

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEGL, CHAIRMAN  
J. RANDOLPH BECKER  
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Record Owner of Property: Lucille T. Jarvis

ZBA 2017-84 - Amended  
(formerly ZBA 2017-96)  
Petition of Geraldine Jarvis  
26 Harris Avenue

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TOWN CLERK'S OFFICE  
WELLESLEY MA 02482  
2017 DEC 21 P 3:09

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 7, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Geraldine Jarvis requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of the premises at 26 HARRIS AVENUE, in a Single Residence District, for the purpose of a home occupation, namely, overnight Doggie Daycare for 7 to 10 daycare client dogs. Pickup and drop off times will be between 7 am and 7 pm. All parking is on the premises.

On November 16, 2017 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Himmelberger, Esq. and Geraldine Jarvis, the Petitioner.

Mr. Himmelberger said that this was previously before the Board for renewal for a license for dog daycare with an additional component for overnight boarding of up to 10 client dogs. He said that because the additional component had not been noticed within the newspaper publication for the first hearing, the Board thought that it made sense to have it published as a separate notice.

Mr. Himmelberger said that the Applicant has been operating this home occupation since 2004. He said that the Board received previously submitted letters of support from neighbors, direct abutters and the Animal Control Officer, Sue Webb. He said that the request is to renew the special permit for a home occupation for dog daycare with the further proviso that no more than 10 client dogs be allowed to stay overnight, and that the special permit be issued for a three year period.

A Board member said that the Board approved a special permit for extension of the day care and since it had no experience with overnight boarding of dogs, it asked the Animal Control Officer's opinion. He said that the Town is working on a kennel license that will have to be purchased and the Animal Control Office will do inspections at some frequency to see that the State and local regulations are carried out. He said that the dogs need to be crated when they are not supervised and there is a minimum crate sizing related to breeds of dogs. Mr. Himmelberger said that they Applicant would accept that as a condition.

The Board asked how many dogs Ms. Jarvis anticipates having on an average night. Ms. Jarvis said that she expects to have three to four dogs on an average night. The Board confirmed that the dogs that will stay overnight are dogs that are there during the day.

The Chairman said that Ms. Jarvis has had her dog daycare there for a long time and there have been no complaints. He said that this will be a new step up.

The Board asked Ms. Jarvis if she has already determined the size and types of kennels she will need. Ms. Jarvis said that she has pet owner insurance for her daycare business and she has to provide the Insurance Company with that information. The Board asked about the location of the kennels. Ms. Jarvis said that the kennels will be in the basement that has four foot windows. She said that she will have also have a couple in the kitchen. She said that the house has a ventilation system.

The Board said that since this is a new step up, it would be appropriate to have the Animal Control Officer do inspections every six months for the first permit so that the Board knows that everything is going smoothly.

The Chairman said that Condition #4 of the previously granted permit states that there shall be no overnight boarding of any nonresident dogs. Mr. Himmelberger said that as originally set forth, nonresident dogs meant dogs not owned by Ms. Jarvis.

The Chairman said that the Board would amend the existing special permit rather than issue a separate special permit. He said that the Board will combine Condition #1 and Condition #2 to allow for no more than 15 dogs on the premises between 7 am to 7 pm and no more than 10 dogs between 7 pm and 7 am, eliminate Condition #4, and modify the expiration in Condition #6 to three years. He said that the Board will add a condition that there shall be inspections made by the Animal Control Officer every six months for a three year period.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 26 Harris Avenue, in a Single Residence District.

The Petitioner is requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of the premises at 26 Harris Avenue, in a Single Residence District, for the purpose of a home occupation, namely, overnight Doggie Daycare for 7 to 10 daycare client dogs. Pickup and drop off times will be between 7 am and 7 pm. All parking is on the premises.

On December 5, 2017, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

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DEC 21 P 3:09  
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ZBA 2017-84 - Amended  
(formerly ZBA 2017-96)  
Petition of Geraldine Jarvis  
26 Harris Avenue

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A home occupation is not a by-right use in a Single Residence District.

It is the opinion of this Authority that the requested use of her premises by Geraldine Jarvis for the home occupation of Doggie Day Care is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

Therefore, an Amended Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the petitioner to use a portion of her premises at 26 Harris Avenue for a home occupation, subject to the following conditions:

1. There shall be no more than 15 dogs on the premises between 7 am to 7 pm and no more than 10 dogs on the premises between 7 pm and 7 am.
2. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
3. All dog waste shall be properly disposed of.
4. The Animal Control Office shall make inspections every six months for a three year period.
5. This Special Permit shall expire three years from the date time stamped on this decision.

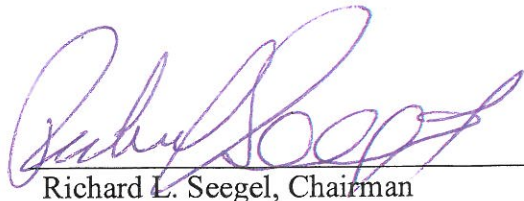
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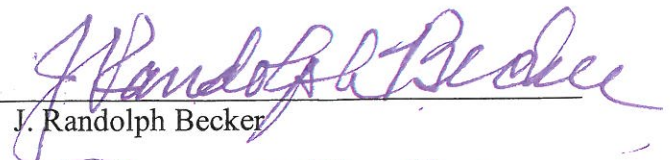
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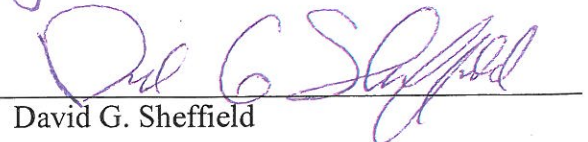
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WELLESLEY MA 02482  
2017 DEC 21 P 3:10

APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
Richard L. Seegel, Chairman

  
J. Randolph Becker

  
David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrn

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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J. RANDOLPH BECKER, VICE CHAIRMAN  
ROBERT W. LEVY  
DAVID L. GRISSINO

2017 OCT 19 P 2:11

Record Owner of Property: Lucille T. Jarvis

ZBA 2017-84  
Petition of Geraldine Jarvis  
26 Harris Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 5, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Geraldine Jarvis requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of the premises at 26 Harris Avenue, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care, for up to 15 dogs from 7 am to 7 pm on Mondays through Sundays. All parking is on the premises.

On August 30, 2017 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were David Himmelberger, Esq., and Jeri Jarvis, the Petitioner.

Mr. Himmelberger said that the request is for renewal of a special permit for a home occupation for Doggy Day Care in a Single Residence District and also for a modification to allow for overnight boarding for dogs of existing clients. He said that in support of that petition, Ms. Jarvis submitted letters of support from all of her neighbors on Harris Avenue and Minuteman Lane, which abuts the rear of the property. He read a letter from the direct abutter at the rear.

Mr. Himmelberger said that he is a classmate of Ms. Jarvis from Wellesley High School and a customer. He said that he can personally attest to the fact that Ms. Jarvis is a dog whisperer. He said that he has a black lab mix who did not get along at a prior daycare and was asked to leave. He said that after going to Jeri's Day Care, the dog has changed. He said that support from the neighborhood for the modification is compelling. He said that there will be less traffic if a dog is left overnight. He said that traffic is not an issue now. The Chairman said that the statement from the Animal Control Officer was compelling as well.

The Chairman read the conditions that are in effect. He confirmed that the request is to modify Conditions #2 and #4, related to hours of operation and overnight boarding. A Board member asked how many dogs would stay overnight. Ms. Jarvis said that there would be a maximum of seven.



A Board member confirmed that the petition was advertised as a renewal. He said that he was concerned that the Board is not giving full notice to the public to give them an opportunity to voice any opposition. He said that the first that he heard that Ms. Jarvis would be seeking permission for overnight boarding was today. He said that the Board could renew the decision and the Petitioner can come back for a modification at a new public hearing.

The Chairman said that he would like to see some indication of how the dogs will be cared for overnight. He said that it is quite different from the daytime care.

There was no one present at the Public Hearing who wished to speak to the petition.

#### Statement of Facts

The subject property is located at 26 Harris Avenue, in a Single Residence District.

The Petitioner is requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of the premises at 26 Harris Avenue, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care, for up to 15 dogs from 7 am to 7 pm on Mondays through Sundays. All parking is on the premises.

On September 12, 2017, the Planning Board reviewed the petition and recommended that the Special Permit be renewed.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A home occupation is not a by-right use in a Single Residence District.

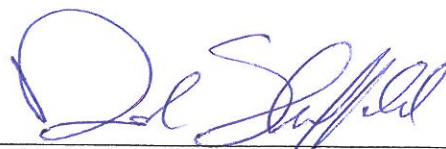
It is the opinion of this Authority that the requested use of her premises by Geraldine Jarvis for the home occupation of Doggie Day Care is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the petitioner to use a portion of her premises at 26 Harris Avenue for a home occupation, subject to the following conditions:

1. There shall be no more than 15 dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Sundays throughout the year.
3. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
4. There shall be no overnight boarding of any nonresident dog.
5. All dog waste shall be properly disposed of.
6. This Special Permit shall expire two years from the date time stamped on this decision.

ZBA 2017-84  
Petition of Geraldine Jarvis  
26 Harris Avenue

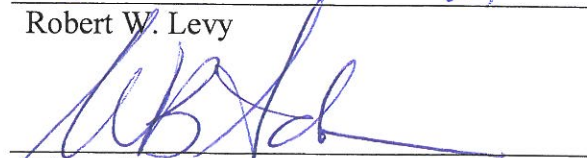
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
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WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



David G. Sheffield, Acting Chairman



Robert W. Levy



Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm