

1 BENNINGTON SELECT BOARD MEETING
2 BENNINGTON FIRE FACILITY
3 130 RIVER STREET
4 BENNINGTON, VERMONT 05201

5
6 MONDAY, MAY 15, 2023
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8 **PUBLIC HEARING: KENNEL LICENSE DENIAL**

9
10 **MINUTES**

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12 BOARD MEMBERS PRESENT: Jeannie Jenkins – Chair; Tom Haley Vice-Chair; Jim Carroll,
13 Gary Corey, Sarah Perrin, Jeanne Connor, Ed Woods
14

15 ABSENT: *None*

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17 ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks-Zoning Administrator & Asst Town
18 Manager; John Sweet, Nathan Sweet; Linda Bermudez, Recording Secretary; (8) Citizens.
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21 At 6:00 P.M., Jeannie Jenkins – Chair called the meeting to order. She noted this was a quasi-
22 judicial appeal hearing regarding the DENIAL of a Kennel License to Mr. John Sweet. Mr.
23 Sweet currently boards several dogs on Chapel Road side of his property on Jacks Drive.
24

25 Ms. Jenkins noted that all those who intend to speak this evening at this appeal hearing need to
26 stand and take the oath to tell the truth. Stu Hurd read the oath known as “*INTERESTED*
27 *PERSONS – APPEAL RIGHTS – READING OF WITNESS’ OATH*” while several members of
28 the audience stood with their hand raised.
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30 Ms. Jenkins noted the Select Board had received John Sweet’s letter of appeal and asked if he
31 had any additional comments regarding the DENIAL of the Kennel License. Mr. Sweet stepped
32 forward to make a comment. He stated he doesn’t understand why he is being denied. All the
33 dogs are registered. This is the only joy he has. Everyone else up there has dogs.
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35 Ms. Jenkins asked if he knew why the license has been denied. Mr. Sweet said he did
36 understand that it does not meet the required 1,000 feet from another residence’s ruling.
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38 Gary Corey asked how many dogs Mr. Sweet owns. Mr. Sweet stated he owns (8) dogs. But
39 there are (14) total currently on the property because his grandson’s house burned down, and he
40 brought his dogs over. Mr. Sweet then asked why the Town was allowed to take the over \$300
41 in registration fees from him if he couldn’t have that many dogs. Ms. Jenkins stated she would
42 find that answer out for him.
43

44 Sarah Perrin asked what kind of dogs they are. Mr. Sweet said his (8) dogs are all Beagles.
45 They all have their own house and pen. He would spade them but because they are AKC
46 registered and he shows them, he cannot spade them. He then noted that his grandson’s dogs are
47 also Beagles.
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49 Tom Haley asked where he keeps the dogs. Mr. Sweet stated they are kept on Chapel Road.
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51 Stuart Hurd wanted to clarify what triggered the need for a Kennel License. He read the
52 ordinance aloud which states that 4 or more dogs kept of the property triggers the need for a
53 license.

54
55 Colleen Gore, residential neighbor, stepped forward to make a statement. She read a list of other
56 residential neighbors' names that she is representing; most of which were in attendance. A
57 collective letter was written and signed by those residents stating their reasons why that Kennel
58 License should be denied. Mr. Hurd followed by reading that letter aloud. Ms. Gore continued
59 by describing the noise and conditions surrounding the care of these dogs. She is very concerned
60 about the welfare of these animals. She has made several recordings of the crying, barking and
61 whining the dogs do each day and into the evening. This is then followed by the yelling of John
62 and Nathan at the dogs. Ms. Gore also felt it was important to note that anytime a complaint is
63 made against either John or Nathan there is retaliation (mostly on Nathan's part). She is fearful
64 of retaliation from Nathan.

65
66 Jim Carroll asked about how he retaliates. Ms. Gore stated she has had garbage thrown at her
67 and Nathan has "perched" her multiple times. She fears what could be next. Ms. Gore asked the
68 Select Board to Please Deny this Kennel License.

69
70 Nathan Sweet stepped forward to testify. He described some of his background and an incident
71 several years ago where he had "too many dogs" and the Town had taken them away. He had
72 gone to court several times back then. He does not abuse dogs. This property is his father's; not
73 his (Nathan) or his son's (Dakota). His father's dogs were all checked by a veterinarian and
74 passed.

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76 John Sweet spoke up and asked how Ms. Gore could slander his name when she doesn't know
77 those dogs or even what they look like.

78
79 Ms. Jenkins stated all the Board could do is take the information submitted and move into a
80 closed meeting for deliberation (to make the decision). They do not handle accusations of
81 slander.

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83 Sarah Perrin asked currently the pens do not meet the 1,000 ft rule, but could you move them to
84 make it meet that regulation? John Sweet said he could not.

85
86 Walt Sweet, another neighbor, asked if the Board had received a record of how many times the
87 Police have been called regarding the barking, noise etc. Mr. Hurd stated the Police Chief is out
88 of Town and they were not able to attain that information in time for the meeting this evening.
89 Walt Sweet stated he thinks reviewing that report will be helpful in making this decision. He
90 also suggested speaking with the Animal Control Officer to see how difficult they are to deal
91 with when a complaint is called in. Walt Sweet stated he feels it is unfair and an insult to the
92 Bennington Police Officers to constantly have to call regarding the barking. They have so many
93 more important things to deal with, but if he has to he will start calling again.

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95 Gary Corey asked Colleen Gore what percentage of neighboring property owners signed the
96 collective letter; was it 50%? Ms. Gore stated it was approximately 80% of the neighboring
97 property owners.

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99 Geoff Core testified that the barking and whining and yelling is constant. He must have called
100 over three dozen times last summer. It's at a point you cannot enjoy a cookout or anything
101 outside. He is just sick of it. Colleen Gore requested that the Board listen to one (if not more) of
102 the recordings she made before they make a decision.

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Sarah Perrin asked how close the nearest residence is. It was stated earlier by John Sweet, closest residence is approximately 200-300 feet away.

Ms. Jenkins stated she would like to move into Deliberative Session. Everyone who testified will receive a written copy of the decision.

There were no additional questions.

Motion: Jim Carroll motioned to close the meeting and move into Deliberative Session. Gary Corey seconded the motion. The motion passed unanimously.

Respectfully submitted,

Linda E. Bermudez
Secretary