

Warrant Article Questionnaire Citizen Petitions Articles

Section III – Questions with Response Boxes – To Be Completed By Petition Sponsor

Article #27	Date Form Completed: February 28, 2019
Article Title: Amend Dog Kennel Zoning	
Sponsor Name: George Richards	Email: grichards@southnaticklaw.com

Question	Question
1	Provide the article motion exactly as it is intended to be voted on by the Finance Committee.
Response	See attached Motion.
2	At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?
Response	To prohibit “commercial dog kennels” (use # 53) from ALL residential zones (currently prohibited in RM but are allowed by special permit in RG and RS and CII), to allow “personal use kennels” in all residential zones by Special Permit and to allow “dog day care kennels” in RG, RS and CII.
3	What does the sponsor gain from a positive action by Town Meeting on the motion?
Response	Peace and quiet. The knowledge that neither I nor any other resident in the Town has to worry about opposing applications for dog kennels near our homes. Continued increase in residential property values.
4	Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?
Response	Peace and quiet for all homeowners residential zones before 8 AM, after 6 PM and weekends.
5	How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations
Response	The fact that commercial dog kennels are NOT allowed in RM, but ARE allowed by special permit in RS and RG makes absolutely NO sense! They should not be allowed in ANY residential zones in order to protect residents’ use and enjoyment of their property as well as their property values.
6	Have you considered and assessed, qualified and quantified the various impacts to the community such as:

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	<ul style="list-style-type: none"> • Town infrastructure (traffic, parking, etc.) • Neighbors (noise, traffic, etc.); • Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);
Response	Less noise in residential zones – otherwise, no impacts to the Town.
7	<p>Who are the critical participants in executing the effort envisioned by the article motion?</p> <p>To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?</p>
Response	I have represented 3 different property owners in 2018 to oppose dog kennel applications and although good for my business, my clients as well as of hundreds of other property owners have expressed their STRONG belief that commercial dog kennels (and possibly even day care dog kennels do not belong in residentially zoned areas.
8	<p>What steps and communication has the sponsor attempted to assure that:</p> <ul style="list-style-type: none"> • Interested parties were notified in a timely way and had a chance to participate in the process, that • Appropriate town Boards & Committees were consulted • Required public hearings were held
Response	Hundreds of residents have expressed support of this proposal and the Planning Board has a public hearing scheduled for March 20 th .
9	Why is it required for the Town of Natick AND for the sponsor(s)?
Response	It is required in order to respect the rights of residential property owners.
10	Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?
Response	No.
11	What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish
Response	1 Framingham Not allowed

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	2	Medfield	Special permit
	3	Needham	Not allowed
	4	Sherborn	Not allowed
	5	Sudbury	Special permit but very strict. All neighbors need to accept and controls for odor, noise, sound, lighting, waste control, etc.
	6	Waltham	Not allowed
	7	Wayland	Special permit but very strict in consideration of neighbors
	8	Wellesley	Highly scrutinized permit but not allowed if there is an employee.
	9	Weston	Not allowed
	If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.		
Response	Unhappy residents who may move to another town and possible decreases in residential property values.		

**2019 Spring Town Meeting
Article 27**

MOTION A:

Move to amend the definition of "Dog Kennel" in the Zoning Bylaws Section I/Article I, **Section 200 – DEFINITIONS**, as follows:

To delete the following definition in its entirety:

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.

and to add the following definitions to in the appropriate alphabetical order in **Section 200:**

Commercial Dog Kennel: An establishment used for boarding, overnight stays or training of dogs 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, a "commercial dog 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 without consideration.

Day Care Dog Kennel: An establishment used for the day care of dogs kept in a safe enclosure that are not the property of the owner of the establishment, at which such day care services are rendered in exchange for consideration and in the absence of the owner of any such dogs, provided 1) the enclosure in which the dogs are located is more than two hundred feet (200') from the nearest dwelling, 2) the dogs are never left unattended and 3) the establishment only provides day care services on weekdays between the hours of 8 AM and 6 PM.

Personal Dog Kennel: A pack or collection of more than three (3) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use and not for profit.

MOTION B:

Move to amend **Section III-A.2 USE REGULATION SCHEDULE, OTHER USES**, Use #53, as follows:

- 1) Change Use #53 from "Dog Kennel" to "Commercial Dog Kennel";
- 2) Add a new Use #53A entitled "Day Care Dog Kennel"

- 3) Add a new Use # 53B entitled "Personal Dog Kennel"
- 4) Change Use #53 by changing the "A" to "O" in the zoning districts RG and RS columns
- 5) Add a new use regulation table for Use # 53A to include an "A" in the zoning districts RG, RS and CII columns and to include an "O" in all other zoning district columns
- 6) Add a new use regulation table for Use # 53B to include an "A" in the zoning district RG, RM and RS columns and to include an "O" in all other zoning district columns

So that the applicable chart in **Section III – A.2 – USE REGULATIONS SCHEDULE**, Use #53 now reads:

"

OTHER USES	RG	RM	RS	PCD	SH	AP	DM	CII	INI	INII	H
53. Commercial Dog Kennel	O	O	O	O	O	O	O	A	O	O	O
53A. Day Care Dog Kennel	A	O	A	O	O	O	O	A	O	O	O
53B. Personal Dog Kennel	A	A	A	O	O	O	O	O	O	O	O

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