

## Shaftsbury Planning Commission

February 9, 2021

The meeting **came to order** remotely at 6:16 p.m. (An earlier attempt to meet that evening was “Zoom-bombed” and was abandoned.) 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 26, 2021 **minutes**. Ms. Cornwell seconded the motion, which passed 5-0-0.

### **Kennel bylaw:**

Mr. Williams described the impact of a proposed 500’ setback from neighboring property lines. It would limit possible sites to parcels of much more than ten acres. He concluded that the commissioners could either reduce the setback or change the minimum lot size.

Ms. Miller described a recent experience she had hiking, where she was startled by the sound of a dog barking at least half a mile away. She concluded that any setback dimension would be arbitrary and not reliably protective. She thought the setback requirement should be foregone.

Mr. Foley suggested we simply focus on decibel levels. The resulting discussion made it clear that enforcement would be a significant issue. The DRB could require compliance with the 70 decibel limit as a condition of the permit, but could not enforce it. State law requires the zoning administrator to issue notices of violation when appropriate, but notices can be enforced and fines levied only after legal action sanctioned by the Select Board.

The commission agreed to remove the first sentence in 8.16.2.b in the proposed bylaw (see language below) and leave the remainder of the section unchanged.

The commission agreed to reference state law regarding violations in section 8.16.2.f. Ms. Cornwell will draft a new section “f.” Ms. Stiles will provide a statute citation.

### **Act 250 workshop**

Jason Dolmetsch of MSK Engineering has agreed to give an online workshop on Act 250 on February 23, 2021. The announcement is on the town’s website. Mr. Williams said he set the workshop up to help the commission and the select board learn how to more effectively use Act 250 to forward local priorities in land use. He said Act 250 provided the commission with an unprecedented soap box, as by law planning bodies have party status in Act 250 proceedings. Among other things, this gives planning commissions the right to appeal any Act 250 decision. Mr. Williams encouraged commissioners to bring questions for Mr. Dolmetsch.

The meeting **adjourned** at 7:23 p.m.

### Revision 2.0 based on PC input and Karl Korman’s Draft 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 (RC) 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 (DRB) shall reference the Vermont Agency of Agriculture Food and Market’s Animal Welfare Regulation. (Promulgated under authority of the VSA T20 Chapter 194 Section 3098) 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. Animals 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) *Clause about enforcement, issuing violation by Zoning administrator and potential revocation of license from Town Selectboard.*

#### 8.16.3 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 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 an other person designated by the Town of Shaftsbury to enforce this ordinance.
- d) *May want to add definition of Zoning administrator*