

SUMMONS – CIVIL

JD-CV-1 Rev. 9-08
C.G.S. §§ 51-346, 51-347, 51-348, 51-350, 52-45a,
52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov

See page 2 for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350)		Telephone number of clerk (with area code)	Return Date (Must be a Tuesday)
1061 Main Street, Bridgeport 06604		(203) 579-6527	January 19, 2010 Month Day Year
<input checked="" type="checkbox"/> Judicial District	G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)	Case type codes (See list on page 2)
<input type="checkbox"/> Housing Session		Bridgeport	Major: M Minor: 90
For the Plaintiff(s) please enter the appearance of:			Juris number (to be entered by attorney only)
Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)			#10032
Patricia C. Sullivan, Esq., Cohen and Wolf, P.C., 1115 Broad Street, Bridgeport, CT 06604			
Telephone number (with area code)		Signature of Plaintiff (if self-represented)	
(203) 368-0211			

Number of Plaintiffs:	Number of Defendants:	<input type="checkbox"/> Form JD-CV-2 attached for additional parties
Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: Savignol, Paula L., Address: 90 Georgetown Road Weston, CT 06883	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: Planning and Zoning Commission of the Town of Westport Address: 110 Myrtle Avenue Westport, CT 06880	D-50
Additional Defendant	Name: Antares NH LLC Address: 333 Ludlowe Street Stamford, CT 06902	D-51
Additional Defendant	Name: Greenfield Partners, LLC Address: 50 North Water Street South Norwalk, CT 06854	D-52
Additional Defendant	Name: Address:	D-53

DEC 23 2009
WESTPORT P. & Z. C.
RECEIVED FOR RECORD
WESTPORT LAND RECORDS
VOL. PAGE
2009 DEC 23 P. 1
Patricia C. Sullivan
TOWNSHIP CLERK

Notice to Each Defendant

- YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms".
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules".
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left	Date signed
<i>Patricia C. Sullivan</i>		Patricia C. Sullivan, Esq.	12/22/09
If this Summons is signed by a Clerk:			File Date
a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.			
b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.			
c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.			
d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.			
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	
	<i>Eric M. Nikola</i>		
Name and address of person recognized to prosecute in the amount of \$250			
Doreen E. Blewett, 56 Batt Lane, West Haven, CT 06516			
Signed (Official taking recognizance, "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Date	Docket Number
<i>Patricia C. Sullivan</i>		12/22/09	

A True Copy
Eric M. Nikola
Eric M. Nikola
CT State Marshal

RET. DATE: JANUARY 19, 2010 : SUPERIOR COURT
PAULA L. SAVIGNOL : J.D. OF FAIRFIELD
VS. : AT BRIDGEPORT

PLANNING AND ZONING
COMMISSION OF THE TOWN
OF WESTPORT, ANTARES NH LLC,
AND GREENFIELD PARTNERS, LLC : DECEMBER 22, 2009

CITATION

TO ANY PROPER OFFICER:

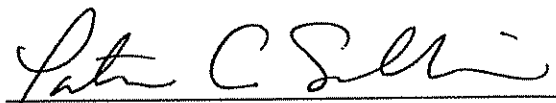
BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby
commanded to summon the PLANNING AND ZONING COMMISSION OF THE TOWN OF
WESTPORT of 110 Myrtle Avenue, Westport, Connecticut 06880, ANTARES
NH LLC of 333 Ludlow Street, Stamford, Connecticut 06902, and
GREENFIELD PARTNERS, LLC of 50 North Water Street South, Norwalk,
Connecticut 06854, to appear before the Superior Court within and for
the Judicial District of Fairfield at Bridgeport, on the third
Tuesday of January, 2010, said appearance to be made by the said
Planning and Zoning Commission of the Town of Westport, Antares NH
LLC, and Greenfield Partners, LLC, or their attorneys, by entering
written statements of appearance with the clerk of said Court on or

before the second day following said return date, then and there to answer unto the foregoing complaint and appeal of PAULA L. SAVIGNOL of 90 Georgetown Road, Weston, Connecticut 06883, by leaving with the Town Clerk of the Town of Westport two (2) true and attested copies of said complaint and appeal and of this citation, summons and recognizance, by serving the registered agent for service of process for Antares NH LLC, William A. Durkin III, of 68 Peach Hill Road, Darien, Connecticut 06820, with a true and attested copy of said complaint and appeal and this citation, summons and recognizance, and by serving the registered agent for service of process for Greenfield Partners, LLC, Staci H. Bachman, of 96 Garden Gate, Farmington, Connecticut, 06032, with a true and attested copy of said complaint and appeal and this citation, summons and recognizance, all as prescribed by Section 8-8(f) of the Connecticut General Statutes, at least twelve (12) days before said date.

Plaintiff, as principal, and Doreen Blewett, of West Haven, Connecticut as surety, are hereby recognized in the sum of Five Hundred (\$500.00) Dollars to prosecute this appeal to effect, and to comply with all orders and decisions of the Court.

Hereof fail not but of this writ and doings thereon make due service and return.

Dated at Bridgeport, Connecticut, this 22d day of December, 2009.



Patricia C. Sullivan
Commissioner of the Superior Court

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CT State Marshal

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VS. : AT BRIDGEPORT

PLANNING AND ZONING
COMMISSION OF THE TOWN
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AND GREENFIELD PARTNERS, LLC : DECEMBER 22, 2009

VERIFIED COMPLAINT

To the Superior Court for the Judicial District of Fairfield at Bridgeport, comes Paula L. Savignol of 90 Georgetown Road, Weston, Connecticut 06883, appealing from a decision of the Planning and Zoning Commission of the Town of Westport, Connecticut of 110 Myrtle Avenue, Westport, Connecticut 06880, and complains and says:

1. Plaintiff Paula L. Savignol is the owner of certain real property located at 18 Post Road West, Westport, Connecticut 06880 ("Plaintiff's Property").
2. Plaintiff's Property is located within the Historic Design District zone (the "HDD zone"), as defined by the Town of Westport Zoning Regulations (the "Regulations").

3. Defendant Planning and Zoning Commission of the Town of Westport (the "Commission") is an agency of the Town of Westport, and has been empowered under the Connecticut General Statutes to act upon various land use applications, including applications seeking changes to the Regulations.

4. Defendant Antares NH LLC ("Antares") is a foreign limited liability company authorized to conduct business in Connecticut with a business address of 333 Ludlow Street, Stamford, Connecticut 06902.

5. Defendant Greenfield Partners, LLC ("Greenfield") is a Connecticut limited liability company with a business address of 50 North Water Street South, Norwalk, Connecticut 06854.

6. Antares is the owner of certain real property located at 2, 8 and 14 Post Road West, and 6 and 12 Wilton Road, Westport, Connecticut 06880 ("Antares' Property").

7. Antares' Property is located within the HDD zone.

8. On or about August 24, 2009, Antares authorized Greenfield, its agents and representatives, including but not limited to Lawrence Weisman ("Weisman") and the firm of Halloran & Sage, to file and

prosecute such applications and requests and to take such actions as may be necessary or desirable in respect to Antares' Property.

9. Upon information and belief, Greenfield is a contract purchaser of Antares' Property.

10. On or about August 24, 2009, Weisman, upon information and belief acting on behalf of Antares and/or Greenfield, filed an application with the Commission seeking a text amendment to the Regulations to modify Section 30 of the Regulations as follows: a) to eliminate the prohibition against office uses on the ground floor of the HDD zone; b) to eliminate the requirement of 10% maximum for office uses as a total of gross floor area within the HDD zone; and c) to add a requirement that a minimum of 10% of the gross floor area within the HDD zone be dedicated to restaurant and retail uses (the "Application").

11. As a contract purchaser, Greenfield lacked standing to file the Application with the Commission.

12. The Commission held a public hearing on the Application on October 1, 2009.

13. On December 3, 2009, the Commission approved the Application, in part, by deleting language in Section 30 of the Regulations that prohibits office use on the ground floor in the HDD zone and deleting language on maximum percentage office space in the HDD zone. However, the text amendment adds language which requires that not less than 20% of the sum of gross floor area in the HDD zone be reserved for retail and/or restaurant use (the "Text Amendment"). The Text Amendment is effective as of January 4, 2010.

14. On December 11, 2009, notice of said decision by the Commission was published in the Westport News, a newspaper having circulation in the Town of Westport.

15. The action of the Commission in approving the Application, in part, and adopting the Text Amendment, was illegal, unlawful, arbitrary, capricious, and in abuse of the power and authority vested in the Commission pursuant to the Connecticut General Statutes and/or in violation of the Regulations for the following reasons:

a. The manner in which the Text Amendment determines and allocates the use of space within any particular building located in the HDD zone is not authorized by General Statutes Section 8-2;

b. The Text Amendment effectuates a change in use implemented on a small area of land and is out of harmony with the Town of Westport's comprehensive plan, and therefore, constitutes spot zoning;

c. In approving the Application and adopting the Text Amendment, the Commission engaged in contract zoning, thereby allowing Antares and Greenfield to obtain a special privilege not available to other property owners in the Town of Westport;

d. The Commission's adoption of the Text Amendment is out of harmony with the Town of Westport's Plan of Conservation and Development;

e. The Commission predetermined the Application;

f. To the extent Weisman acted on behalf of Greenfield in filing the Application, there was no standing to file the Application.

g. The Commission's adoption of the Text Amendment is a taking of Plaintiff's Property without just compensation, in violation of the United States and Connecticut constitutions.

16. Plaintiff is the owner of real property located in the HDD zone, the zoning district affected by the Text Amendment, and therefore is a statutorily aggrieved person for the purpose of taking this appeal.

17. Plaintiff will sustain a severe decrease in the fair market value of the real property owned by her by reason of the Commission's approval of the Application and adoption of the Text Amendment, and therefore is classically aggrieved persons for the purpose of taking this appeal.

WHEREFORE, Plaintiff prays for a judgment in her favor awarding the following relief:

1. That the Court sustain Plaintiff's appeal;
2. That the Court set aside the adoption of the Text Amendment by the Commission on December 3, 2009;
3. That the Court issue a temporary injunction prohibiting the Commission, its agents, representatives, and employees from implementing or enforcing the Text Amendment during the pendency of this appeal.
4. That the Court issue a permanent injunction prohibiting the Commission, its agents, representatives, and employees from implementing or enforcing the Text Amendment during the pendency of this appeal; and
5. Such other and further relief as the Court may determine.

THE PLAINTIFF

By *Pat C Sullivan*
Patricia C. Sullivan
Barbara M. Schellenberg
Cohen and Wolf, P.C.
1115 Broad St.
Bridgeport, CT 06604
(203/368-0211)
Juris No. 10032

Please enter the
appearance of:

Cohen and Wolf, P.C.
1115 Broad St.
P.O. Box 1821
Bridgeport, CT 06601
(203/368-0211)
Juris No. 10032

In the above-entitled
Case for Plaintiffs:

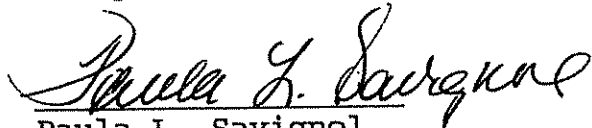
Pat C Sullivan
Patricia C. Sullivan
Commissioner of the
Superior Court

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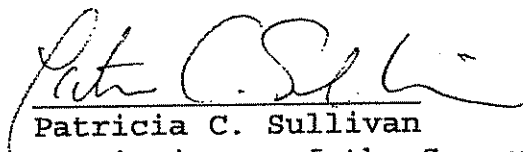
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COMMISSION OF THE TOWN
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NH LLC AND GREENFIELD
PARTNERS, LLC : DECEMBER 22, 2009

VERIFICATION

I hereby verify that the allegations set forth in the foregoing Complaint dated December 22, 2009 are accurate and true to the best of my knowledge and belief.


Paula L. Savignol

Personally appeared Paula L. Savignol who swore to the truth of the foregoing Complaint before me, this 22d day of December 2009.


Patricia C. Sullivan
Commissioner of the Superior Court

A True Copy

Eric M. Nikola
CT State Marshal

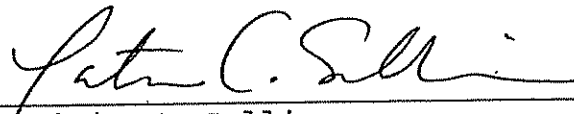
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RECOGNIZANCE WITH SURETY

PAULA L. SAVIGNOL, of 90 Georgetown Road, Weston, Connecticut 06883 as principal, and DOREEN BLEWETT, of 56 Batt Lane, West Haven, Connecticut, as surety, acknowledge yourselves jointly and severally bound to the Planning and Zoning Commission of the Town of Westport, Antares NH LLC and Greenfield Partners, LLC, in a recognizance of \$500.00, that the Principal shall prosecute the appeal which she has taken in the above-entitled matter which is returnable to the Superior Court within and for the Judicial District of Fairfield, at Bridgeport, on the Third Tuesday of January, 2010, and that said Principal shall comply with the orders and decisions of this court and shall pay any costs for which judgment may be rendered against her in such case.

Dated at Bridgeport, Connecticut this 22nd day of December,
2009,



Patricia C. Sullivan
Commissioner of the Superior Court

~~A True Copy~~
~~Eric M. Nikola~~
Eric M. Nikola
CT State Marshal