

EAST LYME ZONING BOARD OF APPEALS  
PUBLIC HEARING AND REGULAR MEETING  
MONDAY, NOVEMBER 15th, 2021  
MINUTES

A Public Hearing and Regular Meeting of the East Lyme Zoning Board of Appeals was held on Monday, November 15, 2021 at 6:30 PM at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT.

PRESENT: Steve Carpenteri, Chairman, John Smith, Secretary, Wayne Blair,  
Alternate, Debbie Jett Harris, Kevin Mace

ALSO PRESENT: Dennis McDonald, CT DOT, Applicant  
David Schmidt, Alternate

ABSENT: No One

FILED

Nov 22 2021 AT 9:00 AM/PM

Carroll Helm  
EAST LYME TOWN CLERK

**1. Call Public Hearing to Order**

Chairman Carpenteri welcomed everyone and called the Public Hearing to order at: 6:30 PM. The Pledge was observed.

**2. Read Notice of Public Hearing**

Mr. Carpenteri read the Agenda call of Case #1-2021 of the Public Hearing.

**Case No. 1-2021: Application of The Connecticut Department of Transportation for a variance of Section 8.3.1 Lot Size, CA Commercial, for property identified as Flanders Road, East Lyme, CT in connection with the I-95 Interchange 74 improvements and Route 161 Bridge Replacement. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 21.**

The Public Hearing notice was sent to the New London Day for publication on 11/3/2021 and 11/11/2021.

Mr. Carpenteri introduced the Board members and polled each for any conflict of interest. Hearing no conflicts of interest from the members, he explained the rules of the meeting, and noted that notices had been sent to abutters.

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

Dennis McDonald from the Connecticut DOT explained that with the I-95 Interchange 74 improvements at Rte 161 and replacement of the Bridge that the CT DOT proposes to acquire 377 sq. ft. from the property described in the application. The property is in the CA commercial zone which requires a minimum lot area of 7500 sq. ft. The subject property is currently non-conforming with 2600 sq. ft. and with the proposed acquisition will be reduced to 2223 sq. ft. According to CGS 48-24 the DOT must obtain a lot area variance when acquiring less than the entire parcel. Failure to grant the variance may result in the total acquisition of the subject property which would deny the owner use and occupancy through no fault of their own. Hence, this is a requirement of the Statute.

Mr. Smith asked exactly where this property is.

Mr. McDonald explained that it is directly across from the driving range and is a very small area.

Mr. Carpenteri asked when the area is cleared if there will be a sidewalk.

Mr. McDonald said – not in that area but there would be one near Daddy's Noodles.

Ms. Jett-Harris asked how many properties this project would affect.

Mr. McDonald said that it would be 26 or 27 as it is a very large project.

Mr. Blair asked if there would be a retaining wall put in there.

Mr. McDonald said that yes, there would be one, as to save the old substation, a wall would be necessary.

Mr. Carpenteri asked if there were any comments from the public –  
Hearing none –

He asked if the Board members had any further questions.  
Hearing none –

Mr. Carpenteri closed this Public Hearing at 6:40 PM.

Mr. Carpenteri said that they would now deliberate and make a decision on the application.

Mr. Carpenteri 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. Carpenteri opened the Regular Meeting at 6:41 PM.

**Case No. 1-2021: Application of The Connecticut Department of Transportation for a variance of Section 8.3.1 Lot Size, CA Commercial, for property identified as Flanders Road, East Lyme, CT in connection with the I-95 Interchange 74 improvements and Route 161 Bridge Replacement. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 21.**

Mr. Carpenteri commented that this is a unique situation with regard to the project and the lot size. The use of the property is not changing. He asked if there were other comments or if they were ready to make a motion.

### **\*\*MOTION (1)**

**Mr. Smith moved to APPROVE the Application of The Connecticut Department of Transportation for a variance of Section 8.3.1 Lot Size, CA Commercial, for property identified as Flanders Road, East Lyme, CT in connection with the I-95 Interchange 74 improvements and Route 161 Bridge Replacement. Said parcel appears on the East Lyme Assessor's Map 31.1, Lot 21.**

**Ms. Jett-Harris seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Mr. Carpenteri took a moment to thank both Ms. Jett-Harris and Mr. Schmidt for their service on the ZBA, noting that they would be leaving to take positions on the Zoning Commission.

## **ADJOURNMENT**

Mr. Carpenteri called for a motion to adjourn.

### **\*\*MOTION (2)**

**Mr. Smith moved to adjourn Case #1-2021 of the East Lyme Zoning Board of Appeals at 6:50 PM.**

**Mr. Mace seconded the motion.**

**Vote: 5 – 0 – 0. Motion passed.**

Respectfully submitted,

Karen Zmitruk,  
Recording Secretary