

DOCKET NO. HHB-CV-07-4014767-S	:	SUPERIOR COURT
ALEX VIGLIOTTI AND CEDAR PROPERTY DEVELOPMENT, LLC	:	JUDICIAL DISTRICT OF NEW BRITAIN
v.	:	
BRANFORD PLANNING AND ZONING COMMISSION	:	JUNE 29, 2009

STIPULATION FOR JUDGMENT

WHEREAS, the plaintiff Alex Vigliotti, either individually or as the member of various limited liability companies, and the plaintiff Cedar Property Development, LLC (collectively, "Vigliotti") are the owners or contract purchasers of certain parcels of land located within an area bounded by Hillside Avenue, Rose Street, Cedar Street and North Main Street in Branford, Connecticut ("Property");

WHEREAS, the defendant Town of Branford Planning and Zoning Commission ("PZC") is the agency duly established by the Town of Branford ("Town") to receive and act upon applications for amendments of the zoning regulations, rezoning and site plan approval;

WHEREAS, on June 5, 2006, Vigliotti filed applications with the PZC for text amendment of the zoning regulations to create a new zoning district, for rezoning of the Property to the new zoning district and for site plan approval in order to construct "Founders Village" a 120-unit apartment community with affordable housing pursuant to

Conn. Gen. Stat. § 8-30g on the Property (collectively, “§ 8-30g Application”);

WHEREAS, on January 4, 2007 the PZC denied Vigliotti’s § 8-30g Application and published notice of its denial as prescribed by law on or about January 10, 2007.

WHEREAS, on January 25, 2007, Vigliotti, pursuant to Conn. Gen. Stat. §§ 8-30g(h) filed a resubmission of the § 8-30g Application;

WHEREAS, on April 5, 2007, the PZC denied Vigliotti’s resubmitted § 8-30g Application and published notice on or about April 11, 2007;

WHEREAS, Vigliotti appealed the PZC’s denial of its resubmitted § 8-30g Application to the Superior Court for the Judicial District of New Haven, where it was assigned Docket No. NNH-CV-07-4025881-S (“§ 8-30g Appeal”);

WHEREAS, on May 23, 2007, Vigliotti filed a Motion to Transfer the § 8-30g Appeal to the Judicial District of New Britain, which Motion as granted by the Court (Corradino, J.) on July 17, 2007;

WHEREAS, the above-captioned § 8-30g Appeal, which was assigned Docket No. HHB-CV-07-4014767-S upon transfer to New Britain, and a companion inland wetlands appeal, captioned Alex Vigliotti, et al. v. Branford Inland Wetlands Commission, Docket No. HHB-CV-07-4014802-S (“Wetlands Appeal”), are currently pending in the Superior Court for the Judicial District of New Britain;

WHEREAS, the parties, with the assistance of the Court (Hon. George Levine)

negotiated a court supervised settlement process for the potential resolution of this § 8-30g Appeal and the Wetlands Appeal, which they believe to be in their best interests;

WHEREAS, on January 30, 2009, the Court granted a Revised Joint Motion pursuant to Conn. Gen. Stat. § 8-8(n) for Approval of Court Approved Settlement Process (“Joint Motion”) relating to the pending appeals;

WHEREAS, the parties have proceeded in accordance with the Joint Motion;

WHEREAS, at a meeting on May 28, 2009, the IWC adopted a Resolution approving, with conditions, proposed regulated development activities on the Property (“Wetlands Resolution”);

WHEREAS, at its meeting of June 4, 2009, the PZC adopted the resolutions attached hereto and incorporated by reference herein as Exhibit A, whereby the PZC approved a text amendment to the Branford Zoning Regulations, the rezoning of the Property, and a site plan for the Property (“PZC Resolutions”).

NOW THEREFORE, plaintiffs Alex Vigliotti and Cedar Property Development, LLC and defendant Town of Branford Planning and Zoning Commission hereby jointly move for the Court’s approval of the settlement pursuant to Conn. Gen. Stat. § 8-8(n), in accordance with the PZC Resolutions subject to the following terms and conditions:

1. The Property will be developed in accordance with the PZC Resolutions and the Wetlands Resolution, subject to the conditions therein.

2. 7.164 acres of open space on the Property shall be deeded to the Town as open space; 0.369 acres on the Property shall be deeded to the Town for inclusion in the Town's right of way for Hillside Avenue; 0.013 acres at 36 Rose Street shall be deeded to the Town for inclusion in the Town's right of way for Hillside Avenue; and 0.201 acres at 81 Cedar Street shall be deeded to the Town in connection with existing infrastructure and for such use as the Town deems appropriate.

3. Following a hearing on this proposed Stipulation for Judgment, in accordance with Conn. Gen. Stat. § 8-8(n), and on a proposed Stipulation for Judgment relating to the Wetlands Appeal, in accordance with Conn. Gen. Stat. § 22a-43(d), and the Court's approval of both proposed Stipulations for Judgment and that any appeals are final for zoning, wetland and water pollution control authority approvals relating to this settlement:

- (a) The PZC and IWC will issue the approvals contemplated by their respective Resolutions;
- (b) Alex Vigliotti will provide deeds conveying to the Town the property described in Paragraph 2, above; and
- (c) Plaintiffs will withdraw this § 8-30g Appeal and the Wetlands Appeal.

4. It is understood and agreed that any local approvals relating to the

respective Resolutions obtained by Vigliotti may be transferred and assigned to another entity without requiring further approval or consent from any Town of Branford board or official.

5. The Court shall maintain continuing jurisdiction over this matter for purposes of enforcing the rights and obligations of the parties as set forth herein.

6. This Stipulation shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

7. No costs in this § 8-30g Appeal are to be awarded to any party.

PLAINTIFFS,  
ALEX VIGLIOTTI AND CEDAR  
PROPERTY DEVELOPMENT, LLC

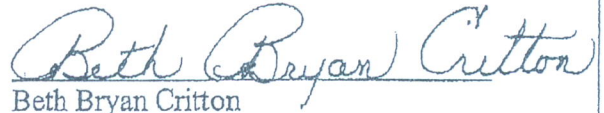
DEFENDANT,  
BRANFORD PLANNING AND  
ZONING COMMISSION

By: Beth Bryan Critton By: William H. Clendenen  
Christopher J. Smith  
Beth Bryan Critton  
Shipman & Goodwin LLP  
One Constitution. Plaza  
Hartford, CT 06103-1919  
PHONE: (860) 251-5000  
FAX: (860) 251-5318  
Juris No. 57385  
William H. Clendenen  
Clendenen & Shea, LLC  
400 Orange Street  
New Haven, CT 06511-6405  
PHONE: (203) 787-1183  
FAX: (102) 787-2847  
Juris No. 009775

Todd Bainer, Esq.  
71 Cedar Street  
P.O. Box 1092  
Branford, CT 06405

Michael Vergato, Pro Se  
89 Cedar Street  
Branford, CT 06405

Michael A. Zizka, Esq. (courtesy copy)  
Murtha Cullina LLP  
185 Asylum Street  
Hartford, CT 06103-3469



Beth Bryan Critton  
Commissioner of the Superior Court

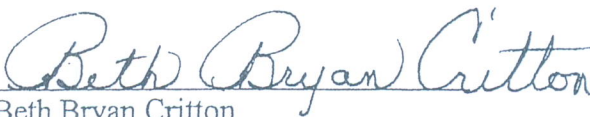
CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Stipulation for Judgment was faxed and mailed, postage prepaid, this 30<sup>th</sup> day of June, 2009, to:

William H. Clendenen, Esq.  
Clendenen & Shea, LLC  
400 Orange Street  
New Haven, CT 06511-6405

James M. Connor, Esq.  
Updike Kelly & Spellacy  
One State Street  
P.O. Box 231277  
Hartford, CT 06123-1277

Michael A. Zizka, Esq. (courtesy copy)  
Murtha Cullina LLP  
185 Asylum Street  
Hartford, CT 06103-3469

  
Beth Bryan Critton  
Commissioner of the Superior Court

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