

August 18, 2026

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

SLR Project No.: 141.11563.00023

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

Dear Members of the Commission:

At your request, SLR International Corporation (SLR) has reviewed the revised maps, plans, and reports for the above-referenced application, some of which were received at the end of the day on August 14, 2026. In addition to the documents referenced in our July 14, 2026, review letter to the Commission, we have reviewed the following:

- "Subdivision Map, The Views ay Summit Hill, Summit Street Extension, Derby, Connecticut, Prepared for Summit Hill, LLC," prepared by Lewis Associates, dated January 5, 2003, last revised July 15, 1026 (2 sheets)
- "Proposed Subdivision, Summit Street Extension, Derby, Connecticut, Prepare for Summit Hill, LLC," prepared by Rose Tiso & Co., LLC, dated January 5, 2023, last revised August 13, 2026 (16 sheets)
- "Site Engineering Design Report, Proposed Residential Subdivision, Summit Street, Derby Connecticut," prepared by Rose Tiso & Co., dated June 25, 2026, last revised August 13, 2026
- Letter to the Derby Planning and Zoning Commission from Tiso Rose & Co., LLC dated August 14, 2026

It should be noted that we received a copy of an undated memorandum to the Planning and Zoning Commission on August 17 from Attorney Dominick Thomas. Since the memorandum addresses some legal matters, we will defer to the opinion Commission's legal counsel.

In our July 14, 2026, letter report, we identified numerous deficiencies in the plans and reports submitted by the applicant and noted that the application was not in a position for approval by the Commission. While some issues have been addressed by the applicant in this revised submission, there are still significant issues that remain. Please note given the submission of revised document by the applicant as recently as the day before the public hearing, the comments below are not comprehensive, rather they intend to convey the significant deficiencies in the application.

1. The proposed subdivision does not meet the plainly stated language of Section 3.5.1 of the Subdivision Regulations that requires *"Proposed building lots shall be planned to make best use of the natural terrain, to preserve substantial trees woods and water, and avoid extensive regrading."*

As we noted previously, the existing topography of the property is very steep, with slopes in some locations exceeding 25 percent (up to 70 percent in one area). Most of the property is forested with mature vegetation. The property is underlain by bedrock, some of which is exposed. In order to achieve the desired number of lots, nearly all of the existing vegetation will be removed, and the entire site will be extensively regraded with elevations being lowered by as much as 60 feet in some locations.

In the August 14, 2026, letter to the Commission, the applicant's engineer asserts that nothing in Section 3.5.1 "...prohibits extensive grading where site conditions necessitate it to achieve a safe and code compliant subdivision." In this application, the only reason for the extensive site disturbance is caused by the applicant's desire to create 39 lots on a property that is inherently unsuitable for such a development.

2. The design of the streets does not meet Section 3.6.2 of the Subdivision Regulations, which requires *"Streets should in general follow the contour of the land and have a location and grade which preserves natural terrain..."*

The proposed layouts for both the extension of Summit Street and Mountain Street are perpendicular to the contours of the existing topography. Much of the Summit Street will require the cutting of the topography by an average of 30 feet and 85 feet in one location. The layout of the extension of Mountain Road will be in a deep cut, exposing a rock face adjacent to two existing homes. These street layouts disturb the natural terrain to its greatest extent, whereas a layout that generally follows the topography would have a lesser impact on the natural topography.

3. Section 3.6.3 requires the right-of-way for local streets to have a width of 50 feet. Section 3.6.6 of the Subdivision Regulations states *"Unless otherwise approved by the Commission, ...streets permanently closed at one end by building lots...shall provide sole access to not more than 20 building lots."*

The width of the right-of-way shown on the Subdivision Map as the extension of Mountain Street is 45 feet. A note on that map indicates that the right-of-way, dating back to 1915, was for utilities. We did not observe any utilities extending from the adjacent intersection into the right-of way. If this right-of-way is to be used, the applicant should provide a title search to determine if it has been or is capable of being conveyed to the City of Derby (City) in the event this application is approved.

Since the width of the right-of-way does not meet the requirement set forth in Section 3.6.3, the extension of Mountain Street cannot be approved for a new street. By saying that the rights-of-way for other existing City streets are less than 50 feet is immaterial to determining if the proposed application meets present regulations. Moreover, the applicant proposes to reduce the width of the pavement to fit into the narrower right-of-way contrary to the requirements of Section 3.6.3 of the Regulations.

Because the connection to Mountain Street cannot be constructed in accordance with the Regulations related to right-of-way and pavement width, Summit Street must be considered as being permanently closed at one end by building lots. The existing Summit Street already has 15 lots. Therefore, only five more lots can be approved on the applicant's property unless the Commission otherwise approves additional lots in accordance with Section 3.6.6 of the Regulations.

4. The roadway configuration at Indian Avenue at Mountain Road will require access onto adjacent properties for the unspecified retaining wall/rock face, will result in unsafe sightline conditions at Indian Road (the driver's eye set back 5' from the Mountain Road edge of pavement does not comply with any relevant design standard for sightline analysis, nor does



the length of sightline shown meet any relevant intersection sight line analyses for a design speed of 25 miles per hour).

5. The bend in the design of the north/south road at the end of Mountain Street Extension is an intersection within 400' of Indian Avenue, which is not compliant with Section 3.6.11 of the Subdivision Regulations.
6. Vertical geometry of the roads does not meet the required 200' stopping sight distance as required in Section 3.6.10 of the subdivision regulations.
7. As noted in our July 14, 2026, letter to the Commission, approximately 400,000 cubic yards of earth material will need to be removed from the property in order to create the individual building lots over a period of 3 to 5 years. The only route for the trucks coming to and leaving the site is over Summit Street, a local street that is very narrow, with on-street parking in some locations, and terminating in a very steep intersection at Cherry Street. While increased traffic is customary from the construction of subdivision road and infrastructure improvements, approximately 50,000 truck trips is not customary and will present an unusual safety risk to the public during the construction period. The applicant's argument that the City did not allow a connection to Coon Hollow Road is not germane to the discussion of this application. If the applicant designed a subdivision that did not require the extent of excavation to achieve the number of lots proposed, there would not be an issue of traffic safety on Summit Street.
8. To reiterate what we noted in previous reports to the Commission, the plans call for the creation of very steep slopes to the rear of the proposed lots on the west side of the extension of Summit Street in order to have a "pad" for the construction of a home. The applicant has not provided the previously requested geotechnical information to demonstrate how the slopes will be stabilized, only providing a general statement that this issue will be addressed during construction. In addition, the recently revised plans show that there will be a drainage pipe at the toe of the steep slope designed to capture the runoff from the slope with an easement for the pipe to be maintained by the City. This is an unacceptable burden on the City since the pipe is not related to any public infrastructure system. In short, the applicant has not provided sufficient data for the Commission to determine that the proposed lots will be suitable for construction of individual homes.
9. As noted in our prior reports, the application as proposed fundamentally misrepresents the relationship between existing and proposed conditions as part of the site hydrology analysis. By claiming that no change to site coverage is proposed other than roadway only, the analysis fails to consider the site conditions under proposed conditions where exposed rock faces, lawns (as opposed to wooded areas), building, and driveways are proposed. It is not feasible for proposed duplexes with two driveways on lots as small as 10,000 square feet to manage stormwater and water quality management on their lots. Therefore, the analysis as presented is not consistent with the Zoning Regulations, State of Connecticut Department of Energy and Environmental Protection (DEEP) *Water Quality Manual* standards, nor the DEEP *Guidelines for Soil Erosion and Sediment Control*. Additionally, the water quality volume found in the two proposed basins cannot be used in the analysis in the storm ponds since no method for release of that water is proposed. With rock at the bottom of those basins, no infiltration can be relied upon and, therefore, must be assumed to be full and not available for storage.
10. The erosion control plan is not in compliance with the DEEP *Guidelines for Soil Erosion and Sediment Control* for, at a minimum, the following reasons. The erosion control plan fails to consider the extent of exposed rock surfaces, which will result in extreme changes in cover once overburden is removed. These extreme changes in surface coverage from existing



conditions will overwhelm the limit sediment traps shown graphically on the plans. No phasing is shown that would limit construction activity to 5 acres or less and is, therefore, not in compliance with the DEEP *Guidelines for Soil Erosion and Sediment Control*. Sediment traps are shown as boxes with basic dimensions but fail to account for changes in existing grade, which range from 6' across the boxes to up to 20' in some cases. Sediment traps are shown located immediately upgradient of several houses, which will be a safety hazard for those downgradient houses.

11. On two separate occasions, we have requested that the applicant provide approval of the sanitary sewer system by the Derby Water Pollution Control Authority and a "will serve" letter from the Regional Water Authority (formerly Aquarion) that it has the ability to provide drinking water to the site. This is a simple routine procedure for any site development application. Simply saying that it will be done after an application is approved is unacceptable because if either one of the utilities were not capable of being extended to serve the subdivision, the size of the proposed lots would need to be increased, resulting in a change to the entire subdivision layout. The applicant has not demonstrated that the requirements of Section 3.8 of the Regulations have been satisfied.

For the above reasons, together with the comments in our previous review letters to the Commission, we believe that this application is not in a position to be approved by the Commission.

Please feel free to contact either of the undersigned should you have any questions regarding this application.

Regards,

SLR International Corporation



Ryan McEvoy, PE
Principal Civil Engineer
rmcevoy@slrconsulting.com



Vincent C. McDermott, FASLA, AICP
Senior Principal Landscape Architect
vmcdermott@slrconsulting.com

141.11563.00023.au1826.ltr

