



Dannel P. Malloy
GOVERNOR
STATE OF CONNECTICUT

RECEIVED

OCT 21 2015

OFFICE OF THE SELECTMEN
DARIEN, CT

October 16, 2015

The Honorable Jayme J. Stevenson
First Selectman, Town of Darien
2 Renshaw Road
Darien, CT 06820

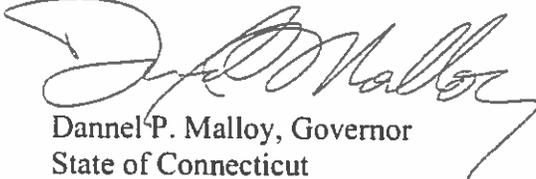
Dear Mr. Stevenson:

We are pleased to inform you that your proposed acquisition of the 41 Hecker Avenue in the Town of Darien was approved for funding under the State of Connecticut's Open Space and Watershed Land Acquisition Program.

The Open Space and Watershed Land Acquisition Program is administered by the Department of Energy and Environmental Protection (DEEP). Your application has been reviewed and approved for an amount not to exceed \$137,500. You will receive written instructions and background materials from DEEP on the next steps in the grant award process shortly.

The final grant award will be based on verification of all material facts contained in the grant application and execution of an Open Space and Watershed Land Acquisition Grant Agreement, containing such terms as are acceptable to the Commissioner, in his sole discretion, and which conform to requirements of Section 7-131d of the General Statutes.

We look forward to partnering with you to preserve this important and valuable open space parcel. The Open Space and Watershed Land Acquisition Program ensures that the quality of life and natural resources we all enjoy will be protected now and for future generations. If you have any questions, please call David Stygar at the DEEP Office of Constituent Affairs/Land Management at (860) 424-3016.


Dannel P. Malloy, Governor
State of Connecticut


Robert J. Klee, Commissioner
Department of Energy & Environmental Protection



State of Connecticut
GENERAL ASSEMBLY
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

March 9, 2015

Department of Energy and Environmental Protection
Open Space and Watershed Land Acquisition Grant Program
Office of Constituent Affairs/Land Management
79 Elm Street, 6th Floor
Hartford, CT 06106-5127

Re: Open Space and Watershed Land Acquisition Grant Application, Town of Darien

To Whom It May Concern:

We are writing to express our support of the Town of Darien's application for a \$178,750 grant to secure approximately 1.245 acres of undeveloped property abutting the Stony Brook in Darien.

The acquisition of this property would benefit not only Darien residents, but all of lower Fairfield County. It is a beautiful area, and the state's money would be used in addition to almost \$100,000 of local funds. As you already know, open space is at a premium in lower Fairfield County and the opportunity to preserve undeveloped land and keep it for the entire community to use is rare. We cannot pass on this and urge support of this application.

Thank you for your consideration. If you have any questions please do not hesitate to contact us.

Sincerely,

Bob Duff
Senate Majority Leader, 25th District

Carlo Leone
State Senator, 27th District

William Tong
State Representative, 147th District

Terry Wood
State Representative 141st District

Honoring Norwalk & Darien Veterans

I had the honor of joining state Department of Veterans' Affairs Commissioner Sean M. Connolly in awarding nearly 100 veterans from Norwalk and Darien with the state's Wartime Service Medal.

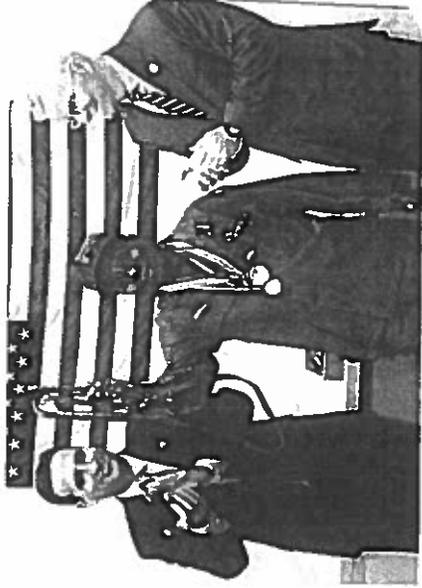
Our veterans have served and sacrificed on behalf of this nation, and I am committed to not only improving the critical services our veterans receive, but to ensuring veterans are properly recognized.



Preserving Open Space in Norwalk & Darien

The White Barn Property is a community treasure and is one of Norwalk's few remaining expanses of undisturbed open space. I led passage of legislation to protect the 5.5 acres of the White Barn Preserve and further safeguard the land as a natural habitat for the wildlife that reside there.

Additionally, Connecticut will preserve 1.25 acres overlooking Stony Brook in Darien. The parcel, located along Hecker Avenue, will provide a scenic view of the brook and a linkage to a soon-to-be-created trail system.



Transformation of Wall Street Place

A little more than a year after breaking ground and the beginning of demolition, Phase I of Wall Street Place—a sustainable, mixed-use, mixed-income development in historic downtown—is taking shape.

The transformation of Wall Street Place and the addition of new apartments and retail space will enhance the vibrancy of our city. Wall Street Place will soon be home to 101 new apartments and 16,000 square feet of retail space—bringing new jobs and revitalizing the neighborhood.



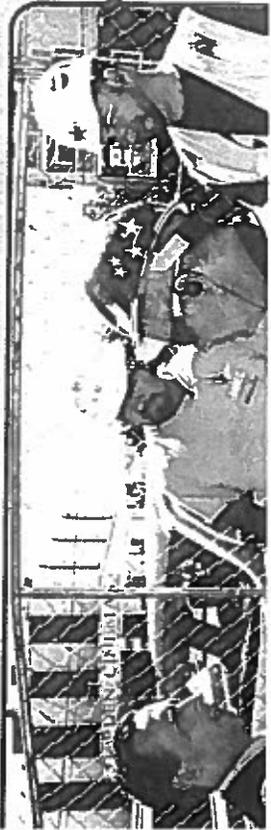
State Senate Majority Leader

Bob Duff

Representing Norwalk & Darien

Legislative Office Building, Room 3300, Hartford, CT 06106-1591
Capitol: 860-240-0414 or 1-800-842-1420 Home: 203-840-1333
Web: www.SenatorDuff.cga.ct.gov Email: Bob.Duff@cga.ct.gov

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U.S. POSTAGE
PAID



Real Estate Appraisal Report



Kerin & Fazio, LLC
1129 Post Rd
Fairfield, CT 06824
Tel: (203) 259-9500
Fax: (203) 259-9501
www.kfvaluation.com

Vacant Land Identified as:
1.245 Acres on Hecker Avenue
Darien, Connecticut

Property of:
Spring Grove Cemetery Association

Date of Valuation:
February 13, 2015

Prepared for:
Town of Darien
c/o Curtis, Brinckerhoff & Barrett, PC
Attorney John W. Fox
666 Summer Street
Stamford, CT 06901

Prepared by:
Christopher Kerin, MAI

Property Data

General Site Information	
Location:	Hecker Avenue, Darien, CT 06820
Sales & Listing History:	A current search of the MLS turned up no listings of the subject property.
Assessor's Parcel Number:	Map 41 / Lots 19 & 20 (subject is a part of this larger 39.72 acre parcel)
Municipal Revaluation Date:	October 1, 2013
Assessed Value:	Boston Post Road, Darien - \$10,258,900 (100%), \$7,181,230 (70%) Subject property is a small portion (3.13%) of this larger parcel.
2013 Mill Rate:	15.01
Taxes:	This property is tax exempt.
Physical Characteristics of the Site	
Frontage:	The site contains approximately 180 +/- feet of frontage along Hecker Avenue with an additional 40 +/- feet of frontage along Cherry Street. Frontage is at grade.
Total Site Area:	1.245 acres total— refer to survey in the addenda.
Shape of Tract:	Very irregular, with the parcel becoming very narrow moving south.
Access:	The property can be accessed via Hecker Avenue or Cherry Street. Both streets are at grade.
Topography:	There is a small area of wetlands on the northeast portion of the property, abutting Stony Brook. The topography is generally level. Refer to the topographic map in the addenda.
Easements:	There is a sewer line easement extending northeast/southwest through the central portion of the property. There is an easement 10 feet in width for the purpose of the installation and maintenance of a fiber optic cable which runs the full length of the northwesterly bank of Stony Brook. The location of the sewer line easement adversely impacts the market value of the subject property. Refer to the survey map in the addenda.
Encroachments:	None noted
Flood Designation:	Located on F.E.M.A. Panel #09001C0528F dated 6/18/2010. According to this map, the property appears to fall within flood zone AE. The minimum finished floor elevation is 17.5 feet, which is 1.5 feet above the existing ground elevation of approximately 16 feet. Refer to the addenda for a copy of the flood map.
Surface Drainage:	Appears adequate.
Soils:	The property consists of agawam fine sandy loam soil, with 3 to 8 percent slopes. Refer to addenda for maps and description.

Property Data

Subsurface Conditions:	There is no data to indicate that there are significant mineral deposits on the properties. Subsurface oil, gas or mineral rights were not considered in this report.
Utilities:	Full public utilities including public water, sewer, electricity, cable and telephone are available to the site.

Economic Factors Affecting the Site	
Supply of Vacant Tracts:	There is a limited supply of small vacant tracts available in the subject neighborhood.
Demand for Vacant Tracts:	Recent sales data indicates increasing sales prices in recent years, and strong demand for vacant tracts.
Traffic Pattern/Volume:	Local traffic
Neighboring Property Uses:	Uses along the subject street are primarily single family as well as the immediate neighborhood surrounding the subject.
Zoning:	Darien – R 1/5 and R 1/3 (Residential) The minimum lot area in the R 1/5 zone is .2 acres. The minimum lot area in the R 1/3 zone is .3 acres. Due to the flood zone and sewer placement, only one lot can be developed on this land even though zoning would allow more.
Allowable Uses in the District:	Permitted uses in the R-1/5 and R-1/3 zone include single-family detached dwellings. Refer to addenda for further zoning description.

Larger Parcel

The subject property is part of a larger 39.72 acre property under unified ownership known as Spring Grove Cemetery. The subject 1.245-acre parcel is vacant land, separated from the cemetery by Stony Brook. The highest and best use of the subject property differs from the cemetery use of the larger parcel. The subject property has separate access and is independently developable. The Spring Grove Cemetery is not impacted by the sale of the subject property to the town of Darien.

Improvements Description

The subject property is vacant land with no improvements in place.

Present Use

The property is currently vacant land.

Analysis of Highest and Best Use

Highest and best use is defined in The Dictionary of Real Estate Appraisal, Fifth Edition, published by the Appraisal Institute, as follows:

"The reasonably probable and legal use of vacant land or an improved property, that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity. Alternatively, the probable use of land or improved property-specific with respect to the user and timing of the use-that is adequately supported and results in the highest present value"

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria that the highest and best use must meet are:

- ❖ legal permissibility;
- ❖ physical possibility;
- ❖ financial feasibility;
- ❖ and maximum profitability.

Each of these four factors is analyzed in arriving at the highest and best use for the subject property.

Legally Permissible

The subject site is zoned R-1/5 and-R 1/3 (Residential). Both zones permit primarily residential uses. Based on our review of the zoning restrictions, the most reasonably probable legal use of the site is for single-family residential development.

Physically Possible

It is physically possible to develop the property with a residential use permitted by zoning. Based on discussions with Jeremy Ginsberg, Planning and Zoning Director of the town of Darien, the subject property could likely be developed as a single residential building lot. Physical limitations including the irregular shape of the parcel, location of sewer easement, proximity of Stony Brook along the entire eastern boundary, and wetlands, would restrict further subdivision of the property.

Jeremy noted that a three-lot residential subdivision had been proposed for the subject property. The existing sewer line would need to be relocated as part of the proposal. The proposal was withdrawn after neighborhood opposition.

Financially Feasible

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. As discussed previously, the subject market is considered to be improving, with residential development considered feasible.

Maximum Profitability

In arriving at an opinion of the highest and best use for the subject property, consideration has been given to such factors as neighborhood trends and influences, accessibility, zoning, current residential market conditions, physical characteristics of the property, zoning requirements, etc. Based on the foregoing, it is the appraiser's opinion that the highest and best use of the subject property is as one building lot for single family residential development.



Stamford Government Center
888 Washington Boulevard, 3rd Floor
Stamford, Connecticut 06901
203 316 5190 PHONE
203 316 4995 FAX
www.swrpa.org

January 29, 2014

Richard B. Jacobson
Environmental Protection Officer
Connecticut DEEP
Open Space and Watershed Land Acquisition Grant Program
79 Elm Street
Hartford, CT 06106

Re: Support for Purchase of Property - 41 Hecker Avenue, Darien, CT

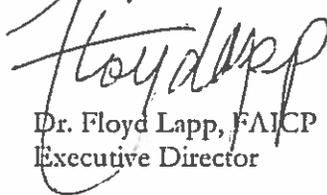
Dear Mr. Jacobson,

On behalf of the South Western Regional Planning Agency (SWRPA) we are very pleased to strongly support the Town of Darien's purchase of 1.25+/- acres located at 41 Hecker Avenue. SWRPA's adopted *Regional Plan of Conservation and Development 2006-2015* has, as one of its ten basic goals, to preserve the dwindling supply of permanent open space and, whenever possible add to it through either outright acquisition of open space or through conservation easements.

The proposed property to be acquired is highly accessible since it is bounded by the Darien Town Hall and is only 800-1,200 feet from the Darien Library and the Darien Police Station, perfect for pedestrian access between these public facilities! The property contains inland wetlands next to Stony Brook and large portions of the property are within the regulated flood zone near Stony Brook. This purchase would provide for its protection so that it would not be developed in the future.

Please contact me for any further information and discussion.

Sincerely



Dr. Floyd Lapp, FAICP
Executive Director

cc: Honorable Jayme J. Stevenson,
First Selectman, Town of Darien

MEMORANDUM

TO: Jayme Stevenson, First Selectman

FROM: Jeremy B. Ginsberg, Planning & Zoning Director 

RE: Property on Hecker Avenue
Portion of Assessor's Map #41 Lot #20 now owned by Spring Grove Cemetery

DATE: August 22, 2013

This memo is in response to your request for further details on present Town use of the property now owned by Spring Grove Cemetery on Hecker Avenue north of Stony Brook. As you know, the property extends to the Town-owned properties at 2 Renshaw Road and 33 Cherry Street.

In 1997, a ten foot wide easement was obtained from the Spring Grove Cemetery Association and said easement was filed in the Darien Land Records as Map #4624 on Volume 821 Page 573. The Town of Darien ran a fiber optic line from the Town Hall at 2 Renshaw Road to the Police Station on Hecker Avenue, which presumably now runs through that ten foot wide easement area near Stony Brook. It appears that there may also be sanitary and storm sewer lines which run through the property.

Winword\pzc\memo to Stevenson re Hecker

EASEMENT AGREEMENT

OP-7 - L-10
M-4

KNOWN ALL MEN BY THESE PRESENTS, that THE SPRING GROVE CEMETERY ASSOCIATION, of 41 Hecker Avenue, Darien, Connecticut, acting herein by Philip A. Morehouse, hereunto duly authorized for the consideration of ONE DOLLAR (\$1.00) AND OTHER VALUABLE CONSIDERATION, received to its full satisfaction of THE TOWN OF DARIEN, an easement ten feet (10') in width for the purpose of the installation and maintenance of a fiber optic cable which shall run the full length of the northwesterly bank of Stony Brook as more particularly shown on a certain map entitled, "Map of Easement over the Property of Spring Grove Cemetery Prepared for the Town of Darien, Darien, Connecticut, January 17, 1997," prepared by William W. Seymour & Associates, P.C., which map shall be recorded on the Darien Land Records simultaneously herewith. Map #4624

TO HAVE AND TO HOLD the above granted and bargained easement, privilege and right, unto the said Grantee, its successors and assigns forever, to them and their own use and behoof.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 11th day of February, 1997.

Signed, sealed and delivered in the presence of

Samuel D. B. Millar, Jr.

Maureen E. Kelley
Maureen E. Kelley

THE GRANTOR, The Spring Grove Cemetery Association,

By: Philip A. Morehouse
Philip A. Morehouse
duly authorized

\$ No Conveyance Tax received
For the State of Connecticut
Town Clerk of Darien

\$ No Conveyance Tax received
Marilyn M. Longfellow
Town Clerk of Darien

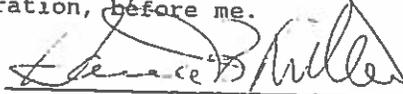
STATE OF CONNECTICUT:

COUNTY OF FAIRFIELD :

ss:

FEBRUARY 11, 1997

Personally appeared, THE SPRING GROVE CEMETERY ASSOCIATION, acting herein by Philip A. Morehouse, hereunto duly authorized, signer and sealer of the foregoing instrument, who acknowledged the same to be his free act and deed and the free act and deed of said corporation, before me.



Samuel D.B. Millar, Jr.
Commissioner of the Superior Court

Received for Record February 21, 1997 at 11:16 A.M. Attest



Town Clerk.

TOWN OF DARIEN
DEPARTMENT OF PUBLIC WORKS
2 RENSRAW ROAD - TOWN HALL
DARIEN, CT 06820-5397
TELEPHONE (203) 656-7346



ROBERT S. STEEGER, P.E.
DIRECTOR OF PUBLIC WORKS

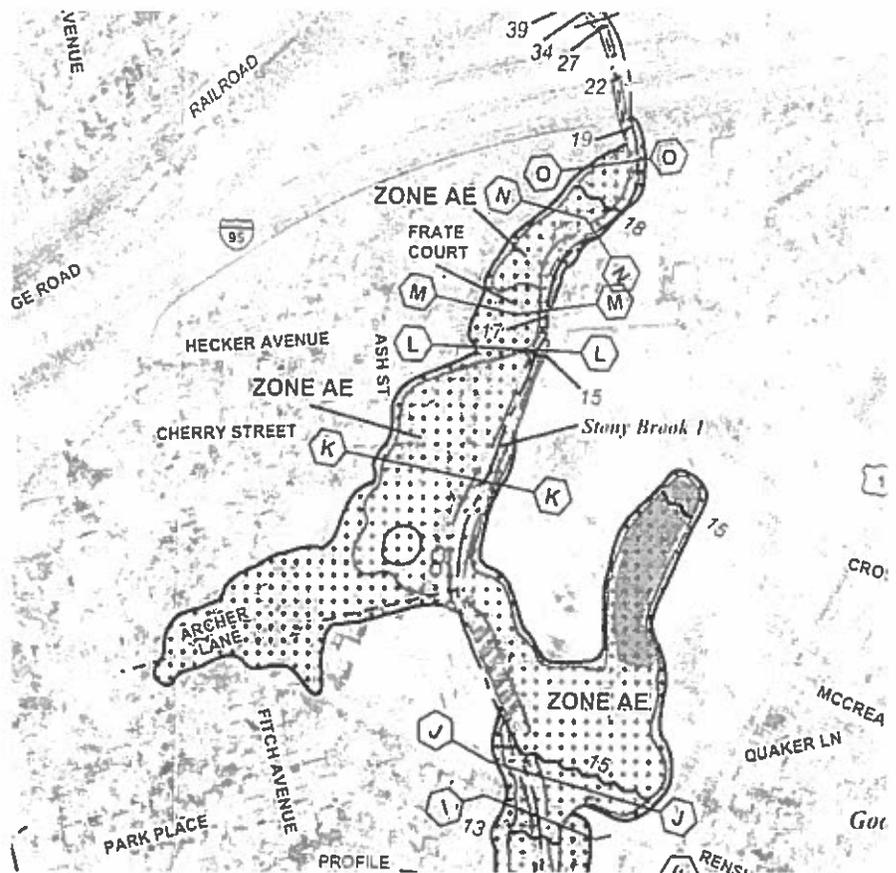
DARREN OUSTAFINE, P.E.
ASSISTANT DIRECTOR OF PUBLIC WORKS

Memorandum

To: Jayme S. Stevenson, First Selectman
Fr: Robert S. Steeger, P.E., Director of Public Works
Re: Hecker Avenue Parcel Flooding,
Spring Grove Cemetery, Map 41, Lot 19
Date: August 21, 2013

The Stony Brook Watershed Drainage Evaluation, commissioned by the Town of Darien, prepared by Milone and MacBroom in 2008, and most current FEMA maps show subject property to be within floodzone.

When property within a floodplain is developed for residential uses, the results of flooding can be exacerbated. Therefore when a building is constructed in a floodplain, not only is that building at risk, but the risk to upstream property may also increase. In the event of severe flooding these buildings also represent an additional burden on the Town's emergency services. Acquisition of vacant developable land along a stream channel permanently eliminates any opportunity for future development. Acquiring flood prone property achieves the most complete and permanent protection from periodic inundation. No other flood mitigation alternative achieves this level of permanent protection and risk reduction.



Position Statement: Acquisition of the Hecker Avenue Property

Respectfully submitted: Susan M. Swiatek, CPRP

Director of Parks and Recreation

August 22, 2013

The Parks and Recreation Department supports the acquisition of the Hecker Avenue property from both an environmental and recreational position. Such acquisitions are essential to making Darien a more livable community.

The Darien Parks, Recreation, and Open Space Plan presented in 1996 identified the need for additional open space. Goals of the plan were to "Preserve as much land as possible for parks, recreation, and open space to maintain Darien's high quality of life."(p45). Based on this goal, the position was taken that "public recreation and open space should receive a high priority in the review of all land development proposals. Furthermore, land which protects natural systems or preserves visual character should receive the highest priority for open space..." (p59). Recommendations were made to: "Preserve and protect streams, water bodies, tidal wetlands, freshwater wetlands..." (p59); and to "Consider establishing wider control areas surrounding wetlands, streams, and water bodies"(p59). Finally, the plan supports the Town's efforts to recognize and preserve environmentally sensitive areas and other lands which should be preserved as open space.

The acquisition of the property could provide a much desired recreational benefit to the neighborhood and community at large. Darien should foster active modes of transportation such as walking and biking and help protect natural places. The opportunity the Hecker property presents is immense. This gateway property could provide connections from the Hecker and Cherry Street neighborhoods to Holahan Field, Town Hall and the new Mather Center, Town Hall fields and the Firemen's Monument (Boston Post Road) and the Darien Library - measureable walking routes. Further, this creates the opportunity for healthy walking programs from the Senior Activities Center at Mather as well as Park and Recreation Department. This potential pocket park could: support the overall ecology of the surrounding environment; protect and conserve local wildlife and landscape; create a more sociable neighborhood; improve fitness and health, and reinforce relationships between local agencies and the community.

The benefits of parks and open space on the environment and the health of a community are measurable and documented. Preserving open space and creating connections to public facilities help make Darien a livable community.

TOWN OF DARIEN
PLANNING & ZONING COMMISSION

JEREMY B. GINSBERG, AICP
PLANNING AND ZONING DIRECTOR

DAVID J. KEATING
ASSISTANT DIRECTOR/
ZONING ENFORCEMENT OFFICER



TOWN HALL, 2 RENSRAW ROAD
DARIEN, CONNECTICUT 06820-5397
TELEPHONE 656-7351
FAX NUMBER 656-7385
www.darienct.gov

JOSEPH H. SPAIN
CHAIRMAN

SUSAN CAMERON
VICE-CHAIRMAN

ERIC J. VOIGT
SECRETARY

KEVIN M. CUNNINGHAM

RICHARD A. DiDONNA

STEPHEN P. OLIVAN

HAND DELIVERED

August 7, 2013

Karl Kilduff
Administrative Officer
Town of Darien
2 Renshaw Road
Darien, CT 06820

RE: *Mandatory Referral under Connecticut General Statutes Section 8-24
Board of Selectmen, Purchase of property on Hecker Avenue (MR #3-2013)*

Dear Mr. Kilduff:

This letter is to confirm that at its meeting on July 30, 2013, the Darien Planning and Zoning Commission issued a Mandatory Referral report regarding a request from the Board of Selectmen to purchase 1.245+/- acres of property on Hecker Avenue, which is a portion of Assessor's Map #41, Lot #20, now owned by St. Johns cemetery, bounded by the Town Hall property to the south; Stony Brook to the east; and Hecker Avenue to the north.

The Commission's report, approved by a vote of 5-0, with one abstention, is enclosed.

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

Sincerely,

Jeremy B. Ginsberg
Planning and Zoning Director

Enclosure

✓ Cc: J. Wayne Fox, Esq.

PZC\letters\MR cover\ MR3-2013

RECEIVED

AUG 9 2013

CURTIS, BRINKERHOFF & BARRETT

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
BOARD OF SELECTMEN
ACQUISITION OF PROPERTY ON HECKER AVENUE
JULY 30, 2013**

Mandatory Referral #3-2013, Board of Selectmen, Purchase of property on Hecker Avenue.

Request from the Board of Selectmen to purchase 1.245+/- acres of property on Hecker Avenue, which is a portion of Assessor's Map #41, Lot #20, now owned by St. Johns cemetery, bounded by the Town Hall property to the south; Stony Brook to the east; and Hecker Avenue to the north.

A memorandum from Karl Kilduff was received on July 23, 2013 outlining the proposed request to acquire property. Planning & Zoning Department staff provided supplemental information to the Commission showing the subject 1.245 acres on a survey. Also provided were plans showing a potential subdivision of the property which had been submitted to the Planning and Zoning Department in 1997, but was subsequently withdrawn, as well as a map showing the property in relation to other nearby properties, and an air photo showing the vicinity, and how the subject area relates to Town Hall, 33 Cherry Street purchased by the Town a few years ago, and the Darien Police Station and Library. One adjacent property owner sent an e-mail dated July 30, 2013 with comments for the Commission's consideration.

At this time, exact plans for use of this 1.245+/- acre property are not known. Although a walking trail/pathway extending from the Town Hall property to Hecker Avenue at this time appears to be the most likely use, other possibilities exist. Depending on the proposed use, review and action may be needed from the Environmental Protection Commission and/or the Planning and Zoning Commission.

Pages 8-2, 8-3 and 9-5 of the 2006 Town Plan of Conservation and Development (the "Town Plan") all address this issue. The Town Plan recommends that the Town acquire property contiguous to Town-owned properties if they become available.

On the basis of all of the foregoing, the Town's proposal to acquire this land is consistent with the 2006 Town Plan of Conservation and Development and town policies.

Property known as Tax Assessor's Map 41, Lot 20

Description: Beginning at a point on the southerly line of Hecker Avenue, said point being the intersection of the division line between the herein described property and land now of formerly of Victor G. & Franciska Vargha (Assessor's Map 41, Lot 21) with said southerly line of Hecker Avenue;

Thence, running easterly along said southerly line of Hecker Avenue south $86^{\circ}03'11''$ east a distance of 222.50 feet to a point;

Thence, running southwesterly and within the banks of Stony Brook south $20^{\circ}35'56''$ west a distance of 490.35 feet to a point;

Thence, running westerly south $87^{\circ}17'18''$ west a distance of 20.75 feet to land now or formerly of Town of Darien (Assessor's Map 41, Lot 51);

Thence, running northerly along said land now or formerly of Town of Darien (Assessor's Map 41, Lot 51), the easterly terminus of Cherry Street, land now or formerly of John J. Ryan & Elyse A. Gittleman (Assessor's Map 41, Lot 50) and land now or formerly of the aforesaid Victor G. & Franciska Vargha (Assessor's Map 41, Lot 21), each in part, north $03^{\circ}41'49''$ west a distance of 445.59 feet to the aforesaid southerly line of Hecker Avenue and the point of beginning.

Comprising an area of $54,245\pm$ Sq. Ft. or $1.2452\pm$ Acres