

Dummerston Review Board

Provisional minutes 09/22/23

Hearing September 19,, 2023

The hearing was preceded by site visits on Tuesday, September 19, 2023.

- A. Application # 3732, Gerald Alvarez, for Conditional Use and Site Plan Review for Short Term Rental, under Sections 715-726 of the Dummerston Zoning By-Law, at Parcel #192, 627 Hague Road, Dummerston, VT, a Rural Residential District- in attendance: Roger Jasaitis, Alan McBean, Cami Elliott, Chad Farnum.
- B. Application #3731; Susan Leslie Powers (Ellie's Pet Care Services), for Variances (2) Section 728 (5) and Section 605 © pursuant to Conditional Use and Site Plan Review for Home Business, under Sections 210, 715-727 of the Dummerston Zoning By-Law, at Parcel #644, 2002 Black Mountain Road, Dummerston, Vermont, a Productive Lands District. In attendance Leslie Powers (applicant), Roger Haydock, Ronald Ferra, Matthew Goins, Donna Harwood, Roger Jasaitis, Alan McBean, Cami Elliott, Chad Farnum.

Meeting begins at 6:15 due to the number of people signing in for Powers Review.

August minutes are reviewed and approved with spelling corrections.

Next meeting October 17, site visit at 5:00

Public Hearing begins at 6:20

DRB Chair Alan McBean opened the public meeting, read the warning and swore in participants. Cami Elliott stated she had boarded her dog at Ellie's Pet Care several years ago. Leslie Powers determined there was no conflict of interest.

Review of Application # 3732, Gerald Alvarez, for Conditional Use and Site Plan Review for Short Term Rental, under Sections 715-726 of the Dummerston Zoning By-Law, at Parcel #192, 627 Hague Road, Dummerston, VT, a Rural Residential District.

Zoom attendees

Charlotte Annis, Francis Korfelt, Glen Jurgen, Steve Kapral, Gerald Alvarez

Gerald explained that he has one bedroom and a pullout couch so is expecting a maximum of three people, two cars, listed throw Air B/B, renting 10-15 times a year , possibly more depending on how often he will use property. There are battery operated cameras, the water supply is to the right of the house, and the septic system in the back of the house. Water is potable.

Alan asked if the water had been tested. Yes, it has.

Alan asked if Gerald was aware of the state regulations. Yes. Roger said he can give information.

No signage will be used. Renters will depend on GPS

Neighbors shared concerns:

10-15 times a year seems like a lot (clarification from Roger that short term is 30 consecutive days or less)

Character of neighborhood will be affected, noise, traffic, crime, start of more properties becoming short term rental

Trail has not brought in more traffic, but rental would.

How vetted is Air B/B?

Bring in people with campers and tents

Want to keep a neighborhood (clarification several of neighbors are second home owners who come up on weekends, do not know neighbors either)

Want to keep the serenity of the neighborhood

Alan explained to make changes to the ByLaws must go through the Planning Commission. Can contact via email, letter to town. Need to get on the agenda of the Planning Commission.

End 6:51

DRB members explained to the group for the Powers decision that change must go through the Planning Commission. The DRB makes decisions based on the Zoning ByLaws that were approved by the Dummerston voters.

6:57 Application #3731; Susan Leslie Powers (Ellie's Pet Care Services), for Variances (2) Section 728 (5) and Section 605 © pursuant to Conditional Use and Site Plan Review for Home Business, under Sections 210, 715-727 of the Dummerston Zoning By-Law, at Parcel #644, 2002 Black Mountain Road, Dummerston, Vermont, a Productive Lands District. Attendance is attached due to the large number of attendees.

Ron Ferrara gave background : 2016 Leslie started a small scale dog sitting business, 3-4 dogs. 2019- Leslie received a permit for Home Occupation/Business but did not understand that it had to be within the confines of the home . In March 2022 an application for Conditional use was denied by the DRB. The appeal to the Environmental court was withdrawn (Nov. 30, 2022). The Environmental Court suggested going back to the town for a variance.

Section 728, Variances , we can address the five criteria

1. The lot is $\frac{1}{3}$ of an acre
2. The lot is $\frac{1}{3}$ of an acre, there is no other way to configure her use
3. The unnecessary hardship is actually on her, that she cannot operate her business
4. Because her lot is $\frac{1}{3}$ of an acre surrounded by larger parcels and is using a private driveway, she does not alter the essential character of the neighborhood
5. Can this Home Business really affect the neighborhood?

Section 605

Leslie has one employee

Business hours are 7am-5:30pm with drop off 7-9am and pick up 3-5:30. Monday -Thursday

There is a waiting area and cars idle waiting for the next car to drop off.

Dogs are primarily outside.

Alan asked about the number of dogs. 20 dogs would be the "sweet spot", but 20 dogs does not equal 20 cars, some owners have multiple dogs at this point. Could translate to 40 trips a day, right now about 30.

During the site visit today there were 6 dogs on site as boarding .

Ron added that in the summer there are 5-8 dogs at night in addition to her 3 dogs. Hours for pick up remain the same and by appointment on the weekend.

Matthew Goins- in Productive Lands the Conditional Use under C can allow for a variance to allow a Kennel.

7:20 Alan opened up the meeting to Interested Parties

Randy Hicken had a list of comments: things have been delayed and the dog care has continued, has seen improvement in barking but still a concern, decreased traffic in driveway and on the road, have there been site improvements (waiting area, auxiliary parking)?,

Ron - Fence is currently 5 feet but can be changed, there is room for a fence.

Randy : fence might help with visual but not sound, concern the waiting is on the corner of the road, sometimes 5 cars in line at a time

Ron - perhaps we can give specific time for drop off

Randy " I want this to work for you Leslie"

Leslie " hours are 7-9, 3-5:30. Weekends by appointment. 1-5 trips on a weeknd. Max of 8 dogs in summer , less in winter"

Elisabeth Hicken - concern with her driveway-to-be being blocked, concern about dogs barking on the weekend.

Randy noted that his farm driveway has not been blocked but requested to keep the number of drop off down.

At this point numerous residents and non residents gave testimony to support Leslie's business. Alan commented that DRB is not here to judge Leslie or the service that she provides but to look at the Zoning Bylaws and see if her business meets the conditions.

Ron noted the concerns that were voiced and that the board must attend to the concerns. Asked that the board craft a language to address the issues. These are the things the board must address. The board saw the improvements to the parking area.

Matt restated that the board look at Section 605 (C) and 728 1-5

Chad thanked everyone for being considerate of the decision the DRB needs to make.

Public hearing ended at 8:30pm.

Submitted by Cami Elliott.

