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MEMORANDUM

Date: November 10, 2022
From: Barney Heath, Director, Planning and Development
John Sisson, Economic Development Director
To: Zoning and Planning Committee – All Members
CC: John Lojek, Commissioner of Inspectional Services
Andrew Lee, Assistant City Solicitor
Jane Santosuosso, Chief Zoning Code Official
Economic Development Commission
RE: “Animal Services” zoning issue

In 2012, a zoning amendment created a definition for “animal service” establishments and enabled the use by special permit in MU1, MU2, and MU4. At the same time, to the best of my knowledge, the use was not enabled in other commercial zones (BU1, BU2, BU3, or BU4) with no clear rationale.

When the prohibition of animal service businesses in village centers was approved, a 4,000-square-foot pet store was operating on a block of Walnut Street zoned BU1. That pet store was a fixture of Newtonville for more than 45 years before closing in 2014. Today, six animal grooming businesses—now non-conforming—operate in BU1 and BU2 zones in Auburndale, Newton Center, Newton Highlands, Newtonville, and Waban.

In August 2022, three entrepreneurial Newton residents contacted Planning staff and expressed an interest in opening a new dog grooming business on a Walnut Street block in Newtonville zoned BU1. However, ISD cannot issue a building permit to the business because the ordinance now prohibits animal service businesses from opening in village centers. Prior to the zoning change, we speculate ISD approved animal service establishments as a “personal service,” which is allowed as-of-right in BU1, BU2, BU3, and BU4.

The decades-long decline of retail uses in village centers has yielded opportunities for food and service businesses to succeed in these historical storefronts. These businesses attract consumers, and the economic benefits of foot traffic are cumulative. Truly, the only difference between a hair salon and a dog groomer is the species being groomed.

At its meeting on Tuesday, October 11, 2022, the Economic Development Commission voted 9-0 to support a request of Mayor Fuller to docket an item, “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).

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)

Related sections of the existing use table are presented 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>

Please note that other, specific animal services are regulated separately:

- 6.4.19. **Kennels** are prohibited in all business zones.
- 6.4.36. **Veterinary Hospitals** are allowed in BU2 only by Special Permit or in BU4, where the use is “Allowed Subject to Listed Standards.”

Multiple conversations with staff in Planning, Inspectional Services, and Law have led me to propose the following two-part solution.

First, allow the “animal service” use as-of-right in BU1 and BU2 in the use table, which would:

- 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.

To enable “animal service” in village center storefronts, only two cells in the business district columns would need to be updated, as follows:

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM
Animal service, excluding overnight boarding	P	P	--	--	--	SP	SP	P/SP	SP	--	--

Second, clarify the definition of “animal service” to provide better guidance to Planning and Inspectional Services staff for making use determinations. A revised definition might:

- (1) Specify grooming “of household pets, ancillary retail sales and services,”
- (2) limit veterinary services to “incidental” care (such as rabies shots), and
- (3) exclude “day care” along with overnight boarding.

Below are redlined and clean versions of the proposed definition:

Chapter 30: Zoning Ordinance | City of Newton, Massachusetts

Article 6. Use Regulations

Sec. 6.4. Commercial Uses

[Redlined version]

6.4.1. Animal Service

- A. Defined. Animal Services, including but not limited to sales and grooming of household pets, ancillary retail sales and services, and incidental veterinary care services; excluding day care and overnight boarding.

[Clean version]

6.4.1. Animal Service

- A. Defined. Animal Services, including but not limited to sales and grooming of household pets, ancillary retail sales and services, and incidental veterinary care; excluding day care and overnight boarding.

Action Requested

If the Zoning and Planning Committee agrees that this clarification is worth pursuing, we would request that a public hearing be scheduled as soon as possible to formally present this amendment.