



27

**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 9, 2006

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

Re: The Reserve

Dear Mayor and Council Members:

Enclosed please find a copy of a letter dated October 27, 2005, from attorney Paul N. Jaber concerning the creation of a Conservation Restriction in connection with the development of The Reserve on Danbury's west side. As mentioned in the letter, the Army Corp of Engineers has required the execution of the Restriction as a condition of its approval.

The central feature of this Restriction is the creation and preservation of a Wildlife Habitat Corridor Conservation Restriction Area. Interestingly, because the City of Danbury now owns 13.125 acres within the larger area of the Reserve and because the Wildlife Habitat Corridor Conservation Restriction Area covers a portion of the city's parcel, we too have been asked to be a party to the Restriction. Of perhaps equal interest, the Conservation Restriction names the City of Danbury as the party charged with enforcement of its terms.

By those terms the Restriction requires that the corridor remain in its present natural and open condition and that its uses be limited in such a way as to prevent activities that are inconsistent with the purposes of the restriction. With certain exceptions, the following activities are specifically prohibited:

- industrial, commercial, residential, agricultural or forestry activities
- erection of structures, improvements and alterations
- removal, filling or disturbance of soil
- placement of signs, billboards or other advertising materials or structures
- use of pesticides, poisons, biocides or fertilizers
- draining, disturbance or alteration of wetlands and watercourses
- operation or parking of vehicles
- storage or placement of equipment or natural or man-made materials or substances
- dumping, burning, release, burial, injection or disposal of any type of material
- other changes in the natural habitat or disturbances of the property.

Please refer this matter to the planning commission for a report pursuant to the provisions of section 8-24 of the Connecticut General Statutes and then authorize the mayor to execute the document in the usual fashion. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric L. Gottschalk". The signature is stylized with overlapping loops and a long horizontal stroke at the end.

Eric L. Gottschalk  
Deputy Corporation Counsel

:ras  
Enclosure

**COLLINS, HANNAFIN, GARAMELLA, JABER & TUOZZOLO**  
**PROFESSIONAL CORPORATION**  
**ATTORNEYS AT LAW**  
148 DEER HILL AVENUE, POST OFFICE BOX 440, DANBURY, CONNECTICUT 06813-0440

FRANCIS J. COLLINS  
EDWARD J. HANNAFIN  
JACK D. GARAMELLA  
PAUL N. JABER  
JOHN J. TUOZZOLO\*  
ROBERT M. OPOTZNER\*\*  
E. O'MALLEY SMITH  
THOMAS W. BEECHER  
EVA M. DEFranCO  
CHRISTOPHER K. LEONARD  
LAURA A. GOLDSTEIN  
GREGG A. BRAUNEISEN\*\*  
GAIL HAMATY MATTHEWS\*\*\*  
BRYAN V. DOTO\*\*

**RECEIVED**

**OCT 28 2005**

**CORPORATION COUNSEL**

TELEPHONE (203) 744-2150  
EXTENSION:  
FACSIMILE (203) 791-1126

---

RIDGEFIELD OFFICE:  
24 BAILEY AVENUE  
RIDGEFIELD, CONNECTICUT 06877  
TELEPHONE (203) 438-7403  
FACSIMILE (203) 438-7425

---

INTERNET ADDRESS:  
[HTTP:// WWW.CHGJTLAW.COM](http://www.chgjlaw.com)  
PLEASE RESPOND TO DANBURY OFFICE

October 27, 2005

\*OF COUNSEL  
\*\*ALSO ADMITTED IN NEW YORK  
\*\*\*ALSO ADMITTED IN PENNSYLVANIA

Mr. Andrew Stark  
The Reserve Master Association, Inc.  
c/of 60 Old New Milford Road  
Brookfield, CT 06804

Eric Gottschalk, Esq.  
Deputy Corporation Counsel  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Mr. Tim Connelly  
WRXXII, LLC  
1000 E. 80<sup>th</sup> Place - Suite 700 North  
Merrillville, IN 46410

Mr. Andrew Stark  
WCI Communities, Inc  
115 Stevens Avenue  
Valhalla, NY 01595

Ann's Place, The Home of I Can, Inc.  
c/o Peter Buzaid, Esq.  
103 Newtown Road, Suite 1B  
Danbury, CT 06810

Mr. Anthony O. Lucera  
One Reserve Road, LLC  
c/o 60 Old New Milford Road  
Brookfield, CT 06804

Gentlemen:

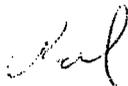
Re: Conservation Restriction

In connection with the numerous approvals associated with the development of The Reserve the Army Corp of Engineers has required the execution and recording of the enclosed Conservation Restriction. The terms and conditions of this Restriction have been worked out between the Army Corp, Tighe and Bond, Woodland Group II, LLC and myself. I am enclosing herewith a map as referenced in the Conservation Restriction which depicts the area of the Conservation Restriction. Since this Restriction affects everyone's property in The Reserve I am forwarding it for your review and execution. If you have any questions, please do not hesitate to call me, Tighe and Bond or Woodland Group II, LLC.

October 27, 2005

If acceptable, please execute, have witnessed by two persons where indicated and notarized and returned to me at your earliest convenience. You may keep a copy of the map for your files. Thank you in advance for your cooperation.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Paul", written in black ink.

Paul N. Jaber

PNJ:da

Enclosures

cc: Mr. Anthony Lucera  
Mr. Glenn Tatangelo  
Mr. John Block  
Mr. Paul Scalzo