

Planning and Zoning Commission City of Derby
1 Elizabeth Street
Derby, CT 06418

RE: Proposed Subdivision – Summit Street Extension Summit Street
Derby, Connecticut
Summit Hill, LLC – Applicant

Site and Lot Development Plans

1. Section 3.5.1 of the Subdivision Regulation requires that “Proposed building lots shall be planned to make the best use of natural terrain, to preserve substantial trees, woods and water resources, and to avoid extensive regrading.” Many of the proposed lots will require extensive grading of up to 60’ of excavation which, in our professional opinion, in no way meets the intent of this regulation.

Comment remains. In our June 1, 2026, letter to the Commission, we noted that the Summit Hill property has topography that is very steep to extremely steep with existing slopes exceeding 25 percent over a significant part of the property; nearly all of the site is covered by mature trees; and the site is underlain by bedrock, which is exposed in places. Based on information previously submitted to the Derby Inland Wetland Commission, wetlands have not been identified on the property, although there is a wetland system located on the adjoining property to the west.

In his June 26, 2026, letter to the Commission responding to our June 1 letter, the applicant’s engineer acknowledges that the site has steep slopes and rock that will need to be regraded to accommodate the lots, roads, utilities and other improvements “...to maximize the lot yield...while maintaining compliance with the Derby Subdivision Regulations.” He notes that “...extensive grading alone does not constitute noncompliance with the Derby Subdivision Regulations.”

We disagree with the assertions of the applicant’s engineer. Section 3.5.1 of the Subdivision Regulations clearly states that “Proposed building lots shall be planned to make best use of the natural terrain, to preserve substantial trees, woods and water and to avoid extensive regrading.” The site development plans show that nearly all the vegetation will be removed and most of the site will be regraded in order to achieve the number of proposed roads and lots. Some of the lots will need to be excavated by as much as 60 feet in order to create a buildable area. In one location, over 80 feet of rock will be excavated. Clearly, the subdivision plan is inconsistent with Section 3.5.1 of the Regulations since the layout of the lots and roads disregards the natural terrain, do not preserve the trees, and do not avoid extensive regrading. Moreover, nowhere in the Subdivision Regulations is it suggested that such extensive site disturbance should be permitted for the sole purpose of



maximizing lot yield in lieu of minimizing the disturbance of natural site attributes.

- R. Section 3.5.1 requires that building lots be planned to make the best use of the natural terrain, preserve substantial trees, woods, and water resources, and avoid extensive regrading. However, it does not prohibit extensive grading where site conditions necessitate it to achieve a safe and code-compliant subdivision.**

The Summit Hill property is characterized by steep topography and shallow to exposed bedrock over much of the site. These existing conditions require substantial earthwork to construct public roads meeting applicable design standards, install underground utilities, provide compliant stormwater management systems, and establish safe, buildable lots. The extent of grading is therefore driven by the site's natural constraints rather than an arbitrary design objective.

The subdivision layout was developed through an iterative design process that balanced the physical characteristics of the property with the requirements of the Derby Subdivision Regulations. While grading is necessary, the design preserves significant open space, minimizes impacts to environmental resources, and satisfies applicable roadway, utility, drainage, and public safety standards. Section 3.5.1 establishes no quantitative limit on grading, nor does it prohibit development of sites with steep terrain and bedrock. Accordingly, the applicant maintains that the proposed subdivision is consistent with both the language and intent of the Derby Subdivision Regulations.

2. The plan as proposed, includes several hundred thousand cubic yards of excavation and regrading. Access to this site occurs over two existing streets that are substandard with respect to vertical geometry and stopping site distance, with significant slopes approaching stop-controlled intersections. The use of these roads for the purpose of transporting thousands of dump trucks represents a significant safety risk to the residents of these streets.

Comment remains. In our June 1 letter, we expressed concern about the risk to public safety from the use of the existing streets by the truck traffic associated with the removal of the rock in order to create the lots and construct the streets within the subdivision. The applicant responded that the truck traffic would be temporary and would be managed through construction sequencing and traffic controls and that this issue is not a basis for denying the subdivision.

We disagree. Under normal conditions, adding the traffic related to construction activity from a typical a subdivision onto an existing public street should not be the sole basis for denying a subdivision application. However, this is not a typical subdivision given the extent and duration of proposed rock excavation that will be required to install the infrastructure and create the building lots.

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At the June 2, 2026, public hearing, the applicant's attorney represented that there would be approximately 400,000 cubic yards (CY) of excavation that would take place over five years. Assuming that quantity is correct, that would equate to approximately 50,000 truck trips (16-CY tri-axel trucks) over five years. As noted at the hearing, the exiting residential streets are narrow with on-street parking, since off-street parking is limited by driveways for a single car. Moreover, while the existing streets are under the jurisdiction of the City, the City is under no obligation to improve the existing streets to accommodate the unusual traffic generated by what will be essentially a rock quarry for at least three to five years. There will be a public safety risk during this period of time.

- R. The Derby Subdivision Regulations do not distinguish between "typical" and "atypical" subdivisions, nor do they establish construction traffic volume as a criterion for subdivision approval. Temporary construction impacts associated with earthwork are an inherent aspect of land development and are appropriately managed through construction sequencing, traffic control measures, contractor operations, and applicable municipal and state requirements.**

The projected truck traffic represents temporary construction activity, not permanent traffic generated by the completed subdivision. Upon completion, traffic volumes will be consistent with the approved residential use of the property.

Furthermore, access to the subdivision is limited to the existing public street network. The applicant previously evaluated alternative access via Coon Hollow Road. However, that access was not permitted by the City.

Accordingly, the construction traffic will utilize the public roads designated by the City for access to the site. Any concerns regarding the adequacy of those public roadways are separate from the subdivision's compliance with the applicable subdivision regulations and do not constitute a basis for denial of the application.

3. Neither geotechnical information on the nature of the soil conditions on site, depth to ledge, nor information on the underlying rock has been provided by the applicant. The submitted plans should include the number of cubic yards of material to be removed and the length of time necessary to complete the work. Note that Connecticut General Statutes require that all public improvements within a subdivision must be completed within 5 years or the approval is null and void. It is questionable that the extent of rock removal and other general site improvements can be accomplished within the 5-year window.

Comment Remains. In the June 1 letter, we raised concern about the lack of a geotechnical investigation to determine a more precise quantity of rock to be removed, the nature of the rock as it relates to the creation of lots, and whether the removal of the estimated quantity of rock can be accomplished in five-year time required to complete the subdivision improvements. The applicant has



responded that the work can be completed in approximately three years. However, the applicant notes that requested geotechnical investigation can be "...completed during final design."

Unlike other zoning approvals where there may be a two-step approval process providing for a final design, there is no provision in the Derby Subdivision Regulations for a final design. Under Section 8-26(d) of the Connecticut General Statutes (CGS), the Commission may approve, modify and approve, or deny a subdivision application. The Commission does not have the authority to attach conditions of approval in its decision, as it may have with other zoning applications. Without having geotechnical information now, the Commission is unable to determine the suitability of the proposed building lots, the stability (safety) of the proposed steep slopes post-excavation, and the impacts of the excavation on adjacent properties.

R. Preliminary engineering investigations have confirmed that the proposed subdivision is feasible, and the estimated construction schedule anticipates completion of all public improvements between Spring 2027 and Spring 2030, well within the five-year completion period established by Connecticut General Statutes.

The consultant's assertion that the Commission lacks the authority to impose conditions on a subdivision approval misstates the Commission's authority under Connecticut land use law. Planning commissions routinely approve subdivision applications subject to reasonable conditions necessary to ensure compliance with applicable regulations and engineering requirements. Accordingly, the completion of additional geotechnical investigations, if deemed necessary during the progression of engineering design and construction, is not inconsistent with the subdivision approval process. Furthermore, the plans submitted provide sufficient engineering information for the Commission to determine that the proposed lots, roadways, and infrastructure are feasible and can be safely constructed. Detailed geotechnical investigations are intended to refine construction methods, rock excavation techniques, and slope stabilization measures, not to determine whether the subdivision is fundamentally feasible. Final slope stability, rock excavation methods, and construction sequencing will be designed in accordance with accepted engineering practice and applicable state and local requirements to ensure the protection of public safety and adjacent properties.

4. The slope to the rear of Lots 1 through 14 and Lot 33 are as steep as 1' vertical to 1' horizontal, with slopes extending some 30 to 50' in height. These slopes exceed safe grades and will not be able to be stabilized with vegetation and, if they are to remain as exposed rock, suitable protections for rock stabilization, catchment areas, and other safety measures suitably designed by a geotechnical



engineer must be in place before these lots can be considered as suitable building lots in accordance with Section 3.5 of the Subdivision Regulations. Comment remains. In our June 1 letter, we expressed concern about the stability of slopes behind Lots 1-14 and Lot 33. In response to that concern, the applicant suggests that geotechnical engineering design can be done as part of final design and upon the application for a building permit. As noted in the comment above, there is no final design in the subdivision approval process. When the Commission is reviewing a subdivision, it needs to be sure that the proposed lots are buildable and, in this case, that the slopes can be stabilized prior to offering a lot for sale. We reiterate our previous statement that the 1:1 slopes, some of which are 30 to 50 feet in height, need to have suitable provisions for slope and rock stabilization prior to being considered as suitable building lots in accordance with Section 3.5 of the Subdivision Regulations. Additionally, the suitability of maintaining such an extensive area of exposed rock will be a substantial burden for a reasonable homeowner to bear.

R. The engineering information submitted demonstrates that the proposed lots are feasible for development. The presence of proposed rock slopes does not, by itself, render the lots unsuitable.

Any required rock slopes or retaining structures will be designed in accordance with accepted geotechnical and structural engineering practices. Final slope treatments may include rock stabilization, benches, catchment areas, fencing, retaining systems, or other protective measures, as warranted by site conditions.

The consultant's assertion that the Commission lacks the authority to require post-approval geotechnical information is incorrect. The Commission may impose reasonable conditions requiring geotechnical recommendations and final slope stabilization details prior to construction or issuance of building permits. These construction-level details do not alter the Commission's ability to determine that the proposed subdivision is suitable for approval based on the information submitted.

5. The proposed open space near Mountain Street and the open space that will include the South Stormwater pond (minimum depth of 16') will include significant graded slopes up to 1' horizontal to 1' vertical. Per Section 3.11 of the Subdivision Regulations, the Commission has the authority to review the suitability of land reserved as open space. "The land reserved shall be of such size, location, shape, topography and general character as to be useful to satisfy the needs determined by the Commission." Based on the graded slopes and the presence of excessively deep stormwater pond, this land cannot safely be used for any reasonable purpose.

Comment remains. The applicant's response that "...open space areas need not be entirely passive recreation land..." ignores the presence of excessively steep slopes with potential danger to any reasonable use of the land. In fact, many elements of the open space areas as shown should not allow any public

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access whatsoever given the presence of steep slopes, exposed rock, stormwater basins, or land immediately upgradient of constructed precipices, all of which would be a risk to public safety.

R. The proposed open space adjacent to the south stormwater pond does not present a public safety concern, as the pond is fenced and the area provides approximately 26,542 square feet of flat land, including the gravel access driveway. The proposed open space near Mountain Street also does not present a public safety concern, as both the top and bottom of the steep slope are fenced. This area also provides approximately 2,420 square feet of flat land.

6. Several of the lots as proposed include utilities crossing the parcel, which must fall within an easement in favor of the City of Derby (City), or some easement in favor of adjoining lots for drainage purposes. Section 3.7.4 of the Subdivision Regulations will require easements on properties including but not limited to Lots 5 through 6, 35, 37, 41, and 43. Drainage easement in favor of the City must be 20' wide, centered on the pipe(s), and drainage easement in favor of adjacent properties must be of a suitable size to allow for reasonable maintenance activities.

Comment remains. Some areas of proposed storm pipe are no longer shown within proposed lots, although storm pipes continue to be shown on Lots 4-13 that cross parcel lines with no easements being provided. This storm pipe across several lots must include some easement for access and maintenance in favor of adjacent parcel owners or some form of a homeowner's association in accordance with Section 3.7.4 of the Derby Subdivision Regulation. Absent an easement for maintenance, no rights would extend beyond parcel lines to repair a damaged stormwater pipe

R. A Utility and Access Easement in favor of the City of Derby, encompassing approximately 14,542 square feet, is proposed across Lots 4–13. The easement extends 10 feet on each side of the centerline of the pipe.

7. Pursuant to Section 195-26.B. of the Zoning Regulations, "The minimum area required for a lot in any district shall not include the area lying within any easement or right-of-way over such lot for a pedestrian way or for the purposes of drainage, water supply, sewerage, the transmission of gas or liquid, telephone, telegraph, electric or other utility purposes." Several lots that require such easements shall have the easement areas deducted, with remaining land demonstrating compliance with the minimum lot area specified in the zone. Comment remains. The lot configuration and lot count has changed from the original submission, although no revised Subdivision Map prepared by a licensed surveyor has been prepared reflecting the proposed subdivision. Absent a revised Subdivision Map, we have no way to verify that proposed lots meet the



minimum lot standards or the requirements of Section 2.3.4 and Administrative Policy #1.C of the Derby Subdivision Regulations.

R. Lots have been revised to account for easement area deductions.

8. The lots in the P-Zone are shown with single-family residential homes. For a single-family residential home to be permitted in the P-Zone, Section 195-18.B.(9) of the Zoning Regulations requires the lot to comply with the requirements of R-2 zone, which requires a minimum of a 20,000-square-foot lot area and specific setbacks in Section 195-10.E. None of the proposed lots within the P-Zone comply with the requirements of the R-2 zone and, therefore, would not be eligible for a single-family residence in their present configuration. Comment remains. The lot configuration and lot count has changed, although no revised Subdivision Map prepared by a licensed surveyor has been prepared reflecting the proposed subdivision. Absent a revised Subdivision Map, we have no way to verify that proposed lots meet the minimum lot standards or the requirements of Section 2.3.4 and Administrative Policy #1.C of the Derby Subdivision Regulations.

R. A revised Subdivision Map has been included.

9. Lots at intersections require sightline easement in accordance with Section 3.10.1 of the Subdivision Regulations. Comment partially addressed. The sight line easement shown should demonstrate that at least 200 feet of site distance can be achieved with the provided easements.

R. A 200-foot sight distance has been provided from the driver's stopping position at the proposed intersection, and the required sightline easements have been provided where necessary.

10. Lot 14 lacks the required frontage per Section 195-12.E.(1). Lots 19 through 21 must provide dimensions of the lot width at the required front setback to demonstrate compliance with this section. Comment remains. See updated Response #8

R. Lot 14 is not subject to the requirements of Section 195-12. E., as that section applies to the Residential-4 (R-4) Zone. Lot 14 is located within the Residential-5 (R-5) Zone and is therefore governed by Section 195-13. As shown on the revised plans, Lot 14 complies with the requirements of Section 195-13. E.

Lots 19 and 21 have been revised to clearly identify the required front setback, and both demonstrate a minimum lot width exceeding the required 75 feet at the front setback line.



11. Lots where side lines converge in such a manner where the lot width is less than 1/3 of the required lot width shall have those areas not included in the lot area calculation. This requirement will impact the lot areas of Lots 42 through 44. See Figure 31 of the Zoning Regulations.

Comment remains. See updated Response #8

R. Lots 42 thru 44 have been configured similarly to lots 34 and 35.

12. Site grading behind Lots 22 through 26 appears to channelize runoff in a swale that will be directed to existing lots shown as owned by Catherine & Paul Piscitelli and George DeTullio.

Comment remains.

R. The preserved swale is the base of the proposed fill area, which is similar to the existing topology from a ridge line that slopes east towards these off site lots. Proposed grading will ensure runoff is collected and conveyed within the designed storm drainage systems. No uncontrolled discharge onto adjoining properties is proposed.

13. In several locations, the site grading appears to significantly exceed a 2' vertical to 1' horizontal (2:1) slope, which represents substantial likelihood of slope failure absent engineered slope stabilization measures. Also, slopes greater than 2:1 may be a safety concern and should be protected with fencing.

Comment remains. The applicant has stated that "...rock stabilization, retaining structures, erosion control blankets, or fencing can be provided". As nearly all areas where excessively steep grades are proposed fall across property lines, the unspecified slope stabilization measures will almost certainly be required across property lines. These unspecified engineering stabilization measures will also almost certainly require long-term maintenance and repairs. It is unclear who will be responsible for maintenance of engineered stabilization measures that will cross property boundaries. In short, excessively steep slopes on proposed building lots will require significant engineering analysis, maintenance responsibilities and possible access rights for maintenance, none of which is included as part of this application.

R. The proposed grading demonstrates the overall feasibility of the subdivision, while detailed geotechnical engineering and slope stabilization measures will be finalized as site conditions are exposed during excavation. It is neither practical nor possible to complete a comprehensive geotechnical evaluation of all exposed rock faces and excavation limits prior to construction. Where final conditions warrant, slope stabilization measures, including rock stabilization, retaining structures, benches, erosion control measures, or fencing, will be designed in accordance with accepted engineering practice. The Commission may reasonably require the submission of final geotechnical recommendations and slope stabilization details as a condition of approval or prior to the commencement of construction.



Any required maintenance responsibilities and access easements associated with permanent stabilization measures will be established as part of the final engineering design, where applicable. These construction-level details do not affect the Commission's ability to determine that the proposed subdivision is suitable for approval based on the information submitted.

14. Proposed fill behind Lots 19 and 20 as shown required extensive amounts of fill to construct the house as shown, with a significant fill slope and retaining wall immediately adjacent to the neighboring parcel. It is unclear if the wall construction will require access onto the adjacent lot since wall elevations, geotechnical information, and structural details have not been provided. Also, the remote location of this wall with respect to Lots 19 and 20 would be near impossible for the future land owners of those lots to inspect and maintain without access rights from neighboring parcels. Reconsideration of the proposed grading to the rear of these lots must be considered to avoid a hazardous condition for lot owners and neighboring parcel

Comment partially addressed. The proposed retaining wall has been relocated up the slope away from adjacent lots. However, the retaining walls are shown across property lines, and it is unclear who will be responsible for the maintenance of a retaining wall across property lines, absent any easements or other rights that extend beyond parcel lines.

R. The proposed 5,087-square-foot retaining wall maintenance and access easement in favor of the City of Derby has been provided. Lot 18 can now access the opposite side of the wall without crossing neighboring properties by using the staircase shown on the updated plans.

15. Proposed excavation behind Lots 1 through 3 shows a “presplit rock face and/or retaining wall” within 2’ of the neighboring property line. No elevations of this feature are shown, nor is there any practical access to this portion of the lot to maintain any feature such as a retaining wall at the top of a 1:1 slope. Maintenance of this unspecified feature will almost certainly require access to the neighboring lot and may be a short-term and long-term safety hazard to the adjoining property.

Comment remains, although this feature is now only proposed Lots 2 and 3.

R. The proposed retaining wall across Lots 1–3 now includes a 5,953-square-foot maintenance and access easement in favor of the City of Derby. The wall has also been relocated 10 feet from the neighboring property line to provide access for maintenance without requiring access through the neighboring property.

16. No footing drains, roof drains, driveways, or other lot development features typically included in a subdivision application are shown. Please note that Section 195-55.A. of the Zoning Regulations prohibit parking within the required



front yard other than the paved portion of the driveway. Two parking spaces per unit are required.

Comment remains. In order for the Commission to be able to render a decision as to the suitability of the proposed lots to be deemed a "building lot" in accordance with Section 7.5 of the Subdivision Regulations, sufficient information on the suitability of the lot to support the uses proposed must be provided as part of the application.

- R. Driveways have been shown on the updated plans. Parking will be provided by one tandem space in the driveway and one space within the garage, meeting the required two parking spaces per unit. Roof drains, footing drains, and other lot-specific drainage improvements will be provided as part of the individual site plans submitted when each lot is developed, as the final house design and site layout may vary depending on the future owner and proposed development.**

Stormwater Management –

17. The Stormwater Report fundamentally misrepresents the watershed area from this property that contributes to the wetland areas along Coon Hollow Road. The Stormwater Report assumes two drainage areas under existing conditions, one of which is referred to as "Ex Sub Area 1." This existing drainage area mimics the area of the proposed conditions drainage pattern where the vast majority of the site drainage is collected and conveyed toward Coon Hollow Road. The concerns are that well over half of the area shown as Ex Sub Area 1 presently drains to the east on the opposite side of the ridge line and does not in any way contribute to the existing hydrology to the wetlands and drainage structures downgradient of the wetland areas on Coon Hollow Road. Therefore, the calculated runoff under existing conditions, particularly the contributing area to the wetlands, is not accurate. The result of the stormwater design as proposed will result in a significant increase in the rates of runoff from the site to Coon Hollow Road, which will have a negative impact on the wetland and watercourse and presents an adverse impact on drainage conditions to downgradient drainage systems and properties.

Comment partially addressed. The watershed areas have been updated and reasonably reflect existing patterns. However, additional analysis points are needed to evaluate where runoff collects. For example, Existing Sub Area 4 calculates runoff that is generally directed to the east, although significant portions of that watershed actually drain to the south toward the properties on Fall Street. Similarly, the portions of the site that presently drain to Mistyvale Lane in Ex Sub 1 should be isolated from that portion of Ex Sub Area 1 that presently sheet flow to overland to the wetland along Coon Hollow Road. That way, the comparison of existing flows to Mistyvale Lane can be compared to the proposed condition, where much of the proposed development will discharge.

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R. It is our opinion that Sub area 4 is representative of the existing watershed areas, as even though parts flow off the site to the east and south, the two adjacent streets, Fall Street and Emmett Ave, act as collectors and direct all the water from Existing Sub area 4 to a single culvert under CT Route 8 near the end of Fall Street. Similarly, Existing Subarea 1 is representative, as flow leaves the westerly property line; a small portion of Misty Lane on the City's property directs flow towards Coon Hollow Brook, where the remainder of Existing Subarea 1 is currently flowing.

18. The proposed conditions in the hydrology analysis do not in any way account for the development of the proposed lots. The report states that, "The roofs and driveways will be controlled by separate individual systems on each lot designed at a later time when the house's final layouts are known." While the specifics of the final condition of the lots may not be known, the proposed conditions analysis should include a reasonable assumption of future impervious conditions such as single-family homes and duplexes as shown on the plans along with reasonable driveway configurations. Absent that consideration, the proposed conditions hydrology analysis fundamentally misrepresents the final drainage conditions of the development as proposed.

Comment remains. Simply ignoring the proposed land use as single family lots from a hydrology perspective misrepresents the final condition of the property in a subdivision application. Additionally, the condition of the site during construction for a period of several years will include large areas of exposed rock. During this period, and until substantial vegetation has been installed, exposed rock surfaces will generate *significant* increases in runoff. The proposed site hydrology analysis must include provision for the development of the lots as shown, and review the condition where much of the site will include exposed rock faces.

R. The Applicant acknowledges the comment regarding the consideration of future development of the individual lots in the proposed conditions hydrology analysis. However, the final impervious coverage, building configurations, and associated drainage requirements for each individual lot cannot be reasonably established at the subdivision stage because the ultimate development of the lots is not known.

The proposed subdivision creates individual single-family lots; however, the future development of those lots can vary substantially. For example, individual homes may be constructed with slab-on-grade foundations or full or partial basements, resulting in different building footprints, grading configurations, driveway locations, and impervious areas. In addition, a lot may be purchased by an owner who does not immediately develop the property, or an owner may acquire an adjacent lot and elect to maintain the additional property as open/pervious area. Consequently, assuming a specific house footprint, driveway configuration, and impervious coverage for every lot would itself be speculative and may not accurately represent the eventual development condition.



The intent of the proposed drainage design is therefore to address the subdivision-level drainage impacts that can be reasonably determined at this stage of design. The statement in the report that roof and driveway runoff will be addressed by individual systems at the time of house construction is intended to recognize that the detailed lot-level drainage design cannot be finalized until the individual house layouts, grading, and impervious areas are established. Each future lot development will be required to address its own stormwater runoff and comply with applicable drainage and stormwater management requirements at the time of development.

With respect to the comment regarding exposed rock during construction, the Applicant recognizes that construction activities may temporarily result in areas of exposed rock and disturbed ground. However, these are temporary construction conditions rather than the proposed permanent drainage condition of the subdivision. Construction-phase runoff will be addressed through the erosion and sedimentation control measures and construction-phase stormwater management requirements applicable to the project. The construction sequence and stabilization measures will be implemented to minimize temporary increases in runoff and sediment transport associated with exposed or disturbed surfaces.

Accordingly, the proposed conditions hydrology analysis is not intended to ignore the future residential use of the property, but rather to avoid assigning speculative lot-specific improvements and impervious areas that cannot be established until the individual lots are developed. The final drainage systems for the individual homes and driveways will be designed based upon the actual proposed development of each lot, thereby ensuring that the drainage design reflects the conditions that will actually be constructed.

19. The hydrology analysis concludes that an exfiltration rate of 6 inches per hour can be expected in both the southern detention basin and the northern underground galleries. This assumption is not acceptable. The basin as proposed is shown some 20' to 30' below grade and almost certainly entirely into bedrock. The gallery system near Mountain Street is up to 43' into existing grade. In accordance with Chapter 10 of the 2024 Connecticut Department of Energy and Environmental Protection (CTDEEP) Connecticut Stormwater Quality Manual (SWQM), an assumption of infiltration is only appropriate where 3' or more of vertical separation to groundwater or bedrock must be provided to verify the design infiltration rate. Based on the information provided, the assumption that infiltration can be expected has not been substantiated.

Comment remains. The design of the basin is revised from the prior plan; however, basin sizing or basin routing has not been included in the revised report. The conclusions as to the rate of runoff leaving the basins cannot be verified based on the information provided.

R. Missing hydrograph outputs have been added to the Engineering report Appendix.

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20. The hydrology analysis under existing conditions includes 300' of sheet flow over a slope exceeding 20 percent on what appears to be exposed ledge for watershed Ex Sub Area 1. According to the 2000 Connecticut Department of Transportation (CTDOT) Drainage Manual, sheet flow occurs over relatively short distances, rarely more than 300', but most likely less than 150'. In this case, the sheet flow over such a steep gradient over likely exposed ledge would concentrate well before 300'. Additionally, the time of concentration travel path does not reflect the existing topography where the upper portions of the travel path occur over land that drains towards Summit Street and not Coon Hollow Road. A similar condition occurs for the time of concentration flow path for "Ex Sub Area 2," which in no way reflects the existing contours. The time of concentration shown for both watersheds under existing conditions bears no resemblance to the flow path of stormwater, which flows perpendicular to the topography.

Comment partially addressed. The sheet flow paths are shown on the updated report; however, no time of concentration calculations are provided, nor are existing or proposed input data included in the updated report. The report merely provides a summary of stormwater flows with no supporting data as to how the applicant's engineer arrived at the provided flow rates.

R. Missing hydrograph outputs have been added to the Engineering report Appendix.

21. It is unclear how the design engineer assigned curve number (CN) values on the existing and proposed conditions analysis for land use coverages. The report provides some limited calculations on the composite curve numbers, but the CN values and associated land areas are not defined. The values used in the CN calculations for existing and proposed conditions must be based on Hydrologic Soil Group and land use coverage as defined in the Technical Release No. 55 (TR-55) manual.

Comment remains. The report in no way clarifies how the applicant's engineer has arrived at the composite curve number (CN) value used as part of his analysis. (CN is an engineering method identifying expected runoff rates based on surface ground cover.) As an example, the existing conditions map and proposed conditions map show essentially identical CN values, although the basis for how that assumption is made is unsubstantiated. For an undeveloped site that is largely wooded, CN values are generally well below CN values under proposed conditions, where increases due to clearing of vegetation, paving of roadway, construction of houses, and other site improvements increase the CN number, resulting in increases in the rates and volume of runoff. In this case, the applicant's engineer does not provide the supporting calculations as to how little or no change in the coverage condition of the parcel is to be substantiated.

R. The Applicant's engineer has provided the supporting calculations for the composite Curve Number (CN) used in the hydrologic analysis. The applicable



TR-55 worksheets are included in the Appendix of the drainage report. In addition, the weighted CN calculations for the proposed conditions are provided in the post-development condition hydrograph calculations under the "Composite CN Worksheet."

The comment regarding the similarity between the existing and proposed condition CN values is noted; however, the CN values were not assumed to be identical without supporting analysis. The CN selection reflects the actual hydrologic soil characteristics of the site in combination with the applicable land-cover classifications.

Although the majority of the property is wooded, the site soils are classified as Hydrologic Soil Group D based on the USDA National Cooperative Soil Survey. The supporting soil information is provided in Appendix B of the Engineering Report. Under the TR-55 methodology, wooded areas located on Hydrologic Soil Group D soils have Curve Numbers generally ranging from approximately 77 to 83, depending upon the applicable hydrologic condition. A CN of 80 was therefore selected for the wooded portions of the site.

Accordingly, the relatively high CN associated with the existing wooded condition is a direct result of the site's Hydrologic Soil Group D classification and is not the result of assuming that the proposed development has no effect on runoff. The proposed-condition composite CN was calculated by weighting the applicable CN values for the various proposed land-cover conditions based on their respective areas (impervious areas 98 and pervious 80 per soil group D). These calculations are provided in the "Composite CN Worksheet" within the post-development hydrograph calculations.

The TR-55 worksheets and composite CN calculations included in the report therefore provide the basis for the CN values used in the hydrologic analysis and demonstrate that the proposed-condition analysis accounts for the applicable soil group, land cover, and proposed site improvements. The supporting calculations have been included in the report appendices for review.

22. The south pond as designed includes almost no freeboard during the 100-year storm, limiting the factor of safety associated with the design of the basin.

Comment remains. The berm elevation beyond the limits of the level spreader will be at risk of overtopping if adequate freeboard is not provided. To the extent a berm is provided that does not provide adequate freeboard or protections, the berm may become compromised under intense storm events and fail resulting in a risk to public safety downstream.

R. The South Pond has been revised to a level spreader elevation of 187.5 and top of pond in general of 190, with a small portion at 188.5, therefore having a freeboard of a foot at a minimum and 2.5 feet in general. The pond's rim area is 12,300 Sqft and therefore 12,300 cubic feet of additional water over the 100-year storm would be required to overflow the small portion at 188.5, and 30,755 cubic feet of water over the 100-year design storm would be needed to



overflow the 190 rim elevation. These two conditions are not design requirements and are not anticipated.

23. The design of the south pond does not include many of the recommended and long implemented industry standards for the design. Per the SWQM, the following features are recommended:

- a. Pretreatment Best Management Practices (BMPs)
- b. Sediment forebay(s)
- c. Non-clogging outlet structure
- d. Basin appropriate planting plan

Comment partially addressed. The plans include a small sediment forebay, a Downstream Defender (a proprietary sediment retention chamber), and a small diameter outlet with a trash guard. There are no basin appropriate plantings from what will almost certainly be a permanent pool at the bottom of the basin, the design basis of the Downstream Defender only states that its treating 2 cubic feet per second (cfs) without providing the backup calculations as to how the 2 cfs is appropriate for this development, and no detail on the trash guard for the outlet pipe.

R. A planting list has been added to SP-1A for the South Pond. The downstream deflector's smallest size for offline applications is 4-foot diameter and can treat 2 CFS. The purpose of the offline unit is to create the first flush, also known as the water quality volume. Based on the calculations on SP-2A, the WQV is 7,371 CF over a 24-hour duration, or 0.08553 CFS, or 1.02 CFS if the duration is assumed to be a conservative 2 hours.

24. The site plans should clarify the size, pipe type, and capacity of the existing pipe beneath Mistyvale Lane and determine if it contains suitable capacity to convey both the 10-year storm and the 100-year discharge from the stormwater basin. Comment remains. The drainage calculations must include the entirety of the proposed condition of the subdivision, including development of the lots as proposed. Impacts to Mistyvale Lane need to be considered as part of this application.

R. The development of the lots will have to comply with the City of Derby drainage requirements so as not to increase runoff from the lots when the individual lot owners develop their lots. Existing drainage infrastructure beneath Mistyvale Lane will have improved capacity from the existing condition as the proposed system greatly reduces the amount of water going to the existing system.

25. Drainage computations for the storm drainage piping for the 10-year storm for the remainder of the drainage system have not been provided. Comment remains. Drainage calculations have been provided, although the area contributing to each catch basin is inexplicably limited to only 0.06 acres, or



roughly 2,600 SF. This tiny area of drainage attributed to each inlet seemingly ignores substantial areas of the subdivision that will drain to roadways, including buildings, driveways, lawns, exposed rock faces, and other site improvements.

R. The Gutter flow analysis takes into consideration the contributing area to each catch basin from the project's infrastructure; the rock slopes are collected by a curtain drain at their base, and the driveways and buildings will be controlled by their required stormwater systems within each lot.

26. The plans and report seemingly indicate that sidewalks are proposed, although none are shown on the plans.

Comment remains. Per Section 3.9 of the Subdivision Regulations, sidewalks are required.

R. A 5-foot-wide sidewalk along the 4-foot snowbank has been provided on the updated plans.

27. The extent of sediment and erosion controls shown on the site plans lacks sufficient detail, phasing, impacts associated with blasting, temporary drainage facilities designed to accommodate the condition where large portions of the site have exposed ledge rock, etc. The site proposes removal of up to 80' of ledge, with over 15 acres of disturbance. As presently designed, at some point during site grading, much of the developed portion of the site will consist of exposed ledge draining down a temporary construction roadway to the wetland areas on Coon Hollow Road. Absent a thorough design of the sediment and erosion control, excessive sedimentation in the wetland areas is likely to occur, which would adversely impact the wetland areas.

- a. As shown, the only sediment and erosion control measures shown on the plans consist of silt fence and haybales located along the site perimeter. Per the 2024 *Connecticut Guidelines for Soil Erosion & Sediment Control* (E&S Guidelines), these measures are only applicable in areas with 1 acre or less of contributing drainage area. Please refer to Table 5.28 of the E&S Guidelines for the suitability of silt fence installation.
- b. There are no provisions for temporary sediment basins/traps. Temporary sediment traps and basins must be designed in accordance with Chapter 5 of the E&S Guidelines.
- c. No temporary drainage swales or diversions are shown as part of the design. As currently designed, large open excavated areas of land may be directed to downgradient property owners and the downgradient wetlands with little protection other than silt fence and haybales.
- d. There is no indication of any phasing plan or site stabilization while mass earthwork is ongoing other than very general notes, Sheet SP-2B. We strongly recommend that any phasing of mass earthwork on this site follow the guidance found in Chapter 4 of the E&S Guidelines.
- e. Much of the site will consist of steep slopes at some point during construction or postconstruction. Erosion control blankets will be required to



allow for permanent stabilization to allow for vegetation to be established and prevent rill erosion.

- f. No provisions for soil stockpiles are provided on the plans.
- g. Catch basin inlet protection appears to be missing or shown on what may have been a prior iteration of storm drainage design.

Comments 30.a-30.g remain in their entirety

R. Sediment traps have been provided on Phase 1 Sheets SP3.1 and SP3.2, along with temporary diversion swales and hay bale check dams. Supporting calculations for the sediment traps are also included on these sheets. In addition, stockpiles and silt sacks for catch basin inlet protection are now shown on the updated plans.

28. The plans and report provide unclear and very limited attempts to justify how the Stormwater Management Plan as proposed provides for water quality renovation and treatment. The limited calculations shown on Sheet SP-2B are not in compliance with the SWQM, nor does the plan or report conclude the manner in which water quality renovation is provided. Water quality volume calculations must also include reasonable assumptions on the development of the lots with houses and driveways.

Comment remains. No provision for managing water quality from the development of proposed lots has been provided.

R. The development of the lots will have to comply with the City of Derby drainage requirements, including Water Quality volume calculations and controls.

29. Based on the information provided, we cannot conclude that the stormwater management design includes retention and treatment of stormwater in compliance with Chapter 4 of the SWQM.

Comment remains.

R. The Project demonstrates peak rate control, erosion management, and post-construction maintenance to protect state water resources. Therefore is in compliance with Chapter 4.

30. The stormwater management design does not conform to Standard 2 of the SWQM. Specifically, the SWQM requires a reduction of the 2-year, 24-hour peak flow rate by 50 percent. Also, the applicant's engineer must review the volume of runoff for major storm events and demonstrate that any increases in volume will not result in adverse impacts such as increased flooding downstream.

Comment remains. In light of the comments already made regarding the proposed stormwater management design, we cannot conclude that this subdivision as proposed will adequately address the SWQM.



R. The submitted analyses demonstrate significant reduction in post-development runoff rates. The 2-year peak discharge is reduced from approximately 9.96 cfs under existing conditions to approximately 1.304 cfs (86%) under proposed conditions for the area controlled by the pond. From 9.025 cfs under existing conditions to approximately 0.531 cfs (94%) under proposed conditions for the area controlled by the galleries.

31. The 'South Storm Pond' has no apparent discharge location. If the basin relies solely on the level spreader to act as the discharge, all runoff from this basin will be directed to Mistyvale Lane and City property in a concentrated manner. This represents a significant safety concern for the residents at Summit Commons Condominiums. Also, according to Section 3.7.3 of the Subdivision Regulations, the applicant must secure easements, and discharge rights from the City must be obtained.

Comment remains given the lack of supporting hydrology input data and basin routing data.

R. Routing hydrographs added to the Report.

36. The South Storm Pond System has no apparent means of vehicular access to the pond for long-term maintenance. There seems to be an intent to provide such access, although any meaningful site improvements ends at Lot 14.

Comment remains. Access drives for future maintenance to the pond must be identified on the plans. Only access to what is now Lot 13 has been shown.

R. A standard 18-foot-wide gravel access driveway has been provided for future maintenance of the south stormwater pond system, providing vehicular access from the proposed driveway and utility and access easement through Lot 13. Two standard parking spaces are also provided at the end of the access driveway.

37. The design of the stormwater management system, while outside of the regulated upland review area of the offsite wetlands, will result in runoff to the offsite resource. Based on our review, those systems are not adequate. Consequently, it is logical to conclude that there will be adverse impacts to the wetland systems unless substantial changes to the design plans are considered.

Comment remains. At the time of the application to the Inland Wetland Commission for a prior iteration of this subdivision, the applicant provided a letter from William Kenny dated August 12, 2025, that there would not be an adverse impact to the functions and values of the wetland system located adjacent to Coon Hollow Road. This conclusion is predicated on the assumption that there will be adequate systems to manage stormwater, erosion and sedimentation. Based on our review, those systems are not adequate. Consequently, it is logical to conclude that there will be adverse impacts to the wetland system.

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R. The stormwater system was specifically designed to reduce runoff impacts and protect downstream resources. No evidence has been presented demonstrating adverse wetland impacts.

38. The 'North Storm Gallery System' will be exposed on the northwest corner of the system and is shown just into Lot 32. This system will also concentrate runoff immediately upgradient of an unspecified rock face/retaining wall near the proposed Mountain Street extension and will also be upgradient of #62 Mountain Street and a retaining wall on #62 Mountain Street. This system will result in hydraulic loading and stormwater breakouts on the proposed street and possibly the abutting property.

Comment remains. The applicant's engineer in his response suggests that additional geotechnical review and be performed during final design. As noted in Comment 3 above, there is no "final design" in the subdivision approval process.

R. The north gallery system has been designed with controlled discharge and storage features. At 40 feet away, impacts are unlikely and not anticipated.

39. The proposed storm drainage system includes a series of unlabeled pipes and structures in the vicinity of Lots 14 and 16 off Summit Street Extension. The details of this storm drainage system must be provided. Additionally, the off-road drainage system coming through the driveway of Lot 14 includes several structures (#s 277, 265, 273, 264) with limited function as inlet structures. Many of these structures lack inverts or top of grate elevation.

Comment partially addressed. Many unlabeled structures have been removed, though basin 277 has erroneous invert data. It should be noted that slope of the pipe entering the basin has a slope exceeding 35 percent. This pipe is far too steep and will result in erosive velocity within the pipe and scour at the discharge location.

R. Prior to Catch Basin 277, an additional storm manhole and an Offline Downstream Defender have been added to the system. Catch Basin 277 has now been revised and now has a 9.29% slope, eliminating the previously identified erosive velocity concern.

Roads

40. Section 3.6.2 requires that "Street should in general follow the contour of the land and should have a location and grade which preserved natural terrain, substantial trees, and other natural features..." The application as proposed includes excavation of up to 86', with the majority of Summit Street Extension requiring in excess of 30' of excavation. In our professional opinion, the road layout in no way meets the intent of this regulation.

Comment Remains.



R. The applicant respectfully disagrees with the consultant's interpretation of Section 3.6.2. The proposed roadway generally follows the existing topography to the extent practicable while satisfying applicable design standards for roadway geometry, utilities, drainage, emergency access, and safe lot development. Due to the site's steep terrain and exposed bedrock, excavation is necessary to achieve a safe and functional public roadway. Section 3.6.2 requires that streets generally follow the contours of the land; it does not prohibit grading where required by site conditions. The proposed alignment represents a reasonable balance between preserving natural terrain and meeting the engineering requirements of a public street which is a maximum 10% grade.

41. The grading of Summit Street Extension as shown will require grading across the northeast of Summit Commons Condominiums as shown. Grading rights will need to be obtained from the condominium to construct the road as proposed. Comment remains. Without grading rights, the applicant will not be able to construct the roadway in the manner shown on the plans. Furthermore, the applicant's response is that "...any required grading rights will be obtained prior to construction, if required". The Commission must have evidence that grading rights have been secured, or that consent to the proposed activities that will require construction beyond property limits has been provided

R. Connection of Summit street pavement changed to not require easement.

42. The plans show a roadway connection across what appears to be an unimproved right-of-way to improved portions of Mountain Street. The existing unimproved right-of-way is 45' wide, which does not meet the City requirement for an improved right-of-way of 50'. This right-of-way, therefore, cannot be improved to public street standards for a new roadway.

Comment remains. At present the street system in the Summit Hill neighborhood is a dead-end system. The Subdivision Regulations allow a maximum of 20 lots on a dead-end street. Without the proposed connection to Mountain Street, the proposed street system would remain a dead-end and the number of lots would exceed the maximum permitted by the Regulations.

a. Additionally, the applicant proposes no shoulder or snow shelf within this right-of-way.

R43a. Comment remains. No snow shelf whatsoever is included; such a shelf will affect the extent of grading along the street. Note that Article III, Section 172-47 in the City of Derby Ordinance – Acceptance of Roadways and Appurtenances, requires "*The shoulders of sidewalk areas shall be graded to the center-line grade at the gutter line and have a pitch of not more than 1/2 inch to the foot down toward such gutter line from the street line. The ground adjacent to the proposed streets shall not be steeper than one in two, or as may be directed by the City Engineer. The percentage of grade of the proposed street shall not be less than 1% or more than 10%, except that if in the opinion of the City Engineer*



these limits cause undue hardship, he may allow grades in excess of 10%, provided that no appreciable hazard to health or safety is thereby created.” The shoulders of the roadway must be graded to not exceed one- half-inch vertical to 1-foot horizontal.

- b. The grading requires an unspecified wall or rock face mere inches from #6 Indian Avenue and within only a few feet of #62 Mountain Street that extends up to 20’ in height. There is no data provided for rock catchment areas at the toe of the rock face, nor data on any soil overburden that may exist over presumed bedrock. This grading without grading easements will not be feasible in this area and represents a short-term and long-term safety risk to the adjoining properties.

R43b. Comment remains. Without grading rights, the applicant will not be able to construct the roadway in the manner shown on the plans. Furthermore, the applicant’s response is that “...any required grading rights will be obtained prior to construction, if required”. The Commission must have evidence that grading rights have been secured, or that consent to the proposed activities that will require construction beyond property limits has been provided.

- c. The excavation needed to improve the right-of-way will also destroy existing retaining walls on #6 Indian Avenue.

R43c. Comment remains.

- d. The proposed improvements include a catch basin right in the middle of the existing driveway to #62 Mountain Street. No or very limited grading information is shown as to how the proposed improvement will allow for the continued use of the driveway to #62 Mountain Street.

R43d. Comment remains. See also Comment 43.

- e. The extension of Mountain Street will not allow for suitable sightlines from Indian Avenue for vehicles looking to the right up the hill based on the grading as shown. Existing retaining wall and landscaping on #6 Indian Avenue will not allow for vehicles on Indian Avenue to see vehicles coming down from the development to the existing intersection. Sightline easement will need to be acquired from #6 Indian Avenue in order for this intersection to have adequate sightlines.

R43e. Comment remains.

- R. The existing ROW for Mountain Road was established to accommodate the future extension of Mountain Road onto this property. At the time the ROW was created, it was established at 45 feet in width. The pavement width of the proposed extension has been revised to 22 feet, consistent with the existing Mountain Road pavement width, while also providing 5 feet of snow storage on each side.**

The catch basin previously located in the middle of the existing driveway for 62 Mountain Street (Structure 229) has been relocated beyond the driveway. It now connects to proposed Structure 230 and existing Structure 231 along Mountain Street, following the existing grade.



The proposed grading is contained within the existing public right-of-way of Mountain Road; therefore, no additional grading easement over adjacent private property is required. Also, according to Derby's Subdivision Regulations, it does not state a slope easement is required as well. Indian Avenue has been provided with a stop bar and stop sign. The sightline analysis demonstrates that the required sightline now extends beyond the retaining wall and is therefore not obstructed. Additionally, the end of the retaining wall has an elevation of 204.00, while the sightline elevation is 204.80, confirming that the retaining wall no longer impacts the required sight distance.

43. The extensions of Mountain Street and Summit Street meet at a 90-degree intersection, with grades exceeding 10 percent, which not only exceed the allowable grades in a roadway, but it does not nearly meet the minimum alignment standards found in Section 3.6.12 of the Subdivision Regulations. If the applicant wishes to use this alignment, this should be considered an intersection with grades at the intersection set appropriately for stopped vehicles, not exceeding 5 percent with vertical transitions beyond the intersection to steeper proposed grades.

Comment remains. As the road does not meet with the alignment standards of Section 3.6.12 of the Regulations, this 90-degree bend in the road can only be considered as an intersection. Indeed, the submitted plans show this with a stop sign. Approaches to a stop sign at 10 percent grade are a severe safety hazard to the vehicle approaching the intersection and must transition to a grade not exceeding 5 percent. Additionally, as an intersection, this does not comply with the required separation from Indian Avenue nor the proposed roadway within the subdivision, both of which are less than 400 feet from this location, contrary to the requirements of Section 3.6.11 of the Subdivision Regulations.

- R. **A stop sign has been provided at the 90-degree bend going downhill to prevent vehicles from making the turn at a high speed onto the 25-mph roadway. A stop sign has not been provided for the uphill approach, as vehicles will naturally be slowed by the uphill grade. A 10 percent approach grade does not constitute a "severe safety hazard to the vehicle approaching the intersection," and the CTDOT guidelines do not require a transition to a maximum grade of 5 percent at a stop-controlled intersection. Although this intersection and the Summit Street/Indian Avenue intersection are located within 400 feet of each other, Section 3.6.11 of the Subdivision Regulations states, "except when in the opinion of the Commission, conditions justify a variation of this requirement." Therefore, the proposed design should be considered based on the specific site conditions and available safety measures.**

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45. The submitted documents do not include a number of items required in Administrative Policy #1 in the Subdivision Regulations including but not limited to B-4, B-8, B-9, B-10, B-14, B-16, C-4, C-12, C-13, D-2 (road cross sections), D-3, and D-5.

Comment remains. The referenced sections of the Subdivision Regulations are required to be addressed.

- R. **B-4 is shown on SP-3A, SP3.1, SP3.2 & SP3B. B-8, B-9, B-10, B-14, C-4 is shown on SP-1, SP1-A & SP1-B. C-12 & C-13 can be seen on the provided subdivision map. D-2, D-3, and D-5 will be followed accordingly. B-16 can be seen on the provided engineering report located in Appendix B – USGS soil info and soil profiles.**

46. The proposed roadway profiles and stationing does not reflect the present layout, nor do they follow the proposed grades shown on Sheets SP-2A and 2B. Stationing and road grades must match at a minimum so that a reasonable review can occur. No profiles are included for Mountain Street extension, and it appears that roadway stationing elsewhere is based on a subdivision layout that mimics the application submitted in 2025. The profiles sheets are largely unintelligible with numerous drafting overwrites, missing or incomplete utility information, etc. Vertical curves must provide a safe stopping site distance of 200' per Section 3.6.10 of the Subdivision Regulations. Vertical curves meeting this standard must be shown for transitions at Summit Street extension and for sag and crest vertical curves in accordance with the Connecticut Highway Design Manual. Vertical curves on proposed streets do not meet the required stopping sight standard.

Comment remains. The road profiles more closely resemble the proposed horizontal layout, though in many circumstances the proposed vertical alignment does not match the site grading plan or is not in compliance with Subdivision Regulations. For example:

- The proposed east west road is shown to terminate at a grade of 279+/-, while the grading of the north/south road at this location is 262+/- . If this road were profiled in a manner similar to the site grading, there would be no functional vertical curve at station 13+75
- The road profiles do not include correct existing or proposed elevations at the bottom of the profiles.
- The east west road seemingly crosses the north south road nearest to Summit Street at 10 percent grade, with no transition to a safe stopping condition.
- The vertical geometry of the north south road has essentially zero vertical curve at the end of Summit Road.
- Vertical curves elsewhere do not adequately demonstration suitable vertical transitions to provide 200-feet of stopping sight distance in accordance with the regulations.



- The road profile of the east west loop seemingly extends past the intersection with the north side road, with grading through that intersection as if it is a through road and not terminating at the north south road.

R. East West Profile sheets has been revised to correct the intersection area, the elevation band has been corrected at the bottom of the profiles. The east west loop road come to a flatter slope at the intersection, the end of submit vertical curve enlarged.

Sewer and Water Utilities

47. Proposed sanitary sewer design is not included as part of this application. No elevations, sizing, laterals, or any other information as to how the lots may be served by sanitary sewer is provided. It is not clear if the applicant has approached the Derby Water Pollution Control Authority for approval of this plan. There is no way to determine if the lots can be served by sanitary sewers at this time.

Comment partially addressed. No sewer laterals are shown, nor has any approval been granted by the Derby Water Pollution Control Authority (WPCA) that we are aware of. The sewer pipe shown on the plans should be consistent in the pipe materials, which varies depending on which plan it is shown on.

R. The proposed subdivision will be served by public sanitary sewer. Detailed sewer design, including pipe materials, laterals, profiles, and sizing, will be submitted to and reviewed by the Derby Water Pollution Control Authority as part of the required utility permitting process. The plans will be revised to provide consistent pipe material callouts. The absence of final utility construction details does not affect the feasibility of providing sanitary sewer service to the proposed lots.

48. The applicant has not provided any indication that this site can reasonably be served by public water. The proposed development includes land that is significantly higher than adjacent streets, and thus far, nothing has been submitted by the applicant showing the location or size of water laterals, water mains, fire hydrants, gate valves, etc., nor has the applicant provided any information on available water pressure and flow available for firefighting purposes. At this time, there is no information to confirm if the lots are able to be served by public water.

Comment remains. No information has been provided by the applicant to support the ability for this subdivision to be served by public water, nor has any information about the availability of suitable water pressure and flow data to support emergency service response.



R. The water is a public utility and has a legal "duty to serve" and must provide water service to a residential subdivision. If pressure is an issue, then the water company and/or applicant will need to provide pumps or storage to achieve the appropriate pressure and volume for public safety.

Respectfully submitted,

Manuel J. Silva, P.E.
Rose Tiso & Company, LLC
Licensed Professional Engineer

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