



Town of Sterling
Office of the Town Clerk
One Park St, Butterick Municipal Bldg.
Sterling, Massachusetts 01564
Tel 978-422-8111 ext 2307 or 2308

August 22, 2022

To: Residents of Sterling

Re: Attorney General by-law approvals from Sterling Annual Town Meeting Monday May 2, 2022

Please be advised:

The following by-laws voted at the Annual Town Meeting held May 2, 2022 have been approved by the Massachusetts Attorney General's office:

Warrant Articles: #25 and #26 (General)

Warrant Article: #27 (Zoning)

Attached herein:

- The decision of the Attorney General dated August 18, 2022
- Certificates of final vote under each Article


Kathleen K. Farrell, Town Clerk

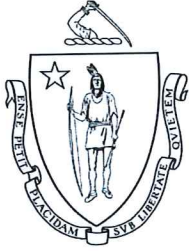
Posted by hand by the Constable at the following locations:

Butterick Municipal Building
Town Library
Sterling Post Office

Sterling Police Station
Sterling Municipal Light Building


Constable

22 August, 2022
Date



MAURA HEALEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 18, 2022

Kathleen Farrell, Town Clerk
Town of Sterling
1 Park Street
Sterling, MA 01564

Re: Sterling Annual Town Meeting of May 2, 2022 -- Case # 10558
Warrant Article # 27 (Zoning)
Warrant Articles # 25 and 26 (General)

Dear Ms. Farrell:

Articles 25, 26 and 27 - We approve Articles 25, 26 and 27 from the May 2, 2022 Sterling Annual Town Meeting. Our comments regarding Article 25 are provided below.

Article 25 - Under Article 25 the Town amended several chapters of the general by-law relating to the penalties for violations of the by-laws regarding animals, as follows: (1) Chapter 18-3, "Licensing and Rabies Vaccination;" (2) Chapter 18-4, "Special Permits and Kennel Licenses;" and (3) Chapter 18-6, "Owner Responsibility." Amendments to these three chapters include a new fine schedule for a violation of the respective chapter that authorizes fines as follows: The fine for the first offense committed by a person shall be \$50; the fine for a second offense shall be \$100; the fine for a third offense shall be \$300; and the fine for a fourth or subsequent offense shall be \$500.

General Laws Chapter 140, Section 173A authorizes a town to impose fines for violation of animal control by-laws as follows:

Whenever a complaint is sought in a district court for a violation of an ordinance or bylaw, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. The fine for the first offense committed by a person shall be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all other provisions of this

section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated in this section.

Because G.L. c. 140, § 173A allows for fines of \$500 for a fourth or subsequent offense, we approve the amendments adopted under Article 25 that authorizes a fine greater than the otherwise applicable cap of \$300 for by-law violations (as provided in G.L. c. 40, § 21).

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418

cc: Town Counsel Brian Maser



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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, May 2, 2022
Chocksett Middle School 40 Boutelle Road

ARTICLE 25. CHAPTER 18 ANIMAL CONTROL GENERAL BYLAW

To see if the Town will vote to amend the Town's Animal Control Bylaws: Chapter 18-3 Licensing and Rabies Vaccination, Chapter 18-4 Special Permits and Kennel Licenses, and Chapter 18-6 Owner Responsibility, relative to Penalties for Violations, with deletions shown in ~~strikethrough~~ and additions shown in **bold/underline**, or take any action in relation thereto.

§ 18-3 Licensing and rabies vaccination.

H. Fees.

- (1) For each individual dog in the Town of Sterling, over the age of six months, an annual fee will be charged by the Town for the issuance of dog licenses as follows:

- (a) Spayed females: \$8.
- (b) Neutered males: \$8.
- (c) Companion pet license: \$6 per dog.
- (d) Intact females: \$12.
- (e) Intact males: \$12.

(f) Late Fee for dog licensed after April 15 or more than 30 days after establishing residence or dog reaching six months of age: \$25.

I. Penalties for violation(s) of § 18-3 shall be:

- (1) ~~Fine for failure to vaccinate for rabies: \$25 per dog (may be in addition to other fines).~~
- (2) ~~Fine for late licensing (after April 15): \$25 per dog (may be in addition to other fines and fees).~~ **Fine for the first offense committed by a person shall be \$50.**
- (3) ~~Fine for unlicensed dog: \$25 per dog, per week (may be in addition to other fines and fees).~~ **Fine for a second offense shall be \$100.**
- (4) **Fine for a third offense shall be \$300.**
- (5) **For a fourth or subsequent offense, the fine shall be \$500.**

§ 18-4 Special permits and kennel licenses.

- C. A kennel license and/or kennel renewal license, respectively, shall be issued upon

receipt of a completed kennel application, accompanied by payment of applicable license fees, not including other fees. No fee to license a kennel shall be charged to any kennel owner(s) age 70 years old or older.

[Amended 5-3-2014 ATM by Art. 38, approved 8-20-2014]

- (1) Kennel I: up to and including four dogs (initial and renewal application): \$40.
- (2) Kennel II: five and up to 10 dogs (initial and renewal application): \$50.
- (3) Kennel III: 11 or more dogs (initial and renewal application): \$60.
- (4) Late Fee for initial or renewal application after April 15: \$25.**

G. Penalties for violations of § 18-4 shall be:

- (1) ~~Fine for failure to obtain a kennel license (after April 15): \$25.~~
- (2) ~~Fine for unlicensed kennel: \$50 per week.~~ **The fine for the first offense committed by a person shall be \$50.**
- (3) ~~Fine for failure to maintain, on-site, current rabies documentation for each dog: \$25 per dog.~~ **The fine for a second offense shall be \$100.**
- (4) The fine for a third offense shall be \$300.**
- (5) For a fourth or subsequent offense, the fine shall be \$500**

§ 18-6 Owner responsibility.

F. Enforcement; penalties for violation.

[Amended 5-7-2018 ATM by Art. 33, approved 8-13-2018]

- (1) The Animal Control Officer of the Town shall be empowered to enforce provisions of this bylaw.
- (2) In addition to the remedies set forth in this bylaw and in MGL c. 140, §§ 136A to 174E, inclusive, including but not limited to MGL c. 140, § 157A, or any other applicable provision of law, this section may be enforced through any lawful means in law or in equity, including, but not limited to, noncriminal disposition pursuant to MGL c. 40, § 21D. If noncriminal disposition is elected, then any person who violates any provision of this section shall be subject to the following penalties **for offenses for which no specific penalty is prescribed elsewhere in this bylaw:**

(a) ~~Penalties for violation and repeat offenders.~~ Any person violating the terms of this section **bylaw** or rules and regulations promulgated pursuant thereto shall be subject to the following fine schedule:

- [1] ~~For offense not involving incidence of biting by a canine first offense, \$10; second offense, \$30; third and subsequent offenses, \$60.~~ **The fine for the first offense shall be \$50.**
- [2] ~~For offense involving incidence of biting by a canine first offense, \$30; second offense, \$50; third and subsequent offenses, \$100.~~ **The fine for a second offense shall be \$100.**
- [3] ~~For all other citations deemed necessary by the Animal Control Officer which occur, first offense, \$10; second offense, \$30; third and subsequent offenses, \$60.~~ **The fine for a third offense shall be \$300.**
- [4] For a fourth or subsequent offense, the fine shall be \$500.**

(b) Each day or portion thereof may constitute a separate offense. If more than one, each condition violated may constitute a separate offense. A

separate offense is not limited to an offense within a calendar year from the first offense.

(3) The Town may enforce this section or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

(4) The Animal Control Advisory Board may review all incidents subsequent to the third offense at a duly noticed public meeting for which the offender shall be provided with notice at least seven days prior thereto and an opportunity to appear before the Board and explain the circumstances of the repeated violations. The Animal Control Advisory Board may make recommendations concerning actions that can be taken to prevent future violations. Nothing in this bylaw is intended to limit or restrict the authority of the Select Board to act in accordance with MGL c. 140, § 157.

Passage requires a Majority vote.

Submitted by: Animal Control Board

Recommendations: Select Board Recommends Approval

Summary: The purpose of this article is to adjust the penalties for violations of the Town's Animal Control Bylaw to bring them in line with the amounts authorized by state law, G.L. c. 140, §157A.

Motion passed by majority as declared by the Moderator

A True Copy Attest: _____


Kathleen K. Farrell, Town Clerk



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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, May 2, 2022
Chocksett Middle School 40 Boutelle Road

ARTICLE 26. STORMWATER – GENERAL BYLAW

To see if the Town will vote to amend the General Bylaws, Chapter 164 Stormwater Water Management, as shown below with additions in **bold/highlight** and deletions in ~~striketrough/highlight~~; or take any action in relation thereto.

Chapter 164 Stormwater Management

§ 164-1 Purpose.

- A. The purpose of this bylaw is to protect the public health, safety, environment and general welfare by establishing requirements and procedures to manage stormwater runoff, promote groundwater recharge and to prevent water pollution from new development and redevelopment. This bylaw seeks to meet that purpose through the following objectives:
- (1) Establish regulations for land development activities that preserve the health of water resources;
 - (2) Require that the amount and quality of stormwater runoff from new development is equal to or better than pre-development conditions in order to reduce flooding, stream erosion, pollution, property damage and harm to aquatic life;
 - (3) Establish stormwater management standards and design criteria to control the quantity and quality of stormwater runoff;
 - (4) Encourage the use of low-impact development practices, such as reducing impervious cover and preserving greenspace and other natural areas;
 - (5) Establish maintenance provisions to ensure that stormwater treatment practices will continue to function as designed and pose no threat to public safety;
 - (6) Establish procedures for the Town's review of stormwater management plans and for the Town's inspection of approved stormwater treatment practices.
- B. Nothing in this bylaw is intended to replace the requirements of the Town of Sterling Floodplain District, the Stillwater River Protection District, the Aquifer and Water Resource Protection District or any other bylaw that may be adopted by the Town of Sterling. Any activity subject to the provisions of the above-cited bylaws must comply with the specifications of each.

§ 164-2 Definitions.

Definitions of this bylaw shall apply in the interpretation and implementation of the bylaw. Terms not defined shall be understood according to their customary and usual meaning. Additional definitions may be adopted by separate regulation.

ALTER

Any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns.

BETTER SITE DESIGN

Site design techniques that can reduce environmental impacts, such as protecting existing vegetation, reducing impervious areas, and using natural drainage ways for stormwater management.

COMMON PLAN OF DEVELOPMENT

A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

HOTSPOT-LAND USES with HIGHER POTENTIAL POLLUTANT LOADS

Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high-intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas. **Land uses with higher potential pollutant loads are defined in the DEP Stormwater Handbook (see Ch.1 V.1 Standard 5 for definition), which definition, as may be amended from time-to-time, is incorporated herein.**

IMPERVIOUS AREA/IMPERVIOUS COVER

A material or a structure that prevents water from entering the underlying soil, such as paved parking lots, paved roads, sidewalks, and buildings.

LOW-IMPACT DESIGN

Low-impact practices allow for the reduction of impervious areas that result in smaller volumes required for stormwater storage. These site design techniques can reduce the size and costs of stormwater collection systems and detention basins.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY

The policy issued by the State Department of Environmental Protection, which provides performance standards to prevent water pollution and control the amount of runoff from new development.

PERSON

Any individual, group of individuals, association, partnership, corporation, company, trust, estate, a political subdivision of the commonwealth or the federal government, to the extent subject to the bylaws of the Town of Sterling.

POLLUTANT

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, construction wastes and residues including discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes and industrial, municipal and agricultural waste discharged into water.

POST-DEVELOPMENT

The conditions that reasonably may be expected after completion of the land development activity on a specific site or tract of land. Post-development does not refer to the construction phase of a project.

PRE-DEVELOPMENT

The conditions that exist at the time that plans for the land development of a tract of land are submitted to the Planning Board. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

REDEVELOPMENT

Any construction, alteration, or improvement exceeding land disturbance of 10,000 square feet, where the existing land use is commercial, or institutional.

STORMWATER MANAGEMENT PERMIT (SMP)

A permit issued by the Conservation Commission, which protects the streams, lakes and water supplies in the Town from the adverse effects of uncontrolled and untreated stormwater runoff.

STORMWATER MANAGEMENT PRACTICES

Structures and techniques that prevent flooding, reduce pollution, and protect local rivers, streams, lakes and water supplies.

§ 164-3 Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

§ 164-4 Administration.

- A. The Conservation Commission shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Conservation Commission may be delegated in writing by the Conservation Commission to its employees or agents.
- B. Stormwater regulations. The Conservation Commission may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures and administration of this Stormwater Management Bylaw by majority vote of the Conservation Commission, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised twice at intervals of at least seven days prior to the hearing date in a newspaper of general local circulation. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.
- C. Stormwater management handbook. The Conservation Commission will utilize the policy, criteria and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection Stormwater Handbook for execution of the provisions of this bylaw. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. This Mass DEP Handbook may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience. Unless specifically altered in the Sterling bylaw regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.
- D. Actions by the Conservation Commission. The Conservation Commission may take any of the following actions as a result of an application for a stormwater management permit as more specifically defined as part of stormwater regulations promulgated as a result of this bylaw: approval, approval with conditions, disapproval, or withdrawal without prejudice.
- E. Appeals of action by the Conservation Commission. A decision of the Conservation Commission shall be final. Further relief of a decision by the Conservation Commission made under this bylaw shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, § 4.
- F. Stormwater credit system. The Conservation Commission may adopt, through the regulations authorized by this Stormwater Management Bylaw, a stormwater credit system. This credit system will allow applicants the option, if approved by the Conservation Commission, to take credit for the use of stormwater better site design practices to reduce some of the requirements specified in the criteria section of the regulations. Failure by the Conservation Commission to promulgate such a credit system through its regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this bylaw.

§ 164-5 Applicability; stormwater management permit.

- A. This bylaw shall apply to all new development and redevelopment, including, but not limited to, site plan applications, subdivision applications, land grading applications, or land use conversion applications. This bylaw shall also apply to other activities that will increase the amount of stormwater runoff or pollutants from a parcel of land, or any activity that will alter the drainage characteristics of a parcel of land, unless exempt pursuant to **§ 164-5D** of this bylaw. All new development and redevelopment under the jurisdiction of this bylaw as prescribed in this bylaw shall be required to obtain a stormwater management permit.
- B. At the discretion of the Conservation Commission, redevelopment projects **within non-MS4 areas** are presumed to meet the stormwater regulations of the Town of Sterling if the total impervious cover is reduced from existing conditions. Where site conditions prevent the reduction in impervious cover, stormwater management practices shall be implemented for the site's impervious area. This combination of impervious area reduction and stormwater management practices will be used for redevelopment projects to improve existing site conditions.
- C. An alteration, redevelopment, or conversion of land use to a **Land Use with Higher Potential Pollutant Loads**, ~~such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots and other land uses with higher potential pollution loads~~ shall require a stormwater management permit.
- D. This Bylaw shall apply to all construction activity or land disturbance that individually or as a part of a Common Plan of Development results in disturbance of land in excess of 10,000 square feet.**
- E. Exemptions. No person shall alter land within the Town of Sterling without having obtained a stormwater management permit (SMP) for the property with the following exceptions:
- (1) Any activity that will disturb an area less than 10,000 square feet, **unless it is part of a larger Common Plan of Development.**
 - (2) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and MGL c. 40A, § 3;
 - (3) Timber harvesting under an approved forest cutting plan as defined by the Forest Cutting Practices Act regulation 304 CMR 11.00 and MGL c. 132, §§ 40 through 46.
 - (4) Maintenance of existing landscaping, gardens or lawn areas associated with a single-family or two-family dwelling;
 - (5) Repair or replacement of an existing roof of a single-family or two-family dwelling;
 - (6) Construction of a single-family or two-family dwelling **that will disturb an area less than 1 acre (43,560 square feet)**, where "approval is not required" (ANR), as defined in the Subdivision Control Act. Persons constructing a single-family or two-family dwelling are encouraged to use the stormwater practices and site planning methods, which will be described in the Town of Sterling Best Development Practices Guidebook;
 - (7) Repair or replacement of an existing septic system;
 - (8) The construction of any fence, stone wall or property boundary demarcation that will not alter existing terrain or drainage patterns;
 - (9) Construction of appurtenances to a single-family or two-family dwelling **that will disturb and area less than 1 acre (43,560 square feet)**, including a deck, patio, retaining wall, shed, swimming pool, tennis or basketball court;
 - (10) Construction of utilities (gas, water, electric, telephone, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;
 - (11) Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Conservation Commission;
 - (12) Any work or projects for which all necessary approvals and permits have been issued before the effective date of this bylaw.

§ 164-6 Procedures.

Permit procedures and requirements shall be defined and included as part of any rules and regulations promulgated as permitted under **§ 164-4** of this bylaw.

§ 164-7 Enforcement.

The Conservation Commission or an authorized agent of the Conservation Commission shall

enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations. Enforcement shall be further defined and included as part of any stormwater regulations promulgated as permitted under § ~~134-4~~ 164-4 of this bylaw.

§ 164-8 Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Passage requires a Majority vote.

Submitted by: DPW Board
Recommendations: DPW Board Recommends Approval
Select Board Recommends Approval

Summary: The purpose of this article is to make minor changes to the Town's Stormwater Bylaw so as to make it consistent with the terms of the Town's MS4 permit and other State and Federal regulations concerning stormwater discharges.

Motion passed by majority as declared by the Moderator

A True Copy Attest: _____


Kathleen K. Farrell, Town Clerk



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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, May 2, 2022
Chocksett Middle School 40 Boutelle Road

ARTICLE 27. PROTECTIVE BYLAW – KENNEL DEFINITIONS

To see if the Town will vote to amend the Town's Protective Zoning Bylaws, Article 5, Section 301-5.4, Definitions, relative to kennels, as set forth below, with deletions shown in ~~striketrough~~ and additions shown in **bold/underline**, or take any action in relation thereto.

Delete:

~~KENNEL, COMMERCIAL— 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 very pack or collection of more than four 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.~~

Add:

ANIMAL BUSINESS – Any pet shop, grooming shop, or boarding facility, animal day-care facilities, pet sitting enterprise, except this term shall not include animal shelter, veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provision of US Public Laws 89544 and 91579.

ANIMAL CLINIC OR VETERINARY HOSPITAL– A facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the clinic or hospital use.

APPROVED ANIMAL FACILITY– Any animal facility published by the Massachusetts Departments of Agricultural Resources (MDAR) as a “Massachusetts approved shelter and resource organization” and listed as “out of states,” meaning facilities listed as such have approved isolation facilities.

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 MGL c. 129, 39A 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.

COMMERICAL BREEDER KENNEL – An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

DOMESTIC CHARITABLE CORPORATION KENNEL – A facility operated, owned or maintained by a domestic charitable corporation registered with the Massachusetts Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which

operates consistent with such purposes while providing veterinary treatment and care.

PERSONAL KENNEL – A pack or collection of more than four dogs, three 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 department, may be sold, traded, bartered or distributed if the transfer is not for profit.

PET SHOP – Every place or premises where birds, mammals or reptiles are kept for the purpose of sale at either wholesale or retail, import, export or barter, exchange or gift.

RESEARCH INSTITUTE – An institution operated in the United States or by the commonwealth or a political subdivision thereof, or any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine or agriculture, medical diagnostic laboratory or biological laboratory, hospital or other educational or scientific establishment within the commonwealth above the rank of secondary school, which, in connection with any of its activities, investigates or gives instruction concerning the structure or functions of living organisms or the cause, prevention, control or cure of disease or abnormal conditions of human beings or animals.

VETERINARY KENNEL – A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

Passage requires a 2/3 vote.

Submitted by: Animal Control Advisory Board (Sub-Committee)
Recommendations: Animal Control Advisory Board Recommends Approval
Select Board Recommends Approval
Zoning Board of Appeals Recommends Approval
Planning Board will report at Town Meeting

SUMMARY: The proposed amendment to the Protective Bylaw will make the Town of Sterling's Protective Bylaw consistent with Sterling General Bylaw Chapter 18 and Massachusetts General Laws, Chapter 140, Section 136A relative to the definitions of different types of kennels. Because this is a Protective Zoning Bylaw amendment it will require a 2/3 vote.

Motion passed by two thirds vote as declared by the Moderator

A True Copy Attest: _____


Kathleen K. Farrell, Town Clerk