

To: The Wilton Zoning Board of Adjustment  
From: Jared and Jody Brown  
Regarding: Appeal of an Administrative Decision; Case #6/14/11-1  
July 6, 2011

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TOWN OF WILTON NH

Why we feel the decision was incorrect:

The denial of the Brown's application for a variance (as stated in the Notice of Decision) states primarily that the new shed or shed addition for which they seek a variance retroactively, poses a negative visual and physical impact on the adjoining lot. The actual shed in question was built in the fall of 2005.

We will show - through testimony, sound reasoning, and photographs that the impact of the shed addition is negligible and therefore proves that there is no alleged hardship to the abutter, Ms. Wright. We will also show that the hardship to the applicant, Jared Brown, is significant in reference both to the shed's intended purpose and to the alternate possibilities for its location on the Brown's small lot.

We will prove that the allegations made by Ms. Wright concerning the physical damages and related costs attributed to the shed in question, represent a blatant and intended misrepresentation of the truth and as such are subject to further litigation not only with Ms. Wright but to those who testified on her behalf, and to any who would accept their validity at face value in making legal decisions which pose an adverse affect on others, both monetarily and otherwise.

We will also reveal that Ms. Wright's assertion that the shed, which after nearly six years in existence suddenly poses a physical hardship, is one motivated not by the truth but by a personal grievance based on an imagined affront or disrespect shown to her by Mr. Brown. In other words Ms. Wright's motive is of the worst kind; one based on spite, a motive not rooted within the facts of the case or with any genuine grievance with the shed. We will prove this through testimony and other evidence.

Why do we think this is an important component to this case? It is an important point to make as the hardship imposed upon an abutter in granting a variance, in addition to the objective analysis of the ZBA, also takes into account and is in fact strongly influenced by the abutter's response, one that must be to a large extent subjectively interpreted by the ZBA.

We will further prove that the claim made by Ms. Wright's tenant Ilene, stating that the wood smoke from the shed's wood stove is a bother, was never an issue with previous tenants or Ms. Wright over the past six years. Again we will flesh this out during our defense.

The only allegation made against the Brown's which we accept to be true is that the woodstove's chimney is too close to tree branches and poses a possible fire hazard. This could be easily remedied by trimming the offending branches. The tree lies behind the shed appearing to lie on Ms. Wright's property; however, it is within the Brown's property line.

Finally, if the ZBA is still inclined to deny the variance following our defense at the next ZBA meeting, we would strongly hope that an onsite visit by the ZBA would occur prior to a final decision.

June 16, 2011

Regarding: shed case

I am typing from my hand written notes from June 15, 2011.

On June 15<sup>th</sup> around 6 pm Dianne Wright's boyfriend Brian, knocked at our front door. Dianne had asked him to pay us a visit the purpose of which was to request that we not trespass on her property.

Earlier that afternoon around 4 pm our neighbors Bob Gill and Tina Benson had come over to commiserate about our shed situation. We were inspecting the sheds and at one point walked around to the back of the sheds onto Ms. Wright's property. Apparently Dianne Wright's tenant Eileen, had reported this to Dianne.

At any rate, my wife Jody had answered the front door where I then joined her. We were concerned as this was the boyfriend who had some months earlier had a fist fight in front of Dianne's house with her previous boy friend, John- an incident which apparently made the papers and that my son Joshua observed. My wife Jody, feeling concerned, retreated around the corner out of site where she listened to the conversation I then had with Dianne Wright's boyfriend Brian.

Brian appeared humble and apologetic as he initiated conversation concerning Dianne Wright's request that we not trespass on her property. I was feeling a little shell shocked over the whole shed situation and took the opportunity to open up to Brian. I said to him, "Brian, I feel Dianne carries a lot of anger and rage. I don't even think this is about the shed." Brian responded, "It's not- it's about respect." I said, "You mean about shoveling snow off part of the shed roof onto her property." "Yes," he replied. I said, "I intended no disrespect by that. She brought it to my attention and asked me not to shovel snow onto her property. I apologized and said I wouldn't." I then admitted to Brian that I might have rolled my eyes or shook my head as a walked away as she tends to go off the deep end about seemingly trivial stuff which is what might have set her off. Brian responded, "Ya, probably," gave me a look like I was preaching to the choir and then added that he'd probably said too much and reiterated Dianne's request for us not to trespass on her property. We shook hands and he walked away.

I am writing this immediately as it points to Dianne's motive which really has nothing to do with her alleged grievance concerning our shed. My wife Jody verifies that this was the conversation she overheard nearly verbatim.

Jared Brown  
Jody Brown

To Whom It May Concern:

We lived directly next door to Jared and Jody Brown from Nov of 2004 to Dec of 2006 in the apartment of Dianne Wright's. During those 2 years ***we never felt*** that the 2 sheds Jared had built were an "eyesore" or made us feel claustrophobic. Actually we think the shed in question is awesome and it would be a shame to remove it after all the hard work they've put into making it special. I recall my husband Alan and Jared build the fence in the Spring of 2005 and then the shed was built in the fall of 2005.

In addition to the privacy fence the sheds provided a little more privacy which we enjoyed. Nor did having the second shed built cause flooding in the back yard and basement. The basement always flooded as did the back yard during heavy rains. The wood stove in the shed never caused us any issues with the smoke. We never noticed it frankly anymore than the wood smoke from other chimneys. It was no different than when the neighbors around us had their woodstoves burning during the winters.

My observation from living there was that Diane could be difficult and would go out of her way to be un-neighborly. She always seemed to be complaining about something. I recall an incident when we were moving out I had asked Diane if I could use our deposit for the last month's rent and she agreed. Later on she decided not to but at that point I had used it for deposit on the new place. She really gave us a hard time and we even got into a verbal argument. After we had moved out she would not speak or even look at us for at least a full year. My personal opinion is she has an issue with the Brown's not necessarily the shed itself. The shed is just a vehicle she is using to get back at them for anything she feels "wronged" over the past years.

The Brown's were always great neighbors and good friends. We feel it is a shame that the Brown's are being asked to remove their shed. We know that Jared in particular has taken a lot of joy in it as a woodworking shed and as a place to hang out around the wood stove with his wife and neighbors. The Browns have taken a great deal of time in making that shed a special and unique place. You would have to see it in person to appreciate it. We were seriously disheartened to hear of their misfortune. They don't deserve it.

Sincerely,

Alan and Meili Kronenfeld