



EASTON ZONING BOARD OF APPEALS
225 Center Road - Easton, Connecticut 06612

**MINUTES OF July 11, 2022 REGULAR IN-PERSON MEETING OF THE
EASTON ZONING BOARD OF APPEALS MEETING**

Regular Members present: Thomas Dollard, Victor George, Elisabeth Burns
Regular Members absent: James Wright, Stephanie Christie
Alternate Member present: Charles Lynch
Alternate Member absent: Davis Owen, Scott Charmoy
Town staff present: Karen Velky (P&Z/ZBA Assistant)

Location: Conference Room A, Easton Town Hall

Acting Chairman Dollard called the Regular Meeting to order at 5:30 pm.

PUBLIC HEARING

ZBA-22-01, ZBA Variance Application, 433 Black Rock Road, Easton, Submitted on behalf of Property Owner and Applicant, Aquarion Water Company of Connecticut, by Carmody, Torrance, Sandak, Hennessey, LLP requesting two (2) variances in order to permit a division of its property known as 433 Black Rock Road, Easton, Connecticut, into two lots less than three acres in size within a R3 zone: variance from Section 3510 to permit a minimum lot area of 2.764+/- acres (Lot 1-Class III Watershed land) where 3.0 is required, and variance from Section 3510 to permit a minimum lot area of 0.304+/- acres (Lot 2-Class I Watershed land) where 3.0 is required. A copy of the application and corresponding documents are on file in the office of the Easton Town Clerk and on the Easton Town web-site attached to the legal notice posted by Zoning Board of Appeals.

- Jacqueline O. Kaufman (Attorney w/ Carmody, Torrance, Sandak, Hennessey LLP) and Mark Ochman (Engineering & Surveyor Consultant) both made a presentation on behalf of the Applicant, Aquarion Water Company of Connecticut, of the proposal and answered questions from the Acting Chairman and Board Members.
 - Property has a single-family dwelling built in 1800, is 2100 sq. ft and located in the front yard setback. The property also has a 594 sq. ft garage. A portion of the septic system is located within the Class I land. Land owned by water companies is regulated by state statute (Dept of PH/PURA). Class I is most restrictive distinction and can not be sold, deed restricted, disposed of or contaminated in any way. Class III must be separated in order for it to be used in a different way. Attorney Kaufman stated that the Class I portion of the land if separated from the Class III will remain in Aquarion ownership.
- **DISCUSSION:** Acting Chairman Dollard asked when and why the line was drawn between the Class I and Class III land. Was there an attempt to acquire additional land from neighboring properties to keep the property at 3 acres. Attesting Kaufman stated that if the application is not approved the house will be removed and the lot will sit vacant. Board Member Burns questioning how many more properties is Aquarion going to be selling. Attesting Kaufman stated that they own 4,030 sq. ft of property in Easton and there is no immediate plan to dispose of land.



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- Corresponding document submission for the record:
 - a. Division of property survey for 433 Black Rock Rd last revision 06/17/2021.
 - b. Site Plan: Replacement Septic System for 433 Black Rock Rd last revision 03/28/2022.
 - c. Construction Notes and Details for 433 Black Rock Rd last revision 03/28/2022.
 - d. Letter authorizing the attorneys of Carmody, Torrance, Sandak & Hennessey LLP to file all applications on behalf of Aquarion.
 - e. ZBA Application for Variance to Zoning Regulations.
 - f. Variance Application Narrative dated 5/18/2022.
 - g. Declaration of Restrictive Covenants (v.383 pg.158) dated March 28, 2002
 - h. 250' Abutters List for notifications. Certified mail receipts mailed 06/07/2022.
 - i. Department comments received by 1) Connecticut Department of Energy & Environmental Protection noting no negative impact but monitor state threatened Bald Eagles and Eastern box turtles. Information document titled Wildlife in Connecticut: Eastern Box Turtles submitted by state.
 - j. Certified mail receipts mailed 5/31/2022 to neighbors.
 - k. Legal notice run in Fairfield Citizen 07/1/2022 & 07/08/2022 and in Connecticut Post by applicant on 6/30/2022.
- Acting Chairman Dollard closed public hearing @ 6:18pm.
- MOTION: Motion was made by Board Member Lynch (seconded by Board Member George) to grant the Variance Application ZBA-22-01 for Aquarion Water Company of Connecticut to subdivide the property at 433 Black Rock Rd into two parcels to segregate the Class III (Lot 1 being 2.764±) and Class I (Lot 2 being 0.304± acres) watersheds which will allow the Class III area to be marketed as a residential property with the provision that Aquarion will install an entirely new septic system on Lot 1 2.764± Class III.
 - VOTE: Aye – 4; Nay – 0; Abstain – 0

REVIEW AND APPROVE – No updates

OLD BUSINESS – No updates

NEW BUSINESS

- Election of Officers – Acting Chairman Dollard postponed election to future meeting with greater board member attendance.

ADJOURNMENT

- MOTION (Board Member George / Seconded Acting Chair Dollard): Adjourn the meeting at 6:26 PM.
 - Vote: Aye – 4; Nay – 0; Abstain – 0