

Shaftsbury Planning Commission meeting

March 9, 2021

The meeting **came to order** remotely via the Zoom platform at 6:05 p.m. Present were commissioners Chris Williams (chair), Martha Cornwell, and Mike Foley. Also present were Tom Huncharek, chair of the Development Review Board, and zoning administrator Shelly Stiles.

Mr. Foley and Ms. Cornwell said they found the Act 250 workshop very helpful and educational. Mr. Williams noted that the Act 250 District 8 Commission has not yet issued a ruling on the Poulin Grain application.

Mr. Foley moved to approve the Feb. 23 **minutes**. Ms. Cornwell seconded the motion, which passed 3-0-0.

Mr. Williams asked for nominations for officers, as the Commission had not implemented a **reorganization** in several years. Mr. Foley nominated Mr. Williams for chairman. Ms. Cornwell seconded the motion, which passed 3-0-0. Mr. Foley nominated Ms. Cornwell for vice-chair. Mr. Williams seconded the motion, which passed 3-0-0.

Mr. Williams told Mr. Huncharek that the PC hopes to get the DRB's input on

- 1) Whether a minor amendment to a permit can be approved by the zoning administrator;
- 2) On the Boundary Line Adjustment (BLA) language
- 3) On the Kennel bylaw revisions.

Mr. Huncharek told the commissioners that the DRB hasn't had a chance to review those matters yet, but that it will do so. "Our intention is to fully examine the issues and get back to the Planning Commission." He asked the PC to please bear with them, that the DRB would get back to them "with the feedback you deserve." Mr. Williams said that once the BLA revision has been finalized, he would like to ask the town attorney to review it.

The PC and Mr. Huncharek discussed Ms. Cornwell's recent revisions to the **kennel bylaw** (incorporated below in these minutes.) She will make changes in the definitions section, to clause "b", and clause "f," and send the revisions to the ZA for sharing with the DRB and Mr. Korman.

Mr. Williams outlined the work on **trails** to the town forest to date, and said he'd be meeting with Dave Mance on March 11 to discuss his easement on West Mtn.

In **other business**, Ms. Stiles will ask VLCT for suggestions re bylaw language on helipads and landing strips.

The meeting adjourned at 7 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) 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) If complaints arise from the community and/or adjacent landowners the following mechanism is in place to address these concerns.

The Zoning Administrator is required to provide written warning notice to any person suspected of an alleged violation of any bylaw after it has been adopted pursuant to Chapter 117 of Title 24. The notice must be sent by certified mail and must advise the alleged offender of several things:

- ***The nature of the violation referencing the specific provisions of the bylaws.***
- ***That he or she has seven days in which to "cure" the violation.***
- ***That he or she is not entitled to any additional warning notice for a violation occurring after the seven days.***
- ***That he or she has a right to appeal the notice of violation to the zoning board of adjustment.***

As enforcement officer of the municipal zoning laws, the administrative officer is empowered to initiate appropriate legal action in the name of the municipality against those who violate any of the town's municipal bylaws. Such authority includes submitting a violation notice to the Town of Shaftsbury Selectboard or an application for a mandatory injunction to the superior court for the county in which the violation is occurring or will occur.

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) Zoning Administrator- A person designated by the Town of Shaftsbury to enforce this ordinance.