

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



BEACON FALLS ZONING BOARD OF APPEALS
Monthly Meeting
May 13, 2021
MINUTES
(Subject to Revision)

1. Call to Order/Pledge of Alliance

BM called the Monthly Meeting to order at 7:31 P.M.

Members Present: Bill Mis (BM), Benjamin Smith (BS), Mary Ellen Fernandes (MF), Nancy King (NK) on behalf of Tony Smith (TS)

Members Not Present: Brian Horgan (BH) Tony Smith (TS)

Others Present: Kristina & Cody Muth, Selectman Krenesky, 5 members of the public

2. Approval of Minutes – BM - motion made to approve the minutes of the meeting held on April 8, 2021 and the Special Meeting held on April 13, 2021, BS/MF, all ayes.

3. Correspondence – None

4. New Business – New application for appeal, 021-01 from Cody & Kristina Muth residing at 229 Burton Road.

MF – I am concerned because I have heard tonight and found 4 different definitions of the livestock. In our Regulations 8.8.2 says livestock should not be on less than 5 acres, but it does not define livestock. 8.8.2 specifically talks about horses or ponies, 8.8.2b mentions chickens. I do not see anything specific to goats, therefore it is a possibility that this definition of livestock in our Regulations does not include goats. I am not saying it is true, but it could be. We heard the applicants, we heard BS definition, and I googled the legal definition of livestock and it says there are 3 main types, cattle, horses, and sheep. Then it says that sometimes goats depending on the situation. Which lends me to, depending on the situation. You can argue on either side of this, but it is not specific.

BM – which is why I bought a copy of the CT State Statutes which is the bases for the Zoning regulations for the definition of livestock. The State Statute says hoofed animals and that is what the Zoning Regulations are based off.

MF – I hear and understand what you are saying, but I disagree because I am on the side of, they are not being specific. Other regulations define what they are talking about. They define other animals but not goats.

BS – I am not going to address the definition, we have discussed that enough, but I want to say that I do not want this to come off as being targeted or harsh. I personally agree with all the benefits about raising your son with them. The responsibilities etc. I agree with it all. The downfall is that we must operate within the existing regulations. The consensus from the hearing, what we have seen on social media, is that Beacon Falls is a quaint town etc. and how you want to raise your son the right way, I think that is great and this presents an opportunity to bring this issue further. Put together a committee and a plan and guide your Town how you want it to be. Along with all that you have done I think you guys are doing a great job with Waylon and you can lead by example again by saying, hey your dad ran into a roadblock and overcame it by putting together a committee, petitioning the town and going about it the right way. Unfortunately, for this scenario, we have to operate

under the current zoning laws, and we do not have the authority to change the existing laws. I highly recommend that you take it as far as you need to go.

MF – Point of Order – isn't this supposed to be discussion among us? BS – no, he is making a statement, everyone is here, I cannot tell them to leave. MF – I am not asking them to leave, I thought BS was talking directly to the applicant. BM – no, he is making a statement.

BS - We are also in a unique scenario because we just had another hearing about this, and we have to follow that precedent. There was not a sufficient hardship to grant the variance and that is how we need to operate. We need to be specific because it was mentioned that there are many other property owners operating outside of the current zoning laws and they unfortunately were not brought to our board, the Muth's were. That is what we need to rule on. On a personal level, I agree with all that you are doing, and I wish you the best of luck with all the changes you desire going forward.

BM – we do not know who the other 23 residents are and that will be addressed with the ZEO if they are not in compliance. They should be cited as well. Other points brought up, why horses are allowed, and goats are not, is not up to us. We have to uphold the Planning & Zoning Regulations for the town. As far as the hardship, they are pets, if there was a different hardship there would be a different discussion. Pets are pets. I have lived here most of my life and growing up I had a goat, chickens, and other animals so I understand.

BM - Does the board have anything else at this point?

BS motion to vote to deny application 021-01 for the reason of not an applicable hardship and the lot does not fall within the regulatory necessary acreage, seconded by NK, MF for discussion – I disagree with this whole thing. We have a viable loophole in the regulation that does not define livestock. MF opposed, all others aye.

5. **Old Business** – none

6. **Adjournment**

BS made a motion to adjourn at 7:46PM, seconded by NK, all ayes.

Respectfully submitted,

Kerry McAndrew
Clerk, Zoning Board of Appeals