

SHAFTSBURY DEVELOPMENT REVIEW BOARD
Shaftsbury Town Hall
61 Buck Hill Road

May 21, 2014 Minutes

Members present: Tom Huncharek (Chair), Chris Ponessi (Vice-Chair), Megan Donckers, Michael Bidy

Members Absent: David Mance, Jay Palmer (alternate)

Others Present: David Kiernan ZA, Kimberly Gould, Sharon Burnett, Judy Murphy, Thomas Jacobs, James Gratton, Lon McClintok, Charles Helm, Stephen Eddington, Maria Mayer, Robert Browsers, James Evans, Dare Meunier, Margaret Affleck, Jack A. Byer, Timothy O. Smith, Jon F. Endres, J. Tyler Tresch, Nancy Boardman, Shelli DuBoff, Ellen K. Viereck, Madeline Kennedy, Ron Palmieri, Ron Brunk, Laura Meehan, Alice Miller, Linda Huebner

1. Call to order: 7pm by Chair
2. Conflict of Interest: None
3. Sign-in Sheets
4. Approval of Minutes: May 7, 2014 Chris Ponessi moved for approval, Michael Bidy seconded motion. Motion approved 3-0-1.
5. Meeting recessed for 20 minutes to allow time for David Mance to arrive. No objections from the audience. Meeting recessed 7:08 pm.
6. Meeting re-convened at 7:36 pm
7. Mr. Huncharek inquired if there would be any objection by interested parties if Mr. Mance joined the Board on his arrival after reviewing minutes. Tom Jacobs representing applicant asks that question be revisited on Mr. Mances arrival. Mr McClintock, representing a bordering property owner, objects believing it unfair because part of value is seeing testimony as presented. Mr Huncharek stated Board would follow its procedures with four member Board.
8. Application #14-9462 Second Chance Animal Center requesting Conditional Use approval Parcel# 03-01-10 per bylaw section 3.5.

Tom Jacobs signed in on Interested Party Sheet.

He is an Attorney representing Second Chance. Mr. Jacobs represented that Second Chance is not an animal shelter, what is being presented is a multi-use facility that is basically state of the art. The days of an animal shelter are no longer important for discussion by this board or any other. Services provided by BC Humane Society is much more broad now. The new facility as proposed will be multi-faceted and falls into the definition of what a veterinary clinic will look like.

Linda Huebner, Executive Director of Second Chance, signed in. She described the changing nature of care and services provided, a blurring of lines of what services they provide to the community. Animal hospitals now provide other services beyond a hospital, the days of a shelter providing just that service are over. A number of services are provided by Second Chance now and are only limited by the current facility. Service provided to the community are limited by the building they are in. The new facility would allow expansion of services to better serve community. Income qualified persons and animals would be able to get services there that they might not be able to afford at another animal clinic / hospital.

Tom Huncharek requested that it be noted that Mr. Mance arrived at 7:46 pm.

Mr. Huncharek asked for questions from the Board for Ms. Huebner. Mr. Huncharek asked if the facility will be accepting animals from the public at large. Ms. Huebner responded that it would not be open to any member of the community. What they are proposing is to fill a niche for animals that are not receiving services at other veterinary clinics because their owners cannot afford it. These are animals that may not be currently receiving much if any veterinary care, this new facility can fill that need.

Mr. Huncharek asked if there was a registration process with the State, and the difference between licensed and registered and what would their facility be registered/licensed as?

Ms. Huebner was unable to provide that answer and will return to the Board to respond.

The Chair asked Ms. Huebner to estimate the amount of care that would be provided to shelter animals vs. those coming in from outside? Ms. Huebner responded that "to some extent it remains to be seen". She offered to provide the splits she has now at the current facility.

Surgeries in the past year were 881 consisting of 460 shelter animals, community animals were 409 through SNAP program, 11 through Vt. Spay & Neuter. SNAP is an income qualified program that provides owners with basic health care.

Chair asked if qualified for reduced rate care and animal has swallowed needle will they be treated? Yes if income qualified, if not income qualified would be a referral.

Megan Donckers asked if they expected to care for more animals at the new facility. Ms. Huebner that they did not see an increase in the number of animals cared for. Up to 17 dogs and 85 cats can be serviced in the new facility, three more dogs than current facility. Three new additional kennels will be quarantine kennels.

Ron McClintock requested the Board inquire about staffing. Ms. Huebner reported that currently there are Veterinarians as consultants and space for a Veterinarians office in the new building. Mr. McClintock asked how many full time Veterinarians would be on staff, and would someone be on 24 hr. call? Staffing will depend on how popular the clinic is explained Ms. Huebner. They expect demand to grow and staff accordingly. Veterinarians are not in every day. In 2013 two Veterinarians provided service for a total of 351 hours.

Ms. Sharon Burnett of Second Chance signed in and reported that staffing consists of 8 full-time and 10 part-time paid employees, and a very large volunteer program. It is not staffed 24 hours. Current hours are: Monday closed limited staffing, Tuesday through Saturday open to public 11-3:30, Wednesday and Friday open till 7 pm. Sunday open to public 12-3.

Chris Ponessi questioned the percentage of veterinary services provided. Noting that if less than 50% of the usage is Veterinary services, its primary use is not a Veterinary Hospital. Prior testimony indicated that the majority of spay/neuter operations were to shelter animals. Ms. Huebner stated that services provided now are limited only by the facility. They want to grow and change with the animal protection movement. To expand and grow they need the new facility.

Mr. Huncharek requested information on definition of Veterinary Hospital and Animal Shelter.

Ms. Huebner suggests looking at what is provided now, some Veterinary Hospitals provide shelter services, some shelters provide veterinary services. A strict definition is limiting. She voiced concern that we were getting involved with semantics here. Because there is no definition in bylaw we are left to figure out what this means.

Board concluded questioning. Chair asked for questions from floor that he would present to Second Chance representatives.

A question was answered reviewing shelter hours. Mr. McClintock asked if there were surgeries other than the 881 spay or neuter procedures reported earlier. They responded no. However other surgical procedures could be incorporated at the same time the spay or neuter procedure took place. No specific number for surgeries other than spay/neuter presented.

A question was asked regarding the fact that a Veterinarian was only available less than 19% of the time at Second Chance now. How did that qualify as hospital with that level of emergency care. Ms. Huebner stated that what was discussed were the current hours. The community clinic could have much different hours. It would be consistent with other Veterinary Hospitals that do not have Emergency Care but provide referrals.

A member of audience asked about some details from hearing on original application. Mr. Jacobs responded that this was an all new application. Presenting what is now and what will be with the new facility. The majority of services will be veterinary type services, for those that come through adoption process and those who come through various programs.

Ms. Donckers asked "how is that different than right now? What you just said." Mr. Jacobs responded that the new facility allows them to be much more on the hospital vet side of things versus now all they do is receive animals, do surgeries, minor surgeries. The new facility will allow much broader service. Mr. Jacobs went on to say "if you are looking at today and we're coming before you with a shelter, I would say a shelter is a shelter, you're not going to fall under that by law. Under the new facility is a very multi-faceted facility. It certainly falls under bylaws relative hospital veterinary use for care of animals, much more."

Mr. Huncharek asked a question about economic qualification. Ms. Huebner responded that exact qualifications vary as it is a dynamic situation. She also stated that no other facility was providing these services in the county.

Mr. Ponessi observed that by reading the bylaw the Board can approve a hospital that has a shelter as an ancillary use. The Board cannot approve a shelter that provides veterinary services as an ancillary use. Primary use has to be hospital. If shelter and adoption is provided to 100% of the population, but veterinary care to only less than 50% of the community that economically qualify, that does not prove that veterinary service is primary use.

Ms. Huebner responded that she would interpret it differently. With the veterinary part of the plan they are trying to serve an underserved part of the community, the concept of a humane community, not competing with but cooperating with other veterinary providers.

Mr. Jacobs explained that this is a not for profit. This is why there are some limitations to what this organization can do.

Mr. Jacobs had no other witnesses to call.

Mr. McClintock, representing a neighboring property, addressed the Board. He stated that plain ordinary meaning is in bylaws. A veterinary hospital provides medical care for animals. Second Chances own publications refer to them as a shelter. They are going to change from shelter to veterinary hospital. They have not stated what specific veterinary services they will provide. They have not said what the veterinary staff will be or what percentage of the services will be veterinary services versus other uses.

Mr. McClintock continued that based on their own testimony the applicants don't know what the actual usages will be. It is the applicants responsibility, said Mr. McClintock, to provide the Board with a plan that shows this is a veterinary hospital. Applicant has provided no staffing numbers, no clinic hours in terms of the number of patients they are going to see.

In conclusion Mr. McClintock stated that the Board did not “have enough information to be satisfied that this is going to be a veterinary hospital, but certainly you have enough information to indicate that this really isn’t a veterinary hospital currently, it’s a shelter.”

Mr. Jacobs in rebuttal pointed out that the document itself shows that the new facility will be multi-use. The applicant does not know the demand for veterinary services that will be needed. They are looking for approval of this facility at this location to provide multi-services including what is done now on a smaller scale and also augment it with an increased amount of veterinary services we are able to provide.

Mr. McClintock stated, “He’s made my point. They don’t know what percentage of this facility is going to be dedicated to veterinary services. If that was the case than anyone could propose a facility that supposedly met the bylaws and go in then use it for anything but that use, and that would undermine the whole purpose of the bylaws.” He continued “ you have to show they are going to meet that specific use right from the get go than maybe some time in the future.”

There were no further questions or comments.

A motion to recess was made by Mr. Ponessi till June 4th at 7pm. At that time only for receiving information on registration and/or licensing for Second Chance to be provided by applicant as requested by Board. The Board then to enter deliberative session regarding conditional use permitting.

Seconded by Ms. Donckers. Motion passed 5-0.

Motion to adjourn by Mr. Ponessi, second by Ms. Donckers. Carried 5-0.

Adjourned at 2051hrs.

Prepared by David Kiernan ZA