

**Town of St. Albans
Development Review Board Meeting Minutes
Thursday, May 26th, 2016
6:30 p.m.**

On Thursday, May 26th, 2016 at 6:30 p.m., the Town of St. Albans Development Review Board met at Town Hall for hearings.

Present: Chair, Brent Brigham, Vice Chair, Jeff Jewett, Clerk, Bruce Thompson, Karen Drennen, Arthur Omartian, Mike McKennerney and Zoning Administrator, Becky Perron

Absent: Tom Stanhope

Chair, B. Brigham called the Development Review Board meeting to order at 6:30 p.m.

New Business:

Appeal of Nina & Rod Hunsicker of permit A6864 dated 04/11/16 granted to Lisa and Adam Mapes for a Home Occupation in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The address of the property subject to the appeal is 3 Sully's Way in the Rural District and owned by Lisa & Adam Mapes.

B. Brigham began the meeting by stating the purpose of the hearing was to see if Zoning Administrator, B. Perron, made a mistake in issuing a Home Occupation to the Mapes as per the Unified Development Bylaws. He stated the goal was not to argue the Mapes' excellent care of pets, but rather to determine if the business actually qualified as a Home Occupation or if it should have gone before the DRB for Conditional Use.

B. Brigham asked the audience who would like to be recognized as an Interested Party to provide testimony or appeal the DRB's decision. Most of the audience asked to be recognized as an Interested Party. J. Cahill, representative of N. and R. Hunsicker (applicants), reminded the Board that only those directly abutting or within the neighborhood could be granted Interested Party Status. The Board agreed and granted Interested Party Status to John and Sandy Gamsby as property owners within the neighborhood.

MOTION: J. Jewett made a motion to grant Interested Party Status to John and Sandy Gamsby as property owners within the neighborhood. B. Brigham seconded. All in favor, none opposed, motion carried.

The Clerk swore in the Hunsicker's, Mapes', and Gamsby's.

J. Cahill began by stating Sully's Way is a cul-de-sac off Bronson Road with 5 homes. It is a small residential community within the Rural district. The Hunsicker's feel that for the last two years the Mapes' have been running an unpermitted kennel operation. The Mapes' applied for a Home Occupation permit through the Zoning Administrator. J. Cahill did not doubt the excellence of the Mapes' doggy daycare but stated the vigorous application process and Facebook business page led him to believe the business was more than just a casual intermittent care and should require a Conditional Use permit for a kennel. J. Cahill stated the definition of "Kennel" in the Unified Development Bylaws matched what he believed the Mapes' business is. Other residents of Sully's Way, including the Hunsickers, feel the Mapes are asking them to accommodate their business without the correct safety provisions, J. Cahill explained. In general, the neighborhood is not opposed to the business; in fact the doggy daycare had been brought up in previous neighborhood meetings. The Mapes were offered a fence to keep the animals contained and rejected it. J. Cahill referred to a letter Ms. Mapes had submitted to the DRB on May 23rd regarding the appeal in which she states she warns clients about the Hunsicker's dog and if a client's dog should wonder into the Hunsicker's yard, the result could be harm to the dog or annoyance to her neighbor. J. Cahill also asked the Board to consider if a dog wanders off the Mapes' property and on to the common land, and someone is injured by the dog, who would be financially responsible for the compensation of the injury. N. Hunsicker reiterated she is not against the doggy daycare. She stated it had only been a handful of times that a dog had wandered onto her property but over the last two years it seemed more and more dogs were being watched by the Mapes. "I would like the dogs to be contained- I think that's fair", she stated. N. Hunsicker also added she did not trust the dogs to rely on voice commands from the Mapes and she personally did not rely on voice command for her own dogs. N. Hunsicker's husband, R. Hunsicker, agreed with his wife's concerns adding they have three young daughters and he is concerned with unknown dogs not being leashed around his kids.

The Chair asked the Interested Parties if they had any further details to add. S. Gamsby began by saying L. Mapes probably provides excellent care of the dogs. That was not her concern. She was worried there would be an incident with an unleashed dog hurting someone in the neighborhood. Her daughter is a

runner and had been approached by three German shepherds in the past which left her fearful. S. Gamsby stated she had brought her concerns to the neighborhood's yearly meeting (in March) stating it wasn't safe but her concerns did not seem to be heard. J. Gamsby agreed with his wife's concerns and also stated he owned dogs and had replaced his fence two times to be sure the neighborhood and dogs were kept safe. He recently added an electric fence after one of his dogs jumped the solid fence they had.

N. Hunsicker stated she disagreed with some of the rebuttals in L. Mapes' letter to the Board. She had met a couple of the dogs the Mapes had dog-sat but did not agree she met most of them. She also agreed that her children had been on the Mapes property to visit a couple of the dogs but argued they should not have been invited to the Mapes property.

J. Cahill stated, in summary, it was a mystery as to why the Mapes would operate this business while refusing to fence in the animals and the burden was being placed on the neighborhood.

A. Omartian asked J. Cahill to specify what he would consider to be the best possible outcome of the situation. J. Cahill stated the best outcome would be for the Mapes to appear before the DRB for a Conditional Use permit for a kennel. The application should include a plan for adequate containment of the animals.

The Chair asked the Mapes if they had anything further to add. L. Mapes stated she was unhappy with how the concerns were brought to their attention. She stated her family had taken steps to rectify the problem including natural barriers to contain the dogs to the back yard, and leashing or tethering every dog while outside. The Mapes have purchased additional supplies for containment but will not invest in further materials unless the Home Occupation is allowed. She also added the dogs are never unsupervised. Not every dog they watch is allowed off a leash, she stated. Several dogs had been left on their leashes while in the Mapes' care, either at the owners request or due to the Mapes dog knowledge, such as a beagle that was young and curious. L. Mapes knew he would be prone to roam and follow smells. The Mapes often used a system with puppies where they're connected by two corkscrewed tethers until they learn their boundaries. She admitted that they had been offered a fence, but stated they were only offered it after a neighbor learned it didn't contain their own dog. L. Mapes stated the dogs in her care were not the only ones who had roamed and listed several other neighborhood dogs who had been off their own property.

B. Brigham stated L. Mapes seemed to recognize the value of keeping ones dog in their own space. B. Brigham asked how many days dogs were typically being watched on the Mapes property. L. Mapes listed the days in 2014 that dogs were cared for on their property for a total of 73 days. She stated that one client had told several of his friends about her service which led to a higher number of business days in 2015. She agreed that last summer was too busy in terms of days of business. B. Thompson asked if the dogs were mainly watched on weekdays. L. Mapes confirmed. K. Drennen asked how many dogs were watched at once. L. Mapes stated typically two or three at a time but they had watched as many as five dogs at one time.

K. Drennen asked if the Mapes were insured. L. Mapes confirmed. K. Drennen inquired if the insurance covered the dog-watching business. L. Mapes confirmed.

L. Mapes added that during the summer, the dogs went where the family went, including baseball games, and were always kept on a leash. The dogs are never left unsupervised at their home. She also added when other neighborhood dogs start to bark, such as the Hunsicker's dog, the Mapes will move their dogs to the backyard where they won't be easily distracted. B. Brigham asked what the natural barriers described in the back yard was. A. Mapes stated there are trees and a four-and-a-half foot stone wall. B. Brigham asked if the wall was impenetrable. A. Mapes stated it was not, but reminded the Board that the dogs are never left unsupervised.

K. Drennen asked if there were any State regulations for a kennel. L. Mapes was unsure and stated she did not consider herself a kennel. L. Mapes stated she asked B. Perron about how the Town defines a kennel and B. Perron replied "Lisa, the word board means that they are in your home." B. Perron denied saying that, stating that she did discuss that the animals would not be housed in a separate building.

B. Thompson wondered what the acreage was of the Mapes property. A. Mapes replied roughly 5.13 acres. B. Thompson asked the Hunsickers what their acreage was. N. Hunsicker responded roughly 6.4 acres.

J. Cahill stated that much of what the Mapes were saying during the hearing was irrelevant. The issue was whether their business qualified as a Home Occupation. Although A. and L. Mapes had volunteered to get a fence or other barrier, fencing is not enforced within the town and therefore a verbal agreement was not an acceptable solution.

L. Mapes replied that the original complaint stated a growing concern for safety and did not include the simple resolution of erecting a fence. If the original complaint had stated that, the Mapes would have erected the fence and would not have had to go before the Board.

Deliberative Session

MOTION: K. Drennen made a motion to enter deliberative session at 7:30 p.m. B. Thompson seconded. All in favor, none opposed, motion carried.

Appeal of Nina & Rod Hunsicker of permit A6864

MOTION: J. Jewett made a motion to uphold the Appeal of Nina & Rod Hunsicker of permit A6864 dated 04/11/16 granted to Lisa and Adam Mapes for a Home Occupation in accordance with Section 806 of the St. Albans Town Unified Development Bylaws. The address of the property subject to the appeal is 3 Sully's Way in the Rural District and owned by Lisa & Adam Mapes with the following findings: 1. Based on hearing testimony the Zoning Administrator was not given adequate information on the application to understand the extent of the Home Occupation, 2. based on hearing testimony at the appeal the business volume has exceeded an "intermittent" basis as originally stated in the Home Occupation application, 3. the current means of containment is inadequate causing an undue adverse effect on the neighborhood, and the following conclusions: 1. the current business does not meet the definition of a Home Occupation as per the definition of Home Occupation in Section 902 of the St. Albans Town Unified Development Bylaws. K. Drennen seconded the motion. All in favor, none opposed, motion carried.

Minutes

MOTION: K. Drennen made a motion to accept the minutes from the DRB meetings dated April 14th, 2016 and April 28th, 2016. B. Thompson seconded. All in favor, none opposed, motion carried.

Adjournment

MOTION: J. Jewett made a motion to adjourn the DRB meeting at 8:15 p.m. K. Drennen seconded. All in favor, none opposed, motion carried.

**Respectfully Submitted,
AJ Johnson, Administrative Assistant**

Brent Brigham, Chair

Jeff Jewett, Vice Chair

Bruce Thompson, Clerk

Arthur Omartian

Mike McKenney

Karen Drennen