

CITY OF NORWICH ZONING BOARD OF APPEALS
August 10, 2021
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
 Peter Cuprak
 David Martin
 Dorothy Travers
 Gregory Schlough
 Robert Phoenix

ABSENT: None

OTHERS: Attorney Mark Block and Project Engineer Brandon Handfield;
 Richard Shuck, Zoning Enforcement Officer, and Katherine Rose,
 Recording Secretary

Marc Benjamin called the meeting to order at 7:14 p.m. Marc Benjamin stated Gregory Schlough would be seated as a voting member instead of Peter Cuprak.

- A. COMMUNICATIONS:** Richard Shuck stated that a letter from Attorney Mark Branch had been distributed to members prior to the meeting.
- B. ACCEPTANCE OF MINUTES:** Robert Phoenix made a motion to accept the July 13, 2021 minutes. Robert Phoenix, Peter Cuprak, David Martin, Dorothy Travers and Gregory Schlough voted in favor. Marc Benjamin abstained. The motion passed.
- C. OLD BUSINESS:** None.
- D. NEW BUSINESS:**

Richard Shuck read the public hearing notice into the record.

- 1. Continued - V# 21-07: Myrtle Drive (Property is located off of Myrtle Drive, Dominican Dr., & Wisconsin Ave.):** Request for Use Variance to ZR Sec. 4.1.1, Conformity Requirements; to permit use of the property for development of up to 80 apartments in the Business Park Zone. Property of The Estate of Margaret Stanley. Application of Alexander Gebbie, Ever Real Properties, LLC., Assessors Map #21, Block #1 Lots #5, 5.1, 5.2, & 5.RD, BP Zone Property is located off of Myrtle Drive, Dominican Dr., & Wisconsin Ave.

Marc Benjamin asked Attorney Block for clarification regarding the opposing party. Attorney Mark Block responded that he did not hear back from the opposing attorney. Richard Shuck reported that he discussed the issue with Attorney Driscoll and was left with the impression that a presenting attorney does not need to disclose who they represent in this forum. Discussion ensued and Attorney Block discussed in detail the hardship behind the requested variance including topography and demographics of the area. Brandon Handfield presented maps and discussed the layout of the area and the challenges that the topography presented in regards to their hardship. Attorney Block noted that the letter from Attorney Branch stated the property should be shown to be unusable for business park uses without the variance and he felt the presentation had displayed that. Robert Phoenix asked if there had been any sort of previous approvals on the property by the Commission on City Planning, prior to the change of zoning in that area. Attorney Block responded that when the property had been previously approved for the original development of the St. Jude and Cambridge Estates housing units, as well as the original proposal for the property in discussion.

William A. Stanley of 292 Pequot Avenue, New London, spoke in favor of the appeal.

Robert Phoenix made a motion to close the public hearing at 7:34PM. Gregory Schlough seconded. Robert Phoenix, David Martin, Dorothy Travers, Marc Benjamin and Gregory Schlough voted in favor. The motion passed unanimously.

E. DISCUSSION AND POSSIBLE DECISIONS:

- 1. Continued - V# 21-07: Myrtle Drive (Property is located off of Myrtle Drive, Dominican Dr., & Wisconsin Ave.):** Request for Use Variance to ZR Sec. 4.1.1, Conformity Requirements; to permit use of the property for development of up to 80 apartments in the Business Park Zone. Property of The Estate of Margaret Stanley. Application of Alexander Gebbie, Ever Real Properties, LLC., Assessors Map #21, Block #1 Lots #5, 5.1, 5.2, & 5.RD, BP Zone Property is located off of Myrtle Drive, Dominican Dr., & Wisconsin Ave.

Robert Phoenix made a motion to approve the application for discussion. Gregory Schlough seconded. Robert Phoenix stated he supported the hardship presented as the change of the area's zoning from residential to business eliminated the original plan for the property and caused the existing residential property to become nonconforming while also inhibiting potential for future development. Gregory Schlough and Dorothy Travers debated the hardship in comparison to the presented topography challenges. David Martin stated he didn't feel the topography and access

points limited the commercial potential of the property. Marc Benjamin stated he was hesitant in warranting more residential use within the city's limited commercial zones. Gregory Schlough agreed with points raised by other members. Marc Benjamin made a motion to approve the applications due to the topography of the land and the changes in zoning. David Martin seconded. Marc Benjamin, David Martin, Robert Phoenix, Gregory Schlough and Dorothy Travers voted in opposition. The motion failed.

F. STAFF UPDATES: None.

G. ADJOURNMENT: A motion was made by Robert Phoenix to adjourn at 7:49 PM. Gregory Schlough seconded. Marc Benjamin, David Martin, Robert Phoenix, Gregory Schlough, Peter Cuprak and Dorothy Travers voted in favor. The motion passed unanimously.

Respectfully submitted,
Katherine Rose
Recording Secretary