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AUG 12 2021

ZONING BOARD OF
APPEALS

Appeal of Permit 2021-00070321

Dear Zoning Board of Appeals:

I am respectfully submitting this notice of appeal regarding the above permit.

The purpose of the appeal is to request your review of the following alleged errors in the application and interpretation of the Zoning Regulations in the decision:

- 1) **The Planning and Zoning commission should have provided a thorough review and public hearing on the decision given the nature of the application, including the significant public interest in the decision associated with a) the direct impact it has on neighboring properties, b) the direct impact on the adjacent conservation area, c) the direct impact on wetland environments and waterways in and around the build site and adjacent property, and c) the direct impact of significant historic features such as an extensive stone wall and important trees.**

The requirements of the applicable State and Local Regulations regarding inclusion of the public and neighbors in such hearings, as well as the spirit behind those regulations, were misapplied when privately granting the permit. *See Conn. Gen Stats §7,8; PA 96-157.*

I respectfully request that a public hearing be convened to review the application along with the commission, and that the permit, and associated construction activity, be paused or revoked of time to allow for due process to take place appropriately.

- 2) **The decision was based on misleading and inaccurate documents.**

The drawings used in the current permit decision were based on a 2013 survey and site plan, previously approved in a public hearing by the commission. That 2013 survey and site plan were misleading and inaccurate, indicating a redrawing of the property line between the two adjacent lots which would allow significantly more space to build a new house without encroaching on the regulated area wetlands. The property line was never changed, however the fraudulent survey and drawings were nonetheless inappropriately used as support for the latest building permit.

Minor adjustments were made to the current plans once I found and raised the issue, however a wholesale reapplication and new survey should have been made, and publicly examined, given the misleading nature of the materials, which should have been disregarded in full.

3) The decision was made without adequate documentation required by the Regulations.

Zoning Regulation 29.9.1, designed to protect scenic quality and maintain environmental stability, sets limits on alterations of slopes and distances among other protected items. There are significant and extensive slopes on my property along the shared right of way which are protected by the Regulation, and which will be irrevocably altered to create hundreds of feet of driveway in violation of the Regulation.

The application materials in support of the permit, as well as the decision, failed to apply the Regulation and address these and other items required to be protected by the Regulation, including significant historic rock walls and important trees.

Similarly, there is inadequate evidence in the application materials that compliance with Wetlands Regulations will be met (as compliance is still outstanding as of the date of this appeal, as noted in the file), and it is inappropriate and inconsistent with the Regulations and due process for construction to be permitted (which is happening as of now, prior to wetlands compliance).

Additionally, the Zoning Regulations call for a *recent and accurate survey* to be used, and the survey used in the approved drawing is neither recent (nearly 9 years out of date) nor accurate (as noted above and raised prior to issuance of the permit). As this survey failed to meet the requirements and intent of the Regulations, the decision to grant a permit was made in error.

As the adjoining property owner with shared rights of way, I have raised questions about the survey and am in the process of commissioning a new independent survey to validate the current and accurate rights of way and plot lines to ensure compliance with the Regulations.

I respectfully request that a thorough reexamination of the application materials and their compliance with the Regulations be conducted, along with adequate and reasonable time to promptly conduct and submit a new survey.

Thank you,



Dogan Perese

231 Cannon Road
Wilton, Connecticut

203.243.2839
perese@gmail.com

WILTON ZONING BOARD OF APPEALS

NOTICE OF APPEAL

ZBA# 21-09-18

A notice of appeal shall be in accordance with Section 29-13.B. of the Wilton Zoning Regulations and Chapter 124, Section 8-6 of the General Statutes of Connecticut.

All appeals to the Zoning Board of Appeals (ZBA) from an order, requirement, decision or determination of the Zoning Enforcement Officer (ZEO) shall be taken within 30 days of same

No question of hardship shall be involved in such appeal, and the action of the ZBA is limited to the question of whether or not, and to what extent such order, requirement, decision, or determination was a correct interpretation of the subject provision of the Zoning Regulations.

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Please TYPE or print clearly...

AUG 12 2021

<u>Dogan Perese</u>	ZONING BOARD OF APPEALS	<u>231 Cannon Road, Wilton CT 06897</u>
APPELLANT'S NAME		ADDRESS
<u>Dogan Perese</u>		<u>231 Cannon Road, Wilton CT 06897</u>
OWNER'S NAME		ADDRESS
<u>235 Cannon Road, Wilton CT</u>		
PROPERTY LOCATION		ZONING DISTRICT
<u>7-23-1-0</u>		<u>3.195</u>
WLR MAP #	VOLUME	PAGE
		TAX MAP # LOT #
		ACREAGE

Please state concisely the alleged error in the order, requirement, decision or determination of the ZEO from which this appeal is taken. Attach a copy of said order, etc. Explain why the order, requirement, decision is appealed.

PLEASE SUBMIT:

- 1) TEN (10) COLLATED COPIES. (ATTACH SEPARATE SHEETS, if required.)
- 2) \$310 FEE PAYABLE TO: Town of Wilton
- 3) ELECTRONIC SUBMISSION of ALL materials, via PDF email

Please see attached sheets

THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his or her knowledge and belief; and hereby grants visitation and inspection of the subject property as described herein.

<u>[Signature]</u>	<u>8/11/21</u>	<u>perese@gmail.com</u>	<u>203-243-2839</u>
APPELLANT'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE
<u>[Signature]</u>	<u>8/11/21</u>	<u>perese@gmail.com</u>	<u>203-243-2839</u>
OWNER'S SIGNATURE	DATE	EMAIL ADDRESS	TELEPHONE