

**TOWN OF STONINGTON**  
**Zoning Board of Appeals**  
**STONINGTON TOWN HALL**  
**152 Elm Street, Stonington, CT 06378**  
**SPECIAL MEETING MINUTES**  
**March 4, 2009**

**Final**

Seated for this meeting were Jack Guyol, John Prue, David Rezendes, Fred Diechmann and David Rathbun, presiding. Alternate member Ben Tamsky, zoning Official Joseph Larkin and Town attorney Jeffrey Londregan were also present.

Chairman Rathbun called this meeting to order at 5:02 p.m. He stated that the reason for this special meeting was for discussion and vote regarding the settlement proposal of **KNL CV 07 407688, Peter Kleinknecht, et al. v. Stonington Zoning Board of Appeals.**

Mr. Rezendes read the proposed settlement into the record as follows:

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. Longregan, 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 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.

Mr. Prue moved that the proposed settlement be approved, and Mr. Deichmann seconded. After some discussion, the motion carried 4 to 1 with Mr. Rezendes casting the lone dissenting vote.

The meeting adjourned at 5:11 p.m.

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David Rezendes, Acting Secretary

