

Tracy Kulikowski

From: Bob Walpuck <bobwalpuck@gmail.com> on behalf of Bob Walpuck
Sent: Tuesday, July 28, 2020 3:19 PM
To: Tracy Kulikowski; AnnMarie Fontana
Cc: Dedmanfarmlet@gmail.com; thomas kanasky
Subject: Fwd: 33 pages. Tonight's Hearing
Attachments: pages 1 - 9.pdf; Untitled attachment 00025.html; pages 10 - 20.pdf; Untitled attachment 00028.html; pages 21 - 33.pdf; Untitled attachment 00031.html

Tracy, this is the third of three emails. The first two go together. Thanks. Bob.

Sent from my iPhone

Begin forwarded

Subject: Fwd: 33 pages

Sent from iCloud

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: July 14, 2020 at 10:57:24 AM EDT
To: Vivian Simons <viviansimons@mac.com>, Stephan Grozinger <stephan@stephangrozinger.com>, thomas kanasky <tkanasky@earthlink.net>
Subject: Fwd: Arctic

Sent from my iPhone

Begin forwarded message:

From: Brett & Courtney Dedman <dedmanfarmlet@gmail.com>
Date: July 14, 2020 at 9:45:24 AM EDT
To: Tracy Kulikowski <tkulikowski@westonct.gov>
Subject: Arctic

Hi, Tracy.

So... I'm watching them stack more rocks onto the already too tall wall!!!! I am taking video of it!

Still no one has addressed the fact that the fill came in from offsite, despite the video evidence that several trucks came in to raise the grade.

Soil wasn't ever tested.

Plantings to prevent erosion never installed, so wall got taller... It was doubtful that it met the height restrictions to begin with.

Am I to assume that he will also have an engineer sign off on the haphazard stacking of rocks I'm witnessing right now?

AND- still weekly dumpsters and major traffic and vehicles behind me.

Is anyone paying attention to any of this?

Please let me know if all of this is actually ok!!!!

Thanks.

Courtney

Sent from my iPhone

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>

Date: July 16, 2020 at 5:11:53 PM EDT

To: Vickie Kelley <vickiekelly1@msn.com>

Subject: Fwd: Zoning Violations

Sent from my iPhone

Begin forwarded message:

From: Brett & Courtney Dedman <dedmanfarmlet@gmail.com>

Date: July 14, 2020 at 4:40:52 PM EDT

To: jl Luiz@westonct.gov, Christopher Spaulding <cspaulding@westonct.gov>, Tracy Kulikowski <tkulikowski@westonct.gov>

Subject: Zoning Violations

Good Afternoon, Chris, Jonathan, Tracy.

I am checking in because neither I, or my neighbors the Lyons have received an update on what the town is doing to remedy the ongoing zoning violations on TWO neighboring properties.

The last communication I received was on May 20th from Mr. Luiz that stated that he hesitated to get into details because of the "sensitive nature" and that the land use department was continuing to work on it. I would like to know how that's going, since NOTHING has changed here!

I didn't ask at the time, but have been wondering what the "sensitive nature" is. Can someone please help me to understand? The way I see it, there are multiple violations on one neighboring property and at least one (that I know of) on the other. There are regulations in place and town employees to enforce those regulations. I do not understand the "sensitivity". Unless I am missing something... Please advise.

I have spoken with Jim pjura since January regarding my concerns and followed up with

Tracy as well. I have phone and email records to support these facts. So, while I have waited 8 weeks for your communication, I have waited nearly 8 months for some sort of resolution.

I preface the following by saying that I tried to avoid "getting into the weeds" in my prior email, but due to lack of action/ response I feel it necessary to provide more detail.

Not only is it 100% evident that nothing has transpired to remedy either situation, I feel that I have wrongfully been thrown under the bus by Jim Pjura on several occasions.

Firstly, I called Jim in January to simply inquire about a stone "wall" that was being erected uphill from my property. It was over 15' tall at that time. He assured me that it was permissible and not a danger to my home. Temporarily, I was comforted by that response. A week later, Mr. Lampert (Arctic Construction), of the neighboring property calls me to threaten to sue me because Jim told him that I called to "complain about him and his wall" and that I was "on Bob Walpuck's team". This is NOT ok. I actually called Jim for assurance that the wall was safe to AVOID conflict with the neighboring builder. I should be able to ask a town employee an innocent question in confidence and should have reasonable expectation that the same employee doesn't gossip and cause trouble between two neighbors. On other occasions he has referred to me as that "crazy redhead", and I have at least one of the people within earshot attest to that. Tracy has even eluded to his dislike for me in phone conversations. This likely originated from a past zoning issue I overcame in order to improve my home. Whatever the reason, it's unacceptable.

While on the topic of Arctic Construction and the wall, I would like to address the fact that the 15' tall wall was later minimized to 5' by adding fill to increase its surrounding grade. I'm no expert, but in reading the zoning code and height regulations, it seems that you cannot build a skyscraper in Weston and then fill the surrounding grade around it to minimize its height to the requisite 35'. I had no intentions on pushing THAT issue though. I do, however, take issue with the fact that the fill used was not to come from an outside source. It was to be from earth moved to dig the foundation on that property. I have voiced my concern to land use. The builder "said" he used fill from the property, but I have videos of the numerous large trucks coming in. The area is located approximately 50' from (and uphill of) our well. The soil should be tested because of its unknown origin. The land use department has been provided with videos of the trucks coming in with the fill and none of this was addressed! There is no mention of it in any of the meetings pertaining to this property and is not listed as a condition (of many others) that would make his construction compliant!! He has no permit to use fill. Should he have obtained one, he would need to provide documentation of where the fill came from and soil testing...

If the three of you are not a good starting point for me to pursue action, please let me know who I should be directing my queries to.

We have just ordered a game camera to further my efforts in documenting the severity and complete injustices we are subject to. We have contemplated selling our newly completed and loved home due to the situation, but doubt we'd even get thr the process without prospective buyers becoming concerned about the noise and traffic. It's just not right!!

If you need any further documentation, emails, my notes, photos or videos to substantiate my claims, I am more than happy to oblige.

I question why no formal violation was issued.

I hope I am not just the victim of someone's personal feelings towards me, or the victim in the crosshairs of a possible political battle between town administration and the previous owner of both properties. Seems like one of the above is possible considering the use of the phrase "sensitive matter"... Yes, I absolutely am sensitive. I am the victim in the situation. Yet, I've avoided getting emotional about it. Everyone else??? Everyone else that views this as a "sensitive matter"? They're dead wrong!!! This is business. There are rules and there are consequences. There are no grey areas.

I look forward to a response, but mostly one that outlines what has been done, what protocol usually is, and how to conclude this awful mess.

Best.

Courtney Dedman

845-596-2050

Sent from my iPhone

Some questions... Where was my complaint recorded? Who decides that a complaint is of no consequence and not worth addressing? I guess in this case "he said" is stronger than video evidence?

One of the conditions listed stated that the steep grading they created off of the wall was to be planted to prevent erosion. THAT never happened, and now the wall is higher than the 5' (that I suspect was a perversion of our zoning code to begin with).

Just this morning, there was a flatbed trailer with rocks and a small excavator adding even more rocks haphazardly to the top of this "wall". I have taken pictures and video of this as well, though it doesn't seem to make a difference. I reached out to Tracy this morning via email regarding this matter.

Highly upset and feeling ignored, I retreated for another cup of coffee on the complete OPPOSITE end of our home... only to watch and HEAR the 12th Rave Pool truck come in and out of our quiet, private, extremely narrow road!!!! All of this before 10am. Typical day here!!

Now onto Rave Pools. I have spoken with Rave Pools on Meadowbrook on several occasions regarding the vehicular traffic and incessant deliveries. She knew I took issue with it since they moved in last August. They were adjusting to the area... needed time... OK. The house was vacant for years and we were happy to be courteous and grateful not to have a vacant property on our street...

Bob Walpuck was actually the first to officially complain about Rave Pools. While surveying the area because of an interest he has in an adjacent property, he noticed the violation. A letter was sent out by the town. I hold a copy of that letter. The letter was of no consequence and even failed to give a time frame in which the situation was to be remedied. When Pjura went out to the property to see what was happening the owner asked who complained. He said it's this "crazy guy, Bob, who you'll see in a red pickup". Not my problem (that time)- but if a paid town official held any fiduciary responsibility, I think would be a violation of such. The neighbor herself told me this!

I'm sure if you revisit my last email, you can itemize the complaints I have regarding the various zoning infractions on 9 Meadowbrook. They all fly in the face of the Weston Zoning's "Statement of Purposes" In the essence of time here's the shortlist (please refer mainly to section 343 in our Zoning code.

1) Dumpsters- Weekly (and sometimes twice weekly) deliveries. (343.1) and the hazardous materials and chemicals discarded in dumpsters- so close to Devil's Den and

less than 100' from a saugatuck tributary (343.5b) Though the latter is likely a conservationist issue that perhaps I should direct to committee, State and likely the adjoining Nature Conservancy property?

2) Material storage- pool equipment and stone (343.1)

3) Traffic impact (343.5a)

4) Noise- tractor trailers/ deliveries of equipment/ trucks most often beginning at 5:30am (343.5b)

5) Several commercial vehicles stored on the property and in plain sight (343.5c) I'm sure that there are also parking violations pursuant to section 366.

6) as per definition of Home Occupation in our code, there cannot be more than 1 individual who is not an occupant of the dwelling. At any one time, they are in complete violation of this.

By noon, I hadn't heard from Tracy, so decided to call again, to no avail...

Since that time, numerous trucks, patrons, administrative staff, another dumpster come and gone, a 16 wheeler dropping off pool equipment, and a water truck have all been in and out. I have photo and video evidence!

I am completely fed up!!!! I don't know who else should consider this a "sensitive matter" besides my family and I who can not enjoy our home, or peace or safety for our children!!!

If one were to purchase a home next to a church, they can expect to hear bells. We bought a home on Georgetown rd expecting to hear traffic...

We have lived here for 12 years and have loved the quiet enjoyment of our home and property so much that we recently almost doubled its size (all in compliance with our town's ordinances), but it seems we are now living in an INDUSTRIAL PARK where we do not have the ability to relax in privacy, peace and quiet in our yard, fear for the safety of our small bike riders, and woodland creatures. Not to mention the petty aspect of our disproportionate private road upkeep!

I have tried to think of another way to view this situation, but I'm at a loss. Town's Zoning Code says that the violations must be cleared within 10 days. Why is this so complicated? Why are me and my family subject to this? At this point, I'm demanding answers.

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: April 9, 2020 at 10:52:45 AM EDT
To: Tracy Kulikowski <tkulikowski@westonct.gov>
Cc: ipjura@westonct.gov, Jonathan Luiz <jluiz@westonct.gov>, cspaulding@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>, Dedmanfarmlet@gmail.com, snestor@westonct.gov
Subject: 100 Georgetown Road Action taken by Conservation Commission Agent.

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: March 10, 2020 at 2:51:50 PM EDT
To: Tracy Kulikowski <tkulikowski@westonct.gov>
Cc: Dedmanfarmlet@gmail.com
Subject: 100 Georgetown Road Action taken by Conservation Commission Agent.

Tracy, good afternoon. I have still not heard from you since my email of last week. You previously told me that there was no Conservation Commission Application for the radically different plan before it was improperly given a Zoning Permit by Mr Edgar. You told me that the Conservation planner had reviewed the plan and determined that it would have minimal impact on the wetlands before he signed off on the "routing sheet". Based on the attached definition of Minimal Impact I certainly disagree. All of the starred items are significantly different from the plan approved by the Commission for a different owner. Now we learn that the property has been conveyed to a third owner with the property in a completely different configuration from the first two. (being sent in a separate email. Also, happened to the requisite notice Requirement and right to appeal to the commission?? The F. O. I. file revealed no such notice or required publication by the applicant. Another

adjoining property owner adversely impacted by this ever increasing fiasco said she also received no notice. If such notice/publication does exist please send me a copy. I have also received no response from Code Enforcement Officer James Pjura regarding my demand that he enforce the Town's Zoning Regulations at the same address. (see separate email showing the property now lacks the requisite frontage that it previously had before it was conveyed to a third owner) As previously stated he told me that he did what he was supposed to do and referred this matter to the Planning and Zoning Commission and was not responsible for subsequent erroneous decisions. While this is correct, he is still responsible for enforcing the Town's Zoning Regulations. Regulations (and procedures that he is not responsible for) which have been consistently violated by the applicant, with the assistance of the Town. Again, I demand that you immediately issue a Stop Work Order at the above address until the proper applications are filed and approved by both the Conservation Commission and Planning and Zoning Commission. More to come. I really think you should call me.

Sent from my iPhone

ZONING PERMIT APPLICATION

An appointment to submit this application to the Code Enforcement Officer is recommended. Please call Jim Pjura at 222-2559.

(Please submit an A-2 Survey and a \$110.00 filing fee with this application. Check #)

LOCATION: 100 Georgetown rd.
 PROJECT DESCRIPTION: Lot Development for Single Family Dwelling
 OWNER'S NAME: Sam Lammert Arctic Construction
 OWNER'S ADDRESS: 60 Little Falls
 OWNER'S PHONE: (202) 544-0595

PLEASE ANSWER THE FOLLOWING QUESTIONS. IF YES, SUPPLY A COPY OF THE RESOLUTION/APPROVAL (CIRCLE ONE)

1 IS A SPECIAL PERMIT REQUIRED FOR THIS PROPERTY? Y NA

IF YES, WAS A SPECIAL PERMIT APPROVED BY THE PLANNING & ZONING COMMISSION? Y N NA

IN HOME OCCUPATION APARTMENT Y N NA
 Y N NA

2 IS THE PROPERTY LOCATED IN A SUBDIVISION? Y NA
 IF YES, IS THE SUBDIVISION SITE SPECIFIC? Y N NA

3. IS PROJECT LOCATED WITHIN A FLOODPLAIN? Y NA

IF YES, WAS A FLOODPLAIN DEVELOPMENT PERMIT ISSUED BY THE PLANNING & ZONING COMMISSION? Y N NA

4. WAS A VARIANCE GRANTED BY THE ZONING BOARD OF APPEALS? Y NA

* 5. WAS A CONSERVATION COMMISSION REGULATED ACTIVITY PERMIT ISSUED FOR THIS PROPERTY? * NA

APPLICATION DATE: 3/15/18

SIGNATURE OF OWNER: [Signature]

*VOID-AS
 Property conveyed by completely different description subsequent to Commission Approval*

I HEREBY CERTIFY THAT THIS APPLICATION IS BEING FILED BY THE UNDERSIGNED AS AGENT FOR THE OWNER NAMED HEREIN.

SIGNATURE OF AGENT: _____

AGENT'S ADDRESS: _____

AGENT'S PHONE: () _____

BY SIGNING THIS APPLICATION, YOU HEREBY GRANT THE CODE ENFORCEMENT OFFICER THE RIGHT TO ENTER ONTO THE PROPERTY TO CONDUCT NECESSARY INSPECTIONS.

FOR OFFICE USE ONLY BELOW THIS LINE

A-2 PROPERTY SURVEY N
 FOUNDATION AS BUILT BEFORE FRAMING N
 DRIVEWAY PERMIT REQUIRED N
 LOCATED IN HISTORIC DISTRICT N

CODE ENFORCEMENT OFFICER SIGNATURE: [Signature]
 DATE: 4/19/18

RECEIVED

FEB 06 2020

A. Fataou

TOWN OF WESTON
PLANNING AND ZONING COMMISSION

Jim,

I am writing to memorialize our conversation of Monday February 3, 2020, as well as other earlier conversations regarding the referenced address. On several previous occasions you told me that you did not receive an application nor issue the Zoning Permit for the construction activity that is currently taking place.

I am providing you with a copy of my letter dated December 30, 2019 with the attachments. As discussed on Monday, in an attempt to stop the flagrant violations of the Town's Zoning and Conservation Regulations and Procedures, documented in my letter, I filed an appeal to the Zoning Board of Appeals. I have attached Town Attorney, Ira Bloom's response in this regard. Mr Bloom asserts that he is not an "official charged with the enforcement of the zoning regulations" nor has he issued an "order, requirement or decision". Though you did not issue the permit, you clearly are the "official charged with the enforcement of the zoning regulations", therefore, I address this well documented but completely ignored complaint to you.

On Monday, we reviewed the two certified copies of maps made by Peak Engineers which I brought to your office. One was the 2016 map approved by The Conservation Commission and the Planning and Zoning Commission. The second was the 2019 map on which the void Zoning Permit allegedly issued by Mr Edgar was predicated. The maps were obtained at a cost of twenty four dollars. I find this ironic considering that I have to waste more time and money to fight a void permit that was obtained without an application being made or fee paid. To make matters worse the second map was apparently not even looked at by anyone who had the authority to approve it, nor, apparently, the ability to comprehend the difference. We compared the two maps and I pointed out how different they are. As previously documented the house is in a different location, a different size and shape. The garage size has increased by a third. It is positioned differently on the lot with a different distance between the wall and garage. Different drainage, different well location. Completely different, moreover, neither of the two maps is indicative of what actually exists on the site today.

Next, I indicated where an extremely unstable looking wall which far exceeds the length of the wall on either of the maps has been constructed. As previously documented the wall/fence exceeds 15' in spots. It is a CLEAR violation of the town's fence regulations and completely contrary to the height indicated on the plan. Apparently in an attempt to remedy this blatant violation, the owner has now brought in (documented) hundreds of yards of fill to try to make the wall comply. I have attached the recently discovered Application for Soil Disturbance Permit and Certification with the relevant violations highlighted. I have also confirmed that the applicant has neither applied for nor received any additional permit that would allow him to fill the vast area which I pointed out. I also pointed out that the area that has been filled, without the required approval of anyone, lacks the requisite silt fence to prevent run off from reaching the nearby wetlands. Where the fence is supposed to be on the plan approved by the Commissions is now under 10' of fill.

My previous correspondences, proposed ZBA Appeal and the additional documentation provided with this correspondence provide reams of evidence of countless violations of Zoning

and Conservation Regulations and Procedures. This has to stop now. I have given the town every opportunity to respond yet nothing has been done to stop this fiasco. As an abutting land owner and taxpayer I demand that you issue a Cease and Desist on the property and force the owner to comply. To date, he has shown nothing but complete disregard for regulations and procedures meant to protect my children's property, other neighboring property and the interests of all of the tax paying public. Please advise me when I can expect action from you in this regard. Thanks.

Sent from my iPhone

From: Tracy Kulikowski <tkulikowski@westonct.gov>
Date: January 15, 2020 at 2:56:27 PM EST
To: Bob Walpuck <bobwalpuck@gmail.com>
Subject: Please come to my office to pick up your cash

Hi Bob,

I sent you Attorney Bloom's e-mail. The request to appeal is not going to be placed on the Zoning Board f Appeals agenda. Please come to my office to pick up the cash that you submitted with the application.

Thank you,
Tracy

*Tracy D. Kulikowski, AICP
Land Use Director
Town of Weston, CT
203-222-2530
203-222-2537 (fax)
tkulikowski@westonct.gov*

From: Tracy Kulikowski <tkulikowski@westonct.gov>
Date: January 9, 2020 at 3:27:24 PM EST
To: Bob Walpuck <bobwalpuck@gmail.com>
Subject: FW: Request by Three K's LLC

From: Ira Bloom [mailto:ibloom@berchemmoses.com]
Sent: Wednesday, January 08, 2020 7:01 PM
To: "Tracy Kulikowski"
Subject: Request by Three K's LLC

Tracy: You asked for my opinion regarding the request by Three K's LLC to "appeal the decision of the Town Attorney [Ira Bloom] that the June 2019 Zoning Permit is not void per section 240-65 of Weston's Zoning Regulations." The reference is to an email from me to you dated December 13, 2019. More specifically, you asked whether this request is a proper "appeal" under Section 8-7 of the General Statutes that can be placed on an upcoming ZBA agenda. It is my opinion that since I am not an "official charged with the enforcement of the zoning regulation," as required under Section 8-7, nor have I issued an "order, requirement or decision," this request should not be placed on a ZBA agenda. Ira Bloom



Ira W. Bloom
Berchem Moses PC
1221 Post Road East
Westport, CT 06880

Direct Dial: (203) 571-1715
Fax: (203) 226-1641

ibloom@berchemmoses.com
www.berchemmoses.com
[My Profile](#)



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-- WARNING: FRAUD ALERT. If you receive an e-mail appearing to be from this office which requests that you wire or otherwise transfer funds to any party, you must confirm the request and any corresponding instructions via telephone before you initiate any wire or other transfer. PLEASE CONFIRM BY CALLING THE ORIGINATOR OF THE EMAIL, USING PREVIOUSLY KNOWN CONTACT INFORMATION. PRIOR TO WIRING OR OTHERWISE TRANSFERRING FUNDS.

12/30/19

5

Tracy / Jim,

I have provided voluminous relevant documentation to bolster the contention of the Three K's that the permits for 100 Georgetown Road were obtained improperly and "...would not be in full compliance with the provisions of these regulations," The Zoning permit is thus "null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof," per Section 240-65 of Weston's Zoning Regulations (attached and underlined in pertinent part). Until the Town Attorneys response, received December 16, I received absolutely no response to my complaints other than code enforcement officer James Pjura's response that he had not granted the permit nor received an application for the May 2019 map.

My initial complaint was that P and Z Chairman, Ken Edgar, lacked the authority to issue a Zoning Permit based on a radically different map (drastically different house configuration and location, different coverage, drainage, well location, etc... etc...) without the authorization of the full Commission.

Tracy, Prior to Mr. Bloom's response, I was sure you advised me that the lawyers had looked at this prior to Mr. Edgar issuing the June 2019 permit. When I asked for this documentation, I was told that it did not exist. At the request of my lawyers, I again asked where Mr. Edgar derived such authority. As Mr. Blooms response does not address this matter, I ask again. The Regulations clearly state that only the Commission or the Zoning Enforcement Officer have this authority. Neither issued the Zoning Permit.

In addition, since my initial complaint that Mr. Edgar lacked the requisite authority we have also learned the following:

1. At the time (June 12, 2019) that the Zoning Permit was issued by Mr. Edgar (based on the new May 2019) there was not even a valid Zoning Permit Application for the radically relocated and expanded house different well location, different drainage etc...
2. The previous April 2018 approval by the Commission (of the prior plan) was now void as the previous approval by the Health District (a condition precedent) had expired in March of 2019. I am providing you with a copy of this Void Approval, obtained from the Health District (as it was not previously available in the Zoning File).
3. The well location (approval of which is required by 240-67 A.1) was moved in excess of 100 feet and an additional catch basin with added drainage was only added to the Required Plan in August 2019. This plan was only approved by the Health Department at the end of August. The map was not even in the Conservation Department, Zoning Department or Building Department file and was available only in the Health Department file. How can you possibly approve what you do not even know has been radically changed since the unauthorized prior approval? Not to mention the fact that

changed since the unauthorized prior approval? Not to mention the fact that the unauthorized approval relies on a now void approval by the Commission of a different map.

4. During the April 2018 Public hearing, of the prior plan, (which lapsed due to the expiration of the Health District approval) the applicants attorney made a misrepresentation to the commission about the status of the required State permit.
5. Violation of 240-66 regarding the survey requirements necessary to obtain a valid Zoning Permit.
6. Violation of 240-67 regarding Zoning Permits

I am a taxpayer in Weston and hope that the policy of ignoring my request for information will cease immediately. Also, as a taxpayer I am relying on the rapidly waning assumption that Town Regulations are followed, and are applied on an impartial basis but am at a loss to explain the preceding irregularities. Please advise me if my assumption is incorrect. As a Duly Appointed Designee of the Town, making a Land Use Decision, I hereby appeal the decision of the Town Attorney that the June 2019 Zoning Permit is not void per section 240-65 of Weston's Zoning Regulations.

APPLICATION FOR SOIL DISTURBANCE PERMIT

PROJECT LOCATION: 100 Georgetown rd Weston
 PROJECT DESCRIPTION: New home construction

* AREA OF PROPERTY TO BE REGRADED: 17,900 +/- SQUARE FEET
 AMOUNT OF SOIL TO BE ADDED TO PROPERTY: 0 CUBIC YARDS *
 AMOUNT OF SOIL TO BE REMOVED FROM PROPERTY: 0 CUBIC YARDS
 OWNER'S NAME: Sam Lambert
 OWNER'S ADDRESS: 597 Westport Ave, Suite C551
 OWNER'S PHONE: (203) 644-0585

1. Submit 1 copy of A-2 Property Survey that includes existing and proposed topography, proposed sediment and erosion controls, any soil storage areas and location of wetlands areas. (See Section 348.2.1 of the Zoning Regulations.)
2. Submit original notarized Disturbance of Soil Permit Certification form. The form must be completed by a professional engineer licensed in the State of Connecticut. (See Section 348.2.2 of the Zoning Regulations.)
3. If project involves the introduction of more than 25 cubic yards of Soil onto the property, submit original notarized Clean Fill Certification form.
4. \$310 Application Fee (\$210 for fill and excavation of less than 1,000 c.y.: \$310 for fill and excavation of more than 1,000 c.y.)

EXCAVATE	780	CYS FOR FOUNDATION.
EXCAVATE	50	CYS FOR SEPTIC
EXCAVATE	160	CYS FOR DRIVEWAY
EXCAVATE	40	CYS DRAINAGE

APPLICATION DATE: JUNE 5, 2019
 SIGNATURE OF OWNER: [Signature]

I HEREBY CERTIFY THAT THIS APPLICATION IS BEING FILED BY THE UNDERSIGNED AS AGENT FOR THE OWNER NAMED HEREIN.

SIGNATURE OF AGENT: _____
 AGENT'S ADDRESS: _____
 AGENT'S PHONE: () _____

BY SIGNING THIS APPLICATION, YOU HEREBY GRANT THE CODE ENFORCEMENT OFFICER THE RIGHT TO ENTER ONTO THE PROPERTY TO CONDUCT NECESSARY INSPECTIONS.

Land Use Director
 CODE ENFORCEMENT OFFICER SIGNATURE: Tracy D. Kulhowski
 DATE: 6/5/19

E

Disturbance of Soil Permit Certification

(Required for issuance of a permit)

Property Address : 100 GEORGETOWN RD.

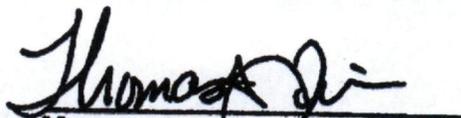
Record Owner : SAM LAMBERT

Date of Application : JUNE 5, 2019

The undersigned hereby acknowledges the right of the Town of Weston Planning and Zoning Commission and its agents to rely upon the statements and representations of the undersigned contained in this Certificate and further acknowledges that any permit issued with respect to the above-referenced application will be issued in material reliance on this Certificate.

Given the foregoing, the undersigned hereby covenants, certifies and represents to the Town of Weston Planning and Zoning Commission and its agents, as follows:

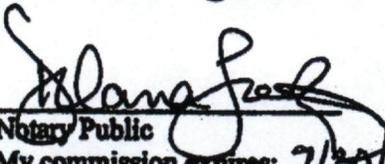
- ✓ (i) I am a professional engineer registered in the State of Connecticut and am duly qualified to make the statements and representations set forth herein.
- (ii) I am familiar with Section 348 of the Zoning Regulations of the Town of Weston, Connecticut (the "Regulations").
- (iii) I have examined the A-2 Property Survey entitled NEW CONSTRUCTION/SITE DEVELOPMENT PLAN prepared by FRANK ENGINEERS LLC bearing a date of last revision of MAY 6, 2019 (the "Survey").
- (v) The Survey conforms to the requirements of Section 348.2.1 of the Zoning Regulations of the Town of Weston.
- (vi) The proposed activity described in the Survey shall not (i) increase the volume or speed of storm water discharge, (ii) materially change the direction of runoff, or (iii) increase the natural or pre-existing rate of Soil erosion on the site, each under conditions of the fifty year design storm. *
- (vii) My calculations conform to standard criteria contained in the Connecticut Department of Transportation Drainage Manual for hydrological and hydraulic analysis and the Connecticut Department of Environmental Protection Stormwater Quality Manual.


Name: _____
CT Lic. No.: 17051

[Required acknowledgement page follows]

State of Connecticut)
County of Fairfield) ss: Weston

The foregoing instrument was acknowledged before me this June 5, 2019 by Thomas Quinn


Notary Public
My commission expires: 7/30/2020
~~Commissioner of the Superior Court~~

**ALL ADDITIONS MADE TO THIS CERTIFICATE FORM MUST
BE UNDERLINED AND DELETIONS SHOWN AS A STRIKE OUT (Example).
ANY REVISION WILL REQUIRE ADDITIONAL REVIEW AND MAY
NECESSITATE A PUBLIC HEARING**

G

Town of Weston, Connecticut
Planning & Zoning Commission

DISTURBANCE OF SOIL PERMIT

Issued to: **Sam Lampert/Arctic Construction LLC**

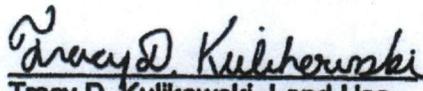
Property address: 100 Georgetown Road
Assessor's Map: 3 Block: 1 Lot: 26
Weston Land Records Map: Lot:

Weston Conservation Commission Permit #16-16 dated 10/20/2016
Weston Planning & Zoning Commission Zoning Permit dated 4/16/2018

The Weston Planning & Zoning Commission hereby authorizes the issuance of a Soil Disturbance Permit to regrade approximately 17,900 square feet of the property and excavate approximately 1,040 cubic yards of Soil from the property in order to prepare the site for the construction of a new single family house, a well and septic system, a 5.5 foot rubble wall adjacent to the driveway, a septic system, a storm water detention system and associated site work, as shown on the New Construction Site Development Plan prepared by Peak Engineers, LLC, dated 9/13/2016, last revised 5/8/2019 and the Driveway Improvement Plan prepared by Peak Engineers, LLC dated 1/17/2017, last revised 6/1/2017, subject to the following conditions:

- 1) All soil and erosion controls shall be installed in accordance with the Site Development Plan before any disturbance of soil or site work can begin.
- 2) The Disturbance of Soil Compliance Certification, completed by Peak Engineers LLC, shall be submitted to the Land Use Director at the end of the project.


James M. Pjura
Zoning Enforcement Officer


Tracy D. Kulikowski, Land Use
Director

Date of Issuance: June 12, 2109
This Permit was issued in reliance upon:

1. Property Survey: Zoning Location Survey, Proposed, Revised Parcel 475A, prepared by Ryan and Faulds Land Surveyors, dated 9/30/2016, revised 5/7/2019.
2. Topographic Survey, Revised Parcel 475A, prepared by Ryan & Faulds Land Surveyors, dated 8/16/2016.
3. New Construction Site Development Plan prepared by Peak Engineers, LLC dated 9/13/2016 last revised 5/6/2019.
4. Driveway Improvement Plan prepared by Peak Engineers, LLC dated 1/17/2017, last revised 6/1/2017.
5. Engineer's Disturbance of Soil Permit Certification by Tom Quinn, P.E. dated 6/5/19.

Revised 3/15/13

TOWN OF WESTON
FOI REQUEST FORM

Weston, CT
DONNA ANASTASIA TOWN CLERK
56 NORFIELD ROAD
WESTON, CT 06883
Phone Number: (203)222-2616
Fax Number: (203)222-8871
E-Mail: danastasia@westonct.gov

DATE: Jan. 28 2020

DEPT: PZ / Bldg

NAME: Bob Walpuck

PHONE #: _____

Official Receipt: 2020-00000189
Printed on 01/28/2020 at 03:49:42 PM
By: 10 on TCCOUNTER072013

COPIES MAPS MISC		
Instrument ID	Recorded Time	Amount
	Date Recorded: 01/28/2020	
	03:49:00 PM	\$24.00
Copies, Maps, Notary, Misc		

Pursuant to the Federal Freedom of Information Act 5 USC.s.552, I request:

100 Georgetown

New Construction

Site Development Plan

prepared by Peak Engineers



PZ file

map revised to Sept. 28, 2016



Bldg File

map revised to May 6, 2019

Total Due:	\$24.00
Paid By Cash:	\$24.00
Change Tendered:	\$0.00

THANK YOU!

Dd. Bob Walpuck

1-29-20.

Each map-Full size copy ; certified by Town Clerk Office

SIGNATURE

DEPARTMENT

DATE RECEIVED

EXPECTED RETURN DATE

11

ZONING BOARD OF APPEALS TOWN OF WESTON, CONNECTICUT

RECEIVED
FEE: \$100.00
DEC 30 2019

ZBA Agenda _____

TOWN OF WESTON
ZONING BOARD OF APPEALS

APPEAL FROM ORDER OR ACTION

Date 12/30/19

APPELLANT Three K's LLC

TELEPHONE Bob Welpack@GMail.com

Address 27 Rogers Ridge

OWNER _____ TELEPHONE _____

Address 100 Georgetown Rd

TAX ASSESSOR MAP NO. 3 BLOCK NO. 1 LOT NO. 26

DISTRICT: RESIDENTIAL: BUSINESS:

Property Is: Is Not Within 500 Feet Of A Town Line.

Give accurate description of property site so it can be located when an inspection is required.

Based on the Order or Action, a copy of which is included with this Appeal form, state precisely the nature of your Appeal including reasons and any other pertinent information in support of your Appeal.

See Attached

Applicant hereby grants to ZBA Members the right to make physical on-site inspection of the subject property as may be necessary to acquaint themselves with actual conditions.

I hereby affirm that I have read the "Application Procedure and Requirements for Appeal from Order or Action" and that all statements in the Application, and the information contained in the accompanying submissions are true to the best of my knowledge.

Owner Three K's LLC by [Signature] Date 12/30/19

Appellant Three K's LLC by [Signature] Date 12/30/19

Received By Code Enforcement Officer [Signature] Date 12/30/19

REV 9/17/09 **JAN 02 2019**

TOWN OF WESTON
ZONING BOARD OF APPEALS

-53 pages [Signature]

TOWN of WESTON, CONNECTICUT



Incorporated 1787

Zoning Board of Appeals

RECEIVED

DEC 30 2019

TOWN OF WESTON
ZONING BOARD OF APPEALS

\$100⁰⁰
Cash

12/30/2019

Tracy / Jim,

I have provided voluminous relevant documentation to bolster the contention of the Three K's that the permits for 100 Georgetown Road were obtained improperly and "...would not be in full compliance with the provisions of these regulations," The Zoning permit is thus "null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof," per Section 240-65 of Weston's Zoning Regulations (attached and underlined in pertinent part). Until the Town Attorneys response, received December 16, I received absolutely no response to my complaints other than code enforcement officer James Pjura's response that he had not granted the permit nor received an application for the May 2019 map.

My initial complaint was that P and Z Chairman, Ken Edgar, lacked the authority to issue a Zoning Permit based on a radically different map (drastically different house configuration and location, different coverage, drainage, well location, etc... etc...) without the authorization of the full Commission.

Tracy, Prior to Mr. Bloom's response, I was sure you advised me that the lawyers had looked at this prior to Mr. Edgar issuing the June 2019 permit. When I asked for this documentation, I was told that it did not exist. At the request of my lawyers, I again asked where Mr. Edgar derived such authority. As Mr. Blooms response does not address this matter, I ask again. The Regulations clearly state that only the Commission or the Zoning Enforcement Officer have this authority. Neither issued the Zoning Permit.

In addition, since my initial complaint that Mr. Edgar lacked the requisite authority we have also learned the following:

1. At the time (June 12, 2019) that the Zoning Permit was issued by Mr. Edgar (based on the new May 2019) there was not even a valid Zoning Permit Application for the radically relocated and expanded house different well location, different drainage etc...
2. The previous April 2018 approval by the Commission (of the prior plan) was now void as the previous approval by the Health District (a condition precedent) had expired in March of 2019. I am providing you with a copy of this Void Approval, obtained from the Health District (as it was not previously available in the Zoning File).
3. The well location (approval of which is required by 240-67 A.1) was moved in excess of 100 feet and an additional catch basin with added drainage was only added to the Required Plan in August 2019. This plan was only approved by the Health Department at the end of August. The map was not even in the Conservation Department, Zoning Department or Building Department file and was available only in the Health Department file. How can you possibly approve what you do not even know has been radically

changed since the unauthorized prior approval? Not to mention the fact that the unauthorized approval relies on a now void approval by the Commission of a different map.

4. During the April 2018 Public hearing, of the prior plan, (which lapsed due to the expiration of the Health District approval) the applicants attorney made a misrepresentation to the commission about the status of the required State permit.
5. Violation of 240-66 regarding the survey requirements necessary to obtain a valid Zoning Permit.
6. Violation of 240-67 regarding Zoning Permits

I am a taxpayer in Weston and hope that the policy of ignoring my request for information will cease immediately. Also, as a taxpayer I am relying on the rapidly waning assumption that Town Regulations are followed, and are applied on an impartial basis but am at a loss to explain the preceding irregularities. Please advise me if my assumption is incorrect. As a Duly Appointed Designee of the Town, making a Land Use Decision, I hereby appeal the decision of the Town Attorney that the June 2019 Zoning Permit is not void per section 240-65 of Weston's Zoning Regulations.

Sent from my iPhone

Begin forwarded message:

From: Bob Walpuck <bobwalpuck@gmail.com>
Date: December 22, 2019 at 10:13:22 PM EST
To: Tracy Kulikowski <tkulikowski@westonct.gov>, jpjura@westonct.gov,
cspaulding@westonct.gov, jluz@westonct.gov, Saltzman <dsaltzman@westonct.gov>, Wolf
<rwolf@westonct.gov>, Ken Edgar <simick54@gmail.com>, Herlitz
<BHERLITZ@optonline.net>, S2k2 <s2k2@optonline.net>, Falber <hfalber@gmail.com>,
Ejsjdc <EJSJDC@gmail.com>, Stephan Grozinger <stephan@stephangrozinger.com>
Cc: thomas kanasky <tkanasky@earthlink.net>, ppacifico@pacificolaw.com,
rafullerctlaw@optonline.net
Subject: Fwd: 100 Georgetown Rd (written December 19th)

To all,

I began today having to waste more time writing to complain about a ridiculously oversized, illegal, unstable looking, unapproved "wall" at the above address, which I observed yesterday . This morning the "structure" was being partially covered over with a large amount of fill from an off site location. The void approval of a dramatically relocated smaller house shows a 4' wall. Furthermore, the plan approved by the full commission was for a house with a 25'wide two car garage. The invalid/void,alleged approval by the Chairman shows a 35' wide garage designed to potentially hold three cars. This dramatic change has also necessitated a much longer wall which was never approved by the Commission.

The existing wall, appears to be 10'+ in height at its highest point. In addition, the wall on the plan only extends to the easterly boundary of the garage. The existing wall, now being covered over, extends much further east. Apparently the guy building the house is now attempting to truck in a large amount of fill to try to "cover things up". The "cover up" will require a substantial amount of unapproved filling. I understand multiple large trucks have already arrived.

Once I was informed of this early this morning, I called the town. It is now nearly 4:00 and no one has called me back. I suspect this is to allow the applicant to continue to cover up parts of the oversized wall. It would have been easier for anyone to discern this earlier had the town sanctioned the applicant for the unapproved removal of the fence shown on the plan when I informed them of it. Or better yet, done the right thing and

required a new application to the full commission for the substantially relocated/expanded house. Instead, the Town is apparently (as I was finally informed of on Tuesday) allowing the applicant to proceed based on the approval of someone who lacks the authority to do so.

This invalid approval, relies on the Commission's prior approval, of a plan that included a misrepresentation by the applicants attorney, that they had already received State approval. In addition, the Health District Approval (a condition precedent) of the prior plan had expired. As I have documented previously, all this was done without the necessity of even submitting a new application. Furthermore, the only application which was submitted (for the dramatically different relocated house) was more than two years old at the time the Chairman issued the invalid/void permit. The zoning permit is void per the Town's own regulations. I have previously cited section 240-65 in this regard. As the town, once again is apparently declining to enforce its own regulations, I will be forced to take the appropriate action at the appropriate time.

These actions fit an ongoing policy of Selective Enforcement of the Town's regulations. Until a court ultimately decides this matter, I suggest the town enforce its Zoning Regulations regarding retaining walls. To verify the violation I have attached pictures of the wall before and during the "cover up". I have also attached the pertinent regulations for your convenience. Both plans on file with the Town show a stone wall of a specific length, with a predetermined top and bottom of a specific grade. What exists at the location now is not even close to either. Furthermore, each plan would also requires a certain amount of fill. "Covering up" what is there now will require much more. As always I trust I can count on your prompt response in this regard.

Sent from my iPhone

10/21/19

Tracy, Can I please have a copy of the "Routing sheet" you mentioned in your previous email. Also, it would appear that at the time Mr Pattee signed (The Non Application Routing Sheet) he had only the inaccurate "Proposed Zoning Location Survey", (the one showing the Chain link fence around the BASEBALL FIELD) still being in place, as Required by the engineer in the Commission Approval you cite. The Fence was required by the Engineer and Commission to stay in place until the Septic was installed. As I previously documented and the newly submitted "Zoning Location Survey" confirms, this fence had already been removed at the time Mr Pattee signed off on "The Routing Sheet". While Mr Pattee is certainly not responsible for the submission of a blatantly inaccurate map it seems that more confirmation would have been required. This hardly constitutes anything that could be considered merely an oversight. If you are given the job of signing off on a permit previously approved by the Commission years earlier shouldn't you at least check??

Also, in an eerily similar "Coincidence" my last email pointed out that when Mr Edgar signed off on the first Zoning Permit, (The one Actually Approved by The Commission, as Required) he was signing off on an expired Health District Permit. The date the Health District approved the application is clearly stated in the April 2018 Zoning Permit. When we spoke last week, and I asked you how this could have possibly happened, I could have sworn that you said the Zoning Permits were reviewed by the Town Attorney before Mr Edgar signed. Please explain. In Weston, I have not known of anyone, ever, signing off on something without checking on its validity/accuracy and/or the expiration date of a permit required as a prerequisite to the permit the Town Official is signing off on. Here we have a situation where all of the aforementioned occurred. TWICE.

Additionally, it would appear, that the June 2019 Zoning Permit proffered by the Town as being Valid (although it is not) was given AFTER the State DOT issued their permit in May of 2019. This would be contrary to the State's Requirement that all Town Permits be issued first. I am also checking with the State to see if there was some prior approval which would be consistent with the Applicant's attorney's representation to the Planning and Zoning Commission that he had already received Approval in April of 2018.

Finally, I have still not received an explanation as to how the Applicant was able to frame the entire house without submitting the required "As Built" to the Commission. The "As Built" (which now shows the required fencing no longer in existence) was dated at the end of September and provided to me, without explanation, in October.



TOWN OF WESTON
 56 Norfield Road, P.O. Box 1007, Weston, CT 06883
Building Permit, Plan Review and Certificate of Occupancy Routing/Sign-Off Sheet

Job Address: 100 George Jean Road Map _____ Block _____ Lot _____

Description of Work to be Done: New house and associated site work Email Address: _____

Contractor: Anchic Construction LLC Email Address: Sam.lampert@anchic.com Contact Phone: 203-644-0595

Property Owner: Sam Lampert # C551 Norwalk, CT 06851 Today's Date: _____

Owner's Current Address: 597 Westport Ave **INCOMPLETE/UNSIGNED PLANS OR PERMIT APPLICATIONS CANNOT BE ACCEPTED FOR REVIEW**

Department	Approval	Disposition	Initials	Date (for Permit)	Initials	Date (for C.O.)	APPROVAL
Health District	Received	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	N.A.		TDK for JA	5/17/19	for Health Dept
Wetlands Agency	Granted <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>	N.A.		AKB	6-5-2019	for Wetlands
Public Works/Engineer	Comments or Conditions:	<u>WETLANDS PERMIT # 16-16 APPROVED 10-20-16</u> <u>No change in impact to wetlands</u>					for Public Works/Engineer
Planning & Zoning Office	Comments or Conditions:	<u>CT DOT Encroachment Permit 5/13/19</u>			TDK for KE		for Planning & Zoning
Code Enforcement	Comments or Conditions:	<u>Pd Z Zoning Permit 4/13/18</u> <u>Soil Disturbance Permit ✓</u>					for Code Enforcement
Fire Marshal	Comments or Conditions:	<u>Pd Z ISSUED ZP 4/13/18</u>					for Fire Marshal (not required for 1 and 2 family homes)
Building Dept.	Comments or Conditions:	<u>Granted <input checked="" type="checkbox"/> Denied <input type="checkbox"/></u> <u>N.A.</u>			DNE	11-3-18	for Building Dept.

NOTICE TO PROPERTY OWNERS: It is the owner's advantage to request final approval for the Certificate of Occupancy (C.O.) as early as possible to avoid delays that could cause problems with loan closing, business openings, etc. Placement on the Town's tax rolls is not contingent upon the issuance of a Certificate of Occupancy.

RECEIVED IN BUILDING DEPT. ON _____

Obtain Certificate of Occupancy from the Building Dept. after final inspection.

Chapter 240. Zoning Regulations

Article X. Administration and Enforcement

§ 240-65. Issuance of authorization for construction; nullification proceedings required.

[Amended 2-1-1984]

* ~~No commission, board, agency, officer or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for construction, reconstruction, alteration, enlargement, or moving of any building or structure, or for any use of land or building that would not be in full compliance with the provisions of these regulations. Any such permit, license, certificate, or other authorization issued, granted, or approved in violation of the provisions of these regulations shall be null and void and of no effect without the necessity of any proceedings or revocation or nullification thereof.~~

§ 240-66. Survey requirements.

[Added 12-30-2009]

- A. Except as otherwise set forth in §§ 240-12H and 240-67G and H and this section, ~~no zoning permit, special permit, administrative permit, or certificate of zoning compliance may be issued except upon submission of:~~
- (1) An A-2 Property Survey; or
 - (2) A map prepared by a licensed engineer or surveyor based on an A-2 Property Survey certifying said reliance and making specific reference to such A-2 Property Survey.
- B. No survey shall be accepted where:
- * (1) Any new structure has been constructed or any existing foundation expanded on the property or any lot line has been altered following the date of such survey; or
 - (2) Such survey was last certified more than 10 years prior to the application date.
- C. The Commission may impose additional survey requirements from time to time by resolution. To the extent this section shall conflict with any other section of these regulations, the provisions of this section shall govern.

§ 240-67. Zoning permits.

X A. No building or structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefor, or work begun thereon, or use made of any land, until a zoning permit therefor has been issued by the Planning and Zoning Commission. No such permit shall be issued for any building or structure where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of these regulations. Before any permit shall be issued, written application therefor shall be made in duplicate on a form to be furnished by the Planning and Zoning Commission. Such application shall contain or be accompanied by the following, as appropriate.
[Amended 2-1-1984]

Not Recurred until August 2019

- (1) A certificate of approval of proposed water supply and sewage disposal facilities, signed by the Health Officer of the Town of Weston. Such certificate shall not be required if the zoning permit applied for does not involve changes in existing buildings or structures, in water supply, waste or sewage disposal facilities or requirements. *NEW WWHQ Approval required*
- (2) Two copies of a plot plan, drawn to a scale and certified substantially correct by a registered land surveyor, showing the actual shape, dimensions and area of the lot; the actual size and location on the lot and of all buildings proposed to be built on the lot and of any existing buildings or structures that shall remain, the existing and intended future use to be made of the proposed improvement and the premises; the number of families, if any, that each building is designed or intended to accommodate; proposed drainage facilities; existing and proposed contours of the land, if any change in grading is proposed. One copy of such plan shall be returned to the applicant subsequent to its approval.

B. Expiration of zoning permits. A zoning permit issued in connection with the construction of a structure shall expire on the second anniversary of its issuance date unless: I) all foundations included in the permit application have been substantially completed; and II) an A-2 Zoning Location Survey showing the location of such foundation in relation to all required setbacks has been submitted to and approved by the Commission. This Subsection B shall not apply to special permits.
[Added 12-30-2009]

* C. Construction on a foundation. No structure shall be constructed upon a new foundation unless and until an A-2 Zoning Location Survey has been submitted to and approved by the Commission. This Subsection C shall apply to all construction in the R-2A and NSC Districts including, without limitation, construction pursuant to a special permit.
[Added 12-30-2009] *When this is submitted, it will not be the one approved by the Commission*

D. Any permit issued on the basis of false or inaccurate information supplied by the applicant, or contained in the application, shall be null and void.

AND

E. No zoning permit shall be issued unless the lot has the required road frontage, in accordance with §§ 240-11D and 240-12D, whichever is applicable, and unless such road has been completed or has had its subbase completed and specified gravel applied.

IT WAS

F. No zoning permit shall be issued for a use listed in §§ 240-11 or 240-12, as subject to the special permit approval procedure of Article IV, until and unless such special permit is approved by the Commission.

NOT EVEN

G. The requirements of Subsections A(2), B and C shall be waived for alteration of an existing structure which alteration does not include installation of any additional foundation, footing, slab, or pier and does not increase coverage of the lot.
[Added 3-16-2009]

CLOSE

(ADDED 7/6
2009)

K

H. The requirements of Subsections A(2), B and C may be waived, in the discretion of the Commission (exercised by the Zoning Enforcement Officer when applicable), for installation of a terrace, uncovered deck, children's play set, generator, or HVAC compressor, where such improvement is clearly and demonstrably outside of any applicable setback and where lot coverage following the installation will be clearly and demonstrably below the maximum allowable lot coverage. A detailed memorandum setting forth the basis for any waiver shall be included in the file.

[Added 3-16-2009]

I. In the event an alteration or installation is completed without a survey as permitted pursuant to Subsections G and H above, a limited certificate of zoning compliance (confirming compliance of the alteration or installation only, rather than compliance of the entire lot) shall be issued in lieu of a certificate of zoning compliance.

[Added 3-16-2009]

§ 240-68. Certificate of zoning compliance.

A. No building structure or premises or any part thereof shall hereafter be devoted to any new or changed use, until a certificate of zoning compliance shall have been issued by the Planning and Zoning Commission. Such certificate shall state that such building or premises, or part thereof and the proposed use thereof, are in complete conformity with all requirements of these regulations.

B. Application for a certificate of zoning compliance shall be made on forms provided by the Town. Each such application shall be accompanied by a fee in an amount to be determined by the Planning and Zoning Commission.

[Amended 3-16-2009]

C. A certificate of zoning compliance involving a building, structure or use for which a special permit or a variance was issued by the Zoning Board of Appeals shall include any conditions or other requirements established by said Commission or Board in accordance with the granting of any such special permit or variance.

D. No certificate of zoning compliance shall be issued for a building or use until the road upon which the lot has frontage has been constructed and approved in accordance with the inspection requirements of the Planning and Zoning Commission.

§ 240-69. Penalties for offenses.

A. ~~Any person, firm, corporation, or other entity who shall violate any provision of these regulations shall be subject to the remedies and penalties prescribed by Chapter 124 of the General Statutes of the State of Connecticut, as amended.~~^[1]

[1] Editor's Note: See C.G.S. § 8-1 et seq.

B. ~~The Planning and Zoning Commission or its agent, the Zoning Inspector, is hereby designated as the official authority which shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein or thereon in violation of any provision of these regulations, and to take such other action as shall be necessary and proper to enforce said regulations, as provided by law. Any such remedial action shall be accomplished by the violator within 10 days of such order unless otherwise provided by statute.~~

- 4
- C. The Commission shall appoint a Zoning Inspector who shall be responsible to the Commission and act as its representative in the performance of such inspection duties and in connection with the enforcement of these regulations including the issuance of cease-and-desist orders and any other duties which may be assigned to him by the Commission.