

Subject: 455 Thayer Pond Rd – (Robert Brina, Construction Atty & Monica Brina, Interior Designer)

We are the owners of 451 Thayer Pond Road – on the south side of 455.

Mr & Mrs Brina want to reduce the existing south side setback to 36.4' in lieu of the required 40' for a 2nd floor addition roof overhang. Last month's plans showed the existing house & garage in shadow with both **OFF EXISTING FOOTPRINTS**. See photo! This month, the plans do not show the existing house & garage with the proposed overlay. Shadow is gone yet same footage setbacks remain. Ryan & Faulds' 2021 survey shows a 37.8' south side setback at the existing house. The screened-in porch is set in 6" from the house, therefore, the south side setback at the porch is 38.2'. **WE STRONGLY OPPOSE A 36.4' SOUTH SIDE SETBACK.**

If for any reason, the house, or any part of it, is raised/moved off the existing foundation, we then ask that the required 40' side setback is reinstated from front to back, all 430' long on the south side.

*Since footage has changed so many times since their June 2021 plans, **we ask for a new A2 survey.***

WE OPPOSE THEIR PROPOSED 34' HIGH ROOF LINE - After the March ZBA meeting, we took a close look at neighboring roof lines. We now feel the height of their proposed 34' roof is too high & out of proportion for that 0.99-acre non-conforming lot. What is the height of the roof with the peak? Will there be a new foundation to accommodate the basement windows? With an east side balcony, the roof height takes away ALL privacy for neighbors on ALL sides, especially since 75+ VERY TALL NATIVE TREES were cut down.

WHERE ARE THE FLOOR PLANS FOR THE 2 FINISHED AREAS IN THE BASEMENT? - Most likely the bedroom & bathroom that were above the garage are now in the basement. That's a good thing! However, they should be identified on the plans since there is a septic system on the property.

If the Commission approves their revised plans at the April 18th meeting, we ask that they are **APPROVED WITH CONDITIONS**. The conditions to include the issues stated above.

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 still believe that any & all hardship was & remains their own making. It is the homeowner's responsibility to research before buying. On Oct 23, 2020, Mr & Mrs Brina knew they were buying a 1-acre lot in a 2-acre zone. If they didn't know then, they now know & have known for over a year that it's a non-conforming lot. If they would just comply with all Zoning Rules & Regulations, build what is appropriate for that lot, & respect the adjacent properties, there would be less opposition.

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

Starr and Harvey Herscovitch

IN ADDITION - Although it is not the ZBA's area of concern, we want to go on record that WE OPPOSE leveling the entire lot to meet the 311' elevation at the house & garage. Their fence posts ranging from 7' to 12' high confirms it, as well as Mrs Brina telling me last fall that she is leveling the entire lot. **NOTE: The 455 topographic survey shows a benchmark elevation of 307.99'.** WE ALSO OPPOSE their now "not shown" underground drainage pipes/outlet discharging too close to us & the wetlands regulated area. For sure, both the raising of the grade & the discharge from drainage pipes will cause SUBSTANTIAL flooding/erosion – significant damage to our property and to the properties of adjacent neighbors. Along with our neighbors, we will be contacting the appropriate departments regarding the 455 proposed elevation & drainage.