



TOWN OF MIDDLEBURY

Planning & Zoning Commission

1212 Whittemore Road

Middlebury, Connecticut 06762

(203) 577-4162 ph

(203) 598-7640 fx

January 6, 2022 REGULAR MEETING MINUTES

REGULAR MEMBERS PRESENT

William Stowell, Acting Chairman

Matthew Robison

Erika Carrington

Joseph Drauss

REGULAR MEMBERS ABSENT

Terry Smith, Chairman

ALTERNATE MEMBERS PRESENT

Paul Anderson

ALTERNATE MEMBERS ABSENT

Kevin Zupkus

ALSO PRESENT

Curtis Bosco, Z.E.O.

CALL TO ORDER

Acting Chairman Stowell called the Regular Meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

ROLL CALL AND DESIGNATION OF ALTERNATES

Acting Chairman Stowell announced Regular Members Stowell, Robison, Carrington & Drauss and Alternate Member Anderson as present. Chairman Smith & Alternate Member Zupkus were absent. He appointed Alternate Member Anderson to act in place of absent Chairman Smith.

PUBLIC HEARINGS

1. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)(Continued)

Acting Chairman Stowell called the Public Hearing to order at 7:02 p.m. and confirmed receipt of the attached letters, dated December 15, 2021, submitted by Emily Jones, P.E. with Civil 1 in response to reviews submitted by John Calabrese Engineering dated November 28, 2021 and Hiram Peck of Plan Three, LLC dated November 29, 2021.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury, CT reviewed her letters and stated that they are expecting the common driveway, storm drainage, rain garden and sightline easements will require legal documentation. Attorney Franklin Pilicy has been retained to prepare said documentation and will be forthcoming. She went on submit a letter dated January 6, 2022 granting an extension to continue this Public Hearing. Despite her belief that the previously approved sight distance was adequate, they changed the plans to shift the common driveway 50 feet to the south, now on Lot 2 as opposed to Lot 3 which increases the sightline to the north to 400+ feet. The sightline to the south was previously mislabeled and is actually greater than 500 feet. The visual obstructions that will be removed from the sightline easement and maintained. She submitted a copy of a December 20, 2021 letter from Police Chief Patrick Deely, stating he has no issues. They added a table regarding the open space calculations to the plans. Clarification on the final ownership of the open space is still pending. They met with Alice Hallaran of Middlebury Land Trust who expressed interest in obtaining the land. They will be required to go through an easement on a foot trail and Emily submitted a copy of a map depicting the possible scenario. She highlighted that fact that they concur with Hiram Peck's recommendation that the Commission should consider requiring that the common driveway be completed prior to issuing any permits for construction. She went on to state that the majority of his comments were more wetlands focused but they did make some changes as requested. Fire Marshal Jack Proulx sent an email to Curtis Bosco, Z.E.O., dated December 23, 2021, recommending that a dry hydrant be installed to which Emily is in the process of determining an appropriate location.

Acting Chairman Stowell acknowledged the letter from Civil 1 dated January 6, 2022, granting a 35-day extension to continue this Public Hearing on February 3, 2022 in order for outstanding questions can be answered. He will also be referring all to Attorney Dana D'Angelo for her review.

Motion: to continue the Public Hearing on February 3, 2022. Made by Joseph Drauss, seconded by Erika Carrington. Unanimous Approval.

Emily Jones, P.E. also submitted a returned certified mailing of the legal notice for the record.

2. Michaud Development Group, LLC/Granite Woods/Nutmeg & Stevens Rds. – Application for a multi-family development in Senior Residential District (Application #2021-10-4)(Continued)

Acting Chairman Stowell called the Public Hearing to order at 7:15 p.m. and read the Architectural Review from Chairman Terry McAuliffe of the Economic Development Commission indicating that on December 27, 2021 the EDC unanimously approved the proposed building designs and site plan.

Emily Jones, P.E. with Civil 1 Engineering in Woodbury spoke on behalf of Michaud Development Group, LLC. All revised plans and responses were submitted at the December 2, 2021 meeting. She submitted a letter from Connecticut Water Company dated January 6, 2022, as well as some returned and return receipts of certified mailings of the legal notice for the record. The suggestion from Chairman Smith to pave the walkway was considered, however, they would like to leave it as gravel knowing that they can put in stone dust or other material to make it smooth, walkable and bikable. She pointed out that they are trying to keep it as consistent as possible with the previously approved plans and Nutmeg Rd. is the frontage for the property so the road should come in from the frontage. If it did come in from Regan Rd., Nutmeg Rd. and the new road would be too close together.

Heidi Shea of Woodfield Dr. spoke in favor of the application and shared that many of her friends are also in favor of the proposal.

Frank Perrella of 25 Edgar Rd. expressed his concerns with respect to the application due to the fact that his property abuts said property. He stressed that the property has one of the highest water tables and one of the lowest elevations in Middlebury. The land consists of ledge and wetlands and he again referenced the King's Marx Environmental Study of 1976 that he provided to this Commission in the past. He also stated that the vernal pool from 29 years ago still exists. He went on to voice his concerns to water drainage and sump pumps in the homes of neighboring property owners and that an independent study has not been done. He did acknowledge the change of 29 to 24 units as well as the setbacks. He requested that the Public Hearing remain open in order to allow for an independent study to be performed and for additional members from public to be given the opportunity to voice their concerns.

Emily Jones, P.E. stated that she understands the concerns raised but it is their opinion that they have addressed said concerns and reminded those present that there were many members of the public present for the December 2, 2021 public hearing. Therefore, she respectfully requested that the hearing be closed. She also pointed out that Hiram Peck of Plan Three, LLC was not hired by the applicant, but rather he is an independent planning consultant of the town who reviewed the project.

Attorney Gail E. McTaggart of Secor, Cassidy & McPartland, P.C. added that approval was granted by the Conservation Commission and the wetlands protection for this application is greater than it was for the one that came from the Stipulation Judgement because of the new upland review areas being 100 feet.

Acting Chairman Stowell reiterated that this is a court ordered design and the applicant has made improvements to meet the new requirements for the increased wetlands as well as the changes made to buffer zones, etc. He understands the concerns raised, but as far as developing the property, it is up to the person that owns the property if they wish to proceed. It is the responsibility of the Commission to ensure that all requirements are met, which he believes it does.

Motion: to close the Public Hearing. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

MINUTE APPROVAL

3. Discussion of the Minutes of the Regular Meeting held on December 2, 2021

Motion: to approve the Minutes as submitted with the following amendment to those that motioned: Item #8 Adjournment – Motion to adjourn the meeting at 9:12 p.m. Made by Erika Carrington, seconded by William Stowell. Unanimous Approval. Made by Erika Carrington, seconded by Joseph Drauss. Matthew Robison and Paul Anderson abstained from voting as they were not present for the meeting. Unanimous Approval.

OLD BUSINESS

4. Peter Vileisis/288 Watertown Rd. – Application for a 5 Lot Subdivision (Application #2021-10-3)

Discussion was tabled.

5. Michaud Development Group, LLC/Granite Woods/Nutmeg & Stevens Rds. – Application for a multi-family development in Senior Residential District (Application #2021-10-4)

Acting Chairman Stowell read a proposed Resolution for the record. He also stated that he spoke to John Calabrese, P.E. prior to the meeting and conveyed that he satisfied with everything. He did not hear from Hiram Peck of Plan Three but feels that all of his concerns have been addressed.

Motion: to approve the application per the attached Resolution. Matthew Robison and Paul Anderson abstained from voting as they were not present for the Public Hearing that took place on December 2, 2021. Made by Erika Carrington, seconded by Joseph Drauss. Unanimous Approval.

Attorney Gail E. McTaggart clarified that it is a “Record Map” as opposed to a “Record Subdivision Map”.

NEW BUSINESS

None

OTHER BUSINESS

6. Any other business added to the agenda by a 2/3 vote of the Commission

None

7. Enforcement Report

Curtis Bosco, Z.E.O. stated that all was enforced.

Acting Chairman Stowell shared that the motor home on Route 64 and Route 188 has been covered for the winter but that in his opinion it is still illegal. He plans to have Chairman Smith request input from the remaining members of the commission.

8. Adjournment

Motion: to adjourn the meeting at 7:44 p.m. Made by Erika Carrington, seconded by Paul Anderson. Unanimous Approval.

Filed Subject to Approval,

Respectfully Submitted,

Rachelle Behuniak, Clerk

Original to Brigitte Bessette, Town Clerk

cc: P&Z Commission Members
Paul Bowler, Chairman, Conservation Commission
Mark Lubus, Building Official
Curtis Bosco, Z.E.O.
Ken Long, Chairman, Z.B.A.
Attorney Dana D’Angelo
Rob Rubbo, Director of Health



December 15, 2021

Mr. Terry Smith, Chairman
Middlebury Planning & Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

RECEIVED

DEC 30 2021

PLANNING DEPARTMENT
MIDDLEBURY, CT

Re: Fox Hollow Subdivision – 288 Watertown Road
Preliminary Engineering Review
Middlebury, CT

Dear Mr. Smith:

We have received a review letter from Calabrese Engineering, dated November 28, 2021, for the above referenced Subdivision application. Enclosed please find three revised sets of plans with a revision date of December 15, 2021. Additionally, we offer the following responses to each of Mr. Calabrese's recommendations.

Recommendation A: It is unclear on how the ownership of the lots is proposed. It has been stated that an association will be formed. Additional information on this is required including what the interior boundaries mean and who will own them.

Response A: Each of the lots is proposed to be owned independently by the homeowner. There are easements proposed over Lots 2 and 3 for access to the common driveway and for the maintenance of the rain garden on Lot 3. These are also shown more clearly on the updated Record Subdivision Map, which was not previously submitted. The legal documents for the maintenance of the roadway, rain garden, and the necessary easement are being drafted by a land use attorney and will be submitted under separate cover.

Recommendation B: The sight distance for the proposed common driveway is shown on the plan and is stated as 370' looking right and 377' looking left. Looking right at Station 3+00 it appears at the sight line is very close to the existing grade and this should be field verified, also requires a large zone that must be kept clear. Looking left the spot taken for the distance of 377' doesn't appear to be in the oncoming lane.

Response B: The driveway location has been revised and moved 50' to the south and is now located on Lot 2 instead of Lot 3. This increases the sight line to the north to over 400'. The sight distance to the south was mislabeled and is actually greater than 500'. Site visits were conducted to verify, though the sight distance had to be measured near the edge of the road and not 15' into the sight due to the visual obstructions that we are aware of within the proposed sight line easement. The updated sight line profiles are shown on Sheet C 5.1. At 400' the sight line does not come as close to existing grade as previously shown. Looking to the left, the profile was checked at several distances to oncoming traffic and the > 500' sight distance is accurate. We concur that an easement is required to be maintained in order to eliminate any visual obstructions from the sight line and this information will be included in the legal documents from the attorney.

Recommendation C: The proposed open space is shown as 287,774 sq ft (6.61 acres), of which 113,381 sq ft would be required to be dry and 113,798 sq ft is provided. A table should be provided showing how these numbers were calculated.

Response C: A table showing the open space calculations has been added to Sheet C 2.1.

Recommendation D: The open space borders land owned by the Middlebury Land Trust, if

the open space is proposed to go to the Town of Middlebury then access to the parcel must be provided.

Response D: It is the intention of the applicant to transfer the ownership of the open space area to the Middlebury Land Trust because they already have land that abuts the property. We are in contact with the First Selectman's office to confirm that the Town of Middlebury is not interested in absorbing the open space and with the Middlebury Land Trust to confirm that they are interested in obtaining the land and will have that final answer prior to the January 6, 2022, meeting.

Recommendation E: Bond in the amount to be determined by Board of Selectmen and Planning & Zoning Commission.

Response E: We concur.

Please contact me with any questions or if you need any additional information.

Sincerely yours,
CIVIL 1

Emily M. Jones, P.E.

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December 15, 2021

Mr. Terry Smith, Chairman
Middlebury Planning & Zoning Commission
1212 Whittemore Road
Middlebury, CT 06762

Re: Fox Hollow Subdivision
Planning Consultant Review
Middlebury, CT

RECEIVED

DEC 30 2021

BUILDING DEPARTMENT
MIDDLEBURY, CT

Dear Mr. Smith:

We have received a review letter from Hiram Peck at Plan Three, LLC, dated November 29, 2021, for the above referenced subdivision application. Enclosed please find three revised sets of plans with a revision date of December 16, 2021. Additionally, we offer the following responses to each of Mr. Peck's recommendations.

- 1) At least 1 copy of the submitted plans should be signed by the soil scientist that placed the wetland flags on the property. The same copy of the plans should also be signed and sealed by the surveyor that located the wetland flags on the map. The same signature sequence should also be accomplished on the record mylars, if the subdivision application is approved by the Commission.

In addition, if wetland flags are missing at this time, wetland flags should be installed/reinstalled and remain installed until construction is complete. This will excess fill or any debris from being misplaced in a wetland area during construction.

One other item that should be supplied for the record is the following: The applicant's surveyor should state on the record the specific Section(s) of the existing regulations which clearly permit the proposed arrangement of access and rear lots in the subdivision as they are shown at this time.

- R1) *We have added a signature block for the soil scientist who flagged the wetlands onto Sheet C 1.1 – Existing Conditions. A set of plans with his signature is included in this updated response, along with a copy of the survey prepared and signed by the surveyor. We will include the same information on any filed mylars for the project.*

We request that the commission make the demarcation of the wetland boundary a condition of approval prior to construction. And that this only be required in areas near the proposed construction area. Additionally, a limit of clearing will be clearly defined and silt fence will be installed, which will also prevent expansion of the disturbed area.

Regarding the section of the regulations that permits interior lots, the minimum size for an Interior Lot in the R40 Zone is 60,000 SF as defined by Section 11 – Height, Area, and Yard Requirements, of the Middlebury Zoning Regulations. Additionally, the configuration presented is nearly identical to the configuration of lots in a previously approved residential subdivision on Judd Hill Road.

- 2) Section 4.2.16 of the subdivision regulations requires several other signature blocks and signatures in order to be in compliance with the regulations. In this case the signature blocks which need to be included per regulations are as follows:

- Middlebury Health Office (PDDH) Needed before Commission action.
- Conservation Commission. Needed before Commission action.
- Planning and Zoning Commission. Signed, after Commission action.

Without these signatures in proper title blocks, the application is incomplete and may prevent the Commission from acting at this time.

It is also important, in my opinion, that any conditions placed by either Conservation, or PDDH

be noted on the approved plan to ensure compliance. See the item herein regarding well development.

- R2) *The above-referenced signature blocks can be found on Sheets C 2.1 and C 3.1 of the plan set.*

- 3) The referenced Homeowners Association document should be presented prior to Commission action for several reasons. This document is essential as the developer is proposing several "common elements which will need to be maintained to a high level. The common driveway is essential for the eventual lot owners to access the lots.

The drainage system consisting of several sets of catch basins, drainpipes and a "rain garden" also need to be maintained by the owners as a common element as well. Without these items being maintained to a high level the entire infrastructure is at risk. If the rain garden fails to perform its proper function, significant damage could occur to the down gradient wetlands and Hop Brook itself.

- The HOA will have several important long term maintenance tasks. These tasks need to be clearly spelled out and made known to any potential owner in the HOA. The Commission and the Town Attorney should see the HOA document at this time, prior to any approval. A conditional approval is another possibility but is not recommended.
- The HOA needs to be correctly formulated and properly constructed so that all homeowners know and agree to their obligations before they purchase property in the subdivision. Experience has shown that this task is very important and must not be neglected or put off until after Commission action. The HOA document should be reviewed by the Town Attorney prior to Commission action.
- The HOA document per section 5.7.1.C of the subdivision regulations, must give the Town an easement to the proposed open space. This too should be clearly laid out in the HOA document and reviewed by the Town Attorney.
- The Town Engineer should be consulted as to the security needed to properly plan and construct all the infrastructure and place a solid bond/ security amount in place for this work.

- R3) *A land use attorney has been retained and drafted the appropriate maintenance agreements. It has been determined that this would be more efficiently accomplished using deed restrictions rather than a Homeowner's Association. This documentation includes information on the maintenance of the common driveway, rain garden, and sight line easement areas.*

The open space is proposed to be deeded to the Middlebury Land Trust, in which case the Town of Middlebury will not need an access easement to that area. Middlebury Land Trust has several lots that abut the subject properties.

The conditions of approval from both the Inland Wetlands Commission and the Planning and Zoning Commission general include bond information, which is reviewed by the Town

Engineer and the Board of Selectmen. We anticipate that this project approval will follow suit.

- 4) The plans as submitted assign the duty of site compliance to the property owner. I recommend this duty be required to be assigned to the applicant's site engineer for a number of reasons. Typically, applicants do not possess the necessary skills or incentive to perform the site compliance to the degree or to the extent necessary. This is especially true when the subject development is so close to active and viable wetlands corridor and active floodplain and flood way conditions. It is recommended this duty be assigned to the site engineer in order to prevent any significant errors in site development tasks. Experience in this case too has shown this to be an advisable requirement.
- R4) *It is not appropriate for the site engineer to be the responsible party to execute the appropriate construction techniques. The ultimate liability for the construction lies with the property owner and the contractor. At this point, a contractor has not been selected for the project and so the responsibility lies with the owner/developer. Any site inspections during construction that are required by the conditions of approval from both Inland Wetlands and Planning and Zoning shall be conducted by Civil 1, the professional engineer that completed the site design. Additionally, it is generally required that the site engineer prepare and submit a letter upon completion of the road and drainage construction that it was installed according to plan. But the note regarding responsibility on the plan set has more to do with financial responsibility and execution of work, repairs, and mitigation measures, than oversight and so it should remain in the court of the owner/developer.*
- 5) Monuments and property corner pins (existing and proposed) should be shown on the application plans as part of the in accordance with section 6.6 of the subdivision regulations. In this case a recommendation the Commission may wish to consider would be to monument the flood plain edge that borders the residences. This could prevent additional unauthorized material from being placed in the floodplain in the future by a property owner who maybe unaware of the impact of fill in a floodplain or floodway or stream channel.
- R5) *We respectfully point out that this is an inland wetlands issue and not necessarily pertaining to the Planning & Zoning subdivision approval and that we have obtained approval from the Inland Wetlands Commission for this project. However, as a condition of the Inland Wetlands approval, the wetland limits will be permanently marked on Lots 2, 3, and 4 so this item is addressed within that conditions since the entirety of the floodplain is within the wetland boundary. Any purposeful or inadvertent filling within a wetland boundary would result in action by the Middlebury Wetland Enforcement Officer and would require remediation and rectification.*
- 6) In accordance with section 2.2.5 Water Supply Report, the following note is required to be placed on the plan: "Approval of this subdivision by the Middlebury P&Z cannot and does not guarantee the quantity and quality of water supply." This is especially valid and important in the case where all dwellings will rely on well water.

In some cases where the question of well sustainability is unknown or is a concern, commissions have required that well development precede the issuance of a building permit for a lot. The Commission may wish to consult with PDDH on this specific issue for guidance here.
- R6) *The above-referenced note has been added to the plans on Sheet C 2.1. Regarding the well development, Pomperaug District Department of Health has jurisdiction over issuing well permits and the applicant will follow all necessary and required procedures for obtaining building permits from the Middlebury Building Department as well.*
- 7) The plans should also contain a note regarding the Conservation Commission approval. In addition, the Commission should ensure that an appropriate drainage report, in accordance with section 2.2.11 has been submitted and reviewed. This may have been done but was not among the materials submitted for my review.

- R7) *The Inland Wetlands Commission approval and conditions have been added to Sheet C 8.1 of the plan set. Additionally, a drainage and engineering report was prepared by Civil 1 and submitted and is entitled "Engineering Report – Fox Hollow Subdivision 288 Watertown Road Middlebury, CT" and was dated June 14, 2021, with a revision date of October 7, 2021. It was among the materials reviewed by the Town Engineer during both the Inland Wetlands and Planning & Zoning approval processes.*
- 8) The applicant should have also submitted an affidavit regarding previous divisions and transfers in accordance with section 2.2.14 of the subdivision regulations.
- R8) *The applicant purchased the "Pond Lot" in the 1960s and the remaining property in the 1980s. There were no previous divisions of land or transfers that he is aware of or that we have found in the records, nor is it subject to any restrictions or easements not shown on the mapping. Since the commission is holding a public hearing on the subdivision, anyway, practically speaking it does not matter whether the proposal is a first cut or re-subdivision. However, if the commission wishes, they may require this signed affidavit as a condition of approval.*
- 9) The application map should also contain a note authorizing the Commission or its agents to enter the property in accordance with section 2.2.15. If this has been done it should be pointed out to the Commission where it is located.
- R9) *The above-referenced note has been added to Sheet C 8.1 of the plan set as requested.*
- 10) Section 5.4 of the regulations require that the applicant shall demonstrate to the Commission that passive solar energy techniques have been considered in the design and development of the proposed subdivision. The applicant should show where this consideration was made and the result of it. See also section 5.4.1 regarding the impact of the solar energy analysis on the site design.
- R10) *Section 5.4 of the Regulations encourages applicants to consider passive solar energy techniques when designing the subdivision and to orient houses, driveways, and landscaping to maximize solar access where possible. In this instance, a majority of the houses within the subdivision, at least conceptually, have the long side of the house facing in the south, southeast, or southwest direction. Additionally, there is limited existing vegetation that would prevent solar access to the proposed lots and there is also ample development area within the lots to potentially orient the houses in such a way as to encourage the use of solar energy. It should be noted that these plans do not show the final lot design and are intended to demonstrate the ability of the lots to meet zoning regulations. Final lot design shall be reviewed and approved by town staff and the health department prior to issuance of a construction permit for the lot improvements. At that time, the orientation, size, and shape of the houses shown on the subdivision plans may change.*
- 11) The specific uses of the open space proposed need to be stated on the plan in accordance with section 5.7.3. This may also be inserted in the HOA document as described above. The proposed use of the open space should consider the surrounding Land Trust properties abutting the subject property.
- R11) *It is the intention of the applicant to transfer the ownership of the open space area to the Middlebury Land Trust because they already have land that abuts the property. We are in contact with the First Selectman's office to confirm that the Town of Middlebury is not interested in absorbing the open space and with the Middlebury Land Trust to confirm that they are interested in obtaining the land and will have that final answer prior to the January 6, 2022, meeting.*

- 12) The Commission should consider requiring detailed erosion and sedimentation control plans be submitted prior to issuance of any building permits. The e&s plans submitted as part of the application are schematic and may well vary depending upon the location of the proposed dwellings.

R12) Prior to the issuance of zoning individual site plan permit, building permit, and health department permits for the lots, the detailed design of said lots shall be submitted to the town and health department officials for review and approval. The detailed lot design includes grading, dwelling information, drainage, septic system design, and erosion & sedimentation control. This is standard procedure for lots within an approved subdivision and is already required by the Town of Middlebury Regulations.

- 13) The Commission should consider whether to require that electric and cable utilities should be installed underground.

R13) The electric, telephone, and cable utilities shall be installed underground as they are normally required to be by the utility companies on any new installation.

- 14) The Commission may wish to consider requiring that the proposed common driveway be completed prior to issuing any permits for construction on any of the proposed lots. This would ensure that emergency services access would be possible if needed during any construction mishap or emergency.

R14) We concur. We have no issue making that a condition of approval since the construction of the common driveway and storm drainage improvements are proposed to occur prior to lot construction anyway.

- 15) The application calls for the creation of a "rain garden" at the down slope terminus of the stormwater drainage system. While the use of a typical low impact development (LID) technique may be desirable, there is no evidence or complete information provided that the "rain garden" is any different than a typical detention basin in this case.

While the proposed layered bottom construction of the rain garden is shown, there is no information regarding the plantings that would be used to actually create the effect that is needed for a true rain garden to properly function. Perhaps no plants are intended? If not, the rain garden will not function appropriately. The construction and proper functioning of the rain garden in this situation is especially important given its proximity to the wetlands and the floodplain. Hence the recommendation that the site engineer be assigned the responsibility of oversight during the construction and stabilization process.

A complete description of the rain garden, including plantings should be made part of the record, prior to any Commission action to ensure the rain garden will actually function as designed.

The rain garden long term maintenance is yet another obligation along with the other responsibilities and obligations of the HOA that should be included in the HOA document.

This too should be reviewed by the Town Attorney for completeness to ensure the HOA is properly formed and constituted. Failure to do so could well lead to long term maintenance issues which the Town may be asked to participate in. Voting membership in the HOA should also be clearly spelled out and dictated in the HOA documents.

- R15) The rain garden is designed to hold and infiltrate the Water Quality Volume of stormwater runoff as defined by the CT DEEP Stormwater Quality Manual. The soil layering in the basin is per the recommendations from the manual and we have added additional plantings and notes to Sheet C 3.1 of the plan set to depict the proposed landscaping in the rain garden area. It is our professional opinion that the rain garden will function as intended*

and that it is designed according to CT DEEP standards. This was also a wetland condition of approval.

We have, as mentioned previously in this response, also included the rain garden maintenance in the legal deed restrictions and agreements that have been drafted by a land use attorney and will be submitted under separate cover.

Please contact me with any questions or if you need any additional information.

Sincerely yours,

CIVIL 1

Emily M. Jones, P.E.

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SITE PLAN RESOLUTION

Upon motion by Commissioner **Carrington**, seconded by Commissioner **Drauss**, it was voted **unanimously** to approve the application of **Michaud Development Group LLC** for a **24-Unit Senior Residence District development** SITE PLAN located on **Nutmeg & Stevens Rds.**, and as shown on Record Map entitled **Granite Woods** and prepared by **Civil 1** and dated **September 23, 2021; Revised December 1, 2021**.

The Commission specifically finds The Application:

1. is in compliance with the requirements of the Planning & Zoning Regulations Section 51.3.1;

The Application is subject to the following conditions/modifications:

- a) Providing bond satisfactory to the Commission and the Board of Selectmen;
- b) Posting of a landscape bond as determined by the Board of Selectmen;
- c) Signing of the Map by the First Selectman;
- d) Signing of the Map by the Conservation Officer;
- e) Meeting all conditions cited in letter from Calabrese Engineering, dated November 28, 2021 and Plan Three, LLC letter dated November 29, 2021.

If the above conditions and or modifications are complied with within 90 days of this decision, the Chairman is authorized to sign the Map. Otherwise, the application is to be considered disapproved and denied.

January 6, 2022