

Fair Haven Planning Commission
Town of Fair Haven
August 3, 2016

Present: George Stannard – Chair, David Eighmey – Vice Chair, Dani Roberts – Clerk, Patrick Frazier.
Absent: Paul Jardine.

Others: Phil Adams – Zoning Administrator, Suzette Blazer, Michael Bruce.
Call to Order: 7:05 P.M.

New Business - Suzette Blazer – Application #2016-34 for approval of a Home Occupation, the breeding and sale of small dogs, using a minor portion of the home. Location: 61 Fourth Street. Tax Map # 21-50-42.
George Stannard recused himself from this application hearing as he has been hired by Mr. Bruce to survey the Bruce property. David Eighmey, Vice Chair conducted this portion of the meeting.

Phil stated that since Suzette was producing a product that is sold at her home she needed a permit for a home occupation.

Mrs. Blazer stated that she had been breeding dogs in this home for 6 years. She breeds 1 Chihuahua and 2 Poodles. The Chihuahua had a litter of 5 puppies, the last Poodle litter was 8 puppies. All puppies are gone in 8 weeks. Suzette had supplied a list of 6 signatures from neighbors indicating their approval of her business. She said that the state inspector and the ASPCA has visited her house and found no issues.

Mr. Bruce stated that he has had noise problems for 6 years and had been told that Mrs. Blazer had a permit so didn't think there was anything he could do. He also stated that he could not enjoy his deck because the dogs were right at his yard barking. He showed David an advertisement for a "noise machine" that he purchased and installed at his house that would sound and shine a light at any movement from the Blazer's property. He was instructed by the police department to remove it, which he has done.

Patrick produced a copy of the noise ordinance which states that quiet must be observed between 10 p.m. and sunrise. The discussion became heated several times and had to be brought back under control by Vice Chair Eighmey. Dani asked Mrs. Blazer how often waste was removed. Mrs. Blazer cleans the yard every other day. Dani asked about fencing and was told that there had always been a fence in place and that a tarp had been placed on the side of the fence facing Mr. Bruce's property by Mrs. Blazer so the dogs would not see him and bark.

Mr. Bruce said that he had not come with any evidence but he could given time to do so.

There was discussion among the Commissioners if perhaps this should be tabled until a future date. Dani stated that she would rather not drag this on if not necessary. Patrick asked Mr. Bruce when he had made the complaint and was told it had been a month. Patrick stated that it appeared he had been given enough time to prepare.

Dani made a motion to consider this a minor development, seconded by Patrick, passed unanimously.

Dani made a motion to approve the application as written with the added requirements that

1. Waste must be disposed of daily.
2. Dogs must be kept inside between 10 p.m. and sunrise.
3. The fenced area must be maintained.

Seconded by Patrick, passed unanimously. Phil gave Mrs. Blazer and Mr. Bruce information on the appeal process.

FINDINGS OF FACT

1. This was a minor development and did not meet the criteria required for a Site Plan Review.
2. The applicant has conducted a business of breeding and puppy sales for the past 6 years at 61 Fourth Street, Fair Haven.
3. The applicant has 3 breeding females. 1 Chihuahua and 2 Poodles, the Chihuahua tends to have a litter of 5 puppies. The most recent litter of poodles consisted of 8 puppies.
4. Puppies are gone by the age of 8 weeks.
5. The applicant presented a list of 6 signatures of near neighbors indicating their approval of her business.

5. The applicant stated that she removed dog waste from the yard every other day.
7. The applicant stated that she had a fenced area where the dogs are contained.
8. The applicant stated that she had placed a tarp on the east side of the fenced area in order to shield the dogs from the view of Mr. Bruce.
9. The applicant stated that she had let her dogs out after 10 p.m.
10. Mr. Bruce's sole complaint is with the noise at the Blazer's home.
11. Mr. Bruce supplied no supporting evidence to substantiate his claims.

Conclusion

1. No concerns were raised as to traffic that might be caused by prospective buyers entering Mrs. Blazer's driveway or home.
2. The applicant has conducted this business for 6 years with no other complaints.
3. The issue raised by Mr. Bruce appears to be more with the applicant's dogs than the breeding business.
4. That conditions could be placed on the permit that would alleviate the issues.
5. That the conditions listed in these minutes prior to the vote by the Commission were fair and impartial and had been applied to other like businesses.

Decision

1. The home occupation met all the criteria for a home occupation in Fair Haven's zoning ordinances.
2. That the permit should be approved with three conditions.

George Stannard continued the meeting as Chair.

Approval of Minutes – David made a motion to accept the minutes of the July 20th 2016 meeting as written, second by Patrick, motion carried unanimously.

Review of Mail- None

Other – None

Zoning Regulation update – Tabled until the next meeting.

Public Comment – None

Meeting Adjourned 8:12 P.M.

Next scheduled meeting 7:00 P.M., Wednesday, August 17th 2016.

Respectfully Submitted
Danielle L. Roberts, Clerk