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Barney S. Heath
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MEMORANDUM

DATE: December 10, 2021

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

RE: **#390-21 Requesting amendments to Zoning Ordinance Chapter 30, Sections 4.4 and 6.4**
THE DIRECTOR OF PLANNING requesting amendments to the Newton Zoning Ordinance, Chapter 30, Sections 4.4 and 6.4 to allow for veterinary uses in the Business 4 zoning district.

MEETING: December 16, 2021

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer
City Council

Overview

At their November 18th meeting, the Zoning and Planning Committee (ZAP) discussed amending the Business, Mixed Use & Manufacturing use table to permit veterinary hospitals in the Business 4 (BU4) zoning district. From a review of the zoning history (see below) when the use table was last updated to expand the zones where veterinary hospitals were permitted the BU4 zone was limited to a single site containing an assisted living facility. Since then, the BU4 district has been used for several large sites throughout the city, most containing a mix of uses. While this issue was raised due to a potential veterinary tenant at the Street in Chestnut Hill (located in a BU4 district), it is an appropriate time to update the zoning to allow the use for all BU4 sites. According to a survey from May 2021 by the American Society for the Prevention of Cruelty to Animals (ASPCA), approximately one in five American households acquired a cat or dog since the beginning of the pandemic. This has led to increased demand at area veterinary hospitals and long waits for appointments.

At the November ZAP meeting there were some concerns raised regarding the proximity of a veterinary hospital to other uses and the potential for outdoor facilities associated with the use. Many area veterinary hospitals are successfully located along busy commercial strips and/or immediately adjacent

to neighborhoods. Veterinary hospitals are currently located in Auburndale, Nonantum, Newton Highlands, Newtonville, Needham Street, and an additional veterinary hospital was approved by City Council in Four Corners but did not move forward. These locations are immediately adjacent, or in close proximity to residences, restaurants, grocery stores, offices, and other commercial businesses.

Veterinary hospitals typically do not contain any outdoor facilities and they operate differently than kennels or other day care or boarding facilities where many animals may be onsite for long periods of time. Veterinary hospitals are most frequently treating animals in short office visits. Occasionally medical boarding may be necessary, but the primary purpose is not overnight boarding. The BU4 district already allows for a broad range of commercial uses, and veterinary hospitals are compatible with the other uses permitted.

Veterinary Hospital Zoning History

Veterinary hospitals are currently allowed by Special Permit in the Business 2 (BU2), Mixed Use 1 (MU1), Mixed Use 2 (MU2), and Mixed Use 4 (MU4) zoning districts, and by-right in the Manufacturing (M) and Limited Manufacturing (LM) zoning districts. Prior to 1996 veterinary hospitals were only permitted in the M and LM zones. An amendment in 1996 (Ordinance V-87) allowed for the use by Special Permit in the BU2, MU1 and MU2 districts. The rationale at the time was that there was a demand for vet services and limited land available to locate a new veterinary hospital in the manufacturing districts. At the time there was an existing veterinary hospital in the BU2 district and there had not been any noise or health complaints regarding the use and the MU1 and MU2 districts allowed for certain manufacturing uses which would likely be more impactful than a veterinary hospital.

While not stated explicitly in the analysis associated with the 1996 amendment it can be assumed that the Business 1 (BU1) zone was not included because it is typically found in the core of village centers, the Business 3 (BU3) zone was not included as it is not mapped, and the Business 4 (BU4) zone was not included as it was limited at that time to just 430 Centre Street, an assisted living facility. The Mixed Use 3 (MU3) and Mixed Use 4 (MU4) zones had not yet been created (though veterinary hospital was added as an allowed use by Special Permit in the MU4 district when that district was created).

Zoning examples from nearby communities

Planning staff reviewed the zoning for several nearby communities and veterinary hospitals are typically allowed in most business and all industrial zones.

- In Watertown and Waltham the zoning does not call out any veterinary uses and they are presumably allowed wherever office uses are permitted.
- Brookline permits veterinary hospitals by-right in the General Business and Business districts and by Special Permit in the Local Business and Industrial Service districts. Brookline prohibits any outdoor facilities and requires verification of noise control.
- Dedham permits veterinary hospitals by-right in the Limited Manufacturing district and by Special Permit in the Highway Business, Local Business, and General Business districts.
- Needham allows veterinary hospitals by Special Permit in the Industrial, Business, Chestnut Hill Business, Center Business, Avery Square Business, and Hillside Avenue Business districts.
- Wellesley permits veterinary hospitals by-right in the Business and Wellesley Commercial districts.

Recommendation

Since the 1996 veterinary hospital amendment there have been several sites in the city rezoned to BU4: the Riverside Center office park at 275 Grove Street (rezoned in 1997), Chestnut Hill Square (rezoned in 2010), the Street in Chestnut Hill (rezoned 2011) and the Northland site on Needham Street (rezoning approved but not yet effectuated) (Attachment A). Recently City staff have received inquiries from the Street regarding a potential veterinary tenant. Except for the assisted living building on Centre Street all of the BU4 sites are larger, multi-tenant and/or mixed-use sites that are buffered from nearby uses and are subject to the conditions of Special Permits. Multi-tenant retail sites have recently struggled to retain retailers and more flexibility in allowed uses could benefit these sites. Veterinary hospitals can provide a needed service while still maintaining some of the activity desired at the ground floor at these sites.

The BU2 and MU4 zones currently allow for veterinary hospitals by Special Permit. The MU4 zones are all located in village centers and consist of single, mixed-use buildings with residences above ground floor commercial uses. The BU2 districts tend to be on the periphery of village centers and along commercial corridors and contain a mix of commercial and residential uses. The BU4 districts are mostly larger campuses, where veterinary hospitals would also be appropriate.

Given the nature of the existing BU4 sites and the limited impacts anticipated from a veterinary hospital Planning staff recommends that Section 4.4 Allowed Uses in the Business, Mixed Use & Manufacturing Districts be amended to permit veterinary hospitals in the BU4 district, either by-right or by Special Permit, and Section 6.4.36 be amended to prohibit overnight boarding not related to medical care (Attachment B).

Attachments

Attachment A: Map of BU4 districts

Attachment B: Redlined Zoning Amendments to Sections 4.4 and 6.4.36