



19-OCT

CITY OF DANBURY

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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

October 8, 2004

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

Dear Mayor Boughton and Common Council Members:

Caraway Drive
Road Acceptance

At the October 5, 2004 Common Council meeting, the September 24, 2004 letter from Attorney Robin A. Kahn requesting that the Common Council accept Caraway Drive as a City street was forwarded to our office for a report within 30 days (reference item 19 of the Common Council meeting minutes).

A permit to construct Caraway Drive was issued by the Planning Commission to Construction Consultants, LLC on October 22, 1999. The road was constructed and homes were built along the road.

When the developer submitted as-built drawings of the road to our office for review and approval, a number of conditions were found that required correction. The outstanding conditions are:

1. The grade/slope of the Caraway Drive at its intersection with Driftway Road does not meet the grade waiver granted by the Planning Commission. In 1999 our office supported the Planning Commission's granting of this waiver that reduces somewhat the length of flatter slope required by the City Subdivision regulations at an intersection. The grading of a road as it approaches an intersection is important for the safe stacking of vehicles (especially during snow and ice events) at a stop sign. Caraway Drive was constructed steeper than the Planning Commission waiver permitted. As Director of Public Works/City Engineer, I cannot certify as to the safety of the existing road grade for the general public and for City snow plows. In an attempt to provide a remedy to this slope issue, Highway Superintendent Duke Hart and I field reviewed the road and offered a further compromise in our September 1, 2004 letter (copy enclosed) to Planning Director Dennis Elpern. To date this compromise plan has not been accepted by the developer.

2. The grade/slope of the Caraway Drive cul de sac does not meet the grade waiver granted by the Planning Commission. In 1999 our office supported the Planning Commission's granting of this waiver that reduces somewhat the grade/slope across the cul de sac required by the City Subdivision Regulations. The grade/slope across a cul de sac is important for the safe turning of vehicles, private automobiles, school busses, emergency vehicles, snow plows, etc. in all weather conditions. As Director of Public Works/City Engineer, I cannot certify as to the safety of the use of the existing cul de sac for the general public and City snow plows. Highway Superintendent Duke Hart and I field reviewed the road and offered a further compromise in our September 1, 2004 letter (copy enclosed) to Planning Director Dennis Elpern. To date the compromise plan has not been accepted by the developer.

3. We are still attempting to resolve with the developer the relocation of private electric services that were installed over the City's water main.

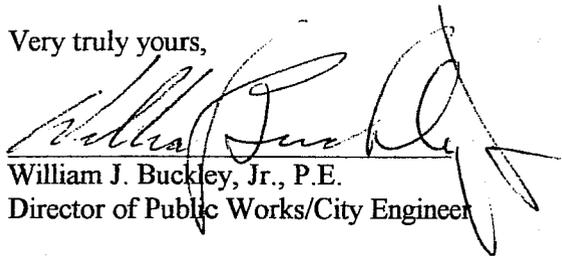
4. We are still attempting to resolve with the developer the need to install a curb inlet type catch basin and curbing to prevent possible future damage to a property as a result of road runoff.

5. We are still attempting to resolve with the developer how to handle a bilco door, fence and pool patio that were installed within a drainage easement that will be transferred to the City when Caraway Drive is accepted.

For the reasons stated above, it is our recommendation that Caraway Drive not be accepted as a City street until outstanding construction related issues are resolved.

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

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Buckley, Jr.', is written over a horizontal line. The signature is fluid and cursive.

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

Encl.

C: Eric L. Gottschalk, Esq., with encl.
Daniel Casagrande, esq., with encl.
Dennis I. Elpern, with encl.

19 Oct



CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
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DANBURY, CONNECTICUT 06810

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PLEASE REPLY TO:

October 27, 2004

Honorable Mark D. Boughton, Mayor
Honorable Members of the Common Council
City of Danbury, Connecticut

Re: Road Acceptance – Caraway Drive
September Common Council Agenda Item #19

Dear Mayor and Council Members:

Please accept this letter in response to your request for a report on the matter referred to above. The request of Joe's Hill, LLC, through its attorney Robin A. Kahn, of Cohen & Wolf, P.C., seeks to have the Common Council accept Caraway Drive. As a general matter, state law and the Danbury Municipal Charter authorize the Common Council to grant road acceptance requests following referral of the issue to the Danbury Planning Commission for a report. Specific issues related to this particular road, will be addressed in reports to you by the planning department and the department of public works. If, as a result of information provided in those reports, you have any legal questions, or if you require additional information, please contact me.

Sincerely,

Eric L. Gottschalk
Deputy Corporation Counsel

cc: Dennis I. Elpern, Director of Planning
William J. Buckley, Jr., Director of Public Works