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CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

COMMON COUNCIL

REPORT

April 5, 2005

Mayor Mark D. Boughton
Members of the Common Council

Re: **Modification of Easement on Lot B, Aunt Hack Road**

The Common Council Committee appointed to review the request for a modification of easement on Lot B, Aunt Hack Road met on March 29, 2005 at 7:00 P.M. in the Third Floor Caucus Room in City Hall. In attendance were committee members Teicholz, Diggs and Visconti. Also in attendance were Assistant Corporation Counsel Les Pinter, Director of Public Works William Buckley, Attorney Neil Marcus representing the petitioner and Council Members Basso and Cavo, ex-officio. Virginia Carlson and Mary Corey arrived at 7:10 P.M.

Ms. Teicholz noted the positive recommendation from the Planning Commission. Attorney Marcus stated that he is seeking a modification of an easement that was granted for two properties on Aunt Hack Road, through a watershed area that belongs to the City. Mrs. Corey acquired an easement from the City to cross over the city land in order to access her property. Attorney Marcus stated that his client, Mr. Perrone, wishes to purchase this property. The Environmental Impact Commission determined that the roughed out road passes through property identified as wetlands. The EIC recommended that a bend would need to be installed in the driveway in order to go around these wetlands. Property owners, Mr. and Mrs. Carlson, share a similar easement and they are agreeable to the exchange of property.

Mr. Buckley stated that one of his concerns was it was not clear if the Carlson's were agreeable to the change of easement. Both property owners have their own easement for the same piece of property and if this request were to be granted, both property owners would have to agree to relinquish their current easements in order for the City to grant new ones for the property around the wetlands, as well as grant a temporary permit to grade. He also stated that because this is watershed property it is regulated by the State Department of Health. This will be a change of ownership and application for approval will have to be obtained. Also, before a driveway permit could be

issued, another approval may need to be obtained from the State Department of Health as well.

Mr. Buckley suggested that the Common Council could determine with a recommendation from the Tax Assessor, the value of the new easement. Attorney Pinter agreed with Mr. Buckley's assessment of the request and reiterated that in order for this request to be granted both parties would have to agree to relinquish all interests in the present easements. Mrs. Carlson said that she was originally concerned about the request and whether or not the new easement would only cover Lot B and not her property. She stated that if her property will be covered under the new easement they would not object to its approval.

Mr. Visconti made a motion to enter into Executive Session at 7:25 P.M. Seconded by Mrs. Diggs and carried unanimously. The meeting was reconvened at 7:33 P.M.

Mrs. Diggs made a motion to approve the modification of easements for Lot B on Aunt Hack Road subject to all the terms and conditions set forth by the City Engineer, the EIC, and the Corporation Counsel, including all documents that are deemed necessary including the release of the existing easements from both parties as shown on the map on record, compliance with conditions of the State Department of Health, the temporary right to grade, and compensation for the new easement in which the value was determined by the Tax Assessor. Mr. Visconti seconded the motion. The motion carried with Ms. Teicholz and Mrs. Diggs voting yes and Mr. Visconti voting no.

Respectfully submitted,

MARY TEICHOLZ, Chairman

N. JANE DIGGS

FRED VISCONTI