

## **Shaftsbury Planning Commission**

January 26, 2021

Amended 1/28/2021

**The meeting came to order** remotely via the Zoom platform at 6:15 p.m. Present were commissioners Chris Williams (chair), Mike Cichanowski, Mike Foley, Martha Cornwell, and Naomi Miller. Also present was zoning administrator Shelly Stiles.

Mr. Foley moved to approve the **January 12 minutes**. Mr. Williams seconded the motion, which passed 4-0-1. Ms. Miller abstained as she was not present for the meeting.

The group discussed the **annual zoning administrator's evaluation**. Some commissioners expressed appreciation for Ms. Stiles's support and experience. Mr. Williams expressed concern at the apparent zoning violations he'd noticed around town, including RVs being lived in on Shaftsbury Hollow Road, abandoned Saabs on Old Depot Road, and camps near the Glastenbury town line. Mr. Cichanowski suggested the commission game out how to approach a few categories of violation to figure out just what the obstacles are and to gather ideas as to how to address them. Mr. Foley said he hadn't noticed a downward slide in compliance. Ms. Miller noted that some pieces of bylaw are philosophical in nature, having to do with what kind of future we envision for the community. Others are more earthbound, and deal with getting along with one's neighbors. The latter are the source of most of the complaints. Ms. Miller thought they are the ones about which we should feel compelled to worry IF and WHEN complaints come in. Mr. Williams said the bylaws won't mean anything if most people don't pay attention to them.

Ms. Miller moved that the commission express satisfaction with Ms. Stiles's job performance. Mr. Cichanowski seconded the motion. Mr. Williams will write a memo to that effect for the Select Board.

### **Kennel bylaw.**

Mr. Williams expressed disagreement with an earlier suggestion to time-limit deliberations on bylaw revisions, suggesting it might undermine the quality of the result. Ms. Cornwell suggested that the PC could move forward on the kennel bylaw by using as a foundation Mr. Korman's language, but deleting sections (f) and (g) and 8.16.3 (see text below). Perhaps, she said, language could be inserted requiring the ZA to monitor the permit, or making it a renewable permit dependent on neighbor acceptance. She suggested sharing the resulting language with citizens who had expressed an earlier interest in the bylaw.

Mr. Williams said he spoke with his neighbor who owns the Ravencroft kennel. She said she thought a maximum number of 6 dogs was financially workable.

Ms. Stiles said that the permit could be essentially revoked by the Select Board if the conditions applied to it weren't met. Mr. Cichanowski noted that if animal abuse were charged, the law would indeed step in.

Ms. Cornwell will outline her suggestions and send them to Mr. Williams, who will draft new language. Ms. Miller noted we have plenty of time to get input from the Select Board and neighbors.

### **Other business**

Mr. Williams announced he has arranged for Jason Dolmetsch of MSK Engineering to give an online workshop on Act 250 at the regularly scheduled PC meeting on Feb. 23. Mr. Williams said it could help the PC, and members of the Select Board if they wished to attend, to become more effective in the Act 250 process.

Ms. Miller asked about a suggestion of Mr. Williams that a vice-chair be appointed. He said the vice-chair would simply provide coverage when Mr. Williams was unable to attend a meeting.

Mr. Cichanowski is running unopposed for a seat on the Select Board. If he decides to leave the PC, Ms. Cornwell will take over being in charge of Zoom matters. Such topics will be considered at a reorganization meeting in March.

The meeting adjourned at 7:15 p.m.

**PROPOSED REVISION** (by Carl Korman)

**8.16 Dog breeding and Pet Boarding Facilities**

8.16.1 Districts Allowed. These facilities shall be permitted in all districts except Village Center(VC) and Forest and recreation (FR) as a Conditional Use subject to review and approval by the DRB with the possibility that more conditions may be added. In reviewing an application for this use, the Development Review Board shall reference the Vermont Agency of Agriculture Food and Market's Animal Welfare Regulation. (Promulgated under authority of the VSA T20 Chapter 194 Section 3908) which also governs the proposed use.

8.16.2 Requirements and Standards

- a. Five acres shall be the minimum lot size for dog breeding and pet boarding facilities not to exceed 6 animals. Facilities intended for dog breeding or pet boarding exceeding this number shall be subject to review and approval by the DRB with the possibility of more conditions to be added.
- b. For all animal activities, a setback of a minimum of 500 feet shall be maintained from the lot lines of any property zoned or used for residential purposes, or a minimum of 200 feet for all other zoned property. Dog kennels, shelters or runs shall not be located within 1000 feet or closer of a residence other than the residence of the Kennel owner. Animal areas shall be securely fenced.
- c. No excessive barking shall emanate from the kennels at any time. Quiet hours shall be maintained from 9:00pm to 7:00am weekdays, and 9:00pm to 8:00am weekends and holidays.
- d. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, and the spread of disease. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennels are located.
- e. Personnel shall be available at all times to care for and supervise the animals. Contact information for such personnel shall be registered with the Town Clerk and Animal Control Officer by the kennel owner.
- ~~f. Facilities shall be inspected once a year at the owner's expense by a Town Animal Control Officer or a licensed veterinarian, who shall report to the Town Clerk the condition of the animals and the facilities.~~
- ~~g. The Town Animal Control Officer may inspect any kennel for compliance with this Ordinance upon 23 hours verbal or written notice or at any time after receipt of any complaint.~~

**8.16.3 Violations and Penalties**

~~1. — A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the second offense within a one year period shall be \$250, and the penalty for each subsequent violation within a one year period shall be \$500. Each day that a violation continues shall constitute a separate violation of this ordinance.~~

~~2. — In addition to the enforcement procedures set above, the Town may commence a civil action to obtain injunctive or other appropriate relief, or to pursue any other remedy authorized by law.~~

~~3. — Nothing in this ordinance is intended to limit any cause of action or the rights of third parties to seek judicial relief or other remedies authorized by law related to dog breeding and pet boarding facilities within the Town of Shaftsbury.~~

#### 8.16.4 Definitions

a. “Dog breeding or pet boarding facility” - Any facility that houses in exchange for a fee, more than three dogs at a time who are not licensed at the address of the facility. This definition shall not include Veterinary Clinics.

b. “Excessive Barking” – Any noise by a dog or dogs audible to the property line of a property on which a kennel is located which occurs repeated for at least seven minute period of time with 3 minutes or less lapse of time between each noise during any seven minute period.

c. “Town Animal Control Officer” – A duly authorized law enforcement officer or other person designated by the Town of Shaftsbury to enforce this ordinance,