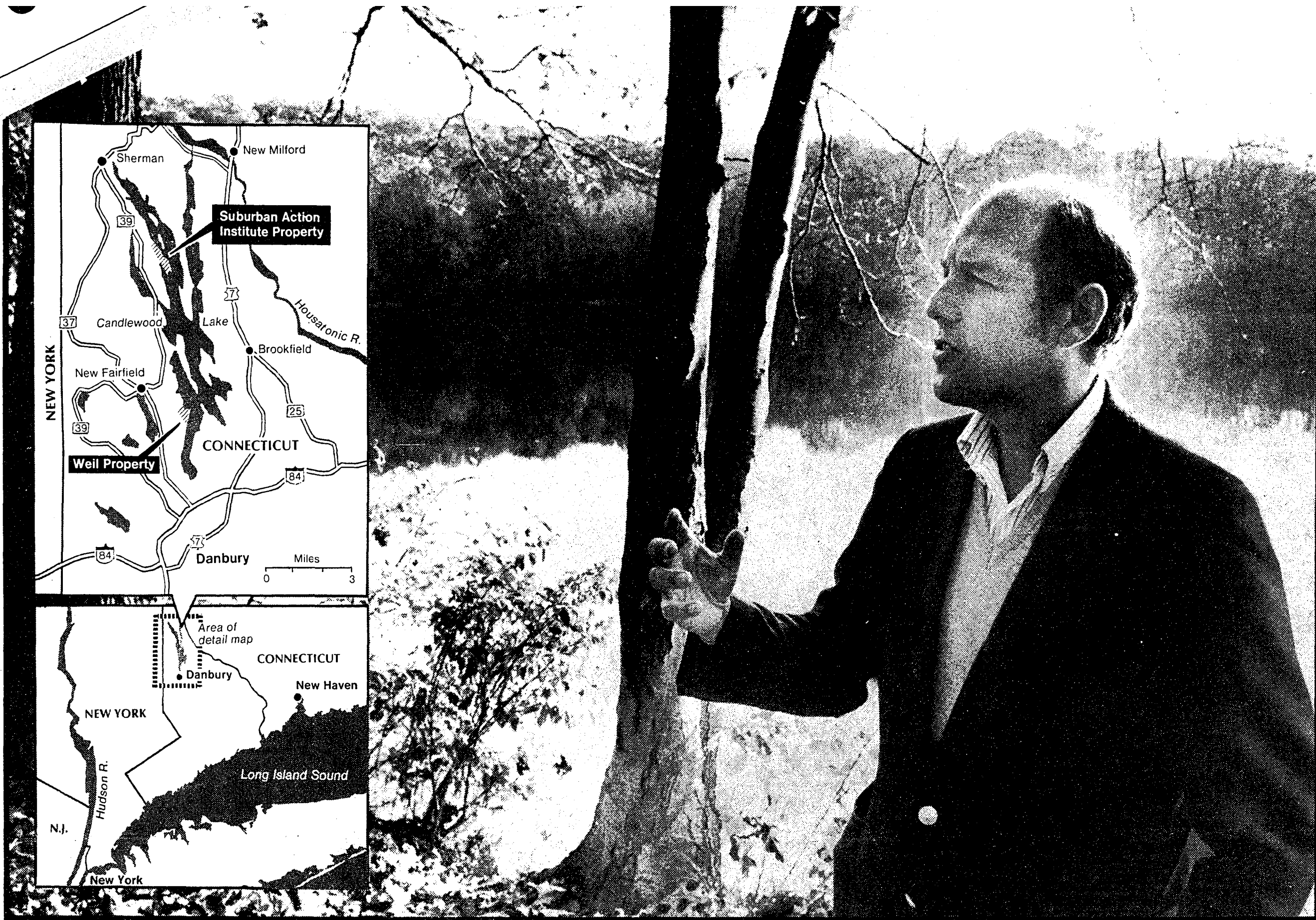


The Battle of Candlewood Lake (Contd.): A Fight for Control at Candlewood Lake

By ROBERT E. TOMASSON

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Paul Davidoff, executive director of Suburban Action Institute, at Candlewood Lake site

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NEW FAIRFIELD

ANOTHER ideological clash over property rights and zoning may be in the offing over Candlewood Lake, one of the great natural settings in the state. Just a little over a year ago the state dropped what had become a political hot potato over a proposal to turn a 253-acre site on the lake into a public park. Earlier plans for the property, which failed to win necessary zoning approval, included the building of 315 luxury homes on 1/2-acre lots and, when that application was rejected, construction of multiunit housing for 8,000 persons.

The park proposal—turned down by the state partly because of the price tag that the developer put on the property—has now bounced back in a different guise, but with some of the same principals and the likelihood that some of the old animosities will be rekindled.

The stage was set last month for the renewed fight when Stephen Weil, a wealthy developer, sold the 253-acre site that figured in the earlier dispute to

the Suburban Action Institute. This is a Manhattan-based, foundation-supported organization that "takes an activist role in trying to reverse the process whereby the suburbs, while attracting the bulk of current economic development, employ public law to insulate themselves from the acute and worsening problems of metropolitan regions," according to an institute brochure.

One of the prime methods employed by the institute has been litigation attacking zoning ordinances that it considers economically exclusionary and racially discriminatory.

On a recent stroll through the wooded site on the western shore of the lake, Paul Davidoff, executive director of the institute, said that the organization's purchase of the land represented a departure from past methods used to open suburban areas to poorer residents of nearby cities.

"There are other assets in the suburbs besides housing that are not being shared with the urban areas, and Candlewood Lake is one of them," Mr. Davidoff said. "The potential use of this land is so great that it affords us an ideal opportunity in keeping with the goals of the institute."

Mr. Davidoff acknowledged, however, that there was a residue of suspicion left over from the earlier dispute regarding any development plans. He said he

might have made a mistake in not first consulting with officials of New Fairfield and Sherman, where the site is, and with state officials before taking title.

As soon as the purchase became known, state officials announced that the state was not interested in acquiring the land for a state park.

"I may be deluding myself," Mr. Davidoff said, "but I think we can work with local officials in developing the site for park and recreational use." He added that thus far the institute had not worked out details on the type of facility envisioned for the property, although plans for using the land were being discussed with "various groups," whom he declined to name.

Mr. Davidoff said that while he doubted that there would be any housing plans that could win zoning approval by the Planning and Zoning commissions of the towns, local officials might not have veto power on a park financed by the Federal Government or other sponsors. He stressed that "all possibilities are being explored."

John Fairchild, First Selectman of New Fairfield, which has a population of 9,200, said the town was adamant in its opposition to the installation of sewers that would be involved in multiple-housing units. Beyond that, the official said

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that the town would treat any development application—including that for a park—on the basis of its merits as long as it complied with ordinances involving sewage, roads, zoning and environmental impact.

Kenneth F. Grant, First Selectman of Sherman, population 1,800, said he would have to have more details about new plans "before we make any judgment." He added, however, that "it looks like a rerun of the same ball game."

What was clearly evident in the past dispute and what may influence the new round of development plans is that, to put it mildly, no love is lost between residents of the area and Mr. Weil, who sold the property to the institute.

Mr. Weil said in an interview that he deliberately kept out of the limelight. He declined to describe the source of his wealth or to mention past or present ventures, with the exception of the Candlewood Lake property.

Mr. Weil, who said he was 40 years old, first started coming to Candlewood Lake with his wife in the 1950's. He said that from his first visits, he became acutely aware—"I'll never forget it"—of a strong anti-Semitism. The developer, who said that he had recently sold his own home in the area for \$290,000, retains a feeling that he agreed could be characterized as "vengeful" toward what he describes as "elements" in the communities.

"I would like to humble them," he said. "And don't kid yourself," he added, "there's at least four other developers waiting in line to build on that site."

In 1971 he purchased the 253-acre site for about \$1.25 million, making him, he

said, the largest private property owner on the lake.

In the first step of the dispute that was to run for four years, he planned to build 315 homes selling for \$125,000 to \$175,000. The towns refused a downgrading from one-acre to half-acre zoning and the plan was dropped.

The opposition in the two towns further hardened when the developer next proposed a "new city" of multi-unit housing for 8,000 people to be developed by the nonprofit Garden Cities Development Corporation, which was created by the Suburban Action Institute. Faced with the certainty that the development would vastly change the rural atmosphere, the towns unequivocally turned down the proposal.

Mr. Weil then succeeded in attracting the interest of the state over a proposal to turn the area into a state park, whereby the land would be bought by the Nature Conservancy, a nonprofit organization dedicated to land preservation. Funds for the purchase would come from the United States Interior Department's Bureau of Outdoor Recreation and from the state.

The obstacle to this proposal was the price of the land, \$22.5 million.

Mr. Weil, who made no apology for the profit he would make, said the details of the proposed sale had been obscured by emotional reactions in the town to the \$22.5 million figure. He said the plan called for the sale of 67 acres in Sherman for \$6.6 million in cash. The 189 acres in New Fairfield, assessed at \$15.9 million, would actually then be donated to the state. The purpose of the split nature of the sale, Mr. Weil said, was that the \$6.6 million he would actually receive for the entire site would be tax-free because of the extended write-off he would receive

at Candlewood Lake

for his donation of the 189-acre part of the site.

In the recent sale to the institute, the price was \$6.5 million. The institute, however, does not have the financial assets to make such a purchase under traditional financing involving a substantial cash payment, nor does it have the resources to pay the taxes and interest on existing mortgages, Mr. Davidoff said. In the transaction, no cash was paid by the Institute to Mr. Weil.

The Hartford Savings and Loan Association holds three mortgages on the property, one for \$3 million with Mr. Weil, a second for \$200,000, also with Mr. Weil, and a third for \$285,000 with the institute. The \$285,000 third mortgage will provide funds to the institute to pay the \$20,000 a year in property taxes and about \$90,000 a year on interest on the first two mortgages, as well as on a fourth mortgage of more than \$3 million

held by Mr. Weil.

What does seem certain is that change will be coming to Candlewood Lake.

The largest overall property owner, not only of the lake bottom itself, but of 2,900 acres on the shore, is Northeast Utilities, the parent company of the Connecticut Light and Power Company, which created the lake 50 years ago.

The utility has been fighting a ruling by the Federal Public Utilities Control Authority that the Housatonic River, which skirts the lake, is navigable and involved in interstate commerce, which would make the utility land subject to Federal regulations on recreation and wildlife preserves.

What happens if the Suburban Action Institute property cannot be utilized for park and recreational use? ●

“If we run up against adamant refusal,” Mr. Davidoff said, “we will, of course, have to explore other possibilities.” ■