

MINUTES OF OCTOBER 4, 2021 REGULAR MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING
IN-PERSON MEETING AT EASTON TOWN HALL CONFERENCE ROOM A

The meeting was called to order at 5:30pm by Chairman Raymond W. Ganim
Regular members present - Victor George, James Wright, Stephanie Christie, Thomas
Dollard and Raymond W. Ganim
Alternate members present - Charles Lynch, Scott Charmoy and Davis Owen Jr.
For the record: James Wright recused himself as he will be one of the contractors for the
owners. Charles Lynch was appointed to vote in place of James Wright

1. Appointments: None
2. Public Hearing: The Chair stated that both applications for 433 Center Road would be presented simultaneously:

Z-21-5627-06, for 433 Center Rd, LLC (Alain Bourgeois), 433 Center Road, Easton, CT, for a variance of Section 3530 of the Easton Zoning Regulations in order to allow for the construction of a new single story, one family residence w/attached garage to replace a pre-existing non-conforming two-story single family dwelling with detached garage, 20 feet in lieu of 50 feet, minimum front yard setback, and 42.9' in-lieu-of 75' from the center of Center Road; and for a variance of 7140 3a, Non-conforming Structures, proposal to decrease the number of non-conforming structures from house and garage to one house w/attached garage, increase the square footage inside the setback zone (1699sf to 1801sf).

Z-21-5630-07, for 433 Center Rd, LLC (Alain Bourgeois), 433 Center Road, Easton, CT, for a variance of Section 3530 of the Easton Zoning Regulations in order to allow for the construction of a new accessory structure in same footprint, plus added passive house insulation, to contain 1 bedroom, 1 small kitchen and 1 bath, 1 foot in lieu of 50 feet, minimum front yard setback, and 25' in-lieu-of 75' from the center of Center Road; for a variance of 7140 3a, Non-conforming Structures, increase the square footage inside the structure due to basement (554sf to 904.56sf); and for a variance of 7130, Non-Conforming Uses.

Owner/applicant, Alain Bourgeois, presented the above applications and went through the history of the property and stated that he is the owner of the abutting property, 449 Center Road. He stated that both the pre-existing non-conforming two-story dwelling and the pre-existing non-conforming accessory structure needed to be removed as they contained toxic mold and he has lung issues. He submitted one additional letter of support from a neighbor of the project. He further stated that he believed the accessory structure was constructed with a summer kitchen.

Meret Lenzlinger of Lenzlinger Architecture, 126 13th Street, Brooklyn, NY spoke about the design of the two structures, the residence and the accessory structure.

Discussion was held that the existing dwelling contained a front porch with steps and walkway leading down to the road, indicating the structure of the dwelling was much closer to the front property line than shown on the plans submitted.

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2. Public Hearing (continued):

Discussion was held regarding the use of the accessory structure and whether both structures could be moved further back. Alain Bourgeois stated he could move the structures back 3.5 feet if the Board felt it was necessary. One Board Member commented that in areas of ledge radon can be present; it's better not to change it.

Jessica Bourgeois, 449 Center Road, wife of Alain Bourgeois, stated that they wanted to maintain the integrity of the land and not change the character of the land, by moving the structures further back on the property.

Discussion was held as to the location of the septic and the applicants concluded their presentation to the Board.

The Chair noted the following items for the record, other than the application, which were marked as exhibits.

1. E-mail sent to the Department of Public Health, Drinking Water Section 9/20/21.
2. Picture of certified receipt, green card, for plans sent to Aquarion Water Company.
3. Comments from the Health Officer, Eren Ceylan, dated October 4, 2021 regarding the proposed new dwelling and accessory building structure.
4. Letter of support from neighbor Mandeep Sahota, 409 Center Road.

There were no members of the public present to speak in favor or against either of the applications. With nothing further being presented, the public hearing was closed and the Board moved into deliberations.

Victor George made a motion to approve both requests for variances stating that both structures were being replaced, the dwelling going from 1699sf to 1801sf, and the accessory structure, going from 554sf to 904.56sf, both proposed to encroach less into the setbacks as indicated on the plans submitted as of 10/04/2021, stating the exceptional difficulty of the ledge and mold on the property and that the new structures would create a significant improvement to the property. There was no second to this motion as it was determined that there should be two separate motions, one for each application.

On Z-21-5627-06, 433 Center Rd, LLC (Alain Bourgeois), 433 Center Road, Easton, CT, motion was made by Victor George, seconded by Charles Lynch, to approve the variance of Section 3530 of the Easton Zoning Regulations in order to allow for the construction of a new single story, one family residence w/attached garage to replace a pre-existing non-conforming two-story single- family dwelling with detached garage, as it reduces the existing encroachment into the front yard setback and to approve the variance of 7140 3a, Non- conforming Structures, proposal to decrease the number of non-conforming structures from one house and a detached garage to one house with an attached garage, and increase the square footage inside the setback

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2. Public Hearing (continued):

On Z-21-5627-06, 433 Center Rd, LLC (continued)

zone (1699sf to 1801sf), as one of the non-conforming structures had been eliminated, stating the significant improvement to the property and the exceptional difficulty due to the ledge and the toxic mold in the house. The vote was unanimous, 5-0, motion carried.

On Z-21-5630-07, for 433 Center Rd, LLC (Alain Bourgeois), 433 Center Road, Easton, CT, motion was made by Thomas Dollard, seconded by Stephanie Christie, to approve a variance of Section 3530 of the Easton Zoning Regulations in order to allow for the construction of a new accessory structure in the same footprint, plus added passive house insulation, as there will be less encroachment into the front yard setback as depicted on the plans submitted as of 10/04/2021, as you are replacing this unusable structure containing toxic mold and to approve a variance of 7140 3a, Non-conforming Structures, to increase the square footage inside the structure due to basement (554sf to 904.56sf).

After discussion, the motion made by Thomas Dollard, seconded by Stephanie Christie, was amended to include the statement that to not allow the replacement of the accessory structure, the literal enforcement of the zoning regulations, would result in exceptional or unusual hardship.

After discussion, the motion made by Thomas Dollard, seconded by Stephanie Christie, was amended to include the statement that the accessory structure is not to be used as a residence. The vote was unanimous, 5-0, motion carried.

After discussion, the Board determined they should reconsider the original variances granted for the replacement dwelling and include a similar statement. On Z-21-5627-06, 433 Center Rd, LLC (Alain Bourgeois), 433 Center Road, Easton, CT, motion was made by Victor George, seconded by Charles Lynch, to add an additional statement that to not allow the replacement dwelling, the literal enforcement of the zoning regulations, would result in exceptional or unusual hardship. The vote was unanimous, 5-0, motion carried.

3. REVIEW AND APPROVE:

Regular Meeting Minutes of the Easton Zoning Board of Appeals for August 2, 2021. Motion was made by Victor George, seconded by Stephanie Christie, to approve the Minutes for August 2, 2021 Easton Zoning Board of Appeals as presented. The vote was unanimous, 5-0, motion carried.

4. OLD BUSINESS: None

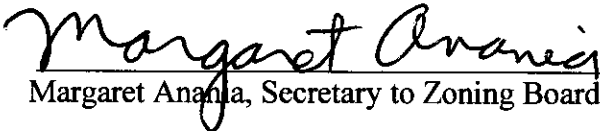
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5. NEW BUSINESS: Motion was made by Victor George, seconded by Charles Lynch, to add to the agenda the discussion of the election of the Vice-Chair. The vote was unanimous, 5-0, motion carried. Motion was made by Victor George, seconded by Stephanie Christie, to elect Thomas Dollard as the Vice-Chair of the Easton Zoning Board of Appeals. The vote was unanimous, 5-0, motion carried.

The Chairman, Raymond Ganim, welcomed Davis Owen Jr. as an alternate on the Easton Zoning Board of Appeals.

6. ADJOURNMENT

Motion was made by Victor George, seconded by Stephanie Christie, to adjourn the meeting at approximately 7:00PM. The vote was unanimous, 5-0, motion carried.


Margaret Anania, Secretary to Zoning Board of Appeals