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June 30, 1988

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WRITER'S DIRECT DIAL NUMBER

(212) 973-6157

Mr. Theodore Mueller, Chairman  
Planning and Zoning Commission  
Town of Westport  
Town Hall  
Westport, Connecticut 06880/

Dear Mr. Mueller:

This letter is submitted to you as Chairman of the Planning and Zoning Commission (P&Z) of the Town of Westport (the "Town") by the undersigned in my capacity as preliminary Co-Executor of the Estate of Walter Langer von Langendorff (the "Langer Estate") concerning certain real estate and buildings located in the Town south of the Post Road East and extending substantially from South Compo Road to Imperial Avenue (the "Property").

It has come to my attention that the P&Z of the Town has been considering a proposal to change the zoning with respect to the Property. Any attempt to change the zoning in a manner diminishing the fair market value of the Property will be opposed by the Langer Estate and full compensation will be sought from the Town for such action as tantamount to condemnation in accordance with the recent Supreme Court decision on this subject.

In addition to the potential litigation based upon a taking of the Property by the Town, the undersigned believes that the proposal for rezoning the Property would be selective and discriminatory action in violation of the law and could cause serious damages to be sustained by the Langer Estate for which recourse would be sought from the Town.

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WESTPORT P. & Z. C.

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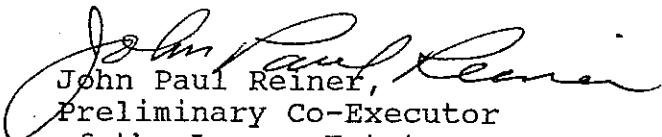
Mr. Theodore Mueller  
June 30, 1988  
Page 2.

I should also like to indicate my concern that the Town appears to be singling out for special and adverse treatment the property owned by the late Walter Langer von Langendorff through his wholly owned corporations and then directly by his Estate. I make reference both to the recent condemnation of substantially all of the property north of the Post Road sometimes referred to as the "Sanitarium or Baron's Land" and also the current proposal concerning the rezoning of the Property.

In closing I restate my intention as a fiduciary of the Langer Estate to obtain the full fair market value of the "Sanitarium or Baron's Land" condemned by the Town and my resolve to protect the full fair market value of the Property from any attempt by the P&Z to initiate rezoning which would reduce the value of the Property or adversely affect the saleability or development thereof.

Very truly yours,

JPR:jd  
cc: Keith Dunnegan, Esq.  
Town Attorney

  
John Paul Reiner,  
Preliminary Co-Executor  
of the Langer Estate



# WESTPORT CONNECTICUT

THE PLANNING & ZONING COMMISSION

TOWN HALL, 110 MYRTLE AVENUE

WESTPORT, CONNECTICUT 06880

(203) 226-8311

June 29, 1988

Keith Dunnigan, Town Attorney  
c/o Bai, Pollock and Dunnigan  
10 Middle Street  
Bridgeport, CT 06604

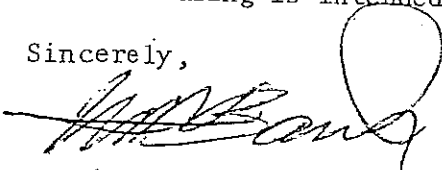
Re: Zoning Amendment #368  
Proposed CRD Zone

Dear Mr. Dunnigan:

Enclosed please find the proposed Zoning Amendment #368 for your review and comment. This Zoning Amendment introduces a Cluster Residential District (CRD zone) into 23 acres known as the Baron's Property South located on the southeast corner of Rt.1 and Rt.136. Please note that lot 99, 72 Compo Road South, has been excluded from this proposal. The proposed amendment requires additional changes be made to one section in the current Regulations and to the 1987 Town Plan of Development as well as pertinent map revisions. These documents are also included. In addition, a list of reasons for introducing the CRD zone is also provided.

After reviewing this material, please offer any comments or suggestions that the Planning and Zoning Commission should be made aware of. The Public Hearing is intended to be scheduled for the Fall of 1988.

Sincerely,

  
Melvin H. Barr, Jr., AICP  
Planning Director

cc: Valerie Votto, Assistant Town Attorney  
Ted Mueller, Chairman, P&ZC

POST MEETING DOCUMENT  
Copies for P&Z *WJ*

November 27, 1988

Westport Planning & Zoning Commission  
Town Hall  
Westport, CT 06880

To All the Members and Alternates of the Planning & Zoning Commission:

Having attended the public hearing on the so called Baron's property south, I would like to make the following comments part of the record:

- 1) While it is possible to agree with the P&Z's desire to remove commercial land and preserve a small green spot on the Post Rd. a great deal has been lost in the translation to the CRD zone. I remind you that in order to get the first condominium zone (PRD) in town it was determined that all traffic from such zones would access the Post Rd. and not access a residential road. This concept has been totally abandoned in the CRD. Indeed all access will be on one residential road, South Compo, even though the properties abut three roads.
- 2) The concern of the P&Z over "a taking" has misguided it into proposing much too generous unit sizes and density. Experience has shown that this is not necessary. It has been proven by the existing PRDs that so much profit can be made by the increased density allowed that the builder willingly gives up 300 feet of commercial land and can even meet a two bedroom limitation imposed. The P&Z should not zone in anticipation of lawsuits.
- 3) The matter of multiple ownership and the fact that you are not able to use increased density in the rear to offset value to the front property owner makes this whole CRD proposal questionable. I imagine the P&Z will have to abandon the CRD as proposed. However you should not abandon your desire to have the acreage owned by the Baron's estate properly developed.

I would like to propose that the P&Z retain the concept that a fewer number of multi-family buildings will affect the surroundings and topography less than a full development of single family houses. However the existing single family houses should be retained on appropriate acreage. Then after determining how many single family houses could be sustained on the remaining acreage allow that number to be developed as multi-family. As a bonus for keeping the single family houses give one or no more than two extra dwelling units per single family house, but no bonus for tennis courts or swimming pool. The average number of bedrooms for all multi-family dwelling units should be two and one half. This would mean that they could build one to four bedrooms but the total

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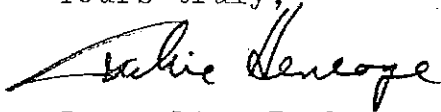
bedroom average would be two and one half.  
The numbers might look something like this:  
4 existing single family dwellings  
20 multi family dwellings  
8 bonus

32 dwellings; 4 single family and 28 multi-family in  
five buildings clustered for a total of  
nine buildings.

The property owners have obtained eight more dwelling units  
than they can build now and have saved considerable sums in  
development costs. In turn the perimeter of the property  
should be preserved by the clustering and topography would  
remain essentially as it is now.

I don't know whether this concept would require lifting  
your multi-family cap. I hope not. I also don't know  
whether existing zoning would permit this suggested approach.  
But I do know that the Town of Westport and the neighbors  
would find it much more compatible, and that the owners would  
not have anything to complain about. When you eliminate  
the Robison/Baron trade-off and adopt this concept solely  
to the residential tracts owned by the estate, the P&Z has  
actually been more than generous.

Yours truly,



Jacqueline P. Heneage  
81 S. Compo Rd.  
Westport, CT 06880  
227-6906

# Hearing set on Baron's Property South

By LILI WRIGHT  
The public hearing on the Planning and Zoning Commission's (P&Z) plan to rezone the Baron's Property South will be held Mon-

day, November 21 at 8 p.m. in Town Hall, Room 201.

The Baron's Property South encompasses five lots — 20, 52, and 68 Compo Road South, 308

Post Road East and 21 and 33 Imperial Avenue. The lot at Compo Road South is owned by Leona Robison, president of Eyyan Perfumes, across the street from the

baron's 29.5 acres taken by the town by eminent domain in January.

The other properties in the tract are owned by Chemical Research Mfg. Inc., a company that also is part of the deceased Baron Walter Langer von Langendorff's estate. Ms. Robison is co-executor of the baron's estate.

The front 200 feet of the property, comprising 1.67 acres, is zoned commercially, and the remaining land is zoned Residence A (single family houses on one-half acre lots).

According to the P&Z staff's research, if developed to its maximum potential, this property could accommodate 24 single-family houses on half-acre lots and 18,000 square feet of commercial development. Under current zoning regulations, not all the land could be built on due to its steep topography.

The P&Z proposes to rezone the 24.24 acres in question as a Cluster Residential District (CRD). This would allow two buildings

per acre, plus a five-building bonus for a pool or tennis court. Thus, on the Baron's Property South, there could be 48 buildings, plus five bonus buildings, or a total of 53 buildings on the site.

The homes could be single, double or multifamily, with a maximum of six apartments per building. Ten percent of the buildings must be efficiencies or one bedrooms. Clustered, they would occupy 20 percent of the total lot.

The P&Z believes this would be a better use of the Baron's Property South for several reasons. If the tract is developed commercially, the section of the Post Road between South Compo Road and Imperial Avenue would be more congested than it already is, with expected increased traffic from shoppers.

The P&Z is also concerned with maintaining the land's natural topography. In a clustered development, there would be less erosion, excavation, and loss of natural resources.

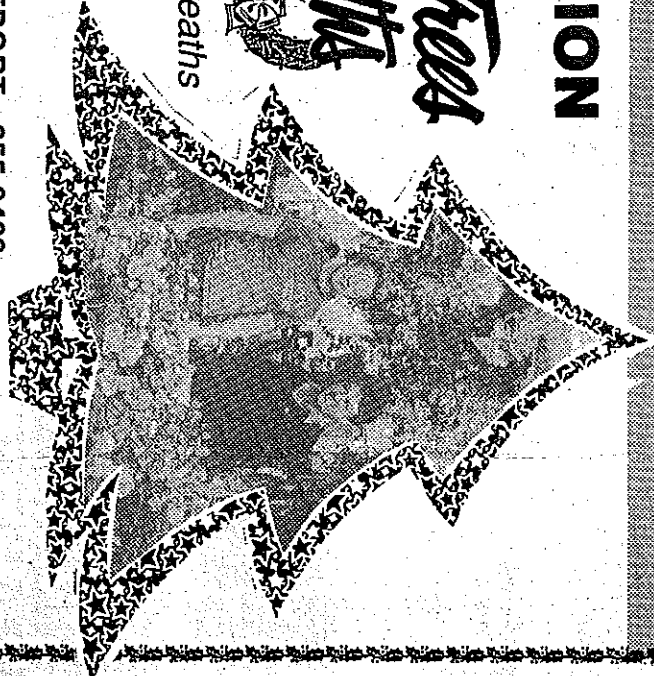
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