

Warrant Article 26

Amend Definition of “Dog Kennel” as Used in the Zoning Bylaws

Saul Beaumont

March 14, 2019

Purpose of Warrant Article 26

Warrant Article 26 clarifies the definition of Dog Kennel to better align Natick's current definition to the Commonwealth of Massachusetts Kennel definitions and makes it easier to determine where it will be properly applied.

Natick's Dog Kennel definition in the Zoning Bylaws is ambiguous which makes it difficult to apply with the different and unique applications that are filed. It is unclear to the applicants and unclear to the residents.

WA26 removes the current definition, Dog Kennel, and inserts the Commonwealth's two Dog Kennel definitions for Personal Dog Kennel and Commercial Dog Kennel.

Recent History of Dog Kennel Applications in Natick

- Five applications for commercial dog kennels in residential district in past two years
 - Vast majority of neighbors oppose
1. Special permit for 90 dogs/day Dog Daycare granted for Brook/Leach
 2. Application for 185 Eliot Street Historic Site for All Day Dog Grooming and Kennel was withdrawn
 3. First application for 56 Eliot Hill Road for Dog Daycare was withdrawn
 4. Application for 150 dogs/day Dog Daycare at Pegan Lane/Lookout Farm was withdrawn
 5. Second application for 56 Eliot Hill Road for Doggie Daycare was denied.
 6. Potential second application for 90-150 dogs/day Dog Daycare for 185 Eliot Street Historic Site

Dog Daycare Sites



Brook/Leach



Eliot Hill




185 Eliot



Sherborn (similar to Lookout Farm)



Flyer delivered to Natick homes



**WOULD YOU CONSIDER RENTING OUT
YOUR YARD FOR DOG PLAYGROUPS?**



Hello!

We came to speak with you in person today, but you were not home so we are leaving you with this bit of food for thought! Our names are Elizabeth Geisinger and Marissa Nomakeo and we are looking to rent private unused space where we can host dog playgroups. Woodsy areas are completely fine. We typically pay \$800 \$1,500 Month.

Hello, Neighbors!

Letter to neighbors of 185 Eliot Street

My name is Elizabeth Geisinger and I am the owner and CEO of local dog service company "Doggy Dates". We currently service over 100 of your fellow Natick residents, and hundreds of others in the communities beyond. We currently have a permitted fully outdoor play space at 42 Leach Lane, Natick, but are looking for more space in Natick to accommodate our growing clientele.

We are very interested in purchasing the property at 185 Eliot St. Before we determine how or if to pursue this property, however, we wanted to get the thoughts of the neighbors, and answer any questions you may have regarding our plans for the property. It is our goal to maintain a peaceful existence in the neighborhood, and are hoping the neighbors themselves will help guide us in this endeavor.

In order to facilitate this, we are hosting an informational, question and answer session at Lookout Farm on Wednesday, March 13th at 7pm. We welcome all neighbors with interest in this topic to join us.

TYPICAL NEIGHBOR OBJECTIONS

- Reduction in property value
- Noise, smell, contamination, traffic, etc
- Change character of neighborhood

TOWN OF NATICK – ZONING BYLAW

Section 100 – PURPOSE AND AUTHORIZATION

The purpose of the bylaw is to support the well being of the residents

Excerpt from Zoning Bylaw:

In order to preserve and to promote the life, health, safety, morals, convenience and welfare of the townspeople, to lessen the danger from fire, to improve and beautify the Town, to protect real estate from damaging uses of adjacent property and to further the social and economic prosperity of the community,.....maintain neighborhood character.

Impact of a commercial kennel on intent of the bylaw

| Bylaw | Impact of Commercial Kennel |
|---|--|
| Improve and beautify the town | Dogs congregating and creating noise and the waste from 450 dogs per week does not beautify a town. |
| Neighborhood character | Noise, smell, contamination, traffic changes the neighborhood character. |
| Protect real estate from damaging uses of adjacent property | A letter from Ken Barber of William Raveis real estate in Natick has provided a letter that states in his professional opinion, property values go down at least 10% |
| Fiscal impact on town | Reduced property values equals reduced tax revenue |
| A special permit requires full compliance with the bylaws | One non-compliance is enough to deny a permit. |
| Protect the welfare of townspeople | Imposing a commercial dog kennel in a residential district imposes the above hardships on the neighbors. The bylaw is intended to protect the residents from that. |
| Adapting Mass. Definitions for Natick | Brings Natick standards up to those of neighboring towns and the rest of the state. |

WILLIAM RAVEIS
REAL ESTATE • MORTGAGE • INSURANCE

November 5, 2018

[Redacted]
Natick, MA 01760

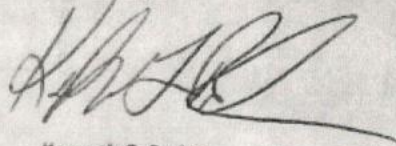
Dear Mr. [Redacted]:

I received your letter regarding the current value of your property. I know you are concerned about the application to allow a drop off/pick up style day time dog care business.

It is my opinion that this proposed commercial use in a residential neighborhood would have a negative effect on the property values in the immediate neighborhood. My estimate is that it would decrease the value of your home at the minimum of **ten percent**. On your specific property, this would be over \$100,000.00. The closer your home is to the dog care property, the more your value would decrease up to approximately **twenty percent**.

If you have any further questions or concerns, please do not hesitate to give me a call.

Respectfully,



Kenneth G. Barber
Barber Real Estate Group
56 Eliot St.
Natick, MA 01760

IMPLEMENTING THE WA26 CHANGE IN THE BYLAWS

Changes In Zoning Bylaw, Section I, Article 1, Section 200 DEFINITIONS:

WA26 Changes to Bylaw:

1. Remove definition for “Dog Kennel”
2. Add definitions for “Personal Dog Kennel” and “Commercial Dog Kennel”

Remove the definition “Dog Kennel: One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than **three dogs** three months old, or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.”

**Add two definitions from Massachusetts General Laws:
MGL, Part 1, Title XX, Chapter 140, Section 136A:**

1. Add the definition “Personal Dog Kennel: A pack or collection of more than **4 dogs**, 3 months old or older, owned or kept under single ownership, for **private personal use**; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such **breeding** from a personal kennel shall be to other breeders or individuals by **private sale only** and not to wholesalers, brokers or pet shops; provided further, that a personal kennel **shall not sell**, trade, barter or distribute **a dog not bred** from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.”

2. Add the definition “Commercial Dog Kennel: ‘Commercial boarding or training kennel’, an establishment used for boarding, holding, day care, overnight stays or training of **animals that are not the property of the owner** of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.”

CHANGES TO USE REGULATION SCHEDULE

FROM:

RG= Residential General
RS= Residential Multiple
CII= Commercial Two

A= Use Allowed under Special Permit
O= An excluded or prohibited use

III-A.2 USE REGULATIONS SCHEDULE

| INSTITUTIONAL USES | RG | RM | RS | PCD | SH | AP | DM | CII | INI | INII | H |
|--------------------|----|----|----|-----|----|----|----|-----|-----|------|---|
|--------------------|----|----|----|-----|----|----|----|-----|-----|------|---|

OTHER USES

| | | | | | | | | | | | |
|----------------|---|---|---|---|---|---|-----|---|---|---|---|
| 53. Dog Kennel | A | O | A | O | O | O | (*) | A | O | O | O |
|----------------|---|---|---|---|---|---|-----|---|---|---|---|

TO:

III-A.2 USE REGULATIONS SCHEDULE

| INSTITUTIONAL USES | RG | RM | RS | PCD | SH | AP | DM | CII | INI | INII | H |
|--------------------|----|----|----|-----|----|----|----|-----|-----|------|---|
|--------------------|----|----|----|-----|----|----|----|-----|-----|------|---|

OTHER USES

| | | | | | | | | | | | |
|-------------------------|---|---|---|---|---|---|-----|---|---|---|---|
| 53. Personal Dog Kennel | A | O | A | O | O | O | (*) | A | O | O | O |
|-------------------------|---|---|---|---|---|---|-----|---|---|---|---|

| | | | | | | | | | | | |
|----------------------------|---|---|---|---|---|---|-----|---|---|---|---|
| 53A. Commercial Dog Kennel | O | O | O | O | O | O | (*) | A | O | O | O |
|----------------------------|---|---|---|---|---|---|-----|---|---|---|---|

HOW DO OTHER TOWNS DEAL WITH THIS KENNEL PROBLEM?

Commercial kennels in residential districts of neighboring towns of Natick

| | Town | Kennel Status |
|----------|-------------------|---|
| 1 | Dover | Not allowed |
| 2 | Framingham | Not allowed |
| 3 | Needham | Not allowed |
| 4 | Sherborn | Not allowed |
| 5 | Wayland | Special permit but very strict in consideration of neighbors |
| 6 | Wellesley | Not allowed. |
| 7 | Weston | Not allowed |

SUMMARY

- By using the state definitions of Personal Dog Kennel and Commercial Dog Kennel, we align ourselves with the State and surrounding communities to clearly differentiate between Personal and Commercial kennels.
- The bylaws become more specific and easier for the applicants and residents to understand what and where kennels are allowed.
- This protects the issues mentioned before in a residential zoned district including property value reduction, change of neighborhood character, etc, and it also addresses the zoned areas where the commercial dog kennels can operate.
- The Planning Board, the Special Permit Granting Authority, now has a clearer definition to apply to the different kennel applications that come before them.