

Town of Danville, Development Review Board
Permit 2023-04, Conditional Use Hearing

Applicant: Jeff and Laurie Machell

Site: SA002-106.001, 1105 North Danville Rd, Danville VT 05828

Zoning District: Low Density Residential.

Project Description: Operate canine training school with onsite dog kennel. This is an after the fact permit for a facility already constructed and operating.

Warning: 24 February 2023.

Hearing Date: 15 March 2023.

Development Review Board Members Present: Mickey Bullock, Brian Henderson (Chair), Terry Hoffer, Craig Morris, Bruce Palmer, Theresa Pelletier, Wes Standish

Development Review Board Members Absent: Bob Magro, Larry Rossi.

Interested Parties Present: Jeff and Laurie Machell(applicants), Dennis Marquise (Zoning Administrator),

Correspondence from Interested Parties: None

Disclosure of Conflict of Interest: None by board.

Disclosure of *Ex Parté* Communication: None by board.

Applicable Bylaws:

This application requires a review by the DRB under the following section of the Danville Bylaws:

Sec 405, page 21, Off Street Parking

Sec 502.3 and 502.4, page 31, Conditional Use

Sec 516, page 50, Low Density Residential.

Sec 901, page 71, Signs

Findings of Fact:

Sec 405, Off Street Parking.

The bylaws require 2 per dwelling unit and 1 per nonresident employee for a “home occupation/business”. It appears that this requirement is met.

Sec 502.3,502.4. Conditional Use

502.3 *Conditional uses are those uses that may be allowed by the Development Review Board as provided for in 24 VSA §4414 after public notice and hearing. In order for the permit to be granted the DRB must find that the proposed use is in conformance with the specific standards for the district in which it is located, and it shall not adversely affect:*

a) The capacity of existing or planned community facilities,

Not applicable.

b) The character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the plan,

This facility is adjacent to an agricultural setting, and the existing Danville Pet Hotel is

four dwellings away.

c) *Traffic on roads and highways in the vicinity,*

Should not have any effect.

d) *Bylaws and ordinances then in effect,*

This is permitted as a Conditional Use.

e) *The utilization of renewable energy resources.*

Not applicable.

502.4 *As a condition of approval, the Development Review Board may attach such additional reasonable conditions and safeguards as it deems necessary for approval to implement the purposes of the Vermont Planning and Development Act (24 VSA Chapter 117) and these zoning regulations.*

Note the Conditions listed under the Decision paragraph of this document.

Sec 516, Low Density Residential.

Kennel is a Conditional Use in this district. Home Occupation (training) is a Permitted use. The side setback in this district is 35'. As the existing kennels are located 10' away from the property line, a waiver will be required. Note that the adjacent property is owned by the applicants family.

Sec 901, Signs

901.2 *No sign, whether temporary or permanent, shall be erected, installed, or altered unless in conformance with all applicable provisions of this bylaw. Signs do not require a permit unless the express terms of this bylaw state that a permit is required. If a permit is required, no sign shall be erected, installed, or altered until a permit has been issued for such sign by the Zoning Administrator or Development Review Board as applicable.*

Changes or additional signage must be brought before the DRB for approval.

903.2 *Permanent permitted sign limitations per property (excluding window treatments):*

<i>District</i>	<i>Maximum # Signs</i>	<i>Maximum Sq Footage</i>	<i>Maximum Height from Grade (feet)</i>
<i>Low Density Residential</i>	<i>1</i>	<i>10</i>	<i>10</i>

The applicant has an existing fabric sign attached to a fence. The dimensions of this sign are stated as 2'by 8', which is 16 square feet. A waiver will be required to permit use of the existing sign.

Summary of Discussion:

Jeff Matchell explained his facility and business operations. He has ten existing premade fenced kennels, two 12'by 12', five 10'by 10', two 6'by 10', and one 8'by 8' wooden building. He currently has five dogs, as limited by insurance coverage, but would like to increase that to ten dogs. Currently, he owns three German Shepards (police and detection dogs), one Golden Retriever (service dog), and one hunting beagle. There are no other boarding or training dogs in residence at the time of this hearing.

Training will be done on the lawn in front of the kennels. There will be weekend and evening puppy training, along with service or detection dog training on site or in the woods. All activities will be by appointment only.

There is no exterior lighting. The current sign will remain and will require a waiver for its size.

Vermont currently does not regulate dog boarding or training facilities. Breeding, which is a possible future activity, does fall under VT regulations.

Decision and Conditions:

A motion was made by Craig Morris and Seconded by Bruce Palmer to approve the permit as submitted with the following conditions:

1. The applicant shall comply with all Vermont regulations, including the Vermont Agency of Agriculture Food and Markets Animal Welfare Regulation (VSA T20 Chapter 194), along with the Danville Animal Control Ordinance.
2. No excessive barking shall emanate from the kennels at any time. Quiet hours are to be 9:00 PM to 7:00 AM.
3. Increasing the number of dogs above ten total, or commencing a breeding operation, will require a modification of this permit and further review by the Danville DRB.
4. The Board grants a waiver for the 10' right setback.
5. The Board grants a waiver for the existing sign of sixteen square feet, which exceeds the ten square foot allowance.

The Chair called the question, and Brian Henderson (Chair), Terry Hoffer, Craig Morris, Bruce Palmer, Theresa Pelletier, and Wes Standish voted aye. Mickey Bullock voted no. The permit is approved with a vote of six to one.

An approved permit will be issued once the above conditions are met and the 30-day appeal period has passed, pending any appeals.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Decision: 16 March 2023

Final Appeal Date: 15 April 2023

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.