

# SECOR, CASSIDY & McPARTLAND, P.C.

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September 17, 2018

Branford Zoning Board of Appeals  
Planning and Zoning  
Branford Town Hall  
1019 Main Street,  
Branford CT 06405

Re: Legacy Theatre, Inc.  
128 Thimble Islands Road  
Variance Requests

Dear Board Members:

Secor, Cassidy and McPartland, P.C. represents Legacy Theatre, Inc. ("Legacy") the owner of the theater building and residential cottage located on the property now known as 128 Thimble Islands Road. Legacy is a non-stock corporation and its Board President is Stephanie Williams.

**Consultants.**

Representing Legacy on this project are:

Architect

Wyeth Architects LLC  
Attn: Leonard Wyeth AIA  
94 West Main Street  
Chester, CT 06412  
(860) 526-5111  
lwyeth@wyetharchitects.com

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DR A. O. 11-18

Civil Engineer

Criscuolo Engineering  
Attn: Jim Pretti, P.E., R.L.S.  
420 East Main Street  
Building 1, Suite 9  
Branford, CT 06405  
(203) 481-0807  
jim.pretti@cengineeringllc.com

Historic Building Consulting Architect

Gregg Wies & Gardner Architects, LLC  
Richard N. Wies, AIA  
151 East Street  
New Haven, CT 06511  
(203) 468-1967  
rwies@gwgarchitects.com

Code Consultant

Philip R. Sherman, P.E.  
PO Box 216  
Elkins, NH 03233

Attorney

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**Procedural History.**

As this Board knows, at its meeting on November 18, 2014, this Board upheld a decision of the Zoning Enforcement Officer and thus found that the use of the building at 128 Thimble Islands Road as a theater was a nonconforming use that could be continued by Legacy. The Board's decision was appealed to the Connecticut Superior Court and after protracted negotiation between Legacy, the Stony Creek Association, individual plaintiffs who were abutters to the property and this Board and the Town, and thanks to continuing mediation and oversight from Judge Corradino, a mutually agreeable Stipulation was entered into by the parties. The Court Order Accepting the Stipulation was entered by Judge Corradino on July 17, 2017. The Stipulation was recorded on the Branford Land Records on July 21, 2017, at Volume 1224, Page 949.

**The Stipulation.**

The Stipulation in large part outlined the operational details of the future theater operations. This included a limitation on the number of and type of events that could be held at the property. The Stipulation included a neighborhood parking, as well as a Truck Delivery Management Plan. The negotiations and eventually the Stipulation were intended to ensure that when the theater was re-built and opened that the operations would have minimal impact on the day to day lives of those living in close proximity to the theater.

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### **Interior and Exterior Design.**

Since the Stipulation entered, the interior of the theater has been subject to a redesign. Likewise, the exterior design of the theater building and the outdoor areas at the property have also been fully designed and landscaping proposed. The final designs of both the interior and the exterior are in part due to the information learned by Legacy during the negotiation process. For example, the interior redesign has resulted in a larger lobby and ticket area. This was accomplished through a seating design that allowed for part of the lobby to be expanded beneath the theater seats as they rise within the building. The larger lobby will help keep patrons off of the front sidewalk prior to shows and during intermissions. The larger lobby also allows for a larger mezzanine located above the lobby, which mezzanine includes the installation of a modern technical booth housing modern sound and lighting equipment and controls. Another feature of the enhanced design is the presence of two doors (one preexisting and one new) on the south side of the theater building. These doors will encourage patrons to exit the building and enter the courtyard area between the theater building and the cottage. Again, this was done, in part, to keep patrons off of the front sidewalk as much as practical during theater operations.

### **The New Overhang.**

An overhang is proposed along the south side of the theater building. This overhang will serve to cover the two doors previously mentioned and will also serve to cover the walkway that in part connects the handicap parking space with the front of the building. Again, the overhang will facilitate keeping patrons off of the front sidewalk during intermissions. Interestingly, the overhang has also been incorporated into the design in order to help the modern building mirror its history. A series of photos from the 1930s show an overhang attached to the building in this location. When Legacy's architects met with the State Historic Preservation Office (SHPO) it was agreed that this exterior design element should be added to the project. This project will require a site plan approval, which will also require a review of the proposed exterior architecture by the Stony Creek Architectural Review Board. In order to install the overhang a number of variances will be required.

### **The Wheelchair Lift and Mezzanine.**

A wheelchair lift (not an elevator) has also been added to the final design. This is intended to provide access to staff and employees to the technical sound and lighting booth located above the lobby. This enhanced access will allow this theater to be transformed from an old tired building with a great history to a modern facility that will provide opportunities to persons with disabilities that is rarely found in small theater buildings. Given the location of the lift in a portion of the building that has always been located in the side yard setback and given the need for the construction of a new dormer to allow for the necessary headroom for the lift, a variance is required to allow for this installation. The variances requested also allow for the installation of the modern equipment in the new technical booth located in the larger mezzanine above the expanded lobby.

### **Transparency**

The final design is the preferred design of Legacy. Legacy and its Architect and Engineer have also met with its abutters and interested local neighbors to ensure that the current plan is in keeping with the design elements contained in the Stipulation and anticipated by the neighbors. Legacy has also had multiple meetings with the Land Use Staff in order to address any item possible in advance of its final submissions. As a result of these meetings, the landscape plan has been bolstered and the onsite storm water management plan will enhance storm water retention and better control runoff both on and off site.

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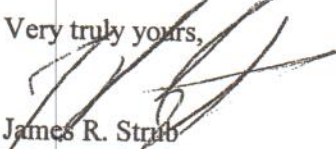
After a great deal of planning and input from experts, Legacy is submitting the attached variance application for variances necessary for the modernization of this historic theater building and property in a manner that is consistent with its neighborhood and maintains its historic elements.

Also included in this application are the following:

1. Site Plan prepared by Criscuolo Engineering showing the Zoning table and thus identifying the necessary variances.
2. Architectural plans by Wyeth Architects.

Please schedule this application for a public hearing at your October regular meeting.

Thank you.

Very truly yours,  
  
James R. Strub  
Attorney for the Applicant  
Legacy Theatre, Inc.

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