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March 23, 2023

Nicholas Solley, Chair, and Members
Washington Zoning Commission
Bryan Memorial Town Hall, Land Use Office
2 Bryan Memorial Plaza
P.O. Box 383
Washington Depot, CT 06794

Re: 101 Wykeham Road, Washington Depot, CT

Dear Mr. Solley and Commission Members:

I am writing to you again on behalf of my clients, Reiner Boehning and Lisa Glover, which as you know are the current owners of 27 Bell Hill Road in Washington. My clients' property abuts 101 Wykeham Road.

As the owners of 27 Bell Hill Rd, my clients are the successors to the January 2013 Settlement Agreement settling litigation among the Federers, Ms. Peacocke, the Zoning Commission and the owner of 101 Wykeham Road (the "Agreement"). The Agreement is binding on the Zoning Commission as a party to that contract.

We believe that the site plan for the development has changed since the last approval in 2018, at which time Erika Klauer, the ultimate owner of 101 Wykeham, also owned my clients' property, 27 Bell Hill Road. Section 1 of the Agreement specifically references and incorporates the site plans (as amended), while Section 11 states clearly that any amendments to the Agreement must be consented to by all parties to the Agreement and their heirs, successors or assigns. My clients' review of past Commission minutes (including the 1/7/2013 minutes) has revealed that throughout the project's history in front of the Commission, the neighbors' consent was consistently sought prior to the Commission voting.

The proposal now in front of the Commission without a doubt includes changes to the prior site plan. My clients have not given their consent to those changes. Where we believe the Commission has been mistaken in its evaluation is in concluding that you are reviewing an ordinary zoning modification that is not subject to an agreement settling litigation, and that your decision is strictly a matter of zoning law, independent of the contract by which the Commission

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is bound. Not so. What you, in fact, have in front of you is not simply a zoning modification – it is a proposal to amend the Agreement. If you vote to approve the amended site plan, you will be agreeing with the owner of 101 Wykeham Road to amend the site plan – and therefore the Agreement – without my clients’ consent, contrary to the Agreement. I urge you not to do so. It is incumbent upon the Commission to abide by all terms set forth in the Agreement, including requiring consent from my clients as successors in interest before issuing the Special Permit.

Very truly yours,



Joseph P. Williams

Cc: Reiner Boehning and Lisa Glover
Michael Zizka, Esq.

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