



TOWN OF STONINGTON
Zoning Board of Appeals
STONINGTON TOWN HALL
152 Elm Street
Stonington, Connecticut 06378

AGENDA
SPECIAL MEETING
March 4, 2009 at 5:00 p.m.

PLEASE NOTE VENUE CHANGE & TIME

The Zoning Board of Appeals will hold a Special Meeting on Wednesday, March 4, 2009 at 5:00 p.m. at the Stonington Town Hall in the lower level meeting room.

The Board kindly asks that you refrain from making background noise. Please turn off all cell phones, pagers, and any other personal devices that may cause a disturbance.

The Stonington Town Hall is wheelchair accessible. If you plan to attend this public meeting and you have a disability that requires special arrangements, please call 860-535-5095 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs.

1. Call to Order – Special meeting: 5:00 p.m.
2. Pending Litigation:
 - a. **Kleinknecht Decision** - discussion and vote regarding settlement proposal of KNL CV 07 407688, Peter Kleinknecht, et al. v. Stonington Zoning Board of Appeals in accordance with the Motion attached hereto.
3. Adjournment

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09 FEB 26 PM 2: 50

CYNTHIA LADWIG
TOWN CLERK

David Rathbun
Chairman

Motion

That the Town of Stonington Zoning Board of Appeals (the "Board") settle the pending lawsuit having Docket Number **KNL CV 07 4007688**, and captioned as **PETER KLEINKNECHT, ET AL. V. STONINGTON ZONING BOARD OF APPEALS**, now pending in the Superior Court for the Judicial District of New London at New London, in accordance with the proposed map (copy attached) presented to the Board at its December 9, 2008 special meeting (the "Map"), and in accordance with the conditions stated in the correspondence from Dwight H. Merriam, attorney representing the Kleinknechts, sent by electronic mail to Thomas J. Londregan, Town attorney, on October 17, 2008 (copy attached), which was and considered by the Board at its December 9, 2008 special meeting.

By this settlement, the Board authorizes the construction of a single-family residence within the footprint outlined in red on the Map in accordance with the terms of the October 17, 2008 correspondence. It is understood and agreed that it may be necessary for the Kleinknechts to modify their U.S Army Corps of Engineers and Connecticut Department of Environmental Protection permits and the present action shall remain open until those federal and state permit modifications are received. If federal and state modifications are denied or conditioned such that the house may not be located in the footprint outlined in red on the Map, this settlement shall extinguished and the pending lawsuit tried and decided.

The Board approves this settlement in the interest of protecting and promoting the public's health, safety and welfare because the footprint approved:

1. Places the structure in the A-zone while the application plan pending before the court has the house built in the V-zone;
2. Is consistent with the prior Superior Court ruling that the property shown on the Map is a building lot and the only issue is where on the lot a structure may be built; and
3. Provides the most practicable protection of views from surrounding properties.

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09 MAR -3 PM 12: 29

CYNTHIA LADWIG
TOWN CLERK

From: Merriam, Dwight
Sent: Friday, October 17, 2008 10:37 AM
To: Tom Londregan (tlondregan.c-l@snet.net)
Subject: Kleinknecht settlement plan

I believe this is consistent with our discussion. The red outline includes the footprint the Kleinknechts will agree to in settlement, including (1) the original footprint, less the triangle outlined in yellow which preserves the southerly view from the former Dolson residence (remember, though, that the orientation of the former Dolson house and the commanding views are all to the west and unaffected), (2) the revised footprint within the buildable area not requiring any further variances, and (3) the long sliver triangle by the driveway entrance at the extension of Quarry Path. The yellow triangle area where the building is removed would be used only for a deck at an elevation of 12 feet which would have no impact on the view from the abutting property.

Please don't ask me to go back to this well. It took wrangling that has tested my endurance. All things considered, the Kleinknechts would just soon go forward with the court hearing and decision. They, and we, are confident with the record, the law and the equities of the case as presented...but, we all know that nothing in litigation is ironclad.

This house location and configuration significantly compromises their plans, but they are willing to make this one, last counter-proposal because we are so close. I think all the objectives of the ZBA have now been met and we have all other federal, state and local approvals....we are one short step away from concluding this.

Dwight H. Merriam, FAICP, CRE

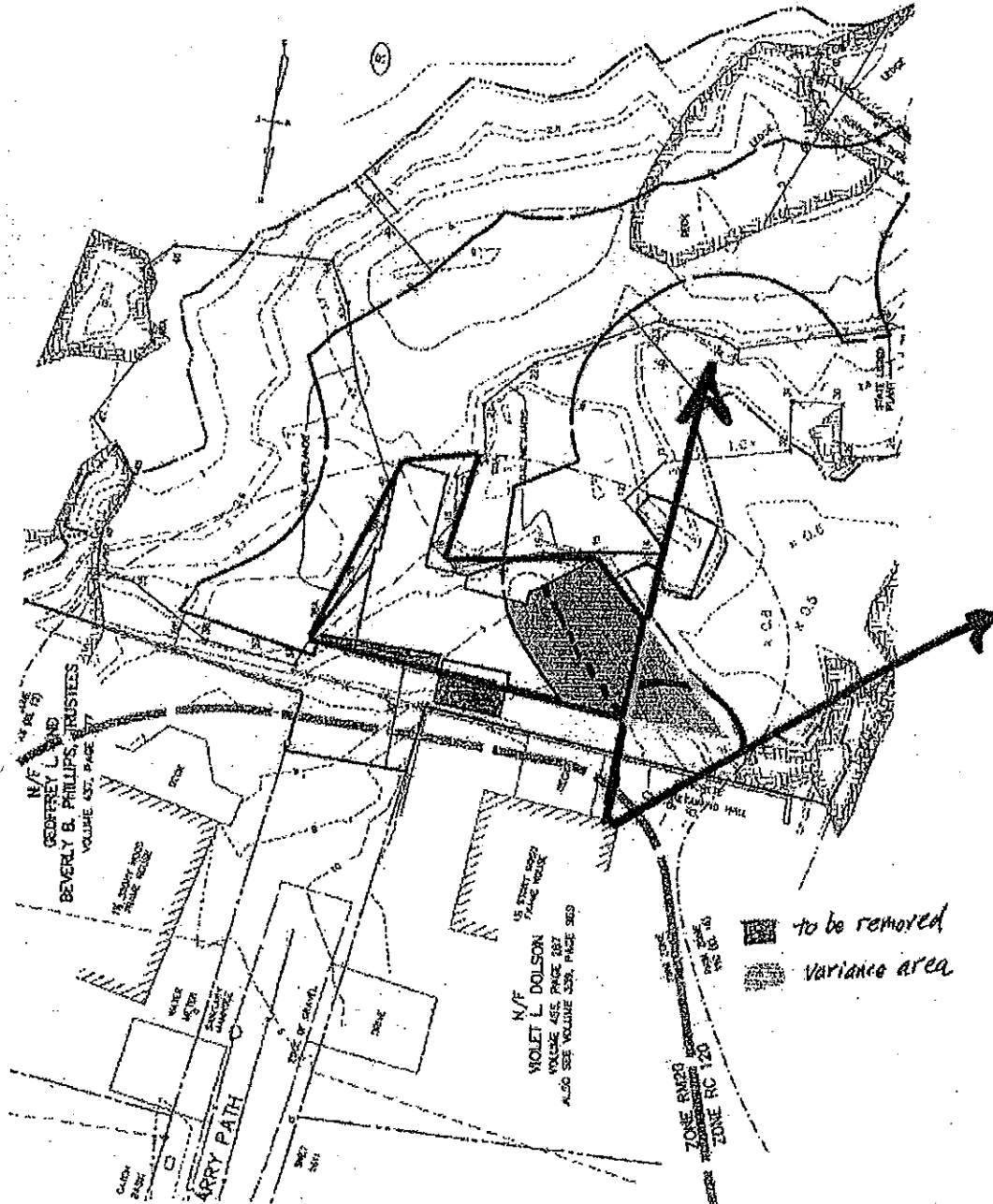
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dmerriam@rc.com | www.rc.com
[Contact Card](#)

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