

TOWN of BEACON FALLS  
*Connecticut*

Zoning Board of Appeals



**RECEIVED**

11/2/2020

MM

APPLICATION ZONING BOARD OF APPEALS

File no. 020-01

Date of Filing 11-2-2020

FEE \$ 375.00  
2) 60.00 Dollars, check or money order-- Payable to,  
Town of Beacon Falls (no cash)

Plot Plan Identical with one presented to the Zoning Commission Showing

- (A) Dimensions of Land and Buildings.
- (B) Existing Building in solid lines, Proposed Building Alteration or Addition in Broken Lines.
- (C) Distance from Front/Side/and Rear property lines to Proposed Building, if building is involved.

Other Documents;

- (A) Letter of Denial, Ruling or Order from the Zoning Commission or Zoning Enforcement Officer to Applicant.
- (B) Letters from adjoining Property Owners, if possible indicate their opinion with respect to the Application.
- (C) Correspondence with State of Conn. if involved.

All of the above to be forwarded to the Zoning Board of Appeals.

Note: Application must be completed in full to be accepted

Names Applicant Susan McDuffie Phone 203 231 2629  
 Address 344 Bethany Rd BE  
 Owner Susan McDuffie Phone 203 231 2629  
 Address 344 Bethany Rd BE  
 Lessee \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Agent \_\_\_\_\_ Phone \_\_\_\_\_

Location Address of Property 12 Timber Ridge Lane BF

Zoning: Residential District (R-1) ---R-2---R-3---

Business B1-----

Industrial----- Other-----

One Family  Two Family----- Other-----

Public Water  Public Sewer-----

Well Water----- Septic System

Precise Variance Sought.

To bring my two goats to live on my property.  
I use my goats for my home office therapy practice.

Zoning Ordinance/Appeal from decision of § 8.2 a+b  
Section of the Zoning Ordinance appealed from: Livestock

Property Size/Complete this section for change in lot size.  
Zoning Requirement Area -----sq. ft.  
Original Area of Property-----sq. ft.  
Proposed Change in Area  
Parcel no. (1)-----sq. ft.  
no. (2)-----sq. ft.  
no. (3)-----sq. ft.

Complete this section for change to Set Back Dimensions  
Zoning Set Back Requirements:

Front ----- Ft.  
Rear ----- Ft.  
R/side ----- Ft.  
L/side ----- Ft.

Proposed change in Set Backs.

Front ----- Ft.  
Rear ----- Ft.  
R/side ----- Ft.  
L/side ----- Ft.

Name of Adjacent Property Owners

-----  
Mike Salemm  
-----  
Kern Doka  
-----

Hardship:

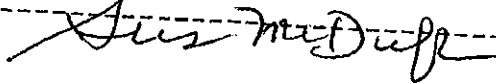
Describe in detail the ( Exceptional difficulty or unusual  
hardship) which results from a literal enforcement of the  
Zoning ordinance and state how this condition is peculiar  
to your lot and not applicable to the area as a whole.

I have been a psychotherapist for 20 yrs. I work  
out of my home. I have incorporated my horses  
+ goats as a tool to my therapy practice. My  
clients have relationships with these goats. They would  
suffer if they could no longer have them present for sessions.

-----  
Previous Variance. Have any previous variance been sought  
for this property? If so Date (s) -----  
and decision of the Zoning Board of Appeals

-----  
I hereby depose and say that all the above statements and the  
statements contained in any papers submitted herewith are true  
to the best of my knowledge.

SIGNED-----



✓ 012-002-0026-15

J&L ENTERPRISE LLC  
19 PEACHTREE LANE  
SHELTON CT 06484

012-002-0026-21

ORLOSKI STEVEN W & TAMMY L  
9 ~~TIMBER RIDGE LANE~~  
BEACON FALLS CT 06403

012-002-0026-22

MCDUFFIE SUSAN  
344 BETHANY ROAD  
BEACON FALLS CT 06403

✓ 012-002-0026-23

DOKLA KEVIN M & DAWN M  
28 MOSS AVENUE  
SEYMOUR CT 06483

012-002-0026-24

GEORGIA ASHLEY &  
8 ~~TIMBER RIDGE LANE~~  
BEACON FALLS CT 06403

✓ 012-002-0025-A

REMPY DAVID R & PAMELA M  
412 BLACKBERRY HILL RD  
BEACON FALLS CT 06403

✓ 012-002-0025

REGALADO NANCY ANN  
420 BLACKBERRY HILL RD  
BEACON FALLS CT 06403



Susan McDuffie <animalhouseil@gmail.com>

**McDuffie Request Letter - Response**

3 messages

Kevin Dokla <kdokla@yahoo.com>  
Reply-To: Kevin Dokla <kdokla@yahoo.com>  
To: "animalhouseil@gmail.com" <animalhouseil@gmail.com>

Mon, Nov 2, 2020 at 11:06 AM

November 2, 2020

Dear Susan McDuffie,




Attached you will see a copy of your letter dated October 29, 2020 along with a complete list (2 pages) of 35 signed names written 100% AGAINST everything you wrote in your letter. These names represent those that live on Timber Ridge Lane and Oakwood Drive.

A hard copy of everything will be set to your address, along with electronic copy to Mike Mormile (Zoning Enforcement Officer) and Gerard Smith (First Selectman).

Thanks,

Kevin Dokla  
203-751-3914  
kdokla@yahoo.com

**3 attachments**




-  **McDuffie Letter.pdf**  
31K
-  **Petition Pg 1.pdf**  
110K
-  **Petition Pg 2.pdf**  
96K

Susan McDuffie <animalhouseil@gmail.com>  
To: kevin\_mc\_duffie@snet.net

Mon, Nov 2, 2020 at 11:15 AM

[Quoted text hidden]

**3 attachments**

-  **McDuffie Letter.pdf**  
31K
-  **Petition Pg 1.pdf**  
110K
-  **Petition Pg 2.pdf**  
96K

Susan McDuffie <animalhouseil@gmail.com>  
To: A Mcfluff <alex.mc.duffie@gmail.com>

Mon, Nov 2, 2020 at 11:15 AM

----- Forwarded message -----

From: **Kevin Dokla** <kdokla@yahoo.com>  
Date: Mon, Nov 2, 2020, 11:07 AM  
Subject: McDuffie Request Letter - Response  
To: animalhouseii@gmail.com <animalhouseii@gmail.com>

[Quoted text hidden]

**3 attachments**

 **McDuffie Letter.pdf**  
31K

 **Petition Pg 1.pdf**  
110K

 **Petition Pg 2.pdf**  
96K

Attachment A

October 29, 2020

Kevin & Dawn Dokla  
10 Timber Ridge Lane  
Beacon Falls, CT 06403

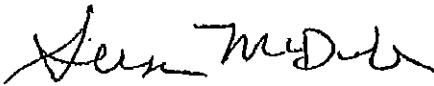
Dear Mr. & Mrs. Dokla,

I am currently in the process of building my home at 12 Timber Ridge Lane. My property borders yours. I will be working out of my home as a psychotherapist, as I have for nearly 20 years. One of the tools that I use for my therapy practice is my horses and goats. I am looking to get your written approval that you accept my two goats living on my property.

Due to the site plans for both of our properties, the goats will always be nearly 300 feet away from your home. They will not be allowed to roam anywhere outside of my property line and will in no way come onto your property. They will always be fenced in.

It would be greatly appreciated if you can write out your written approval or disapproval and please respond back to me. You can mail this letter, addressed to me, at 344 Bethany Road, Beacon Falls, CT 06403. Instead of postal mail you can email me at [animalhouse1@gmail.com](mailto:animalhouse1@gmail.com).

Regards,

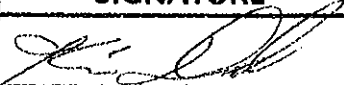
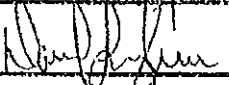
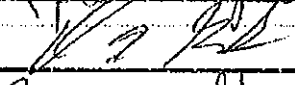
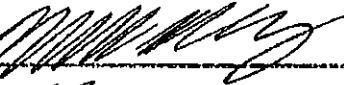
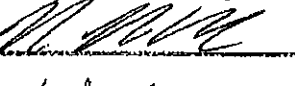
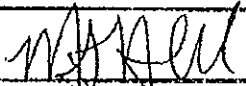
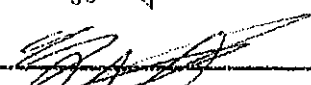
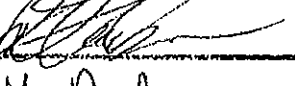


Susan McDuffie

## Signature for Petition

McDuffie Psychotherapist Business with goats and horses to be established at 12 Timber Ridge Lane, new construction currently in progress.

"Kevin & Dawn Dokla received a written and signed letter (ATTACHMENT A) on October 31<sup>st</sup>, 2020 looking for signed approval or disapproval."

NAME	SIGNATURE	NUMBER & STREET	STANCE
Kevin Dokla		10 Timber Ridge	Against
Dawn Dokla	Dawn Dokla	10 Timber Ridge	Against
Steve Orloski	Steve Orloski	9 Timber Ridge	Against
Tammy Orloski	Tammy Orloski	9 Timber Ridge	against
Ashley Scaglianni	Ashley Scaglianni	18 Timber Ridge	against
DAVID SCAGLIANNI		8 Timber Ridge	Against
Kyle Georgia	Kyle Georgia	5 Timber Ridge	against
Daniel Gorton		18 Oakwood Dr	AGAINST
Amanda Gorton	Amanda Gorton	18 Oakwood Dr.	Against
MIKE CLEARY		17 OAKWOOD DR	AGAINST
MARIA SOTO CLEARY		17 OAKWOOD DR	AGAINST
Kelly Morse	Kelly	15 Oakwood Dr	Against
Kevin Morse	Kevin	15 oakwood Dr.	Against
Martin Hubbard		10 oakwood DR	Against
Debra Ward		9 oakwood Dr	Against
Albino Michopoulos		9 Oakwood Dr	Against
JOHN NAPOLEONE	John Napoleone	8 OAKWOOD DR.	AGAINST
Hillary Napoleone	Hillary Napoleone	8 Oakwood Dr.	Against
Chris Anderson	Chris Anderson	2 OAKWOOD DR.	Against





October 29, 2020

Michael Salemm  
954A Heritage Village  
Southbury, CT 06488

Dear Mr. Salemm,

I am currently in the process of building my home at 12 Timber Ridge Lane. My property borders yours. I will be working out of my home as a psychotherapist, as I have for nearly 20 years. One of the tools that I use for my therapy practice is my horses and goats. I am looking to get your written approval that you accept my two goats living on my property.

The goats will not be allowed to roam anywhere outside of my property line and will in no way come onto your property. They will always be fenced in.

It would be greatly appreciated if you can write out your written approval or disapproval and please respond back to me. You can mail this letter, addressed to me, at 344 Bethany Road, Beacon Falls, CT 06403.

Regards,

*Susan McDuffie*

Susan McDuffie

10/30/20

Dear Susan McDuffie,

I am writing this letter of my approval to have your 2 horses and 2 goats on your property that borders my property. I understand that you use these animals as therapy tools for your on-going psychotherapy work. Thank you for clarifying that the animals will not be allowed to roam anywhere outside of your property line which will limit their ability to roam on my property.

I have heard of the benefits of utilizing animal therapy for individuals who experience anxiety and depression. Congratulations on your professional endeavors to help others deal with mental health issues.

Sincerely,  
Lou Salemme  
J & L Enterprise, LLC

## ARTICLE I: GENERAL PROVISIONS

- 8.9 Interior Lots:** In residential districts, no Certificate of Zoning Compliance shall be issued for the construction of a dwelling or building or the conversion of any existing accessory building used in connection therewith, unless the required minimum street frontage, which shall be defined as the minimum width requirement for each said district for the district involved, as set forth in Section 11, shall be on an accepted, approved public street, except that where a parcel of land is of sufficient area to afford division into two or more lots, of which some do not have the required minimum street frontage on said public street for that particular district, a Certificate of Zoning Compliance may be issued for the lot(s) not having the required minimum street frontage, provided that the following standards are met:
- 8.9.1** Each lot has access to an accepted, approved public street by means of an accessway, which accessway is part of said lot and serves only the subject lot not having the required minimum frontage for the district involved, and such accessway is not less than twenty (20) feet in horizontal width in any location from the street to the point where said accessway joins the balance of said lot, except that one other lot, having all necessary street frontage may utilize said accessway under an easement for ingress and egress;
- 8.9.2** The accessway has a cleared and graded travelway of not less than sixteen (16) feet in width and is to be constructed in accordance with the Regulations set forth in Section 70 of the Beacon Falls Zoning Regulations. This shall include a graded base of at least eight (8) inches and meeting Grade "B" gradation requirements as called for in the State's Specifications for Roads and Bridges, Form 814A, or as amended. Gradation tests shall be performed by the contractor or developer and submitted to the Town Engineer for review and approval prior to use. (Amended September 21, 1999)
- 8.9.3** Such interior lot shall conform to one and one-half (1 1/2) times the minimum lot area requirement for the district involved, without including the area of such accessway. The accessway shall be that portion of the lot leading to the street, which has less than one-half (1/2) the required width for the district in which the lot is located. (Amended September 21, 1999)
- 8.9.4** The front yard and minimum depth for said lot shall not be measured from the street line, but from a line parallel to/or concentric with the street line and the least distance there from sufficient to make said line equal to the minimum width specified for the district involved; the minimum front yard set-back shall be one and one-half (1 1/2) times the minimum requirement for the district in which the lot is located; (see typical rear lot illustration at the end of this section);
- 8.9.5** All utility lines, including, but not limited to electric and telephone service, extending from the street line of such lot to the building site of said lot shall be installed underground;
- 8.9.6** There shall be no more than three (3) such accessways installed and constructed adjacent to each other, and such three (3) parallel accessways may utilize one common travelway, subject to cross-easements for ingress and egress. In such an instance where there are two or three such accessways utilizing said one travelway, said travelway shall, in the case of two (2) accessways, be not less than sixteen (16) feet in width as set forth in Section 8.9.2 above; in the case of three (3) accessways utilizing the one said travelway, then in that event, the travelway shall be twenty-two (22) feet in width, constructed in accordance with the provisions of Section 8.9.2 above. Except as set forth with said two adjacent accessways, there shall be a minimum of three street frontage lots, meeting the requirements for the particular zone in which the subject parcel(s) is/are located as a buffer between any such interior lot accessway. In addition, parking of any vehicles shall not be permitted on the common travelway (Amended

## ARTICLE I: GENERAL PROVISIONS

- 8.5 Professional Office in a Dwelling Unit:** A professional office in a dwelling unit located in a Residence District is an additional use for which a "**CERTIFICATE OF ZONING COMPLIANCE**" is required. Such office shall be used only for the office of person engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office shall reside in the dwelling unit, and there shall be no more than two (2) nonresident persons employed in connection with such office. The floor area used for the office shall not exceed one third of the floor area of the dwelling unit.
- 8.6 Home Occupation in a Dwelling Unit:** A home occupation in a dwelling unit located in a Residence District is an additional use for which a "**CERTIFICATE OF ZONING COMPLIANCE**" is required. Home occupations consist of activities conducted for gain and shall conform to the following standards and conditions:
- 8.6.1** The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than two (2) non-resident persons employed in connection with such occupation.
  - 8.6.2** There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
  - 8.6.3** The home occupation shall be confined to but one (1) floor of the dwelling unit and not more than 25% of such floor shall be so used.
  - 8.6.4** No finished consumer goods shall be acquired outside the dwelling unit for sale in connection with a home occupation within the dwelling unit.
- 8.7 Renting of Rooms:** The renting of rooms in a dwelling unit located in a Residence District is an additional use for which a "**CERTIFICATE OF ZONING COMPLIANCE**" is required. The person renting the rooms shall reside in the dwelling unit. No accessory building shall be used for renting of rooms, and there shall be no provision for cooking facilities in or available to such rooms except the principal cooking facilities of the dwelling unit.
- 8.8 Farms:** Farms, including truck garden, nurseries, greenhouses, forestry and the keeping of livestock, shall conform to the following additional standards and conditions:
- 8.8.1** Farms shall not include commercial piggeries, and there shall be no commercial slaughtering, fertilizer manufacturing or any commercial reduction of animal matter.
  - 8.8.2** No livestock shall be kept on a lot of less than five (5) acres and any building in which the livestock or poultry are kept shall not extend within less than 150 feet of any property or street line, except as follows:
    - 8.8.2a** Horses or ponies may be kept on a lot of less than five (5) acres provided that the lot contains an area of not less than 40,000 square feet for each such animal and the total number thereof does not exceed three (3); and
    - 8.8.2b** An aggregate of not more than 20 chickens or other poultry may be kept on any lot if kept in a building or enclosure conforming to the setback requirements for buildings and other structures.
  - 8.8.3** No commercial greenhouse shall extend within less than 150 feet of any property or street line.

December 1, 2020

**From:**

Susan McDuffie  
344 Bethany Road  
Beacon Falls, CT 06403

**Re:**

Variance for allowance of goats on property at 12 Timber Ridge Lane, Beacon Falls CT 06403

**Attached:**

1 image that shows how far the neighbors will be from where the goats will graze.

Copies of the returned receipts that were sent to all neighbors that are adjoining my property.

Copies of letters sent to neighbors to let them know of the public hearing on December 10, 2020.

Image of text communication to neighbor K. Dokla where he begins creating misinformation about me opening a petting zoo



Image shows the distance to houses on Timber Ridge. The picture is taken from where the house will be. Animals will graze behind me.

Tracking Number: 7020245000054829471

Your item was delivered to an individual at the address at 4:49 pm on November 23, 2020 in SHELTON, CT 06484.

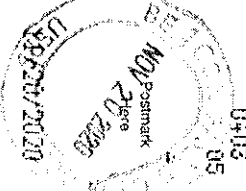
Status

**Delivered**

November 23, 2020 at 4:49 pm  
Delivered, Left with Individual  
SHELTON, CT 06484

7020 2450 0000 5482 9471

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
SHELTON, CT 06484	
Certified Mail Fee \$3.55	04:05
Extra Services & Fees (check box and fee)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy) \$1.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$10.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.55	
Total Postage and Fees \$4.10	
Sent to <b>VTB Enterprises LLC</b>	
Street and Apt. No. <b>145 Main St</b>	
City, State, ZIP+4® <b>SHELTON CT 06484</b>	
PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions	





Tracking Number: 70202450000054829464

Your item was delivered to an individual at the address at 12:12 pm on November 21, 2020 in BEACON FALLS, CT 06403.

Status

**Delivered**

November 21, 2020 at 12:12 pm  
Delivered, Left with Individual  
BEACON FALLS, CT 06403

7020 2450 0000 5482 9464

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> Beacon Falls, CT 06403	
Certified Mail Fee \$3.55	\$11.00
Extra Services & Fees (credit box, add fee) <i>Registered</i>	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy) \$	\$0.00
<input type="checkbox"/> Return Receipt (electronic) \$	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery \$	\$0.00
<input type="checkbox"/> Adult Signature Required \$	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery \$	\$0.00
Postage \$	\$0.55
Total Postage and Fees \$	\$5.20
Sent To	Kevin T Dean Delle
Street and Apt. No. or PO Box No.	12 Timber Ridge Cmn
City/State/Zip	Beacon Falls, CT 06403
PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions	

Postmark  
NOV 21 2020  
11/23/2020

Tracking Number: 7020245000054829440

Your item was delivered to an individual at the address at 12:21 pm on November 21, 2020 in BEACON FALLS, CT 06403.

Status

**Delivered**

November 21, 2020 at 12:21 pm  
Delivered, Left with Individual  
BEACON FALLS, CT 06403

7020 2450 0000 5482 9440

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

BEACON FALLS, CT 06403

Certified Mail Fee	\$3.55	\$10.00
Extra Services & Fees (select box and fee \$ per unit)		
<input type="checkbox"/> Return Receipt (hardcopy)	\$11.00	
<input type="checkbox"/> Return Receipt (electronic)	\$11.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$11.00	
<input type="checkbox"/> Adult Signature Required	\$11.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$10.55	
Total Postage and Fees	\$30	

Sent To: *WAGNER Resale*  
Street and/or P.O. Box No.: *430 Blackhollow*  
City, State, Zip: *Beacon Falls CT 06403*

NOV 20 2020 0403  
Postmark Here  
USPS

11/20/2020

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

Tracking Number: 70202450000054829457

Your item was delivered to an individual at the address at 12:21 pm on November 21, 2020 in BEACON FALLS, CT 06403.

Status

**Delivered**

November 21, 2020 at 12:21 pm  
Delivered, Left with Individual  
BEACON FALLS, CT 06403

7 020 2450 0000 5482 9457

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)  
Beacon Falls, CT 06403

Certified Mail Fee	\$3.55	Extra Services & Fees (check box and fee)	\$0.00
		<input type="checkbox"/> Return Receipt (hardcopy)	\$17.00
		<input type="checkbox"/> Return Receipt (electronic)	\$12.00
		<input type="checkbox"/> Certified Mail Restricted Delivery	\$12.00
		<input type="checkbox"/> Adult Signature Required	\$0.00
		<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.55		
Total Postage and Fees	\$3.80		

Sent to: **David + Pamela Remitt**  
Street and Apt. No., or PO Box No. **412 Block 6 Long Hill Rd**  
City, State, ZIP+4® **Beacon Falls, CT 06403**

Postmark: BEACON FALLS CT 11/20/2020

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

11/19/20

J&B Enterprise LLC  
19 Peachtree Lane  
Shelton, CT 06484

Dear Mr. Salemme,

I am writing to make you aware that on December 10<sup>th</sup> at 7:00 pm there will be a public hearing that you may wish to attend. I am applying for a variance to have my 2 goats come live on my property when my house is finished being built.

Regards,

Susan McDuffie

11/19/20

Kevin & Dawn Dokla  
10 Timber Ridge Lane  
Beacon Falls, CT 06403

Dear Mr. & Mrs. Dokla,

I am writing to make you aware that on December 10<sup>th</sup> at 7:00 pm there will be a public hearing that you may wish to attend. I am applying for a variance to have my 2 goats come live on my property when my house is finished being built.

Regards,

Susan McDuffie

11/19/20

Nancy Regaldo  
420 Blackberry Hill Rd  
Beacon Falls, CT 06403

Dear Ms. Regaldo,

My name is Susan McDuffie and I am building a house on Timber Ridge Lane. I am writing to make you aware that on December 10<sup>th</sup> at 7:00 pm there will be a public hearing that you may wish to attend. I am applying for a variance to have my 2 goats come live on my property when my house is finished being built.

Regards,

Susan McDuffie

11/19/20

David & Pamela Rempt  
412 Blackberry Hill Rd  
Beacon Falls, CT 06403

Dear Mr. & Mrs. Rempt,

My name is Susan McDuffie and I am building a house on Timber Ridge Lane. I am writing to make you aware that on December 10<sup>th</sup> at 7:00 pm there will be a public hearing that you may wish to attend. I am applying for a variance to have my 2 goats come live on my property when my house is finished being built.

Regards,

Susan McDuffie

**Kerry McAndrew**

---

**From:** Ken Haddad <haddadk03@yahoo.com>  
**Sent:** Wednesday, November 11, 2020 7:12 AM  
**To:** Kerry McAndrew  
**Subject:** Correspondence appeals meeting 12 Timber Ridge

Hello,

Just emailing to confirm my stance against the land use request for 12 Timber Ridge Lane. The neighborhood should definitely not be used as such. I wouldn't mind one bit if it were animals for private use but this request is ridiculous. I have multiple safety concerns and am 100% against this measure. Thank you!

Ken Haddad @ 2 Timber Ridge Lane



## Kerry McAndrew

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**From:** Kristen Jockel <kdjockel@gmail.com>  
**Sent:** Wednesday, November 11, 2020 2:06 PM  
**To:** Kerry McAndrew  
**Subject:** Fwd: Correspondence appeals meeting 12 timber ridge

Sent from my iPhone

Begin forwarded message:

**From:** Kristen Jockel <kdjockel@gmail.com>  
**Date:** November 11, 2020 at 10:35:53 AM EST  
**To:** lidaigle@beaconfallsct.org  
**Subject:** Correspondence appeals meeting 12 timber ridge

To whom it may concern,

This letter is to express our objection to the business and addition of livestock to the property at 12 timber ridge. As a dead end street with lots of children the addition of a business to a residential area will bring increased traffic which is a safety concern. We also object to the addition of livestock to our neighborhood related to noise, smells, and public health concerns.

Regards,  
Kristen Jockel and Adam Kelly  
20 oakwood drive

Sent from my iPhone

## Kerry McAndrew

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**From:** Nathan Zonas <nzonas86@gmail.com>  
**Sent:** Wednesday, November 11, 2020 3:50 PM  
**To:** Kerry McAndrew  
**Subject:** Correspondence appeals meeting 12 Timber Ridge

To whom it may concern,

I am writing in opposition to the application for variance at 12 Timber ridge. I do not have a specific problem with the applicant wanting a small amount farm animals however I am in opposition of the applicant using these animals for a business. Of special consideration is the type of business being proposed, this business has the potential to regularly bring mentally or emotionally compromised clients into our neighborhood. Our neighborhood is full of school aged children who should not be exposed to high risk individuals in such close proximity to their homes, nor should they be exposed to the increased vehicle traffic this will bring onto Oakwood and Timber Ridge.

The nature of the applicants business is necessary and commendable, however the location is inappropriate. Please consider this letter of opposition during the decision making process. Thank you.

Sincerely,

Nathan S. Zonas

**Kerry McAndrew**

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**From:** David Scagliarini <dscagliarini@yahoo.com>  
**Sent:** Wednesday, November 11, 2020 5:58 PM  
**To:** Kerry McAndrew  
**Subject:** Correspondence appeal meeting 12 Timber Ridge Ln.

Good Evening,

I'm writing this email with concerns of the purposed therapeutic farm business at the residents of 12 Timber Ridge lane. My wife and I purchased land and built our home at 8 Timber Ridge Lane with the sole purpose of living in a quiet area away from traffic and in a cul-de-sac for the safety of our children. This therapeutic farm will increase traffic in our neighborhood, bring the smell of farm into the neighborhood, and will have a population of clientele from all over. I applaud the business and the work this individual does, however a quiet family neighborhood filled with children is not the appropriate environment to conduct such a business.

Thank you,  
Dave and Ashley Scagliarini

Sent from my iPhone

## Kerry McAndrew

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**From:** Kevin Dokla <kdokla@yahoo.com>  
**Sent:** Wednesday, November 11, 2020 8:20 PM  
**To:** Kerry McAndrew  
**Subject:** Correspondence Appeal Meeting - 12 Timber Ridge  
**Attachments:** Petition Pg 1.pdf; Petition Pg 2.pdf

To whom it may concern,

This letter is in reference to the appeal meeting related to 12 Timber Ridge Lane, the request to allow goats and horse(s).

It's very simple, Dawn and I moved our family to the hill top of Beacon Falls and built our home at the end of a cul-de-sac for very specific reasons. These reasons DO NOT include:

- Livestock animals of any kind being housed directly near us.
- Large animals such as horses, etc. as the sq.ft. of the property lot does not meet the requirements.
- Odors and noise created by such animal types.
- Neighboring businesses entailing *psychotherapy* practices that lead to increased traffic, regular potential of unstable patients in the neighborhood around our kids, and increased safety concerns driven by a multitude of reasons.

Attached is a copy of the petition signed by 35 direct neighbors against this for many different personal reasons. The neighboring taxpaying public has joined together and agree that this variance is not meant for our neighborhood. We are all asking that the initial denial is not overturned in this (or future) appeal meetings.


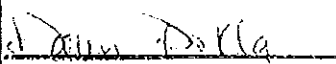
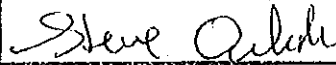
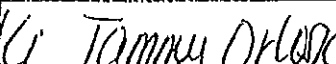

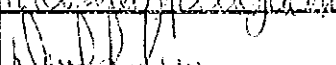
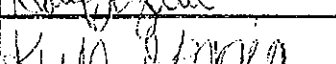
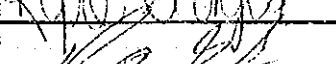
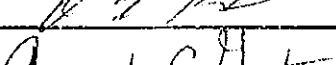
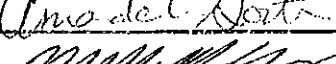

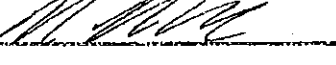

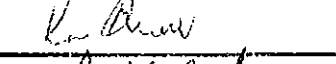


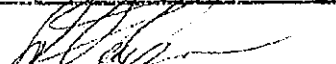

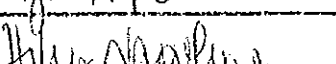
Sincerely,

Kevin and Dawn Dokla  
10 Timber Ridge Lane

## Signature for Petition

McDuffie Psychotherapist Business with goats and horses to be established at 12 Timber Ridge Lane, new construction currently in progress.

"Kevin & Dawn Dokla received a written and signed letter (ATTACHMENT A) on October 31<sup>st</sup>, 2020 looking for signed approval or disapproval."

NAME	SIGNATURE	NUMBER & STREET	STANCE
Kevin Dokla		10 Timber Ridge	Against
Dawn Dokla		10 Timber Ridge	Against
Steve Orloski		9 Timber Ridge	Against
Tammy Orloski		9 Timber Ridge	against
Ashley Scaglianni		8 Timber Ridge	against
David Scaglianni		8 Timber Ridge	Against
Kyle Georgia		5 Timber Ridge	against
Daniel Gorton		18 Oakwood Dr	AGAINST
Amanda Gorton		18 Oakwood Dr.	Against
MIKE CLARY		17 OAKWOOD DR	AGAINST
MARIA SOTO CLARY		17 OAKWOOD DR	AGAINST
Kelly Morse		15 Oakwood Dr	Against
Kevin Morse		15 oakwood Dr.	Against
Martin Hubbard		10 OAKWOOD DR	Against
Debra W. ...		9 Oakwood Dr.	Against
Albino ...		9 Oakwood Dr	Against
JOHN NAPOLEONE		8 OAKWOOD DR.	AGAINST
Hilary Napoleone		8 Oakwood Dr.	Against
Chris Anderson		2 OAKWOOD DR.	Against



## Kerry McAndrew

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**From:** Ashley Townsend <amarietownsend92@gmail.com>  
**Sent:** Wednesday, November 11, 2020 10:01 PM  
**To:** Kerry McAndrew  
**Subject:** Correspondence Appeals Meeting 12 Timber Ridge

As residents of Oakwood Drive which is immediately adjacent to Timber Ridge Ln, my husband and I are against the proposal for allowing multiple goats and horses for use of psychotherapy on the new property at 12 Timber Ridge. We have multiple concerns regarding this some of which include:

- increased traffic into and out of the neighborhood
- safety concerns due to increased traffic as well as in regards to the animals
- unwanted noise and smell

I understand this will be discussed in the zoning appeal meeting tomorrow. Looking forward to listening in. Thank you for your time.

Ashley Townsend

**Kerry McAndrew**

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**From:** Steve orloski <sorloski@sbcglobal.net>  
**Sent:** Sunday, November 8, 2020 8:58 PM  
**To:** Kerry McAndrew  
**Subject:** Zoning Appeal 12 Timber Ridge Lane

Zoning Board Appeal

Members,

11/8/20

My name is Steve Orloski and I'm a resident of 9 Timber Ridge Lane. I'm writing this letter to confirm that we do not want a Psychotherapy / Livestock Business in our residential neighborhood. The entire neighborhood signed a petition stating that we are against this. There are several reasons why this is not wanted in our neighborhood and they are as follows: Elevated safety concerns for the residents and children of our neighborhood due to the stability of the clientele that will potentially be channeled through our neighborhood, increased traffic concerns, elevated noise and smell from livestock.

This is not the reason the taxpayers of this neighborhood built homes in this part of town. There are several commercial venues in our towns main street area that would be able to accommodate a business like this. Please vote no to this zoning appeal.

Sincerely,

Steve & Tammy Orloski



## Kerry McAndrew

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**From:** Kevin Dokla <kdokla@yahoo.com>  
**Sent:** Wednesday, December 9, 2020 8:20 PM  
**To:** Kerry McAndrew  
**Subject:** Fwd: 12 Timber Ridge Meeting

Sent from my iPhone

Begin forwarded message:

**From:** Kevin Dokla <kdokla@yahoo.com>  
**Date:** November 13, 2020 at 10:58:31 AM EST  
**To:** Gerard Smith <gsmith@beaconfallsct.org>  
**Subject:** 12 Timber Ridge

Good morning Gerard,

I hope all is well and hope I don't take up too much of your time. During last night's (11/12/20) zoning appeal call, there was some information shared by Susan McDuffie related to property lot size. I see some very mixed data here that you need to be aware of.

She stated her lot #22 is 87,000 sqft. That equals 1.99 acres.

The attached neighborhood certified site plans, CADD File Name: 2277ph2.DWG shows her lot #22 is 76,209 sqft equally 1.74 acres.

Lot sizes don't just grow unless a formal process is put into place to alter town engineered site plans. And if Susan's lot grew, mine or my neighbor's would have to shrink. As well, I have not been notified that my lot size changed nor have my neighbors. Something here just doesn't add up.

In addition, she claimed she can have (2) horses since each horse needs a minimum of 40,000 sqft. Not sure of Beacon Falls, but I know other towns factor in space needed for other animals on the land as well. Does Beacon Falls regulations require 40,000 sqft of open pasture for each horse? Because if you minus the house and barn structure sq footage and then add in any additional sqft required for additional animals (2 goats); it seems based on property size she may not meet requirements for all of the livestock she is requesting a variance for.

The zoning states no livestock. The Food and Agriculture Organization of the United States stated <http://www.fao.org/waicent/faoinfo/economic/faodef/fdef16e.htm> clearly states that Horses and Goats are livestock. I believe our zoning just states no livestock but doesn't define that in detail, but I could be wrong. That stated, per the definition FAO and our written zoning rules, the approval of horses and goats need to be approved regardless of animal qty and land size.

I have also read that livestock used for business purposes is looked at differently than livestock used for pleasure. In some towns, this changes the zoning regulations. Again, not sure how Beacon Falls classifies this.

As sent prior, our neighborhood got together and signed a 35 name petition agreeing that we all do NOT approve what Susan is trying to put into place for a multitude of reasons. Does this petition hold weight and shouldn't it have been addressed at the appeals meeting last night?

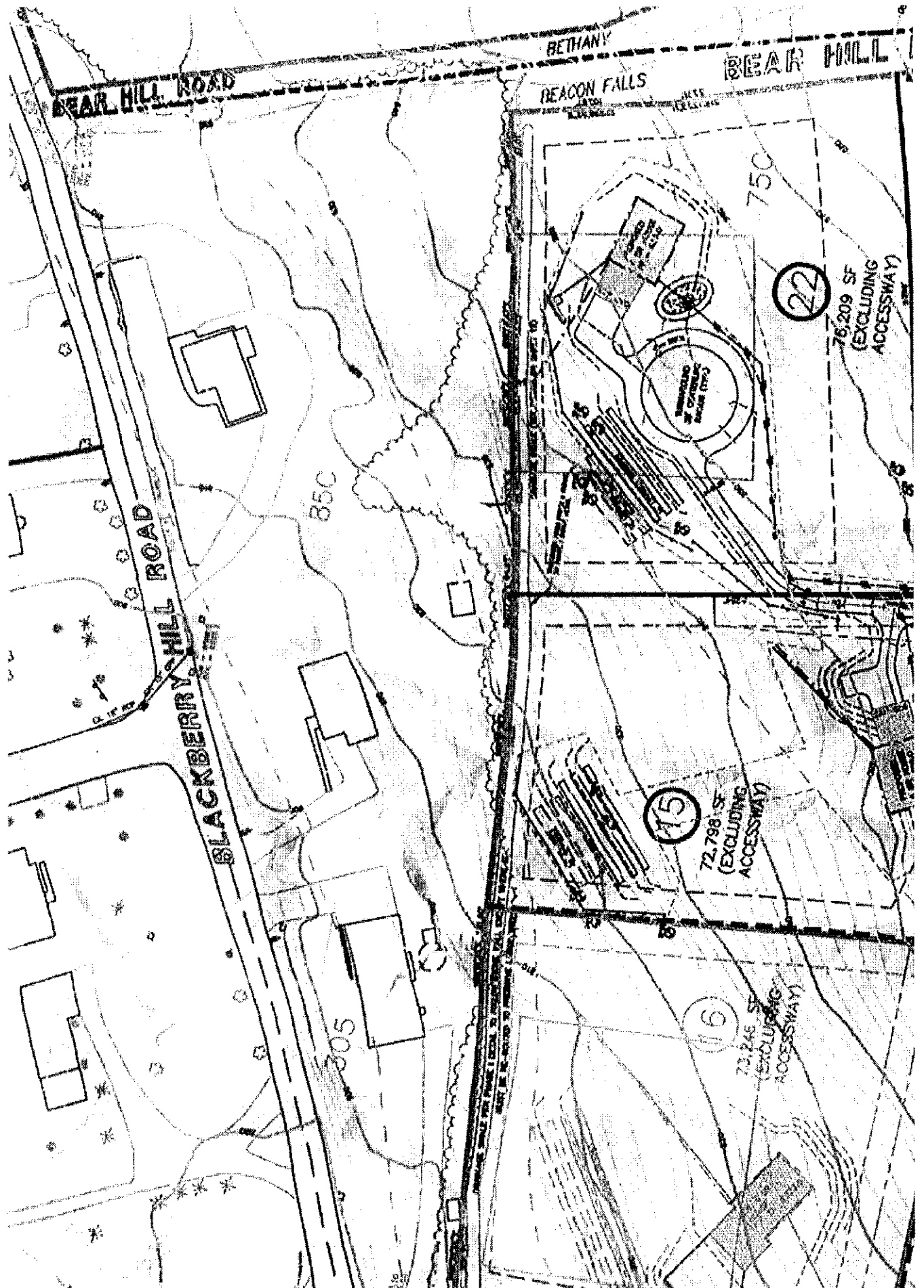
I'm almost positive that her business needs to be approved to be ran in a residential zoned area. She is a licensed Psychotherapist and runs a Psychotherapist business using animals as her therapy tools. It only makes sense that she establishes her business in a proper zoned area for such. Her business drives traffic, safety concerns, stability of client concerns, the smell and care of animals, alone with the displeasure of the entire tax paying neighborhood per the petition.

Lastly, letters written as comment from the public vs correspondence. What is the difference and what one should the neighborhood be using so our voices are heard and read?

I know you are a busy man and the McDuffie topics at hand aren't making your days any easier. Speaking for myself and my neighbors, we appreciate all that you are doing and all your help.

Sincerely,

Kevin and Dawn Dokla  
10 Timber Ridge Lane



17 IN FAVOR  
LOT 15

17 IN FAVOR  
22 IN FAVOR OF LOT 15  
720'

76,209 SF  
(EXCLUDING  
ACCESSWAY)

22

MANUFACTURING  
OR DISTRIBUTION  
RACKS (TYP.)

TES

Y FOR THIS PROPERTY PERFORMED BY

IS 22.11 AC.

AND WATERCOURSES AGENCY EXERCISES

AND LOCATED BY RIGORDAN SURVEYING.

IC, TELEPHONE OR OTHER FACILITIES OF

ATED CONCRETE PIPE UNLESS

UNDERDRAIN CAN BE SUBSTITUTED FOR

EVER SIGNIFICANT CUTTING IS REQUIRED

HOUSES SHALL BE CONNECTED TO

REFACE SEWAGE DISPOSAL SYSTEM

ON PUBLIC WATER SUPPLY.

1. 100%

**BLACKBERRY DEVELOPMENT, LLC**

**P.O. BOX 2327**

**SHELTON, CT 06484**

**SITE PLAN**

**OAKWOOD ESTATES**

**PHASE II**

**BLACKBERRY HILL ROAD**

**10.8% OF TOTAL PARCEL)  
BOTH PHASES I AND II.**

## ATTORNEY STEVEN E. BYRNE

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2B Farmington Commons, 790 Farmington Ave., Farmington, CT 06032  
(860) 677-7355 (860) 677-5262 fax  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)

To: Town of Beacon Falls Zoning Board of Appeals  
From: Attorney Steven E. Byrne  
Date: December 10, 2020  
Re: **Application No. 020-01; 12 Timber Ridge Lane**

I have been retained by Susan McDuffie, the applicant in this matter. She is the owner of 12 Timber Ridge Lane and is requesting a variance so that she can keep two goats at this property. This property is part of the Oakwood Estates Subdivision and is presently undeveloped. According to the town's records, the property is 1.85 acres and is located at the end of a residential cul-du-sac.

Susan is requesting relief from the hardship caused by Section 8.8.2 which states "No livestock shall be kept on a lot of less than five (5) acres". The term livestock is not defined in the regulations. Due to the uncertainty caused by the lack of a definition, she requests that this Board find that goats do not come within the definition of livestock when they are used as therapy animals and not as farm animals. Since her goats are not livestock but are therapy animals used in connection with her profession, the 5-acre limitation does not apply to her use of her property. A finding by this Board that her goats do not come within the reach of Section 8.8.2 would relieve her of a substantial hardship caused by the application of this vague and uncertain regulation to her property.

Section 71 of the zoning regulations sets forth the powers of this board. One such power is "To determine and vary the application of these regulations". In doing so, this Board must insure that granting the variance will be in "harmony with their general intent" and that it gives "due consideration for conserving the public health, safety, convenience, welfare and property values". The granting of a variance can be done where "the literal enforcement of these regulations would result in exceptional difficulty or unusual hardship".

In this case, the zoning regulations fail to define a term, which has left the applicant unsure as to the permitted use of her property. It has been found that a zoning board of appeals was correct to not apply a zoning regulation which prohibited livestock to a miniature pony that provided therapeutic services where the term livestock was not defined and the animal was not used for traditional farming purposes. *Bernard Sherneski v. Zoning Board of Appeals, No. 228865, Superior Court, J.D. New Haven*. Susan's situation is identical to this case, except that her therapy animals are goats. This Board should also not apply this vague and undefined regulation as doing so would cause a hardship.

Allowing 2 goats, kept as therapy pets, on an approximately 2 acre lot will not negatively affect property values or the character of the neighborhood. These animals are kept as pets and not as farm livestock. In addition, any concerns regarding negative effects to neighboring property can

ATTORNEY STEVEN E. BYRNE

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2B Farmington Commons, 790 Farmington Ave., Farmington, CT 06032  
(860) 677-7355 (860) 677-5262 fax  
[attysbyrne@gmail.com](mailto:attysbyrne@gmail.com)

be addressed by attaching reasonable conditions to the variance such as requiring screening or land management practices.

An independent legal basis for granting this variance application can be found in the Americans with Disabilities Act. This federal law requires local agencies to make reasonable accommodations for persons with disabilities. There is also the Fair Housing Act, which requires that reasonable accommodations be made so that a person can enjoy and use a dwelling. It has been held that the keeping of a miniature horse was reasonable and necessary under the Fair Housing Act where said horse was a trained therapy animal. *Anderson v. City of Blue Ash, 2015 WL 4774591 6<sup>th</sup> Cir.* Such is the case for Susan, where she plans to keep 2 therapy animals. Under federal law, this Board must make a reasonable accommodation for Susan and allow this use, subject only to reasonable conditions.

It should be noted that the keeping of domestic animals, which traditionally have been viewed as livestock, are kept at residential properties of under 5 acres in Beacon Falls. It would be fundamentally unfair to deny this use to someone who has come forward and seeks to work within the zoning system.

For these reasons, this Board must approve the variance application.



**MARINO, ZABEL &  
SCHELLENBERG, PLLC**  
ATTORNEYS AT LAW

**Vincent M. Marino, Esq.**

Direct Dial: 203.864.4661  
Email: vmarino@mzslaw.com

**MEMORANDUM**

**TO: The Honorable Gerard Smith, First Selectman**  
**FROM: Vincent M. Marino, Esq., Land Use Counsel**  
**DATE: December 1, 2020**  
**RE: The Authority to Grant a Variance from Art. I, sec. 8.8**

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You asked me to opine on whether it would be proper for the Zoning Board of Appeals to grant a variance to a property owner from the restrictions of Article I, section 8.8 of the Zoning Regulations of the Town of Beacon Falls (the "Zoning Regulations"). You specifically inquired whether a variance could be granted to allow a property owner to use a goat as a therapy animal in a home counseling business.

Section 71.2.3 of the Zoning Regulations authorizes the ZBA to vary the application of the Zoning regulations "in harmony with their general purposes and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these Regulations would result in





exceptional difficulty or unusual hardship....” This language is substantially similar to the comparable provisions of Conn. Gen. Stat. §8-6 (3)<sup>1</sup>.

“A variance is authority granted to the owner to use his property in a manner forbidden by the zoning regulations.... The power of the board to grant a variance should be used only where a situation falls fully within the specified requirements.... Thus, the power to grant a variance should be sparingly exercised.” Kaeser v. Zoning Bd. of Appeals of Town of Stratford, 218 Conn. 438, 445 (1991), citing Allen v. Zoning Board of Appeals, 155 Conn. 506, 510, 235 A.2d 654 (1967). “An applicant for a variance must show that, because of some peculiar characteristic of his property, the strict application of the zoning regulation produces an unusual hardship, as opposed to the general impact which the regulation has on other properties in the zone.” *Id.*, citing Dolan v. Zoning Board of Appeals, 156 Conn. 426, 430, 242 A.2d 713 (1968). “The hardship which justifies a board of zoning appeals in granting a variance must be one that originates in the zoning ordinance ... and arises directly out of the application of the ordinance to circumstances or conditions beyond the control of the party involved.” *Id.*,

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<sup>1</sup> Conn. Gen. Stat. § 8–6 provides in part: “POWERS AND DUTIES OF BOARD OF APPEALS. PPEALS. The zoning board of appeals shall have the following powers and duties ... (3) to determine and vary the application of the zoning ... regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such ... regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured....”



citing Whittaker v. Zoning Board of Appeals, 179 Conn. 650, 658, 427 A.2d 1346 (1980). "Where the claimed hardship arises from the applicant's voluntary act, however, a zoning board lacks the power to grant a variance." Id.

If a property owner were to seek a variance from the standards and conditions stated in Article I, section 8.8 of the Zoning Regulations for a parcel that otherwise complies with the Zoning Regulations, I am of the opinion that that ZBA would lack the authority to grant such a request because any claimed hardship would not arise out of "circumstances or conditions beyond the control of the party involved."



Vincent M. Marino, Esq.

Direct Dial: 203.864.4661  
Email: vmarino@mzslaw.com

**MEMORANDUM**

**TO: The Honorable Gerard Smith, First Selectman**

**FROM: Vincent M. Marino, Esq., Land Use Counsel**

**DATE: December 1, 2020**

**RE: The regulatory framework concerning keeping livestock on property in Beacon Falls**

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You asked me to opine on the meaning of the word "livestock," as that word is used in the Zoning Regulations of the Town of Beacon Falls (the "Zoning Regulations"). You specifically inquired if goats were included within the definition of "livestock."

Article I, section 8.8 of the Zoning Regulations provides additional standards and conditions. Section 8.8.2 specifically provides that:

***No livestock shall be kept on a lot of less than five (5) acres and any building in which the livestock or poultry are kept shall not extend within less than 150 feet of any property or street line, except as follows:***

8.8.2a Horses or ponies may be kept on a lot of less than five (5) acres provided that the lot contains an area of not less than 40,000 square feet for each such animal and the total number thereof does not exceed three (3); and,

8.8.2b An aggregate of not more than 20 chickens or other poultry may be kept on any lot if kept in a building or enclosure conforming to the setback requirements for buildings and other structures.



The Zoning Regulations do not expressly define the word “livestock.”

“The plain and ordinary meaning of the word ‘livestock’ is any domestic grazing animal capable of being raised for commercial purposes or being used as draft animals. ‘Livestock’ connotes animals not reasonably capable of dwelling under the same roof as its owner. Kaesar v. Zoning Board of Appeals, 218 Conn. 438, 443 (1991).” Farnsworth v. Zoning Bd. of Appeals of Town of N. Branford, No. CV 950377477S(X20), 1996 WL 106787, at \*2 (Conn. Super. Ct. Feb. 23, 1996). “. . . . in the context of zoning regulations, animals described by the word ‘livestock’ do not change when the purpose for which such animals are kept changes.” Id.

In Farnsworth, the Court held that “the plain and ordinary meaning of the word ‘livestock,’ the dictionary definition, and related but not directly in point precedent, demonstrate that the word ‘livestock’ is sufficiently clear so as to put a homeowner on notice of what animals are permitted in the zone.” Id. at \*3. In dismissing the appeal, the Court agreed with the Town that goats were within the scope of the definition of “livestock.”