

MINUTES OF JUNE 5, 2017 MEETING FOR THE  
EASTON ZONING BOARD OF APPEALS

The meeting was called to order at 5:30pm by Chairman John Harris.

Regular members present - John Harris, Patricia Berlin, Victor George, Charles Lynch  
and Raymond Ganim

Alternate members present – Thomas, Dollard, Dr. Mitchell Greenberg and  
Maureen Williams

For the record: All five regular member were voting.

1. **Appointments:** None

2. **Public Hearings:**

**Appeal of the decision of the Zoning Enforcement Officer to issue a Zoning Violation to Nathan Brito, 33 Norton Road, Easton, CT**, for a Zoning Violation of Article 4, Sect./Para. 4.1 of the Easton Zoning Regulations for conducting a wood processing business at the property known as 33 Norton Road, Easton, CT. The Chairman read for the record the letter dated June 2, 2017 from Attorney Daniel A. Silver, representing Nathan Brito, requesting that the public hearing be opened and continued until the next meeting. The Chairman read his response via e-mail dated June 2, 2017 and noted that the next meeting was Wednesday, July 5, 2017 and that there were no available extensions past that date. No public testimony was taken. The Board immediately determined by consensus, to continue the public hearing to the next regularly scheduled meeting of July 5, 2017.

**Z-17-5089-02, Cynthia Mauborgne Dutertre, 413 Westport Road, Easton, CT**, for a variance of Article 5, Sect./Para. 5.4.1 of the Easton Zoning Regulations in order to allow for the construction of a two car garage with storage above 21.3' feet in-lieu-of 40 feet side yard setback and 33.5 feet in-lieu-of 50 feet front yard setback and 60.6' feet in-lieu-of 75 feet from the center line of Westport Road. Cynthia Mauborgne Dutertre presented her application for variance to construct a two car garage with storage above. She submitted a new survey and stated that she would be removing the existing shed and had her surveyor relocate the garage further back on the property, thereby eliminating the violation of the side setback. The Board noted that the rear of the garage faced Wilson Road and that the setback of 48.5 was 1.5 feet less than the required 50 feet on a road frontage. The Chairman noted a letter from Polly Edwards, R.S. Easton Health Officer dated June 5, 2017. Ms. Dutertre in her discussion submitted the following items for the record.

1. Map entitled "Data Accumulation Plan Prepared for Cynthia Mauborgne Dutertre, 413 Westport Road, Easton, Connecticut", dated September 4, 2015, last revised 06-05-17, prepared by J. Edwards & Associates, LLC.
2. Twenty one color pictures depicting existing house, including crawl space, places where cars are parked, existing shed, topography of the property (cliff), as well as pictures of a proposed two car garage.

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**2. Public Hearing: Z-17-5089-02, Cynthia Mauborgne Dutertre (continued)**

3. Listings from Homesnap.com for 413 Westport Road, 145 Westport Road, 150 Westport Road and 405 Westport Road, totaling 9 pages in all.
4. Testimony of Representative Kim Fawcett, 133<sup>rd</sup> District, February 23, 2011, In Support of HB 6152, "An Act Prohibiting Truck Traffic on State Road 136" with attachments and letters of support, totaling 11 pages in all.
5. Copy of OLR Research Report dated October 19, 2004 entitled "Parking Vehicles Along A State Highway", prepared by James J. Fazzalaro, Principal Analyst, totaling 3 pages in all.
6. One page from Wikipedia Re: "Connecticut Route 136".
7. Two page document entitled "Report: Connecticut Has Nation's Deadliest Rural Roads – Hartford Co.".
8. Two page document from TRIP, a national transportation research group entitled Connecticut's rural roads rated worst in nation for fatalities, by Ed Stannard, New Haven Register, dated 5/19/15.
9. 43 page booklet entitled "Rural Connections: Challenges and Opportunities in America's Heartland, May 2015, TRIP, a national transportation research group, 202-466-6706, [www.trip.net.org](http://www.trip.net.org)."

Ms. Dutertre stated the hardships were that the lot was pre-existing non-conforming, .45 acres in a 3 acre zone, 2 sides of the lot are 50 foot setbacks and 75 foot from the center of the roads, the existing house sits in the side setback as well as 2 of the front setbacks and lacks storage and is located approximately 7.2 feet from the road. The majority of land is unusable because of the enormous amount of ledge rock which protrudes above the surface level, as depicted in the pictures submitted, and the existing narrow driveway only allows for parallel or off street parking, as depicted in the pictures submitted, leaving cars in the driveway exposed, in an unsafe position.

The following people spoke in support of the project.

1. Pat Francis, 328 Center Road, Easton, CT
2. Dane Baton (contractor), 75 Campfield Road, Milford, CT

The Board suggested Ms. Dutertre place the garage on an angle to eliminate the non-conformity on Wilson Road; therefore, the only non-conformities would be the two front setbacks of the garage on Westport Road. The Board also suggested that Ms. Dutertre have her surveyor locate the setback of the existing shed on the survey and that the proposed location of the driveway be shown.

Motion was made by Patricia Berlin, seconded by Raymond Ganim, to recess the public hearing to the next meeting, Wednesday, July 5, 2017, to allow Ms. Dutertre additional time to make the changes to her survey. The vote was unanimous, 5-0, motion carried.

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2. **Public Hearings (continued)**

**Z-17-5107-03, Meaghan Harkins and Ryan Donegan, 8 Sport Hill Parkway, Easton, CT**, for a variance of Article 5, Sect./Para. 5.4.1 of the Easton Zoning Regulations in order to allow for the construction of a 10' x 16' shed 2.5 feet in-lieu- of 40 feet side yard setback. Present at the meeting was Meaghan Harkins and Ryan Donegan. Ryan Donegan presented the application for variance and stated his property was pre-existing nonconforming, .736 acres in a one-acre zone. Mr. Donegan stated that there was only 14.9 feet on the left side of the house and 31.5 feet on the right and after consulting with the immediate neighbor, proposed the shed to be in a location where there was a group of trees. Mr. Donegan stated he could not build to the rear of the house as the septic was located there and that there is also a steep downward slope as depicted in the pictures submitted with the application. Mr. Donegan submitted Panel 09001C0407F, eff. 6/18/2010, the National Flood Hazard Layer for his property, indicating it is an area of minimal flood hazard. Meaghan Harkins Donegan also spoke and stated that they were limited to the area in which they could place the shed. No one from the public spoke. The Chairman declared the public hearing closed.

3. **Decision:** Motion was made by Raymond Ganim, seconded by Victor George to approve the application for variance, the stated hardship being the lot is pre-existing, undersized lot, less than the minimum one acre size, narrow in size, and the location of the structure is such that there is little buildable area. After discussion, the motion was amended by Raymond Ganim, seconded by Victor George, to add to the hardship the location of the septic to the rear of the house and the topography of the lot to the rear of the house prevents using this area to locate the shed. After more discussion the motion was further amended by Raymond Ganim, seconded by Victor George, to include a condition of approval, that adequate landscape screening and shrubbery be provided and maintained. The vote was four in favor and one against, 4-1, motion carried.

4. **Minutes:** Minutes for February 6, 2017

Motion was made by Patricia Berlin, seconded by Maureen Williams, to approve the minutes for the Easton Zoning Board of Appeals for February 6, 2017 as filed. Maureen Williams and Dr. Mitchell Greenberg voted for Charles Lynch and Raymond Ganim who did not attend that meeting. The vote was unanimous, 5-0, motion carried.

5. **Meeting Adjourned:** Motion was made by, Ramond Ganim, seconded by Patricia Berlin, to adjourn the meeting at approximately 7:15PM. The vote was unanimous, 5-0, motion carried.

  
Margaret Anania, Recording Secretary