

Union Planning Board Minutes
Thursday, February 13, 2020, 6:30 p.m.
William L. Pullen Municipal Building Meeting Room

Present: Gerald Brooks (Chair), John Mountainland, Dale Flint, Robin Milliken, Michael Johnson.

Others present: Grant Watmough, Lawrence Nash, Bill Lombardi, Holly Lombardi, Anna Farley, Paul Bruno, Robert Milliken.

1. Meeting called to order: 6:30 p.m. by Gerald Brooks

Welcome to Michael Johnson, newest member of the Planning Board.

2. Anna Farley – Map 5 Lot 22-3, 26 Sterlingtown Lane – Dog Grooming:

Gerald (Jerry) Brooks laid out guidelines. We have a quorum. Anna Farley's Happy Tails Kennels & Grooming pertains to allowable land uses, 1.10.1, Land Use Ordinance.

He noted one person sent a letter who is not in attendance.

He also noted that, before he started as Chairman, he got two phone calls from concerned citizens. He did not have the packet before him; he is disclosing that now. He told the citizens they should attend this meeting or provide a letter stating their concern. It appears the folks are here.

Robin added she also got phone calls from citizens not in attendance. She said she does not feel a bias but takes heed to the phone calls. Jerry wants this noted for the record.

Applicant has completed the application and submitted the fee to Grant.

FINDINGS OF FACT PROCESS:

Anna is the former owner of Appleton Ridge Pet Care. Now she wants to operate a small in-home grooming service, in one of the bedrooms she has, maybe two dogs a week, maybe nothing; it depends on who calls. Not a huge business. A customer drops off a dog at whatever time, and she calls when the pet is through, scheduling two to three hours between each.

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Jerry asked if there would be kennel services. Anna replied no kennel services, just grooming.

She has kennel licenses from the State of Maine and from the Town, so she just calls her business Happy Tails Kennel. She has 11 dogs of her own at this point. She noted that a lot of them are older.

Michael asked if the dogs for grooming would stay inside. Anna replied yes; if they go to the bathroom, they would be on leash, and she has a fenced-in yard as well.

Jerry brought up the issue of noise level being a big concern.

Anna said regarding other people's dogs, she could use a water bottle but not muscling or shock collars.

Jerry reminded that the grooming business will be self-contained, with no grooming dogs out in the kennel. Mike said no overflow in the back yard. Anna said correct, no grooming dogs outside except to relieve themselves.

Robin said her only concern is length of time possibly barking. She has no bias because can't hear it.

Jerry said noise levels in the Rural District from 7 a.m. to 10 p.m. are 50 decibels. Referencing a Purdue University study, he said 50 decibels might sound like a large electrical transformer. From 10 p.m. to 7 a.m. noise levels should be 40 decibels – comparable to library sounds, bird calls, the lowest levels of urban ambient sound. That's the criteria of noise.

Grant's said since this is not a commercial operation, those standards do not apply. He also reminded that Anna's other 11 dogs are not within our purview.

He added that we recently enacted a Canine Control Ordinance. There are some restrictions regarding barking dogs. Her dogs have bark collars. Anna said the Animal Control Officer (ACO) did a kennel inspection and no complaints.

COMMENTS:

Holly Lombardi abuts Farley and said there is noise. She doesn't think the collars are working. She has no objection to a grooming business but can't imagine adding to the cacophony. She can hear dogs barking inside the house.

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Bill Lombardi said he's lived at 780 South Union Road since 2013, and the noise from 26 Sterlington Road has been pervasive. As recently as last week, there was a loud barking episode. He heard a female voice hollering at dogs. This time of year with all the windows closed they hear this; in summer it's disturbing on a regular basis. His reality is 180 degrees from the applicant's reality. He has found it a waste of time to deal with the ACO and Town Manager.

Paul Bruno of 54 Sterlington Lane said he hears noise, too: from his own two dogs, the neighbor, a carpenter with dogs in the truck. You can call it provocation, you can call it agitation, but it's what dogs do. Not incessantly for hours, but dogs are going to bark.

For the record Bill Lombardi said they also have a dog.

Paul Bruno said he's lived at 54 Sterlington Lane since 1976. He's owned many dogs, one or two at most, hooked outdoors. He has never heard a complaint from the ACO in the last five or six years that the dogs were bothering anybody.

Lawrence Nash of 212 Shepard Hill Road in Union read a prepared statement in the form of a letter. His property abuts the Appleton Ridge Pet Care and Boarding Facility at one time run by Anna Farley. He stated that she and her predecessor had complete disregard for the neighbors. He said the dogs were outside barking constantly. He concluded by strongly suggesting that if the application were approved, it should be approved with conditions and the tools to shut it down if conditions are violated – "Don't take the problems I had and move it to another neighborhood."

REBUTTAL:

Anna said the grooming business is her only source of livelihood. She loves dogs, learned how to groom, and this is something she could do while taking care of her own dogs as well as having more control over them, their barking and what's going on. She noted most of her dogs are elderly now so require more care.

She reminded that the grooming dogs will be there for a very short amount of time.

PLANNING BOARD:

Jerry said Mr. Nash brought up conditions. There is a precedent for conditions.

There are three areas the Planning Board needs to address:

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- 1) Does this meet Land Use standards 1.1.3.12? Yes.
- 2) Off street parking – A space 8-1/2' by 10-1/2' would require one parking space. Anna can fit more cars in the driveway. There will only be one customer at a time. The parking space amount is 200 s.f. No employees.
- 3) “No nuisance, offensive noise, etc. shall be generated” – Jerry said we’ve heard concerned citizens talk about nuisance and offensive noise; we need to stop and consider.

John reminded that the noise complaints concern Anna’s own dogs, not the grooming operation.

Robin added, but if dogs that live there are carrying on, possibly by nature the dogs coming in to be groomed will, too.

Jerry read a letter from John Shepard. (He and his wife Linda are out of town.) As an immediate neighbor, he raised concerns regarding the impact of the proposed business. His concerns stemmed from past experience: hunting dogs barking in the past penned in a tiny shed; little regard for neighborhood impact; disruption to Linda’s therapy business; fecal waste; dogs running through property and gardens; at least one dog struck and killed on South Union Road. He said after years of sharing the neighborhood, in his opinion it is not likely Anna will control whatever dogs she boards, and unless she can provide room for hygienic space, Union should turn the proposal down.

REBUTTAL:

Anna said it’s a long story, and things have changed. She has a fenced-in yard. Kennels are 6x10 with adequate top shelter, tarps around, on back of shed but also wooden panel all the way around. She said there is a longstanding issue with the Shepards. She thinks they do not like dogs and are afraid of them.

She spoke of inaccurate accusations and said John Shepard is on the Board of Selectmen so probably biased.

PLANNING BOARD:

Jerry brought the point back to pet grooming, a home occupation service.

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John asked what assurances can we get that there are not going to be any issues going forward?

Jerry said as a fair and impartial board, there will have to be conditions attached. Verbal will never hold. But we must be specific with conditions that are straightforward and unambiguous. He cited a precedent, Bushey vs. Town of China 1994.

Enforcement of potential conditions was discussed.

Three conditions were decided on:

- 1) No overnight boarding.
- 2) No offensive nuisance or noise generated.
- 3) Change signage, facebook, business cards, etc. to delete mention of kennels – grooming services only.

Motion by: Dale Flint to approve with conditions above

2nd by: Michael Johnson

5-0

3. Accept minutes of December 12, 2019:

Motion by: Dale Flint

2nd by: Robin Milliken

4-0-1 abstention

4. Any other business by the board: None.

5. Adjourn: 8:01 p.m.

Motion by: Dale Flint

2nd by: Robin Milliken

5-0

Respectfully submitted,

Sherry Abaldo
Secretary