

To: Michael Wrinn, P&Z Dir & the Zoning Board of Appeals

Jan 12, 2022

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

Dear Mr. Wrinn and the Zoning Board of Appeals

I am writing in opposition to Mr. and Mrs. Brina's proposed plans for 455 Thayer Pond Road. I understand Wilton Zoning Laws and CT State wetlands laws are in place to protect not only our fragile ecosystem but also to allow all residents of Wilton access to clean drinking water. R2 zoning to my understanding is in place to allow enough space on a property to safely separate a septic system from a well or potable water source. In my experience residents that have, without proper notification and permits, cleared or destroyed existing wetlands and vernal pool landscapes, are not only fined but required to mitigate the damage at their own expense. None of these factors have deterred the Brinas from their proposal of an over 4,960 square foot print building on a .99 acre lot. This is an approximate increase of lot coverage from 7% with the existing structure to 11.5% with the proposed new building. The .99 acres not only includes a section of wetlands but the lot is not large enough to effectively allow for a septic system for a 5.5 bathroom/5 bedroom house and adequate space away from the wetlands in case of failure. In addition, the well likely will be dangerously close to the septic system. Setbacks for the proposed structure are decreased from the current 40 feet to 30 feet on average without factoring in placement of supportive equipment such as generators, propane tanks, air conditioning units, etc. which likely will further cut into the setbacks from neighbors.

The other distinct and obvious concern with the Brina's process was the clearcutting of their .99 acreage. This has resulted in almost immediate destruction from flooding of an adjacent property to the south. The property to the north experiences ponding on their property during heavy rain events which can further be exacerbated by the Brina's actions. 455 TPR originally was at least 50% covered by trees and shrubs in a wooded setting. There are no longer any visible trees or shrubs. In addition, landfill was brought in to fill the large holes left over from stump removal and other disruptions to the natural landscape. This has greatly disturbed the landscape and very likely compromised the section of wetlands at the east (back) side of the property. The original woods provided crucial absorption of water and filtration to limit the amount of storm runoff into the wetlands and the neighbors.

In addition, it is clear that given the current placement of fence posts and mesh fencing installed by the Brinas, that they intend to level the currently unlevelled yard. This would require more fill to bring a large portion of the property up from the current sloping grade to the east an additional 1-6 feet. This would create a lot that is 1-6 feet higher than the property to the south and 4-6 feet higher than property to the east (back). This will clearly exacerbate the existing drainage issues that the property to the south has experienced since the lot was cleared in August which has caused erosion and damage to plantings. This can add to the concerns with ponding on the property to the north. The area to the east in the back is where the wetlands is located. This would result in filling in an area of wetlands.

The excessive footprint of the 4,960 sq. foot proposed building, adjoining garage and included driveway is well over the current 7% coverage for a .99 acre lot. This will add to the inability for this property to continue to properly absorb and mitigate water causing continued hardship to the surrounding neighborhood and further damaging the wetlands.

It also is clear that the Brinas have repeatedly trespassed on their abutting neighbors' properties and installed cemented fence posts on adjacent land that they do not own. It is imperative that the town authorities insist that the Brinas remove the posts immediately.

The proposed suite over the garage of 1,000 sq. feet is not accessible from inside the house which likely will be used as a rental property creating two residences in a one resident zoned lot.

I urge the members of the Zoning Board of Appeals to visit the property at 455 Thayer Pond Road before the next board meeting to fully understand the ramifications of what the Brinas have already done and how their proposed building will affect the site and the surrounding properties.

Sincerely,

Anne Munkenbeck

Thomas Sabia

473 Thayer Pond Road

Wilton, CT

Matt and Chantel
Nelson 447 Thayer
Pond Road Wilton, CT
06897
(919)357-7605 cnelsonxx@gmail.com

January 12, 2022

Michael Wrinn
Director of Planning and Zoning,
Wilton 238 Danbury Road
Wilton, CT. 06897
(203)563-0188 Michael.Wrinn@wiltonct.org

Planning and Zoning Application 21-12-24 BRINA 455 Thayer Pond Road

Dear Mr. Wrinn and Planning and Zoning Committee,

We are writing you today to voice our objection to the Planning and Zoning Application for Thayer Pond Road. The home proposed in the application is much too large for a 0.99 acre nonconforming lot. Thayer Pond Road is a 2 acre residential neighborhood. The setback of homes from the road, natural buffers between homes, mature hardwoods and wetland are what make our neighborhood so idyllic. The plans proposed for 455 Thayer Pond Road ask for variances on all of the zoning regulations that make our street so beautiful and private.

The current application is for a home with ~7400 sqft of living space. This square footage does not include the 3-car garage, balcony, terraces, or ~3000 sqft finished basement. The footprint for this home is expected to be ~4960 sqft, much too large for the .99 acre lot. Under current zoning regulations the footprint of any dwelling can be no more than 7% of the property size. This house will cover 11.5% of the property, 64% more than allowed. The proposed house would be more than 2400 sqft larger than the next largest house on Thayer Pond as well as being built on our road's smallest lot. The Brina's are also asking that the side setbacks be reduced from 40 ft to 30ft on both sides. This is a 25% decrease that is unfair to the neighbors on either side.

In addition to the proposed home being too large for the property and the side setbacks being too small, the current plan has the garage at the street side of the property. Due to the lot being so narrow and the home being so large, the street view of the property will be entirely consumed by a two-story garage/apartment. This, along with the erected chain link fence is entirely incongruent with the look of the Thayer Pond neighborhood and will cheapen the look of our road.

The Brina's would like to claim that the size of the lot has created a hardship for them to abide by the town variances. However, they knew the size home that they planned to build before they purchased the 0.99 acre lot. The home they are proposing has 5 bedrooms, 5.5

baths, 2 offices, a library, formal living room, formal dining room, 2 family rooms, and a 3-car garage. It is not a hardship to build that type of home on a larger lot.

We purchased our home at 447 Thayer Pond Road 2 years ago. As we were looking for a home, we were drawn to Wilton due to its beautiful setting and wonderful community feel. The homes on Thayer Pond are surrounded by trees and wetlands which creates such a beautiful neighborhood. The houses are set back off the road with plenty of buffer between homes. This is what creates the appeal of the Thayer Pond neighborhood.

We hope as the Zoning Committee reviews these plans that the requested variances will not be granted. Please help maintain our beautiful, northeastern community. Don't allow our town to become a place where new homes and the properties they sit on to look like those found in crowded subdivisions.

Sincerely,

Matt Nelson and Chantel Nelson

To: Michael Wrinn (Michael.Wrinn@wiltonct.org)

Date: January 12th, 2022

Subject: Planning and Zoning Application 21-12-24 BRINA 455 Thayer Pond Road

The size of the house being proposed for 455 Thayer Pond Road based on Wilton Planning and Zoning regulations belongs on a property 1.63 acres not the current 0.99 acres. The house is too big for the lot based on town zoning regulations, the surrounding neighborhood, as well as the character of Wilton. This large home includes 3 car garage, 5 bedrooms, 5-1/2 baths, 2 family rooms, 2 offices, a library, etc. This house is by far one of the largest homes in Wilton on one of the smallest lots. In October 2020 when looking for a piece of property to build a house the new owners should have purchased a larger lot for their proposed house.

<u>Summary of the approximate house size:</u>	<u>sq ft</u>
Indoor living space (1 st and 2 nd floors):	7,400
Basement	3,350
Terraces and Balcony	1,040
Total living area indoor and outdoors	11,790

The size of the house is significantly more than most people's homes in Wilton and is much more than today's homeowners needs, especially on 0.99 acres in rural Wilton.

Character of the neighborhood and town:

We live in Wilton for the rural setting with trees and borders around our property – like the other on Thayer Pond Road. The proposed house does not meet the town zoning regulations and will stand out as something squeezed onto this 0.99 acre property. For comparison the next largest house on Thayer Pond Road is #275 with 4,912sqft home on 2.21 acres. The difference between the proposed #455 and the next largest house on Thayer Pond Road is 2,400+ (basically 50% larger than any home on Thayer Pond Rd on a 55% smaller piece of property). In Addition, the choice of the recently installed black metal fencing material bordering the property is not aesthetically pleasing nor something that we would like to see in our beautiful neighborhood.

Environment and Water:

Going from the current 3.8% coverage to 11.5% building coverage will adversely affect our water systems and environment. Keeping to the allowed 7% lot coverage is important. The property owners have removed every tree on their property which is allowed by the town besides the issue they ran into with the wetlands. Now the property owners want to significantly increase the impermeable surface area on the property. Where will all the water go that can no longer seep into the land or be soaked up by the removed trees? We are unsure of what is happening with the areas under the fence, but it appears they are significantly changing the grade in the wetland buffer area in the back and around the south side of the property which potentially cause issues to the surrounding properties and the wetlands area.

Foundation Work Impact to Neighbors:

We are concerned with the large area that the property owners will need to dig out/blast for the basement with 8ft ceilings, realizing that the basement looks to be about half underground and half above ground. How will this work impact the neighbors' foundations?

A few points regarding the Application:

- Page 6 – we disagree with the statement 'By granting the variances requested, substantial justice shall be done, and the public health, safety and welfare will be secured.'
- justice will not be done for the neighbors and the town

- the health of our wetlands is in questions based on the Brinas clear cutting the entire 0.99 acres, regrading and filling with truck loads of dirt, and increasing the impermeable surface area - this potential impact to the wetlands can impact our public health
- what is the safety concern that needs to be secured?
- the welfare of the neighbors will not be secured – our property values will be impacted, our charming rural setting is disrupted and the wetlands will potentially be impacted.

In Schedule A we disagree with the following statements:

- This is 'reasonable use of the lot' – this is not reasonable; it is an oversized home for the .99 acres and not characteristic of surrounding neighborhood or the town of Wilton.
- The regulations create a 'practical difficulty and unnecessary hardship since strict compliance... would inhibit construction [of] a residence that meets [the] needs of today's homeowners' - this is a far bigger house (over 2,400sqft bigger) than all the other homes on Thayer Pond Road on a very small lot and far exceeds the needs of today's homeowners.
- 'Impossible to strictly apply a specific provision of these Regulations to such lot without resulting in an exceptionally difficult or unusual hardship' - Ms. Brina is an architectural designer (as stated on the drawing) and Mr. Brina is a construction attorney. It is incomprehensible that they did not realize that this lot would not fit a 7,400+ sqft home within the zoning regulations. There is no 'unusual hardship' here. The Brinas could build a house that would work on this land, it just needs to be smaller.

Referring to A-202 document Architectural plans revised:

- Page 2 the plan shows that the garage is just replacing the existing house. This is not true. The existing house does not come all the way over to the front north corner of the garage – as you can see on the survey by Ryan and Faulds.
- Page 4 it is pointed out that 99ft is the distance from the front of the existing house to the back of the existing garage – with the space in between included. The space in between is about 30ft (almost a third of the area is space). If the new house was to only extend this 99ft then it would be much closer to making the allowable building coverage (but still be over). This is very helpful to realize the house will extend an additional 40.5ft from the back of the existing garage and with the extended patio and stairs off the patio it will extend approx. 58ft. We would not consider this an addition to an existing house.

We would like to see something developed on this property but feel the proposed house is significantly more than what our zoning laws permit and should not be built on a .99 acre in our neighborhood. We would like to work towards a better solution. The property owners are asking for too many variances to our town regulations and the proposed plan will have a negative impact on our property values, the environment, and the Thayer Pond Road neighbors. If passed this would set a precedence for others to come to our town and purchase a small piece of property and build huge homes.

Please use the Wilton zoning regulations to preserve our town, waterways, and neighborhood.

Sincerely,
 Jennifer and George Davatzes
 445 Thayer Pond Road
 Wilton, CT. 06897

To: Michael Wrinn, P&Z Dir & the Zoning Board of Appeals

Jan 12, 2022

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

We oppose the 455 TPR plans for the following reasons:

Mr. & Mrs. Brina want to reduce their south side yard setback to us at 451 TPR by 25% & increase building coverage by 60% from 7% to 11.5%. The house appears to be much larger than the 4960 sq ft stated with a 1000+ sq ft bedroom/suite (with bath) over a 3-car garage on a 0.99acre non-conforming lot. We agree with our neighbors that the house & garage are way too big for that lot. It would be the LARGEST house on Thayer Pond Rd, set on 1 of the 2 smallest lots.

Their proposed 3-car garage is only 36.8ft from the south side property line & slightly off the original footprint. The AC compressors reduce it to about 33ft. Their R&F survey shows the rear of the existing house at 37.5ft. In Aug 2020, we measured the front screened-in porch to be the required 40 ft & front house corner 39.5ft. The new house sits only 30.8ft from the line. We ask that the south side yard setback for both the new house & garage remain the existing house's distance from the property line - especially since their Dec 30th revised plans now show a 2nd floor balcony the entire length of the house on the south side. Balconies are now on all 3 sides.

We do not see access to the 1000+ sq ft "5th bedroom" suite (with bath) over the garage from any of the 2nd floor rooms, hallway or the north side staircase going down to the 1st floor. In previous plans, this space was called an Apartment, then a Guest Suite. The "5th bedroom" appears to be totally closed off by solid walls. If so, the only entrance is via the garage staircase. From the 1st floor, you must exit the house through the mudroom door into the garage & up the only staircase. A security alarm on the garage side of the mudroom door would isolate that 5th bedroom from the entire house - as would an alarm on the exterior side of "5th bedroom" door. The garage has both a front & a rear private entrance. We don't want that "5th bedroom"/guest suite rented now or in the future.

Will dynamite be used to break up the existing garage foundation? Will we be told the blasting date?

Plans do not show Radon systems. The 3 compressors & radon system blower & vents will negatively affect our quality of life & greatly lessen our enjoyment & comfort of our home, patio & yard should the side yard setback be less than it is now. It is most important to have the existing south side yard setbacks remain. We are sure that all of you would insist upon the same.

Will a shed (shown in previous plans) be placed in front of the generator to hide it & lessen the noise?

Previous plans showed underground drainage pipes for all gutters, footings & an external sump pump pit running diagonally across the back yard, discharging way too close to us & the regulated area. Obviously, those pipes are still there but not shown on these plans. They must be placed farther over, into 455, farther away from us & the regulated area to prevent flooding & erosion!

Brinas had the lot cleared of 99% of trees & Mtn Laurel. They destroyed the beauty of the natural woods. We see houses we've never seen before. We lost over 200ft of privacy in the rear. We love the country, our woods, & our privacy. We'll be dead by the time their future plantings, along their chain link fence, grow to a privacy height.

In 22 yrs, we never had a drainage, flooding, or erosion problem - not even with Hurricane Sandy or numerous heavy down pours. However, when Brinas had an excavation company dig up/pull out numerous, huge, stumps/roots, boulders, ledge & rocks in mid Aug, we had major flooding & erosion problems during Hurricane Ida & 2 heavy rainstorms thereafter. Our landscaper made the repairs at our expense!

They're going to level the entire lot. The north side elevation is higher than the south. The grade will be raised as high as 6ft on our side to reach/meet the 6ft chain link wire hanging from south side posts ranging from 7ft to 12ft high. Their land will be almost 4ft higher along our large Rhododendron bed & 6ft in the regulated area. They're placing large rocks to hold the soil, not a retaining wall. Will large rocks (not cemented?) hold back soil 4ft to 6ft high? How will a 6ft elevation affect wetlands? What will this elevation do to our property & others, for which we pay very high taxes?

If their plans are approved, doesn't it allow other non-conforming lot owners to do the same?

When we purchased 451 in Dec 1999, we were told by the builder, RE agents, inspector, town rep, Larry Shortell (455 previous owner) & contractor preparing 455 for sale, all future development at 455 would have to adhere to the original footprint. Side yard setbacks would remain! Even with additions over the front & rear, joining the house & garage or going deeper into the lot, the existing side yard setbacks would remain. Did they all lie?

A local attorney (well versed in Wilton P&Z regulations/variances) reviewed their initial plans for us & found no legal hardship shown by Mr. & Mrs. Brina. They purchased a 0.99acre lot in a 2acre zone knowing 2acre zoning regulations apply to it. Mr. Brina is a Construction Attorney & Mrs. Brina is a Certified Interior Designer & claims to be an Architectural Designer. So obviously, both are fully aware of zoning & building rules/regulations. The buildings in the revised plans are still too big & too close to us, so all findings & concerns still apply. They have created their own hardship by designing a VERY large house on a VERY small lot. We all know, 455 Thayer Pond Rd is a non-conforming lot. Please do not make it even more so.

We implore you not to reduce the existing south side yard setbacks & we thank you in advance for giving serious consideration to our concerns & wishes.

Starr & Harvey Herscovitch

451 Thayer Pond Rd. (South side of 455)

Russo, Lorraine

From: Wrinn, Michael
Sent: Thursday, January 13, 2022 9:57 AM
To: Russo, Lorraine; White, Daphne
Subject: FW: 12-12-24 Brina 455 Thayer Pond Road

Pls Post, thanks

MEW

From: Melissa Elmasry <mcme@optonline.net>
Sent: Thursday, January 13, 2022 9:54 AM
To: Wrinn, Michael <Michael.Wrinn@WILTONCT.ORG>
Cc: Mike Elmasry <mike.elmasry@us.ibm.com>
Subject: 12-12-24 Brina 455 Thayer Pond Road

CAUTION: This email came from outside the Town network. Is it authentic? Don't click until you are sure.

Michael and Melissa Elmasry owners 461 Thayer Pond Road oppose the proposed plans submitted for 455 Thayer Pond Road.

We are the owners of two separate parcels (461 TPR) and (463 TPR), that both share the property line with the Brina property (455 TPR). We have been owners of (461 TPR) for 23 years and purchased (463 TPR) as a future home for our widowed mother and currently have the two bedroom 1,925 sq ft cottage which sits on it rented. We are very familiar with the limitations of the (455 TPR) lot as our (463 TPR) R-2 lot with small cottage is similar in age and size. When we purchased the cottage and non conforming lot we spoke to many Town of Wilton contacts to understand our limitations of a non conforming lot and were told by the Town the only way we would be able to build a larger home was to subdivide our existing parcel (461 TPR) as we have the acreage needed to make both lots compliant with 2 acre zoning.

We chose to live in Wilton in 2 acre zoning so that we would have wooded privacy and expected our town to uphold the setbacks and zoning to allow us to enjoy the nature and privacy. The proposed house is over 4,900 square feet a proposed structure size we could not have contemplated for our non confirming lot. This is not an appropriate size house to build on a .99 acre lot in Wilton. The building coverage of 7% is to protect our land and drainage. This proposed home is a 60% increase in coverage.

The Town of Wilton is to show adherence to the strict letter of the zoning ordinance unless there is an unusual hardship. The hardship is self imposed. A smaller home could be built on this parcel, that would conform with the zoning setbacks and building coverage, and would preserve the privacy that the 2 acre zoning is intended for.

In addition, the Brina's have recently installed a chain link fence on the property line that adjoins both of our properties. The metal poles for the fence were placed directly on the joint property line and in order for the fence contractor to secure the poles in the ground with cement they trespassed and dug up large amounts of soil, rocks and ledge that damaged our property. Fence posts can only be placed on the property line if agreed

to by both parties and we never were asked and we never agreed. When we brought this concern to the Brina's attention and asked for the name of the fence contractor they would not provide it and told us they would move the poles and fix the damage. To date the poles are still on our property line and the Brina's had contractors come on our property without our permission and cover up the damage with soil. Photos have been provided.

This concerns us as we all expect Town of Wilton residents to respect their neighbors property, and if damage is done and promises made they will be upheld. Building a 4,900 square foot home, changing the topography of the parcel, violating the wetlands regulations, and destroying neighbors property shows a pattern of not abiding by the rules and regulations of Wilton land ownership.

The hardship of meeting the needs of todays homeowners is not valid. Brina's knew of the existing parcel size and limitations before purchasing it. The 1,925 sq ft cottage on (463 TPR) is meeting the needs of our renters and there are many other homes in Wilton on small non conforming lots in 2 acre zoning that meet the needs of the homeowner while maintaining the setback and coverage zoning rules and regulations. I do not want to discourage the Brina's from building a home, but I think that if they want to build a home of this size, the Town officials need to educate them on the limitations of a non conforming lot, similarly to how we were educated when we purchased (463 TPR), a .92 acre lot in and R-2 from the John Bogush family (one of the original land owners on Thayer Pond Road).

In conclusion, if Town officials see the need to grant hardship exceptions and variances to the Brina's non conforming lot, then with such precedent set, we respectfully ask for the same future approvals for our similar, adjoining lot size (463 TPR).

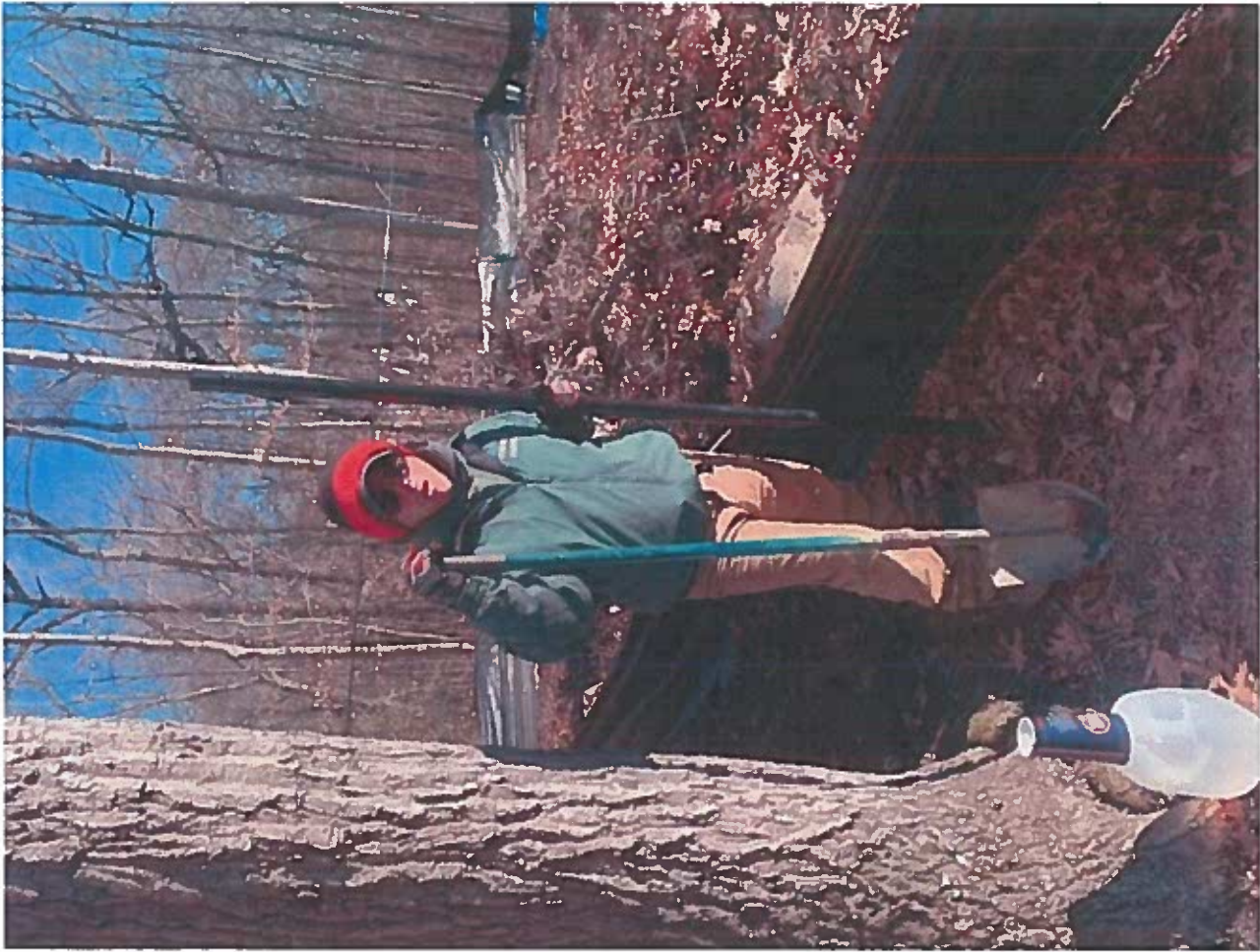
Michael and Melissa Elmasry

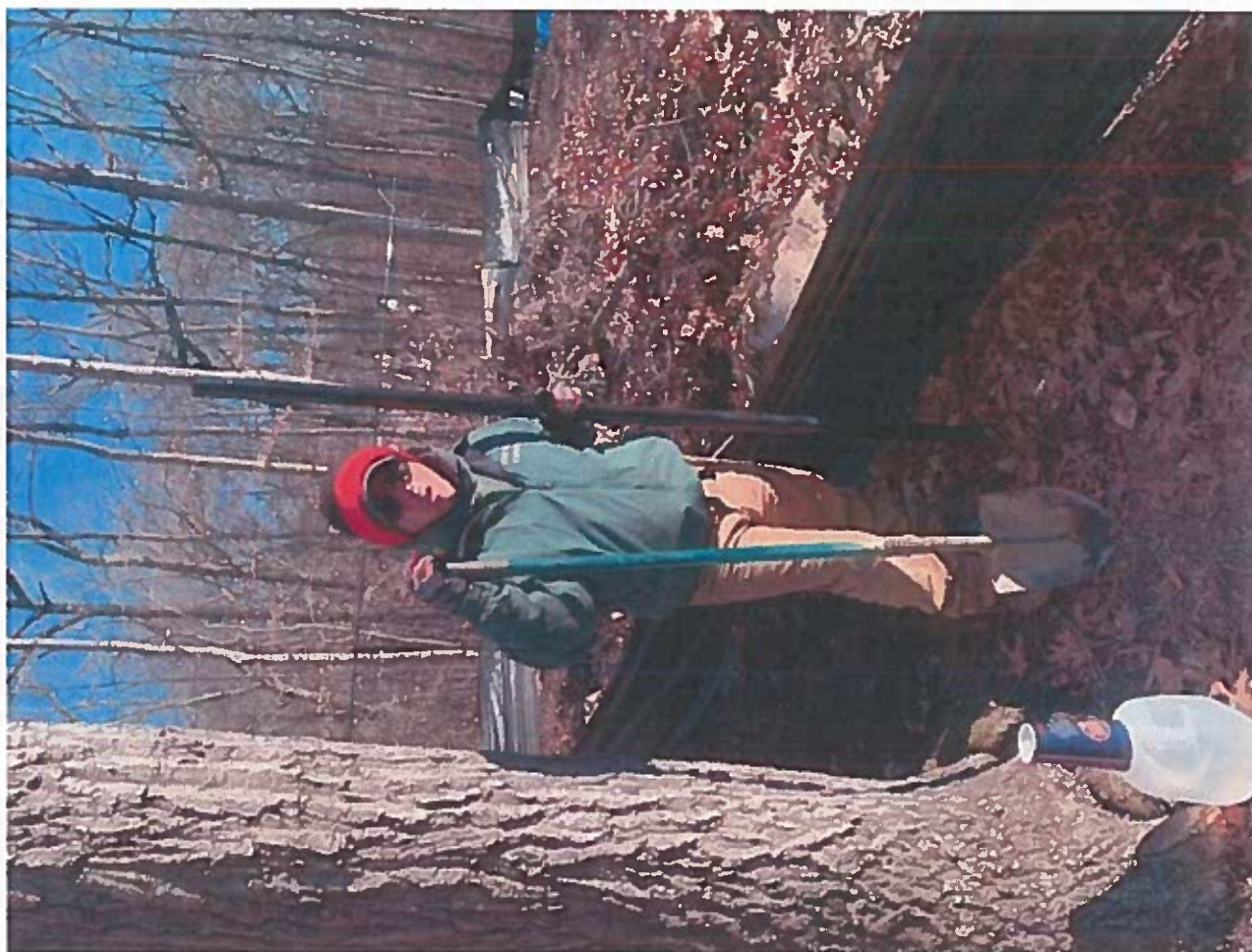
461 Thayer Pond Road

Wilton CT



06897











Russo, Lorraine

From: Wrinn, Michael
Sent: Thursday, January 13, 2022 10:37 AM
To: Russo, Lorraine; White, Daphne
Subject: FW: 21-12-24 Brina 455 Thayer Pond Road

Pls post, thanks This is 1 of 2 she sent, other will be coming in a minute

MEW

From: Melissa Elmasry <mcme@optonline.net>
Sent: Thursday, January 13, 2022 10:10 AM
To: Wrinn, Michael <Michael.Wrinn@WILTONCT.ORG>
Cc: Mike Elmasry <mike.elmasry@us.ibm.com>
Subject: 21-12-24 Brina 455 Thayer Pond Road

CAUTION: This email came from outside the Town network. Is it authentic? Don't click until you are sure.

Elm Ventures LLC owners 463 Thayer Pond Road oppose the proposed plans submitted for 455 Thayer Pond Road.

We are the owners of two separate parcels (461 TPR) and (463 TPR), that both share the property line with the Brina property (455 TPR). We have been owners of (461 TPR) for 23 years and purchased (463 TPR) as a future home for our widowed mother and currently have the two bedroom 1,925 sq ft cottage which sits on it rented. We are very familiar with the limitations of the (455 TPR) lot as our (463 TPR) R-2 lot with small cottage is similar in age and size. When we purchased the cottage and non conforming lot we spoke to many Town of Wilton contacts to understand our limitations of a non conforming lot and were told by the Town the only way we would be able to build a larger home was to subdivide our existing parcel (461 TPR) as we have the acreage needed to make both lots compliant with 2 acre zoning.

We chose to live in Wilton in 2 acre zoning so that we would have wooded privacy and expected our town to uphold the setbacks and zoning to allow us to enjoy the nature and privacy. The proposed house is over 4,900 square feet a proposed structure size we could not have contemplated for our non confirming lot. This is not an appropriate size house to build on a .99 acre lot in Wilton. The building coverage of 7% is to protect our land and drainage. This proposed home is a 60% increase in coverage.

The Town of Wilton is to show adherence to the strict letter of the zoning ordinance unless there is an unusual hardship. The hardship is self imposed. A smaller home could be built on this parcel, that would conform with the zoning setbacks and building coverage, and would preserve the privacy that the 2 acre zoning is intended for.

In addition, the Brina's have recently installed a chain link fence on the property line that adjoins both of our properties. The metal poles for the fence were placed directly on the joint property line and in order for the fence contractor to secure the poles in the ground with cement they trespassed and dug up large amounts of soil, rocks and ledge that damaged our property. Fence posts can only be placed on the property line if agreed to by both parties and we never were asked and we never agreed. When we brought this concern to the

Brina's attention and asked for the name of the fence contractor they would not provide it and told us they would move the poles and fix the damage. To date the poles are still on our property line and the Brina's had contractors come on our property without our permission and cover up the damage with soil. Photos have been provided.

This concerns us as we all expect Town of Wilton residents to respect their neighbors property, and if damage is done and promises made they will be upheld. Building a 4,900 square foot home, changing the topography of the parcel, violating the wetlands regulations, and destroying neighbors property shows a pattern of not abiding by the rules and regulations of Wilton land ownership.

The hardship of meeting the needs of todays homeowners is not valid. Brina's knew of the existing parcel size and limitations before purchasing it. The 1,925 sq ft cottage on (463 TPR) is meeting the needs of our renters and there are many other homes in Wilton on small non conforming lots in 2 acre zoning that meet the needs of the homeowner while maintaining the setback and coverage zoning rules and regulations. I do not want to discourage the Brina's from building a home, but I think that if they want to build a home of this size, the Town officials need to educate them on the limitations of a non conforming lot, similarly to how we were educated when we purchased (463 TPR), a .92 acre lot in and R-2 from the John Bogush family (one of the original land owners on Thayer Pond Road).

In conclusion, if Town officials see the need to grant hardship exceptions and variances to the Brina's non conforming lot, then with such precedent set, we respectfully ask for the same future approvals for our similar, adjoining lot size (463 TPR).

Elm Ventures LLC



2



