

8

CRAMER & ANDERSON LLP

LAW OFFICES

51 MAIN STREET
NEW MILFORD, CT 06776

(860) 355-2631
FAX (860) 355-9460

30 MAIN STREET
DANBURY, CT 06810

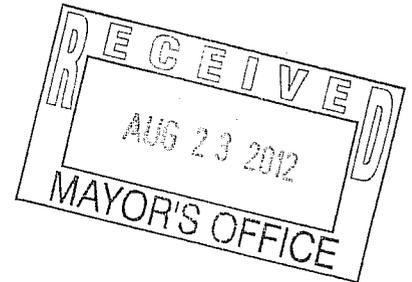
KENT GREEN
KENT, CT 06757

46 WEST STREET
LITCHFIELD, CT 06759

6 BEE BROOK ROAD
WASHINGTON DEPOT, CT 06794

August 22, 2012

Via Federal Express



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

**Re: Union Savings Bank
116 Main Street, Danbury, Ct**

Dear Mayor Boughton and Honorable Members of the City Council:

Pursuant to our Special Exception Approval dated May 4, 2011, Union Savings Bank is required to provide a fifty (50) square foot maintenance easement to the City of Danbury (See Paragraph 5 on Page 3 of the Special Exception attached). We are working with the Corporation Counsel's Office on finalizing the documents.

Kindly place this on the September City Council Agenda and approve this in your usual manner. Enclosed please find a copy of the Easement and Map.

Thank you for your attention to this matter, I remain,

Very truly yours,

CRAMER & ANDERSON LLP

By Ted D. Backer
Ted D. Backer

TDB:kd/Enclosure

cc: Corporation Counsel's Office
Union Savings Bank

Return to:

CRAMER & ANDERSON LLP
LAW OFFICES
51 MAIN STREET
NEW MILFORD, CT 06776

Ted D. Backer



Doc ID: 004235930006 Type: LAN
BK 2139 PG 1144-1149

8-1

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION CERTIFIED COPY OF GRANT OF SPECIAL EXCEPTION

APPLICANT - Union Savings Bank

RECORD HOLDER OF TITLE - City of Danbury

LEGAL DESCRIPTION OF PREMISES - 116 Main St. & 6 Boughton St. (#I14133 & #I14134)
SEE ATTACHED LEGAL DESCRIPTION

DESCRIPTION OF SPECIAL EXCEPTION PER THE FOLLOWING LANGUAGE FROM THE
RESOLUTION OF APPROVAL DATED & APPROVED MAY 4, 2011:

WHEREAS, on April 12, 2011, the City of Danbury Planning Commission received a petition from Union Savings Bank, applicant, for approval of a Special Exception use and an Application for Site Plan approval and accompanying maps, plans, and documents referenced in Exhibit A, to construct a bank with a drive-through window on properties located 116 Main St. & 6 Boughton St. (#I14133 & #I14134); and

WHEREAS, the two properties are owned by the City of Danbury and were formerly used by the Police Department; and

WHEREAS, Union Savings Bank is under contract with the City of Danbury to purchase both parcels of land and pursuant to contractual terms is authorized to submit the above-referenced applications; and

WHEREAS, the project consists of the demolition of several buildings and the construction of a 2,365 sq.ft. bank with a two-bay drive-through; and

WHEREAS, the Applicant is proposing additional site improvements that include the construction of two paved driveways, parking, landscaping, a storm water management system and the replacement of several crosswalks in the vicinity of Boughton St., Main St. and Elmwood Park with a streetprint striping system; and

WHEREAS, the subject properties, which are proposed to be combined, total approximately 21,486 sq.ft. of land in the C-CBD Zoning District; and

WHEREAS, pursuant to Sec. 5.F.2.a.(1) of the Zoning Regulations, a bank is a permitted use in the C-CBD Zoning District; and

WHEREAS, inclusion of a drive-through window to the bank building renders the use a Special Exception use pursuant to Sec 3.E.8 of the Zoning Regulations, requiring that the Planning Commission affirm that the standards and conditions pertaining thereto have been met; and

WHEREAS, the maps, plans and documents submitted by the Applicant, as noted in Exhibit A, constitute the "Application" for the proposed project; and

WHEREAS, in accordance with Sec 8-7d of the CT General Statutes ("C.G.S."), the Planning Commission conducted a duly advertised Public Hearing that opened on April 27, 2011 and closed on May 4, 2011; and

WHEREAS, in addition to the Application, the record of this Application also includes, testimony, as well as correspondence and staff reports on file for this application in the Dept. of Planning & Zoning; and

WHEREAS, the Application has been reviewed by the City of Danbury Dept. of Planning & Zoning, the Building Dept., the Engineering Dept., Office of the Fire Marshal, the Construction Services Dept., the City Traffic Engineer and Traffic Authority; and

WHEREAS, all materials, plans and documents submitted by the Applicant in support of the Application and reviews conducted or permits issued by the aforementioned City departments or Commissions are incorporated into the record of this Application and have been reviewed and considered by the Planning Commission and found to be credible and reliable.

NOW THEREFORE BE IT RESOLVED, the City of Danbury Planning Commission has determined that, based on evidence in the record, and its knowledge and experience of conditions in the area, and subject to compliance with the conditions set forth below, the petition for said Grant of Special Exception is in compliance with Sec. 10.C.4 of the Zoning Regulations and finds that the proposed project:

- (1) will not emit noise, smoke, glare, odor, or vibration or other conditions which will create a nuisance having a detrimental effect on adjacent properties;
- (2) is designed in a manner which is compatible with the character of the neighborhood;
- (3) will not create conditions adversely affecting traffic safety or which will cause undue traffic congestion; and,
- (4) will not create conditions harmful to the natural environment or which will jeopardize public health and safety; and

BE IT FURTHER RESOLVED, that the City of Danbury Planning Commission, after review of said Application, materials, receipt of Staff comments and consideration of all information incorporated into the record, hereby **approves with conditions** said Petition for a Grant of Special Exception and Application for Site Plan Approval, SE #712; and

AND BE IT FURTHER RESOLVED, the conditions of said approval are as follows:

- 1. The project shall be developed in accordance with the maps, plans and documents, as listed in *Exhibit A*, except as may be revised pursuant to modifications required herein.

Prior to any land disturbance or alteration related to site improvements shown on the approved plans and issuance of any permits:

- 2. The Applicant shall file the Grant of Special Exception on the City of Danbury Land Records in accordance with C.G.S. Sec. 8-3d. Upon recording, the applicant shall provide a copy of the receipt, including volume and page number, to the Dept. of Planning & Zoning. The Department shall then provide evidence to the Zoning Enforcement Officer (ZEO) that the Grant of Special Exception has been duly recorded.
- 3. The City of Danbury ZEO shall verify that development of the site as proposed and approved complies with City of Danbury Zoning Regulations.
- 4. For the purpose of combining Tax Assessor Lots #I14133 & #I14134 into one lot, the applicant shall deliver to the Dept. of Planning & Zoning a duly prepared and certified mylar and three paper copies of said lot combination plan. The Dept. of Planning & Zoning shall affix its approval on said map for recording on the City of Danbury Land Records. Upon recording of the mylar, the Applicant shall provide a copy of the recording receipt to the Dept. of Planning & Zoning. The Department shall then provide evidence to the ZEO that the lot combination has been duly recorded.

Prior to the issuance of a Certificate of Zoning Compliance by the ZEO:

- 5. The Applicant shall offer an easement for maintenance purposes to the City of Danbury for a 50 sq.ft. piece of land as shown on map entitled "Easement Map, Prepared For Union Savings Bank", prepared by Sydney Rapp Land Surveying, dated March 28, 2011. Said easement shall be in a form and content acceptable to the Office of Corporation Counsel and requires acceptance by the City Council. The Applicant shall submit evidence to the ZEO that the City of Danbury City Council has accepted said easement and that said easement has been recorded on the Danbury Land Records.
- 6. In addition to improvements on site, all work within the City of Danbury road right-of-way shall be coordinated and completed to the satisfaction of the Dept. of Public Works, including but not limited to all work related to the sewer and water connections in Boughton St., and the concrete sidewalk, curbing and driveway apron along Boughton St..
- 7. All work within the State of CT Dept. of Transportation right-of-way shall be completed in accordance with any and all permits, licenses and approvals issued by the State of CT Dept. of Transportation.
- 8. In accordance with Sec. 10.D.9 of the Zoning Regulations, the proposed storm drainage system shall be installed under the supervision of a State of CT licensed professional engineer who shall certify in writing to the ZEO, after completion of construction, that the storm drainage system was installed and grading undertaken in accordance with the approved site plan, and is in good working condition.

As to the Grant of Special Exception:

- 9. Approval of this Special Exception application does not waive any other requirements for additional approvals or permits that may be required from other City, State or Federal departments or agencies, including but not limited to, and permits for on and off site signage.
- 10. The Grant of Special Exception shall be void and of no effect unless a certified copy is filed on the Danbury Land Records by the owner/applicant, within sixty (60) days from the date of approval in accordance with C.G.S. Sec. 8-3d.

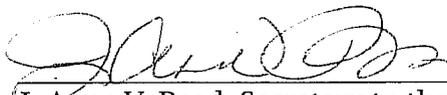
8-4

- 11. The approval of this Special Exception shall be void and be of no effect unless construction of the proposed buildings and/or structures is completed within five (5) years of the effective date of said approval. The Planning Commission may grant an extension of said five (5) year period of not more than five (5) years provided it finds that owing to conditions affecting such project, the application of such five (5) year completion would result in exceptional difficulty and further provided that such extension ensures the protection of the public health, safety, convenience, and property values.

SECTION OF CITY OF DANBURY ZONING ORDINANCE UNDER WHICH THIS SPECIAL EXCEPTION IS GRANTED: 3.E.8 & 5.F.2.a.(1)

THE EFFECTIVE DATE OF THE SPECIAL EXCEPTION IS THE DATE ON WHICH THE APPLICANT FILES THIS CERTIFIED COPY OF GRANT OF SPECIAL EXCEPTION ON THE LAND RECORDS OF THE CITY OF DANBURY.

I hereby certify that the foregoing constitutes a true copy of the Special Exception (SE #712) granted by the Planning Commission of the City of Danbury and effective May 4, 2011. The Commission's approval shall be void and of no effect unless the applicant files this Certified Copy of Grant of Special Exception on the Land Records of the City of Danbury within **SIXTY (60) DAYS OF APPROVAL** (July 2, 2011).



JoAnne V. Read, Secretary to the
PLANNING COMMISSION

**EXHIBIT A
MAPS, PLANS, AND DOCUMENTS APPROVED BY PLANNING COMMISSION
FOR UNION SAVINGS BANK
PLANNING CODE # SE 712**

- 1. Maps under the general title "Union Savings Bank, 116 Main St./6 Boughton St., Danbury Connecticut", prepared by Didona Associates:
 - A. Subtitled 'Cover Sheet', dated April 5, 2011-revised through 5/4/11;
 - B. Sheet L-1 - Subtitled 'Site Demolition Plan', dated April 5, 2011;
 - C. Sheet L-2 - Subtitled 'Site Layout Plan', dated April 5, 2011-revised 5/4/11;
 - D. Sheet L-3 - Subtitled 'Site Planting Plan', dated April 5, 2011-revised 4/18/11;
 - E. Sheet L-4 - Subtitled 'Handicap Accessibility Plan', dated April 18, 2011-revised 4/26/11;
 - F. Sheet D-1 - Subtitled 'Landscape and Lighting Details', dated April 5, 2011 and
 - G. Sheet D-2 - Subtitled 'Site Details', dated April 5, 2011-revised 5/2/11.
- 2. Maps under the general title "Union Savings Bank, 116 Main St./6 Boughton St., Danbury Connecticut", prepared by Michael Mazzucco, P.E.:

85

- A. Subtitled 'Site Area Maps', dated March 31, 2011;
 - B. Subtitled 'Existing Conditions/Demolition Plan', dated March 31, 2011;
 - C. Subtitled 'Site Utilities, Grading and Erosion Sediment Control Plan', dated March 31, 2011-revised through 5/2/11 and
 - D. Subtitled 'Construction and Erosion Sediment Control Details and Notes', dated March 31, 2011-revised 5/2/11.
3. Maps under the general title "Union Savings Bank, Showing Properties Situated at 116 Main St. and 6 Boughton St., Sydney A. Rapp Land Surveying, P.C.,:
 - A. Subtitled 'Property Survey', dated March 2, 2011;
 - B. Subtitled 'Topographical Survey', dated March 4, 2011 and
 - C. Subtitled 'Easement Map', dated March 28, 2011.
 4. Plan titled "Union Savings Bank Main St. Redevelopment, Main St.", Subtitled 'Building Elevations', prepared by id3A, dated April 5, 2011.
 5. Document titled "Traffic and Site Access Evaluation - Union Savings Bank, Main St., Danbury, Connecticut", prepared by Frederick P. Clark Associates, Inc., dated March 30, 2011.
 6. Document titled "Drainage Calculations Prepared For Union Savings Bank, 116 Main St., Danbury, CT", prepared by Michael Mazzucco, P.E., dated March 2011.

114134
116 Main St.

FORM 173A CONNECTICUT - WARRANTY DEED
REV. 8/81

TUTTBLANK REGISTERED IN A PAT. OFFICE
TUTTBLANK LAW FIRM, PUBLISHERS, DANBURY, CT 06810

BOOK 1044 PAGE 911

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That ROGER B. MULLINS, JR., WILLIAM A. MULLINS, and SUSAN M. TANI
all of 39 Route 37, Barnes Hill, Sherman, CT 06784

for the consideration of TWO HUNDRED FIFTEEN THOUSAND (\$215,000.00) DOLLARS

received to our full satisfaction of
The CITY OF DANBURY, a municipal corporation organized and existing under
the laws of the State of Connecticut, of 155 Deer Hill Avenue, Danbury, CT
06810

do give, grant, bargain, sell and confirm unto the said CITY OF DANBURY,

A certain piece or parcel of land, with the buildings and improvements
thereon, situated in the City of Danbury, County of Fairfield and State of
Connecticut, at the corner of Main and Boughton Streets, bounded as follows:

- NORTHERLY: by said Boughton Street, 155 feet;
- EASTERLY: by said Main Street, 98 feet;
- SOUTHERLY: by land of St. Peter's Corporate Society,
156 feet 6 inches; and
- WESTERLY: by land of the City of Danbury, 91 feet.

BEING THE SAME PREMISES described in a certain Warranty Deed
dated January 6, 1916, and recorded in Volume 15C at Page 440 of the
Danbury Land Records.

Said premises being subject to the following:

1. Any and all provisions of any ordinance, municipal regulation
or public or private law.

2. Taxes due the City of Danbury

After Recording, Return to:
Ted D. Backer, Esq.
Cramer & Anderson LLP
51 Main Street
New Milford, CT 06776

MAINTENANCE EASEMENT

WHEREAS, UNION SAVINGS BANK (hereinafter "Grantor"), a Connecticut Banking Corporation, having an office at 226 Main Street, in the City of Danbury and State of Connecticut, is the owner of certain real property known as 116 Main Street, Danbury, Connecticut, which parcel is developed as a banking facility.

WHEREAS, in accordance with Special Exception Approval dated May 4, 2011, Union Savings Bank shall offer an Easement for maintenance purposes to the City of Danbury with respect to a fifty (50) square foot piece of land shown on map entitled: "Consolidated and Easement Map Prepared for Union Savings Bank Showing Properties Situated at 116 Main Street and 6 Boughton Street Proposed Tax Assessor Lot - 114143 Fairfield County, City of Danbury, Connecticut, Area:21,486 Sq. Ft. Zone: C-CBD Scale 1" - 20", Prepared by Sydney A. Rapp Land Surveying, P.C. (hereinafter "Easement Map"), which Map is recorded as Map No. 12926 in the Office of the Danbury Town Clerk.

WHEREAS, UNION SAVINGS BANK is desirous of granting and the CITY OF DANBURY is desirous of obtaining the fifty (50) square foot Easement for maintenance purposes on the property of UNION SAVINGS BANK, said fifty (50) square foot maintenance Easement shown on the above entitled Map as "Proposed Maintenance Easement To Be Granted to The City of Danbury Area -

50 sq. ft. (See Detail "A" on Map referenced herein).

NOW THEREFORE, in consideration of the sum of ONE (\$1.00) DOLLAR, paid by the Grantee, the receipt of which is hereby acknowledged by Grantor, the undersigned Grantor, its successors and assigns, does give grant, bargain, sell and convey unto Grantee, its successors and assigns, a permanent (50) square foot easement for maintenance as shown on the Easement Map as "Proposed Maintenance Easement To Be Granted to the City of Danbury Area 50 sq. ft."

The Grantee's use of the Easement shall not unreasonably interfere with Grantor's use of its property. The Grantor may continue to utilize the real property subject to this maintenance easement in any manner not inconsistent with this easement.

TO HAVE AND TO HOLD, the above granted rights, privileges, reservations, authority and easement unto the said Grantor and Grantee(s), the respective heirs, successors and assigns forever, to their own proper use and behoof.

This Agreement shall be binding upon the successors and assigns of the parties hereto and shall run with the land.

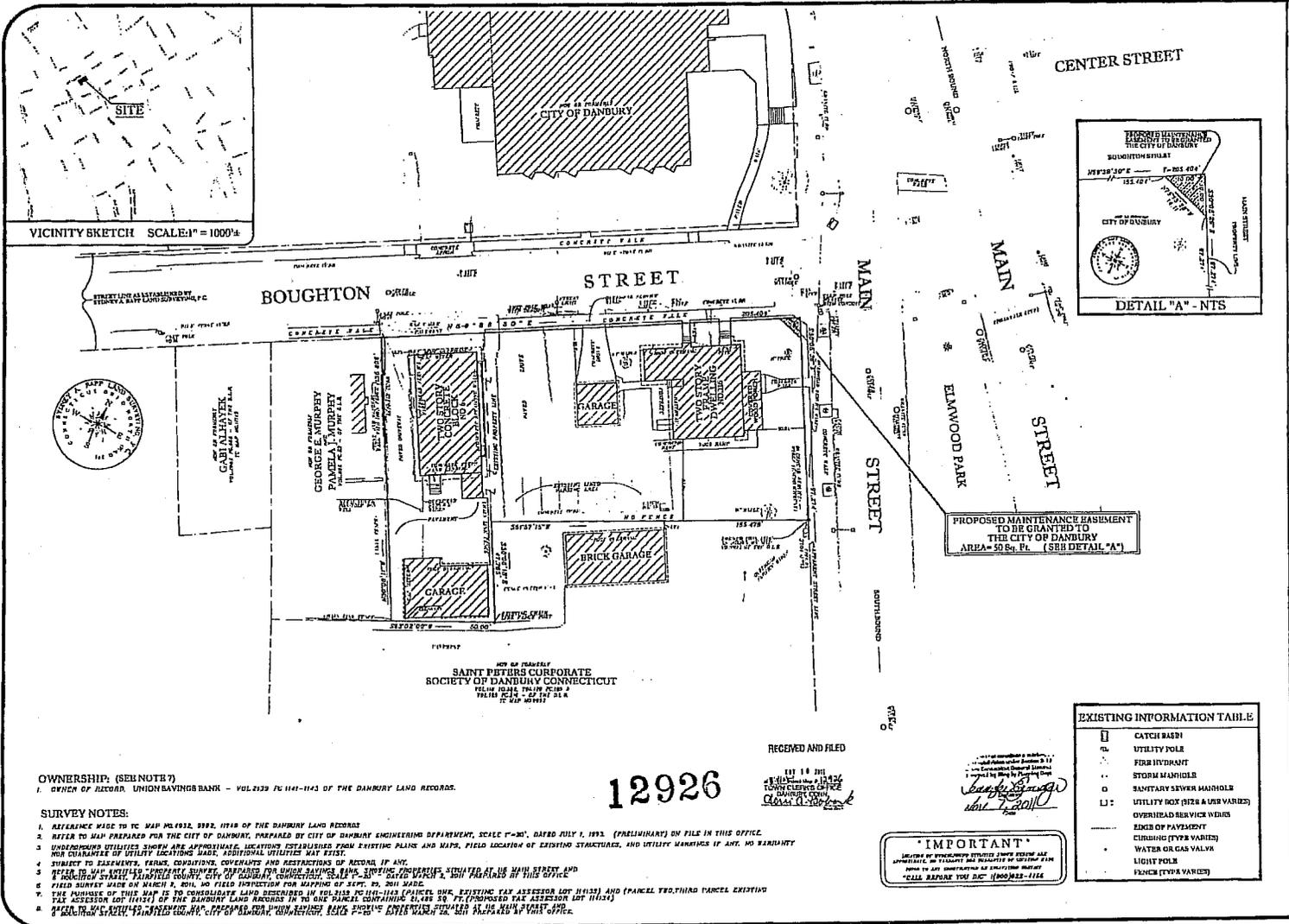
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DRAWING NUMBER

12926

DRAWING NUMBER

NUMBER



OWNERSHIP: (SEE NOTE 7)
 1. OWNER OF RECORD, UNION SAVINGS BANK - VOL 2139 FC 1141-1143 OF THE DANBURY LAND RECORDS.

- SURVEY NOTES:**
1. REFERENCE MADE TO FC MAP NO. 1012, 1992, 17110 OF THE DANBURY LAND RECORDS
 2. REFER TO MAP PREPARED FOR THE CITY OF DANBURY, PREPARED BY CITY OF DANBURY ENGINEERING DEPARTMENT, SCALE 1"=30', DATED JULY 1, 1993. (PRELIMINARY) ON FILE IN THIS OFFICE.
 3. UNDERPINNINGS UTILIZED SHOWN ARE APPROXIMATE. LOCATIONS ESTABLISHED FROM EXISTING PLANS AND MAPS, FIELD LOCATION OF EXISTING STRUCTURES, AND UTILITY MARKINGS IF ANY. NO WARRANTY FOR CHARACTER OF UTILITY LOCATIONS MADE. ADDITIONAL UTILITIES MAY EXIST.
 4. SUBJECT TO EASEMENTS, TERMS, COVENANTS, RESTRICTIONS OF RECORD, IF ANY.
 5. REFER TO SURVEY NOTES PREPARED FOR UNION SAVINGS BANK, SURVEY CONDUCTED IN 1981 ON MAIN STREET AND A PORTION OF CENTER STREET, CITY OF DANBURY, CONN. FOR THE CITY OF DANBURY, ON FILE IN THIS OFFICE.
 6. FIELD SURVEY MADE ON MARCH 2, 2011. NO FIELD INSPECTION FOR MAPPING OF SEPT. 20, 2011 MADE.
 7. THE PURPOSE OF THIS MAP IS TO CONSOLIDATE LAND DESCRIBED IN VOL 2139 FC 1141-1143 (PARCEL ONE, EXISTING TAX ASSESSOR LOT 114133) AND (PARCEL TWO, THIRD PARCEL EXISTING TAX ASSESSOR LOT 114131) OF THE DANBURY LAND RECORDS IN TO ONE PARCEL CONTAINING 2,128.58 SQ. FT. (PROPOSED TAX ASSESSOR LOT 114133)
 8. REFER TO SURVEY NOTES PREPARED FOR UNION SAVINGS BANK, SURVEY CONDUCTED IN 1981 ON MAIN STREET AND A PORTION OF CENTER STREET, CITY OF DANBURY, CONN. FOR THE CITY OF DANBURY, ON FILE IN THIS OFFICE.

12926

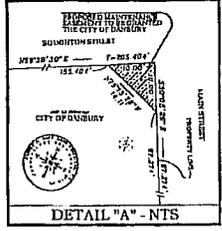
RECEIVED AND FILED

JUL 14 2011
 CITY OF DANBURY
 ENGINEERING DEPARTMENT
 100 MAIN STREET
 DANBURY, CT 06820

*** IMPORTANT ***
 LOCATIONS OF UNDERPINNINGS SHOWN HEREIN ARE APPROXIMATE. NO WARRANTY IS MADE AS TO THE ACCURACY OF THE LOCATION OF UNDERPINNINGS SHOWN HEREIN.
 CALL BEFORE YOU DIG (800) 485-1144

EXISTING INFORMATION TABLE

□	CATCH BASIN
U	UTILITY POLE
F	FIRE HYDRANT
S	STORM MANHOLE
D	SANITARY SEWER MANHOLE
LI	UTILITY BOX (SIZE & USE VARIES)
—	OVERHEAD SERVICE WIRES
—	EDGE OF PAVEMENT
—	CURBING (TYPE VARIES)
—	WATER OR GAS VALVE
—	LIGHT POLE
—	FENCE (TYPE VARIES)



CONSOLIDATION and EASEMENT MAP
 PREPARED FOR
Union Savings Bank
 SHOWING PROPERTIES OF THE MAIN STREET AND BOUGHTON STREET
 PROPOSED TAX ASSESSOR LOT - 114133
 FAIRFIELD COUNTY, CITY OF DANBURY, CONNECTICUT

DATE: JULY 14, 2011
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: AS SHOWN
 SHEET NO. 1 OF 1
 PROJECT NO. 114133

THIS DRAWING IS THE PROPERTY OF THE CITY OF DANBURY. IT IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED IN THE TITLE HEREOF. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF DANBURY. THE CITY OF DANBURY ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DRAWING.

