



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Edmund J. Meehan
Town Planner

Certified Mail No. 7196 9008 9040 0551 7221

CERTIFICATE OF ACTION

TO: Daniel Rossi
Toll Brothers, Inc.
53 Church Hill Road
Newtown, CT 06460

DATE: October 27, 2011

SUBJECT: Petition 13-11 – Toll Brothers, 53 Church Hill Road Newtown, CT 06460 applicant, Balf Company owner request approval for open space subdivision development, 71 lots single family homes, 73.7 acres for property north of Old Highway and west of Russell Road, Assessor's Map Block Lot No. 11/329/000, R-20 Residential Zone District.

At a meeting held, October 26, 2011, the Newington Town Plan and Zoning Commission voted to approve the above referenced PETITION based on revised subdivision plans dated July 27, 2011, showing 64 lots as modified by drawing dated August 16, 2011, Sheet SP-1 showing 62 lots, submitted at public hearing August 24, 2011.

The Commission's decision to approve this subdivision is based on the following reasons and the submission of modified plans that bring the design into conformance with the Zoning Regulations. These modified plans shall be submitted to the Commission for its approval prior to the Chairman signing the subdivision mylars.

A. Reasons:

- 1) The use of this property for residential single-family homes is consistent with its R-20 Zone District designation.
- 2) The proposed lots frontage width, yard side backs and sizes comply with the Zoning Regulations for open space subdivisions in the R-20 zone district.
- 3) The proposed roadway design complies with the Subdivision Regulation standards for residential streets.
- 4) The subdivision will be served with a full range of public utilities, all placed underground.
- 5) The conveyance of approximately 44 acres of the property to the Town of Newington for public open space complies with the Zoning Regulations Section 6.8 Open Space Subdivisions, the Subdivision Regulations Section 3.9 and is in harmony with the 2020 Plan of Conservation and Development strategies recommending the preservation of the Cedar Mountain ridgeline.

B. Subdivision Plan Modifications

- 1) The five (5) Stormwater Management Basin areas shall be relocated out of land to be deeded to the Town. Property boundaries shall be delineated around each basin area for ownership and maintenance responsibility by a homeowners' association.

The Town of Newington shall be granted drainage rights to direct public street stormwater into the basins. The limit of Town responsibility for each basin shall terminate at the Water Quality Structure located in the public street right of way.

- 2) Add notes to the grading and utility plan "Homeowners' Association shall be responsible for maintenance of the Stormwater Management Basins."
- 3) Submit to the Town Engineer for approval a draft stormwater management maintenance plan that will be the responsibility of the homeowner's association to implement.
- 4) Relocate the proposed sanitary sewer line out of the Old Highway Greenway; no construction and no tree clearing will be permitted within the greenway and 50 foot buffer. Zoning Regulations Section 6.10.5 (B)
- 5) Relocate stormwater management basin #1, at the southeast corner of the subdivision, out of the 50 foot Old Highway greenway. Redesign the basin to eliminate retaining wall and achieve mowable slope within basin area.
- 6) Revise limits of clearing and grading for the backyards of lots #1 to #4, the area associated with stormwater yard drains #7 to #10, to reduce tree cutting along Russell Road and provide replanting plan.
- 7) Relocate clearing and grading adjacent to lot #48 out of the 50 foot Old Highway greenway buffer. Zoning Regulations Section 6.10.5 (B)
- 8) Submit redesign of former lots #12 and #13. The redesign should eliminate the 4 foot to 10 foot retaining wall within the proposed street right of way.
- 9) Submit redesign for lot #11 which, because of elimination of lots #12 and #13, would abut wetlands and drainage areas on west and north sides. The suitability of lot #11 is further diminished by tree clearing and grading for construction of the sanitary sewer line long its easterly boundary. The clearing of trees and grading within the Russell Road right of way should be redesigned.
- 10) Submit redesign for Stormwater Management Basin #2 on Russell Road to remove tree clearing, grading and spillway out of the Russell Road right of way.
- 11) Submit revised grading plan for proposed lot #29 avoiding 15 percent slope area and retaining wall in rear yard.
- 12) Change proposed street name from "Cedar Mountain" to a name that does not sound similar.
- 13) Eliminate parking within cul-de-sacs adjacent to Old Highway greenway.

- 14) Add note: The developer's blasting contractor shall conduct their activities in accordance with State regulations and the requirements of the Newington Fire Marshal. The protocol for pre and post blasting monitoring, as outlined in BL Companies August 9, 2011 letter (submitted at August 9, 2011 public hearing) pages 10 to 13, shall be followed.
- 15) The developer's engineer submitted testimony that the proposed grading plan will result in a balance of cut and fill material. Add note to plans, "Prior to processing of rock on site, developer shall apply for Special Permit Zoning Regulations Section 6.4."
- 16) Add note to plans, "MDC pump station building shall be designed and constructed in accordance with building elevation submitted to the Commission August 10, 2011."
- 17) Add note to lot proposed for MDC pump station at northeast corner of subdivision, "Not an Approved Residential Building Lot – For Utility Service Building Use Only."
- 18) Project ground sign at entrance to subdivision (Sheet DN-10) is not approved and will require Special Exception petition Zoning Regulations Section 6.2.4.
- 19) The developer's engineer shall certify to the Town Engineer that all stormwater management improvements have been constructed in accordance with the approved plans. The certification shall be submitted to the Town Engineer prior to the issuance of the first certificate of occupancy. The Town Engineer may accept drainage certificate for phases of the subdivision. The subdivision performance bond shall not be released until all stormwater management improvements are certified and stabilized.
- 20) Prior to the final revised subdivision plans being signed by the Commission Chairman, the developer shall post a performance bond for the completion of all public subdivision improvements as required by Section 7.5 (B) Subdivision Regulations.
- 21) Provide parking for users of public open space at easterly side of Old Highway Greenway at intersection of Russell Road. Submit layout parking design to Town Planner for review.

C. The Newington Conservation Commission Inland Wetlands Report

1. The Commission acknowledges the receipt of the Inland Wetlands Agency report, Application 2011-02, dated September 27, 2011.

Certified by:

Edmund J. Meehan
Town Planner

This subdivision Approval will not become effective until a) transparency of this Certificate of Action is affixed to the original plan mylar; b) the conditions above are noted and incorporated onto the subdivision plan; c) the mylar original is signed by the TPZ Chairman; and d) a mylar

original is signed mylar is filed in the Town Plan and Zoning Office and in the Newington Land Records.

Pursuant to Section 82-6c of the General Statutes all work in connection with this approved Subdivision shall be completed within five (5) years, by October 26, 2016 unless extensions are granted by the Commission.

An Autocad DXF File shall be provided to the Town Planner for incorporation into the Town's GIS database at the time of submission of the plan mylar.

Cc: Balf Company, 301 Hartford Avenue, Attn: Mr. Frank Lane, Director of Real Estate & Environmental Compliance, Newington, CT 06111