



Doc ID: 005599740008 Type: SUM

File **2024-0014**

RETURN DATE: JULY 30, 2024	:	SUPERIOR COURT
	:	
HILLSPPOINT COVE LLC, ET AL	:	J.D. OF BRIDGEPORT
	:	
VS.	:	AT BRIDGEPORT
	:	
PLANNING AND ZONING COMMISSION OF THE TOWN OF WESTPORT, ET AL	:	JUNE 18, 2024

**CITATION AND SUMMONS**

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 and Soundview Empowerment Alliance, Inc. of 20 Charles Street, c/o James Hood, Ste. 116, Westport, Connecticut to appear before the Superior Court within and for the Judicial District of Bridgeport, at Bridgeport, on the fifth Tuesday of July, 2024, said appearance to be made by the Planning and Zoning Commission of the Town of Westport and Soundview Empowerment Alliance, Inc. or their attorneys by entering a written statement 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 Hillspoint Cove LLC of 223 Hillspoint Road, Westport, Connecticut, 227 Hills LLC of 227 Hillspoint Road, Westport, Connecticut, Ellen van Dorsten of 216 Hillspoint Road, Westport, Connecticut, David van Dorsten of 216 Hillspoint Road, Westport, Connecticut, Janice C. Begin of 5 Old Mill Road, Westport, Connecticut, Joe F. Coelho of 5 Old Mill Road, Westport, Connecticut, Thomas M. Green, Trustee of 19 Old Mill Drive, Westport, Connecticut, Kathy Sidell of 21 Old Mill Road,

**A True Copy  
ATTEST**

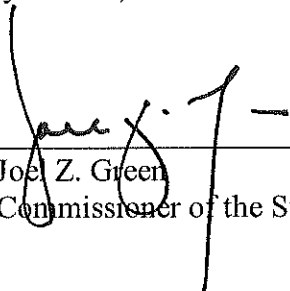
  
**FAUSTO CARUSONE**  
 State Marshal  
 Fairfield County

Westport, Connecticut, Nicholas Visconti of 25 Old Mill Road, Westport, Connecticut, Clark Hanford of 31 Old Mill Road, Westport, Connecticut, Joan Beauvais of 31 Old Mill Road, Westport, Connecticut, Ellen C. Sonsino of 36 Old Mill Road, Westport, Connecticut, David Sonsino of 36 Old Mill Road, Westport, Connecticut, Rosemarie Doino of 10 Sherwood Drive, Westport, Connecticut, Gloria Gouveia of 131 Kings Highway North, Westport, Connecticut, Phillip Levieff of 27 Imperial Avenue, Unit 9, Westport, Connecticut, Deidre Kantor of 9 Spriteview Avenue, Westport, Connecticut, Carolanne Curry of 29 Hiawatha Lane Extension, Westport, Connecticut and Selma Miriam of 29 Hiawatha Lane Extension, Westport, Connecticut, by serving upon the Town Clerk of the Town of Westport two true and attested copies of said complaint and appeal and of this citation and summons and by serving upon Soundview Empowerment Alliance, Inc. a true and attested copy of said complaint and appeal and of this citation and summons, all in the manner prescribed by law at least twelve (12) days before said date.

The Plaintiffs, as principals, and Lucy A. Ferreira, of Bridgeport, 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 18th day of June, 2024.

  
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Joel Z. Green  
Commissioner of the Superior Court

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PLANNING AND ZONING COMMISSION :  
OF THE TOWN OF WESTPORT, ET AL : JUNE 18, 2024

**COMPLAINT**

To The Superior Court for the Judicial District of Bridgeport, at Bridgeport, comes Hillspoint Cove LLC of 223 Hillspoint Road, Westport, Connecticut, 227 Hills LLC of 227 Hillspoint Road, Westport, Connecticut, Ellen van Dorsten of 216 Hillspoint Road, Westport, Connecticut, David van Dorsten of 216 Hillspoint Road, Westport, Connecticut, Janice C. Begin of 5 Old Mill Road, Westport, Connecticut, Joe F. Coelho of 5 Old Mill Road, Westport, Connecticut, Thomas M. Green, Trustee of 19 Old Mill Drive, Westport, Connecticut, Kathy Sidell of 21 Old Mill Road, Westport, Connecticut, Nicholas Visconti of 25 Old Mill Road, Westport, Connecticut, Clark Hanford of 31 Old Mill Road, Westport, Connecticut, Joan Beauvais of 31 Old Mill Road, Westport, Connecticut, Ellen C. Sonsino of 36 Old Mill Road, Westport, Connecticut, David Sonsino of 36 Old Mill Road, Westport, Connecticut, Rosemarie Doino of 10 Sherwood Drive, Westport, Connecticut, Gloria Gouveia of 131 Kings Highway North, Westport, Connecticut, Phillip Levieff of 27 Imperial Avenue, Unit 9, Westport, Connecticut, Deidre Kantor of 9 Spriteview Avenue, Westport, Connecticut, Carolanne Curry of 29 Hiawatha Lane Extension, Westport, Connecticut and Selma Miriam of 29 Hiawatha Lane Extension, Westport,

Connecticut (collectively, the “Plaintiffs”), appealing from a decision of the Defendant, the Planning and Zoning Commission of the Town of Westport (the “Defendant Commission”), of 110 Myrtle Avenue, Westport, Connecticut, and complain and say:

1. The Defendant Commission is the agency charged pursuant to the provisions of the Connecticut General Statutes and the Zoning Regulations of the Town of Westport (the “Zoning Regulations”) with, among other powers, the authority to hear and act upon applications to amend the text of the Zoning Regulations.

2. On or about April 8, 2024, Moon Gardens L.L.C., as agent for the Defendant, Soundview Empowerment Alliance, Inc. (the “Defendant Applicant”), the owner of the premises at 222 Hillspoint Road in Westport, Connecticut (“222 Hillspoint Road”), filed an application, as subsequently amended, to the Defendant Commission seeking a text amendment to Section 31-9.1 and Section 5-2 of the Zoning Regulations to allow for the sale of liquor for on-site consumption at existing Retail Food Establishments located in Residence B Zones (Text Amendment #843, Modifications to Definitions and Liquor Regulations, Appl. #PZ-24-00197) (the “Application”).

3. The Application, as subsequently amended, by its express terms was conceived and purportedly intended to allow for the sale of liquor for on-site consumption exclusively and only upon the property owned by the Defendant Applicant at 222 Hillspoint Road which is located in a Residence B Zone and upon no other properties in the Town of Westport.

4. The Plaintiffs, Hillspoint Cove LLC, 227 Hills LLC, Ellen van Dorsten and David van Dorsten, are each owners of real property located in a Residence B Zone that abuts and/or is located within one hundred (100') feet of the premises at 222 Hillspoint Road and pay real property taxes to the Town of Westport.

5. The Plaintiffs, Janice C. Begin, Joe F. Coelho, Thomas M. Green, Trustee, Kathy Sidell, Nicholas Visconti, Clark Hanford, Joan Beauvais, Ellen C. Sonsino, David Sonsino and Rosemarie Doino, are each owners of properties located in the Town of Westport in a Residence B Zone pursuant to the Zoning Regulations and pay real property taxes to the Town of Westport.

6. The Plaintiffs, Deidre Kantor, Gloria Gouveia, Phillip Levieff, Carolanne Curry and Selma Miriam, are each owners of real property located in the Town of Westport and pay real property taxes to the Town of Westport.

7. On June 3, 2024, after a public hearing, the Defendant Commission granted the Application, as amended.

8. Notice of said decision by the Defendant Commission was published in accordance with the provisions of the Connecticut General Statutes.

9. The Defendant Commission's actions in granting the Application were illegal, unlawful, arbitrary and in abuse of the powers vested in the Defendant Commission pursuant to the Zoning Regulations and the Connecticut General Statutes for one or more of the following reasons:

a. The Defendant Commission ignored and acted in a manner that is inconsistent with and violates the procedural and substantive requirements and provisions of the Zoning Regulations, the Connecticut General Statutes and the common law of the State of Connecticut;

b. The Defendant Commission did not make required findings of fact or identify sufficient or adequate reasons for its actions pursuant to the Zoning Regulations, the Connecticut General Statutes and the common law of the State of Connecticut; and

c. The Application does not comply with the requirements, standards and conditions necessary for the approval of the Application pursuant to the Zoning Regulations.

d. The Application upon which the Decision by the Defendant Commission was based, misstated and mischaracterized the true use, state and condition of the premises at 222 Hillspoint Road; and

e. The Defendant Commission relied upon and was improperly influenced by misstatements and misrepresentations by the Defendant Applicant and others of various facts and of the applicable Regulations, the Connecticut General Statutes and Connecticut common law in considering and acting upon the Application.

10. As the owners of properties located in the Town of Westport in a Residence B Zone that abut and/or are within one hundred (100') feet of the premises at 222 Hillspoint Road who each pay property taxes to the Town of Westport, the Plaintiffs, Hillspoint Cove LLC, 227 Hills LLC, Ellen van Dorsten and David van Dorsten, are each statutorily aggrieved pursuant to Section 8-8 of the Connecticut General

Statutes and are also aggrieved as a result of the Decision of the Defendant Commission that purports to further expand the right to use property in the Town of Westport for the sale and consumption of liquor.

11. As the owners of properties located in the Town of Westport in a Residence B Zone who each pay property taxes to the Town of Westport, the Plaintiffs, Janice C. Begin, Joe F. Coelho, Thomas M. Green, Trustee, Kathy Sidell, Nicholas Visconti, Clark Hanford, Joan Beauvais, Ellen C. Sonsino, David Sonsino and Rosemarie Doino are each aggrieved as a result of the Decision of the Defendant Commission that purports to further expand the right to use property in the Town of Westport for the sale and consumption of liquor.

12. As the owners of properties located in the Town of Westport who each pay property taxes to the Town of Westport, the Plaintiffs, Deidre Kantor, Gloria Gouveia, Phillip Levieff, Carolanne Curry and Selma Miriam are each aggrieved as a result of the Decision of the Defendant Commission that purports to further expand the right to use property in the Town of Westport for the sale and consumption of liquor.

WHEREFORE, the Plaintiffs pray for a judgment in their favor awarding the following relief:

1. That the Court sustain the Plaintiffs' appeal;
2. That the Court enters an order finding the Defendant Commission's actions were unlawful and null and void and enter an order directing the Defendant Commission to deny the Application;
3. That the Plaintiffs be awarded their costs of this appeal pursuant to Section 8-8(1) of the Connecticut General Statutes; and
4. Such other and further relief as the Court may determine.

THE PLAINTIFFS

BY

  
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Joel Z. Green  
Green and Gross, P.C.

Please enter the appearance of:

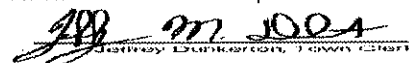
The Law Offices of Green and Gross, P.C.  
1087 Broad Street, Suite 401  
Bridgeport, CT 06604  
Juris Number: 405882  
Tel. No. (203) 335-5141  
Fax (203) 367-9964

In the above entitled case for the Plaintiffs.

Further, Green and Gross, P.C. agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book.  
Email address for delivery of papers under Section 10-13:  
jgreen@gglaw.net

  
\_\_\_\_\_  
JOEL Z. GREEN, GREEN AND GROSS, P.C.  
COMMISSIONER OF THE SUPERIOR COURT

Received for Record at Westport, CT  
On 06/18/2024 At 3:24:12 pm

  
Gateway Electronic Filing Clerk