

**Opponents' Exhibit 1:** John Kirby's widely distributed March 7, 2014 letter with attachments (41 pages) to Corporation Counsel, Kathryn Emmett. (the "Letter")

This letter that was widely distributed four days before the March 11<sup>th</sup> Public Hearing on the Proposed Zone Map Change for Saddle Rock Road acknowledges on page 2 that the issues raised in the Letter are **"separate from the zoning decision now before the Board of Representatives."**

The Letter unequivocally demonstrates retaliatory conduct by several people because the Murphys oppose the Redniss' Zoning Application. Opposing this legislative act of approving or rejecting the Redniss Zoning Application is protected conduct under the United States Constitution and other governing laws.

This conduct by the proponents of the Redniss' Zoning Application unreasonably interferes with the residents' right to support or oppose legislative proposals before the Board of Representatives. The proponents' conduct demonstrates beyond any reasonable doubt that the Letter was motivated by retaliatory animus. The proponents "retaliatory scheme" was designed to target the Murphys who oppose their zoning application by collecting unrelated documents against the Murphys in an effort to spread rumors about the Murphys and attempt to ruin the Murphys' reputation. Many Stamford residents will not testify before the Zoning, Planning and other Boards for fear of being targeted and retaliated against.

If left unchecked this conduct has a chilling effect on the residents' constitutional protected right to support or oppose legislation before the Board of Representatives.

In summary, all reasonable persons would find this conduct by the proponents of the Redniss' Zoning Application to be abusive.

Last night, on Monday, March 10, 2014, at 8:45 p.m. the Murphys learned in a phone call from Mr. Agarwal, the owner of 86 Rogers Road, that he and his wife sent a one sentence letter/email requesting that their name be removed from the Petition. Mr. Agarwal indicated that a woman visited them for one hour on Sunday. He said there was a lot of tension in their lives with their contractor and renovating problems following Sandy. He said he was sorry and cannot explain why he wants his name removed from the Petition.

In light of the foregoing, I am requesting that the Agarwal's and Silverman's (123 Saddle Rock Road) renovation records be made part of the record in this case. Digging up records on neighbors who are involved with the City's building and zoning departments in order to have their Zoning Application approved is abusive, unconscionable conduct.

**John Kirby  
88 Saddle Rock Road  
Stamford, CT 06902**

March 7, 2014

*Via Email, Hand Delivery*

The Honorable Kathryn Emmett  
Director, Legal Affairs  
City of Stamford  
888 Washington Boulevard  
Stamford, CT 06901

Dear Ms. Emmett,

My wife, Susan Cullman, and I live at 88 Saddle Rock Road. We acquired 74 Saddle Rock Road next door on March 20, 2013 after Super Storm Sandy destroyed the prior home on this property on October 29/30, 2012.

We have been working with John Fifield, AIA, Redniss & Mead, and Roberge Associates Coastal Engineers, to design a home for the lot that would meet all the latest FEMA Flood Elevations and the stringent City standards. We sought and received Planning Board endorsement (EX-1 attached) and Zoning Board approval (EX-2 attached) to rezone our two properties plus four others that represent six of the furthest south, most vulnerable homes in Stamford from R-20 (20,000 SF) to RA-1 (43,560SF). The owners of the six properties believe that one acre zoning is in their and the public's best interest because it would ensure low density and permit more height to homes in this regulated flood prone area.

Karen and Kathleen Murphy (68 Saddle Rock Road) first agreed to be part of the rezoning, then opposed it at the Zoning Board hearing. After listening to the Murphys' opposition and to other interested parties, the Zoning Board determined that one acre zoning was appropriate. Before and after the Zoning Board decision, the Murphy sisters spread rumors and made factually inaccurate statements designed to frighten neighbors into a belief that the Zoning Board decision would result in great harm to the neighborhood and solicited them to support their appeal. With this misinformation, the Murphy sisters were able to assemble enough signatures to petition the Zoning Board for a referral to the Board of Representatives. The appellate process is ongoing with a Public Hearing of the Land Use Committee of the Board of Representatives, scheduled for March 11.

We are confident that the Board of Representatives will agree with the Planning and Zoning Board's decisions. We are taking the liberty of calling some serious land use issues to your attention. These issues appear to require action by various city offices. These issues are separate from the zoning decision now before the Board of Representatives. They do bear on the credibility of the Murphys who organized the petition since the neighborhood was not aware of the Murphys' actions.

We now find based upon a review of other Building Department files, the Murphy sisters built their home and have occupied it for approximately a decade without a final Certificate of Occupancy. As late as 2011, they still only had a temporary Certificate of Occupancy as well as a three page letter from the Environmental Protection Board listing important items that still required attention before a final CO could be issued. The file contains no indication that they ever addressed any of those issues or obtained a proper final CO.

Let me give you some context.

The home the Murphy sisters built appears to be higher than that permitted by R- 20 zoning. After Super Storm Sandy, they pointed out to us and others in the neighborhood, that they had survived the storm with no damage to the interior of their home. They also said that they had ignored the mandatory evacuation order and thus were in a position to observe a "river of water" pouring by both sides of their home. Obviously, we were intrigued by their success in having a safe home during the storm and concluded that, consistent with FEMA and Stamford coastal regulations, height above the floodwaters was the key to safety in that storm. As a result of that recognition and conferences with our similarly exposed neighbors at the tip of Saddle Rock Road and with professional advice, the rezoning application included seven properties and we began to design our new home accordingly.

The Zoning Board agreed that reducing potential density in a flood prone area and allowing homes to be built 5 feet taller (R-20 is 2 ½ stories/30', RA-1 is 3 stories/35'), and therefore, at an adequate height above base flood elevation was desirable as a matter of public policy. During this process, we were blindsided by the Murphys' attack which apparently seemed to be based on a belief that while they were high and dry, no one else should be allowed to build the way they had. In fact, it now appears that they may never have had all the permission they needed to build the home they occupy, and certainly have not complied with the permissions they did have. (At the Murphys' request, the Zoning Board change of zone did not include the Murphys' lot... if it had been included, their house would still exceed the 35' limit.)

As a part of the proceedings to date, including the Land Use Committee meeting on February 25, the Murphy sisters have made various statements and claims that despite all

appearances, their house conforms to Zoning and Coastal flood regulations. This has included the claim that the Zoning Regulations with regard to height changed after they built. They have offered no documentation. The only change to height regulations that we have been able to find was in 2004 (EX-3), which did not contain language that would legitimize their height. Redniss & Mead calculated the height of the Murphy house and found that it exceeds the 30' height limit for R-20 zoning (EX-4) by over 5 feet.

The Murphy sisters also claimed that the RA-1 change of zone "may (i) increase flood heights and velocities and (ii) divert flood waters and increase flood hazard to other lands." (EX-5) They have presented no expert opinion or other factual support for their claims at any point in any of the proceedings. Please note the RA-1 Zone Change does not involve the approval of any particular home and the Zoning criteria for critical flood related issues of building coverage and setbacks are practically the same for both zones. Any new home or significant plans to change the elevations of any existing homes, to raise them above flood level must be separately reviewed as part of the Zoning Board Coastal Area Management (CAM) Coastal Site Plan Review (CSPR) process which includes stringent review by the Environmental Protection Board and City Engineering staff before obtaining a building permit.

We raise this now in the context of the apparent lack of a proper CO for the Murphy sisters' home.

When the record of their efforts to achieve a CO is reviewed it appears that various things they did and failed to do, have impacted their ability to get a CO and may have been significant contributors to the flooding of our property, the former Rich property and the rest of the neighborhood.

Set out below, but not intended to be an exhaustive or complete representation of the City files, are the following:

EX-6 – ZBA Certificate 073-00, dated July 11, 2000

EX-7 – ZB CSPR-601, dated January 18, 2002

EX-8 – December 7, 2005 letter from James J. Lunney III, ZEO advising the Murphys that they were occupying the house and cottage without a Certificate of Occupancy in violation of ZBA Certificate #023-00.

EX-9 – December 16, 2005 letter from Karen Murphy in response to EX-8 above, including statements that they "made all the changes/corrections noted by EPB" and "it is our intent and desire to comply with the terms and restrictions of Variance App #073-00."

EX-10 – copy of what the Building Department records now show re: the Temporary Certificate

of Occupancy. It was apparently issued on December 21, 2005. It references that the Chief Building Official at the time, Anthony P. Strazza, signed off stating that EPB and Zoning signoffs still needed to be obtained.

EX-11 – January 17, 2006 letter from Richard Talamelli (EPB) outlining the issues that still needed to be addressed to comply with the provisions of CSPR-601.

EX-12 – March 4, 2011 letter from Richard Talamelli to Karen Murphy updating EX-11 above indicating that many items were still not addressed.

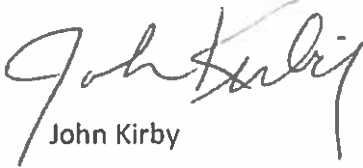
This, as far as we can tell, is where the record ends. There is no evidence in the file that they ever completed any of the items requested over eight years ago in the EPB letter. Perhaps, for some reason, the record is incomplete. If so, please allow this letter to constitute a request under the Freedom of Information Act for any further documentation regarding the CO status (or lack thereof) to address the serious concerns raised in the Environmental Protection Board letter.

The construction of the Murphy house included filling of land, retaining walls, drainage system, piping and alike that dramatically impacted the flooding on other Saddle Rock Road properties. In July of 2004, apparently while under construction, the Murphys decided to add a wall (EX-13). Their engineers admitted that water flowed from the 74 property to the Murphy's and claimed that "a scupper will be constructed in the proposed wall...thus mimicking existing conditions." Our engineers reviewed the files and found no evidence that any design calculations were ever submitted to support the claim. In fact, as seems to be a repeated modus operandi, the Murphys submitted one design and then built something else (EX-14). Also consistent with Murphy practices, the changed design was doomed to fail and it has. It further seems from the records on file that the design engineer and the owner knew that the construction did and does not comply with approved plans. The conditions that exist today continue to be a threat to the safety of the neighborhood (EX-15). It appears that the Murphys built their home in a manner that does exactly what they claim our new home would do: cause harm to others. This was the condition of the Murphy property when Super Storm Sandy hit Saddle Rock Road and the Rich house was destroyed. Resolving this matter before the next damaging storm is in the public interest. Our neighborhood should not continue to be damaged by the Murphys' past illegal actions and persistent determination to avoid regulatory compliance.

We are in the process of designing a fully compliant Coastal Area Management Site Plan with all appropriate certifications for a new home at #74. We need to understand what was built at #68, what work remains to be done, what impacts that has on our property, and if the City plans to require the Murphy sisters to comply with the provisions of its ZBA and CSPR. The answers to these questions may impact our design.

Clearly, this is a very ironic situation. The Murphy sisters have made quite a name for themselves as vigilant crusaders of law enforcement as they interpret the law. They have accused us, our land use consultant, Stamford citizens, City personnel, appointed officials, judges, lawyers and others of misfeasance and malfeasance. They have said that people involved in this rezoning effort were "criminals" in their effort to impose their will on the world. All the while, they have been apparently occupying the residence they built without a permanent Certificate of Occupancy and without taking the required steps to obtain it. In the process they have not only ignored the law, but the public safety of Saddle Rock Road.

Sincerely,



John Kirby

Enclosures

cc (via email):

J. Lunney III, ZEO  
R. DeMarco, Chief Building Inspector  
R. Talamelli, EPB  
N. Cole, AICP  
Kieran Ryan, R-1  
Mary Deery Uva, R-1  
Harry Day, R-13  
David Kooris, D-6  
Karen and Kathleen Murphy, 68 Saddle Rock Road

Murtha Cullina, LLP  
T. Cassone, Esq.  
Redniss & Mead, Inc.  
RACE, Inc.  
J. Fifield, AIA  
Neighbors

MAYOR  
MICHAEL A. PAVIA



Director of Operations  
ERNIE ORGERA

Land Use Bureau Chief  
Norman F. Cole, AICP

Principal Planner  
David W. Woods, Ph.D., AICP

**CITY OF STAMFORD  
PLANNING BOARD  
LAND USE BUREAU**  
888 WASHINGTON BOULEVARD  
P.O. Box 10152  
STAMFORD, CT 06904 -2152

November 26, 2013

Tom Mills, Chair  
Zoning Board  
City of Stamford, CT

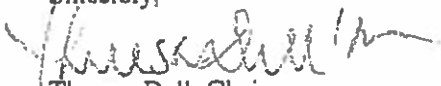
Re: Zoning Board Application 213-33 – Zone Map Amendment – Saddle Rock Road

Dear Mr. Mills:

During our regularly scheduled meeting held on Tuesday, November 19, 2013, the Planning Board reviewed the above referenced application referred in accordance with the requirements of the Stamford Charter.

The Planning Board unanimously recommended that the Zoning Board rezone approximately 8.35 acres from R-20 to RA-1 located on Saddle Rock Road in a coastal flood area in Block No. 25. The Planning Board makes this recommendation based on the good planning principle that to lessen density in a flood prone area, and finds the request consistent with the 2002 Master Plan.

Sincerely,

  
Theresa Dell, Chair  
Stamford Planning Board

Block: 25

**ZONING BOARD CERTIFICATE**

I, Thomas R. Mills, Chairman of the ZONING BOARD of the CITY OF STAMFORD, in compliance with Special Act. No. 619 of the 1953 General Assembly, hereby certify that on December 2, 2013, continued to January 6, 2014, a Public Hearing was held by the ZONING BOARD on the application of:

**APPL. 213-33 – RICHARD W. REDNISS**

TO Change to RA-1 “One Family Residence District” properties currently zoned R-20 “One Family Residence District.”

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and the following is a statement of its findings: APPROVED AS MODIFIED at its meeting held on January 27, 2014, as follows:

Change to RA-1 “One Family Residence District” properties currently zoned R-20 “One Family Residence District.”

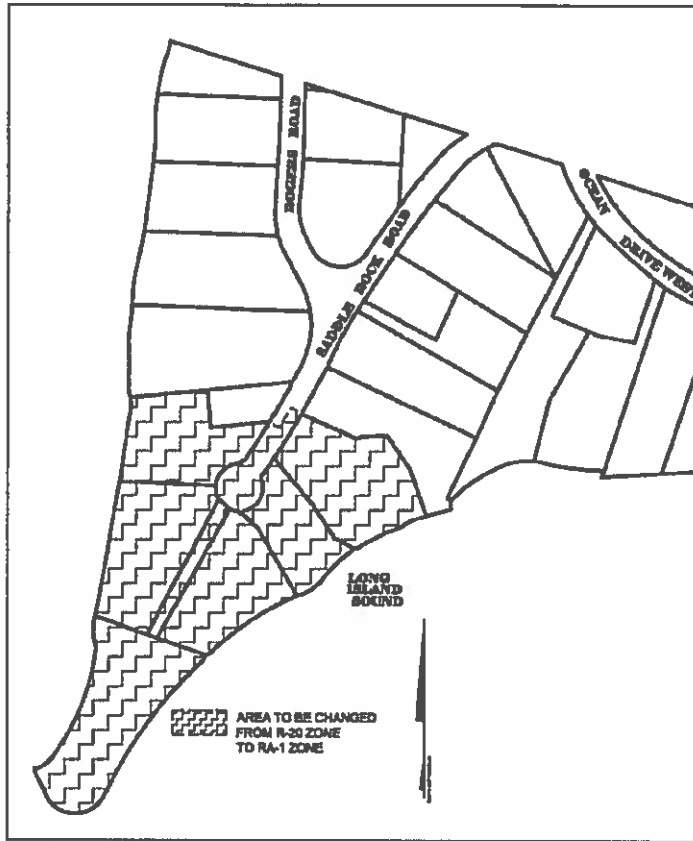
All those certain tracts, pieces or parcels of land situate, lying and being in the City of Stamford, County of Fairfield, and State of Connecticut, beginning at a point on the intersection of the centerline of Saddle Rock Road and the projection of the southerly property line of land n/f of Karen A. Murphy et al and Kathleen A. Murphy (Assessor #003-4166); said land is bound by the following:

- Northerly 415'± by a portion of Saddle Rock Road and said land n/f of Karen A. Murphy and Kathleen A. Murphy (Assessor #003-4166), each in part;
- Easterly 942' ± by the Long Island Sound;
- Southerly 210'± by Long Island Sound;
- Westerly 844'± by Long Island Sound;
- Northerly 167'± by land n/f of David P. Tunick (Assessor #002-3700);
- Easterly 81' ± by land n/f of Robert Rangelov et al (Assessor #003-0144);
- Northerly 151' by said land of Robert Rangelov et al and a portion of Saddle Rock Road, each in part;
- Westerly 52'± by the centerline of Saddle Rock Road.

Block Number: 25; Area: 7.28 Acres (inclusive of portions of public and private rights of way).

The premises with respect to which application has been made is shown and delineated on the sketch set forth below:





Effective date of this decision: February 12, 2014.

ATTEST: THOMAS R. MILLS,  
CHAIRMAN, ZONING BOARD  
CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 1st day of February, 2014.

## MEMORANDUM

TO: Rick Redniss  
FROM: Ray Redniss  
PROJECT: #7683A

DATE: March 3, 2014  
RE: Building Height Regulations

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Pursuant to your request, we have researched the history of the "Building, Height of" definition of the Zoning Regulations of the City of Stamford. Enclosed please find the following iterations and drafts of the definition:

- Zoning Regulations dated November 24, 1998;
- Draft of proposed change per Application 203-3B;
- Final (as approved) per Application 203-38;
- Zoning Regulations dated February 7, 2013;

None of the above referenced versions of the definition, including the non-published draft changes, would affect the manner in which building height is measured so as to legitimize the calculated height of the building at 68 Saddle Rock Road (as referenced in my previous memo dated November 26, 2013).

The definition for "Building, Height of" contains no reference to any approved interim changes between Applications 91-002 (approved 4/2/1991) and 203-3B (approved 1/27/2004).

I trust the foregoing is helpful.



Raymond L. Redniss, PLS

12. Basement: A portion of a building included between a floor with its level two (2) feet or more below the level from which the height of the building is measured and the ceiling next above said floor; with at least one-half (1/2) of the floor-to-ceiling height above the level from which the height of the building is measured.
13. Boarding House: A building with not more than three (3) guest rooms where lodging and meals are provided for compensation. See also Definition 90 - ROOMING HOUSE.
14. Building: A building is an independent structure having a roof supported by columns or walls resting on its own foundations and includes shed, garage, stable, green house or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.
15. Building Area: Building area is the aggregate of the maximum horizontal cross section area of the building on a lot excluding cornices, eaves, gutters or chimneys projecting not more than twenty four (24) inches, steps, one-story open porches, and balconies and terraces, but including accessory buildings.
16. Building, Height of: The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the eaves and the highest points of the roof if the roof is of any other type, measured as follows:
  - a. If the building adjoins the front property line or is not more than ten feet (10') distant therefrom, measured at the center of the front wall of the building from the established grade of the curb; or if no grade has been officially established from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.
  - b. If the building is more than ten feet (10') from the front property line, measured from the average level of the finished ground surface adjacent to the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three (3) feet above the established grade of the curb.
  - c. Accessory structures shall be measured from the average level of the ground surface adjacent to the exterior walls of the building to the highest point of the roof. (91-002)
17. Building Material, Sales and Storage: Buildings or premises used for the sales and/or storage of all types of building materials including lumber, masons' supplies, road-building materials (excluding asphalt or other similar materials) and open yard material storage.

**Section 7-G** - Except as provided in the next paragraph, the yard requirements of these Regulations shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residence District no fence or wall shall exceed six feet (6') in height in any front or side yard nor eight feet (8') in height in any rear yard, measured from the existing grade adjacent to both sides of the fence or wall. The Zoning Board may, by Special Exception, authorize a fence or wall of greater height within a front, side or rear yard, subject to a finding that the structure and associated improvements will not adversely impact any adjacent property or public street.

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**Section 3-12. Basement:** A portion of a building located partly below grade, that is not a crawl space, where the ceiling is less than five (5) feet above the level from which the height of the building is measured. ~~included between a floor with its level two (2) feet or more below the level from which the height of the building is measured and the ceiling next above said floor, with at least one-half (1/2) of the floor-to-ceiling height above the level from which the height of the building is measured.~~

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**Section 3-16. Building Height of:** The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the eaves and the highest points of the roof if the roof is of any other type, measured as follows:

- a. If the building adjoins the front property line or is not more than ten feet (10') distant therefrom, measured at the center of the front wall of the building from the established grade of the curb; or if no grade has been officially established from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.
  - b. If the building is more than ten feet (10') from the front property line, measured from the average level of the finished ground surface at a point three (3) feet from adjacent to the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three (3) feet above the established grade of the curb average level of the existing ground surface adjacent to the exterior walls of the building or the average level of the finished ground surface across the front of the building, whichever is lower,
  - c. Accessory structures shall be measured from the average level of the ground surface adjacent to the exterior walls of the building to the highest point of the roof.
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**Section 3-95. Story:** That portion of a building ~~above the basement~~ between any floor and the ceiling or roof next above it, ~~A story;~~ the ceiling of which is five feet (5') or more above the level from which the height of the building is measured, ~~established grade or above the average level of the ground along the front wall~~ shall constitute a full story. A "half-story" is any habitable space which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the floor is not more than one-third the area of the next floor below.

Final - as approved  
(per Appl.# 203-38)

Block \_ \_ \_

INSTR # 2604002407 VOL 07365 PG 0138 RECD 01/29/2004 02:02:03 PM  
DONNA M LOGUSCI CITY & TOWN CLERK STAMFORD CT  
BLOCK - - -

ZONING BOARD CERTIFICATE

I, Phyllis Kapiloff, Chairman of the Zoning Board of the City of Stamford, CT, in compliance with Special Act No. 619 of the 1953 General Assembly, hereby certify that on January 5, 2004, a Public Hearing was held by the Zoning Board on the application of:

APPL. 203-38 - STAMFORD ZONING BOARD

To amend the Stamford Zoning Regulations, Article III, Section 7-G and Article II, Section 3. Definitions #12, #16 and #95, regarding consistent standards and measuring reference points for defining "basement" and "story" and clarification of how the height of walls and fences are to be measured.

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and the following is a statement of its findings: UNANIMOUSLY APPROVED AS MODIFIED on January 12, 2004, as follows:

1. TO AMEND Article III, Area and Supplemental Regulations, section 7-G to read as follows:

Except as provided in the next paragraph, the yard requirements of these Regulations shall not be deemed to prohibit any otherwise lawful fence or wall, provided that in any Residence District no fence or wall shall exceed six feet (6') in height in any front or side yard nor eight feet (8') in height in any rear yard, measured from the finished grade adjacent to both sides of the fence or wall, whichever is lower. The Zoning Board may, by Special Exception, authorize a fence or wall of greater height within a front, side or rear yard, subject to a finding that the structure and associated improvements will not adversely impact any adjacent property or public street.

2. TO AMEND Article II, Section 3, Definition #12 "Basement" to read as follows:

12. Basement: A portion of a building located partly below grade, that is not a crawl space, where the ceiling is less than five (5) feet above the level from which the height of the building is measured.

3. TO AMEND Article II, Section 3, Definition #16 "Building, Height of", subparagraph (b) to read as follows:

b. If the building is more than ten feet (10') from the front property line, measured from the average level of the finished ground surface at a point three (3) feet from the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three (3) feet above the average level of the existing ground surface at a point three (3) feet from the exterior walls of the building.

4. TO AMEND Article II, Section 3, Definition #95 "Story" to read as follows::

Story: That portion of a building between any floor and the ceiling or roof next above it, the ceiling of which is five feet (5') or more above the level from which the height of the building is measured, shall constitute a full story. A "half-story" is any habitable space which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 1/3 feet above the floor is not more than one-third the area of the next floor below.

Effective date of this decision: January 27, 2004

PHYLLIS KAPILOFF, CHAIRMAN

  
\_\_\_\_\_  
ZONING BOARD, CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 27th day of January, 2004.

designations.

- 8.1. Auto Rental Service Facility: Buildings and premises used to store, clean, refuel and perform incidental servicing to vehicles associated with an automobile rental facility. No servicing of vehicles shall be offered to the general public. (97-014)
9. Automotive Equipment and Service Stores: Buildings or premises used for the wholesale and retail sale and service of new automotive equipment, accessories, parts and supplies.
10. Bakeries, Retail: A building used for the baking and/or direct sale on the premises to the consumer of baked food products.
11. Bakeries, Wholesale and Commercial: A building used for the baking, wholesale storage and/or sale of baked food products to retail outlets or sale to consumer off the premises.
12. Basement: A portion of a building located partly below grade, that is not a crawl space, where the ceiling is less than five (5) feet above the level from which the height of the building is measured. (203-38)
13. Boarding House: A building with not more than three (3) guest rooms where lodging and meals are provided for compensation. See also Definition 90 - ROOMING HOUSE.
14. Building: A building is an independent structure having a roof supported by columns or walls resting on its own foundations and includes shed, garage, stable, green house or other accessory building. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up.
15. Building Area: Building area is the aggregate of the maximum horizontal cross section area of all buildings including accessory buildings on a lot, excluding cornices, caves, gutters or chimneys projecting not more than twenty four (24) inches, steps and one-story open porches, covered front porches (see Section 7-C.3), and balconies and terraces. Building area shall also exclude decks, terraces, patios, pools or similar structures not more than eight inches (8") above adjacent grade, and exclude such structures that exceed eight inches (8") above adjacent grade up to an amount equal to 200 square feet for each dwelling unit on the lot. (210-40)
16. Building, Height of: The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the caves and the highest points of the roof if the roof is of any other type, measured as follows:
  - a. If the building adjoins the front property line or is not more than ten feet (10') distant therefrom, measured at the center of the front wall of the building from the established grade of the curb; or if no grade has been officially established from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.
  - b. If the building is more than ten feet (10') from the front property line, measured from the

average level of the finished ground surface at a point three (3) feet from the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three (3) feet above the average level of the existing ground surface at a point three (3) feet from the exterior walls of the building. (203-38)

c. Accessory structures shall be measured from the average level of the ground surface adjacent to the exterior walls of the building to the highest point of the roof. (91-002)

17. Building Material, Sales and Storage: Buildings or premises used for the sales and/or storage of all types of building materials including lumber, masons' supplies, road-building materials (excluding asphalt or other similar materials) and open yard material storage.
18. Cafe: A suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where all alcoholic liquors and food are served for sale at retail for consumption on the premises but which does not necessarily serve hot meals. (86-011).
19. Camp, Summer Day: Any place, area, or tract of land used between July 1 and September 1 as a location of a Day Camp between 8:00 AM and 6:00 PM for children between the ages of four (4) to sixteen (16) inclusive.
20. Camp Grounds: Any place, area, or tract of land upon which there is placed, located or maintained any tent, camp car and/or trailer which is utilized, arranged, intended, designed, to be used or used for sleeping, living or resident quarters, by other than the owner of the property.
21. Cemetery: Any land used for interment of dead people, below ground.
22. Child Day Care Services:
  - a. Child Day Care Center - a place licensed by the State which offers or provides a program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week.
  - b. Group Day Care Home - a place licensed by the State which offers or provides a program of supplementary care to not less than seven nor more that twelve related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week.
  - c. Family Day Care Home - a private family home licensed by the State caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted. (93-013)



MEMORANDUM

TO: Rick Redniss  
FROM: Ray Redniss  
PROJECT: #7683A

DATE: 26 November 2013 (rev.3/6/14)  
RE: Building height 68 Saddle Rock Rd.

---

Pursuant to the client's request, and in keeping with their expressed sensitivity to neighboring building heights, while in the process of preparing the Property & Topographic Survey of the 74 Saddle Rock Road parcel, we also obtained the elevations of the finished floor, roof peak and eave of 68 Saddle Rock Road. The elevations were obtained using our remote laser from survey control base points in the road. The accuracy of the elevations obtained are generally to the nearest half-tenth of a foot, but to be conservative, consider them as +/-one tenth (+/-0.10) of a foot.

All elevations are based on North American Datum of 1988 (NAVD88):

The peak elevation of the upper roof section is 51.1  
The eave elevation of the upper roof section is 44.8  
The eave elevation of the lower roof section is 37.5  
The finished floor elevation is 18.5

For the purpose of determining average grade, I reviewed the topography on the survey you provided, which I believe is a photocopy of that which is in the ZBA records as part of a variance application. That survey was prepared using the National Geodetic Vertical Datum of 1929 (NGVD29), so to translate those elevations to NAVD88, I subtracted 1.1 from each spot grade. As a check, I compared the resultant elevations with those of our survey of #74 and found them to be consistent. There are several spots noted on the record survey, as well as some ground contours. Utilizing those in proximity to the building footprint, I calculate an average grade of approximately 9.5.

Using elevation 9.5 as an average grade, and then allowing for 3 feet of fill (see Definition 16.b) we get a base elevation of 12.5. Using the obtained elevations of the roof peak and the associated eave we compute the mean roof elevation to be 47.9. The building height, therefore, is computed to be 35.4 feet.

I trust the foregoing is helpful.



Raymond L. Redniss, PLS

EX-4a



---

**ZONING BOARD**

**Public Hearing on Zoning Application 213-33  
Scheduled for December 2, 2013 at 7:00 p.m.**

---

**In the Matter of:**

**Zoning Application 213-33**

**Map/Zone Change from R20 to RA1**

**For Seven Properties located at 68, 74, 88, 89,  
102, 107, and 123 on Saddle Rock Road in Stamford  
Connecticut, Fairfield County.**

---

**APPENDIX – IN OPPOSITION TO ZONING APPLICATION 213-33**

---

Prepared by:

**Karen A. Murphy**

68 Saddle Rock Road

Stamford, Connecticut 06902

(203) 324-1423

Email: SFGrp@aol.com

**NOTE:**

First 3 pages of 55  
page submittal

# TABLE OF CONTENTS<sup>1</sup>

PAGE

## Part 1 Background – Flood Prone Area

### Neighbors Agree To Conduct a Study in Order to Develop a Strategy to Mitigate Coastal and Upland Flooding

Agreement with Roberge Associates (“RACE”) & Redniss & Mead (“RM”).....A1

Note: Agreement is with the Applicant “as representatives of the Saddle Rock Road neighborhood group.”

Series of Emails related to the Study:

For example:

Applicant’s August 26th email: “We will be contacting John Roberge and Ray Redniss this week to ask them to go ahead on his proposal.”.....A3

Applicant’s October 24<sup>th</sup> email: “Tomorrow, you may see Devin Santa (RACE) walking the beach.”.....A4

### No Study Has Been Produced To-date: Why?

Before any variance or zoning map district changes are considered the actions that need to be taken in order to mitigate coastal and upland flooding must be identified and understood for the safety of all.

Further, increasing the zoning height and adding a half story for coastal properties may (i) increase flood heights and velocities and (ii) divert flood waters and increase flood hazard to other lands. This in all likelihood will be the case if the prior footprint at 74 Saddle Rock Road is increased as the Applicant’s apparently intends to do.

## Part 2 Applicant’s Proposed Drawings for 74 Saddle Rock Road

Demonstration Site Plan depicting 74 Saddle Rock Road prepared by Redniss & Mead.....A15

Property Assessment record for 74 Saddle Rock Road.....A16

<sup>1</sup> Applicant refers to Susan Cullman and John Kirby

Note: The Gross area of the first floor of the prior structure was 4,349 (A17) The Applicant is proposing a footprint almost 50% greater (A15).

The Question is: Where will the water be diverted to if this increase in footprint and zoning height are approved? Also with the prior structure the flood waters filled the basement. With the proposed masonry work on the waterfront side, where is this water going?

### Part 3

### Elevations

#### Improvement Location Survey

Openings in Murphy's residence for water to flow at elevation approximately 9 feet

Applicant proposed drawings show an elevation of 12.4 feet.....A19.

The current elevation for 74 Saddle Rock Road according to the Improvement Location Survey is 8.6 feet.

**Implication: Water will flow from 74 Saddle Rock Road through the Murphy's residence over to 60 Saddle Rock or down towards cottage on Murphy's property. The increase in potential damages caused by increased flooding is significant.**

To compound matters, the pool wall is at elevation 16.5 feet. (A15) The increase in flood water velocity between 74 and 68 Saddle Rock Road will be significant.

### Part 4

#### **Series of Neighbor Emails Upon Learning on November 22, 2013 that the Real Purpose of the ZB Application was for the Applicant to Obtain Zoning Height and Story Relief from the Zoning Regulation**

An email from Karen Murphy, dated November 22, 2013, to Susan Cullman asking if the Applicant intended to take advantage of the new height and story limitations for their new home at 74 Saddle Rock Road if the ZB Application is granted.....A20

Murphys' (oral and written) request that the ZB Application be withdrawn.....A21

Rick Redniss admits in an email, dated November 27, 2013, that a copy of the ZB Application, dated October 10, 2013, was not provided to neighbors.....A22

Applicant refuses to withdraw ZB Application (Rick Redniss' November 28, 2013 email in response to the Murphy request).....A24

25

11096 EX-6  
ZBA 073-00

**ZONING BOARD OF APPEALS**

I, JAMES J. LUNNEY III, Zoning Enforcement Officer for the City of Stamford, in compliance with Special Act No. 379 of the 1951 General Assembly, hereby certify that on June 28, 2000 a hearing was held by the Zoning Appeals Board on the application of:

**MURPHY, KAREN A. AND KATHLEEN A. APPL. #073-00**

for application #073-00 of Karen A. and Kathleen A. Murphy for variances of Article II, Section 3.A.2 (Definitions) and Article III Section 6.A and 6.D (Accessory Buildings) and Article III Section 7.A and 7.L (Area and Supplemental Regulations) and Table III Appendix B (Side Yard Setback Requirements) of the Zoning Regulations in order to allow three (3) buildings to remain on the lot in advance of the erection of the main building and be located in the front yard. In addition, the existing garage is 18.3 feet in height in lieu of the 15.0 maximum allowed and 12.9 feet measured from the eave to the southerly property line in lieu of the 15.0 feet required. The existing cottage is 18.9 feet in height in lieu of the 15.0 feet maximum allowed and 9.7 feet measured from the side wall and 7.7 feet measured from the eave to the northerly property line in lieu of the 20.0 feet required. The existing greenhouse is 9.3 feet from the northerly property line in lieu of the 20.0 feet required. The cottage would be occupied by employees, guests and/or members of the immediate family of the property owners.

The applicant also is appealing the Decision(s) of the Zoning Enforcement Officer dated May 3, 2000 and subsequent regarding his requirement that the existing accessory structures be removed from the subject property prior to the erection of the main structure. Said property is located on the east side of Saddle Rock Road, in a R-20 zone, and is known as 68 Saddle Rock Road,

**and that the land affected is owned by and located on the following streets:**

<u>NAME</u>	<u>LOCATION</u>
Karen A. Murphy and Kathleen A. Murphy	68 Saddle Rock Road

**and that the following is a statement of its findings and approval or rejection:**

## PAGE 2 OF 3

KAREN A. MURPHY AND KATHLEEN A. MURPHY

APPL.# 073-00

July 5, 2000

The Board **DENIES** the appeal of the Decision(s) of the Zoning Enforcement Officer dated May 3, 2000 and subsequent regarding his requirement that the existing accessory structures be removed from the subject property prior to the erection of the main structure.

The Board upholds the Zoning Enforcement Officer decision that the three buildings were accessory buildings prior to the subdivision of the property. However, with the subdivision, the cottage became the principal building.

The Board upholds the Zoning Enforcement Officer decision that the front yard is determined by it's relationship with a street.

The Board **GRANTS** variances of Article II, Section 3.A.2 (Definitions) and Article III Section 6.A and 6.D (Accessory Buildings) and Article III Section 7.A and 7.L (Area and Supplemental Regulations) and Table III Appendix B (Side Yard Setback Requirements) of the Zoning Regulations in order to allow three (3) buildings to remain on the lot in advance of the erection of the main building and be located in the front yard and allowing the existing garage at 18.3 feet in height in lieu of the 15.0 maximum allowed and 12.9 feet measured from the eave to the southerly property line in lieu of the 15.0 feet required; and the existing cottage at 18.9 feet in height in lieu of the 15.0 feet maximum allowed and 9.7 feet measured from the side wall and 7.7 feet measured from the eave to the northerly property line in lieu of the 20.0 feet required; and, the existing greenhouse at 9.3 feet from the northerly property line in lieu of the 20.0 feet required, all subject to the following restrictions:

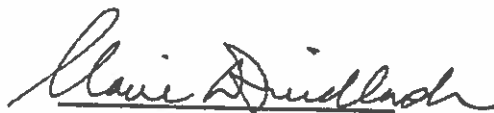
1. The garage shall be a single story structure.
2. There shall be no plumbing or heating facilities located in the garage.
3. There shall be no living space in the garage.
4. The garage shall be used exclusively for the storage of vehicles and other personal property of the occupants of the property.
5. The greenhouse shall be used exclusively for horticultural activities and shall not be used for any commercial purposes.

KAREN A. MURPHY AND KATHLEEN A. MURPHY

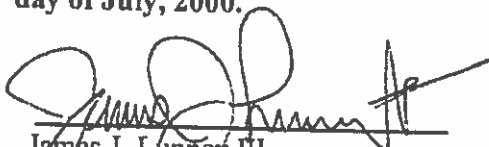
APPL.# 073-00

6. Upon the issuance of any type of Certificate of Occupancy for the new residence the occupancy of the cottage shall become for the exclusive use of persons employed in the domestic service of the occupants of the main residence.
7. Upon the issuance of any type of Certificate of Occupancy for the new main residence, the cottage shall no longer be occupied as living space by the owner(s), their family or guests.
8. The location and size of the three buildings shall be as depicted in the ZONING LOCATION SURVEY, dated April 5, 2000, a copy of which is on file in the office of the Zoning Board of Appeals.

Dated at Stamford, Connecticut this 11<sup>th</sup> day of July, 2000.



Claire D. Friedlander, Chair  
Zoning Board of Appeals

  
James J. Lunny III  
Zoning Enforcement Officer

The land hereby affected lies in Block # 025

ref. 070500

THE LAND AFFECTED HEREBY LIES IN BLOCK  
25 OF THE STAMFORD BLOCK MAP;  
RECEIVED FOR RECORD AT STAMFORD, CT  
ON 7-11-00 AT 3:33 P.M.  
ALICE SERAFINO, CITY & TOWN CLERK



MAYOR  
DANNEL P. MALLOY



**CITY OF STAMFORD  
ZONING BOARD  
LAND USE BUREAU  
888 WASHINGTON BOULEVARD  
P.O. BOX 10182  
STAMFORD, CT 06904-2182**

**DIRECTOR OF OPERATIONS  
TIM CURTIN**

**ROBERT M. STEIN, JR., A.I.C.P.  
LAND USE BUREAU CHIEF  
Tel: (203) 877-4711**

**NORMAN P. COLE, A.I.C.P.  
PRINCIPAL PLANNER  
Tel: (203) 877-4718**

**JAMES J. LUNNEY III, R.A.  
LAND USE ADMINISTRATIVE OFFICER  
ZONING ENFORCEMENT OFFICER  
Tel: (203) 877-8943**

January 18, 2002

James J. Lunney III, R.A.  
Zoning Enforcement Officer  
City of Stamford, Connecticut

Re: CSPR-601 - MURPHY  
68 Saddle Rock Road

Dear Mr. Lunney:

At its meeting on January 14, 2002, the Zoning Board reviewed the above-captioned application of Karen A. Murphy and Kathleen A. Murphy to construct a new single family dwelling, drive, sanitary sewer, drainage and other related facilities on the waterfront property located at 68 Saddle Rock Road, Stamford, CT. The property supports the coastal resources identified as Modified Escarpment, Beach and coastal Flood Hazard Zone. It does not appear as if wetlands or watercourses are present on the site.

The Board found the proposal consistent with all applicable goals and policies set forth in the CAM Act and issued final Coastal Site Plan Approval, subject to the following conditions:

1) Work shall generally comply with the following plans and correspondence:

- "Development Plan," Single Family Dwelling, Revised Lot No. 3, 68 Saddle Rock Road, Stamford, Connecticut," by Rocco V. D'Andrea, Inc., dated December 18, 2001.
- "Notes and Details" Single Family Dwelling, Revised Lot No. 3, 68 Saddle Rock Road, Stamford, Connecticut," by Rocco V. D'Andrea, Inc., dated July 19, 2001.
- "First Floor Plan," "Floor 2.5 Plan," "Roof Plan," "North Elevation," "South Elevation," "East Elevation," "West Elevation," "Longitudinal Section," "Cross Section B," "Details," "Details," "Door and Window Schedule," Murphy Residence, 68 Saddle Rock Road, Stamford, Connecticut, by Elena Kalman, Architect, dated October 10, 2001 (Received November 19, 2001).

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January 18, 2002

- "Garage/Crawl Space Plan, Pool Plan, Terraces and Garden Walls," Murphy Residence, 68 Saddle Rock Road, Stamford, Connecticut, by Elena Kalman, Architect, dated October 10, 2001 (Received December 5, 2001).
  - "Second Floor Plan," Murphy Residence, 68 Saddle Rock Road, Stamford, Connecticut, by Elena Kalman, Architect, dated July 9, 2001.
  - Correspondence from Leonard D'Andrea, P.E., Rocco V. D'Andrea, Inc., dated July 19, 2001, November 15, 2001 and December 19, 2001.
  - Correspondence from Lawrence F. Johnsen, P.E., Heller and Johnsen, dated September 28, 2001.
  - "Flood Preparedness Plan for Residents of 68 Saddle Rock Road, Stamford, Connecticut," by Rocco V. D'Andrea, Inc., dated November 12, 2001.
  - Correspondence from Paul Farnsworth, CEI, Handi-Lift Connecticut, dated October 2, 2001.
- 2) Submission of a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of sediment and erosion controls/tree protection, drainage, landscaping, tank removal, sewer hook-up, professional supervision and certifications plus a 15% contingency. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety is to be submitted to EPB Staff prior to the start of any site activity.
- 3) Final elevator design/certifications subject to the review and approval of EPB Staff prior to the issuance of a building permit.
- 4) Work areas shall be staked in the field by a Connecticut surveyor prior to the start of any site activity.

Page 3 - CSPR-601  
January 18, 2002

- 5) Earthwork and foundation phases of the project shall be supervised by a qualified geotechnical engineer with written correspondence submitted the City of Stamford (signed and sealed) confirming that the footing/foundations have been constructed in accordance with the design recommendations outlined in correspondence from Heller and Johnsen dated September 28, 2001.
- 6) Temporary erosion controls and tree protection shall be installed and approved in writing by EPB Staff prior to the start of any site activity.
- 7) All disturbed earth surfaces shall be stabilized with topsoil, seed, mulch, sod, stone or other EPB approved alternative prior to the issuance of certificate of occupancy.
- 8) All final grading, drainage, sanitation, tank removal, and stabilization measures shall be completed under the supervision of a Connecticut registered professional engineer with as-built plans and written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy.
- 9) All landscaping shall be conducted under the supervision of a qualified landscaping professional with written certifications submitted to EPB Staff prior to the receipt of a signature authorizing the issuance of certificate of occupancy.
- 10) All floodproofing shall be conducted under the supervision of a professional engineer or architect registered in the State of Connecticut. Upon the completion of the construction, and prior to the issuance of a certificate of occupancy, a Connecticut registered engineer or architect shall certify (signed and sealed correspondence) that the structure and all attendant facilities have been constructed in accordance with the approved plans and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood up to an elevation of 12 feet NGVD. The letter of certification shall reference each floodproofing measure incorporated into the building.
- 11) Upon the completion of the construction and prior to the issuance of a certificate of occupancy, a Connecticut registered professional surveyor shall:

Page 4 - CSPR-601  
January 18, 2002

a) Certify (signed and sealed plan) the final elevation of: i) garage floor level, ii) crawl space floor, iii) primary living floor level, iv) bottom of louvers and adjacent grades, v) elevation of the bottom of all utilities and service facilities including all electrical boxes, etc, vi) other facilities as deemed appropriate by EPB Staff.

b) Complete a standard "National Flood Insurance Program Elevation Certificate."

12) Upon the completion of construction and prior to the receipt of a final certificate of occupancy, the applicant shall file a standard notice on the Stamford Land Records disclosing the following information.

a) The subject property lies within a known flood hazard area described as Zone AE, with a projected base flood elevation of 12 feet NGVD and VE, with a projected elevation of 17 feet NGVD as depicted on Flood Insurance Rate Map 090015-0009D dated November 17, 1993.

b) A permit (Saddle Rock Road, Murphy, CSPR-601, 8/01) has been issued by the Zoning Board of the City of Stamford to allow the construction of a new single family dwelling on the subject property having coastal resources identified as Beach, Modified Escarpment and Coastal Flood Hazard Zone.

c) Restrictions regarding use and modification of spaces situated below the minimum elevation standard. Specific enforcement provisions for non-compliance shall be included.

d) A flood preparedness plan has been prepared was developed for the subject site for the purpose of identifying flood hazards, outlining the floodproof design of the facilities and providing general guidelines to promote public health and safety and reduce damages to personal property.

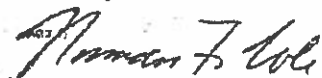
13) In-ground fuel storage tanks are prohibited.

Page 5 - CSPR-601  
January 18, 2002

14) Dwelling shall be built in accordance with the Zoning Board of Appeals variances.

You may certify that the application has been reviewed and approved in accordance with the requirements of the Coastal Management Act and a Zoning Permit and Building Permit may be issued upon completion of above-referenced conditions.

Sincerely,



Norman Cole  
Principal Planner

cc: Building Department/EPB/J. Gaucher/K. Murphy

MAYOR  
DANNEL P. MALLOY



EX-8

DIRECTOR OF OPERATIONS  
TIM CURTIN

ROBERT M. STEIN, JR., A.I.C.P.  
LAND USE BUREAU CHIEF  
Tel: (203) 977-4711

NORMAN F. COLE, A.I.C.P.  
PRINCIPAL PLANNER  
Tel: (203) 977-4719

JAMES J. LUNNEY III, R.A.  
LAND USE ADMINISTRATIVE OFFICER  
ZONING ENFORCEMENT OFFICER  
Tel: (203) 977-5943

CITY OF STAMFORD  
ZONING BOARD  
LAND USE BUREAU  
888 WASHINGTON BOULEVARD  
P. O. BOX 10182  
STAMFORD, CT 06904-2182

December 7, 2005

Karen A. Murphy  
Kathleen A. Murphy  
68 Saddle Rock Road  
Stamford, CT 06902

**RE: 68 Saddle Rock Road**

Dear Ms. Murphy:

It has been brought to this office's attention that you are currently residing within the newly constructed residence without obtaining a Certificate of Occupancy. In addition, a recent inspection of the premises reveals that the cottage is occupied by persons employed in domestic service to you.

Please be advised that this situation may violate the terms and restrictions of Variance Application #073-00 granted by the Stamford Zoning Board of Appeals dated July 11, 2000 (copy enclosed). Specifically, ZBA Certificate #073-00 Restriction #6 states: "Upon the issuance of any type of Certificate of Occupancy for the new residence, the occupancy of the cottage shall become for the exclusive use of persons employed in the domestic service of the occupants of the main residence."

It is the position of this office that since you have not obtained a Certificate of Occupancy, use of the cottage for persons other than you (Karen A. and Kathleen A. Murphy) constitutes a violation of the terms and restrictions of your ZBA approval.

Please contact this office at 977.5943 or you may visit the office Monday through Friday between the hours of 8:00 and 11:00 a.m. to discuss this matter.

Sincerely,

  
James J. Lunney III, R.A.  
Zoning Enforcement Officer

JJL/cg

Enclosure

C: Anthony Strazza, Chief Building Official

**KAREN A. MURPHY**  
68 Saddle Rock Road  
Stamford, Connecticut 06902  
(203)-324-1423  
(203)-324-1614 (fax)

December 16, 2005

James J. Lunney, R.A..  
Zoning Enforcement Officer  
City of Stamford  
Zoning Board & Land Use Bureau  
888 Washington Boulevard  
P.O. Box 10152  
Stamford, CT 06904-2152

Re: Response to Your December 7, 2005 Letter re: New Single Family Dwelling located at 68 Saddle Rock Road, Stamford, Connecticut ("Building")

Dear Mr. Lunny:

I want to thank you and David for meeting with me to discuss the above referenced letter. As I tried to explain, we have been diligently trying to obtain the CO for the new house. For example:

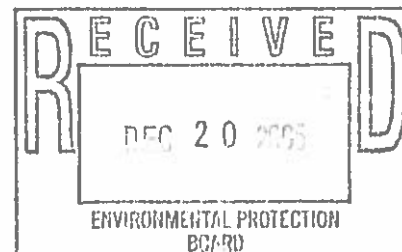
- We have obtained all of Building Department's inspection approvals except for the final electrical for the pool, which we just recently learned was not done. As the attached Inspection Confirmation Number 35320 shows this should have happened on December 15, 2005. However, for some reason the inspection did not occur. We not only called the Building Department on December 15, 2005 but also visited the Department earlier today to try to schedule the inspection. We are going to re-visit the Building Department at 2 PM again today to see if something can be scheduled. I will let you know how this meeting goes.
- As far as I know everything has been submitted to EPB for its approval, except possibly our architect's certificate may have to be re-submitted. The EPB has made a final on-site inspection. We have made all the changes/corrections noted by the EPB in order to be in compliance with its requirements, and submitted documentation confirming same.

If you or David could help us obtain the CO expeditiously we would appreciate it. There is no benefit to us for not obtaining the CO. Finally, it is our intent and desire to comply with the terms and restrictions of Variance Application #073-00 granted by the Stamford Zoning Board of Appeals dated July 11, 2000, which we believe we have.

Sincerely,

  
KAREN A. MURPHY

cc: Richard Talamelli, EPB (w/encl) ✓  
Anthony Strazza, Chief Building Official (w/encl)





**CITY OF STAMFORD, CONNECTICUT**

**OP-2005-1038**

**Building Electrical Mechanical Permits**

Building Permit: BP-2002-0528

This is to certify that the SINGLE FAMILY HOUSE  
Located at 68 SADDLE ROCK ROAD, STAMFORD, CT

**IS HEREBY GRANTED A TEMPORARY CERTIFICATE OF OCCUPANCY**

**OWNER: MURPHY KAREN A ET AL KATHLEEN A MURPHY SUR CL**  
**- NEW SINGLE FAMILY HOUSE W/ POOL FINAL INSPECTION: 11/17/2005 - NEED SIGN-OFF FROM EPB & ZONING PER A.P.STRAZZA**

This certificate is granted in conformity with the Statues and Ordinances relating thereto and Expires  
..... Unless sooner suspended or revoked.

Issued On: December 21, 2005

.....  
Robert D. Demarco



**CITY OF STAMFORD, CONNECTICUT**

**OP-2005-1038**

**Building Electrical Mechanical Permits**

Building Permit: BP-2002-0528

This is to certify that the SINGLE FAMILY HOUSE  
Located at 68 SADDLE ROCK ROAD, STAMFORD, CT

**IS HEREBY GRANTED A TEMPORARY CERTIFICATE OF OCCUPANCY**

**OWNER: MURPHY KAREN A ET AL KATHLEEN A MURPHY SUR CL**  
**- NEW SINGLE FAMILY HOUSE W/ POOL FINAL INSPECTION: 11/17/2005 - NEED SIGN-OFF FROM EPB & ZONING PER A.P.STRAZZA**

This certificate is granted in conformity with the Statues and Ordinances relating thereto and Expires  
..... Unless sooner suspended or revoked.

Issued On: December 21, 2005

.....  
Robert D. Demarco



**CITY OF STAMFORD, CONNECTICUT**  
**ENVIRONMENTAL PROTECTION BOARD**

*Incorporating*  
 FLOOD AND EROSION CONTROL BOARD  
 CONSERVATION COMMISSION  
 INLAND WETLANDS and WATERCOURSES AGENCY  
 AQUIFER PROTECTION AGENCY

January 17, 2006



MAYOR  
**DANNEL P. MALLOY**

Karen Murphy  
 68 Saddle Rock Road  
 Stamford, Connecticut 06902

Re: 68 Saddle Rock Road  
 Stamford, Connecticut  
 CSPR-601

Dear Ms. Murphy,

At your request, EPB Staff reviewed our files and reinspected the subject property, finding that the following issues must be addressed to bring the site into compliance with the provisions of CSPR-601:

1. Submission of final, revised, as-built plans and written certifications by a Connecticut Engineer/Land Surveyor certifying that all engineered elements, including grading, drainage, sanitation, and final stabilization measures have been completed in accordance with the design plans. Before developing these final certifications, the applicant shall address the following:
  - Complete street patches and curb replacements in the public right of way per the plans.
  - Spot stabilization of disturbed earth surfaces, particularly along the edge of the road.
  - Complete the construction of curbs along the westerly portions of the drive.
  - Confirm the proper installation of infiltrators, junction boxes, backflow protectors and other infrastructures situated to the west of the garage.
  - Provide the elevation of tops and bottoms of galleries.
  - Ensure that all catch basins/yard drains have minimum two (2) foot sumps and bells/elbows. It is noted that several basins have less than the standard sump.
  - Replace the broken drain top on the yard drain to the far east.
  - Install the bell or elbow on the basin to the far east.

- Confirm the adequacy of cover over all piping, especially along the basins situated to the east of the garage. It is noted that any substandard pipes may need to be relaid at the design standard or reinforced.
  - Confirm the adequacy of all piping – it is noted that most of the pipes are under the design size – with 6” pipes installed in the location of 8” pipes and 4” pipes installed in the location of 6” pipes. It is noted that the pipes may need to be replaced.
  - Confirm that the roof drainage associated with the existing outbuildings have been connected to the drainage system.
  - Show the sanitary and other utility connections.
2. Submission a revised correspondence from a Connecticut Engineer/Architect/Surveyor certifying (signed and sealed) that the dwelling and its attendant facilities have been constructed in accordance with the approved plans and Section 7.1 of the Zoning Regulations of the City of Stamford (“Flood Prone Area Regulations of the City of Stamford”) and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood up to an elevation of 12 feet NGVD. Before developing this recertification, the engineer/architect shall address the following:
- Remove/relocate/reconstruct all sheetrock, wood studs, insulation, the vacuum unit, electric and other facilities that are situated below the minimum elevation of 13 feet NGVD. Wall areas, particularly along the interior stairs, and to the rear of the heat exchange units require your attention.
  - Confirm the floodproof nature of the geothermal system and associated facilities.
  - Confirm that all interior doors are hollow metal with metal frames.
  - Direct the project surveyor to confirm the final elevation (NGVD) of the top of the unfinished foundation/interior CM Unit walls, the bottom of the wall openings, exterior grades proximate to the wall openings, Exterior HVAC equipment, bottom of meters, any revised locations/elevations of facilities.
  - Provide a copy of the elevator as-built certification.
  - Confirm the floodproof nature of any underground services, including those associated with the generator.
  - Provide a copy of the NFIP Elevation Certificate.
3. Submission of a revised landscape certification to ensure that all landscape elements and mitigative measures outlined on the approved plans have been implemented. Dead plants shall be replaced and if substitutions have been made, the certifying professional shall specify the type, size, number, location, etc.

.le Rock Road  
Murphy  
SPR 601  
Page 3, January 17, 2006

As a reminder, you should work with the Zoning Officer to ensure that all variance conditions have been adequately addressed. Please call if you have any questions.

Sincerely,



Richard H. Talamelli  
Environmental Planner

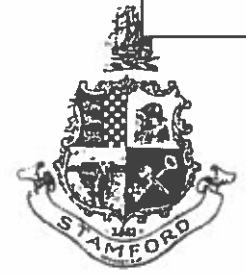
E. Gentile, Assistant City Engineer  
R.V. D'Andrea, Inc.

2005241614

EX-12

**CITY OF STAMFORD, CONNECTICUT**  
**ENVIRONMENTAL PROTECTION BOARD**

*incorporating*  
FLOOD AND EROSION CONTROL BOARD  
CONSERVATION COMMISSION  
INLAND WETLANDS and WATERCOURSES AGENCY



MAYOR  
MICHAEL A. PAVIA

March 4, 2011

Karen Murphy  
68 Saddle Rock Road  
Stamford, Connecticut 06902

Re: 68 Saddle Rock Road  
Stamford, Connecticut  
CSPR-601

Dear Ms. Murphy,

At your request, EPB Staff reviewed its files in an effort to outline the information/activities necessary to bring the construction at 68 Saddle Rock Road into compliance with the terms, condition and plans associated with Coastal Site Plan Review No. 601. The basis for the review was a letter from this office dated January 17, 2006 (R. Talamelli to Karen Murphy, 1/17/06). The status of each item follows:

1. Submission of final, revised, as-built plans and written certifications by a Connecticut Engineer/Land Surveyor certifying that all engineered elements, including grading, drainage, sanitation, and final stabilization measures have been completed in accordance with the design plans. Before developing these final certifications, the applicant shall address the following:
  - Complete street patches and curb replacements in the public right of way per the plans. Inspection required by City Staff to confirm full and proper completion of the street patch and curb replacement.
  - Spot stabilization of disturbed earth surfaces, particularly along the edge of the road. Inspection required by City Staff to verify completion of stabilization measures.
  - Complete the construction of curbs along the westerly portions of the drive. Item addressed by Rocco V. D'Andrea, Inc. their correspondence of May 30, 2006. Inspection required by City Staff to verify performance of the drainage system without the curbing shown in the original design.
  - Confirm the proper installation of infiltrators, junction boxes, backflow protectors and other infrastructure situated to the west of the garage. **Complete.** Item addressed by Rocco V. D'Andrea, Inc. in their correspondence of May 30, 2006.
  - Provide the elevation of tops and bottoms of galleries. **Not complete.** Latest as-built plan (3/13/06) omits the top elevation of the infiltration units situated to the rear of the dwelling. Information is important to verify function.
  - Ensure that all catch basins/yard drains have minimum two (2) foot sumps and bells/elbows. It is noted that several basins have less than the standard sump. **Not complete.** Latest as-built (3/13/06) shows that several basins continue to support sump elevations less than two (2) feet. Please direct the engineer/surveyor to reverify sump depths and amend as necessary.
  - Replace the broken drain top on the yard drain to the far-east. Item addressed by Rocco V. D'Andrea, Inc. in their letter of May 30, 2006. Item will be verified by City Staff during field inspection.

- Install the bell or elbow on the basin to the far-east. **Item to be verified by City Staff during field inspection.**
  - Confirm the adequacy of cover over all piping, especially along the basins situated to the east of the garage. It is noted that any substandard pipes may need to be relaid at the design standard or reinforced. **Not complete. Item commented upon by Rocco V. D'Andrea, Inc., in their letter of May 30, 2006. However, the response is unacceptable. The engineer must certify, in writing, that the pipe cover is acceptable per standard engineering practice and does not compromise the integrity of the drive or drainage system.**
  - Confirm the adequacy of all piping – it is noted that most of the pipes are under the design size – with 6" pipes installed in the location of 8" pipes and 4" pipes installed in the location of 6" pipes. It is noted that the pipes may need to be replaced. **Not complete. Item commented upon by Rocco V. D'Andrea, Inc., in their letter of May 30, 2006. However, the response is unacceptable. The engineer must confirm, with the development of appropriate calculations, that the smaller pipes can accommodate the design flows or the pipes may need to be replaced.**
  - Confirm that the roof drainage associated with the existing outbuildings have been connected to the drainage system. **Complete. Item addressed by Rocco V. D'Andrea, Inc. in correspondence of May 30, 2006 and on the as-built plan (3/13/06).**
  - Show the sanitary and other utility connections. **Not complete. Sanitary connections from cottage and garage not reflected on D'Andrea's as-built plan (3/13/06).**
2. Submission a revised correspondence from a Connecticut Engineer/Architect/Surveyor certifying (signed and sealed) that the dwelling and its attendant facilities have been constructed in accordance with the approved plans and Section 7.1 of the Zoning Regulations of the City of Stamford ("Flood Prone Area Regulations of the City of Stamford") **and** is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood up to an elevation of 12 feet NGVD. Before developing this recertification, the engineer/architect shall address the following:
- Remove/relocate/reconstruct all sheetrock, wood studs, insulation, the vacuum unit, electric and other facilities that are situated below the minimum elevation of 13 feet NGVD. Wall areas, particularly along the interior stairs, and to the rear of the heat exchange units require your attention. **Not complete. Revised, written Engineering/Architectural certifications (signed and sealed) are required to verify the completion of this work. Note that City Staff will confirm with an inspection upon the receipt of the engineer's/architect's recertification.**
  - Confirm the floodproof nature of the geothermal system and associated facilities. **Not complete. Revised, written Engineering/Architectural certifications (signed and sealed) are required to verify the completion of this work. Note that City Staff will confirm with an inspection upon the receipt of the engineer's/architect's recertification.**
  - Confirm that all interior doors are hollow metal with metal frames. **Not complete. Revised, written Engineering/Architectural certifications (signed and sealed) are required to verify the completion of this work. Note that City Staff will confirm with an inspection upon the receipt of the engineer's/architect's recertification.**
  - Direct the project surveyor to confirm the final elevation (NGVD) of the top of the unfinished foundation/interior CM Unit walls, the bottom of the wall openings, exterior grades proximate to the wall openings, exterior HVAC equipment, bottom of meters, any revised locations/elevations of facilities. **Not complete. Grades proximate to**

Saddle Rock Road  
K. Murphy  
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the wall openings, the location of the exterior condenser unit, and bottom elevation of electric and other service meters are not shown on as-built plan (3/13/06).

- Provide a copy of the elevator as-built certification. Not complete. Elevator certification not observed in our files.
  - Confirm the floodproof nature of any underground services, including those associated with the generator. Not complete. Comments were provided by Rocco V. D'Andrea, Inc. in their letter of May 30, 2006. However, the response is unacceptable. The engineer must certify that the underground services have been constructed in accordance with the approved plans and Section 7.1 of the Zoning Regulations of the City of Stamford ("Flood Prone Area Regulations of the City of Stamford") and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood up to an elevation of 12 feet NGVD.
  - Provide a copy of the NFIP Elevation Certificate. Complete.
3. Submission of a revised landscape certification to ensure that all landscape elements and mitigative measures outlined on the approved plans have been implemented. Dead plants shall be replaced and if substitutions have been made, the certifying professional shall specify the type, size, number, location, etc. Complete. Landscape certification presented by Matt Popp, Environmental Land Solutions, dated June 29, 2006.

Please call if you have any further questions or to make arrangements for a post development/certification inspection.

Sincerely,



Richard N. Talameilli  
Environmental Planner

cc: L. Casolo, City Engineer  
R.V. D'Andrea, Inc.

**ROCCO V. D'ANDREA, INC.**

LAND PLANNERS • ENGINEERS • SURVEYORS

SIX NEIL LANE • P.O. BOX 549  
RIVERSIDE, CONNECTICUT 06878  
TELEPHONE: 203 637-1779  
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EX-13

July 1, 2004

Mr. Norman Cole  
Planning & Zoning  
Government Center  
888 Washington Boulevard  
P.O. Box 10152  
Stamford, Connecticut 06904

Re: 68 Saddle Rock Road - Murphy

Dear Mr. Cole

Kathleen Murphy, owner of 68 Saddle Rock Road, is proposing to construct a wall along the southern property line just east of the existing garage. The proposed wall will be constructed to match the height and style of the existing wall to remain. There is a small area of asphalt on the southern adjoiner's property that gently slopes toward the property line. Therefore, a scupper will be constructed in the proposed wall at the low spot of the driveway that will allow for any storm water runoff that currently flows toward the property line to drain through the wall, thus mimicking existing conditions. Therefore, the construction of the wall will have no adverse effects on local drainage patterns or flows.

Enclosed please find the following:

- One (1) copy of the revised Development Plan, Sheet 1 of 2, dated June 30, 2004.

If you have any questions or require any additional information, please call.

Sincerely,

ROCCO V. D'ANDREA, INC.

*Derek Daunais*

Derek E. Daunais, PE

DED  
99DKNC04  
Enclosures

cc: ~~Richard J. Lamelli~~ Environmental Protection Board  
Kathleen Murphy

{ MINOR MODIFICATION  
of site development -  
NO change impact as confirmed by  
engineer. RUT 7/2/04

**Memorandum:**

**From:** Brian P. McMahon, P.E.

**To:** John Kirby

**Date:** March 3, 2014

**Re:** Existing Wall between #68 & #74 Saddle Rock Road

As a follow up to the letter from Rocco V. D'Andrea, Inc. (RVDI) to Norman Cole dated July 1, 2004 we previously sent you, we visited the EPB offices to review the file associated with the construction of the home at 68 Saddle Rock Road pursuant to Zoning Board CSPR-601.

To allow runoff to continue to flow from #74 across the property line, the design called for an 8" wide by 4" high scupper at the base of the wall. Although our review of the file was not exhaustive, we saw no evidence of calculations to support the design of the scupper as proposed. A site visit this afternoon confirmed that there are two (2) scuppers, approximately 9" wide by 2" high, which are heavily clogged with sediment and vegetation.

In our opinion, the 2" height of the installed scuppers introduces a significant potential for clogging and consequent backup of runoff on #74 Saddle Rock Road. For this reason, it is our opinion that the wall, as constructed, has resulted in adverse drainage impacts to the property at #74 Saddle Rock Road.



## MEMORANDUM

<b>Project Name:</b>	Kirby Cullman Residence 74 Saddle Rock Road	<b>Project Number:</b>	2013103
<b>Date:</b>	3/3/14	<b>Memo By:</b>	John C. Roberge, PE

RACE, at the request of John Kirby, has performed a review of the coastal flooding conditions that characterize the property located at 74 Saddle Rock Road as a part of the design and regulatory processes associated with the development of that site. This memorandum summarizes the opinions that have been developed by RACE regarding the potential impact of two (2) vertical walls that were included as a part of the improvements that were performed on the neighboring property located at 68 Saddle Rock Road (Murphy) in Stamford, CT. It is the understanding of RACE that the home that was located on 74 Saddle Rock Road was destroyed during Storm Sandy on October 29/30, 2012.

The Federal Emergency Management Agency (FEMA), Flood Insurance Study (FIS) No. 09001CV001B, dated July 8, 2013 shows the 100-yr stillwater elevation to be El. +10.8' (NAVD 88) and the 100-yr total water elevation to be El. +12.6' (FEMA 2013) in the Saddle Rock Road area. The 68 – 74 Saddle Rock Road sites are mapped on FEMA's Flood Insurance Rate Map (FIRM) No. 09001C0519G, dated July 8, 2013, to include a Zone VE with a BFE of +15' extending approximately 35' landward of the existing seawall and a Zone AE with a BFE of +14' for the remaining landward portion of the property. The BFE in the vicinity of the subject walls is El. +14' (FEMA 2013). An AE Zone is a flood zone with a wave height less than 3'. A VE Zone is a flood zone with a wave height of over 3'. VE Zones have a greater potential for flood induced damage due to storm-induced velocities and wave action. Damage in the VE Zone is typically greater than that of an AE Zone

The Zoning Regulations for the City of Stamford require that, "All development including, but not limited to, fill, new construction, substantial improvements and manufactured home placement shall be prohibited unless the applicant provides written certification from a professional engineer registered in the State of Connecticut that no significant increase in the base flood will result." (*Underscore by RACE*)

When a wave hits a vertical, impermeable, rigid surface, essentially all of wave energy will be reflected from the wall (Veri-Tech 2003). Reflected waves can be super imposed on the oncoming wave train, essentially doubling the height of the wave. This can have a significant influence on the resulting BFE and the energy that is reflected onto neighboring properties.

The BFE at the 68 Saddle Rock Road residence, as mapped by FEMA, is shown to be in the AE Zone at an El. +14', based on the total water level of El. +12.6'. This indicates that a wave of approximately 2' can be expected in this flood zone and potentially can impact either of the vertical walls that were built on this site. This wave could and would likely be 100% reflected and would result in a the wave height approximately 4' in height at a distance of approximately one (1) wavelength from the face of either wall, providing that there is sufficient water depth. RACE performed no assessment of grade elevations at the Murphy site to verify that the depths at the face of the wall that circles the residence would result in this potentially damaging wave reflection. However, the grades along the western property line, in the

immediate vicinity of the wall that was constructed along that property line with 74 Saddle Rock Road are sufficient to support a fully reflected wave. This wave reflection would increase the base flood elevation to approximately El. +15' (NAVD 88), in direct conflict with the requirements of the City of Stamford. This wave would also effectively increase the flood zone conditions in that area to a VE Zone, indicating potentially higher resulting damage. It is the opinion of RACE, that these walls would not likely be approved by the City under current zoning requirements.

It is our further understanding that the wall that extends along the 68/74 Saddle Rock Road property line was to include a 4" high scupper to manage potential surface water flows. While this scupper has little or no beneficial impact on wave reflection or wave energy translation, it is our understanding that the installed scupper is clogged and not functional.

RACE neither condones the past approval nor advocates removal of either of these wall structures. We look at the current situation from a flood management perspective, and recommend that you be allowed to mitigate the potential effects of these structures on the proposed improvements to the 74 Saddle Rock Road property. This might include, but not necessarily be limited to, placement of sloping fill, vegetation, earth reinforcement, and such measures on the 74 Saddle Rock Road site, or even retention and/or modification of the questionable walls so as to minimize impacts to the local BFE(s).

We look forward to developing and resolving these issues as a part of your design and approval process and remain at your disposal for discussions.



#### References:

Federal Emergency Management Agency (FEMA), *Flood Insurance Rate Map*, No. 09001C0519G. Washington, D.C., July 8, 2013.

Federal Emergency Management Agency (FEMA), *Flood Insurance Study – Fairfield County, Connecticut (All Jurisdictions)*, No. 09009CV001C. Washington, D.C., October 16, 2013.

Veri-Tech, Inc., *Coastal Engineering Manual Professional Edition*. Version 2.0, Summit, Mississippi, 2003

**Subj:** RE: Saddle Rock Road  
**Date:** 3/11/2014 1:44:08 P.M. Eastern Daylight Time  
**From:** [Jlsidro@StamfordCT.gov](mailto:Jlsidro@StamfordCT.gov)  
**To:** [JLunney@StamfordCT.gov](mailto:JLunney@StamfordCT.gov), [RDeMarco@StamfordCT.gov](mailto:RDeMarco@StamfordCT.gov), [RTalamelli@StamfordCT.gov](mailto:RTalamelli@StamfordCT.gov),  
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**CC:** [JMinor@StamfordCT.gov](mailto:JMinor@StamfordCT.gov)

Dear Rick,

Thank you for your e-mail of Friday, March 7<sup>th</sup>. Please note that this matter is being handled by Attorney James Minor who is copied on this e-mail.

Thank you,  
Judy

Judith Isidro Dickson  
Executive Assistant to the Director of Legal Affairs  
City of Stamford  
888 Washington Blvd.  
Stamford, CT 06904  
(203)977-4081  
[jlsidro@ci.stamford.ct.us](mailto:jlsidro@ci.stamford.ct.us)

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**From:** Richard W. Redniss [<mailto:rick.redniss@rednissmead.com>]  
**Sent:** Friday, March 07, 2014 1:19 PM  
**To:** Emmett, Kathryn  
**Cc:** Lunney, James; DeMarco, Robert; Talamelli, Richard; Cole, Norman; Ryan, Kieran; Uva, Mary; Day, Harry; Kooris, David; [sfgrp@aol.com](mailto:sfgrp@aol.com); Murphy, Kathleen; John Kirby; Susan Cullman  
**Subject:** Saddle Rock Road

Attached please find a letter from John Kirby (with attachments) that directly and indirectly relates to the rezoning appeal now pending before the BOR. Hard copies are available at our office and at the Cullman/Kirby home at 88 Saddle Rock Road. Any questions do not hesitate to contact me, Susan, or John.

We did not have emails for everyone so please feel free to forward it to anyone you know has an interest in this matter or send us the emails for forwarding.

Thank you

**Richard W. Redniss, AICP**  
203-327-0500 [x5110]

**REDNISS**  
**& MEAD**

LAND SURVEYING | CIVIL ENGINEERING  
PLANNING & ZONING CONSULTING | PERMITTING