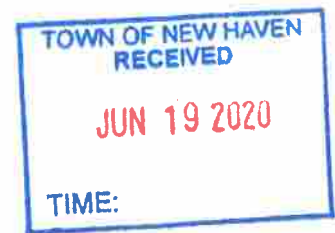


**To:** Development Review Board, Planning Commission, Selectboard,  
Town of New Haven, VT

**From:** Neighbors of Sherman Lane

**Date:** June 18, 2020

**In regards to:** WAF LLC., Permits for 191 Sherman Lane



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### **Purpose**

This is to serve notice that we, all who own property adjoining the property at 149 Sherman Lane (formerly 191 Sherman Lane) owned by Maggie Eaton/Ron Yara/WAF, LLC (address: 2200 Geng Road, Suite 100 Palo Alto, CA 94303), hereby appeal the permit issued to Eaton/Yara by the Town of New Haven on June 4, 2020 to "Convert Former 3-BR Primary Residence to 1-BR Accessory".

We put forth the following background to our request for remedy from the Development Review Board regarding violations of the New Haven Zoning by-laws.

### **Summary**

All properties in the Sherman Lane neighborhood are zoned RA-10 and subject to a number of mutual covenants in the deeds.

The New Haven Zoning By-laws defines "accessory dwelling unit" as a "one-bedroom or efficiency apartment."

In 2011, Maggie Eaton and Ron Yara (WAF, LLC) purchased Nicholas Clifford's property at 125 Sherman Lane.

Prior to moving to New Haven in 2016, Eaton/Yara constructed two structures on the former Clifford property, a "rustic" structure and a large dwelling/two-car garage despite the fact the property already had a two-car garage and an apartment attached to the main residence.

It is our understanding that Eaton/Yara lived in this new dwelling/garage for a substantial time after moving to New Haven.

In 2017, Eaton/Yara/WAF, LLC purchased the property formerly owned by Randy and Marie Boise at 191 Sherman Lane.

On December 20, 2017 neighbors received a letter from Eaton stating plans to build a new house on the former Boise property. The letter indicated that although construction on the new house would begin in the Spring of 2018, construction of a driveway would begin right away.

On April 11, 2018 Green Mountain Power notified the neighbors of electrical work on the property.

At the end of April 2018, the state of Vermont granted Eaton/Yara a septic permit with capacity for 7-bedrooms.

On April 30, 2018 neighbors received a letter stating

*“Here is an update of what’s happening with our construction project. You have seen that the new driveway and conduits were being installed after New Haven informed us that we could commence. But there has been some difficulty with the zoning administrator position – New Haven lost it’s [sic] long time administrator, hired another who left after something like 2 months, and the Town is in the process of hiring another replacement. In the mean time without a zoning administrator, some wires got crossed and we recently asked that we submit a permit for activities involving moving more than 50 cubic yards of material, which we submitted. The bottom line is that, with this permit and weather permitting, we can resume the driveway work.”*

According to this communication and confirmed by the neighbors inquiring about the requisite permits to Eaton/Yara from the Town, construction had proceeded without authorization from the Town.

On June 25, 2018, Katie Raycroft-Meyers, Zoning Administrator for the Town of New Haven, issued a permit to Eaton/Yara/WAF, LLC to construct a 6,000 ft<sup>2</sup> residence on the property. The permit stated that as a condition to the issuance of a Certificate of Occupancy, the existing 3-BR home needed a permit as an accessory dwelling.

Eaton/Yara constructed the 6,000 ft<sup>2</sup>, 4-BR single-family house, over a period of approximately two years.

In December 2019, zoning administrator Aaron Brown issued the Certificate of Occupancy for 191 Sherman Lane notwithstanding that the existing 3-BR home had not yet been permitted as an accessory dwelling.

Since June 2018, the neighbors of Eaton and Yara received various communications from Eaton/Yara and from Brown/Yara with respect to the plans for the former Boise 3BR house.

- In December 20, 2017, the neighbors received a letter from Eaton that stated, “We will be keeping the house and shop for now as our belongings are being stored

there. After the new house is completed, we will determine what we do with the existing house, since the Town has indicated we may have to take it down. We do intend to keep the shop....”

- On several occasions, Yara represented that Eaton/Yara planned to take down the Boise house.
- To different neighbors, Eaton/Yara relayed that they were speaking to the fire department to use the house for a training exercise.
- Aaron Brown commented on numerous occasions that Eaton/Yara planned to use the building only for storage.

On June 1, 2020, all neighbors received a letter from Eaton/Yara explaining that they had decided to renovate the building. The letter ended with an invitation to call Eaton/Yara if we had any “questions about the project.”

Naturally, all of the neighbors have had questions about the project since 2018. In light of the spectrum of representations which by this point resembled deceitfulness by Eaton/Yara with regards to their actual intentions (and in consideration of other instances of bad faith on the part of Eaton/Yara which include, but are not limited to: repeated cutting of woody plants on an adjoining property and a promise to supply a road maintenance plan for the period of construction that was never provided), however, we declined to ask Eaton/Yara any questions.

On June 2, 2020, we called Zoning Administrator Aaron Brown requesting information as to the status of the permit for the construction project alluded to in Eaton/Yara’s letter of June 1, 2020. Brown was not aware of a permit having been applied for, but offered to contact Eaton (member of the New Haven Planning Commission) regarding Eaton/Yara’s intentions.

On June 4, 2020, a permit was issued by the Town of New Haven to “Convert Former 3-BR Primary Residence to 1-BR Accessory.”

In a subsequent email, Brown explained that he issued the Certificate of Occupancy for the 6,000 ft<sup>2</sup> 4-BR new house without the conditions of the permit having been fulfilled based on Eaton/Yara’s verbal representations to him that they planned to use the building for storage.

We note that, due to the actions of Eaton/Yara, our rural neighborhood has been subject to ongoing construction of one sort or another for close to nine years.

**Appeal to the Development Review Board for Remedy:**

We therefore formally appeal to the New Haven Development Review Board of the Town's Zoning Administrator's issuance of a permit to Eaton/Yara on the basis of the following points:

1. Eaton/Yara were twice in violation of the zoning by-laws of the Town of New Haven for having more than one primary residential unit on a lot (Section 511, New Haven Zoning By-Laws)
  - i. First, for the period in which they resided in the Accessory Dwelling/Garage of 125 Sherman Lane prior to moving into their new house, and
  - ii. Second, for the period between the issuance of the Certificate of Occupancy and the recent issuance of a permit to convert the 3-BR dwelling to a 1-BR accessory dwelling.
2. Eaton/Yara constructed a driveway and performed electrical work and site work prior to having been issued a building permit.

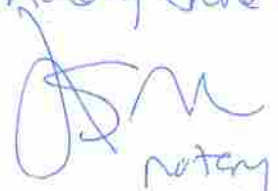
**In consideration of the hardship experienced by the neighbors, collectively and individually, by transactions between the Town of New Haven and Eaton/Yara/WAF, LLC, we request the following remedies:**

1. The Town of New Haven requires Eaton/Yara to take down the 3BR residence formerly resided in by the Boises.
2. The Town of New Haven Eaton/Yara limit long-term residence on the Eaton/Yara property to the 4-BR primary residence, Eaton/Yara having received state septic permit for 7 bedrooms notwithstanding.
3. The Town of New Haven provide neighbors with written assurances acceptable to the neighbors that any accessory dwelling, under the ownership of Eaton/Yara or a subsequent party, will remain a 1BR accessory apartment for occasional use, not a rental unit and not a long-term dwelling.

We thank you for your considerate attention to this matter. We look forward to discussing these matters at a publicly-warned DRB meeting.

Sincerely,

Jeff Meyers and Tammy Newmark (249 Sherman Lane)  
Dave and Nancy Matthews (281 Sherman Lane)  
Dave Maille and Alyssa Rittendale (184 Sherman Lane)  
Lynn Wolf (392 Sherman Lane)

*I certify that today  
is Friday June 19, 2020*  
  
notary  
exp 7/31/24  
Comm# 157.00025;