



RUTHANNE FULLER
MAYOR

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City of Newton, Massachusetts
Office of the Mayor

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Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

October 31, 2022

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting the amendment of Zoning Ordinances to allow animal service establishments by right in BU1 and BU2 zones.

In 2012, a zoning amendment created a definition for “animal service” establishments and, without a rationale, omitted the use in BU1, BU2, BU3, and BU4 zones. This has caused ISD to prohibit new dog grooming businesses from opening. Six existing animal grooming businesses—now non-conforming—operate in BU1 and BU2 zones in Auburndale, Newton Center, Newton Highlands, Newtonville, and Waban.

Given the erosion of retail business and the growth of personal service and service establishments in village centers and the nature of this type of business, enabling animal services in business zones BU1 and BU2 will be good for Newton.

On Tuesday, October 11, 2022, the Economic Development Commission voted 9-0 to support a request for the creation of as-of-right zoning for animal service.

A memo from Director of Economic Development John Sisson is attached.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

#489-22

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM – Updated 10/21

Date: October 12, 2022
From: John Sisson, Economic Development Director
To: Mayor Ruthanne Fuller
CC: Economic Development Commission
Jonathan Yeo, Chief Operating Officer
Barney Heath, Director, Planning and Development
RE: “Animal Services” zoning issue

Dear Mayor Fuller:

On behalf of the Economic Development Commission, I am writing to ask your office to docket a request for the City Council to review and discuss zoning regulations for animal services, such as dog grooming.

Over the past seven weeks, I have been assisting three Newton resident-entrepreneurs who want to open a dog grooming business in a vacant Newtonville storefront. We were surprised to discover that City zoning currently prohibits new animal service establishments from opening in village centers. This was not always the case.

In 2012, a zoning amendment created a definition for “animal service” establishments and, without a rationale, omitted the use in BU1, BU2, BU3, and BU4 zones. This has caused ISD to prohibit new dog grooming businesses from opening. (Prior to the zoning change, we assume ISD approved animal service establishments as personal service or service establishment, which are both allowed as-of-right in those zones.)

Six existing animal grooming businesses—now non-conforming—operate in BU1 and BU2 zones in Auburndale, Newton Center, Newton Highlands, Newtonville, and Waban. Given the erosion of retail business and the growth of personal service and service establishments in village center, it only makes sense to enable animal services in these areas.

On Tuesday, October 11, 2022, the Economic Development Commission voted 9-0 to support forward a request, “to the City Council requesting review and discussion of the creation of as-of-right zoning for animal service.”

The current ordinance provides the following definitions:

6.4.1. Animal Service

A. Defined. Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding. (Ord. No. A-4, 10/01/12).

Please note that related animal services are regulated separately: 6.4.19. Kennel and 6.4.36. Veterinary Hospital. Kennels are prohibited in all business zones. A Veterinary Hospital would be allowed in BU2 only by Special Permit or in BU4, where it's Allowed Subject to Listed Standards.

6.4.25. Personal Service

A. Defined. Personal services, including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, and laundry, and/or dry cleaning drop off. (Ord. No. Z-108, 04/17/12; Ord. No. A-99, 01/17/17)

6.4.31. Service Establishment

A. Defined. Business service establishments, including but not limited to copying and printing establishments and shipping services. (Ord. No. Z-108, 04/17/12)

I am pasting related sections of the use table below:

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	P/SP	SP	--	--
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P
Service establishment, up to 5,000 sq. feet	P	P	P	P	--	SP	P	--	P	--	--
Service establishment, over 5,000 sq. feet	P	P	P	P	--	SP	P	--	SP	--	--

Source: <https://www.newtonma.gov/home/showpublisheddocument/29823/637922895054470000>

Multiple conversations with planning staff lead me to believe the simplest solution would be to allow the use by right in BU1 and BU2.

These changes to the use table would:

- Redress an unintended consequence of an amendment written to create the MU4 zoning, a purpose arguably unrelated to the regulation of animal services.
- Bring the regulation of this use more in line with similar operations defined as either Personal Service or Service Establishment.
- Make six existing animal grooming businesses in Newton compliant with zoning, and
- Enable the proposed business to open in the vacant Newtonville storefront.