

Town of Montville Zoning Board of Appeals
Regular Meeting Minutes
Wednesday, January 11, 2012 – 7:00 p.m.
Town Council Chambers

1. Call to Order

Chairman MacNeil called the regular meeting of the Zoning Board of Appeals to order at 7:01 p.m. after establishing a quorum.

2. Roll Call

Present were Board Members Adams, Bassetti, McNally and MacNeil. Absent was Board Member Lakowski. Also present was alternate member Freeman and Zoning Enforcement Officer, Thomas Sanders. Board Member Freeman was seated as a full voting member in the absence of Board Member Lakowski.

3. New Business

4. Public Hearings

a. Michael and Amylynn Morris 211-ZBA-5 – An application for a variance of Section 1.3 Definitions, Farm, Farm Animals, and Farm Buildings to allow chickens to be kept as pets/tick control on the property located at 45 Forest Drive, Montville, CT as shown on Assessor's Map 102 Lot 83.

Chairman MacNeil asked if the mailings are in order and Mr. Sanders indicated they are. Mr. Sanders stated the primary concern is public health and explained the application began when there was a complaint made from the Mayor's office regarding chickens on a property of less than five acres. He explained farms are not permitted in the residential twenty thousand square foot zone where the property of the Morris family exists. He stated this particular subdivision's water source comes from private wells and there is a concern for water contamination from the waste from the chickens. The structure to house the chickens is along the rear property line and there is no location of the property that would meet the one hundred and fifty foot setback requirements for a farm building or manure pile. It is the recommendation of the staff to deny this request.

Chairman MacNeil asked if there was anyone present who would like to speak in favor of the application.

AmyLynn and Michael Morris, 45 Forest Drive, the applicants were present to discuss the variance application and to answer questions from the Board. They stated their request has been filed in order to request permission to keep the eight chickens they have on their property for the purpose of tick control and as their personal pets. Ms. Morris stated their property has an excessive amount of ticks and they have tried to mitigate the problem by using pesticides on both the lawn and on their pets with no real results. After doing some research they discovered there is a particular type of chicken that is bred to seek out ticks and bugs and for this reason they purchased the hens and the tick problem was eliminated. Prior to the chickens they lost one dog to a tick borne illness and two additional dogs had

contracted lyme disease from the ticks picked up in the yard. Mr. Morris stated he consulted his immediate neighbors prior to purchasing the chickens and they did not have an issue with his request. He stated he had also researched the zoning regulations pertaining to chickens and he read the definition to state farm animals are considered to be a domestic animal maintained primarily for milk or food production or raw materials for natural fiber products including horses maintained for recreational purposes and he does not consider his chickens to be any of the above. He explained he does not intend to eat them as they are pets and they are used primarily for pest control and secondary as personal pets. He submitted letters of support from the neighbors to the Board to take into consideration.

Mr. Donald Corcoran, 50 Forest Drive, stated he is not against the Morris' keeping the chickens but he is concerned regarding the Board setting a precedence that will allow anyone who wants to keep chickens to do so, even on small residential lots. He expressed concern the birds may attract coyotes and fisher cats to the area.

Mr. Steven McShane, 15 Boris Drive stated he does not have an issue with the Morris' keeping the chickens on their property and stated years ago if families wanted fresh eggs or meat they would keep chickens on their property without issues. He explained society has become used to utilizing super markets and has moved away from organic harvesting of natural resources.

Mr. Sanders read into the record a letter from Ms. Lisa Hart, 35 Forest Drive speaking in favor of approving the variance; a letter from Mr. Lee, 44 Wildwood Lane speaking in favor of granting the variance and a letter from the property owners of 30 Forest Drive speaking in favor of granting the variance as requested.

Chairman MacNeil asked if there was anyone present who would like to speak in opposition of the application.

Mr. Sanders read into record a letter sent to the Board from abutting property owners Andrew and Monica Brewster, 60 Wildwood Lane speaking in opposition of the granting of this application. The letter states they have concerns regarding the chicken waste and its potential impact to the well water. He stated the chickens are not contained to the Morris property and often make their way through the neighborhood leaving behind potentially harmful waste.

Mr. Morris stated he is not sure why the Brewster's wrote in the letter requesting denial, except to say they have had issues in the past with their dogs. He stated the chicken coop is eight feet from the boundary line of their property and the chickens do not escape and wander onto his property. He stated there has been a trend in cities and towns to allow for residential neighborhoods to house chickens.

Motion made by Board Member MacNeil, seconded by Board Member Adams to close the public hearing for application #2011-ZBA-5 at 7:25 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

5. Old Business

Motion made by Board Member MacNeil, seconded by Board Member Adams to deny application 211-ZBA-5, a request to allow for the keeping of farm animals on an undersized lot in an R-20 Zone. The reasons for denial are as follows;

The specific conditions on the site are not unique to the applicants' land and will not generally affect the district in which the property is located;

The literal enforcement of the provisions of the regulations would not result in an unusual hardship or exceptional difficulty and would deprive the applicant of the reasonable use of the land;

The unique conditions and circumstances associated with the request are the result of actions of the applicant taken subsequent to the adoption of the Zoning Regulations;

The variance would not be in harmony with the general intent and purpose of the Zoning Regulations and would conserve the public health, safety, convenience, welfare and property values.

Discussion; Chairman MacNeil stated he does not want to set a precedence for this type of activity, it is not permitted and if this Board grants this request it would open up the possibility for everyone in the R-20 residential zone to house farm animals. He stated an amendment to the Zoning Regulations would have to be adopted in order to allow this to happen and it is not the job of this Board to do so. Board Member Adams stated there is no intent of the property owners to breed the chickens because they do not have a rooster. He stated there are many residents who house chickens in the Town of Montville but this particular case was the result of a complaint to the Mayor's office and now it has to be acted on. He stated there are many cities and towns throughout the country that have loosened their restrictions regarding housing chickens, but Montville is not one of them yet. Board Member Freeman stated if this is a direction the town chooses to take in the future an ordinance will need to be written to establish the fact, but at this time it is the duty of the Board to enforce the Zoning Regulations as they stand. He stated he would have chickens himself if he was allowed to do so, but he is not. Board Member Bassetti discussed the possible contamination of wells in residential areas due to run off, stating it could potentially be a public health issue.

Roll Call Vote: 5-0, voting in favor of denial of application #2011-ZBA-5 were Board Members Adams, Bassetti, Freeman, McNally and MacNeil, voting in opposition, none, application denied.

Mr. Sanders requested the Board set a Public Hearing date of Wednesday, February 1, 2012 for hear a variance request of application 2012-ZBA-1.

Motion made by Board Member MacNeil, seconded by Board Member Adams to set a Public Hearing date of Wednesday, February 1, 2012 for hear the variance request of application 2012-ZBA-1.

Discussion, none, voice vote, 5-0, all in favor, motion carried.

6. Approval of the minutes of December 7, 2011.

Motion made by Board Member MacNeil, seconded by Board Member Bassetti to approve the December 7, 2011 regular meeting minutes with the following correction; last page, adjournment was

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at 8:30, not at 7:30 p.m. Discussion, none, voice vote on approving the meeting minutes as amended, 5-0, all in favor, motion carried.

7. Communications – none.

8. Other Business and Applications to come before the Zoning Board of Appeals - none.

9. Adjournment

Motion made by Board Member MacNeil, seconded by Board Member Adams, discussion, none, voice vote, 5-0, all in favor, motion carried and the meeting adjourned at 7:35 p.m.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville