

Warrant Article 26

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

Saul Beaumont

April 1, 2019

The Threat to Our Homes

WOULD YOU CONSIDER RENTING OUT
YOUR YARD FOR DOG PLAYGROUPS?

1/4 Acre next door to your home



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 _____ 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.**

Dog waste is an environmental pollutant.

Health

Excerpts:

In 1991, **dog waste was labeled a non-point source pollutant** by the Environmental Protection Agency (EPA), placing it in the same category as herbicides and insecticides; oil, grease and toxic chemicals; and acid drainage from abandoned mines.

It has been estimated that a single gram of dog waste can contain 23 million fecal coliform bacteria, **which are known to cause cramps, diarrhea, intestinal illness, and serious kidney disorders in humans.**

Decrease in Property Value

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**.

Impact of a commercial kennel on intent of the bylaw

The primary intent of the bylaw is to protect the residents

Section 100 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.
Preserving health	Dog waste is an environmental pollutant
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 on Eliot Hill Rd go down between 10% - 20%.
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.

Purpose of Warrant Article 26

Warrant Article 26 clarifies the bylaw by replacing the definition of a Dog Kennel with two Massachusetts definitions: Personal Dog Kennel and Commercial Dog Kennel.

This change provides protection from a commercial dog kennel being located next door to a home in a residential district.

Significant text of the three definitions

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

FROM:

Dog Kennel: One collection of dogs owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.”

TO:

Personal Dog Kennel: A collection of more than 4 dogs, owned or kept under single ownership, for private personal use; breeding from a personal kennel private sale only; shall not sell, a dog not bred; dogs temporarily housed may be sold not for profit.

Commercial Dog Kennel: ‘Commercial establishment of animals that are not the property of the owner of the establishment,

WHAT CHANGES IN THE BYLAWS (Exact wording)

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

FROM: 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.”

TO: (Mass.General Laws, Part I, Title XX, Chapter 140, Section 136A)

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 **Massachusetts Department of Agricultural Resources**, may be sold, traded, bartered or distributed if the transfer is not for profit.”

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 **Massachusetts General Law** 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.”

Frank Foss <frank_foss@icloud.com>

Thu 3/28/2019 10:46 AM

To: Saul Beaumont <saulbeaumont@hotmail.com>

Saul,

I reviewed the changes your making and they are within scope of the article. I am not understanding why you're changing the article text. You should be making changes to the motion you wish to provide. None of the files that you sent me are in the form of a motion which I would accept at town meeting.

Frnak

> On Mar 27, 2019, at 1:32 PM, Saul Beaumont <saulbeaumont@hotmail.com> wrote:

>

> <190323-3 WA26 in warrant for TM.doc>

Changes to Use Regulations Schedule, Zoning bylaw Section III-A.2

FROM:

III-A.2 USE REGULATION 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
Use allowed under a Special											
A - Permit											
O - An excluded or prohibited use											

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

TO:

III-A.2 USE REGULATION 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	Allowed use with special permit because of the size and rural nature. “They are certainly not invited”
2	Framingham	Not allowed
3	Needham	Not allowed
4	Sherborn	Not allowed
5	Wayland	Special permit but very strict in consideration of neighbors. Must conform to accessory use, ie be typical of what is associated with a residential house. Town opinion is that a commercial kennel would not be accepted.
6	Wellesley	Not allowed.
7	Weston	Not allowed

SUMMARY

By using the definitions of Personal Dog Kennel and Commercial Dog Kennel:

- The bylaws are more specific and easier for the applicants and residents to understand
- The threat of property value reduction, environmental pollution, smell, noise, traffic, neighborhood character change, etc. next door to your home is eliminated.

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Excerpts:

In 1991, **dog waste was labeled a non-point source pollutant** by the Environmental Protection Agency (EPA), placing it in the same category as herbicides and insecticides; oil, grease and toxic chemicals; and acid drainage from abandoned mines.

It has been estimated that a single gram of dog waste can contain 23 million fecal coliform bacteria, **which are known to cause cramps, diarrhea, intestinal illness, and serious kidney disorders in humans.**

Sources

- Environmental Protection Agency
- U.S. Centers for Disease Control and Prevention
- Whole Earth magazine, Spring 1999 (Excerpted from Let it Rot!: The Gardener's Guide to Composting, Stu Campbell. Third edition, 1998. 153 PP. Storey Books.)

WILLIAM RAVEIS
REAL ESTATE • MORTGAGE • INSURANCE

November 5, 2018

[Redacted]
Natick, MA 01760

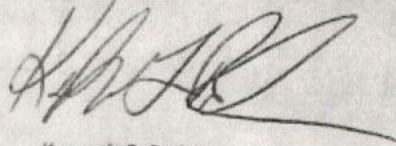
Dear Mr. [Redacted]

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



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.

We realize this is a unique request but we hope you will call so that we can answer any questions you might have! Please find a little more information about what we are proposing below.

- We operate between 8:30AM and 3PM Monday through Friday (never on weekends)
- Our company cars will transport dogs to and from the property; no pet owners will be given the address of your property nor allowed on the premises.
- Dogs will be contained at all times within the fenced-in area we will create (this will include a fenced-in parking area). Fencing will be of temporary construction and easily taken down if and when our arrangement is ended
- All dog waste will be cleaned immediately.
- Doggy Dates is fully bonded and insured.
- We would open to any suggestions or conditions you wish to propose. We would be grateful for the opportunity to use your space and will respect whatever guidelines you deem necessary.
- Also feel free to look us up on Facebook so you can have a better idea of our operation. We have been in operation for over 5 years and pride ourselves on the strong relationships we have built with our customers and our landlords. Please feel free to ask us any questions you may have, and thank you again for considering our proposal! Thank you for your time and we look forward to speaking with you!

Hello, Neighbors!

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.

Before our meeting, we just wanted to give you a little background on just what we are looking to do on the property. Doggy Dates is a unique business concept, and offers a different model of doggy daycare than what most are accustomed to, namely:

- Sessions are ONLY 45 minutes in length; no dog or human will remain on the property for longer than this duration
- We do not leave any dogs unattended on the property
- We do not house dogs overnight on the property
- All dogs are brought in using our company vehicles (Toyota Scion XBs and Siennas) and NO customers are allowed on the property
- We will only use the property Monday through Friday between the hours of 8:30 AM and 4PM; no dogs will be on the property after hours or on weekends
- Dogs are always monitored by on-site staff, and sound control measures are taken to ensure they do not pose a disturbance to neighbors
- No building structures besides fencing will be constructed

We look forward to meeting you!

Elizabeth Geisinger, CEO Doggy Dates LLC
Marissa Hannon, COO, Doggy Dates LLC