

**Zoning Board of Adjustment**  
*Town of Ferrisburgh, Vt.*

DRAFT – Minutes for meeting of May 23, 2018

**Members present:** Norm Smith (chair), Mike Delaney, Rayne Herzog, Dave Mentzer, John Paul.

**Town official present:** Bonnie Barnes, zoning administrator.

**Visitors:** Deb Brace, Lexi Brace, Lisa Brace, Scott Brace, Anna Charland, Kim Cynewski, Lesley Deppman, Jerry Fisher, Lauren Fisher, Tracey Fisher, Whitney Fisher, Sheila McGregor.

Norm Smith, chair, called the meeting to order at 6:35 p.m. He swore in all parties who wanted to testify.

**Zoning violation appeal:** Bonnie Barnes presented to the board her argument for issuing a violation of zoning bylaws to Sheila McGregor, who she had asked to apply for a conditional use permit for her home business but had failed to do so by the deadline she was given. McGregor has run Heidi's Haven, an animal rescue operation on Sand Road, but has never had a permit for a home business, according to town records. McGregor is appealing the decision, saying that since she has been operating the business for more than 15 years and was never asked to apply for a permit, she is grandfathered in, and does not need to apply for a permit now.

Bonnie presenting the following exhibits to the board:

Exhibit #1: Appeal of Notice of Violation dated April 17, 2018, in re: McGregor, 2512 Sand Road

Exhibit #2: Bonnie's letter to Sheila McGregor dated March 21, 2018, detailing the process for applying for a zoning permit

Exhibit #3: Seven-Day Notice of Violation of Town of Ferrisburgh Land Use Regulation Section 9.5 sent to Sheila McGregor dated April 17, 2018

Exhibit #4: Existing zoning by-laws defining home occupations and listing conditional uses

Exhibit #5: Notice of Appeal of Notice of Zoning Violation from Lesley Deppman, Esquire, on behalf of Sheila McGregor

Exhibit #6: Notice of public hearing regarding this matter to be held on May 23, 2018

Exhibit #7: List of interested persons, including adjoining property owners

Exhibit #8: Timeline of town interaction with Sheila McGregor, based on town records

Barnes said the timeline is the basis of her conclusion that a home occupation began at the earliest in 2007, when the town received its first information that Sheila McGregor was operating as a kennel. In 2008, the zoning administrator issued a notice of zoning violation alleging McGregor was operating a kennel. Sheila's attorney successfully argued that a dog rescue operation did not meet the definition of a kennel and the notice of violation was rescinded. In 2011, the state of Vermont required rescue operations to register with the state. Substantial complaints were brought to the attention of the selectboard in 2014. From 2014 to

2017, no rabies certificates were received and no dog licenses were issued. As of today, 11 dog licenses and rabies certificates have been issued for 2018.

Lesley Deppman spoke on behalf of her client Sheila McGregor. She stated that Heidi's Haven was formed as a 501(c)(3) LLC in February 2011, after McGregor was approached by the state. Sheila stated that the town was aware of her operation as early as 2002 because she regularly interacted with Donna Baldwin, the town's animal control officer. Mike Delaney said to prove she is grandfathered in McGregor needs to have records that show when she started her business, which right now she does not have. She replied she has good records back to 2005 and would need to search for records prior to that.

Deppman said that Sheila McGregor is not in violation because her rescue falls under home occupation I, which does not require a conditional use permit. Deppman continued by saying the rescue is within Sheila's home, has no employees or outside help, and no public traffic. Norm Smith said that one stipulation of home occupancy I requires that the business is contained inside the home, which is not the case here because her personal dogs (11) and rescue dogs (10 to 15) go outside. He also said if you look at zoning regulations 15.5.15 it talks about excessive noise and odor detectable at the boundaries of the premises. There have been a number of complaints about dogs barking and smells, which is prohibited, but occurs on Sheila's property. Steve Mentzer said that home occupancy II is more appropriate.

Public comment began when Scott Brace, co-owner of a daycare two houses from Heidi's Haven, said Sheila McGregor could create a document saying she had a contract with somebody prior to 2011 to try to prove her business is grandfathered in.

Lisa Brace said Sheila McGregor knew this meeting was coming and would have to provide documentation that she had been in business for a certain amount of time. Lisa added that Sheila has had plenty of time prior to this hearing to come up with that documentation. She said if you ask me how long I have been in business I can tell you since August of 1999 and can provide documentation tomorrow, if asked.

Dave Mentzer made a motion to go into executive session at 7:27 p.m. John Paul seconded. All voted in favor. **Motion approved.**

Dave Mentzer made a motion to close the public hearing at 7:33 p.m. Rayne Herzog seconded. All voted in favor. **Motion approved.** Norm Smith announced that the board would have a decision in 45 days.

Respectfully submitted,

Jean Silveira