Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Rachel Blatt, Assistant Town Planner
Office of Community Planning and Development

To: Simsbury Planning Commission

From: Rachel Blatt, Assistant Town Planner

Date: January 8, 2015

Re: Application #14-02 of Maglieri Development, LLC, Agent; Timothy E. and Elinor E. Ellsworth, Owners, requesting re-subdivision on the property located at East Weatogue Street (Map H11, Block 106, Lot 037) to create 4 lots. Zone R-80.

This re-subdivision application is being submitted for consideration, pursuant to the requirements of Chapter 126, Section 8-25 of the Connecticut General Statutes, and the requirements of the Simsbury Subdivision Regulations.

Existing Conditions: The property in question is a 90.1 acre lot with frontage on East Weatogue Street and Talcott Mountain Road. The property is currently undeveloped, portions of which were formerly used as a farm. A pond is located near the southern end of the property and portions of the property are wetlands. A joint site walk with the Conservation Commission was held on November 8, 2014. Attachment A to this memo includes photos of the site walk taken by staff.

Proposed Re-subdivision: The applicant seeks to divide the property into four parcels with access to the new parcels established along a private road coming off of Talcott Mountain Road:

- #1 Talcott Estates – 2 acres with 235.5 ft. of frontage on the private road
- #3 Talcott Estates – 2.002 acres with 200 ft. of frontage on the private road
- #5 Talcott Estates – 5.798 acres with 404 ft. of frontage on the private road
- Remaining land – 80.334 acres with approximately 800 ft. of frontage on East Weatogue Street

The three building lots to be created are all located in the R-80 Zone. The remaining land is primarily in the R-80 with the frontage along East Weatogue Street in the R-40 Zone.

Additional Property Transactions: The applicant and property owner have articulated that there are additional transactions in development for this property which are not the subject of the re-subdivision application. The remaining land, the fourth lot that would be created in the re-subdivision, is to be further conveyed to other parties:

- Lot-line adjustment: The applicants have shown that 5.000 acres is to be deeded to and made part of 116 East Weatogue Street – currently owned by the McCormicks. No additional lots are created in this transfer.
- Sale of land to the Simsbury Land Trust: The applicants have also indicated that the remaining 75.334 acres after the lot-line adjustment are to be sold to the Simsbury Land Trust for the purpose of conservation.

There is no set timeline for the completion of these additional transactions. However the property owner indicated during the public hearing at the Conservation Commission that the sale to the Land Trust is in the midst of a lengthy closing that could wrap up within the coming weeks.

Proposed development: The applicant proposes to construct an 18 ft. wide private road that would end in a hammerhead to assist with turnarounds. Underground utilities are located on the western side of the private road, and a row of evergreens is proposed west of that, as a screen from the neighboring residential property. To the east of the private road is a grass-lined swale that collects stormwater from the road, upgradient drainage area, and high level overflow from the rest of the stormwater management system. The remaining stormwater system elements also utilize low impact development strategies. Two central rain gardens serve the majority of the development and connect to a basin with a level spreader that discharges water to the adjacent wetland. A third rain garden is located on lot #5 to water from the roof of the house and additional site runoff. All of the water that is captured in the grass lined swale is carried into the town system which daylights between #21 and #22 Talcott Mountain Road from where it flows into a large wetland complex.

The stormwater management system has been reviewed by the Town Engineer and discussed with the Conservation Commission. The Town Engineer is not yet satisfied with the analysis and has several notes that he would like to see added to the plans (see memo of the Town Engineer dated 1/5/15); the Conservation Commission conditioned their approval on the applicant satisfying the concerns listed in the Town Engineer's memo. Some of those changes have been incorporated into the revised plans dated 1/8/15.

A total of three residences are proposed. Each new residence is proposed to be served by a septic system and well water. The extent of clearing is largest for lot #1 and limited to the septic system areas for lots #3 and #5. Large growth trees in the meadow are proposed to be protected throughout construction. All lots meet the requirements for buildable area and minimum square.

Septic Systems: The applicant should confirm that the proposed septic systems include reserve areas. Approval from the Farmington Valley Health District is still pending.

Erosion and Sedimentation Control: The Conservation Commission granted approval of the Erosion and Sedimentation Control Plan pursuant to Chapter 128 of the Town of Simsbury Code of Ordinances on January 6, 2015.

Waiver Requests: A waiver request has been submitted requesting that the Commission allow for the pavement width to be reduced to 18ft. with smaller radii. The Fire Marshall indicated in November that the 18 ft. pavement would be acceptable, conditional upon the homes having residential sprinklers and the entrances to the driveways being 12-13 ft. wide. The

Town Engineer has also indicated that 18 ft. of pavement would be acceptable. Staff recommends the narrower 18 ft. private road, because it limits the amount of added impervious surface. No comments have yet been received related to the requested waivers on the radii.

Easements: The applicant has provided a list of five easements. The fifth on the list is in reaction to a condition of the inland wetlands permit:

> *"that the Town of Simsbury be the grantee of a conservation easement, in form and substance satisfactory to the Town Staff and the Conservation Commission, protecting and requiring the maintenance of each of the storm water features and the 10-foot filter strip along the edge of the wetlands and that the existence of such easement be noted upon the site plan and referenced in each deed conveying a subdivision parcel; and should the storm water easement not be accepted by the Board of Selectmen, a new conversation would be required by the Applicant with the Conservation Commission"*

Staff understands that the Conservation Commission seeks rights to enforce in the event that maintenance on the rain gardens is not done properly, rather than rights to maintain the system.

Scenic Hillside Protection: The property is located above the 250 ft. elevation; the lowest point on site is at approximately 308 ft. Pursuant to Section 9.M, Additional Plan Special Requirements, the plans should be evaluated as relates to scenic hillside protections.

Solar Access: The site is situated with open meadow to the north of the three houses to be constructed. Staff encourages the use of passive solar design techniques, including building orientation, and integrated use of solar energy systems in the construction of the new homes.

Open Space: Pursuant to Section 15, the Commission may require the dedication of up to 20% of the total parcel as open space. Seventy-five acres, 83% of the property, are currently planned for sale to the Simsbury Land Trust. The applicant has indicated that they would like that sale to be considered fulfillment of the open space requirement. The property owner has proposed to set up a contingent fee in lieu of open space, to be collected by the Town in the event that the closing with the land trust does not occur in the immediate future. The Open Space Committee and the Conservation Commission have both submitted letters recommending a land transfer instead of a FILO.

Additional note required: Pursuant to Section 9.C.10 a note should be added to the coversheet stating that "Each driveway must meet Town standards and that each driveway apron must be paved before issuance of a Certificate of Occupancy."

Attachment A: Staff Photos from 11/8/14 Site Walk

Photo #1: Looking north from Talcott Mountain Road cul-de-sac; site is wooded

Photos #2 and #3: Orange stakes marked centerline of the proposed driveway. Pink/Blue flags marked the edge of the wetlands

Photos #6: Site vegetation is meadow in area of proposed lot #2 and lot #3 with a few individual trees
(photo taken looking north at approximate end of proposed private roadway)

Photos #7: Site vegetation is meadow in area of proposed lot #3 and lot #5 with a few individual trees
(photo taken looking west at approximate end of proposed private roadway)

Photos #8: Site vegetation is meadow in area of proposed lot #3 and lot #5 with a few individual trees
(photo taken looking northeast at approximate proposed line between lots #3 and #5)

Photos #9: Pond located on 80 acre parcel to be retained by Ellsworth, pond is approximately 250 ft. from proposed property line for lot #5.

Photos #10, #11, and #12: Stone markers observed southeast of the proposed private road