

Appeal of Building Permit, 235 Cannon Road

Context and Objectives of Appeal

- Requesting the Board's review and determination regarding certain errors and incorrect interpretations of specific provisions in the Zoning Regulations relating to the Zoning Enforcement Officer's decision to grant the building permit in question.
- Upon the Board's determination of correct interpretation, requesting specific actions and referrals consistent with the Board's authority in 29-13.B.4

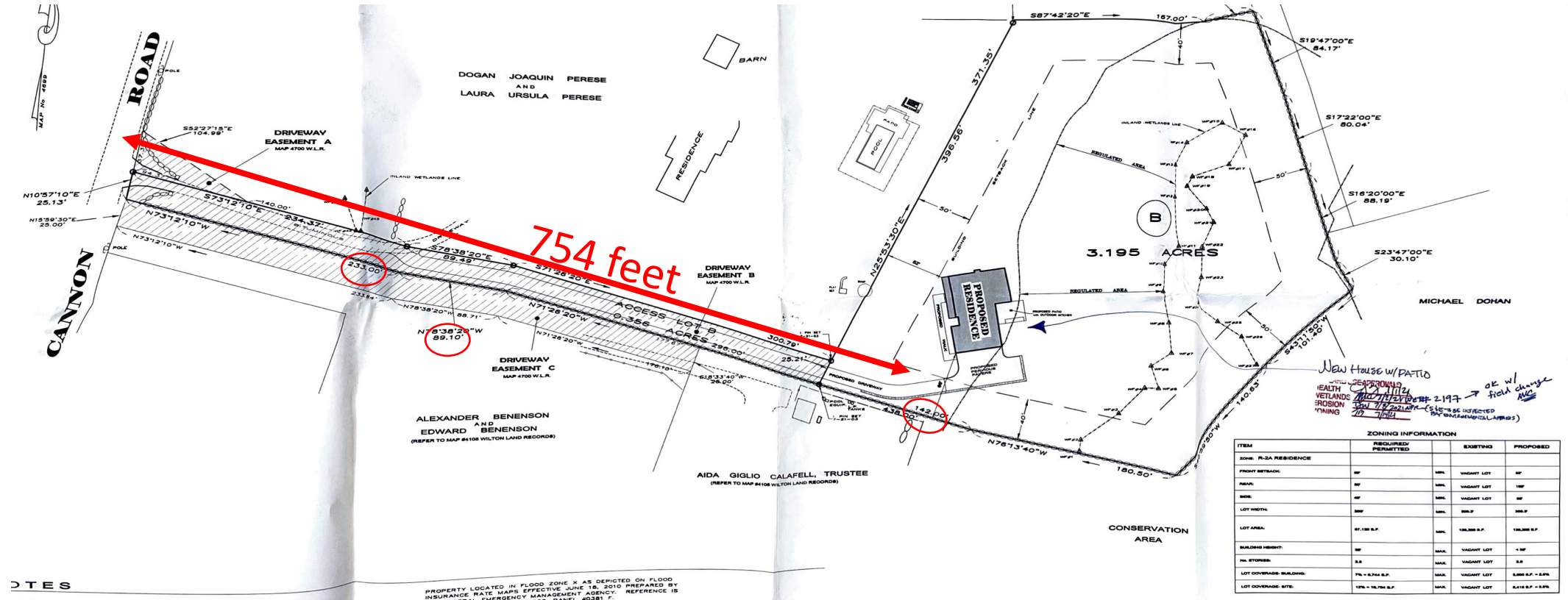
Errors and Incorrect Interpretations to be Discussed

| Provision | Requirement | Error / Incorrect Interpretation | Action Requested | Additional detail |
|-----------------------|---|---|--|-------------------|
| 29-429-4.B.8.f. | Driveway length not to exceed 500' | ✗ Driveway is 754' | → Reverse granting of Zoning Permit and/or referral to P&Z for determination | See page 2 |
| 29-4.B.7.b. and c. | Lot not to exceed 20% wetlands, floodplain | ✗ Lot exceeds these minimums ; wetlands survey 17 years out of date ✗ Special Conditions of prior permit failed to be included as conditions in current permit | → Referral to P&Z for determination of area → Allow engagement of expert by appellant | See pages 3-4 |
| Condition 7 of permit | If information in application subsequently proves to be false, deceptive , incomplete and/or inaccurate, the permit shall be modified, suspended or revoked | ✗ 2013 permit was granted based upon a deceptive and inaccurate re-drawing of the property line by owner of both properties to comply; this condition was never done and not adequately considered in granting current permit | → Reverse granting of Zoning Permit and/or referral to P&Z for determination, and Cease and Desist of construction | See page 5 |
| 29-5.A. | 'appropriate to the environmental characteristics of the land and the character of the neighborhood . | ✗ Plan violates multiple provisions and special conditions and is highly destructive to the land including privacy and neighborhood of 4 bordering neighbors and conservation area | → Reverse granting of Zoning Permit and/or referral to P&Z for determination and other forms of relief | See page 6 |

Driveway exceeds maximum length by 254'

Regulation 29-4.B.8.f.

The maximum length of each accessway shall be 500', as measured from the public right of way to the point at which the required minimum lot width, as defined herein, is achieved.



→ Requesting ZBA reverse granting of Zoning Permit and/or provide referral to P&Z to determine and confirm driveway length is excessive

Plan likely fails wetland regulations

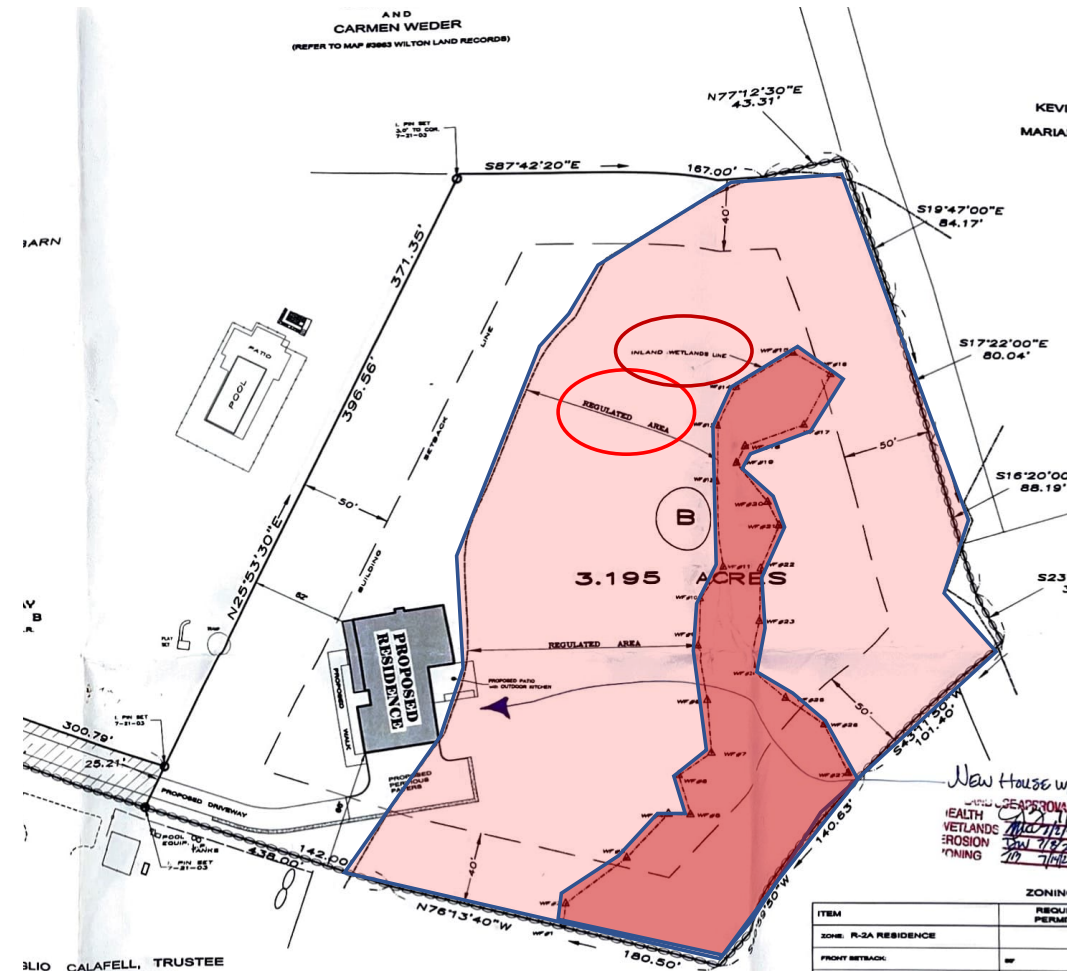
Regulation 29-4.B.7.b. and c.

b. A minimum of 80% of the required lot area shall consist of land area which is not under water, part of the 100-year floodplain, or designated as an inland wetland

c. For lots in an R-2A district, a minimum of one acre shall consist of contiguous land area which is not under water, subject to annual flooding, or designated as an inland wetland.

Errors in Decision:

- ✗ Over 20% of the area appears to be wetlands / watershed / floodplain as shown in the red areas in the image
- ✗ 17 year-old map used; areas have likely increased since then
- Requesting ZBA reverse granting of Zoning Permit and/or provide referral to P&Z or other office for a determination of the acreage not under water or in water shed under 29-4.B.7.b. and c and 29-13.B.2
- Requesting input from independent environmental consultation by expert to be hired by appellant (if permit not summarily reversed)



Plan fails special conditions of original permit

*Regulation 29-8.B.8. governs driveway slopes, grades and special conditions which failed to be included
Special Conditions were required to be included in the 2013 permit, yet not included in the permit at issue*

- The **Special Conditions required in 2013 failed to be included** in the 2021 permit, constituting an error by ZEO in granting the permit
 - The driveway in question has steep grades and has required significant cutting along over 500 feet of woodlands adjacent to a historic rock wall and steep slopes
 - The runoff alone from hundreds of feet of new road will be significant, and is of great concern, especially as it leads directly into wetlands and a wetland waterway right at the bottom of the steep slope
 - This wetlands and waterway was not considered as part of the application, and is a significant omission in both the application and the review of relevant area in the decision
 - Reliance on the inaccurate 2013 permit information and 2004 wetland map is both inadequate and also excessively outdated given the changes in wetlands, regional climate, and local conditions in the past 17 years.
 - The contractors are planning to cut down the large, historically significant trees marked to be preserved in the current permit on 9.22 (tomorrow) – a direct and egregious violation of their permit.
- Requesting ZBA reverse granting of Zoning Permit and/or each of the following:
- Referral to Town Engineer for review of slopes, cuts, and fills/drainage under 29-8.B.8. (1), (2) and (3)
 - Referral to Inland Wetlands to determine compliance of lot with Special Conditions of prior approval, and compliance with current regulations and permit.
 - Requesting confirmation that trees marked to be preserved will not be cut down.

Permit based on deceptive information

7. In evaluating this application, the Commission has relied on information provided by the applicant and, **if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.**

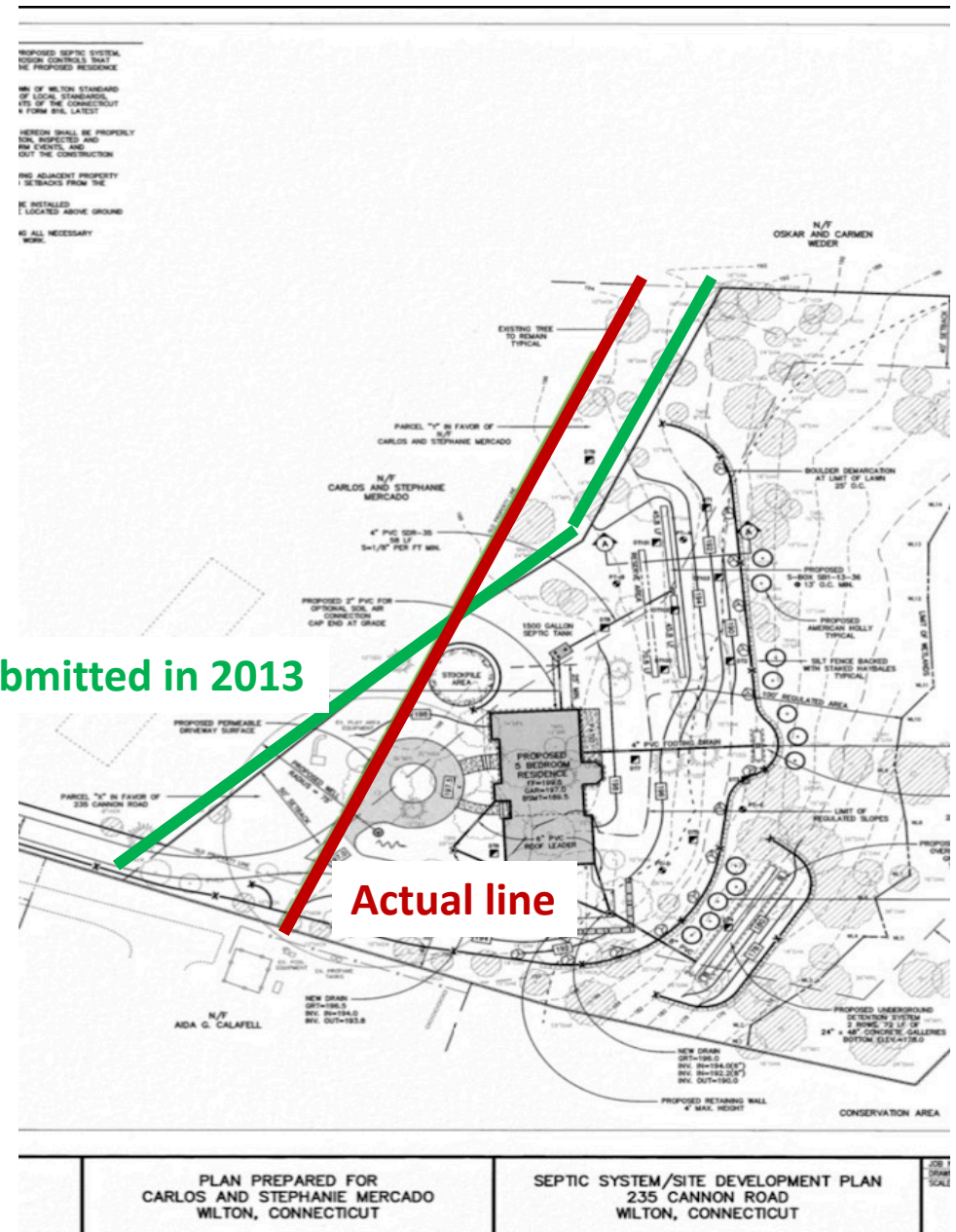
Current building permit is based on 2013 materials and approval by Commission, containing a **misleading property line**

- Submitted by owner of both adjoining lots
- Showed a redrawing of the property line in order to mitigate wetland impacts, public concern, and obtain approval by the Commission
- Commission granted permit based on this site plan and line
- Lot lines were **never changed**

ZEO erred by simply granting the new permit, when materially important aspects of the original permit were not met and were deceptive in nature

- Requesting to reverse granting of Zoning Permit and/or referral to P&Z for determination
- Requesting Cease and Desist of construction

Line submitted in 2013



Building plan fails the purpose of R-2A

Regulation 29-5.A.

Purpose. The single-family residential districts are intended to provide suitable areas for residential development appropriate to the environmental characteristics of the land and the character of the neighborhood.

The building plan being appealed is highly destructive to the historic, wooded and natural setting that is core to the neighborhood.

The **extreme positioning** of the house at bare minimum setbacks with **no screening or buffers, illegal driveway length, and destruction of significant existing trees and buffers** and has resulted in a **complete loss of privacy for neighbors, negative impact to the character of the neighborhood and historic, natural setting** deeply valued by each of the bordering, long time Wilton residents.

- Respectfully requesting that the Board consider the above issues, along with the letter and spirit of the zoning regulations meant to protect the land and character of our shared area in the context of this unacceptable building plan.
- Requesting that the Board consider the requested determinations and referrals outlined herein and reverse the granting of the Zoning Permit.