

# BARRE TOWN PLANNING COMMISSION MINUTES

The Town of Barre Planning Commission held its regular meeting on **Wednesday, June 15, 2016** beginning at **7:00** p.m. at the **Municipal Building**, Lower Websterville, to consider the following:

## **Members Present:**

Cedric Sanborn	Charlie Thygesen
George Clain	Chris Violette
Claire Duke	John Hameline
Debra Pierce	

## **Others Present:**

Caroline Newhall	Bethany Demas
Todd Newton	Cortney Blakely
Gordon Bullard	Louise Lessard
Linda Bullard	Gordon Wells
Dan Newhall	Paul Putnam
Donna Putnam	Ronald Gagne
Ricky Boutin	

### **1) CHANGES TO THE AGENDA**

### **2) APPROVAL OF MINUTES:**

*On a motion by Clain, seconded by Violette, the Planning Commission voted to approve the minutes from May 18, 2016.*

### **3) WARNED PUBLIC HEARINGS (7:05 p.m.)**

#### **1. WARNED PUBLIC HEARINGS**

**Request by Bethany Demas for allowed use approval to allow the operation of a dog daycare / kennel on property located at 42 Baptist Street; Parcel ID 017/002.00; Zoned: Very High Density Residential; AU-1600003**

This is a warned public hearing for the purpose allowed use determination in accordance with Article 2, section 2.4 (C). The applicant is requesting to operate a business that is not specifically allowed in a Very High Density Residential zone. Said article allows the Planning Commission to consider the proposed use and if it can find that the use will not alter the characteristics of the area or cause an undue burden to the community the use may be allowed.

The subject parcel is .62 acres in size and is located in a neighborhood that consists of mostly small lots and the uses are entirely residential in nature. The parcel is located on Baptist Street with approximately 74' of road frontage. The applicant's home is located on this lot.

The applicant is currently operating a doggie daycare in her home. After the applicant had interaction(s) with the Barre Town Animal Control Officers, she was advised to contact me to discuss whether a permit

is needed for this use. The applicant contacted me and I originally erroneously sent her to the Development Review Board for conditional use review when in fact the daycare or boarding of animals is not a conditional use in the very high density residential zone.

The applicant has provided a fairly detailed description of her business which is included in your packets. To summarize, the applicant started this business in April of 2013 after there was demand for offering care of dogs during times when her family and friends were unable to be with their dogs. Apparently word of mouth spread about the service she was providing she expanded into a commercial operation on October of 2016.

The applicant is seeking hours of operation that include 7 days a week from 7:00am to 6:00pm Saturday through Thursday and until 7:00pm on Fridays. The applicant states that there are a few customers that pickup after her hours of operation due to working odd hours.

The dogs appear to have free rein inside the house and can go in and out as they please. Outside the dogs are constrained by a fence but there have been reported issues with dogs getting loose. The applicant states that barking is kept to a minimum and that if she leaves her house; all dogs are kept inside with bark collars on.

The Planning Commission must use the criteria below to determine the following. I have provided brief comments of my own based on my understanding of the proposal and knowledge of the area.

The proposed use will not alter the characteristics of the area and will not cause an undue burden on the community.

**1. Emergency services:**

Of the three services, the Police Department is likely to have the most impact. The Animal Control Officers has already had a few interactions with the applicant as a result of complaints. It's possible there could be further impact on the Police Department.

**2. Water, sewer, or other municipal utility systems:**

The applicants property is served by both municipal water and sewer and neither should be impacted substantially by the proposed use. The applicants states that animal waste is disposed of by common waste disposal companies alongside her household trash on a biweekly or monthly schedule.

**3. The character of the area affected and the impact on neighboring uses as defined by the purpose(s) of the zone within which the project is located, and specifically stated policies and standards of the municipal plan;**

The very high density residential zones purpose statement is as follows:

*This district is designated for land centrally located where town water and sewer facilities are available and where, due to reasons of utilities, location and existing intensive development, higher density is appropriate. The purpose of this district is*

*to permit a continuation of residential and related uses where consistent with the objectives of the Barre Town Municipal Plan.*

As previously mentioned this is a residential neighborhood with relatively small lots in close proximity to each other which is as intended by the zone. Other than a few commercial uses (mostly intended to be like a general store) and home occupations, commercial use of properties is limited in this zone.

The applicant states that the dogs she cares for are treated as if they were her own. It should be noted there is no limited on the number of dogs a homeowner can have.

Most commercial businesses come with traffic. The proposed use being considered herein will have traffic that would not necessarily be seen if not for the business, albeit relatively light. The applicant's home is located on Baptist Street which is a paved Town class 3 highway that is capable of handling any traffic this proposed use would add.

One of the major concerns with regard to anything that involves dogs is barking. Barking can be a major nuisance and is probably the most common call for service of the Police Department. Dogs and barking are common in residential neighborhoods. The applicant states she may have up to 10 dogs at a time. Ten dogs are probably more than any one homeowner would normally have but not necessarily. Is caring for 10 dogs out of character with the neighborhood? Possibly but not necessarily, there is no limit on the number of dogs a homeowner can have.

There could be other concerns as well and actually have been concerns noted by the Animal Control Officers related to dogs getting out of the applicants yard.

Odor could be another concern but the applicant states she picks up the hard regularly.

**4. Traffic on roads and highways in the vicinity:**

Class 3 paved Town Road with capacity to accommodate additional traffic.

**5. Zoning bylaws and bylaws then in effect:**

Proposed use not allowed other than by allowed use determination (Article 2, section 2.4(C))

**6. Minimum lot size;**

Minimum lot size in a very high density residential zone is 8,500sf. The subject lot is 27,007sf.

**7. Off-street parking requirements in accordance with standards outlined in Article 3, Sec. 3.9 of this bylaw;**

The applicant states that there is enough parking for four vehicles. Every dwelling

must have a minimum of 2 parking spaces which would leave 2 parking spaces available for business use.

**Summary, recommendation, and conditions:**

This is a bit of a tough call with regard to making a recommendation. While operating a doggy daycare is an important service to provide as attested to by numerous letters of support, there has to be consideration given to the people around the proposed use. One neighbor has submitted a letter of support, but several others have also submitted letters against the proposed use stating numerous issues related to noise and dogs getting loose.

While the lot size is way more than adequate for the zone and probably adequate to support 10 dogs there are neighbors in close proximity. I spoke to the Animal Control Officers and she stated that at a minimum there had to be better fencing to assure that the dogs can't get loose, some sort of bark control, and dogs always leashed when not inside the house or in the fenced in area. Apparently there have been issues of dogs running around when getting out of the owners vehicles when dropping the dogs off.

One possibility might be to allow the use for 6 months or so and then review it again and see how things have gone.

If the Planning Commission decides to allow this use in anyway, I recommend the following conditions:

1. Some limit of hours of operation.
2. Fencing that does not allow dogs to get loose.
3. Dogs are not allowed to be outside if the applicant is not home.
4. Some form of bark control be used.
5. Dogs shall be on a leash at all times when not inside or in the fenced in area.
6. Must comply with the Animal Nuisance Control Ordinance.
7. Waste dealt with more regularly.

**COMMENTS:**

Violette recused from the hearing.

CV recited his staff report.

Bethany Demas summarized her submission for the Planning Commission, answering questions that came up during CV's staff report such as waste – Demas stated that she has a 10-gallon pale that is used to hold the waste and uses the dump at Wilson Industrial.

The pups arrive around 7:15/7:30 to 10:00am for drop off. Most of the clients work in Montpelier, Burlington and Bradford. Two or three customers can't get there by five in the evening to pick up their pup. Demas also works a part-time job so unless customers get to her by 5:30 pm, they can't pick up until 8:30. Friday pick-ups have to be by 4:30 and after 6:45. The 8:30 pick up happen two or three times a week.

Demas stated that she doesn't have late hours on Sundays.

Duke asked about bark collars inside the home; Demas said unless the dog wears one from their home there is not one on them inside the house. She will put a collar on a dog if it's a barker outside.

Thygesen asked what the biggest issue is; Demas said that since she's applied the Bullard's have told her its noise.

Demas stated that in the fall season she had issues with a set of dogs from one family and after having them for two days she received a note from Gordon Bullard requesting that she put up a solid wood fence to minimize the dogs seeing out and opted not to take on that expense.

Demas stated that the dogs aren't barking all day, every day.

Ronald Gagne – 28 Baptist St – doesn't want the doggie daycare in the neighborhood, worried about disease. Stating a doggie daycare belongs in an industrial zone. Sanborn asked if there's a barking issue; Gagne stated that he didn't know about the business until this hearing. And he's concerned about stray dogs running around.

Paul Putnam – 24 Baptist St – new neighbors, just moved in and states that he's heard dogs barking at night. A business will change the zoning and regulations in the area and bring his property values down. He also stated that he's concerned with stray dogs running around. There are young kids in the neighborhood and there could be an accident if they were to corner a dog. Has concerns as to where the animals are fed because if it's outside that could increase the vermin in the area.

Louise Lessard – 29 Baptist St – dogs went through neighbors gardens. (Dogs escaped when contractors opened the gate to put in stone for a new shed and didn't seal it up tight. Demas stated the dogs were captured within minutes.)

Gordon Bullard – 35 Baptist St – Wanted Demas to put up a fence without getting the police involved. Bullard states the dogs are coming from as far as North Carolina. Bullard states he's seen as many of twelve dogs lined up, barking at him.

Duke asked Bullard the basis for mentioning the dogs coming from other states; he sees the dog in the car with plates from different states.

Gordon Wells – 34 Baptist St – doesn't want to set a precedent for the future. Would like to have Demas work off site. The problematic barking that has occurred was last year and Demas has done a lot recently to curb that.

Todd Newton – 46 Baptist St – several encounters with the dogs. The fence was on their property has since been moved. Homeowners plan to put up a fence. When he puts his dogs out, they see her dogs and

they start barking. Dogs will bark through the window. Cleanliness is good. The biggest concern is the barking. There haven't been any dog escapes this month but have had some in the past.

Cortney Blakely – 46 Baptist St – Concerned about dog disease and infecting her animals, especially from out of state. Every time they go outside and the dogs see, they bark.

Linda Bullard – 35 Baptist St – last summer was awful, had to keep kitchen window shut. It's an annoyance.

Newton would like a clearer definition of hours of operation.

Demas – dogs have gotten lose, but so have the other neighbors. There are other dogs in the neighborhood that bark late at night and early morning. Off-site dog care was something being pursued, but she has her own pets and couldn't go back and forth. Dogs are required and come with copies of vaccinations reports. In agreement with the neighbors that the barking was out of hand last year and changes have been made. Demas states that she provides care for dogs who travel with their families, such as when they go skiing. As for the hours written – they're for daycare, some animals are boarded.

Gordon Wells asked what kind of insurance Bethany has; the insurance is held by DogVacay and covers the victim up to thirty days. The owner is responsible.

Demas stated that all owners are advised that all dogs must be on a leash to and from vehicles.

Demas stated that the animal control officer informed her that the fence is adequate.

Caroline Newhall stated that when Blakely moved in Demas was asked to move the fence and did the week of Thanksgiving (when asked).

Demas stated that owners are required to bring their own feed and are fed inside. The food is stored in the kitchen. Any concern with vermin could be due for the chickens next door.

Dan Newhall – 80 Church Hill Rd – At Demas's often and trying to do everything that he can help his step daughter; the house is very clean; Demas has done a lot of upgrades to the property; admits that Demas made some mistakes, but have corrected them. There is a lot of noise pollution in the neighborhood and it's not just the doggie daycare.

**On a motion by Hameline, seconded by Duke, the Planning Commission voted to move into deliberative session.**

**On a motion by Clain, seconded by Duke, the Planning Commission voted to move out of deliberative session.**

***A motion by Duke to approve the request by Bethany Demas for allowed use approval to allow the operation of a dog daycare / kennel on property located at 42 Baptist Street; Parcel ID 017/002.00; Zoned: Very High Density Residential; AU-1600003 was seconded by Hameline and the following vote took place:***

Cedric Sanborn NO

Charles Thygesen, Sr. NO

Chris Violette RECUSED

Claire Duke NO  
George Clain NO

Debra Pierce NO

*Motion denied on the belief of the Planning Commission that the above request alters the existing character of the neighborhood because of the potential nuisance of having so many dogs in regards to barking, dogs getting loose and traffic and ultimately could be a burden to the Town because of enforcement actions that may be necessary by the Animal Control Officer.*

4) **TOWN PLAN AMENDMENT(S):**

Last month we decided to wait and see what the new energy bill has to say about renewable energy siting. I've been waiting for the Vermont League of Cities and Towns to complete their annual review of new laws that effect municipalities. I've just recently received that review which includes the energy bill but have yet to review it. I also know that the Governor vetoed the bill and not sure as of yet what the legislature has done with the veto or whether there were any changes.

*Discussion about how to proceed with the changes took place and will resume next month.*

5) **OTHER:**

6) **CORRESPONDENCE:**

7) **ADJOURN!**

*On a motion by Clain, seconded by Pierce, the Planning Commission voted unanimously to adjourn the meeting of June 15, 2016 at 9:20 p.m.*

Respectfully Submitted,

Heidi Bennett

---

Cedric Sanborn, Chair

---

John Hameline

---

Charlie Thygesen Sr.

---

George Clain

---

Chris Violette

---

Claire Duke

---

Debra Pierce

DRAFT