

CITY OF NORWICH ZONING BOARD OF APPEALS
March 10, 2020
Regular Meeting Minutes

The regular meeting of the City of Norwich Zoning Board of Appeals was called to order at 7:07 p.m. Roll call was taken.

PRESENT: Marc Benjamin, Chairman
 Robert Phoenix
 Dorothy Travers
 David Martin
 Gregory Schlough, Alternate
 Joanne Philbrick, Alternate

ABSENT: Peter Cuprak

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

Marc Benjamin called the meeting to order at 7:08 p.m. Marc Benjamin stated all seated members would be voting on all matters with rotating alternates.

A. COMMUNICATIONS: None.

B. ACCEPTANCE OF MINUTES: Gregory Schlough made a motion to accept the February 11, 2020 minutes. Robert Phoenix seconded. Motion passed unanimously.

C. OLD BUSINESS: None.

D. NEW BUSINESS:

1. **V# 20-01: 77-91 Main Street** Request variance of ZR Sec. 6.5.2 to permit residential use below or beneath the first floor within a mixed use building and request for variance of sec. 6.5.5 to permit the square footage of residential use to exceed the square footage of commercial use in a mixed use building. Application of Elya M. Zabner, Member of New England Rose, LLC. for property located at 77-91 Main St. Assessor's Map# 102, Block# 6, Lot# 15, CC Zoning District, Owner: New England Rose, LLC.

Seated Members: Marc Benjamin, Robert Phoenix, Dorothy Travers, David Martin and Gregory Schlough.

Richard Shuck read into the record Exhibits A - J.

William Sweeney, partner and land use attorney from TRCORS Attorneys at 43 Broad Street New London introduced himself on behalf of the property owner New England Rose LLC. Attorney Sweeney stated the downtown complex encompasses two historic buildings -- the Bulletin and

the Richards building -- and spans the entire block between Main Street and Water Street. Attorney Sweeney reported the building had renovations started in the 1990s however the project fell through so the upper floors of the building have been vacant and underutilized for many years. Mr. Sweeney stated the current owner, who purchased the property under tax foreclosure in 2008, is working to create a finance package which would use historic tax credits to assist in maintaining the facade of the building while creating a mixed used space with bottom floor commercial units and upper level residential apartments. Attorney Sweeney reported the project faces several zoning hardships which require variances in order for the redevelopment to move forward. Steve Nusalopolis introduced himself as the project architect and started the renovation proposes 37 one-bedroom studio units in the upper floors and newly renovated commercial units on the bottom and provided aerial images as Exhibit K which showcased the perspective of the building. Mr. Nusalopolis continued that the building is constructed into a hillside which leads only three of the floors to be street level on the Main Street side. Mr. Nusalopolis stated section 6.5.2. of the zoning regulations prohibits residential use on below or beneath the first floor of any building which presents a hardship as their proposed residential units will be first level facing Main Street but third level on the Water Street side. Steve Nusalopolis stated section 6.5.5. also creates a hardship as it restricts the total residential square footage in a mixed used building to be equal or less than the commercial space which is not feasibly possible due to the layout of the building. Mr. Nusalopolis stated the upper levels of the building do not have appropriate access for commercial usage and far exceed the available commercial space which leaves no option to even out the usage so they are requesting variances to complete the project and to achieve reasonable use of the property under the zoning regulations. Attorney William Sweeney agreed that they cannot achieve reasonable commercial usage at a 50-50 ratio and if the project was forced to, they would not economically be able to maintain the historic facade as the project would not be financially viable. Attorney Sweeney stated if the variances are approved they are looking to start demolition as early as Summer 2020 and hope to have all commercial space rented within a year. Dorothy Travers asked how many commercial units would be in the building. Attorney Sweeney responded there would be approximately 10,000 square feet of commercial space overall but there isn't a set layout as the area can be segmented and customized based on need from renters. Joanne Philbrick asked what research had been done to determine this call for residential units and what would be done in regards to parking. Attorney William Sweeney reported an influx of jobs at nearby Electric Boat leading young people to move in the area and while it is not a zoning requirement the property owner is working with the City Parking Commission and have secured 30 rental parking spots in the Main Street parking garage so far. Attorney Sweeney continued that while they

believe the main rental demographic will be car-less or one-vehicle renters they plan to utilize the Transportation Center for guest and overflow parking as well. Attorney Sweeney answered another question by Joanne Philbrick that the residential units will market rate rentals. Robert Phoenix questioned when previous renovations were done was the space brought up to code. Attorney Sweeney responded it was but for assembly space so they will need to meet today's code standards as it will be a different occupancy. Robert Phoenix also wished to clarify that after the renovation is complete the leftover commercial space would be approximately one quarter of overall square footage opposed to the required half. Attorney Sweeney stated that is correct as the 50-50 split cannot be achieved due to the structure of the building and it would not be feasible in the current market to try and rent the upper levels as commercial space as they lack street access. Robert Phoenix asked Mr. Nusaloplis if during the planning phase if any thought had been put towards utilizing the elevator for commercial space on the second floor and in the rear of the building. Steve Nusaloplis clarified that the elevator is not in place currently but would be installed for use by the residential units and it would not be viable to use the elevator for second floor commercial space because it would force the potential commercial units to be 4-5,000 square feet each which would not be desirable to renters. David Martin stated he would like to include a condition requiring the preservation of the bottom level storefronts at Main Street grade to prevent residential space from consuming the building. Marc Benjamin asked what the depth of the commercial space would be. Attorney Sweeney responded about half way through the building with a corridor splitting the units.

Phyllis Boyes of 25 Wawecus Hill Road, Norwich stated she was in favor of the project as it would be positive for the City of Norwich through a new tax base and its draw for residents and businesses.

Robert Phoenix made a motion to close the public hearing. Gregory Schlough seconded. The motion passed unanimously.

- 2. V# 20-02: 107-113-117 Salem Tpk.** Request relief of ZR Sec. 4.15 to allow for the construction of a 21 ft. tall retaining wall. Also requesting relief from ZR Sec. 2.1 to construct a retaining wall 10 ft. from the street line. Application of Plaza Enterprises C/O Lester Gorin, for property located at 107-113-117 Salem Tpk. Assessor's Map# 115, Block# 1, Lot# 1, PC Zoning District, Owner: Plaza Enterprises.

Seated Members: Marc Benjamin, Robert Phoenix, Dorothy Travers, David Martin and Joanne Philbrick.
Richard Shuck read into the record Exhibits A - G.

Paul Provost of Provost & Rovero, an engineering and surveying firm

located at 57 East Main Street, Moosup introduced himself on behalf of the applicant, Plaza Enterprises in regards to 117 Salem Turnpike and submitted return mailing receipts as Exhibit H. Paul Provost stated the property owners wish to install additional parking spaces in an area off the west side of Wawecus Hill Road due to increased traffic and described the plaza layout. Mr. Provost stated the area in question is located in a wetland zone and is currently a steep slope so their goal is to build into the hillside with a retaining wall to gain an additional 17 parking spaces with drainage tied into the existing system. Paul Provost stated the topographical properties create a hardship as the parking spaces cannot be installed in the proposed area without a retaining wall. Mr. Provost stated the first variance request is in regards to section 4.1.5 which states you cannot construct a waller greater than 6 feet in height whereas their proposed wall would be 21 feet at the highest point with a 6 foot fence on top according to code. Mr. Provost stated the second relief requested is in regards to section 2.1 so that they may construct the retaining wall within their setback zone 17 feet from the property line opposed to the regulated 65 feet. Marc Benjamin asked if the highest point of the wall would be even grade with Wawecus Hill Road. Paul Provost responded that at the highest point the retaining wall would be 8 feet below Wawecus Hill Road and after the 6 foot fence there would still be a 2 foot distance of space. Robert Phoenix asked if there was any other area on the property to fit the proposed parking spaces. Mr. Provost stated there was not as the owner previously received variances to fit the existing spaces due to the increasing congestion from the Backus Hospital site. Mr. Provost noted the piece of wetlands in the area has been deemed insignificant. Joanne Philbrick asked if there was a lighting component to the requested variance. Paul Provost stated there would likely be lighting mounted to the wall 16 feet above grade.

Kevin Boyes of 25 Wawecus Hill Road stated he is in favor of the project.

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

3. **V# 20-03: 108 Oneco St.** Request for a variance of Sec. 4.8, Nonconforming Building and Uses to expand a nonconforming use by constructing a 22 ft. x 14 ft. dormer on the rear of a nonconforming residential home in the Neighborhood Commercial Zoning district. Application of Isabel Rentas, for property located at 108 Oneco St. Assessor's Map# 84, Block# 1, Lot# 3, NC Zoning District, Owner: Isabel Rentas.
Seated Members: Marc Benjamin, Robert Phoenix, Dorothy Travers, David Martin and Gregory Schlough.

Marc Benjamin stated he received communications from the ZEO that the

applicants sent notifications via certified mail however not with a returned receipt so the application could not be heard at that time.

Robert Phoenix made a motion to continue the application until the next regular meeting. Gregory Schlough seconded. Motion passed unanimously.

E. DISCUSSION AND POSSIBLE DECISIONS:

- 1. V# 20-01: 77-91 Main Street** Request variance of ZR Sec. 6.5.2 to permit residential use below or beneath the first floor within a mixed use building and request for variance of sec. 6.5.5 to permit the square footage of residential use to exceed the square footage of commercial use in a mixed use building. Application of Elya M. Zabner, Member of New England Rose, LLC. for property located at 77-91 Main St. Assessor's Map# 102, Block# 6, Lot# 15, CC Zoning District, Owner: New England Rose, LLC.

Seated Members: Marc Benjamin, Robert Phoenix, Dorothy Travers, David Martin and Gregory Schlough.

Robert Phoenix made a motion to approve for discussion. Gregory Schlough Seconded.

Gregory Schlough stated he felt it was a benefit to see a vacant building regain its vibrancy while keeping a historic look and benefits the city tax-wise. Dorothy Traves agrees that the tax structure would be beneficial and that the project would bring additional people and potentially businesses into the City. David Martin also agreed with the stated reasons and agreed with the topographical hardship due to the two different levels of the building having street frontage. Marc Benjamin stated he also agreed and felt the regulation for downtown businesses if the commercial facade is maintained on the first floor.

Robert Phoenix made a motion to approve the application with the condition that overall square footage to equal no less than 10,200 square feet as presented in Exhibit I of the site plan. Gregory Schlough seconded. The motion passed unanimously.

- 2. V# 20-02: 107-113-117 Salem Tpk.** Request relief of ZR Sec. 4.15 to allow for the construction of a 21 ft. tall retaining wall. Also requesting relief from ZR Sec. 2.1 to construct a retaining wall 10 ft. from the street line. Application of Plaza Enterprises C/O Lester Gorin, for property located at 107-113-117 Salem Tpk. Assessor's Map# 115, Block# 1, Lot# 1, PC Zoning District, Owner: Plaza Enterprises
Seated Members: Marc Benjamin, Robert Phoenix, Dorothy Travers, David Martin and Joanne Philbrick.

Robert Phoenix made a motion to approve for discussion. Dorothy Travers seconded.

Robert Phoenix stated the topography is a hardship as there are no alternative options for much needing parking spaces. Dorothy Travers agreed and stated the property owner is trying to accommodate an expanding business. Gregory Schlough also agreed that parking in that area is difficult so the additional spaces with a retaining wall would be beneficial. Marc Benjamin stated he was glad to hear the residential neighbors were in support of the project and agreed it would improve the area.

Robert Phoenix made a motion to approve the application. Dorothy Travers seconded. The motion passed unanimously.

3. **V# 20-03: 108 Oneco St.** Request for a variance of Sec. 4.8, Nonconforming Building and Uses to expand a nonconforming use by constructing a 22 ft. x 14 ft. dormer on the rear of a nonconforming residential home in the Neighborhood Commercial Zoning district. Application of Isabel Rentas, for property located at 108 Oneco St. Assessor's Map# 84, Block# 1, Lot# 3, NC Zoning District, Owner: Isabel Rentas

Application was continued until the next regular meeting.

F. OTHER MATTERS: None.

G. ADJOURNMENT: A motion was made by Dorothy Travers to adjourn at 8:20 PM. Gregory Schlough seconded. The motion carried unanimously.

Respectfully submitted,
Katherine Rose
Recording Secretary