

**Beacon Falls Zoning Board of Appeals
10 Maple Avenue
Beacon Falls, CT 06403**



**BEACON FALLS ZONING BOARD OF APPEALS
Public Hearing Meeting
December 10, 2020
MINUTES
(Subject to Revision)**

1. Call to Order/Pledge of Allegiance

BM called the Public Hearing to order at 7:00 P.M. members said the Pledge of Allegiance the Clerk read the call.

Members Present: Bill Mis (BM), Benjamin Smith (BS), Mary Ellen Fernandes (MF), Tony Smith (TS), Brian Horgan (BH)

Members Not Present:

Others Present: First Selectman Smith (GS), Susan McDuffie (SM), Vincent Marino, Esq. (VM), Eva Newell (alt.), Michael Mormile, ZEO, 5 members of the public

2. Voters of the Town of Beacon Falls, Connecticut will be heard at the Public Hearing regarding the proposed items below.

• **Application No. 020-01; 12 Timber Ridge Lane**

SM, 344 Bethany Road, Beacon Falls – I am putting in for a variance for my two goats to live with me on my property at 12 Timber Ridge Lane when my house is done being built. The regulations were not clear regarding the goats. About a year ago I looked up the regs, I know with a variance you need to reach out to the neighbors. So, I reached out to him via my husband Kevin to bridge the gap to say what I was going to be doing and to discuss my plans. I did include some of the initial texts. That was about a year ago. I reached out on 3 different occasions and we were never able to talk. I did nothing for a year because the house was not yet built. It was brought to my attention that people in the community were speaking about me putting in a petting zoo. I clearly stated that I was a therapist bringing my goats. At one point, more recently, a neighbor informed me that people were worried about bus loads of children. No one has asked me about my business or what I would be doing with the animals. There was a story created which has gotten bigger over time. This has created anxiety with my neighbors. I am aware of the petition, as the neighbor provided me with a copy. My concern is it is a petition of 35 signatures based on an inaccurate story. I am moving into this neighborhood and I feel that everyone knows something about me but does not know anything about me at all. I am asking that the Board keep that in mind when they see the 35 signatures. Were they collected fairly? Just to go over what I have included, I have a picture of the texts (I was unable to redact the names), I provided a copy of the letters that I sent to neighbors about this meeting and a picture of where my property is. The goats would not be roaming near anyone's house. Behind me, is Blackberry Hill and there is a wall and a good distance from another house. I had reached out early on to get legal guidance, so I have included a letter for Attorney Byrne. BM – we just got that letter today. SM – he covers all basis in that letter. BM – Board Members did confirm they received the letter from Attorney Byrne. BM – SM – did you send out registered letters to adjoining property owners? SM – yes, and I

included copies of the receipts. BM – I did receive an email from a property owner who said he did not get a letter and I did confirm that he is not an adjoining property owner. I let him know that. VM – I am on the call if you need me and I did submit a memo on this subject. BM – thank you, it has been provided to board members. BS – you said that you were addressing the goats separate from your business. I thought initially that was the argument for the variance, was your client's relationships with the goats? That aside, your argument is that it is unclear what constitutes livestock. Referencing Attorney Marino's letter, goats are considered livestock. Every law reference that I have found itemizes goats as livestock. In addition to Attorney Byrnes letter, we should reference Attorney Marino's letter on behalf of the Town which in my opinion clearly states the Town's position and clarity of the situation. BM – Good point. I did some research as well and the 1988 disaster assistance legislation did include goats as livestock and the term livestock is broadly referred to as animals kept by humans for a useful commercial purpose. SM – that right there, useful commercial purpose, meaning, milking, breeding, meat, etc. that is what livestock is known for. Not as a pet used as a therapy animal. VM – first the ZBA can disregard the town attorney's opinion on this however, I think when she purchased the property, she knew that goats were not allowed in this zone. SM – do not speak for me. VM – you are responsible for knowing the zoning regulations. Everyone who purchases property is charged with knowing the zoning regulations. At the time she purchased the property, it was clearly stated in the regulations that livestock were not permitted in the zone. I have found no cases that excluded goats from livestock. On the contrary, I found cases where they were added, in similar cases. Her therapy business is commercial purpose and therefore are not a hardship. Economic purposes are not hardships. It must be related to the land. In my opinion, a variance cannot be granted for purposes of allowing goats, that would be in contravention to the zoning regulations. MF – this whole board is based on the premise of going around the zoning regulations as they exist and allowing people to do things against the regulations correct? BM – I will not say that is % but there are times when that is true. People will appeal for something against regulations and it is up to us to use our judgement. BS – our Board is here to protect the integrity of the Zoning laws and the interest of the town's people. We need to take the big picture into consideration and be very careful not to provide variances just because it is outside of the regulations. Our Board is here to protect the zoning laws. MF – any time an appeal or variance is granted, we do not keep the integrity of the zoning regulations intact. BS – that is where a qualifying hardship would come into matter. SM – I am a little derailed, I did not know legal counsel was going to be speaking against me. I would have had my legal counsel attend. It does not feel very fair and balanced. In terms of commercial use or not, last time that we spoke, those parameters about what I was to speak to, were set by the board. I am not speaking about them as my therapy animals because the last time we spoke I was told to keep them separate. Why would I buy property if I could not bring my animals? It was not clear to me. If we are going to bring up my property and commercial use, then I will talk about the hardship of my clients and my practice. To stop that would create a hardship for those clients. BM – understood. In your application, you stated that you use your goats in your home therapy practice. Does anyone from the Board have any more questions? BH – are they livestock or pets. SM – they are pets. They are neutered and their horns are cut back to be safe. They are not used for milking, meat, breeding etc. they have relationships with humans. The biggest hardship is losing these goats. They are vaccinated, brought to the vet, etc. Everything you would do with another pet.

BM – if the Board has no more questions, I would like to open the hearing up to anyone who would like to speak for the applicant. Is there anyone on the Zoom call that would like to speak for the applicant. Third and final time, anyone here that would like to speak for the applicant? No one wished to speak for the applicant.

BM – is there anyone on this call who would like to speak against the applicant. Is there anyone on this call who would like to speak against the applicant.

VM – I am in opposition and can speak about that at your discretion.

Dawn & Kevin Dolka - 10 Timber Ridge Lane – when we purchased property here we specifically bought because of the surroundings, neighborhood lack of business and downtown environment. We knew the zoning rules and regulations when moving into town and this investment. Now, the opportunity for things we were not looking for possibly being opened into the area is why we are against this. As a comment towards the hardship of the business, there is no where that says the business needs to be ran out of a home in a residential neighborhood. No one is saying the business needs to end and the animals cannot be used, it should just be done in a different nonresidential area.

BM – is there anyone else on the call who would like to speak against the applicant?

Mike Card – 7 Timber Ridge Lane – I am speaking because my signature on a petition that my neighbor passed around was called into question. He told us there was a business that wanted to open and use animals. I signed the petition based on that information, not because of any stories.

Kevin Dolka – 10 Timber Ridge Lane – on the top of the petition it clearly states what the petition is for and does not state anything other than what we are talking about today.

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VM – For the record, if any other Board/Commission of the Town disagrees, I would like the record to state that Mrs. McDuffie's testimony stated that this is a hardship for her and her clients and not specific to the land. A hardship for the purposes of a variance must be specific to the land. Any vote to approve a variance given those facts would be improper.

SM – something about this feels prejudicial. There are many landowners around here with different animals who do not fall in the proper variances. Everyone is ok with that because it is Beacon Falls. BM – that is not this conversation.

BM – no further discussion.

3. Adjournment

BM – no further discussion. BM closed the hearing at 7:33 P.M. BM announced a two minute recess prior to the ZBA Regular Monthly Meeting.

Respectfully submitted,

*Kerry McAndrew
Clerk, Zoning Board of Appeals*