

Subject: 455 Thayer Pond Rd – owners Robert Brina, Construction Attorney & Monica Brina, Interior Designer

As owners of 451 Thayer Pond, next door to 455, we thank Mr & Mrs Brina for addressing *some* of the concerns we had with previous plans. Joining the house to the garage, via an addition, is best for the 0.99-acre non-conforming lot. Their hardship is self-created by buying a lot that cannot satisfy their dreams or demands.

UNFORTUNATELY, they intend to: Raise the ENTIRE lot to an elevation of 311' – not just at perimeter of house & garage, as shown on plans. Install a Bay window in the addition that protrudes 2.5' into the *existing* 40' south side set back. Reduce existing side setback of 37.8' (per their Ryan & Faulds survey) at the existing house, to 36.4' for a roof overhang. However, we request that ALL EXISTING south side setbacks REMAIN.

WE OPPOSE THEIR PLANS UNLESS they include: (1) a professionally installed retaining wall erected along the south side property line (not just large rocks), or create a 2-tier landscape, 2-level lot, (2) drainage pipes/discharge outlet moved away from 451, (3) existing south side setbacks of 37.8' at the existing house & 40' along the entire new addition to the end of the lot remain (4) an access door from the garage bedroom into the 2nd floor hallway of the house.

If & when the Commission approves their plans, we ask that they are **APPROVED WITH CONDITIONS**. The conditions to include the 4 points stated above. ***We would then & only then, support their plans!***

Note: plans show 48' front setback vs 50' for stairs but not on their variance application. A 36' vs 40' north side setback was granted on 3/15/1989, not approved at 30' as stated at the bottom of the printed Schedule A.

Last year, their metal fence posts were installed on both sides of 455 & across the back. In preparation for the 311' elevation, the fence posts along the entire south side were installed from 7' to 12' above ground (10' to 12' high in the regulated area) with wire fencing hanging 1' to 6' off the ground. See photo!

The 2021 topography performed by R&F, shows 455 & 451 at an 306' elevation at the south side property line, starting opposite rear of existing garage, decreasing to 300' at the far back corner. Been that way for decades! 455 would be almost 4' higher along our over 60' long, large Rhododendron bed. See Photo! Can't lose those Rhodys - only privacy we have on that rear side since the 455 lot was cleared. We lost 275' of privacy!

Sadly, they had 99% of trees & shrubs removed which soaked up thousands of gallons of water. If the entire lot is raised to such a high level, without a secure retaining wall or a 2-tier landscape, 2-level lot (as others have done in this situation), there will be serious damage to our land, home, shed, trees, shrubs, woods, & regulated area from substantial flooding & erosion. We've already experienced flooding (see photos) & erosion from their 2021 excavation of huge stumps, boulders, & ledge/rocks. Never had a problem in 22 yrs. The 311' elevation will also cause flooding & erosion on the north side, across the back & in the regulated area.

If 311' elevation is limited to perimeter of house & garage, we ask the grade be 1' or less at property line.

How do they elevate the lot that high & then have a foundation 3' above ground while reusing the existing house & garage? Lift the buildings off their foundations, elevate & then return them to their SAME locations?

Previous plans showed underground drainage pipes for gutters, footings, & sump pump pit, running diagonally across rear of the lot, discharging about 10' from 451 & the wetlands buffer flagged area. See photo!

Obviously, they're still there, but not shown on the plans. They must be moved away from 451 & the regulated area to prevent additional flooding, erosion, tree rot & any other damage.

ALL approved plans, permits & conditions must be adhered to by Mr & Mrs Brina & all contractors. Any/all changes must be approved by the town prior to implementation.

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

Starr and Harvey Herscovitch