

Minutes
Development Review Board
Town Hall, 75 School St.
Wallingford, VT 05773
21 February 2024
7:00 PM

Members present: J. Burkett, E. Blaisdell, J. Barbieri\ (Alternate)

Via Phone: L. Thayer (Chair)

Members absent: D. Ballou, J. Stone

Members of the Public: Maryjean Hochberg, Tara Roser, Jeff Biasuzzi, S. Hochberg

I. Call the meeting to order

The Chair called the meeting to order at 7:05.

a. Introduce DRB Members to the attendees, declare any Conflicts of Interest, establish rules of procedure

After the members introduced themselves, the Chair asked if anyone needed to declare any Conflicts of Interests, and established Rules of Procedures.

II. Review the Meeting's Agenda, revise as necessary, or approve

J. Burkett made a motion to accept the proposed agenda as written. J. Barbieri seconded the motion. Motion PASSED.

III. Swear in interested Parties to the Public Hearing:

a. Open the Public Hearing: Members of the Public were sworn-in by L. Thayer.

b. L. Thayer read the application: Application #23-37 (Tara Roser) Operate a small dog/cat boarding business in basement of house. (Parcel 0890140/ Zoning District –Forest & Recreation)

c. Receive New Testimony:

L. Thayer asked if applicant T. Roser would like to make a statement.

T. Roser explained that she proposed to start a small dog boarding business in her home. She would have 5-6 dogs in home basement kennels, would take them for walks, allow them to be on couch in basement with supervision, and plans to have two cat condos.

L. Thayer asked if there was anything else. T. Roser explained that she currently worked with dogs and cats at a local boarding business. She would ensure that boarding animals would have up-to-date vaccinations. She was looking to give the boarding dogs more of a homey place rather than just a kennel.

J. Barbieri. Asked why the permit application wasn't considered to be a Home Occupation. E. Berner explained that another resident of the area had applied for a dog board permit and had had a DRB Review. In the ZA's opinion, there was a precedent for bringing to the DRB. L. Thayer added that the current 2015 Zoning Regulations were lax on Home Occupations and referenced the section on Conditional Uses and Accessory Uses. The definition of Home Occupation was read.

Protection of Home Occupations: None of these Regulations are intended to infringe upon the right of any resident to use a minor portion of a dwelling or appurtenant accessory structure for an occupation which is customary in residential areas and which does not change the character of the neighborhood; a zoning permit is still required.

Residents may use a minor portion of a dwelling or accessory structure for an occupation which is customary in residential areas and which does not change the character of the area as long as:

1. The dwelling, accessory structures, and the lot maintain a residential appearance at all times.
2. The home occupation is clearly secondary to the use of the site for residential purposes.
3. The use is conducted within a portion of the dwelling or a building accessory thereto by a resident of the principal dwelling and having not more than 2 employees.
4. The use does not generate unsafe or intrusive traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference.
5. A permitted home occupation is granted to the applicant for the length of time that the applicant occupies the dwelling. The permit shall expire upon relocation by the applicant and shall neither remain with subsequent occupants of the dwelling nor transfer to a new location with the original applicant.
6. Vehicle (auto; truck) bodywork or repairs are not considered home occupations.

L. Thayer asked T. Roser if she intended to walk the dogs off-premises.

J. Burkett asked about the set-up concerning dog crates and if they would be housed in the kennels all day. T. Roser replied they would be in the kennels at night. "They would hang out with me during the day." J. Burkett asked about yard fencing. T. Roser stated she did not have a permanent fence. Currently she had a portable fence and she would use leashes to walk the dogs.

The question of barking was asked. T. Roser replied that the dogs would be inside (in the basement) most of the time and with her when outside. If they started to bark, they would go inside. The dogs would not be left outside.

L. Thayer stated that the application, according to page 4 of current Zoning Regulations accessory Use (**Accessory use:** *The use of a building incidental and subordinate to the*

principal use of said building) and asked the Board members if the application fitted into the character of neighborhood if T. Roser had barking dogs. L. Thayer was not sure that Home Occupation Accessory Uses (page 9) Protection of Home Occupation. J. Barbieri commented that if there was a problem with barking dogs, the Town of Wallingford has a Noise Ordinance.

L. Thayer discussed the term Accessory as the second use of the site, and asked T. Roser if the animals would be confined to the basement. T. Roser said they would be and she did not have a walk-out basement.

J. Barbieri asked about the previous (precedent) permit, why did it go before the DRB.

J. Biasuzzi asked if he could speak. J. Barbieri pointed out he was a member of the Public and should wait. L. Thayer recognized J. Biasuzzi. J. Biasuzzi referred to the Vermont Statutes on Home Occupation, referring to using a minor portion of the dwelling unit for the Home Occupation. Discussion followed between J. Biasuzzi and J. Barbieri concerning the portion of the dwelling unit that would be used for boarding.

L. Thayer asked J. Biasuzzi why he was not sitting with the Board members as he is an Alternate and as such could fill the place one of the absentee members. J. Biasuzzi replied he was not usually available on Wednesday evenings.

L. Thayer again asked if the dogs would be kept inside and the dogs would be walked in T. Roser's yard. J. Barbieri asked how many acres. T. Roser replied about 1.4 acres.

J. Barbieri asked if the Testimony could be opened to neighbors. L. Thayer asked if there were any neighbors present. L. Thayer then opened Testimony to M. Hochberg.

M. Hochberg understood from application that it would be small dogs that would be boarded and not large dogs. Also Pit Bulls are considered to be small dogs. She went on to say she and her husband walked their dogs in their yard and she does hear dogs barking. She was also concerned about no fencing. L. Thayer pointed out the M. Hochberg was not an abutting neighbor. The Karen Young's property abutted T. Roser. M. Hochberg said that she was concerned over the possibility of Pit Bulls being boarded. She was a breeder and was concerned that T. Roser was not at home all day. Also, that large dogs could pull off a leash and that was only a half a mile between the houses. L. Thayer asked S. Hochberg if he was also concerned about boarding dogs pulling off leash and attacking their dogs. S. Hochberg said no.

T. Roser responded to the main concern of there being no fence, that where she currently works, she has seen dogs jump a 6-foot fence. She couldn't have super big dogs as her kennels are not big enough.

E. Blaisdell verified that T. Roser had no plans to have 6 large dogs. T. Roser replied no, that she would have to check with her insurance company.

J. Barbieri stated that the application was a Home Occupation by right.

L. Thayer suggested that the application could be a Conditional Use, because with a Home Occupation permit, T. Roser could not go off-premises to walk the dogs. L. Thayer referenced a case in Williston in which a Home Occupation Boarding was called into question when the dogs were walked off-premises. T. Roser replied she wouldn't go off premises with the dogs, especially knowing what L. Thayer just said.

J. Burkett asked about animal waste. T. Roser said that she currently puts the collected animal waste from her dogs in plastic bags in her garage and that she has a private trash collection that comes bi-weekly.

E. Blaisdell asked if the dogs would be taken out one-by-one (or two if from same family).

L. Thayer that the Conditional Use in the Forest and Recreation Zone for Wildlife Refuge did not apply in this case.

V. Close the Hearing, OR continue Hearing to a specific set date, time, and place

J. Barbieri made a motion to close the Hearing. J. seconded the motion. Motion PASSED.

IV. Enter Deliberative Session (if necessary).

J. Burkett made a motion to go into Deliberative Session. E. Blaisdell seconded the motion. Motion PASSED. DRB went into Deliberative Session at 7:44 (19:44 hrs.).

VI. Exit deliberative session and give Instructions to Z.A.

Burkett made a motion to come out of Deliberative session. E. Blaisdell seconded. Motion PASSED. DRB came out of Deliberative session at 7:53 (19:53 hrs.).

L. Thayer called for a motion if Permit Application 23-37 should be considered a Home Occupation and sent back to ZA for approval. J. Barbieri made the motion. E. Blaisdell seconded. Motion PASSED.

J. Barbieri also if T. Roser should be given back \$250.00.

VII. Approve Minutes of 29 November 2023 and 24 January 2024

a. 29 November minutes: J. Barbieri made a motion to table. [Due to lack of quorum attending members to that meeting.] J. Burkett seconded. Motion PASSED.

b. 24 January minutes: J. Burkett made a motion to table. [Due to lack of quorum attending members to that meeting.] E. Blaisdell seconded. Motion PASSED.

VIII. Open Meeting to Public Input (time limits may be imposed)

No Public in attendance.

IX. Any Other Business or discussion

J. Barbieri inquired about the letter required in the Facts of Findings from the January DRB meeting. E. Berner explained she has been in correspondence with CITGO. J. Barbieri said that she had reached out to the applicant if they had obtained that letter. Discussion followed.

J. Burkett asked how many times J. Stone can be absent from meetings to be considered absent. Discussion followed. L. Thayer asked E. Berner to add DRB member's absences and the Rules of Procedures to the next DRB agenda.

X. Adjourn (The next meeting of the DRB 20 March 2024)

J. Burkett made a motion to adjourn meeting. L. Blaisdell seconded motion. Motion PASSED. Meeting was adjourned at 8:16 (20:16 hrs.)

Respectfully submitted by: Erika J. Berner

Lucy Thayer (Chair, DRB)

Date