



August 23, 2023

Ref: 42810.00

Mr. George McGregor
Director of Community Planning & Development
933 Hopmeadow Street
Simsbury, CT 06070

Re: Proposed Commercial Development – 1263 Hopmeadow Street, Simsbury, CT

Mr. McGregor,

VHB, on behalf of our client, Prospect Enterprises LLC, is submitting the following documents in response to town comments regarding the application for the proposed commercial development located at 1263 Hopmeadow Street. Enclosed are the following:

1. Two (2) 24"x36" copies of the Planset titled "Proposed Commercial Development" dated August 23, 2023.
2. Two (2) copies of the Stormwater Report titled "Proposed Commercial Development" dated August 2023.
3. One (1) copy of the of the Response to Engineering Comments addressed to Mr. George K. McGregor dated August 22, 2023.
4. One (1) copy of the of the Email with Ryan J. Pothering from the Office of the State Traffic Administration dated May 26, 2023.
5. One (1) copy of the of the memorandum addressed to Mr. Paul Vitaliano from Aron J. Steeves, District IV Bureau of Highway Operations dated June 13, 2023.
6. One (1) copy of the of the Traffic Engineering Comments received August 10, 2023.
7. One (1) copy of the of the Big Y Foods, Cross Easement Agreement with Simsbury Upper7, LLC dated December 31, 2014.
8. One (1) copy of the of the Response to Fire Marshal Comments letter addressed to George K. McGregor, dated August 22, 2023.
9. One (1) copy of the of the Response to Deputy Chief of Police Comments letter addressed to George K. McGregor, dated August 22, 2023.

Please let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink that reads "Paul Vitaliano".

Paul Vitaliano, P.E.
CT Director of Land Development

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Plan-Revised Submission Cover Letter.docx

Engineers | Scientists | Planners | Designers

100 Great Meadow Road, Suite 200, Wethersfield, Connecticut 06109

P 860.807.4300 F 860.372.4570 www.vhb.com



August 22, 2023

Ref: 42810.00

Mr. George K. McGregor
Director of Community Planning & Development
Town of Simsbury Planning and Land Use Department
933 Hopmeadow Street
Simsbury, CT 06070

Re: Proposed Development 1263 Hopmeadow Street

Dear Mr. McGregor,

VHB is pleased to submit revised responses to the comment letter prepared by Adam D. Kessler, dated June 7, 2023 regarding the proposed development at 1263 Hopmeadow Street. The following responses supersede the response to comments letter addressed to George K McGregor dated June 15, 2023. Plans depicting these revisions are included in the submission:

General

Comment 1: The applicant shall provide all future correspondence with the State of Connecticut Office of State Traffic Administration (OSTA).

Response: VHB contacted OSTA for preliminary feedback and received an email on May 26, 2023 (Attachment A) stating that "we consider the cross-access driveway with the Big Y as an access of convenience, since your site has a proposed driveway with Route 202. In this case, your site would not be looped into the Big Y certifiable area and OSTA review would not be required. "

Comment 2: The applicant shall provide all future correspondence with the State of Connecticut Department Transportation regarding encroachment permits to the Town of Simsbury Engineering Department.

Response: Correspondence with CTDOT is attached. All future correspondence with DOT regarding encroachment permits will be provided to the town.

Comment 3: Review the plan set for readability and revise accordingly.

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22_Revised Engineering Comments\2023-08-22
Response to comments letter.docx



Response: The plans have been reviewed and revised.

Site Layout and Traffic

Comment 4: Provide a permanent easement along the frontage in favor of the Town for the relocated street lights and future replacement or repair of the proposed sidewalk.

Response: A note on sheet C-2 'Layout and Materials Plan' calls out "Relocated street light; Easement to the Town likely required." Barring changes during the permit process, an easement will be provided to the Town.

Comment 5: Revise the "Full In Access Curb Cut" to right-in only. Vehicles traveling north on Hopmeadow Street and turning left into the proposed driveway will queue in the existing left-turn lane for the existing signal at Big Y. A queue vehicle for the proposed development effectively reduces the left-turn lane for the signal from 230 feet to 120 feet.

Response: VHB understands the town staff's position on revising the access drive to be right in/right out only. The plans submitted, however, reflect a full access in and right-out driveway as previously shown and will be discussed with the Zoning Commission. Maintaining full access to the site is an essential component to the success of the prospected tenants.

Comment 6: Coordinate sheets C-2 and C-3 and L-1 so that all sheets correctly label the front detention basin as a "detention basin" as noted on L-1 rather than a "rain garden." Typically, rain gardens are 6" – 12" depressions with the primary function of filtration rather than flow attenuation. The proposed basin is 18" deep with an outlet structure and is designed and planted as a detention basin.

Response: The basin is designed to infiltrate stormwater into the ground and therefore sheets have been revised to properly label the front basin as an infiltration basin.



Comment 7: Consider shifting the proposed ATM island to the west to provide additional queue space and reduce the potential for the queue to impact the internal site drive.

Response: The ATM location as shown on the site plans was designed to allocate enough room for the anticipated 2 to 3 vehicle queuing based on the tenant's program. It is therefore proposed to remain as shown since it is not expected to generate a queue will impact the internal site drives.

Comment 8: The two accessible parking spaces to the north of the 2,325 square foot restaurant share an access aisle. Per the ADA Accessible Parking Spaces requirements: "An access aisle can be place on either side of the parking space (except in angled parking where it must be located on the passenger side of the parking space)." Revise these parking spaces to have access aisles on the passenger side of both parking spaces.

Response: Section 502.3.4 of the Accessible Parking requirements notes "Access aisles shall be permitted to be laced on either side of the parking space except for angled van parking spaces which shall have an access aisles located on the passenger side of the parking spaces." Since the space is a standard accessible space it would not require striping on the passenger side. However, the parking was able to be revised to include an access aisle on the passenger side of the easternmost ADA space as requested.

Comment 9: Revise the Accessible Parking Space detail to show the striping for accessible parking spaces to be striped white with the exception of the 4'x4' detail, which should remain as proposed.

Response: The detail on sheet C-6 'Site Details' was revised.

Comment 10: Note on the plans that all line striping shall be epoxy resin or a slip-resistant material to avoid potential slip hazards at crosswalks and/or crossings.

Response: A note was added to sheet C-2 'Layout and Materials Plan'.



Comment 11: Maple Trees have a shallow and aggressive root system which can be damaging to shallow facilities such as sidewalks. (8) October Glory Maple Trees are proposed along the frontage of the property in close proximity to the proposed concrete sidewalk within the State of Connecticut Right-of-Way. It is suggested that alternative plantings are proposed along the frontage to avoid near-term damages and/or conflicts with the new sidewalk.

Response: The plans have been revised to remove the large maple trees per request. Additional shrubs and a sandstone wall has been added to the frontage in place of the trees.

Comment 12: The Vehicle Data for the Turning Template should incorporate the Simsbury Fire Truck with the following dimensions:

Overall Length:	48.170 feet
Overall Width:	8.330 feet
Overall Body Height:	10.489 feet
Min Body Ground Clearance:	0.920 feet
Track Width:	8.330 feet
Lock-to-lock time:	6.00 seconds
Max Wheel Angle:	45.00 degrees

Response: The Simsbury Fire Truck was created in the AutoCAD vehicle tracking software using the criteria provided above. An additional sheet TT-2 was added to the planset to show the fire truck maneuvers around the project site without any conflicts.

Comment 13: The Truck Movement Plan appears that vehicles have conflicts with the curb at several locations. Revise the Truck Movement Plan to accommodate all turns for the vehicles.

Response: There are a few areas on the plan with mountable curbs to allow for the delivery trucks to maneuver around the site. This may graphically appear as though the truck is hopping a curb. Additional notes will be added to the Truck Movement Plan to avoid confusion.



Comment 14: A proposed driveway connection and associated curbing and grading is located on the adjacent property (MBL 105-403-016, N/F Big Y Foods, Inc.). This proposed work shall be agreed upon with the adjacent property owner and a letter shall be provided stating this work is allowed.

Response: Attached is a cross access agreement between the applicant and Big Y.

Comment 15: Identify the location(s) of discharge for the underdrain of the proposed retaining wall.

Response: The plans have been revised to show an underdrain from the proposed retaining wall to drainage structure 104.

Comment 16: The dumpster pads appear to be pitched in close proximity towards adjacent catch basins. This poses a potential direct source of contamination to the stormwater management system. Revise the plan set so the dumpster pad is pitched and directed to overland flow for natural screening and infiltration of this runoff.

Response: The dumpster pad areas have been revised to pitch runoff away from nearby catch basins.

Comment 17: Revise the Zoning Table to include Directly Connected Impervious Area (DCIA).

Response: DCIA has been added to the zoning table.

Stormwater Design and Analysis

Comment 18: Revise the Conduit Table to include structure rim elevations.

Response: A structures chart has been added along with the conduit table within the Stormwater Management Report showing the rim elevations of all proposed catch basins and manholes.



Comment 19: Add a detention area table to the report with pertinent information for each storm event analyzed such as, top of pond, bottom of pond, maximum water elevation, etc.

Response: A table noting the details of the pond has been added to the Stormwater Report.

Comment 20: Add a detailed cross-section of each detention facility. Include inlet elevations, outlet structure elevations, and all maximum water elevations for each storm analyzed.

Response: A Detailed cross-section of the underground systems and outlet control structures including elevations were previously included on sheet C-8 'Site Details'. An additional table has been added to the details for the underground systems to show the peak water elevation at each storm event.

Comment 21: Revise the report to define the surface detention area as a "Detention Basin" rather than a "Rain Garden" as noted above the design plans.

Response: The basin is designed to infiltrate stormwater into the ground and therefore the report has been revised to properly label the front basin as an infiltration basin.

Comment 22: The time of concentration flow path for Drainage Area 1 is not consistent with the proposed grades on the design plans. Additionally, a slope of 0.005 ft/ft over a 35-foot length run of "Woods: Light Underbrush" is not consistent with the proposed condition of the site. Revise this time of concentration flow path and calculation and revise the stormwater management report as appropriate.

Response: The time of concentration was revised for Drainage Area 1. The area in the western portion of the site will remain a dense woodland area with mature trees so the model has been revised to "woods with dense underbrush". The remaining time of concentration was revised in the HydroCAD model and shown on the proposed drainage figure.



Comment 23: A minimum 1-foot of freeboard at the Rain Garden / Detention Basin should be provided for the 24-hour 100-year storm event.

Response: The pond has been revised to show 1-foot of freeboard.

Comment 24: The 15" pipe out from CB 117 has 1.25' cover and the 18" pipe out from CB 118 has 1.35' cover. Section 5.2.1.g of the Town of Simsbury Highway Construction and Design Standards states "A minimum cover of 1.5 feet shall be provided for all drain pipes unless special designs, as approved by the Town Engineer, are utilized." Revise the plan set accordingly.

Response: The drainage system has been revised to provide a minimum of 1.5' of cover as required by town design standards.

Comment 25: Identify the invert of the 12" HDPE at CB 100 on the plan set.

Response: Plans have been revised to include the 12" pipe invert at CB 100.

Comment 26: The schematic and conduit table in the Stormwater Management Report identifies Node 109 and Node 119 connected via 12" pipe with inverts of 178.60 and 174.90, respectively. The schematic and conduit table in the Stormwater Management Report identifies Node 119 and Node 120 connected via 15" pipe with inverts of 174.90 and 173.80, respectively. The Plan Set identifies CB 109 flowing to CB 120 through a 12" HDPE with inverts of 178.60 and 173.80, respectively. The Plan Set also identifies YD 119 flowing to CB 122 through a 6" HDPE with inverts of 175.60 and 175.40, respectively. Revise the report and plan set accordingly.

Response: The StormCAD model has been revised to show the current schematic as shown on the site plans. The revised Stormwater Management Report is included in the submission.



Comment 27: The Conduit Table in the Stormwater Management Report shows Node 120 has an invert of 173.90 and Node 125 has an invert of 172.00 whereas the Plan Set has invert at CB 120 of 173.80 and invert at WQU 125 has an invert of 171.80. Revise the report and plan set accordingly.

Response: The inverts have been revised to be consistent between the report and plans.

Comment 28: The Conduit Table in the Stormwater Management Report is missing a structure (Node 121) whereas the Plan Set Identifies DMH 121 connected to CB 105, OCS 132, and CB 106. Revise the report and plan set accordingly.

Response: The report and plans have been revised to be consistent.

Comment 29: The Conduit Table in the Stormwater Management Report has Label CO-26 Node CB-26 with Invert 177.50 whereas the corresponding CB on the Plan Set has invert 177.00. Revise the report and plan set accordingly.

Response: The report and plans have been revised to be consistent.

Comment 30: The Conduit Table in the Stormwater Management Report has Label CO-29 Node 130 with Invert 173.80 and Node 124 with Invert 173.60 whereas the Plan Set identifies CB 130 with Invert 174.90 and CB 124 with Invert 174.50. Revise the report and plan set accordingly.

Response: The report and plans will be reviewed and revised to be consistent.

Comment 31: The Conduit Table in the Stormwater Management Report identifies Label CO-31 as a connection between Node 132 and Node 106, whereas the plan set has DMH 121 between OCS 132 and CB 106. Revise the report and plan set accordingly.



Response: The stormwater model has been revised to include DMH 121 as per the site plans.

Comment 32: Page 11-P3-3 of the 2004 Connecticut Stormwater Quality Manual (CTSWQM) states that "Test pits or soil borings should be excavated or dug to a depth of 4-feet below the proposed bottom of facility" and "Infiltration tests, soil borings, or test pits should be located at the proposed infiltration facility to identify localized soil conditions" and "For infiltration basins, one field test and one test pit or soil boring should be performed per 5,000 square feet of basin area. A minimum of three field tests and test pits or soil borings should be performed at each basin. The design of the basin should be based on the slowest rate obtained from the field tests performed at the site." The nearest test pit to the proposed rain garden appears to be TP2, which is over 250-feet away from the proposed rain garden. Additionally, the nearest test pit to the STC-310 chambers is TP4, which is over 200-feet away from this proposed facility. Provide additional test pits at the location of the proposed stormwater facilities in accordance with the CTSWQM requirements and revise the report and plan set as needed. Alternatively, analyze and design the stormwater system without infiltration.

Response: The geotechnical engineer, GEI, was back out on the project site to field test within the proposed areas of infiltration. Infiltration rates were determined to be 20+in/hr in the area of the underground infiltration at the retail and below the existing material at the location of the infiltration basin. The area at the NE underground system is estimated at a field infiltration rate of 5+in/hr. Results are included in the stormwater report.

Since the rear of the site (area of 20+in/hr) is proposed to be lowered approximately 5-6 feet, it is proposed this soil be used to replace the top layer of silty soil (as noted in the Geotech report) in the area of the northeastern underground system and in the footprint of the infiltration basin. Notes have been added to the Grading and Drainage Plan.

Comment 33: The dimensions on the Flared End Section with Stone Protection Detail show the length and width of the energy dissipation bowl as "X" and "Y". Identify the length and width of this area on the plan set, as well as the size stone to be installed.

Response: The detail has been revised to show the Stone Protection sizing.

Mr. George K. McGregor
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Site Utilities

Comment 34: Confirm via coordination with Aquarion Water that the proposed 8" water main requires or does not require a blow-off assembly at the end of the service main given the elevation in relation to the Hopmeadow St watermain.

Response: Conversation and coordination is on-going with Aquarion Water and details will be provided prior to construction.

Comment 35: Confirm that the restaurant buildings do not require a fire protection service.

Response: The architect does not anticipate that fire protection service is required for the restaurants.

We trust you will find these preliminary responses satisfactory. If you wish for additional information, or would like to discuss, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Paul Vitaliano".

Paul Vitaliano, P.E.

CT Director of Land Development



August 22, 2023

Ref: 42810.00

George K. McGregor, AICP
Planning & Community Development Director
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: 1263 Hopmeadow Street – Response to Fire Marshal Comments

Dear Mr. McGregor,

The following is a revised response to comments provided by Simsbury Fire Marshal Patrick Tourville in a letter dated June 12, 2023.

Comment 1: The turn lane from Hopmeadow St indicates a 15-foot road width. A minimum of 20 feet is required for fire dept. access.

Response 1: The driveway has been revised to 18ft lanes as agreed upon. The access also includes a mountable concrete island as detailed on sheet C-6 'Site Details'.

Comment 2: The main driveway from Hopmeadow Street and the intersection point to the northern restaurant will cause traffic congestion and confusion for exiting the complex. This design will possibly contribute to traffic congestion from Hopmeadow Street.

Response 2: The exiting lane from the restaurant will be stop controlled while the main plaza drive will be free flowing. Also, there is a secondary egress in the rear of the restaurant which will be used for vehicles traveling northbound on Route 10. Additional signage can be added to direct northbound traffic to use the Big Y signal.

Comment 3: The exit lane from the property indicates 16 feet in width. 20 feet required for fire department.

Response 3: See response to Comment 1 above.

We trust you will find these preliminary responses satisfactory. If you wish for additional information, or would like to discuss, please contact me at your earliest convenience.

Sincerely,


Paul Vitaliano, P.E.

CT Director of Land Development



August 22, 2023

Ref: 42810.00

Mr. George K. McGregor
Director of Community Planning & Development
Town of Simsbury Planning and Land Use Department
933 Hopmeadow Street
Simsbury, CT 06070

Re: Proposed Development 1263 Hopmeadow Street

Dear Mr. McGregor,

VHB is pleased to submit these responses to the comments provided by Deputy Chief of Police Mr. Christopher Davis regarding the proposed development at 1263 Hopmeadow Street. Plans depicting these revisions as well as those from City Staff, DRB, tenants, and Zoning Commission are included.

Comment 1: Traffic turning from Route 10 into restaurant entry-way (not via Big Y access road) should only be allowed to turn in as they travel south (No left turn from northbound traffic).

Response: VHB understands Town staff's position on revising the access drive to be right in/right out only. The plans submitted, however, reflect a full access in and right-out driveway as previously shown. Maintaining full access to the site is an essential component to the success of the prospective tenants so we will discuss further with the Zoning Commission.

Comment 2: Moving the proposed driveway entrance to the northernmost restaurant (Chipotle), further west so that it does not create a traffic backup either onto Rte 10. Either vehicles exiting that parking lot or waiting in queue to enter the restaurant could cause potential issues with the way it is currently configured.

Response: The drive entrance is proposed to remain as currently shown on the plans. The restaurant drive thru does not have an order window as orders are placed in advance via an app which alerts the customer when their order is ready. This method reduces waiting time and the number of cars in the queue. The plan depicts 10 cars capable of waiting in the queue lane even though the app order method has proven to result in smaller queues than with a traditional drive thru. Additionally, moving the entrance further to the west would create potential confusion for drivers entering the site directly opposite the pick-up window and force vehicles to circulate the building to exit the site.

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RIOUS\Town Comments\Police Comments\2023-06-
22\2023-08-22 Response to comments letter.docx



Comment 3: The northernmost restaurant (Chipotle) allows for exit east and west between the restaurants. Maybe exiting traffic should only turn west.

Response: The vehicles exiting from Chipotle are stop controlled and therefore will not impact the flow of traffic in or out of the site from Hopmeadow Street. Cars will only be allowed to turn east or west after stopping first to check for any on-coming traffic.

Comment 4: We have similar concerns about how close the drive-up ATM entrance/queue is to the entrance to the parking lot – if it's possible it might be more prudent to move the ATM further west in the parking lot.

Response: The ATM location as shown on the site plans was designed to allocate enough room for the anticipated 2 to 3 vehicle queuing based on the tenant's program. It is therefore proposed to remain as shown since it is not expected to generate a queue that will impact the internal site drives.

We trust you will find these preliminary responses satisfactory. If you wish for additional information, or would like to discuss, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Paul Vitaliano".

Paul Vitaliano, P.E.

CT Director of Land Development

Paul Vitaliano

From: Pothering, Ryan J <Ryan.Pothering@ct.gov>
Sent: Friday, May 26, 2023 11:24 AM
To: Charles Baker
Cc: Paul Vitaliano; Kaitlyn Eannotti; Ouellette, Joseph P.
Subject: [External] RE: Request for OSTA Determination

You don't often get email from ryan.pothering@ct.gov. [Learn why this is important](#)

Morning Charlie,

Looking at the site plan, we could consider the cross-access driveway with the Big Y as an access of convenience, since your site has a proposed driveway with Route 202. In this case, your site would not be looped into the Big Y certifiable area and OSTA review would not be required.

Have a great weekend!

--Ryan

Ryan J. Pothering, P.E. (He/Him)
Transportation Supervising Engineer
Office of the State Traffic Administration
Connecticut Department of Transportation
2800 Berlin Turnpike
Newington, CT 06131-7546 USA

From: Charles Baker <CharlesBaker@VHB.com>
Sent: Friday, May 26, 2023 9:15 AM
To: Pothering, Ryan J <Ryan.Pothering@ct.gov>
Cc: Paul Vitaliano <PVitaliano@VHB.com>; Kaitlyn Eannotti <keannotti@vhb.com>
Subject: Request for OSTA Determination

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ryan,

I am emailing to request a determination on whether an AD submittal to OSTA will be required for a proposed development located at 1263 Hopmeadow Street in Simsbury. This development is below the MTG thresholds, but there is a proposed internal connection to the adjacent Big Y Grocery Store, which has a certificate (#1913). We found a cross access easement for the Big Y, which includes language indicating that "no future access to the site property from any surrounding properties be established without review and/or approval of OSTA.

I assume this implies that the proposed development on the 1263 Hopmeadow site should be included in the certifiable area for the Big Y, and an AD submittal will be required. Could you please confirm this approach?

I have attached a PDF of the preliminary site plan for 1263 Hopmeadow Street and the cross easement for the adjacent Big Y for reference.

Thanks,

Charlie



Charles Baker, PE, PTOE
Senior Traffic Engineer
CT - Transportation Eng



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STATE OF CONNECTICUT
DEPARTMENT OF TRANSPORTATION



memorandum

subject: Town of Simsbury
Route 10/202
1263 Hopmeadow Street
Chipolte

date: June 13, 2023

to: Mr. Paul Vitaliano, PE
CT Director of Land Development
VHB
Email: PVitaliano@VHB.com

from: Aron J. Steeves
Special Services Manager
District IV
Bureau of Highway Operations

The following comments refer to the plan set entitled "Site Plans Proposed Commercial Development 1263 Hopmeadow Street Simsbury, Connecticut", prepared by VHB, dated May 26, 2023.

No.	Comment	Inc.	Not Inc.
1.	This Office received your submittal on June 5, 2023. This submittal was sent in error to Mr. John Lee in District 4 Construction and not Mr. Aron Steeves in District 4 Permits.		
2	The island in the driveway on Route 202 should be set back 4 feet from the Route 202 edge or road. Due to this, the driveway may need to be made wider so the island can be revised to physically prohibit left turns out of the driveway.		
3	Show the uninterrupted intersectional sight distances out of the Route 202 driveway.		
4	All proposed drainage pipes within the State ROW shall be RCP.		
5	Convert the catch basin at the entrance from Route 10/202 to a manhole and add a Type C catch basin to the south of the existing basin along the curb line of the island.		
6	A drainage connection concurrence will be required for the proposed drainage connection. The signed document shall be recorded in the town land records and a certified copy of the recording must be received at the District 4 Permit Office, 359 South Main Street, Thomaston, Connecticut 06787 prior to releasing the posted bond.		
7	The plans will be sent to Traffic Engineering for the approval of the Traffic Signal design revisions. Comments regarding the Traffic Signal will come directly from Traffic Engineering.		

Gina Greenalc/Kyle Case
bcc Aron Steeves – Ron Ferris –

Traffic Engineering Comments	Comments	
	Included	Not Included
<p>This office has received your recent contract document and letter.</p> <p>In response to this submittal, the Traffic Division has reviewed the submission and have the attached comments.</p> <p>Corrections/changes are also marked on the attached plan. Respond in writing to all written and plan comments.</p> <p>Any questions regarding the comments should be directed to the following staff:</p> <ul style="list-style-type: none"> • Traffic Operations comments in Red, contact Angie Alegre at angie.alegre@ct.gov. <p><u>General Comments:</u></p> <ol style="list-style-type: none"> 1. The island in the driveway on Route 202 should be set back 4 feet from the Route 202 edge or road. Due to this, the driveway may need to be made wider so the island can be revised to physically prohibit left turns out of the driveway. 2. Ensure Traffic Signal No. 128-246 is updated to reflect the proposed driveways, pavement markings and sign locations as shown on signing and pavement marking plan. 3. Submit existing, background and combined synchro analysis to reflect timings on the traffic control signal plan of record. <ol style="list-style-type: none"> a. Based on the materials submitted, the thru movement on the SB approach has significant delays and queues in the build conditions, an increase from the background condition analysis. Please submit mitigations. 4. All proposed drainage pipes within the State ROW shall be RCP. 5. A drainage connection concurrence will be required for the proposed drainage connection. The signed document shall be recorded in the town land records and a certified copy of the recording must be received at the District 4 Permit Office, 359 South Main Street, Thomaston, Connecticut 06787 prior to releasing the posted bond. <p><u>Standard Details:</u></p> <ol style="list-style-type: none"> 6. Include the relevant standard sheets for pavement markings for non-freeways, and include Sign Face Sheet Aluminum Guide Sheets, found at the following link: TRAFFIC STANDARD GUIDE SHEETS DETAILS (ct.gov) 		

Traffic Engineering Comments	Comments	
	Included	Not Included
<p><u>Special Provisions:</u></p> <p>7. Please include all the necessary special provisions in the next submission, which can be found on the Department’s website at the link below: https://portal.ct.gov/DOT/TRAFFIC-ENGINEERING/TRAFFIC-SPECIAL-PROVISIONS</p>		



Big Y Foods, Inc.
2145 Roosevelt Ave., P.O. Box 7840
Springfield, MA 01104-7840
(413) 784-0600

December 31, 2014

Mr. Richard D. Wagner, Jr.,
Manager
Simsbury Upper7, LLC
PO Box 66
Simsbury, CT 06070

Re: Big Y Foods, Inc. Cross Easement Agreement with Simsbury Upper7, LLC

Dear Mr. Wagner:

This agreement is written in connection with Big Y Foods, Inc. (and its successors and assigns) ("Big Y") acquisition from Simsbury Upper7, LLC and its successors and assigns ("Simsbury Upper7") of certain real property of approximately seven acres generally referred to as 1313 Hopmeadow Street, Simsbury, Connecticut (the "Big Y Property").

Given the following:

1. The approval Big Y received from the Department of Transportation, Office of the State Traffic Administration ("OSTA"), for development of a Big Y World Class Market on Big Y Property requires, among other things, that future internal connections between the Big Y Property and surrounding properties be allowed and not precluded, subject to an agreement among property owners, and that no future access to the site property from any surrounding properties be established without review and/or approval of OSTA.
2. The approval Big Y received from the Town of Simsbury on September 13, 2012, for the development of a Big Y World Class market on the Big Y Property requires, in paragraph "j", Big Y, the applicant, Big Y, and the owner, Simsbury Upper77 LLC, to make every feasible effort to provide for cross easements as may be necessary to allow for patrons to go from one property to another without going back onto Hopmeadow Street.

In consideration of Simsbury Upper7's sale of the Big Y Property to Big Y, and for other good and valuable consideration, Big Y agrees that, upon written request from Simsbury Upper7, and/or their successors and assigns, Big Y shall grant, or cause to be granted, in a reasonable amount of time to not unduly hamper real property development, commercially reasonable easement(s) across the Big Y Property where necessary to comply with the above referenced items numbered 1 and 2 above subject to any applicable state or local legal requirements. Big Y reserves the right to impose a requirement that such easement(s) contain the same land use restrictions as contained in that Declaration of Covenants and Restrictions executed on the date hereof by Simsbury Lower3, LLC and Simsbury Middle3, LLC and recorded or to be recorded in the Simsbury Land Records. It is also noted that Big Y reserves the right to impose such one-

Mr. Richard D. Wagner, Jr.

Page 2

December 31, 2014

time reasonable fees on the affected benefitted surrounding property owners benefitting from this easement that are consistent with fair market value commercial real estate practices. Imposing extraordinary fees on affected property owners or unnecessarily delaying such real estate development will be considered a breach of this agreement and will constitute grounds for Big Y's compensation for damages to Simsbury Upper7, its successors and assigns.

Simsbury Upper7, LLC and its affiliates shall have all legal and equitable rights to enforce this letter agreement, including, without limitation, specific performance, and Big Y shall pay their legal fees and costs if they are required to enforce the terms of this agreement through litigation and shall prevail in such enforcement.

This letter agreement shall survive closing of the acquisition of the Big Y Property until such time as the easement contemplated by this letter is in fact granted and recorded on the Simsbury Land Records at which time this letter agreement shall be of no further force and effect. This letter agreement shall be binding on Big Y and its successors and assigns for so long as it is in effect.

Big Y and Simsbury Upper7 agree that either of them shall have the right to record a notice of this agreement on the Simsbury Land Records.

[Remainder of page intentionally blank; signature page follows]

Mr. Richard D. Wagner, Jr.

Page 3

December 31, 2014

Please contact the undersigned with any questions.

Very truly yours,

BIG Y FOODS, INC.

By: William T. Mahoney
William T. Mahoney
Chief Financial Officer

Agreed:

Simsbury Upper7, LLC

By: _____
Richard D. Wagner, Manager

Mr. Richard D. Wagner, Jr.

Page 3

December 31, 2014

Please contact the undersigned with any questions.

Very truly yours,

BIG Y FOODS, INC.

By: _____
William T. Mahoney
Chief Financial Officer

Agreed:

Simsbury Upper7, LLC

By: *R. D. Wagner*
Richard D. Wagner, Manager
JR

AFTER RECORDING, PLEASE
RETURN TO:
MICHAEL S. STIEBEL
86 FARMINGTON AVE.
HARTFORD, CT 06105

NOTICE OF AGREEMENT

BE IT HEREBY KNOWN THAT Simsbury Upper7, LLC a Connecticut limited liability company of 1285 Hopmeadow Street, Simsbury, Connecticut 06070 (referred to herein as the "Simsbury") and Big Y Foods, Inc., a Massachusetts corporation with an address of 2145 Roosevelt Avenue, Springfield, MA 01102-7840 (referred to herein as the "Big Y") entered into a letter agreement dated of even date herewith (referred to below as the "Agreement"). Pursuant to such Agreement, Big Y agreed, upon request of Simsbury or its successors and assigns, to grant or cause to grant commercially reasonable easements across the Big Y property described in Exhibit A attached hereto to comply with (a.) Department of Transportation, Office of the State Traffic Administration approval and (b.) site plan approval received from the Town of Simsbury on September 13, 2012 for the development of a Big Y World Class market. Notice is hereby given of the said Agreement and of Simsbury's rights thereunder. A copy of said Agreement is on file with Simsbury and Big Y, to which reference may be had.

Executed and delivered this 31st day of December 2012

Witnesses:

[Signature]
DAVID ROUSSIMAKIS
[Signature]
MICHAEL S. STIEBEL

SIMSBURY UPPER7, LLC

[Signature]
By: Richard D. Wagner, Jr.
Its: Manager

BIG Y FOODS, INC.

By:
Its:

NOTORIZATION ON FOLLOWING PAGE

NOTICE OF AGREEMENT

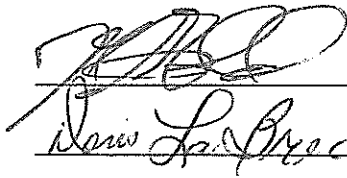
BE IT HEREBY KNOWN THAT Simsbury Upper7, LLC a Connecticut limited liability company of 1285 Hopmeadow Street, Simsbury, Connecticut 06070 (referred to herein as the "**Simsbury**") and Big Y Foods, Inc., a Massachusetts corporation with an address of 2145 Roosevelt Avenue, Springfield, MA 01102-7840 (referred to herein as the "**Big Y**") entered into a letter agreement dated of even date herewith (referred to below as the "**Agreement**"). Pursuant to such Agreement, Big Y agreed, upon request of Simsbury or its successors and assigns, to grant or cause to grant commercially reasonable easements across the Big Y property described in **Exhibit A** attached hereto to comply with (a.) Department of Transportation, Office of the State Traffic Administration approval and (b.) site plan approval received from the Town of Simsbury on September 13, 2012 for the development of a Big Y World Class market. Notice is hereby given of the said Agreement and of Simsbury's rights thereunder. A copy of said Agreement is on file with Simsbury and Big Y, to which reference may be had.

Executed and delivered this 31st day of December 2014

Witnesses:

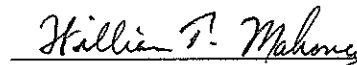
SIMSBURY UPPER7, LLC

By: Richard D. Wagner, Jr.
Its: Manager



Denis L. Brocqua

BIG Y FOODS, INC.



By: William T. Mahoney
Its: Chief Financial Officer

NOTORIZATION ON FOLLOWING PAGE

STATE OF CONNECTICUT)
)
COUNTY OF HARTFORD) ss: Simsbury

On this the 30th day of December, 2014, before me, MICHAEL S. STIEBEL, the undersigned officer, personally appeared Richard D. Wagner, who acknowledged himself to be the Manager of Simsbury Upper7, LLC, a manager managed limited liability company, and that he, as such Manager being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Manager as his free act and deed and as the free act and deed of such limited liability company.

In witness whereof I hereunto set my hand.

Signature of Michael S. Stiebel
MICHAEL S. STIEBEL
Commissioner of the Superior Court

STATE OF CONNECTICUT)
)
COUNTY OF) ss: (town)

On this the ___ day of _____, 201_, before me, _____, the undersigned officer, personally appeared _____ who acknowledged himself/herself to be the _____ of Big Y. Foods, Inc., a corporation, and that he/she, as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as _____.

In witness whereof I hereunto set my hand.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

STATE OF CONNECTICUT)
) ss: Simsbury
COUNTY OF HARTFORD)

On this the ___ day of _____, 201_, before me, _____, the undersigned officer, personally appeared Richard D. Wagner, who acknowledged himself to be the Manager of Simsbury Upper7, LLC, a manager managed limited liability company, and that he, as such Manager being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as Manager as his free act and deed and as the free act and deed of such limited liability company.

In witness whereof I hereunto set my hand.

Commissioner of the Superior Court

COMMONWEALTH OF MASSACHUSETTS)
) ss: SPRINGFIELD
COUNTY OF HAMPDEN) (town)

On this the ___ day of _____, 201_, before me, _____, the undersigned officer, personally appeared William T. Mahoney who acknowledged himself to be the Chief Financial Officer of Big Y. Foods, Inc., a corporation, and that he, as such Chief Financial Officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Chief Financial Officer.

In witness whereof I hereunto set my hand.

Francoise M. Carabetta
Commissioner of the Superior Court
Notary Public
My Commission Expires: JUNE 25, 2021



Exhibit A

A certain piece or parcel of land situated on the westerly side of Hopmeadow Street in the Town of Simsbury, County of Hartford and State of Connecticut. Said Parcel being depicted as "Total Combined Area = 7.19+/- acres" on a map entitled Property / Topographic Survey property of Simsbury Upper7, LLC Hopmeadow Street Simsbury, Connecticut Date: 07-12-2010 last revised 07-29-2014" by F.A. Hesketh & Associates, Inc. Said parcel being bounded and more particularly described as follows:

Beginning at a rebar found marking a point on the westerly highway line of Hopmeadow Street, the southeasterly corner of land of the Town of Simsbury, the northeasterly corner of land now or formerly of Simsbury Upper7, LLC and the northeasterly corner of the parcel herein described.

Thence, S 02°15'33" E a distance of 370.20 feet to a CHD monument found.

Thence, S 03°16'53" W a distance of 181.37 feet to a CHD monument found.

Thence, S 04°51'15" W a distance of 182.58 feet to the northeasterly corner of land now or formerly of Wagner Ford Sales, Incorporated. The last three courses being along the westerly highway line or Hopmeadow Street.

Thence, N 79°45'47" W a distance of 242.23 feet along lands now or formerly of Wagner Ford Sales, Incorporated and land of Simsbury Middle3, LLC partly by each to a point.

Thence, N 79°24'17" W a distance of 281.54 feet to a rebar found marking the southeasterly corner of land now or formerly of the Town of Simsbury.

Thence, N 10°42'59" E a distance of 584.93 feet along the eastern line of land of the Town of Simsbury to a rebar found.

Thence, S 84°24'34" E a distance of 23.97 feet to a point.

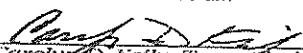
Thence, N 83°08'15" E a distance of 166.79 feet to a rebar found.

Thence, N 69°55'29" E a distance of 104.16 feet to a rebar found.

Thence, N 85°36'14" E a distance of 130.68 feet to the point and place of beginning. The last four courses being along land of the Town of Simsbury and the easterly line of a Right of Way to the International Skating Center.

Said parcel contains 7.19 acres more or less.

Received for Record at Simsbury, CT
On 01/02/2015 At 11:44:13 am


Carolyn D. Kelly, Town Clerk