

Leverett Planning Board Meeting

12/11/2024

Agenda:

Public Hearing on proposed bylaw changes, as explained by the notice below

Planning Board members in attendance: Greg Tuzzolo, Richard Nathorst, Molly Daniell, Tim Shores

Members of the public in attendance: Carol Heim

Public Hearing began at 7:13pm

Remote meeting access canceled due to technical difficulties.

The lore of the bylaw's origin: Richard spoke with some residents who recalled that the bylaw was inspired, once upon a time, by an owner of a pack of bluetick hounds who would hunt racoon, noisily.

The problem:

- The bylaw came to the attention of the Planning Board in 2023 when Town Clerk Lisa Stratford explained that she, as the Town's kennel licensing authority, doesn't refer to the zoning bylaw when processing kennel applications --- she only follows the State law and Town Code.
- She asked the Planning Board for a document that she could give to kennel applicants to refer them to the relevant zoning bylaw.
- On closer inspection, the Planning Board decided that we should consider changing zoning bylaw to do with kennels.
- Zoning bylaw section **2200. Use Regulations** prohibits kennels in all residential districts. Kennels are allowed by special permit in general business and commercial districts. The Leverett zoning definition of kennel doesn't distinguish between commercial and non-commercial use of a kennel, or any other type of use --- in Leverett, a kennel is a kennel.
- The result is that for a resident living in a residential district, there are no circumstances in which they may own 4 or more dogs for personal, non-commercial use, even if the Town Clerk follows state licensing procedures (which does distinguish among several types of kennels).
- Also, it's not clear how this would be enforced --- FRCOG would be responsible for zoning enforcement but it doesn't seem like asking them to enforce personal kennel prohibitions makes sense. Leverett's Animal Control Officer would be responsible for enforcing State law and Town Code, but would the ACO enforce the zoning bylaw?

Possible solutions:

- To explore how to relax the bylaw with respect to personal dog ownership, as stated in the Hearing Notice circulated to neighboring towns and published in the Greenfield

Recorder, the Planning Board has proposed changing the bylaw to specify commercial use.

- Greg proposed that we could keep it simple by striking the reference to kennel altogether, and eliminate redundancy of a separate use category, since it's covered by state law.
- Tim suggested that for clarity we could change the definition of kennel to point to another business/industrial use.
- Tim also suggested that he would review Massachusetts General Law, Chapter 140, Section 137A to understand how it defines types of kennels, and requirements of the licensing authority.

Public comment: Carol Heim asked whether there was any value in regulating the number of dogs; Tim replied that there may be value, but if Leverett wants to regulate the number of dogs, it makes more sense to do that by changing our Town Code.

Hearing no further discussion, Greg moved that we continue this public hearing when the Planning Board meets on January 8, 7pm. Tim seconded, passed unanimously.

Greg moved to adjourn the meeting. Richard seconded, passed unanimously. Meeting adjourned 7:30pm.

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Town of Leverett Hearing Notice - Proposed Bylaw Changes

A public hearing will be held in person and remotely on Wednesday, December 11, 2024 at 7:00 pm during the Planning Board meeting to discuss proposed changes to the "Zoning By-Laws": Public access is available by using the link for the selectboard meeting posted on [leverett.ma.us](https://www.leverett.ma.us).

Changes proposed are:
Article VI: Definitions

From:

Kennel shall mean 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 (3) dogs, three months old or older, owned or kept by a person on a single premises regardless of the purposes for which they are maintained or kept.

To:

Kennel shall be defined as a land use resulting from the keeping of three (3) or more dogs of three (3) months of age or older on a single premises, for commercial purposes.

A copy of the complete Zoning By-Laws is on file at the Town Clerk's office or at [leverett.ma.us](https://www.leverett.ma.us).