

**Town of Middlebury
Development Review Board (DRB)
Meeting/Hearing conducted online via Zoom
Minutes of May 10, 2021**

Approved as presented May 24, 2021

Members Present:, Kevin Newton, Chair, Gary Baker, Rick Emilo, David Hamilton, Jason Larocque, John MacIntyre, Anne Taylor and Mark Wilch. Mark Wilch was appointed by Selectboard as full member. Jason Larocque was appointed to replace Mark Wilch as alternate. Jason and will participate in tonight's meeting but will not be a voting member.

Members Absent:

Staff Present: Jennifer Murray, Dave Wetmore

Others Present: Brett Pollinger, Laura Marsh (attending for her mother Shirley Perkins, 117 Fields Road) and Carol Harden

MEETING AGENDA

1. Application (file #2021-28:176.000-PUD amend) is a request by Brett Pollinger, dba Woof Pack Dog Day Care and Training, LLC for an amendment to Planned Unit Development approval #2018-28:176-SD, dated December 20, 2018 for the commercial use of Lot #1 and the existing structure located at 55 Middle Road. The applicants are requesting to use the property for a Dog Daycare facility. The 55 Middle Road property is owned by Neri Property Rentals, located in the Village Residential Commercial (VRC) on parcel #028176.000.

I. Call to order- Kevin Newton called meeting to order at 7:00 PM.

II. Election of DRB chair and vice chair-

Kevin Newton- opened the floor to nominations for 2021 DRB Chairperson.

Kevin nominated David Hamilton to the position of Chair Person. Rick Emilo 2nds. No other nomination expressed. Kevin called motion. Motion to elect David Hamilton as DRB Chairperson approved 7-yes, 0-no.

David Hamilton- took the position of Chairperson and continued the meeting.

David opened the floor to nominations for 2021 DRB Vice Chairperson. Gary Baker nominated Kevin Newton for the position of Vice Chairperson, Rick Emilo 2nds. No other nomination expressed. David called the motion. Motion to elect Kevin Newton as DRB Vice Chairperson approved 7-yes and 0-no.

III. Approval of minutes-

Motion by Gary Baker- Gary moved to approve the minutes of April 26, 2021 as drafted, 2nd by Anne Taylor. No further discussion, **Motion to approve minutes, 6 yes, 0-no- Kevin and John abstained.**

III. Conflict of interest and ex-parte communications-

David asked if any DRB members had a conflict of interest or ex-parte' communications they wished to disclose. Gary expressed that he has worked with Laura Marsh in the past, but felt he can objectively and fairly review the Woof Pack application. No objection expressed.

IV. Woof Pack hearing- review of application (file #2021-28:176.000-PUD amend), a request to amend existing PUD to allow Woof Pack's Dog Daycare, training and boarding proposed use of 55 Middle Road owned by Anthony Neri.

David Hamilton- opened the hearing, read the warning and administered the oath to those present who intend to present testimony. Taking oath were Brett Pollinger (applicant), Laura Marsh, Jenifer Murray and David Wetmore. Carol Harden expressed she was attending to listen only.

David- asked Brett Pollinger to present an overview of his project and plans for the property.

Brett Pollinger- shared that he owns Woof Pack, a dog daycare, training and boarding facility in Fair Haven. Brett expressed that timing is important and noted that Middlebury does not have a dog daycare/training and boarding facility at this time. He is proposing to expand his business services to the Middlebury area.

55 Middle Road includes a 5000 sq. ft. building which is significantly larger than their building in Fair Haven. A small portion of the building approx. 600 sq. ft. will be used for office and drop off area. The balance of the building will be used for the dogs. Sections will be designated for play areas, wash room and kennel area. The site plan shows a 3000 sq. ft. fenced and screened area for 5 outdoor open air fenced play/pens. Each outdoor play area/pen will be 25-ft by 25-ft.

David- thanked Brett for his overview and then instructed those attending, on DRB hearing procedures. Those attending as neighbors/guests will be allowed to ask questions and provide comments after DRB/Staff questions/comments.

Board questions-

Kevin- asked if the outdoor play areas will be accessible only from inside the building. Brett explained that none of the pens will be accessible directly to the outside, but the 5-ft walkway corridor between play areas will have emergency outside access. Access to garbage and recycling area will be accessed through the walkway between pens.

Mark Wilch- asked if this facility will be in addition to Woof Pack's business location in Fair Haven. Yes, Brett stated that the Middlebury location will be the 2nd location for Woof Pack.

Mark- asked about pickups and drop offs, expected traffic patterns.

Brett- Fair Haven has the capacity to serve 40 dogs. The 55 Middle Road location will allow the business to serve up to 75 dogs daily. Daily hours of operation will be 6:30 AM to 6:30 PM. Sundays are closed to customers. Drop offs will be allowed between 6:30- 9:30 AM, pickups between 3:30 – 6:30 PM. Drop offs are usually very quick, less than 1 minute. Fair Haven has a staff of 8 employees. Clients usually are enrolled in a prepaid daycare plan.

Brett shared that the Fair Haven facility is similarly located near a housing development and commercial businesses. Noise and traffic have never become an issue for the business.

David H.- asked Brett to describe what the plans are for the exterior of the building and type of fence planned.

Brett- expressed that the exterior of the building is the responsibility of the owner, Tony Neri. The rear wall is being finished. There will be new exterior doors installed. The rear wall will be metal. Woof Pack will be responsible for painting, lighting and landscaping. Lighting will comply with Middlebury standards and are proposed to be a wall mounted down-shielded fixture, 3000K, 1200 lumen LED light. Woof Pack will also request signage for the business which will comply with Middlebury Zoning.

John M.- asked how much time does Brett expect to spend in Middlebury?

Brett expressed that he has a great staff and is very confident in them. Brett will plan to be in Middlebury daily. The focus and success of Woof Pack business model is the time spent with dogs and communication with his customers.

Anne T.- asked about barking noise.

Brett noted that his success is from dogs that are well exercised and too tired to be noisy. He shared that most dogs get between 8-12 hours of daily exercise. This provides a healthy experience. Drop off and pickup times are critical and limited to the times noted. This allows the dogs to settle quickly, most noise is when new dogs meet initially.

Do you turn away dogs?

Brett expressed that his business is safety driven. He uses his own dogs to test whether a dog will be a good fit. He believes he has it down to a science, sometimes training is necessary before allowing a dog into daycare.

David- will you provide boarding services?

Yes, overnight boarding accommodations will be made for 10 dogs. The Middlebury facility is larger than the Fair Haven facility and will accommodate daycare for up to 75 dogs.

David- asked about PUD requirements regarding traffic flow and management.

Brett noted that customer traffic and parking will be directed to the middle access directly associated with the 55 Middle Road building. Brett understand that closure of the access directly adjacent to the Rte. 7 and Middle Road intersection and light was a requirement of the original PUD and does not feel it is necessary for his business. Brett is agreeable to post signage to discourage thru traffic. He also noted that deliveries for his business are usually limited to UPS/smaller vehicles and understands that trucks will not be allowed to back into the property from Middle Road. Solid waste, trash and recycling will be stored at the rear of the property and hauler will use the south access.

How will fence and solid waste/trash areas be screened?

Brett shared that chain link fence with privacy slats would likely be used for the fence and solid waste screening. He is open to suggestions though. A wood fence does not hold up well and may not provide the security he needs to keep dogs safely housed. He would like to have the dog play area, fence and rubbish screening the same. Whatever type of fence is used it must be good quality. Brett is ultimately concerned for dog health and safety. Additionally, Brett explained that he will install a sail cloth over the dog play areas for shade and to provide some noise abatement.

Dog waste management?

Brett explained that he is very focused on cleanliness. Solid dog waste (inside and outside) is picked throughout the day and disposed of with the trash. Brett uses hardwood chips in the outdoor pens. Indoors, urine is mopped and mop water dumped into Town sewer system. Outside pens are hosed down and chips disposed of as trash waste. Bulk hardwood chips, 2-3 yards will be stored near the trash.

Mark- expressed concern with the concentration of urine in the outside pen/play areas.

Brett explained that this is the system he uses in Fair Haven. He spreads lime and diatomaceous earth to break down urine. Wood chips are refreshed periodically, removed and disposed as trash.

Staff questions/comments-

Dave W.- asked if the chips could be composted? Brett said that they do not generate much chip turnover and have not composted chips, they are disposed of as trash.

Dave W.- noted that the south entrance and driveway is not well constructed and may need to be upgraded to the B-71 Town standard.

Public questions-

Laura Marsh- she is most concerned about noise from barking dogs.

David H.- asked if there was any more comments/questions that need answering. Dave surveyed the DRB to determine if additional evidence would be required before moving to deliberation. David thanked participants, meeting and hearing closed 7:55 PM.

Kevin N. moved to enter deliberative session at 7:56 PM, 2nd by Mark W. Motion approved 7-yes and 0-no. DRB exited Zoom link and entered new link for deliberation purposes.

After deliberation discussions

Motion by Gary Baker- I move that the Middlebury Development Review Board, having reviewed the application submitted and having heard and duly considered the testimony presented at the public hearing on May 10, 2021, approve this request for amended PUD approval for the dog daycare commercial use of the 55 Middle Road (Lot #1) property as presented in the application by Brett Pollinger, dba Woof Pack Doggy Day Care, parcel # 028176.000, subject to conditions outlined in deliberative session. 2nd by Mark Wilch

Motion to approve passed, 7-yes, 0-no.

Minutes Submitted by Dave Wetmore