

Shaftsbury Development Review Board

Cole Hall and remotely via the Zoom platform

September 7, 2022

1. Call to Order – Recognition of Quorum

The meeting came to order at 6:04 p.m. Present were board members Mike Day (chair), Tedd Habberfield (vice chair), and Lon McClintock. Also present was zoning administrator Shelly Stiles.

2. Conflict of Interest

No one reported a conflict of interest with any item on the agenda.

3. Sign in sheets

Sign in sheets and oral testimony oath sheets were passed around and signed by citizens Donna Stone and Elizabeth Ellwell and applicant Jennifer Cook. Ms. Brenda Goss, attending via Zoom, affirmed the oath verbally.

4. Approval of Minutes – July 17, 2022

Mr. McClintock moved to approve the minutes. Mr. Habberfield seconded the motion. Changes were discussed: changing “will” to “shall,” replacing “those plans” with “the approved plans” and “discussed” with “outlined herein,” and the deletion of a reference to statute. The amended minutes were approved 3-0-0.

5. Application #22-0071, 126 Simeon Dean Road, owners Rock Trust LLC, applicant Jennifer Cook: home occupation possibly defined as kennel, breeding dogs on 17+ acre parcel in an R40 zone.

Jennifer Cook presented application #22-0071. She seeks permission for a dog breeding facility on the Simeon Dean Road property. Upon questioning by the board, the following facts were shared:

1. She is a retired school teacher and administrator. She breeds dogs full time at her home in Springfield. She hopes to relocate to Shaftsbury.
2. Her dogs are kept inside at night.
3. Her dogs are bred no more than once annually. Females usually come into season together. She has a total of 5-6 litters annually, from 4 to 25 puppies total.
4. In her present facility, she heats the dog barn to 40 degrees in the winter. She also keeps two horses and two donkeys. Their barn is not heated.
5. She breeds Newfoundlands and Native American Indian dogs. The latter are a very athletic breed also well suited to use as a therapy dog or as a family dog.
6. She contracts with a groomer for the Newfoundlands.
7. Her dogs bark when a visitor arrives or wild animals pass through but quickly quiet down.
8. She currently has and will continue to have 10 breeding dogs (three males), 6 adolescent dogs, 3 special needs dogs, and 6 retired adults – four of which are up for adoption.
9. The listers card records the barn as 864 square feet in size. She would use one half of it for dogs, the other half for horses and donkeys.
10. The outdoor kennels would be about thirty by fifty or thirty by forty feet in size.
11. All puppies are kept in the house.
12. She will have no employees. A travelling groomer cares for the Newfoundlands.
13. Potential buyers arrive one at a time, one to a few a week.
14. Dog supplies are kept in the house.
15. Dog waste and garbage are currently tossed in a dumpster that gets emptied once every two

- weeks. Horse and donkey stall waste is composted on site, or given to neighbors.
16. Ms. Cook noted that a train runs along the back of the Simeon Dean Road property twice daily, according to neighbors.
 17. She said the dogs are rotated in and out of the outdoor kennels a few times a day. Each is outdoors for 1 to 2 hours daily.
 18. She sometimes takes the dogs for walks on trails on the property she now owns.
 19. All dogs six months and older are licensed to Ms. Cook.
 20. Ms. Cook said that she planned to use the house's first floor as well as an upstairs bedroom to house dogs. The listers card shows the house to be 2,529 square feet in size.
 21. It was pointed out that bylaw 4.2.2.f limits home occupations to 500 square feet in the primary residence. Ms. Cook said she would use a stone-floored room about 12 feet by 20 feet in size for her dogs. She said some of her dogs follow her everywhere she goes.
 22. Her purchase and sale agreement is contingent on Town of Shaftsbury approval of the dog breeding facility and a house inspection. She must be out of her current home in Springfield by October 15.
 23. Mr. McClintock noted that bylaw 4.2.1.f. considers the raising of "other animals" a permitted use in rural zones.
 24. Jeff Gross asked to testify remotely. He affirmed the oral testimony oath. He asked about fencing and wetlands.
 25. The ZA shared a state-designated wetland map of the property which showed that most of the parcel is mapped wetland. Ms. Stiles noted that these maps have not been field-verified.
 26. Abutters were invited to comment. They expressed concerns about noise, traffic, disease hazards of waste, odor, the breed of dogs, the number of dogs, is it appropriate for a residential area?, how much of the property is actually usable?, perhaps the DRB should visit the site, where would the dumpster go?, we are a one-exit road, and will she be able to find a vet?
 27. On a question from Mr. McClintock, Ms. Cook said she would meet the Vermont Animal Welfare Regulations (a copy of which Ms. Cook submitted):

https://agriculture.vermont.gov/sites/agriculture/files/documents/Animal_Health/Animal%20Welfare%20Regulations.pdf.)

The board agreed that no site visit would be necessary.

Mr. McClintock moved to close the hearing. Mr. Habberfield seconded the motion, which passed 3-0-0.

Mr. Day described the next steps:

He noted that if a decision has not been made within 45 days, approval is automatic. He also noted that interested parties could appeal any decision within the fifteen day appeals period, and that the applicant could be required to remove any construction undertaken during the appeals period.

Members of the public departed the hearing.

Mr. McClintock moved to enter deliberative session. Mr. Habberfield seconded the motion, which passed 3-0-0. Mr. McClintock moved to leave deliberative session. Mr. Habberfield seconded the motion, which passed 3-0-0. All agreeing, the board move to "other business."

Following the approval of permit language for application 22-0065 under "other business," Mr. Habberfield moved to enter private deliberative session. Mr. McClintock seconded the motion, which passed 3-0-0. After discussion, Mr. McClintock moved to leave private deliberative session. Mr. Habberfield seconded the motion, which passed 3-0-0.

Mr. McClintock moved to grant the permit as permitted by bylaw 4.2.1.f, "Farming, dairying, pasturage, and raising poultry and other animals" (in part). Mr. Habberfield seconded the motion, which passed 3-0-0.

6. Other business

The language of the draft Hein subdivision permit, application 22-0065, approved 8/17/22, was reviewed and approved. Mr. Day signed the permit application.

Notes by ZA Stiles