

Dummerston Review Board
Provisional Meeting Minutes 2.15.2022

Meeting was called to order at 6:00 PM by DRB:Chair Alan McBean. Administrative meeting was moved to the end of the meeting in favor of starting the application hearings sooner. Alan read the warning and swore in all interested parties at 6:01PM.

Application # 3669 : Leslie Powers Owner of Ellie's Doggy daycare

Present at Site visit: Leslie Powers, Randy Hicken, Roger Haydock, Bill Fleischmann, Kathleen Fleischmann, Frances Thorndike. DRB Board members: Alan McBean, Cami Elliott, Chad Farnum, Natalie Pelham-Starkey, Roger Jasaitis (Zoning Admin)

Present at Hearing: Leslie Powers, Randy Hicken, Roger Haydock, Bill Fleischmann, Kathleen Fleischmann, Frances Thorndike, Erica Walsh, Joe Newton (via Zoom). DRB members: Alan McBean, Cami Elliott, Joshua Pacheco (zoom), Chad Farnum (zoom), Natalie Pelham-Starkey, Roger Jasaitis (Zoning Admin)

Summary of Application: #3669

Proposed use and occupancy: Dog Boarding, Doggy Daycare

Description or nature of Application: A review of 2002 Black Mtn Road as an acceptable site for the business Ellie's pet Care, LLC. Owned by Susan "Leslie" Powers.

Summary of minutes:

DRB Member: Alan Mcbean opens the floor by asking Applicant: Susan "Leslie" Powers what a typical day at the Doggy daycare is like.

Applicant: Leslie Powers describes a 4 day week, M-Th for daycare with drop offs between 7am and 9am and pick ups between 3pm and 5:30pm. Between 9am and 3pm the dogs have play, naps and outside time. Around 3pm Leslie brings the louder/barking dogs inside to decrease the noise.

Roughly 20 people arrive and depart for drop off and again at pick up. There are two employees that work during the week so that along with Leslie there are 2 people to care for 20 dogs at any given time. In the summer months and during vacations the number of dogs can exceed 20.

After receiving complaints about the noise of the dogs barking Leslie has taken steps to minimize and address the concerns by: Keeping barking dogs inside in the am and before pickup. Joining webinars with her staff to help educate her and staff on ways to address dog barking compassionately.

She also adds that dogs bark and whether it's turkeys or a person walking by, you can't stop all the barking.

Another complaint received about the daycare was the increased traffic back-up and lack of parking to accommodate the number of cars coming at one time.

Leslie described that currently people drive in one at a time and others wait at the bottom of the driveway until there is space to proceed. There are no actual parking spots in front of Leslie's house for customers or staff.

The neighbor had declined use of the other side of the street as a turn around point for cars. As a result there is a bottleneck in the driveway during pick up drop off times.

At 6:18pm, with no further questions from the board DRB Member: Alan Mcbean opens the floor to visitors.

Neighbor/Abutter: Randy Hicken clarifies the size of the lot Leslie operates on. It is .3 acres. Clarifying that it is a little more than a ¼ of an acre.

Applicant: Leslie Powers comments that she has more than enough space for the number of dogs she cares for (20) as the industry standard is 50-75 sq feet per dog and she has 7,1000 sq ft available to the dogs.

Neighbor/Abutter: Randy Hicken comments that arrival time for dogs is very noisy, that it has gotten better lately but it is still noisy several times a day.

Neighbor/Abutter: Frances Thorndike comments that it is very noisy all the time (regarding barking) and that drop off and pick up is very crowded and chaotic ("like a piccadilly circus"). Frances asks about training tactics to decrease barking and Leslie describes some of the tools she's learned from the webinar. Frances adds that speed is an issue and asks Leslie to send an email to her clients to ask them to slow down.

Applicant: Leslie Powers agrees but also notes that it is not her responsibility to police speed limits on a public road and would like the town to put up better/more frequent speed signs.

DRB Member: Alan Mcbean lets Leslie know that is something she can submit to the selectboard but it is not something under the purview of this board.

DRB Member: Cami Elliot agrees speed is an issue everywhere and Leslie can't be responsible for every car on the road.

Neighbor/Abutter: Randy Hicken asks if the number of dogs previously stated (20) included the boarded dogs.

Applicant: Leslie Powers said no. There are 5-6 additional dogs being boarded at any given time. The earliest the boarded dogs are outside is 5:30am and the latest is 9pm.

Randy notes that there has been some loud barking at night at times as well. Leslie disagrees with Randy on that point.

Neighbor/Abutter: Joe Newton (zoom) agrees that an email about speed to all patrons would be welcome, that he too has noticed an increase in traffic speeding on Black Mountain Road. He

also asked if there was a waste disposal plan for dog waste. Leslie confirmed that she has a rubbish removal company remove waste every two weeks.

Joe cites the dog barking as an issue as well but also agrees dogs are going to bark, as they are dogs.

Applicant: Leslie Powers offers a solution of increased landscaping to buffer the noise pollution.

Neighbor/Abutter: Roger Haydock comments that nothing less than a wall/mass will help to decrease noise.

Client of Daycare: Kathleen Fleischmann comments that the parking back-up situation, where more than one car waits on the corner of the driveway and Black Mountain Road, is actually an act of politeness and that it is not necessary if it is causing problems.

Kathleen values Leslie business very much and supports its continued operation. She agrees it is not Leslie's fault if people speed and that to lose the Doggy daycare would be a disservice to dogs and dog owners in the area. She adds that regular socialization for dogs is a big deal and it would be a big deal to lose this opportunity for dogs in the community.

Client of Daycare: Erica Walsh offered her support of the business and agreed to its need in the community and for her/her dog specifically. She appreciates the flexibility for drop off, how good Leslie is with the dogs and the opportunity for the dogs to be outside. She has been bringing her dog to Leslie since May 2021.

DRB member: Chad Farnum clarifies that the original permit was for home occupation only, meaning dogs would only be cared for in-home (not outside).

Applicant: Leslie Powers admits she misunderstood that her original permit was indoor only.

DRB member: Alan Mcbean further clarifies that this application is to transfer the business from the original Home Occupation permit to a conditional use permit that would allow for a Doggy daycare on premise, outside as well as inside.

DRB member: Alan Mcbean asks the board, applicant and visitors if they have any more questions or comments. The answer is no.

6:59 meeting closes for Application #3669

7:04 Meeting opens for Application #3670: Peter Thurrell 50 Old Sawmill Application # 3670

Present at Site visit: Peter Thurrell (Applicant), Alan McBean, Cami Elliott, Chad Farnum, Natalie Pelham-Starkey (All DRB), Roger Jasaitis (Zoning Admin)

Present at Hearing: Peter Thurrell (Applicant), Alan McBean, Cami Elliott, Natalie Pelham-Starkey, Chad Farnum (zoom), Joshua Pacheco (zoom) (All DRB), Roger Jasaitis (Zoning Admin)

Summary of Application: #3670

Description or nature of Application: 30'x30' extension to existing mill building to be used as a personal Pickle ball court.

5 8'x30' Storage containers for onsite solar company

Approval of 4'x6' sign on Rte 5 for onsite solar company

Summary of minutes:

DRB Member: Alan Mcbean opens the floor for the meeting.

Zoning administrator: Roger Jasaitis summarizes his visit to site to conduct standard 5 year review of a previous conditional use permit where he found several violations. He communicated to the owner, Peter Thurrell, the nature of the violations and the need for them to be brought into compliance.

The Board reviewed the list of Uses and Structures on the property as follows: Solar company, Metal fabrication, 2 dwelling units, 5 portable storage containers, 1 accessory storage structure, Outdoor storage, Junkyard, Solid waste (manure) and Sign.

At the time of the current site visit all of the violations had been brought into compliance/removed except for one RV (one of the two dwellings) and a trailer located behind the old sawmill and a permit for the storage containers (listed in this application). It was also noted that one of the structures onsite that had previously been permitted for use as storage for the solar company was now being used as a mechanic shop, which it was not permitted for.

After discussing the previous violations and what had and had not been brought into compliance since the original site visit the board moved into asking Peter Thurell more questions about his site.

Zoning administrator: Roger Jasaitis further explained to the applicant Peter Thurrell that his site is considered a Riparian zone and therefore a site review is conducted in addition to a conditional use application for anything other than residential requests.

Applicant: Peter Thurrell re-iterates that his interest is in re-building a pickleball court in the space and within the footprint of the old sawmill building that has since been removed. He also assured the board it is only for personal use.

Moving on to other site questions Roger Jasaitis clarifies that the original permit did not cover the building onsite to house mechanics/auto work. Originally it was permitted as storage for the solar company then owned by Peter Thurrell.

In addition to the Mechanic building, the RV dwelling just outside of it was revealed to have a person staying within it both day and night. Though not necessarily consistently.

DRB Member Natalie Pelham-Starkey clarifies that the mechanic shop and the RV were not part of the current conditional use permit request and asks whether it can be considered an add-on at this time.

Zoning Administrator: Roger Jasaitis says it is within the purview of the board to consider allowing the mechanic building/RV and also the storage trailer behind the sawmill building as permitted accessory storage in this application.

DRB Member: Alan McBean asks how the mechanic onsite is managing waste, both within the mechanic work as well as the RV/ human waste/water.

Applicant: Peter Thurrell says does not know. He says there is a porta potty near the shop.

DRB Member: Natalie Pelham-Starkey asks whether or not the mechanic onsite receives any mail or packages.

Applicant: Peter Thurrell says he does not.

Alan Mcbean asks if the board or Applicant have any further questions. The answer is no. Meeting closes at 7:20pm.

DRB Administrative meeting opens at 7:22

December 2021 minutes were approved with edits. Alan Mcbean motions for approval, seconded by Chad Farnum.

Zoning Administrator: Roger Jasaitis advised that there were 2 applications for March. The March hearings will be on March 15th at 6pm with two site visits preceding the meeting. The DRB will continue to work on editing the Rules of Procedure to reflect how minutes are being written by the Board. The board will vote at the next meeting to accept the edits. Roger Jasaitis will resend the google drive link in order to edit the document.

Hearing closed 7:30

Respectfully submitted,
Natalie Pelham-Starkey
2.16.2022

