

Attn: Michael Wrinn

Subject: Plans Submitted by Robert & Monica Brina for 455 Thayer Pond Road (TPR)

Robert Brina, a Construction Attorney, & Monica Brina, said to be an Interior Designer, have submitted their construction plans for 455 TPR. They have also applied for variances to decrease both side & rear setbacks, decreasing the required amount by more than half on the south side. Their plans include a 5300+ sq ft house (4x the existing house) plus an apartment with bath, over a 3 car garage on a 0.99 acre non-conforming lot. Thayer Pond Rd is zoned 2 acres.

We STRONGLY OPPOSE these building plans & variance requests for the following reasons:

Their plans call for an apartment/guest suite above 3 car garage (over 1000 sq ft), placed sideways in the front of the property. Not necessarily a nice view from the street, not what neighbors desire. Owners directly & diagonally across the street (5 LedgeWOOD Dr, 444 & 474 TPR) & others will also see this daily from their yard, front & side windows, as will everyone walking/driving by. **WE DO NOT WANT** a garage apartment/guest suite for fear, at some point, it would be rented & we would be told the tenant is a close relative. We feel their design allows for just that with the garage being placed in front of the house, only partially attached with 2 private entrances - 1 perhaps from the apartment to side yard.

The plans show both the garage & the house to be only 20 ft & in some cases less than 20 ft, closer to property line with 451 TPR. The required side setback is 40 ft. One of 3 AC compressors decrease the side setback to 16.5 ft. With the addition of a generator, which Mrs Brina said she is installing, but not shown on their plans, will reduce the south side setback to 14 ft or less. We would not object if the house is built 4 times the depth proposed, as long as the 40 ft side setback remains.

We fear the generator, propane tanks, radon mitigation fan & vents will be placed in the same area. Our quality of life will be negatively affected both mentally & physically from noise as well as fumes. This will greatly lessen the enjoyment & comfort of our home, patio & yard should the side setback be reduced to 20 ft or less. We want the 40 ft side setback to remain – that is our main concern.

The house will also be closer than the required 40 ft on the Elmasry side – owners of 461 & 463 TPR. For 8 mos of the year, the house & garage will now be in full view in the rear to 447 TPR, 43 & 45 Old Driftway Rd, etc. In the past, 455 was not seen by any of these neighbors. The Brinas have destroyed the privacy the woods provided, which we all cherished. We have lost over 175 ft of privacy on that side. Extremely upsetting!

They had their entire 0.99 acre lot cleared of 99% of trees & mountain laurel including 6 trees in the wetlands. All stumps remained for over 6 mos! They decimated the beauty of natural woods & the privacy for all adjacent neighbors. We bought our homes for the privacy of those woods! We are very concerned that their removal of numerous trees & plantings will cause a drainage & erosion problem for us at 451, as well as 461 & 463. As we all know, trees soak up thousands of gallons of water.

The excavation performed at 455 in August dug up/pulled out numerous, enormous stumps, roots, huge boulders, rocks, ledge & dumped 3 truck loads of soil. Much more is needed to fill all the holes. Obviously, re-grading will take place. If the existing grade is raised, it will only increase run off/erosion. This excavation has already caused us a major erosion problem during Ida. Had we not stopped Mrs Brina & her excavator from pulling out a huge stump with roots obviously extending well under the property line, 2, 3 or more sections of our fence would have been ripped out.

Their proposed underground drainage pipes leading from the house roof, building footings, & external sump pump pit, run diagonally across their back yard, discharging far too close onto our property at 451 & the regulated area. It must be set farther over, into their own property, away from us. We would insist upon that, as well as, the installation of a catch basin to prevent discharge onto our property & into the regulated area, causing erosion.

Their septic fields shown to be within 15 ft of the far back north corner could leach onto the Elmasry's properties & leak down into the wetlands. They're requesting a 43 ft rear setback versus required 50 ft. Is that within the regulated area? Leaking into wetlands will greatly affect the ecosystem!

When we purchased our home at 451 TPR in Dec 1999, we were told by the builder, real estate agents, inspector, town representative, Lawrence Shortell (455 previous owner) & more recently by the contractor preparing 455 for sale, any future building enlargement at 455 would have to adhere to the original footprint. Side setbacks would remain! At most, an addition over the front screened-in porch & over the rear section of the dining room. Perhaps with approved permits, join the house to the garage or go back even farther. None of which would alter existing side setbacks. The width of the house would remain the same as would the side setbacks.

The Brinas want to build both their garage & house 20 ft to 26 ft closer to our property vs the required 40 ft side setback. They want to reduce the rear 50 ft setback to 43 ft. Bottom line, they want a reduction of both the side & rear setbacks. Not fair to us or the adjacent neighbors.

They also want their shed to be placed 31.8 ft from our property line vs the 40 ft. Again closer to us! We followed the 40 ft rule when we placed our shed. Why shouldn't they?

If such plans are approved, doesn't it give all Wilton homeowners the right to request/do the same?

Their home in Pasadena, CA was 4600 sq ft (1180 Yokum St) with an apartment over a 3 car garage with a kitchen & bathroom, set on 0.25 acre. But this is Wilton, CT. Things are done differently here. We love country living, love our woods, love our space, love our privacy!

Nothing personal against Mr & Mrs. Brina. We wouldn't want a friend or family member to build closer to us than the required 40 ft.

With their knowledge of building, we are extremely worried that they may know of ways to go around the system, to get what they want, both during & after construction without approval & permit. We've already witnessed this with tree removal within the regulated area & the recent excavation.

There is no legal hardship shown by Mr & Mrs Brina. They purchased a 0.99 acre lot in a 2 acre zone knowing that the 2 acre zoning regulations apply to the lot. The property is already, non-conforming. PLEASE do not make it all the more.

We thank you in advance for giving serious consideration to our concerns.

Starr & Harvey Herscovitch

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