

# BRUCE MUSEUM

## RTM EXPLANATORY COMMENTS FOR SEPTEMBER 2017 MEETING

### I. History and Background Information

Upon his death in 1909, Mr. Robert Bruce bequeathed his entire 100+/- acre property, inclusive of his dwelling house, to the Town of Greenwich. As part of this gift, Mr. Bruce placed several conditions on the conveyance of his property to the Town. Mr. Bruce specified that his "dwelling house...be used as a Natural History, Historical and Art Museum, for the use and benefit of the public." Further, Mr. Bruce established a trust fund to assist in the operational costs and maintenance of the future museum and surrounding "Bruce Memorial Park", but specified in his deed to the Town that "...after the trust fund which I have created by said agreement shall have been expended, by said trustees, then said grantee [the Town] shall, at its own expense, keep and maintain said Museum for the use of the public, either in said building or in another proper building on said park premises to be provided for that purpose." (See [EXHIBIT A](#), GLR Book 123, Page 162).

On October 16, 1909, the Town Meeting accepted the land from Mr. Bruce and became responsible for the creation and maintenance of both the Bruce Museum and the Bruce Memorial Park. This included employing Museum staff and maintaining the Park and Museum premises. (See [EXHIBIT B](#), RTM Minutes, Book 4, Page 49).

Following that gift and for approximately 50 years, the majority of all improvements made to Bruce Park and the Bruce Museum were done through Town funds. However, in the 1960's the Museum started to significantly expand its base of support and outreach into the Greenwich community through an active volunteer fundraising organization known as Bruce Museum Associates. On June 9, 1969, Bruce Museum Associates was incorporated and became Bruce Museum, Inc. (BMI). This "nonprofit support group" began to privately raise funds to "support the increasing operating needs of the Museum".

On June 12, 1972, the Town Meeting adopted Sections 2-1 through 2-4 of Article 1 of Chapter 2 of the Code of the Town of Greenwich, which established the Bruce Museum Board. The Bruce Museum Board had "supervision and control of all administrative functions relative to the Bruce Museum" for nearly 20 years thereafter. (See [EXHIBIT C](#), RTM Minutes, June 12, 1972).

In April of 1990, the Board of Selectmen approved a proposal for extensive additions and renovations to the Bruce Museum. To support this expansion project, BMI privately raised substantial funds for the purposes of expanding and improving the physical facilities of the Museum and to establish an endowment fund, the income of which would be used to supplement Town funds available for the operation of the Museum.

In connection with this expansion, and for the future operations and maintenance of the Museum, the Town reorganized the operational and financial management of the Bruce Museum so that such responsibilities would be under the purview of BMI. To accomplish this, the RTM did the following at its October 28, 1991 Meeting:

- 1.) The RTM repealed Sections 2-1 through 2-4 of Article 1 of Chapter 2 of the Code of the Town of Greenwich, which outlined the provisions for the establishment of the Bruce Museum Board, the municipal board established to supervise and control all administrative functions relative to the Museum (Item 7 on the 10/28/91 Call);

- 2.) The RTM amended the Town Charter to establish **Section 81a. Bruce Museum**, which specifically includes a provision that the Director of Parks and Recreation, subject to RTM approval, may enter into an agreement with BMI to allow BMI to "administer, supervise, manage, and operate the Bruce Museum..." (Item 8 on the 10/28/91 Call); and
- 3.) The RTM authorized the execution of the Bruce Museum Management Agreement (Item 9 on the 10/28/91 Call)

On January 31, 1992, the Town executed and entered into the Bruce Museum Management Agreement with BMI (the "1992 Management Agreement", See **EXHIBIT D**). As part of this Agreement, the Town acknowledged that the "future maintenance and operation of the Museum... [could] best be accomplished as contemplated by this Management Agreement."

For the past 25 years, BMI has managed and operated the Museum and administered its affairs in conformance with Paragraph 4 of the 1992 Management Agreement. Further, except for the annual budget appropriation made to BMI by the Town, BMI has been, and continues to be, primarily responsible for the Museum's finances.

In October of 2014, BMI began the initial design stages to renovate and expand the Museum (the "2017 Expansion Project"). As part of this initiative, the Town, BMI and local legislators succeeded in obtaining a \$750,000 grant from the State of Connecticut to assist in funding a renovation of the Museum's permanent science gallery, a project that would become part of the overall 2017 Expansion Project. To implement application of the Grant, the 1992 Management Agreement was amended on November 2, 2016 as described in the First Amendment to Bruce Museum Management Agreement (the "First Amendment", See **EXHIBIT E**)<sup>1</sup>.

The First Amendment did two (2) important things: 1.) It revised the definition of "Plans" from the 1992 Management Agreement to include work to the Museum's permanent science gallery (now a phase of the 2017 Expansion Project); and 2.) Extended the terms of the 1992 Management Agreement for an additional twenty-five (25) years, commencing on January 31, 2017, through January 31, 2042.

## **II. 2017 Expansion Project and Town Approvals To Date**

The Museum is dedicated to providing the public with the best exhibitions and educational opportunities available; however, the physical constraints of the existing museum limit the services BMI can provide to the community. As a result, and as noted above, in 2014 BMI initiated a process to further expand and improve the physical facilities in the following ways:

- 1.) Increase gallery space for permanent and changing exhibitions of art and science;
- 2.) Expand on-site educational classroom space;
- 3.) Create adequate storage space for permanent collections;
- 4.) Establish appropriate exhibition preparation space; and
- 5.) Create visitor amenities on par with other high caliber museums.

To date, BMI has, at its sole cost (approx. \$4M), prepared plans and specifications (the "2017 Plans") illustrating the 2017 Expansion Project and has privately raised an additional \$22M for the purposes of constructing such further expansion and improvements to the Museum facilities and the Museum Premises in accordance with the 2017 Plans. The project's overall cost is estimated at approximately \$60M (\$45M in construction costs; \$15M additional to the endowment).

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<sup>1</sup> Approved by the RTM at its June 2016 Meeting.

The 2017 Plans have been reviewed in detail over the past year by the Town. Such review has included the examination of plans and reports by many Town Agencies and Departments and has included the following approvals (in chronological order, See **EXHIBIT F**):

- July 19, 2016 - The **Greenwich Inland Wetlands and Watercourses Agency** (“IWWA”) Staff made the formal determination that an IWWA Permit or other approval would not be required for the proposed work.
- July 28, 2016 - BMI obtained MI Status from the **Greenwich Board of Selectmen** to proceed with the 2017 Plans.
- October 18, 2016 - The **Greenwich Planning and Zoning Commission** reviewed BMI's Preliminary Coastal Site Plan Application (#PLPZ 2016 407) and moved the application "to final". This review included review and issuance of advisory comments from the following Town departments: DPW Engineering, DPW Sewer, Zoning Enforcement, Conservation, BETA Group, Inc. (the Planning and Zoning Commission's third party traffic consultant), the Department of Environmental and Energy Protection (DEEP).
- November 7, 2016 - The **Greenwich Planning and Zoning Board of Appeals** approved Appeal #PLZE 2016 0256, which granted a special exception to permit the Museum to construct a 36-foot addition pursuant to Section 6-203(c) and granted variances of building height and number of permitted stories to construct the building as shown on the 2017 Plans.
- November 9, 2016 - The **Greenwich Architectural Review Committee** approved the overall project, including site landscaping [Note: The Museum will return to the ARC with construction documents and its full lighting plan.]
- December 20, 2016 - The **Tree Warden** approved the 2017 Plans as evidenced by his Final Decision, attached hereto as part of **EXHIBIT F**.
- March 15, May 1, & May 5, 2017 - BMI met with senior Town staff to discuss and amend various aspects of the 2017 Expansion Project and solidify a final draft of the 2<sup>nd</sup> Amendment to the Bruce Museum Management Agreement. Town personnel involved in these discussions included: Benjamin Branyan, Town Administrator; Joseph Siciliano, Director of Parks and Recreation; Bruce Spaman, Tree Warden; Katie DeLuca, Town Planner/Director, Planning and Zoning; Patrick LaRow, Assistant Town Planner/Deputy Director, Planning and Zoning, Amy Siebert, Commissioner of Public Works; Rita Azrelyant; Director, Parking Services; Wayne Fox, Town Attorney, and Eugene McLaughlin, Assistant Town Attorney.
- May 22, 2017 – BMI submitted revised plans and documents to the Greenwich Board of Selectmen and Greenwich Planning and Zoning Department based on the discussions noted above.
- May 30, 2017 – The **Greenwich Board of Selectmen** approved the proposed Second Amendment to Bruce Museum Management Agreement and modified the following Sections of the Greenwich Municipal Ordinances per BMI's request: Section 14-1, Schedule I; 14-5, Schedule II; and Section 14-7.6, Schedule VIIA.
- June 1, 2017 - The **Greenwich Planning and Zoning Commission** reviewed and approved the 2017 Plans as part of BMI's Applications for Final Coastal Site Plan (#PLPZ 2017 00045), Special Permit (#PLPZ 2017 00046) and Municipal Improvement (#PLPZ 2017 00048). This review included review and issuance of advisory comments from the following Town departments: DPW Engineering, DPW Sewer, Zoning Enforcement, Conservation, BETA Group, Inc. (the Planning and Zoning Commission's third party traffic consultant), the Department of Environmental and Energy Protection (DEEP).

### **III. Request to the RTM**

BMI now seeks authorization from the RTM pursuant to Section 81a.(b) of the Town Charter to update and amend the Management Agreement to move forward with the 2017 Expansion Project and clarify the ongoing maintenance of the Bruce Museum (hereinafter referred to as the "Second Amendment", See **EXHIBIT G**). Primarily, the Second Amendment will: Amend the definition of "Plans" in the Management Agreement to reflect the 2017 Plans, which includes reorganization of the existing 29,639 SF museum and the construction of an integrated 37,656 SF addition, site landscaping, as approved by the Town Tree Warden and Greenwich Architectural Review Committee, drainage improvements, as approved by the Department of Public Works' Engineering Division, and the creation of parking to support the expanded use; Add a new provision to Management Agreement to coordinate the Museum's use of any Town parking lot through the Town Director of Parking Services; and clarify and more specifically define the maintenance obligations of the Town and BMI.

It should be noted that BMI and the Town (Department of Parks and Recreation, Parking Services, Office of the First Selectman, Planning and Zoning Department, Department of Public Works) worked diligently and cooperatively to ensure that maintenance of the new museum would not add to the Town's maintenance responsibilities for the site. Existing maintenance activities were clearly identified by the Department of Parks and Recreation as well as the Department of Public Works and any new areas of maintenance above those already provided will be assumed by BMI, as outlined in Paragraph 8 of the Second Amendment (**EXHIBIT G**).

The Second Amendment as presented herewith has been reviewed to the satisfaction of the Town Attorney.

### **IV. Strengthening a Greenwich Resource**

The Bruce Museum facilitates discovery, shares knowledge, and inspires thought. From providing educational programming to children of all ages, to motivating adults to discover more about history, art, and science, the Bruce Museum inspires a passion for knowledge and a lifelong love of learning. The 2017 Plan will strengthen this beloved Greenwich Resource by increasing gallery space for permanent and changing exhibitions of art and science, expanding the on-site educational program, and providing ancillary spaces for storage, exhibit preparation and visitor amenities.

#### *Galleries of Art and Science*

While the Bruce Museum has developed a diverse collection of approximately 16,500 objects through both gifts and purchases, all of which are the collective property of the citizens of Greenwich, it does not have a permanent gallery for art to display these objects. The modest 3,500 SF permanent gallery space that the Museum has is used exclusively to display the permanent science exhibit: "Changes in Our Land", which recently received State funding for renovation.

The 2017 Plans layout a 15,194 SF addition to the Museum's main level, creating an overall second floor of 28,806 SF. The area of the addition will be almost entirely dedicated to providing new gallery space for the Museum's permanent and changing art collections. To date, over \$100M worth of art has been promised to fill the Museum's new permanent art galleries. With artworks ranging in date from the fourth century B.C. to the early twenty-first century, the expanded Bruce Museum will have space to celebrate the achievements of artists from diverse cultures around the world. As noted above, and in accordance with the Management Agreement and Town Charter, all items in the Museum's collections and all additions to that collection are property of the Town.

Science and natural history galleries will also be expanded as part of the 2017 Project. Encompassing nearly all of the Museum's existing gallery space, the science wing of the expanded Bruce

Museum will have the space to explore cutting-edge themes in science in greater depth. The permanent science galleries will be redesigned and reinstalled, adding more exceptional minerals, fossils, and unique specimens of the natural world to the Bruce Museum's collection. New lighting, sound effects, and updates to the interactives provided within the permanent science galleries will present a multi-sensory expedition through the region's rich natural history.

The future changing exhibition space within the science wing will allow visitors to explore themes such as paleontology, biology, chemistry, engineering, physics, and so much more. In this new changing exhibition space, visitors will investigate a new show every three to four months, igniting imaginations and providing a platform to examine discoveries of the past, present breakthroughs, and the possibilities for the future.

### *Education*

Education is the focus of the Museum's operations and can be seen in its every initiative. The Bruce Museum's Education Department is award winning, most recently receiving an award from the Lois Bronz Center in Westchester for its afterschool programs for disadvantaged youth (2016) and from the Cultural Alliance of Fairfield County for Excellence and Innovation in Education (2016).

Presently, the Museum offers approximately 1,550 educational programs per year, which serve over 38,000 people annually in every age group. Programs targeted at students from Pre-Kindergarten to twelfth grade include the Museum's object-based learning and hands-on activities that supplement school curricula. These school-aged programs currently serve over 10,000 students per year. In the expanded Museum, spaces dedicated to hands-on learning will triple in size over existing conditions, enabling Museum Educators to reach over 200 students<sup>2</sup> per day in grades K-12. It is anticipated that the new Bruce Museum will welcome over 35,000 students in the first year of operations.

Overall educational programs will also increase to approximately 2,100 per year. Adult programs, such as lectures, films, and symposia, take place in an existing 1,254 SF multi-purpose Lecture Hall gallery, which also functions as a flexible gallery space and community rental space. This space, as it currently exists, is also used for social events like exhibition opening receptions, dinners, cocktail parties, etc. A new multi-purpose lecture hall, adjacent to a new and inviting lobby, will provide an updated space for community events and for visitors to engage with leaders in the fields of art and science.

### *Benefits to Greenwich*

While the Bruce Museum draws visitors from a broader area, it is the Town of Greenwich that benefits the most from the Bruce Museum and from any improvements made to same. Physically, the Museum's real property: its land, structures, and any improvements thereto, belong to and become the property of the Town. The objects in the collection the Bruce Museum, and all additions thereto, are vested exclusively in the Town of Greenwich and held in public trust.

Operationally, two-thirds of BMI's Board of Trustees must be residents of the Town of Greenwich. This ensures that the core values and purposes of BMI, now and in the future, are reflective of the values held by Greenwich residents. In addition to this two-thirds requirement, the First Selectman, the Moderator of the Representative Town Meeting, and the Chairman of the Board of Estimate and Taxation are all ex-officio voting members of the BMI Board.

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<sup>2</sup> The existing Museum reaches approximately 75 students per day.

Greenwich also benefits the most from the enrichment that the Bruce Museum provides to its visitors. Based on a 2013 Study published in the journal *Education Next* (WINTER 2014 / VOL. 14, NO. 1), researchers found that museum visits resulted in "improvements in students' knowledge of and ability to think critically about art, a stronger display of 'historical empathy,'" greater tolerance for differing views, and interest in repeating the experience of attending such a cultural institution." Over 33% of all Bruce Museum visitors come from Town (see **EXHIBIT H**). Further, over 50% of the students reached each year by the Museum are Greenwich-based. During the 2016-2017 fiscal year, the Bruce Museum delivered 337 programs to 6,595 participants from Greenwich-based schools and organizations. A list of these organizations is included herewith as **EXHIBIT I**. These initiatives will only increase with the expanded Museum facility and programming opportunities.

## **V. Project Cost and Financial Impacts**

### *General Information*

The Town of Greenwich assumed the financial obligations associated with "keep[ing] and maintain[ing] said museum..." when it accepted Mr. Bruce's gift in 1909. As such, the full expense of running the museum was part of the Town's Budget.

Starting with the 1992 Management Agreement, BMI assumed the financial responsibilities to maintain and run the museum, except for certain contributions to be continued by the Town. These contributions were to provide reasonable physical maintenance and repair of the Museum building and premises and to provide financial assistance by way of an annual budget appropriation to BMI to assist BMI in meeting its operating requirements. As outlined in the 1992 Management Agreement, it was the Town's intention to provide funding "equal to the aggregate of funds and services appropriated by the Town for the 1991-1992 fiscal year for the purposes of the Museum, adjusted annually on account of increases or decreases in the cost of services, supplies and materials, and other items due to changes in the cost of living and other factors affecting the Town's budget."

Over the years, the Town's dollar amount contribution to the Museum's operating costs has increased due to inflation and increases in the cost of living. However, on a percentage basis, that contribution has gone from 22% of the Museum's annual budget in 1996 to approximately 15% today (see **EXHIBIT J**). The Town has benefited from BMI's investment in the Museum, which has increased the value of the real estate and collection significantly over the last 25 years. The Museum's collection alone has increased in value by approximately \$3.5M, and is currently valued at about \$8M. Further, BMI has raised the Museum's status within the art community and given Greenwich a museum it can be proud of.

Financially, BMI is held to a high level of public accountability and transparency. Financial statements are regularly prepared and provided to the Town which evidence BMI's financial health and its commitment to function in the highest public interest. The Bruce Museum is audited on an annual basis and, most recently, PFK O'Connor Davies, LLC has audited the financial condition of the organization (see **EXHIBIT K** for Financial Statements).

### *2017 Expansion - Project Cost*

As noted above, the expansion of the Bruce Museum will require approximately \$60 Million, of which \$45 Million is in planning and construction costs and \$15 Million is in endowment. To date, BMI has already raised \$23 Million towards its goals - \$18 Million in capital and \$5 Million in endowment.

### *2017 Expansion – Budgetary Impact*

The current operating budget of the Bruce Museum is \$5,117,023. Post-construction, the operating costs of the Bruce Museum are expected to increase to \$7,514,844<sup>3</sup>, a 47% increase.

However, this increase in operating costs will be offset by increased revenues and an increase in endowment, maintaining BMI's financial stability. Specifically, annual revenues at the Bruce Museum are expected to increase from \$5,117,295 to \$7,533,959, a 46% increase. This projected revenue includes approximately \$1,900,000 from BMI's endowment fund, which it created and continues to manage to provide the Museum with a steady stream of income. BMI's existing endowment fund is approximately \$23 Million and is expected to grow to around \$38 Million as a result of the 2017 Expansion Project. In sum, BMI anticipates a break-even budget with no changes in the allocation from the Town.

### *Bruce Museum's Economic Impact on the Town of Greenwich*

The Bruce Museum generates a great deal of economic activity in Town of Greenwich. Using the Arts and Economic Prosperity Calculator<sup>4</sup> the Bruce Museum has had the following economic impacts during the 2017 fiscal year:

The total dollars spent by the Bruce Museum and its audiences is over \$7.1M (Note: event related spending by visitors is estimated using the average dollars spent per person by arts event attendees in similarly populated communities);

- The total dollars paid to community residents (e.g., salaries, wages, proprietary income) as a result of the expenditures by the Bruce Museum and its audiences is \$5.6M;
- The total dollars received by the local government (through fees/taxes, etc.) as a result of the Bruce Museum's expenditures and those of its audiences is over \$280,000;
- The total dollars received by the State government as a result of the Bruce Museum's expenditures and those of its audiences is over \$320,000.

In addition to the Americans for the Arts calculations, a visitor survey was conducted by the Bruce Museum in March 2016. One-hundred ninety one (191) visitors from outside of Greenwich, CT indicated the following about their spending during their trip to the Bruce:

- 91% reported spending up to \$100 on retail shopping;
- 88% reported spending up to \$100 on food and beverages at local restaurants.

## **VI. Conclusion**

Under the administrative leadership of BMI, the Bruce Museum has undergone a professional transformation on every level. Since the establishment of the 1992 Management Agreement, the Bruce Museum has been accredited by the American Association of Museums, become the second most popular art museum in Connecticut, mounted world-class exhibits, expanded its public presence, and increased its annual attendance at an accelerated rate. With its enhanced reputation, the Bruce Museum has become an

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<sup>3</sup> Projected data provided by M. Goodwin Museum Planning, Inc.

<sup>4</sup> Developed in 2012 by the non-profit advocacy group Americans for the Arts to quantify the economic impact of arts and culture in the state of Connecticut. The calculator uses a sophisticated economic analysis called input-output analysis, which is a system of mathematical equations that combines statistical methods and economic theory enabling economists to track how many times a dollar is "re-spent" within the local economy. For example, in addition to the money spent from visitors to the region, if the Bruce Museum purchases several gallons of paint from a local hardware store, the hardware store then uses that money to pay employees, who in turn spend that money on lunch in the area.

economic engine that supports jobs, generates government revenue, and is a cornerstone of the regional tourism industry.

As noted above, the Museum enriches the lives of Greenwich residents. Since 1992, BMI has appropriately and markedly managed the Museum, both physically and from a programmatic standpoint, and promoted its growth and reputation.

According to the Town's 2009 Plan of Conservation and Development, the Bruce Museum "enhances the quality of life [in Town] and Greenwich should continue to support the Museum." BMI now asks that the Town support the Museum in its request to amend the Management Agreement to move forward with the 2017 Expansion Project and clarify the ongoing maintenance of the Bruce Museum.

# **EXHIBIT A**

**GLR Book 123, Page 162**

## BOOK 123. MISCELLANEOUS.

which I as such Executrix have or ought to have in and to:

All that certain tract of land, situated at Riverside, in said Town of Greenwich. Beginning at the point formed by the intersection of the division line between land hereby conveyed and land of Lincoln Steffens, with the westerly line of Sound View Avenue, and running thence along the west line of Sound View Avenue, south 22° 19' West 254.5 feet, south 4° 52' West 104.8 feet, thence through land of said Estate, south 89° 33' West 170.7 feet to high water line of Cos Cob Harbor, thence along high water line of Cos Cob Harbor south 70° 32' West 48.9 feet, North 51° 30' West 17.3 feet, North 16° 55' East 48.8 feet to land of Lincoln Steffens, thence along land of said Steffens south 75° 51' East 220.7 feet to the place of beginning and containing 1.856 acres.

Bounded Northerly by land of Lincoln Steffens, Easterly by Sound View Avenue, Southerly by land of said estate and Cos Cob Harbor, and westerly by Cos Cob Harbor.

Together with all right title and interest in and to that portion of the highway, Sound View Avenue, in front of and adjoining the premises to the centre line thereof.

Together with all right, title and interest in and to the land between high and low water marks in front of said premises and all riparian rights therein.

This deed is given and accepted upon the express covenant and agreement, as part of the consideration thereof, that said premises shall be used by the grantee, his heirs and assigns, for private residence purposes only.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto him, the said grantee, his heirs and assigns forever, to his and their proper use and behoof. And I, the said grantor, do for myself, my heirs, executors and administrators, covenant with the said grantee, his heirs and assigns that I have full power and authority, as such executrix, to bargain and sell the same in manner and form as above written.

AND FURTHERMORE, I, the said grantor, do by these presents bind myself and my heirs forever to warrant and defend the above granted and bargained premises to him, the said grantee, his heirs and assigns, against all claims and demands whatsoever. IN WITNESS WHEREOF, I have hereunto set my hand and seal the 28th day of October A. D., 1909.

Signed, sealed and delivered in presence of,

Wilbur S. Wright

Fannie A. Hamilton (L.S.)  
Executrix.

Fred A. Hubbard  
STATE OF CONNECTICUT, )  
COUNTY OF FAIRFIELD, )

SS.: Greenwich, October 28th, 1909.

Personally appeared FANNIE A. HAMILTON, signer and sealer of the foregoing instrument, and acknowledged the same to be her free act and deed as executrix as therein described, before me,

(Notary Seal)

Wilbur S. Wright Notary Public.

Received for Record Oct. 28th, 1909, at 4:40 P. M., and recorded by,-

*Robt. Wallstrom*

Town Clerk.

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:-

KNOW YE, THAT I, ROBERT M. BRUCE, of Greenwich, Fairfield County, Connecticut, for the

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consideration of the sum of one dollar received to my full satisfaction of the TOWN OF GREENWICH, a public corporation in said Fairfield County, do give, grant, bargain, sell and confirm unto the said Town of Greenwich, all those four certain pieces, parcels or tracts of land, with the buildings thereon, situate and being in said town of Greenwich, and bounded and described as follows:

The first tract, on which is located my residence, is bounded northerly about thirteen hundred and seventy (1370) feet by land of the New York, New Haven and Hartford Railroad Company; easterly twenty and one-tenth ( $20 \frac{1}{10}$ ) feet by Davis Avenue, and eleven hundred and thirty-eight and nine-tenths ( $1138 \frac{9}{10}$ ) feet by Indian Harbor Drive; southerly eight hundred and ninety-one (891) feet by land of Elias C. Benedict and land of William J. Smith and westerly eight hundred and nine (809) feet by Greenwich Avenue, containing about twenty-one (21) acres.

The north line of the above described tract is parallel to and distant seventy-five (75) feet southerly, measured at right angles from the center between the four main tracks of the New York, New Haven and Hartford Railroad Company.

The second tract begins at the point formed by the intersection of the easterly line of Davis Avenue and land of the New York, New Haven and Hartford Railroad Company, and runs thence easterly along said division line for about nine hundred and forty (940) feet, thence on a continuation of said division line, but through my land for about eighteen hundred and twenty (1820) feet to land of Robert S. O'Laughlin (the above described line for its entire length of about twenty-seven hundred and sixty (2760) feet is parallel to and distant eighty five (85) feet, measured at right angles, from the center line between the four tracks of the New York, New Haven and Hartford Railroad Company) thence southerly and easterly about three hundred and seventy (370) feet along land of said Robert S. O'Laughlin to land of William H. Truesdale, and the easterly line of a private road; thence along the line of said private road, which is also the line of land of said William H. Truesdale, southerly, easterly, northerly and again easterly about twenty-one hundred and fifty-five (2155) feet to land of Harriet Louder Greenway, and the center line of the private road dividing the land hereby conveyed from land of said Harriet Louder Greenway; thence southerly along the center line of said Private road about thirteen hundred and eighty-five (1385) feet to the north line of the public road leading from the Borough of Greenwich to Charles Mead's Point, so-called, and known as Davis Avenue- thence northwesterly along Davis Avenue about thirty-seven hundred and ninety (3790) feet to the place of beginning; containing about seventy-four and one-half ( $74 \frac{1}{2}$ ) acres. Said tract is bounded northerly by land of the New York, New Haven and Hartford Railroad Company, land of the grantor, and land of William H. Truesdale; easterly by land of Robert S. O'Laughlin, land of William H. Truesdale and land of Harriet Louder Greenway, and southerly and westerly by Davis Avenue, and said tract is subject to right of way for pipe lines to The Greenwich Water Company, to right of way for electric poles to The Connecticut Company, and to right of way for sewer and roads as given in deeds to William H. Truesdale and Robert S. O'Laughlin, and also to a right of way to Harriet Louder Greenway over the westerly half of the private road bounding said tract on the easterly side thereof.

The third tract is bounded northerly thirty (30) feet by land of William J. Smith; easterly two hundred and forty (240) feet by Davis Avenue; southerly eighty (80) feet by land

## BOOK 123. MISCELLANEOUS.

formerly of the Estate of Charles Mead, and westerly by Davis Harbor; containing about one quarter of an acre.

The fourth tract is bounded North by land of Henry Webb; East by highway; south by land of William J. Smith, and west by the creek. Said tract lies directly in front of the tract first herein described and is coextensive therewith in length from north to south. The grantor hereby reserves to himself the use of all of said premises for and during his natural life.

TO HAVE AND TO HOLD the above granted and bargained premises with the appurtenances thereof, to and for the uses and purposes and under the conditions hereinafter mentioned and specified, unto said Town of Greenwich and its successors forever, to it and their own proper use and behoof. And also I, the said grantor do for myself and my heirs, executors and administrators covenant with the said Town of Greenwich, and its successors, that at and until the enrolling of these presents I am well seized of the premises as a good indefeasible estate in fee simple, and have good right to bargain and sell the same in manner and form as is above written.

This deed is given by the grantor and accepted by the grantee upon the following conditions to wit:

First. That the land, except the fourth tract hereinbefore described, shall be forever used for the purposes of a public park, to be known as the "BRUCE MEMORIAL PARK", and shall be devoted to no other use or purpose, except that the building on the second tract may be leased for proper purposes, and the rentals therefrom applied in the care, preservation and maintenance of said park.

Second. That no building or other structure shall be erected on any part of the fourth tract hereinbefore described, but said tract shall be used for park purposes in connection with the first tract <sup>or</sup> for the purpose of a public highway.

Third. That the grantee, from its own funds and from the aforesaid rentals, so long as such rentals may exist, shall forever keep and maintain said park premises in a good state of preservation for the use of the public, and shall keep all of the buildings on said premises properly insured and in good repair.

Fourth. That my dwelling house, located on the first described tract, shall, so long as the same is proper and adequate for such purposes, be used as a Natural History, Historical, and Art Museum, for the use and benefit of the public, in such manner and under such rules as may be prescribed by the Selectmen of the town and the trustees (and their successors,) appointed by me in and by a certain trust agreement of even date herewith; and after the trust fund which I have created by said agreement shall have been expended, by said trustees, then said grantee shall, at its own expense, keep and maintain said Museum for the use of the public, either in said building or in another proper building on said park premises to be provided for that purpose.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 4th day of August A. D., 1908

Signed, sealed and delivered in presence of,

Geo. G. McNeill

Agnes O'Neill

Robert M. Bruce L.S.

STATE OF CONNECTICUT, )

COUNTY OF FAIRFIELD, )

SS.: Greenwich August 4, 1908.

Personally appeared ROBERT M. BRUCE, signer and sealer

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of the foregoing instrument, and acknowledged the same to be his free act and deed before me.

Geo. G. McNall Notary Public.

Received for Record Oct. 30th, 1909, at 11:45 A. M., and recorded by,-

*John Willshood* Town Clerk.

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TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:-

KNOW YE THAT I, SARAH E. BRUCE, of the City of New York, devisee under the last will and testament of ROBERT M. BRUCE, late of Greenwich, Fairfield County, Connecticut, for the consideration of the sum of one dollar received to my full satisfaction of the TOWN OF GREENWICH, a public corporation in said Fairfield County, do give, Grant, bargain, Sell and Confirm unto the said TOWN OF GREENWICH, all those four certain pieces, parcels or tracts of land, with the buildings thereon, situate and being in said town of Greenwich, and bounded and described as follows:

The first tract, on which is located the house lately occupied by said Robert M. Bruce, is bounded Northerly about thirteen hundred and seventy (1370) feet by land of the New York, New Haven and Hartford Railroad Company; Easterly twenty and one-tenth ( $20 \frac{1}{10}$ ) feet by Davis Avenue, and eleven hundred and thirty-eight and nine-tenths ( $1138 \frac{9}{10}$ ) feet by Indian Harbor Drive; Southerly eight hundred and ninety one (891) feet by land of Elias C. Benedict and land of William J. Smith, and westerly eight hundred and nine (809) feet by Greenwich Avenue, containing about twenty one acres. The North line of the above described tract is parallel to and distant seventy-five (75) feet southerly, measured at right angles from the center between the four main tracks of the New York, New Haven and Hartford Railroad Company.

The second tract begins at the point formed by the intersection of the easterly line of Davis Avenue and land of the New York, New Haven and Hartford Railroad Company, and runs thence westerly along said division line for about nine hundred and forty (940) feet, thence on a continuation of said division line, but through my land for about eighteen hundred and twenty (1820) feet to land of Robert S. O'Laughlin (the above described line for entire length of about twenty-seven hundred and sixty (2760) feet is parallel to and distant eighty-five (85) feet, measured at right angles, from the center line between the four tracks of the New York, New Haven and Hartford Railroad Company); thence southerly and easterly about three hundred and seventy (370) feet along land of said Robert S. O'Laughlin to land of William H. Truesdale, and the easterly line of a private road; thence along the line of said private road, which is also the line of land of said William H. Truesdale, southerly, easterly, northerly and again easterly about twenty one hundred and fifty-five (2155) feet to land of Harriet Louder Greenway, and the center line of the private road dividing the land hereby conveyed from land of said Harriet Louder Greenway; thence southerly along the center line of said private road about thirteen hundred and eighty-five (1385) feet to the north-line of the public road leading from the Borough of Greenwich to Charles Mead's Point, so-called, and known as Davis Avenue; thence Northwesterly along Davis Avenue about thirty-seven hundred and ninety (3790) feet to the place of beginning; containing about seventy-four and one-half ( $74 \frac{1}{2}$ ) acres. Said tract is bounded Northerly by land

# **EXHIBIT B**

**RTM Minutes**

**10/16/1909**

**Book 4, Page 49**

## SCHOOL VISITORS

Frederick W. Lyon

William White

## REGISTRARS OF VOTERS.

Charles Cameron

Thomas E. Fox

## AUDITORS

Thomas A. Mead

William Talbot

## HIGH SCHOOL COMMITTEE

Henry Dayton

Arthur G. Blaber

George E. Bearn

## TREE WARDEN

Charles T. Hotaling

Vote on Consolidation of School Districts.

For 457

Against 307

Vote on License

Yes 1040

No 744

On Motion the Meeting Adjourned to said Oct. 16th, 1909.

Attest:

*Rev. W. C. Mead*

Town Clerk.

## NOTICE

## ADJOURNED MEETING

The Adjourned Annual Business Meeting of the Town of Greenwich will be held at the

TOWN HALL in said Greenwich on Saturday, October 16th, 1909 at 2 o'clock P. M.

The General Business of said Meeting will be as follows:

1. To hear and act upon the Annual Reports of the Selectmen, Town Treasurer, School Visitors and other Reports presented by Town Officials.
2. To fix a period during which the public Schools shall be maintained for The Current year at Town Expense.
3. To Alter the School District Boundary lines between the North Stanwich School District and the South Stanwich School District, by taking from the North Stanwich District about 45 acres of land formerly owned by Silas Sutherland and wife, and adding the same to the South Stanwich District. Said property was formerly in the South Stanwich School District.
4. To take such action as may be deemed advisable as to accepting a deed of certain Property; consisting of about one Hundred acres with buildings thereon, executed to the town by the Late Robert Bruce, for the purpose of a Public Park, said Park to be known as "The Bruce Memorial Park.
5. To take action on the acceptance of roads at Jaynes Park as follows: Harold Avenue to Ann Street, Ann Street to the Old Post Road.

6. To accept a road known as Bank Avenue from Weaver Street to Factory Road.
7. To take action on the releasing of a certain Mortgage made by Jacob Dayton to Augustus Mead, Treasurer, dated June 15th, 1844 and recorded in the Greenwich Land Records, Book 26, Page 64.
8. To take action on the appropriations which the Board of Estimate and Taxation deems necessary for the expenses and conduct of the affairs of said Town for the current fiscal year.
9. To authorize the borrowing of such Money, and the making of such Temporary obligations as may be necessary to continue the floating indebtedness of the Town.

Dated Greenwich, Connecticut, October 4th, 1909.

Silas D. Ritch                      Selectmen  
Henry P. Crawford                  of the  
Charles F. Adams                  Town of Greenwich.

Received on file Oct. 6, 1909, at 2 o'clock P. M., by

*Wm. H. Heston*

Town Clerk.

-----  
The Adjourned Annual Meeting of the Town of Greenwich was held at the Town Hall on Saturday October 16th 1909, at 2 o'clock, P. M.

The Meeting was called to order by the Moderator, Judge James F. Walsh.

The following is a record of the further doings, votes and resolves of said Meeting.

The Call was read.

1. RESOLVED: That the reports of the Selectmen, Town Treasurer, School Visitors, and other reports presented by Town Officials, be accepted.

Passed.

2. RESOLVED: That the public Schools of the Town, be maintained for the current year, at Town expense, for a period of 40 weeks.

Passed.

3. RESOLVED: That the boundary lines between the North Stanwich School District and the South Stanwich School District be changed, by the taking of the following described property from the North Stanwich School District and adding the same to the South Stanwich School District and which property is bounded as follows:  
All that certain tract of land in the Town of Greenwich, Connecticut, containing 45 acres, more or less and bounded Northerly by land formerly of Jared W. Waterbury, Silas Sutherland and John F. Buckhout; Easterly by the highway and land formerly of Jared W. Waterbury and W. G. Slater; Southerly by land formerly of Squire A. Waterbury, Jared W. Waterbury, Mary Lounsbury and the highway leading from Round Hill to Stanwich; and westerly by land formerly of John F. Buckhout, B. R. Close, Jared W. Waterbury and Mary Lounsbury.

Said property was formerly owned by Silas Sutherland and is now owned by E. C. Converse, and was formerly in the South Stanwich School District.

Passed.

4. After the Moderator had read the Trust Deed from Robert M. Bruce to the Town of Greenwich, the following Resolution offered by Mr. Percy D. Adams was read.

RESOLVED: That the matter of the "Bruce Park" (so called) be referred to a Committee of three, to be appointed by the chair, to take into consideration the various features and details of the proposed gift, including the probable annual cost of maintenance. Also to secure from the Town Counsel a written opinion upon the deed of gift therefor, said committee to report at an adjourned meeting to be held on Saturday Oct. 30th, 1909, at 2 P. M.

On Motion the resolution of Mr. Adams was Indefinitely postponed.

The original Resolutions of acceptance, as follows, was then unanimously adopted.

RESOLVED: That the deed executed to the Town by the late Robert M. Bruce, of certain property consisting of about 100 acres, with the buildings thereon, for the purposes of a public park; said park to be known as "The Bruce Memorial Park", be accepted.

RESOLVED That the deed of gift from the late Robert M. Bruce, just read, be accepted and that this meeting manifest its appreciation of the magnificent gift by a rising vote.

5. RESOLVED: That the roads in Jaynes Park, as follows: Harrold Avenue to Ann Street, Ann Street to the Old Post Road, be accepted.

On Motion this resolution was referred to the Highway Commissioner for investigation and to report back to a later meeting.

6. RESOLVED: That the road known as Banks Avenue, from Weaver Street to the Factory Road, be accepted.

On Motion this matter was referred to the Highway Commissioner for investigation and to report back to a later meeting.

7. RESOLVED: That the Treasurer of the Town be, and hereby is authorized to execute and deliver in the name and in behalf of the Town, such quit claim deed, or deeds, as may be necessary for the releasing of record of a certain mortgage from Jacob Dayton to Augustus Mead, Treasurer, dated June 15th, 1844, and recorded in the Greenwich Land Records, Book 26 Page 64, it appearing that said mortgage was heretofore paid to the Town, but never released of record.

Passed.

8. On Motion of Mr. N. A. Knapp the Budget as amended by Mr. George W. Brush and offered by the Board of Estimates and Taxation for appropriations for the current fiscal year: September 1, 1909 to September 1, 1910 was accepted.

9. RESOLVED: That the Selectmen and Treasurer be, and they hereby are authorized to borrow such money, and to make such temporary obligations, as may be necessary to continue the floating indebtedness of the Town.

Passed.

On Motion the meeting was adjourned

Attest:

*Per W. W. W. W.*

Town Clerk.

# **EXHIBIT C**

**RTM Minutes**

**6/12/1972**

tion requested

ne 12, 1972

SI 621/3 .M.V.M

-3-

R.T.M. June 12, 1972

5. To consider and act upon the following resolution requested by the Board of Selectmen:

RESOLVED, that pursuant to the provisions of Section 7-148 of the General Statutes, the following ordinance be and the same is hereby adopted:

BRUCE MUSEUM BOARD

Sec. 1. Bruce Museum Board. A Bruce Museum Board is hereby established in and for the Town of Greenwich.

Sec. 2. Members. Said board shall consist of seven members to be appointed by the Representative Town Meeting on nomination of the Board of Selectmen. Three members of said board shall be appointed for terms expiring March 31, 1974 and four shall be appointed for terms expiring March 31, 1976. All appointments of members to hold office subsequent to March 31, 1974, except to fill vacancies, shall be for terms of four years commencing on the first day of April of the first year of the term. Members of such board shall serve without compensation. All such members shall hold office until their successors shall be appointed and shall have qualified.

Sec. 3. Powers and duties. The Bruce Museum Board shall have supervision and control of all administrative functions relative to the Bruce Museum. Said board shall have power to appoint and remove the director of Bruce Museum who may, subject to the direction and control of the board, prescribe such rules and regulations as he may deem expedient for the proper conduct of the Bruce Museum.

Sec. 4. Effective date. The foregoing ordinance shall be effective fifteen days after publication in accordance with No. 406 of the 1953 Special Acts of the Town of Greenwich.

(Referred to Education Committee) 11-0  
(Referred to Legislative Committee) 11-0  
(Referred to Recreation Committee) 11-0  
(Referred to Town Officers Committee) 7-0-0

6. To consider and act upon the following resolution requested by the Board of Selectmen:

# EXHIBIT D

## BRUCE MUSEUM MANAGEMENT AGREEMENT

AGREEMENT made, entered into and effective this 31st day of January, 1992, by and between the Town of Greenwich (hereinafter referred to as the "Town") having its offices at Town Hall, Greenwich, Connecticut 06836, acting herein by its Director of Parks and Recreation, hereunto duly authorized, and Bruce Museum, Inc., (hereinafter referred to as "BMI"), a not-for-profit membership corporation organized under the laws of the State of Connecticut under the original corporate name of "Bruce Museum Associates, Inc.", and having its principal office at The Bruce Museum, One Museum Drive, Greenwich, Connecticut 06830, acting by its President, hereunto duly authorized.

### RECITALS:

WHEREAS, The Bruce Museum (the "Museum") was originally established as a "Natural History, Historical and Art Museum" by a deed of a gift and has been operating as same ever since;

WHEREAS, BMI has qualified as an exempt organization under Section 501(c) (3) of the U.S. Internal Revenue Code;

WHEREAS, BMI, under its original corporate name, has, since its incorporation in June, 1969, privately raised funds to support the increasing operating needs of the Museum, and, with the approval and cooperation of The Bruce Museum Board, the municipal board established to supervise and control all administrative functions relative to the Museum, BMI has

Undertaken a private fund-raising effort for the purpose of expanding and improving the physical facilities of the Museum and establishing an endowment fund, the income of which will be used to supplement funds available for the operation of the Museum;

WHEREAS, BMI, under its original corporate name, has privately raised substantial sums for the purposes of expanding and improving the physical facilities of the Museum and establishing an endowment fund, as referred to above;

WHEREAS, BMI, under its original corporate name at its sole cost has prepared preliminary plans and specifications (hereinafter collectively referred to as the "Plans"), a copy of which is annexed hereto and made a part hereof, indicating the expansion and improvements to the physical facilities of the Museum, as referred to above;

WHEREAS, the future maintenance and operation of the Museum, to be expanded and improved in accordance with the Plans, can best be accomplished as contemplated by this Management Agreement; and

WHEREAS, prior to the effective date of this Agreement, the Town has repealed the ordinance establishing the Bruce Museum Board and has by Charter authorized the entering into of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree as follows:

1. Construction of Improvements and Additions.

The Town hereby gives BMI permission to construct the expansion and improvements to the Museum substantially in accordance with the Plans. Said expansion and improvements shall be so constructed: (a) at BMI's cost and expense, (b) in a good and workmanlike manner, and (c) in accordance with all applicable requirements of law. BMI shall require involved contractors to provide insurance of the types and in the amounts reasonably satisfactory to the Town to indemnify the Town, its officers and employees against all costs, expenses, loss or damage resulting from or arising out of the construction of such improvements and additions. The foregoing authorization is subject to other required municipal approvals and permits.

2. Ownership and Use of Museum Real Property.

All expansion and improvements to the Museum as contemplated by this Agreement shall belong to and become the property of the Town.

During the term of this Agreement, BMI shall have exclusive use of the Museum building, as the same may be altered and expanded, together with the right to reasonably use the walkways, drives and parking areas appurtenant to the use of the Museum building and, subject to and on such terms and for such times as agreed to by the Director of Parks and Recreation, the reasonable use of the grounds adjacent to the Museum building (collectively the "Museum Premises") for the purposes of

administering, supervising, managing and operating the Museum. All revenues of every kind and sort resulting from the use of the Museum and the Museum premises shall be received by BMI to be applied by BMI for Museum purposes.

3. Museum Management.

The Town hereby designates and appoints BMI, exclusively, to supervise, manage and operate the Museum and administer its affairs for the term of and subject to all provisions set forth in this Agreement.

4. Responsibilities of BMI.

BMI, in discharging its obligations to manage and operate the Museum and administer its affairs, shall:

- (a) Operate and manage the Museum.
- (b) Properly care for the Museum and all museum facilities located therein.
- (c) Properly store, manage and care for all objects now or hereafter in the collection of the Museum.
- (d) Continue to conduct education, public interest and exhibition programs.
- (e) Promote and encourage support for the Museum.
- (f) Exercise supervisory authority over the exhibition and display of collection objects in the Museum and objects on temporary loan, and the acquisition and sale or disposition of such collection objects and all other matters pertaining to the general operation of the Museum.

(g) Properly address concerns brought to its attention by the First Selectman.

(h) Upon request by the Town and agreement by BMI to continue to manage and operate the Seaside Center at Greenwich Point.

5. Public Accountability.

In furtherance of its responsibility to manage the Museum, BMI, throughout the term of this Agreement, shall:

- (a) File with the Greenwich Town Clerk's office true and complete copies of its Certificate of Incorporation, By-Laws and Minutes of all formal meetings of its Board of Directors and the Annual and any Special Meetings of its members.
- (b) Provide at all times in its Certificate of Incorporation and By-Laws that the following public officials shall be ex-officio voting members of the BMI Board of Directors: the First Selectman, the Moderator of the Representative Town Meeting, and the Chairman of the Board of Estimate and Taxation.
- (c) Exercise care and prudence in the selection of members of the BMI Board of Directors to assure broad public representation. At least two thirds of the Board of BMI shall be residents of the Town of Greenwich.

- (d) Prepare and provide to the Town Comptroller within a reasonable period of time after the close of the period in question:
- (i) quarterly and cumulative statements of revenue, earnings and the aggregate dollar amount of charitable donations received (on a quarterly and year-to-date basis);
  - (ii) quarterly and cumulative statements of actual expenses vs. budget;
  - (iii) annual audited financial statements;
  - (iv) annual statements of all collection objects sold or otherwise disposed of, those acquired, those loaned to third parties and those on loan to the Museum from third parties;
- (e) Permit the Town to inspect the financial books and records of the BMI, excluding records of individual donors (which are deemed private since many donations are made with the expectation that same will be kept private, confidential and non-disclosed), at any time upon reasonable notice.
- (f) At all times to function in the highest public interest.
- (g) The Town, through the First Selectman, shall consult with BMI about legitimate recommendations and concerns of town residents arising from the

operation of the Museum. BMI shall take such recommendations and concerns into consideration or shall take such reasonable action as shall be mutually agreeable to BMI and the Town through the First Selectman.

- (h) In recognition of the ownership by the Town of the Museum and its collection, BMI shall, should an admission charge hereafter be imposed for access to the Museum, designate one day per week upon which Greenwich residents shall be admitted to the Museum without charge.

6. Ownership of Collection Objects.

The parties acknowledge and agree that title to all objects in the collection of the Museum, and all additions thereto, is vested exclusively in the Town and are held in public trust; provided, however, that title to any objects on loan from third-party owners shall remain in such owners. BMI shall have the authority to accept all future additions to the collection of the Museum on behalf of the Town, which acceptance shall be in accordance with the Code of Ethics and other applicable standards of the American Association of Museums and the best interests of the Town. Sale or disposition of objects shall be as set forth in Sec. 81a of the Town Charter. All proceeds derived from the sale or disposition of objects shall be accounted for in Town Accounts #28-04260-4 and 12-00551-1, or

in bank accounts established for the purpose, against which BMI shall have the authority to draw for additions to the Museum collection.

7. Town Support of The Bruce Museum.

Throughout the term of this Agreement:

- (a) The Town shall provide reasonable maintenance and repair of the Museum building and premises including snow plowing, and shall provide water, fuel, sewer and electricity reasonably required in connection with the operation of the Museum premises. The Town shall maintain reasonable insurance coverages on the Museum premises including all collection objects, including those on temporary loan to the Museum collection, however, the Town shall not be responsible for loss or damage to collection objects on temporary loan above or in excess of the amount recoverable under any applicable Town insurance policy. The Town shall hold BMI, its officers, agents and employees harmless from and indemnify them against all cost, expense, loss or damage resulting from claims or actions made or brought by third parties for personal injuries or property damage arising out of the actual, physical use of the museum building or museum

premises and not occasioned by active acts or omissions of BMI, its officers, agents, employees or contractors. BMI and not the Town, shall maintain Workers Compensation Insurance and unemployment compensation for its employees as required by law. BMI shall maintain general liability insurance with coverage of not less than one million dollars, adjusted annually upwards to reflect the rate of inflation, in respect of any one occurrence, protecting the Town, its officers, agents and employees against all claims for injury or damage to persons or property occurring in the Museum and resulting from the negligence of BMI, its officers, agents, employees or contractors. The Town shall provide an annual budget appropriation to BMI to assist BMI in meeting its operating requirements. Said appropriation shall be in the form of a single appropriation which shall be deemed committed and which shall be paid out in full on semi-annual allotments on July 1 and January 1 of each fiscal year, subject to Sec. 27 of the Town Charter. It is the intention of the Town that all funds provided for Museum purposes by the Town pursuant

to this paragraph 7(a) shall be equal to the aggregate of funds and services appropriated by the Town for the 1991-1992 fiscal year for the purposes of the Museum, adjusted annually on account of increases or decreases in the cost of services, supplies and materials, and other items due to changes in the cost of living and other factors affecting the Town's budget.

However, the Town reserves the right, on account of changes in circumstances including but not limited to changes which affect costs and expenses required by other Town departments or agencies, to reduce the amounts appropriated and services provided to BMI. The Town's decision on the amounts to be appropriated and services provided shall be final and conclusive on all parties to this Agreement.

- (b) The Town shall from time to time make available to BMI all funds identified by Town Accounts #28-04260-04 and 12-00551-1, to be used by BMI to acquire objects to be added to the Museum collection.

8. Museum Employees.

- (a) On and after the effective date of this Agreement, all employees of the Museum shall be employees of BMI

and not the Town, and, following such effective date, BMI shall provide and be solely responsible for all pay and for all benefits due to said employees by virtue of their employment by BMI.

(b) During the term of this Agreement, BMI agrees to comply with all applicable provisions of the Connecticut Fair Employment Practices Act, and all other like applicable laws.

9. Term of Agreement; Effective Date.

The term of this Agreement shall be fifteen (15) years commencing on the effective date of this Agreement. This Agreement shall be automatically extended for one additional term of ten (10) years, immediately following expiration of the initial term, provided that BMI and the Town, each is in compliance with all of its material obligations hereunder.

10. Default

(a) In the event of any default, it is expressly agreed that the defaulting party shall in no event be liable for damages and that the sole remedy of the Town for any material default shall be to terminate this Agreement, if the defaulting party has failed to cure such default after a reasonable period following written notice by the non-defaulting party; provided, however, that this clause shall not relieve BMI from liability for any act for which it is directly responsible.

(b) It is understood and agreed that BMI shall not be liable to the Town nor shall it be deemed a default under this

Agreement in the event that it must reduce the Museum's programs, management, administration, and/or operations due to a reduction in the funds available for Museum purposes.

11. Termination

Upon termination of this Agreement, all Museum funds, revenues, improvements, furniture, fixtures, bonds, personal property and objects in the Museum collection, to the extent title thereto has been vested in the Town during the term of this Agreement, shall be used by the Town only for Museum purposes.

12. Status of BMI.

BMI shall, at all times, be deemed to be an independent organization and shall be wholly responsible for the manner in which it performs the services required of it by the terms of this Agreement. Nothing herein contained shall be construed as creating the relationship of employer and employee or principal and agent, between the Town, its agencies, employees and agents and BMI, its employees and agents. BMI assumes exclusively the responsibility for the acts of its employees and agents as they relate to the services to be provided during the course and scope of their employment.

13. Notices and Communications.

All notices sent and communications made under this Agreement shall be deemed satisfactory if delivered by hand with receipt obtained or if sent by prepaid United States Certified Mail, Return Receipt Requested to:

In the case of Town:

Director of Parks and Recreation - Town of Greenwich  
Town Hall  
P.O. Box 2540  
101 Field Point Road  
Greenwich, Connecticut 06836-2540

with a copy to Town Attorney

In the case of BMI:

Bruce Museum, Inc.  
One Museum Drive  
Greenwich, Connecticut 06836  
Attn: President

Or to such other persons as the parties may designate in writing.

14. Entire Agreement.

The terms and provisions herein contained, including exhibits attached hereto, constitute the entire Agreement between the parties and shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

This contract may be amended or terminated at any time by the mutual agreement, in writing, of BMI and the Town. (The Town in this respect meaning the agreement of the Representative Town Meeting.)

15. Severability.

Nothing in this Agreement is intended to conflict with current Federal or State law or the Town Charter. If the terms of this Agreement are inconsistent with applicable law or the

Town Charter, then those portions of this Agreement which are determined to be inconsistent shall be read to be consistent with the applicable law or the Town Charter as the case may be, but, the remaining terms and conditions of Agreement shall remain in full force and effect as written.

16. Delegation and Assignment.

BMI may not assign its rights or obligations hereunder, either in whole or in part. Any attempted assignment or delegation in derogation of this paragraph shall be void.

17. Counterparts.

The parties hereto agree that this Agreement may be executed in counterpart originals. Any executed copy of this Agreement shall be deemed to be an original of this Agreement.

In Witness Whereof, the parties have caused this Agreement to be executed by their respective duly authorized representatives, as of the date first above written.

BRUCE MUSEUM, INC.

By: James M. Lynch, President

TOWN OF GREENWICH

By: Francis H. Keegan  
Director Parks & Recreation

0484x

THE RUCE MUSEUM is a historic building located in the heart of the city. The addition and renovation project aims to preserve the historic character while providing modern facilities for the museum's collection and visitors. The project includes the addition of a new wing, the renovation of existing wings, and the creation of a new parking lot. The site is located on a corner lot, bounded by Main Street to the north, Elm Street to the east, and Oak Street to the south. The existing building is a three-story structure with a mansard roof and ornate architectural details. The addition will be a two-story structure with a flat roof and a more modern design. The renovation will focus on updating the interior spaces, including the galleries, offices, and administrative areas. The new parking lot will be located to the east of the existing building, adjacent to Elm Street. The project is expected to be completed in 2025.

1. ADDITION 2. RENOVATION  
 3. EXISTING 4. EXISTING

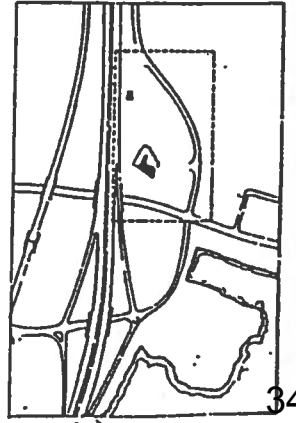
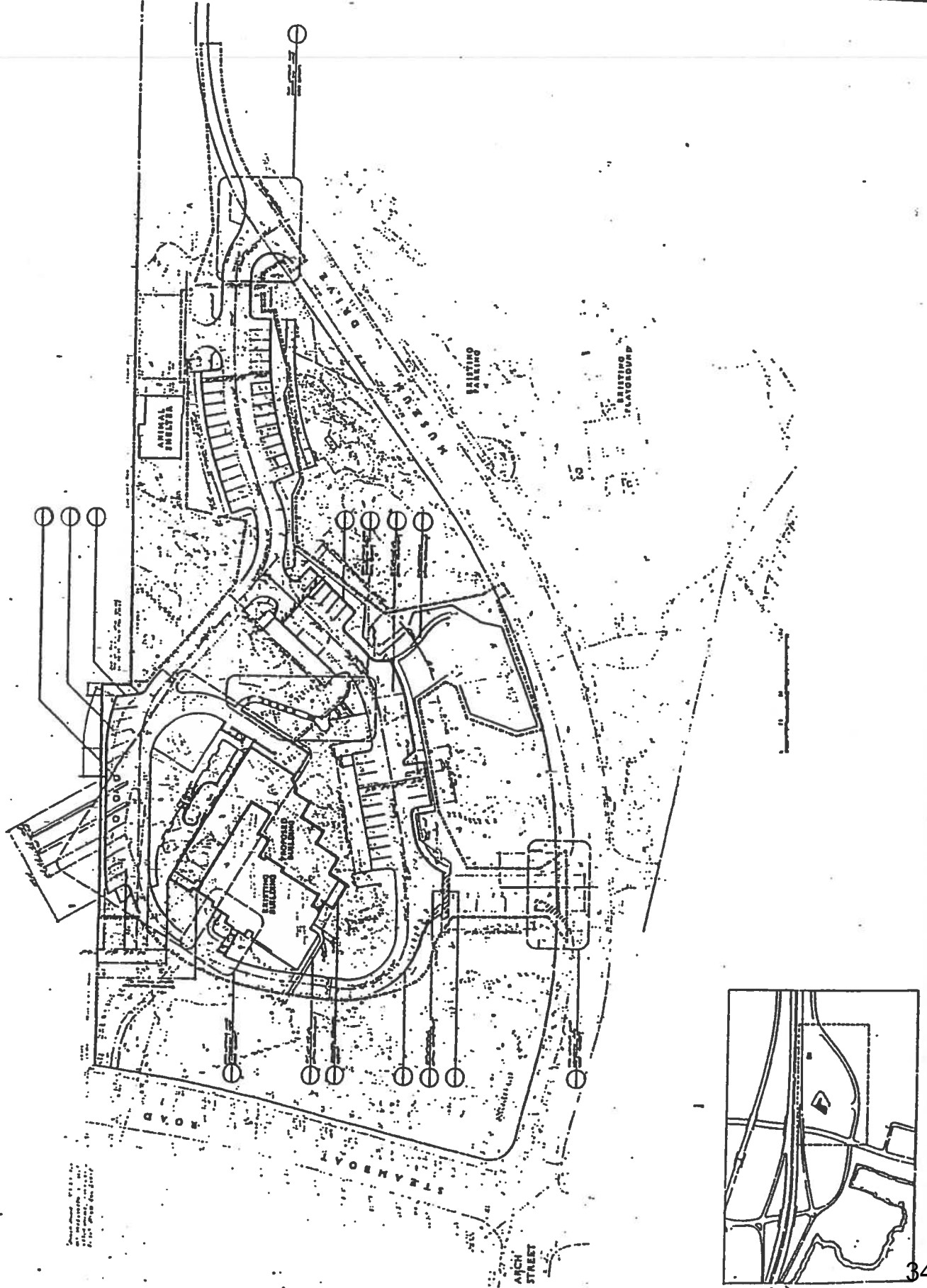
1. ADDITION 2. RENOVATION  
 3. EXISTING 4. EXISTING

1. ADDITION 2. RENOVATION  
 3. EXISTING 4. EXISTING



| PROGRESS PRINT |             |
|----------------|-------------|
| DATE           | 10/1/2024   |
| SCALE          | 1" = 10'-0" |
| DATE           | 10/1/2024   |
| DATE           | 10/1/2024   |

L 5



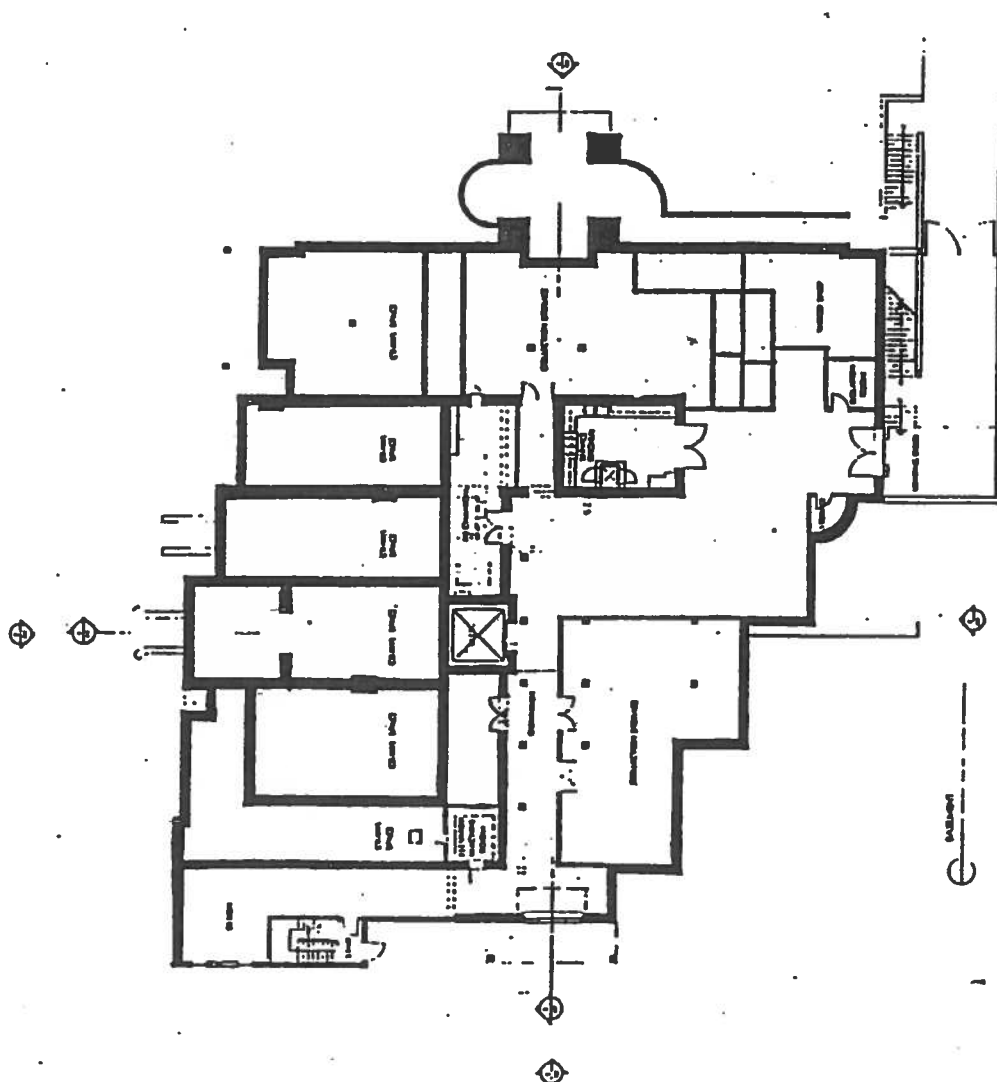


1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

LOWE LIVE PLAN



|            |              |
|------------|--------------|
| DATE       | 10/10/00     |
| BY         | W. J. W.     |
| CHECKED BY |              |
| SCALE      | 1/8" = 1'-0" |
| <b>A1</b>  |              |



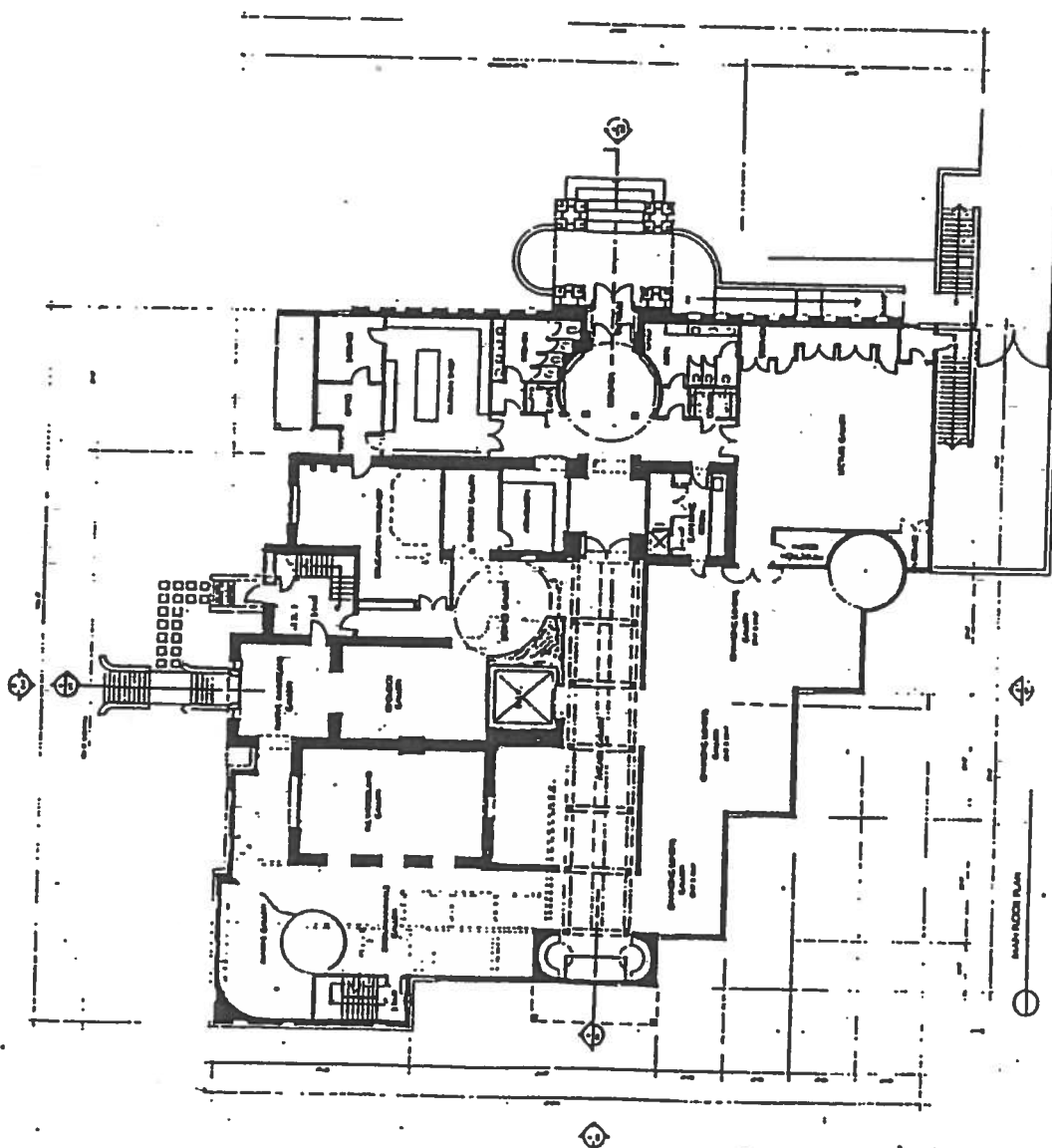


INCHES PER FOOT  
ARCHITECTURAL  
DRAWINGS  
NOT TO SCALE  
UNLESS OTHERWISE NOTED

FIRST FLOOR PLAN



|            |              |
|------------|--------------|
| A2         |              |
| DATE       | 10/1/88      |
| BY         | W. J. B.     |
| CHECKED BY | W. J. B.     |
| SCALE      | 1/8" = 1'-0" |



THE  
BRUCE  
MUSEUM  
ADDITION & RENOVATION  
MUSEUM DRIVE  
GALLETTVILLE, CONNECTICUT



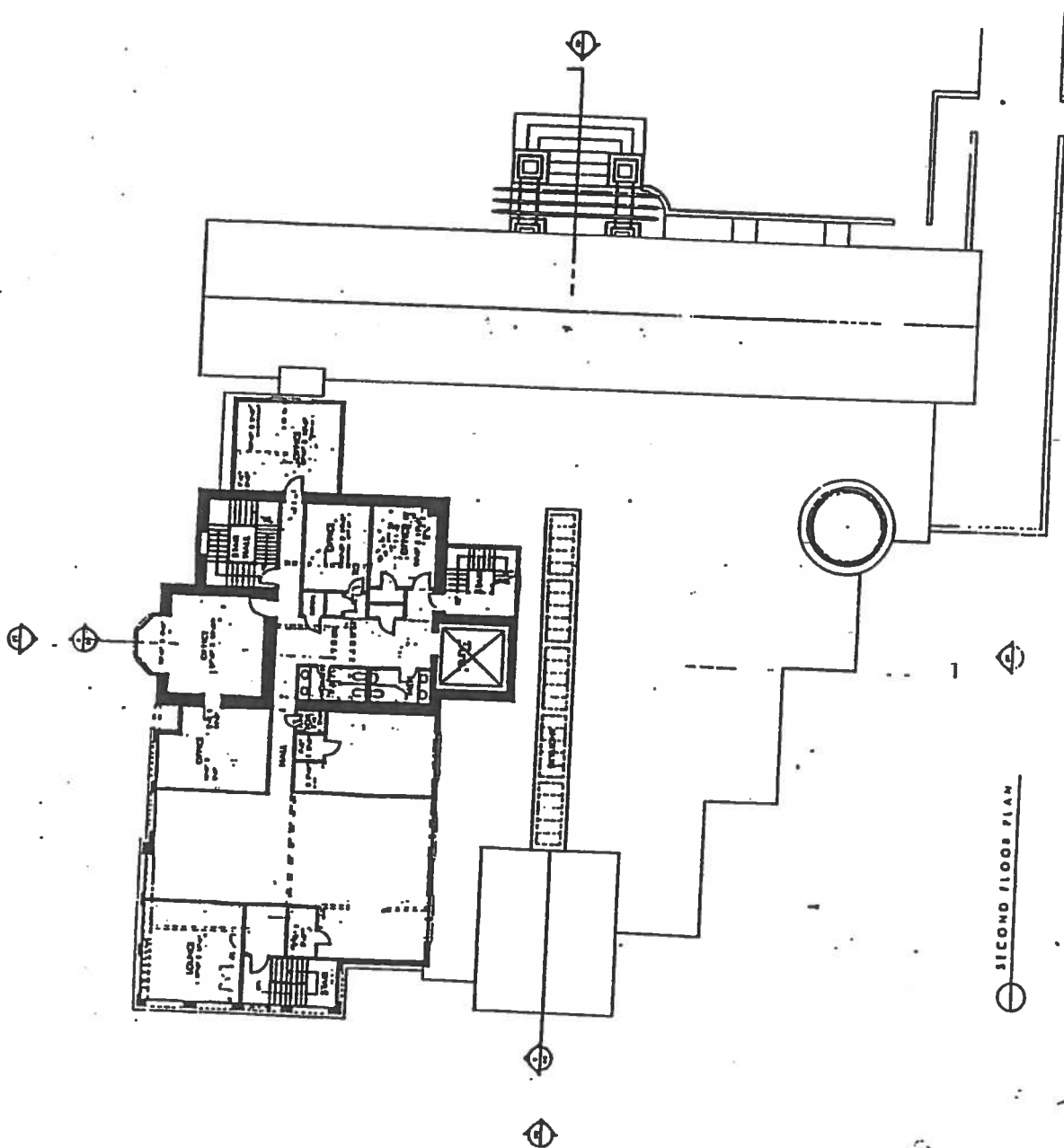
THIS IS A PLAN OF THE SECOND FLOOR OF THE BRUCE MUSEUM ADDITION & RENOVATION. IT IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

SECOND FLOOR PLAN



|            |              |
|------------|--------------|
| DATE       | 10/1/88      |
| BY         | J. H. HARRIS |
| CHECKED BY | J. H. HARRIS |
| SCALE      | 1/8" = 1'-0" |

A3



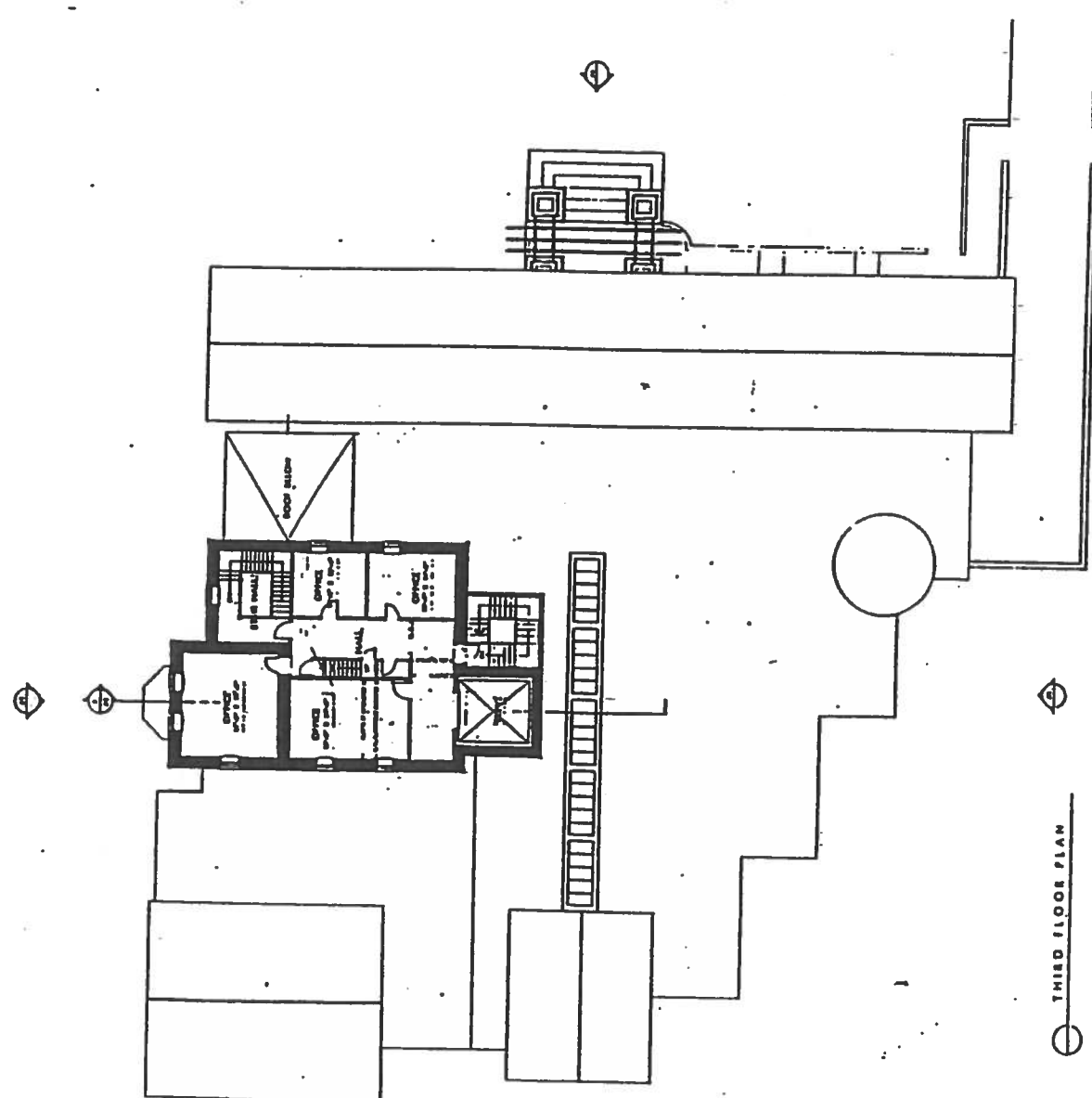


SIMPLIFIED CLIMATE CONTROL  
 SYSTEMS FOR MUSEUMS  
 1000 WEST 10TH AVENUE  
 DENVER, COLORADO 80202

THIRD FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 DATE: 10/1/83  
 DRAWN BY: J.E.M.



|                 |                    |                 |                    |
|-----------------|--------------------|-----------------|--------------------|
| SHEET NO.<br>A4 | PROJECT NO.<br>100 | DATE<br>10/1/83 | DRAWN BY<br>J.E.M. |
|-----------------|--------------------|-----------------|--------------------|

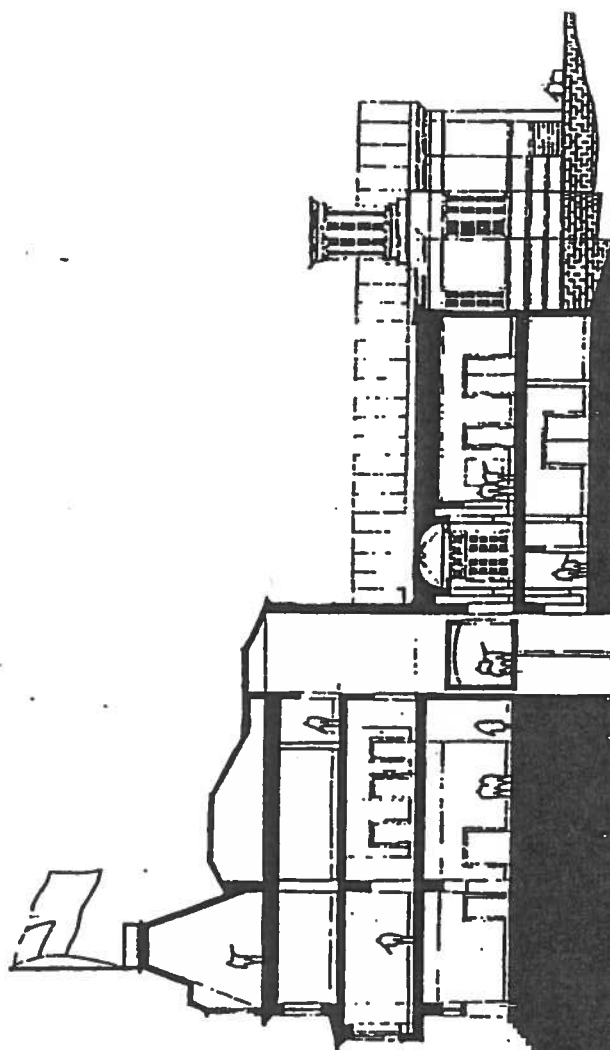


THIRD FLOOR PLAN

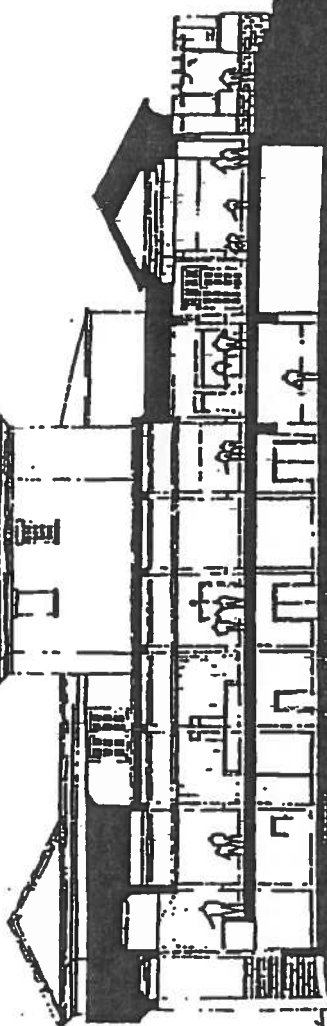
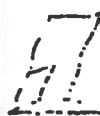


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**POULSON**

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live station : 1



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# EXHIBIT E

## FIRST AMENDMENT TO BRUCE MUSEUM MANAGEMENT AGREEMENT

This First Amendment to Bruce Museum Management Agreement is made, entered into and effective this 2ND day of NOVEMBER, 2016.

### RECITALS:

WHEREAS, the Town of Greenwich (hereinafter referred to as the "Town") and Bruce Museum, Inc. (hereinafter referred to as "BMI") entered into a Bruce Museum Management Agreement dated January 31, 1992 attached hereto (hereinafter referred to as the "Management Agreement") for the operation and management of the Bruce Museum located at One Museum Drive, Greenwich, Connecticut (hereinafter referred to as the "Museum");

WHEREAS, one of the purposes of the Management Agreement was to permit BMI to construct expansion and improvements to the Museum in accordance with plans that were attached to the Management Agreement (hereinafter referred to as the "Plans");

WHEREAS, BMI has constructed the expansion and improvements to the Museum in accordance with the Plans;

WHEREAS, the Town, BMI and local legislators have succeeded in obtaining a \$750,000 grant from the State of Connecticut Bonding Commission (hereinafter referred to as the "Grant") to be administered through the State of Connecticut Department of Economic and Community Development (hereinafter referred to as the "DECD") for further improvements to the Museum;

WHEREAS, BMI has prepared the attached budget for approximately \$810,000.00 (hereinafter referred to as the "Budget") to use the Grant for construction

costs and the renovation of the Museum's permanent science gallery project at the Museum (hereinafter referred to as the "Renovation and Construction Project");

WHEREAS, BMI and the Town wish to implement application of the Grant proceeds to pay the costs and expenses represented by the Budget for the Renovation and Construction Project;

WHEREAS, BMI also has reserves and endowments as shown on the attached financial statements and has undertaken a private fund-raising effort that will be committed to the Renovation and Construction Project costs in excess of the Grant;

WHEREAS, the Renovation and Construction Project will take place in the interior portions of the existing Museum building;

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the parties agree to amend the Management Agreement as follows:

1. The definition of "Plans" in the Management Agreement shall be amended to include the Renovation and Construction Project as provided herein and as the same may be modified by the actual building permit and as-built plans approved by the Town Department of Public Works.

2. The responsibility for meeting the Town's responsibilities and obligations to the DECD in an Assistance Agreement to be entered into between the Town and DECD shall be assumed by a Pass-Through Agreement to be entered into between the DECD, Town and BMI.

3. Any difference between the cost of the Renovation and Construction Project and the Grant shall be borne and paid for by BMI.

4. BMI represents that the area of the Museum building in which the Renovation and Construction Project will take place has previously undergone any environmental remediation that was required. Evidence of same will be provided to the Town Commissioner of Public Works prior to the granting of a building permit. Any further environmental remedial work that is required by DECD, or the State of Connecticut Department of Energy and Environmental Protection ("DEEP") for the Renovation and Construction Project shall be borne by BMI.

5. All construction and engineering contracts entered into by BMI for the Renovation and Construction Project shall contain indemnification and insurance provisions from the Contractor to the Town and State DECD in accordance with the Pass-Through Agreement and procedures approved by the Town Risk Management director.

6. The term of the Management Agreement shall be extended for an additional twenty-five (25) years commencing on January 31, 2017, provided that BMI is in compliance with all of its material obligations hereunder.

7. The Management Agreement Section 13 Notices and Communications provision shall be amended to add as a receiver of notice in the manner provided therein in the case of the Town:

First Selectman of the Town of Greenwich  
Town Hall  
P.O. Box 2540  
101 Field Point Road  
Greenwich, Connecticut 06836-2540

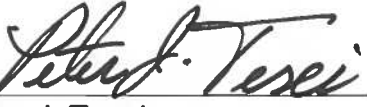
8. In all other respects except as modified and amended hereby, the Management Agreement shall remain in full force and effect.

9. In Witness Whereof, the parties have caused this First Amendment to the Bruce Museum Management Agreement to be executed by their respective duly authorized representatives, as of the date first above written.

BRUCE MUSEUM, INC.

By:   
Peter C. Sutton  
Its Executive Director  
Duly Authorized

TOWN OF GREENWICH

BY   
Peter J. Tesei  
Its First Selectman  
Duly Authorized

# **EXHIBIT F**

## **Land Use Approvals**

**Greenwich Inland Wetlands  
and Watercourses Agency  
Greensheet Questionnaire  
dated 7/18/2016**



Inland Wetlands & Watercourses Agency  
Town Hall, 101 Field Point Road, Greenwich, CT 06830  
Phone 203 622-7736

**PERMIT NEED DETERMINATION QUESTIONNAIRE**  
[This form is **NOT** an IWWA Application]

PROJECT: Street Address 1 Museum Drive GW ☒ CC ☐ RIV ☐ OG ☐

PARCEL ID.# 02 4 5 0 5 / S Has there ever been an IWWA application for this site? YES ☐ NO ☒ Appl. #      -     

ACTIVITY: (Circle) Addition Demolition Deck Garage Interior renovations New residence Pool Tennis court  
Generator Site Work/Landscaping Septic Other (please specify) \_\_\_\_\_

Will this activity require an addition to the septic system or B100a? YES ☐ NO ☒

**FEE: \$30 for in office review, \$65 for reviews requiring a site visit or further in office analysis**

Owner's full name [please print] Town of Greenwich - Bruce Museum, Inc. Phone ( 203 ) 869-0376

Mailing address 1 Museum Drive Town Greenwich Zip 06830

Authorized Agent's name [please print] Michele A. Cronin, Fogarty Cohen Selby & Nemiroff, LLC Phone ( 203 ) 661-1000

Mailing address 1700 East Putnam Avenue, Suite 406 Town Old Greenwich Zip 06807

**A PLOT PLAN IS REQUIRED SHOWING THE PROPOSED ACTIVITY IN RED.**  
Staff cannot review your proposal without a plan.

IWWA staff will review this questionnaire to determine if *regulated activities* are associated with the proposal and whether an IWWA permit is required. Do not apply for a Building Permit until this review is complete.

If your project *does not require* an IWWA permit, we will sign off on this questionnaire, which you will need if you are obtaining permits from other departments.

If an IWWA permit *is required*, we will supply you with a permit application packet. You must obtain an IWWA permit prior to the commencement of your project. *No work may begin until you receive an IWWA permit.* The issuance of a building permit *alone* does not constitute an authorization to proceed.

If you do not receive notice regarding your questionnaire within two weeks of submission, please contact the IWWA office.

As the property owner ☐ or, authorized agent ☒ [check one] I believe that the information I have submitted is correct.

Signature Michele A. Cronin Date 7 / 18 / 2016

Michele A. Cronin, Fogarty Cohen Selby & Nemiroff, LLC  
If mailing, return completed form and a \$30 check (payable to "Town of Greenwich")  
to the Greenwich Inland Wetlands & Watercourses Agency.

If a site visit is required, you will be notified and asked to remit an additional \$35.  
The site visit will not take place until this additional fee is received.

**STAFF NOTES**

Office Rev Date 7/19/16 Field Inv Date      /      /      WET/WC? YES NO TIDAL ☒

Action Required? YES ☒ NO ☐ If yes, DR AA AR SIA Staff     

Soils Report Date      /      /      Author      Soils     

Comments: Soils report from 2008. Tidal WL over 100' away from work.  
no inland WL found according to report

Fee Received: YES NO Comment:     

Received  
Date Stamp

**Board of Selectmen**  
**Approved Meeting Minutes**  
**7/28/2016**

# **Town of Greenwich**

## **Board of Selectmen**

Meeting July 28, 2016

10:00 A.M.

Town Hall Meeting Room

### **APPROVED MINUTES**

#### **1. The meeting opened at 10:23 A.M. with the Pledge of Allegiance.**

##### **a. Attendance:**

- I. First Selectman Peter J. Tesei - Present
- II. Selectman John Toner - Present
- III. Selectman Drew Marzullo – Present

The First Selectman greeted and welcomed attendees commenting that it was a Public Meeting of the Board of Selectmen, not a public hearing, and that he reserves the right to call on people to propose questions and make comments.

#### **2. Approval of Minutes**

- a. Amended minutes of the Regular Board of Selectmen meeting held on July 14, 2016 were moved for approval by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.
- b. Minutes of the Special Board of Selectmen meeting held on July 21, 2016 were moved for approval by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.

Mr. Tesei asked for a motion to take up the nomination and appointment of Michael Pittocco as a Constable, out of the order scheduled on the agenda. Mr. Toner made the motion, seconded by Mr. Marzullo. The motion passed unanimously.

Mr. Tesei noted that the Town was saddened by the June 25 passing of long-time Constable Phil Pittocco, who was active in many community organizations. He said that the Democratic Town Committee sent notice to the Selectmen on July 20, that Mr. Pittocco's son, Mike, was endorsed to complete the unexpired Constable's term.

Mr. Marzullo made the motion to nominate Philip Michael 'Mike' Pittocco to complete the Constable's term that expires at the end of 2017. The motion was seconded by Mr. Toner. Mr. Marzullo said that Michael's appointment would carry on Phil Pittocco's legacy of public service to the community. Mr. Pittocco is a 2012 University of Connecticut graduate, recently received his teaching degree from Manhattanville College and is a paraprofessional employed at Hamilton Avenue School. His appointment was approved by a 3-0-0 vote. Mr. Pittocco was then administered the oath of office by Town Clerk Carmella Budkins.

#### **3. First Selectman's Updates**

- a. In a meeting with representatives of the Connecticut Cultural Alliance on July 18, Mr. Tesei decided the Town will participate in Alliance membership. For \$100 a year, the Town will be able to publicize various programs and events on the Alliance's website, FCBuzz.com, a resource that will be helpful because of the state cuts in financing local tourism councils.

- b. Members of the Harbor Management Commission, Parks & Recreation marine operations staff, the Harbormaster and the Greenwich Police Marine section met July 18 with Scott Bates, the chairman of a new state agency, the Connecticut Port Authority. The authority is looking to assess all ports of Connecticut. The group toured a portion of the Greenwich coastline, primarily Cos Cob Harbor where the number of waterfront businesses is growing, as evidenced by the increase in rowing clubs and where the dredging of the harbor will begin in October.
- c. The annual Founder's Day celebration took place on two days, beginning with the presentation of the Found's Day proclamation at the First Congregational Church in Old Greenwich on July 17, a tradition that was begun on the town's 300<sup>th</sup> anniversary by then First Selectman Wilbur Peck. The unveiling of the Founders' plaque took place July 18 in a ceremony on the bluff at Greenwich Point that was organized by the Greenwich 375<sup>th</sup> Anniversary Committee Chair Davide Strackbein.
- d. Mr. Tesei and members of the First Selectman's Economic Advisory Committee met with hedge fund managers from Shanghai China on July 14. The visiting group was hosted by the Connecticut Hedge Fund Association and extended Mr. Tesei to visit China in October. The group is seeking new investment opportunities in the New York and Greenwich regions.
- e. Mr. Tesei was among the panelists who discussed the changing roles of women in the workplace during the July 26 Leadership Institute program in Town Hall. He, along with DPW Commissioner Amy Siebert, The Nathaniel Witherell Executive Director Allen Brown, Inland Wetlands & Watercourses Agency Director Pat Sesto, Town Planner Katie DeLuca, Tax Assessor Lauren Elliott and Human Resources Director Mary Pepe discussed the evolution of hiring practices by the Town.
- f. A reminder to the public that an informational meeting to update the community on the replacement of the Sound Beach Avenue and Tomac Avenue railroad bridges and construction at the Old Greenwich railroad station was scheduled by state Rep. Mike Bocchino for July 28 at the Eastern Greenwich Civic Center.
- g. With the challenge of summer vacation schedules, the first meeting of the Selectmen's Board of Education Charter Revision Committee has been set for 2 p.m. Aug. 31 in the Cone Room. There will be a dedicated page for the Committee established on the Town's website where the meeting schedule and agendas will be posted.

#### **4. Old Business**

- a. The Bruce Museum Inc. – Application for Municipal Improvement status for proposed expansion.

Mr. Tesei explained that in keeping with Board procedures, the application is presented at one meeting and then voted upon at the Board's next meeting. The Bruce application was filed and heard at the July 14, 2016 Selectmen's meeting. He also said he discussed the plan with the First Selectman's Economic Advisory Committee at its July 25 meeting and described the museum at one of the town's best calling cards. He added that personally he is very enthusiastic and supportive of the project.

Mr. Toner said that he believes the project is moving too fast and that he would

like to receive more information on the project cost and funding documentation, as well as the impact upon the management agreement between the Town and the Museum. He said he planned to abstain from voting on the MI approval. Mr. Marzullo asked if there was any way to receive the information requested by Mr. Toner and to schedule a special meeting to conduct the vote. Mr. Tesei said that the Board should proceed as scheduled, especially since Museum representatives were in attendance.

The Museum's Attorney, Bruce Cohen, stated that the Municipal Improvement application is the first step in a very long process that will end with the Representative Town Meeting, a process that cannot go forward without approval from the Board of Selectmen. He said that funding is a top priority for the first renovation of the Museum since 1992. There isn't a budget because the expansion plans are not completed; however, Museum Executive Director Peter Sutton has begun fund-raising, Mr. Cohen explained. He also said the Museum must deal with the state Department of Transportation to obtain land that was taken during construction of I-95 but never used. That land would be used for parking. He also said that the Museum will be returning to the Selectmen with parking plans along Museum Drive.

Mr. Marzullo asked if a Town Attorney would be summoned to the meeting to explain the MI process and whether the Selectmen should be considering finances at this level and the potential impact on parking. Mr. Tesei said the question is whether the Board should act today and whether a member can abstain from voting if there isn't any financial information provided. He also questioned the long-term financial impact of the project on the town which he said has provided minimal subsidy to the Museum that has provides value through its programs to private and public school students. Mr. Tesei also said the question is whether the Selectmen support the concept of what has been presented.

Assistant Town Attorney Eugene McLaughlin arrived and explained that the first amendment to the Museum's management agreement with the Town, as approved by the Representative Town Meeting concerns the \$810,000 renovation of the science wing that will be paid in part with a \$750,000 grant from the state Department of Economic Development. Mr. McLaughlin also explained that the planned expansion of 39,000 square feet will require another amendment to the management agreement. That amendment will need to be approved by the Board of Selectmen and then the Representative Town Meeting. He said the Board's vote on approval of the Municipal Improvement application is the first step in the process and will allow for the application to pass on to the Planning and Zoning Commission. Once it is approved by Planning and Zoning, the plan will come back to the Selectmen. He said there will be environmental concerns, concerns about a lease between the Town and Connecticut on the sublease of land for Museum parking. Mr. Marzullo asked what the board should consider in deciding on the MI referral. Mr. McLaughlin said that when the Planning and Zoning Commission reviews a plan, the overall review considers whether a plan is compatible with the Town's Plan of Conservation and Development. After that, a site plan will be reviewed and conditions could be placed upon the plan. He also said that it was a little early for financial

information. Mr. McLaughlin also said that the Selectmen's recent experience for MI referral involved a school (New Lebanon School) and that by the time the Museum plan comes before the Selectmen again, considerable work on the plan will have been completed.

Mr. Marzullo asked whether Mr. Toner's questions on financials are enough to not vote on the MI referral application. Mr. McLaughlin responded that his department will be working with the Bruce Museum on financials before moving forward.

Mr. Tesei said there will be a review of the requisite documents that will give context to what is being proposed. He said it was valid to compare this MI application to the school project and that it is similar to other MI applications for the Wilbur Peck Court health clinic and various Housing Authority projects. He also said that he did not think that what is being proposed is comparable to what is happening in New York City museums including the Guggenheim and the Met that are experiencing dwindling patronage. He said The Bruce is the only museum in town and has a tremendous quality of life impact on the Greenwich community and deserves support.

Mr. Sutton explained that the project will almost entirely be funded with money donated by private citizens and foundations, with very little corporate support. He said the Museum has raised about 40 percent of the money that will be needed. He said the Museum provides 1,500 educational programs each year with five (5) full-time educators. He described the Museum as an economic engine for the Town by bringing people to visit the Museum, then shop and dine in Town. Given its location, Mr. Sutton said the Museum is the 'gateway to Greenwich' and could look a bit better than it does now.

On a motion by Mr. Marzullo, seconded by Mr. Toner, the Board of Selectmen voted 2-0-1 to approve MI status for the Bruce Museum Municipal Improvement application for the proposed expansion. Mr. Toner abstained.

## **5. New Business**

a. 2017 Community Development Block Grant Funding Recommendations were presented by CDBG Administrator Princess Erfe and Alexis Bulgaris, chairman of the CDBG Advisory Committee. Ms. Erfe thanked Ms. Bulgaris for chairing the committee as well as Committee members Judith Goss of District 1 and Cathy Sidor of District 7, who were in attendance. A public hearing on the recommended projects is scheduled for 7 p.m. Aug. 8 in the Town Hall Meeting Room. Following the hearing the First Selectman will finalize funding allocation recommendations for approval by the Board of Estimate and Taxation and the Representative Town Meeting, before submitting them to the U.S. Department of Housing and Urban Development.

Ms. Bulgaris said although there have been changes made in Washington to funding levels, Greenwich's funding for 2017 looks to be stable. She said the 27-member committee spent the summer visiting each applicant and provided a summary of each project. She said that the committee was able to fund almost

**Planning and Zoning  
Commission  
Decision Letter dated  
11/1/2016**

**KATIE DELUCA, AICP**  
DIRECTOR PLANNING AND ZONING/ZONING  
ENFORCEMENT COORDINATOR/TOWN PLANNER



**PATRICK LAROW, AICP**  
Deputy Director Planning and Zoning/Assistant  
Town Planner

**MAREK KOZIKOWSKI, AICP, Senior Planner**  
**CINDY TYMINSKI, AICP, Planner II**  
**MARISA ANASTASIO, Planner II**  
**ADAM PISARKIEWICZ, Planner I**  
**LAUREN LOCKWOOD, Applications Coordinator**

## **PLANNING AND ZONING - LAND USE DEPARTMENT**

### **CERTIFIED MAIL**

November 1, 2016

Mr. Bruce F. Cohen, Esq.  
Fogarty, Cohen, Selby, and Nemiroff, LLC  
1700 East Putnam Avenue  
Suite 406  
Old Greenwich, CT 06870

RE: The applications of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a preliminary coastal site plan and special permit, PLPZ 2016 00407 and PLPZ 2016 00408, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping per Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.846 acres property located at 1 Museum Drive in the R-6 zone.

Dear Mr. Cohen:

At a regular meeting held on October 18, 2016 the Planning and Zoning Commission considered the above-referenced application(s) and took the following action(s):

Upon a motion made by Mme. Alban and seconded by Mme. Ramer, the following resolution was unanimously adopted (Voting in favor 5-0: Maitland, Alban, Levy, Goss (for Fox) and Ramer).

WHEREAS the Commission held public hearings on September 20, and October 18, 2016 and took all testimony as required by law; and

WHEREAS the Applicant requested preliminary site plan, and special permit approvals, pursuant to Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations (BZR); and

WHEREAS the subject property is a 5.846-acre parcel of land which is currently improved with the 4.5 story, 71'5" tall, 29,639 sq. ft. Bruce Museum Building; and

WHEREAS the subject building was built in 1853 as a private residence, purchased in 1858 by Robert Moffat Bruce, and then the property and building was donated to the Town of Greenwich upon his death with the condition that the "dwelling house" be used as natural history, historical and art museum; and

WHEREAS the subject property is bounded to the north by Interstate 95, the south by Museum Drive, the east by Indian Harbor Drive and the west by Steamboat Road; and

WHEREAS the museum was approved for expansion in 1957 and again in 1991 and the later expansion was granted site plan, special permit, MI and variance approval to add 9,779 sq. ft. and to a height of 71' 5" tall, and represents the museum as it exists, today; and

WHEREAS the proposed expansion seeks to meet the museums goals to: increase gallery space for permanent and traveling exhibits; expand educational space; create adequate storage of the permanent collection; and provide amenities to similar other museums; and

WHEREAS Expansion and modernization would permit a greater number of traveling exhibits and allow for a greater number of items in the museum's permanent collection to be displayed

WHEREAS additionally the expansion would provide for more adequately sized exhibit prep space, workshop space, and loading/receiving area which have been described as inadequate and below standards set by the American Alliance of Museum, the New England Museum Association and the Association of Art Directors; and

WHEREAS the proposed expansion seeks to make a contemporary styled, 39,593 sq. ft. addition to the east side of the Bruce Museum as well as site, landscaping and drainage improvements to the subject property; and

WHEREAS the topography of the site is such that the expansion of building would be lower than the current basement of the Museum and the lowest level of the expanded facility would become the main/entrance level nearest Museum Drive; and

WHEREAS the expanded facility would contain lobby, lecture, gift shop, restrooms and café space; and

WHEREAS the current basement of the museum would be on the same level as the future first floor and would contain most of the administrative, workshop and mechanical spaces and the second floor would meet the current museums main level and host the main exhibit and educational spaces; and

WHEREAS the upper floors would remain as exists today and would house more administrative space; and

WHEREAS the building is being proposed to meet at least LEED Silver certification; and

WHEREAS the proposal would provide better pedestrian and ADA accessibility where drop off areas, walking paths and parking areas would be designed to keep as many existing trees in place and enhance the park like setting for visitors; and

WHEREAS a new two-way driveway is proposed with a large planted island and an entrance plaza would be constructed with permeable pavers and the existing eastern parking area would be redesigned to increase the parking; and

WHEREAS a lease agreement is being sought with the State to use land in the I-95 right-of-way for this expanded parking area; and

WHEREAS the volume of the proposed expansion would exceed the 150,000 cubic feet threshold and as a building in a residential zone, the Commission would need to consider this proposal under Section 6-101(a) and the standards for Special Permit applications under Section 6-17 of the Town's Building Zone Regulations; and

WHEREAS the proposed building would increase the overall height of the Museum, as measured from grade plane, from 71'5" high today to 79'4" as proposed; and

WHEREAS the current museum height would not physically increase but the point from where the height would be measured would be lowered; and

WHEREAS this would exceed the Museum's current height variance (Appeal No. 7579) and require a variance from the PZBA; and

WHEREAS in addition to the height variance, the proposal would create a 5 ½ story structure where 3 stories are permitted in the R-6 zone and per Section 6-203(c) requires a Special Exception that, "Any existing public or semi-public use, such as a library, hospital or similar building, exceeding the maximum story or height requirement, may be added to at the same height provided authorization to do so is granted by the Board of Appeals as a special exception."; and

WHEREAS the Applicant will need to receive all approvals from the PZBA for the proposal between this preliminary site plan application and any final site plan application, as required; and

WHEREAS the proposed location of the additions would appear to meet all required setbacks in the zone as the proposed addition appears to be no closer than 35 feet from any property line or right-of-way; and

WHEREAS the Museum parcel currently contains 71 parking spaces and 5 ADA spaces; and

WHEREAS the applicant noted that and additional 27 metered spaces along Museum Drive and 28 spaces in the Bruce Park Playground area are in close proximity to the site; and

WHEREAS the applicant is proposing to create a total of 89 parking spaces and 5 ADA spaces on sites and 6 overflow spaces over grassed areas to increase onsite parking to 101 spaces including ADA spaces; and

WHEREAS the Commission noted that parking for this expanded facility may be an issue given the number of seats in the facility and the time of day the Museum historically hosts such events; and

WHEREAS the Commission requested and the applicant agreed to provide a more detailed parking plan, supported by the current attendance of events, to help the Commission determine parking sufficiency; and

WHEREAS the applicant also noted that they are contemplating adding more parallel parking spaces on Museum Drive; and

WHEREAS the Commission asked the applicant to work out the prospective details of constructing said parking with DPW and Parking Services prior to an application for final site plan approval; and

WHEREAS the applicant has proposed a system of rain gardens with overflows connecting to and onsite stormwater system. Permeable pavers would be used in the entry court and permeable asphalt would be used in the construction of the additional parking areas. Furthermore, a green roof is proposed for a portion of the new roof. 91.3% of the proposed impervious site coverage would pass through the proposed treatment measures; and

WHEREAS the Engineering Division has reviewed the proposal and found the Drainage Report and plans acceptable except with some comments that shall be addressed with a Final Site Plan submission; and

WHEREAS a park like setting of the Bruce Museum describes well the look of this property. Mature trees and rock outcropping dot the site making it very serene even with its proximity to the interstate; and

WHEREAS the applicant made the point of noting that the proposal sought to maintain as many significant trees as possible in the design and indicated that 3 significant trees (over 20" caliper) would be removed for construction of the building and 6 significant trees would be removed for the parking areas; and

WHEREAS 25 lesser trees would need to be removed in construction of the addition; 12 trees would be removed for parking purposes; and three trees in the area of the addition appear to be good candidates for transplant and would be transplanted; and

WHEREAS a landscaping plan to enhance the site and replace the vegetation lost was proposed and was reviewed by the Architectural Review Committee; and

WHEREAS given the entire site is Town property any tree removal and planting would require consent from the Town's Tree Warden; and

WHEREAS the Commission noted that the applicant shall meet with the Tree Warden and get all necessary approvals regarding tree planting and removal addressed between preliminary and final site plan approval; and

WHEREAS the subject parcel is within the Coastal Overlay Zone of the Town. The property is not adjacent to any coastal resources and no flood zones are present within the area of construction; and

WHEREAS the Commission also commented on the prospective management agreement the applicant and the Town should be considering in managing the site and building proposal and

WHEREAS the applicant presented at the last meeting a draft plan to make more improvements to the site west of the museum to better connect it to Steamboat Road; and

WHEREAS the Commission asked that the applicant proceed with that design and develop that area with a path through the trees from the museum; meadow plantings on the slope facing Steamboat Road; a path coming up from Steamboat Road connecting to the paths around the Museum; a lighting plan for this area; as well as a provision to include exterior art installations; and

WHEREAS the Commission requested that a 2<sup>nd</sup> amendment to the management plan be considered after land use approvals are granted; and

WHEREAS the Commission noted that it received and considered comments from the Engineering Division, the Commission's Traffic Consultant, Conservation Commission, and Sewer Division; and

WHEREAS the Commission took no action on the Special Permit and deferred decision on any associated Municipal Improvement application at this time;

THEREFORE BE IT FURTHER RESOLVED that The applications of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a preliminary coastal site plan and special permit, PLPZ 2016 00407 and PLPZ 2016 00408, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping per Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.846 acres property located at 1 Museum Drive in the R-6 zone is hereby moved to final with modifications

Prior to filing a final site plan and special permit the applicant shall:

1. The applicant shall receive approval from the ARC regarding the exterior, lighting and landscaping between preliminary and final site plan approval;
2. The applicant shall provide a detail parking plans, supported by real numbers related to current parking sufficiency and shall include the events and attendance numbers for museum events over the past year;

3. The planting and tree removal plans shall be reviewed and approved by the Tree Warden between preliminary and final site plan approval. The atrium plantings shall also be reviewed by tree warden;
4. The applicant shall address the outstanding comments from DPW-Engineering Division;
5. The applicant shall work with Parking Services and DPW regarding the prospect of additional parallel on street parking between preliminary and final site plan approval;
6. The applicant shall provide a draft amendment to the current management plan with any application for final site plan approval.
7. The area to the west of the museum should be developed as presented to the Commission with a path through the trees from the museum; meadow plantings on the slope facing Steamboat Road; a path coming up from Steamboat Road connecting to the paths around the Museum; a lighting plan for this area; as well as a provision to include exterior art installations.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on October 18, 2016.

If you have any questions, please call.

Sincerely,



Patrick LaRow, AICP  
Deputy Director/Assistant Town Planner

# **Planning and Zoning Board of Appeals**

**Decision Letter dated  
11/7/2016**



**TOWN OF GREENWICH  
CONNECTICUT**

November 7, 2016

Patricia L. Frisch  
Frisch & Frisch  
166 Ridgefield Road  
P.O. Box 784  
Wilton CT 06897

Dear Ms. Frisch:

This will notify you that effective November 7, 2016 the Planning and Zoning Board of Appeals of the Town of Greenwich (David Weisbrod, Chairman, Lawrence Larson, Acting Secretary, Arthur Delmhorst, Patricia Kirkpatrick and Wayne Sullivan) rendered the following decision.

**APPEAL No. PLZE201600424**

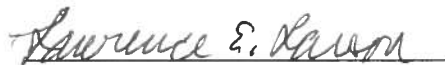
Appeal of The town of Greenwich, owner, Bruce Museum Inc., applicant, 1 Museum Drive, Greenwich for variances of building height, number of stories and special exception approval to permit an addition to an existing museum structure located in the R-6 zone.

It was unanimously RESOLVED that said appeal be granted on the following grounds:

After due consideration, the Board finds there is hardship due to topography of the lot and the height of the existing building to which the addition will be attached. Therefore, the requested variances of building height and number of stories to permit an addition to the existing museum structure, as shown on architectural plans titled, The Bruce Museum, revised July 27<sup>th</sup>, 2016, are granted from sections 6-203(c) and 6-205(a).

The Board further finds that this relief can be granted without detriment to the public welfare or impairment to the integrity of the regulations.

Additionally, the Board finds that the special exception standards as provided by Sections 6-19, 6-20 and 6-203(c) of the Building Zone Regulations have been met. Accordingly, the special exception to permit an addition 37' 8 & 1/2" in height, as shown on architectural plans titled, The Bruce Museum, revised July 27<sup>th</sup>, 2016, is granted.

  
Lawrence Larson, Acting Secretary

**Architectural Review  
Committee  
Action Agenda 11/9/2016  
Meeting**

**ARCHITECTURAL REVIEW COMMITTEE 7:00 – 10:47PM**

**Wednesday, November 9, 2016**

**ACTION AGENDA**

**Town Hall Meeting Room**

**7:00 PM**

**Greenwich Town Hall**

**First Floor**

**101 Field Point Road, Greenwich, CT**

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**ARC MEMBERS PRESENT:** Paul Pugliese (chair), Richard Hein, Louis Contadino, James Doyle, Katherine LoBalbo, and Heidi Smith, Mark Strazza.

**STAFF MEMBER PRESENT:** Cindy Tyminski.

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**1. Greenwich Hospital Association**

Application PLPZ2016 000525 for Exterior Alteration review to replace roof shakes and trim on the side of the building on a property located at 199 HAMILTON AVENUE, GREENWICH in the LBR-2 Zone. Proposed use: residential/retail 1<sup>st</sup> floor Existing Use: residential/ retail 1<sup>st</sup> floor

**DECISION STATUS: APPROVED AS SUBMITTED**

Voting to approve: Pugliese (chairman), Hein, Contadino, Doyle, LoBalbo, Smith and Strazza.

**2. Pajor Residence**

Application PLPZ2016 000435 for Exterior Alteration review to install (4) outdoor tennis CRT lights and footings on a property located at 710 NORTH STREET, GREENWICH in the RA-4 Zone. Proposed use:

residential Existing Use: residential

**DECISION STATUS: APPROVED AS NOTED**

Voting to approve: Pugliese (chairman), Hein, Contadino, Doyle, LoBalbo, Smith and Strazza.

**Proposed:**

- Four (4) poles have been reduced down to 15 feet.
- Existing overgrowth presented as adequate; no additional plantings.

**Modifications:**

- The lights must be off by 10:00 PM.

- Pastors Residence is approved blue however painting all buildings on site a dark blue is not approved. The applicant should select a palate of two or three colors to be used throughout the site that will still provide for a unified campus look but not one homogeneous singular color.
- Return to a meeting at a later date for review of the colors for each of the buildings. An on-site mockup of the final color selection is recommended.
- Move the exhaust vent on the roof of the educational wing away from the edge of the building so it will not be seen.
- The use of down spouts and scuppers on the Church building is required.

#### 7. **Bruce Museum**

Application PLPZ2016 000489 for Exterior Alteration review for a 39,000 SF addition on the front façade of the building, including additional site lighting, new parking areas and landscaping on a property located at 1 MUSEUM DRIVE, GREENWICH in the RA-1 Zone. Proposed use:

institutional – museum Existing Use: institutional - museum

**DECISION STATUS:** APPROVED AS NOTED, return details and CDs  
Voting to approve: Pugliese (chairman), Hein, Contadino, Doyle, LoBalbo, Smith and Strazza.

**Modifications:**

- The applicant shall return with the following modifications or information:
- Applicant to provide more accurately rendered elevations demonstrating the variation in tonal color values from the new addition, the 1992 addition, and the original stone manor.
- A study of light throughout the day as it is filtered through the east facing lace wall should be further reviewed and presented.
- ARC recommends the consistent row of sugar maples as presented along Steamboat Road. The applicant shall return if this selection is modified after discussions with the Town Tree Warden.

- Applicant shall consider alternatives to the Cherry Laurel to screen the mechanicals.
- Applicant shall provide an area or areas along the proposed pathway for a pause to take in views and or the possibility of sculptural art as the public walks towards the site from Steamboat Road.
- Applicant will provide a site lighting plan with lumen plan including finishes and cut sheets.
- A sign application for all on-site signs needs to be submitted.
- The applicant shall return with construction drawings.
- The applicant shall provide a mock-up for a field review of all the proposed materials and colors.

#### 8. By the Way Bakery

Application PLPZ2016 000523 and PLPZ 00572 for Sign and Awning and Exterior Alteration review for a new façade sign and modifications to the store front on a property located 7 EAST PUTNAM AVENUE, Unit: 19 GREENWICH in the CGBR Zone. Proposed use: retail Existing Use: retail (Tangerine)

**DECISION STATUS: APPROVED AS NOTED**

Voting to approve: Pugliese (chairman), Hein, Contadino, Doyle, LoBalbo, Smith and Strazza.

**Modifications:**

- Make the molding thinner on the windows.
- Logo on window cannot exceed 18".

### **COMMITTEE BUSINESS**

#### **1. NOMINATION OF A VICE-CHAIRMAN OF THE ARC**

Doyle motioned to nominate Richard Hein as Vice Chairman of the ARC; Smith seconded.

**DECISION STATUS: APPROVED AS SUBMITTED**

Unanimously voting to approve (7-0): Pugliese (chairman), Hein, Contadino, Doyle, LoBalbo, Smith and Strazza.

**Tree Warden**  
**Notice of Final Decision dated**  
**revised 12/20/2016**

Bruce Spaman  
Superintendent  
Parks & Trees Division  
Tree Warden



Administration.....203-622-6472  
Griffith E. Harris Golf Course....203-531-7200  
Information/Programs.....203-622-7830  
Marine & Facility Operations....203-618-7651  
Parks & Trees.....203-622-7824  
Recreation.....203-622-6478

## DEPARTMENT OF PARKS AND RECREATION Parks & Trees Division

December 18, 2016

(Revised December 20, 2016)<sup>1</sup>

### NOTICE OF FINAL DECISION OF THE TREE WARDEN REGARDING 48 TREES POSTED FOR REMOVAL FOR THE CONSTRUCTION OF A NEW ADDITION TO THE BRUCE MUSEUM

A public hearing was held on Thursday, December 15, 2016 at 12:00 pm for 48 trees posted for removal on the grounds of the Bruce Museum for the construction of a new addition to the museum. As required by Chapter 451, Section 23-59 of the Connecticut General Statutes, a public hearing was called because an appeal objecting to the removal of these trees was received within ten days of their posting. The 48 trees are generally located on the easterly, southerly and westerly sides of the museum building.

Numerous votes and approvals are required from Municipal boards, commissions and agencies for this proposed project to progress. Those include the Board of Selectmen, the Planning & Zoning Commission, the Inland Wetlands & Watercourses Agency, the Board of Estimate and Taxation, the Representative Town Meeting and the Tree Warden's Public Hearing and decision. This project has achieved some of the necessary approvals to date and is currently in the preliminary application phase of the Planning and Zoning Commission.

**As Tree Warden my decision is to remove the minimum number of trees necessary to construct the museum addition and to complete the plans for the landscape improvements as presented at the Tree Hearing.**

#### **Required conditions and stipulations:**

1. **Replacement Trees:** The Town's 'Public Tree Policy' states that (sec. 7.a) "Trees removed for approved Town projects by Town Departments will be replanted on at *least* a 1:1 ratio. Trees species, size and planting locations shall meet with the approval of the Tree Warden". For this project I would require that trees removed will be replaced at a 1:1 ratio.
  - a. Trees and shrubs to be replaced shall conform to the species and caliper sizes stipulated in 'Proposed Tree Planting Plan', sheets L3.0 and L4.0 of the Bruce Museum plan drawings dated December 15, 2016.
  - b. Trees shall not be planted from in the months of July and August.
  - c. All trees are planned to be planted on the Bruce Museum grounds. Any substitution plantings shall meet with the approval of the Tree Warden.

<sup>1</sup> Sections 1.a. and 3.a. have been revised to reference the most current map available at the time of the Tree Hearing. See endnote for detail.

**NOTICE OF FINAL DECISION OF THE TREE WARDEN  
REGARDING 48 TREES POSTED FOR REMOVAL  
FOR THE**

**CONSTRUCTION OF A NEW ADDITION TO THE BRUCE MUSEUM**

- d. There will be a two year guarantee provided by the contractor for the successful establishment of the trees, shrubs and other plants.
2. Construction activities shall conform with the Town's 'Specifications for the Protection of Trees During Construction' as found in the Public Tree Policy.
3. The permit required to commence removing trees will be contingent upon;
  - a. The permit will conform to the tally of trees to be removed as found on the 'Tree Removal Plan' sheet L2.0 of the Bruce Museum plan drawings dated December 15, 2016.
  - b. The adherence to the 'Conditions and Stipulations' stated in this decision.
  - c. The signature of the Director of the Bruce Museum on this document and the permit form to validate the acceptance of the conditions stated above.

This is the final decision of the Tree Warden of the Town of Greenwich. Let it be known that Chapter 451, Section 23-59 of the Connecticut General Statutes states *"..the Tree Warden shall render his decision granting or denying the application, and the party aggrieved by such decision may, within ten days, appeal therefrom to the superior court or the judicial district within which such town or borough is located."*

This decision will be posted in the lobby of the offices of the Parks and Recreation Department located on the 2<sup>nd</sup> floor of the Town Hall, the sign post in the lobby of Town Hall and the Department of Parks and Recreation page on the Town's website. It will also be sent to persons present at the Public Hearing and to those who appealed the posting of these trees for removal.

It is our belief that trees on streets, in parks, school campuses, open space properties, woodlands and at town facilities all constitute what we call Greenwich's Community Forest. This special forest provides important environmental, aesthetic, recreational and social benefits to its residents. The Community Forest also needs to be safe for its residents and strive to be compatible with necessary town infrastructure improvements such as roads, sidewalks, buildings, underground and overhead utilities. These trees often grow in extremely difficult conditions and hard decisions often need to be made.



Bruce Spaman, Superintendent of Parks / Tree Warden  
Town of Greenwich  
Department of Parks and Recreation

December 20, 2016

Acceptance of this decision and the conditions and stipulations found herein by the Director of the Bruce Museum;

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Director

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Date

**NOTICE OF FINAL DECISION OF THE TREE WARDEN  
REGARDING 48 TREES POSTED FOR REMOVAL  
FOR THE  
CONSTRUCTION OF A NEW ADDITION TO THE BRUCE MUSEUM**

**Endnote: December 20, 2016 Revision**

**Sec. 1.a. changed from** “Trees and shrubs to be replaced shall conform to the species and caliper sizes stipulated in ‘Proposed Tree Planting Plan’, sheets L4.2 and L4.3 of the Bruce Museum plan drawings dated November 9, 2016.”

**To**

**1.a.** Trees and shrubs to be replaced shall conform to the species and caliper sizes stipulated in ‘Proposed Tree Planting Plan’, sheets L3.0 and L4.0 of the Bruce Museum plan drawings dated December 15, 2016.

**Sec. 3.a. changed from** “The permit will conform to the tally of trees to be removed as found on the ‘Tree Removal Plan’ sheet L4.0 of the Bruce Museum plan drawings dated November 9, 2016.”

**To**

**3.a.** “The permit will conform to the tally of trees to be removed as found on the ‘Tree Removal Plan’ sheet L2.0 of the Bruce Museum plan drawings dated December 15, 2016.”

**Board of Selectmen**  
**Approved Meeting Minutes**  
**5/30/2016**

# **Town of Greenwich**

## **Board of Selectmen**

**Meeting May 30, 2017**

**10:00 A.M.**

**Town Hall Meeting Room**

## **APPROVED MINUTES**

- 1. The meeting opened at 10:10 A.M. with an announcement from First Selectman Peter J. Tesei that the meeting start would be delayed until 11:40 a.m. in order to comply with the Freedom of Information Act requirement that there be 24 business hours from the posting of the meeting with the Town Clerk until the meeting start.**

**The meeting was called to order at 11:40 a.m. with the Pledge of Allegiance.**

**a. Attendance:**

- I. First Selectman Peter J. Tesei - Present**
- II. Selectman John Toner - Present**
- III. Selectman Drew Marzullo - Present**

The First Selectman greeted and welcomed attendees commenting that it was a Public Meeting of the Board of Selectmen who reserve the right to call on people to propose questions and make comments.

- 2. Approval of Minutes**

- a. Minutes of the Regular Board of Selectmen meeting held on 5-11-2017 were moved for approval as amended by Mr. Toner, seconded by Mr. Marzullo. The motion passed unanimously.**

- 3. First Selectman's Updates**

- a. Mr. Tesei explained that the First Selectman's updates provide an opportunity to spotlight many organizations that enrich the Greenwich community and highlight the breadth of services offered.**
- b. On May 12, the YMCA of Greenwich held its Oyster & Pearl gala at the Greenwich Polo Club at Conyers Farms. The honorees were Randy and Cathy Weisenburger and Michael Chambers.**
- c. On May 16, the First Selectman's Diversity Advisory Committee held its annual meeting and announced the winners of its 8<sup>th</sup> annual Diversity Writing Contest. The students' entries reflected a deep recognition of and commitment to combat the adversity faced by many of our students on all levels.**
- d. On May 17, The Greenwich Girl Scouts held its annual recognition dinner for the Gold, Silver & Bronze Award recipients and graduating seniors at the St. Lawrence Society.**
- e. Also on May 17, the Rotary Club of Greenwich held its 2017 Citizens of the Year Award celebration. Mary Hull was recognized for her work as the founder and executive director of Greenwich Clean & Green and Charles Hilton was honored for his design work of the 9-11 Memorial at Cos Cob Park and the Rotary Pavilion at Byram Park.**
- f. On May 20, the First Baptist Church of Greenwich celebrated its 120<sup>th</sup> anniversary with a luncheon at the Hyatt Regency Greenwich. It was followed by a special service on Sunday, May 21.**
- g. On May 21, Mr. Tesei attended the Mezuzah Installation at the Greenwich Reform Synagogue. It a symbolic end to the construction of the congregation's new home on**

Tesei called the question and requested a vote on his motion.

The motion passed 2-1-0, with Mr. Marzullo casting the dissenting vote. Mr. Marzullo said that he wanted the record to reflect that he would have liked to check whether Mssrs. Von Braun and Peldunas would be running for the Board of Education.

## **5. New Business**

- a. Request to Approve second amendment to the Bruce Museum Management Agreement - Bruce Cohen.
- b. Request to modify Section 14-5, Schedule II of the Greenwich Municipal Ordinances – Bruce Cohen.
- c. Request to modify section 14-7.6, Schedule VIIA of the Greenwich Municipal Ordinances – Bruce Cohen.

Mr. Cohen explained that the Bruce Museum previously received approvals for Municipal Improvement (MI) status regarding the expansion and renovation of the facility. The plan is now near the end of the land use portion of approvals including reviews by the Planning and Zoning Commission, the Zoning Board of Appeals, the Architectural Review Committee as well as Town Administrator Ben Branyan and Town departments including Parking Services, Parks & Recreation, the Town Attorney and Tree Warden. The plans now reflect the changes requested by these various agencies and departments, Mr. Cohen explained. One of the changes now eliminates the need to lease land from the state of Connecticut for parking and the Museum is withdrawing that portion of the MI.

Mr. Cohen also provided a history of the Museum's operations that included a separate board overseeing operation from 1909 until 1992. An expansion of the Museum in 1991 was the genesis for the current operating agreement which is handled by a 501-c3 known as the Bruce Museum Inc. Last year, the Representative Town Meeting (RTM) extended that operating agreement by 20 years.

Mr. Cohen also provided an overview of the construction plan - including handicapped accessibility as well as connecting downtown activities with both the Museum and Bruce Park – which must be approved by the RTM. He also explained that the Selectmen need to approve the management agreement and modifications to parking regulations.

Mr. Tesei said that a motion was needed to add to the agenda, a modification of Section 14-1, Schedule 1 of the Greenwich Municipal Ordinances, for a total of four (4) requests by the Museum.

Mr. Toner made the motion to add the Section 14-1, Schedule I modification to the agenda. It was seconded by Mr. Marzullo and unanimously approved.

Mr. Tesei commented that the Museum worked collaboratively with the Town administration to determine the best use of a finite resource – parking.

Mr. Toner made a motion, seconded by Mr. Marzullo to approve the second amendment to the Bruce Museum Management Agreement. The motion was unanimously approved.

Mr. Toner made a motion, seconded by Mr. Marzullo to approve the modification of Section 14-1, Schedule I of the Greenwich Municipal Ordinances. The motion was unanimously approved.

Mr. Toner made a motion, seconded by Mr. Marzullo to approve the modification of Section 14-5, Schedule II of the Greenwich Municipal Ordinances. The motion was unanimously approved.

Mr. Toner made a motion, seconded by Mr. Marzullo to approve the modification of Section 14-7.6, Schedule VIIA of the Greenwich Municipal Ordinances. The motion was unanimously approved.

## **6. Appointments and Nominations**

### **7. Executive Session**

Mr. Toner motioned to enter into executive session at 12:53 P.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

Attending the Executive Session were J. Wayne Fox, Town Attorney; Eugene McLaughlin, Assistant Town Attorney, and Barbara Heins, Executive Assistant to the First Selectman.

Mr. Toner moved to exit Executive Session at 1:15 P.M., seconded by Mr. Marzullo, the Board voted 3-0 in favor.

- a. Full and Final Settlement of tax appeal to settle Docket No. HHB CV 16-6034442S – Parcel No. 01-2515/S for a tax credit of \$5,647.

Upon a motion by Mr. Toner, seconded by Mr. Marzullo, the Board voted 3-0-0 in favor of the settlement.

- b. Full and Final Settlement of tax appeal to settle Docket No. HHB CV 16-6034461S – Parcel No. 12-1010/S for a tax credit of \$3,309.

Upon a motion by Mr. Tesei, seconded by Mr. Toner, the Board voted 3-0-0 in favor of the settlement.

- c. Full and Final Settlement of tax appeal to settle Docket No. HHB CV 16-6034460S – Parcel No. 06-3903/S for a tax credit of \$20,515.

**Planning and Zoning  
Commission  
Decision Letter dated  
6/15/2017**

**KATIE DELUCA, AICP**  
DIRECTOR PLANNING AND ZONING/ZONING  
ENFORCEMENT COORDINATOR/TOWN PLANNER



**PATRICK LAROW, AICP**  
Deputy Director Planning and Zoning/Assistant  
Town Planner

**MAREK KOZIKOWSKI, AICP, Senior Planner**  
**CINDY TYMINSKI, AICP, Planner II**  
**MARISA ANASTASIO, Planner II**  
**ADAM PISARKIEWICZ, Planner I**  
**LAUREN LOCKWOOD, Applications Coordinator**

## **PLANNING AND ZONING - LAND USE DEPARTMENT**

### **CERTIFIED MAIL**

June 15, 2017

Mr. Bruce F. Cohen, Esq.  
Fogarty, Cohen, Selby, and Nemiroff, LLC  
1700 East Putnam Avenue  
Suite 406  
Old Greenwich, CT 06870

RE: The application of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a municipal improvement, PLPZ 2017 00048, to expand and make improvements to the Bruce Museum per Section 99 of the Town Charter on property located at 1 Museum Drive in the R-6 zone; and

The applications of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a final coastal site plan and special permit, PLPZ 2017 00045 and PLPZ 2017 00046, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping per Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-184, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.846-acres property located at 1 Museum Drive in the R-6 zone as shown on a site plan prepared by Redniss & Mead, last revised 5/18/2017, architectural plans prepared by Eskew+Dumex+Ripple, last revised 5/18/2017, and landscaping plans prepared by Reed Hilderbrand, LLC, dated 5/18/17.

At a regular meeting held on June 1, 2017 the Planning and Zoning Commission considered the above-referenced application(s) and took the following action(s):

Upon a motion to approve Municipal Improvement application PLPZ 2017 00048 made by Mme. Alban and seconded by Messr. Yeskey, the following resolution was adopted based on a 5-0 vote. (Voting in favor of this item: Maitland, Alban, Levy, Yeskey (for Fox), and Macri); and

Upon a Second motion to approve final site plan application PLPZ 2017 00045 and Special Permit Application PLPZ 2017 00046 with modifications, was made by Mme. Alban and

seconded by Messr. Yeskey, the following resolution was unanimously adopted 5-0. (Voting in favor of this item: Maitland, Alban, Levy, Yeskey (for Fox), and Macri); and

WHEREAS the Commission held a public hearing on June 1, 2017 and took all testimony as required by law; and

WHEREAS the Applicant requested final site plan, and special permit approvals, pursuant to Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations (BZR); and

WHEREAS the subject property is a 5.846-acre parcel of land which is currently improved with the 4.5 story, 71'5" tall, 29,639 sq. ft. Bruce Museum Building; and

WHEREAS the subject building was built in 1853 as a private residence, purchased in 1858 by Robert Moffat Bruce, and then the property and building was donated to the Town of Greenwich upon his death with the condition that the "dwelling house" be used as natural history, historical and art museum; and

WHEREAS the subject property is bounded to the north by Interstate 95, the south by Museum Drive, the east by Indian Harbor Drive and the west by Steamboat Road; and

WHEREAS the museum was approved for expansion in 1957 and again in 1991 and the later expansion was granted site plan, special permit, MI and variance approval to add 9,779 sq. ft. and to a height of 71' 5" tall, and represents the museum as it exists, today; and

WHEREAS the proposed expansion seeks to meet the museums goals to: increase gallery space for permanent and traveling exhibits; expand educational space; create adequate storage of the permanent collection; and provide amenities to similar other museums; and

WHEREAS Expansion and modernization would permit a greater number of traveling exhibits and allow for a greater number of items in the museum's permanent collection to be displayed

WHEREAS the expansion would provide for more adequately sized exhibit prep space, workshop space, and loading/receiving area which have been described as inadequate and below standards set by the American Alliance of Museum, the New England Museum Association and the Association of Art Directors; and

WHEREAS the proposed expansion seeks to make a contemporary styled, 37,656 sq. ft. addition to the east side of the Bruce Museum as well as site, landscaping and drainage improvements to the subject property; and

WHEREAS the topography of the site is such that the expansion of building would be lower than the current basement of the Museum and the lowest level of the expanded facility would become the main/entrance level nearest Museum Drive; and

WHEREAS the expanded facility would contain lobby, lecture, gift shop, restrooms and café space; and

WHEREAS the current basement of the museum would be on the same level as the future first floor and would contain most of the administrative, workshop and mechanical spaces and the second floor would meet the current museum's main level and host the main exhibit and educational spaces; and

WHEREAS the upper floors would remain as exists today and would house more administrative space; and

WHEREAS a covered truck bay and loading dock will be the designated receiving area, a "back of house" space to transport materials, exhibits and art; and

WHEREAS the building is being proposed to meet at least LEED Silver certification; and

WHEREAS the proposal would provide better pedestrian and ADA accessibility where drop off areas, walking paths and parking areas would be designed to keep as many existing trees in place and enhance the park like setting for visitors; and

WHEREAS a new two-way driveway is proposed with a large planted island and an entrance plaza would be constructed with permeable pavers and the existing eastern parking area would be redesigned to increase the parking; and

WHEREAS the applicant proposed a 5-foot-wide walkway which would meander through the site from Indian Harbor Drive in the east toward the Museum; and

WHEREAS on the western side of the site a new connection to Steamboat that includes reconstruction of the existing staircase, wider walkway that gradually ascends the slope up to the Museum site; and

WHEREAS the Commission noted that prior iterations of the plans showed sculpture or other art installations to be showcased in various locations on this western slope; and

WHEREAS that applicant confirmed that their program does include installing art in the park and along this slope; and

WHEREAS the Commission requested and the applicant agreed to show the proposed locations of these art installations with any plans for permit; and

WHEREAS the volume of the proposed expansion would exceed the 150,000 cubic feet threshold and as a building in a residential zone, the Commission considered the proposal under Section 6-101(a) and the standards for Special Permit applications under Section 6-17 of the Town's Building Zone Regulations; and

WHEREAS the proposed building would increase the overall height of the Museum, as measured from grade plane, from 71'5" high today to 79'0 1/4" as proposed; and

WHEREAS the current museum height would not physically increase but the point from where the height would be measured would be lowered; and

WHEREAS this would exceed the Museum's current height variance (Appeal No. 7579) and require a variance from the PZBA; and

WHEREAS in addition to the height variance, the proposal would create a 5 ½ story structure where 3 stories are permitted in the R-6 zone and per Section 6-203(c) requires a Special Exception that, "Any existing public or semi-public use, such as a library, hospital or similar building, exceeding the maximum story or height requirement, may be added to at the same height provided authorization to do so is granted by the Board of Appeals as a special exception."; and

WHEREAS on November 7, 2016 the applicant received special exception approval and variances for height, and stories (Appeal PLZE 2016 00424) from the Planning and Zoning Board of Appeals; and

WHEREAS the proposed location of the additions would appear to meet all required setbacks in the zone as the proposed addition appears to be no closer than 35 feet from any property line or right-of-way; and

WHEREAS the Museum parcel currently contains 71 parking spaces and 5 ADA spaces; and

WHEREAS 27 existing metered spaces are along Museum Drive and 28 spaces in the Bruce Park Playground area are in proximity to the site which can be used in off peak hours; and

WHEREAS the applicant is proposing to create a total of 93 parking spaces and 5 ADA spaces on site, including 13 new parallel parking spaces are also being proposed along the north side of Museum Drive; and

WHEREAS these new parallel parking spaces have been found acceptable to the Town's DPW and Parking Services; and

WHEREAS the Commission noted under preliminary site plan approval that parking for this expanded facility may be an issue given the number of seats in the facility and the time of day the Museum historically hosts such events; and

WHEREAS at that time the Commission requested and the applicant agreed to provide a more detailed parking plan, supported by the current attendance of events, to help the Commission determine parking sufficiency; and

WHEREAS the applicant provided said information and the Commission reviewed the parking management plan and found them to be acceptable; and

WHEREAS the Applicant requested and received approval from the First Selectman on 5/30/17 to further amend the existing management agreement between the Town and Bruce Museum, Inc. regarding the maintenance and management of this facility; and

WHEREAS the applicant has proposed a system of rain gardens with overflows connecting to and onsite stormwater system. Permeable pavers would be used in the entry court and permeable asphalt would be used in the construction of the additional parking areas. Furthermore, a green

roof is proposed for a portion of the new roof. 91.3% of the proposed impervious site coverage would pass through the proposed treatment measures; and

WHEREAS the Engineering Division has reviewed the proposal and found the Drainage Report and plans acceptable except with some comments that shall be addressed prior to building permit issuance; and

WHEREAS a park like setting of the Bruce Museum describes well the look of this property. Mature trees and rock outcropping dot the site making it very serene even with its proximity to the interstate; and

WHEREAS the applicant makes a point of noting that the proposal sought to maintain as many significant trees as possible in the design; and

WHEREAS 48 trees, in total, are approved to be removed by the Town's Tree Warden as part of the proposed action. However, a lesser number trees could be removed if needed.

WHEREAS the applicant's planting plan notes a 1:1.25 ratio of prior plants to new plants; and

WHEREAS a landscaping plan to enhance the site and replace the vegetation lost was proposed and was reviewed by the Architectural Review Committee (the "ARC"); and

WHEREAS the ARC endorsed the proposed exterior and landscaping on November 9, 2016 and noted items to be addressed with the final construction documents and would need to be addressed prior to Zoning Permit issuance; and

WHEREAS the subject parcel is within the Coastal Overlay Zone of the Town. The property is not adjacent to any coastal resources and no flood zones are present within the area of construction; and

WHEREAS the Commission noted that it received and considered comments from the Engineering Division, the Commission's Traffic Consultant, Conservation Commission, and Sewer Division; and

WHEREAS the Commission noted comments from the Conservation Commission which noted concerns over plantings for the proposed rain gardens; and

WHEREAS the applicant agreed to work with Conservation staff in addressing their comments; and

WHEREAS the Commission took no action on the Special Permit and deferred decision on any associated Municipal Improvement application at this time;

THEREFORE, BE IT RESOLVED the application of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a municipal improvement, PLPZ 2017 00048, to expand and make improvements to the Bruce Museum per Section 99 of the Town Charter on property located at 1 Museum Drive in the R-6 zone is hereby approved.

THEREFORE BE IT FURTHER RESOLVED the applications of Bruce Cohen, Esq., authorized agent, for Bruce Museum Inc., the operator, and the Town of Greenwich, record owners, for a final coastal site plan and special permit, PLPZ 2017 00045 and PLPZ 2017 00046, to expand and make additions to the existing Bruce Museum Building, related site improvements including new parking areas, stormwater management infrastructure and landscaping per Sections 6-13 through 6-15, 6-17, 6-94, 6-98, 6-101, 6-111, 6-184, 6-192, 6-139.1, and 6-205 of the Town of Greenwich Building Zone Regulations on a 5.846-acres property located at 1 Museum Drive in the R-6 zone as shown on a site plan prepared by Redniss & Mead, last revised 05/18/17, architectural plans prepared by Eskew+Dumex+Ripple, last revised 05/18/17, and landscaping plans prepared by Reed Hilderbrand, LLC, dated 05/18/17 are hereby approved with modifications.

Prior to zoning permit issuance, the applicant shall meet with staff and provide the following for review:

1. The applicant shall address all outstanding comments from the ARC. Any new lighting or signage will require ARC approval;
2. The applicant shall take the Conservation comments under consideration. The applicant shall coordinate with Conservation staff regarding the rain garden plantings;
3. The planting and tree removal plans shall be in accordance with the Tree Warden's approvals;
4. The applicant shall address outstanding comments from DPW-Engineering Division;
5. The applicant shall address all sewer comments;
6. The applicant shall show the proposed locations of the art installations with any plans for permit.
7. The applicant shall provide five (5) copies of all site development plans and four (4) copies of architectural and landscaping plans to staff for review prior to zoning permit issuance.

In accordance with Section 6-14.1(e) of the Town of Greenwich Building Zone Regulations, failure to complete all approved work within five (5) years of the approval date shall result in automatic expiration of the approval. Upon a written request to extend the site plan approval beyond five (5) years, the Planning & Zoning Commission may grant one or more extensions of time to complete all work not to exceed ten (10) years from the effective date of approval.

The contents of this letter have been reviewed by members of the Commission and reflect the decision the Commission made at its meeting on June 1, 2017.

If you have any questions, please call.

Sincerely,



Patrick LaRow, AICP  
Deputy Director/Assistant Town Planner