

DOCKET NO. KNL-CV16-606027254-S : SUPERIOR COURT  
TOWN OF LEDYARD, ET AL : JUDICIAL DISTRICT OF  
NEW LONDON  
VS : AT NEW LONDON  
PERKINS PROPERTIES, LLC : JUNE 3, 2019

**POST JUDGMENT MOTION FOR CONTEMPT**

The Plaintiff in the above-entitled action respectfully represents that:

1. The Plaintiff brought this action returnable to this Court on August 16, 2016 claiming a temporary and permanent injunction and other relief.
2. Thereafter, by motion dated October 12, 2016, the Parties moved that the Court enter Judgment in accordance with a Stipulation entered into by the Parties.
3. Thereafter, on December 1, 2016 Judgment was entered by this Court in accordance with the terms of the Stipulation. A copy of the Court's Judgment with the Stipulation of the Parties is attached hereto as Exhibit A.
4. The Judgment of the Court included a provision that "any violation of this Order shall constitute a willful violation of the [Zoning] Regulations punishable by a fine equal to the greater of \$250 per day the violation continues...."

5. The Defendant has repeatedly violated the Judgment in one or more of the following ways:


- a. The Defendant continues to store commercial vehicles on the site, which said storage is not related to any activities permitted on the premises; and
- b. The Defendant continues use the premises for activities in violation of the Judgment.

WHEREFORE the Plaintiff requests:

1. That the Defendant be cited to show cause why it should not be adjudged in contempt for the violation and be punished therefore.
2. That Defendant be compelled to comply with the Orders of the Court.
3. That civil penalties be assessed against the Defendant as provided in the Court Order.
4. That the Defendant be ordered to pay costs and reasonable attorneys' fees incurred by the Plaintiff in filing and prosecuting this Motion.

PLAINTIFF

BY: \_\_\_\_\_

  
Carl T. Landolina  
It's Attorney

**CERTIFICATION**

I certify that a copy of the above was or will immediately be mailed or delivered electronically or non-electronically on June 3, 2019 to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will be immediately served as follows:

Matthew Berger, Esq  
164 Hempstead Street  
New London, CT 06320  
Matthew.berger@sbcglobal.net



---

Carl T. Landolina  
Commissioner of the Superior Court

Exhibit A

DOCKET NO. KNL-CV-16-6027254S : SUPERIOR COURT  
TOWN OF LEDYARD, ET AL : JUDICIAL DISTRICT  
OF NEW LONDON  
V. : AT NEW LONDON  
PERKINS PROPERTIES, LLC : OCTOBER 27, 2016

MOTION FOR JUDGMENT

The parties in the above-captioned matter hereby jointly move that judgment be entered in this matter, without costs, in accordance with the attached stipulation.

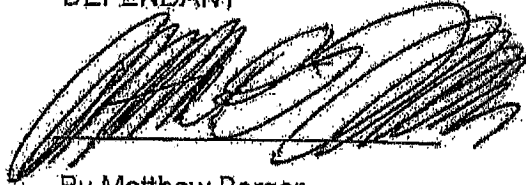
PLAINTIFFS



By Carl T. Landolina

Their Attorney

DEFENDANT



By Matthew Berger

Its Attorney

Juris # 411899

Matthew G. Berger  
Attorney At Law, LLC  
164 Hempstead Street  
New London, CT  
06320-5638

FAHEY & LANDOLINA,  
ATTORNEYS LLC  
487 SPRING STREET  
WINDSOR LOCKS, CT 06098  
JURIS NO. 412111  
(860) 827-8500  
FAX (860) 827-6817

ORDER

The foregoing Motion having been heard it is hereby Ordered:

Granted/Denied

---

By the Court

FAHEY & LANDOLINA,  
ATTORNEYS LLC  
487 SPRING STREET  
WINDSOR LOCKS, CT 06096  
JURIS NO. 412111  
(860) 627-8800  
FAX (860) 627-8817

DOCKET NO. KNL-CV-16-6027254S : SUPERIOR COURT

TOWN OF LEDYARD, ET AL : JUDICIAL DISTRICT  
OF NEW LONDON

V. : AT NEW LONDON

PERKINS PROPERTIES, LLC : OCTOBER 27, 2016

### STIPULATION

The parties in the above-captioned matter agree as follows:

The Defendant Perkins Properties, LLC, together with its successors, and assigns, ("the Defendant") is hereby enjoined from operating a landscaping business, lawn care business, snow removal business, or other similar commercial operation (collectively, "commercial activity") on the property known as 576 Lantern Hill Road in the Town of Ledyard, Connecticut ("the Property").

Specifically:

1. Whereas commercial activity and uses accessory to commercial activities are not permitted in residential zones pursuant to § 3.4 of the Ledyard Zoning Regulations ("Regulations"), no building or structure on, or any portion of the Property shall be used for commercial activity, or for any purpose subordinate and incidental to commercial activity, including but not limited to:
  - a. Vehicular or pedestrian access to commercial activity;
  - b. Employee parking for commercial activity;

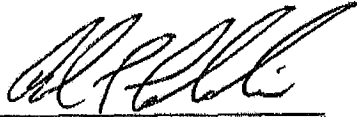
- c. Storage, maintenance, or repair of vehicles, equipment, or machinery used in whole or in part in conducting commercial activity except as may be permitted in Section 2 below,
- d. The assembly of employees of commercial activities other than farming or uses accessory to farming in the ordinary course of business of such activities ("mustering");
- e. The storage of materials or products used in the course of business of commercial activity except as may be permitted in Section 2 below, including but not limited to:
  - i. Snow-melt chemicals, including but not limited to de-icing salt;
  - ii. Other chemicals used in the ordinary course of business of commercial activity other than those used in farming or uses accessory to farming which support those agricultural activities actually occurring on the Property;
- f. The storage of materials, products, or byproducts generated in the course of business or commercial activity.

- 2. To the extent that the activities listed in Paragraph 1 of this Order may constitute farming, or a use accessory to farming pursuant to § 2.2 of the Regulations, such activities may be permitted. Specifically,
  - a. Vehicular and/or pedestrian access to bona fide agricultural operations on the Property is not prohibited, provided that the daily number of vehicles, equipment, machinery, and pedestrians are necessary to conduct such agricultural operations that are actually occurring on the Property;
  - b. Employee parking and/or mustering for bona fide agricultural operations is not prohibited, provided that the daily number of employees parking or mustering on the property is the number necessary to conduct such agricultural operations actually occurring on the Property;
  - c. The storage, maintenance, or repair of vehicles, equipment, or machinery used in the ordinary course of business of bona fide agricultural operations is not prohibited, provided such vehicles, equipment or machinery are being used in conjunction with agricultural uses actually occurring on the Property;
  - d. The exceptions contained in Subparagraphs 2a through 2c of this Order shall be strictly and narrowly construed.



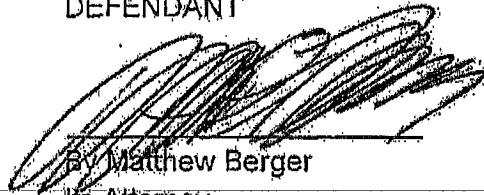
3. To the extent that the activities listed in Paragraph 1 of this Order may constitute farming, within thirty days of the entry of this order, any and all activities currently taking place on the Property and prohibited herein shall cease.
4. If at any time a single-family dwelling is constructed on the Property pursuant to the Regulations, any activity otherwise prohibited by this Order shall be permitted, provided such activity is of such a size, scale, intensity, and nature as to be subordinate and incidental to such a single-family dwelling.
5. Any violation of this Order shall constitute a willful violation of the Regulations, punishable by a fine equal to the greater of \$250 per day the violation continues, or such other penalty for willful violation of the Regulations set forth in Conn. Gen. Stat. § 8-12 as such may be amended from time to time.

PLAINTIFFS



By Carl T. Landolina  
Their Attorney

DEFENDANT



By Matthew Berger  
Its Attorney

Juris # 411899

Matthew G. Berger  
Attorney At Law, LLC  
164 Hempstead street  
New London, CT  
06320-5538

FAHEY & LANDOLINA,  
ATTORNEYS LLC  
487 SPRING STREET  
WINDSOR LOCKS, CT 06096  
JURIS NO. 412111  
(860) 927-8300  
FAX (860) 927-8817