

July 14, 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 Hill, LLC – Applicant)
Summit Street, Derby, Connecticut**

Dear Members of the Commission:

Pursuant to your request, we have reviewed the revised documentation submitted in support of the above-referenced application. The following documents were received for review:

1. Plans entitled “Proposed Subdivision, Summit Street Extension, Derby, Connecticut, Prepared for: Summit Hill, LLC, Derby, Connecticut,” prepared by Rose-Tiso & Co., LLC, dated January 5, 2023, revised to June 24, 2026, with the following attached drawings:
 - a. “Sheet SP-1, Overall Site Plan” Scale: 1 inch = 80 feet
 - b. “Sheet SP-1A, Site Plan South” Scale 1 inch = 50 feet
 - c. “Sheet SP-1B, Access Road Alternate” Scale 1 inch = 50 feet
 - d. “Sheet SP-2A, Utility and Grading Plan” Scale: 1 inch = 40 feet
 - e. “Sheet SP-2B, Utility and Grading Plan” Scale: 1 inch = 40 feet
 - f. “Sheet SP-2C, Utility and Grading Details” not drawn to scale
 - g. “Sheet SP-3A, Soil Erosion Control” Scale: 1 inch = 40 feet
 - h. “Sheet SP-3B, Soil Erosion Control” Scale: 1 inch = 40 feet
 - i. “Sheet SP-4, E&S Details” not drawn to scale
 - j. “Sheet SP-5, Details” not drawn to scale
 - k. “Sheet P-1.1, Profile Plan North South Part 1” Scale: 1 inch = 40 feet
 - l. “Sheet P-1.2, Profile Plan North South Part 2” Scale: 1 inch = 40 feet
 - m. “Sheet P-2.1, Profile Plan East West Loop Road Part 1” Scale: 1 inch = 40 feet
 - n. “Sheet P-2.2, Profile Plan East West Loop Road Part 2” Scale: 1 inch = 40 feet
Horizontal, 1 inch = 4 feet Vertical
2. Plans entitled “Subdivision Map, The Views at Summit Hill, Summit Street Extension, Derby, Connecticut, Prepared for: Summit Hill, LLC,” prepared by Lewis Associates, dated January 5, 2023, revised to March 5, 2026, with the following attached drawings:
 - a. “SU-1,” Scale: 1 inch = 40 feet
 - b. “SU-2,” scale: 1 inch = 40 feet
3. Report entitled “Site Engineering Design Report, Proposed Residential Subdivision, Summit Street, Derby, Connecticut, Prepared for: Summit Hill, LLC,” dated June 25, 2026, prepared by Rose-Tiso & Co., LLC (unsigned)
4. Subdivision Application, dated March 16, 2026, with notices to abutting property owners

5. Letter referencing Development at Summit Street, Derby, Connecticut, dated April 21, 2026, prepared by KWH Enterprise, LLC.
6. Letter from SLR International Corp., dated June 1, 2026
7. Letter from Kevin White, Zoning Enforcement Officer, dated May 29, 2026
8. Email from Michael Piscioneri, Derby Director Derby Public Works, dated June 2, 2026.
9. Letter from Rose Tiso Associates in response to letter from SLR, dated June 1, 2026
10. Letter from Rose Tiso Associates in response to letter from SLR, dated June 26, 2026
11. Letter from Rose Tiso Associates in response to letter from Kevin White, dated June 1, 2026

The subject property is approximately 17.75 acres and located north of Summit Street with single-family homes located downhill to the east and southeast. The existing topography is very steep with slopes greater than 25 percent in some locations. Nearly the entire property is mature forest. The property is located in the R5 and P zones.

The applicant is proposing to subdivide the property into 44 lots plus two small parcels designated as open space. The lots generally range in area from 10,000 square feet (SF) to 28,000 SF. Based on the site plans included in the application, 36 lots are designed for duplex dwellings, and the balance would be for single-family residences. Two open-space parcels are proposed, one small lot in the northernmost section of the property and the other in the southwestern corner of the property, some of which is proposed for stormwater management.

Based upon the documentation received, we offer the following comments regarding this application. Comments that either supplement previous comments, new comments, or comments where the applicant's response does not satisfy the original comment are shown in **bold**. Comments that have been addressed are shown in *italics*.

Site and Lot Development Plans

- C1. 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.
- R1. **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."

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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.

- C2. 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.

- R2. 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.

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.

- C3. 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.

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- R3. 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 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.

- C4.** 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.
- R4. 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.
- C5.** 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.
- R5. 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

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elements of the open space areas as shown should not allow any public 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

- C6. 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
- R6. 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.**
- C7. 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.
- R7. 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.**
- C8. 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.
- R8. 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.**
- C9. Lots at intersections require sightline easement in accordance with Section 3.10.1 of the Subdivision Regulations.

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- R9. 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.**
- C10. 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.
- R10. Comment remains. See updated Response #8**
- C11. 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.
- R11. Comment remains. See updated Response #8**
- C12. Lot grading is missing existing and proposed contour elevations throughout the plans, making it difficult to interpret the intent of the grading plans. For example, the grading on Lot 34 appears to show a substantial low point, although it is difficult to understand the proposed grades without contour labels.
- R12. Comment addressed.**
- C13. 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.
- R13. Comment remains.**
- C14. 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.
- R14. 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.**
- C15. 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.

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- R15. 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.**
- C16. 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.
- R16. Comment remains, although this feature is now only proposed Lots 2 and 3.**
- C17. 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.
- R17. 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.**
- C18. Grading is shown beyond sediment and erosion control measures on Lots 27, 28, 29, and 31.
- R18. Comment addressed**

Stormwater Management

- C19. The Drainage Report must be updated to reflect the proposed conditions of the application.
- R19. Comment addressed insofar as the report reflects the proposed site plan.**
- C20. 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.
- R20. Comment partially addressed. The watershed areas have been updated and reasonably reflect existing patterns. However, additional analysis points are**

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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.

- C21. 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.
- R21. 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.**
- C22. 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.
- R22. 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.**
- C23. 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 feet. 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

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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.

- R23. 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.**
- C24. 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.
- R24. 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.**
- C25. 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.
- R25. 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.**
- C26. 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
- R26. 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**

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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.

- C27. 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.
- R27. 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.**
- C28. Drainage computations for the storm drainage piping for the 10-year storm for the remainder of the drainage system have not been provided.
- R28. 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.**
- C29. The plans and report seemingly indicate that sidewalks are proposed, although none are shown on the plans.
- R29. Comment remains. Per Section 3.9 of the Subdivision Regulations, sidewalks are required.**
- C30. 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.
- 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.
 - 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.
 - 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.
 - 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

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- 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.
- R30. Comments 30.a-30.g remain in their entirety.**
- C31. 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.
- R31. Comment remains. No provision for managing water quality from the development of proposed lots has been provided.**
- C32. 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.
- R32. Comment remains.**
- C33. 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.
- R33. 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.**
- C34. National Oceanic and Atmospheric Administration Storm Curve D should be used in the model per the requirements of the 2024 CTDEEP *Stormwater Quality Manual*.
- R34. Comment addressed.**
- C35. 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.
- R35. Comment remains given the lack of supporting hydrology input data and basin routing data.**
- C36. 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.

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- R36. 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.**
- C37. 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.
- R37. 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.**
- C38. 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.
- R38. 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.**
- C39. 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.
- R39. 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.**
- C40. The south stormwater pond included extensive grading on what is shown as a 20' easement in favor of Summit Commons Condominiums. It is unclear from the plans if this grading will have a negative impact on the unspecified easement.
- R40. Comment addressed. The stormwater pond is shown at a distance of greater than 20 feet from the Summit Commons parcel.**

Roads

- C41. 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.

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R41. Comment remains.

C42. 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.

R42. 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.

C43. 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.

R43. 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.

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- 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.

R43d. Comment remains.

- C44. 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.
- R44. 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.**
- C45. 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.
- R45. Comment remains. The referenced sections of the Subdivision Regulations are required to be addressed.**
- C46. 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

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accordance with the *Connecticut Highway Design Manual*. Vertical curves on proposed streets do not meet the required stopping sight standard.

R46. 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 demonstrate 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.

Sewer and Water Utilities

C47. 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.

R47. 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.

C48. 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.

R48. 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.

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Conclusion

Based on the foregoing comments, it is our opinion that this application is deficient and not in a position for approval by the Commission. Specifically,

- The layout of the proposed lots shown on the Subdivision Map is different from the layout shown on the Site Development Plans.
- Easements for utilities, grading on adjacent properties have not been shown on the Subdivision Map.
- The plans do not make the best use of the natural terrain, preserve substantial natural vegetation, or avoid extensive regrading consistent with Section 3.5 of the Subdivision Regulations.
- The proposed streets do not follow the natural contours and preserve the natural terrain consistent with the requirements of Section 3.6 of the Subdivision Regulations.
- The plans for managing stormwater, both water quantity and water quality, and controlling erosion and sedimentation do not meet the engineering standards and practices set forth in current manuals published by CTDEEP.
- The applicant has not adequately addressed the potential impacts on the wetland system to the west of the property resulting from stormwater from the proposed development.
- The design of the road system serving the subdivision is technically deficient as noted in the above comments.
- The right-of-way for proposed road connecting the subdivision to Mountain Road does not meet the width requirement for new streets in the City of Derby. Moreover, the applicant has not clarified that they have the legal right to construct a new road in this right-of-way.
- Geotechnical exploration and design data that had been previously requested in order for the Commission to determine the suitability of the lots pursuant to Section 7.5 of the Regulations and the overall impact of the proposed excavation has not been provided.
- Neither approval from the Derby Water Pollution Control Authority of the sewer system nor the adequacy of the water supply system to serve the proposed subdivision have been provided.
- The impact on the adjacent existing streets from the truck traffic related to the removal of an estimated 400,000 CY of excavated material has not been addressed.

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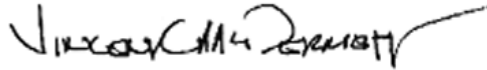
Should you have any questions or concerns, please do not hesitate to contact either of the undersigned at (203) 271-1773.

Regards,

SLR International Corporation



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



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

cc: Mayor Joseph L. DiMartino – City of Derby
Kevin White – Zoning Enforcement Officer
Brian Lema, Esq. – Derby Corporation Counsel – Berchem Moses PC
Dominick Thomas, Esq. – Cohen and Thomas, LLC

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