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PLEASE REPLY TO  
WESTPORT OFFICE

Michael Wrinn, Director of Planning and Land Use Management  
Town of Wilton  
Town Hall Annex  
238 Danbury Road  
Wilton, CT 06897

By Email Only to Michael.Wrinn@WILTONCT.ORG

Re: 135 Canon Road – Zoning Board of Appeals

Dear Michael:

I understand the hearing on the appeal from the issuance of a zoning permit is closed and the Board has two legal questions that require clarification.

The first is whether a lot created by a "free cut" in 1990/1991 may have a driveway longer than 500 feet in length. Note that a lot created by free or first cut in NOT a subdivision or resubdivision as those terms are defined in General Statutes § 8-18.

In the subject case, Lot B was created by a free or first cut in 1991 (the year of recording). The Zoning Regulations in effect in 1991 stated in Sec. 29-10.C: "Any new lot created by subdivision subsequent to the adoption of these regulations shall comply with the minimum lot width requirements within five hundred (500) feet of its street frontage". Since the subject lot was not created by subdivision, Sec. 29-10.C is not applicable. There does not appear to be any other provision of the Zoning Regulations that were in effect in 1991 that limited the length of a driveway to 500 feet.

The second question involves the right of the ZEO to rely on "sign-offs" from other departments when issuing a zoning permit. Unless the ZEO has **actual** knowledge of non-compliance with a requirement of another agency, like wetlands, the ZEO not only may rely on a sign-off, but the ZEO *should* rely on it. There's a presumption that a prior sign-off was done correctly and if the ZEO were tasked with questioning each and every sign-off by a different department, the process of issuing zoning permits would grind to a crawl.

Please advise if this letter responds to your questions.

Best,

Peter V. Gelderman