

**Legal and Zoning Committee Report to
Stony Creek Association Board
June 6, 2017**

1. Planning and Zoning - June 1st meeting

A. 157-171 Thimble Islands Road - Chiocchio. Application for Special Exception was tabled pending review by the Stony Creek Design Review Board. The Chiocchios are seeking that the requirement of a public hearing be waived.

B Also on the agenda was the following:

“ Granting Exclusive Rights to utilize designated parking spaces on a public road at certain times of the day related to a proposed settlement agreement with respect to litigation concerning the Legacy Theater.” A positive report was adopted by the Planning and Zoning Committee and sent to the RTM. The RTM will vote on the agreement at its meeting of Wednesday, June 14th at 8PM at the fire headquarters. It is #14 on the agenda.

Present at the meeting were Bill Aniskovich, Town Attorney, Jim Strub, Counsel to Legacy Theater, Mark Brance, Counsel to the individual plaintiffs, and Tim Lee, attorney for the SCA. It was stated that an agreement had been reached by all the parties. A part of the agreement calls for 7 designated parking spaces be granted to Johnson (1), Stach (2), and Alling (4) between the hours of 4 PM to 8 PM everyday of the year. It was further stated that the agreement had been changed from granting designated spaces only during the time of theater performances to every day because signage was too difficult.

Tim Lee, the SCA Attorney, stated that this was the agreement of the SCA.

Last year the SCA voted 6-5 to grant 7 designated parking spaces to Johnson, Stach, and Alling during the hours of theater performances. The Executive Board has been told for many months that the lawyers have been working on a final agreement but as of today no such agreement has been presented to the Board.

I believe there has been a material change in the agreement with respect to designated parking. We do not know what other, if any, changes have been made to the agreement.

The Executive Board should be given a copy of the agreement being presented to the RTM and should vote whether to accept the agreement as written or seek changes before the RTM votes on June 14th. The agreement of the SCA was misrepresented at the Planning and Zoning meeting by our attorney. This must not happen before the RTM.

2. Zoning Board of Appeals - June 20th agenda

Brian Love requests a variance for an accessory structure closer to the street than the principle structure.

Submitted by Ted Ells, Chair _____

June 4, 2017