



**RECEIVED**

*By Darlene Brady at 3:44 pm, May 18, 2022*

**TOWN OF KENT**  
**PLANNING AND ZONING COMMISSION**  
41 Kent Green Boulevard, P.O. Box 678, Kent, CT 06757

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REGULAR MEETING MINUTES

The Planning and Zoning Commission held a regular meeting on Thursday, May 12, 2022, at 7 p.m. via zoom.

**1. CALL TO ORDER**

Mr. Wyrick called the meeting to order at 7:00 p.m.

**2. ROLL CALL AND APPOINTMENT OF ALTERNATES IF REQUIRED**

Commissioners Present: Wes Wyrick, Chairman; David Birnbaum, Karen Casey, Darrell Chemiske, Alice Hicks, Adam Manes, Marc Weingarten, Matthew Winter

Staff Present: Donna Hayes, LUA

**3. READING AND APPROVAL OF MINUTES:**

3.A. Regular Meeting Minutes of April 14, 2022.

Mr. Manes moved to approve the Regular Meeting Minutes of April 14, 2022 as submitted. Mr. Cherniske seconded and the motion carried unanimously.

3.B. Special Meeting Minutes of April 29, 2022.

Mr. Manes moved to approve the Special Meeting Minutes of April 29, 2022, as submitted. Mr. Cherniske seconded and the motion carried unanimously.

**4. PUBLIC COMMUNICATIONS (ORAL):**

Mr. Stan Greenbaum of 247 Bulls Bridge Road submitted a letter addressed to Mr. Wyrick which he wanted to be read into the record, but due to when it was received, it had not been added to the agenda or shared

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**TOWN OF KENT PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING MINUTES FOR MAY 12, 2022**

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with the rest of the Commission. He read the letter into the record and a copy is attached to these minutes. The Commission opted to address his letter and his comments at the next meeting.

## 5. OLD BUSINESS:

### S.A. PUBLIC HEARINGS (Possibility of closure, discussion and decision on the following):

No action taken.

### 5.B. DISCUSSION AND POSSIBLE DECISION

#### 5.A.1. Clarification on the baseline of operations and aspirations of Club Getaway.

Ms. Hayes reported that she had a conversation with Mr. Schreiber who said that Atty. Merriam was still working on a possible overlay district regulation. She also reported that she had not had an opportunity to chat with Mr. Chalder on exactly how an overlay district actually worked and reminded the Commission that Kent currently had multiple overlay districts currently in place. It was suggested that this stay on the agenda and Mr. Schreiber agreed.

Mr. Manes moved to continue Clarification on the baseline of operations and aspirations of Club Getaway to the next regular meeting. Mr. Cherniske seconded and the motion carried unanimously.

#### 5.A.2. Application #13-22C, Chris Elkow, Kent Greenhouse & Gardens, for Richard and Rachel Becker, 79 Muller Road, Map 9 Block 22 Lot 136, installation of inground pool in HorizonLine Conservation District.

Mr. Chemiske recused himself from this discussion. Mr. Wyrick elevated Mr. Winter to voting status.

Mr. Elkow and the property owners were present to address the Commission. Mr. Elkow explained that he sent in a modification to the original permit to include the replacement of the 8 trees that had been illegally cut down. The size of the trees would be 2" caliper in 20-gallon containers. Mr. Wyrick said that he did not think they were very big. Mr. Manes agreed but added that the Commission did not ask for larger trees. Mr. Elkow informed the Commission that at this point in time the trees were 12' to 15' tall.

Mr. Birnbaum felt that the applicant and the property owners had addressed the concerns of the Commission. Mr. Winter agreed and commented that he did not think that the pool seemed to affect the view from Route 7 and the planting of the trees was a step in the right direction. Mr. Winter asked Mr. Elkow if he would be supervising the installation. Mr. Elkow replied that he would. He added that the new trees will be planted close to the trees that had been cut down and that the soils where the trees are to be planted would be amended in order to provide a healthy growing environment.

Ms. Hicks said that she was delighted to see the owners of the property step up. Mr. Wyrick felt that the Commission had done their job and asked if there were any further questions. Ms. Hayes asked if the Commission wanted to add wording regarding some sort of guarantee on the newly planted trees.

Mr. Winter moved to approve Application #13-22C, Chris Elkow, Kent Greenhouse & Gardens, for

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## TOWN OF KENT PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES FOR MAY 12, 2022

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Richard and Rachel Becker, 79 Muller Road, Map 9 Block 22 Lot 136, installation of inground pool in HorizonLine Conservation District in accordance with the supporting documentation that was submitted by the applicant and that any trees that have not achieved a 100% survival rate after the second growing season be replaced. Mr. Manes seconded and the motion carried unanimously.

Mr. Cherniske returned to the meeting.

6. NEW BUSINESS:

6.A. PUBLIC HEARINGS: (Possibility of closure, discussion and decision on the following):

No action taken.

6.B. DISCUSSION AND POSSIBLE DECISION

6.B.1. Application #40-22C, Gary Hock for James Lilly, 29 Brown Road, Map I I Block 40 Lot 24, construction of detached garage with office in HorizonLine Conservation District.

Mr. Wyrick recused himself from this discussion and Mr. Manes assumed the role of Chairman. Mr. Winter remained elevated.

Mr. Gary Hock was present representing the applicant. He explained that the plan was for the construction of a detached garage in the HorizonLine Conservation area located on the property. Mr. Hock said that the driveway will be crossing over the canopy of a 12" oak tree that they will try to keep and no other trees will be removed. He continued that the new pool is in the view area, but the garage will be tucked behind the view area and will be 12' lower in elevation than the existing house. Ms. Hayes asked how far the garage would be from the house and Mr. Hock replied that it will be approximately 80' from the existing house.

Mr. Weingarten asked if there was going to be any lighting on the garage and Mr. Hock replied that there will be lighting on the front of the garage but nothing on the back. The Commission reviewed a picture that was taken facing south. Mr. Winter said that it seemed to him that the garage was in the front yard and asked that the Commission consider screening. Mr. Hock said that it was approximately 1200' to Brown Road. Mr. Winter agreed but said that it was still something that the Commission should discuss as part of the regulation. Mr. Cherniske explained the distance to Brown Road, the topography of the driveway and said that he had no concerns about the garage being seen from the road. He continued that he did not think that the garage could be seen from the lip of the open meadow. Mr. Hock told the Commission that in between this property and the property next door there was a row of huge hemlocks and he doubted the garage could be seen by them.

Mr. Winter said that he wanted to go on record stating that a key map is a requirement and asked that they be included in future applications and not be waived.

Mr. Weingarten moved to approve Application #40-22C, Gary Hock for James Lilly, 29 Brown Road, Map 11 Block 40 Lot 24, construction of detached garage with office in HorizonLine Conservation District subject to the proviso that any lighting on the garage or on the driveway leading to the garage be downward facing, full cutoff and on a motion sensor. Ms. Casey seconded and the motion carried unanimously.

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6.B.2. Application #41-22C, David Bouley, 16 Longview Road, Map I I Block 40 Lot 49, construction of 60' x 40' storage building with living roof in HorizonLine Conservation District.

Mr. Wyrick returned to the meeting and assumed the role of Chairman.

Mr. Bouley was present to answer any questions from the Commission. He explained that the plan would be to construct a concrete, storage building with a living roof. Based on the elevations, the structure itself would not be seen by the neighbors. According to TAHD, the structure has been approved with no plumbing and no living space.

Mr. Bouley continued that the building will be placed down in the valley below the field. There will be some clearing of trees that are dead. There will be a small fann road that will lead to the structure as the property owner does not want another driveway. The entrance to the structure would be on the downward facing side of the proposed structure.

A few of the Commissioners were able to locate the property on Google Earth and asked if the structure was going to be placed where the tents were. Mr. Bouley said that was correct. The tents will be removed; the items that are currently stored inside the tents will be moved to the storage building. Mr. Winter asked if there would be any risk of the neighbors seeing the structure. Mr. Bouley stated that they only thing that could be seen would be the door, but you would have to walk around the structure, towards the lower field to see it. He reiterated that the rest of the structure will be covered with living material.

Mr. Winter said that he thought it was a great approach but it was very hard to figure out the elevation based on the site plan presented. It was also difficult to figure out where and what trees would be cut down. He asked that that information be added to the site plan. Mr. Birnbaum asked if it would be possible to provide photographs from the fence. Mr. Bouley invited the Commission to the property and said that the project is staked out.

Ms. Casey commented that you cannot see the house from anywhere and that the owner's description is correct; the project is being proposed down in a bowl and would not be seen from anywhere. Ms. Hayes reminded the Commission that they could go on a site walk, but cautioned that if two or more were going at the same time, it would be considered a meeting and an agenda would have to be filed. Mr. Winter said that he would walk the property but the information is still needed for the file.

Mr. Wyrick closed the discussion by asking the applicant to provide topographic information and a location map to the site plan and include some photos.

Mr. Manes moved to continue Application #41-22C, David Bouley, 16 Longview Road, Map II Block 40 Lot 49, construction of 60' x 40' storage building with living roof in HorizonLine Conservation District so that the applicant can provide a map with topography on it and also indicating where the structure will be located. Mr. Birnbaum seconded and the motion carried unanimously.

6.B.3. Application #42-22C, Dean Gregory for James Robinson, 82 Cobble Road, Map 9 Block 42 Lot 12, construction of 2-family dwelling, driveway and associated site work in HorizonLine Conservation District.

Mr. Joseph Green from Robert Green Associates was present representing the property owner. He explained that the applicant is proposing the construction of a two-family dwelling approximately 300' from the

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Horizonline. Vertically from the Horizonline to the highest contour is about 120' — 150' down gradient from the Horizonline.

Mr. Wyrick said that he understands the actual construction is outside of the Horizonline District, but his concern is that Cobble Road is a scenic asset of the town and that there have been many successful projects on the high side of the road and used 60 Cobble Road as an example. Mr. Wyrick's concern is erosion because the applicant is proposing a tremendous amount of clearing and grading. Mr. Wyrick asked for the grade between the house and driveway. Mr. Green said that it would be between 25% and 30%. Mr. Wyrick asked Mr. Green what they would plant there and Mr. Green said that they have grass matting scheduled to be placed there to hold back the hill. Mr. Wyrick said there are a couple of houses on Cobble Road where the driveways are washing out onto the road and asked Mr. Green if the plan is to pick up any grade on the majority of the length of the driveway. Mr. Green said that was the plan but Mr. Wyrick said it did not look like they were picking up much. Mr. Green said that across the parallel portion of the driveway will be flat. Mr. Wyrick said that was approximately 50% of the length of driveway and you will not gain elevation and you are grading to accomplish that. Mr. Green agreed but said that was the only way to get up to the house site. Mr. Wyrick said that if the house were to be moved further back on the property there would be a better angle going up and asked how high it was off of Cobble Road. Mr. Green said that it was about 60' from Cobble Road and 80' from the property line. Mr. Wyrick felt it is quite a gradient. He continued that there is a lot of cutting. Mr. Green said that he understands that, but that in order to reach the homesite, this is what needs to be done. Mr. Wyrick suggested moving the house further back in order to provide less cutting. Mr. Green said he understood but that was where the homeowner wanted the site placed. Mr. Wyrick said that this plan is not very respectful of the land. Mr. Green respectfully disagreed and said that the further back the house is placed the more the land is opened up from a clearing and disturbance standpoint. Mr. Wyrick said that there is approximately 150' of totally cleared property. Mr. Green agreed. Mr. Wyrick asked for other comments from the Commission.

Ms. Casey agreed with Mr. Wyrick. She said that the Cobble is a huge asset to the Town and community and viewed this project as a "pimple". Ms. Casey hopes that they could change it and make it less of a sore spot.

Mr. Wyrick said that there is a proposed huge, flat, cleared area to the south of the house and asked the applicant what that was for. Mr. Green replied that they plan to put a lap pool in that area in the future.

Mr. Wyrick said that there doesn't appear to be any retaining walls in the area and asked if they were just depending on grading. Mr. Green said they were and Mr. Wyrick commented that there will be huge runoff issues.

Mr. Cherniske asked if, once the house and driveway are done and the site is seeded and remediated, those areas would need to be disturbed in order to put the pool in. Mr. Green said that he did not think so, but would get more information on that. He thought that the pool would be constructed at the same time as the house. The builder usually completes the pool during home construction.

Mr. Birnbaum asked if there would be emergency vehicle access issues on the back curve. Mr. Green said that he would have to run it past the KVFD to determine if there was.

Ms. Hayes said that she found the site plan difficult to read and said that she thought the driveway would be similar to the driveway at the other end of Cobble Road and would be problematic.

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Mr. Winter asked if the driveway was going to permeable. Mr. Green said that it would be. Mr. Winter asked if everything in front of the house would be cleared. Mr. Green said that there would be selective clearing in the front. Mr. Winter asked if they would have to clear everything between the long stretch of the driveway and the house site? Mr. Green said yes. Mr. Winter asked if they would have to clear cut the area at the first 90 degree turn in the driveway. Mr. Green said not necessarily and that everything below the lowest grade line and along the edge of the road could remain. Mr. Winter asked how big that area would be and Mr. Green said that it would be approximately 40'. Mr. Winter asked if everything in the leaching field area would have to be clear cut and Mr. Green said yes but everything to the south and north of that area would stay. Mr. Winter asked if those trees were predominantly deciduous and Mr. Green said they were.

Mr. Winter said that he agrees with Mr. Wyrick and that this house would be better served with a switchback driveway going up just above the entrance and into the evergreens and saving the view from the road itself. Ms. Casey said that there is a property on the western end of Cobble Road that is similar to this property and what they did was push the house as far back as possible, did not clear cut the property and created a switch back driveway to the house. She believes that this should be done with this property.

Mr. Winter said if the house were to stay where it is and access it from the southerly direction, it will be a steep switch backed driveway, but it would save the lower 1000' of tree growth.

Mr. Wyrick said that the only way to meet grade is length, but nothing has been offered on a majority of the length of the driveway.

Mr. Manes said that the HorizonLine regulation is to preserve the views from the roadway by not seeing houses or driveway on hillsides and this is exactly what is happening. For him and beside the fact that the application is ve01 difficult to understand, he did not think at this point in time he would be able to vote in favor of this application.

Mr. Wyrick said that it is the trees and clearing, but the main concern is what will happen with the driveway. Mr. Winter agreed but asked if there was a situation that the Commission where they could get behind the application if they were shown some stormwater management plans and landscaping where they would put back some of the mature screening that will be lost. Mr. Wyrick agreed and thought that by pushing the house back 30' or 40' from the front line would make a world of difference.

Ms. Hicks asked if the erosion Mr. Wyrick referred to earlier had affected adjacent or abutting properties. Mr. Wyrick said that it did not but Cobble Road itself was affected.

Mr. Manes said that he thought the Commission needed to better understand the ramifications of the runoff from the driveway and erosion controls. Tabling this would give them an opportunity to provide additional information and look at their site plan. Mr. Winter agreed and said that it would also give them an opportunity to get additional information from the Kent Volunteer Fire Department and a landscape architect to mitigate the clear cutting. Mr. Manes also asked for some pictures of the site.

Ms. Hayes asked if any fill will be taken off or brought in as that answer will drive the decision to refer this to Anchor Engineering for review. Mr. Green will compare numbers and get back to her. Mr. Winter said that it was a great suggestion and asked that it be done after the revised site plan is submitted. Mr. Manes agreed. Mr. Winter said that as part of the application, he would like to see a couple of cross sections of the driveway at the steeper points. Mr. Wyrick asked that it be taken from the house to the road.

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Mr. Manes moved to table Application #42-22C, Dean Gregory for James Robinson, 82 Cobble Road, Map 9 Block 42 Lot 12, construction of 2-family dwelling, driveway and associated site work in HorizonLine Conservation District so that the Commission could get some additional information from the applicant. Mr. Weingarten seconded and the motion carried unanimously.

Mr. Birnbaum asked if it would be possible to change some of the requirements of a site plan application by requiring at least a Google Earth submission. Mr. Manes agreed. Mr. Cherniske asked if it would be possible to share Google Earth live during discussion. Mr. Manes cautioned that Google Earth are not current. Ms. Hicks asked about drone usage and Ms. Hayes said that she had discussed that with Attorney Zizka. He said that property owners have an expectation of privacy and there is no case law right now regarding how high up that privacy goes. Mr. Weingarten said that tree cutting and lighting are required for the application submission and that information is never submitted. Mr. Birnbaum asked that this be added to the agenda in the future to suggest changes in order to bring this process up to date. Mr. Manes asked that Ms. Hayes advise the applicants to provide a topo map along with a key map.

7. STAFF REPORT:

Ms. Hayes reported that she will be out of the office on Friday, May 13<sup>th</sup> and would return on Monday, May 16<sup>th</sup>.

8. REPORT OF OFFICERS AND COMMITTEES:

8.A. POCD Subcommittee

Mr. Winter reported that the POCD Subcommittee met on Monday, May 9<sup>th</sup> and discussed the red-lined version of the draft POCD. He reminded the Commission that there will be a special meeting on May 25<sup>th</sup> where they would be reviewing the first full draft of the plan. Ms. Hayes told the Commission that she had spoken with Mr. Chalder today and had received a new red-lined version, which will be sent to the subcommittee, as well as the updated non-redlined version, which will be put in the public meeting folder for the meeting on the 25<sup>th</sup>. Mr. Birnbaum asked when information can be submitted to Mr. Chalder. Mr. Winter suggested that the information be submitted to Mr. Chalder in between the meeting on the 25<sup>th</sup> and the public informational meeting. Mr. Manes informed the Commission that a tentative date of June 30<sup>th</sup> had been chosen for a public informational meeting.

8.B. Affordable Housing Plan Subcommittee

Mr. Birnbaum reported that the subcommittee will be meeting the following week to review their next set of slides which discuss the goals and plans. The public meeting will be done the week after that. Part of that meeting will be zoom polling to see if they can get people to comment. There will be an update for the May 25<sup>th</sup> POCD subcommittee meeting where specific information will be provided for inclusion and the two documents will be aligned.

9. OTHER COMMUNICATIONS AND CORRESPONDENCE:

9.A. Administrative Permits and Certificates of Compliance: April 12 to May 9, 2022

Document received; no action taken.

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9.B. Connecticut Federation of Planning and Zoning Agencies, Quarterly Newsletter, Spring 2022.

Document received. Mr. Birnbaum asked Ms. Hayes if she could get more information on the Parker v. Zoning Commission, 209 Conn. App. 631 (2022) from Attorney Zizka.

10. EXECUTIVE SESSION: Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020. Discussion of strategy and negotiations with legal counsel.
11. EXECUTIVE SESSION: Pending Litigation: The Roberti Family, LLC v Town of Kent, Connecticut and Planning & Zoning Commission of the Town of Kent, Connecticut in the United States District Court for the District of Connecticut filed April 24, 2020. Discussion of strategy and negotiations with legal counsel.
12. EXECUTIVE SESSION: Pending Litigation: Committee to Protect Rural Kent, LLC, Yewer, Dorothy and Yewer, David vs Town of Kent Planning and Zoning Commission, et al in Superior Court, Judicial District of Litchfield at Torrington dated December 21, 2021.

Mr. Birnbaum moved to go into executive session at 8:49 p.m. to discuss agenda items 10, 11 and 12 at the same time. Mr. Weingarten seconded and the motion carried unanimously.

The Commission came out of executive session at 9:15 p.m.

13. Open session involving discussion and possible action on Pending Litigation: High Watch Recovery Center, Inc. v Town of Kent Planning and Zoning Commission in Superior Court, Judicial District of Litchfield at Torrington dated November 27, 2020.

Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.

14. Open session involving discussion and possible action on Pending Litigation: The Roberti Family, LLC v Town of Kent, Connecticut and Planning & Zoning Commission of the Town of Kent, Connecticut in the United States District Court for the District of Connecticut filed April 24, 2020.

Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.

15. Open session involving discussion and possible action on Pending Litigation: Committee to Protect Rural Kent, LLC, Yewer, Dorothy and Yewer, David vs Town of Kent Planning and Zoning Commission, et al in Superior Court, Judicial District of Litchfield at Torrington dated December 21, 2021.

Mr. Birnbaum moved to follow the recommendations of the Attorney and have Donna Hayes report back to the Commission as this matter progresses. Mr. Manes seconded and the motion carried unanimously.

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## ADJOURNMENT

Mr. Birnbaum moved to adjourn at 9:16 p.m. Mr. Manes seconded and the motion carried unanimously.

Respectfully submitted,

Donna M. Hayes, CZEO  
Land Use Administrator

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9 Peace Pipe Lane  
Sherman, Connecticut 06784  
Phone: (860) 354-2454 FAX: (860) 354-0054 cell: (203) 512-6200  
Email: sgreenbaum@uchicago.edu  
May 12, 2022

Mr. Wes Wyrick, Chairman and  
Members of the Kent Planning and Zoning Commission  
Town Hall  
Kent, CT 06757

RECEIVED  
KENT PLANNING AND ZONING COMMISSION  
2022 MAY 12 P 1:15  
J. Bralley  
TOWN CLERK

Dear Mr. Wyrick:

I am writing pursuant to the discussion, under item 6.B.5 of the agenda for the April 14, 2022 Kent Planning and Zoning Meeting, of possible violation(s), at my property at 247 Bull's Bridge Road in South Kent.

I have read the minutes of the meeting and I have transcribed the part of the ZOOM audio recording (I was not able to play back the video), where this discussion took place, approximately two hours and 39 minutes into the recording. The discussion lasted approximately 21 minutes.

I am writing to address the manner in which the complaint was brought before the Commission. For many years, it was my understanding that the policy of the Commission regarding complaints was that they were to be brought before the Commission at a regular meeting of the Commission by the complainant or made in writing by the complainant. In this instance, the Land Use Administrator, Ms. Donna Hayes says that this item "was on the agenda for a couple of reasons, one being at the request of Chairman Wyrick." "She continued that over the past year or so, she had received several complaints from neighbors and residents driving by" the property. In the recording of the meeting, Ms. Hayes states that she has "gotten two complaints regarding a number of things that have been going on at the site." She goes on to say that "there were pictures that were in your packet that were taken by the people complaining." The only photographs presented were taken from the property of Stacey Spence who owns 237 and 235 Bull's Bridge Road.

There is no mention in the recording of the meeting, either by Ms. Hayes or anyone else that this item was "on the agenda for a couple of reasons." There is also no mention on the recording that one of the reasons was "at the request of Chairman Wyrick." On the recording, Ms. Hayes says "I have gotten two complaints regarding a number of things that have been going on at the site." She did not say that "she had received several complaints from neighbors and residents driving by" as it says in the minutes of the meeting. The minutes also report that "there are numerous vehicles on the property that appear to be inoperable" while the recording transcript indicates that she actually said "There's a camper that's there, there is a truck in the wetlands."

The minutes of the meeting go on to say that "Mr. Stanley Greenbaum said that the driveway had been permitted by the Board of Selectmen in 1980." What I said, based on the transcript was "When we built that driveway, we had to get permission from the Board of Selectmen to tie it into Bull's Bridge Road." This particular error is egregious because it was repeated in the April 25, 2022 minutes of the Inland Wetlands Commission. In the minutes of the Inland Wetlands Commission of April 25, 2022 under agenda item 4.C, Possible Notice of Violation, Stanley Greenbaum, 247 Bull's Bridge Road, it says "Mr. Greenbaum replied that he had the soil boundaries identified in 1980; the driveway is not part of a wetland and he received permission from the Board of Selectmen back in 1980 to put the driveway in... " In fact, what I said, based on the transcript of that meeting, was "we had to get permission from the Board of Selectmen to join Bull's Bridge Road at the east end of the property." (41 minutes, 58 seconds into the recording).

There are numerous additional errors in the statements made by the Land Use Administrator, Ms. Donna Hayes. I bring these to your attention because to approve the minutes of the meeting of April 14, 2022 with these errors in place would do harm to the credibility of the Commission as well as to me and my property rights.

I will address the other issues raised by agenda item 6.B.5 in a subsequent letter when I have received all of the documents that I have requested from the Planning and Zoning Commission, the Conservation Commission, the Inland Wetlands Commission and the Board of Selectmen.

I would like to address Mr. Winter's question regarding the driveway width at the east end of the property where it joins Bull's Bridge Road. What is seen in the photograph is, in fact, two driveways that had been separated by a wire fence for more than 40 years. For most of that time, I believed that the driveway to the east went with the small cottage now owned by Ms. Stacey Spence. When she applied for a variance to her side lot line with the Zoning Board of Appeals, she needed my agreement to get the variance. At that time, I learned that the cottage was 9' from the property line and that the stone wall adjacent to the cottage was on the line. I then learned that the previous property owner had a survey done showing the correct lot lines. I had a survey done last summer that confirmed that finding. When I learned that the "cottage driveway/" was on my property, I had the wire fence removed and took out the Japanese knotweed that had been growing along the fence. That existing driveway was on the property line and had been there for at least 50 years. I have since covered part of it and planted grass where part of the driveway had been. The apron for that driveway was not paved, suggesting that it dated back to the time when the cottage was built, possibly in the 1930's. I will check the land records.

When Ms. Spence approached me about granting the variance for constructing an addition to her cottage, I said that I would agree on the condition that an evergreen plant screen be planted along her side of the property line. Since my son, Dan Greenbaum, is an arborist, we offered to assist her in obtaining the plants wholesale and we said that he would be willing to do the installation without charge.

When we were doing the last of the cleanup on the southeast corner of the property last December, we offered to do the planting that week while we had machinery and people available to do the work. Ms. Spence demurred saying it would have to wait. It snowed a

few days later and we stopped working on the cleanup for the winter. The removal of the knotweed and dead trees left the remaining scrap more open to view in a winter when there wasn't much snow.

I respectfully request that this letter be read into the record at the Planning and Zoning Commission meeting on May 12, 2022.

Cordially,

A handwritten signature in black ink, appearing to read "Stan Greenbaum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stan Greenbaum

cc: Town Clerk