

Tracy Kulikowski

From: Bob Walpuck <bobwalpuck@gmail.com> on behalf of Bob Walpuck
Sent: Tuesday, July 28, 2020 3:13 PM
To: Tracy Kulikowski
Cc: AnnMarie Fontana; Dedmanfarmlet@gmail.com; thomas kanasky
Subject: Fwd: Tonight's Hearing

Tracy, please forward to the Commission Members. As you are aware technology is not my forte. Thanks. Bob This goes with pages 1-14. Just sent.

>> Members of the Commission, good evening. I think that the Town Attorney should be asked the following questions.

>> 1. Does he agree with the Previous Town Attorney's opinion that you should assume that Three K's has a right of way as shown on record map 3443. Since that is correct, let's assume that he does, but please ask him anyway as I would like the answer to be reflected in the record of this proceeding.

>> 2. Until March of 2020, (deed previously sent) the subject property had in excess of 50' of frontage on that same circular road shown on that map.

>> Applicants map (page 10) eliminates the circle and shows only a single 25' strip, owned by the applicant, with a right of way over it, providing both access and frontage to the lot. Since Mr Bamonte did not answer this previously, is he saying this complies with Section 240-11E. MINIMUM LOT DIMENSIONS (page 11)?

>> 3. Section 240-11E. (3) Says that "ACCESS to two lots...Acreage involved in the thirty-foot common right-of-way may not be counted as acreage toward the MINIMUM LOT DIMENSION." Is Mr Bamonte attempting to say that the applicant can count this area in order to comply with the Minimum Lot Dimension? If so why? Since the Planning and Zoning Commission can not approve an application that does not comply with the Towns Zoning Regulations, please ask him to clarify this.

>> 4. Prior to the original approval of this lot, by the Planning and Zoning Commission, Three K's viewed the application and noticed that Arctic Construction had submitted a map which did not show Three K's right-of-way nor the circular turn around shown on the record map. Anticipating impending problems, Three K's deeded excess frontage to Nicholas Klokus, prior to the meeting. This was done so that Arctic Construction would no longer be between two lots having at least 170' of frontage. Three K's lot still Complies. As the previous Town Attorney said "presume Three K's has a right-of-way. Is Mr Bamonte saying that Three K's has some obligation to enable the applicant to obtain an extra lot, which he otherwise would not be entitled to? Especially, considering the fact that the applicant, was attempting to eliminate Three K's right-of-way, which the previous Town Attorney said you should assume existed?

>> 5. After the 2016 Conservation Approval the applicants property was deeded out (In 2017 as previously documented) with a description that was completely different from the approved description. I am told by very knowledgeable sources that this voids the previous approval. Mr Bamonte did not directly answer this. Please ask him.

>> 6. While Mr Bamonte does not directly answer #5 he pontificates that even if the above were true there is no requirement that Conservation Approval be obtained before Zoning Approval. Please cite other examples.

>> 7. On the Application for the Zoning Permit, it asks whether you have received Conservation Approval. If it asks if you have it, and you say yes, yet the approval became void due to your own actions, how are you not making a false statement on the application? Per the previously cited regulation that renders any subsequent approval void. Thanks for your consideration in this regard.

>

>> Finally, Since the list of documents included in tonight's appeal includes documents related to the previous ZBA appeal of the neighboring property, I have included a Status update. It will also come in handy when the Planning and Zoning Commission tries to give a Certificate of Zoning Compliance to the neighboring property. As you shall learn, if you read these documents, the Zoning Permit, unilaterally granted by the Chairman, who apparently did not know what he was looking at, has resulted in an unmitigated disaster.

Tracy Kulikowski

From: Bob Walpuck <bobwalpuck@gmail.com> on behalf of Bob Walpuck
Sent: Tuesday, July 28, 2020 3:11 PM
To: Tracy Kulikowski
Cc: AnnMarie Fontana; Dedmanfarmlet@gmail.com; thomas kanasky
Subject: Fwd: pages 1 - 14 jul 28, 20. Tonight's hearing
Attachments: pages 1 - 8.pdf; pages 9 - 14.pdf

>
>
>
> Sent from iCloud

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: June 1, 2020 at 4:44:58 PM EDT
To: Walpuck and Nicholas Klokus <bobwalpuck@gmail.com>, Jonathan Luiz <jluiz@westonct.gov>, cspaulding@westonct.gov, snestor@westonct.gov, Stephan Grozinger <stephan@stephangrozinger.com>, tvonroserving@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, Tracy Kulikowski <tkulikowski@westonct.gov>, jpjura@westonct.gov
Subject: **Fwd: Georgetown Road, Lack of frontage after March 2020 conveyance to a third party using a different description.**

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 3443 and 3444. It no longer has this frontage.

2

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

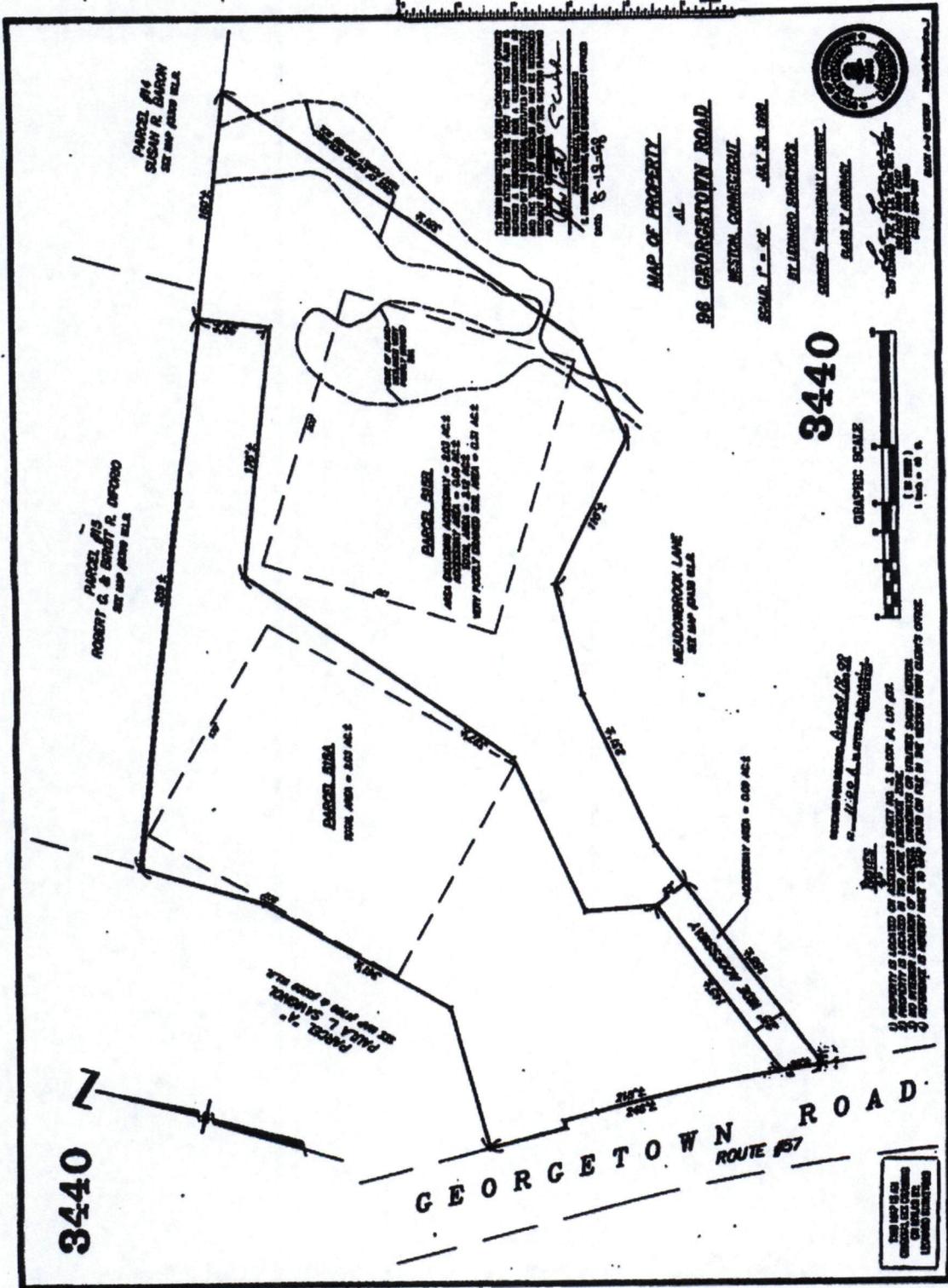
the case (sent to you on March 10). As the title search shows, the case was withdrawn because the Plaintiff was not the owner of the property at the time the suit was filed. The search also shows, amazingly so, that Arctic Construction was the owner of the property at the time the Conservation Commission 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.

6



3440

3440

GEORGETOWN ROAD
ROUTE #57

MAP OF PROPERTY
AL
96 GEORGETOWN ROAD
WESTFORD, CONNECTICUT

SCALE: 1" = 40'
AUG. 20, 1998



PROPERTY IS LOCATED ON ASSESSOR'S MAP OF J. ELDER JR. LOT 101.
PROPERTY IS LOCATED ON ASSESSOR'S MAP OF J. ELDER JR. LOT 102.
RECORDING IS HEREBY MADE TO THIS PLAN FOR THE SECTION FROM CLAYTON'S OFFICE.

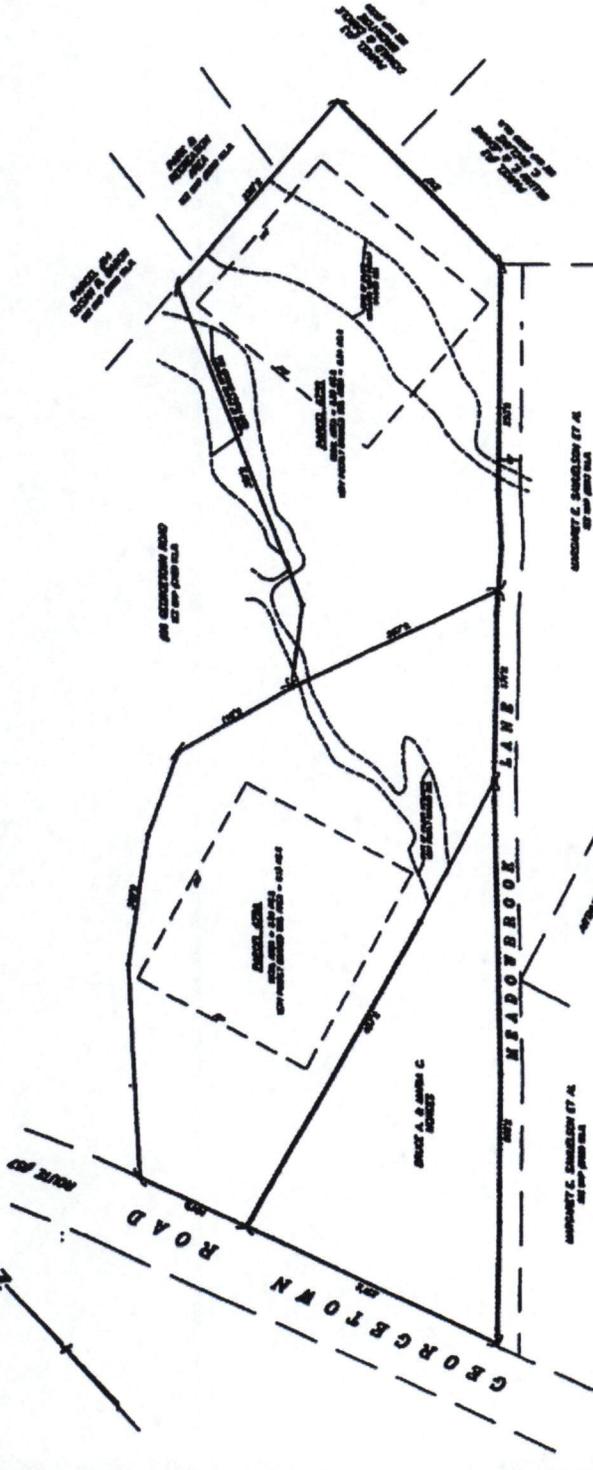
THIS MAP IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP OR FOR ANY DAMAGE TO ANY PERSON OR PROPERTY ARISING FROM THE USE OF THIS MAP.

THIS MAP IS AN
ORIGINAL COPY
ON FILE IN THE
SURVEYOR'S OFFICE

7

3441

3441



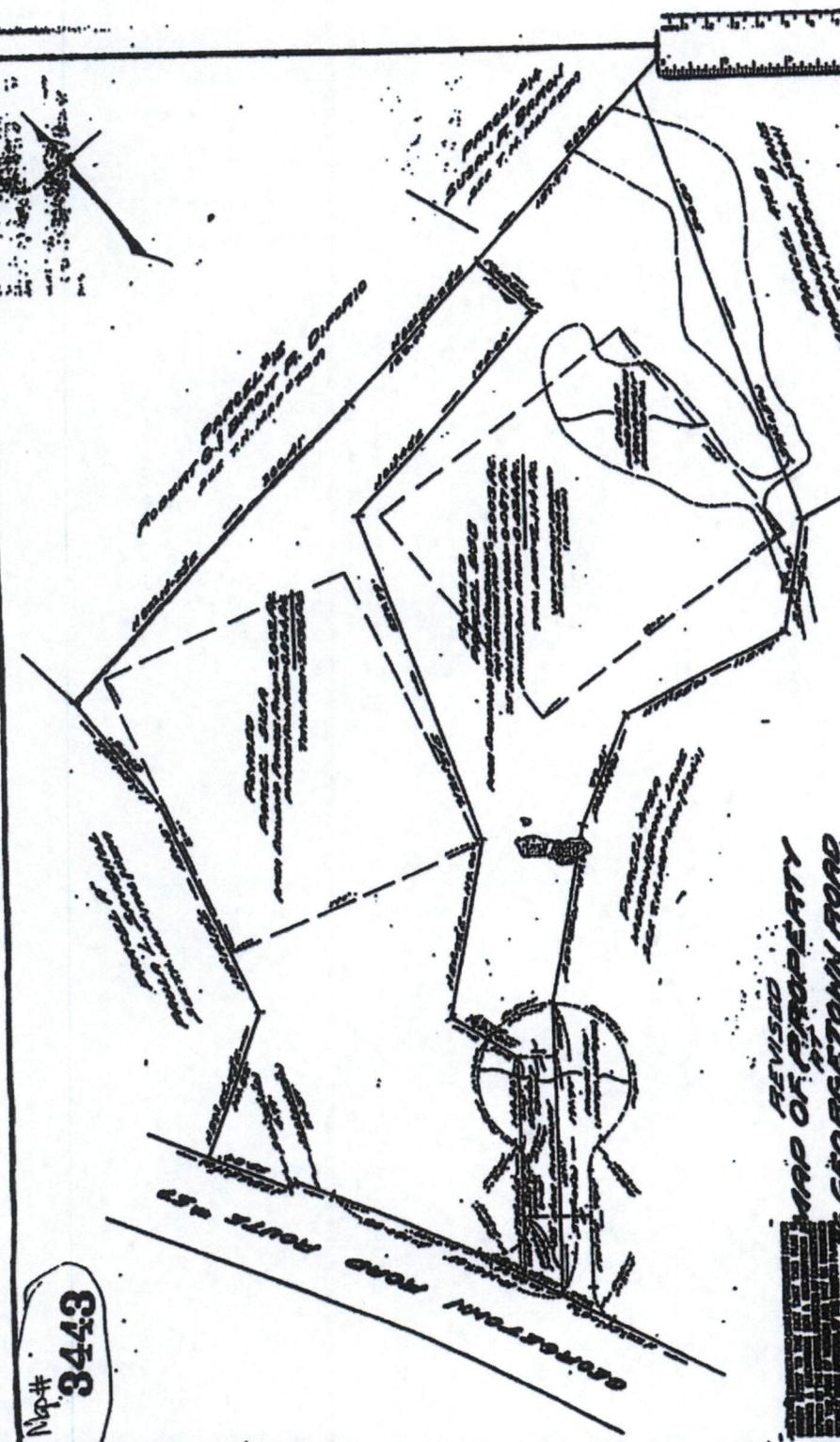
MAP OF ROBERTS
 AS
 MEADOWBROOK LANE
 SECTION 10, TOWNSHIP 10 N., RANGE 10 E., S. 10 R. 10 E.
 COUNTY OF SHERIDAN, WYOMING
 JOHN A. ROBERTS
 SURVEYOR



3441

WYOMING DEPARTMENT OF LAND MANAGEMENT
 LAND MANAGEMENT DIVISION
 1000 WEST 2ND AVENUE, SUITE 100
 CHEYENNE, WYOMING 82001
 (307) 733-3333
 WWW.WYOMINGLANDMANAGEMENT.COM

Map # 3443



**REVISED
MAP OF PROPERTY
IN
TOWNSHIP 16 GEORGETOWN ROAD**

Surveyed and plotted by
 L. S. [Name]
 Surveyor
 1913

As shown on the map, the property is divided into several lots, and the boundaries are shown as follows:

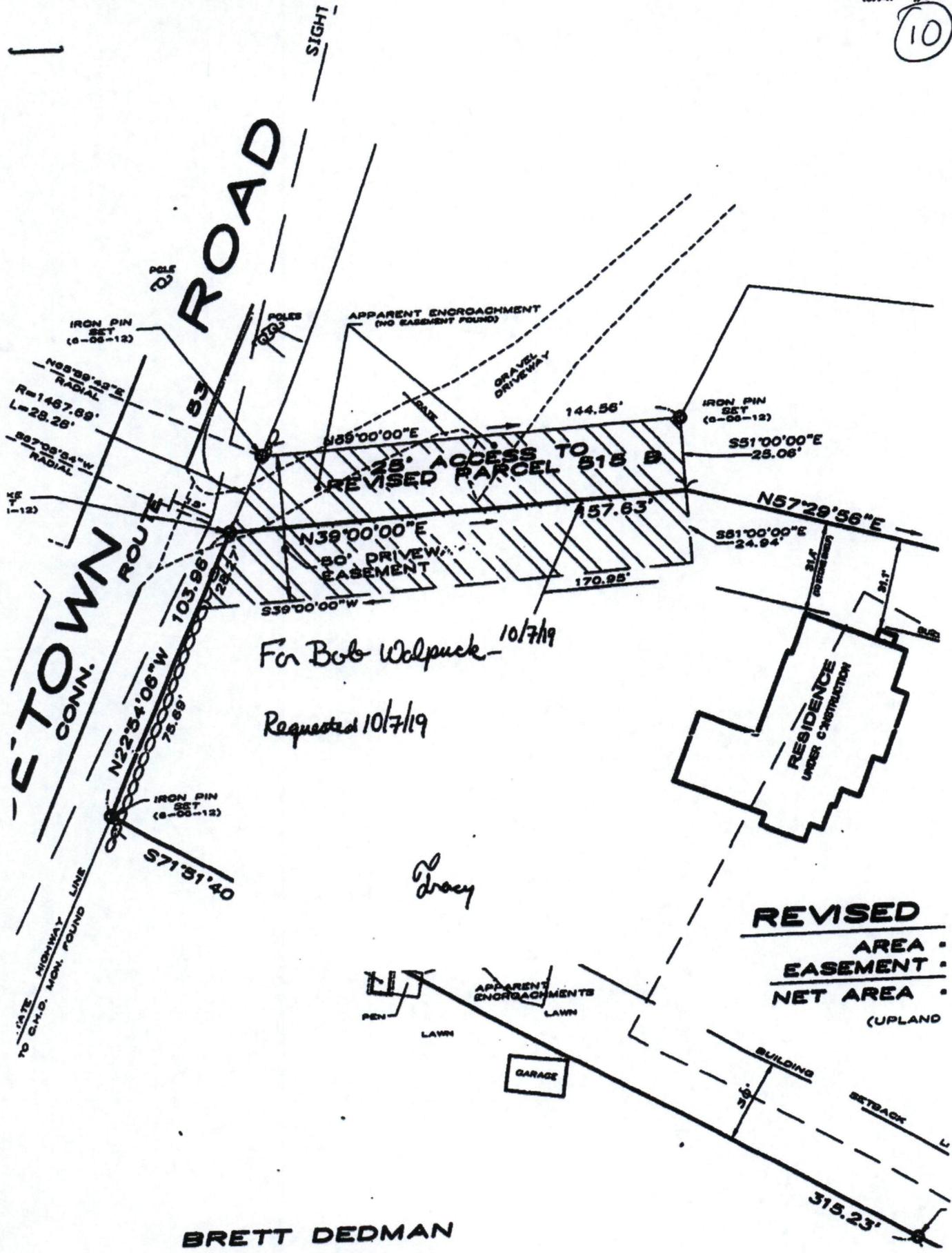
3443



THE OFFICE
 OF THE SURVEYOR
 100-100-100

Continued
 'Georgetown' Survey
 'Parcel by Direction'
 'Parcel by Survey'
 'Parcel by Survey'
 'Parcel by Survey'

L. S. [Name]
 Surveyor



For Bob Walpuck - 10/7/19
 Requested 10/7/19

Tracy

REVISED
 AREA •
 EASEMENT •
 NET AREA •
 (UPLAND)

BRETT DEDMAN

Town of Weston, CT

Questions about eCode360? Municipal users Jo



Enter search term...



Town of Weston, CT / The Code / Part II: Regulations / Zoning Regulations
Article III General Regulations

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

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.

Questions about eCode360? Municipal users Jo

Enter search term...

Town of Weston, CT / The Code / Part II: Regulations / Zoning Regulations
Article III General Regulations

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

(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]

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: July 28, 2020 at 1:46:16 PM EDT
To: Vivian Simons <viviansimons@mac.com>
Cc: Bob Walpuck <bobwalpuck@gmail.com>, Dedmanfarmlet@gmail.com
Subject: **Tonight's Hearing**

Members of the Commission, good evening. I think that the Town Attorney should be asked the following questions.

1. Does he agree with the Previous Town Attorney's opinion that you should assume that Three K's has a right of way as shown on record map 3443. Since that is correct, let's assume that he does, but please ask him anyway as I would like the answer to be reflected in the record of this proceeding.

2. Until March of 2020, (deed previously sent) the subject property had in excess of 50' of frontage on that same circular road shown on that map.

Applicants map (page 10) eliminates the circle and shows only a single 25' strip, owned by the applicant, with a right of way over it, providing both access and frontage to the lot. Since Mr Bamonte did not answer this previously, is he saying this complies with Section 240-11E. MINIMUM LOT DIMENSIONS (page 11)?

3. Section 240-11E. (3) Says that "ACCESS to two lots...Acreage involved in the thirty-foot common right-of-way may not be counted as acreage toward the MINIMUM LOT DIMENSION." Is Mr Bamonte attempting to say that the applicant can count this area in order to comply with the Minimum Lot Dimension? If so why? Since the Planning and Zoning Commission can not approve an application that does not comply with the Towns Zoning Regulations, please ask him to clarify this.

4. Prior to the original approval of this lot, by the Planning and Zoning Commission, Three K's viewed the application and noticed that Arctic Construction had submitted a map which did not show Three K's right- of- way nor the circular turn around shown on the record map. Anticipating impending problems, Three K's deeded excess frontage to Nicholas Klokus, prior to the meeting. This was done so that Arctic Construction would no longer be between two lots having at least 170' of frontage. Three K's lot still Complies. As the previous Town Attorney said "presume Three K's has a right-of-way. Is Mr Bamonte saying that Three K's has some obligation to enable the applicant to obtain an extra lot, which he otherwise would not be entitled to? Especially, considering the fact that the applicant, was attempting to eliminate Three K's right-of-way, which the previous Town Attorney said you should assume existed?

5. After the 2016 Conservation Approval the applicants property was deeded out (In 2017 as

previously documented) with a description that was completely different from the approved description. I am told by very knowledgeable sources that this voids the previous approval. Mr Bamonte did not directly answer this. Please ask him.

6. While Mr Bamonte does not directly answer #5 he pontificates that even if the above were true there is no requirement that Conservation Approval be obtained before Zoning Approval. Please cite other examples.

7. On the Application for the Zoning Permit, it asks whether you have received Conservation Approval. If it asks if you have it, and you say yes, yet the approval became void due to your own actions, how are you not making a false statement on the application? Per the previously cited regulation that renders any subsequent approval void. Thanks for your consideration in this regard.

Finally, Since the list of documents included in tonight's appeal includes documents related to the previous ZBA appeal of the neighboring property, I have included a Status update. It will also come in handy when the Planning and Zoning Commission tries to give a Certificate of Zoning Compliance to the neighboring property. As you shall learn, if you read these documents, the Zoning Permit, unilaterally granted by the Chairman, who apparently did not know what he was looking at, has resulted in an unmitigated disaster.