

October 3, 2025

Chairman Paul M. Dinice, Jr.  
City of Derby Inland Wetlands Agency  
1 Elizabeth Street  
Derby, CT 06418

SLR Project No.: 141.11564.00001

**RE: Proposed Subdivision – Summit Street Extension  
Summit Street  
Derby, Connecticut**

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Dear Chairman Dinice:

Pursuant to your request, we have reviewed the 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 May 27, 2025 with the following attached drawings:
  - a. "Sheet SP-1, Overall Site Plan," Scale: 1"= 80'
  - b. "Sheet SP-2A, Utility and Grading Plan," Scale: 1"= 40'
  - c. "Sheet SP-2B, Utility and Grading Plan," Scale: 1"= 40'
  - d. "Sheet SP-2C, Utility and Grading Details," not drawn to scale
  - e. "Sheet SP-3A, Soil Erosion Control," Scale: 1"= 40'
  - f. "Sheet SP-3B, Soil Erosion Control," Scale: 1"= 40'
  - g. "Sheet SP-4, E&S Details," not drawn to scale
  - h. "Sheet SP-5, Details," not drawn to scale
  - i. "Sheet (with no title and no number)," includes general site details
  - j. "Sheet P-1.1, Profile Plan," Scale: 1"= 40'
  - k. "Sheet P-1.2, Profile Plan," Scale: 1"= 40'
  - l. "Sheet P-2.1, Profile," Scale: 1"= 40'
  - m. "Sheet P-2.2, Profile Plan," Scale: 1"= 40' Horizontal, 1"= 4' Vertical
  - n. "Sheet P-2.3, Profile Plan," Scale: Noted as 1"= 40' and 1"= 80'
2. Plans entitled "Proposed Subdivision, Summit Street Extension, Derby, Connecticut, Prepared for: Summit Hill, LLC, Derby, Connecticut," prepared by Rose-Tiso & Co., LLC, dated May 27, 2025 with the following attached drawings:
  - a. "Sheet SP-1A, Coon Hollow Connection Site Plan," Scale: 1"=20'
  - b. "Sheet SP-2A, Utility and Grading Plan at Coons Hollow Road," Scale: 1"=20'
3. Report entitled "Site Engineering Design Report, Proposed Residential Subdivision, Summit Street, Derby, Connecticut, Prepared for: Summit Hill, LLC," dated March 1, 2025, prepared by Rose-Tiso & Co., LLC

4. Letter regarding Wetland and Watercourse Delineation, Summit Street Extension, Derby, Connecticut, dated April 8, 2025, prepared by William Kenny Associates
5. Letter regarding Wetland and Watercourse Assessment, Summit Street Extension, dated August 12, 2025, prepared by William Kenny Associates
6. Application package including a list of adjacent property owners including Connecticut Department of Energy & Environmental Protection (CTDEEP) Activity Reporting Form

Based upon the documentation received, we offer the following comments regarding this application. (Please note that comments are directed at wetlands-related concerns, primarily consisting of the review of Stormwater Management and Sediment and Erosion Controls. Additional comments related to zoning concerns will be provided to the Derby Planning and Zoning Commission should an application be submitted to that Commission.)

1. The Site Development Plans dated May 27, 2025, show two proposed connections to existing municipal streets, one directly to Summit Street and the second over land of the City of Derby to Coon Hollow Road via a private right-of-way (ROW) commonly known as Mistyvale Lane. The Applicant has not provided any documentation evidencing that it has the right to connect to Coon Hollow Road by utilization of the private ROW/access drive to the Summit Condominium (the "Summit Condominium Driveway") nor to utilize and cross the City of Derby property. The Property's lack of direct access to Coon Hollow Road is demonstrated not only by the Site Plans itself, but also by i.) that certain survey map entitled "Property Split Map Prepared for Ralph Matto, Summit Street-Coon Hollow Road, Derby, Connecticut" prepared by Site Design Associates, dated March 1, 1996 (copy attached); and ii.) that certain survey map (the "UI Map") entitled "Map Showing Easement Area Granted to The United Illuminating Company, Coon Hollow Road, City of Derby, County of New Haven, State of Connecticut," Dated July, 17, 2023, Scale 1" = 60', Sheet No. EA-6115.01 on file with the Derby City Clerk (copy attached).

Our preliminary research, which has been shared previously with the applicant's attorney, indicates that an easement (the "Driveway Easement") was granted by the City of Derby to the Summit Condominiums for the construction and use of the private Summit Condominium Driveway. The Driveway Easement is limited and expressly states that it is solely for the benefit of the Summit Condominiums and no other property (see attached). Accordingly, the Driveway Easement does not appear to grant any rights to the Applicant's Property to connect to Coon Hollow Road. Additionally, we are not aware of any easement, ROW or other agreement that would allow the Applicant to utilize the City of Derby property to access Coon Hollow Road.

Based on the foregoing information, the Applicant should provide the appropriate documentation demonstrating that it has the legal right to construct the proposed road connecting the Property to Coon Hollow Road including related drainage improvements as set forth in the Site Plans.

Please provide evidence in a form satisfactory to the City's legal counsel that the Applicant has the right construct the proposed road connecting to Coon Hollow Road as currently shown on the Site Plans and, if approved, the title to the proposed road can be conveyed by the Applicant to the City of Derby as a public street. If this evidence cannot



be provided, you may wish to consider withdrawing the application to allow sufficient time for the Applicant to make appropriate modifications to the Site Plans.

2. 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 present an adverse impact on drainage conditions to downgradient drainage systems and properties.
3. The proposed conditions in the hydrology analysis does not in any way account for the development of the proposed lots. The report states that the “*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.
4. 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 in the cul-de-sac is up to 12’ below grade. In accordance with Chapter 10 of the 2024 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.
5. The hydrology analysis under existing conditions includes 300’ of sheet flow over a slope exceeding 20% 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.

6. 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.
7. 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
8. 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
  - e. The inlet pipe is immediately adjacent to the outlet structure. This design will functionally short circuit basin and substantially reduce the residence time of stormwater in the basin, particularly in low flow conditions.
9. The design of the north gallery system should allow for the inlet pipe to enter directly into the galleries and not into the outlet structure. The configuration as proposed will functionally short circuit the galleries and substantially reducing the residence time of stormwater in the basin, particularly in low flow conditions. Also, no pretreatment is included in this design. Per the SWQM, underground galleries are *not suitable* for stormwater treatment.
10. The analysis of the south pond incorrectly inputs the culvert/orifice structures. Outlets B and C should be set with multi-stage option set to 'yes' with the pipe exiting the structure placed in Column 'A'. This will determine if the outlet pipe represents a restriction that will limit the flow out of the basin.
11. While not associated with the area draining to the wetlands, the discharge of the underground system beneath the cul-de-sac is shown along a 2:1 fill slope immediately upgradient of a neighboring house and what appears to be a retaining wall along the property line. This discharge and fill slope represent a substantial safety hazard to the downgradient property owner.
12. 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.



13. 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.
14. Drainage computations for the storm drainage piping for the 10-year storm for the remainder of the drainage system have not been provided.
15. The plans and report seemingly indicate that sidewalks are proposed, though none are shown on the plans, including within the upland review areas.
16. 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-3B. 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 post construction. Erosion control blankets will be required to allow for permanent stabilization allow for vegetation to be established and prevent rill erosion.
  - f. No provisions for soil stockpiles are provided on the plans.
  - g. No provisions for removal or repair of the existing Mistyvale Lane to city roads standards have been included in the plans.
  - h. Catch basin inlet protection appears to be missing or shown on what may have been a prior iteration of storm drainage design.



17. 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 include also reasonable assumptions on the development of the lots with houses and driveways.
18. 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.
19. 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%. 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.
20. The Sediment and Erosion (S&E) Control Plan should include a diversion berm just upslope of the bank directing runoff to a temporary sediment basin in the proposed planting area west of the culvert inlet. This will allow for sediment to be collected and settle out. The temporary sediment basin may also be used as a pumping settling basin during utility installation.
21. The proposed silt fence shall be reinforced with hay bales upslope of the riverbank. Also, the location of the silt fence and hay bales is shown immediately adjacent to the retaining wall. The applicant should clarify if additional separation distance may be needed to construct the retaining wall.
22. We note that the letter from the Applicant's wetland scientist indicates 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.
23. In past applications, the Commission has considered the use of conservation easements, wetland markers, fencing, or a combination thereof in order to discourage future encroachment into the regulated area or wetlands. The Commission may wish to consider these provisions on this application.
24. As this application is deemed significant, per Section 10.3 of the *Regulations Protecting the Wetlands and Watercourses of the City of Derby*, the applicant shall provide prudent and feasible alternatives to the alteration or destruction of the wetlands.



Based on the foregoing comments, it is our opinion that this application is deficient and not in a position for approval by the Commission. Should you have any questions or concerns, please do not hesitate to contact me at (203) 271-1773.

Regards,

**SLR International Corporation**



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

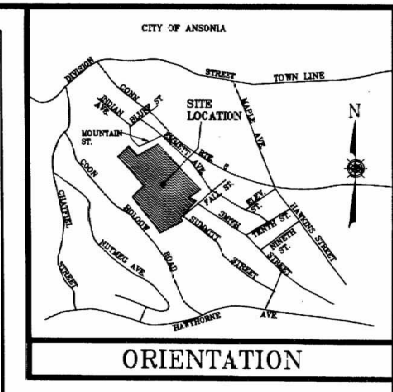
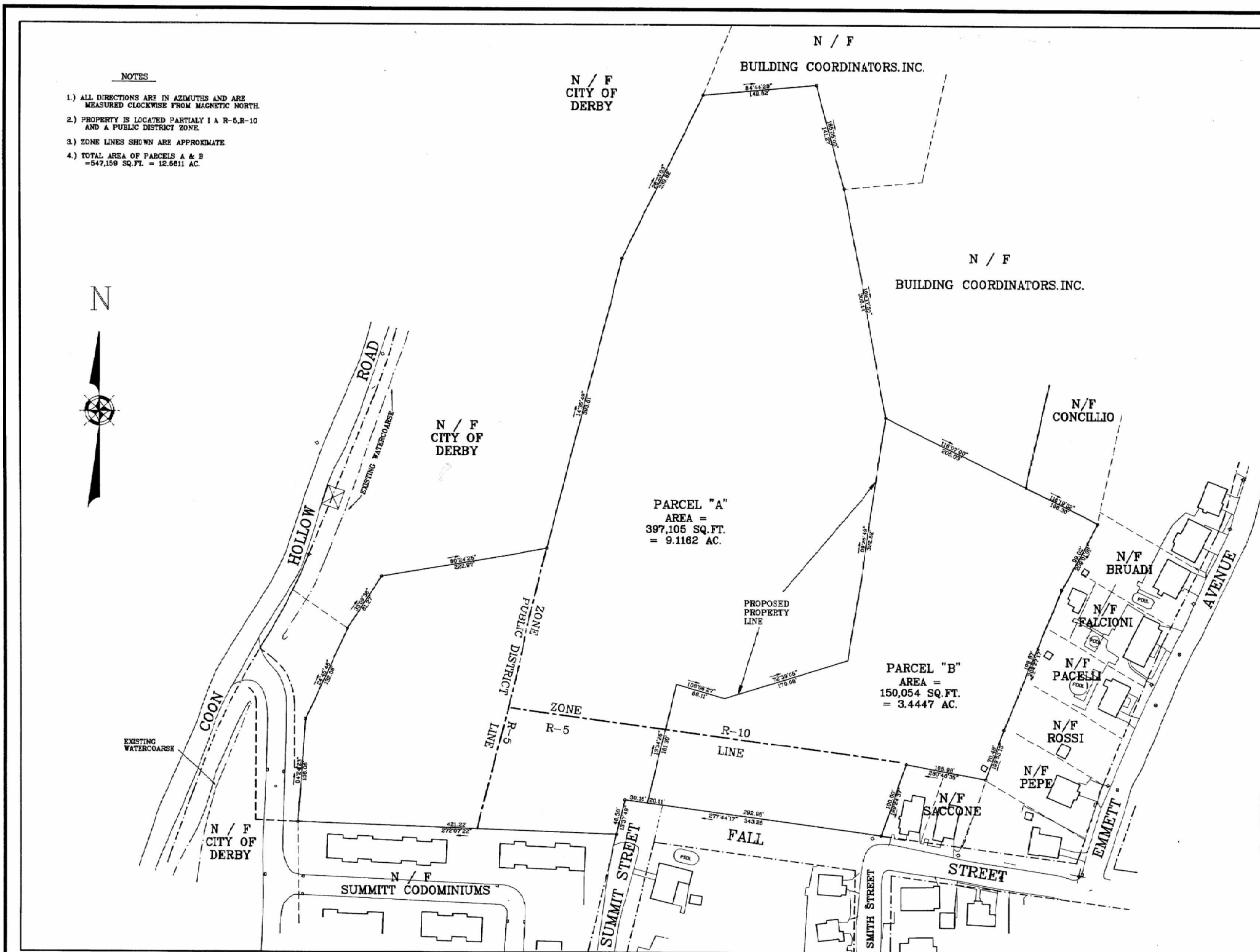
Attachments:      Map 9-8: SE3 – Property Split Map prepared by SDA-Site Design  
Associates on March 1, 1996 for Ralph Matto  
Easement Map U.I. Line List Parcel #6115.01  
Amendment to Easement Agreement

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

141.11564.00001.0020.o225.ltr



- NOTES**
- 1.) ALL DIRECTIONS ARE IN AZIMUTHS AND ARE MEASURED CLOCKWISE FROM MAGNETIC NORTH.
  - 2.) PROPERTY IS LOCATED PARTIALLY IN A R-5, R-10 AND A PUBLIC DISTRICT ZONE.
  - 3.) ZONE LINES SHOWN ARE APPROXIMATE.
  - 4.) TOTAL AREA OF PARCELS A & B = 547,159 SQ. FT. = 12.5611 AC.



ORIGINAL  
INKED  
DRAWING

PREPARED BY:  
DENNIS F. MCCORMACK  
R.L.S. # 11823

RECEIVED FOR RECORD  
March 12, 1996  
Barbara S. Matto

I HEREBY DECLARE THAT THIS MAP IS SUBSTANTIALLY CORRECT. THIS MAP AND SURVEY WERE PREPARED IN ACCORDANCE WITH THE STANDARDS OF A CLASS A-2 SURVEY, AS DEFINED IN THE RECOMMENDED STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT, AS IMPROVED AND ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPT. 15, 1984.

*Dennis F. McCormack*  
DENNIS F. MCCORMACK R.L.S. #11823

**Site Design Associates**  
Consulting Civil Engineers and Land Surveyors  
78 Danbury Rd., Suite 202  
Wilton, Ct 06897  
(203)834-0569

578 Howe Ave.  
Shelton, CT 06484  
(203)924-5573

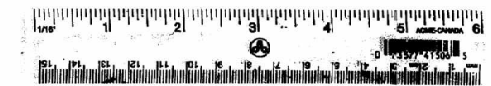
**PLAN PREPARED FOR  
RALPH MATTO  
SHELTON, CONNECTICUT**

**PROPERTY SPLIT MAP  
PREPARED FOR  
RALPH MATTO  
SUMMIT STREET - COON HOLLOW ROAD  
DERBY, CONNECTICUT**

JOB NO: 9309-103 DATE: MARCH 1, 1996  
DRAWN BY: DMSC CHECKED BY: HWK  
SCALE: 1" = 60'  
SCALE: 1" = 100'

NO. DATE REVISIONS AND SUBMISSIONS

SIGNATURE: \_\_\_\_\_ DRAWING NO: **SE3**





AMENDMENT TO EASEMENT AGREEMENT

THIS AGREEMENT entered into this 22<sup>nd</sup> day of January, 1990, by and between THE CITY OF DERBY, a municipal corporation, of the County of New Haven and State of Connecticut (hereinafter referred to as "the City") and SUMMIT STREET DEVELOPERS, INC., a Connecticut corporation, with an office at 211 Main Street, Ansonia, Connecticut (hereinafter referred to as "the Owner");

W I T N E S S E T H:

WHEREAS, by Easement dated June 24, 1986 and recorded in Volume 196, Page 224 of the Derby Land Records, as amended by Easement dated November 3, 1986 and recorded in Volume 199, Page 611 of the Derby Land Records (hereinafter collectively referred to as the "Easement Agreement"), the City granted to HAWKSTONE ASSOCIATES (hereinafter referred to as "Hawkstone"), its successors and assigns, a perpetual right-of-way and easement in, through, on and over the parcel of land more particularly described in "Schedule A" attached hereto and made a part hereof (hereinafter referred to as the "Easement Area"); and

WHEREAS, the Owner, as current owner of certain real estate located in said Derby, Connecticut, as described in "Schedule B" attached hereto and made a part hereof (hereinafter referred to as the "Property", on which property the construction of seventy (70) condominium residence units has been approved by the City of Derby Zoning Commission), is a successor and/or assign of Hawkstone and is hereby recognized by the City as successor Grantee; and

WHEREAS, in the Easement Agreements the City granted Hawkstone the right to, inter alia, construct, install and maintain storm and sanitary sewers and appurtenances thereto; and

WHEREAS, as conditions of the Easement, Hawkstone was required to obtain approval of the Derby City Engineer and the Derby Inland Wetlands Commission; and

WHEREAS, Hawkstone obtained the aforesaid approvals; and

WHEREAS, work is progressing within the Easement Area and the Owner has requested that the Easement Agreement be ratified and modified to allow the Owner to install and construct, water, gas, electric and all other utility lines, structures and facilities within the Easement Area which may be necessary for the development, use and enjoyment of the aforesaid seventy (70) unit condominium project under construction on the property, in addition to the storm and sanitary sewer lines specifically allowed by the Easement Agreement; and

WHEREAS, the City is willing to so amend the Easement;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and in consideration of One (\$1.00) Dollar and other valuable consideration, each to the other paid, and receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. All of the terms and conditions of the Easement Agreement not specifically modified are hereby reaffirmed and the





SCHEDULE B

FIRST PARCEL:

Situated on the westerly side of proposed Street to be known as Summit Street, commencing at a point which is 40 feet westerly from the northwest corner of land now or formerly of Joseph Scarpa; thence running southerly along the westerly side of proposed Summit Street 569.64 feet more or less to land formerly of Joseph Metro, et ux, now of Joseph Cusano, Jr.; thence running westerly along said land 95 feet more or less to land formerly of Loomer, at right angle with Summit Street; thence running westerly along land formerly of the said Loomer and others, along a stone wall and top of ledge 750 feet more or less; thence running easterly along land formerly of Edward G. Knorr 380 feet more or less to point of beginning.

- NORTHERLY: By land formerly of Edward G. Knorr;
- EASTERLY: By Summit Street;
- SOUTHERLY: By land formerly of Joseph Merto et ux, now of Joseph Cusano, Jr.; and
- WESTERLY: By land formerly of Loomer.

Subject to building lines if established, and building and zoning ordinances affecting said premises.

SECOND PARCEL:

One certain piece or parcel of land located in the City of Derby and situated on the Westerly side of proposed Summit Street Extension, commencing at a point which is the northeast corner of land formerly of John and Philomena Scarpa and proposed street, thence running Northerly along the westerly side of proposed street for a distance of about 330 feet, more or less; thence running Westerly for a distance of about 420 feet, more or less, to corner and end of stone wall and land of others; thence running southerly along wall in part and part by ledge for a distance of about 240 feet to land formerly of John and Philomena Scarpa; thence running Easterly along land formerly of said John and Philomena Scarpa to proposed Summit Street and point of beginning.

Being the same premises described in deed of Joseph Scarpa to James Scarpa, dated July 18, 1939, and recorded in Derby Land Records, Volume 110, Page 562 and being the same premises shown on a certain survey entitled, "Land of Henry F. Healy, Jr. and Patrick White, Summit Street, Derby, Conn., Prepared for Hawkstone Associates, Shelton, Conn." Scale 1" = 40' Dated January 1985, Revised January 1987.

Reference is herein made to a copy of Assessor's map 9-16, tax lot #46, consisting of 6.2 acres, more or less, for a fuller description of said parcels.

Together with all right, title, and interest in and to an easement from the City of Derby to Hawkstone Associates, recorded on June 24, 1986, Derby Land Records, Volume 196, Page 224, as corrected on November 3, 1986, and recorded on the Derby Land Records on November 4, 1986, in Volume 199, Page 611.

Being the same premises described in Deed from Hawkstone Developers, Inc. to Summit Street Developers, Inc., dated October 11, 1989, and recorded in Volume 220, Page 280 of the Derby Land Records.

COHEN, SYLVESTER & MICCI ATTORNEYS AT LAW 315 MAIN STREET DERBY, CONN. 06418

Received for Record January 23, 1990 at 2:45 P.M.

*Main C. Malloy*

TOWN CLERK