



TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY
DEVELOPMENT DEPARTMENT

500 Dedham Ave
Needham, MA 02492
781-455-7500

PLANNING

May 3, 2017

Board of Selectman
Town of Needham
1471 Highland Avenue
Needham MA 02492

Re: Citizens' Zoning Petition for Changes in Uses Permitted in Mixed Use-128

Dear Members of the Board of Selectmen:

The Council of Economic Advisors ("CEA") has asked that I submit a letter to the Board of Selectmen indicating the members' strong support for the Citizens' Petition proposing a change to Uses Permitted by Special Permit in the Mixed Use-128 District. The CEA views this Petition as removing an unnecessary obstacle to development and allowing a new use not otherwise allowed in Needham.

As you may already know, when the Planning Board proposed changes to the uses allowed in the aforementioned district in 2001, the Board recommended and Town Meeting adopted an amendment allowing a veterinary office and/or treatment facility by special permit but limited stays to convalescent stays only—expressly disallowing otherwise the boarding of animals. This was a compromise and, quite frankly, effectively prohibits the use in the district, as most veterinary offices provide boarding as a service to their clients.

In light of the changes made to the business districts, only one business district expressly allows boarding of animals by veterinary offices—Business District (the Bertucci plaza area). All other business districts expressly preclude boarding. When these changes to the business districts were made, no change was made to the Industrial Districts, which districts allowed veterinary offices by special permit but did not reference boarding at all. All of these changes render it ambiguous as to whether boarding is still allowed in these industrial districts, limiting clear use of boarding to one small area.

As you also know, the Use Determination provision in Section 3.1 allows the Planning Board to make a determination that the proposed use is in the same general use category and is similar in kind to and similar in impact to a use allowed by the Zoning By-Law. Town Meeting

adopted this provision; one of the examples presented of a use which could benefit from application of the Use Determination provision was pet-sitting.

Unfortunately, with 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. This includes not just the animal care facility proposed by the applicant, but veterinary offices and/or treatment facilities. To be economically viable and sensitive to the needs of their clientele, even the uses allowed expressly by the By-Law cannot operate in this district. Moreover, pet hotels are a new business model, which was obviously not envisioned at the time our Zoning By-Law was written. Since a zoning change was required to allow boarding, the Town's Economic Development Director recommended to the applicant that she expand the definition of allowed similar uses (i.e., animal care facility) so that she did not have to seek a Use Determination after the zoning change should it be adopted. The members of the CEA agree. They think that this type of consumer service is in demand and our zoning may effectively preclude it. For that reason, the CEA recommends adoption of this Citizens' Zoning Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "D G Bailin", with a horizontal line extending to the right.

Devra G. Bailin
Director of Economic Development
Staff to the Council of Economic Advisors