

**CITY OF NORWICH
ZONING BOARD OF APPEALS
March 12, 2019
Meeting Minutes**

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:02 p.m. Roll call was taken.

PRESENT: Marc Benjamin, Chairman
 David Martin
 Peter Cuprak
 Robert Phoenix
 Kevin Saythany, Alternate

ABSENT: Dorothy Travers
 Gregory Schlough, Alternate

OTHERS: Richard Shuck, Zoning Enforcement Officer, and Katherine Rose,
 Recording Secretary

Marc Benjamin called the meeting to order at 7:02 p.m. Marc Benjamin stated 4 regular members would be seated and Kevin Saythany was seated in place of Dorothy Travers.

D. COMMUNICATIONS: Notice from City Council of Marc Chapman's reappointment as Chairman.

E. ACCEPTANCE OF MINUTES:

Robert Pheonix made a motion to accept the January 8, 2019 minutes with the revision of the last name McCoy to Phoenix throughout the document. David Martin seconded. The motion passed unanimously.

F. OLD BUSINESS:

1. **A# 18-01:** Continuation Appeal of Decision by Zoning Enforcement Officer regarding the determination of residential and commercial units located on the property at 227 West Town Street. Property of Opal Capital Inc.; Application of Robert Lindsley, Assessors Map #58 Block # 1, Lot # 7, NC Zone

Marc Benjamin stated that in spite of all the testimony on this appeal, based on the letter presented by corporation counsel Attorney Driscoll he felt that the 30 day appeal period referenced in the statute had lapsed and therefore gave the ZBA no jurisdiction to take action on the appeal. Marc Benjamin made a motion to take no action on A# 18-01. Robert Pheonix seconded. The motion carried unanimously.

G. NEW BUSINESS:

1. **V#18-14:** 249 Baltic Road. Request Variance of ZR Sec. 1.1 Residential Bulk Requirements to allow the reduction of the existing 40,510 sq. ft. + lot to 37,782 + sq. ft. where the minimum required in the R- 40 Zone is 40,000 sq. ft. Property of James Vallario; Application of Matthew B Geanacopoulos, on behalf of the State of Connecticut DOT, Assessors Map #2 Block # 1 Lot #1

Robert Shuck read into the record Exhibits 'A-P.'

Matthew Geanacopoulos from the Connecticut Department of Transportation, 2800 Berlin Tpk, Newington, CT, introduced himself and stated the DOT is looking to reduce a property owner's lot from over 40,000 to 37,782 square feet as to acquire 2,728 square feet from 249 Baltic Road to accommodate their bridge replacement project. Mr. Geanacopoulos explained the purpose for the application is that the State statute requires that a condemning authoring acquiring less than a total lot cannot leave the lot either non-conforming or more non-conforming, and if they fail to receive this variance the DOT would need to acquire the total lot at 249 Baltic Road.

Marc Benjamin asked for clarification on the state of the bridge. Matthew Geanacopoulos stated the bridge is maintaining but it is not in great condition so their plan is to complete the repairs next summer however the wing walls for the new bridge will extend onto a homeowner's property which is the cause for the variance. Mr. Geanacopoulos discussed several other easements they would need to acquire from the property. Matthew Geanacopoulos explained further that the new wing walls are one of the reasons for the acquisition because they are on private property as they have always been, but the State acquiring the land would alleviate the encroachment.

Marc Benjamin asked if the only zoning to the property would be the loss of 3,000 square feet. Matthew Geanacopoulos responded when the DOT performed their review the lot size was the only issue triggered by the statute.

Robert Phoenix asked for clarification why the DOT is requesting the variance and not the property owner. Matthew Geanacopoulos explained if the DOT were to move forward without a variance the statute states they would need to purchase the entire property which would lead them to either purchase the entire property, or see if the wing walls could be pulled off the property entirely, or to acquire what is needed for the wing walls through an easement.

Richard Shuck discussed at the request of Robert Phoenix a small structure on the property and stated it was a home and that the structure would not be affected by the variance.

Peter Cuprak asked what the time frame for construction on Route 97 would be. Matthew Geanacopoulos responded the DOT is looking to begin in September/October but to perform the bulk of the bridge construction in the summer of 2020 with an 11-week detour to replace the bridge.

Richard Shuck responded to a question by Marc Benjamin that the owner did not need to be in attendance because the DOT was not required to obtain permission from the owner to request a variance. Richard Shuck also explained that the State does not have to prove a hardship for this variance as in the case that an agreement is not come to with the owner the state can utilize other methods easements or acquisition. However, no matter the outcome of the application, the State still have to negotiate with the property owner.

Robert Phoenix made a motion to close the public hearing. David Martin seconded. The motion carried unanimously.

- V#18-15:** 256 Baltic Road. Request Variance of ZR Sec. 1.1 Residential Bulk Requirements to allow the reduction of a nonconforming lot from the existing 14,374 sq. ft. + lot to 14,203 + sq. ft. where the minimum required in the R- 80 Zone is 80,000 sq. ft. Property of Raphael O. Bettencourt; Application of Matthew B Geanacopoulos, on behalf of the State of Connecticut DOT, Assessors Map #2 Block # 1 Lot # 13

Robert Shuck read into the records Exhibit 'A-P'.

Matthew Geanacopoulos from the Connecticut Department of Transportation, 2800 Berlin Tpk, Newington, CT, stated he wished to withdraw the application for V#18-15 as earlier that afternoon the applicants brought to his attention an issue which leads them in a direction that will not require a fee acquisition at any foreseeable point.

H. DISCUSSION AND POSSIBLE DECISIONS:

- V#18-14:** 249 Baltic Road. Request Variance of ZR Sec. 1.1 Residential Bulk Requirements to allow the reduction of the existing 40,510 sq. ft. + lot to 37,782 + sq. ft. where the minimum required in the R- 40 Zone is 40,000 sq. ft. Property of James Vallario; Application of Matthew B Geanacopoulos, on behalf of the State of Connecticut DOT, Assessors Map #2 Block # 1 Lot #1

Robert Phoenix made a motion to open for discussion. Peter Cuprak seconded. The motion passed unanimously.

David Martin stated he felt denying the variance may cause the entire property to be seized where the resident would lose use of their property and as the applicant state the owner seemed to be on board with the proposed plan.

Marc Benjamin stated that while he had never before voted on a variance on property without the owner presented and hearing their testimony and found it off-putting that the property could be reduced with acquiring the variance he did feel the project benefited the community.

Robert Pheonix made a motion to approve variance V#18-14. Peter Cuprak seconded. The motion carried unanimously.

2. **V#18-15:** - No Action, Application withdrawn

I. OTHER MATTERS: Nomination and Election of Officers.

Robert Phoenix made a motion for Marc Benjamin to be nominated as Chairman of the Board. Peter Cuprak seconded. The motion carried unanimously.

Robert Phoenix made a motion for David Martin to be nominated as Second Chairman of the Board. Peter Cuprak seconded. The motion carried unanimously.

Marc Benjamin made a motion to nominate Robert Phoenix as Secretary of the Board. David Martin seconded. The motion carried unanimously.

J. ADJOURNMENT: A motion was made by Robert Phoenix to adjourn at 7:38 PM. David Martin seconded. The motion carried unanimously.

Respectfully submitted,
Katherine Rose
Recording Secretary