

**TOWN OF VERNON**  
**Planning & Zoning Commission (PZC)**  
**Draft Minutes - Special Meeting Notice**  
**Thursday, April 2, 2009, 7:15 PM**  
**Mayor's Office, Third Floor**  
**Memorial Building, Vernon Town Hall**  
**14 Park Place**  
**Rockville/Vernon, CT**

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1. Call to Order & Roll Call
  - **Meeting Called to Order at 7:20 P.M.**
  - **Regular Members Present:** Lester Finkle, Walter Mealy, Chester Morgan, Watson Bellows and Sarah Iacobello.
  - **Alternate Members Present:** Francis Kaplan and Keith Lauzon. Francis Kaplan to Sit for Ralph Zahner. Keith Lauzon to sit for vacant member.
  - **Staff Present:** Leonard Tundermann, Town Planner.
  - **Town Attorney:** Harold Cummings
  - **Recording Secretary:** James Krupienski. (not present in Executive Session)
  - **Chester Morgan, seconded by Watson Bellows to made a Motion to recess into Executive Session at 7:22 P.M. Motion carried unanimously.**
  - **The Special Meeting reconvened at 7:37 P.M.**
2. Executive session to discuss pending litigation in the matter of Home Depot v. Planning and Zoning Commission
  - **Sarah Iacobello, seconded by Watson Bellows made a Motion to Authorize the Stipulation for Judgment. Motion carried unanimously. (Stipulation # 3 was Read into the Record as shown below.) Appendix A**
    - 3. *The parties agree that the Scenic Road Designation only applies to the portion of Reservoir Road between the Walker Reservoir Water Crossing and the intersection of Bolton Road and that the Scenic Road Designation does not include, apply to, or otherwise affect the portion of Reservoir Road that abuts the Property.*
3. Adjournment.
  - **Francis Kaplan, seconded by Walter Mealy made a Motion to Adjourn. Motion carried unanimously.**
  - **Meeting adjourned at 7:40 P.M.**

James Krupienski  
Recording Secretary

**Appendix A**

DOCKET NO.:TTD-CV-08-4009789-S	:	SUPERIOR COURT
	:	
HOME DEPOT U.S.A, INC.	:	J.D. OF TOLLAND
	:	AT VERNON
VS.	:	
	:	
VERNON PLANNING AND	:	
ZONING COMMISSION AND	:	
VERNON CONSERVATION	:	
COMMISSION	:	FEBRUARY __, 2009

**STIPULATION FOR JUDGMENT**

The parties stipulate and agree that judgment may enter in the above-entitled case as follows:

1. On August 14, 2008 Home Depot U.S.A., Inc. (“Home Depot”) instituted an action against the Vernon Planning and Zoning Commission and the Vernon Conservation Commission in Superior Court of the State of Connecticut, Judicial District of Tolland at Vernon appealing the decision of the Town of Vernon Planning and Commission to approve the Vernon Conservation Commission’s application for the designation of Reservoir Road between Walker Reservoir Water Crossing and the intersection of Bolton Road as a Scenic Road pursuant to Ordinance #256 “Ordinance Concerning the Designation of Scenic Roads”, effective January 11, 2005, adopted by the Vernon Town Council on December 21, 2004 and Connecticut General Statutes Section 7-149a (the “Scenic Road Designation”).

**Appendix A (cont)**

2. Home Depot owns the property listed on Map 47, Block 130, Lot 1b in the Town of Vernon, commonly known as 117 Reservoir Road (the "Property").

3. The parties agree that the Scenic Road Designation only applies to the portion of Reservoir Road between the Walker Reservoir Water Crossing and the intersection of Bolton Road and that the Scenic Road Designation does not include, apply to, or otherwise affect the portion of Reservoir Road that abuts the Property.

4. The signatories below each represent and warrant that each is duly authorized and qualified to execute this Stipulation for Judgment.

5. The parties agree that each party shall bear its own fees and expenses incurred in or associated with the above-entitled case. Costs are not awarded to either party.

6. The parties agree that this Stipulation for Judgment may be used as evidence in any other proceeding and it shall be an admission as to any of the items contained herein.

[Signatures follow on the next page]

**Appendix A (cont)**

THE PLAINTIFF,  
HOME DEPOT U.S.A., INC.  
BY McCARTER & ENGLISH, LLP

ITS ATTORNEYS

By \_\_\_\_\_  
John R. Mallin  
Charles D. Ray  
Jessica A. Villardi  
CityPlace I  
Hartford, CT 06103  
(860) 275-6700  
(860) 724-3397 (fax)  
Juris #419091

**Appendix A (cont)**

THE DEFENDANTS,  
VERNON PLANNING AND ZONING COMMISSION  
AND VERNON CONSERVATION COMMISSION

BY CUMMINGS, LANZA & PURNHAGEN LLC

ITS ATTORNEYS

By \_\_\_\_\_

Harold L. Cummings  
1610 Ellington Road  
PO Box 667  
South Windsor, CT 06074  
(860) 644-3473  
(860) 644-3347 (fax)  
Juris #102281

**Appendix A (cont)**

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing was sent via First Class Mail, Postage Prepaid  
this \_\_\_th day of February, 2009, to:

Harold L. Cummings  
Cummings, Lanza & Purnhagen LLC  
1610 Ellington Road  
PO Box 667  
South Windsor, CT 06074

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Jessica A. Villardi