



SHIPMAN & GOODWIN^{LLP}
COUNSELORS AT LAW

Christopher J. Smith
Phone: (860) 251-5606
Fax: (860) 251-5318
cjsmith@goodwin.com

September 21, 2016

VIA EMAIL TRANSMISSION

Moderator Eileen Lavigne Flug
c/o Ira Bloom, Town Attorney
Westport Town Hall
110 Myrtle Avenue, Room 311
Westport, CT 06880

Re: Appeal to the Representative Town Meeting of the Town of Westport (“RTM”) of the following approvals by the Planning and Zoning Commission of the Town of Westport: (1) zone text amendment to create a new Residential-Rental Housing Opportunity/ Workforce Zone (“R-RHOW”); and (2) zone change; associated with a site plan approval to permit a ninety-four (94) multi-family dwelling residential community on real property known as 1177 Post Road East, a/k/a 1175 Post Road East, Westport, Connecticut; Assessor’s Map G09/Lot 029/Unit 000 (“subject appeal”).

Applicant / owner: 1177 PRE Associates, LLC.

These applications were submitted and approved pursuant to and in compliance with the provisions of Section 8-30g of the Connecticut General Statutes, “Affordable Housing Land Use Appeals Procedure.”

Dear Moderator Flug and Members of the Representative Town Meeting:

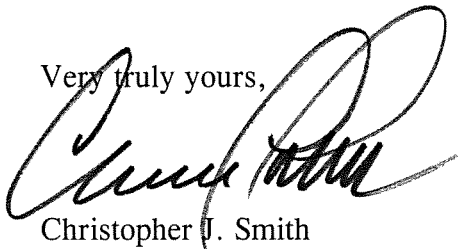
The undersigned represents the applicant / owner, 1177 PRE Associates, LLC (“PRE”), concerning the above-referenced appeal. Please be advised that PRE respectfully challenges the appellants’ right to appeal the Planning and Zoning Commission’s approvals of the subject zone text amendment and change of zone to the RTM, and the RTM’s authority to entertain the appeal. Specifically, the Town of Westport’s Charter does not supersede Section 8-8 of the Connecticut General Statutes, which governs appeals of decisions by municipal planning and zoning commissions, nor Section 8-30g of the Connecticut General Statutes, which governs affordable housing land use appeals. PRE explicitly reserves the right to contest such jurisdiction in any subsequent judicial proceeding and doesn’t waive its right to do so by defending its rightfully obtained approvals from the Planning and Zoning Commission before the RTM.

Moderator Eileen Lavigne Flug
c/o Ira Bloom, Town Attorney
September 21, 2016
Page Two

Thank you for your anticipated consideration concerning this matter.

As always, best regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris Smith", written over the typed name below.

Christopher J. Smith

CJS/las

cc: 1177 PRE Associates, LLC