Tracy Kulikowski

From: Bob Walpuck <bobwalpuck@gmail.com> on behalf of Bob Walpuck
Sent: Monday, June 01, 2020 4:45 PM
To: Walpuck and Nicholas Klokus; Jonathan Luiz; cspaulding@westonct.gov; snestor@westonct.gov; Stephan Grozinger; tvonrosenvinge@westonct.gov; mreiner@westonct.gov; sschlechter@westonct.gov; Ejsjdc; jsmith@westonct.gov; hcharlesworth@westonct.gov; David Pattee; Ken Edgar; Saltzman; Ejsjdc; Wolf; skorsh@westonct.gov; Herlitz; Falber; Dedmanfarmlet@gmail.com; Tracy Kulikowski; jpjura@westonct.gov
Subject: Fwd: Georgetown Road, Lack of frontage after March 2020 conveyance to a third party using a different description.
Attachments: 2020_03_02_12_36_47.pdf; Untitled attachment 00213.html

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: June 1, 2020 at 4:32:57 PM EDT

Subject: Fwd: Georgetown Road, Lack of frontage after March 2020 conveyance to a third party using a different description.

To all, my objections to 98 Georgetown Road request for an extension of a Zoning Permit. My response to the legal opinion by Mr Bamonte.
1. As evidenced below and documented in my still unanswered complaint of April 9 2020, the permit was invalid as of March 4, 2020. This was the date 100 Georgetown Road was conveyed by a description that eliminated the frontage for 98 Georgetown Road. As repeatedly stated and documented,Prior to this date 98 Georgetown Road formerly had frontage on the circular private Road shon on record maps 3443and 3444. It no longer has this frontage.
2. and 3. He conveyed the property in 2017 using a different description from the approved 2016 Conservation Permit. The Conservation permit is void.
4. I have been doing this for a long time and have always been required to have Valid Conservation Approval before obtaining a Zoning Permit. Only having access to this opinion since Friday I Question the validity of this contention
Sent from my iPhone
5. I did not say the Septic Permit had expired only that the 2017 Zoning Application was more than 3 years old. I find it very interesting that no subsequent application/fee was required. I am running short on time and will argue this on appeal.
6.My unanswered complaint of April 9, 2020 clearly explains this. Any attempt to "Renew" this permit would have to disregard the opinion of the prior Town Attorney to the ZBA to assume the existence of the Circular R.O.W., the opinion of The surveyor, Phil Tiso, the opinion of Bob Fuller, and the opinion of former P&Z chatman Stephan Grozinger.
7. This is completely wrong for the reasons previously stated. Without the previously approved circular private Road shown on maps 3443 and 3444 the combined Lampert property only has frontage that supports one lot with A R.O.W. 20' from the front door of 100 Georgetown Road.

With the circular Road the property can support 2 lots with a R.O. W. 20' from the front door.
Regards

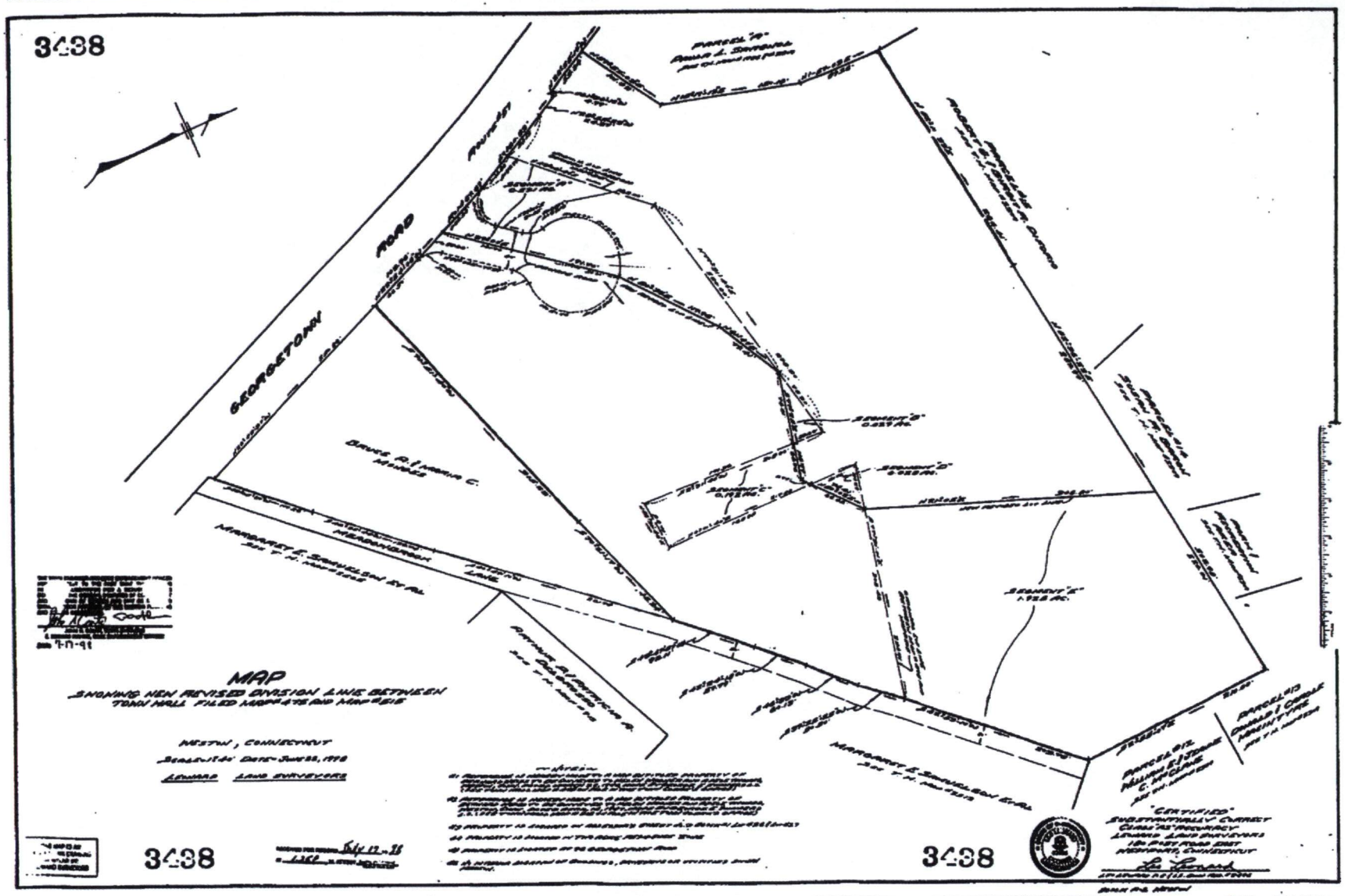
From: Bob Walpuck and Nicholas Klokus <bobwalpuck@gmail.com>
Date: April 9, 2020 at 3:00:05 PM EDT
To: Tracy Kulikowski <tkulikowski@westonct.gov>
Cc: jpjura@westonct.gov, Jonathan Luiz <jluiz@westonct.gov>, cspaulding@westonct.gov, snestor@westonct.gov, Stephan Grozinger <stephan@stephangrozinger.com>, tvonrosenvinge@westonct.gov, mreiner@westonct.gov, sschlechter@westonct.gov, Ejsjdc <EJSJDC@gmail.com>, jsmith@westonct.gov, hcharlesworth@westonct.gov, David Pattee <dpattee@westonct.gov>, Ken Edgar <simick54@gmail.com>, Saltzman <dsaltzman@westonct.gov>, Ejsjdc <EJSJDC@gmail.com>, Wolf <rwolf@westonct.gov>, skorsh@westonct.gov, Herlitz <BHERLITZ@optonline.net>, Falber <hfalber@gmail.com>, Dedmanfarmlet@gmail.com
Subject: Fwd: Georgetown Road, Lack of frontage after March 2020 conveyance to a third party using a different description.

Tracy, I sent (by separate email) the deed I referenced yesterday. I also resent the motion to dismiss and attached Title search which resulted in the Withdrawal of the case (sent to you on March 10). As the title search shows, the case was withdrawn because the Plaintiff was not the owner of the property at the time the suit was filed. The search also shows, amazingly so, that Arctic Construction was the owner of the property at the time the Conservation Commission gave the permit but not at the time Mr Pattee failed to follow the Mandatory procedure for a Minor regulated activity. If you are the agent of the Commission, and going to ignore a Mandatory Procedure established by the Commission, without so much as even an application, shouldn't you check to make sure you at least got the owner right?? (see also the previously sent altered 2018 Zoning Permit application which changes the true owner at the time (Lampert who gets the property in 2017 using Map 3443) to Arctic Construction. It is also important to note that the property was conveyed to Lampert in 2017 using a different description from the one approved by the Conservation Commission in 2016. This is Ridiculous.

Tracy, pursuant to our discussion yesterday and my prior discussions with my attorneys, surveyor and engineer I provide the attached . As discussed, the right of way on the attached "as built", filed in early

October, and appearing on the map referenced in the void Zoning Permit allegedly issued by Mr Edgar, does not comply with the Town's Zoning Regulation's (see attached). Lot 515b formerly had "Frontage" on the circular road shown on stamped, approved, recorded map #3443. Since the March 2020 conveyance to a third party using a completely different description it no longer complies. As I am sure you recall, having received a prior opinion from Bob Fuller on another matter, the Planning and Zoning Commission can not approve an application that does not comply with the Town's Zoning Regulations. Since the Planning and Zoning Commission can not approve such an application, certainly Mr Edgar (who lacks such authority) can not unilaterally approve a completely different, non complaint plan, that was previously referred to the commission. Furthermore, the F. O. I. documentation revealed that in June, at the time you were debating issuing the void Zoning Permit (eventually signed by Mr Edgar) you had a copy of the jury instructions in the Stones Trail Case. As documented, the judge in this case instructed the jury that Stones Trail had a vested property interest in the configuration of the lots on the signed, stamped and recorded map. As evidenced by the attached, this is exactly what occurred on Georgetown Road. How then could anyone possibly issue a permit which eliminated Three K's vested right of access?? Especially, apparently, without the benefit of any documented legal advice?? In fact the only legal advice that was received (from former Town Attorney, Pat Sullivan) said to assume that Three K's has the right to use the 40' circular road shown on map #3443.

Finally, regarding the illegal wall and unpermitted filling, we previously reviewed your handwritten notes from your late January meeting with S.L. and the assertions he made to attempt to justify the preceding. After consultation with my surveyor and engineer I previously refuted these ridiculous contentions. These blatantly untrue declarations are also refuted by earlier pictures and videos which were previously sent. The evidence of the Town's selective enforcement of its Zoning Regulations continues to mount.


3438
GEORGETOWN ROAD
MAP
SHOWING NEW REVISED DIVISION LINE BETWEEN
TOWN HALL FILED MAP #475 AND MAP #515
WESTON, CONNECTICUT
LEWARD LAND SURVEYORS
"CERTIFIED"
SUBSTANTIALLY CORRECT
CLASS "A2" ACCURACY
LEWARD LAND SURVEYORS
18 POST ROAD EAST
WESTPORT, CONNECTICUT
3438
3438

3440

PARCEL #15
ROBERT G. & BIRGIT R. DIFORIO
SEE MAP #2300 W.L.R.

PARCEL #14
SUSAN R. BARON
SEE MAP #2300 W.L.R.

PARCEL "A"
PAULA L. SAWGNOL
SEE MAP #1798 & #2309 W.L.R.

PARCEL 515A
TOTAL AREA = 2.03 AC.±

PARCEL 515B
AREA EXCLUDING ACCESSWAY = 2.03 AC.±
ACCESSWAY AREA = 0.09 AC.±
TOTAL AREA = 2.12 AC.±
VERY POORLY DRAINED SOIL AREA = 0.31 AC.±

EDGE OF INLAND WETLANDS VERY POORLY DRAINED SOIL

MEADOWBROOK LANE
SEE MAP #3438 W.L.R.

GEORGETOWN ROAD
ROUTE #57

20' WIDE ACCESSWAY

ACCESSWAY AREA = 0.09 AC.±

389'±
160'±
176'±
50'±
341'±
397'±
231'±
116'±
361'±
145'±
158'±
246'±
216'±

THE TOWN ENGINEER AND CODE ENFORCEMENT OFFICER HEREBY ATTEST TO THE FACT THAT THIS PLAN IS NEITHER A SUBDIVISION NOR A RESUBDIVISION AS DEFINED BY THE GENERAL STATUTES OF CONNECTICUT AND THE TOWN OF WESTON AND MAY BE RECORDED WITHOUT PRIOR APPROVAL OF THE WESTON PLANNING AND ZONING COMMISSION.

JOHN B. CORTE, TOWN ENGINEER
E. EDWARD HAMM, CODE ENFORCEMENT OFFICER

DATE: 8-18-98

MAP OF PROPERTY
AT
96 GEORGETOWN ROAD
WESTON, CONNECTICUT

SCALE: 1" = 40' JULY 30, 1998

BY LEONARD SURVEYOR'S

CERTIFIED "SUBSTANTIALLY CORRECT"

CLASS "D" ACCURACY

Leo Leonard
LEO LEONARD P.E. & L.S. 20841 REG. #2445
100 POST ROAD EAST
WESTPORT, CONN. 06880
(203) 226-7881

STATE OF CONNECTICUT LEO LEONARD 20841 LICENSED LAND SURVEYOR

3440

GRAPHIC SCALE
(20 FEET)
1 inch = 40 ft.

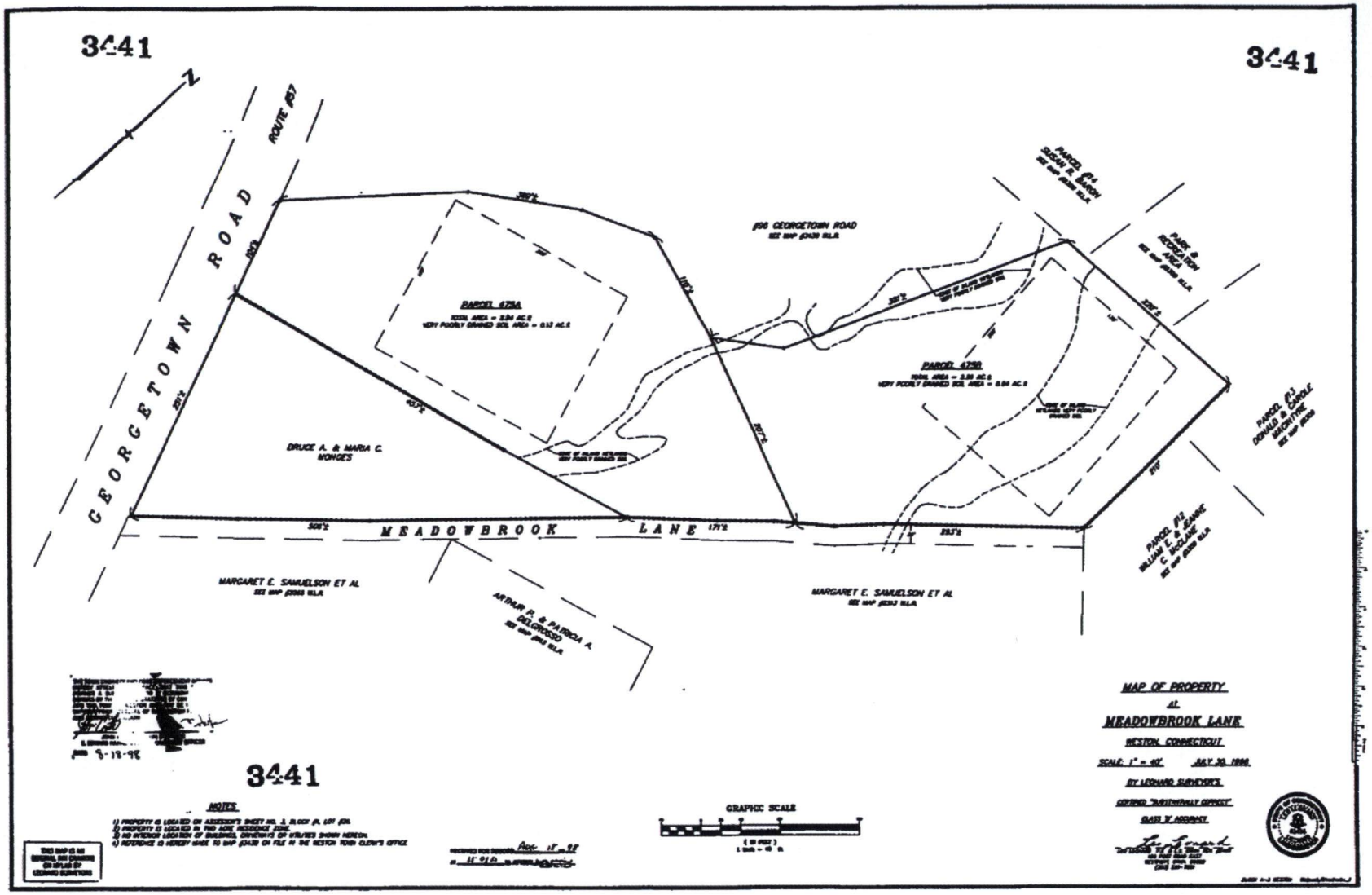
RECEIVED FOR RECORD August 18 1998
AT 11:00 A M. ATTEST: [illegible]

NOTES

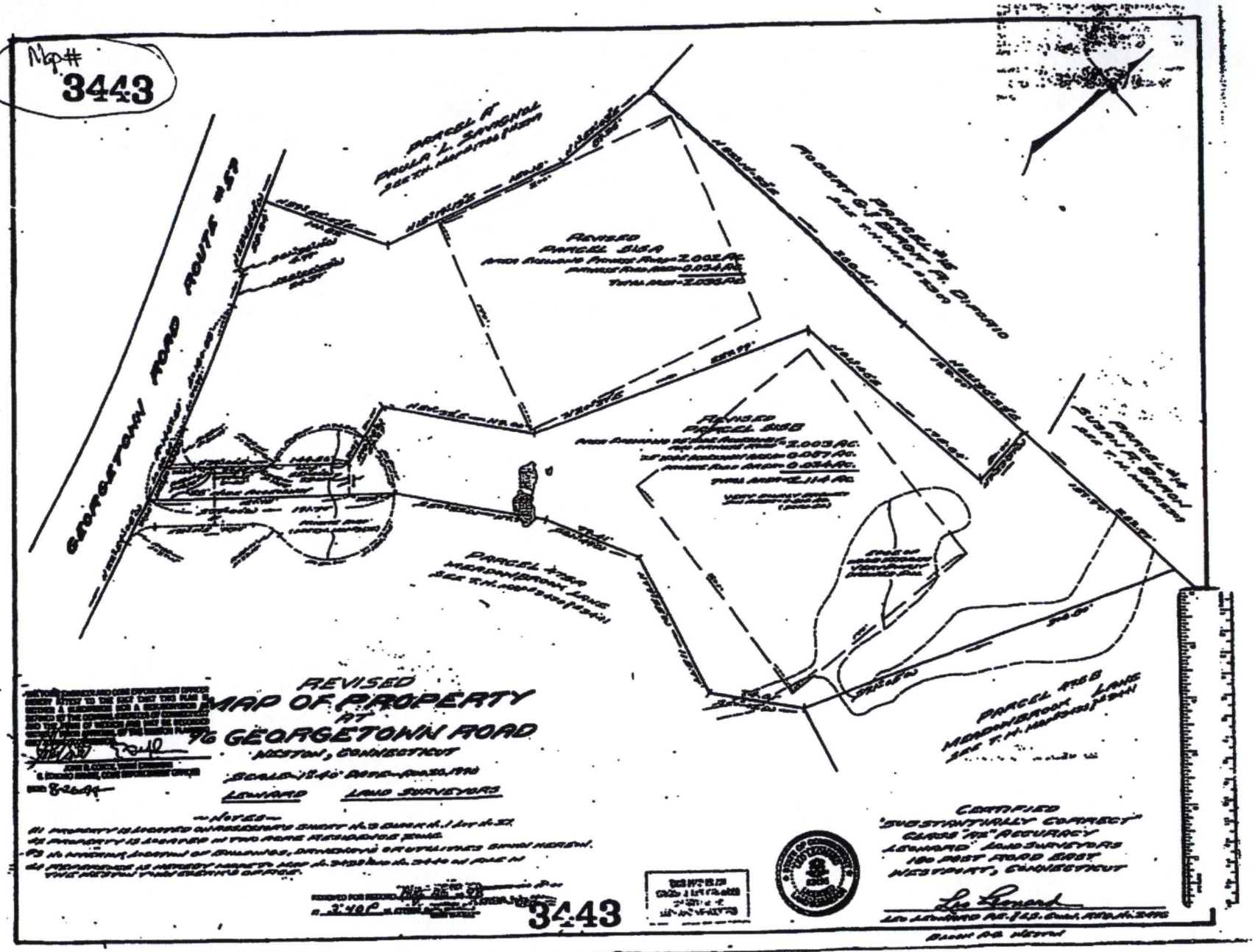
1) PROPERTY IS LOCATED ON ASSESSOR'S SHEET NO. 3, BLOCK #1, LOT #27.
2) PROPERTY IS LOCATED IN TWO ACRE RESIDENCE ZONE.
3) NO INTERIOR LOCATION OF BUILDINGS, DRIVEWAYS OR UTILITIES SHOWN HEREON.
4) REFERENCE IS HEREBY MADE TO MAP #3438 ON FILE IN THE WESTON TOWN CLERK'S OFFICE.

THIS MAP IS AN ORIGINAL INK DRAWING ON MYLAR BY: LEONARD SURVEYORS

BLOCK A-3 WESTON Wdpack/Georgtwn_1

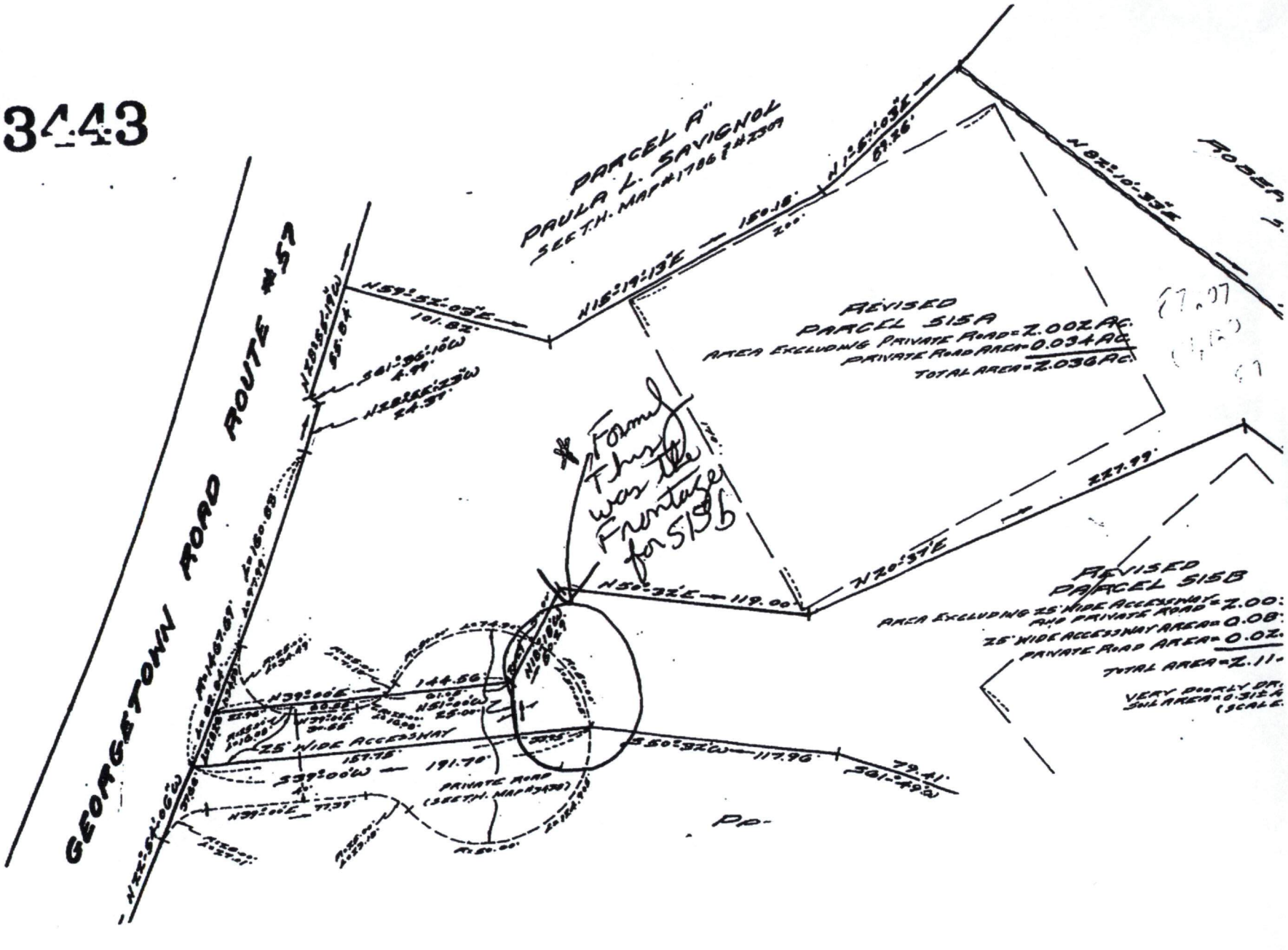

3441
3441
N
GEORGETOWN ROAD
ROUTE #57
#96 GEORGETOWN ROAD
PARCEL 475A
PARCEL 475B
BRUCE A. & MARIA C. MONGES
MEADOWBROOK LANE
MARGARET E. SAMUELSON ET AL
MARGARET E. SAMUELSON ET AL
ARTHUR P. & PATRICIA A. DELGROSSO
PARCEL #14 SUSAN R. BARON
PARK & RECREATION AREA
PARCEL #13 DONALD & CAROLE MACINTYRE
PARCEL #12 WILLIAM E. & JEANNE C. McCLANE
3441
NOTES
GRAPHIC SCALE
MAP OF PROPERTY
AT
MEADOWBROOK LANE
WESTON, CONNECTICUT
SCALE: 1" = 40'
JULY 30, 1998
BY LEONARD SURVEYOR'S
CERTIFIED "SUBSTANTIALLY CORRECT"
CLASS "B" ACCURACY

Map#
3443

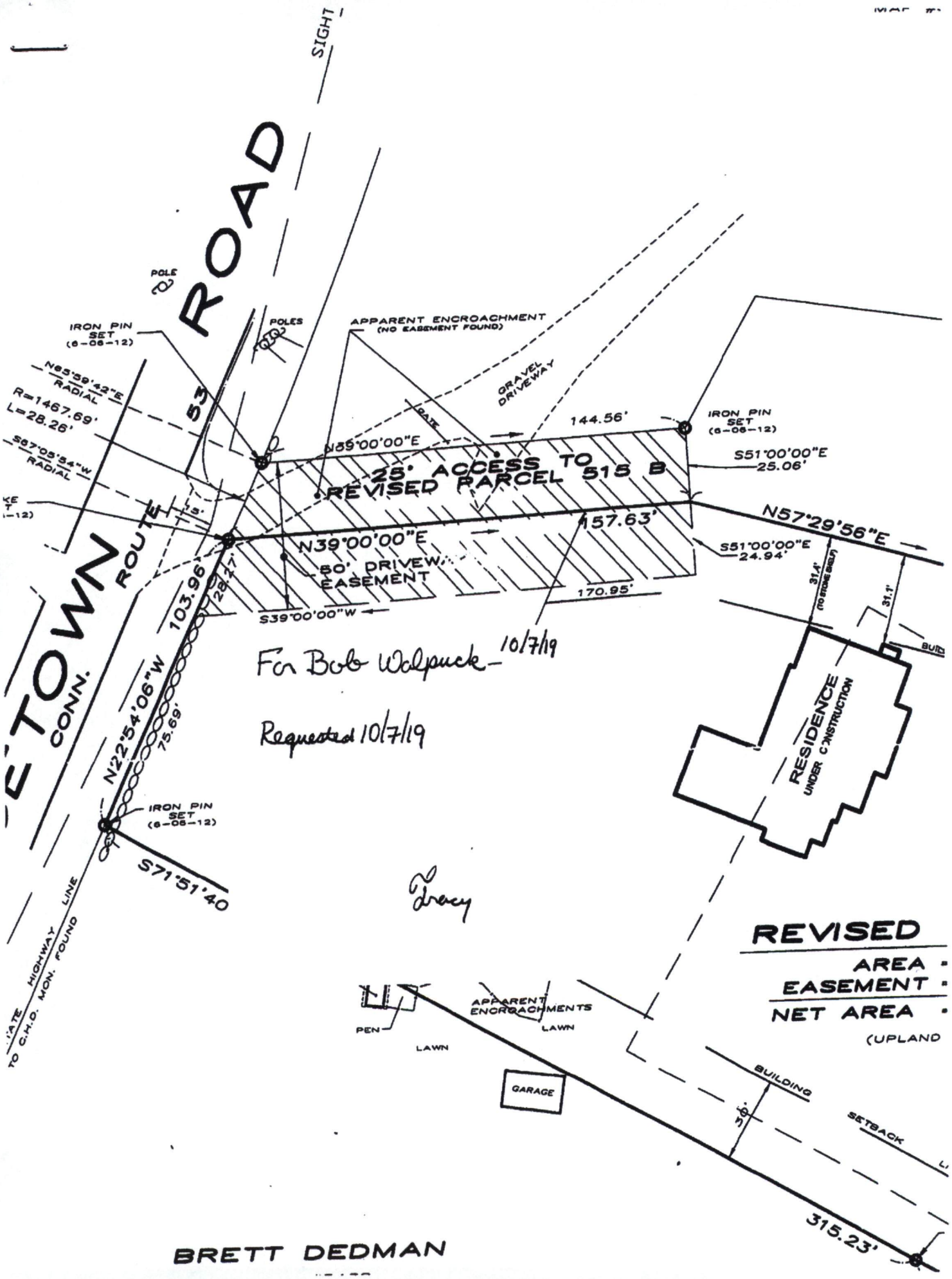


GEORGETOWN ROAD ROUTE #57
PARCEL A
PAULA L. SAVIGNOL
REVISED
PARCEL 516A
REVISED
PARCEL 516B
PARCEL #16
ROBERT G. & BURNT R. DIPORIO
PARCEL #14
SUSAN R. BARON
PARCEL #15A
MEADOWBROOK LANE
PARCEL #15B
MEADOWBROOK LANE
REVISED
MAP OF PROPERTY
AT
76 GEORGETOWN ROAD
WESTON, CONNECTICUT
LEONARD LAND SURVEYORS
NOTES
CERTIFIED
"SUBSTANTIALLY CORRECT"
CLASS "A2" ACCURACY
LEONARD LAND SURVEYORS
180 POST ROAD EAST
WESTPORT, CONNECTICUT
3443

3443



GEORGETOWN ROAD ROUTE #57
PARCEL "A"
PAULA L. SAVIGNOL
SEE T.H. MAP #1786 & #2309
REVISED
PARCEL 515A
AREA EXCLUDING PRIVATE ROAD = 2.002 AC.
PRIVATE ROAD AREA = 0.034 AC.
TOTAL AREA = 2.036 AC.
REVISED
PARCEL 515B
AREA EXCLUDING 25' WIDE ACCESSWAY AND PRIVATE ROAD = 2.00
25' WIDE ACCESSWAY AREA = 0.08
PRIVATE ROAD AREA = 0.02
TOTAL AREA = 2.11
VERY POORLY DR
SOIL AREA = 0.31±
(SCALE
25' WIDE ACCESSWAY
PRIVATE ROAD
(SEE T.H. MAP #3438)
N59°52'-03"E
101.82'
N15°19'-13"E
150.18'
N1°57'-03"E
89.26'
N82°10'-33"E
N20°37'E
227.99'
N50°32'E
119.00'
N39°00'E
144.56'
S39°00'W
191.70'
S50°32'W
117.96'
79.41'
S61°49'W
N22°54'-06"W
* Formal This was the Frontage for 515b



BRETT DEDMAN

§ 240-11 Two-Acre Residential and Farming District.

(3) Private school, subject to the terms and conditions of § 240-23.

(4) Club, subject to the terms and conditions of § **240-24**.

(5) Nursery school, subject to the terms and conditions of § **240-25**.

(6) Riding stable or academy, subject to the terms and conditions of § **240-26**.

(7) Municipal uses on lots owned by the Town of Weston, subject to the terms and conditions of § **240-27**.

(8) Regulated home occupation, subject to the terms and conditions of § **240-28**.

(9) Museum/art gallery, subject to the terms and conditions of § **240-29**.

(10) Farmers' market, subject to the terms and conditions of § **240-30**.

(11) Parks and playgrounds, subject to the terms and conditions of § **240-31**.

D. Minimum lot area: two acres.

E. Minimum lot dimensions. The shape of each lot shall be such that a rectangle 170 feet by 200 feet can be contained within its horizontal boundaries. No part of any dwelling or principal building shall be erected at a point where the lot width is less than 170 feet. Each lot shall have frontage on a road or highway, as defined herein, of at least 170 feet, except as follows:

(1) Where a lot fronts on a permanent turnaround no frontage of less than 50 feet shall be permitted. → See Map 34.38, Formely Lot 515b had Frontage

(2) One lot with a minimum frontage of 25 feet, or two adjacent lots each with a minimum frontage of 25 feet, shall be permitted between any two other lots each with a minimum of 170 feet of road frontage.

(3) Access to two lots which would otherwise be served by adjacent twenty-five-foot wide accessways may be served by a common private right-of-way which is a minimum of 30 feet in width and has at least 30 feet of road frontage, where access is provided in the form of a joint travel path at least 16 feet in width and centered on the common property line. Acreage involved in the thirty-foot common right-of-way may not be counted as acreage toward the minimum lot dimension.

F. Minimum setback requirements. No structure shall extend less than 50 feet from the front lot line or 30 feet from any side or rear lot line. Notwithstanding the foregoing:
[Amended 5-26-2011]

(1) In the case of a flag lot, no structure shall extend less than 30 feet from any lot line; and

Lot, Flag A Lot which has NO frontage on any road, except for a single access way Not to exceed 25' in width, or a shared right of way not to exceed 30' in Width,