



# PLANNING AND ZONING COMMISSION

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## MINUTES PLANNING & ZONING COMMISSION THURSDAY MARCH 16, 2023 REGULAR MEETING 7:00 p.m.

This meeting was held remotely, solely via ZOOM.

Commissioners Present: J. Chadwick, F. Russo, M. Liguori, S. Huttner, J. Vaiuso,  
C. Andres, M. Palluzzi

Staff Present: H. Smith- (Town Planner), E. Breining - (Asst. Town Planner),  
M. Martin-(Clerk)

### DISCUSSION:

#### 1. Desegregate CT Discussion

The speaker was Theo Haaks who is an Advocacy Fellow working with Desegregate CT (House bill 6890) aka "Live, Work, Ride" proposal. He then reviewed a PowerPoint.

Desegregate Ct is a pro homes coalition of nonprofit groups (approximately 80).

The bill is centered on TOD (Transit Orient Districts) and the concept of building housing around a bus or train route. He noted the three tiers of the program are: Rapid transit communities, Transit Communities and Transit adjacent.

He noted a town would opt in by creating a TOD along a bus or rail route. Then the office of responsible growth (ORG) partners with the Planning & Zoning commission in the community on design and implementation. The ORG directs state funding for this. He went into a bit more details about this.

Then, he touched on the TOD districts criteria and information regarding if a town doesn't opt in to the bill.

He then spoke of different funding available to create TOD districts.

The commission asked a few questions and discussed it briefly.

### PUBLIC HEARINGS:

1. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
11 Lot Re-subdivision  
**Application #22-11.2**  
**A/R 11/17/22 & PH opened 2/2/23 and continued from 3/2/23**
2. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Interior (Rear) (Lot #5)  
**Application #22-11.3**  
**A/R 11/17/22 & PH opened 2/2/23 and continued from 3/2/23**

3. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Interior (Rear) (Lot #2)  
**Application #22-11.4**  
**A/R 11/17/23 & PH opened 2/2/23 and continued from 3/2/23**
4. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Grading (Section 6.8)  
**Application #23-1.5**  
**To be A/R & PH opened 2/2/23 and continued from 3/2/23**

Public hearings number 1 thru 4 were discussed together.

H. Smith reviewed the Town Engineer and the Fire Marshal's memos.

He then reviewed the revised staff reports for these applications.

Zach Georgina (Juliano Associates) represented the applicant and asked a few questions  
In response to the memos.

A few of the commissioners made some comments.

PUBLIC INPUT:

1. Mrs. Carangelo -159 Cherry Hill Rd. - She wanted to reiterate the Town Engineers comments about the poor condition of the culverts on the road and noted it's deteriorating. Also, the road is less than 20 ft. wide in front of her house. She also noted the slope on the entrance does not seem suitable for heavy machinery. She stated that there are many residents on Cherry Hill Road that also do not want thousands of vehicles going thru, just like the residents of Autumn Ridge don't want them.

**Chairperson Andres closed the public hearings for all four of these applications.**

5. Silver Lining Development LLC, c/o Karl Muller-Applicant & Owner  
650 Main Street  
Special Exception-Two Family Residence  
**Application #22-12.7**  
**A/R 1/5/23 & PH opened and continued from 3/2/23**  
  
The applicant has submitted an additional special exception application and has granted a time extension to the March 30 meeting so this application can be heard with the second application.  
The commission accepted the time extension.
6. McDonalds Corp. c/o Brian Sheedy (Senior Counsel)-Applicant  
RHC Associates c/o CRE Asset Management LLC c/o Stefan Cushman-Owner  
424-436 West Main Street  
Special Exception Modification- Drive-thru for a fast food restaurant  
**Application #23-1.6**  
**A/R 1/5/23 & PH continued to 3/30/23**
7. Branford Building Supplies c/o Vincent Giordano-Applicant & Owner  
211 Montowese Street  
Special Exception- Convert the Lower Level into Residential Use  
**Application #23-2.1**  
**A/R on 2/16/23 & PH set for 3/16**

Sarah Giordano represented the applicant and reviewed site plans. She explained they would like to change the lower floor (704 sq. feet) into a studio apartment. There are no exterior changes. The space was previously used as storage space.

E. Breining reviewed the staff report and noted he is adding a finding to waive the survey requirement.

PUBLIC INPUT: No one spoke.

Chairperson Andres closed the public hearing.

**MINUTES: 3/02/23**

**J. Chadwick made a motion to approve the 3-2-23 minutes as written.  
F. Russo seconded the motion which passed unanimously.**

**CORRESPONDENCE: None**

**RETURN TO TABLE:**

1. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
176 Cherry Hill Road  
11 Lot Re-subdivision  
**Application #22-11.2**  
**A/R 11/17/22 & PH opened 2/2/23 and continued from 3/2/23**

**F. Russo made a motion to approve the application and adopt the staff memo below:**

**CONDITIONS:**

1. Prior to the start of construction, the sedimentation and erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer.
2. The following items shall be addressed and/or added to the Record Subdivision Map prior to the signature of the Chairperson and recording of the Record Subdivision Map:
  - a) Street trees species shall revised to consist of two different species that are both approved by the Town Tree Warden and are on "Native Trees for Landscaping" list developed by the Town's Community Forest Commission.
  - b) Notes required by Section 5.02.B.1 (8) of the subdivision regulations.
  - c) Establishment of a Financial Guarantee according to the provisions of Section 6.02.C of the Subdivision Regulations, except that the financial guarantee shall not be in the form of a surety bond.
  - d) To address Section 6.12.F of the Zoning Regulations, if any lot created by this re-subdivision approval is proposed to be served by a driveway (common or not) though an easement through another property an approval of such will be required by the Commission per Section 6.10 of the Subdivision Regulations.
  - e) Provision of an executed deed transferring ownership of the proposed Open Space to the Regional Water Authority (of New Haven CT) or alternative entity approved by the Commission, of form and content acceptable to the Town

Counsel and the Town Planner, providing for public access and ensuring its permanent protection as open space and meeting all other requirements of Section 3.04 of the Subdivision Regulations, to be recorded on the Land Records of the Town Clerk concurrently with the recording of the Record Subdivision Map.

- f) Should ownership by an entity other than the Regional Water Authority be proposed the approval by the Commission of an alternative disposition of the Open Space, which would involve in the case of a proposal to have a Homeowners Association own the Open Space will need to be obtained, additional information regarding the Homeowners Association (including proposed maintenance plan for the Open Space, organization composition, financial resources, and any further information required by the Commission to be necessary for a determination of the acceptability of ownership on the Open Space by a Homeowners Association).
  - g) The applicant shall submit one (1) Mylar along with three (3) paper copies of the Record Subdivision Map, with appropriate signature blocks and any required modifications.
  - h) The indications on the plans of reconfiguration of driveways to the n/f Frances A. Proto (#16 Autumn Ridge Rd) and n/f Maria and Joseph Congliaro (#14 Autumn Ridge Road) properties shall be removed from the plans and final configuration changes in conformance with the Zoning Regulations proposed on the relevant plan sheets.
3. The storm drainage system for each individual lot shall be determined at the time of the final house design for submittal for building permit approval.
  4. If the residences are to be heated with fuel oil, it should be stored above ground. Fuel storage tanks and associated and associated piping in the basement should be segregated from floor drains and sump pumps to prevent spills and leaks from discharging to the environment. Roof top drainage should be directed to a landscaped area to allow for natural infiltration
  5. The Final Erosion and Sedimentation Plans are to be approved by the Zoning Enforcement Officer or Town Planner.
  6. Underground utilities are required unless waived by the Commission.
  7. All lots shall be connected to the town sewer system and approved by the WPCA.
  8. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy, planting of street trees as required by Section 3.08 shall be complete, possibly outside the r-o-w (as may be required to prevent interference with overhead utility lines) with the development of an easement to the Town of Branford regarding the ownership of the tree and the obligation of the property owner to not prune/ remove/replace the tree without the permission of the Town and the approval of the Planning and Zoning Commission.
  9. Prior to the issuance of any Certificate of Zoning Compliance or the zoning authorization for the issuance of any Certificate of Occupancy, a financial guarantee shall be submitted to ensure the survival of plant materials in favor of the Town of Branford pursuant to Section 3.08.C.3 to ensure that any required street trees not

surviving one (1) year after the completion of all required subdivision improvement shall be replaced at the developers expense. The form, content and amount shall be determined by the Zoning Enforcement Officer as she/he may be advised by the Town Engineer and the Town Attorney, except that this financial guarantee shall not be in the form of a surety bond.

**M. Palluzzi seconded the motion which passed unanimously.**

2. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Interior (Rear) (Lot #5)  
**Application #22-11.3**  
**A/R 11/17/22 & PH opened 2/2/23 and continued from 3/2/23**

**J. Chadwick made a motion to approve the application by adopting the findings and conditions in the staff memo below:**

**LOT 5**

Should the Commission decide to approve the application for a Special Exception for Rear/Interior lot, #22-11.3 (Lot 5) staff recommends the following Findings and Conditions be included in approval:

**FINDINGS (LOT 5):**

1. Compliance with Section 6.3 is waived per Section 6.3.L is found to be required since the Commission finds that the existing natural landscaping constitutes excellence in landscaping design.
2. The requirement of Section 6.3.D.3 for the preparation of Landscaping Plans by a licensed landscape architect is waived.

**CONDITIONS (LOT 5):**

- 1) Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions or other requirements listed below shall be addressed to the satisfaction of the Zoning Enforcement Officer or other staff of the Planning and Zoning Commission as may be indicated:
  - a) Identify any significant trees (larger than 12" in diameter DBH) on the lot and noted whether each, if any are present will be retained or removed. For any significant trees present along the property line of the cleared lot to be retained provide measures for their protection based on the recommendations of a Connecticut licensed arborist.
  - b) *Low Impact Development (LID) practices shall be considered in the final design for handling stormwater drainage from roof leaders, footing drains and sump pumps (if*

*utilized) which shall be treated through LID methods and directed to a landscaped area to allow for natural infiltration.*

- 3) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output – less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures shall be no greater than 3000 degrees Kelvin.
- 4) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
- 5) If the residences are to be heating with fuel oil, it should be stored above ground. Fuel storage tanks and associated in the basement should be segregated from floor drains and sump pumps.
- 6) This Special Exception approval shall become void if the associated approval of the 11-lot re-subdivision application #22-11.2 is not recorded on the Town of Branford Land Records.

**M. Palluzzi seconded the motion which passed unanimously.**

3. BC Investment Propertys LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Interior (Rear) (Lot #2)  
**Application #22-11.4**  
**A/R 11/17/23 & PH opened 2/2/23 and continued from 3/2/23**

**F. Russo made a motion to approve the application by adopting the findings and conditions in the staff memo below:**

**LOT 2**

Should the Commission decide to approve the application for a Special Exception for Rear/Interior lot, #22-11.4 (Lot 2) staff recommends the following Findings and Conditions be included in approval:

**FINDINGS (LOT 2):**

1. Compliance with Section 6.3 is waived per Section 6.3.L is found to be required since the Commission finds that the existing natural landscaping constitutes excellence in landscaping design with the exception of portion of the northern property line that abuts property n/f owned by Loredana Pascarella.
2. The requirement of Section 6.3.D.3 for the preparation of Landscaping Plans by a licensed landscape architect is waived.

**CONDITIONS (LOT 2):**

- 1) Prior to the start of construction, the erosion control measures shall be installed to the satisfaction of the Zoning Enforcement Officer and maintained throughout the project.
- 2) Prior to the issuance of a zoning permit or the authorization for the issuance of a building permit, the following Site Plan revisions or other requirements listed below shall be addressed to the satisfaction of the Zoning Enforcement Officer or other staff of the Planning and Zoning Commission as may be indicated:
  - a) Identify any significant trees (larger than 12" in diameter DBH) on the lot and noted whether each, if any are present will be retained or removed. For any significant trees present along the property line of the cleared lot to be retained provide measures for their protection based on the recommendations of a Connecticut licensed arborist.
  - b) A Landscaping Plan of primarily native plant species for the required ten-foot (10') deep landscaping strip required along the portion of the northern property line that abuts property n/f owned by Loredana Pascarella shall be submitted for the review and approval of the Town Planner.
  - c) *Low Impact Development (LID) practices shall be considered in the final design for handling stormwater drainage from roof leaders, footing drains and sump pumps (if utilized) which shall be treated through LID methods and directed to a landscaped area to allow for natural infiltration.*
- 3) No lighting with a light source greater than 900 lumens shall be installed without staff or Commission approval as may be appropriate. To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output – less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures shall be no greater than 3000 degrees Kelvin.
- 4) Dust control shall be undertaken as may be determined by the Zoning Enforcement Officer.
- 5) If the residences are to be heating with fuel oil, it should be stored above ground. Fuel storage tanks and associated in the basement should be segregated from floor drains and sump pumps.
- 6) This Special Exception approval shall become void if the associated approval of the 11-lot re-subdivision application #22-11.2 is not recorded on the Town of Branford Land Records.

**M. Palluzzi seconded the motion which passed unanimously.**

4. BC Investment Property LLC c/o Bruno Ciccone-Applicant & Owner  
175 Cherry Hill Road  
Special Exception- Grading (Section 6.8)  
**Application #23-1.5**  
**To be A/R & PH opened 2/2/23 and continued from 3/2/23**

**M. Palluzzi made a motion to approve the staff memo below:**

**CONDITIONS:**

1. All construction shall substantially conform to the most recently revised version of the submitted Plans and Application Documents except as they have been verbally modified by the applicant's representative during the Public Hearing on March 16, 2023 with respect to construction traffic to the property and except as they may be modified to comply with requirements of this approval or be further modified by the Planning and Zoning Commission ("Approved Plans").
2. Prior to any construction activity on the property subject to this application, evidence shall be submitted to the satisfaction of the Zoning Enforcement Officer and the Town Planner that the following have been satisfactorily addressed/established:
  - a. A soil and erosion control bond shall be established per Section 6.10.E.4 and Section 9.6.G.2A of the Zoning Regulations.
  - b. Addition of a note stating that no topsoil may be removed from the site per Section 6.8.F.7 without the required note from a CT licensed Professional Engineer or Landscaped Architect being submitted per the requirements of this section.
  - c. Erosion and Sedimentation controls installed as shown on the Approved Plans.
  - d. Pre-construction meeting with the owner's representative/general contractor, ZEO, Town Planner (and others that the Town Planner may ask to be included).
  - e. Construction traffic from this development shall not use Cherry Hill Road until measures sufficient to address the safety concerns expressed by the Town Engineer in his email to Town Planner, Harry Smith dated March 15, 2023 are proposed for and have obtained his approval and implemented to his satisfaction. Non safety issues (such as the impact of construction traffic on the surface quality of the road) are not covered by this condition.
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  - f. Construction traffic from this development shall not use Autumn Ridge Road until measures to address the following items are proposed for the review and approval of the Town Planner as he may be advised by the Town Engineer or other appropriate town staff:
    - i. Prevention of the deposition of mud and other earth material from the property on Autumn Ridge Road (i.e. anti-tracking pad, etc.).
    - ii. Delineation and of a route(s) through the property that construction traffic will use (possibly including the existing driveway) including any temporary treatment of such routes (i.e. the placement of gravel, etc.) to maintain the route(s) during construction.
    - iii. The addition of temporary additional erosion and sediment control measures for the construction route(s) in condition 2.f.ii above



including construction use of the existing driveway during the construction of the proposed road from Cherry Hill Road shall be proposed on a separate document for consideration and approval by the Town Planner as he may be advised by the Town Engineer with their implementation left to Zoning Enforcement Officer as she/he may determine it to be necessary should also be specified.

3. To comply with Section 6.8, the Applicant shall submit the following for the review and approval of the Zoning Enforcement Officer, as she may be advised by the Fire Marshal, prior to beginning any work on site requiring a Blasting Permit:
  - a. The completion of any fully unaddressed item from Condition #2.
  - b. Documentation that an offer of a pre-blast survey was made to owners of all structures any part of which is within 150 feet of the area of the property boundary.

All blasting shall comply with any Blasting Permit issued as well as the submitted Blasting Plan and be limited to Monday through Friday 9:00 am to 5:00 pm.

4. Prior to the issuance of a Zoning Permit or Zoning Authorization for the issuance of any necessary Building Permit for improvements to this property the Site Plan and submitted application materials shall be modified or additional documentation presented to address the following to the satisfaction of the Zoning Enforcement Officer and the Town Planner as well as, additionally, any specific Town staff member so indicated below:
  - a. With respect to the earthen slopes of the detention basin on Lot 7 ("Detention Basin"), intervals of inspection and compaction testing shall be recommended by a Professional Engineer licensed in the State of Connecticut for the review and approval of the Town Engineer.
5. If the residences are to be heated with fuel oil, it should be stored above ground. Fuel storage tanks and associated and associated piping in the basement should be segregated from floor drains and sump pumps to prevent spills and leaks from discharging to the environment. Roof top drainage should be directed to a landscaped area to allow for natural infiltration
6. The Final Erosion and Sedimentation Plans are to be approved by the Zoning Enforcement Officer or Town Planner.
7. No topsoil may be removed from the site per Section 6.8.F.7 without the required note from a CT licensed Professional Engineer or Landscaped Architect being submitted per the requirements of this section.
8. Due to the presence of the property within a public supply watershed (Lake Saltonstall) and the amount of earth disturbance to take place on steep slope areas the following additional measures regarding site and soil stabilization shall be undertaken during construction (time period between the commencement of

construction/clearing of the site following the pre-construction meeting and such time as the site is stabilized to the satisfaction of the Zoning Enforcement Officer:

- a. The applicant shall provide weekly and after each measurable precipitation event of 0.25 inches or greater progress reports per Section 6.10.F.4 unless the weekly requirement is waived by the Zoning Enforcement Officer, who may reinstitute it as s/he may determine necessary.

9. Prior to the issuance of any zoning authorization of a Certificate of Occupancy or Certificate of Zoning Compliance the following shall be addressed to the satisfaction of the Zoning Enforcement Officer or other Town staff as indicated:

- a. Documentation shall be submitted to the satisfaction of the Town Engineer of the following regarding the construction of the detention basin:
  - i. Certification by a Professional Engineer licensed in the State of Connecticut regarding the stability of the earthen slopes of the detention basin when full.
  - ii. That the inspection and compaction testing of the earthen slopes of the detention basin was performed as approved by the Town Engineer per Condition #4.
  - iii. Final reports and certification that the earthen slope of the detention basin was constructed as proposed and approved and in the location on Sheet 7 of 15 of the Approved Plans. Said inspections must be performed by a Professional Engineer.
- b. Submission of an 'as-built' for the construction work and site improvements.
- c. In the event that blasting has taken place, documentation that an offer of a post-blast survey was made to owners of all structures any part of which is within 150 feet of the property boundary that requested a pre-blast survey to document any changes in conditions from the pre-blast survey required above and a remediation plan proposed, approved and executed to address any conditions altered by the blasting.

10. The use of a rock crusher (or other fixed machinery subject to Section 6.8.G of the Zoning Regulations) on-site is not approved without the submittal of a plan showing a location of the equipment in compliance with the requirements of Section 6.8.G of the Zoning Regulations and Commission approval also per this section.

11. As may be directed by the Zoning Enforcement Officer, necessary measures to control any dust generated by movement of earth material on site or removed from/brought into the site shall be implemented and any additional measures to control soil and erosion determined to be necessary to address conditions arising during construction.

**J. Chadwick seconded the motion which passed unanimously.**

1. Branford Building Supplies c/o Vincent Giordano-Applicant & Owner  
211 Montowese Street  
Special Exception- Convert the Lower Level into Residential Use  
**Application #23-2.1**  
**A/R on 2/16/23 & PH set for 3/16**

**F. Russo made a motion to approve the application with the Findings and Conditions below:**

**FINDINGS:**

- 1) Full compliance with Section 6.3 is waived per Section 6.3.L as the Commission finds that the overall landscaping plan constitutes excellence in landscaping design.
- 2) The commission waives the A-2 Survey requirement per Section 9.8.B.3.

**CONDITIONS:**

- 1) To reduce glare, all fixtures shall be demonstrated to meet the IES full-cutoff definition unless they are emergency lights or very low level accent lights (less than 900 lumen output – less than an incandescent 100 watt bulb). Fixed, not adjustable, arm mounts shall be used for all fixtures. The correlated color temperature of the light source for all exterior fixtures, either building or pole mounted, shall be equal to or less than 3000 Kelvin (K). Information on all building mounted light fixtures shall be provided including cut sheets with all model choices indicated and an updated photometric plan (Sheet LP-1) including an updated schedule providing information on the different types of fixture (maker & model number, mounting height, lumens generated, etc.) and surface light level projections in foot-candles that are in compliance with the requirements of the Zoning Regulations.

**J. Chadwick seconded the motion which passed unanimously.**

**OLD BUSINESS:**

1. Sofias Bakery, LLC c/o Kostas Sousoulas-Applicant  
8 North Branford Road  
Zoning Map Amendment – Change from BL (Limited Business) to IG-2 (Industrial-2)  
**Application #23-2.4**  
**To be A/R & PH to be set**

**The public hearing is set for 4/20/23**

2. Schuyler Coulter-Applicant & Owner  
28 & 30 Brocketts Point Road  
Special Exception & Coastal Site Plan-Demo house on 30 Brocketts Point Rd.  
& Construction of an addition to house on 28 Brocketts Point Rd.  
**Application # 23-2.5**  
**To be A/R & PH set for 3/30/23**

**NEW BUSINESS:**

1. Vincent Federico- Applicant  
Nancy Tomassini- Owner  
15 Etzel Road  
Special Exception & Coastal Site Plan- Demolition of the Existing Home  
and construction of a new home.  
**Application #23-3.1**  
**To be A/R & PH to be set**

**Public Hearing set for 3/30/23.**

2. Vincent Federico-Applicant  
Jennifer Federico- Owner  
18-19 Etzel Road  
Special Exception & Coastal Site Plan –Demolition of the Existing Home  
and construction of a new home.  
**Application #23-3.2**  
**To be A/R & PH to be set**

**Public Hearing set for 3/30/23**

3. Karl Muller –Applicant & Owner  
650 Main Street  
Special Exception- Modification of Parking Requirements  
**Application# 23-3.4**  
**To be A/R & PH to be set**

**Public Hearing is set for 3/30/23**

4. Planning & Zoning Commission-Applicant  
Zoning Regulation Amendment- Outdoor Dining  
**Application #23-3.6**  
**To be A/R & PH to be set**

**Public Hearing is set for 4/20/23**

**OTHER BUSINESS:**

1. Planner's Report  
E. Breining has finalized the wording for the outdoor dining regulation.
2. Bond Establishment for 106 Damascus Road

**J. Vaiuso made a motion to establish the bond at 106 Damascus Road.**  
**J. Chadwick seconded the motion which passed unanimously.**