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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525
(203) 797-4586 (FAX)

October 22, 2009

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/September '09 CC Agenda Item #13 – Request renewal of previous approval for Sewer & Water Main Extensions for Candlewood Park Inc.

The Planning Commission has received a request from the Common Council for a report pursuant to CT General Statutes/Sec 8-24, regarding the above referenced item.

At the October 7, 2009 meeting, the Planning Commission made a motion to give this a positive recommendation subject to compliance with the submission of plans and documents satisfactory to Corporation Counsel's office and the standard City Engineering Dept. conditions including the following additional conditions from the Engineering Dept. letter dated 10/6/09:

Condition #9. This approval is only for service to the 202 homes in the park. If at some time in the future, the property ceases to be used as a trailer park, City sanitary sewer and water services will no longer be provided to the property and all such services will be terminated accordingly. A notice relative to this restriction is to be filed in the land records for future reference, if and when a sale of this property takes place. (This notice will assist City personnel who will be monitoring the status of the use of this property.)

Condition #10. Construction of the sanitary sewer line and water main will not be allowed to begin until the developer/property owner has provided the Corporation Counsel's office with any and all documentation, including but not limited to title searches, necessary at its sole discretion, for it to make a determination with respect to the status of ownership of McKay Road and the necessity for the developer/property owner to acquire easements for the installation of the utilities. If the Corporation Counsel's office determines that such easements are required, these easements are to be provided to the City before any utility installation begins.

Arnold E. Finaldi Jr.
Chairman

AEF/jr
Attachment

c: Engineering Dept.
Director of Public Works
Corporation Counsel



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CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DIVISION
(203) 797-4641
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FARID L. KHOURI, P.E.
CITY ENGINEER

October 6, 2009

Honorable Mark D. Boughton, Mayor
Common Council
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Dear Mayor Boughton and Common Council Members:

Request for Renewal of Approvals
Sanitary Sewer and Water Main Extensions
Candlewood Park, Inc. – Forty Acre Mountain Road

As per Sec. 16-6.1 and Sec. 21-21 of the Code of Ordinances, at the September 1, 2009 Common Council meeting, the August 6, 2009 letter from Attorney Neil R. Marcus requesting time extensions for sanitary sewer and water line approvals previously granted by the Common Council was referred to our office for a report (reference item 13 of the meeting minutes).

The Common Council approved the proposed sanitary sewer extension to this site at its July 7, 2004 meeting. The Common Council approved the proposed water main extension to this site at its December 6, 2005 meeting. Time extensions for both the sanitary sewer and water main approvals were granted at the May 2, 2006 Common Council meeting.

We have no problem with the approval of the requested time extensions, with conditions.

The July 7, 2004 Common Council approval of the sanitary sewer extension and the December 6, 2005 Common Council approval of the water main extension each contained a ninth step stating that the sanitary sewer and water extensions are only for the 202 homes in the park. If, in the future, it ceases to be a trailer park, City sanitary sewer and water services will no longer be provided to the property. This condition was added because the trailer park is located outside the limits of the service areas as designated in the City's long range sanitary sewer and water plans and in the City's Plan of Conservation & Development. The concern was that unwanted extensive development of the area outside the service area could occur as a result of the sanitary sewer and water main extensions proposed to serve this site. The requested extensions outside of the service area were granted because of the trailer park's existing septic system problems and the anticipation of the possible issuance of a DEP order to correct the problems.

The question as to the status of McKay Road and whether easements will be required for the construction of the requested sanitary sewer line and water main is presently under review by the Corporation Counsel's office. It is recommended that a 10th condition, as spelled out below, be added to any approval granted by the Common Council until the matter is resolved to the Corporation Counsel's satisfaction.

If you make the determination to approve the requested time extensions of the sanitary sewer line and water main approvals, the approval should be subject to the standard 8 conditions (copy enclosed) plus 2 additional conditions (one of them similar to previously approved condition), as listed below:

Condition #9. This approval is only for service to the 202 homes in the park. If at some time in the future, the property ceases to be used as a trailer park, City sanitary sewer and water services will no longer be provided to the property and all such services will be terminated accordingly. A notice relative to this restriction is to be filed in the land records for future reference, if and when a sale of this property takes place. (This notice will assist City personnel who will be monitoring the status of the use of this property.)

Condition #10. Construction of the sanitary sewer line and water main will not be allowed to begin until the developer/property owner has provided the Corporation Counsel's office with any and all documentation, including but not limited to title searches, necessary at its sole discretion, for it to make a determination with respect to the status of ownership of McKay Road and the necessity for the developer/property owner to acquire easements for the installation of the utilities. If the Corporation Counsel's office determines that such easements are required, these easements are to be provided to the City before any utility installation begins.

If you have any questions, please feel free to give me a call.

Very truly yours,



Farid L. Khouri, P.E.
City Engineer

Encl.

C: Antonio Iadarola, P.E.
David M. Day, P.E.
Dennis Elpern
Laszlo L. Pinter, Esq.
Robin L. Edwards, Esq.