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MEMORANDUM

Date: December 8, 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 Use Table Amendment
Public Hearing of December 12, 2022

In September, Planning staff discovered what we believe is a mistake in the Zoning Ordinance’s use table which designates where specific residential, commercial, and industrial uses are allowed and prohibited in Newton. In 2012, an 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 our knowledge, the use was omitted in other commercial zones (BU1, BU2, BU3, or BU4). We believe this was an error of omission.

At its meeting on Tuesday, October 11, 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.”

Based on conversations with Planning and Inspectional Services (ISD) staff, we speculate that—prior to the 2012 change—ISD approved dog grooming firms as “personal service” establishments, which the use table allows as-of-right in BU1 and BU2 (village center zones), BU3 (unmapped), and BU4 (covering several shopping centers on Route 9 and the office complex at 269-287 Grove Street.) !!

Six animal grooming businesses—now non-conforming—have been operating in BU1 and BU2 zones for years, if not decades. In 1998, Jane Bruce purchased an existing pet grooming shop and has operated Newton Highlands Grooming & Pet Boutique ever since. In 2008, Elizabeth and Evan Olson opened BYOD Dog Wash in Newton Center. Additional shops provide animal services in Auburndale, Newtonville, and Waban.

A decades-long decline of retail uses in Newton’s 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. The animal service use is compatible with other personal services offered in village centers. Truly, the only difference between a hair salon and a dog groomer is the species being groomed.

The current Zoning 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 animal services are regulated separately:

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

PROPOSED SOLUTION

To address the omission introduced in 2012, we propose a two-part solution:

1. **Enable “animal service” as-of-right in BU1 and BU2.** This 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 a partnership of Newton residents to open a proposed business in a vacant Newtonville storefront.

2. **Clarify the definition of “animal service.”** This would provide better guidance to city staff making use determinations. A revised definition might:
 - Specify grooming “of household pets, ancillary retail sales and services,”
 - limit veterinary services to “incidental” care (such as rabies shots), and
 - exclude “doggy day care” along with overnight boarding.

REQUESTED CHANGES TO THE ORDINANCE

First, to enable “animal service” in village center storefronts, only two cells of the use table 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, to clarify the definition of “animal service,” the following edits are proposed:

Chapter 30: Zoning Ordinance | City of Newton, Massachusetts.

Article 6. Use Regulations
 Sec. 6.4. Commercial Uses

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. [Redlined]

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. [Clean]