

Megan Egbert

From: Richard S. Cody <RCody@sswbgg.com>
Sent: Thursday, March 7, 2024 2:47 PM
To: Meredith Badalucca
Cc: Megan Egbert
Subject: RE: 24SUB1 - 581 Route 163 2 Lot Subdivision

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Meredith

Some comments about the easement.

- I notice that some of the area of driveway exclusively serving lot 24-2 is within the easement area. I'm not sure it's meant to be maintained by lot 24.
- There doesn't seem to be a way for the owner of lot 24-2 to force a repair because paragraph 6 say that decisions are made by majority of the pro rata shares, which are controlled by lot 24.
- One will often see a provision for mediation in advance of a party seeking judicial relief.
- As for utilities, it's not clear that the easement allows for underground utilities.
- There should be some statement of what quality and surface the area should be kept in. It seems that it will be paved at the outset.
- Paragraph 7 is limited to damage from construction. Usually, the provision is broader to include any damage other than from ordinary wear and tear. Like, damage from farm equipment.

Let me know if you have any questions or comments..

Thanks.

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From: Meredith Badalucca <mbadalucca@montville-ct.org>
Sent: Thursday, March 7, 2024 12:22 PM

To: Richard S. Cody <RCody@sswbgg.com>
Cc: Megan Egbert <megbert@montville-ct.org>
Subject: 24SUB1 - 581 Route 163 2 Lot Subdivision

Good afternoon Attorney Cody,

Could you please review the attached proposed driveway easement for subdivision application number 24SUB1. Thank you.

Regards,

Meredith Badaluca, CZE0

Assistant Planner

Town of Montville

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Uncasville, CT 06382

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