



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF JUNE 6, 2024, PUBLIC HEARING

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the meeting to order at 6:30pm. There were no additions or changes to the agenda.

Hearing of visitors (for concerns not on the agenda)

None

Attendees:

ZBA members: Marshall Dix, Chair; Troy Felisko, and Lyman Tefft

Zoning Administrator/ZBA Clerk: Gig Zboray

Applicants: Heather Thomson and Leigh Thomson

Planning Commission members: Brad Lackey, Chair; Peter Barus, Keith Thompson, and Joe Saladino.

Abutters: Chris Blake and Mike Blaise.

Non-abutters: Michael Reynolds, Bo Crawford (Wilmington), Wayne and Wendy Pratt, Joy Powell, Karen Hein, Tim and Ellen Mccauliffy.

Introductions were made around the room.

Open Hearing Mr. Dix opened the hearing, receiving permission to dispense with reading the warning

Applicant to explain what they are asking for Heather and Leigh Thomson have been running a “doggy daycare” type business from their home at 1290 Parsons Road, parcel ID# 03-0046.00. Mr. Thomson read aloud a prepared statement. At most watching 3-5 dogs (plus their own 4 dogs), this is incidental use, not their primary source of income. The dogs are not roaming the field or out at night. The boarded dogs must be let outdoors, they cannot go out on their own.

Hear from all concerned Chris Blake, abutter – this is not personal, it is not zoned or permitted to be allowed, he has dogs, he loves dogs, but he feels the noise is a nuisance. He is right on the side of the dog fence. Feels his property values are affected. Mike Blaise lives directly across from the Thomson’s. The barking is non-stop, he feels it is not fair, never had a problem with any neighbor until now. Feels that property values are affected. Joy Powell supports small business. Mike Reynolds, patron of Crate Escape, noted it takes long days to support a family in this valley, their dog has been home alone for 10-13 hours. He can attest that the boarded dogs are not barking, the Thomson dogs come and go inside and out freely, and bark. He is very happy with the business providing a safe and clean place for dogs to go. Wendy Pratt found it was wonderful for her dog to get socialization and is so thankful to have found a local place for her dog. Wayne Pratt – clean, reputable, growing business. Karen Hein relies on their business to board her dog in their home when she goes to visit her

grandkids. Bo Crawford believes that Heather and Leigh run a respectable dog boarding business, he has used them himself. He doesn't have a problem with it in his neighborhood. Tim Mccaulliffy complained about motorcycle noise on Route 100 near Ryder Pond where he lives. He desperately needs a caretaker for his dog when they travel. The service is needed in this community. Ellen Mccaulliffy has found that when she pulls up to drop or pick up her dog there are no dogs outside. Mr. Blaise commented that it is fine and dandy that all these supporters have come to support the business, but they don't live there to hear them constantly barking.

Site Plan Review

Maximum safety of traffic – we haven't heard anything about how many dogs will be coming and going each day. Heather responded that sometimes they have 3-5 dogs, right now they have one dog that came this morning and the owner is coming back on Sunday. They say they would like 8-10 max (plus their own 4 dogs), sometimes they get busier during school vacations. Most of the doggy stays are 2-3 nights, day care is very sporadic. Mr. Lackey feels the site distances are fine for traffic safety.

Parking – just drop off/pick up, no long parking.

Landscaping screening – no changes

Protection of renewable energy – n/a

Exterior lighting – just the motion lights that were already installed on the property and some lighting on the fence. Lights are only on when the dogs go out at night.

Size location and design of sign. The sign is 2'x2' and 20 feet from the center line of the road. All signs must be outside of the right-of-way which is 25' from the center line.

General Performance Standards:

Noise – already discussed above. Mr. Blake says the noise is an issue.

Vibration – n/a

Air pollution – n/a

Temperature, moisture – n/a

Electronic emissions – n/a

Light or reflection – no complaints

Waste – disposing of waste properly in a dumpster

Hazards – n/a

Erosion control – no changes to property

Final questions/comments Mr. Barus noted that the PC and ZBA are not boards that tell people what to do, these boards follow the rules that have been adopted by the town.

Mr. Dix dismissed the crowd for deliberative session with the Planning Commission.

Decision on Thomson Application (W-14-24)

Findings: “Home Industry” is defined as a home business such as, but not limited to, an antique shop, craft shop or studio, custom service shop, teaching, or similar activities that do not have an undue adverse effect upon the character of the residential area in which the dwelling is located. An income producing use that would bring customers to the location.

“Kennel” is defined as a commercial establishment in which six or more dogs, cats, and/or other domesticated animals, which are not owned by the owner or occupant of the premises, are housed, or boarded. In the Article 5 chart it says that no kennel, runway or exercise pen shall be located within 300 feet of any boundary (lot) line.

Both home industry and kennel are conditional uses in the Rural Residential district, both require site plan review.

As long as the dog fence is within the property boundary lines it meets the zoning requirements and is incorporated as part of this hearing/application.

Conclusion: If the dog boarding business stays at a maximum of five (5) boarding dogs at a time it is not considered a “kennel” per definitions in the Whitingham Zoning Regulations. Therefore, we consider the dog boarding business with a maximum of five (5) boarding dogs to be a “home industry” which is a conditional use in the Rural Residential district. Site plan review was conducted by the Planning Commission and found to be acceptable.

A motion was made by Marshall Dix to allow a home industry of dog care with a limit of five (5) boarding dogs at a time, the permit goes with Heather Thomson living on the property only, it does not transfer with the property nor will it stand if Ms. Thomson moves off the property (i.e. another family member takes over), the sign must be a minimum of 25’ from the centerline of the road, seconded by Troy Felisko, all in favor.

An interested person may appeal this decision within thirty (30) days to the Environmental Court as per 24 V.S.A. Chapter 117 § 4471.

Adjourn

Meeting adjourned at 7:37pm.

Respectfully submitted,

Gig Zboray, ZBA Clerk