

**EAST LYME ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
MONDAY, JANUARY 29th, 2018
MINUTES**

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, January 29, 2018 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. The Hearing was opened at 6:16 PM immediately following the Hearing and Regular Meeting on Case 1-2018.

PRESENT: William Mountzoures, Chairman, John Smith, Acting Secretary,
Charles Ambulos, Steve Carpenteri

ALSO PRESENT: William Scheer, Applicant, Representing the Town
William Mulholland, Town Zoning Official
Joshua Chapps, Alternate

ABSENT: John Schweizer

FILED

Feb 1 2018 AT 10:00 AM/PM

William Mulholland

EAST LYME TOWN CLERK

1. Call Regular Meeting to Order

Chairman Mountzoures called the Regular Meeting to order at: 6:16 PM.

2. Read Notice of Public Hearing

Mr. Mountzoures asked Mr. Smith, Acting Secretary, to read the Agenda call of Case #2-2018 of the Regular Meeting.

Mr. Smith, Acting Secretary read the following:

Case No. 2-2018: Application of the Town of East Lyme, for a variance of Section 9.3.3, setbacks, for property identified in the application as 224 Main Street, East Lyme, Connecticut to allow construction of a public park to serve the general public. Said parcel appears on the East Lyme Assessor's Map 12.1, Lot 113.

The Public Hearing notice was sent to the New London Day for publication on 1/18/18 and 1/26/18.

Mr. Mountzoures noted that the members from the previous case were still seated.

Mr. Mountzoures then called for the applicant or their representative to make their presentation.

William Scheer, Assistant Public Works Director said that he was representing the Town as this is also a Town project. He noted the layout of the area that they had and was asked to read into the record the basis for the variance request. (Copy attached) This explained that it was the Yale Charrette Report of 1997 that identified this location as an ideal one for the expansion of the Village Green to act as a gathering place for people of the Town and visitors alike. To create this space a semi-circular terrace has been designed that aligns with the extension of Pennsylvania Avenue as it intersects this property while also overlooking the Niantic Bay. The lot is a long triangular one, irregular in shape which creates the hardship. This proposed design has a 'Welcome to Niantic' granite sign, granite curb and decorative pavers located within the front and back. The Town is requesting a variance for the southern side from ten feet to two feet and for the street from six feet to three feet to construct a correctly proportioned central community area of Niantic Village.

Mr. Mountzoures called for anyone from the public wishing to speak in favor of this application -

William Mulholland, Zoning Official said that he was in favor of this application as the hardship is created due to the regulations. It is a legal lot of record and the triangular shape creates the hardship. The variance is being requested based upon this. Further this would be in line with the streetscape improvements that have been done over the years.

Mr. Mountzoures asked if there was any other way that this could be done.
Mr. Mulholland said no, this is being requested due to the triangular shape of the lot of record.

Mr. Mountzoures called for any other comments from the public -

Mark Nickerson, First Selectman said that the background on this was that the Townspeople had overwhelmingly supported the purchase of this property some years ago and understood that it would be used for the community. Once purchased, a group of community people from all areas (business, people at large and board and commission members) met and worked on this project for six months before coming up with this design. The design has been elevated two feet so that people sitting there can see the water and not the railroad bed. He said that he would like to see this built for the Town and to have it ready for the summer.

Mr. Mountzoures called for any other comments from the public -
Hearing none -
He asked if the Board members had any questions.

Mr. Ambulos asked about moving the meter box.
Mr. Scheer said that holds the electric and all other connections and if they were to do that they would have to run the water from where it is all the way across the property. Everything already exists in that location.

Mr. Carpenteri asked if there would be any parking.
Mr. Mountzoures and Mr. Mulholland said no, it is part of the overlay area.
Mr. Mulholland added that there are 2000 parking spaces downtown that people can use and walk from.

Mr. Smith asked that Mr. Scheer point out on the map where the handicap access area was for all the board members and public.
Mr. Scheer pointed it out on the map.

Mr. Mountzoures called for any other comments -
Hearing none -
Mr. Mountzoures closed this Public Hearing at 6:28 PM.
Mr. Mountzoures said that they would now deliberate and possibly make a decision on the application.

Mr. Mountzoures explained that the only comments that they can take now are from the applicant and only if they have technical questions that they need answered. He also informed the applicant that in the event that they wish to contest the decision that they have 15 days in which to appeal it to the Superior Court.

REGULAR MEETING

Mr. Mountzoures opened the Regular Meeting at 6:29 PM.

Case No. 2-2018: Application of the Town of East Lyme, for a variance of Section 9.3.3, setbacks, for property identified in the application as 224 Main Street, East Lyme, Connecticut to allow construction of a public park to serve the general public. Said parcel appears on the East Lyme Assessor's Map 12.1, Lot 113.

Mr. Mountzoures called for discussion on the application.

Mr. Smith said that he thinks that this is a great project for the Town.

Mr. Mountzoures agreed adding that it will be a great addition to the downtown area.

**MOTION (1)

Mr. Smith moved to APPROVE the Application of the Town of East Lyme, for a variance of Section 9.3.3, setbacks, for property identified in the application as 224 Main Street, East Lyme, Connecticut to allow construction of a public park to serve the general public. Said parcel appears on the East Lyme Assessor's Map 12.1, Lot 113.

**Mr. Carpenteri seconded the motion.
Vote: 4 – 0 – 0. Motion passed.**

ADJOURNMENT

Mr. Mountzoures called for a motion to adjourn.

****MOTION (2)**

**Mr. Smith moved to adjourn Case #2-2018 of the East Lyme Zoning Board of Appeals at 6:33 PM.
Mr. Carpenteri seconded the motion.
Vote: 4 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

Basis for Variance Request

The purpose of this request is to allow the construction of a Public Park located at 224 Main Street Niantic to serve the general public.

It was determined years ago that the highest and best use for the 224 Main Street (the former Mobil station) property is for a public park. The East Lyme Charrette Report – Yale Urban design workshop April 5-6, 1997 identified this location as an ideal location for the expansion of the Village Green and it “can become a central gathering place for villagers and visitors who wish to take advantage of both village and shore”

To create a central gathering place, a semi-circular Terrace has been designed that aligns with the extension of Pennsylvania Avenue as it intersects this property while also overlooking the Niantic Bay. The terrace is positioned 2 feet from the chain link fence to the south and 3 feet from the northern street line to provide ample area for assembly in this cramped location. The lot in question is a long thin triangle that is 80 feet wide on the western edge, 428 feet long on the northern side, extending to a point of zero width at the eastern corner (see attached assessors map). This is a very uniquely shaped lot with 42% of the lot unbuildable because it is located within the setbacks. The lot is only 48 feet wide at location of the terrace construction, of which only 32 feet are outside the setbacks. The uniquely irregular shape of this lot is the hardship that prevents the best and highest use of the property if setbacks are to be adhered to.

In order to create a terrace of appropriate proportions to support the use and location, the proposed design has a “Welcome to Niantic” granite sign, granite curb, and decorative pavers located within the front and rear building setbacks. To construct a terrace that conformed to the existing setbacks would produce a product that is undersized and unsuited for the permitted uses that zoning intended. The Town of East Lyme is requesting a variance for the southern side property line from 10 feet to two feet and for the street line setback from 6 feet to 3 feet to construct a park terrace that meets the needs of the community and is of the correct proportions for the central area of the Niantic Village.

Attachment PH II ZBA

Case 2-2018 1/29



224 Main St.

1/29/2018 8:11:26
 Scale: 1"=60'
 Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.



Case 2-2018