41 - April

CITY OF DANBURY

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155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
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WILLIAM J. BUCKLEY, JR., P.E.
DIRECTOR OF PUBLIC WORKS / CITY ENGINEER

May 4, 2005

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

Dear Mayor Boughton and Common Council Members:

South Cove Road

Two pieces of correspondence from the South Cove Road community were forwarded to our department for a report at the April 5, 2005 Common Council meeting (reference is made to item 41 of the meeting minutes). The first piece of correspondence is a petition for the City to accept South Cove Road. The second piece of correspondence, a note from Tina O'Brien, relates to a claim that the City's contractor paved over an existing storm drain in South Cove Road, when the City installed sanitary sewer and water lines. The road was field inspected on May 3, 2005.

The following comments are offered:

A. City Acceptance of South Cove Road

South Cove Road is a private road approximately 450 feet in length, with a pavement width of approximately 15 feet. The road right of way is approximately 22 feet in width. There is no existing storm drainage system in the road. The road surface is pavement in poor condition.

There is an existing turnaround at the end of the road that is inadequate in size for snowplows, school buses and fire trucks to turn around in without making several turning movements. There is no snow shelf around portions of the turnaround. A wood retaining wall at the edge of the turnaround pavement would need to be removed and the area behind the retaining wall regraded before the City would accept the road. The basketball hoop at the turnaround would also need to be removed.

It is unclear whether the paved roadway is located entirely within the road right of way. A survey is required to make that determination.

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There was no drainage system observable in the road or in the shoulder areas adjacent to the road.

In order for the City to accept the road, the roadway must be improved to a condition that meets the road acceptance requirements of Section 17-34 of the Code of Ordinances. The improvements required for said acceptance can be made by the property owners along the street themselves or by the City for acceptance after improvement under the provisions of Section 2-143.1 of the Code of Ordinances Assessments for Public Improvements

In order to meet the minimum requirements for acceptance of this private road, the following improvements would be required before I could certify that the road "is adequate to support the traffic which is expected to use it and that the road is in condition such that it is reasonably safe for public travel" (Section 17-34(c)(3)).

1. The road right of way must be 30 feet in width. Approximately 8 feet of additional right of way width will need to be transferred to/acquired by the City (all from one side of the street or split between the properties on both sides of the street). At this time, it is not known if said takings will put properties in non-compliance with respect to zoning and if zoning variances will be required to accomplish the road improvement. However, based on the sizes of many of the lots along the road (0.11 ac, 0.12, ac., 0.13 ac. etc. with the largest lot being 0.33 ac. in size) and the zoning for the area (RR-10 zone west side of the road and RA-20 zone east side of the road), it seems that most of the lots to be affected are presently non-conforming and the loss of lot area will make them further non-compliant. Also, until a field survey is done, we will not be able to determine whether retaining walls, septic systems and/or other improvements presently on private property would fall within the areas to be turned over to the City.

2. The paved travel way must be at least 20 feet wide. The entire length of the road will need to be properly regraded, rebuilt and widened. Existing utility poles will probably need to be relocated. Some driveways may be shortened and will require regrading, as a result of this road widening. The driveways to the homes on the low side of the road will be especially difficult to regrade. It should be noted that a number of homes along the road are presently extremely close to the edge of the existing paved roadway. Widening the road will result in an edge of pavement almost at the front doors of some of the homes.

3. A proper turnaround will need to be constructed at the end of the road. Additional land may need to be acquired from the property owners at the end of the road for the construction of said turnaround.

4. Since a proper drainage system does not exist in the road and to intercept water flowing off properties on the high side of the road, a storm drainage system will need to be installed and drainage easements across private property acquired, where warranted.

From a conceptual point of view, this road improvement project could cost in the neighborhood of $300,000.00 (engineering, construction, easement and property

acquisitions, etc.). This cost would be shared by the owners of properties along the street. A legal opinion will be needed to determine whether the two corner properties that front both the private street and a City accepted street would derive a benefit from this project. The total project cost would be assessed against either 11 or 13 properties, depending on the legal opinion received.

If the Common Council would like this project to go forward as an assessment project for a mail survey and public hearing in accordance with the assessment project procedure, we will add this project to our list.

B. Storm Drainage

Not enough information was provided for us to determine exactly what the drainage problems are and whether the City or its contractor caused problems by paving over existing drainage facilities, after the installation of the sanitary sewer in South Cove Road. We attempted to contact Ms. O'Brien, however, we could not find a listing for a Tina O'Brien on South Cove Road in the telephone directory.

A review of office records found the following:

1. The homeowners association request for a water line extension in the road was approved by the Common Council on September 7, 1988. The water line was installed in 1990 by a contractor (Brookfield Pumping & Excavation Service, Inc.) hired by the homeowners association (not the City). The homeowners association turned over the easement for and title to the water line to the City in 1991. With the legal documents, the homeowners association submitted a certification (which was filed in the Danbury land records) that stated that South Cove Road had been repaired to their satisfaction by the contractor and that there would be no claims for repair of road damage done after the City's acceptance of the water line (copy of letter is enclosed for reference). It should be noted that the plans prepared by the homeowners association's engineer did not show any catch basins along the road. The engineer's plans showed a "2' DIA. CB 55 GAL. DRUM" and 4" PVC outlet pipe located entirely on Lot 3 and a 4" PVC pipe crossing the road from lot 11 to Lot 6 with what may also be a 5 gal drum (not labeled) in the gutter line in front of Lot 6.

2. The sanitary sewer extension was installed by the City in 1993. The engineer's plans show the same information as was indicated on the 1990 water main plans (55 gallon drum, 4" PVC pipe, etc.).

3. No drainage system was shown on the plans for the water line extension installed by Mary Popp in 2003.

A storm drainage system could be installed in South Cove Road under the provisions of Section 2-143.1 of the Code of Ordinances Assessments for Public Improvements. It is estimated that this storm drainage system installation could cost approximately $100,000.00. If it was decided to proceed with an assessment project, the City would acquire easements from the homeowners association and others, as warranted, prepare the plans, hire the contractor and own and maintain the drainage system, after it

was installed. The costs of the project would be assessed against the benefiting properties.

If the Common Council would like this project to go forward with the drainage system improvements as an assessment project for a mail survey and public hearing in accordance with the assessment project procedure, we will add this project to our list.

If you have any questions, please feel free to contact me.

Very truly yours,

William J. Buckley, Jr., P.E.
Director of Public Works/City Engineer

Encl.

C: Eric L. Gottschalk, Esq., with encl.

May 13, 1991

Mr. John A. Schweitzer, Jr., P.E.
City Engineer
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810

Re: Water Main Extension, South Cove Road

Dear Mr. Schweitzer:

Please be advised that South Cove Road has been repaired to the satisfaction of the owner of the road and that no claims will be made after the City's acceptance of the main which would require the City's public works department to repair road damage resulting from the water main installation.

South Cove Road, Inc.

By: Sandra Martin
Sandra Martin, Its President
duly authorized

Received for Record
at 9:00A. M
JUL 1 1991
Attest: Michael R. Sera
Danbury Town Clerk