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Mayor

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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** November 12, 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:** November 18, 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

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**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. 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).

**Veterinary Hospital – BU4**

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. With the exception of 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 is needed.

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 by-right in the BU4 district (Attachment B).

**Next Steps**

Planning staff recommends the committee set a public hearing on this item for December 16, 2021.

**Attachments**

**Attachment A:** Map of BU4 districts

**Attachment B:** Redlined Zoning Amendments to Section 4.4