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March 21, 2024

By E-mail and Hand Delivery

Planning and Zoning Commission
Town Hall Annex
238 Danbury Road
Wilton, CT 06897

Attn: Mr. Michael E. Wrinn – Director of Planning and Land Use Management

Re: Lupinski- Application to Planning and Zoning Commission (SDP#9-23)
Premises: 53 Sugarloaf Drive, Wilton, Connecticut

Dear Chairman Tomasetti and Members of the Commission:

Enclosed please find the following:

1. Peak Engineers, LLC letter to Ms. Tania Vizer regarding responses to her recent comments.
2. Neighbor Agreement letter dated March 21, 2024.

Very truly yours,
/s/ James D'Alton Murphy
James D'Alton Murphy

JD'AM/ko

Enclosures

cc: By email with enclosures:

Tania & Yuri Vizer

Peggy Gormley

Jennifer Cappel Perkins

Dave and Sarah Crowell

James P. Carlon, Esq.

Robert Lupinski

Kate Throckmorton, ASLA – Environmental Land Solutions, LLC

Thomas Quinn – Peak Engineers, LLC

Andrew McDonald, P.E.

Lotte Meijhuis – Gregory and Adams, P.C.

Peak Engineers, LLC

PROVIDING CIVIL ENGINEERING SERVICES
Mail Address: PO BOX 312, Georgetown, CT 06829
Physical Address: 4 Old Mill Road, Redding, CT
Tel 203-834-0588
Email: tquinn@peakengineersllc.com

March 20, 2024

To: Tania Vizer

Re: 53 Sugar Loaf Drive
Lupinski

Hi Tania:

I am writing to respond to your comments outlined in your email of March 18 6:55p.m. I copied your comments below and our (Robert, Kate and Tom) collective responses follow each comment.

For reference, the last set of plans presented to the Commission (Feb 12) was dated January 26th, the latest set of plans which have been prepared to address your comments is dated March 19.

Peak Plan GP-1 Grading Plan
ELS Plan SE-1 Sedimentation and Erosion Controls and Compliance Plan
ELS Plan SE-2 Notes and Details

1. We would like to get a detail or more information on dimensions (depth, width and length) of gravel sumps and what it will consist of besides 2"-3" stone.

I added a detail to my plan dated March 19, 2024, Detail G. The idea is to provide/install this infiltration trench at the lowest spot along the bottom of the slope. The purpose is to intercept initial surface flows from Roberts's property during a small rain event and allow the water to percolate into the ground. The trench has been placed where it will have the most benefit-the section along the property which is the flattest elevation.

2. Along with old site plan, letter and other documents you have provided detailed "Work schedule" last time. We don't have this document with New site plan. We find it necessary to be added to the site plan application documents. Would someone from Robert's team be able to provide it to us?

Robert has reviewed the March 19 plan and believes that the time frame to implement the work is very similar to the time frame for the January 26th plan

which was presented to the Commission at its meeting of February 12. The time was stated as 17 ½ weeks.

3. As per this new site plan, terraced retaining walls are being added in Vizer's/ Crowell's corner of Robert's property. Wouldn't it make more sense if these walls would extend further along Vizer's property line?

Per your comment, we have extended the boulder rows, creating a terrace that is approximately seventy-five feet long. The terrace will be uphill of your lawn area and extend to approximately where your rear yard transitions from lawn to woods. We have also flattened out the terrace, the area between the two boulder rows to maximize interception of the surface water and promote infiltration. The grading shown on my plan, GP-1, has also been done so that the boulder rows are no more than 4' high and the grading directs some lawn area, along the north side, to a stone infiltration trench.

4. Lastly, we agree with Peggy that adding some trees for privacy on the slope would benefit all of us in the future. In order to build existing unlawful wall Robert removed a lot of trees from the slope. Now to correct the situation, he will remove the remaining trees from our side of his property. We discussed this with Kate Throckmorton couple days ago when she was here having a walkthrough with Dave Crowell. We believe it would be a nice gesture from Robert to add this to the site plan and replant privacy trees once all major construction is completed.

Kates Plan SE-1 has been amended to include planting of a total of twelve (12) evergreen trees. Kate has set the tree locations so that they are located in the sightlines from your house to Roberts's house and from Peggy's house to Roberts's house. In order to block those sightlines, some of the trees will be set at or near the top of the slope. Specifically for your property, two trees will be set at the base of the slope and three will be set in the terrace and four will be set at the top of the slope.

I hope we have answered your questions.

Thomas S. Quinn
For Peak Engineers, LLC

CC. Kate, Robert, Jim

Robert Lupinski
53 Sugarloaf Drive
Wilton, CT 06897

Jennifer Cappel Perkins

47 Sugarloaf Drive

Wilton, CT 06897

Sarah and David Crowell

61 Sugarloaf Drive

Wilton, CT 06897

Margaret Welz Gormley

40 Saunders Drive

Wilton, CT 06897

Yuri and Tania Vizer

46 Saunders Drive

Wilton, CT 06897

March 21, 2024

Re: Request for consent to conduct remedial work on properties adjacent to 53 Sugarloaf Drive.

Dear Ms. Perkins, Mr. and Mrs. Crowell, Mr. and Mrs. Vizer and Ms. Gormley,
At the outset, I would like to again offer my apologies for having created the existing conditions at my property, and for the inconvenience it has caused each of you. I am writing to formalize and clarify the commitments I am making to each of you, my adjacent neighbors, in connection with my commitment to the Planning & Zoning Commission and its Staff to rectify any inadvertent trespass involving the retaining wall on my property, as well as alterations to the grading of my yard. All remedial work will be carried out in full compliance with the zoning regulations and adherence to the plans and associated documents filed with the Planning & Zoning Commission.
In particular, I commit to the following:

1. I will promptly begin and complete the work as shown in the plans and other filings with the Planning and Zoning Commission. Those plans and filings are:
 - a. Sedimentation and Erosion Controls and Compliance Plan (SE-1) prepared by Environmental Land Solutions, LLC ("ELS") dated March 12, 2024 and revised March 19, 2024.
 - b. Notes and Details (SE-2) prepared by ELS dated March 12, 2024.
 - c. Retaining Boulder Elevations (D.1) prepared by ELS dated March 19, 2024.
 - d. Grading Plan (GP-1) prepared by Peak Engineers, LLC ("Peak") dated August 31, 2023 and last revised March 19, 2024.
 - e. Drainage Narrative, Current vs Post (March 12, 2024 Grading Plan) prepared by Peak dated March 19, 2024.
 - f. Site Retaining Boulders Plan prepared by Structural Consulting Services, LLC dated March 13, 2024 and revised March 20, 2024.
2. All the work will be completed in compliance with the drawings listed above.
3. I will ensure timely completion of the work, with a specific start date immediately after approval by the Planning and Zoning Commission and a completion date of no later than the middle of August. Work will only be conducted Monday through Friday between the hours of 7:30 am and 5:30 pm.
4. I will ensure that all contractors performing work, whether on the Lupinski property or adjacent parcels, will be properly licensed and insured.

5. I, or a contracting entity on my behalf, will obtain all necessary permits from the Town of Wilton.
6. At the completion of the work, I will have all building materials, fencing and debris removed from adjacent properties and will restore your property to its previous condition. Any damage occurring to adjacent properties during the course of the work will be promptly repaired and I will restore your property to its previous condition. Any work area on adjacent properties will be cleaned up and free of any debris.
7. I will maintain adequate general liability insurance, as illustrated by the copies of the insurance certificate which has been issued and previously delivered to each of you.
8. I will maintain regular communication with the Planning & Zoning Commission and Michael Wrinn, Director of Planning & Zoning, to facilitate tracking of the progress of the work.
9. I will request and coordinate on regular inspections by Mr. Wrinn or his designee and comply with recommendations they make to ensure full compliance with the zoning regulations and the plans mentioned above.

I represent and warrant to each of you (i) that I am the sole owner of the property known as 53 Sugarloaf Drive, Wilton, Connecticut and that I have full authority to enter into this commitment to you, (ii) that the performance of the work described in this letter does not violate the terms of any agreement or mortgage I am a party to or that any part of the property is subject to, and (iii) I will engage to perform the work described above only qualified contractors who are capable of completing the work within the time frame I have included above.

As you are aware, I require your permission to remove any trespassing boulders and soil, to install erosion control features and a chain-link fence on your property to undertake this remedial work. The Planning & Zoning Commission will not approve my pending application until your consent is obtained for the portion of the work to take place on your property. I respectfully request that you signify your agreement to the terms and conditions of this letter and grant your permission for me to proceed with the work by countersigning and returning a copy of this letter. Note, this letter is for the joint and several benefit of each of you and may be relied upon individually by each of you.

Once again, I offer my apologies for the inconvenience caused by this situation.

Yours sincerely,


Robert Lupinski

CC: Planning & Zoning Commission
Michael Wrinn
Frank Smeriglio, PE
Jim Carlon, Esq
Kate Throckmorton, ASLA
Tom Quinn, PE
Andrew McConnell, PE
James D'Alton Murphy, Esq.

Agreed and Accepted By:

Jennifer Cappel Perkins

David Crowell

Sarah Crowell

Margaret Welz Gornley

Yuri Vizer

Tania Vizer

Letter to Perkins Gornley Vizer and Crowell 03-21-24