

Shaftsbury Planning Commission
March 23, 2021

The meeting **came to order** remotely via the Zoom platform at 6 p.m. Present were commissioners Chris Williams (chair), Mike Foley, and Martha Cornwell. Naomi Miller arrived shortly thereafter. Also present then or soon thereafter were zoning administrator Shelly Stiles, Development Review Board chair Tom Huncharek, and DRB member Mike Day.

Mr. Foley moved to approve the **March 9 minutes**. Ms. Cornwell seconded the motion, which passed 3-0-0.

Mr. Williams asked if there were any comments on the **Poulin Grain Act 250 proposed determination**. There were none.

Mr. Williams introduced the topic of **helipad and private landing strip regulations**. He noted that there were any number of other possible eventualities that might befall the town. Mr. Foley said perhaps we could simply require municipal approval, as VLTC encourages. Ms. Cornwell thought it not urgent. Ms. Miller said she'd seen a new sign reading "Caution. Helicopter landing site ahead" near Route 7 and Glastenbury Road on a recent walk in the area. Mr. Williams reminded the group of the proposal for a military training site in Glastenbury. Mr. Foley asked if there had been any complaints. Ms. Stiles said she'd heard something from the Town Administrator about a helipad in the area. Mr. Williams said the PC could put before the voters a bylaw "No private helipads or landing strips are allowed in the Town." The item will be taken up again when more information is available.

Discussion turned to a **trail to the Town forest**. Ms. Cornwell wondered where the idea first came from, and thought that access from Route 7A near the Galusha homestead would be better than access from Blueberry Hill Rd. Mr. Foley asked what happened to the proposal the last time it came up. Mr. Williams said he thought it had been shelved when the pandemic arrived, and that no formal presentation has ever been made to the Select Board. Both Ms. Cornwell and Ms. Miller said they had no desire to spend the next several months working on the project. They seldom hiked in that area. They suggested, however, that Christy Nevius or Annie Delivo of Manchester might be interested in it. (Ms. Delivo works with an organization called Earth Matters.) Ms. Miller will reach out to both. Ms. Cornwell thought the energy should bubble up from below, not be imposed by the PC from above. Mr. Foley is willing to walk the trail from Route 7A. Mr. Williams will explore the Taconic Crest Trail idea seemingly floating about.

The Development Review Board had shared its comments on the proposed **Dog Kennel bylaw**. The group went through them one by one. Ms. Cornwell made changes to the original document as they were agreed upon. Major points are captured below. All changes are incorporated in the draft revision [incorporated in these minutes](#).

- The DRB prized specificity and dislikes latitude and vagueness. Only the former gives an applicant before the DRB the information she needs to know if an idea is allowable and to craft a compelling application.
- Agreed: the bylaw will address only the boarding of dogs. Breeding facilities can be addressed at another time.

- Perhaps the bylaw could have several subsections.
- It was made clear that compliance with certain sections of the state regulations regarding animal welfare will be required for approval.
- Mr. Foley will ask West Mountain Veterinary Clinic how best to handle a vaccinations requirement.
- A 1000' separation between the kennel facility fences and any neighboring residence at the time of issuance of the permit will be required.
- The word "shall" be used as appropriate.
- Ms. Stiles will share Ms. Cornwell's draft with town counsel. Especially, can the town require permit holders to hire consultants (veterinarians) to inspect boarding facility and confirm compliance with the bylaw? Also, can the town animal control officer or health officer inspect boarding facilities to confirm compliance?

Mr. Huncharek reported that that DRB has begun review of the **boundary line adjustment bylaw** changes.

The meeting adjourned by acclamation at 7:45 p.m.

Revision 3.0 Based on DRB Feedback 3/24/21

8.16 Dog Boarding/Kennel By-Law

8.16.1 **Districts Allowed.** These facilities shall be permitted in all districts except Village Center (VC) and Forest and Recreation (RC) as a Conditional Use, including site plan approval, subject to review and approval by the DRB. In reviewing an application for this use, the Development Review Board (DRB) shall reference the Vermont Agency of Agriculture Food and Market's Animal Welfare Regulation promulgated under authority of the VSA T20 Chapter 194 Section 3908 Sections 1.1 thru and including 3.14. Any proposed facility shall comply with these provisions in their entirety at all times to be considered compliant.)

8.16.2 Requirements and Standards

- a) Five acres shall be the minimum lot size for dog boarding facilities
- b) The total number of dogs shall not exceed 6.
- c) Dog kennels, shelters or runs shall not be located within 1000 feet or fewer of the nearest neighboring residence at the time of the issuance of the permit for that facility.
- d) Animals shall be securely fenced.
- e) No excessive barking shall emanate from the kennels at any time. Quiet hours shall be maintained from 9:00pm to 7:00am weekdays, and 9:00pm to 8:00am weekends and holidays.
- f) The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies and the spread of disease. Animal odors shall not be detectable beyond the lot lines of the property wherein the kennels are located.

Deleted: <#> Facilities intended for dog boarding exceeding this number shall be subject to review and approval by the DRB with the possibility of more conditions to be added. ¶

- g) Proof of up to date vaccinations are required before and each time a dog is allowed into the facility.
- h) Required vaccinations at a minimum will include rabies, kennel cough ... (Mike Foley will find out if there are others from a Vet)
- i) Personnel shall be available at all times to care for and supervise the animals. Contact information for such personnel shall be registered with the Town Clerk and Animal Control Officer by the kennel owner.
- j) Permit holders must annually hire a consultant veterinarian to inspect the facility and confirm it is compliance with the bylaw. THIS IS WHAT WE WANTED TO ASK THE TOWN ATTORNEY ABOUT.
- k) If complaints arise from the community and/or adjacent landowners the following mechanism is in place to address these concerns.
 - a. The Zoning Administrator shall provide written warning notice to any person suspected of an alleged violation of any bylaw after it has been adopted pursuant to Chapter 117 of Title 24. The notice must be sent by certified mail and shall advise the alleged offender of the following:
 - i. The nature of the violation referencing the specific provisions of the bylaws.
 - ii. That he or she has seven days in which to resolve the violation.
 - iii. That he or she is not entitled to any additional warning notice for a violation occurring after the seven days.
 - iv. That he or she has a right to appeal the notice of violation to the Development Review Board.

DO WE WANT TO ADD MENTION OF THE FINE AS CARL KOMAR REQUESTED?

8.16.3 Definitions

- a) **Dog Boarding/Kennel Facility-** Any facility that houses in exchange for a fee, more than three dogs at a time who are not licensed at the address of the facility. This definition shall not include Veterinary Clinics.
- b) **Excessive Barking-** Any noise by a dog or dogs audible at the property line of a property on which a kennel is located which occurs repeatedly during at least a seven minute period of time with a three minute or less lapse of time between each bark.

Appendix:

Vermont Animal Welfare Regulations

https://agriculture.vermont.gov/sites/agriculture/files/documents/Animal_Health/Animal%20Welfare%20Regulations.pdf

Promulgated under authority of VSA T20 Chapter 194 Section 3908

PART 1 – DEFINITION OF TERMS

SECTION 1.1 DEFINITIONS

- (a) **Act.** Refers to the provisions of T20 Chapter 197 “Welfare of Animals and T20 Sections 3681, 3682 and 3683 as relating to provisions for the inspection of kennel premises.
- (b) **Division.** Means the Livestock Division of the Department of Agriculture.
- (c) **Division representative.** Means any inspector or other person employed by the Division who is responsible for the performance of the functions involved.

(d) **Non-human primate.** Means any non-human member of the highest order of mammals including prosimians, monkeys and apes.

(e) **Standards.** Means the requirement with respect to the humane handling, care, treatment, and transportation of animals.

(f) **Non-conditioned.** Means animals which have not been subjected to special care and treatment for sufficient time to stabilize and , where necessary to improve their health to make them suitable for sale.

PART 2 – REGULATIONS

SECTION 2.1 LICENSING AND REGISTRATION.

Licensing period shall be from April 1 to March 31 or part thereof.

Registration period shall be from January 1 to December 31 or part thereof.

SECTION 2.2 RECORD KEEPING.

In connection with each dog and cat purchased or otherwise acquired, held, transported, or sold, or otherwise disposed of, a licensee shall keep and maintain the following information in the manner prescribed by the Division.

(1) The name and address of the person from whom acquired, and the person to whom sold or otherwise disposed of.

(2) The dates of acquisition and disposition.

(3) The description and identification of the animals.

SECTION 2.3 COMPLIANCE WITH STANDARDS.

Each licensee shall comply in all respects with the standards set forth for the humane handling, care, treatment and transportation of animals.

SECTION 2.4 HOLDING PERIOD.

All dogs and cats acquired by a licensee shall be held by him, under his supervision and control, for a period of five business days after the acquisition of such animals provided, however, that dogs or cats suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the expiration of the five day holding period only if such euthanasia is carried out under the direct supervision of a licensed veterinarian.

SECTION 2.5 INSPECTION OF RECORDS.

Each licensee upon request shall permit Division representatives to examine records required to be kept by the Act or regulations, and to make copies of such records, and to inspect such property and animals as such representative considers necessary to enforce the provisions of the Act, regulations or standards. The use of a room, or other facilities necessary for the proper examination of such records shall be extended to such authorized representative.

SECTION 2.6 INSPECTION FOR MISSING ANIMALS.

Each licensee upon request shall permit Division representatives; police or law officers of legally constituted law enforcement agencies with general law enforcement authority, to enter his premises to inspect animals and records for the purpose of seeking animals that are missing.

PART 3 – STANDARDS

SUBPART A – SPECIFICATIONS FOR HANDLING, CARE, TREATMENT, AND TRANSPORTATION OF DOGS AND CATS.

SECTION 3.1 FACILITIES, GENERAL.

- (a) **Structural strength.** Housing facilities for dogs or cats shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- (b) **Water and electric power.** Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate potable water shall be available.
- (c) **Storage.** Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.
- (d) **Waste disposal.** Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.
- (e) **Washrooms and sinks.** Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.
- (f) **Runways.** In facilities where dogs and cats are held for relatively short periods of time, such as, but not limited to, boarding kennels and animal shelters, runways shall be paved to facilitate proper cleaning and disinfection between occupants. In facilities where paving is not required by this subparagraph, runways shall be maintained in a sanitary manner at all times with adequate drainage to prevent standing water.

SECTION 3.2 FACILITIES, INDOOR

- (a) **Heating.** Indoor housing facilities for dogs or cats shall be sufficiently heated when necessary to protect the dogs or cats from cold, and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50° for dogs and cats not acclimated to lower temperatures.
- (b) **Ventilation.** Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 85°F or higher.
- (c) **Lighting.** Indoor housing facilities for dogs and cats shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Primary enclosures shall be so placed as to protect the dogs and cats from excessive illumination.
- (d) **Interior surfaces.** The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.
- (e) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

SECTION 3.3 FACILITIES, OUTDOOR.

- (a) **Shelter from sunlight.** When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.
- (b) **Shelter from rain or snow.** Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (c) **Shelter from cold weather.** Shelter shall be provided for all dogs and cats kept outdoors when the atmospheric temperature falls below 50°F. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated.
- (d) **Drainage.** A suitable method shall be provided to rapidly eliminate excess water.

SECTION 3.4 PRIMARY ENCLOSURES

All primary enclosures for dogs and cats shall conform to the following requirements:

(a) General –

(1) Requirements for primary enclosures for dogs and cats.

- (i) Primary enclosures shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, and to keep predators out.
- (ii) Primary enclosures shall be constructed and maintained so as to enable the dogs and cats to remain dry and clean.
- (iii) Primary enclosures shall be constructed and maintained so that the dogs or cats contained therein have convenient access to clean food and water as required in this subpart.
- (iv) The floors of the primary enclosures shall be constructed so as to protect the dogs' and cats' feet and legs from injury.

(2) Additional requirements for primary enclosures housing cats.

- (i) In all enclosures having a solid floor, sufficient clean litter shall be provided to contain excreta.
- (ii) Each primary enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the primary enclosure at the same time. Such resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(b) Space requirements. –

- (1) **Dogs and cats.** Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog and cat to turn about freely and to easily stand, sit and lie in a comfortable normal position.

(2) Dogs

- (i) In addition to the provisions of subparagraph (1) of this paragraph, each dog housed in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus 6 inches, expressed in square feet. Not more than 12 adult nonconditioned dogs shall be housed in the same primary enclosure.

This requirement may be computed by using the following equation:

(length of dog in inches+6) X (length of dog in inches+6)

Required area in square inches

= _____ = Required square feet of floor space.

NOTE: THE ABOVE FORMULA IS NO CLEARER IN THE ORIGINAL. CAN ANYONE REFORMULATE IT IN ENGLISH?

(ii) **Dog house with chains.** If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and equipped with snap hooks and shall be attached to the dog by means of a well fitted collar. Such chains shall be at least four times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.

(3) **Cats.** In addition to the provisions of subchapter (1) of this paragraph each adult cat housed in any primary enclosure shall be provided a minimum of 21/2 square feet of floor space. Not more than 12 adult nonconditioned cats shall be housed in the same primary enclosure.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

(a) Dogs and cats shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(b) Food receptacles shall be accessible to all dogs and cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

SECTION 3.6 WATERING

If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be kept clean.

SECTION 3.7. SANITATION

(a) **Cleaning of primary enclosures.** Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure, any dog contained therein shall be removed from such enclosure during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) **Sanitization of primary enclosures.**

(1) Prior to the introduction of nonconditioned dogs or cats into empty primary enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Primary enclosures for dogs and cats shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard: Provided, however, That such enclosures shall be sanitized at least once every week in the manner provided in subparagraph (3) of this paragraph.

(3) Cages, rooms, and hard-surfaces pens or runs shall be sanitized by washing them with hot water (180°F.) soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and

effective disinfectant, or by cleaning all soiled surfaces with live steam.

(c) **Housekeeping.** Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Premises shall remain free of accumulations of trash.

(d) **Pest control.** An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

SECTION 3.8 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

SECTION 3.9 CLASSIFICATION AND SEPARATION.

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(a) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Any dog or cat exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(c) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams.

(d) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.

(e) Dogs and cats under quarantine or treatment for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease.

SECTION 3.10 VETERINARY CARE

(a) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame or blind dogs or cats shall be provided with veterinary care or humanely disposed of.

TRANSPORTATION STANDARDS

SECTION 3.11 VEHICLES

(a) Vehicles used in transporting dogs or cats shall be mechanically sound and equipped to provide fresh air to all animals being transported without injurious drafts.

(b) The animal's cargo space shall be so constructed and maintained as to prevent the ingress of exhaust from the vehicle's engine.

(c) The interior of the animal cargo space shall be kept clean.

SECTION 3.12 PRIMARY ENCLOSURES USED TO TRANSPORT DOGS AND CATS.

(a) Primary enclosures, such as compartments or transport cages, cartons or crates, used to transport dogs or cats, shall be well-constructed and well-ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that (1) each animal in the vehicle has access to sufficient air for normal breathing, (2) the openings of such enclosures are easily accessible at all times for emergency removal of the animals and (3)

the animals are afforded adequate protection from the elements. The ambient temperature shall not be allowed to exceed 95°F, at any time nor exceed 85°F unless the animals are acclimated to lower temperatures.

(b) Animals transported in the same primary enclosures shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosures with adult dogs or cats other than their dams. Any dog or cat exhibiting a vicious disposition shall be transported individually in a primary enclosure.

Any female dog or cat in season (estrus) shall not be transported in the same primary enclosure with any male.

(c) Primary enclosures used to transport dogs or cats shall be large enough to insure that each animal contained therein has sufficient space to turn around freely, to stand erect, and to lie in a natural position.

(d) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor or a material which prevents animal excreta from entering lower enclosures.

(e) Primary enclosures used to transport dogs or cats shall be cleaned and sanitized between shipments. All litter in the vehicle shall be clean at the beginning of each trip.

SECTION 3.13 FOOD AND WATER REQUIREMENTS

(a) If dogs and cats are transported for a period of more than 12 hours:

(1) The vehicle shall stop at time potable water shall be continuously provided for the dogs and cats.

(2) Each adult dog and cat shall be fed at least once in each 24-hour period. Puppies and kittens shall have food made available to them every 6 hours.

(d) Dogs shall be removed from the vehicle and given fresh water and an opportunity for exercise if they have been confined in the vehicle for a period of 24 hours.

SECTION 3.14 CARE IN TRANSIT

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.