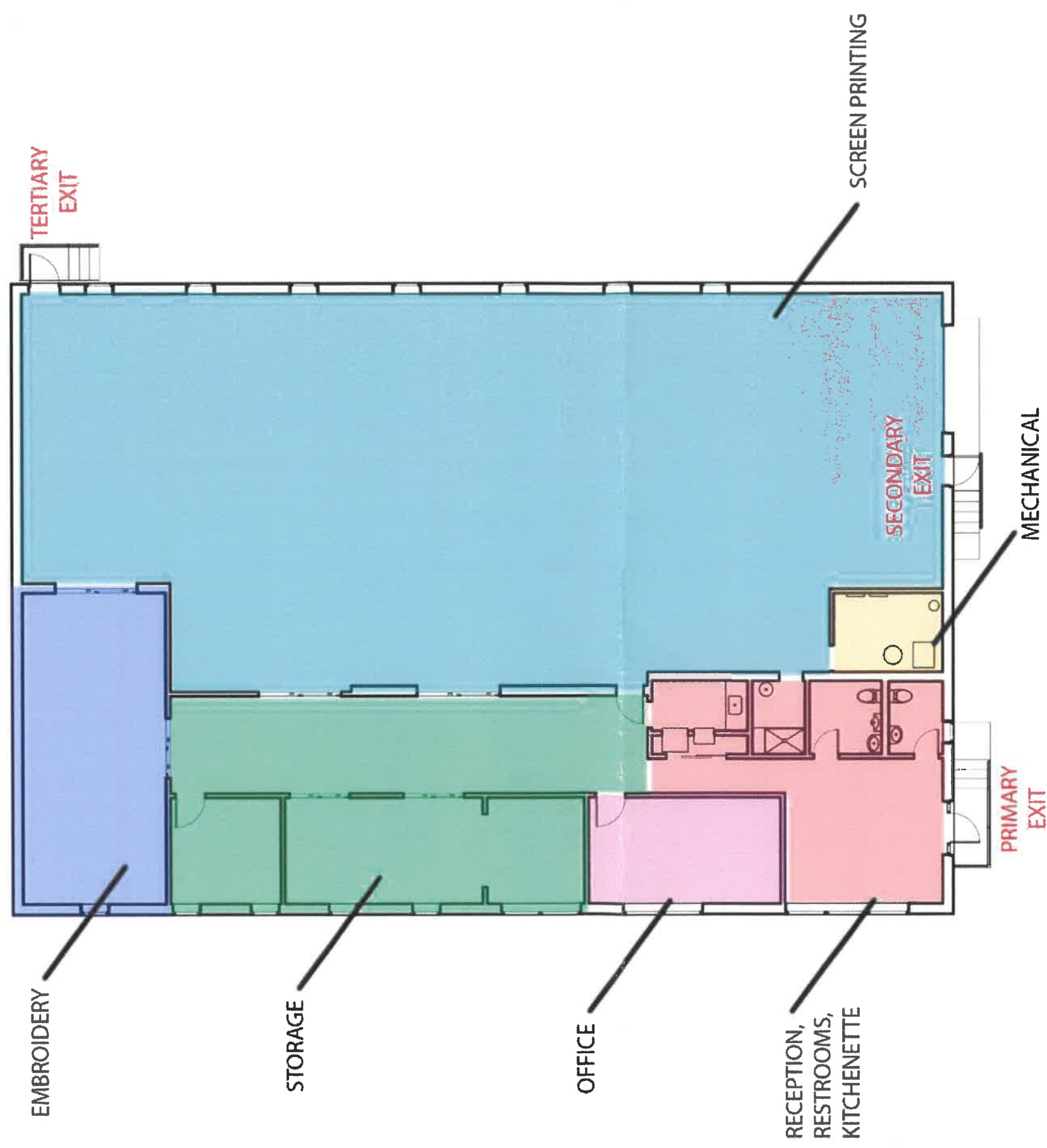
Sign Here MALLOZZI BROS. INC.
Address 143 Revere Ave. Waltham

Fee, \$ 45.00

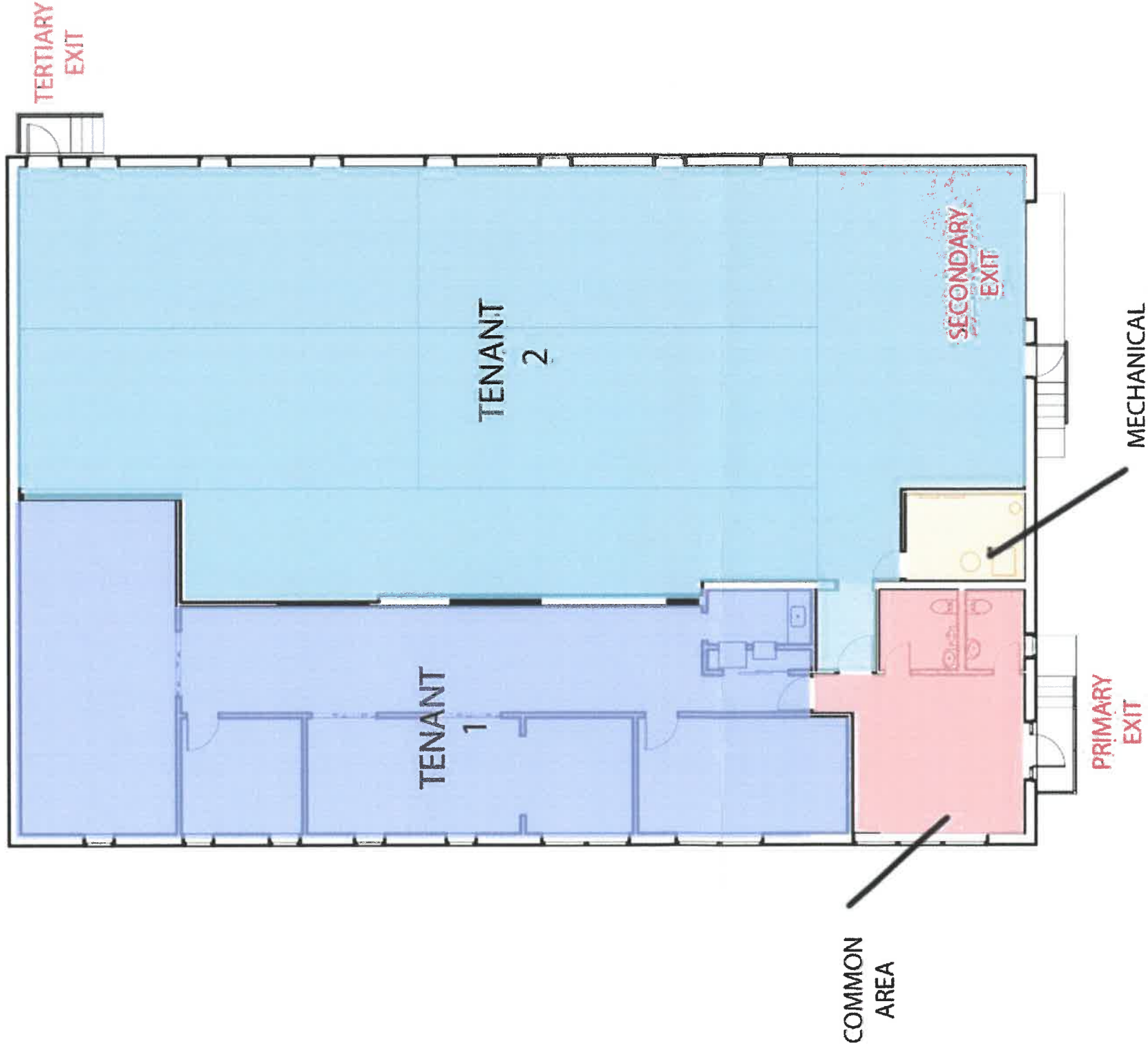
RPM

Foundation Certification





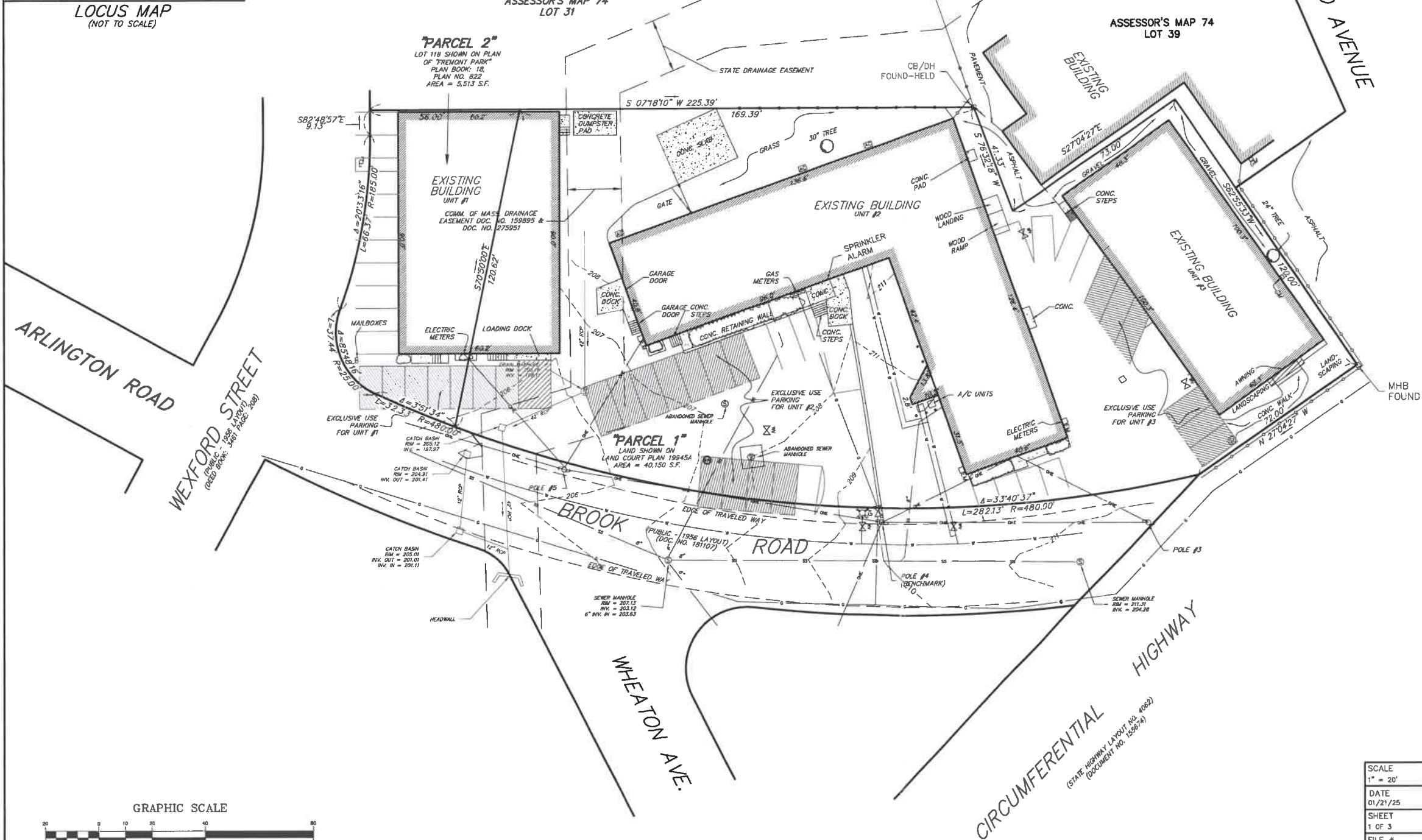
EXISTING CONDITIONS



PROPOSED CONDITIONS



LOCUS MAP
(NOT TO SCALE)



LEGEND	
	HANDICAP RAMP
	CATCH BASIN
	DRAIN MANHOLE
	SEWER MANHOLE
	SEWER LINE
	GAS VALVE
	GAS LINE
	GAS METER
	HYDRANT
	WATER VALVE
	WATER LINE
	MONITORING WELL
	UTILITY POLE
	OVERHEAD ELECTRIC LINE
	ELECTRIC METER
	AIR CONDITIONER UNIT
	BOLLARD
	BOUND
	MANHOLE
	CHAIN LINK FENCE
	CONTOUR LINE (MNR)
	CONTOUR LINE (MJR)
	PROPERTY LINE
	TREE

SCALE 1" = 20'	REV	DATE	REVISION	BY
DATE 01/21/25				
SHEET 1 OF 3				
FILE # EX00				
JOB # 2024-119				
DRAWN BY JPM				
CHKD BY SMH				
APPD BY SMH				
36-56 BROOK ROAD NEEDHAM, MASSACHUSETTS EXISTING CONDITIONS PLAN				
KELLY ENGINEERING GROUP civil engineering consultants 0 Campanelli Drive, Braintree, MA 02184 Phone: 781-843-4333 www.kellyengineeringgroup.com				
SHEET NO. 1				

STEVEN M. HORSFALL
No. 41608
PROFESSIONAL LAND SURVEYOR

Steven M. Horsfall
Digitally signed by Steven M. Horsfall
Date: 2025.03.07 12:41:32 -05'00'

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Daphne Collins

From: Tara Gurge
Sent: Friday, May 2, 2025 11:12 AM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review - Due May 6, 2025 - Public Health comments

Daphne –

The Public Health Division conducted the Zoning Board review for the proposal for the property located **at #6 Brook Road**. The Public Health Division has no comments to share at this time.

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, April 30, 2025 5:23 PM
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 May 6, 2025

Good Afternoon –

6 Brook Road – Advanced Softball Training, LLC applied for a Special Permit to allow a softball training facility with indoor batting cages under Sections 3.2.6.1 and 3.2.6.2 private school and indoor athletic facility

Daphne Collins

From: John Schlittler
Sent: Tuesday, May 6, 2025 2:25 PM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review - Due May 6, 2025

Police has no issues

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, May 6, 2025 2:08 PM
To: John Schlittler <JSchlittler@needhamma.gov>
Subject: FW: 6 Brook Road - ZBA Administrative Review - Due May 6, 2025

ZBA review due today!

Thank you,
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 72261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Daphne Collins
Sent: Tuesday, May 6, 2025 2:03 PM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Joseph Prondak <jprondak@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>; Ronnie Gavel <rgavel@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Subject: FW: 6 Brook Road - ZBA Administrative Review - Due May 6, 2025

Friendly reminder. Due today!

Daphne M. Collins
Zoning Specialist
Zoning Board of Appeals
Planning and Community Development Department
Town of Needham – Public Services Administration Building
500 Dedham Street

Daphne Collins

From: Tom Conroy
Sent: Friday, May 2, 2025 2:56 PM
To: Daphne Collins
Subject: RE: 6 Brook Road - ZBA Administrative Review - Due May 6, 2025

Hi Daphne,
No issues with Fire.
Have a great weekend!
Tom



Thomas M. Conroy

Fire Chief - Needham Fire Department
tconroy@needhamma.gov
Ph (781) 455-7580

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Wednesday, April 30, 2025 5:23 PM
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 May 6, 2025

Good Afternoon –

6 Brook Road – Advanced Softball Training, LLC applied for a Special Permit to allow a softball training facility with indoor batting cages under Sections 3.2.6.1 and 3.2.6.2 private school and indoor athletic facility uses, and waiving required parking number and parking plan and design under Sections 5.1.1.5, 5.1.2 and 5.1.3 of the By-Law. The property is located in the Mix-Use 128 (MU-128) zoning district.

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

I appreciate your comments no later than **May 6, 2025** to allow time for the applicant to respond prior to the hearing.

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

Thank you,

Daphne

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

May 6, 2025

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

Re: 6 Brook Rd.

Dear Board Members,

This office has reviewed this proposal at 6 Brook Rd. to utilize a portion of the building for a sports training facility. The building is located in a Mixed Use-a28 Zoning District. This particular use could be classified as either an indoor athletic facility or a private school. As Building commissioner, I believe Private School is more appropriate. A Special Permit is required for either use.

This proposal can only be allowed upon the issuance of a Special permit by The Board of Appeals as prescribed by Section 7.5.2 of the Zoning Bylaw, along with a parking waiver per Section 5.1.3, allowing only 17 spaces when 31 are normally required.

This office has no additional concern for this proposal.

Sincerely,

Joe Prondak
Building Commissioner



**TOWN OF NEEDHAM, MASSACHUSETTS
PUBLIC WORKS DEPARTMENT
500 Dedham Avenue, Needham, MA 02492
Telephone (781) 455-7550 FAX (781) 449-9023**

May 6th, 2025

Needham Zoning Board of Appeals
Needham Public Safety Administration Building
Needham, MA 02492

RE: Case Review-Special Permit
6 Brook Road - Special Permit

Dear Members of the Board,

The Department of Public Works has completed its review of the above referenced Special permit pursuant to Section 3.2.6.2 for private school/ indoor athletic facility, and Special permit pursuant to Section 5.1.1.5 waiving strict adherence to the requirements of Section 5.1.2 (Required Parking) and 5.1.3 strict adherence to parking plan and requirements.

- Application for Special Permit dated 4/17/25
- Cover letter by George Giunta Jr dated 4/17/25
- Applicants Memorandum in Support of Application of Softball Training LLC dated 4/17/25 by George Giunta, Jr., Esq.
- Exhibit A – Building Permit No 6705, existing and proposed floor Plans prepared by Design Crossover LLC
- Existing Conditions Site Plan by Kelly Engineering dated 03/07/25
- Authorization Letter from the Property Manager by Edward Pidcock

Our comments and recommendations are as follows:

- We have no comment or objection to the proposal.

If you have any questions regarding the above, please contact our office at 781-455-7538.

Truly yours,

Thomas A Ryder
Town Engineer
tryder



RECEIVED TOWN CLERK
NEEDHAM, MASS. 02462
2024 SEP 23 AM 9:47

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS**

Special Permit

***Tail Waggers Pet Care, Inc., applicant
L & T, LLC, owner
6 Brook Road
Map 74, Parcel 30***

August 15, 2024

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 (MU-128) zoning district. A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue on Thursday, August 15, 2024 at 7:45 p.m. The meeting was also livestreamed on Zoom and broadcast on Needham Cable.

Documents of Record:

- Application for Hearing, Clerk stamped July 22, 2024.
- Existing and Proposed Conditions, C-001, stamped and signed by William A. Eldredge Jr., professional engineer, dated July 22, 2024.
- Aerial Photo of Existing Parking at 6 Brook Road.
- Letter from Edward Pidcock, L & T, LLC, dated July 16, 2024.
- Memorandum of Support with attachments, prepared by George Giunta, Jr., dated August 6, 2024.
- Email from Joseph Prondak to Robyn Toscano, dated July 15, 2024.
- Letter from Lee Newman, Director of Planning and Community Development, dated August 14, 2024.
- Letter from Joseph Prondak, Building Commissioner, dated August 6, 2024.
- Email from Justin Savignano, Assistant Town Engineer, dated August 6, 2024.
- Email from Chief Tom Conroy, Fire Department, dated July 24, 2024.
- Email from Chief John Schlittler, Police Department, dated August 6, 2024.

- Email from Tara Gurge, Assistant Public Health Director, dated August 5, 2024.
- Tail Waggez Pet Care – 217 California Street, Newton - Drop-Off Count for Week of July 22 – July 26, 2024.

August 15, 2024

The Board included Jonathan D. Tamkin, Chair; Howard Goldman, Vice-Chair; and Valentina Elzon, Associate Member. Peter Friedenberg, Associate Member, was also in attendance. Mr. Tamkin read the public notice and opened the Public Hearing at 8:15 p.m.

George Giunta, Jr., the attorney representing the applicant; Robyn and Joseph Toscano, owners/partners of Tail Waggez Pet Care, Inc. the applicant; and Will A. Eldredge, Jr, representing the applicant's engineer, were in attendance.

Mr. Giunta reported that the applicant is proposing to locate their business to 6 Brook Road in the Mix-Use 128 Zoning District. The one-story commercial structure and surrounding parking, areas were built in 1966 and is located on the corner of Wexford Street and 6 Brook Road. The building is one of a three-building-condo complex addressed as 6 Brook Road, 50 Brook Road, and 56 Brook Road. The stand-alone condos are treated as separate properties.

For the past 20 years, 6 Brook Road was occupied by Chilly Bear, a company specializing in the production of decorated apparel for its manufacturing, warehousing, and retailing. Since the 1960s, and prior to Chilly Bear, the location was occupied by Anderson Machine Company, Inc. for manufacturing and warehousing.

The Toscanos have been operating Tail Waggez, a doggie day care, located at 217 California Street in Newton since 2009. The business provides both a day care and overnight boarding. The Toscanos want to open a new location in Needham.

The day care and overnight program involves the dogs being dropped off between 7:00 a.m. to 10:00 a.m. on weekdays; and 8:00 a.m. to 10:00 a.m. on weekends. Only dogs enrolled in the program can be boarded overnight. Day pick-up hours are not limited but nearly all pick-ups occur between 3:00 p.m. to 7:00 p.m. on weekdays; and limited from 3:00 p.m. to 5:00 p.m. on weekends. Initially the business will offer day care services only and add weekends and overnight services later as the business enrollment increases.

Once the operation is established the maximum enrollment will be 100 dogs, with an average of 60 to 75 dogs for the day program. The maximum overnight boarders will be 50 dogs. The overnight dog number is included in the maximum enrollment count.

There will be a maximum of four staff on site. Initially there will be three staff persons and staff will be added as the program expands. The ratio is one staff to 25 dogs. The business only hires experienced professionals with a minimum of three to five years of experience.

Mr. Tamkin asked if there are programming guidelines or regulations. Ms. Toscano responded that industry best practice suggests 40 to 100 square feet per dog depending on the dog's activity

level and size. The program screens the dogs, limiting the enrollment to 15-20% to high energy dogs. High energy groups are limited to 8 to 10 dogs.

Mr. Goldman asked if the dogs are walked. Ms. Toscano responded that the dogs are not walked but they have a fenced outdoor space for relief and play. The indoor space is divided up into rooms with a large play area and smaller rest rooms. The dogs are separated by temperament and their energy level throughout the day.

Mr. Goldman asked about the program drop-off. Ms. Toscano explained that drop-off on weekdays is between 7:00 a.m. to 10:00 a.m. Drop-off and pick-up turn-around time is quick and efficient. Nest cameras and walkie-talkies assist staff to anticipate the dog approaching arrival or departure. For drop-off owners accompany and unleash their dog at the counter. Staff then places the dog into the appropriate space. The process is reversed for pick-up with dogs leashed ready for pick-up at the door. Customers are accustomed to the pick-up and drop-off process. The only time when there is a long drop-off is when it's the dog's first day. The program will only take on one new dog or dog family per day. A new dog's first day assessment is done at lunch time on the phone. Dogs are assessed for success in the program.

Mr. Goldman asked if dogs are fed. Ms. Toscano said that dogs are fed at home by their owners. Exceptions are made for puppies and dogs with medical reasons. Dogs that stay overnight are fed.

Mr. Goldman asked about grooming. Ms. Toscano reported that Newton provides grooming services. At the Needham location there will be a tub for accidents. Once established and later, she would like to offer grooming services.

Mr. Tamkin asked how emergency medical situations are handled. Ms. Toscano said that they have a working relationship with the 24-hour Veterinary Emergency Group on Needham Street. The program has an emergency care waiver for each dog on file if a situation requires it. The owner is contacted as the dog is taken to the vet which is four minutes away. If the owner has a preferred facility the dog is taken there.

Mr. Giunta reported that the By-Law was amended in 2017 to allow by Special Permit a Veterinary office and/or treatment facility under Section 3.2.6.2 (h). However, the By-Law did not provide a parking standard under the Required Parking Section 5.1.2. Mr. Giunta reasoned that the Parking Requirement for Manufacturing or industrial under Section 5.1.2 (18) of one space per 400 square feet would be most applicable. The calculation is as follows: 5,577 square feet of space divided by 400 equals 14 spaces.

A parking count of the drop-offs was conducted from July 22 through July 26 between 7:00 a.m. to 10:00 a.m. at the Newton location broken down in ten-minute increments. The count indicated that the most drop-offs at any given time are eight cars. Furthermore, a calculation of the average number of cars indicated that there are never more than five cars in a ten-minute period. Typically, each drop-off last no more than several minutes. Mr. Giunta claimed that in practice no more than five parking spaces will be required.

The Building Commissioner calculated that 16 spaces were required based under Section 3.2.6.2 (h) for a 7,000 square foot building; with the square footage including the outdoor area. Mr. Giunta disagreed with the Commissioner calculation as the building is 5,577 square feet.

Mr. Giunta included for comparison the calculations from the APA Parking Standards PAS Report for animal facilities, which when used is within the required parking range. Furthermore, the property has 16 available spaces sufficient to accommodate the various parking calculations.

Mr. Tamkin thought that the childcare parking use standards were more applicable than the manufacturing one. Mr. Giunta agreed. However, he thought the childcare parking standards may overstate the need, plus the drop-offs for dog care are many times quicker than childcare drop-offs. He thought childcare and dogcare were analogous but not on a one-to-one parking use calculation. We thought realistically eight to ten spaces was what was needed. He was agreeable with 16 spaces required by the Building Commissioner as there are 16 available spaces at the site surrounding the building – 6 on the Brook Road side and 10 on the Wexford Street side.

As a condominium commercial space, Mr. Goldman asked if there were any restrictions for parking. Mr. Giunta said there were no restrictions. Mr. Friedenberg asked if the parking spaces at the back of the building were at play. Mr. Giunta noted that there is a fence along the back of the property and those spaces are for the adjacent property.

Ms. Elzon asked if grooming services, when provided, would be offered to outside customers. Ms. Toscano said that it would probably be offered to outside customers but the majority of the customers are from the daycare program.

Mr. Giunta noted that the parking lot has had no changes since 1966. The parking lot does not comply with any of the Parking Plan and Design Requirements under Section 5.1.3 of By-Law and a waiver is being sought.

Comments received:

- The Police Department had no issues.
- The Planning Board had no comment.
- The Engineering Department had no comment or objection.
- The Building Department believes that 16 parking spaces are required for a 7,000 square foot area which includes the outdoor area.
- The Fire Department had no issue.
- The Health Department had the following recommendation and concerns:
 - a) 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.) to prevent any public health nuisance issues for neighboring abutters.
 - b) 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.
 - c) the owner 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.

- d) as part of the protocol any dogs being boarded must be vaccinated for Rabies, Kennel cough, Parvo, etc. We recommend that proper records must be kept and maintained on site for each animal.
- e) an emergency plan shall be developed for 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.
- f) sufficient indoor ventilation shall be provided.
- g) 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.
- h) both hot and cold water shall 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.
- i) shade structures (i.e. an awning, etc.) shall be installed and also proper flooring materials shall be 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.
- k) the Health Department contact information to be provided to the owner. Before formally opening, the Environmental Health Agent along with the Needham Animal Control Officer, conduct joint a site visit with the owner.

Diane Quinn is a ten year Tail Waggez customer from Wellesley. She has had three dogs in the program. She strongly recommends them and finds them to be a professional organization. She supported the granting of the Special Permit.

Tray Duval is a customer of Tail Waggez from Newton for the past year. He was supportive of the business, owners and staff. He concurred that the drop-off and pick-up is quick and efficient.

Alex Ebbling is a six-year customer of Tail Waggez from Needham. He appreciates the peace of mind knowing his dog is cared for while he works. He found Dog Waggez to be a professional, responsive caring business. He thought the business would be an asset to Needham.

Mr. Friedenberg thought Tail Waggez was a great operation. He was impressed that four employees could handle 100 dogs. Ms. Toscano attributed it to the strong intake/selection of participating dogs.

Mr. Goldman was supportive of the business. He thought they had a strong business model with strong positive client support and a good location.

Mr. Tamkin thought it was great concept and location. He appreciated that Town Meeting amended the Zoning By-Law to allow the use.

Mr. Goldman moved to grant Dog Waggez Pet Care, Inc. 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 parking plan and design requirements under Sections 5.1.1.5, 5.1.2, 5.1.3 conditioned on the following:

- a) the details of the business operations shall be undertaken as presented at the public hearing and in the plans submitted;
- b) that the Health Department's strict requirements shall be complied with; and
- c) that 16 parking spaces are required.

Ms. Elzon seconded the motion. The motion was unanimously approved.

The meeting adjourned at 8:52 p.m.

Findings

On the basis of the evidence presented at the hearing, the Board makes the following findings:

1. The subject of this application is located a 6 Brook Road in the Mixed Use-128 Zoning District. It is one of three commercial buildings within the Brook Road Condominium – addressed as 6 Brook Road, 50 Brook Road, and 56 Brook Road – which act as separate, stand-alone structures. The structures are sited on a corner lot, along Brook Road and Wexford Street, containing 45,663 square feet, identified on Assessors Map 74, Parcel 30.
2. The premises consists of 5,577 square feet of a single-story commercial building, adjacent outdoor space and 16 parallel parking spaces along the building; six along the Brook Road side and ten on the Wexford Street Side.
3. The building and parking were built in 1966. For over twenty years, the building has been occupied by Chilly Bear, a manufacturer of decorated apparel. Prior to Chilly Bear, Anderson Machine Company, Inc., occupied the premises for warehouse and manufacturing purposes.
4. The applicant seeks zoning relief under Section 3.2.6.2 (h) of the By-Law for an *animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals.*
5. Since 2009, the applicant has operated a dog daycare, boarding and grooming business at 217 California Street, Newton, MA. The applicant proposes to use the entire premises for day, overnight boarding and grooming services of dogs.
6. The applicant proposes to operate the dog day care Monday through Friday, 7:00 a.m. to 7:00 p.m., and 8:00 a.m. to 5:00 p.m. for weekends. Drop-off for both day care and overnight is 7:00 a.m. to 10:00 a.m. for weekdays; and 8:00 a.m. to 10:00 a.m. for weekends. Pick-up occurs between 3:00 p.m. – 7:00 p.m. on weekdays and limited from 3:00 p.m. to 5:00 p.m. on weekends.
7. The program is selective. Dogs are evaluated and screened before being accepted for day

care. Only 20% of dogs are accepted that are young and energetic. Only dogs enrolled in the day care program may be boarded overnight.

8. There will be a maximum of 100 dogs on site at any one time. The maximum dogs accepted for overnight/boarding will be 50 dogs. The 100-dog maximum includes the 50 boarded dogs.
9. There will be a maximum of 4 staff persons. The target is no more than one staff person per 25 dogs. Employees are required to have a minimum of three years of experience in large scale dog daycare. Staff are pet first aid and CPR certified.
10. Dog grooming services are primarily for enrolled dogs. Grooming services may be offered to outside customers.
11. The business will initially be limited to weekday dog day care at business opening with three staff persons. Weekend, boarding and grooming services will be offered later once the business is established.
12. The By-Law has no category for animal care facility under Section 5.1.3 *Required Parking*. The Building Commissioner determined the use most closely resembles child day-care use. The building contains 5,577 square feet of space but when including the outdoor area used for the dogs, is approximately 7,000 square feet (both interior and exterior use). Using the formula from the most recent ITE Parking Manual ($7,000 \times 3.6 \text{ per thousand} \times 63\% = 15.8$), and as determined by the Building Commissioner, 16 spaces would be required for this proposed use. There are 16 on-site parking spaces available to the applicant.
13. The 16 on-site parking spaces have been in existence without modification since the 1960s and do not comply with current design standards. The applicant has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence with the requirements of Section 5.1.3 *Parking Plan and Design Requirement*. The applicant proposed no exterior changes to the existing structure or changes to the parking lot. It would not be possible to comply with design requirements without reductions in the number of spaces. The Board finds there are special circumstances that justify waiver of the By-Law's design requirements.

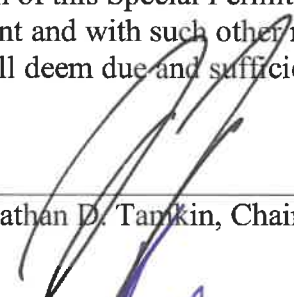
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board by unanimous vote grants the applicant 1) a Special Permit under Section 3.2.6.2 (h) of the By-Law for an animal care facility, including but not limited to, the care, training, sitting and/or boarding of animals; and 2) a Special Permit under Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, subject to the following conditions:

- A. The dog day care operation hours shall be Monday through Friday, 7:00 a.m. to 7:00 p.m., and 8:00 a.m. to 5:00 p.m. on Saturday and Sunday. Drop-off for both

day care and overnight is 7:00 a.m. to 10:00 a.m. for weekdays; and 8:00 a.m. to 10:00 a.m. for weekends. Pick-up shall occur between 3:00 p.m. – 7:00 p.m. on weekdays and shall be limited from 3:00 p.m. to 5:00 p.m. on weekends.

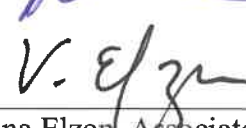
- B. Only dogs enrolled in the applicant's dog day care program may be boarded overnight.
- C. There will be a maximum of 100 dogs on site at any one time. The maximum number of dogs accepted for overnight/boarding will be 50 dogs. The 100-dog maximum includes the 50 boarded dogs.
- D. There will be a maximum of 4 staff persons on site at any time.
- E. The applicant shall comply with all the requirements of the Town of Needham's Board of Health including, without limitation, as described in the email from Tara Gurge, Assistant Director of Public Health, dated August 5, 2024;
- F. 16 on-site parking spaces are required for this use and all the existing 16 spaces shall be available and provided at all times for use by the dog day care operation. A redacted copy of the applicant's lease shall be provided to the Board confirming the applicant's right to use all of the 16 on-site parking spaces;
- G. This Special Permit is issued to the applicant only, and may not be transferred, set over or assigned, directly or indirectly, by the applicant to any other person or entity without the prior written approval of the Board of Appeals following such notice and hearing, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient. Any transfer of control by the person(s) or entities currently owning the applicant, whether directly or indirectly or by operation of law, shall be deemed a transfer/assignment requiring approval of the Board.
- H. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of this Special Permit by the Board after hearing with notice to the applicant and with such other notice as the Board, in its sole and exclusive discretion, shall deem due and sufficient.



Jonathan D. Tamkin, Chair



Howard S. Goldman, Vice-Chair



Valentina Elzon, Associate Member

GEORGE GIUNTA, JR.
ATTORNEY AT LAW*
P.O. Box 70
SOUTH WEYMOUTH, MASSACHUSETTS 02190
*Also admitted in Maryland

TELEPHONE (781) 449-4520

FAX (781) 465-6059

May 5, 2025

Town of Needham
Zoning Board of Appeals
Needham, Massachusetts 02492

Attn: Daphne M. Collins, Zoning Specialist

Re: Rental City, Inc.
51 Fremont Street, Needham, MA

Dear Ms. Collins,

As you know, this office represents Rental City, Inc. (hereinafter the Applicant and "Rental City") relative to the property known and numbered 51 Fremont Street, Needham, MA (hereinafter the "Premises"). In connection therewith, the Board of Appeals recently approved the use of the Premises for an equipment rental service with accessory retail sales of propane gas. The propane gas was proposed to be stored in and dispensed from an underground tank.

My client had initially been told that an underground propane storage tank was feasible and would work. To that end, an area was excavated at the Premises and a tank installed. However, prior to backfilling the tank, it was discovered that an underground tank would, in fact, not be possible in connection with the refilling of smaller tanks. As a result, my client now requests permission to place the propane storage tank above ground. No change is proposed to the tank location, the size of the tank, or its intended operation. A specification sheet of the proposed above-ground tank is provided herewith.

Given the limited nature of the change, my client further requests that this be considered a "de minimis" variation from the original proposal and be approved as such.

Kindly schedule this matter for the next hearing of the Board of Appeals. If you have any comments, questions or concerns, or if you require any further information in the meantime, please contact me so that I may be of assistance.

Sincerely,



George Giunta, Jr.



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unbeatable durability
on-hand inventory*



120-1000 GALLONS

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ABOVEGROUND PROPANE TANKS

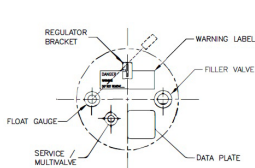
REV: 4/11/2025

Part Number	Water Capacity Gal/l	Outside Diameter In/mm	Head Type	Overall Length In/mm	Overall Height In/mm	Leg Width In/mm	Leg Spacing In/mm	Weight Lbs/kg	Quantity	
									Full Load	Per Stack
68268	120 454.2	24" 609.6	Ellip	5' 8" 1727.2	2' 10 1/4" 870	10 1/8" 257.2	3' 0" 914.4	302 137	96	12
68270	250 946.3	30" 762	Hemi	7' 10" 2387.6	3' 4 3/16" 1020.8	12 3/4" 323.9	3' 6" 1066.8	457 207.3	54	9
68272	320 1211.3	30" 762	Hemi	9' 7" 2921	3' 4 3/16" 1020.8	12 3/4" 323.9	4' 1/4" 1225.6	563 255.4	45	9
68303.20*	500 1892.7	41" 1041.4	Hemi	8' 8 1/2" 2654.3	3' 6 15/16" 1308.7	16 1/4" 412.8	3' 8" 1117.6	972 440.9	30	5
68304.20*	1000 3875.4	41" 1041.4	Hemi	15' 8 1/2" 4787.9	3' 6 15/16" 1308.7	16 1/4" 412.8	9' 0" 2743.2	1759 797.9	15	5

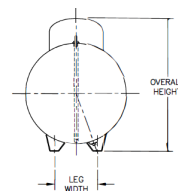
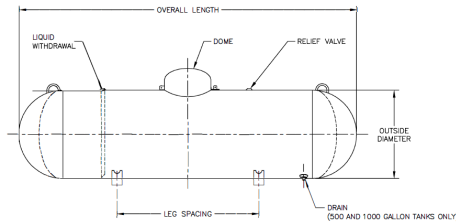
* Drain

All Vessel Dimensions are Approximate

Federal, state, and local regulations may specify requirements for protective coatings and cathodic protection. The purchaser and installer are responsible for compliance with all relevant regulations, including proper purging before use. Continuous coatings are required and must adhere to applicable codes.



FITTING LAYOUT



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by good people
since 1946.

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Daphne Collins

From: Joseph Prondak
Sent: Tuesday, May 6, 2025 11:29 AM
To: Daphne Collins
Subject: RE: ZBA Review - De minimis Change for 51 Fremont Street

No issues from Building. Might be good to get an opinion from Fire!!

Joe

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, May 6, 2025 9:41 AM
To: Joseph Prondak <jprondak@needhamma.gov>; Thomas Ryder <tryder@needhamma.gov>; Justin Savignano <jsavignano@needhamma.gov>
Subject: ZBA Review - De minimis Change for 51 Fremont Street

Hi Joe, Tom and Justin-

Attached please find the just received de minimis change for 51 Fremont Street regarding the propene tank being above ground vs. underground. Attached the Decision for 51 Fremont Street, see Finding #6, page 4.

Any issues please let me know preferably by noon tomorrow.

Thanks,

Daphne



Daphne M. Collins

Zoning Specialist
Planning and Community Development Dept.
Public Services Administration Bldg.
500 Dedham Avenue
Needham, MA 02492

Office: (781) 455-7550 ext. 72261

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

Daphne Collins

From: Jay Steeves
Sent: Tuesday, May 6, 2025 3:39 PM
To: Daphne Collins
Subject: RE: ZBA Review - De minimis Change for 51 Fremont Street

Daphne,
No issues w/ Fire Dept.
Thank you,
Jay

From: Daphne Collins <dcollins@needhamma.gov>
Sent: Tuesday, May 6, 2025 11:36 AM
To: Donald Anastasi <DAnastasi@needhamma.gov>; Jay Steeves <steevesj@needhamma.gov>; Tara Gurge <TGurge@needhamma.gov>; Tom Conroy <TConroy@needhamma.gov>
Cc: Joseph Prondak <jprondak@needhamma.gov>
Subject: FW: ZBA Review - De minimis Change for 51 Fremont Street

Hi Folks –
Joe suggested seeking your input on this de minimis change to the Decision for 51 Fremont Street regarding the propone tank being above ground vs. underground. Attached the Decision for 51 Fremont Street, see Finding #6, page 4.
Thank you,
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 72261
dcollins@needhamma.gov
www.needhamma.gov

In- Person Staff Hours are Monday – Wednesday 8:30 am – 5:00pm
Remote Hours – Thursday 8:30 am – 5:00pm

From: Joseph Prondak <jprondak@needhamma.gov>
Sent: Tuesday, May 6, 2025 11:29 AM
To: Daphne Collins <dcollins@needhamma.gov>
Subject: RE: ZBA Review - De minimis Change for 51 Fremont Street

No issues from Building. Might be good to get an opinion from Fire!!



RECEIVED 01/29/25 10:45

**TOWN OF NEEDHAM
MASSACHUSETTS
BOARD OF APPEALS
SPECIAL PERMIT**

***Rental City, Inc., Applicant
51 Fremont Street, LLC, Owner
51 Fremont Street
Map 75, Parcel 10
January 29, 2025***

Rental City, Inc. ("the Applicant") applied for a Special Permit to allow the use for an equipment rental service pursuant to Section 3.2.6.2(e) and to waive strict adherence to the number of required parking spaces and the parking plan and design requirements under Sections 5.1.1.5, 5.1.2, and 5.1.3 of the Zoning By-Law ("the By-Law") to allow the operation of an equipment rental service with accessory retail sales. The property is located in the Mixed Use-128 (MU-128) zoning district at 51 Fremont Street ("the Premises"). A public hearing was held in the Charles River Room, Public Services Administration Building, 500 Dedham Avenue on Wednesday, January 29, 2025 at 7:30 p.m.

Documents of Record:

- Application for Hearing dated December 26, 2024, Clerk stamped December 26, 2024.
- Letter from George Giunta, Jr., dated December 26, 2024.
- Plot Plan prepared by Field Resources, Inc., stamped by Bradley Simonelli Professional Land Surveyor, dated December 10, 2024
- Memorandum in Support prepared by George Giunta, Jr. dated December 26, 2024.
 - Exhibit A – Marked Plot Plan
 - Exhibit B - Building Permit No.2313
 - Exhibit C – Items Available for Rent
 - Exhibit D – Interior Building Sketch
- Letter from Jay J. Derenzo, Manager, 51 Fremont Street, LLC.
- Letter from Joe Prondak, Building Commissioner, January 21, 2025.
- Letter from Lee Newman, Director of Planning and Community Development, January 21, 2025.

- Letter from Thomas Ryder, Town Engineer, January 21, 2025.
- Email from Tara Gurge, Assistant Public Health Director, December 31, 2024.
- Email from John Schlittler, Chief of Police, Police Department, December 31, 2024.
- Email from Thomas M. Conroy, Fire Chief, Fire Department, January 3, 2025.

January 29, 2025

The Board included Jonathan Tamkin, Chair; Howard S. Goldman, Vice-Chair; and Nikolaos Ligris. Also in attendance Peter Friedenberg, Associate Member, and Valentina Elzon, Associate Member. Mr. Tamkin opened the hearing at 7:30 p.m. by reading the public notice.

George Giunta, the attorney representing the Applicant, and George and Nanette LaRochelle were in attendance. The Premises is a corner lot located in the Mixed-Use 128 zoning district on Fremont and Wexford Streets. It contains approximately 32,943 square feet of land with 119.97 feet of frontage on Fremont Street and 294.09 feet of frontage on Wexford Street. The property contains an existing commercial building, three accessory buildings, off street parking and storage areas.

The Premises is divided into two areas (as identified in *Exhibit A - Marked Plot Plan*). The larger northern portion, to be occupied by the Applicant, contains a large single-story brick commercial building at the corner of Wexford and Fremont Streets. The smaller southern portion is occupied by Steelco, which is enclosed and delineated by a chain link fence, and includes three accessory buildings and a large outdoor storage area.

The commercial building contains 7,500 square feet of area and was built in 1957 for office and manufacturing use. It has been occupied by NPC Computer Corporation and Williamson Electrical Company, Inc. Currently it is vacant.

The Applicant has operated an equipment rental service for the past 40 years (known as Taylor's Rental) at 26 Washington Street, Wellesley, MA. They wish to relocate to Needham for its more efficient building layout and convenient location to Route 128.

The Applicant offers a wide range of items for rent as well as for sale. Most of these items are carried out by customers. As required under Section 3.2.6.2 (e) of the By-Law, all the equipment must be stored inside, this will include large items such as a bobcat skid steer loader, a mini-excavator and a mini-backhoe. These large rental items will be moved from inside the building to a truck or trailer to be transported to the rental location and back for storage.

Mr. Tamkin asked who transported the large equipment. Mr. LaRochelle said either the customer or the Applicant.

The Applicant proposes to sell propane gas at the Premises. The propane will be stored in an underground 500-gallon storage tank. This tank and the Premises will be surrounded by a fence. An employee will pump the propane in an area accessible for the customer by drive-up.

The general hours of operations will be 7:00 a.m. to 6:00 p.m. and open to the public from 7:30

p.m. to 4:00 p.m. Initially, they plan to operate six days a week and will be closed on Sundays, with the opportunity for a 7 day a week operation to respond to future business demand.

On average there will be six full-time employees on site, with an additional two seasonal employees during the summer

Mr. Giunta noted that the parking area, which has been in existence since the 1950s and 1960s and prior to the adoption of off-street parking regulations, does not comply with current parking design requirements relative to lighting, driveway openings, parking space size, parking layout, setbacks, landscape and trees.

The proposed equipment rental use falls within Section 5.1.2 (6) of the By-Law - *Required Parking for Retail or wholesale stores or services* - of one space per 300 square feet. The building contains 7,500 square feet of space, which results in a parking demand of 25 spaces.

There are a total of 19 parking spaces on site: 15 spaces along the front and side of the building, and four along the fenced-in side. This is less than the required 25 parking spaces; and a waiver of six spaces is required.

Mr. Giunta indicated that the Applicant's location in Wellesley has only 11 off-street parking spaces and these spaces have been adequate to support the use for more than 40 years of operation. Mr. Giunta maintained that there are sufficient parking spaces to meet the demand.

Comments received:

- The Building Commissioner agreed with Mr. Giunta's analysis and had no objection with the proposal.
- The Fire Department had no issues.
- The Police Department had no concerns.
- The Health Department had no comments.
- The Engineering Department requested a site plan showing all existing and proposed underground utilities for the proposed underground LP tank before the building permit is issued.
- The Planning Board had no comment.

There were no comments from the public.

Mr. Goldman thought it was a nice proposal and found the requested parking waivers to be appropriate.

Mr. Ligris was in support of the proposal. He found the parking/street boundaries to be ambiguous and confusing.

Mr. Tamkin noted the Applicant's positive business reputation, thought the location was appropriate for the area and was in support of the proposal.

Mr. Goldman moved to grant a Special Permit pursuant to Section 3.2.6.2 to allow the use for an

equipment rental service; and a Special Permit pursuant to Sections 5.1.1.5, 5.1.2, and 5.1.3 to waive strict adherence to the number of required parking and the parking plan and design requirements under of the By-Law per the plans submitted at 51 Fremont Street in the MU-128 zoning district, subject to the following conditions:

- the hours of operation will be from 7:00 a.m to 6:00 p.m. seven days a week.

Ms. Ligris seconded the motion. The motion was unanimously approved.

The meeting adjourned at 7:50p.m.

Findings:

On the basis of the evidence presented at the hearing, the Board makes the following findings:

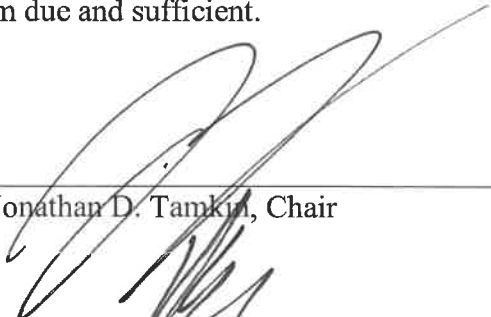
1. The Premises is a 32,943 square foot lot with frontage on Fremont Street and Wexford Streets. The Premises is improved by a 7,500 square foot, one-story, brick commercial building with three accessory buildings. The building was built in 1957 for office and manufacturing use with 19 off-street parking spaces located in the Mixed-Use 128 Zoning District.
2. The Premises is divided into two tenant spaces. One contains the commercial building located in the north larger portion of the property with frontage on Fremont and Wexford Streets and the other, on the south, contains the accessory structures accessed solely from Wexford Street. The smaller southern tenant space is occupied by Steelco for their fence business and is enclosed with a chain link fence.
3. The larger tenant space with the building has been occupied formerly by NPC Computer Corporation and Williamson Electrical Company, Inc. The building's interior is divided into a mix of office and storage space; and is currently vacant.
4. For more than 40 years, the Applicant has operated a rental equipment service with accessory retail services, known as Taylor Rental Services, 26 Washington Street, Wellesley, MA. The Applicant proposes to relocate its business to Needham in the vacant available space.
5. The Applicant seeks zoning relief under Section 3.2.6.2(e) of the By-Law for an *equipment rental service but not including any business that requires outside storage*. The proposed accessory retail sales are permitted as of right in the MU-128 District pursuant to Section 3.2.6.1(n) of the By-Law.
6. The Applicant proposes improvements to the facility including the installation of a perimeter fence along Wexford Street and the installation of an underground 500-gallon propane tank within the fenced area associated with the sale of propane gas, to be dispensed by staff through the filling of consumer tanks. All rental and sale equipment will be located and stored within the building.

7. The Applicant will operate its facility seven days a week. The hours of operation are 7:00 a.m. through 6:00 p.m. There will be a maximum of six full-time employees, with an additional two seasonal employees as needed during the summer.
8. The Applicant has requested a Special Permit pursuant to Section 5.1.1.5 of the By-Law to waive strict adherence under Section 5.1.2 (6), *Required Parking – Retail or wholesale stores or services*, of the By-Law. The total parking required as calculated based on one parking space per 300 square feet is 25 parking spaces (7,500 square feet/300 square feet = 25 spaces).
9. The total on-site parking is 19 spaces, 15 around the building along Fremont and Wexford Streets and four along the fence inside, leaving a shortfall of 6 spaces as required under the By-Law.
10. The Applicant represented that a portion of the building will be used for storage of items for rent and sale.
11. The Board finds that the existing parking at the property is adequate and that special circumstances exist to waive the required number of parking spaces pursuant to Sections 5.1.1.5 and 5.1.2 (6).
12. The parking lot has been in existence prior to the adoption of the off-street parking requirements and does not comply with the current design requirements of Section 5.1.3 of the By-Law relative to a) minimum lighting; d) driveway openings; f) parking size; h) parking space layout; j) parking setbacks; k) landscaping areas; and l) trees. The Applicant proposes no changes to the pre-existing parking lot. As it would not be possible to comply with design requirements without reductions in the number of spaces the Board finds there are special circumstances that justify the waiver of the By-Law's design requirements.
13. The proposed use is consistent with the general purpose of the Zoning By-Law, is compatible with the characteristics of the surrounding area, is not detrimental to the other uses at the Premises and is in harmony with the general intent and purposes of the By-Law pursuant to the requirements of Section 7.5 of the By-Law.

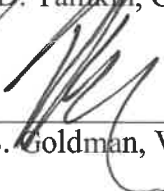
Decision:

On the basis of the foregoing findings, following due and open deliberation, upon motion duly made and seconded, the Board, by unanimous vote, grants the Applicant (1) a Special Permit under Sections 3.2.6.2 (e) of the By-Law for equipment rental service but not including any outside storage at 51 Fremont Street, 2) a Special Permit under Section 5.1.1.5 of the By-Law waiving strict adherence with the requirements of Section 5.1.2 (Required Parking), and 3) a Special Permit under Section 5.1.3 (Parking Plan and Design Requirements) of the By-Law, subject to the following conditions:

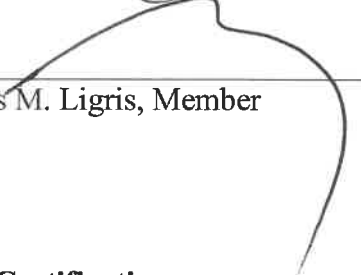
- A. The hours of operation shall be from 7:00 a.m. to 6:00 p.m. seven days a week.
- B. This Special Permit is issued to the Applicant only and may not be transferred set over or assigned by the Applicant to any other person or entity without the prior written approval of the Board of Appeals following such hearing and notice, if any, as the Board, in its sole and exclusive discretion, shall deem due and sufficient. Any transfer of control by the person(s) or entities owning the business, directly or indirectly, or by operation of law, shall be deemed a transfer/assignment requiring approval of the Board.
- B. Failure to comply with each and any of the foregoing conditions at any time may constitute cause for the revocation of this Special Permit by the Board after hearing, with notice to the Applicant, and with such other notice as the Board, in its sole discretion, shall deem due and sufficient.



Jonathan D. Tamkin, Chair



Howard S. Goldman, Vice-Chair



Nikolaos M. Ligris, Member

Twenty-Day Appeal Certification

I certify that the 20-day statutory appeal period for this Decision by the Needham Zoning Board of Appeals has passed,

☐ *and there have been no appeals filed in the Office of the Needham Town Clerk or*

☐ *there has been an appeal filed.*

Date

Louise Miller, Town Clerk