



32-106

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CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

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

February 14, 2006

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

Dear Mayor Boughton and Common Council Members:

Westville Community Association, Inc.
Chelsea Drive
Petition

The above noted petition, that was forwarded to our office for a report within 30 days, has been reviewed (reference item 32 of the minutes of the February 7, 2006 Common Council meeting).

Before I discuss the petition itself, I would like this opportunity to correct some misstatements noted in the document attached to the petition.

First, the City of Danbury did not "mandate" the construction of detention basins/ponds on the site. An Engineering Department standard requirement during the Planning Commission review process for any proposed development is that the developer properly handle stormwater generated by the proposed development. The developer can propose to handle this additional runoff either by analyzing the existing storm drainage system downstream of the proposed development or designing a private on-site system to detain and release stormwater at the pre-development rate. If the developer decides to pursue the downstream analysis, the developer will be responsible for improving/upgrading downstream facilities that are found to be inadequate/deficient and for obtaining any necessary rights to drain from downstream property owners. Most developers choose the on-site detention method to address stormwater issues. The option selected is entirely left to the developer.

Second, enclosed please find a copy of the August 7, 1997 Planning Commission approval of Westville Estates (the subdivision in question). Please note that this approval requires that all Environmental Impact Commission (EIC) requirements be met. Condition 3 of the enclosed July 30, 1997 EIC approval requires that a Homeowners Association be established. The Planning Commission approval of the lot line revision for Lot 11 (copy of May 3, 1999 approval letter enclosed) clearly states that "Lot C - open space with detention basin to be owned by Homeowners Association."

Third, it should be clarified that Westville Estates Phase II was to have a Homeowner's Association. Enclosed please find a copy of the July 12, 1999 Planning Commission approval letter that states that "the detention system and associated piping shall be granted to the Homeowner's Association." Also enclosed is a copy of the Westville Estates Phase II Declaration of Covenants and restrictions that covers the responsibility for maintenance of the drainage system (retention basin) on the subdivision's open space parcel. This document was filed in the Danbury Land Records.

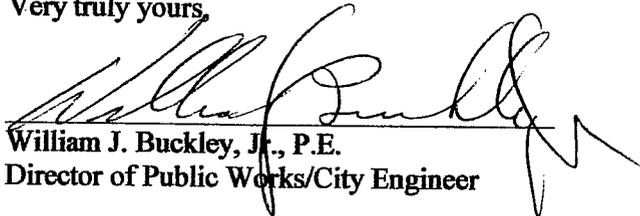
Fourth, with respect to the previous request (March 2004) that the City take over ownership of the Chelsea Drive common elements, enclosed please find a copy of the memo addressed to me from Assistant City Engineer Patricia A. Ellsworth, P.E. relative to this request. Also enclosed are copies of the March 15, 2004 memo from Planning Director Dennis I. Elpern to the Planning Commission and the March 24, 2004 memo to Mayor Mark D. Boughton and the Common Council from the Planning Commission. All three pieces of correspondence recommend that the City not assume title to and responsibility for the private storm drainage systems.

Fifth, there are numerous private storm drainage detention systems located throughout the City. The City provides no maintenance on any of these private detention systems.

The Public Works Department agrees wholeheartedly with the June 2, 2004 Report by the previous Common Council committee (copy attached to Petition) recommending that the City not accept the offer of the open space/detention basins in this subdivision. By acceptance of private storm drainage systems, the City would assume significant maintenance responsibilities and liabilities that, from the inception of the proposals for this and other developments around the city, were always intended to remain private.

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

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



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525

August 7, 1997

Sal Pandolfi
Westville Associates, LLC
46 North Street
Danbury, CT 06810

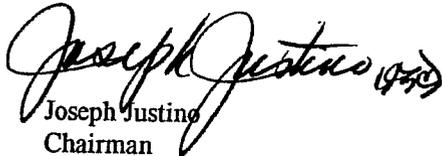
Re: Paul M. Fagan as Agent for Westville Estates - 18 Lot Subdivision (24.67 acres) - Westville Ave.
Ext. (RA-40 Zone) - Code No. 97-01

Dear Mr. Pandolfi:

The Planning Commission at its meeting August 6, 1997 approved the 18 lot subdivision for Westville Estates, Westville Ave. Ext. having found that the requirements of the Subdivision Regulations have been met. The subdivision was approved based on the Staff Report dated, July 16, 1997 with the following conditions:

1. Require the improvements to Middle River Road to comply with the City Traffic Engineer's recommendations and conditions.
2. Require all Environmental Impact Commission findings to be met.
3. Require compliance with the City Engineer's recommendations.

Sincerely yours,


Joseph Justino
Chairman

JJ/jlc

via certified mail



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

ENVIRONMENTAL IMPACT COMMISSION
797-4595

July 30, 1997

Mr. Sal Pandolfi
Westville Associates LLC
46 North Street
Danbury, CT 06810

Re: Westville Associates LLC - Westville Avenue Extension - Regulated Activity - No. 223

Dear Mr. Pandolfi:

The Environmental Impact Commission at its meeting July 23, 1997 accepted as complete and approved the application of Westville Associates LLC, for a regulated activity at Westville Avenue Extension, and granted a summary ruling having found that the criteria in Section 9.2 of the Inland Wetlands and Watercourses Regulations of the City of Danbury have been met. The approval was also based on the Health Department Report dated July 23, 1997, and the following maps entitled:

1. Proposed Subdivision Development Plan - Dwg. No. 95019-D - Dated: 7/25/96
2. Erosion and Sedimentation Notes and Details - Dwg. No. 95019-ND - Dated: 7/25/96
3. Proposed Subdivision Development Erosion Sedimentation Control Plan - Dwg. No. 950119-D (R1) (8 sheets) Dated: 6/11/97 - Revised: 6/20/97

The application was approved with the following conditions:

1. The direct discharge of stormwater from two catch basins at the Westville Avenue entrance to the site shall be modified to maximize sediment and debris retention ability.
2. Proposed building lots 13, 12, 11, 10, 16, 17, 18, & 1 shall be subject to permits for regulated activity. These lots contain wetlands or have activities occurring within regulated areas, and the location of structures, septic systems, and driveways can possibly be adjusted to provide less impact. The applicant shall where possible, move these activities to increase the distance to wetlands. Habitat value shall be enhanced as much as practicable.
3. The Homeowners Association and each individual homeowner shall own and be vested with the responsibility for maintenance of all open space areas, and stormwater structures not owned or maintained by the City, including the outfall from the two catch basins at the entrance from

Westville Associates LLC

July 30, 1997

Page 2

Westville Avenue Extension. The scheme for implementation of this ownership plan shall be modeled on the plan provided by the Commission.

4. All wetland boundaries and buffers shall be field located prior to developmental activities and marked with permanent monuments.
5. The following language shall be recorded on the land records for the parcels and proof shall be submitted to the Environmental Impact Commission prior to issuance of a Certificate of Occupancy.

The Deed and A-2 Survey shall note the following: This property contains wetlands and/or watercourses, the location of which are indicated on the A-2 Survey, and are located on the property by permanent markers. These areas and the areas immediately adjacent to them are considered to be environmentally sensitive and as such they are regulated as to their use. Any alteration to the vegetation, soils, surface, or ground water (hydrology) may be a regulated activity subject to issuance of a permit by the Environmental Impact Commission of the City of Danbury. Prior to undertaking any such disturbance or alteration the Danbury Health Department or the Danbury Environmental Impact Commission should be consulted.

6. A vegetation plan for all detention basins shall be implemented. This plan shall be submitted for prior approval.
7. The detention basin details shall be submitted for approval.
8. Wetlands and buffer areas disturbed during construction activities shall be vegetated at the direction of the Health Department.
9. The area to the rear of Lots 15 & 16, shall be declared open space, and incorporated as the responsibility of the homeowners association.
10. No further clearing, grading, or other activity not shown on the approved site plan are authorized by this permit. Any developmental activities other than that shown on the approved site plan is subject to further review and approval by the Danbury Environmental Impact Commission.
11. On site disposal of land clearing debris is limited to 10 cubic yards (10'X10'X3') without a permit from the Connecticut Department of Environmental Protection. All other land clearing and construction debris shall be properly disposed of off site.
12. A security bond shall be taken to ensure meeting of all conditions set forth in this permit, due to the nature of the site, it is recommended that the bond be kept in place for one year after completion of all developmental activities.
13. The dwelling location, limits of construction, and septic system shall all be staked prior to construction activities on lots containing wetlands, watercourses, or riparian buffers.

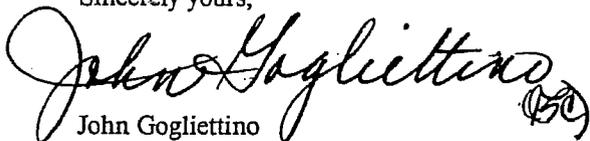
Westville Associates LLC

July 30, 1997

Page 3

14. The applicant shall develop with assistance from the Health Department, educational literature describing wetland values and functions, for distribution to homeowners in the subdivision. The applicant shall bear the cost of printing and distributing such material.

Sincerely yours,

A handwritten signature in cursive script that reads "John Gogliettino". To the right of the signature is a small circular stamp containing the initials "JG".

John Gogliettino
Chairman

JG/jlc

C: State DEP

via certified mail



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525

May 3, 1999

Mr. Fran Pandolfi
Westville Associates, LLC
46 North Street
Danbury, CT 06810

Re: Westville Associates LLC - Sal Padolfi, Agent - Request for Lot Line Revision for Lot 11 - "Westville Estates" - Chelsea Drive - Code No. 97-01

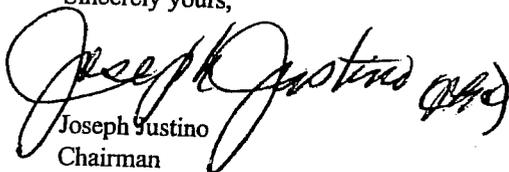
Dear Mr. Pandolfi:

The Planning Commission at its meeting April 21, 1999 approve the request of Westville Associates, LLC for a Lot Line Revision for Lot 11 at "Westville Estates" on Chelsea Drive conditioned upon the following notes being added to the plan:

Lot C - open space with detention basin to be owned by Homeowners Association,

Lot D - cannot be considered a building lot, must be combined with land of an adjacent property owner.

Sincerely yours,


Joseph Justino
Chairman

JJ/jlc

via certified mail



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
(203) 797-4525

July 12, 1999

Mr. Sal Pandolfi
Westville Associates LLC
46 North Street
Danbury, CT 06810

Re: Westville Associates LLC - Application for 13-Lot Subdivision (22.218 acres) - "Westville Estates Phase II" - Chelsea Drive (Assessor's Lot No. F13010) - Code No. 99-01

Dear Mr. Pandolfi:

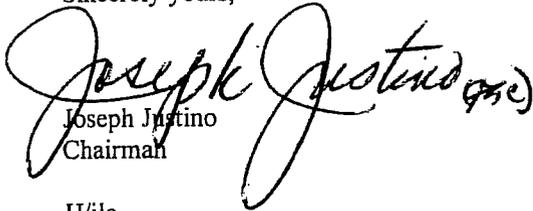
The Planning Commission at its meeting July 7, 1999 approved the application of Westville Associates, LLC for a 13-Lot Subdivision (22.218 acres), "Westville Estates Phase II", Chelsea Drive (Assessor's Lot No. F13010) subject to the following amended conditions:

1. The final subdivision plans shall be consistent with the following plans or any revision(s) thereof resulting from compliance with City Departments or Planning Commission "conditions of approval". No changes in the subdivision layout shall result from compliance with any such conditions:
 - Overall Site Plan showing Westville Estates Phase II Logans Way, prepared by Consultants & Engineering, Inc., dated March 19, 1999, as revised to May 14, 1999.
 - Sheets SE-1A through SE-8 as prepared by Consultants & Engineering, Inc., dated March 19, 1999, as revised to May 14, 1999.
2. The applicant must meet all the requirements set forth by the City of Danbury's Engineering Department, dated June 18, 1999.
3. Although the road will be under the City's jurisdiction, all drainage easements for the detention system and associated piping shall be granted to the Homeowner's Association, not the City of Danbury. The final plans shall be revised to indicate this requirement and such easements shall be included in the declaration of Homeowner's Association to be filed.
4. Prior to issuance of a Zoning Permit or a Permit to construct roadways, the applicant must meet all the requirements set forth by the City of Danbury's Health Department and Environmental Impact Commission, dated June 16, 1999.

Westville Estates Phase II
July 12, 1999
Page 2

5. The applicant shall be responsible for all roadway improvements, including work associated with obtaining required sight lines and stormwater drainage improvements as indicated on the final plans. All road improvement parcels and easements to be deeded to the City shall be properly recorded.
6. The applicant shall comply with the requirements of the City Traffic Engineer as noted in his letter dated July 6, 1999.
7. Prior to filing of the final subdivision map, the applicant must submit the declaration of Homeowner's Association for review and approval of Corporation Counsel. Such approved declaration shall be filed on the Danbury Land Record simultaneously with the filing of the final subdivision plan. The declaration shall include, but not limited to, all such ownership and maintenance responsibilities of the open space and all required drainage easements.

Sincerely yours,


Joseph Justino
Chairman

JJ/jlc

via certified mail



CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

ENGINEERING DEPARTMENT
(203) 797-4641
FAX (203) 796-1586

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

March 4, 2004

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

FROM: Patricia A. Ellsworth, P.E.
Assistant City Engineer

SUBJECT: Offer to Donate Lots on Chelsea Drive
Westville Estates Community Association, Inc.

I have reviewed the February 9, 2004 letter sent to Corporation Counsel Robert Yamin by the Westville Estates Community Association, Inc. They have offered to donate three parcels of land owned by the association to the City.

Two of the "lot numbers" listed in the letter are not really Tax Assessor's lot numbers. However, based on the areas of the parcels provided in the letter and review of the subdivision maps for Westville Estates that show three open space parcels with corresponding areas, I feel confident that I know the lots being offered.

Review of the tax mapping and tax property cards resulted in a number of questions that I have forwarded to Tax Assessor Colleen Velez (for example, two of the open space parcels carry the same lot number – they are not located next to each other).

The following comments are offered with respect to the three lots being offered:

- A. Tax Assessor's Lot No. F14113 – 0.505 acre parcel
- This parcel is shown as Open Space Parcel B on the approved subdivision map filed as map number 10422 in the Town Clerk's office.
 - This is a landlocked parcel of land that contains some wetlands and is crossed by a City of Danbury water line and related water easement.
 - Easements for access to this lot are provided across two privately owned parcels of land that front Chelsea Drive.
- B. Tax Assessor's Lot No. F14113 – 1.963 acres parcel
- This parcel is shown as Open Space Parcel A on the approved subdivision map filed as map number 10422 in the Town Clerk's office.
 - This lot fronts on Chelsea Drive.
 - Much of this lot contains wetlands and the lot is crossed by a City of Danbury water line and related water easement.
 - This parcel contains a storm drainage detention basin and related piping installed to serve the subdivision.

C. Tax Assessor's Lot No. F14123(?) - 0.176 acre parcel

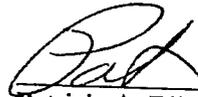
- This parcel is shown as Open Space Parcel C on the approved subdivision map filed as map number 10682 in the Town Clerk's office.
- This parcel contains a storm drainage detention basin and related piping installed to serve the subdivision.
- This lot is crossed by a City of Danbury water line and related water easement.

Based on the information provided above, I would recommend that the City not accept any of the three lots being offered.

- The two parcels that contain the subdivision's detention basins would be a liability. The City should not accept responsibility for maintenance of the private detention systems or the liability for any damage to private property that could occur as a result of some type of failure of the detention systems to function properly or the liability for injury to any person who wandered onto the parcels.
- The landlocked parcel of land has questionable value for public use/recreation as a result of its small size and the need to access the parcel through two private properties.
- The acceptance of these lots could result in a reduction (small) of the City's Grand List.

If you have any questions, please let me know.

Very truly yours,



Patricia A. Ellsworth, P.E.
Assistant City Engineer



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

March 24, 2004

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/March CC Agenda Item #20 – Offer to Donate Land (3 parcels) to the City/Westville Estates.

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 March 17, 2004 meeting, the Planning Commission made a motion to give a negative recommendation based on the Planning Director's report.

Steve Zaleta
Chairman

SZ/jr

Attachment

c: Engineering Dept.
Corporation Counsel



CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

(203) 797-4518
(203) 796-8043 FAX

PLEASE REPLY TO:

February 22, 2006

Honorable Mark D. Boughton, Mayor
Honorable Common Council Members
155 Deer Hill Avenue
Danbury, Connecticut

Re: February Agenda Item #32
Westville Community Association, Inc.
Chelsea Drive

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report regarding the matter referenced above. I have a copy of William Buckley's response, dated February 14, 2006, in which he recommends against the acceptance of the open space areas and detention basins in question. I too recommend that the city decline the Westville Community Association request.

I think it is worth emphasizing that the planning commission required first the creation of a homeowners association and second the ownership of the areas in question by the association. Those requirements established conditions under which the present unit owners took title to their properties. Each owner should have had the opportunity to know about and assess the risks and obligations associated with their purchase. For the association to ask other city residents to assume these risks and obligations now seems unfair and for the city to do so seems unwise.

If you have additional questions, please let me know.

Sincerely,



Eric L. Gottschalk
Deputy Corporation Counsel



32-106

CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

March 20, 2006

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/February 7th CC Agenda Item 32 – Petition from Westville Estates
regarding lot #F14123.

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 March 1, 2006 meeting, the Planning Commission made a motion to give this a negative recommendation based on the Planning Director's report.

Kenneth H. Keller
Vice-Chairman

KHK/jr

Attachment

c: Engineering Dept.
Corporation Counsel