

**AD HOC COMMITTEE REPORT
PROPOSED SERVICE DRIVEWAY - LONG RIDGE ROAD
Reference #9 – February 2009**

Chairperson Mary Teicholz called the meeting to order at 6:06 p.m. on March 26, 2009. In attendance were committee members Jack Knapp and Ben Chianese. Also in attendance were Director of Planning Dennis Elpern, Assistant Corporation Counsel Robin Edwards, ex-officio Fred Visconti, and John McCoy engineer for the applicants.

Chairperson Teicholz stated there was a positive recommendation from the Planning Commission for the proposal.

Atty. Edwards said the committee was meeting to consider the applicant's proposal to install a driveway on a scenic road. There is an ordinance regarding the steps to be followed in this situation.

Mr. Chianese asked if the proposed removal of a tree would have an effect on the scenic roadway, as trees make up a scenic aspect. Mr. McCoy said the tree that would be removed is near the proposed driveway location which was chosen to minimize re-grading and sightlines. They want to do as little grading as possible and take the least amount of trees down. Mr. Elpern said the grading impact is more important than the tree. He added that this plan will go to Highway and Zoning departments also.

Mr. Knapp moved to recommend the approval of the alteration on Long Ridge Road for the installation of a proposed service driveway for access to the Wiedel property with a Public Hearing to be held as required by ordinance. Seconded by Mr. Chianese. Brief discussion followed. The motion passed unanimously.

Mr. Chianese moved to adjourn the meeting. Seconded by Mr. Knapp. The motion passed unanimously. The meeting ended at 6:36 p.m.

Respectfully submitted,

Mary Teicholz, Chairperson

Jack Knapp

Ben Chianese



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING & ZONING DEPARTMENT
(203) 797-4525
(203) 797-4586 (FAX)

To: City of Danbury Planning Commission
From: Sharon B. Calitro, Deputy Planning Director
Date: February 17, 2009
Re: Referral from February 2009 Common Council Meeting
Item 9

The following item from the February meeting of the Common Council was referred to the Planning Commission in accordance with the Code of Ordinances.

#9: Proposed Service Driveway – Long Ridge Road

Common Council received a request from the agent for Monique W. Wiedel Trustee, owner of approximately 64 acres on Long Ridge Road (Tax Assessor Lot # J24015), for construction of a service driveway into the undeveloped property for recreational use and maintenance. The land is approximately 65 acres in the RA-80 zone. No new structures are proposed at this time.

The property is subject to Public Act 490. The Act allows the land to be assessed, at the property owner's request, at its value as open space rather than its fair market value. This lower assessment results in lower real estate taxes. The land's classification as open space can only be removed if the use of the land or ownership changes. Tax penalties may exist under such circumstances.

The improved section of Long Ridge Road that provides frontage for this parcel is designated as a Scenic Road. Alterations or improvements to the Scenic Road are regulated under Section 17 of the Code of Ordinances and require Council approval after issuance of findings of fact by the Commission.

The property is several feet higher than the road. Therefore, regrading within the right-of-way and along the banks of the driveway is required to accommodate a driveway that

30-2

meets grade requirements. The plans indicate that the banks of the driveway will be lowered to provide safe sight distances and will be planted with a flowering meadow seed mix consistent with the scenic road guidelines. While there are scattered boulders in the right-of-way, no intact stone walls will be removed for construction of the driveway. A connection is proposed from the on-site drainage basin to the existing basin in the right-of-way.

Staff recommends the Commission consider the same requirements relative to the proposed alteration or improvement to the Scenic Road as is required by Council to approve such alteration or improvement. These include consideration as to whether the alteration will have a "material adverse effect" on the scenic characteristics of the road, the specific safety features of the proposed change, and the overall impact of the change on the scenic road. The Commission is not required but may hold a public hearing.

The driveway location appears appropriate relative to the alignment of the road to provide safe sight distances in both directions. As the land has no other improved public road frontage, access to this portion of Long Ridge Road appears necessary. As such, and upon consideration of the plan provided by the agent, Staff has no substantive comments on the proposed improvements within the Long Ridge Road Scenic Road right-of-way. We note, however, that the proposed driveway requires on-site drainage improvements, will likely require removal of a 72 inch maple and, for a portion of its length, will be at the maximum allowed 12% grade. These conditions must be approved by the Zoning Enforcement Officer and Highway Department prior to issuance of a zoning and road opening permit for the driveway, respectively.

Please do not hesitate to contact me if you have any questions.

C: Les Pinter, Deputy Corporation Counsel
Robin Edwards, Assistant Corporation Counsel
Jennifer Emminger, Associate Planner



30-3

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PLANNING COMMISSION
(203) 797-4525
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March 12, 2009

To: Mayor Mark Boughton
Members of Common Council

From: Planning Commission

Re: 8-24 Referral/February '09 CC Agenda Item #9 – Proposed Service Driveway/Long Ridge Rd. (#J24015).

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 4, 2009 meeting, the Planning Commission made a motion to give this a positive recommendation based on the following findings:

This will have no adverse effect on the scenic characteristics of the roadway. It will enhance the public safety by providing safe sight distances in both directions and on-site drainage improvements. With no other improved road frontage, this appears to be the best location for this driveway. Based on the description of the work necessary as well as the scenic road requirements, it appears that this will have a minimal impact on the scenic roadway. The following conditions must be approved by the Zoning Enforcement Officer and Highway Dept. prior to them issuing the zoning and road opening permits: the necessary drainage improvements will most likely require removal of a 72 in. maple tree and cause a portion of the driveway to be at the 12% maximum permitted grade.

This motion was passed unanimously with five AYES (from Mr. Keller, Mr. Manuel, Ms. Hoffstaetter, Mr. Urice and Chairman Finaldi).

Arnold E. Finaldi Jr.
Chairman

AEF/jr
Attachment

c: Engineering Dept.
Director of Public Works
Corporation Counsel



30-4

CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL

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February 23, 2009

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

Re: Long Ridge Road (Scenic road) Proposed Service Driveway Request
Wiedel Property
February Agenda Item # 9 – 30 day report

Dear Mayor Boughton and Members of the Council:

You asked our office to provide a 30 day report regarding the above mentioned item. The request of October 17, 2008, is from John F. McCoy, VII, P.E. of J.F.M. Engineering, Inc., as agent for Monique W. Wiedel, Trustee ("Applicant"). The Applicant seeks permission to construct a service driveway along Long Ridge Road for "safe and proper access" onto her property.

This request is to be processed in accordance with Code of Ordinances Section 17-115 "Application for alterations" contained in the general scenic road ordinance in Sections 17-110 through 17-120. Section 17-115 is attached for your review. Please note that subsections (d) and (e) are the applicable provisions.

Section 17-115(d) requires the Applicant to submit the following documentation, and for the following steps to occur in order for the Council to make its determination that the requested alteration or improvement is appropriate:

1. Submission of a request and map depicting the intended improvement or alteration to the Council (completed as of February 3);
2. Referral by the Council to the Planning Commission (completed on February 3);
3. Planning Commission may require the Applicant to submit engineering or other technical reports documenting the need and offering potential alternative solutions;
4. Planning Commission may hold a public hearing on the application;
5. Planning Commission shall submit findings of fact, the minutes of any hearing and a recommendation back to the Council within 35 days (March 10);
6. Within 35 days after receipt of the report from the Planning Commission, (April 14), the Council shall hold a public hearing on the application; and
7. Final Council action upon the application shall occur within 45 days after the Council's public hearing (May 29).

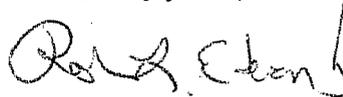
Pursuant to Section 17-115(d), in making its determination, the Common Council shall consider the Planning Commission's findings of fact and recommendation, as well as the opinion of the City Engineer. If the Planning Commission provides the Council with a positive recommendation regarding the request, a two-thirds vote of the Council is required to override such a recommendation.

Section 17-115(e) sets forth the standards which the Council shall consider in making its determination that the proposed alterations or improvements are necessary. Section 15-115(e) provides in pertinent part that the Council "shall not grant an application to improve or alter a scenic road or portion thereof to accommodate a proposed subdivision or development of land to which the scenic road would provide access unless the council determines that such alteration or improvement will not have a material adverse effect on the scenic characteristics of the highway...or unless the common council, upon the advice of the corporation council, determines that a refusal to permit such alteration or improvement would result in a violation of article I, section 11 of the Connecticut Constitution." Both the Planning Commission and the Council shall take into account the safety features of the proposed change, the overall impact of the proposed change on the scenic road and the public response to the proposed change. Any decision by the Council to alter or improve the scenic road shall reflect the least possible damage to the scenic character of the highway.

Finally, Section 17-115(g) provides in relevant part that nothing in the ordinance shall be deemed to prohibit a person owning land abutting the scenic road from having access to his or her property by driveway by encroachment within the rights-of-way, provided that such encroachment is constructed to safeguard the highway's scenic features. Accordingly, any improvements which are made to the scenic road must be done in accordance with the steps outline above and all determinations made must comport with the standards set forth in Section 17-115(e).

I hope this assists the Council in its review process. Please do not hesitate to contact this office if you have any additional questions.

Very truly yours,



Robin L. Edwards
Assistant Corporation Counsel

Enclosure

- cc: Robert J. Yamin, Corporation Counsel
- Laszlo L. Pinter, Deputy Corporation Counsel
- Dennis I. Elpern, Planning Director
- John F. McCoy VII, P.E., Agent for Monique W. Wiedel, Trustee

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