

**STILLWATER TOWNSHIP PLANNING COMMISSION
TOWN HALL – DECEMBER 6, 2007 – 6:30 P.M.**

**** DRAFT ****

PRESENT: Chairperson Troy Schifsky, Planning Commissioners Lee Busse, Lois Cutler, Lynne Murphy, Robert Ranalla, Sean Stokes and Carole Yoho. Also, Supervisors Linda Countryman, Jim Doriott and David Johnson, Town Board Liaisons Jim Hiniker and Sheila Marie Untiedt, Chief of Police Steve Nelson, Deputy Clerk Kathy Nelson and Planner Dick Thompson.

PUBLIC HEARING – WATSON CUP AMENDMENT – 6:30 P.M.

Pursuant to notice in the Stillwater Gazette and to surrounding property owners a public hearing was held to discuss a request from Robert and Judith Watson for Amended Conditional Use Permit (CUP) for a commercial kennel located at 9928 Stonebridge Trail North. The applicants are requesting language modification from dogs to domestic animals within the existing CUP to be consistent with the commercial kennel definition according to the Stillwater Township Zoning Ordinance. This application will also consider increasing capacity from 20 dogs to up to 50 domestic animals. Made a part of the record are the names and addresses of attendees (29) at the hearing.

Chairperson Troy Schifsky opened the public hearing. He outlined the process for the meeting. The clerk read the public hearing notice. Planner Dick Thompson reviewed the application and the issues involved per his memorandum dated November 30, 2007. The clerk read a letter received by Dick Thompson from Richard Schubert dated December 1, 2007.

Mr. Watson summarized their request for the CUP amendment. They hope to have a facility for “premier” cat boarding. They feel they need a minimum of 50 cats to make this a profitable business.

The hearing was opened for public comments:

- David Low – They moved here in the summer of 2000. They enjoy their neighbors and the neighborhood. He was surprised that such a permit was in place. He assumes the transfer of ownership has taken place from the original CUP. The operation has been at a standstill since 2001. The Comprehensive Plan deals with CUPs. There are more and more people in the neighborhood. This could affect land values. He is concerned about lifestyle, especially barking dogs. He votes no.
- Steve Levine – This abuts his property. He would like to have seen the hand-out ahead of time. He is concerned about noise. He is a veterinarian and has worked with dogs. They are noisy. He understands that when this was run as a kennel, it was a breeding kennel. A boarding kennel is very different. Most people love dogs, but a kennel is a totally different thing. Studies have been done of noise

levels from dog kennels and they can be up to 90 to 100 decibels. That can easily be heard up to one half mile away or more. When this was first done in 1985 there were not as many houses around. Lots of municipalities are not even considering dog kennels in residential/rural environments but only in commercial areas. He cited zoning from Bethel. Barking from a commercial kennel is becoming a major source of litigation. He is also concerned about the environmental impact with the creek being right there. The property is about 200 feet from Silver Creek. There is also a wetland. He is also concerned about chemicals. He wants to be sure this property is checked. Most municipalities require soil borings. With respect to property values, he had a letter from Jeff Lund, ReMax realtor, who felt this would be devastating to property values and to the peaceful enjoyment of living in the area. He is very much against the amendment.

- Howard Stein – What is being proposed again? Dick Thompson explained. Watson – They would like 50 animals, not more than 20 of which are dogs.
- Jill Stang – She is firmly against this. They moved here in 1993 and were told that the kennel was no longer in operation. They thought it was only for breeding. This is an inappropriate place for a commercial kennel, whether 20 dogs or 50 dogs. She requests the Township not allow a kennel at all. They already hear people's dogs. She is concerned about noise pollution, the environment and land values.
- Lee Bezdeka – If this were to be passed and they decided to sell their property, would the new owner get the permit? Dick Thompson – Normally a CUP runs with the land. One of the conditions of the CUP calls for a review with any transfer of property. Bezdeka – The next owner may not be good stewards. When the original CUP was granted in the 1970's, that property was 20 acres or more. Now it's 5. This should be looked upon differently than when it was initially granted. There are no guarantees about noise, regardless of the number of dogs. He votes no.
- Holly Anderson – Dogs in a kennel will make other dogs in the neighborhood bark. She is concerned about property values. She votes no.
- Jane Finnegan Smith – She is speaking on behalf of the Watsons. She works with her. Her word is good. She always follows through on what she says she will do. This was one of the most unique kennels around. She is a realtor and does not believe that the values adjacent properties will depreciate. The Watsons are very good people and their word is good and people couldn't ask for better neighbors. She sold a house in St. Paul that ended up with 20 people living in it. That would be worse.
- Dave Bassett – They were the first ones to come into Curtiss Hills. At that time they were concerned about a kennel located on Stonebridge and were told at that time that the kennel was closed. All kennels have barking. The crucial issue is noise. He is also concerned about property values. He would not vote for this.
- Gary Anderson – This is nothing personal about the Watson family. A significant change is being requested from a non-operating kennel to a boarding kennel with 50 domestic animals. He thinks cats is a neat idea, but "domestic animals" is too broad. The location is bad for traffic. There have been numerous accidents there.

- Bob Riley – He lives in Stillwater. He is here on behalf of the Watsons. If a dog is inside, you cannot hear them bark outside.
- Steve Levine – These are outdoor kennels. Dogs are outside for a period of time. There are outdoor runs. Watson – The dogs are primarily inside. They are let out one or two at a time for exercise. There are 14 internal and 9 external runs.
- Warren Pratt – He agrees with Gary Anderson about the traffic problem. He is also concerned about property values. The constable has not heard complaints about noise, but there has not been a large number of dogs as long as he has lived there. He says no to this and he would like to be notified when the CUP is being renewed.
- Barbara Medinger – She lives next door and has known the Watsons for almost 30 years. She can vouch for their consideration of neighbors. She has never heard their dogs bark for any length of time. They are looking for the option of adding 30 cats. They already have a permit for 20 dogs. They are 200 feet from the creek and have a septic system for their kennel. She supports them. They would never do anything to impair the neighborhood.
- Mark Strohbahn – He definitely votes against adding more dogs. They have a Sheltie that barks a lot and when they boarded her, she was hoarse when they picked her up. A board situation is different for dogs.
- Steve Levine – If they are thinking about raising this to 50 domestic animals, would 20 dogs still apply? Dick Thompson – This is something to be discussed. Levine – He has lots of articles about the detrimental affect of boarding kennels.
- Sheila Marie Untiedt – Does all material go into the septic system? Watson – Everything is added to the tank which is pumped as needed.
- Steve Levine – Is the second system a regular domestic system? He has read articles about issues with septic systems. Many municipalities are requiring industrial systems for kennels.
- Holly Anderson – How old is the septic system? Watson – It was built in the 1980's.
- Dave Bassett – Is this goes through, what do we do if many families are calling to complain about the noise? Steve Nelson – If there are problems, they are reviewable. We will handle all calls.
- Lois Cutler – How much property is there now and was it more in 1985? Watson – It was the same when his parents purchased the property. Cutler – We say one horse for 5 acres or a certain number of chickens. Dick Thompson – Kennels come under a separate part of the ordinance.

Dick Thompson reviewed the issues and staff recommendations in his memorandum dated November 30, 2007. He suggested that condition number 3 be change to 50 being the maximum number of domestic pets with not more than 20 dogs. Mr. Watson said he does not believe it valid that noise levels vary with the size of dogs. He would like to just have 20 dogs.

Questions and comments continued:

- Lois Cutler – There is also a concern for waste with large dogs.

- Troy Schifsky – Is the septic system pumped every three years, or are the rules more stringent? Watson – It is pumped usually on a 2 year basis.
- Schifsky – Is the kennel active? Watson – Not since his father died in 2001.
- Lynne Murphy – Can we define domestic animals further? Dick Thompson – He referred to the Scandia ordinance . Ours and the County’s ordinance does not define.
- David Low – He questioned whether the CUP does go with the land. Section 6 of the CUP states otherwise. Was a review done with the transfer of ownership? Watson – When his parents bought this land in 1985, they went before the Town Board for review. When he got the property from his parents, there was another review. Sean Stokes – A CUP does generally go with the land unless otherwise stated. There is no evidence that a review did not happen. We should assume that the CUP is in effect. That is beyond the scope of this public hearing.
- Howard Stang – How can we impact this decision? Sean Stokes – They can attend the Town Board meeting on December 13, 2007 when this issue will be further discussed. Dick Thompson – Historically CUPs have been issued and let go. Recently, the Township has started reviews and inspections. Stang – Do we need to lodge complaints in order to have an impact? Stokes – The review process is public and you can state your opposition. The Board would listen to your concerns.
- Jill Stang – She understands that we are only dealing with expansions. She requests to vote no. This area is a residential area now.
- Sean Stokes – When he hears people say they are opposed to the CUP as it stands now, he assumes they would be opposed to an expansion. The request is not for additional dogs.
- Robert Ranalla – Is a the septic tank adequate for the additional kennel size? Dick Thompson – He is not sure how they are sized. That is a valid question. Another condition could be that the County should review the septic size.
- Lynne Murphy – Where is Silver Creek from this? Dick Thompson – He is not aware of requirements for setbacks for kennels.
- Linda Countryman – Another condition could be to do research on what is state of the art industrial treatment today. Dick Thompson – Another way to deal with that could be more frequent pumpings.
- Bob Nelson – The Watson property has a 30 acre parcel behind it. The DNR would not allow it to be broken up.
- Warren Pratt – Are the external runs hooked up to septic? Watson – There are drain troughs.
- Kris Levine – Is there any difference if the property is in the shoreland overlay district? Dick Thompson – He does not know. He can check on that. Dan Fabian of the Watershed District said they do not typically get involved with this type of thing. He has not talked to DNR. A recommendation condition can be that the Watershed District and the County look at the this as part of the review.
- Lois Cutler – She is concerned with 50 animals on 5 acres. Lynne Murphy – This is not the same as grazing animals. Cutler – What about noise? Watson – Cats are almost always indoors.

- Holly Anderson – Will they need to add onto the kennels? Watson – They would probably consider adding on if they ever get to the 50 animal level.
- Lee Busse – Have they ever had 20 dogs? Watson – Yes. They need capacity for peak overflow. He hopes the allowed number would meet the peak.
- Carole Yoho – How many of the houses were there when the originally kennel was granted? Watson – The houses to the south and east were there.
- Attendee – If a dog escaped and bit someone, what sort of liability do you have? Watson – They have business insurance. Animals are all within their own pen. They do not mingle.
- Holly Anderson – Is someone there 24/7? Watson – Yes.
- Lois Cutler – As we go forward with the Comprehensive Plan do we want to grow in this area? Dick Thompson – That is a question for the planning commission to answer. Lynne Murphy – We are looking for diversified land use. She does not believe this would be an obtrusive activity. We have received very positive comments about the Watsons personally.
- Steve Levine – He does not agree with waiting to see if there is noise and then deal with it. Kennels are noisy.
- Sean Stokes – The Watsons have a CUP for 20 dogs right now.
- Steve Levine – He would be comfortable with a cat boarding facility.
- Watson – This has always been a boarding kennel not only a breeding kennel.
- Linda Countryman – We are rehashing issues. She suggests we close the hearing.

The public hearing was closed at 8:30 p.m.

REGULAR MEETING – 8:30 P.M.

1. AGENDA – M/S/P Ranalla/Stokes moved to adopt the agenda as written. (7 ayes)
2. MINUTES – M/S/P Stokes/Murphy moved to approve the 11/1/07 Stillwater Township Planning Commission Meeting minutes as written. (7 ayes)
3. WATSON CUP AMENDMENT – Sean Stokes suggested that if we recommend approval, we should add a requirement that the septic system be checked by the County to determine that it is large enough to accommodate the additional animals and also check if the shoreland district has impact and have the Washington County Conservation District look at this. Troy Schifsky suggested that looking at how the water drains in the system should be part of the on-site review. There have been no complaints. There does not seem to be opposition to cats. Dogs seem to be the bigger issue. People are basing their opposition on what they anticipate, not on what has actually happened. The kennel has not operated at full capacity of late, but the constable checked when it was at full capacity and there were no complaints then.

Would we look at another 5 acre parcel differently? We do want to encourage diverse land use. We are not talking about a commercial industrial kennel. Noise and traffic are

serious issues so a one year review is appropriate. A determination could be made that conditions are being met and if complaints are being made.

M/S/P Murphy/Stokes moved to recommend to the Town Board they consider for approval the Watson amended Conditional Use Permit, subject to the following conditions:

1. That the requirements in the existing CUP dated January 10, 1985, remain in effect with the following additions:
2. That if it is determined after its annual inspection that more parking spaces are needed, the Applicant construct more parking spaces as required by the Township.
3. That the CUP be amended to allow the property owner to have a maximum of 50 animals, consisting of dogs and cats only, provided however, that at no time may the total number of dogs exceed 20 and the dog population shall be in accordance with the original conditions set forth in the 1985 CUP.
4. That the Township re-evaluate the CUP on a yearly basis, noting any complaints for noise or barking dogs. Barking dogs shall not become a nuisance to neighboring dwelling units.
5. That the Applicant be allowed to use, but not enlarge the existing sign. The sign shall not be illuminated.
6. That Washington County inspect the septic system to ensure it is large enough to handle the additional waste and that the system meets current standards at each review.
7. That Washington County Conservation District inspect the property and make recommendation to the Township with respect to surface water in relation to shoreland management regulations.
8. That the Township attorney determine if there needs to be additional licensing beyond what is issued by the Township.

(6 ayes, Cutler nay)

M/S/P Stokes/Busse moved that we table the remainder of the agenda until the next meeting. (7 ayes)

The meeting was adjourned at 9:15 p.m.

Submitted by: Kathy Schmoeckel
Planning Commission Clerk