

**MINUTES
WESTPORT CONSERVATION COMMISSION
MAY 22, 2019**

The May 22, 2019 Special Meeting of the Westport Conservation Commission was called to order at 7:00 p.m. in Room 201/201A of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Donald Bancroft, Secretary
Robert Corroon, Sergeant-at-Arms
Paul Lobdell
Mark Perlman
Ralph Field, Alternate

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst
Pete Gelderman, Asst. Town Attorney

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 business days of the May 22, 2019 Special Meeting of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Public Meeting: 7:00 p.m, Room 201/201A

107 Old Rd.: Discussion and possible vote on draft Stipulated Settlement Agreement of the case of Amy L.Y. Day, Executrix of the Estate of Catherine D. Fleming vs. the Westport Conservation Commission as it relates to the denial of Application #IWW-10450-17 and #WPL-10488-17 for a four (4) lot open space subdivision. Said settlement proposes two lots.

Ms. Rycenga opened the hearing with the Order of Business for the evening as follows:

This is the May 22, 2019 special public meeting of the Westport Conservation Commission.

Good evening. I am Anna Rycenga, Conservation Chairman and I would like to welcome everyone here this evening.

Before we begin, I would like the other members of the Conservation Commission, Department Staff and, Town Counsel taking part in these hearings to introduce themselves, starting to my left.

All of our public hearings are recorded and most times televised on Channel 79 (Cablevision), Channel 99 (Frontier) and you may also watch a live meeting in session on www.westportct.gov

If you wish to follow our agenda this evening, there are extra copies here on the table.

At this time, I would kindly ask that everyone present including the audience, this evening to silence your cell phones or place them on vibrate. Thank you.

This special meeting is being held for property located at 107 Old Road, Westport, CT.

This is a consideration, discussion and possible vote on a draft Stipulated Settlement Agreement of the case of Amy L. Day, Executrix of the Estate of Catherine D. Fleming vs. The Town of Westport Conservation Commission as it relates to the denial of Application #IWW-10450-17 and #WPL-10488-17 for a four (4) lot open space subdivision. Said settlement proposes two lots. Although this is not a public hearing, the public is invited to attend and comment.

This is a consideration of a settlement agreement and revised subdivision plans, pursuant to CGS §8-8, Practice Book Section 14-7B regarding Docket # FST-CV17-6033996.

If the settlement of this appeal is voted tonight in favor of approval, it is subject to judicial approval pursuant to CGS §8-8 at a hearing by the court in Stamford, CT that is to be scheduled at a future date. I would suggest to any interested parties in the public to contact the Stamford Superior Judicial Court or by Case Lookup on their website to find out when that hearing date will take place. Obviously, we don't have that date yet.

The draft settlement agreement and revised settlement plans are on file in the Conservation Department for review and they have been shared with members of the public.

I just have a few housekeeping items before I turn over the floor to the staff, commission, and public.

I just want to give the members of the public present tonight or watching on livestream, a summary of the procedures for public agencies that we have to follow under the Freedom of Information Act (also referred to as FOIA) and CT General Statutes for conducting executive sessions.

The reason for my response is that a "claim" has been made in a few letters that was submitted to the Commission for review. It states "We are also very concerned to learn that the Commission has been holding private discussions with the applicants for 107 Old Road for over a year without any public input or comment." And another that states "The Commission entered into private discussions with the Plaintiff as the lawsuit had several continuances."

Executive session means a portion of a meeting of a public agency at which the public is excluded.

FOIA establishes requirements for public agency meetings and records by law, municipal commissions are recognized as public agencies under FOIA. FOIA recognizes 3 types of meetings: regular, special, and emergency. Each must be open to the public unless two-thirds of the members present, vote to close it to go into executive session behind closed doors for one of the permissible reasons set by the CT General Statutes.

The reason for entering into executive session must be stated at the public meeting and any vote resulting from discussion during an executive session must occur during the portion of the public meeting. Typically, attendance is limited to members, however staff was invited to provide testimony and opinion during the executive sessions.

Also, public meeting minutes must include (1) the reason for entering into executive session, (2) vote to convene, and (3) votes on any other issues. These minutes must include the names of each attendee.

There are many reasons Executive Session may be held but I am not going to state them all but will state the one that pertains to our commission. That is strategies and negotiations about pending claims or pending litigation involving the agency or a member.

Records are exempt pertaining to strategy and negotiations with respect to pending litigation and also attorney client privilege protects communications and documents as it relates to legal advice sought by the Commission. However, the plans and stipulation for judgment have been shared with members of the public.

Several meetings were held by the Commission in Executive Session and they are as follows:

1. January 30, 2018
2. May 16, 2018
3. July 27, 2018
4. October 26, 2018
5. March 11, 2019
6. May 22, 2019 (Special Meeting)

All these meetings were legally noticed.

The Commission has worked hours to come up with a possible settlement this includes staff. Staff which in this case means the department and counsel. In conclusion, they do have the right to communicate with the applicant but the Commission has NOT held any private discussions or meetings with the applicant at any point and time as claimed. I just want to add that to the record.

LIST OF DOCUMENTS RECEIVED TO REVIEW:

- Email dated April 30, 2019 from Eric and Terri Armour of 8 Hunt Club Lane with an attachment. Letter received April 30, 2019
- Email dated May 20, 2019 from Joanne M. Heller of 6 Forest Drive with an attachment. Memorandum dated and received May 20, 2019
- Email dated May 20, 2019 from Eric and Terri Armour of 8 Hunt Club Lane with an attachment. Memorandum dated received May 20, 2019
- Email dated May 22, 2019 from Tim and Anne Lester of 8 Forest Drive with an attachment. Memorandum dated May 22, 2019
- Findings and Resolution for 107 Old Road Applications # IWW-10450-17 and WPL-10488-17 dated October 18, 2017.
- Letter dated February 27, 2019 from Alicia Mozian, Conservation Director to the Conservation Commission

- Pros and Cons document dated June 27, 2018 prepared by Alicia Mozian, Conservation Director
- DRAFT Stipulation for Judgement dated May 2019 and "Exhibit A" which is the Proposed Site Improvements for a 2 Lot subdivision, 107 Old Road, Westport, CT prepared by Landtech, which includes the dates.

Ms. Mozian reviewed the Stipulated Agreement and the Pros and Cons. She also reviewed the plans showing 2 lots instead of four. The applicant has agreed to pursue a driveway waiver. It is currently proposed at 16 feet wide. Item # 3 says they will try for a 12 –foot wide driveway. The basin would then be smaller if the driveway is smaller. If they do not get that from Planning & Zoning Commission, they will go back to 16 foot wide for the driveway.

Mr. Corroon asked why the P&Z Commission would not grant that waiver.

Ms. Mozian reviewed the safety provision of the Fire Marshall. She also discussed the bump out options for the driveway.

Mr. Corroon questioned whether the P&Z Commission has kicked this to the State Fire Marshall.

Atty. Gelderman discussed the P&Z requirements and code for safety.

Ms. Rycenga stated the Commission would recommend a waiver be issued in a report to the P&Z.

Mr. Lobdell questioned the waiver.

Atty. Gelderman clarified that it is a waiver of the subdivision regulations.

Mr. Corroon asked if there is any precedent for a waiver.

Atty. Gelderman indicated that he could not think of any but was sure that there is.

Ms. Mozian discussed the drainage and the Stipulated Settlement #4. It discusses deed restriction language but staff has not receive any yet.

Atty. Gelderman indicated that it has not been worked out yet but could be if the Commission agrees to this.

Ms. Rycenga asked if the Commission could add to the Stipulation language with the Deed Restriction.

Atty. Gelderman stated the object is to record on the land records something that would inform everyone. Yes, to answer. We can only add, if the applicant agrees to it. The Court will enter it as a Stipulated Judgement.

Mr. Corroon asked what the purpose is.

Ms. Mozian stated the owners must maintain the rain gardens and detention basin if this the sole drainage on the lot. This should be protected because they serve a purpose. She discusses the 9-foot basements and the restrictive layer of groundwater and ledge. The raingarden elevation will be 5 feet higher than the basement and they will need to pump up the water. She reviewed Stipulation #6 related to Conceptual Plans and #7 on plans Sheet #C2. She asked a question about Stipulation #4 about what it means if we do not have the exact plans.

Ms. Rycenga noted that it is a subdivision and it is understood that they will come back and is possibly subject to change but will use this approval as a guide.

Ms. Mozian asked what that clause commits the Commission to.

Atty. Gelderman stated that P&Z Commission gets to review the subdivision.

Ms. Rycenga asked if the Commission could clarify the approval.

Atty. Gelderman stated it is a subdivision approval not a permit.

Mr. Lobdell asked what happens after P&Z.

Atty. Gelderman stated the owner would come back to the Commission if there were a regulated activity.

Mr. Field stated neither the Commission nor the P&Z Commission would approve a subdivision without a site plan.

Atty. Gelderman noted the Commission's functions in this case:

- WPLO
- 2 properties with wetlands
- Subdivision approval – the Commission is writing a report to the P&Z Commission for due consideration.

Eventually, the Commission may be issuing permits for specific activity if they change the proposal from what they currently propose within the regulated area.

Mr. Corroon noted an approval allows the owner to go forward to the P&Z Commission.

Mr. Lobdell asked at what point is the house sold.

Atty. Gelderman indicated that would be after P&Z approval. If there were changes to the plans, the changes in regulated activity would come back to the Commission.

Ms. Mozian stated that each lot for a house would require a permit.

Mr. Perlman asked about changes to the single-family residence on each lot and how it would change the raingarden.

Ms. Mozian stated the raingarden must still be built to drainage design standards and discussed what could be built.

Mr. Perlman questioned the drainage impact of a huge single-family residence.

Mr. Lobdell stated that perhaps you have one raingarden rather than two.

Ms. Mozian reviewed Stipulation #7 and used pools as an example.

Atty. Gelderman stated than any changes would make them come back to be enforced by the court.

Ms. Mozian discussed the stormwater conveyance channel. Staff wanted a deed restriction to limit the grade and or cutting. The applicant has put a silt fence to avoid cutting trees or stockpile areas. They have said they do not want an encumbrance. If this were an activity that was regulated.

Atty. Gelderman noted there are areas that the Commission looks at wetlands, the upland review area and activities that would impact wetlands.

Mr. Field asked how a homeowner would know about the restrictions on this area.

Atty. Gelderman stated record maps and decisions. It is incumbent on a perspective owner and attorney when purchasing to review the files. The area Ms. Mozian is showing is work is done in that area will be a regulated activity and require a permit.

Ms. Mozian questioned if this map goes to P&Z and would the conveyance channel show up on the subdivision map.

Atty. Gelderman stated the subdivision map might not show grading but a note could be put on the map to highlight the conveyance channel and that it may be a regulated activity based on impact.

Ms. Rycenga asked if it is a written recommendation to the P&Z.

Atty. Gelderman stated that what the Commission writes to the P&Z is a report for the P&Z to give due consideration in addition to the stipulation.

Rick Constantini, Atty. for the owner, discussed the application, if there no activities within the regulated area and impacts, they are still required to come to the Commission for approval.

Ms. Rycenga asked if they are willing to show the conveyance channel on the mylar.

Atty. Gelderman stated that in fairness this detail usually is not included. The Commission can write in their report to the P&Z Commission for consideration.

Ms. Rycenga indicated she believes it would be a benefit to be shown on the mylar prior to recording in the town clerk's.

Atty. Gelderman stated that the P&Z Commission reviews many maps even if not on the subdivision map.

Ms. Rycenga clarified that the Commission may note it to the P&Z.

Atty. Gelderman agreed.

Ms. Mozian asked about footing drains.

Atty. Gelderman stated yes. The Commission can add anything that might have an impact.

Ms. Mozian stated patios and driveways would be permeable.

Ms. Rycenga noted the deed restriction for the raingarden.

Atty. Constantini note that is partly bound by the Stipulation.

Atty. Gelderman discuss the raingarden and what happens if it is filled in. P&Z could adopt the Commission's recommendation and include a maintenance plan.

Mr. Field asked about the limit of disturbance during construction, which is temporary.

Atty. Gelderman discussed the construction phase and post-construction could potentially be a regulated activity.

Ms. Rycenga discussed the construction phase.

Mr. Field understands but stated this is the only reference to this area. He stated he wants protection for that area.

Atty. Gelderman stated owners must come to the staff for a permit. They will look at a map and determine if this will have an impact.

Ms. Mozian noted that the area is connected based on water flow and work in the upland is regulated.

Atty. Gelderman agreed. The definition does not include wildlife.

Ms. Mozian stated that concluded her Pros and Cons list.

Ms. Rycenga opened the discussion to questions from the Commission.

Mr. Bancroft stated he is in favor of the two-lot subdivision. He would like to see the 12-foot wide driveway over the wetland.

Ms. Mozian clarified that the runoff volume is dictated by the size of the driveway.

Mr. Lobdell asked about why it cannot be a 9 or 10-foot driveway. As it is now, the shared driveway must be widened for the 2 lots.

Mr. Gelderman explained.

Mr. Bancroft reviewed the history and prudence of the 3 and 4 lot subdivisions being proposed as a 2-lot subdivision. He is not opposed to the 2-lot subdivision as a compromise to the owner to be able to develop.

Mr. Lobdell agreed with Mr. Bancroft that it is an improvement even with the driveway.

Mr. Field stated that it is an improvement over the 4-lot subdivision. So many variables cannot be determined. Is it going to be a 12-foot or 16-foot wide driveway? Are there going to be raingardens, galleries, or other alternatives. He is bothered by the discussion of the type of development and so many plans. He is concerned with what they are with what they are approving. His main concern is the number of variables during the meeting with that lead to the different development possibilities. He is assuming the existing residence will be demolished.

Ms. Mozian reviewed the plans.

Mr. Lobdell questioned if the 2-lot subdivision were approved, what the possibility is that it could come back to the Commission.

Atty. Gelderman stated that it could happen but it would be a resubdivision.

Ms. Rycenga opened the hearing to the public.

Colin Fellman of 4 Forest Drive voiced concern with the wetlands during the heavy rains and the impact it would have on changing from the existing status of the driveway.

Nicholas Zagarfos of 10 Forest Drive indicated he is looking to address the impact to the wetlands as it affects many of the neighbors as well as the natural areas and wildlife in the neighborhood.

Ann Lester of 8 Forest Drive noted her property abuts the wet basin.

Ms. Mozian explained the wet basin and raingardens are for the homeowners. There are inspection requirements for construction of the raingardens.

Ms. Lester asked about the impact to wildlife due to clearing that is being proposed, runoff from the driveway and lighting that will scare away the wildlife.

Ms. Mozian explained the plans.

Ms. Rycenga asked Mr. Kelly about the P&Z standards for fire safety.

Mr. Kelly discusses the Fire Marshall requirements.

Eric Armour of 8 Hunt Club Lane stated he has been an intervenor since 2017.

Atty. Constantini stated there are no intervenors as that was denied by the court.

Atty. Gelderman clarified that there was one intervenor, Susan and John Tschirhart who withdrew their intervention.

Mr. Armour stated he does not understand the proposal and does not see clarity in the plans. It is his opinion that the Commission has the information to deny this proposal. It is not their job to jump through hoops to help them maximize the price for the land. He is not convinced this proposal does not impact the wetlands. He reviews the expert testimony. A feasible and prudent alternative could be a single-family residence. #2 consider other proposals. He reviews Ed Pawlak's review and Atty. Gelderman's letter to deny related to feasible and prudent alternatives that does no damage to the wetland. He implored the Commission to review the expert testimony to deny any impact or damage to the wetland. This property does not warrant development. He cited a May 20, 2019 e-mail.

Carl Fleming, living in Shelton and heir to the owner, reviewed the history of animals on the land and development on the land.

Grant Heller of 6 Forest Drive, resident since 1993 and resident of Westport since 1964, spoke in support of Mr. Armour's comments. He thinks there is an option for a single-family residence. Wildlife and the wetlands will be upset by the construction. He is worried about enforcing the deed restrictions and who will be enforcing them. He noted he does not want to do the work of the Commission. He asked what the benefit to the community with this project is. People will live with this decision for many decades. He hopes that the Commission will not approve this proposal.

Atty. Gelderman made comments about the law concerning the rights to develop the property and balancing that with the impacts to the wetland. It is not the job of the wetland agency to deny. The Commission must determine a feasible and prudent alternative to limit impact. The Commission is in an appeal, not a lawsuit. The Courts encourage questions about settling land use issues. There is never a guarantee of prevailing in litigation. It is in the Commission's interest to mitigate impacts to the wetlands and watercourses. Any Commission in Town should entertain a settlement agreement. There is always a possibility of losing. There must be a Risk Management in the agency to determine whether to approve.

Ms. Rycenga spoke about the conceptual subdivision plan and responded to Mr. Heller's comments regarding enforcement procedures under the Inland Wetlands Regulations, Section 15.0.

Atty. Gelderman discussed the statute requirement for the Commission to review by the P&Z subdivision regulations. Any regulated activity subsequent to the subdivision approval will require a permit. It is a two-step process.

Mr. Corroon asked whether the estate could take the Commission to court and could it be ruled that the 4-lot subdivision retains water and a 2-lot subdivision is feasible.

Atty. Gelderman stated the discussions between the parties are not included in the court review. The Court would make a decision to determine if there is substantial evidence to support the Commission's decision in the form of expert testimony. They would not look at the 2-lot alternative. The Court could order the Commission to it approved or remand it back to the Commission.

Ms. Rycenga returned to Commission questions and comments.

Mr. Perlman reviewed letters to the Commission from the public. He noted that the applicant or the Court does not intimidate him. The tone of the letter does not sit well with him. The optimal use would be a property with no house. There was a 4 to 3 vote for denial. Now there is a 2-house proposal. He is weighing his options. He would be in favor of a 2 lot with the feasible and prudent alternative of a 12-foot driveway.

Atty. Gelderman stated if P&Z does not waive the 16-foot driveway, it would not come back to the Commission.

Mr. Perlman indicated the driveway width is an issue.

Mr. Corroon stated he is trying to balance his decision. The applicant is going from 4 lots to 2 lots is a feasible and prudent alternative.

Ms. Rycenga stated she is satisfied with the proposed plans and the settlement language with a few minor changes. It is important to see the deed restriction language based on the expert testimony that made the conveyance swale a connection to both wetlands.

Atty. Gelderman noted Ms. Rycenga may need to give Atty. Constantini an opportunity to speak.

Ms. Rycenga noted concern with delineating the conveyance channel with a split rail fence or boulders but understands town counsel's views that nothing is proposed yet. She sees this proposal as an overall improvement and would recommend to the P&Z a permanent demarcation or require it on development of the lots when permits are pursued.

Mr. Field asked if the Commission is bound to this when the applicant comes back for development.

Atty. Gelderman stated the Commission could end up back in court. They must react to a specific proposal. It is not legal to take away land as a taking.

Ms. Mozian discussed additions of language.

Atty. Constantini stated they have provided enough information for the plans. This is no different from any other subdivision submittal. There are 2 lots compared to the 4 lots and they believe an improvement to the wetland. He stated that concerning the conveyance channel, they worked with staff to come to some middle ground in the settlement and felt it was a reasonable accommodation. They cannot advocate putting more restrictions since someone will have to come back to the Commission. They are willing to comply fully with the regulations.

Ms. Rycenga asked if they were in agreement with Stipulation #4.

Atty. Constantini stated the approval is the only activity.

Atty. Gelderman reminded the Commission they are only approving the subdivision.

Mr. Field asked if this approval binds the Commission.

Atty. Gelderman stated that it is binding only if the applicant comes in with exactly the same plans.

Atty. Constantini stated they would only come back if it is not this plan. They are fully committed to asking for a waiver for the 12-foot driveway. They are more than happy to do this. The basin will not exceed what is proposed.

Ms. Rycenga read the Stipulated Settlement Agreement into the record.

DOCKET NO. CV-17-6033996	:	SUPERIOR COURT
AMY L. Y. DAY, EXECUTRIX OF THE ESTATE OF CATHERINE D. FLEMING	:	J.D. STAMFORD/ NORWALK
vs.	:	AT STAMFORD
CONSERVATION COMMISSION OF THE TOWN OF WESTPORT	:	MAY 22, 2019

STIPULATION FOR JUDGMENT

In the above captioned matter, the Plaintiff, Amy L. Y. Day, Executrix of the Estate of Catherine D. Fleming (hereinafter "Plaintiff") and the Conservation Commission of the Town of Westport (hereinafter "Commission") hereby stipulate and agree for purposes of entry of judgment as follows:

WHEREAS, Plaintiff is the owner of real property known as 107 Old Road, Westport, Connecticut (hereinafter "Property");

WHEREAS, the Commission is the agency to which the State of Connecticut has delegated inland wetland and watercourse permitting authority for the Town of Westport pursuant to Chapter 440 of the Connecticut General Statutes;

WHEREAS, the Commission is also the agency with authority to review applications filed pursuant to Chapter 30 of the Westport Code of Ordinances, otherwise known as the Waterway Protection Line Ordinance (hereinafter "WPLO"), whose aim is to protect the Town of Westport's waterways from various regulated activities that may cause harm to said waterways;

WHEREAS, the Plaintiff, due to statutory time constraints and upon the request of the Commission, filed multiple applications with the Commission for approval of a 4-10t subdivision under both the Commission's inland wetland and watercourse permitting authority and its WPLO authority, with each application incorporating all testimony and materials from the prior applications;

WHEREAS, the final wetlands application was identified as Application #1 WW 1045017 and the final WPLO application was identified as Application #WPL 10488-17 (hereinafter collectively the "Applications");

WHEREAS, on October 18, 2017 the Commission, by a vote of 4-2, denied the Applications and published their decision in the Westport News on October 27, 2017;

WHEREAS, the Plaintiff appealed the Commission's decision by way of a complaint dated November 9, 2017 and filed with the Superior Court on November 17, 2017;

WHEREAS, the Parties have engaged in numerous settlement discussions and the Plaintiff has agreed to revise its plans (hereinafter "Revised Plans") to accommodate certain concerns of the Commission;

NOW THEREFORE, in consideration of the mutual agreements set forth below, the Parties hereby agree to the following:

1. Judgment may be rendered in favor of the Plaintiff, without costs, in accordance with the terms and provisions of this Stipulation.

2. The Commission shall approve the Revised Plans, in its capacity as both the authority for inland wetland and watercourse permitting and WPLO approval, which have been reviewed by the Commission and are listed on Schedule A attached hereto and made a part hereof.

3. While the Commission shall approve the Revised Plans, which depicts a sixteen (16) foot driveway, the Plaintiff agrees, during the subdivision approval process, to seek a waiver of the driveway width from sixteen (16) feet to twelve (12) feet. In the event that the waiver is denied, the Plaintiff is permitted to proceed with the driveway at sixteen (16) feet in width. If the waiver is approved, the driveway will be twelve (12) feet in width. With an approved twelve (12) foot driveway width, the Plaintiff agrees to adjust the detention basin to accommodate the reduced driveway width, which adjustment shall be approved administratively or, absent administrative approval, the Plaintiff shall be entitled to the detention basin as approved in the Revised Plans.

4. The Plaintiff, its successors and assigns, agrees to maintain both the rain gardens and detention basin as each are depicted on the Revised Plans, as may be amended or revised, and approved by the Town of Westport. Within fifteen (15) days of the approval of this Stipulation by the Superior Court and the entry of judgment in accordance herewith, the Commission agrees to issue all appropriate approvals in accordance with the terms of this Stipulation.

5. The Parties agree that Plaintiff is only required to undertake the measures outlined in the Revised Plans if the Westport Planning and Zoning Commission grants approval of a subsequent subdivision application based upon the Revised Plans. In the event that subdivision approval is not received from the Westport Planning & Zoning Commission, the Plaintiff shall not be required to undertake any of the measures outlined herein and approved by the Commission.

6. The Plaintiff agrees to implement a "Limit of Disturbance" extending twenty-five (25) feet from either side of the center line of the stormwater conveyance channel in the rear of the property, as such center line is identified on the Revised Plans. The Limit of Disturbance shall be a temporary measure which exists throughout the construction process and then expires.

7. Nothing contained within this Stipulated Judgment shall be deemed to prohibit the Plaintiff, its successors or assigns, from seeking additional approvals or modifications from the Commission in the future. Any additional approvals or modifications which are not depicted on the Revised Plans shall be in compliance with all applicable laws and regulations.

8. The Parties agree that the Superior Court shall retain on-going jurisdiction over any and all disputes between the Parties arising out of, or regarding, the implementation of the terms of the court's judgment as provided in this Stipulation.

9. The terms and conditions of this Stipulation and such standard conditions, including a bond, as the Commission may impose shall be valid and binding upon the Parties, their successors and assigns.

~Signature Page Follows ~

The foregoing Stipulation for Judgment is hereby consented to and agreed between the Plaintiff and the Commission.

PLAINTIFF,
Amy L. Y. Day, Executrix of the Estate of
Catherine D. Fleming

Eric D. Bernheim, Esq.
Halloran & sage, LLP
315 Post Road West
Westport, CT 06880
Juris No: 412195
Its Attorneys

