

To: Town of Wilton Zoning Board of Adjustment (*by first class mail and email*)  
From: David K. Pinsonneault, Esq., counsel for Dawn Ryan (74 Stagecoach Rd.)  
Dated: September 7, 2021  
Re: **Opposition to Robin Maloney appeal of Administrative Decision**  
**Case #9/14/21-1**

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### **Introduction**

Ms. Maloney's appeal does not allege any fact to show why the rehabilitation of the bridge Dawn Ryan needs to access approximately 75% of her property on Stagecoach Road would violate sections 11 and 12 of Wilton's Zoning Code.

On the other hand, an examination of Ms. Ryan's application for a permit to build this bridge<sup>1</sup> shows that Dawson Gay's decision to issue a building permit was based upon well-documented findings made by environmental and engineering consultants.

Accordingly, Ms. Ryan respectfully requests that the ZBA deny Ms. Maloney's appeal.

### **Background Facts Shown in the Building Inspector's Case File**

The 14.5-acre lot at 74 Stagecoach Road was created by a 1996 subdivision. This lot is bisected by Mill Stream that runs from north to south. Approximately 11 acres lying easterly of the stream are stranded ("Stranded Parcel") but for a decades-old bridge<sup>2</sup>.

This bridge lies within an easement for the benefit of 74 Stagecoach Road, over land now owned by William and Corinne Ryan at 76 Stagecoach Road, for the express purpose of providing the owner of 74 Stagecoach Road access to the Stranded Parcel.<sup>3</sup>

Research shows that farm use of the bridge in the 1950s included farm tractors and hay wagons.<sup>4</sup> However, the bridge has since deteriorated to the extent it no longer can sustain such loads<sup>5</sup> thereby preventing Ms. Ryan from enjoying the use of the Stranded Parcel.

The Permit allows Ms. Ryan to restore the bridge's usefulness without destroying the existing structure by setting precast piers behind the existing stone piers and installing steel girders on those footings to hold decking above the existing deck.<sup>6</sup>

This work complies with state and local environmental laws and regulations; no DES permit is needed to perform the work.<sup>7</sup>

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<sup>1</sup> Attached as Exhibit 1; hereinafter the "Application".

<sup>2</sup> Plans, attached as Exhibit 2; hereinafter the "Plans".

<sup>3</sup> See deed at page 011 of the Application and the Plans (2<sup>nd</sup> page).

<sup>4</sup> See page 008 of the Application.

<sup>5</sup> Tirey Evaluation, Attached as Exhibit 3.

<sup>6</sup> See pages 005-007 of the Application.

<sup>7</sup> See pages 015-017 of the Application.

## The Maloney Appeal

Ms. Maloney attempts to justify her Third-Party Appeal of Administrative Decision on the following grounds:

1. The installation of concrete footings would violate Wilton's zoning ordinances;
2. Ms. Ryan does not have a DES permit;
3. The Building Inspector issued the building permit without including environmental considerations or performing his "due diligence"; and
4. She was not given notice of the application for the building permit.

Items 2 and 4 are easily disposed of. Ms. Ryan does not need a DES permit to perform the bridge work.<sup>8</sup> Wilton's ordinances do not require that abutters be notified of an application for a building permit.

Items 1 and 3 should be considered together. Ms. Maloney's appeal merely lists several allegedly violated ordinances<sup>9</sup> without explaining *why* those ordinances were violated. Therefore, she has failed to carry her burden to prove why she is entitled to the relief she is requesting. Accordingly, her appeal should be denied without more being said about it.

Nevertheless, Ms. Ryan notes that none of the scattershot citations to the zoning ordinance support Ms. Maloney's attempt to invalidate the building permit issued to Ms. Ryan because Ms. Maloney simply invokes the authority of §11 (Wetlands Conservation District) and §12 (Aquifer Protection District).

### §11 (Wetlands Conservation District)

Contrary to Ms. Maloney's unsupported allegations, the rehabilitation of the bridge will not violate the Wetlands Conservation District Ordinance.

First, the bridge restoration project does not disturb wetlands.<sup>10</sup>

Second, the restoration of an existing bridge does not violate the purpose of the Wetlands Conservation district because (a) structures would not be developed in wetlands that would contribute to pollution of surface and groundwater by sewage; (b) the bridge would not destroy wetlands that provide flood protection; (c) the bridge would not cause the Town to incur unnecessary or excessive expenses; (d) the bridge is a use that can be appropriately and safely used in wetland areas. *See* §11.1.

In addition, the restoration of an existing bridge is a permitted use because the precast piers will not alter surface configuration by the addition of fill or by dredging. *See* §11.3.

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<sup>8</sup> See DES email, attached as Exhibit 4; and DES confirmation email, attached as Exhibit 5.

<sup>9</sup> 11.1, 11.2, 11.3, 12.1, 12.2, 12.3, 12.4(i), 12.5, and/or 12.7 of the Wilton Zoning Ordinance.

<sup>10</sup> See pages 015-017 of the Application

## §12 (Aquifer Protection District)

The bridge restoration is a permitted use. *See* §12.3(h) (maintenance and repair of any existing structures); and §12.3(i) (farming, gardening, nursery, forestry, harvesting and grazing).

Ms. Maloney's citation to §12.4(i) makes no sense because the bridge restoration is not a sand and gravel excavation operation.

### Conclusion

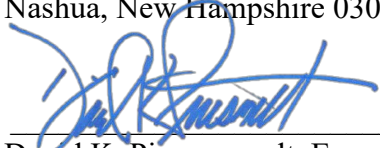
Ms. Ryan does not seek to do anything on her property that has not been done for decades. However, she needs access to 75% of her property to do so. The easement over her neighbor's property expressly provides for such access, which Ms. Ryan reasonably relied upon when she bought the property in 2019. She is undoubtedly entitled to use a farm tractor or pickup truck to manage and landscape the Stranded Parcel. However, the existing bridge is not safe for such use.

We do not understand why Ms. Maloney, whose property is at the other end of Stagecoach Road, seeks to frustrate Ms. Ryan's reasonable (and legal) use of her land. What is certain is that Ms. Maloney's appeal does not enforce the law, nor does it benefit the public interest.

Accordingly, Ms. Ryan asks the ZBA to deny Ms. Maloney's appeal.

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