

DOCKET NO. FBT-CV21-6109667-S
DAVIDSON WILLIAMS, ET. AL.
V.
GREEN POWER VENTURES, LLC, ET. AL.

OFFICE OF THE CLERK
SUPERIOR COURT
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JUL 9, 2025
JUDICIAL DISTRICT
OF BRIDGEPORT
SUPERIOR COURT
OF BRIDGEPORT
JULY 9, 2025

MEMORANDUM OF DECISION

FACTS

The Plaintiffs, Davidson Williams and Barbara R. Williams, are the owners of property known as 140 Grovers Avenue, Bridgeport. The Plaintiffs' property has no direct access to Black Rock Harbor. However, as the owners of 140 Grovers Avenue, the Plaintiffs enjoy an express easement by deed over 145 Anchorage Drive. The easement runs from Anchorage Drive to the waterline of Black Rock Harbor.

This action was instituted to enforce the easement rights enjoyed by the Plaintiffs, and other property owners in the Black Rock section of Bridgeport.

The Complaint, returnable August 4, 2001, was initiated against five (5) Defendants – Green Power Ventures, LLC, 141 Anchorage, LLC, Edward Stern, Amy Stern, and Keith J. Macca Building Company, LLC. In Count One, the Plaintiffs seek a declaratory judgement claiming that the Defendants have interfered with their right to use the easement, through the construction of a fence, gate and other improvements to 145 Anchorage Drive.

Count Two seeks injunctive relief, and asks that the Defendants be restrained from interfering with the right of the Plaintiffs and other easement holders to use the easement.

Notice sent to all
counsel & RJD.
7/9/25 *Bleiss* Asst Clerk

Count Three involves a claim for trespass, while Count Four is a nuisance action which alleges unreasonable interference with the use and enjoyment of the Plaintiffs' property rights.

The Defendants Green Power Ventures, LLC and 141 Anchorage, LLC filed a counterclaim dated October 20, 2021. The counterclaim sought declarator relief concerning the rights of the easement holders. The Defendants maintained that the easement over 145 Anchorage Drive did not include the right to bring motorized vehicles on to the parcel and created only a right to pass and repass on foot.

They also claimed that the easement could not be used for recreational purposes, and that the owner of 145 Anchorage Drive could restrict access to the easement by erecting a pedestrian gate, complete with a combination lock.

The origin of the easement over 145 Anchorage Drive dates from the 1920s. At that time, the Plaintiffs property was part of a large undeveloped tract owned by one Kenneth McNeil. The Black Rock McNeil Corporation, acting through its president, Kenneth McNeil, divided part of the property into twelve (12) building lots and a parcel designated Lot 13. The map (Ex. 2) was recorded at Volume 10, Page 49 of the Bridgeport Land Records. It shows some of the lots with frontage on Anchorage Drive, while others front on Grovers Avenue.

Although the twelve (12) building lots were conveyed, the Black Rock McNeil Company continued to own Lot 13 a/k/a 145 Anchorage Drive, until May of 2017. The dimensions of Lot 13 are approximately twenty (20) feet along Anchorage Drive to the west, and four hundred (400) feet on the northern and southern borders. At its eastern boundary, Lot 13 is sixty-six (66) feet in Black Rock Harbor.

On June 10, 1927, The Black Rock McNeil Corporation conveyed 140 Grovers Avenue to Irene Wren Floeckher, the Plaintiffs predecessor in title. The deed is recorded at Volume 574, Pages 47-49 of the Bridgeport Land Records. The property is described as "Parcel No. 4 as described on a certain map entitled "Map No. 1, Property of Kenneth W. McNeil, Black Rock, Bridgeport, Connecticut, made by Alfred H. Terry, Civil Engineer, dated November 5, 1923..."

The deed contains the following language as part of a series of covenants running with the land:

"5. That part of the land designated as Lot No. 13 as delimited on said map shall remain open as a right of way for the use and benefit of the grantee as appurtenant to the land hereby conveyed in common with all other present and future owners of all of the parcels of land as delimited on said map and also the land described in a certain deed recorded in Volume 430, Pages 272-3 of the Land Records."

The grants of easements in the 1927 deed to Irene Floeckher are referenced in all deeds to 140 Grovers Avenue executed subsequent to the deed recorded at Volume 574, Pages 47-49.

Lot 13, a/k/a 145 Anchorage Drive was purchased by Green Power Ventures, LLC in September of 2017 (Ex. 17). The conveyance was specifically subject to:

"5. The rights of others to pass and repass over Lot No. 13 as granted by Deed of Easement dated January 10, 1928 and recorded in Volume 583, Page 487 of the Bridgeport Land Records: NOTE; The easement is an appurtenance to all Lots (Lot 1 through 12) as set forth on a certain map entitled "Map No. 1 Property of Kenneth W. McNeil, Black Rock, Bridgeport, Conn." Dated November 5, 1923 and on file in the

Bridgeport Town Clerk's Office in Map Volume 10 pages 46 and 50 (affects 146 Anchorage Drive)."

The Defendants, Edward Stern and Amy Stern, are the owners of Green Power Ventures, LLC. The consideration for the transfer of title, as shown in the deed (Ex. 17) is \$58,716.

Also in September of 2017, 141 Anchorage Drive, LLC purchased 141 Anchorage Drive for the stated consideration of \$491,284. as shown in the deed of conveyance (Ex. 21). The property abuts Lot 13, a/k/a 145 Anchorage Drive to the south, and was not part of the subdivision which included 145 Anchorage Drive and 140 Grovers Avenue.

141 Anchorage Drive contained an old abandoned house at one time. However, prior to the 2017 conveyance, the house had been removed, and the property could not be developed independent of 145 Anchorage Drive, due to insufficient lot frontage on Anchorage Drive. The only access from Anchorage Drive to 141 Anchorage Drive, was over 145 Anchorage Drive.

The evidence revealed that for many years, 141 Anchorage Drive and 145 Anchorage Drive appeared to be a single parcel. No boundaries or other features distinguished between the two parcels. Because 141 Anchorage Drive was unimproved and unoccupied, persons frequently trespassed on the property.

The deed of conveyance to 141 Anchorage, LLC in 2017 references a right to pass and repass over 145 Anchorage Drive. The grantee was conveyed the property:

"Together with the right in common with others to pass and repass over said Anchorage Drive and said Lot 13 as granted by deed dated January 10, 1928 and recorded in Volume 583, Page 487 of the Bridgeport Land Records."

The Defendants, Edward and Amy Stern, are the owners of 141 Anchorage, LLC.

Following the conveyance of 145 Anchorage Drive to Green Power Ventures, LLC, and the acquisition of 141 Anchorage Drive by 141 Anchorage, LLC, the Defendants Edward and Amy Stern effectively controlled both properties, and treated them as a single parcel, notwithstanding the state of the title.

The Defendant Keith J. Macca Building Company, LLC was engaged by Edward and Amy Stern to construct a new home on 141 Anchorage Drive. The construction has now been completed, but was ongoing when litigation commenced.

The result of the construction has been to substantially alter 145 Anchorage Drive and the area which is subject to the easement by deed. Stone pillars and a gate have been erected across the entrance to 145 Anchorage Drive and a gate controls access to the residence at 141 Anchorage Drive. Although the mailbox is designated 141 Anchorage Drive, the structure is physically located on 145 Anchorage Drive.

The construction has rendered access by automobile to 145 Anchorage Drive impossible. Curbing has also been installed in Lot No. 13. a/k/a 145 Anchorage Drive, and bushes and large boulders create an obstruction near the water on the easterly portion of Lot 13.

This case was initially tried before the Honorable George Thim, JTR. Judge Thim issued a Memorandum of Decision following the trial, dated May 24, 2022.

Judge Thim found that the plaintiffs, Davidson and Barbara Williams, were the beneficiaries of a private right of way over the parcel owned by Green Power Ventures, LLC, 145 Anchorage Drive.

The court denied the Plaintiffs requests for declaratory and injunctive relief, and the claim of trespass. Judgement entered in favor of the Defendants on Counts One, Two and Three.

As to the nuisance claim pled in Count Four, the court found in favor of the Plaintiffs, and awarded damages in the amount of five hundred (\$500.00) dollars.

The Memorandum of Decision also held that the rights enjoyed by the easement holders were limited to foot passage between Anchorage Drive, and the shore of Black Rock Harbor.

The Plaintiffs appealed, and the Appellate Court reversed the trial court decision. The Appellate Court specifically found, in its decision, that the easement over Lot 13 a/k/a 145 Anchorage Drive was not limited exclusively to foot travel. *Davidson D. Williams, Et. Al v. Green Power Ventures, LLC, Et. Al.*, 221 Conn. App. 657 (2003).

In its opinion, the Appellate Court ordered a new trial, and made numerous findings which are binding upon this court in its analysis of the rights of all parties.

The Appellate Court determined that the easement covering 145 Anchorage Drive is not limited to foot travel only, and that the "Floekher Deed" described a general easement, which was clear and unambiguous. *Williams v. Green Power Ventures, LLC, supra*, 679.

Furthermore, although the subdivision map prepared by the Black Rock McNeil Corporation did not designate specific portions of Lot 13 for recreational activities and parking, the Appellate Court found that Lot 13 was large enough to accommodate such uses. *Williams v. Green Power Ventures, LLC, supra*, 684-85.

When construing a right of way granted in general terms, courts have applied a test known as reasonable use factors, in order to ascertain the proper scope of an easement. *Fitch v.*

Forsthoefel, 194 Conn. App. 230, 238 (2019). A right of way granted in general terms may be used for any purpose reasonably necessary for the party entitled to use it. *Peck v. Mackowsky*, 85 Conn. 190, 194 (1912); *Hagist v. Washburn*, 16 Conn. App. 83, 86 (1988).

An easement by deed expressed in general terms, must be construed as broad enough to permit any use which is reasonably connected with the reasonable use of land to which it is appurtenant. *Birdsey v. Kosienski*, 140 Conn. 403, 413 (1953). The reasonable uses to which a granted right of way may be put are not limited to those which the land was being put when the right of way easement was created. *Francini v. Goodspeed Airport, LLC*, 164 Conn. App. 279, 293 (2015). Any ambiguity in the instrument creating the easement will be construed in favor of the person entitled to use the easement, the grantee. *Macklin v. Macklin*, 186 Conn. 185, 189 (1982).

The record owner of Lot 13, a/k/a 145 Anchorage Drive, Green Power Ventures, LLC, Edward Stern and Amy Stern, may make any lawful use of their property. However, any such use must not unreasonably interfere with the rights of the easement holders. *Zirinsky v. Carnegie Hill Capital Asset Management, LLC*, 139 Conn. App. 706, 713 (2012).

EVIDENCE AT TRIAL

The court heard credible testimony at trial from the Plaintiff Davidson Williams, and other easement holders. In addition to the Plaintiff, testimony was obtained from David Groelinger, the owner of 31 Anchorage Drive (Lot 8), Michael Tranfalia, the owner of 78 Anchorage Drive (Lot 7) and Richard Landau, the owner of 46 Grovers Avenue (Lot 12).

All testified that the erection of the pedestrian gate, stonework and other changes in 145 Anchorage Drive had directly interfered with their use of the easement.

Access to the easement by motor vehicle has been effectively eliminated, as has the ability to transport even small watercraft across the easement. Furthermore, plantings and bushes in conjunction with large boulders, have inhibited access to the water, even if the edifice at the intersection of Lot 13 and Anchorage Drive could be circumvented.

This situation is in direct contradiction to the terms of the "Floekher Deed" language, which states: "...that portion of the land designated as Lot No. 13 as delineated on said map shall remain open as a right of way for the use and benefit of the grantee as appurtenant to the land hereby conveyed in common with all other present and future owners of all parcels of land as delineated on said map..."

All who testified declared that access to the waters of Black Rock Harbor was an important consideration in the determination to purchase property in the Anchorage Drive area.

David Groelinger testified that he began using the easement in 1992. He and his family watched fireworks from the area, and he used an inflatable dinghy to access a large boat moored in Black Rock Harbor. He testified to the use of 145 Anchorage Drive for both pedestrian foot travel, and motor vehicle travel.

Michael Tranfalia and Richard Landau testified that they drove vehicles on the easement prior to the construction of the obstructions by the Defendants. Both explained that they launched watercraft from the area, and that their use of the easement had been interfered with as a consequence of the construction.

Testimony clearly and unambiguously established that the use of 145 Anchorage Drive by easement holders was never historically limited to foot travel, and that open access to the easement was available from Anchorage Drive.

The fact that 141 Anchorage Drive was used as a public gathering place prior to the purchase of the parcel by the Defendants and the construction of a new home by Edward and Amy Stern, does nothing to establish a need to deny access to the twenty (20) foot easement to those who are benefited by the easement.

The court sympathizes with and understands the desire of Edward and Amy Stern to secure safety and privacy. This desire is particularly understandable, due to their unique family situation. However, neither these concerns, nor scattered instances of criminal activity in the surrounding area over many years, can serve as a justification for extinguishing the easement rights enjoyed by property owners over 145 Anchorage Drive.

In his Memorandum of Decision, Judge Thim thoughtfully attempted to balance the use of the easement property with the needs of the homeowners occupying 141 Anchorage Drive as a family residence. His attempt to harmonize these interests was rebuffed by the Connecticut Appellate Court, however, and this court must apply the law to the facts of this case in accordance with *Williams v. Green Point Power Ventures, LLC, supra*.

FINDINGS

It is found, that the Plaintiffs, Davidson D. Williams and Barbara R. Williams, as holders of a general easement over Lot 13, a/k/a 145 Anchorage Drive, possess a right to use the easement to access Black Rock Harbor, and that the easement shall “remain open” for use by the Plaintiffs and other easement holders.

It is found, as determined by the Appellate Court, that the easement over Lot 13, a/k/a 145 Anchorage Drive is not limited to foot travel. The right to use the easement also includes the right of easement holders to use the property for recreational purposes, including the parking

of vehicles, launching of small watercraft, observing fireworks, picnics and similar activities on the twenty (20) foot wide right of way.

It is found, given the findings of the Appellate Court, that since the use of Lot 13 a/k/a 145 Anchorage Drive is not limited to foot travel, the boulders and bushes which have been planted on the easement interfere with the rights of the Plaintiffs and others to use the general easement.

It is found, that the Defendants Green Power Ventures, LLC, Edward Stern and Amy Stern have interfered with the Plaintiffs' reasonable use and enjoyment of the easement and have denied the Plaintiffs and others the reasonable use of the easement.

It is found, that the Defendants Edward Stern and Amy Stern are authorized to use 145 Anchorage Drive in order to access their residence located at 141 Anchorage Drive, but must do so without interfering with the rights of the Plaintiffs and others to reasonable use of the easement.

It is found, that the Defendants cannot limit access to the easement from Anchorage Drive by a gate or combination lock, given the language of the "Floekher Deed" which requires that the easement be "open as a right of way for the use and benefit of the grantees..."

CONCLUSION AND ORDERS

Prior to trial, the Plaintiffs stated that they would not be proceeding against Keith J. Macca Building Company, LLC, in light of the completion of work associated with the dwelling on 141 Anchorage Drive. Therefore, judgement may enter in favor of the Defendant, Keith J. Macca Building Company, LLC.

The Appellate Court did not disturb Judge Thim's decision concerning Count Three (Trespass) of the complaint, and judgement may enter in favor of the Defendants on that count.

As to Count Four, Judgement may enter in favor of the Plaintiffs based upon an unreasonable interference with the use and enjoyment of the easement over Lot 13 a/k/a 145 Anchorage Drive. The court adopts Judge Thim's finding of Five Hundred (\$500.00) Dollars damages in favor of the Plaintiffs, as against the Defendants, jointly and severally.

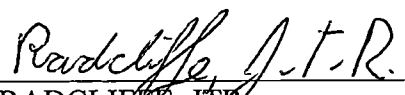
Judgement may enter in favor of the Plaintiffs as to all remaining Defendants as to Count One and Count Two. Judgement may also enter in favor of Davidson Williams and Barbara R. Williams on the Counterclaim brought by the Defendants.

The Defendants, by way of affirmative injunctive relief, are ordered to remove all gates, plantings, stonework, pavers and other obstructions at the intersection of Lot 13 a/k/a 145 Anchorage Drive, and Anchorage Drive.

The Defendants, by way of injunctive relief, are ordered to remove pavers and any other impediments to vehicular traffic on the easement property, and to remove bushes and boulders to the extent that they impede access to Black Rock Harbor.

The Defendants are further enjoined in the future from interfering with the Plaintiffs in their use of the easement but may take any steps designed to enhance the security of 141 Anchorage Drive, which do not interfere with the rights of easement holders.

Costs are awarded to the Plaintiffs.


RADCLIFFE, JTR