

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

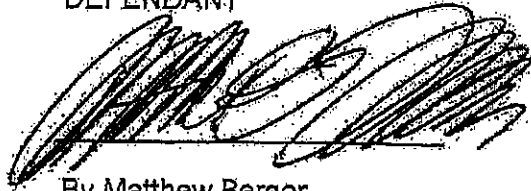
The parties in the above-captioned matter hereby jointly move that judgment be entered in this matter, without costs, in accordance with the attached stipulation.

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 06096
JURIS NO. 412111
(860) 627-8800
FAX (860) 627-6517

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) 627-8900
FAX (860) 627-6817

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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.

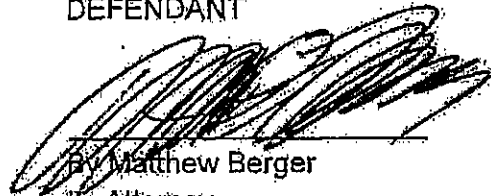
3. To the extent that the activities listed in Paragraph 1 of this Order may constitute farming, within thirty days of the entry of this order, any and all activities currently taking place on the Property and prohibited herein shall cease.
4. If at any time a single-family dwelling is constructed on 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.

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Their Attorney

DEFENDANT



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His Attorney

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