

**Hadley Township Planning Commission**

4293 Pratt Rd.  
PO Box 227  
Hadley, Mi. 48440  
June 7, 2011

Meeting called to order by Chairman Moore at 7:30 P.M.

Members present: Moore, Walton, Brandt, Hartwig, Shoemaker, VanDam, and Ivory.  
Forty five township residents were present.

Motion by VanDam and seconded by Brandt to approve the agenda as presented. Motion carried.

**Public hearing:**

The Hadley Township Planning Commission will hold a public hearing on the 7th day of June 2011 beginning at 7:30pm at the Hadley Township Office Building located at 4293 Pratt Rd., Hadley Mi. 48440 to act upon a request as advertised in The LA View dated May 13, 2011.

THE PURPOSE OF THE PUBLIC HEARING WILL BE TO CONSIDER THE APPLICATION BY TERESA BERARD FOR PERMISSION TO OPERATE AND MAINTAIN A 9 UNIT PRIVATE USE DOG KENNEL AT 3145 FARMERS CREEK RD: TAX PARCEL I D# 44-010-001-039-00. THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF FARMERS CREEK ROAD JUST WEST OF BALDWIN ROAD AND IS ZONED A/R (AGRICULTURAL/RESIDENTIAL).

Chairman Moore read the request and opened the public hearing.

Teresa Berard began by explaining that she would like permission to build a 9 unit kennel for her hunting dogs.

Chairman Moore clarified that these are her own personal dogs, not boarded dogs or dogs for breeding.

Aura Detheridge, 3176 Farmers Creek: We live across the street. What kind of kennel are you building; we are concerned about the noise. If they are noisy and you're not home, what are you going to do?

Teresa Berard, the applicant: We plan on building off the back of the barn with three walls and a chain link fence. And insulation, which is required by the township. Plus the front will be blocked from view so they can't see the animals.

Aura Detheridge: What if they bark all day?

Applicant: They will be inside plus her boyfriend's son will be there during the day to keep them quiet.

Chairman Moore asked that a copy of the application and the plans for the kennel be circulated around so that the audience will better understand. The house faces the north and building behind the house is 40 x 40 and the kennel is 10 x 40.

Ed Turley, 3164 Pratt Rd.: I have a concern that the property is not fenced and having 9 dogs is a concern to me. It's a big valley back there and there is no fence. Can you guarantee us they won't make noise at night?

Applicant: We don't plan on them getting out for sure and we are doing everything we are required to keep the noise down.

Marilyn Arrington, 3108 Pratt Rd: What kind of insulation, we are concerned about the noise. We are afraid we are going to hear them at night. My husband's family has fox hounds and you can hear them for miles

Applicant: We plan on insulating to block the noise. Plus our bedroom is right there and we would resolve the problem quickly.

Frank Agnello, 3467 Baldwin: Do we really want to get woke up by barking dogs, No offense to you personally. But does anyone want to get woke up by dogs barking?

William Buchanan, 3228 Pratt Rd.: I have experience with a kennel when I lived on Brauer Rd. I didn't originally oppose the kennel. The problems I ran into and I have dogs too, every time I went out in the yard, feeding time, neighbors yelling at barking dogs. Anytime a deer ran in the yard, a car pulled in the driveway. The problem is that the ones that you call for help; I called Dutko when he was the supervisor, and he referred me to animal control. Police don't feel it's a priority

and animal control isn't there weekends or nights. Animal control can't do anything when it's a township approved facility they are only responsible for making sure there is proper care. That area that we are talking about is like a valley, and it carries a lot of noise, it's not wooded. I moved to get away when I had the house on Brauer Rd. and the kennel kept potential buyers away. Another problem was the smell, there was no septic system set up. I'm sure the people that are here are not here because they are for the kennel. I've got a large investment, 50 acres and have been here 18 years. Common sense tells me I'm going to hear the dogs.

Reginald Wyse, 3077 Farmers Creek Rd.: Looking at the plans, the indoor runs are no problem but the outdoor runs would be a problem.

Chairman Moore: There is a roof, over the kennels and the runs, a wall separating each kennel leading to a gate. A screen is being proposed so that the dogs can't see passing animals or people.

Applicant: Said that 150 feet to 200 feet east of the open side of the dog runs is a wooded area.

Shelly Craven, 3327 Farmers Creek Rd.: I have a specific question for the board. If we allow this kennel, but we have a problem, do we have recourse? Can we go back after giving them a chance?

Chairman Moore: The Township has a nuisance ordinance in place that can be enforced.

Shelly Craven, 3327 Farmers Creek Rd.: Do you already own the dogs and where are they now?

Applicant: Yes, they are at my boyfriend's house, just north of Lapeer.

Shelly Craven: I can tell you that I took care of two walker dogs till the owners found a new home, I can tell you they howled all night long.

Tom Howay, 3385 Herd Rd.: I have dogs and they don't really have to see anything to bark. Are your dog's going to be put in at night so they don't bark?

Applicant: The kennels are inside the garage part, the individual dog houses, so you shouldn't be able to hear them.

Tom Howay: But the end is open, so if dog goes out we will still hear them, maybe you can build a gate or something to keep them in the building.

Applicant: We are still trying to figure that out, maybe building a door or something.

Albert Hotary, 3400 Farmers Creek Rd.: Do you plan on exercising these dogs, up and down the road?

Applicant: My grandma has 300 acres and we plan on taking them there to run them.

Gaylord Stashuk, 3123 Farmers Creek Rd.: I am concerned about property value. I used to live next to 7 beagles. The smell is not good. I am opposed to it.

Robert Ragap, 3284 Pratt Rd.: I've had lost dogs around my house. There are going to be accidents. When a coon dog barks you can hear them for miles. You can't control coon dogs. That's why I oppose this; if they get loose they are going to head straight to the woods.

Robert Ladner, 3259 Farmers Creek Rd.: Why is it necessary to have 9 dogs?

Applicant: Each dog does different things for whatever we are hunting.

Jim Minock, 3296 Baldwin Rd.: When there was some land development and construction the noise was unbearable, I'm sorry but we are opposed to this application.

Gloria Schwenn, 3205 Baldwin Rd.: I have several parcels in that area that make into one, I'm concerned about the property values.

Erle Boone, 3097 Farmers Creek Rd.: I guess I'm the only one that doesn't have a dog.

Gary Detheridge, 3176 Farmers Creek Rd.: Everything is wide open in that area and the noise carries, nothing against you as neighbors but I'm opposed to the idea.

John Rios, 3378 Herd Rd.: We live at the end of the valley and its true, the noise carries. I'm all for people doing what they please but one dog is almost like having a mega phone because the noise carries. I like being outside on the weekends and I have serious concerns with 9 dogs and the noise they are going to make.

Cheryl Walton, 5515 Baldwin Rd.: Asks if they have ever had any complaints where they have the dogs now in Lapeer?

Applicant: No, we have never had complaints and they are outside chained up.

Chairman Moore: So, you are saying that you have them presently out on chains, without kennels or houses, without roofs and so forth.

Applicant: Yes.

Rick Craven, 3327 Farmers Creek Rd.: What is the make-up of the dogs? Like how many males and how many females and do you plan on breeding them?

Applicant: We don't breed them and many of them are neutered.

Brian Ervin, 3350 Baldwin Rd.: I live kitty corner of the property and noise absolutely carries, but, I want to lend my support. The only thing is that if we have a problem it's up to the government to act on our behalf and correct the situation. Consider the concern of the neighbors and try to comply with the ordinances that are in place. There is a kennel on Green Corners Rd. that we take our dog to and we never can hear the dogs outside, only when we go inside. So he has done something right with his kennel. Our noise ordinance just doesn't cover dogs, it covers noisy cars, and loud music too.

Chairman Moore: There are two ordinances in place that could be enforced, a noise ordinance and a nuisance provision. They could be enforced through the township supervisor.

Glen Arens, 3697 Green Corners Rd.: We own the kennel on Green Corners Rd. and we can have up to 68 animals at any point and time. Brian said something that disturbed me about me having complaints. As far as I know I have only received one complaint and I have gone over there personally to try to talk to this neighbor. There are things you can do to make it soundproof. A 6' fence and trees are not going to stop sound. You need barriers. The letter that was circulated around town stating I had complaints, again, is there something you're not telling me?

Chairman Moore. We aren't aware of this letter. Is that why there is such a large turn-out tonight?

Ernie Monroe, Supervisor: To get back to your question, no, I have only received one complaint about the Green Corners kennel and I have not seen this letter that has been circulated around.

Chairman Moore; There is a definite difference between a commercial kennel, what we are talking about tonight is a private kennel. Just housing the dogs, no breeding or grooming, etc.

Robert Ladner, 3259 Farmers Creek Rd.: Since we are talking about the different kinds of kennels, how many dogs are you allowed to have without it being considered a kennel?

Chairman Moore: 3 dogs are allowed over 4 dogs is considered a kennel. We have 8 registered private kennels in this township right now, in addition to Mr. Arens commercial kennel.

William Buchanan, 3228 Pratt Rd.: I just want to know how this is going to work, because when I lived next to the other kennel it just didn't work.

Chairman Moore: Ernie would you like to answer that, on how enforcement works?

Ernie Monroe, Supervisor: I would say it's going to be long and difficult. It won't be easy because essentially you would have to measure for sound and it is a civil infraction. It would go thru the courts.

William Buchanan: What is the process if they add more dogs to the kennel?

Chairman Moore: The process is started all over again with a Special Land Use request.

Dan Shuett, 3278 Baldwin Rd.: How many people here tonight do not want the kennel? How many want the kennel? Let the board be aware and take notice of how many people do not want this kennel.

Aura Detheridge: What if there is a problem with the dogs barking all day long. I have a home office and that's what I'm worried about. What can I do if they start barking all day? Will you keep them inside?

Applicant: If that would happen we would have to definitely enclose the kennel.

Chairman Moore: I have some letters here that I would like to read. I'm only going to read the ones of the people that are not here. So if I call your name, please let me know. It is not necessary to read your written comments if you have already made them verbally.

Ed and Shari Turley: Here

Mr. and Mrs. R. Ragap: Here

John Denhoff, 3132 Pratt Rd. I am strongly opposed.

Frank and Marge Agnello: Here.

Jeff and Mimi England, 3309 Farmers Creek: We support them.

Gaylord and Deanna Stashuk: Here.

William and Robin Buchanan: Here.

Bill Carpenter, 3238 Baldwin Rd.: I am opposed to the kennel.

Marilyn Libby, 3370 Herd Rd: Opposed to kennel.

Harold and Sharon Newton, 3260 Pratt: Opposed.

Gary Shuroski, 3265 Baldwin Rd.: I am against this proposal.

Hearing no further comments from the floor, Chairman Moore declared the public hearing closed and opened the discussion to the commission members.

Shoemaker: Have you done any research on what kind of insulation you're going to use?

Applicant: Not really, just regular insulation.

Moore: Just to follow up on that comment, Mrs. VanDam just pointed out to me that there are a lot of new products out there that will help soundproof. There is actually some fabric that you can use for a sound barrier.

I would like to read to you the township ordinance 18.26. PRIVATE KENNELS AND COMMERCIAL KENNELS

“Private kennels with four or more adult dogs may be permitted in the AR districts and commercial boarding and breeding kennels for five or more dogs may be permitted in the C-1 Districts subject to the following;

- A. The subject property is so located as to not hinder the appropriate residential development of the affected neighborhood, as determined by the Planning Commission.
- B. The subject property contains a minimum of five acres and three hundred feet of lot width.
- C. The kennel shall be located one hundred feet from any neighboring residential use. All kennel runs or breeding areas shall be enclosed by a chain link fence not less than six feet in height. If immediate neighboring parcels are residential use or zoned, a completely obscuring barrier shall be erected, composed of a decorative screen fence and/or a landscaped greenbelt as approved by the Planning commission.
- D. If the use is of a commercial nature, off street parking shall be provided in accordance with the provisions of this Ordinance.

These are the conditions imposed by the township Zoning Ordinance. The Michigan State law that was changed in 2009 says: “A request for approval of a special land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance”

We have regulations at the state level saying that if the applicant complies with the conditions and standards of the zoning ordinance, we are advised that we need

to approve the request. It does not mean that we can't address the sound issue, noise is a concern. I think we can address this; I spoke to the township attorney and asked him for his interpretation of this section of the State Law (125.3504). Attorney Churchill indicated that if they are in compliance with the standards, we can impose additional requirements that relate to noise such as sound proofing and hours that the dogs are outside.

Walton: When do you plan on erecting this building and starting this process?

Applicant: As soon as it's approved, this summer.

Brandt: I've heard a lot of talk tonight about dogs. My neighbor has dogs that continually bark and howl, but none of us neighbors have ever complained. My peacocks are nosier than that, but no one complains. Walker dogs are a lazy dog and they really don't need to run every day. We have lots of state land they can run. I am a person that believes in his property rights. Before I was on this board people used to hear me out there all the time. I am one who opposes a lot of restrictions. How can we say this person can have a kennel and this one can't? I've got mixed emotions about this whole thing.

VanDam: At night what is the barrier going to be between the dogs and the outside?

Applicant: The main four walls and we haven't decided on what kind of door yet.

VanDam: What are the hours that you will have the dogs in?

Applicant: 8PM to 7AM

Chairman Moore: I think we will need some documentation about what kind of sound proofing products they plan on using.

Brandt: Am I hearing this right, we are going to put restrictions on these people as far as sound when no one else has restrictions?

Chairman Moore: Basically other kennels in the township have come in and they complied with whatever we have asked them to do. The ordinances have changed

throughout the years. It's possible that if someone applied three years ago they may not have been required to have soundproofing.

Brandt: Then why are we doing this?

Shoemaker: We are trying to address the concerns of the neighbors.

VanDam: It's very unusual for this many people to be at a hearing.

William Buchanan: I never got that letter or even a letter from the township.

Chairman Moore: You better check with the clerk and make sure your address is correct on the tax roll.

Robert Hartwig: I think it's going to come right down to the insulation. There is spray on kind and it's not cheap, but it's something you need to look into. I do believe that everyone has a right to do what they want as long as it is in compliance with the township ordinance.

Walton: (Addressing applicants) you have heard all your neighbors' concerns and can see that we have a strong community here. You can see we had a good turnout.

Motion by Shoemaker second by Walton to approve the application subject to the following conditions:

1. Dogs must be locked indoors from 8pm to 7am.
2. The proposed dog runs (outside) and dog houses (inside) shall be soundproofed. The applicant shall research and provide information on soundproofing insulation. This information shall be reviewed and considered for approval by the Planning Commission at our next meeting.
3. Maximum number of 9 dogs.
4. No breeding or boarding of dogs.
5. Adjust the site plan as necessary to reflect the changes in the proposed building.
6. Must comply with Section 18.26 of the Zoning Ordinance.
7. A kennel license must be obtained and maintained by the applicant from the Lapeer County Animal Control Department.

## Statement of Findings/ Conclusions and Basis of Decision

1. There is no evidence that the proposed use will have any negative impact on the public health, safety, and welfare.
2. The subject property is zoned AR. This zoning district permits farming operations, greenhouses, livestock and poultry raising, farm forestry, sod farming, tree and shrub nurseries, and the sale of agriculture products grown or raised on the premises as well as single family dwellings. These permitted uses and activities frequently generate more traffic and noise than the keeping of 9 dogs in an enclosed kennel.
3. The facility is adequately served by essential public facilities and services including Farmers Creek Rd., the Hadley Township Fire Department, Lapeer County Sheriff's Department, and the Lapeer County Drain Commissioner. The proposed use will not require any additional work or expenditures by these public agencies.
4. No evidence has been presented that the proposed kennel will negatively impact area lakes, streams, ponds, or presents any other environmental concerns.
5. There is no evidence that the proposed kennel violates any other local, State, or Federal requirements.
6. The propose use is in general compliance with the objectives, intent, and purpose of the Hadley Township zoning ordinance.
7. The area surrounding the subject property is mostly parcels of 5 acres and larger. These larger parcels and the resulting greater distances between dwellings minimize any impact that this private kennel may have on the area.
8. The proposed dog kennel has caused many area residents to be concerned about the noise of barking dogs. This concern has been addressed by the Commission requiring that the dog runs and dog houses be constructed with sound deadening insulation.

Roll Call Vote: Hartwig: aye. Walton: aye. Shoemaker: aye, VanDam: aye,  
Moore; aye and Ivory: aye  
Brandt: nay  
Motion carried.

Motion by VanDam and seconded by Walton to approve the minutes of the May 2, 2011 meeting as corrected. Motion carried.

Old Business:

Road reports:

Bunny Crossing, Robert Turner: No report

Westwind Court, Robert Turner: No report

Public time:

911 tower project was discussed.

New business:

(1) There was no ZBA meeting in May

Commissioner comments:

Township issues were discussed.

The appearance of the buildings surrounding Hadley Rd. and Pratt Rd. intersection area was discussed.

Motion by Brandt and seconded by Shoemaker to adjourn the meeting. Motion carried.  
Meeting adjourned at 9:55 p.m.

Secretary

David Ivory