

**EXHIBIT LIST OF INTERVENOR  
SOMERS CONSERVATION COMMISSION #740  
PUBLIC HEARING MARCH 3, 2021**

1. Affidavit of Jacqueline Sarkis
2. Letter from George Sarkis
3. Driveway Incident
4. Evidence of Intent to Build Driveway and Develop Lots
5. Conservation Commission Agenda 11/4/20
6. Transcript (Partial) of November 4, 2020 Conservation Commission Meeting
7. Subdivision Lots Map of 17 Lots Cooksville at Indian Rock
8. Subdivision 17 Lots Cooksville at Indian Rock (Map Block)
9. Notation on Subdivision Plans – Not Approved Building Lot
10. Richard Meehan, L.L.S., Resume
11. As Built Plans
12. Driveway Survey Plan Meehan & Goodin
13. Town of Somers Driveway Ordinance Chapter 104
14. Town of Somers Subdivision Regulations
15. George T. Logan, Registered Soil Scientist Wetlands Report
16. George T. Logan, Resume
17. Letter from Joseph Versteeg
18. Joseph H. Versteeg Full Resume
19. Property Card and GIS Map, 54 Hangdog Lane

20. Connecticut Secretary of State Record
21. Ozzie Torres, P.E., Resume
22. Letter from Ozzie Torres, P.E.
23. Feasible and Prudent Access Alternative
24. Matthew J. Cholewa, J.D., Resume
25. Title Report of Matthew J. Cholewa, J.D.
26. Driveway Easement
27. Title Report Back-Up Documentation
28. Title Search Maps
29. Planning and Zoning File

# EXHIBIT 1

APPLICATION #740 : TOWN OF SOMERS  
: CONSERVATION COMMISSION  
: JANUARY 31, 2021

AFFIDAVIT

The undersigned being duly sworn, does hereby depose and say as follows:

1. I am over the age of eighteen (18) years, understand and believe in the obligation of an oath, am competent to testify to the matters set forth herein, and have personal knowledge of the matters set forth herein.
2. I reside at 54 Hangdog Lane, Somers, Connecticut (the "Property") with my husband who works outside the home and goes in and out throughout the day, and my children. My children are ages 15 and 9. They are enrolled in public school in Somers and are frequently driven to and from the house on the driveway. They also walk up the driveway in nice weather when the school bus drops them off.

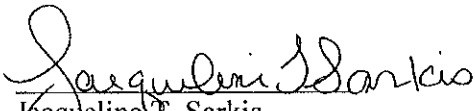
No one else uses the driveway except for my family and our guests. I would estimate that prior to the pandemic we made approximately 15 trips out and the same number back on an average day. My children (and their cousins and friends) ride their bicycles and scooters and play in the driveway along which the access is proposed by Mr. Roulier, as that is the only relatively flat hard surfaced area on the hill. My dogs are also out running around while my children are out playing.

3. I have resided at the Property since I purchased it with my husband on February 6, 2018. We have since transferred the Property to an LLC of which I am a member.
4. The Property is accessed by a steep, curving driveway approximately 1200 feet long and 15 feet wide through property owned by The Roulier Family Limited Partnership (the "Roulier Property") known as 50 Hangdog Lane, Somers, Connecticut.
5. The Roulier Property contains approximately 11 acres.
6. The Roulier Property has frontage on Hangdog Lane directly in front of my house.



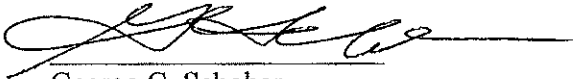
7. Prior to purchasing the Property, I spoke with Daniel Roulier by telephone regarding his intentions as to the Roulier Property. I believed at the time and do today that he had the authority to speak on behalf of the Roulier Family Limited Partnership. He told me that he planned to build two houses directly in front of my house.
8. He also sent me a text message on July 7, 2018 which states in part “[m]y intention is to market the lots [the land in front of my house] and build expensive houses as a package.” See Exhibit 1 attached hereto.
9. After I purchased the Property, Mr. Roulier told me, in the presence of my mother Beatrice Tuthill, that he planned to build two houses on the Roulier Property and that the houses would be accessed by my long, curving, narrow, steep driveway so that they would face my house rather than facing Hangdog Lane. He stated that he wanted the access to the houses to look “stately” by entering through the gate to my driveway.
10. During the Conservation Commission meeting on November 4, 2020, Daniel Roulier stated “[t]hat some day I’m going to sell it. I have approval. It’s an approved building lot.”
11. The driveway that he proposes to build in front of my house evidences his intention to build houses. The driveway includes a turn-around and is clearly designed for residential purposes not agricultural purposes.
12. Since the date I purchased the Property, I have never seen the Roulier Property used for agricultural purposes by The Roulier Family Limited Partnership except for limited cow grazing in the summer of 2018. I have never seen it farmed. Mr. Roulier asked me if I wanted to graze my horses on the Roulier Property in 2020 in exchange for my taking responsibility for maintaining that portion of the Roulier Property. I did graze my horses there for a few months in 2020 and maintained (fertilized and mowed) the Roulier Property for him.
13. The few times that I saw Mr. Roulier graze cows on the Roulier Property in 2018, the cows were dropped off and picked up from the access from Hangdog Lane directly in front of the Roulier Property.
14. The upper portion of the Roulier Property was completely fenced until Mr. Roulier removed a portion of the fence near our driveway in October, 2020. Based upon the condition of the fence it is obvious that it had been in place for many years. The fence blocked access to the upper portion of the Roulier Property from my driveway, and therefore cows could not have been dropped off from my driveway.

- 15. Almost weekly, Daniel Roulier and others have accessed the Roulier Property directly from Hangdog Lane with various vehicles, including automobiles and pick-up trucks.
- 16. I am aware of several accidents which have occurred on my long, curving, narrow, steep driveway since February of 2018, particularly during winter driving conditions.
- 17. Mr. Roulier told me that when he built my house, he installed the pipe that drains water from my property to the Roulier Property. He explained that he placed the drainage so that the water from the mountain ran under the house and the driveway.

  
Jacqueline T. Sarkis

STATE OF CONNECTICUT) ) ss: Somers  
COUNTY OF TOLLAND )

Subscribed and sworn to before me this 31<sup>st</sup> day of January, 2021.

  
George C. Schober  
Commissioner of the Superior Court

# EXHIBIT 2

January 31, 2021

Joan S. Formeister – Chairman  
Conservation Commission  
Town of Somers  
600 Main Street  
Somers, Connecticut 06071

Re: Application #740, 50 Hangdog Lane

Dear Chairman Formeister and Members of the Conservation Commission:

I live at 54 Hangdog Lane with my wife, Jacqueline Sarkis, and our two children. We have lived there since 2018 and I drive in and out on that driveway several times a day, seven days a week. I have driven it in all seasons and all kinds of weather, sometimes I can only get through given that I have a four-wheel-drive truck. In fact, we invested in a more snow aggressive SUV (Mercedes G Wagon) to be able to get up our driveway during the snowy/icy winter months after my wife's Infiniti SUV slipped backwards into the pasture at the steepest part of the driveway with my daughters and my brother's children in the car.

As someone with extensive experience on that driveway on a daily basis, I wanted you to know these additional facts beyond what our lawyer and consultants may have for the record.

You basically must get a running start to make it up that steep driveway when the conditions are slippery, particularly when there is snow or ice, but also even when it is just wet. Without getting up to speed from the bottom of the driveway, you simply can't get through that significant portion which is a 20% grade and more.

The problem then becomes that someone coming down the driveway may encounter at a blind spot someone attempting to get up by driving fast.

At the worst of the blind spots along the driveway, at the curve where the driveway is the steepest, it is especially hazardous. In fact, our 17-year-old babysitter, Dominique LaBlanche, was nearly involved in a very serious accident on the driveway because of that – she was headed up the driveway while the UPS truck was coming down, they nearly collided. She did not have enough room to pass him on the side and had to back down the length of the driveway before the blind spot so the UPS driver could get out.

Going downhill in slippery conditions, particularly when there is ice and snow, is almost always hazardous. The steep slope causes vehicles to slide even when the brakes are on and you are going very slow. You probably have had the feeling; the vehicle just slides away no matter you do. You're helpless. We have had several cars slide right off into the field. A friend of ours, Bill and his wife, with his brand-new Chevrolet Tahoe, slid off the driveway, went

through the fence, and severely damaged his vehicle, all while trying to head down the hill at very slow speed when the driveway was slippery.

Just last week, one of my friends followed me down the driveway in his own car and lost control of his vehicle because of the steep slope. He nearly crashed into me, avoiding the collision only by running off the driveway into a grassy area.

And the hazard goes beyond vehicles getting out of control. Anything carried in a vehicle is subject to breaking loose at the steepest of the part of the driveway. In my case, a table that I was transporting in the back of my truck broke loose and crashed through the rear window of the truck. I suppose that goes as well for horses and cows. Our horses have to be hand walked down the driveway to get into the trailer or walked up after being dropped off as truckers would not dare drive up that driveway with our horses.

In short, this is a tough situation. We as a family have learned to live with it and to do the best we can to maintain our safety. This house we live in has no frontage on a public street, so we have no other alternative but to use this easement over a strip of land owned by Dan Roulier. We can't believe it was ever approved in the first instance, but it was, and it is our only possible access. However, no one else should use it and expose themselves, and my family, to the risks that are obvious.

Yours truly,



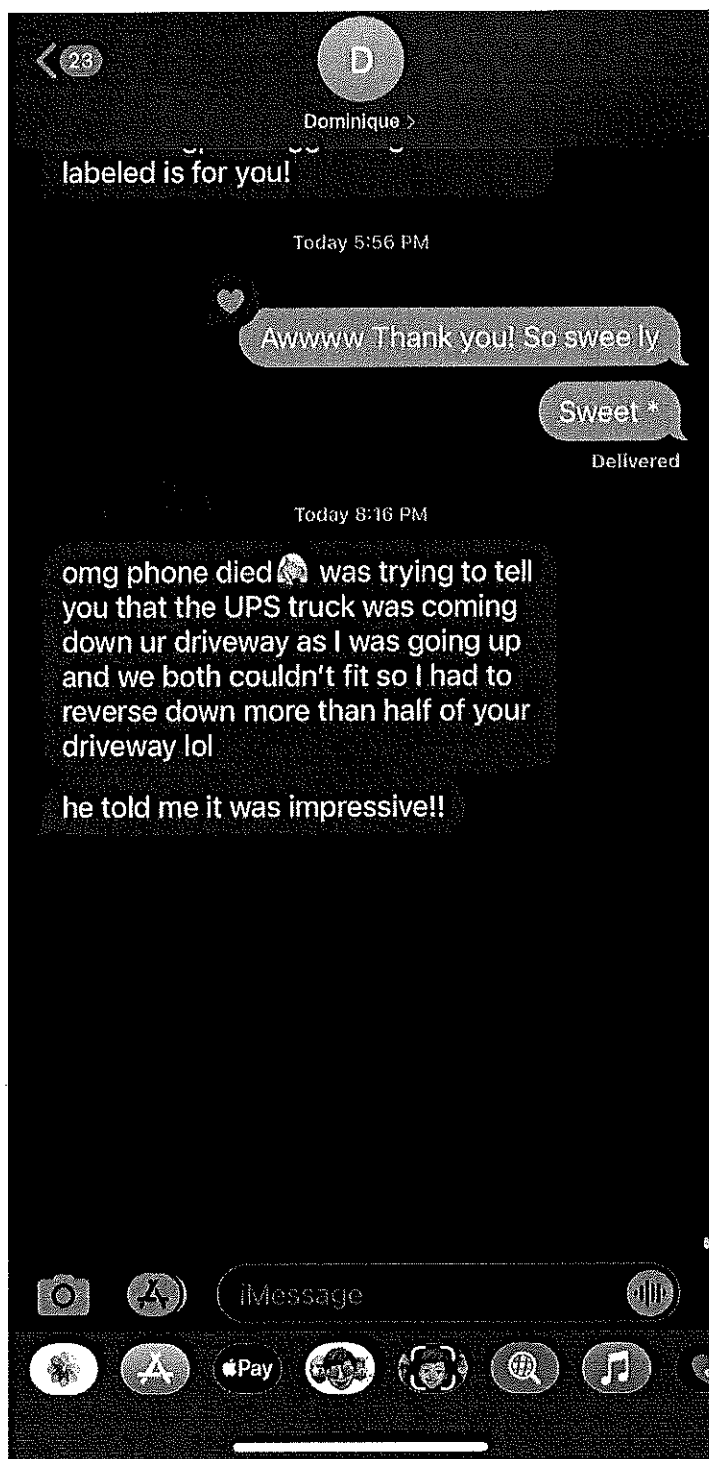
George Sarkis

Copy to:

Joanna Shapiro, Inland Wetlands/Erosion Control Agent

# EXHIBIT 3

2020-12-22 at 8.18.00 PM text message from babysitter re encounter on driveway



# EXHIBIT 4



Message from Daniel Roulier to Jacqueline Sarkis on July 7, 2018, regarding his intent to develop two lots in front of the Sarkis residence, accessed by the existing private drive.

Jul 7, 2018, 1:34 PM

The storm doors came from a w  
Hastings in engineless the Marvin  
window and door Distributor. Just to  
let you know we will be digging test  
pits on the lots in front and building  
the driveway . The power company  
and the surveyors will be working to  
locate the power and stake out the  
driveway. My intention is to market the  
lots and build expensive houses as a  
package . Thanks

# EXHIBIT 5

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**  
**P.O. Box 308**

**REGULAR MEETING**  
**WEDNESDAY, NOVEMBER 4, 2020**  
**7:00 PM – VIRTUAL MEETING VIA TELECONFERENCE (ZOOM)**  
**AGENDA**

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/87663473254?pwd=Z3VqeJQ3ODUzU1VBVVVjaThUcXp2UT09>

Meeting ID: 876 6347 3254

Passcode: 255202

Phone number: 1 646 558 8656

I. CALL TO ORDER

II. OLD BUSINESS

**None**

III. NEW BUSINESS

1. **Informal Discussion:** 242 Billings Road. Possible Subdivision. Renee Rumore.
2. **Application #739:** 23 Eleanor Road. 25-Unit Housing Development in the Upland Review Area. Gingras Development II LLC/Tom Careno.
3. **Application #740:** 50 Hangdog Lane. Construct Driveway and Repair Drainage in Upland Review Area. Roulier Family Partnership/Daniel R. Roulier.
4. **Proposed 2021 Meeting Dates**

IV. MINUTES APPROVAL: October 26, 2020

V. ADJOURNMENT

# EXHIBIT 6

SOMERS  
CONSERVATION COMMISSION  
REGULAR MEETING  
November 4, 2020

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Re: Application 740 -- 50 Hangdog Lane, Roulier Family Trust  
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TRANSCRIPT  
OF  
PROCEEDINGS  
(EXCERPT)

MEMBERS PRESENT:

JOAN FORMEISTER, CHAIRWOMAN  
DREW KUKUCKA, VICE CHAIRMAN  
KARL WALTON  
DANIEL FRARO  
GREG GENLOT  
CANDACE ALEKS

ALSO PRESENT:

JOANNA SHAPIRO, WETLANDS AGENT  
TARA COMRIE, RECORDING SECRETARY

(Excerpt Begins)

MR. ROULIER: Uh I gave myself an easement, uh, to to build my new house and I ended up selling that house but I kept the land in front of my house because the views are spectacular. And um so I simply all's I want to do is the drainage from my old house uh, and there's nothing recorded so there are no drainage easements at this point in time um is polluting my property. Um it's it's a significant amount of water that comes off the house and it's it's all consolidated into one pipe that comes down and empties onto my property. And uh so that pipe it terminates on my property. What I want to do is simply put a a driveway in so that I can, I already have access to the property. I can just drive over. In the spring time it's muddy and I don't want to do that. I want to have a gravel uh driveway and I want to put a structure in or in other words like a catch basin or something like that that will pick up the water from my old house and put it under ground three or four feet, reason for that is you don't want the pipe to float back up when the frost comes in and I had already created, uh 25 years ago a little small detention basin that my cows drank out of and then I have an exit area which goes in a pipe and goes down to Hang, to Hangdog Lane and a uh it terminates into a grass swale and it's uh carried away through a regular drainage system or what have you. So with all that being said, very simple, I just want to put a driveway over the top of the ground that's being polluted by the water, let the water continue to go where it was going, it just goes in a pipe instead of spreads out all over my property. That's it.

MS. SHAPIRO: And as Dan was talking I pulled up the actual town GIS um.

MR. WALTON: The thing is, Joanna, Karl Walton.

MS. SHAPIRO: Yep.

MR. WALTON: I heard what Dan said, I'm still not exactly sure which piece of property he was talking about.

MS. SHAPIRO: Are you able to see now that GIS that I pulled up?

MR. WALTON: And he can't see it because he's on his phone.

MS. SHAPIRO: No but I know um what he's referring to. But, can you all see the GIS?

MR. KUKUCKA: Yes.

MR. WALTON: Yes.

MS. SHAPIRO: Okay um so the house so you can see the red dash line that's the outside that's the property line of the property he's referring to so that property has frontage twice on Hangdog Lane and goes around that house with the dark...

MR. WALTON: Correct, but what what area is he talking about, I mean when you come off of you go around the corner on Hangdog Lane to get to that what is it called the the sack I'm going to guess the one point and then there's property immediately to the right there which is on the corner cause if you turn up your old driveway, Dan and come around through your piece of property, there's a there's a piece up there and then there is a right away that comes through and crosses over the driveway again and goes back down toward Hangdog.

MR. ROULIER: Yup.

MR. WALTON: And I think that's the piece you're talking about.

MR. ROULIER: Yeah the driveway's like 2000 feet long.

MR. WALTON: Yes.

Mr. ROULIER: And it goes up between both property lines between LOT 4 and uh LOT 5...

MR. WALTON: Correct.

MR. ROULIER: And so it's at that cul-de-sac and you go up that cul-de-sac and go all the way up to the top of the mountain and uh what I did is I left the people that bought the property from me uhh enough room for a small driveway to get into their garage. I own the rest. I own their driveway.

MR. WALTON: Correct. Okay. And which piece are you talking about wanting to do this on though. The piece that is immediately below that house

MR. ROULIER: Yes.

MR. WALTON: or the piece at the beginning?

MR. ROULIER: Yes.

MR. WALTON: Okay the piece that's immediately below that house, okay, now I know where you're talking about.

MR. ROULIER: Right, and that's all one lot called 5, lot 5, okay,

MR. WALTON: Correct

Mr. ROULIER: I left the tail to go all the way around and the remaining property is in front of my old house ... um on the mountain.

MR. WALTON: And then you have the border along the state border

MR. ROULIER: Yes that's right

MR. WALTON: Right

MR. ROULIER: That's right

MR. WALTON Okay now I understand what you're talking about

MR. ROULIER: Just for a little sided side uh bar, that used to be Ski Rattlesnake.

MR. WALTON: Yeah

MR. ROULIER: In 1960 you you had the back side of that



MR. WALTON: Yep

MR. ROULIER: Uh and it didn't work cause it was too, too warm

MR. WALTON: Right and that still belongs to Kenny Coelho, part of it.

MR. ROULIER: Yeah that's right. His father.

MR. WALTON: Yep.

MS. SHAPIRO: So, for everyone that wasn't following that there's...

MR. WALTON: I wish, I wish Joanna there was just some way to point out what we're talking about...

MS. SHAPIRO: I know...

MR. KUKUCKA: I can actually see your cursor now, Joanna.

MS. SHAPIRO: Oh, okay.

MR. KUKUCKA: Try to move it though, let me see if it moves.

MR. WALTON: I think it's yours, I think it's your cursor Drew. Because I thought I saw a cursor too and I moved my mouse and the cursor moved and it's like...

MR. KUKUCKA: Oh, oh my God, it is my cursor my bad... My cursor was parked right over it I apologize for that.

MS. SHAPIRO: Before I thought I was able to see um Dave's cursor when he was sharing his screen

MR. WALTON: Nah, nah that was yours, you just didn't realize it.

MS. SHAPIRO: *Laughs*. There's the, there's this skinny um...

MR. WALTON: This skinny band that comes down from north to south

MS. SHAPIRO: Yep.

MR. WALTON: And crosses over it

MR. WALTON: But it's that larger piece of property below the house there is what he's talking about.

MS. SHAPIRO: Yes.

MR. KUKUCKA: Yes.

MS. SHAPIRO: So we know that skinny piece north south.

MR. WALTON: And the the pond up there or the depression that the cows used to drink out of is across the road again, to the left, to the south, I guess the south...east?

MR. ROULIER: No.

MR. WALTON: No?

MR. ROULIER: No, No I don't think so.

MS. SHAPIRO: No there's a wetland pocket right there.

MR. WALTON: That's not in between the circle of Hangdog and Cooksville Road?

MR. ROULIER: You're going to be, you're going to be up towards my old house.

MR. WALTON: Okay I see.

MR. ROULIER: Up on top of the mountain.

MR. WALTON: Yep.

MS. SHAPIRO: Yeah there's a brown area within that field between the two houses we've been talking about.

MR. WALTON: Yep.

MS. SHAPIRO: There's a wetland pocket there, and right now there's, um, a pipe that discharges into that wetland, and I believe, and Dan can correct me if I'm wrong, he would like to pick up both a drainage pipe nearby, and any surface runoff, and collect all of that and pipe it and connect that on the ground to the existing pipe that discharges into that wetland.

MALE SPEAKER: Right.

MS. SHAPIRO: Is that correct Dan?

MR. ROULIER: Yep.

MS. SHAPIRO: Okay.

MR. ROULIER: Yep.

MS. SHAPIRO: So there wouldn't be work in the wetland itself, it would be, it would be work that connects those pipes, um and then to put gravel driveway, um, coming off of the existing driveway, to access that part of the property, that upper part of the property.

MR. ROULIER: Well yeah, that's that's part of it, but I'm also trying to fix a bad situation. The bad situation is the people currently own that, uh, don't have any rights to drain on my property. I want to straighten that out. I don't want that water contaminating my property so I want to change, I'm not changing the water course I'm just putting it in a pipe to the wetlands. I already had one there, and I keep this happened 24 years ago, I can't find the end of that pipe, and I want to put a new pipe in to replace it. There's a couple pictures um are you guys seeing those two photos that I gave Joanna?

MS. SHAPIRO: Um Dan, I'll I'll um stop sharing the GIS and I'll share that it'll just take a second.

MR. ROULIER: I'm sorry but I don't hear that well.

MS. SHAPIRO: I'm gonna share those photos.

MR. WALTON: What Dan?

MR. ROULIER: Say that again Karl?

MR. WALTON: I was just teasing you for saying you can't hear that well.

MS. SHAPIRO: Alright Dan I'm showing...

MR. ROULIER: No no I can't hear that well. Period...*laughter*.

MR. WALTON: Either can I Dan.

MR. ROULIER: Hearing Aid. Yeah there's a lot of other problems too. Hey we're doing better than Cliffy.

MR. WALTON: Yeah, I know, that was such terrible news.

MR. ROULIER: Yeah, awful.

MS. SHAPIRO: So Dan I'm sharing those photos now, so the first one I have here is the one that you captioned seasonal animal drinking water um

MR. WALTON: Okay

MS. SHAPIRO: and you can see the pipe coming out of the [unintelligible] wall. And that area in the background, is the...

MR. ROULIER: Can you see the one with the orange stake, there's an orange stake and there's a pipe below it.

MS. SHAPIRO: Okay I'm on that one now.

MR. ROULIER: Can you see that?

MR. WALTON: Right yep.

FEMALE SPEAKER: Oh yes, yeah.

MR. ROULIER: Okay so that's, that's the pipe that collects all the water from you know my old house. Well it used to connect all the water but when Nelson was getting evicted he put concrete... (gap between parts 1 and 2)

MR. WALTON: Okay.

MR. ROULIER: But, the rest of the water um comes down into my property, so I want to take where that pipe is and put some sort of a catch basin with a pipe that goes over to the other picture that shows you the depression in the ground.

MR. WALTON: Right.

MR. ROULIER: And that will fill up and then you know the cows and the animals drink out of that and then there's an overflow pipe. And the overflow pipe controls the level and then the water just goes down in a pipe all the way down to the street into a catch basin. The catch basin enters into a uh uh uh uh a grassy swale and falls into the into the drainage system that was in initially put in.

MR. WALTON: Yep. It goes to where it used to go before.

MR. ROULIER: Yeah it's going where it used to go. Right.

MR. KUKUCKA: So uh Drew Kukucka two questions, so one why the driveway the gravel stone and then two, I guess this might be for Joanna but I'm just trying to figure out what exactly is the regulated activity here is it uh the filling of that wetland area, is it the installation of the pipe in the wetland?

MS. SHAPIRO: There um there's not filling.

MR. ROULIER: Well I want to I want to have naked parties on my property...*laughter*... on top of the mountain.

MR. KUKUCKA: Well then.

MR. WALTON: Are you gonna invite us? *laughter*

MR. ROULIER: I will! I want to be, look it I'm already doing it I just want to fix it the right way so that I don't go up to my ackles ankles or uh my ackles in the mud. I mean, you

know, you want to know the truth? That some day I'm going to sell it. I have approval. It's an approved building lot.

MR. WALTON: Absolutely.

MR. ROULIER: Yeah, so, I mean right now, I want to be able to get down there uh uh I have uh six grandchildren were where they're gonna ride their they ride their their four wheelers and all that kinda stuff and uh we have parties and uh we you know I want to have easy access and I'm just using my land that I pay taxes on.

MS. SHAPIRO: And Dan that pipe the black pipe we're looking at um on that the photo that says pipe outlet from 54 Hangdog, that's that's um from taking a curtain drain that's, that's my understanding.

MR. ROULIER: Yeah, you know, the house was uh part, parts of the house was sitting on ledge so you know we had to do in order to get the foundation. We had to pick the whole house up, um, and put like four feet of stone underneath the whole house. So that mountain behind it, Rattlesnake Mountain, drains underneath my house, ends up in that pipe, uh you know and it drains until uh late June. So yeah and all the all the curtain drains and everything that's the single uh location where it empties.

MS. SHAPIRO: And to answer Drew's question, um, so my understanding is that there's no wetland filling proposed, that the regulated activity is really just the change in the drainage, not changing so much where the drainage is going, just kind of uh helping it, uh, get there I guess, where it'd be connecting extending this pipe um and let me move to the other photo extending that pipe so that it connects to the existing outfall into that little pocket of wetlands um you can kinda see in this other photo where the ground gets a little bit torn up from access so the idea would be to connect the pipe underground and then use gravel to um improve the driveway

MR. ROULIER: Yep. We put down the pipe like four feet below the ground there's probably ten foot in ten foot grade change from where that pipe from my old house comes out and then from where that little sippy hole is there's probably a ten foot grade change and we would take that pipe and put it four feet deep below the ground so that it wouldn't come up in the cold or you know float up in the springtime and uh that's about the extent of it. I mean you know we're talking about putting in some sort of a structure. I'm not exactly sure you know some sort of catch basin so it would pick up the water that from that new gravel driveway uh that I'm gonna put in and then it would also pick up the water from my old house.

MS. SHAPIRO: And so from a wetlands perspective I don't have any tremendous concern obviously this is uh um continuously farmed piece that's got that's been disturbed this sounds like this was initially um you know may have been created or maybe it was a seep I'm not sure but but ultimately we're not directly um altering that wetland we're using an existing outlet and directing that curtain drain directly to there instead of how it currently um drains over land. But

MR. ROULIER: You know, uh,

MS. SHAPIRO: Creating and draining...

MR. ROULIER: I, I, I

MS. SHAPIRO: Couldn't fall under under administratively so I had to bring it to his attention.

MR. KUKUCKA: Okay.

MR. ROULIER: I, I didn't really hear much of that.

MR. WALTON: I, I see it Joanna, really it's what you said where he wants to manage what happens to the water instead of just let it sheet flow.

MS. SHAPIRO: Right.

MR. ROULIER: Correct. Correct.

MR. WALTON: And, and to give him more stable area should he want to go in there with any kind of a vehicle.

MS. ALEKS: Right.

MR. ROULIER: Right.

MS. ALEKS: Makes sense.

MR. ROULIER: Right. In the past I tried to back a horse trailer down, or a cow trailer down to there can't do it. You know I used to catch my cows there. And I want to be able to just get on my property. I mean I'm not asking for anything uh extravagant. This is a very simple situation.

MS. FORMEISTER: I don't think -- Does anybody have any other questions or comments?

MS. ALEKS: No.

MR. WALTON: I really don't have any others.

MR. FRARO: I have no questions.

MR. ROULIER: No. Okay. Karl you're the only one I can actually hear very clearly so can you summarize that.

MR. WALTON: Sounds okay so far Dan.

MR. ROULIER: Oh okay. Good. I'm usually not getting that good a news.

MS. FORMEISTER: Well, but of course we have to, we can't approve it tonight. So we can't vote on it tonight.



MR. ROULIER: Yeah, yeah I understand. You know I, I told Joanna that I was you know embarrassed the last time when I had to come in there and it was like my first day on the job but uh but there's a longer story than that but we won't get into it but still I want to follow the rules. I know what the rules are now and uh you know that's it. Not my first day on the job anymore.

MS. FORMEISTER: Yep. We, we appreciate that so.

MR. ROULIER: I don't know why I'm 68 years old I'm ready to hang up ready to start following the rules.

MALE SPEAKER: Yeah.

MS. FORMEISTER: You're all set with us, um we'll just vote on it the next time we meet.

MR. ROULIER: Yep, that's no problem for me.

MS. FORMEISTER: Okay great.

MR. ROULIER: Everybody have a nice Thanksgiving, okay?

MR. WALTON: Yeah you too Dan, nice to hear you.

MR. KUKUCKA: You too.

MR. ROULIER: So nice to be heard, let me tell you something, uh we'll talk about it someday.

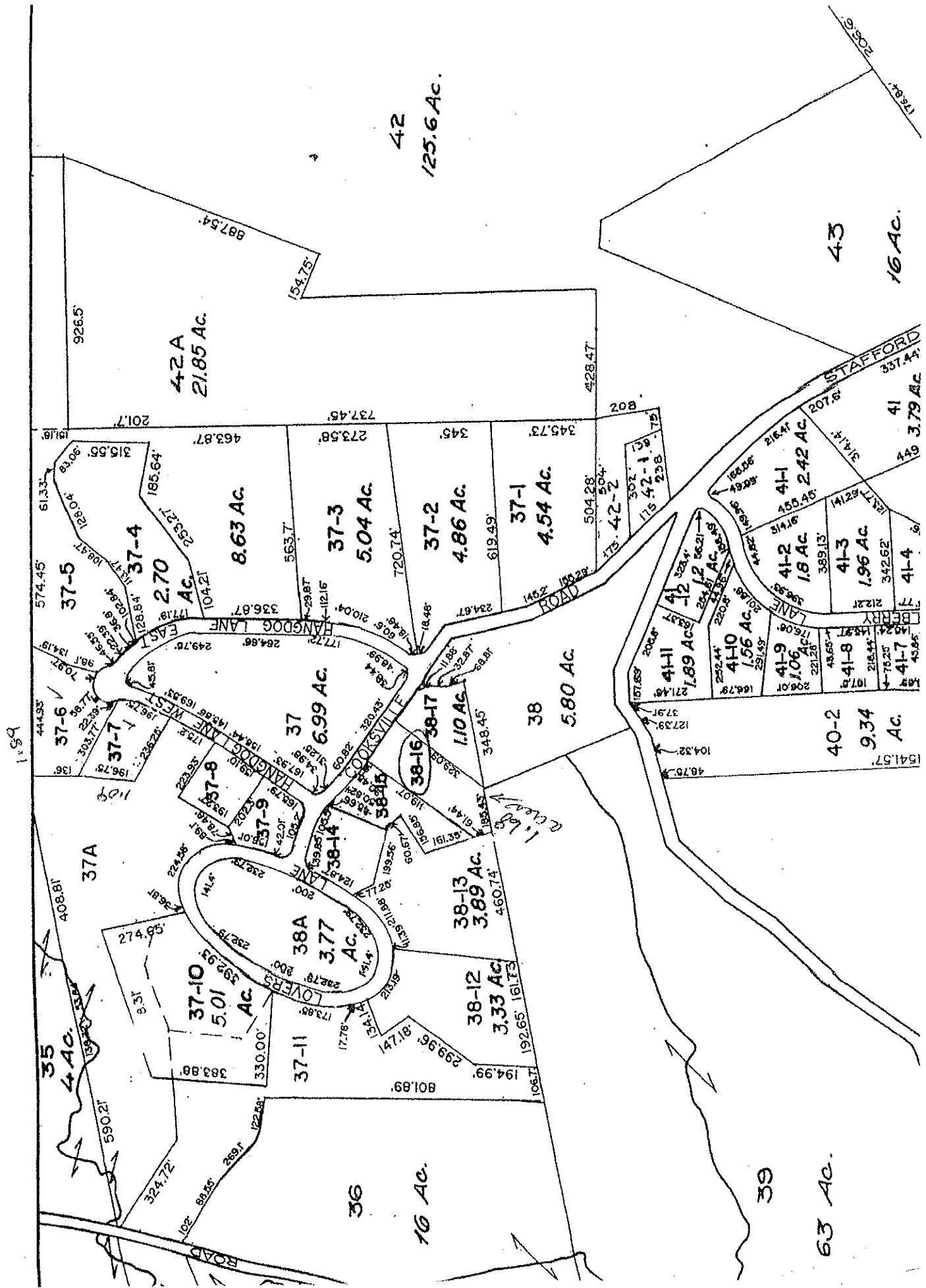
MR. WALTON: Okay Dan. Be well.

MR. ROULIER: Bye bye.

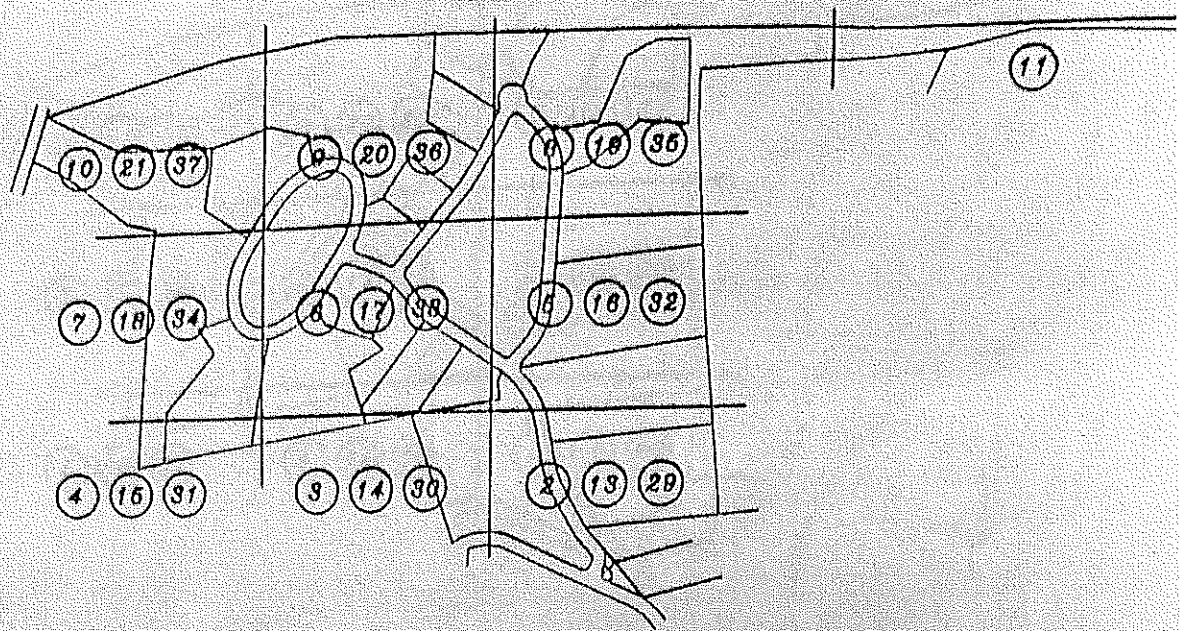
MS. FORMEISTER: Okay. The proposed meeting date. Does anybody have any objections?

# EXHIBIT 7

JNTY, MASSACHUSETTS



# EXHIBIT 8



⑪ = Sheet Index Number

- Rev. 8-12-96 Add. Conditions of Approval
- Rev. 7-30-96 Conditions of Approval
- Rev. 7-16-96 Town Planner's Comments
- Rev. 7-11-96 Town Engineer's Comments Dated 7-2-96
- Rev. 6-27-96 Town Planner & Engineer's Comments
- Rev. 6-17-96 Town Sanitarian's Comments
- Rev. 5-22-96 Town Engineer's Comments

AREA MAP

Cooksville @ Indian Rock

PROPERTY OWNER

PRISCILLA A. DOUTY & JUNE ALICE CURTIS

DEVELOPER

DAN ROULIER & ASSOCIATES  
 11 South Road, Somers, Connecticut

# EXHIBIT 9

The aforementioned parcel includes Lot Nos. 1, 2, 3, 4, 5 (375,912.45 sq. ft. 8.63 acres), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, Land designated as "N/F Dan Roulier Not An Approved Building Lot 304,631.86 sq. ft. 6.99 acres", "N/F Dan Roulier Not An Approved Building Lot 164,004.72 sq. ft. 3.77 acres" "N/F Dan Roulier Not An Approved Building Lot 536,343.19 sq. ft. 12.31 acres" "N/F Dan Roulier Not An Approved Building Lot 252,690.88 sq. ft. 5.80 acres", the road designated as Hangdog Lane (East), Hangdog Lane (West), Cook Road extending from the limit of abandonment running westerly to its intersection with Lovers Lane and Lovers Lane on a map entitled "Subdivision Plan Cooksville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

# EXHIBIT 10



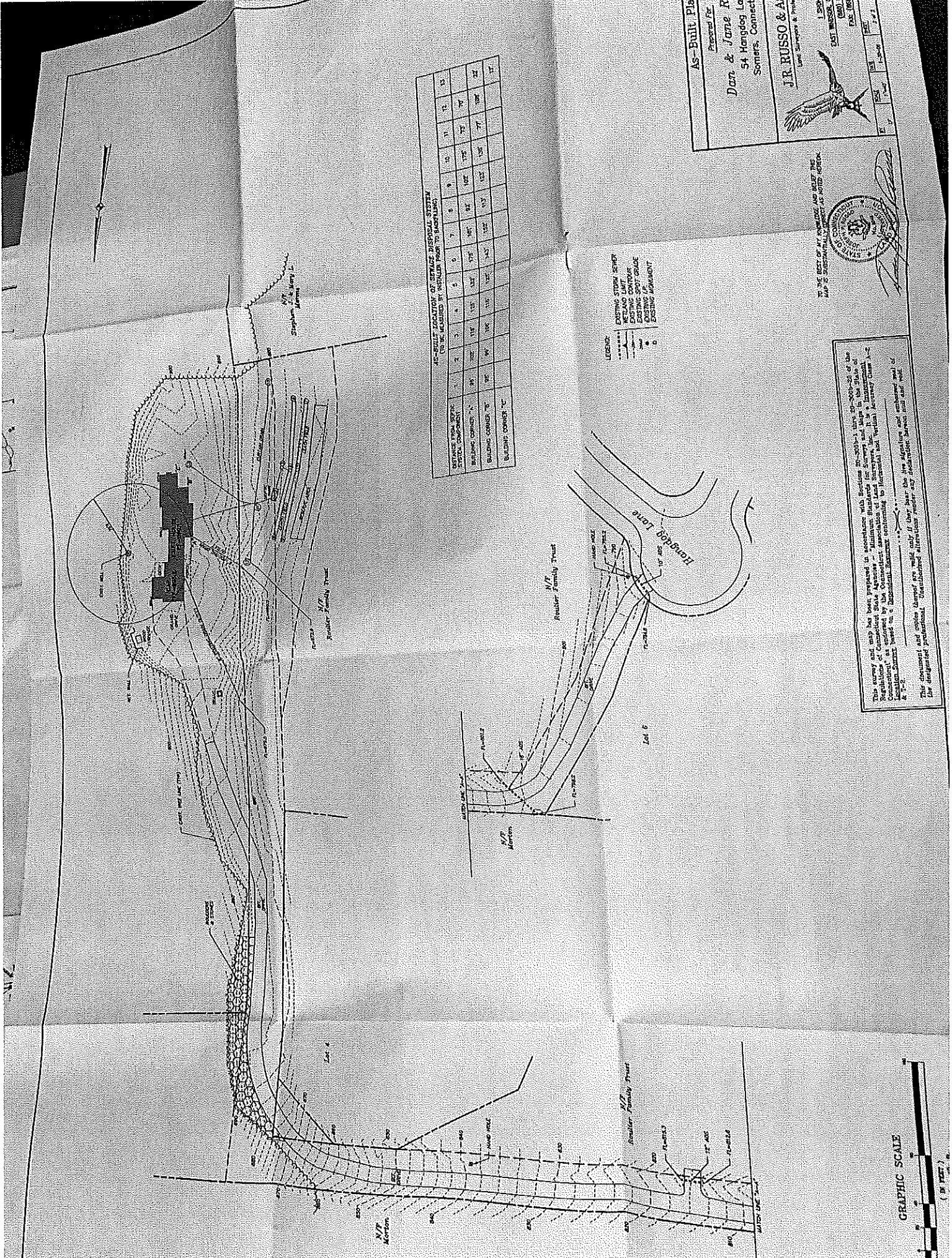
**Richard Meehan, L.S.S.**

Meehan & Goodin, Engineers-Surveyors, P.C.  
387 North Main Street  
Manchester, Conn. 06042

Richard has over 40 years of experience in the direct management of and primary responsibility for a varied range of survey and design projects. He has represented the surveying profession and Meehan & Goodin in seminars and workshops before numerous bodies including the Connecticut Bar Association Real Property Section and numerous title insurance companies. He is a past president of the Connecticut Association of Land Surveyors and is a member of the Executive Board of the New England Land Title Association.

He is a past president of CREW CT, The Real Estate Exchange, the Connecticut chapter of CREW Network, a national association of 8000 members in 80 chapters representing the interests of women in commercial real estate. He has the distinction of being the first male ever chosen to lead a local chapter.

# EXHIBIT 11



AS-BUILT LOCATION OF GRAVE DITCHES, SETBACKS TO BE MAINTAINED BY NEIGHBOR PROPERTIES ADJACENT TO THE PROJECT

SETBACK FROM PROPERTY LINE	1	2	3	4	5	6	7	8	9	10	11	12	13
BUILDING CORNER 'A'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'
BUILDING CORNER 'B'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'
BUILDING CORNER 'C'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

LEGEND:  
 - - - - - EXISTING STREETS  
 - - - - - EXISTING CURB  
 - - - - - EXISTING DRIVEWAY  
 - - - - - EXISTING SIDEWALK  
 - - - - - EXISTING WALKWAY

This survey and map has been prepared in accordance with Section 20-200b-20 of the Statutes of Connecticut. The survey was conducted in accordance with the standards for Surveying in the State of Connecticut as established by the Board of Survey and Gaging, and the standards for Surveying in the State of Connecticut as established by the Board of Survey and Gaging. The survey was conducted in accordance with the standards for Surveying in the State of Connecticut as established by the Board of Survey and Gaging. The survey was conducted in accordance with the standards for Surveying in the State of Connecticut as established by the Board of Survey and Gaging.

As-Built, Plat  
 Prepared For  
**Dan & Janet R.**  
 54 Hangedog Lane  
 Somers, Connecticut

**J.R. RUSSO & ASSOCIATES**  
 Land Surveyors & Planners  
 1 SHAW  
 EAST WINDSOR, CT  
 (860) 5  
 FAX: (860) 5



TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT



# EXHIBIT 12



# EXHIBIT 13

[HISTORY: Adopted 6-13-1988 by the Board of Selectmen of the Town of Somers, effective 7-9-1988. Amendments noted where applicable.]

### GENERAL REFERENCES

Soil erosion and sediment control — See Ch. 161.  
Streets and sidewalks — See Ch. 172.  
Subdivision of land — See Ch. 213.  
Zoning — See Ch. 214.

### § 104-1 Design and construction; contents of proposals.

- A. To promote traffic safety and prevent or minimize drainage and icing problems, all new driveways and driveway cuts shall be designed and constructed in conformance with the minimum provisions of this chapter, unless requirements are waived as per the provisions noted below.
- B. To verify compliance, all proposals requiring the installation of a driveway shall depict driveway locations, proposed grading, tree and brush removal, drainage improvements and, as appropriate, other construction details.
- C. Proposed lots which cannot be served by a driveway conforming to required standards shall not be approved.

### § 104-2 Standards; permit required.

- A. All driveways shall comply with the following standards:
  - (1) Driveways shall conform with the curb cut and driveway standards established by this chapter and, as appropriate, the Connecticut State Highway Department.
  - (2) Driveways shall be designed, constructed and maintained to prevent stormwater or melt water flows from entering a Town or state roadway and, wherever possible, the Town right-of-way. Conversely, no stormwater discharge from a public roadway should be allowed to flow into a private driveway. Privately owned and maintained drainage diversion swales, detention areas and/or dry wells shall be utilized to the greatest extent possible. Culverts, 15 inches in diameter at a minimum, shall be used when crossing Town drainageways.
  - (3) Whenever a private drainage swale or private detention area is utilized in diverting driveway water from the Town right-of-way, the owner of the subject lot(s) shall be responsible for maintaining the depicted swale or detention area and any culverts in accordance with the approved design. To ensure proper maintenance, no certificate of occupancy shall be issued on the subject lot until a deed restriction is filed on the land records. Said deed restriction shall clearly note the maintenance responsibility and, subject to proper notification by the Town, it shall allow the Town to undertake any necessary maintenance activity and bill the property owner for expenses.
  - (4) Driveways shall intersect roadways at an angle of not less than 75°. This angle should be maintained for a distance of not less than 20 feet. Where driveways bend around, suitable curves for the intended use shall be provided.
  - (5) All driveways shall be located and designed with satisfactory sight lines along the subject state or Town road. A two-hundred-foot minimum sight line shall be provided for a driveway intersecting the lightest classified residential street. For driveways of the lightest classified residential use, the sight distance shall be measured from a height of eye of 3.5 feet to an object height of five inches. The eye position shall be 10 feet back of the edge of pavement. Driveways on streets with a high use classification shall provide a sight line based on State of Connecticut standards. Along state roads, the minimum state recommended sight distance for the established speed limit shall be complied with.
  - (6) The maximum grade for a driveway shall not exceed 15% if paved and 10% if unpaved.
  - (7) Driveway side slopes shall not exceed a slope of 3 to 1 unless retaining walls or other suitable stabilizing provisions are utilized. Guardrails, guide posts, headwalls, flared ends or wider driveway widths shall be used when steep side slopes or culvert crossings present a safety hazard or future maintenance problem. Driveway culverts in the Town right-of-way shall be maintained by the private property owner.
  - (8) All driveways shall be constructed at a grade of plus three percent (+3%) for a fifteen-foot distance from the street line of the road.

- (9) Vertical grade changes shall not exceed 12% in 10 feet of length. It is desirable that this change be limited to 8% in 10 feet of length.
  - (10) All driveways shall be paved for the first 20 feet, as measured from the edge of the gutter line. This paving shall consist of two-inch bituminous concrete on a six-inch processed aggregate base.
  - (11) The minimum width for a driveway shall be 10 feet; the maximum width for a driveway shall be 20 feet. A five-foot radius shall be provided at each edge of the driveway at its intersection with the gutter line of the existing road.
  - (12) Driveway openings shall be located as far as possible from roadway intersections and no closer than 75 feet from any roadway intersection.
  - (13) Adequate controls to prevent erosion of gravel or other sediment during and after construction must be provided.
  - (14) All areas of disturbed soil should be stabilized after construction.
- B. No curb cuts or driveways are allowed without the issuance of a driveway permit from the office of the Town Planner.  
[Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]



# EXHIBIT 14

Town of Somers, CT  
Monday, December 21, 2020

## Chapter 213. Subdivision of Land

[HISTORY: Adopted 3-28-1996 by the Planning Commission of the Town of Somers. Amendments noted where applicable.]

### GENERAL REFERENCES

Capital Region Planning Agency — See Ch. 14.  
Flood and Erosion Control Board — See Ch. 29.  
Planning Commission — See Ch. 47.  
Town property — See Ch. 51.  
Building construction — See Ch. 88.  
Driveways — See Ch. 104.  
Fees for subdivision applications — See Ch. 114, Art. I.  
Sewers — See Ch. 155.  
Soil erosion and sediment control — See Ch. 161.  
Streets and sidewalks — See Ch. 172.  
Water — See Ch. 204.  
Inland wetlands and watercourses — See Ch. 211.  
Zoning — See Ch. 214.

## Article I. Authority and Purpose

### § 213-1. Statutory authority.

These regulations have been prepared and adopted in accordance with Chapter 126 of the Connecticut General Statutes, as amended.<sup>[1]</sup>

[1] *Editor's Note: See Connecticut General Statutes Section 8-18 et seq.*

### § 213-2. Purpose.

The Planning Commission of the Town of Somers declares that these regulations for the subdivision of land have been designed to provide for the orderly growth and coordinated development of the Town of Somers, to accomplish all of the purposes set forth in Section 8-25 of the Connecticut General Statutes, as amended, and to accomplish the following specific goals:

- A. To assure that the land to be subdivided is of such character that it can be used for building purposes without danger to health or the public safety.
- B. To assure that proper provision is made for water, drainage and sewerage.
- C. To assure that in areas contiguous to brooks, rivers or other bodies of water subject to flooding, proper provision is made for protective flood control measures.
- D. To assure that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of Development for the Town of Somers, especially in regard to safe intersections with such thoroughfares, and that such streets are so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs.

- E. To assure that adequate provision is made for open spaces, parks and playgrounds.
- F. To assure that proper provision is made for soil erosion and sediment control.
- G. To encourage energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation.
- H. To protect existing and potential public surface and ground drinking water supplies.
- I. To promote with the greatest efficiency and economy the coordinated development of the Town of Somers and the general welfare and prosperity of its people.
- J. To encourage the responsible and appropriate design of subdivisions.
- K. To maximize the preservation of natural terrain and drainage lines and such natural assets as ponds, streams, shrubs and trees, and to ensure that appropriate consideration is given to these natural features in the design of any subdivision.
- L. To assure the provision of adequate utility services and public facilities to serve each subdivision.
- M. To prevent the unreasonable pollution, impairment or destruction of the public trust in the air, water and other natural resources of the Town of Somers.

## Article II. Terminology; General Provisions

### § 213-3. Word usage; construal of provisions.

For the purposes of these regulations, unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural number and vice versa; the word "shall" is always mandatory and not merely directory, and the word "may" is permissive; and the word "herein" means "in these regulations." In the case of any difference of meaning or implication between the text of these regulations and any caption, illustration, summary, table or illustrative matter, the text shall control. The Commission shall make the final determination as to any question of interpretation of any portion of these regulations.

### § 213-4. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

#### **AASHTO**

American Association of State Highway Traffic Officials.

#### **APPLICANT**

The person proposing a subdivision, either for the applicant's own benefit or as an agent for another.

#### **AQUIFER**

Any geologic material, including but not limited to rock (bedrock), sand, gravel and till, capable of yielding usable quantities of water when penetrated by a well. A "major aquifer" (usually but not always composed of sand and gravel) is an aquifer believed to be capable of supplying water to individual wells at sustainable rates of 50 gallons per minute or more.

#### **BUILDING**

Any structure having a roof, supported by columns or walls, and intended for the shelter, housing or enclosure of persons, animals or materials. The word "building" shall also refer to any

modification, addition or alteration to an existing building.

**COMMISSION**

The Planning Commission of the Town of Somers, Connecticut.

**CONSERVATION EASEMENT**

An easement which perpetually prohibits further development or use inconsistent with, or harmful to, the enhancement, preservation, and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit recreational and/or agricultural uses which do not involve significant alteration or development of the restricted area in a manner which is inconsistent with, or harmful to, the preservation and protection of the restricted area.

[Added 4-9-2009; effective 4-14-2009]

**CUL-DE-SAC**

A dead-end street terminating in a vehicular turnaround area.

**DATE OF RECEIPT**

When applied to an application for subdivision approval, the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of such application, or 35 days after such submission, whichever is sooner.

**DEVELOPER**

The person who has or would have the highest or greatest level of authority in implementing an approved subdivision plan, or any authorized agent of such person.

**DIVISION**

Any division of a lot or other tract or parcel of land, regardless of whether such division constitutes a subdivision or resubdivision under these regulations.

**EASEMENT**

A right of use over the property of another.

**FLOOD-PRONE AREA**

A special flood hazard area or Zone A shown on the most current Flood Insurance Rate Map (FIRM), as well as any other area subject to inundation on an average of at least once every 100 years.

**FLOODWAY**

The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as shown on the Floodway Map of Somers effective May 1, 1980, or as subsequently amended, prepared by the Federal Insurance Administration.

**LOT**

A plot or parcel of land having defined and recorded boundaries:

- A. Which was created before the adoption of zoning regulations in the Town of Somers or which, when created, was of at least sufficient size to meet the applicable, then-existing minimum zoning requirements, including but not limited to use, dimensions and area.
- B. All parts of which are in the same ownership.
- C. Occupied or capable of being occupied by one principal or primary building and the accessory structures or uses customarily incidental to it, including such yards, other open spaces and buffer areas as are required by Chapter **214**, Zoning.

**OPEN SPACE**

Land that is subject to a conservation easement, or other form of development restriction, including that within an open space subdivision.

[Added 4-9-2009; effective 4-14-2009]

#### **PERSON**

Any legal entity, including but not limited to a natural person, partnership, corporation, organization, association or syndicate.

#### **PLAN OF DEVELOPMENT**

A master plan prepared by the Commission in accordance with Section 8-23 of the Connecticut General Statutes for the future growth, protection and development of the Town of Somers. The goals of the plan include affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare for residents of the Town.

#### **PRELIMINARY PLAN**

An informal submission of general layout of a proposed subdivision or resubdivision for consideration by the Commission.

[Added 4-9-2009; effective 4-14-2009]

#### **RECONFIGURATION**

Any adjustment, change or modification in the location of any portion of the boundary of a lot or other tract or parcel of land, regardless of whether such reconfiguration would create a subdivision or resubdivision under these regulations.

#### **RECORDED**

Filed in the land records of the Town of Somers.

#### **RECREATION, ACTIVE**

Recreational activities that require either:

[Added 4-9-2009; effective 4-14-2009]

- A. The use of a park, playing field or playground;
- B. The installation of buildings or other structures; or
- C. The substantial modification or grading of a tract of land.

#### **RECREATION, PASSIVE**

[Added 4-9-2009; effective 4-14-2009]

- A. Recreational activities that do not require either:
  - (1) The use of a playing field or playground;
  - (2) The installation of buildings or other structures; or
  - (3) The substantial modification or grading of a tract of land.
- B. The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

#### **REGULATIONS**

The Subdivision Regulations as adopted and amended by the Planning Commission.

#### **RESUBDIVISION**

A change in a map of an approved or recorded subdivision or resubdivision, if such change affects any street layout shown on such map, affects any area reserved thereon for public use or

diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

**ROAD**

Same as "street."

**SOIL SCIENTIST, CERTIFIED**

An individual who is duly qualified in accordance with standards set by the United States Office of Personnel Management (formerly the United States Civil Service Commission) and who maintains an office in the State of Connecticut or who demonstrates familiarity with Connecticut inland wetlands classifications to the satisfaction of the Commission.

**STREET**

Includes streets, avenues, boulevards, roads, lanes, highways, places and other thoroughfares, including all land dedicated as a public right-of-way, which afford a principal means of access to abutting property and which are dedicated and accepted by the Town or the state for such purpose.

**STREET, ACCESS**

A street providing direct access to residents on abutting land and access to the higher order system of streets. "Access streets" offer the lowest level of service, low design speeds and short trip routes. Through traffic on these streets is deliberately discouraged. "Access streets" include stem-and-loop streets and culs-de-sac.

**STREET, COLLECTOR**

A street intended to move traffic from local streets to primary or secondary arterials. A "collector street" will generally serve a neighborhood or large subdivision and should be designed so that few residential properties have frontage on it.

**STREET, DEAD-END (PERMANENT)**

A street or portion of a street having only one intersection with another street and having a permanent terminus entirely surrounded on its frontage by one or more separate lots.

**STREET, DEAD-END (TEMPORARY)**

A street or portion of a street having only one intersection with another street but having a temporary turnaround designed to be extended into adjoining undeveloped land.

**STREET, LIMITED LOCAL**

A permanent dead-end street, not exceeding 1,200 feet in length, serving no more than 14 lots.

**STREET, LOCAL**

A street intended to provide access to other streets from individual residential properties.

**STREET, PRIMARY ARTERIAL**

A street intended to move traffic to and from such major attractors as central business districts, regional shopping centers, major industrial areas and similar major traffic generators and/or intended as a route for traffic between communities or large areas.

**STREET RIGHT-OF-WAY WIDTH**

The distance between property lines reserved for public traffic.

**STREET, SECONDARY ARTERIAL**

A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic-generating areas such as community commercial areas, primary and secondary educational facilities, major recreational areas, churches and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

**STRUCTURE**

Anything constructed, erected or assembled which requires a location on or within the ground or attachment to something having a location on the ground. The term "structure" includes, but is not limited to, buildings, manufactured homes, paved areas, storage tanks, signs, walls (retaining or otherwise), swimming pools, fences and other man-made utilities and infrastructures but excludes public utility poles and flagpoles.

#### **SUBDIVISION**

The division of a tract or parcel of land into three or more parts or lots made subsequent to December 12, 1953, for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes. The term includes resubdivision.

#### **SUBDIVISION, CONVENTIONAL**

A subdivision design that is consistent with the provisions of the Somers Zoning and Subdivision Regulations that would be applicable in the absence of §§ **213-30** and **213-63** of these regulations and § **214-141** of the Somers Zoning Regulations.

[Added 4-9-2009; effective 4-14-2009]

#### **SUBDIVISION, OPEN SPACE**

A subdivision approved in accordance with this section (these subdivision regulations) and with § **214-141** of the Zoning regulations as amended.

[Added 4-9-2009; effective 4-14-2009]

#### **SUBMISSION**

Delivery to the office of the Town Planner or to the Commission at a meeting or hearing. All documents must be physically received by the office of the Town Planner or by the Commission at a meeting or hearing in order to be deemed submitted.

#### **TOWN**

The Town of Somers, Tolland County, State of Connecticut.

#### **USED or OCCUPIED**

As applied to any land or building, shall be construed to include the meaning "intended, arranged or designed to be used or occupied."

#### **WATERCOURSES**

Any rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and other bodies of water, natural or artificial, public or private, vernal or intermittent, which are contained within, flow through or border upon the Town, or any portion thereof, not regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.

##### **A. BOGS**

Usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage and highly acidic conditions.

##### **B. MARSHES**

Areas with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six inches or more in depth are common.

##### **C. SWAMPS**

Areas with soils that exhibit aquatic moisture regimes and are dominated by wetland trees and shrubs. Red maple is the most characteristic tree of the wooded swamps, with black gum and black ash as frequent associates. A conspicuous shrubby understory of highbush blueberry, spicebush, sweet pepperbush, clammy azalea and other wetland shrubs may be present, and a rich diversity of wildflowers, such as marsh-marigold, skunk-cabbage, jewelweed, violets and cardinal flower, may also be present. Shrub swamps represent another swamp type,

where alders, willows, buttonbush and other shrubs can form relatively pure or mixed stands. Occasionally trees may be associated with a shrub swamp. However, a high water table often favors certain shrubs, such as buttonbush, over trees. In swamps, the underlying deposits are often relatively shallow and usually highly organic. Swamps may develop through the gradual invasion of marshes by woody species or directly, as in poorly drained depressions.

- D. For further information, see *Inland Wetland Plants of Connecticut*, Niering, W.A. and R. H. Goodwin, The Connecticut Arboretum, Connecticut College, New London, CT, May 1973.

#### **WETLAND or INLAND WETLAND**

Any land, including submerged land, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

### **§ 213-5. Approval and filing of subdivision plan required.**

No subdivision of land shall be made, and no lot in any proposed subdivision shall be sold or offered for sale, until a plan for such subdivision has been prepared, approved by the Commission and filed in the office of the Town Clerk in accordance with the requirements of these regulations and all relevant Connecticut statutes.

### **§ 213-6. Notice of division or reconfiguration.**

Notice of any division or reconfiguration of one or more existing lots or other tracts or parcels of land must be submitted to the Commission prior to the effective date of such division or reconfiguration. If the division or reconfiguration would constitute a subdivision, the procedures set forth in these regulations for approval of such subdivision must be followed and shall comprise the required notice. For any division or reconfiguration that would not result in a subdivision, the notice shall be provided on a form supplied by the Commission.

## **Article III. Preapplication Procedures**

### **§ 213-7. Purpose.**

The preapplication procedure is designed to allow prospective subdivision applicants or their representatives to discuss with the Commission the concept and preliminary design of a potential subdivision before undertaking the more detailed design work and preparation that would be required for a formal subdivision application. This procedure provides the Commission an opportunity to review the proposed plans for prospective compliance with the Subdivision Regulations. Submission of a preapplication review request shall not be deemed to be a formal application for subdivision approval, and the Commission's comments on any such preapplication shall be advisory only.

### **§ 213-8. Sketch plans.**

In order to have a preapplication review placed on the Commission's agenda for any regular meeting, the following documents must be submitted at least 10 business days prior to the regular Commission meeting at which such review is desired. The Commission may also, but shall not be required to, place



a preapplication review on the agenda of any regular meeting scheduled for less than 10 business days after submission of the request. The materials to be submitted are:

- A. A written request for preapplication review.
- B. Five paper prints of a sketch or plan at a scale no smaller than one inch equals 100 feet. The plan or sketch shall indicate approximate boundary data, topographic contours (enlarged United States Geological Survey topographic quadrangle maps are acceptable), existing drainage features, special site conditions, zone district boundaries and proposed street, lot and block layout showing surrounding properties and street patterns.

## § 213-9. Informal plans.

In lieu of or following submission and Commission review of a preapplication sketch or plan, as set forth in § 213-8 of these regulations, the applicant may, at his or her option, submit informal subdivision plans to the Commission for review.

- A. Submission of such plans shall not be deemed to be a formal application for subdivision approval, and the Commission's comments on any such plans shall be advisory only.
- B. Five paper prints of the informal plans shall be submitted, each containing the following information:
  - (1) Streets to be constructed, with stations, curves, widths of rights-of-way and paving and corner cutoffs.
  - (2) Proposed building lines.
  - (3) Proposed lots, with plus and minus dimensions, approximate areas in square feet and lot numbers.
  - (4) Proposed easements for drainage, utility lines, walks and other rights-of-way.
  - (5) Proposed public water, storm drainage and sanitary sewerage lines and their connections with present lines.
  - (6) Proposed street names.
  - (7) Any proposed retaining walls, culverts or property line fences or walls.
  - (8) Proposed open space donation(s).
  - (9) Any areas to be reserved for public use.
  - (10) Existing public trail systems and proposed changes, if any.
  - (11) Locations of public wells within 2,000 feet of the site, inland wetlands and watercourses, flood-prone areas, exposed bedrock (ledge), slopes over 25 percent and major aquifers.
  - (12) Trees and vegetation, existing and proposed.
  - (13) A subdivision plan map on sheets not more than twenty-four by thirty-six (24 x 36) inches. The scale shall be one inch equals 40 feet to one inch equals 100 feet. Where the development is too large for one sheet at the requested scale, an overall plan at suitable scale shall be included to depict the subdivision on one sheet.
  - (14) Boundary survey to Class A-2 accuracy.

- (15) Topographic survey. This information may be an enlargement of United States Geological Survey topographic quadrangle sheets, supplemented by field surveys as necessary.
- (16) Indication of zone or zones (i.e., zoning districts) included.
- (17) Number of acres included in the total tract to the nearest tenth of an acre.
- (18) A title block, including the name of the proposed subdivision, location, scale, date, owner of record, numbered sheets and name(s) and address(es) of engineer and surveyor.
- (19) Name(s) and address(es) of the applicant, developer and owner.
- (20) A key map at scale one inch equals 500 feet, locating the proposed subdivision within the surrounding proposed and existing street system. The map shall depict the subdivision and show the location of any wetlands and watercourses on the property.
- (21) An area map at one inch equals 200 feet, showing the boundary lines of other lots or parcels of land within 200 feet of the subject tract, showing the full extent of each such lot or parcel with the names of the current owners of record.
- (22) The location of percolation tests and test pits, results and dates of testing and the additional information indicated on Plate Number 1. A minimum of one percolation test will be required for every five building lots, and one test pit for every five acres. The location of the percolation tests and test pits shall be as directed by the Town Sanitarian. The information furnished shall be referenced to the locations shown on the plans. These tests shall be supervised and approved by the Town Sanitarian.
- (23) Plans and profiles for a proper and adequate storm drainage system in compliance with these regulations, including watercourse profiles where appropriate.
- (24) When an informal layout covers only a part of the owner's entire holding, a sketch of the prospective future street and lot layout in the entire holding shall be furnished at a suitable scale, including topographic data to substantiate the planning analysis.
- (25) The Commission may require a hydrologic review and summary of the watershed where it feels it is necessary to protect the public health, safety or welfare.
- (26) The Commission may require a traffic report sufficient to determine the existing conditions, future conditions and the impact of the proposed application.
- (27) Preliminary profiles of new streets shall be drawn on plan-profile paper at scales of one inch equals 40 feet horizontally, and one inch equals four feet vertically. Existing and proposed center line grades, stationing and proposed storm sewers shall be shown in sufficient detail to clearly indicate intent.
- (28) A statement of the amount of filing fees that would be required if the application were to be formally submitted, with sufficient detail to show how the amount was calculated.
- (29) The location of any portion of the Somers Town boundary line that is within 500 feet of any portion of the property to be subdivided.

## Article IV. Formal Application Procedures

### § 213-10. Application materials.

A formal subdivision application shall consist of the following documents and materials:

- A. Five copies of the formal subdivision application form, completely filled out and signed by both the applicant and property owner.
- B. Five paper prints of the following documents and materials, which are described in more detail in the following sections of these regulations:
  - (1) The final subdivision plans.
  - (2) A soil erosion and sediment control plan, in accordance with Chapter **161**, Soil Erosion and Sediment Control, and/or other pertinent ordinances or regulations.
- C. The estimated filing fee or fees, as determined by current Town ordinance and/or regulation.<sup>[1]</sup>
  - [1] *Editor's Note: See Ch. 114, Fees, Art. I, Subdivision Applications.*

### § 213-11. Final plans.

- A. Format requirements. The final plans shall be prepared and certified by the appropriate professionals (e.g., engineer or land surveyor), who must be properly licensed, registered and/or certified for such work in the State of Connecticut. The plans shall provide the information noted in this section.
  - (1) The subdivision plan sheet size shall be twenty-four by thirty-six (24 x 36) inches, including borders.
  - (2) Subdivision plans shall be at a scale of one inch equals 40 feet unless the Commission specifically authorizes a different scale. If more than one sheet is required, clearly drawn match lines shall be shown on all sheets. Each lot must be shown in its entirety on at least one sheet. An overall master plan shall also be provided showing the entire proposed subdivision at a suitable scale on one sheet.
  - (3) A title block containing the information specified in § **213-9B(18)** of these regulations shall be provided.
  - (4) An approval block shall be placed on each subdivision plan page near the title block, reading:

Town Planning Commission, Somers, Connecticut

Approved on \_\_\_\_\_, 19\_\_\_\_\_

Date signed \_\_\_\_\_, 19\_\_\_\_\_

This approval shall expire \_\_\_\_\_

- (5) An engineering review signature block shall be placed on each subdivision plan page, reading:

Plan reviewed and found in general compliance with the Somers Subdivision Regulations, as amended and approved by the Town of Somers.

Town Engineering Consultant

Date

- (6) An approval block for the Town Sanitarian shall be placed on each subdivision plan page, reading:

Approved:

Town Sanitarian

Date

- (7) A key map of the entire subdivision containing the information specified in § 213-9B(20) of these regulations shall be the same as that prepared for a preliminary layout, including the depiction of roads, lot lines and wetlands and watercourses.

B. General information required:

- (1) Zoning districts.
- (2) The names and section numbers of all adjoining recorded subdivisions.
- (3) Proposed street names and the location of existing and proposed street rights-of-way, including stations, curves, widths, paving and corner cutoffs.
- (4) Other rights-of-way and easements, including identification, description, location, width and other dimensions necessary for description.
- (5) Lot number identification by consecutive numbers. Lot numbers shall be circled. If the subdivision is phased, lot numbers shall not be duplicated.
- (6) House numbers for each lot as assigned by the Assessor (identified in squares). House numbers should be designated before the subdivision plans are approved but after the location(s) of the proposed lots is certain. House numbers must be included in the final plans before they are signed by the Commission.
- (7) Lot lines with accurate lengths to the nearest hundredth of a foot and angles or bearings to the nearest 10 seconds of arc.
- (8) Boundary lines of adjoining lots or parcels of land within 200 feet of the boundaries of the proposed subdivision, showing the full extent of each such lot or parcel and the names and mailing addresses of current adjacent landowners, together with the volume and page number of their recorded deeds.
- (9) Building setback lines with dimensions.
- (10) Lot and total tract areas in acres and square feet, each to the nearest hundredth.
- (11) Lot and total tract areas, minus the areas of wetlands, watercourses, flood-prone areas and slopes greater than 25%, in acres and square feet, each to the nearest hundredth.
- (12) A description of proposed uses for any portions of the subdivision not to be incorporated in a lot or lots, including a note where an offer of dedication is being made.
- (13) Existing and proposed public trails across the land.
- (14) Boundary lines with accurate dimensions to the nearest hundredth of a foot and angles or bearings to the nearest 10 seconds of arc, certified to Class A-2 accuracy.
- (15) Special flood hazard areas and floodways.
- (16) Inland wetlands and watercourses as flagged by a certified soils scientist. The soil scientist who flagged the wetlands and watercourses shall sign the plans on which they are delineated.
- (17) A proposed construction schedule indicating the work to be done in each phase of the subdivision and the length of time expected to complete such work.
- (18) The location of any portion of the Somers Town boundary line that is within 500 feet of any portion of the property to be subdivided.

- (19) Locations of public wells within 2,000 feet of the site, inland wetlands and watercourses, flood-prone areas, exposed bedrock (ledge), slopes over 25% and major aquifers.
- (20) Name(s) and address(es) of the applicant, developer and owner.
- C. The applicant may be required by the Commission to submit additional information in order to demonstrate the feasibility and prudence of the proposed road and lot layout and storm sewer pattern.
- D. Survey data requirements:
- (1) Survey tie-ins with measured angles and distances to two established street monuments, Town boundary monuments and state highway monuments which are within 1,000 feet of the tract boundary. Use of the State Plane Coordinate System is encouraged.
  - (2) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs. Special survey data may be required to ensure reproducibility.
  - (3) Accurate dimensions, with lengths to the nearest hundredth of a foot and angles or bearings to the nearest 10 seconds of arc.
  - (4) Existing and proposed monuments and iron pins with a legend on the subdivision plans.
- E. Topography plan. Even if a preliminary topography plan was submitted by the developer, a final plan shall be prepared, clearly showing all physical site features, including contours, roads, streams, buildings, ponds, vegetation, inland wetlands and existing utilities. Utility information shall include size, type, location and top-of-frame and invert elevations.
- (1) The plan shall be at a scale of one inch equals 40 feet. If a preliminary plan is not prepared, a plan at a scale of one inch equals 100 feet will also be required if more than one sheet is required to cover the property.
  - (2) The topographic information shall be prepared either by an on-the-ground survey or by photogrammetric methods, supplemented as necessary by ground measurements, certified Class A-2. Contours shall be at one-foot intervals for ground up to a five-percent slope, at two-foot intervals for ground up to twenty-five-percent slope and at five-foot intervals for ground over a twenty-five-percent slope. The surveyor shall demonstrate that photogrammetric methods give acceptable accuracy, especially where there is obscuring ground cover.
- F. Master grading and layout plan.
- (1) A master grading and layout plan shall be submitted, showing the physical changes to be made at the site. This plan shall include, but not necessarily be limited to, the following:
    - (a) Existing and proposed contours, both within a roadway and on the lots.
    - (b) Typical house shape and location on each lot.
    - (c) Driveway location and grade, including intercepting drains and swales conforming to Chapter **104**, Driveways.
    - (d) Typical on-site sewage disposal system location, showing primary and reserve fields appropriately sized for each lot and a well site or public water source.
    - (e) Drainage swales and underdrain grades and location with any easements to be retained for maintenance and protection.
    - (f) House first floor and garage elevations.

- (g) Property line fences or walls and retaining walls, including special structural design if needed.
  - (h) Replacement of trees and ground surface vegetation.
  - (i) Slope easements.
- (2) It is the purpose of this master grading and layout plan to serve as a construction plan for the grading within the roadway and as a model for the eventual preparation of a building permit plot plan. It is the intent of these regulations to maximize preservation of site features, especially vegetation. In order to minimize erosion and sedimentation and the alteration of surface drainage patterns, the Commission may modify the plan to limit the grading, movement or removal of earth, topsoil or trees.
- (3) The grading and layout plan shall clearly show free drainage along the ground surface. Where necessary, local lot drains shall be provided to prevent flooding or ponding and to protect house foundations. Where curtain or footing drains are likely to be necessary, the plan shall show the areas to be reserved for such drainage. Due care shall be taken to follow the approved erosion and sedimentation control plan.

G. Sanitary waste disposal system data.

- (1) The sanitary waste disposal system shall comply with all Connecticut Department of Health Services, Department of Environmental Protection and Town regulations.
- (2) A minimum of one percolation test and two test pits shall be required on each proposed building lot at the approximate location and elevation of the proposed leaching system. If conditions indicate the need, additional tests may be required.
- (3) All test pits and percolation tests, including results and observation dates, shall be numbered and located on both the subdivision plan and the final topographic grading plans, as shown on Plate Number 1.
- (4) Systems which require engineered design shall be clearly marked on the final subdivision plans. A note shall be placed on each lot of the record plans for which an engineer's design is required stating "Based upon soil data available as of the testing date for this lot, this lot will require a septic system designed by a Connecticut registered engineer."
- (5) All soil tests for sanitary waste disposal systems, including percolation and test pits, shall be performed by the developer's engineer under the supervision of the Town Sanitarian. The developer's engineer shall contact the Town Sanitarian at least 10 business days prior to making such tests.
- (6) The Town Sanitarian, at his discretion, may limit the time of year when percolation tests and test pits may be taken. In general, it is preferable that these tests be taken at a time when the groundwater is likely to be at or near its highest level. The Town Sanitarian may limit such testing to the period from February 15 to May 15 if he or she determines that the groundwater is most likely to be at or near its highest level during that period.
- (7) A site condition plan shall be provided, showing inland wetlands, flood-prone areas, floodways, steep slopes (those slopes greater than or equal to 15% and, separately, those slopes greater than or equal to 25%), shallow bedrock (less than four-foot overburden), and streams, rivers, lakes, ponds and other watercourses.
- (8) A soils overlay map shall be provided for the subject property and surrounding land within 200 feet.

H. Utility plan and profile. Plan and profile drawing requirements are as follows:

- (1) Drawings shall be on standard plan-profile paper cut to a maximum sheet size of 24 inches in height and 36 inches in length, with the following scale:
  - (a) Horizontal: one inch equals 40 feet.
  - (b) Vertical: one inch equals four feet.
- (2) All drawings shall show the existing ground, the center line stationing of the street, the proposed profile of the street, stations and elevations of all vertical control points and stations and elevations of vertical curve high points and low points, as well as elevations at fifty-foot stations. In addition, the profile drawings shall show the complete proposed street storm drainage pipes, sanitary sewers and structures, including invert and top-of-frame elevations. The center line profiles of any existing streets to which the subdivision streets would connect shall be shown on a profile drawing for a distance of 300 feet beyond the end of the proposed road. Plans shall show proposed water, gas, electric, telephone and cable television lines and streetlights.
- (3) The plan shall show the outline and dimensions of all street and public and private rights-of-way and easements. Lot numbers and, following subdivision approval, house numbers shall be marked.
- (4) A bench mark referred to a USC&GS or USGS datum shall be shown on each plan-profile sheet. It is preferable that the bench marks be set at not more than one-thousand-foot horizontal intervals and not more than a fifty-foot difference in elevation. All bench marks shall be set on items of a durable nature.

## § 213-12. Scheduling of application for review.

- A. The official date of receipt of a formal subdivision application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application or 35 days after such submission, whichever is sooner. Regardless of the official date of receipt of the application, the Commission need not, and ordinarily shall not, place the application for discussion purposes on the Commission's agenda for any regular meeting unless the application is submitted to the office of the Town Planner 10 or more business days prior to such meeting. However, the Commission may, in its discretion, schedule an application for discussion and/or action at any regular or special meeting.
- B. The Commission shall not review or consider any matter for preapplication review (§§ 213-7 and 213-8), informal subdivision review (§ 213-9) or formal application decision (§§ 213-10 and 213-11) if there is a pending court appeal of a Commission ruling for the same property.

## § 213-13. Submission to Conservation Commission.

If a formal subdivision application involves any land regulated as an inland wetland or watercourse under the provisions of Chapter 440 of the Connecticut General Statutes, as amended,<sup>[1]</sup> the applicant shall submit an application to the Somers Conservation Commission, or to such other agency as may be made responsible for administration of Chapter 211, Inland Wetlands and Watercourses, no later than the day the subdivision application is filed.

[1] *Editor's Note: See Connecticut General Statutes Section 22a-28 et seq.*

## § 213-14. Notice to water company.

When a formal subdivision application involves land located within the watershed of a water company, the applicant shall notify the water company no later than seven days after the date of submission of

the application. Such notice shall be sent to the water company by certified mail, return receipt requested, and the applicant shall submit a copy of the returned receipt to the Commission.

## § 213-15. Submission to regional planning agency.

Whenever a formal application is submitted for a subdivision of land, the area of which will abut or include land in another municipality, the Commission shall, before approving the plan, submit it to the regional planning agency or agencies serving the Town of Somers and the neighboring municipality. If the regional planning agency or agencies do not submit a report regarding the proposed subdivision within 30 days after transmittal by the Commission, the Commission shall presume that the agency or agencies do not disapprove of the proposed subdivision.

## § 213-16. Notice to adjoining municipalities.

- A. The Commission shall notify the clerk of any adjoining municipality of the pendency of any formal application for a subdivision on any site in which:
- (1) Any portion of the property proposed for subdivision is located within 500 feet of the boundary of the adjoining municipality;
  - (2) A significant portion of the traffic to the subdivision, if approved, would use streets within the adjoining municipality to enter or exit the site;
  - (3) A significant portion of the sewer or water drainage from the subdivision, if approved, would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
  - (4) Water runoff from the subdivision, if approved, would impact streets or other municipal or private property within the adjoining municipality.
- B. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application. No hearing may be conducted on any application unless the adjoining municipality has received the notice required under this section. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application. The requirements of this section are based upon Section 8-26f of the Connecticut General Statutes. If that statute is amended, the provisions of this section shall be deemed to have been amended accordingly. If that statute is repealed, the requirements of this section shall no longer apply.

## § 213-17. Time limit for Commission action; public hearings.

Within 65 days after the date of receipt of a formal subdivision application, the Commission shall either render a decision or commence a public hearing on such application.

- A. In the event that an application involves a resubdivision, a public hearing must be commenced. If an application does not involve a resubdivision, it shall be within the Commission's discretion whether or not to commence a public hearing.
- B. If a public hearing is to be held, the Commission shall publish a legal notice of the time and place of such hearing, the location of the property involved and the number of lots to be created in a newspaper having general circulation in the Town of Somers in accordance with Section 8-26 of the Connecticut General Statutes, as amended. The Commission shall also send notice of any hearing to the applicant by certified mail, return receipt requested, at least 14 days before the hearing.



- C. If the Commission chooses not to hold a public hearing on a subdivision application, it shall notify the applicant by certified mail, return receipt requested, at least 14 days before any regular or special meeting at which a decision is to be made on the application.
- D. Copies of all materials submitted in connection with the subdivision application shall be on file in the office of the Town Planner for review by the general public.

## § 213-18. Notice to neighboring properties.

The applicant shall send by certified mail, return receipt requested, a notice describing the location of the property to be subdivided, the number of lots proposed and the date and time of any public hearing to all current owners of record of property abutting or within 200 feet of the proposed subdivision no less than seven days prior to the commencement of any public hearing or, if a public hearing is not to be held, no later than seven days after the date of the issuance of the notice by the Commission to the applicant that a public hearing will not be held. The applicant shall submit copies of all returned receipts to the Commission.

## § 213-19. Approval or disapproval of application; additional requirements.

The Commission shall approve, modify and approve or disapprove each subdivision application and the maps and plans submitted therewith. All Commission approvals shall be conditional upon the applicant making any and all required additions and/or corrections to the plans and carrying out the following additional steps:

- A. Obtaining a performance bond or other security in an amount and with surety and conditions satisfactory to the Commission securing to the Town of Somers the actual construction, maintenance and installation of such improvements and utilities as are approved within a period to be specified in the bond or other security. Any bond or other security shall be submitted to the Town Engineer and Town Attorney for review and comment.
- B. Obtaining the Town Sanitarian's signature signifying that the plans, as approved, are in compliance with State Public Health Code.
- C. Obtaining the Town Engineer's signature signifying that the plans, as approved, are in general compliance with these regulations.
- D. Preparing prints of the final subdivision plans as follows:
  - (1) Two silver emulsion polyester fixed-line film prints of the final subdivision lot plan and one silver emulsion polyester fixed-line film print of all other plans accompanied by a completely filled out checklist.<sup>[1]</sup>
    - [1] *Editor's Note: The checklist is available at the office of the Town Planner.*
  - (2) Any additional or residual filing fees, as determined by current Town ordinances and/or regulations.<sup>[2]</sup>
    - [2] *Editor's Note: See Ch. 114, Fees, Art. I, Subdivision Applications.*
  - (3) A disk, CD, or other compatible form containing the final subdivision lot plan in a format acceptable to the Town to be incorporated into the Town's Geographic Information System (GIS).
    - [Added 12-2-2004; effective 12-5-2004]

## § 213-20. Conditions and modifications.

In approving or modifying and approving any application for subdivision or the maps or plans submitted therewith, the Commission may make such changes or place such conditions on the approval as it deems necessary or appropriate to further the purposes set forth in § 213-2 of these regulations and to cause the subdivision and the maps and plans submitted therewith to meet or better comply with the general criteria set forth in Article V and the specific criteria set forth in other relevant sections of these regulations. Such changes and conditions may include, but shall not be limited to, the following:

- A. Modifications in lot layouts, dimensions and boundaries.
- B. Reductions in the number of lots.
- C. Merging of two or more proposed lots.
- D. Modifications in proposed street layouts, dimensions, boundaries and materials.
- E. Construction or modification of, or other provision for, on-site utilities, services and improvements.
- F. Provision for additional or alternative public open spaces, parks or playgrounds.
- G. Additions and modifications of sediment and erosion control plans and measures, including schedules for such activities and limitations on the amount and area of clearing of vegetation and/or soil movement that may occur during prescribed periods of time.
- H. Preservation or replacement of natural and historic resources.

## Article V. General Criteria for Review of Applications

### § 213-21. Statutory criteria.

All subdivision applications shall be reviewed in accordance with the standards and criteria set forth in Section 8-25 of the Connecticut General Statutes, as amended. Those standards and criteria include the following:

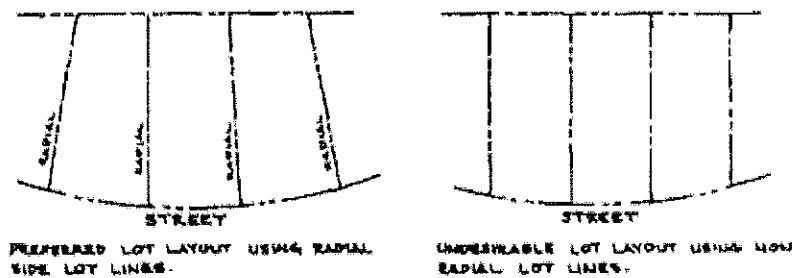
- A. The land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety.
- B. Proper provisions shall be made for water, drainage and sewerage.
- C. In areas contiguous to brooks, rivers or other bodies of water subject to flooding, proper provisions shall be made for protective flood-control measures.
- D. The proposed streets shall be in harmony with existing or proposed principal thoroughfares shown in the Plan of Development, especially in regard to safe intersections with such thoroughfares, and shall be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs.
- E. The Commission may require the provision of open spaces, parks and playgrounds when and in places deemed proper by the Commission, which open spaces, parks and playgrounds shall be shown on the subdivision plans.
- F. Proper provisions shall be made for soil erosion and sediment control.
- G. The Commission encourages energy-efficient patterns of development and land use, the use of solar and other renewable forms of energy and energy conservation.
- H. The applicant must demonstrate to the Commission that he or she has considered, in developing the subdivision plans, the use of passive solar energy techniques which would not significantly

increase the cost of housing to the buyer, after tax credits, subsidies and exemptions. Passive solar energy techniques are site design techniques which maximize solar heat gain, minimize heat loss and provide thermal storage within a building during the heating season and minimize heat gain and provide for natural ventilation during the cooling season. The site design techniques include, but are not limited to:

- (1) House orientation.
- (2) Street and lot layout.
- (3) Vegetation.
- (4) Natural and man-made topographic features.
- (5) Protection of solar access within the development.

## § 213-22. Lot area and shape.

- A. The applicant shall be required to demonstrate the availability in each lot of buildable land suitable for a house or other appropriate building, septic system, well, driveway and other necessary structures. The Commission shall not approve any subdivision layout which would result in lots on which the amount, shape or location of the buildable area would result in severe restrictions on the location of necessary structures. In evaluating the buildability of lots, the Commission may refer to the urban development characteristics of soils as described in the Soil Survey for Tolland County, Connecticut, prepared by the United States Department of Agriculture Soil Conservation Service (Series 1961 No. 35). No lot, regardless of size, which is unsuitable for building according to sound engineering practices and minimum Connecticut Public Health Code standards shall be accepted as a building lot on any subdivision plan. Such property shall be included in adjoining lots.
- B. Land shall not be subdivided in such a way as to produce a remnant parcel or parcels which have dimensions smaller than required for any use permitted under Chapter 214, Zoning, unless such remnant parcels are to be dedicated for public purposes and are accepted for such purposes.
- C. Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines.



- D. Lots with legal frontage but having their primary proposed access through other areas or streets shall have, as an inseparable part of the lot, an access strip at least 50 feet wide at its narrowest point. The frontage requirements shall be consistent with Chapter 214, Zoning.

## § 213-23. Slopes.

- A. Slope is a principal factor in determining the suitability of land for building purposes. In general, the steeper the slope, the less suitable the land is for development purposes. For these reasons, the Commission will evaluate slope conditions in proposed subdivisions in accordance with the following standards:

- (1) Slopes of 8% or less shall generally be considered to present slight limitations to building development.
  - (2) Slopes greater than 8% but no greater than 15% shall generally be considered to present moderate limitations for building development. The Commission may require special planning, design or maintenance provisions to overcome these limitations.
  - (3) Slopes greater than 15% but no greater than 25% shall generally be considered to pose severe limitations to building development. The applicant shall be required to demonstrate that the use of land having such slopes is necessary for the reasonable use of the property and that proper consideration has been given through special planning and design techniques or otherwise to minimize the effects of these limitations. The Commission may require written confirmation from a licensed professional engineer, geologist or other professionals that the construction of buildings or structures on such slopes can be accomplished without risk to the buildings or structures themselves, the stability of the slopes and the safety and welfare of the potential future owners of the lot or lots on which such slopes are located.
  - (4) Slopes greater than 25% shall be considered generally unsuitable for building development.
    - (a) The Commission shall not allow the creation of lots in such a manner as to require buildings or structures to be located on such slopes unless the applicant is able to establish by clear and convincing evidence to the satisfaction of the Commission that:
      - [1] The development of such slopes is essential to allow the landowner a reasonable use of the property at issue.
      - [2] Such development can be accomplished without risk to the proposed buildings or structures or to the potential future occupants of such buildings or structures.
      - [3] Slope stability can be assured.
      - [4] Such development will not cause detrimental effects on surface water or groundwater flow patterns and drainage.
      - [5] Such development will not otherwise create any risk to the public health or safety.
    - (b) The fact that a particular parcel of land may consist entirely of land having slopes in excess of 25% shall not, in and of itself, be a sufficient reason for the Commission to make a determination that the landowner cannot make reasonable use of the property in the absence of subdivision approval.
    - (c) The Commission shall require written confirmation from appropriate, and appropriately licensed, professionals, such as engineers, geologists, hydrologists or soil scientists, that the development of the property at issue can be accomplished without risk to public health or safety, building and structural stability, slope stability and surface water and groundwater drainage patterns and quality.
- B. In applying the foregoing standards, the Commission shall consider existing topographic contours, rather than proposed contours. Slope alterations or modifications made subsequent to the adoption of these regulations shall not be considered to reflect existing topography; rather, the Commission shall consider the topography as it existed prior to such alterations or modifications. The purpose of this restriction is to discourage attempts by landowners to avoid, or to minimize the effect of, the operation of this section of the regulations by undertaking extensive or drastic slope modifications or alterations in anticipation of submitting a subdivision application in the future.

## § 213-24. Earth movement.

In accordance with Chapter 446h of the Connecticut General Statutes,<sup>[1]</sup> the Commission shall require the applicant to demonstrate that the proposed design and layout of any subdivision minimizes, to the extent practicable, regrading and movement of earth materials. The Commission shall not approve the creation of any lot which, for development purposes, would require the movement of more than 1,000 cubic yards of earth materials unless the applicant can demonstrate to the satisfaction of the Commission that such movement is essential to allow a reasonable use of the subdivision parcel as a whole. Similarly, the Commission shall not approve a subdivision roadway design requiring the movement of more than 600 cubic yards of earth materials over any 100 consecutive linear feet of new roadway unless the applicant can demonstrate to the satisfaction of the Commission that such roadway design is essential to provide reasonable access to the subdivision parcel as a whole.

[1] *Editor's Note: See Connecticut General Statutes Section 22a-314 et seq.*

## § 213-25. Soil erosion and sediment control.

The applicant shall provide a separate erosion and sedimentation control plan in accordance with Chapter 161, Soil Erosion and Sediment Control, and/or other pertinent ordinances or regulations. The applicant may incorporate the information required on the erosion and sedimentation control plans into the master grading and layout plans required by these regulations. The erosion and sedimentation control plans shall incorporate all those requirements of Chapter 161 and provide for positive control at the site throughout the entire period of the construction of the subdivision and through the maintenance period.

## § 213-26. Flood damage prevention.

- A. In order to minimize flood damage in new subdivisions and to prevent increased flood hazards to existing buildings caused by filling in portions of the existing floodway, the Commission shall require that portions of proposed subdivisions within the flood-prone areas conform to all applicable Town regulations and ordinances involving flood control.
- B. In all flood-prone areas the following requirements shall apply:
  - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments containing more than five acres.
- C. The Commission shall not approve any application for subdivision that would result in the creation of lots whose development would require the placement of fill, structures or buildings in any portion of a floodway.

## § 213-27. Inland wetlands and watercourses.

The subdivision plans shall show the location of all inland wetlands and watercourses on the site. A duly qualified soil scientist retained by the applicant shall determine whether the land proposed for subdivision contains inland wetlands or watercourses and shall inform the Commission appropriately by placing a statement on the subdivision plans. If the land does contain inland wetlands or watercourses, the applicant must submit an application to the Conservation Commission at or prior to

the submission of a formal subdivision application. The following statement shall be affixed to all pages of the subdivision plan where it applies:

This parcel contains inland wetlands and/or watercourses. Any activity in or around these areas must be consistent with Connecticut General Statutes Sections 22a-36 through 22a-45 and the Somers Inland Wetlands and Watercourses Regulations, which are presently enforced by the Somers Conservation Commission.

## § 213-28. Preservation of natural and historic features.

In accordance with the Connecticut Environmental Protection Act,<sup>[1]</sup> it is the intention of the Commission through these regulations to prevent the unreasonable pollution, impairment or destruction of the natural and historic resources of the Town of Somers, in addition to protecting the public health and safety. Consequently, the Commission shall require each subdivision applicant to demonstrate that the design and layout of the proposed subdivision maximizes the preservation of natural and historic resources such as, but not limited to, large trees, wetlands and watercourses, significant botanical features and communities and wildlife habitat, stone walls and fences, scenic views and historic sites.

[1] *Editor's Note: See Connecticut General Statutes Section 22a-1 et seq.*

## § 213-29. Vegetation.

- A. Where plant material is to be removed, or where it does not exist, such as in flat open land or in gravel pits or other similar conditions, the applicant shall provide a replanting program to protect public health and to enhance and preserve the environment. At a minimum, each lot shall have one tree for every 50 feet of frontage or fraction thereof. Shade trees or flowering trees may be used. Shade trees shall have a minimum caliper of two to two and one-half (2 1/2) inches. In general, flowering trees shall have a caliper of one and one-half (1 1/2) to two inches, but in no case shall the size be less than the second size above the minimum available plant in common nursery stock. Lots which have existing vegetation may have this vegetation credited toward this requirement on a lot-by-lot basis.
- B. At the Commission's discretion, the replanting or supplemental planting plan shall include ground cover other than grass, such as shrubs, trees, bushes, etc.

## § 213-30. Open space.

[Amended 6-25-1998; 7-16-1998, effective 7-18-1998; 4-9-2009; effective 4-14-2009]

For any subdivision of land under these regulations, the Commission shall require the conveyance and official dedication of appropriately located and sized open space or recreation areas. For the purpose of this section, "open space or recreation areas" shall be defined to include, but not be limited to, areas left in their natural, undisturbed state; agricultural land for which development rights have been assigned or otherwise alienated in perpetuity; areas and facilities for noncommercial, nonprofit recreation; and similar areas for wildlife habitat, passive and active recreation, groundwater recharge, scenic preservation, and the like. In determining the appropriateness of an open space and/or recreation area disposition, the Commission shall consider the Plan of Conservation and Development objectives and map designations and the subject site's characteristics with respect to the following objectives: the conservation and protection of wildlife, wildlife corridors, and natural or scenic resources including lakes, ponds, rivers, streams, streambelts, inland wetlands, aquifers, significant woodlands, ridges, ravines, boulder trains, ledge outcroppings and other unusual physical features; the protection of productive agricultural soil, the protection of historic or archeological sites; the expansion of existing or planned open space, recreational areas, and greenways and the meeting of neighborhood and/or community-wide recreational needs. The Commission reserves the right to select

that portion of the proposed subdivision to be dedicated open space, and it may reject or modify any area proposed by the applicant.

Open space subdivisions. The minimum open space to be conveyed within an open space subdivision shall be 40% of the total undivided parcel area. Ponds, streams, wetlands and watercourses should be included in the open space design to the maximum extent possible but excluded from the calculation of the 40%. Settlement basins and transferred rights-of-way shall not be counted towards the minimum area of open space required.

Conventional subdivisions. Except as exempted by statute or otherwise provided in this section, the Planning Commission shall require the reservation of open space in any subdivision as a condition of approval of the subdivision. The total area to be reserved for open space use shall be computed as 20% of the total area of the property being subdivided. In the event that the reservation of exactly 20% of the area of land to be subdivided would require the dedication of a piece of land that has impractical and irregular boundaries, or that is otherwise undesirable or impractical to be dedicated for public purposes, the Commission may require a minor reasonable adjustment in the twenty-percent requirement. The Commission may, in its discretion, permit the developer to pay a fee or to pay a fee and transfer land to the Town or dedicate an easement in lieu of land dedication for all or part of the open space, in accordance with the provisions of this section.

A. Choice of land or fee.

- (1) Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee, transfer land, or provide a combination of the foregoing, shall be as follows:
  - (a) Action of subdivider. At the time of presentation of a preliminary or proposed final map to the Planning Commission, the applicant shall, as part of such presentation, indicate whether (s)he desires to dedicate property for open space purposes or whether (s)he desires to pay a fee and/or transfer land in lieu thereof. If (s)he desires to dedicate land for this purpose, (s)he shall recommend the area thereof on the map as submitted. If the applicant wishes to propose a payment of fee, the applicant and Commission shall first jointly select an appraiser to determine the fair market value of both the total area of land to be subdivided and the land proposed to be transferred. The applicant shall be responsible for all of the appraisal fees and expenses. The fair market value of the land to be transferred, together with any fee to be paid, shall not cumulatively exceed 10% of the fair market value of the land to be subdivided.
  - (b) Action of Commission. At the time of presentation of the preliminary or proposed final map, the Commission shall determine, as part of such presentation, whether to accept the applicant's proposal; to recommend a different combination of dedication, fee and transfer; or to require dedication only. If the dedication of land is required, the Commission shall review the applicant's recommendation and approve, disapprove or modify the proposal.
  - (c) Prerequisites for approval of final subdivision plan. Where open space transfer of land is required, the proposed area to be transferred shall be approved by the Town Planning Commission, which shall refer the transfer of the land to the Town Board of Selectmen for appropriate action and its subsequent referral, if desired, to Town Meeting for acceptance. If the Board of Selectmen or Town Meeting refuses acceptance of the land, the Planning Commission shall reconsider the application to determine whether another form of compliance with the open space requirements is appropriate. All conditions of approval, including but not limited to covenants for private park and recreational facilities, shall be filed upon the land records of the Town in the office of the Town Clerk by notation on the final approved subdivision plans and filing a notice on the land records of conditions applicable to the subdivision. Where fees in lieu of, or in addition to, open space dedication or land transfer are required, the payment of the same shall be bonded and filed with the Town at the time of the filing of the subdivision performance bond. Where no performance bond is required as a condition of subdivision approval, such fees

must be paid upon the sale of each lot and such open space dedicated or land transferred as provided in the Connecticut General Statutes.

- (2) Determination. Whether the Commission accepts the land dedication for open space, modifies and accepts a proposed dedication (e.g., chooses a different location for the open space) or elects to allow payment of a fee, the transfer of land, or a combination of the foregoing, shall be determined by consideration of all of the following:
  - (a) Existing or planned recreational and other open space facilities of the Town in the geographical area in which the land to be subdivided is located.
  - (b) Recommendations of the Conservation Commission, the Planning and Open Space Trails Subcommittee, the Recreation Commission, or any other commission the Planning Commission deems appropriate.
  - (c) Topography, geology, access, location and other natural features of, and existing improvements on, the land in the proposed subdivision available for transfer or dedication for open space.
  - (d) Size and shape of the subdivision and land available for transfer or dedication for open space.
  - (e) The protection or enhancement of the Shenipsit Trail ("Blue Trail") or other trails.
  - (f) The conservation and protection of wildlife and natural or scenic resources.
  - (g) The Plan of Conservation and Development.
  - (h) The Planning and Open Space Trails Subcommittee's Open Space Priority List.
- (3) The determination of the Commission as to whether land shall be dedicated, a fee shall be charged, land shall be transferred, or a combination thereof, shall be final and conclusive.

B. Open space requirements.

- (1) No more than 50% of any land reserved for surface water runoff detention or retention may be considered for dedication as open space. In most instances, the Commission shall require open space to be dedicated in contiguous tracts containing one acre or more land. However, for small subdivisions (less than ten 10 acres), or in instances in which a desirable public benefit may be gained by the preservation of a portion of the subdivision containing less than one acre, the Commission may require and accept smaller open space areas.
- (2) Any land dedicated to the Town for public playgrounds or other open spaces shall be graded as necessary to properly dispose of surface water, and areas lacking a vegetative cover shall be seeded with perennial field grass. All brush and debris shall be removed and the land left in condition for the purpose intended.
- (3) If, in the opinion of the Commission, the needs of the Town will best be served thereby, the Commission may allow an applicant to designate land for open space dedication in a future phase or section of the subdivision or on a nearby tract of land owned or under the control of the applicant. The Commission may grant a developer an open space credit of up to 5% in the event that the property owner has previously donated, to the Town, the full portion of the Shenipsit or "Blue Trail" running through his/her property. At the time of said donation of trail property, the property owner and the Commission may enter into a written agreement regarding the future open space dedication which will be required at the time that the remaining property is subdivided. In such cases, the applicant or owner shall provide appropriate written deeds, easements or covenants for the land to be dedicated upon approval of the subdivision or when dedicated.



- C. Limitation on use of land and fees. The land and fees received under this section shall be used for the purpose of providing conservation, park, recreational or other appropriate municipal facilities. The disbursement of such fees must be approved by the Commission and must be consistent with the Plan of Conservation and Development. Any required fees shall be paid to the Town prior to the release of any subdivision performance bond.
- D. Exemption.
- (1) The open space requirement shall not apply if:
- (a) The subdivision is exempt from open space dedication as provided in Connecticut General Statutes Section 8-25 or 8-39a.
- (2) When a subdivision is to be exempted from any open space requirements because the land is to be transferred to a family member as per Section 8-25 of the Connecticut General Statutes, then the following notice is to be added to the final subdivision map as part of the approval:

Notice: This subdivision has been exempted from the open space requirements and the requirements for fees in lieu of open space upon the express condition that all lots in the subdivision will be transferred by the subdivider to persons who are the subdivider's parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. No portion of this subdivision shall be deemed a lot until all of such transfers have been perfected. The Planning Commission and the Zoning Enforcement Officer may require reasonable evidence of the relationship of the transferee to the transferor and the fact that the transfer was made for no consideration before any portion of this subdivision will be treated as a lot.

## § 213-31. Sewage disposal.

- A. Where a sanitary sewer is not available to serve the proposed development, the applicant shall provide test and design data acceptable to the Town Sanitarian, indicating the method of on-site sewage disposal for each lot.
- B. These test and design data shall confirm that each lot would support an on-site sewage disposal system in conformance with the requirements of the current Public Health Code of the State of Connecticut.
- C. Each subdivision lot plan shall bear the signature of the Town Sanitarian, indicating his or her approval of all lots on the plan for on-site sewage disposal.
- D. Sewage and septage shall not be allowed to enter the storm sewer system or runoff into wetlands or watercourses.

## § 213-32. Water.

All developments shall have an adequate and dependable potable water supply for every lot or dwelling unit. Where public water is not available, an on-site supply meeting the Connecticut Public Health Code shall be available.

- A. The following statement shall be affixed to each subdivision plan:

Neither the approval of this plan nor the review or signing thereof by any Town consulting engineer, commission, board, officer, official, employee, agent or representative shall constitute or be construed as a representation, guaranty or warranty by such consulting engineer, commission, board, officer, official, employee, agent, representative or the Town of Somers as to the chemical content, quantity, quality or potability of any water supply. Any determination

concerning the chemical content, quantity, quality or potability of any water supply shall be the sole responsibility of the purchaser or other transferee of the property on which the water supply is located or proposed to be located.

- B. Contamination. Prior to subdivision approval, in areas of known or suspected groundwater contamination, the applicant shall either provide an approved public water supply system or provide evidence to the satisfaction of the Town Sanitarian that any and all proposed private wells will be free from contamination.
- C. System extension. When a public water system or an extension of the same is proposed, the applicant must obtain all necessary approvals from the Connecticut Department of Health Services (DOHS), the Department of Public Utility Control (DPUC) and any other relevant agencies.

## § 213-33. Public wells.

Notice of subdivision proposals involving land adjacent to or within 500 feet of existing public well fields may be required to be submitted to the Connecticut Department of Health Services (DOHS), the Department of Public Utility Control (DPUC) or other appropriate agencies for review and comment.

## § 213-34. Passive solar design.

All persons submitting a subdivision shall demonstrate to the Commission that they have designed the street, lot layouts and house orientations and used vegetation and natural and man-made topographical features so as to maximize and protect solar access within the development while still observing other provisions of these regulations and respecting the natural limitations of the site.

## § 213-35. Driveways.

All driveways shall be designed to comply with Chapter 104, Driveways, and any zoning regulations that are applicable.

## § 213-36. Reserve strips.

No privately owned reserve strips which control access to land dedicated or to be dedicated to public use will be permitted.

## § 213-37. Zoning.

Each proposed subdivision shall conform to all applicable requirements, including but not limited to lot frontages, dimensions and areas, in Chapter 214, Zoning.

# Article VI. Streets and Sidewalks; Utilities

## § 213-38. Street layout.

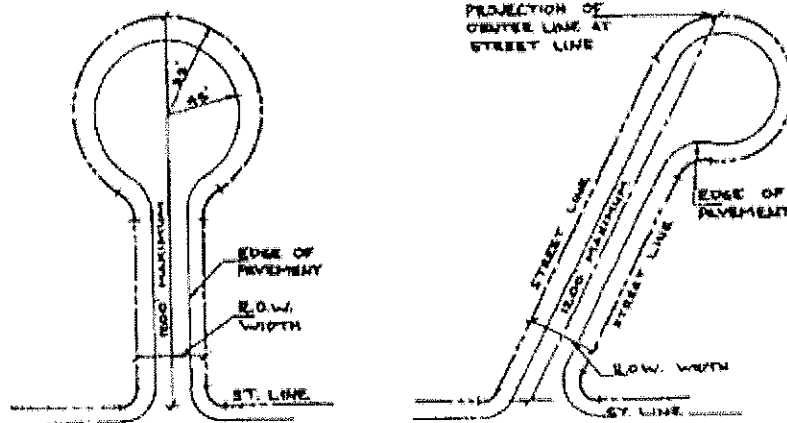
- A. Street pattern.

- (1) The street pattern within the subdivision shall be orderly. All street patterns shall be designed to accommodate prospective traffic and to afford satisfactory access for police, fire fighting, snow removal, sanitation and road maintenance equipment, as well as school buses. Roads shall be coordinated to compose a convenient system and to minimize adverse impacts on adjoining properties. Where appropriate, a collector street shall be used for more direct access to local streets.
  - (2) It is preferred that road patterns be curvilinear rather than linear. In general, straight sections of roads should not exceed 1,500 feet in length. Vertical and horizontal curves should be appropriately used to reduce the straight road patterns. In those areas where the roads are straight and fairly level, suitable techniques shall be employed to discourage and minimize speeding, particularly in residential neighborhoods. The use of stop signs on straight roads will not be considered sufficient to assure safe vehicular speeds and turning movements. Street lot patterns shall also be used to accomplish this requirement.
  - (3) Road crossings over wetlands, swamps, brooks and watercourses shall be designed to have the least impact and cross at the narrowest width possible consistent with good design. The street pattern shall be appropriately related to the topography and terrain, both within the subdivision and the surrounding lands. Local roads shall be curved wherever possible to avoid uniformity of lot appearance. Rectilinear or grid-pattern-type street arrangements shall generally be unacceptable. The final road pattern and lot pattern, in addition to complying with Chapter 214, Zoning, shall be designed in such a way as to minimize the need to develop land areas having severe development limitations (as defined by the United States Department of Agriculture Soil Conservation Service) or significant natural or historic resources. All streets shall be arranged so as to obtain as many as possible of the building lots at or above the grades of the streets.
- B. Grades. Grades of streets shall conform as closely as possible to the original topography. Streets having steep grades, high fills or deep cuts shall be avoided where possible. Street and lot patterns shall be carefully designed to minimize the need for regrading and defoliation of sites.
- C. Stub roads.
- (1) Where a new subdivision abuts other land that is susceptible to subdividing, a right-of-way for future road purposes shall be carried to the boundaries of the land susceptible to subdividing. Upon approval of the subdivision, proper easements for all such rights-of-way shall be deeded to the Town.
  - (2) The applicant shall provide sufficient technical information to permit the Commission to evaluate the need for such rights-of-way and the adequacy of all proposed locations for such rights-of-way.
- D. Blocks. Street block length shall not exceed 1,200 feet nor be less than 600 feet, unless the applicant demonstrates to the satisfaction of the Commission that a different block length will still provide an orderly, safe and convenient street pattern. Minimum block width shall be related to the zone district requirements for lot depth and shall provide for at least a double tier of lots.

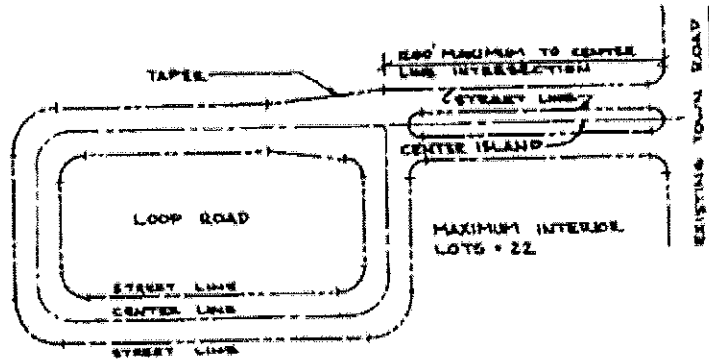
## § 213-39. Culs-de-sac.

- A. Length. All new dead-end streets shall be culs-de-sac. Culs-de-sac shall not exceed one thousand two hundred (1,200) feet in length, nor serve more than 14 lots. The length of 1,200 feet shall be measured on the center line from the street line of the starting roadway to the extreme tip of the right-of-way (beyond the turnaround). The turnaround shall have a minimum radius of 55 feet from the center to the outside edge of the right-of-way, with a forty-five-foot pavement. Where there is a possibility of an extension of a cul-de-sac, there shall be a notation on the record plan stating that the Town's easement for all segments of the turnaround outside the normal right-of-way (50 feet) shall be relinquished at such time as the turnaround is eliminated. The developer creating the

extension shall be responsible for the removal of the surplus pavement, the repair of driveways leading to the former turnaround and the regrading and reseeding of the area.



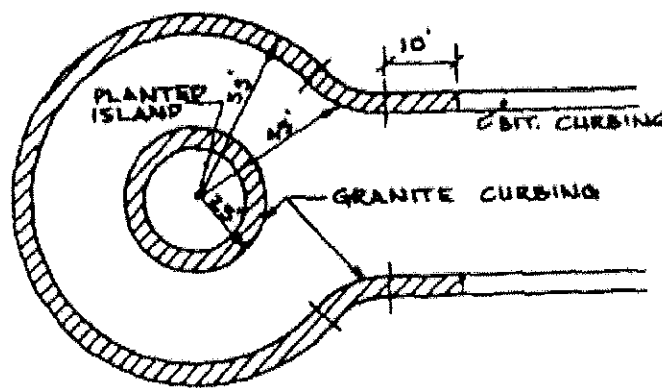
- B. Use. There shall be no more than two culs-de-sac to a subdivision unless the applicant can demonstrate that this limitation precludes any reasonable subdivision of the parcel at issue. Where culs-de-sac are permitted, they shall serve no fewer than three interior lots (i.e., lots that have frontage only on the cul-de-sac; the corner lots fronting on the main roadway shall not be considered to be interior lots under this section).
- C. Stem and loop roads. In lieu of a cul-de-sac, an applicant may propose a divided-entrance roadway and circular terminus for a so-called stem-and-loop-style road pattern.
- (1) In such instances, the divided entry road shall have two segments of pavement 18 feet wide each on either side of a dividing island 12 feet wide within a seventy-foot right-of-way. This entry road shall not exceed 1,200 feet in length measured on the center line from the street line of the starting roadway to the center line of the street of the first intersection.
  - (2) The maximum number of interior lots (see Subsection B) permitted with this arrangement shall be 22.
  - (3) A planting plan for the center island shall be presented to the Commission. The developer shall be required to set up a properly funded homeowner's association or other legally effective mechanism to maintain the center island at no expense to the Town. The maintenance mechanism, including the designation of the persons or entities who will be responsible for such maintenance, shall be described on the subdivision plan. An appropriate document, legally sufficient to establish and continue the maintenance mechanism, shall be presented in draft form to the Commission at the time the subdivision application is filed. The document shall provide for a sound and adequate funding program, and shall also give the Town of Somers the right to perform this maintenance and secure the appropriate funds in the event that the responsible persons or entities do not fulfill their obligations. The Commission may require such modifications in the document as are necessary or desirable to accomplish the purposes of this section. The final document shall be properly executed and filed in the Somers Land Records as a condition of final subdivision approval.



#### D. Restrictions.

- (1) Where cul-de-sac or stem-and-loop-style road patterns are created off of existing Town roads, due consideration for the total number of lots served by the existing Town road shall be made. If the existing Town road is itself a dead-end road, or if the access on one end of the road is in poor condition or unimproved, the Commission may reduce the number of lots otherwise allowable under Subsections A and C.
  - (2) The Commission may allow the use of an existing Town road as a portion of the stem-and-loop-style road system. In such cases the Commission shall determine whether a divided entrance roadway shall be installed to replace the existing road.
    - (a) This requirement shall be decided only after consideration of the following:
      - [1] The stem of the stem-and-loop road pattern shall not be more than 900 feet and the loop of the stem-and-loop road pattern shall not be more than 4,700 feet. The Commission shall encourage the shortest road pattern possible consistent with good planning and engineering practices.
      - [2] Proposed road pavement width shall be no less than 22 feet.
      - [3] Existing road pavement width shall be no less than or upgraded to 18 feet.
      - [4] The amount of disruption to the area where a divided entrance roadway would be required.
      - [5] Approval from the Fire Department and the Department of Public Works.
    - (b) In making this determination the Commission shall consider the protection and maintenance of the existing terrain, historical values of the area, topography, disruption to the drainage patterns and vegetation. Where a proposal does not use or reuse an existing road, the Commission shall require the divided entry road.
- E. Island culs-de-sac. Island culs-de-sac (culs-de-sac having an island in the center of the vehicular turnaround) may be permitted on a case-by-case basis, depending on the needs of the individual design proposal.
- (1) At a minimum, any such turnaround shall have a street line radius of 55 feet, a pavement outside radius of 45 feet and an island radius of 25 feet.
  - (2) The island and the outside pavement curbing shall all be granite back to the starting points of the turnaround, unless curbing is not required by the Commission.
  - (3) A planting plan for the center island shall be presented to the Commission. The developer shall be required to set up a properly funded homeowner's association or other legally effective mechanism to maintain the center island at no expense to the Town. The maintenance mechanism, including the designation of the persons or entities who will be

responsible for such maintenance, shall be described on the subdivision plan. An appropriate document, legally sufficient to establish and continue the maintenance mechanism, shall be presented in draft form to the Commission at the time the subdivision application is filed. The document shall provide for a sound and adequate funding program, and shall also give the Town of Somers the right to perform this maintenance and secure the appropriate funds in the event that the responsible persons or entities do not fulfill their obligations. The Commission may require such modifications in the document as are necessary or desirable to accomplish the purposes of this section. The final document shall be properly executed and filed in the Somers land records as a condition of final subdivision approval.



§ 213-40. Street construction standards.

A. Widths.

- (1) Except as hereafter provided, proposed streets shall have a right-of-way width of not less than 50 feet and a paved roadway width of not less than 28 feet. Street rights-of-way and roadway widths shall be no less than are shown in the following schedule:

Classification	Width	
	Right-of-Way (feet)	Paved Roadway (feet)
Arterial	60	36
Collector	60	32
Local and dead end	50	28

- (2) The Commission shall make the final determination as to the appropriate classification of any street. Right-of-way and/or roadway widths wider than those shown above may be required if deemed necessary for public safety by the Commission.
- (3) The Commission may permit reduced pavement width for local and dead-end streets where the site topography, ground cover, soils, wetlands and watercourses or other natural or historic resources would be best preserved by considering a pavement reduction and where the reduction would not have deleterious effects on public health or safety. The reduced pavement width may be no less than 22 feet plus twelve-inch slope-style curbs for cul-de-sac or very low traffic volume roads. For higher volume and lengthy roads the width may be no less than 24 feet plus twelve-inch slope-style curbs. The Commission may permit reduced pavement width for an existing road when such road is proposed to be used in a subdivision where the road is not a through street.
  - (a) The reduced pavement width shall be no less than 18 feet if the following is provided for:

- [1] Appropriate turnouts, the location and number of which shall be approved by the Department of Public Works and the Fire Department.
  - [2] Pedestrian safety, including provisions for pedestrian traffic using sidewalks or trails within the subdivision.
  - [3] On-street parking shall be prohibited.
  - [4] Driveways shall provide for adequate off-street parking to accommodate the on-street parking prohibition.
  - [5] Pavement standards for new roads shall be met.
  - [6] The Commission may waive the requirements for curbing for up to a twenty-two-foot paved road when the requirement for curbing is inappropriate or when the Commission requires sheet flow drainage. Side road drainage may be conveyed into shallow swales with the approval of the Town Engineer.
- (b) In making reductions in the pavement width, the Commission may consider the following:
- [1] Site topography.
  - [2] Ground cover, including trees and plants.
  - [3] Impact on cutting and filling for roadways.
  - [4] Vertical and horizontal road alignment.
  - [5] Site soils, including exposed or shallow cover over bedrock and groundwater effects.
  - [6] Stormwater runoff.
  - [7] Vehicular and pedestrian safety.
  - [8] Impact on inland wetlands and watercourses.
  - [9] School bus access.
  - [10] Long-term Town maintenance.
  - [11] On-street parking.
  - [12] Historical values.
- B. Other standards. All streets shall be constructed according to the current Town of Somers road specifications.
- C. Existing streets. Proposed subdivisions abutting any existing Town street or abutting any abandoned or discontinued street shall provide for the widening and improvement of such street in accordance with the standards set forth in these regulations. Sufficient land shall be dedicated along any such street to provide the right-of-way and paved roadway widths specified in Subsection A of this section. Existing road conditions shall be examined and the applicant's registered design professional shall make a recommendation. Town staff shall review the recommendations and agree or modify as is deemed necessary based upon the conditions, circumstances and facts. The Commission may, in its sole discretion, modify the requirements for rights-of-way and paved roadway widths in said section, based upon a finding of reasonable need and satisfaction of any conditions which may be imposed by the Commission as certified by a professional engineer in accordance with § 213-50 of these regulations.

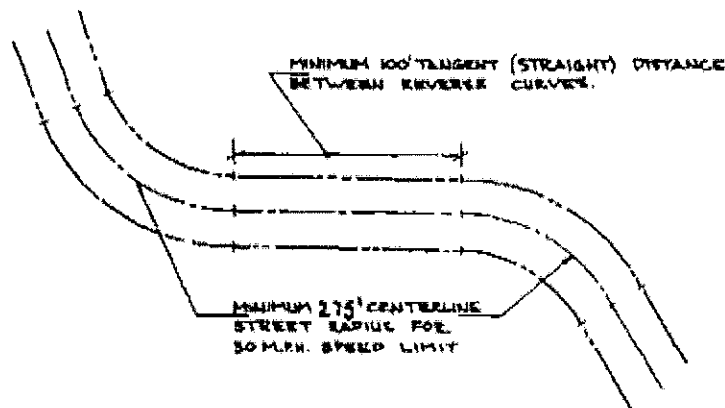
## § 213-41. Street design.

### A. Design speed.

- (1) The minimum design speed for local streets, including culs-de-sac, shall be 30 miles per hour. Collector and arterial streets shall have minimum design speeds of 35 miles per hour or higher, as determined by the Commission based on site conditions. The minimum design speed for access streets, including culs-de-sac, shall be 20 miles per hour. Street patterns which encourage speeding will not be permitted.
- (2) Design speed values on existing Town streets shall be determined by measuring the 85th percentile speed. In no event shall the design speed be less than the posted speed limit.

### B. Horizontal design criteria (local roads).

- (1) Roadways shall have a minimum stopping sight distance (SSD) of 200 feet for design speeds of 30 miles per hour, 225 feet for design speeds of 35 miles per hour and 125 feet for design speeds of 20 miles per hour. Streets with higher speeds shall be designed using the latest AASHTO criteria. Streets shall be corrected for grade in accordance with the latest AASHTO standards. See A Policy on Geometric Design of Highways and Streets 1990, or as amended.
- (2) A minimum tangent distance of 100 feet between reverse horizontal curves shall be provided on all streets. The Commission may reduce the distance of 100 feet between reverse horizontal curves to 50 feet on roads with design speeds of 20 miles per hour.

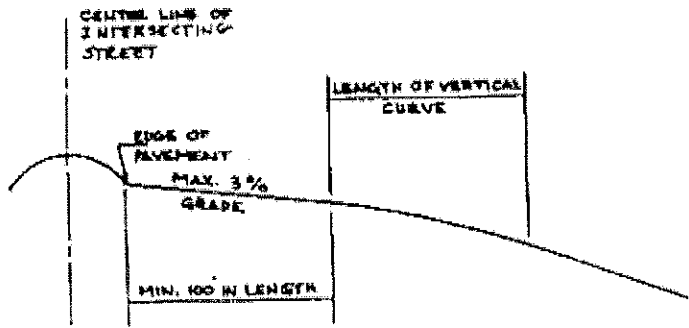


- C. Minimum curve radius. Where design speeds of 30 miles per hour are used, the minimum centerline radius shall be 275 feet. Higher design speeds shall require higher values, based on AASHTO criteria. Lower speeds shall use lower values based on the latest AASHTO criteria.

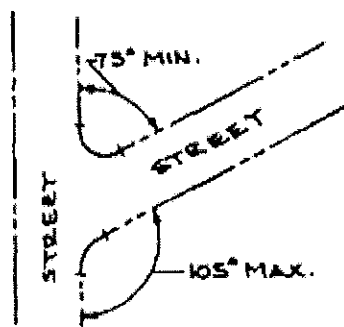
### D. Intersection design.

- (1) New streets shall be designed to be at right angles or radial to the streets they join for a distance of at least 100 feet from the intersecting street line. The vertical tangent approach length, as shown in the figure, shall not exceed 3% for the first 100 feet. Where unusual geometry, terrain or existing road constraints are found, the Commission may, with the recommendation of the Town Engineer, reduce the vertical tangent approach length to a maximum of 3% for the first 50 feet. Reduction, if any, shall also take into consideration the traffic volume and pattern on each of the roads at the intersection.

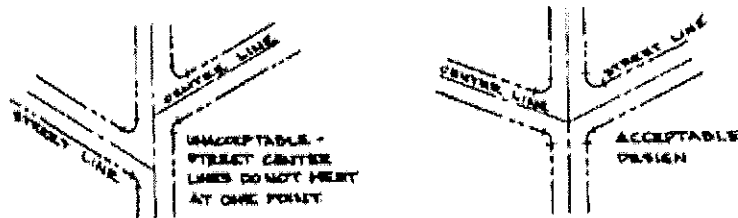




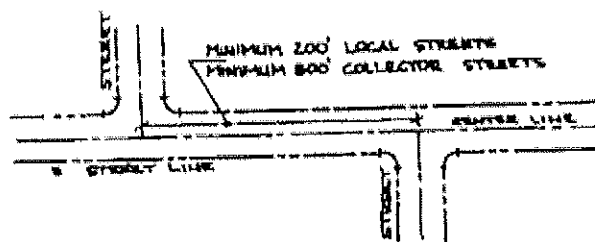
- (2) No street intersection shall result in more than four corners.
- (3) No streets shall intersect or meet at an angle of less than 75° or more than 105°. Skewed intersections followed by sharp curves shall be discouraged, especially if the street gradient changes rapidly.



- (4) The center line of all streets entering an intersection shall pass through a single point.



- (5) Side streets intersecting with local roads shall be directly opposite each other. If not directly opposite each other, the intersections shall be spaced a minimum of 200 feet apart, as measured from the center lines of the streets.  
[Amended 4-7-2014, effective 4-24-2014]

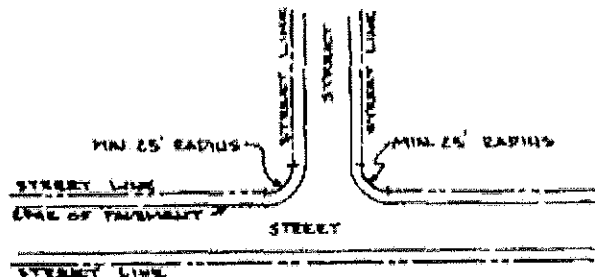


- (6) Side streets intersecting with collector roads shall be directly opposite each other. If not directly opposite each other, the intersections shall be spaced a minimum of 400 feet apart, as measured from the center lines of the streets.  
[Amended 4-7-2014, effective 4-24-2014]

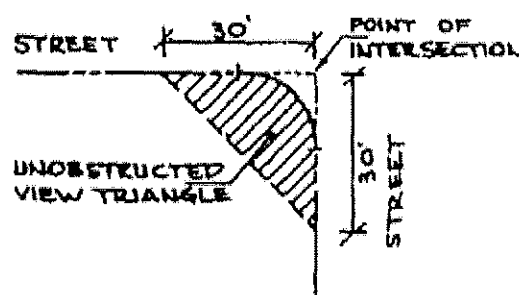
- (6.1) Side streets intersecting with arterial roads shall be directly opposite each other. If not directly opposite each other, the intersections shall be spaced a minimum of 800 feet apart, as measured from the center lines of the streets.

[Added 4-7-2014, effective 4-24-2014]

- (7) Intersection street lines at corner lots shall have a minimum radius of 25 feet. This shall include situations where new roads are adjacent to properties not under the applicant's ownership.



- (8) At a street intersection, no obstruction to sight over three feet in height will be allowed within the corner area. For these purposes, the corner area shall be in the shape of a triangle with each leg being 30 feet long as measured along the street lines from their point of intersection. A sight line easement for each such corner area shall be provided to the Town. Where any street intersection would involve a corner lot having earth banks or existing vegetation that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent required by the Commission to provide an adequate sight distance.



- (9) The line of sight at intersections shall comply with the State of Connecticut Department of Transportation Geometric Highway Design Standards Manual, Interim Guidelines (2-25-1986, or as amended). For informational purposes, the guidelines are printed in the Appendix.<sup>[1]</sup>

[1] Editor's Note: The guidelines are available at the office of the Town Planner.

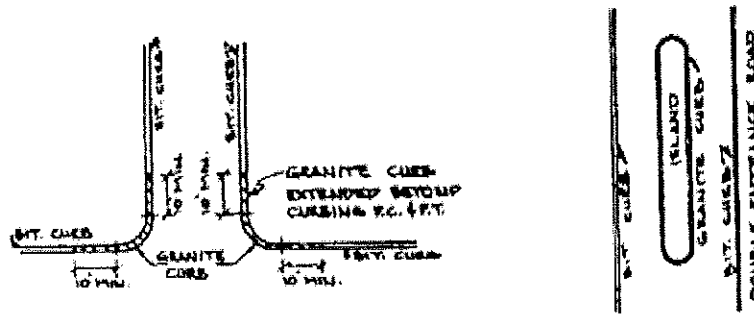
#### E. Vertical design criteria.

- (1) At all changes in grades, a vertical curve shall be provided. The minimum length of vertical curve required shall be sufficient to provide a minimum stopping sight distance of 200 feet at 30 miles per hour. Greater distances will be required for higher speeds, as determined by the Commission using the latest criteria of AASHTO.
- (2) All streets and highways shall have a gradient of no less than 1% (except in a vertical curve at a change in the direction of slope) and no more than 8%, except by permission of the Commission on an individual site basis, in which case the maximum gradient shall be no more than 10%. The gradient leading into or out of the vehicular turnaround of a cul-de-sac street shall be no more than 5%, and the gradient along the gutter in the cul-de-sac shall be no less than 1.0%.

- (3) Careful determination of gradients at sags in the street profile shall be made to be certain that these criteria are met. The ten-percent gradient, if and when granted, shall only be allowed for short distances.

F. Miscellaneous design criteria.

- (1) All lot driveways shall comply with all applicable Town regulations and ordinances.
- (2) All regraded areas shall be covered with topsoil to a depth of six inches and fertilized and seeded.
- (3) It is the policy of the Commission to severely restrict regrading of sites to maintain natural features of the landscape and topography. Restricted activities shall include cuts and fills for streets, houses and driveways and removal of natural ground cover or destruction of worthwhile topographic features. If a special use permit is required for any proposed movements of earth products under Chapter 214, Zoning, such permit must be obtained prior to application for final subdivision approval.
- (4) Curbs shall be required on all new streets and shall conform to construction and design standards as required in the Appendix to these regulations.<sup>[2]</sup> Normally, curbs shall be bituminous; however, granite shall be required for corners, islands and vehicular turnarounds. The Commission may determine that curbs are not required on existing Town roads where there are no existing curbs or when drainage is better accommodated without curbing.



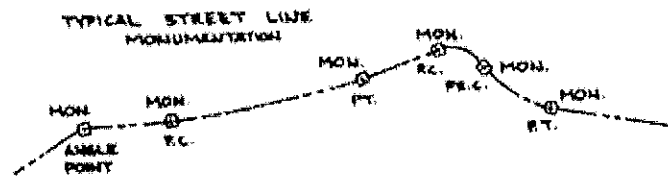
[2] *Editor's Note: Appendix materials are available at the office of the Town Planner.*

- (5) Guide rails shall be provided along any portion of a street having a side slope (below street level) steeper than one vertical to four horizontal. Such rails shall conform to AASHTO Roadside Design Guide standards for roadside barriers. The design shall be related to the required design speed.
- (6) All road pavement, shoulders, drainage, improvements, structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the Town of Somers.
- (7) Pedestrian walkways having a right-of-way not less than 15 feet wide shall be required where deemed essential to provide access to nearby or adjacent schools, playgrounds or other community facilities. The walkways shall be graded and surfaced as directed by the Commission.
- (8) The developer shall provide for the proper elimination of all shallow ponding or stagnant water (not including wetlands or watercourses) within the limits of the proposed subdivision.
- (9) The burial of tree stumps, shrubs and large boulders is prohibited within the limits of the proposed subdivision.
- (10) The Commission may require street rights-of-way to be free and clear of obstructions, including but not limited to walls, fences, trees and open drainage ditches.

- (11) Where new roadways are to be constructed now or in the future, the developer shall reserve for his/her successors, heirs and assigns the rights to slope the ground adjacent to the new road construction. Such slope rights shall extend a sufficient distance onto the individual adjacent lots to provide the standard road cross section without special earth-bank stabilization. These slope rights may be required onto lands of adjacent owners if this is needed to construct the proposed design. These rights in draft or final form must be reviewed and approved by the Commission prior to final subdivision approval. Slope rights must be obtained by the applicant prior to the commencement of construction.

G. Street monuments and iron pins.

- (1) Street monuments shall be placed at all street block corners, angle points, points of curvature in streets and such other intermediate points as are directed by the Commission. All monuments shall be furnished by the developer and installed where indicated on the final subdivision plan. Monuments shall be reinforced concrete and shall be designed as required in the Appendix.<sup>[3]</sup> All monuments are to be set flush with proposed grades.



[3] *Editor's Note: Appendix materials are available at the office of the Town Planner.*

- (2) Iron pins shall be placed at all lot corners, as well as angle points and points of curvature in lot lines. Pins shall be one-half-inch outside diameter or larger, and three feet long. Where an iron pin cannot be set, another permanent marker shall be set, such as a plug, disk or drill hole. Where it is not practical to set points at the exact designated locations, markers shall be set on an offset from the true point. This alternate point shall be clearly shown and dimensioned on the recorded plan. All work shall be in place prior to street acceptance.
- (3) The developer shall be responsible for the maintenance and repair of all monuments installed until such time as all required subdivision improvements have been completed and accepted by the Town.

## § 213-42. Drainage.

- A. Standard details. All storm drainage facilities constructed under these regulations shall conform to the Connecticut State Highway Department Standards, Form 814, as amended.
- B. Drainage design methods.
- (1) The stormwater flows and management shall be based on the Model Runoff Management System Regulations prepared by the Tolland County Soil and Water Conservation District, May 1988, as amended. Modeling shall be performed, using SCS TR55 or SCS TR20 methods, as appropriate. Detention basins and other designs shall also be consistent with the SCS Guidelines for Soil Erosion and Sediment Control 1988, or as amended. Where deemed necessary by the Commission, the flows in streets shall be verified by gutter-flow analysis.
- (2) Where the watershed area or flows are smaller than those governing in the model regulations above, the applicant may use the Rational Method for determining the stormwater runoff, provided that the applicant demonstrates that such method may be appropriately used under the circumstances.
- (3) The Commission may require the applicant to provide an analysis by a competent professional of the drainage impacts of the proposed development on any watercourses

which may receive drainage from the development.

C. Flood damage prevention.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage, as required in § 213-26 of these regulations.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Where possible, existing flood-prone areas shall be determined from Flood Insurance Rate Maps. Where such maps do not cover the area to be subdivided or where such maps do not include base flood elevations, existing flood-prone areas shall be determined by standard hydrological methods. The applicant shall show any projected changes that would occur in the flood-prone areas as a result of development.
- (5) All flood-prone areas located on the land to be developed shall be shown on the subdivision plan.
- (6) The Commission shall disapprove any application for a subdivision that would result in an increase in flood-prone areas or in flood levels or flows on other property, unless the applicant demonstrates that such increase or increases can be safely accommodated by existing natural or artificial drainage facilities without risk of harm to such other property.

D. Aquifer or public water supply protection. Site development shall be consistent with and conform to all relevant statutes, regulations and ordinances for the protection of aquifers and public water supplies.

E. Design storm criteria.

- (1) All designs shall be based on the maximum possible development of the entire watershed as permitted by Chapter 214, Zoning. All bridges and culverts shall be designed so that the required head and backwater produced by the structure would not cause flooding of upstream property.
- (2) On watersheds one square mile or more in area, the design of culverts, bridges and through watercourses shall be based upon not less than a one-hundred-year storm. On watersheds of less than one square mile, the design shall be based upon not less than a fifty-year storm.
- (3) The drainage system for roads, including catch basins, inlets, pipes, underdrains and gutters within or abutting the subdivision shall be designed for not less than a ten-year storm.
- (4) An adequate flood storage area for larger storm frequencies (up to and including a one-hundred-year storm) shall be provided within the road and lot pattern.

F. General hydraulic design requirements.

- (1) Storm drains shall be designed to flow full.
- (2) All storm sewers shall be designed to provide a self-cleansing velocity of at least 2.5 feet per second when flowing full.
- (3) A minimum cover of two feet shall be provided for all storm drains. This cover shall be maintained over cross-drain pipes connecting both sides of a street as well as along main runs. The Commission may reduce the cover to no less than 12 inches as recommended by the Town Engineer. This shall be discouraged except in unusual circumstances.

- (4) No storm drainage system shall outlet into a natural watercourse, whether continually flowing or intermittent, so as to cause the watercourse to overflow its banks more frequently than it would otherwise. The developer shall obtain all necessary drainage rights for flows across adjacent properties in writing. The rights shall include the right for the Town to enter such properties and to construct or maintain existing or proposed facilities if the system is to be accepted by the Town. These rights in draft or final form must be reviewed and approved by the Commission prior to final subdivision approval. The rights must be obtained prior to the commencement of construction.
  - (5) Where a new street intersects an existing street which has no underground drainage system or has a drainage system of insufficient capacity to carry the additional flow, appropriate facilities shall be installed by the developer to intercept and dispose of any drainage from the new street which would otherwise be discharged onto the surface of the existing street or into its drainage system.
  - (6) All storm system outlets shall have an appropriate outlet structure and the streambed shall be properly stabilized. Before submitting a storm drainage plan to the Commission, the designer shall examine the outlet and downstream channels on site so as to verify their adequacy and future stability.
  - (7) The first set of catch basins in a storm drainage system shall be located a maximum of 350 feet from the roadway high point. Spacing between sets of catch basins shall be a maximum of 300 feet. A drainage structure shall also be placed at each vertical grade change along a storm drain, at each change in horizontal direction and at each junction point of two or more storm drains. Where required by watershed size or steep road grades, double or multiple catch basins shall be provided.
  - (8) The minimum pipe size for all storm drainage systems constructed under these regulations shall be fifteen-inch inside diameter. The material shall be approved by the Public Works Department.  
[Amended 4-7-2014, effective 4-24-2014]
  - (9) All underground public utilities shall be confined to street rights-of-way wherever possible. In all other cases an appropriate construction and maintenance easement shall be deeded to the Town of Somers. No underground utility shall be installed within five feet of any street or property line.
  - (10) The center 10 feet of all street rights-of-way shall remain clear as much as possible to provide space for possible future sanitary sewers.
  - (11) The designer should carefully consider the size of standard catch basins and manholes where large-sized, skewed or multiple pipes enter into a structure. The proposed plan shall clearly spell out and detail for the contractor how these special structures are to be built.
  - (12) The Commission may require the developer to provide stormwater retention basins. The design of these basins shall be in accordance with the Connecticut Guidelines for Soil Erosion and Sedimentation Control (1988), as may be amended. Construction and maintenance easements, including access roads as well as fencing and planting, shall be provided as required by the Commission.
  - (13) Where large storm sewer pipes or special situations such as bridges or culverts are considered, the Commission may require the use of construction materials other than reinforced concrete. This choice will be based on maintenance and long-term replacement costs, as well as on suitability of the material for the intended use.
- G. Drainage easements. Drainage easements, outside of street lines, shall be a minimum of 30 feet wide and shall include an easement strip at least 15 feet wide along each bank of any channel or watercourse passing through the easement area. The width of the easement strip along the bank

of a channel or watercourse shall be measured from the top of the bank. Easements for outlet pipes shall extend to a suitable existing storm drain or an adequate natural watercourse. Normally the storm pipe shall be 10 feet off one side of the easement so as to provide a larger (20 feet) working area on the other side.

- H. Intersection drainage. Where the development streets join existing Town streets, the developer shall provide suitable and adequate drainage at the intersections.
- I. Private drains.
  - (1) The size and location of all private storm drains that would connect to the Town storm drainage system must be approved by the Commission prior to installation. A waiver for maintenance and liability must be filed by the developer with the Town of Somers. This waiver shall relieve the Town of any responsibility in the event of any failure of either the private or Town storm drainage system. The waiver shall be recorded in the land records of the Town of Somers. A method of assuring private maintenance and funding for such storm drains must be proposed by the applicant and approved by the Commission prior to installation.
  - (2) Rear yard drains and cellar or foundation drains that are connected to the storm drainage system must be shown on the final as-built plan of the drainage system.
- J. Underdrains. Adequate street underdrains shall be constructed whenever, in the opinion of the Commission, drainage conditions require it. All underdrains shall be designed based on the existing soil and terrain requirements. They shall be not less than six inches in diameter, but the actual size shall be based on groundwater conditions. Access cleanouts or openings shall be provided. Proposed underdrains shall be shown on the final subdivision plans. Where no underdrains have been shown, but the Commission determines during the course of street construction that underdrains are needed, the applicant or his successor shall install such underdrains and make appropriate modifications to the subdivision plans. The Commission or Town may refuse to accept any street in which such underdrains have not been installed.

## § 213-43. Street signs.

[Amended 4-7-2014, effective 4-24-2014]

The developer shall provide and install street signs at any new street intersection. The size, material and installation will be determined and approved by the Public Works Department.

## § 213-44. Stop signs and striping.

[Amended 4-7-2014, effective 4-24-2014]

Stop signs, stop bars and centerline striping shall be installed by the applicant as directed by the Public Works Department.

## § 213-45. Street names.

There shall be no duplication of existing street names or names with similar words, nor shall there be a phonetic resemblance to the names of existing streets within the Town. The names must be approved by the Town Assessor and the Fire Chief.

## § 213-46. Streetlighting; location of utilities.

- A. All streets shall have lighting as required and approved by the Selectmen.

- B. All of the utilities itemized below shall be buried underground. The Commission may require, upon recommendation of the Town Engineer, that utilities be placed in sleeves or ducts depending upon the type and location of the utilities in the street or underneath the pavement. Underground locations shall generally comply with the following:
- (1) Sanitary sewers: center line of street.
  - (2) Storm sewers: edge of street opposite water line.
  - (3) Water line: within right-of-way above and at least 10 feet from sanitary sewer line.
  - (4) Gas line: within right-of-way opposite electric, telephone and cable lines.
  - (5) Electric, telephone and cable television: within right-of-way opposite waterline. Cross cables or cables under or close to the pavement shall be placed in ducts or sleeves to facilitate the maintenance of the cables.
- C. In all locations where sanitary sewers or lines for water, gas, telephone, cable television or electric service are to be furnished from a public source, all necessary mains, branch lines to each lot, fire hydrants and necessary equipment must be approved by the public or private entity having jurisdiction. All subsurface utilities shall be shown on the as-built plan. The applicant shall be responsible for all costs of utility installation, including any costs for bringing such utilities to the proposed subdivision from off-site.

## § 213-47. Numbering of buildings.

Final subdivision plans shall show street numbers for each lot based upon the current Town house numbering system. Where the subject lot is a corner lot, a number shall be assigned for each street frontage. These numbers shall be assigned by the Town Assessor and placed on the final subdivision plan after the location of the lots is certain but before it is signed by the Commission.

## § 213-48. Sidewalks.

[Amended 7-16-1998, effective 7-18-1998]

The applicant shall install sidewalks along any portion of the frontage of subdivisions on existing or proposed Town streets within one mile of any Town school property as measured along the street pattern. The new walks shall be at least four feet wide and include concrete handicapped ramps at street corners. The sidewalks shall be on both sides of the new streets unless the Commission determines that the public safety will be adequately protected by providing a sidewalk on one side only. Sidewalks on permanent cul-de-sac roads shall be required on one side only. When a subdivision includes an existing Town road or roads under 22 feet wide, the Commission may require sidewalks or trails to provide for safe pedestrian traffic within the subdivision. With a three-fourths vote of all the members of the Commission, the requirement for installing sidewalks on existing Town roads may be waived when:

- A. There is no other continuous sidewalk from any Town school property to the property proposed for development; and
- B. Where the Commission finds that requiring sidewalks as part of the proposed development will serve no useful purpose.

## § 213-49. Reservation of land for future public use.

The applicant shall reserve suitable corridors of land for future street connections to adjoining property which the Commission determines to be susceptible to subdivision. The Commission may require the



conveyance of easements for these corridors to the Town when the improved roads within the subdivision are accepted by the Town.

## Article VII. Subdivision Construction

### § 213-50. Supervision by design professionals.

- A. It shall be the responsibility of the design professionals selected by the applicant to prepare the final subdivision plans to assure that the plans are complete. Each of the design professionals shall be available to answer questions and resolve construction problems as the project's construction progresses.
- B. All road pavement shall be tested and monitored by the design professional selected by the applicant. The testing shall take place in accordance with the current certification and construction oversight requirements of the Town of Somers. The applicant shall be responsible for the costs for these services.
- C. When the project is complete, each design professional shall certify that the project was constructed in accordance with the approved plans and the Town road specifications. This shall mean, without limitation, that horizontal and vertical alignment of all improvements is certified as built, and that specifications as to material type, gravel and bituminous compaction, concrete strength and material thickness have all been met according to the Town road specifications, as certified by a professional engineer. The Commission shall not recommend the approval and acceptance by the Town of any project lacking these certifications.

### § 213-51. Construction schedule; responsibilities of developer; liability.

Prior to the commencement of construction of any subdivision improvements, the developer shall provide the Commission with a schedule showing the specific work to be accomplished in each phase of construction and the date upon which such work is expected to begin for each phase. Modified schedules shall be provided as necessary.

- A. The developer shall designate a natural person to be responsible for all work to be accomplished in each phase. The natural person so designated shall provide the Commission with one or more telephone numbers at which (s)he or his or her authorized representative can be reached at all times during construction, including times of inactivity, such as evening hours and holidays.
- B. Construction of all site improvements may be observed by the Commission or its authorized representatives to ensure satisfactory completion.
- C. In addition to providing the written schedule, the developer shall notify the Town at least two business days prior to commencing each phase.
- D. The developer, his/her contractor and all subcontractors shall meet with the Commission's authorized representatives to go over job conditions, Town road specifications and the certification and construction oversight prior to starting a project. The contractor and all subcontractors shall understand and have in their possession those specifications. It is the developer's responsibility to see that all work is performed properly. The Commission may require removal of improper installations or other corrective measures if the specifications or other conditions are not met. The developer shall be responsible and liable for all job conditions. The Commission and its authorized representatives may visit the site to observe construction activities and conditions but shall incur no liability for themselves individually, for the Planning Commission or for the Town of Somers. While any Commission member or authorized representative of the Commission is on the site, the

applicant, his representative(s), agent(s) and/or contractor(s) shall be solely liable for the safety and well-being of that person or those persons.

- E. The developer shall not install the final course of pavement until the binder course of pavement has been exposed for one winter season.

[Added 9-30-1999]

## § 213-52. Final site observation.

A final site observation of all improvements and utilities will be made by the Commission or its authorized representative to determine whether the work is satisfactory and in substantial agreement with the approved final drawings and the Town specifications. The general conditions of the site shall also be considered. Upon a satisfactory final report, action will be taken to release the performance bond covering such improvements and utilities.

## § 213-53. Completion of improvements.

Except as otherwise allowed by statute, all work in connection with any approved subdivision shall be completed within five years after such approval. The Commission's endorsement of approval on the plan shall state the date on which such five-year (or other statutory) period expires. For purposes of this section, "work" shall mean all physical improvements required by the approved plan, other than the staking out of lots, and includes, but is not limited to, the construction of roads, storm drainage facilities and water and sewer lines, the setting aside of open space and recreation areas, installation of telephone and electric services, planting of trees or other landscaping and installation of retaining walls or other structures.

## Article VIII. Performance and Maintenance Bonds

### § 213-54. Performance bond.

Prior to the commencement of construction, the developer shall file with the Commission a detailed estimate of the cost of streets, public improvements, drainage structures, water and sewer mains, other utilities, soil and erosion control, lot grading and any other special site or off-site construction or improvements required as a part of the development's approval by the Commission, together with maps, plans and supporting data. In addition to the cost estimated by the developer and approved by the Commission, a twenty-percent contingency shall be added to the cost estimates to arrive at the bond amount.

- A. The developer shall then provide the following:

- (1) A surety company bond, irrevocable letter of credit or passbook, in a sum and form satisfactory to the Commission, conditioned upon the completion of all work within five years of the date of the approval of the recorded subdivision plan or as otherwise provided by statute.
- (2) Power of Attorney of the person signing on behalf of the surety must be attached to the bond if not already on file with the Commission. If the person acting as attorney for the surety company is not a licensed resident agent of the State of Connecticut, then the bond shall be countersigned by a licensed Connecticut resident agent of the company. The signatures of two witnesses are required on the bond. If the subdivision sponsor is a corporation, then the corporate seal must be shown in addition to the seal of the bonding company. The bond must show the bond number and the name of the bonding company's local agent.

- B. Extensions. The Commission will consider an application for extension of time to complete improvements and the term of the performance bond when good cause for the extension is shown.
- C. Reductions. The initial amount of the bond shall be no less than \$10,000. Reductions in the amount of the original bond may be considered by the Commission for work completed; however, the reduction shall not exceed 70% of the original amount, nor reduce the amount of the bond below \$10,000.
- D. Release. An application for release of the performance bond, upon completion of the required work, must include a warranty deed(s) conveying any interests in the land that are to be acquired by the Town. Such deed(s) must be approved by Town Counsel and must be accompanied by appropriate certificates of title. The application must also include as-built drawings of a plan and profile, showing location, dimensions, elevations, profiles, etc., of all improvements, including monuments as they exist, utilities, community wells, etc. The as-built drawings must be certified by a surveyor licensed in the State of Connecticut. A silver emulsion polyester fixed-line film and three paper prints of the as-built plans shall be filed with the Commission, along with a written certification by the surveyor that the iron pins and monuments have been accurately set to Class A-2 standards. A registered engineer shall certify that the project was constructed according to the Town of Somers specifications, including any special conditions of construction on site or off site required by the Commission as part of the subdivision approval.

## § 213-55. Maintenance bond.

[Amended 9-30-1999]

The applicant shall be required to file a maintenance bond with the Town prior to dedication in order to assure the satisfactory condition of the required improvements for a period of 18 months after the date of acceptance by the Town. The maintenance bond shall be in an amount equal to 25% of the actual cost of improvements and shall be of such form as described in § 213-54 for performance bonds. The cost of improvements shall be the actual cost as approved by the Town Engineer as of the date of the request for road acceptance.

## Article IX. General Provisions

### § 213-56. Appeals.

Any person aggrieved by an official action of the Planning Commission may appeal therefrom as provided by statute.

### § 213-57. Amendments.

These regulations may be amended as provided by statute.

### § 213-58. Severability.

If any section, subsection, paragraph, sentence, clause or phrase in these regulations shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations.

### § 213-59. Repealer.

All subdivision regulations previously adopted for the Town of Somers are hereby repealed, except as herein provided.

## § 213-60. Effective date.

The foregoing regulations prepared by the Somers Planning Commission shall become effective on April 4, 1996.

## § 213-61. Drawings and sketches.

The various drawings and sketches contained within these regulations are for informational purposes only. In the event of any discrepancy between a drawing or sketch and the text of these regulations, the text shall control.

## Article X. Open Space Subdivisions

[Added 4-9-2009; effective 4-14-2009]

## § 213-62. Purpose.

- A. The purpose of this section is to provide for a flexible approach for the design and subdivision of land for residential development on areas of a project site best suited for development and to protect the remaining land as open space in accordance with the objectives set forth in the Somers Plan of Conservation and Development. While the intention is not to increase the overall site density, the creation of open space is accomplished by permitting a transfer of density by way of reduction in the minimum lot size and frontage normally required in specific zones for residential development.
- B. The creation of an open space subdivision is intended to:
- (1) Protect natural streams, water supplies and watershed areas, soils, wetlands, and other significant natural features and landmarks;
  - (2) Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;
  - (3) Enhance the value to the public of abutting or neighboring parks and unfragmented forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces;
  - (4) Enhance public recreation opportunities;
  - (5) Preserve historic sites;
  - (6) Promote orderly residential development while providing flexibility that is sensitive to site characteristics;
  - (7) Limit the extent of impervious surfaces and control runoff;
  - (8) Lower the impact on the natural environment; and
  - (9) Encourage more creative and efficient site planning that will result in reduced expenditures for utilities, infrastructure and maintenance costs.

## § 213-63. Applicability.

Open space subdivision design standards shall be required in any single-family residential subdivision and be subject to all of these regulations as set forth herein. In cases where, in the opinion of the Commission, the goals of the open space subdivision regulations as set forth above cannot be attained, the Commission may waive these requirements and permit the applicant to proceed with a conventional subdivision plan as otherwise provided in these regulations. Any applicant wishing to utilize the conventional subdivision design standards shall submit such a request to the Commission for its review prior to submitting a formal application. The Commission may request any information it deems necessary to evaluate any such request.

## § 213-64. Referrals.

The Commission may refer for review and comment any subdivision plan and proposal for the provision of open spaces and/or recreation land to the Somers Conservation Commission, the Somers Recreation Commission, the Somers Historical Society, or any other agency it deems appropriate.

## § 213-65. Requirements for submission of design.

- A. The Commission shall, if it is determined to be consistent with the objectives of the Plan of Conservation and Development (e.g., connection of wildlife corridors) and § 213-62, Purpose, of these regulations, require an applicant proposing to subdivide a parcel of land that has been divided, subdivided, or resubdivided for residential use, containing 10 acres or more that results in the creation of four or more lots, in any residential zoning district to submit an open space subdivision plan that meets the requirements of this section and the other relevant provisions of these regulations and the Somers Zoning Regulations. For purposes of determining the size of the parcel proposed for subdivision, all land within the parcel, including any land not immediately proposed for use as building lots, shall be included.
- B. An application for the approval of an open space subdivision shall be in accordance with § 213-10 of these regulations. In addition, the application must be accompanied by copies of the proposed certificate of incorporation, if any, declaration, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed open space subdivision, copies of the proposed covenants and restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation and maintenance of open space.
- C. The Planning Commission shall direct and approve how open space shall be owned in the subdivision. In all cases where the open space is approved to be owned in common by the homeowners within the subdivision or by any other third party, excluding the Town, the open space shall be subject to a perpetual restriction running to and enforceable by the Town as a third-party beneficiary, which shall be recorded in the Somers Land Records. Such restriction shall be in such form and substance as the Planning Commission shall prescribe and may contain such additional restrictions on development and the use of common open space as the Commission may deem appropriate. Any proposed documents drafted in accordance with the section shall be submitted to the Commission as part of the application and shall be reviewed by the Town Counsel.
- D. Except for easements for underground utilities, subdivision of common open land or the use of common open land for other than recreation, conservation, or agriculture shall be prohibited.
- E. If an owners' association needs to be established, it shall require membership of each lot or unit owner in the open space subdivision. The association shall be responsible for the permanent maintenance of water, sewage, recreational and infrastructure facilities. An association agreement or covenant shall be submitted with the application guaranteeing the continuing maintenance of such common utilities, land and facilities by assessing each unit a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the

Planning Commission as part of the application and shall comply with the applicable provisions of the Connecticut General Statutes.

## § 213-66. Yield formula.

The maximum number of lots in an open space subdivision shall be determined in accordance with § 214-141 of the Zoning Regulations as amended.

## § 213-67. Design guidelines.

The Commission may modify any application so as to designate open space in locations other than those proposed, if it determines that such modified location(s) will better serve the purposes, satisfy the applicable criteria and standards of these regulations and the Zoning regulations and the Plan of Conservation and Development.

- A. The dimensional requirements for lots in an open space subdivision shall be as set forth in § 214-141 of the Somers Zoning Regulations as amended. In designing an open space subdivision, the applicant shall consider the purposes set forth in § 213-62 and § 213-30 of these regulations; the provisions and standards set forth in § 214-141 of the Zoning regulations, and the following:
- (1) Proposed lots and improvements should be designed and situated so as to minimize alteration of natural site features to be preserved.
  - (2) Proposed open space areas should include natural features located in the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and significant geological features).
  - (3) Proposed open space must have reasonable access points for maintenance and to facilitate connection with other dedicated open space, existing or future, to complete trails and wildlife corridors in accordance with the Plan of Conservation and Development and the Planning and Open Space Trails Subcommittee's Open Space Plan Priority List. Access may be provided through abutting existing open space parcels with written permission of the owners of the abutting parcel.
  - (4) Individual lots should be arranged and situated to relate to surrounding properties, to improve the view from, and the view of, prospective home sites, and to minimize the area devoted to motor access and travel.
- B. Dwelling units shall be clustered so as to allow a significant portion of the parcel to remain as open space as set forth in § 213-62 herein.
- C. The open space in any open space subdivision shall be located entirely within the undivided parcel and shall be in one contiguous piece except where the Commission finds that the purposes of § 213-62 would be more effectively served by separated parcels. The open space shall have a suitable shape, dimension, character and location to promote the purposes specified in § 213-62.
- D. The Planning Commission reserves the right to require the involvement of a licensed landscape architect in the design of an open space subdivision.
- E. Lots shall be laid out to the greatest extent possible to achieve the objectives listed below in order of priority:
- (1) To place septic systems on the most suitable soils for subsurface waste water disposal (in unsewered areas only);

- (2) Within any woodland contained in the parcel, or along the far edges of the open fields adjacent to any woodland (to reduce impact upon agriculture, to provide summer shade and shelter from winter wind, and to enable new construction to be visually absorbed by natural landscape features);
  - (3) In locations least likely to block or interrupt scenic vistas, as seen from the public roadway(s);
  - (4) On the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural use;
  - (5) In locations where the greatest number of units could be designed to take maximum advantage of solar heating opportunities.
- F. Wherever possible, ponds, streams, wetlands should be adjacent to, contiguous to or included in the open space. Shade should be preserved within wetland areas and at least 25 feet from ponds and streams.
- G. All utilities in an open space subdivision shall conform with § **213-46** of these regulations.
- H. The visual integrity of hilltops and ridgelines shall be maintained by siting development so that building silhouettes will be below the ridgeline or, if the area is heavily wooded, the building silhouettes will be at least 10 feet lower than the average canopy height of the trees on the ridgeline or hilltop.

## § 213-68. Conservation subdivision streets.

All new public streets shall be designed to the standards of the Somers subdivision regulations. Final design is site specific and subject to the review and approval of the Town Engineer.

## § 213-69. Dedication of open space.

The dedication of open space shall be in accordance with the provisions set forth in § **213-30** of these regulations.

# EXHIBIT 15





- Ecology
- Soil & Wetland Studies
- Water Quality Monitoring • GPS
- Environmental Planning & Management
- Ecological Restoration & Habitat Mitigation
- Aquatic, Wildlife and Listed Species Surveys
- Application Reviews • Permitting & Compliance

January 31, 2021

VIA E-MAIL

Town of Somers  
Conservation Commission  
600 Main Street  
Somers, CT 06071

**RE: 50 Hangdog Lane – Proposed Driveway**  
Somers, CT (Application. No. 740)

*REMA Job # 21-2360-SOM11*

Dear Commissioners:

At the request of an abutting property owner, Hangdog Lane, LLC, on November 20<sup>th</sup>, 2020, REMA ECOLOGICAL SERVICES, LLC (REMA), viewed the above-referenced property from its perimeter. We have also reviewed the submitted application, including a plan prepared by J.R. Russo & Associates, LLC, entitled *Driveway Plan, Property of Roulier Family Limited Partnership*, and dated January 26, 2021.

The aforementioned plan shows a roughly 2,640 square foot wet meadow wetland, which was delineated in May 1995, for the original residential subdivision. According to the plans roughly 280 square feet of this wetland would be disturbed to extend an existing drainage pipe. This pipe appears to accommodate the footing drain from the existing house, uphill to the east, but also an undetermined amount of surface and/or groundwater flows from the hillside behind the existing house. We know nothing of the volume of water flowing into the wetland from this pipe, or its quality, or periodicity.

Based on our view of the area below the discharge of the existing pipe (see attached annotated photos), as well as review of archival photographs (see Figure A, attached), it is our opinion that the area below this discharge all the way to the previously delineated wetland is likely to be a regulated wetland. It is readily apparent from a review of the flowage patterns as depicted in the photographs taken by a resident at 54 Hangdog Lane that the wetlands are far more



extensive than shown on the applicant's old delineation. With the previous delineation completed more than 25 years ago, and with changes to the landscape since then, it would be prudent and necessary that this entire area be re-visited by a registered soil scientist, and that an up-to-date wetland delineation be conducted. In my professional opinion, the wetland boundary shown on the plans is deficient in that it relies on the very old wetland delineation. More importantly, and as noted above, much of the upland landscape has been altered since that delineation and in all likelihood the wetlands on the subject property have changed as well. No one – not the applicant, not the Conservation Commission, not the neighbors – can even begin to assess the impacts without knowing the extent, location, and quality of the wetlands resources on the site.

Furthermore, having reviewed the applicant's plans and assessed the impacts on the site from the proposed activity, as best I can, given the lack of complete information from the applicant, it is my professional opinion that the proposed activity presents a reasonable chance of causing an unreasonable adverse impact upon regulated resources.

Finally, I have also reviewed the driveway survey and the expert opinions of Ozzie Torres, P.E., and Joseph Versteeg, and the alternative access plan with a driveway directly from Hangdog Lane, and in my professional opinion, the direct access from Hangdog Lane is a feasible and prudent alternative. Indeed, it is the only acceptable access in terms of avoiding adverse impacts on regulated resources and protecting the public's health, safety, and general welfare.

Please feel free to contact our office with any questions on the above.

Respectfully submitted,

**REMA ECOLOGICAL SERVICES, LLC**

A handwritten signature in black ink, appearing to read "George T. Logan".

George T. Logan, MS, PWS, CSE  
Professional Wetland Scientist, Registered Soil Scientist  
Certified Senior Ecologist

Attachments: Figure A; Photos 1 and 2

**FIGURE A:**

50 HANGDOG LANE, SOMERS  
(as seen on an April 2016 aerial)

**Legend**

📍 Hangdog Ln W

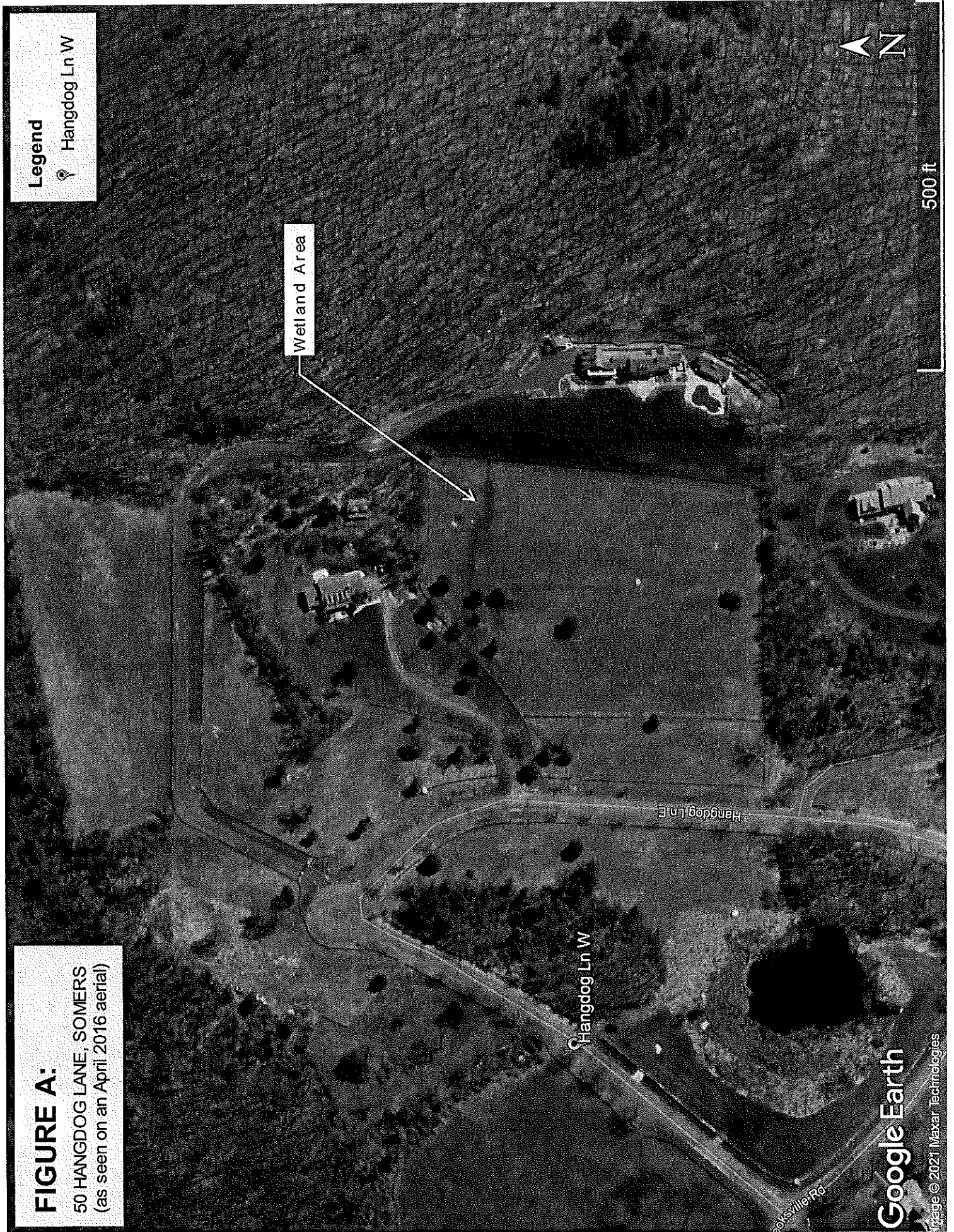
Wetland Area



500 ft

Google Earth

Image © 2021 Maxar Technologies



Proposed Driveway, 50 Hangdog Lane, Somers, CT  
Photos taken on 11/20/2020, by REMA Ecological Services, LLC



*Photo 1: Probable wetlands below pipe discharge; facing westerly.*



*Photo 2: View of subject lot from the east; facing southwesterly.*

# EXHIBIT 16



# PROFESSIONAL RESUME

*George T. Logan, MS, PWS, CSE*

Principal Environmental Scientist/Senior Ecologist

## EDUCATION:

M.S. Natural Resources, *Wildlife Management & Conservation Biology*,  
University of Rhode Island, Kingston, R.I., 1989.

B.S. Natural Resources, *Wildlife Management & Wetlands Ecology*,  
University of Rhode Island, Kingston, R.I., 1986.

### *Continuing Education*

The Transportation Project Development Process: Training in the  
PennDOT Environmental Impact Statement Handbook, Harrisburg,  
PA, January 1994

Rapid Bioassessment Protocols of Aquatic Systems (EPA Protocols),  
Wetland Training Institute, Williamsport, PA, August 3-6, 1993

## CERTIFICATIONS: (current)

Certified Senior Ecologist (2005, 2014) - Ecological Society of America  
Certified Professional Wetland Scientist (No. 581) (1994) - Society of  
Wetland Scientists

Registered Soil Scientist (1989) - Society of Soil Scientists of Southern  
New England

Certified Associate Wildlife Biologist (1989) – The Wildlife Society

## EXPERIENCE:

Mr. Logan is the Co-Owner and *Principal Environmental Scientist* and *Senior Ecologist* for Rema Ecological Services, LLC. He specializes in tidal and inland wetland delineations and evaluation, permitting, wetland mitigation design, implementation and monitoring, and the preparation of environmental compliance documents in accordance with national (NEPA), state (e.g., CEPA, MEPA), and local criteria and guidelines. He also provides design, construction supervision and implementation for a wide variety of habitat restoration and enhancement projects. Mr. Logan performs watershed-wide and surface water quality evaluations and provides guidance in the design of stormwater Best Management Practices (BMPs), including stormwater wetlands and bioretention basins, as well as for LID (low impact development) practices.

Mr. Logan has nearly 32 years of experience as a wildlife biologist/ecologist conducting wildlife habitat evaluations and focused avian, mammalian, invertebrate, and herpetofaunal surveys using both active and passive methods. He frequently conducts targeted surveys for sensitive, rare, and “listed” species (i.e., endangered, threatened, special concern), and aquatic biosurveys to assess the biodiversity and biotic health of ponds, lakes, vernal pools, rivers, and streams. Mr. Logan has extensive experience in performing herpetological surveys, including over 230 vernal pool investigations and evaluations.

Mr. Logan has participated in nearly 2,700 individual projects in New England and the Mid-Atlantic States and in 161 of 169 municipalities in Connecticut.



## Professional Resume: *(continued)*

*George T. Logan, MS, PWS, CSE*

### PROFESSIONAL AFFILIATIONS:

Society of Soil Scientists of Southern New England  
Society of Wetland Scientists  
Association of Massachusetts Wetland Scientists  
Ecological Society of America  
The American Birding Association  
The Wildlife Society  
Soil & Water Conservation Society  
Connecticut Association of Wetland Scientists (CAWS) (*Past-President, Charter member*)

### PUBLICATIONS: *(selected)*

Logan, G.T. & S.N. Gadwa. 1999. Quinnipiac River Watershed Association Stream Study. Water Quality in the Quinnipiac River. Proceedings of a Symposium on the Impact of Nonpoint Source Pollution in the Quinnipiac River Watershed, pp. 66-70.

Logan, G.T. & S.N. Gadwa. 1998. Stream Biosurveys: *A Primer*. Quinnipiac River Watershed Association Educational Series for the Adopt-the-River Programs.

Pawlak, E.M. & G.T. Logan. 1996. Town of Cromwell Wetland Evaluation Project. Connecticut Association of Conservation and Inland Wetlands Commissions. *The Habitat*, Vol. 10:1

Logan, G.T., F.B. Titlow & D.G. Schall. 1995. The Scientific Basis for Protecting Buffer Zones. Proceedings of the 16th Annual Meeting of the Society of Wetland Scientists.

Pawlak, E.M. & G.T. Logan. 1995. Town of Cromwell Wetland Buffer Zone Designation Methodology. Proceedings of the 16th Annual Meeting of the Society of Wetland Scientists.

Logan, G.T., J.H. Brown, Jr., T.P. Husband & M.C. Nicholson. 1994. Conservation Biology of the Cretan Agrimi (*Capra aegagrus cretensis*). *Biologia Gallo-Hellenica*, Vol. 21, pp. 51-57.

Nicholson, M.C., T.P. Husband, J.H. Brown, Jr. and G.T. Logan. 1994. Implications of behavior on the management of the Cretan Agrimi (*Capra aegagrus cretensis*). *Biologia Gallo-Hellenica*, Vol. 21, pp. 45-50.

### WORKSHOPS & CONFERENCES: *(selected)*

Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region. Corps Training Workshop. May 2011. (*sponsor, participant*)

Vernal Pools: *The Jewels of the Forest*. Technical Workshop for the Town of Southwick Conservation Commission. January 2005. (*Guest Lecturer*)

## Professional Resume: *(continued)*

*George T. Logan, MS, PWS, CSE*

### WORKSHOPS & CONFERENCES: *(selected)*

The Importance of Habitat Edges. Riverside Landscaping Conference. The Rivers Alliance of Connecticut. June 1998. *(Guest Lecturer)*

Riparian Buffer Function, Performance & Limitations. Urban Riparian Buffers Conference & Technical Training Session. April 1999. *(Guest Lecturer)*

Sedimentation and Erosion Control Review Session. USDA. Natural Resource Conservation Service and CPESC (Certified Professionals in Erosion Control), Concord, NH. September 2001.

Buffer Strips as Storm Water Quality Controls. EnviroExpo, Boston. May 1999. *(Guest Speaker)*

Identifying Wetland Soils, Fauna and Flora. Municipal Inland Wetland Staff Technical Workshops. June 1999. *(Guest Speaker)*

Water Quality in the Quinnipiac River: A Symposium on the Impact of Non Point Source Pollution in the Quinnipiac River Watershed. November 1998. *(Presenter)*

Our Hidden Wetlands: Vernal Pools in Connecticut. Co-sponsored by CT DEP and the Center for Coastal and Watershed Systems. November 1997 and January 1998 *(Workshop Leader)*

Aquatic Invertebrate & Stream Ecology Workshop. Quinnipiac River Watershed Association Workshop Series. September 1997, May 1998, June 1999, January 2000 *(Workshop Leader)*

The Massachusetts Association of Conservation Commissions Third Annual Conference: Wetland Buffer Zones, March 1996 *(Guest Lecturer)*

16th Annual Conference of the Society of Wetland Scientists: Wetland Understanding, Wetland Education, May 1995 *(Presenter)*

Quinnipiac River Watershed Association Forum on Non-Point Pollution: Significance of Wetlands and Wetland Buffers, October 1992 *(Guest Lecturer)*

The Massachusetts Association of Conservation Commissions Second Annual Conference, April 1995 *(Guest Lecturer)*

The Society of Soil Scientists of Southern New England Riparian Buffer Zone Conference, November 1994 *(Presenter)*



## Professional Resume: *(continued)*

*George T. Logan, MS, PWS, CSE*

### SUPPLEMENTARY INFORMATION:

1996 to present

**Rema Ecological Services, LLC**  
**Principal Environmental Scientist/Ecologist, Co-Owner**

- Founded the company to provide natural resources management, environmental planning, compliance and permitting services, and client advocacy throughout the Northeast.
- Has participated in nearly 2,300 individual projects since the company's inception, including six gas-fired, combined-cycle power plant projects, 8 utility-scale solar projects, over 35 bridge projects, numerous municipal projects, including over 20 new schools, several higher education projects, numerous wetland replacement projects, several new golf courses, and many large residential, industrial and commercial endeavors.
- Was the Interim Environmental Planner for the Town of Waterford, Connecticut, during a ten-month tenure. Responsibilities included providing procedural and technical support to the town's Conservation Commission (a.k.a. Inland Wetlands and Watercourses Agency), and working closely with Planning Department staff.

1994 to 1996

**Fugro East, Inc. (Currently AECOM)**  
**Senior Project Manager/Environmental Scientist**

- Office Manager for the firm's Connecticut office, responsible for day-to-day operations, marketing, and business development.
- Wetland delineations in accordance with state and federal criteria.
- Natural resource inventories of upland, wetland and aquatic ecosystems, specializing in wildlife habitat assessments.
- Preparation of environmental compliance documentation for over 100 projects including large-scale commercial development.

1993 to 1994

**A.D. Marble & Company, Inc.**  
**Senior Environmental Planner/Wildlife Biologist**

- Participated in the management of major transportation improvement projects and in the preparation of environmental documents in accordance with the National Environmental Policy Act (NEPA) while continuing involvement in the collection of baseline field data.
- Application of the Pennsylvania Department of Environmental Resources (PADER) hierarchical methodology for the selection of suitable wetland replacement sites.
- Field verification of Threatened, Endangered or Special Concern species listed by the Pennsylvania Game Commission.
- Wetland boundary identification in accordance with the unified PADER and U.S. Army Corps of Engineers (USACOE) methodology.
- Participated in nearly 30 projects, mostly for major transportation corridors, such as the rehabilitation of the I-95 corridor in PA.

## Professional Resume: (continued)

*George T. Logan, MS, PWS, CSE*

### SUPPLEMENTARY INFORMATION (continued):

1989 to 1993

#### **Soil Science & Environmental Services, Inc. Wildlife Biologist-Ecologist & Soil Scientist**

- Project Manager responsible for field operations and report preparation for nearly 300 individual projects in over 75 towns in New England, including one town-wide wetland mapping, inventory and evaluation project (Town of Cromwell).
- Wetland boundary delineation according to state and federal criteria (e.g., Connecticut and Massachusetts Statutes, U.S. Army Corps of Engineers methodologies).
- Ecosystem analyses and biological inventories of upland areas, tidal and inland wetlands, estuaries, streams, rivers, ponds and lakes.
- Environmental impact evaluations, including site plan review, analyses of proposed impacts and design of mitigation strategies.
- Local, state and federal permitting for impacts to natural resources, including wetlands.
- Implementation of water quality monitoring programs for streams and rivers.
- Design, construction supervision, and monitoring of wetland enhancement, restoration and creation.
- Aquatic biosurveys of streams and rivers utilizing standardized methods (e.g., EPA Rapid Bioassessment Protocols).
- Detailed faunal surveys and censuses using both active and passive methods (e.g. direct and indirect observation, live-trapping, point count avian censuses, pellet counts, etc.).
- Expert witness testimony for court and administrative proceedings.

1988 to 1989

#### **Independent Contracts Soil & Wetland Scientist**

- Summer of 1988: Was hired by the Town of Canton, CT to identify, inventory, and evaluate wetlands and watercourses within the entire municipality. Was responsible for amending the municipality's *Official Wetland and Watercourses Map*.
- Spring of 1988: Was hired by the Connecticut Chapter of the Nature Conservancy to determine and report on the historic expansion of invasive plants (*Phragmites australis*, *Lythrum salicaria*) on eight TWC preserves. Scope included site visits, remote sensing using archived aerial photographs, and report.

#### **TECHNICAL REPORTS:**

Mr. Logan has completed several hundred comprehensive studies (e.g., Wetlands Assessments, Ecological Evaluations, Environmental Impact Analyses/Statements, Vernal Pool Investigations, Listed-Species Surveys & Management Plans, Aquatic Vegetation Surveys), and a variety of other specialized studies. A representative list, or examples of these technical reports can be provided upon request.

# EXHIBIT 17

## *Versteeg Associates*

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Code Compliance & Fire Safety Consultants

86 University Drive  
Torrington, CT 06790  
860-480-3951  
josephversteeg@gmail.com

January 28, 2021

Beatrice Tuthill  
Jacqueline T. Sarkis  
54 Hangdog Lane  
Somers, CT

Re: Driveway Access  
54 Hangdog Lane

Dear Ms. Tuthill and Ms. Sarkis,

As the Principal of Versteeg Associates LLC, an independent consulting firm specializing in building and fire safety compliance you have requested that I review the existing driveway leading to the private residence at 54 Hangdog Lane and render a professional opinion regarding the adequacy of emergency vehicle access considering increased vehicle use.

On December 03, 2020, I visited the property and drove the existing driveway. It is approximately 1,200 feet in length with portions having an exceedingly steep slope of 20-percent. I found it to have numerous turns and to be very narrow in width, measuring only 15-feet wide. The horizontal and vertical alignment at the section of the driveway that is steepest creates what some might characterize as a "blind spot," with very limited sightlines, requiring vehicles to transit that area at low speed.

It is my professional opinion that the proposed use of the existing driveway by a large pickup and stock trailer of 10,000 pounds gross vehicle weight or more simultaneously to access the Roulier land will have an adverse impact to a substantial public interest, i.e. health, safety, or welfare. This situation is compounded during the winter season as evidenced in the photographs of the driveway taken this winter following a snowfall. Any additional use of this private residential driveway for any purpose poses an increased risk to the family residing there, with children, and will create an increased risk that emergency access to the residence may be impeded.

The only feasible and prudent alternative to the additional use of the existing driveway is to create access directly from Hangdog Lane and thereby eliminate the potential for impeding emergency vehicle access to the residence and increased risk to the occupant's health and safety.



Joseph H. Versteeg

# EXHIBIT 18

**Joseph H. Versteeg**  
86 University Drive  
Torrington, CT 06790  
860-480-3951  
*josephversteeg@gmail.com*  
www.versteeg-associates.com

**Experience:**

1994 - Present                   Principal of Versteeg Associates LLC, a consulting firm with over 30 years of experience specializing in the interpretation and proper application of accessibility, building and life safety codes; formulating and implementing fire safety/protection strategies; compliance reviews of architectural and engineering plans and specifications; compliance inspections of buildings and life safety systems; as well as developing and instructing fire/life safety training programs.

1976 to 1996                   State of Connecticut, Department of Public Safety

  1995 to 1996 Commanding Officer - Investigations & Enforcement Bureau  
  Office of State Fire Marshal

  1993 to 1995 Executive Officer - Office of the State Fire Marshal

1989 - 1993                   Commanding Officer - Technical Services Section  
  Office of State Fire Marshal

1988 - 1989                   Supervisor - Fire Code Unit  
  Office of State Fire Marshal

1985 - 1988                   Inspector - Fire Safety Code Unit  
  Office of State Fire Marshal

1983 - 1985                   Investigator - Investigations & Enforcement Bureau  
  Office of State Fire Marshal

1976 - 1983                   State Trooper  
  Troop B, North Canaan, CT

**Education:**

Hudson Valley Community College  
80 Vandenburg Avenue  
Troy, New York 12180

Major: Criminal Justice  
Degree: Associates in Applied Science  
Date of Graduation: May 1975

**Certifications:**

State of Connecticut – Certified Fire Marshal  
State of Connecticut – Licensed Building Official  
National Fire Protection Association - Certified Fire Protection Specialist

**Training Received:**

Received extensive training in code application, administration and enforcement, building construction, and protection features from the following providers, in addition attending statutorily mandated training required to maintain Fire Marshal, Building Official and Fire Protection Specialist certifications:

- National Fire Protection Association

- International Code Council
- Building Officials and Code Administrator's International
- Federal Emergency Management Administration
- Society of Fire Protection Engineers
- State of Connecticut

**Training Developed & Instructed:**

Developed and implemented training programs, seminars and lectures pertaining to code administration, application and enforcement worldwide for a variety of targeted audiences, including architects, engineers, enforcement officials, safety managers and contractors.

**Awards:**

Connecticut State Police – Citation for Bravery; December 16, 1980  
Connecticut State Police – Commissioner’s Special Recognition; 1980 & 1982

AIA Connecticut Design Award - Gillette Castle Restoration and Life Safety Enhancements: East Haddam CT - December 2002. Code consultant to Barkin Andrade Architects, Project Architects.

**Professional Memberships:**

National Fire Protection Association  
International Fire Marshal's Association  
International Code Council  
American Society of Hospital Engineers  
Connecticut Fire Marshals Association  
Connecticut Building Officials Association  
Litchfield County Fire Marshal’s Association  
Connecticut Trust for Historic Preservation

**Code Development Committees:**

National Fire Protection Association

Principal member of the Technical Committee on Means of Egress of the National Fire Protection Association’s *Life Safety Code* (NFPA-101) and the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000). 1988 - present

Principal member and current Chairperson of the Technical Committee on *Alternative Approaches to Life Safety* of the National Fire Protection Association (NFPA-101A). 1988 - present

Principal member of the Technical Committee on Residential Occupancies of the National Fire Protection Association’s *Life Safety Code* (NFPA-101) and the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000). 2004 - present

Former member of the Correlating Committee for the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000). 2004 - 2015

Principal member and former Chairperson of the Technical Committee on Building Construction and principal member and former Chairperson of the Technical Committee on Structures and Materials for the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000). 2003 – present

Principal member of the Correlating Committee on *Healthcare Facilities* of the National Fire Protection Association (NFPA-99).

Principal member of the Technical Committee on *Fire Protection for Marinas and Boatyards* of the National Fire Protection Association (NFPA-303).

Underwriter's Laboratories

Principal member of the Technical Committee on UL 1994, Standard on Luminous Egress Path Marking Systems. 2003- present

International Code Council

Former principal member of the Technical Committee on Means of Egress for the *International Building Code*. 2003- 2007

Connecticut Department of Consumer Protection

Served as the State Fire Marshal's representative on the Fire Protection Sprinkler Systems Board. 1992 - 1993

**Publications Authored:** NFPA *Fire and Life Safety Inspection Manual, 8<sup>th</sup> edition* – Chapters addressing occupancy characteristics, occupant loads, means of egress, interior finishes, building services, fire protection systems, hazardous areas, and unique features as they pertain to Assembly, Educational, Day-Care, Mercantile, Business, Industrial and Storage Occupancies, as well as special structures and high-rise buildings.

NFPA 1 – 2000 *Fire Prevention Code Handbook* – Chapters addressing grandstands and bleachers, folding and telescopic seating, tents and membrane structures.

NFPA *Performing Plan Reviews for Life Safety Code Compliance* – 2012



## Joseph H. Versteeg

### Professional Profile

Principal of Versteeg Associates LLC, a consulting firm specializing in the interpretation and proper application of building codes, fire/life safety codes, and accessibility standards; compliance reviews of architectural and engineering plans and specifications; compliance inspections of buildings and life safety systems; formulating and implementing fire safety/protection strategies; evacuation planning, as well as developing and instructing fire/life safety training programs. Established 1994.

### Summary of Qualifications

- Commanding Officer of the Technical Services Section; Supervisor of the Fire Safety Code and Plan Review Units - Office of the Connecticut State Fire Marshal responsible for all compliance activities, investigations of complaints, post fire examinations, the evaluation of alternative methods of compliance and monitoring of corrective actions, conduct inspections of buildings and reviews of architectural drawings for compliance with the Fire Safety Code; develop and present training programs in code related topics.
- Certified Fire Marshal and Licensed Building Official – State of Connecticut
- Certified Fire Protection Specialist – CFPS Board-National Fire Protection Association
- Principal member of the Technical Committees on Means of Egress and Residential Occupancies of the National Fire Protection Association's *Life Safety Code* (NFPA-101) and the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000);
- Chairperson of the Technical Committee on *Alternative Approaches to Life Safety* of the National Fire Protection Association (NFPA-101A).
- Principal member of the Technical Correlating Committee on *Healthcare Facilities* of the National Fire Protection Association (NFPA-99).
- Principal member of the Technical Committee on *Fire Protection for Marinas and Boatyards* of the National Fire Protection Association (NFPA-303).
- Principal member and former Chairperson of the Technical Committees on Structures and Materials and Building Construction for the *Building Construction and Safety Code* of the National Fire Protection Association (NFPA-5000).
- Former principal member of the Technical Committee on Means of Egress for the *International Building Code* of the International Code Council.
- Instructor of NFPA-1, the *Fire Code* for the National Fire Protection Association. (2010 – 2015)
- Instructor of NFPA-101, the *Life Safety Code* and NFPA-5000, the *Building Construction and Safety Code* for the National Fire Protection Association. (1994 – 2013)
- Instructor *Applying NFPA 101/Life Safety Code to the Joint Commission Statement of Conditions* for the National Fire Protection Association and Joint Commission Resources. (2003 – 2013)
- Contributing author to the National Fire Protection Association's *NFPA 1 Fire Prevention Code Handbook* and *Fire and Life Safety Inspection Manual*.
- Co-author of the National Fire Protection Association's *Performing Plan Reviews for Life Safety Code Compliance*.
- Recipient of the National Fire Protection Association's *Committee Service Award*.

# EXHIBIT 19

# 54 HANGDOG LN

Location 54 HANGDOG LN

Mblu 12/ 42A / /

Acct# 00305900

Owner HANGDOG LANE LLC

Assessment \$867,250

Appraisal \$1,271,700

PID 2741

Building Count 1

Dev Lot

Dev Map 1746

Exempt Code

## Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2015	\$931,700	\$340,000	\$1,271,700

Assessment			
Valuation Year	Improvements	Land	Total
2015	\$652,100	\$215,150	\$867,250

## Owner of Record

Owner HANGDOG LANE LLC  
 Co-Owner  
 Address 129 BAY AVENUE  
 GREENPORT, NY 11944

Sale Price \$1,400,000  
 Certificate  
 Book & Page 0347/0188  
 Sale Date 04/19/2018  
 Instrument 25

## Ownership History

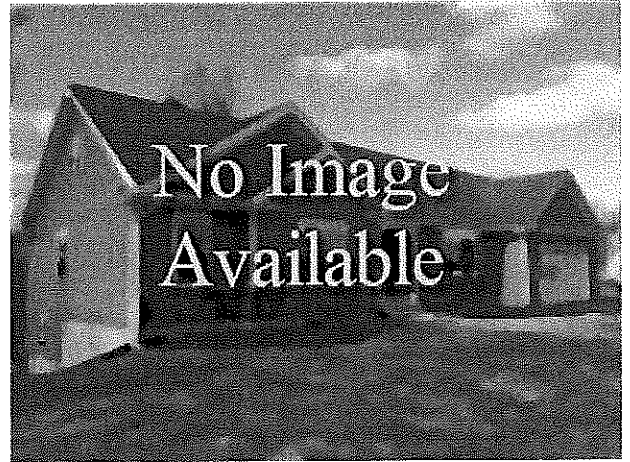
Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
HANGDOG LANE LLC	\$1,400,000		0347/0188	25	04/19/2018
SARKIS JACQUELINE T & GEORGE C JR	\$1,100,000		0346/0284	UNKQ	02/06/2018
THE LIVING STONE LLC	\$0		0343/0256	35	07/25/2017
ROUETTE NELSON R &	\$0		0305/0119		01/11/2012
CALVO-ROUETTE SANDRA J	\$0		0288/0780	01	10/16/2009

## Building Information

**Building 1 : Section 1**

**Year Built:** 2006  
**Living Area:** 5,443  
**Replacement Cost:** \$955,350  
**Building Percent Good:** 92  
**Replacement Cost Less Depreciation:** \$878,900

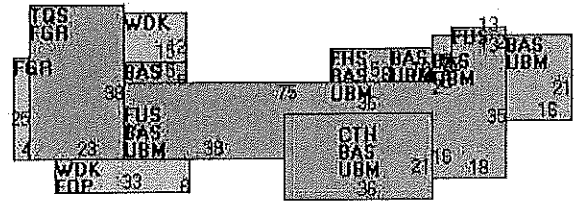
**Building Photo**



(<http://images.vgsi.com/photos/SomersCTPhotos/default.jpg>)

Building Attributes	
Field	Description
Style	Colonial
Model	Residential
Grade:	AA+
Stories:	2
Occupancy:	1
Exterior Wall 1:	Wood Shingle
Exterior Wall 2:	
Roof Structure:	Gable
Roof Cover:	Arch Shingles
Interior Wall 1:	Drywall
Interior Wall 2:	Cust Wd Panel
Interior Flr 1:	Hardwood
Interior Flr 2:	
Heat Fuel:	Oil
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms	4 Bedrooms
Total Full Baths	4
Total Half Baths	1
Total Xtra Fixtrs:	0
Total Rooms	9
Bath Style:	Average
Kitchen Style:	Average
Num Kitchens	1
Fireplace, Plain	3
Usrflid 103	0
Basement garage	0
Extra Kitchens	0
Fin Bsmt Area	0
Fin Bsmt Quality	
Num Park	

**Building Layout**



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	3,026	3,026	
FUS	Finished Upper Story	1,640	1,640	
TQS	Three Quarter Story	874	699	
FHS	Finished Half Story	120	78	
CTH	Cathedral Ceiling	756	0	
FGR	Garage	974	0	
FOP	Open Porch	264	0	
UBM	Basement	3,026	0	
WDK	Wood Deck	444	0	
		11,124	5,443	

Fireplaces	0
Whirlpool Tub	
Usrflid 102	
Foundation	Poured Conc.

### Extra Features

Extra Features		Legend
No Data for Extra Features		

### Land

#### Land Use

Use Code	101
Description	Single Family
Zone	A-1
Neighborhood	16
Alt Land Appr Category	No

#### Land Line Valuation

Size (Acres)	22.55
Frontage	0
Depth	
Assessed Value	\$215,150
Appraised Value	\$340,000

### Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SPL1	InGround Pool	GN	Gunite	1312.00 SF	\$24,600	1
BTH2	Bath Hse w/ Plumb	FR	Frame	1008.00 SF	\$23,600	1
FOP	Open Porch	FR	Frame	256.00 SF	\$4,600	1

### Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$814,589	\$367,840	\$1,182,429
2016	\$855,600	\$367,800	\$1,223,400
2014	\$826,400	\$382,400	\$1,208,800

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$598,900	\$228,800	\$827,700
2016	\$599,000	\$228,700	\$827,700
2014	\$578,500	\$233,340	\$811,840

**50 HANGDOG LN**

**Location** 50 HANGDOG LN

**Mblu** 12/ 37/ 05/ /

**Acct#** 00100024

**Owner** ROULIER FAMILY LIMITED PARTNERSHIP

**Assessment** \$182,710

**Appraisal** \$264,500

**PID** 2869

**Building Count** 1

**Dev Lot**

**Dev Map**

**Exempt Code**

**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$0	\$264,500	\$264,500

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$182,710	\$182,710

**Owner of Record**

**Owner** ROULIER FAMILY LIMITED PARTNERSHIP  
**Co-Owner**  
**Address** PO BOX 823  
 SOMERS, CT 06071

**Sale Price** \$0  
**Certificate**  
**Book & Page** 0174/0680  
**Sale Date** 05/06/1997

**Ownership History**

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
ROULIER FAMILY LIMITED PARTNERSHIP	\$0		0174/0680	05/06/1997
ROULIER DANIEL R & JANE E	\$0		0171/0341	08/21/1996

**Building Information**

**Building 1 : Section 1**

**Year Built:**  
**Living Area:** 0  
**Replacement Cost:** \$0  
**Building Percent Good:**  
**Replacement Cost**  
**Less Depreciation:** \$0

**Building Photo**



(<http://images.vgsi.com/photos/SomersCTPhotos/0000042184.jpg>)

Building Attributes	
Field	Description
Style:	Vacant Land
Model	
Grade:	
Stories:	
Occupancy:	
Exterior Wall 1:	
Exterior Wall 2:	
Roof Structure:	
Roof Cover:	
Interior Wall 1:	
Interior Wall 2:	
Interior Flr 1:	
Interior Flr 2	
Heat Fuel:	
Heat Type:	
AC Type:	
Total Bedrooms	
Total Full Baths	
Total Half Baths	
Total Xtra Fixtrs:	
Total Rooms	
Bath Style:	
Kitchen Style:	
Num Kitchens	
Fireplace, Plain	
Basement garage	
Extra Kitchens	
Fin Bsmt Area	
Fin Bsmt Quality	
Num Park	
Fireplaces	
Whirlpool Tub	
Foundation	
Fndtn Cndtn	

**Building Layout**

Building Layout

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Basement	
----------	--

**Extra Features**

Extra Features	<u>Legend</u>
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 100  
**Description** Vac Res Land  
**Zone** A-1  
**Neighborhood** 16  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 11.34  
**Frontage** 598  
**Depth**  
**Assessed Value** \$182,710  
**Appraised Value** \$264,500

**Outbuildings**

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2019	(\$7,011)	\$305,240	\$298,229
2016	\$0	\$305,200	\$305,200
2014	\$0	\$319,800	\$319,800

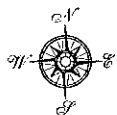
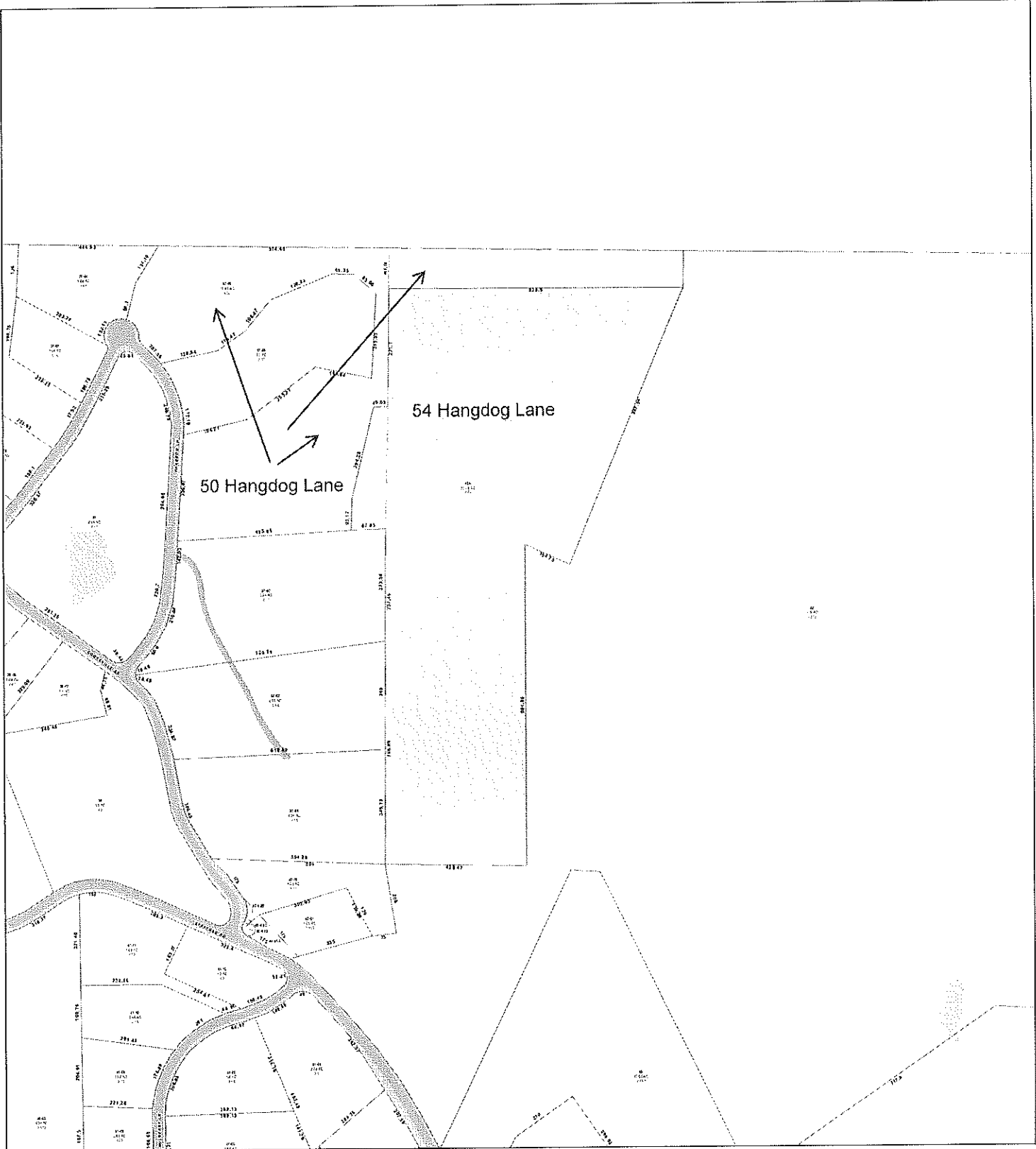
Assessment			
Valuation Year	Improvements	Land	Total
2019	(\$100)	\$208,860	\$208,760
2016	\$0	\$208,760	\$208,760
2014	\$0	\$216,790	\$216,790



# Town of Somers, Connecticut - Assessment Parcel Map

Parcel: 12-42A

Address: 54 HANGDOG LN



Approximate Scale: 1 inch = 400 feet

Disclaimer: This map is for informational purposes only. All information is subject to verification by any user. The Town of Somers and its mapping contractors assume no legal responsibility for the information contained herein.

Map Produced June 2020

# EXHIBIT 20

## Business Inquiry

### Business Details

Business Name: ROULIER FAMILY LIMITED PARTNERSHIP      Citizenship/State Inc: Domestic/CT  
Business ID: 0561471      Last Report Filed Year: 2018  
Business Address: 11 SOUTH ROAD, P.O. BOX 823, SOMERS, CT, 06071      Business Type: Domestic Limited Partnership  
Business Status: Active  
Date Inc/Registration: Apr 29, 1997  
Annual Report Due Date: 04/01/2019  
NAICS Code: NONE      NAICS Sub Code: NONE

### Principals Details

Name/Title	Business Address	Residence Address
AMIE LYNN BENEDICT GENERAL PARTNER	11 SOUTH ROAD, P.O. BOX 400, SOMERS, CT, 06071	11 SOUTH ROAD, SOMERS, CT, 06071

### Agent Summary

Agent Name JOHN A. BOND, JR.  
Agent Business Address 11 SOUTH ROAD, SOMERS, CT, 06071  
Agent Residence Address 43 STEDMAN CIRC., SOUTH WINDSOR, CT, 06074

# EXHIBIT 21



TORRES ENGINEERING, INC.

**OZZIE TORRES, P.E.**  
**63 REED DRIVE**  
**WETHERSFIELD, CT 06109**  
**(860) 232-9833 (Office)**

## **GENERAL EXPERIENCE**

Mr. Torres has over forty-eight years of experience in the field of Civil Engineering with an emphasis on coordination, design supervision, review and production of construction plans, specifications and estimates for roadway design, subdivisions, site planning and layout, boundary and topographic surveys, hydrologic studies, sewer design and reports, environmental impact studies and reports.

Mr. Torres represents the client at various meetings including Federal, State and Municipal review boards.

## **EDUCATION**

East Catholic High School, Manchester, CT. Graduated 1967  
Hartford State Technical College, Hartford, CT.  
Associate Degree- Mechanical Engineering 1969  
University of Hartford, West Hartford, CT.  
Bachelor of Science- Mechanical Engineering 1972  
Certificate of Environmental Engineering 1972

## **PROFESSIONAL ASSOCIATIONS**

Member of American Society of Civil Engineers

## **PROFESSIONAL CERTIFICATION**

Registered Professional Engineer- State of Connecticut  
Registered Professional Engineer- State of Massachusetts

## **EXPERIENCE**

**1972-1974** Alford Associates  
Civil/ Survey Engineering  
Staff Engineer

**1974-1976** Morton Fine Associates  
Civil/ Survey Engineering  
Staff Engineer

**1974-1977** Ed Lally Associates  
Civil/ Survey Engineering  
Staff Engineer

**1978-1983** F.A. Hesketh Associates  
Civil/ Traffic/ Survey Engineering  
Project Engineer

**1983-1985** Anderson Nichols & Co.  
Civil/ Highway/ Hydrology  
Assistant Vice President

**1985-2021** Torres Engineering, Inc.  
Civil/ Planning/ Survey/ Hydrology  
President of Corporation

# EXHIBIT 22



TORRES ENGINEERING, INC.

January 28, 2021

George C. Schober, Esq.  
George C. Schober PC  
352 Billings Rd  
Somers, Connecticut 06071-2022

Re: Application #740, 50 Hangdog Lane – Construct Driveway and Repair Drainage in Upland Review Area – Roulier Family Partnership/Daniel R. Roulier

Dear Attorney Schober:

The above-referenced application proposes to use the driveway serving 54 Hangdog Lane to access property at 50 Hangdog Lane, which has frontage directly on Hangdog Lane. You have asked for my professional opinion as a licensed Professional Engineer regarding the suitability of the existing driveway for access to 50 Hangdog Lane and whether there might be a “feasible and prudent alternative” for access to 50 Hangdog Lane that would not create any hazard to the public safety and would have no impact on any wetlands.

We first investigated the existing driveway to 54 Hangdog Lane. It is 1,061 feet long and in portions has a slope of over 20 percent. Attached is a survey plan prepared by Richard Meehan, a Licensed Land Surveyor with the firm of Meehan & Goodin Engineers-Surveyors, PC of Manchester, Connecticut. That survey shows that the driveway is very steep in certain locations, narrow, and follows a serpentine pattern up the hill. I have been to the site and driven the driveway. I have reviewed photographs of the driveway taken this winter following a snowfall.

This driveway does not comply with the town regulations for driveways found at Chapter 104 of the Town of Somers Code, adopted 6-13-1988 by the Board of Selectmen of the Town of Somers, effective 7-9-1988. Available at <https://ecode360.com/8850397?highlight=driveways&searchId=35995729886489926#8850397> The driveway exceeds the maximum slope of 15% permitted for paved driveways.

The driveway code does not specify a maximum length for driveways, but a public safety standard is set forth in the Subdivision Regulations at § 213-39 “Culs-de-sac” limiting the maximum length of such streets to 1,200 feet. The proposed



extension of the driveway, as shown on the applicant's "Driveway Plan" dated 1-26-21, as measured to the "extreme tip of the right-of-way (beyond the turnaround)" as required by the Subdivision Regulations, is over 300 feet, making the proposed new total length of the driveway over 1,300 feet, longer than permitted by town law for any cul-de-sac.

In my professional judgment, this driveway should never have been permitted in the first place. Furthermore, in my professional opinion no additional vehicular access should be allowed on this driveway under any circumstances. The driveway is, as a matter of sound engineering and design practice, and as a matter of law in the town of Somers, substandard and noncompliant. Permitting further access would not be in the public interest, would endanger persons and property, and would create potential liability for the town. If I were the Town Engineer, I would most strongly urge the Conservation Commission not to permit any more access on the private, single-family residential driveway, not only because to do so would create an additional risk to everyone, but also because it is totally unnecessary, and most importantly from the perspective of the jurisdiction of the Conservation Commission, there is as noted below a "feasible and prudent" alternative.

The applicant for this wetlands approval proposes to use this driveway to access the applicant's land for purposes of bringing horses and presumably other livestock to it. That use would create an exceedingly dangerous situation. A tandem horse trailer and heavy-duty pickup truck can have a total gross vehicle weight for the rig in excess of 10,000 pounds. That does not belong on this driveway under any circumstances and the Somers Conservation Commission serving as its Inland Wetlands and Watercourses Agency should not permit that in the interest of protecting the public's health, safety, and general welfare.

You asked me to determine if there was any possible alternative to this proposed access. There is. And it is obvious. The subject property has direct access to a public street, Hangdog Lane. There are no wetlands in the vicinity of the access from Hangdog Lane so there is no potential for any wetlands impact, whereas in the proposed location for the reconstructed and extended driveway there are wetlands resources, some of which may be far more extensive than originally thought because of the alterations in the drainage patterns over the last two decades. No wetlands delineation has been done for a long time.

From Hangdog Lane, access to the site is easy. That is obvious from the numerous photographs you have provided taken by Jacqueline Sarkis, who resides at 54 Hangdog Lane, showing vehicles of all types, including two-wheel drive passenger cars, easily driving straight into the site from Hangdog Lane.

There is clearly and incontrovertibly a "feasible and prudent alternative" in the direct access from Hangdog Lane that totally negates any need to have access from the substandard driveway, illegal under the Town Code.

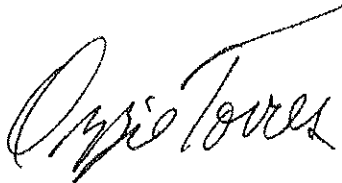
Furthermore, now that we have the applicant's "Driveway Plan," it is apparent that the large cul-de-sac with a radius far more than that required by the Subdivision Regulations adds a substantial area of new impervious surface, changing the patterns of run off and potentially adversely affecting the wetland resources. The location of the proposed cul-de-sac and the applicant's expressed plan to build two houses on this land, presumably also to be accessed by this proposed extended driveway, will add even more impervious surface to the hillside, all to the detriment of the wetlands.

I have created a plans at your request. A driveway simply coming into the property from Hangdog Lane, such that a heavy-duty pickup truck with a tandem horse trailer or livestock trailer can easily drive in, never encounter a grade greater than 11 percent and experience a run only 330 feet, to a gradually sloped area for unloading, as compared to a grade of 20.3% and 1,061 feet for the existing driveway, all without sharing the access with an active family with children making frequent trips in and out.

This feasible and prudent alternative driveway, at 330 feet, could also easily serve a house built on the subject lot, as shown on this conceptual plan, should the lot be developed. The house, with a well and a septic system using the same driveway, works quite well, and in my professional opinion, as I noted above, it is the only really acceptable alternative of any type for access for any use of the site.

If you require more details from the site, I will be pleased to provide it.

Sincerely,

A handwritten signature in black ink that reads "Ozzie Torres". The signature is written in a cursive, flowing style.

Ozzie Torres, P.E.  
President,  
Torres Engineering, Inc.

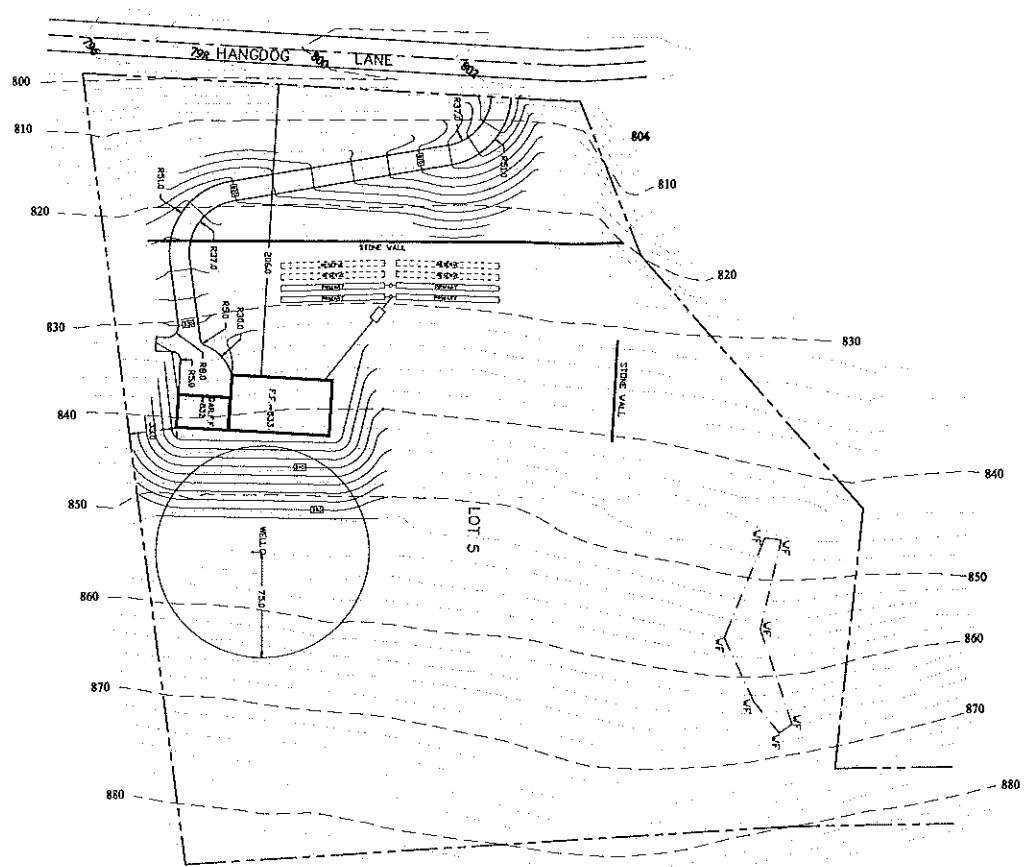
# EXHIBIT 23

GENERAL NOTES

PROFESSIONAL ENGINEER'S SEAL/STAMPING: ORIGINAL DOCUMENT CONTAINS THE SEAL AND THE SIGNATURE OF THE PROFESSIONAL ENGINEER. THIS DOCUMENT IS A COPY OF THE ORIGINAL DOCUMENT AND IS NOT VALID UNLESS IT BEAR THE SEAL AND SIGNATURE OF THE PROFESSIONAL ENGINEER. ANY ALTERATION TO THIS DOCUMENT WITHOUT THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE IS VOID AND CONSIDERED AN UNLAWFUL ACT. ANY USE OF THIS DOCUMENT WITHOUT THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE IS VOID AND CONSIDERED AN UNLAWFUL ACT. ANY ALTERATION TO THIS DOCUMENT WITHOUT THE PROFESSIONAL ENGINEER'S SEAL AND SIGNATURE IS VOID AND CONSIDERED AN UNLAWFUL ACT.

SPRING DESIGN

4 WATERBORN HOLEDS  
 1.5" DIA.  
 SPACING: 20' TO 30' MAX./HOLD  
 CAPACITY: 1.500 GALLON  
 RESERVE: 100 GALLON  
 ELEVATION OF TYPICAL RECORDING: +1/4" E.L.O. -105/3.5-322 FT  
 CENTER TO CENTER = 8'  
 MIN. DRAINAGE = 12"  
 MIN. DIAMETER = 22"  
 MIN. DEPTH = 20'  
 MIN. COVER = 12"  
 MIN. MASS = 20' 146 POUNDS



LEGEND

---	BOUNDARY LINE
---	SPRING OUTLINE
---	IMPERVIOUS LINE
---	EXISTING ROAD
---	EXISTING WALL
---	EXISTING UTILITY
---	EXISTING FENCE



1 of 1	PRELIMINARY SITE PLAN	LOT 5 HANGDOG LANE	 TORRES ENGINEERING, INC. 63 REED DRIVE WEATHERSFIELD, CT 06109 (860) 232-9853	Date: DEC 20, 2020	Scale: 1" = 40'
		SOMERS, CT		Drawn: D.T.	Checked: D.F.
				Revision	Date:

# EXHIBIT 24

**MATTHEW J. CHOLEWA**

90 Ox Yoke Drive  
Wethersfield, CT 06109  
(203) 848-8606 (cell)  
[mcholewa@cox.net](mailto:mcholewa@cox.net)

**EXPERIENCE**

**GREENE LAW, P.C.**

*Of Counsel*

**Farmington, CT (January, 2018 to present)**

Of counsel to general practice firm. Practice focuses on residential and commercial real estate transactions, title and real estate related litigation, zoning and land use issues, title insurance claims, property tax appeals and expert witness work.

**LAW OFFICES OF MATTHEW J. CHOLEWA, LLC**

*Owner*

**Hartford, CT (January, 2018 to Present)**

Solo practice limited to commercial title searching.

**COLONIAL 1031 EXCHANGE SERVICES, LLC**

*Owner*

**Wethersfield, CT (January, 2015 to present)**

Sales representative for section 1031 tax-deferred exchange intermediary.

**MCCALLA RAYMER LEIBERT PIERCE LLC F/K/A HUNT LEIBERT JACOBSON, P.C.**

*Partner, Title Practice Group*

**Hartford, CT (January, 2015-January, 2018)**

Partner in large law firm. Practice focused on residential and commercial real estate transactions, title and real estate related litigation, zoning and land use issues, title insurance claims, and expert witness work in title and real estate related litigation.

**STEWART TITLE GUARANTY COMPANY**

*Vice President, Counsel and Agency Services Manager*

**Fairfield, CT (2011-December, 2014)**

Dual responsibility: manages profit center with \$2.5MM annual budget and serves as underwriting counsel for national title insurance company. As underwriting counsel (also applicable to my employment with First American Title Insurance Company and LandAmerica)

- determines the insurability of title to real property located in the state of Connecticut.
- provides advice to Connecticut and out-of-state real estate attorneys concerning title to Connecticut real estate and Connecticut closing practice in a time-sensitive and high stakes environment.
- frequently "quarterbacks" closings for large commercial transactions.

**ASSET PRESERVATION, INC. (an affiliate of Stewart Title Guaranty Company)**

*1031 Exchange Divisional Manager*

**Fairfield, CT (2011-December, 2014)**

As sales representative for section 1031 tax-deferred exchange intermediary, have reestablished and grown business in New England.

**FIRST AMERICAN TITLE INSURANCE COMPANY**

*Underwriting Counsel*

**Hartford, CT (2010-2011)**

Underwriting counsel for all types and sizes of commercial and residential transactions for national title insurance company.

**State & Claims Counsel**  
**Hartford, CT (2006-2010)**

Managed average caseload of 300+ title insurance claims files for national title insurance company. Directly handled coverage decisions, managed litigation conducted by insurance defense counsel, and evaluated and decided settlements.

**FIRST AMERICAN EXCHANGE COMPANY** (an affiliate of First American Title Insurance Company)  
**1031 Exchange Counsel**  
**Hartford, CT (2006-2011)**  
Sales representative for section 1031 tax-deferred exchange intermediary.

**LANDAMERICA COMMONWEALTH & LANDAMERICA LAWYERS TITLE,**  
**Assistant Vice President & Branch Counsel**  
**Rocky Hill, CT (1998-2006)**

Underwriting counsel for all types and sizes of commercial and residential transactions for national title insurance group. Vice President of LandAmerica Exchange Company, serving as qualified intermediary for section 1031 tax-deferred exchanges. Administered small claims and served as primary liaison with regional claims counsel.

**ROBINSON & COLE LLP**

**Attorney**

**Hartford, CT (1992-98 & Summer 1991)**

Practice focused on commercial real estate transactions, land use and litigation of disputes in those substantive areas. Areas of practice included real estate finance, commercial leasing & conveyancing, zoning, common interest communities, title insurance defense, land use appeals, fair housing and landlord/tenant disputes.

**DANFORTH & MORIN**

**Summer Law Clerk**

**New Haven, CT (Summer 1990)**

Summer Law Clerk for Senior Partner in captive insurance defense firm.

**IBM**

**Systems Programmer**

**Danbury, CT (1985-89)**

Transaction Process Facility (TPF) Software Development Group

**EDUCATION**

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**

Juris Doctor, 1992, *Virginia Law Review*, 3.7 GPA

**UNIVERSITY OF CONNECTICUT SCHOOL OF BUSINESS ADMINISTRATION**

M.B.A., Concentration in Finance and International Business, 1989, 3.85 GPA

**UNIVERSITY OF CONNECTICUT SCHOOL OF ENGINEERING**

B.S. in Computer Science & Engineering, 1985, GPA: 3.7, *Summa Cum Laude*, *Phi Kappa Phi*

**PROFESSIONAL & CIVIC**

Admitted to practice in Connecticut (1992), D. of Connecticut (1992), and Massachusetts (1993)

Past Chair and Legislative Chair, Connecticut Bar Association's Real Property Section (1998 to present) (Chair of Section from 2015-2017)

Board of Governors, Connecticut Bar Association (2019-present)

House of Delegates, Connecticut Bar Association, elected member of the governing body of the bar (2005-present)  
Former President and member of Board of Directors, New England Land Title Association (2000-2009)  
Real Estate Finance Association  
Fairfield County Bar Association  
Commercial Real Estate Women, CT Chapter  
Speaker & seminar instructor (list of publications and seminars upon request)  
Wethersfield Little League Coach (2008-2011)  
Wethersfield Wrestling Club, Youth Wrestling Coach (2004-2006)  
Member and former Chairman, Wethersfield Planning & Zoning Commission (1994 to 2004)  
Member, Wethersfield Zoning Board of Appeals (2004 to 2006)  
Board of Directors, Wethersfield Art Academy (2016-2019)

**Expert Witness Retention and Testimony**

*Sonnenfeld v. Allen*, NNH-CV19-5046404-S (New Haven)

*Avery v. Medina*, LLI-CV12-6005963-S (Litchfield)

*Lawler v. Town of East Hampton*, Docket #SCC-624388 (Middletown SC)

*Old Republic v. Executive Title and Westchester Fire Ins. Co.*, U.S. District Ct, D. Md. (14-CV-02683 RWT)

*Basser Kaufman Saybrook, LLC v. 899 Boston Post Road, LLC*, MMX-CV-14-6011597 S

*Brook St., LLC v. Soda Jerk Properties, LLC*, HHD-CV1-6067361 S



# EXHIBIT 25

Law Offices of Matthew J. Cholewa, LLC

90 Ox Yoke Drive  
Wethersfield, Connecticut 06109  
Telephone: (203) 848-8606  
[mcholewa@cox.net](mailto:mcholewa@cox.net)

January 21, 2021

*Via Email [tuthillb@mac.com](mailto:tuthillb@mac.com) & [jsarkis@icloud.com](mailto:jsarkis@icloud.com)*

Beatrice Tuthill  
Jacqueline T. Sarkis  
54 Hangdog Lane  
Somers, CT

Re: 50 & 54 Hangdog Lane, Somers, CT

Dear Ms. Tuthill and Ms. Sarkis,

You requested that I examine the title to 54 Hangdog Lane in Somers, Connecticut for the purposes of determining what rights you might possess over adjoining property known as 50 Hangdog Lane. My review of the Town of Somers Land Records has disclosed the following:

**54 Hangdog Lane**

The "root deed" for my search of 54 Hangdog Lane is a Quit-Claim Deed from Dale Harned to Ronald C. Davis dated April 22, 1960 and recorded in Volume 33 at Page 149 of the Somers Land Records. (copy enclosed). The description in that deed is the same as the current description of the property, plus the additional parcel described below.

The property was subsequently conveyed as follows:

Major Portion of Lot

- Quit Claim Deed from Ronald C. Davis to Clinton Laing Davis to John Alden Davis dated May 4, 1973 and recorded in Volume 71 at Page 53.
- Quit Claim Deed from Clinton Laing Davis to John Alden Davis to themselves, converting their ownership to tenants in common, dated April 24, 1979 and recorded in Volume 89 at Page 578
- Quit Claim Deed from John Alden Davis to Clinton Laing Davis and Nancy Louise Davis dated May 4, 1973 and recorded in Volume 210 at Page 889
- Warranty Deed from Clinton Laing Davis and Nancy Louise Davis to Daniel R. Roulier and Jane E. Roulier dated August 12, 2004 and recorded in Volume 243 at Page 183.
- Warranty Deed from Daniel R. Roulier and Jane E. Roulier to Nelson R. Rouette and Sandra J. Calvo-Rouette dated December 5, 2008 and recorded in Volume 281 at Page 1053.

Our File No.: 20-515  
Property Address: 50 & 54 Hangdog Lane, Somers, Connecticut

- Certificate of Foreclosure from Nelson R. Rouette and Sandra J. Calvo-Rouette to The Living Stone LLC dated July 24, 2017 and recorded in Volume 343 at Page 256.
- Limited Warranty Deed from The Living Stone LLC to Jacqueline T. Sarkis and George C. Sarkis, Jr. dated February 2, 2018 and recorded in Volume 346 at Page 284.
- Limited Warranty Deed from Jacqueline T. Sarkis and George C. Sarkis, Jr. to Hangdog Lane, LLC dated April 19, 2018 and recorded in Volume 347 at Page 188. (copy enclosed)

Portion of 54 Hangdog Lane Taken from 50 Hangdog Lane

**Deeds to Entire Subdivision:**

- Warranty Deed from Priscilla A. Douty and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 341. (used historical description of parcels)
- Quit-Claim Deed from Priscilla A. Douty and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 344. (same property as Vol. 171, Pg. 341, uses description by reference to subdivision map)
- Quit-Claim Deed from Priscilla A. Douty and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 348. (deed of parcel lying to the north of 54 Hangdog Lane – apparently disputed ownership)

**Deed to Lot 5:**

- Quit-Claim Deed from Daniel R. Roulier and Jane E. Roulier to Roulier Family Limited Partnership dated May 2, 1997 and recorded in Volume 174 at Page 679. (disputed portion lying to north of 54 Hangdog Lane)
- Warranty Deed from Daniel R. Roulier and Jane E. Roulier to Roulier Family Limited Partnership dated May 2, 1997 and recorded in Volume 174 at Page 680. (Lot 5 shown on subdivision map)

**Portion of Lot 5 combined with 54 Hangdog Lane:**

- Warranty Deed from Roulier Family Limited Partnership to Daniel R. Roulier and Jane E. Roulier dated December 5, 2008 and recorded in Volume 281 at Page 1051. (portion of Lot 5 to be combined with 54 Hangdog Lane)
- Thereafter, the chain picks up with the deed from Daniel R. Roulier and Jane E. Roulier to Nelson R. Rouette and Sandra J. Calvo-Rouette recorded in Volume 281 at Page 1053. (see above)

Our File No.: 20-515  
Property Address: 50 & 54 Hangdog Lane, Somers, Connecticut

### 50 Hangdog Lane aka Lot 5

The original developers of the Cooksville @ Indian Rock subdivision, Daniel R. Roulier and Jane E. Roulier, acquired the property in three deeds, as listed above, from Priscilla A. Douthy and June Alice Curtis:

- Warranty Deed from Priscilla A. Douthy and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 341. (used historical description of parcels)
- Quit-Claim Deed from Priscilla A. Douthy and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 344. (same property as Vol. 171, Pg. 341, uses description by reference to subdivision map)
- Quit-Claim Deed from Priscilla A. Douthy and June Alice Curtis to Daniel R. Roulier and Jane E. Roulier dated August 21, 1996 and recorded in Volume 171 at Page 348. (deed of parcel lying to the north of 54 Hangdog Lane - apparently disputed ownership)

Thereafter, the Rouliers conveyed Lot 5 to the current owners via two deeds:

- Quit-Claim Deed from Daniel R. Roulier and Jane E. Roulier to Roulier Family Limited Partnership dated May 2, 1997 and recorded in Volume 174 at Page 679. (disputed portion lying to north of 54 Hangdog Lane) (copy enclosed)
- Warranty Deed from Daniel R. Roulier and Jane E. Roulier to Roulier Family Limited Partnership dated May 2, 1997 and recorded in Volume 174 at Page 680. (Lot 5 shown on subdivision map) (copy enclosed)

As discussed above, a portion of Lot 5 was conveyed by the Roulier Family Limited Partnership to Daniel R. Roulier and Jane E. Roulier by Deed dated December 5, 2008 and recorded in Volume 281 at Page 1051.

Finally, a swap of property occurred between Lot 5 and Lot 4 via the following two deeds, the primary purpose of which appears to be to convey to Lot 5 a former portion of Lot 4 over which the driveway to 54 Hangdog Lane traversed (a map is enclosed showing the portions transferred):

- Quit-Claim Deed from Paul L. Medrek and Rachel P. Medrek to Roulier Family Limited Partnership dated March 31, 2006 and recorded in Volume 259 at Page 191.
- Quit-Claim Deed from Roulier Family Limited Partnership to Paul L. Medrek and Rachel P. Medrek dated March 31, 2006 and recorded in Volume 259 at Page 193.

The following easements and other encumbrances appear of record:

#### **As to 54 Hangdog Lane:**

- The portion of the property that was carved out of 50 Hangdog Lane is subject to a Declaration of Restrictions and Covenants dated August 21, 1996 and recorded in Volume 171 at Page 351. By its terms, the restrictions and covenants are for the benefit of "each owner of any portion" of the subdivision and benefits and is binding upon each successor

Our File No.: 20-515  
Property Address: 50 & 54 Hangdog Lane, Somers, Connecticut

in interest in ownership. The Restrictions and Covenants were amended in Volume 175 at Page 41.

- The property enjoys a Right of Way created in the Quit-Claim Deed from Dale Harned to Ronald C. Davis dated April 22, 1960 and recorded in Volume 33 at Page 149 of the Somers Land Records. This Right of Way was amended in Volume 68 at Page 325. This right of way is depicted on the subdivision map as running along the southerly side of Lot 1 aka 16 Hangdog Lane
- The property enjoys a Driveway Easement over 50 Hangdog Lane recorded in Volume 249 at Page 40. The Right of Way was extended in Volume 259 at Page 203. (see enclosed maps)
- The property enjoys an Easement for the installation of a septic system over 50 Hangdog Lane created in Volume 260 at Page 954. (see enclosed map). I believe this easement is now moot as the easement area is now part of 54 Hangdog Lane.
- There is a Mutual Driveway Maintenance Agreement between the owners of 50 Hangdog Lane and 54 Hangdog Lane recorded in Volume 282 at Page 1.
- A Notice is recorded in Volume 315 at Page 105 that appears to relate to the easement over 16 Hangdog Lane that appears to challenge the use of that easement.
- There is an Open Space Classification recorded in Volume 351 at Page 660.

#### **As to 50 Hangdog Lane aka Lot 5:**

- 50 Hangdog Lane, like 54 Hangdog Lane, is subject to the Declaration of Restrictions and Covenants dated August 21, 1996 and recorded in Volume 171 at Page 351, and as amended in Volume 175 at Page 41.
- The property is subject to the Driveway Easement over 50 Hangdog Lane recorded in Volume 249 at Page 40 and as extended in Volume 259 at Page 203.
- The property was subject to the Easement for the installation of a septic system over 50 Hangdog Lane created in Volume 260 at Page 954, but as discussed, I believe this easement area is no longer part of 50 Hangdog Lane, having been combined with 54 Hangdog Lane.
- The property is subject to the Mutual Driveway Maintenance Agreement in Volume 282 at Page 1.

Both properties are subject the notes and conditions on the subdivision map.

#### **Additional Topics for Consideration:**

Single Family Restriction. I note that a portion of 54 Hangdog Lane was formerly a part of Lot 5 in the subdivision, and thus should be subject to the terms of the Declaration of Restrictions and Covenants recorded in Volume 171 at Page 351 and also be a beneficiary of, and be able to enforce, the terms of the Declaration. The Declaration includes the restriction that "lots in the subdivision are for single-family, residential dwelling purposes only." This language could very well mean that only one single-family dwelling may be built on each lot in the subdivision as shown on the subdivision map at the time of the Declaration of Restrictions and Covenants. That is, an attempt to subdivide a Lot in the subdivision so that multiple homes could be built on the lot would be a violation of the single-family restriction.

Our File No.: 20-515  
Property Address: 50 & 54 Hangdog Lane, Somers, Connecticut

Potential Prescriptive Easement for Drainage Pipe. I understand that there is a drainage pipe that leads onto Lot 5. I did not locate an expressly granted easement for that pipe in the Land Records. Please note, however, that the period for "adverse possession" in Connecticut is 15 years, see Connecticut General States section 52-575, and I understand that the drainage pipe has been in place for more than 15 years. Adverse possession, or in this case, what is known as a prescriptive easement, requires that the property claiming the right be in separate ownership from the property over which the right is claimed. In this case, 54 Hangdog Lane and Lot 5 have not been commonly owned, that is, owned by the same parties at the same time. Lot 5 was deeded from Daniel R. Roulier and Jane E. Roulier to the Roulier Family Limited Partnership in 1997, and it has been owned by the Limited Partnership ever since. While Daniel and Jane Roulier owned 54 Hangdog Lane at one point, they did not acquire it until 2004. Thus, assuming I am correct that the drainage pipe has been there for more than 15 years, the period for adverse possession would appear to be met.

Exclusive/Non-Exclusive Use of Driveway. The driveway easement in Volume 249 at Page 40 does not state that the easement is an exclusive easement. Generally, the grantor of an easement is permitted to use an easement area to the extent not inconsistent with the use of the grantee. However, the Mutual Driveway Maintenance Agreement recorded in Volume 282 at Page 1 may evidence an intent that the use of the driveway easement be exclusive to the owners of 54 Hangdog Lane. That is because (i) while the expense of maintaining the portion of the driveway closest to Hangdog Lane is shared equally, (ii) the expense of maintaining the remaining portion of the driveway is solely the responsibility of the owners of 54 Hangdog Lane.

Zoning File. Attached are selected pages for the zoning file for the Cooksville @ Indian Rock subdivision:

- The conditions of subdivision approval are not particularly relevant.
- The Soil Erosion and Sediment Control Plans show a proposed house on the portion of Lot 5 lying to the north of Lot 4 and nothing on the portion of Lot 5 lying to the south of Lot 4. The plans state that the plan is for soil erosion and sediment control practices and measures only.
- There is a discussion in the subdivision hearing regarding access to 54 Hangdog Lane and the possible subdivision of 54 Hangdog Lane. The discussion revolves around the difficulty of bringing a road up to 54 Hangdog Lane because of the "long and tortuous" access to 54 Hangdog Lane (see July 18, 1996 memo).

Subdivision and Zoning Regulations. Please note the following from the Somers Subdivision Regulations and Zoning Regulations. I will defer to the other professionals with regard to their import, but wanted to make note of them.

- Section 214-21 of the Zoning Regulations states that "Driveways are permitted in front yards." This would appear to imply that they are not permitted in the rear yard.
- Chapter 104 of the Somers subdivision regulations contains the standards for driveways, including maximum grades.

Our File No.: 20-515  
Property Address: 50 & 54 Hangdog Lane, Somers, Connecticut

Please let me know if you would like to discuss the above information.

Sincerely yours,

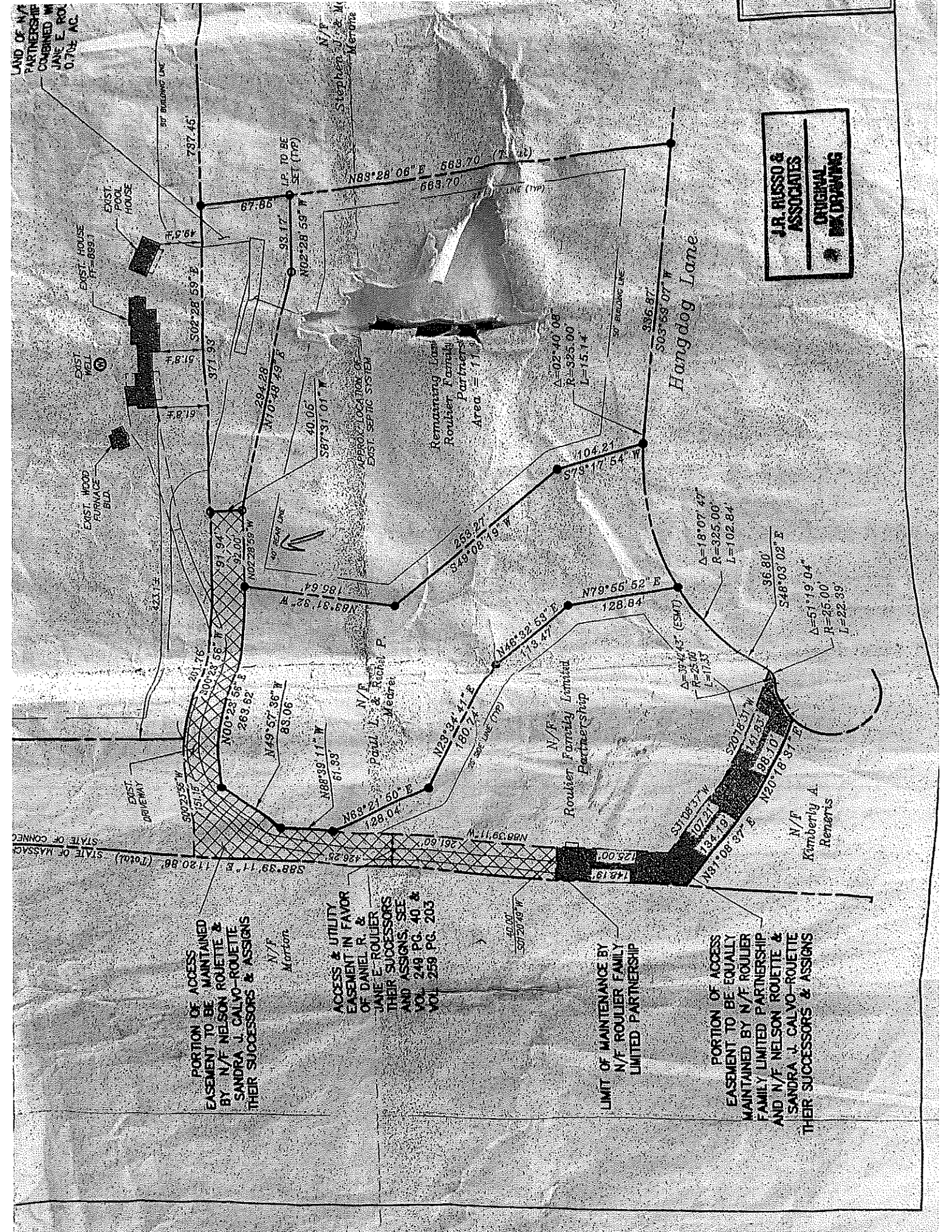
A handwritten signature in black ink, appearing to read 'MJC', with a horizontal line extending to the right.

Matthew J. Cholewa

Encls.  
Copy to George Schober, Esq. ([gcslaw@cox.net](mailto:gcslaw@cox.net))

# EXHIBIT 26





LAND OF N/F PARTNERSHIP COMBINED WITH JANE E. ROULIER 0.70± AC.

EXIST. HOUSE FF=693.7  
 EAST HOUSE  
 EAST WOOD PORCHANCE BLD.  
 EAST WALL  
 EAST POOL HOUSE

PORTION OF ACCESS EASEMENT TO BE MAINTAINED BY N/F NELSON ROUJETTE & SANDRA J. CALVO-ROUJETTE THEIR SUCCESSORS & ASSIGNS

ACCESS & UTILITY EASEMENT IN FAVOR OF DANIEL R. & JANE E. ROULIER THEIR SUCCESSORS AND ASSIGNS. SEE VOL 249 PG. 40 & VOL 259 PG. 203

LIMIT OF MAINTENANCE BY N/F ROULIER FAMILY LIMITED PARTNERSHIP

PORTION OF ACCESS EASEMENT TO BE EQUALLY MAINTAINED BY N/F ROULIER FAMILY LIMITED PARTNERSHIP AND N/F NELSON ROUJETTE & SANDRA J. CALVO-ROUJETTE THEIR SUCCESSORS & ASSIGNS

Remaining Land Roulier Partners Area = 1.1

J.R. RUSSO & ASSOCIATES ORIGINAL SURVEYING

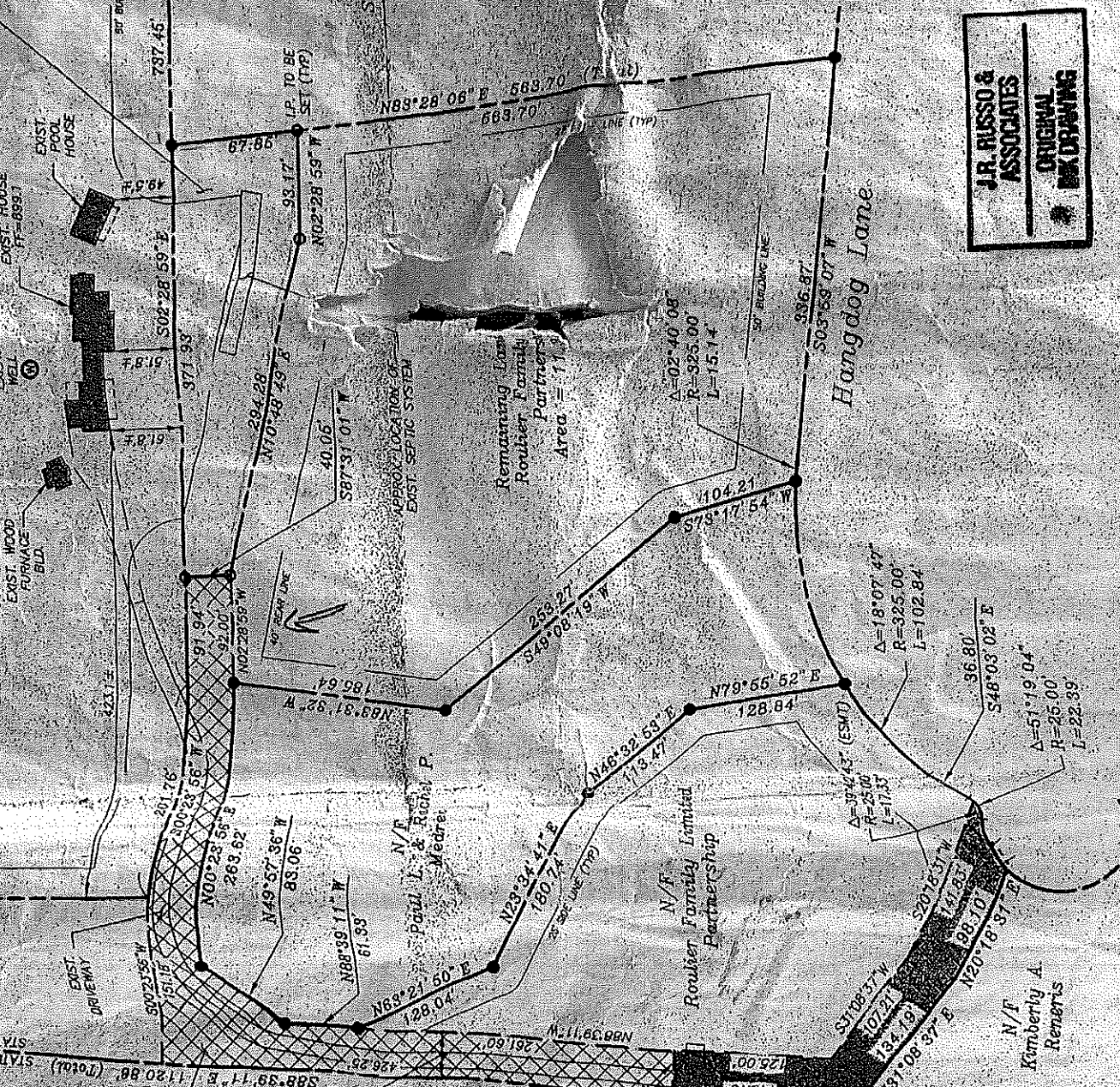
Hangdog Lane

Roulier Family Limited Partnership

N/F Paul L. & Rachel P. Mederer

N/F Kimberly A. Remens

N/F Morrison



# EXHIBIT 27

## Root Deeds for Subdivision

FORM 174 CONNECTICUT - WARRANTY DEED - SURVIVORSHIP

TUTTLE BANK REGISTERED U. S. PAT. OFFICE  
TUTTLE LAW PRINT. PUBLISHERS, RUTLAND, VT 05701

VOL 171 PAGE 341

To all People to Whom these Presents shall Come, Greeting:

Know Ye, That We, PRISCILLA A. DOUTY of the Town of Monson,  
County of Hampden and Commonwealth of Massachusetts, and JUNE ALICE  
CURTIS of Kissimmee, Florida

for the consideration of --FOUR HUNDRED TWENTY-FIVE THOUSAND (\$425,000.00)  
DOLLARS

received to our full satisfaction of DANIEL R. ROULIER and JANE E. ROULIER,  
both of the Town of Somers, County of Tolland and State of Connecticut

do give, grant, bargain, sell and confirm unto the said DANIEL R. ROULIER and  
JANE E. ROULIER

and unto the survivor of them, and unto such survivor's heirs and assigns forever

SEE SCHEDULE A ATTACHED.

CONVEYANCE TAX RECEIVED  
State 2,125.00 Local 467.50  
*(Signature)*  
Town Clerk of Somers

VOL 171 PAGE 342

SCHEDULE A

Three (3) certain pieces or parcels of land, with buildings thereon, situated in the Town of Somers, County of Tolland and State of Connecticut, on Cook Road and Stafford Road, formerly known as Old Stafford Road, being more particularly bounded and described as follows:

FIRST PIECE:

BEGINNING at the northwest corner of said land; thence easterly on land formerly of Elliot Bradway, F. V. Kibbe, J. B. Kibbe and the Bliss lot; thence southerly on land now or formerly of James Bliss, Chapin Davis and E. C. Sherman; thence westerly on the highway, land formerly of R. Kibbe, land formerly of Frank Bartlett and formerly of E. Bugbee; thence northerly on land formerly of said R. Kibbe, Bartlett heirs and A. H. Calkins to the point of beginning, excepting the highway through the same. Said piece contains 70 acres more or less.

Excepting therefrom two (2) pieces or parcels of land conveyed to John T. Larabee and Jacqueline C. Larabee described in a Warranty Deed recorded in Volume 132, Page 305 and a Quit Claim Deed recorded in Volume 132, Page 307 of the Somers Land Records.

The above parcel is subject to an easement in favor of Daniel Sirois, Thomas Pethigal and Associates recorded in Volume 134, Page 908 of the Somers Land Records.

SECOND PIECE:

This tract is known as the Davis pasture lot and is located on the east side of the road leading from the Silas place to Stafford and bounds northerly by land formerly of Lilas Cooley; easterly on land formerly of Franklin C. Davis; southerly by land now or formerly of J. and W. O. Collins; westerly by the highway, or above mentioned road, and contains 22 acres more or less.

THIRD PIECE:

BEGINNING at a bound on the highway at the southeast corner of said tract; thence running westerly on the highway to a bound at a new fence; thence northerly to a bound at land formerly of Henry T. Cook; thence easterly to a bound; thence southerly as the old fence used to run, to the first mentioned bound, containing one-half acre, more or less.

Subject to an easement to CL & P recorded in the Somers Land Records, Volume 22 at Page 614, and to possible right-of-way of record.

Said premises are further subject to any and all provisions of any ordinance, municipal regulation or public or private law; building, building line and zoning restrictions as of record may appear; and to the balance of taxes on the list of October 1, 1995.

Being a portion of the premises acquired by the Grantors herein pursuant to a Probate Certificate of Descent recorded in Volume 131 at Page 400 of the Somers Land Records.

VOL 171 PAGE 343

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto them the said grantees, and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof.

And also, we the said grantors do for ourselves, our heirs, executors, administrators, and assigns, covenant with the said grantees and with the survivor of them, and with such survivor's heirs and assigns, that at and until the ensembling of these presents we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as hereinbefore mentioned.

And Furthermore, we the said grantors do by these presents bind ourselves and our heirs, and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to them the said grantees, and to the survivor of them and to such survivor's heirs and assigns, against all claims and demands whatsoever, except as hereinbefore mentioned.

In Witness Whereof, we have hereunto set our hands and seal this 21st day of August in the year of our Lord nineteen hundred and ninety-six. Signed, Sealed and Delivered in presence of

Alpheus W. Curtis

Priscilla A. DOUTY

J.D. Shannon

JUNE ALICE CURTIS

State of Connecticut,

County of Tolland

SS. Somers

On this the 21st day of August, 1996, before me, J. Donald Shannon, the undersigned officer, personally appeared Priscilla A. Douty & June Alice Curtis

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

J.D. Shannon
Commissioner of the Superior Court
Title of Officer

State of Connecticut,

County of

SS.

On this the day of 19 before me, the undersigned officer, personally appeared who acknowledged himself to be the a corporation, and that he 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 as

In Witness Whereof, I hereunto set my hand and official seal.

Title of Officer
RECEIVED FOR RECORD
August 21, 1996
By Claire A. Walker
Town Clerk

Latest address of Grantee:
No. and Street 65 Scully Road
City Somers
State Connecticut Zip 06071

Form 166 Consolidated QUIT-CLAIM DEED--(Survivorship)



TUTTBLANK REGISTERED U. S. PAT. OFFICE  
TUTTLE LAW FIRM, PUBLISHERS, BURLINGAME, CA, 94701

VOL. 171 PAGE 344

**To all People to Whom these Presents shall Come, Greeting:**

**Know Ye, That** We, PRISCILLA A. DOUTY of the Town of Monson,  
County of Hampden and Commonwealth of Massachusetts, and JUNE ALICE  
CURTIS of Kissimmee, Florida

for divers good causes and considerations thereunto moving, especially for  
--Valuable Consideration-- received to our full satisfaction of

DANIEL R. ROULIER and JANE E. ROULIER, both of the  
Town of Somers, County of Tolland and State of Connecticut

have remised, released, and forever quitclaimed, and do by these Presents, for ourselves  
and our ~~successors~~ and heirs, <sup>and assigns</sup> justly and absolutely remise, release, and forever QUIT-  
CLAIM unto the said Releasees

and the survivor of them, and the heirs and assigns of the survivor of them forever all such  
right and title as we the said Releasors

have or ought to have in or to

CONVEYANCE TAX RECEIVED  
State \$ -0- Local \$ -0-  
*William S. Walker*  
Town Clerk of Somers

SEE SCHEDULE A ATTACHED.

VOL 171 PAGE 345

SCHEDULE A

A certain piece or parcel of land situated on Cook Road and the Northerly side of Stafford Road in the Town of Somers, County of Tolland and State of Connecticut, bounded and described as follows:

Commencing at an iron pin to be set in the northeasterly street line of Cook Road as presently existing which point marks the southern most point of the herein described parcel;

Thence running along the arc of a curve to the left having a radius of 250.00 feet along the northerly street line of Stafford Road, a distance of 29.65 feet to a point;

Thence running N 65° 00' 30" W a distance of 529.20 feet to a point;

Thence turning and running along the arc of a curve to the left having a radius of 245.00 feet, a distance of 245.76 feet to a point; the last two (2) courses running along the northerly street line of Stafford Road;

Thence turning and running N 18° 18' 55" W a distance of 516.99 feet to a point;

Thence turning and running S 81° 20' 02" W a distance of 807.90 feet to a point;

Thence turning and running S 78° 33' 08" W a distance of 298.35 feet to a point, the last three (3) courses running along land now or formerly of Crapser;

Thence turning and running N 02° 56' 09" E a distance of 801.89 feet to a point;

Thence turning and running N 06° 47' 56" E a distance of 146.64 feet to a point;

Thence turning and running N 74° 36' 47" W a distance of 122.52 feet to a point;

Thence turning and running N 50° 55' 14" W a distance of 269.10 feet to a point;

Thence turning and running N 59° 33' 34" W a distance of 88.55 feet to a point;

Thence turning and running N 63° 47' 21" W a distance of 102.00 feet to a point situated in the easterly street line of Old Hampden Road, the last six (6) courses running along land now or formerly of Reinhold;

Thence turning and running N 17° 34' 03" E along the easterly street line of Old Hampden Road a distance of 178.48 feet to a point;

Thence turning and running N 74° 41' 03" E a distance of 590.21 feet to a point;

Thence turning and running N 76° 34' 56" E a distance of 138.32 feet to a point;

Thence turning and running N 78° 53' 18" E a distance of 53.84 feet to a point;

Thence turning and running N 82° 01' 46" E a distance 406.81 feet to a point situated on the southerly boundary of the Commonwealth of Massachusetts, the last five (5) courses running along land now or formerly of Morton;

Thence turning and running S 88° 39' 11" E along land now or formerly of Morton which course is the southerly boundary line of the Commonwealth of Massachusetts, a distance of 1,410.06 feet to a point;



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Thence turning and running S 00° 23' 56" W along land designated as "Lot 5 Possible Land of Cook By Occupation" a distance of 151.18 feet to a point;

Thence turning and running S 00° 23' 56" W a distance of 201.76 feet to a point;

Thence turning and running S 02° 28' 59" E a distance of 737.45 feet to a point;

Thence turning and running S 04° 11' 59" E a distance of 766.89 feet to a point, the last three (3) courses running along land now or formerly of Davis & Alden;

Thence turning and running S 85° 11' 26" W a distance of 504.28 feet to a point located in the easterly street line of Cook Road;

Thence turning and running S 40° 57' 41" E a distance of 175.00 feet to a point, the last two (2) courses running along land now or formerly of Schilling;

Thence running S 40° 57' 41" E along land now or formerly of Ferreira a distance of 175.00 feet to a point;

Thence turning and running S 75° 28' 14" W a distance of 5.11 feet to a point located in the northerly street line of Cook Road, said point being the point and place of beginning.

Excepting therefrom that certain piece or parcel of land known as Cook Road as it now exists and owned by the Town of Somers.

The aforementioned parcel includes Lot Nos. 1, 2, 3, 4, 5 (375,912.45 sq. ft. 8.63 acres), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, Land designated as "N/F Dan Roulier Not An Approved Building Lot 304,631.86 sq. ft. 6.99 acres", "N/F Dan Roulier Not An Approved Building Lot 164,004.72 sq. ft. 3.77 acres" "N/F Dan Roulier Not An Approved Building Lot 536,343.19 sq. ft. 12.31 acres" "N/F Dan Roulier Not An Approved Building Lot 252,690.88 sq. ft. 5.80 acres", the road designated as Hangdog Lane (East), Hangdog Lane (West), Cook Road extending from the limit of abandonment running westerly to its intersection with Lovers Lane and Lovers Lane on a map entitled "Subdivision Plan Cooksville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

Intending to convey the same premises as conveyed to the Grantees herein by Warranty Deed of Priscilla A. Douty, et al dated August 21, 1996 and recorded in Volume 171 at Page 341 of the Somers Land Records.

To Have and to Hold the premises unto the said Releasees

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and unto their survivor, and unto such survivor's heirs and assigns, to the only use and behoof of the said Releasees

and the survivor of them, and the heirs and assigns of the survivor of them forever that neither the said Releasers

nor any other person or persons in our name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and every of them shall by these presents be excluded and forever barred.

In Witness Whereof, we have hereunto set our hands and seals this 21st day of August in the year of our Lord nineteen hundred and ninety-six.

Signed, Sealed and Delivered in presence of

Alpheus W. Curtis

PRISCILLA A. DOUTY

J.D. Shannon

JUNE ALICE CURTIS

State of Connecticut,

County of Tolland

SS. Somers

On this the 21st day of August, 19 96, before me, J. Donald Shannon, the undersigned officer, personally appeared Priscilla A. Douty & June Alice Curtis known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed. In Witness Whereof, I hereunto set my hand and official seal.

J.D. Shannon Commissioner of the Superior Court

State of Connecticut,

County of

SS.

Title of Officer

On this the day of, 19, before me, the undersigned officer, personally appeared who acknowledged himself to be the of a corporation, and that he 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 as In Witness Whereof, I hereunto set my hand and official seal.

Latest address of Grantees: No. and Street 65 Scully Road City Somers State Connecticut Zip 06071

RECEIVED FOR RECORD

August 24 1996 Time 2:52 p.m. Recorded in Somers Land Records Vol Page By Oliver L. Walker Town Clerk

Form 166 Connecticut QUIT-CLAIM DEED—(Survivorship)

VOL 171 PAGE 348



TUTELANK REGISTERED U. S. PAT. OFFICE  
TITLE LAW PRINT, PUBLISHERS, BOSTON, MASS.

**To all People to Whom these Presents shall Come, Greeting:**

**Know Ye, That** We, PRISCILLA A. DOUTY of the Town of Monson,  
County of Hampden and Commonwealth of Massachusetts, and JUNE ALICE  
CURTIS of Kissimmee, Florida

for divers good causes and considerations thereunto moving, especially for  
received to our full satisfaction of

DANIEL R. ROULIER and JANE E. ROULIER, both of the Town  
of Somers, County of Tolland and State of Connecticut

CONVEYANCE TAX RECEIVED

State   0   Local   0    
*David A. Walker*  
Town Clerk of Somers

have remised, released, and forever quitclaimed, and do by these Presents, for ourselves  
and our ~~successors and heirs~~ <sup>and assigns</sup>, justly and absolutely remise, release, and forever QUIT-  
CLAIM unto the said Releasees

and the survivor of them, and the heirs and assigns of the survivor of them forever all such  
right and title as we the said Releasors

have or ought to have in or to

SEE SCHEDULE A ATTACHED.

VOL. 171 PAGE 349

**SCHEDULE A**  
**(Description)**

A certain piece or parcel of land situated in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "Lot 5 Possible Land of Cook By Occupation 149,137.18 sq. ft. 3.42 acres" on a map entitled "Subdivision Plan Cookville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 8 and 11 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

To Have and to Hold the premises unto the said Releasees

VOL 171 PAGE 350

and unto their survivor, and unto such survivor's heirs and assigns, to the only use and behoof of the said Releasees

and the survivor of them, and the heirs and assigns of the survivor of them forever

that neither the said Releasors

nor any other person or persons in our name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and every of them shall by these presents be excluded and forever barred.

In Witness Whereof, we this 21st day of August and ninety-six.

have hereunto set our hands and seals in the year of our Lord nineteen hundred

Signed, Sealed and Delivered in presence of

Alpheus W. Curtis  
Alpheus W. Curtis

Priscilla A. Douty  
PRISCILLA A. DOUTY

J.D. Shannon  
J.D. Shannon

June Alice Curtis  
JUNE ALICE CURTIS

State of Connecticut,

County of Tolland

} ss. Somers

On this the 21st day of August, 1996, before me, J. Donald Shannon, the undersigned officer, personally appeared

Priscilla A. Douty & June Alice Curtis known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, as their free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

J.D. Shannon  
Commissioner of the Superior Court

Title of Officer

State of Connecticut,

County of

} ss.

On this the day of 19 before me, the undersigned officer, personally appeared who acknowledged himself to be the

a corporation, and that he 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 as

In Witness Whereof, I hereunto set my hand and official seal.

Latest address of Grantee:

No. and Street 65 Scully Road

City Somers

State Connecticut Zip 06071

RECEIVED FOR RECORD

August 24, 1996

Time 2:53 PM Recorded in Somers

Land Records Vol Page

By Clara S. Waller  
Town Clerk

**Root Deed for 54 Hangdog Lane and  
Amendment to Right of Way**

# To all People to Whom these Presents shall Come, Greeting:

Know Ye, That I, DALE HARNED, of the Town of Ellington, County of Tolland and State of Connecticut

for the consideration of one and other dollars but less than \$100.00

received to my full satisfaction of RONALD C. DAVIS, of Ramsey, New Jersey

do remise, release, and forever QUIT-CLAIM unto the said RONALD C. DAVIS, his

heirs and assigns forever, all the right, title, interest, claim and demand whatsoever as

I the said releasor have or ought to have in or to a certain tract of land situated on Rattle Snake Mountain, so-called, and just off Scantic Road, so-called, leading from Hampden to West Stafford, in the Town of Somers, County of Tolland and State of Connecticut, as shown on a map entitled, "Property of RONALD C. DAVIS Rattlesnake Mountain Somers, Conn. Megson & Hyyppa Civil Engineers Glastonbury Conn. Scale 1" = 60' Date 3-31-59 Map No. 170-58-1", and more particularly bounded and described as follows:

Beginning at a merestone on ledge at the Southeast corner of the tract herein conveyed, at land of Emerson B. Davis; thence N. 81° 06' 01" W., in line of said Emerson B. Davis' land, four hundred twenty-eight and forty-seven one-hundredths (428.47) feet to a merestone in stone heap; thence N. 9° 30' 25" E., in line of wire and stone fences, and in line of land of Henry T. Cook, seven hundred sixty-six and eighty-nine one-hundredths (766.89) feet to a point; thence continuing in line of land of said Cook, and in line of fences, N. 11° 13' 25" E., seven hundred thirty-seven and forty-five one-hundredths (737.45) feet to a point; thence continuing in line of land of said Cook, and in line of fences, N. 14° 06' 20" E., two hundred one and seventy-six one-hundredths (201.76) feet to a merestone; thence S. 78° 40' 50" E., in line of land of said Cook, nine hundred twenty-six and fifty-five one-hundredths (926.55) feet to a merestone in a stone heap; thence S. 38° 30' 50" W., in line of land of Alan Hartley, eight hundred eighty-seven and fifty-four one-hundredths (887.54) feet to a merestone in stone heap; thence N. 46° 29' 20" W., in line of land of said Emerson B. Davis, one hundred fifty-four and seventy-five one-hundredths (154.75) feet to a merestone in a stone pile; thence S. 8° 10' 45" W., in line of land of said Emerson B. Davis, nine hundred eighty-one and eighty-six one-hundredths (981.86) feet to the point and place of beginning.

Said premises are conveyed together with a right-of-way over an old road as it presently exists, across land of Emerson B. Davis and land of Henry T. Cook, beginning on the Northeasterly line of Cook Road, so-called, near the intersection of said Cook Road line and the Northerly line of Scantic Road, also known as Stafford Road,

and running thence Northerly and Easterly to the Westerly bound of the herein tract.

To Have and to Hold the premises, with all the appurtenances, unto the said Releasee

his heirs and assigns forever, so that neither I the Releasor nor my heirs nor any other person under me or them shall hereafter have any claim, right or title in or to the premises, or any part thereof, but therefrom I am and they are by these presents forever barred and excluded.

In Witness Whereof, I have hereunto set my hand and seal this 22nd day of April, A. D. 19 60.

Signed, Sealed and Delivered in presence of

Mary P. Shannon  
Mary P. Shannon

Dale Harned  
Dale Harned

J. Donald Shannon  
J. Donald Shannon

State of Connecticut,

County of Tolland

ss. Somers

April 22, A. D. 19 60

Personally Appeared DALE HARNED

Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his free act and deed

before me.

Rec'd for record  
May 10, 1960 at 9:02 AM  
Attest - Gene Lucinsky  
Town Clerk

J. Donald Shannon  
J. Donald Shannon

Commissioner of the Superior Court



THIS AGREEMENT, Made this 21<sup>st</sup> day of July A.D. 1972

B E T W E E N

ALLAN G. HARTLEY of the Town of Somers, County of Tolland and State of Connecticut, party of the first part,

A N D

RONALD C. DAVIS, Widower, of Brandywine Hundred, New Castle County and State of Delaware, party of the second part.

WHEREAS the said Allan G. Hartley is the owner in fee of a certain tract or parcel of land situated in the Town of Somers, County of Tolland and State of Connecticut as conveyed to him by deed of Emerson B. Davis, dated November 9, 1962 and recorded in Somers Land Records, Volume 40, Page 349; and

WHEREAS the party of the second part is the owner of a certain tract or parcel of land, adjoining the lands of said Allan G. Hartley on the North as conveyed to said Davis by deed of Dale Harned, dated April 22, 1960 and of record in Somers Land Records, Volume 33, Page 149; and

WHEREAS the said conveyance to the said party of the second part includes the use of a right-of-way described in said deed as presently existing and extending across a portion of said land formerly of Emerson B. Davis, now of said Hartley, and land of Henry T. Cook beginning on the North-Easterly line of Cook Road, so-called, near the intersection of said Cook Road line and the Northerly line of Scantic Road, also known as Old Stafford Road, and running thence Northerly and Easterly to the Westerly bound of said Ronald C. Davis tract; and

WHEREAS the parties to this agreement are desirous of abandoning so much of the said right-of-way as is included in said deed to said Davis and establishing in lieu thereof a new right-of-way to be located as hereinafter set forth.

1980 Conveyance Tax collected  
*[Signature]*  
Town Clerk of Somers

J. DONALD SHANNON  
ATTORNEY AT LAW  
MAIN STREET  
SOMERS, CONNECTICUT  
04871

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, That the said parties hereto for and in consideration of the premises and of the sum of ONE DOLLAR (\$1.00) each to the other in hand paid, the receipt whereof is hereby acknowledged, do hereby mutually covenant and agree as follows:

1. That the said new right-of-way shall be Twelve (12) feet in width throughout and shall extend at that width along and within the boundary line between the property of the party of the first part hereto and adjoining lands of Henry T. Cook on the North in an Easterly direction, a distance of 516 feet more or less to the South-Westerly corner of said Davis land.

2. The party of the first part hereby grants, conveys, remises, releases and forever quit claims unto the said party of the second part the free and uninterrupted right, use and privilege, forever over the said above-mentioned right-of-way for the purpose of providing ingress, egress and regress to and from Cook Road and the lands and premises of said Davis, said use to be for pedestrian and vehicular traffic and installation of any necessary facilities for the purpose of providing utility services.

3. The said party of the second part hereby covenants and agrees:

- a. To construct a suitable roadway and fences along and within said right-of-way and to maintain the same at his sole cost and expense.
- b. To pay the cost of any surveying work and clearance of debris in connection with the establishment and construction of said right-of-way.
- c. To pay all property taxes which may be assessed against the land included within the lines of the said right-of-way.

A. DONALD SHANNON  
ATTORNEY AT LAW  
HARTFORD  
CONNECTICUT  
66071

4. In consideration of the conveyance to him of the above mentioned and described right-of-way for the purposes hereinabove set forth, the party of the second part hereby remises, releases and forever quit-claims unto the party of the first part any and all right, title and interest of any kind whatsoever which he now has, could and might have, in and to the present right-of-way across lands of the said party of the first part to the end and purpose that the said right-of-way shall be and is hereby terminated, abandoned and extinguished.

5. The terms and provisions of this agreement shall inure to the benefit of and be binding upon the Heirs, Executors, Administrators, and Assigns of the parties hereto.

IN WITNESS WHEREOF the parties to this agreement have hereunto set their Hands and Seals the day and year first above written.

SEALED AND DELIVERED  
in the presence of:

J. P. Shannon  
J. P. Shannon

Helen P. Starbuck  
Helen P. Starbuck

Angus J. Dunphy  
William C. Murphy

Allan G. Hartley (SEAL)

Allan G. Hartley

Ronald C. Davis (SEAL)

Ronald C. Davis

J. DONALD SHANNON  
ATTORNEY AT LAW  
1440 STREET  
DORING, MASSACHUSETTS  
01921

STATE OF CONNECTICUT )  
                                  ) ss. Somers  
COUNTY OF TOLLAND )

Then and there before me, the Subscriber, duly commissioned and acting as such, personally appeared ALLAN G. HARTLEY, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed before me.

WITNESS my hand and seal of office on this 15 day of July, 1972.

*J. Donald Shannon*  
J. Donald Shannon  
Notary Public

STATE OF DELAWARE )  
                                  ) ss.  
NEW CASTLE COUNTY )

Then and there before me, the Subscriber, duly commissioned and acting as such, personally appeared RONALD C. DAVIS, Widower, signer and sealer of the foregoing instrument, and acknowledged the same to be his free act and deed before me.

WITNESS my hand and seal of office on this 21<sup>st</sup> day of July, 1972.

*Lawrence H. [Signature]*  
Notary Public

A DONALD SHANNON  
ATTORNEY AT LAW  
1000 STREET  
SOMERS, CONNECTICUT  
06071

Received for Record *September 27, 1972* at *1:32 P. M.* Attest *Shirley Parker*  
*Asst. Town Clerk.*

**Deed to Portion of Lot 5 to be  
Combined with 54 Hangdog Lane**

Return to:  
AnnMarie Alexander  
P.O. Box 400  
Somers, CT 06071

YOL 0281 PAGE 1051

**WARRANTY DEED**

**KNOW YE, THAT, ROULIER FAMILY LIMITED PARTNERSHIP**, a Connecticut Limited Partnership with an office in the Town of Somers, County of Tolland and State of Connecticut, for the consideration of ONE DOLLAR (\$1.00) <sup>and other valuable consideration</sup> received to its full satisfaction of **DANIEL R. ROULIER and JANE E. ROULIER**, both of the Town of Somers, County of Tolland and State of Connecticut, does give, grant, bargain, sell and confirm unto the said **DANIEL R. ROULIER and JANE E. ROULIER** as Joint Tenants and with **WARRANTY COVENANTS**

All that real property located in the Somers, Connecticut described on SCHEDULE A attached hereto and made a part hereof.

Said premises are subject to any and all provisions of any ordinance, state and/or municipal regulations and public or private law and to taxes to the Town of Somers, which taxes the Grantees herein assume and agree to pay.

Signed this 5<sup>th</sup> day of December, 2008.

Signed, and delivered in the presence of:

ROULIER FAMILY LIMITED PARTNERSHIP

Mary L. Reardon  
Mary L. Reardon

By Amie Lynn Benedict  
Amie Lynn Benedict  
General Partner

Kristie M. Pettit  
Kristie M. Pettit

STATE OF CONNECTICUT :  
: ss. Somers December 6, 2008  
COUNTY OF TOLLAND :

Personally appeared AMIE LYNN BENELECT, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her free act and deed and the free act and deed of ROULIER FAMILY LIMITED PARTNERSHIP, before me.

Mary L. Reardon  
Notary Public Mary L. Reardon  
~~Commissioner of the Superior Court~~  
My commission expires 9/30/2011

Grantee's Address  
54 Hangdog Lane  
Somers, CT 06071

Conveyance Tax Received  
State \$ 25 - Local \$ 12.50  
Thomas E. Hanks  
Town Clerk of Somers



**SCHEDULE A.**

All that certain piece or parcel of located in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "LAND OF N/F ROULIER FAMILY LIMITED PARTNERSHIP TO BE CONVEYED TO & COMBINED WITH LAND OF N/F DANIEL R. & JANE E. ROULIER AREA = 30,787 S.F., 0.70± A.C." on a map entitled "Lot Line Reconfiguration Plan Prepared For Daniel R. & Jane E. Roulier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES, LLC Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569 FAX: (860) 623-2485 BY LF SCALE 1" = 100' DATE 11-13-08 SHEET 1 of 1 CHECKED JEU NO. 2004-085", which map or plan is on file with the Town Clerk of Somers, to which reference may be had.

Said premise are more particularly bounded and described as follows:

Beginning at a point located in the Northwest corner of the premises herein conveyed, which point is located in the Easterly line of premises designated as "Remaining Land of N/F Roulier Family Limited Partnership"; thence running N 87° 31' 01" E a distance of 40.05 feet to a point located in the Westerly line of land now or formerly of Daniel R. and Jane E. Roulier, which point marks the northeasterly corner of the premises herein conveyed; thence turning and running S 02° 28' 59" E along land now or formerly of Daniel R. and Jane E. Roulier, a distance of 371.93 feet, to a point, which point marks the southeasterly corner of the premises herein conveyed; thence turning and running S 83° 28' 06" W along land now or formerly of Stephen J. and Mary L. Merone, a distance of 67.85 feet, to a point which marks the southwesterly corner of the premises herein conveyed; thence turning and running N 02° 28' 59" W along land shown and designated as "Remaining Land of N/F Roulier Family Limited Partnership", a distance of 93.17 feet; thence turning and running N 10° 48' 49" E, along land shown and designated as "Remaining Land of N/F Roulier Family Limited Partnership", a distance of 294.28 feet, to the point and place of beginning

RECEIVED	
TOWN OF SOMERS LAND RECORDS	
DEC 08 2008	
TIME	4:14 pm
TOWN CLERK	J. [Signature]

15  
3  
30  
2

**Deed out of Rouliers of Combined Parcel**



WARRANTY DEED

KNOW YE, THAT, We, DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, for the consideration of TWO MILLION DOLLARS (\$2,000,000.00) received to our full satisfaction of NELSON R. ROUETTE and SANDRA J. CALVO-ROUETTE, both of the Town of Monson, County of Hampden and Commonwealth of Massachusetts, does give, grant, bargain, sell and confirm unto the said NELSON R. ROUETTE and SANDRA J. CALVO-ROUETTE as Joint Tenants and with WARRANTY COVENANTS

All that real property located in the Somers, Connecticut described on SCHEDULE A attached hereto and made a part hereof.

Together with a permanent easement and right of way over land now or formerly of Roulier Family Limited Partnership as set forth in a Warranty Deed of Easement dated April 8, 2005 and recorded in Volume 249 at Page 40 of the Somers Land Records and a Warranty Deed of Easement dated March 15, 2006 and recorded in Volume 259 at Page 203 of the Somers Land Records; and a septic system easement over land now or formerly of Roulier Family Limited Partnership as set forth in a Warranty Deed of Easement dated June 6, 2006 and recorded in Volume 260 at Page 954 of the Somers Land Records

Said premises are subject to any and all provisions of any ordinance, state and/or municipal regulations and public or private law and to taxes to the Town of Somers, which taxes the Grantees herein assume and agree to pay.

Signed this 5th day of December, 2008.

Signed, and delivered in the presence of:

[Signature of AnnMarie Alexander]
AnnMarie Alexander

[Signature of Daniel R. Roulier]
Daniel R. Roulier

[Signature of Mary C. Reardon]
Mary C. Reardon

[Signature of Jane E. Roulier]
Jane E. Roulier

STATE OF CONNECTICUT :
: ss. Somers December 5, 2008
COUNTY OF TOLLAND :

Personally appeared Daniel R. Roulier and Jane E. Roulier, Signers and Sealers of the foregoing Instrument, and acknowledged the same to be their free act and deed before me.

[Signature of Notary Public AnnMarie Alexander]

Notary Public AnnMarie Alexander

Commissioner of the Superior Court Conveyance Tax Received

Grantee's Address
54 Hangdog Lane, Somers, CT 06071

State \$14,000 -- Local \$5,000 --
[Signature of Town Clerk]
Town Clerk of Somers

SCHEDULE A.

FIRST PIECE:

A certain piece or parcel of land with the buildings and improvements thereon, known as 54 Hangdog Lane in the Town of Somers, County of Tolland and State of Connecticut and situated on Rattle Snake Mountain, so-called, and just off Seantic Road, so-called, leading from Hampden to West Stafford, as shown on a map entitled "Property of RONALD C. DAVIS Rattlesnake Mountain Somers, Conn. Megson & Hyypya Civil Engineers Glastonbury, Conn. Scale 1" = 60' Date 3-31-59 Map No. 170-58-1", and more particularly bounded and described as follows:

Beginning at a merestone on ledge at the Southeast corner of the tract herein conveyed, at land of Emerson B. Davis; thence N. 81° 06' 01" W., in line of said Emerson B. Davis' land, four hundred twenty-eight and forty-seven one-hundredths (428.47) feet to a merestone in stone heap; thence N. 9° 30' 25" E., in line of wire and stone fences, and in line of land of Henry T. Cook, seven hundred sixty-six and eighty-nine one-hundredths (766.89) feet to a point; thence continuing in line of land of said Cook, and in line of fences, N 11° 13' 25" E., seven hundred thirty-seven and forty-five one-hundredths (737.45) feet to a point; thence continuing in line of land of said Cook, and in line of fences, 14° 06' 20" E., two hundred one and seventy-six one-hundredths (201.76) feet to a merestone; thence S. 78° 40' 50" E., in line of land of said Cook, nine hundred twenty-six and fifty-five one-hundredths (926.55) feet to a merestone in a stone heap; thence S. 38° 30' 50" W., in line of land of Alan Hartley eight hundred eighty-seven and fifty-four one-hundredths (887.54) feet to a merestone in stone heap; thence N. 46° 29' 20" W., in line of land of said Emerson B. Davis, one hundred fifty-four and seventy-five one-hundredths (154.75) feet to a merestone in a stone pile; thence S. 8° 10' 45" W., in line of land of said Emerson B. Davis, nine hundred eighty-one and eighty-six one-hundredths (981.86) feet to the point and place of beginning.

Said premises are conveyed together with a right of way as set forth in an agreement dated July 21, 1972 and July 15, 1972, and recorded in Volume 68, Page 324 of the Somers Land Records, together with all the right, use and privilege as set forth therein; and whatever rights are set forth in an agreement of April 22, 1960, recorded in the Somers Land Records in Volume 33 at Page 149.

Reference is hereby made to a Warranty Deed from Clinton Laing Davis et al to Daniel R. Roulier, et al dated August 12, 2003 and recorded in Volume 243 at Page 183 of the Somers Land Records.

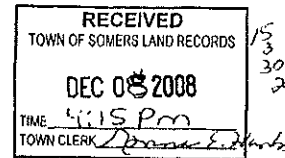
SECOND PIECE:

All that certain piece or parcel of located in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "LAND OF N/F ROULIER FAMILY LIMITED PARTNERSHIP TO BE CONVEYED TO & COMBINED WITH LAND OF N/F DANIEL R. & JANE E. ROULIER AREA = 30,787 S.F., 0.70± A.C." on a map entitled "Lot Line Reconfiguration Plan Prepared For Daniel R. & Jane E. Roulier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES, LLC Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569 FAX: (860) 623-2485 BY LP SCALE 1" = 100' DATE 11-13-08 SHEET 1 of 1 CHECKED JEU NO. 2004-085", which map or plan is on file with the Town Clerk of Somers, to which reference may be had.

Said premise are more particularly bounded and described as follows:

Beginning at a point located in the Northwest corner of the premises herein conveyed, which point is located in the Easterly line of premises designated as "Remaining Land of N/F Roulier Family Limited Partnership"; thence running N 87° 31' 01" E a distance of 40.05 feet to a point located in the Westerly line of land now or formerly of Daniel R. and Jane E. Roulier, which point marks the northeasterly corner of the premises herein conveyed; thence turning and running S 02° 28' 59" E along land now or formerly of Daniel R. and Jane E. Roulier, a distance of 371.93 feet, to a point, which point marks the southeasterly corner of the premises herein conveyed; thence turning and running S 83° 28' 06" W along land now or formerly of Stephen J. and Mary L. Merone, a distance of 67.85 feet, to a point which marks the southwesterly corner of the premises herein conveyed; thence turning and running N 02° 28' 59" W along land shown and designated as "Remaining Land of N/F Roulier Family Limited Partnership", a distance of 93.17 feet; thence turning and running N 10° 48' 49" E, along land shown and designated as "Remaining Land of N/F Roulier Family Limited Partnership", a distance of 294.28 feet, to the point and place of beginning

Reference is hereby made to a Warranty Deed from Roulier Family Limited Partnership to Daniel R. Roulier, et al dated December 5, 2008 and recorded on the Somers Land Records on December 8, 2008.



**Current Vesting Deeds to 50 Hangdog Lane**

STATUTORY FORM QUIT CLAIM DEED

VOL 174 PAGE 679

We, DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, for good and valuable consideration, grant to ROULIER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership having an office in the Town of Somers, County of Tolland and State of Connecticut with QUIT-CLAIM COVENANTS

A certain piece or parcel of land situated in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "Lot 5 Possible Land of Cook By Occupation 149,137.18 sq. ft. 3.42 acres" on a map entitled "Subdivision Plan Cookville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulrier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 8 and 11 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

Said premises are conveyed together with the right to use all streets and roads within said subdivision for all purposes for which highways are ordinarily used until such time as said streets and roads are accepted by the Town of Somers.

Said premises are subject to building, building line and zoning restrictions of the Town of Somers, any and all provisions of any ordinance, state and/or municipal regulations and public or private law and to easements and restrictions as shown on the aforementioned map and as of record appear.

Being the same premises acquired by the Grantor herein by Quit Claim Deed dated August 21, 1996 and recorded in Volume 171 at Page 348 of the Somers Land Records.

CONVEYANCE TAX RECEIVED
State \$ -0- Local \$ -0-
Clara Walker
Town Clerk of Somers

Signed this 2nd day of May, 1997.

RECORDED
May 6 1997
Time 9:40 Recorded in Somers
Land Records Vol Page
By [Signature] Town Clerk

Signed, and delivered in the presence of:

[Signature] Robert F. Peters
[Signature] Mary L. Reardon
Mary L. Reardon

[Signature] DANIEL R. ROULIER
[Signature] JANE E. ROULIER

STATE OF CONNECTICUT:
: ss. Somers
COUNTY OF TOLLAND :

May 2 1997

Personally appeared Daniel R. Roulrier and Jane E. Roulrier, Signers of the foregoing Instrument, and acknowledged the same to be their free act and deed before me.

[Signature]
Robert F. Peters
Commissioner of Superior Court

Grantee's Mailing Address:
65 Scully Rd
Somers, Ct

WARRANTY DEED

VOL. 174 PAGE 680

KNOW YE, THAT We, DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, for good and valuable consideration do give, grant, bargain, sell and confirm unto ROULIER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership having an office in the Town of Somers, County of Tolland and State of Connecticut with WARRANTY COVENANTS

Six (6) certain pieces or parcels of land situated in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as Lot Nos. 5 and 11, Land designated as "N/F Dan Roulrier Not An Approved Building Lot 304,631.86 sq. ft. 6.99 acres", "N/F Dan Roulrier Not An Approved Building Lot 164,004.72 sq. ft. 3.77 acres", "N/F Dan Roulrier Not An Approved Building Lot 536,343.19 sq. ft. 12.31 acres" and "N/F Dan Roulrier Not An Approved Building Lot 252,690.88 sq. ft. 5.80 acres" on a map entitled "Subdivision Plan Cooksville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulrier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 2, 3, 5, 6, 7, 8, 9 and 10 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

Excepting therefrom two (2) certain pieces or parcels of land conveyed to Connecticut Underground Vault, Inc. by Warranty Deed dated January 10, 1997 and recorded in Volume 173 at Page 418 of the Somers Land Records.

Said premises are conveyed together with the right to use all streets and roads within said subdivision for all purposes for which highways are ordinarily used until such time as said streets and roads are accepted by the Town of Somers.

Said premises are subject to building, building line and zoning restrictions of the Town of Somers, any and all provisions of any ordinance, state and/or municipal regulations and public or private law and to easements and restrictions as shown on the aforementioned map and as of record appear.

Said premises are also subject to an Open-End Construction Mortgage in favor of Bank of Western Massachusetts dated August 21, 1996 and recorded in Volume 171 at Page 359, Collateral Assignment of Leases and Rentals in favor of Bank of Western Massachusetts dated August 21, 1996 and recorded in Volume 171 at Page 378 and UCC-1 in favor of Bank of Western Massachusetts dated August 21, 1996 and recorded in Volume 171 at Page 385, all of the Somers Land Records.

Being a portion of the premises conveyed to the Grantors herein by Warranty Deed dated August 21, 1996 and recorded in Volume 171 at Page 341 of the Somers Land Records and Quit Claim Deed dated August 21, 1996 and recorded in Volume 171 at Page 344 of the Somers Land Records.

Signed this 2nd day of May, 1997.

May 06 19 97  
Book 174 recorded in Somers  
Land Records Vol. Page  
By [Signature] Town Clerk

Signed and delivered in the presence of:

[Signature] Robert F. Peters  
[Signature] Mary L. Reardon  
Mary L. Reardon

[Signature] DANIEL R. ROULIER  
[Signature] JANE E. ROULIER

CONVEYANCE TAX RECEIVED  
State \$ 1500.00 Local \$ 330.00  
[Signature] Town Clerk of Somers

STATE OF CONNECTICUT: : ss. Somers  
COUNTY OF TOLLAND :

May 2 1997

Personally appeared Daniel R. Roulrier and Jane E. Roulrier, Signers of the foregoing Instrument, and acknowledged the same to be their free act and deed, before me,

[Signature]  
Robert F. Peters  
Commissioner of Superior Court

Grantee's Mailing Address:  
65 Scully Rd  
Somers, Ct

**Current Vesting Deed to 54 Hangdog Lane**

Raiphon P.C.  
265 State St.  
Springfield, MA 01103

Doc ID: 000875340003 Type: LTD DEED  
BK **347** PG **188-190**

**LIMITED WARRANTY DEED**



JACQUELINE T. SARKIS and GEORGE C. SARKIS, JR., both of 54 Hangdog Lane, Somers, Tolland County, Connecticut (hereafter collectively referred to as the "Grantor") in consideration of the sum of One Million Four Hundred Thousand Dollars (\$1,400,000.00) received to its full satisfaction of Hangdog Lane, LLC a Connecticut limited liability company with a usual place of business at 129 Bay Avenue, Greenport, NY (hereafter referred to as the "Grantee") hereby gives, grants, bargains, sells and conveys unto the said Grantee, all that certain piece or parcel of land known as 54 Hangdog Lane, Somers, Tolland County, Connecticut and more particularly described in Exhibit "A" attached hereto.

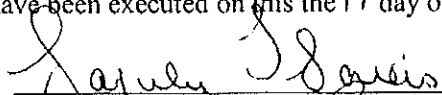

TO HAVE AND TO HOLD the premises hereby conveyed, with the appurtenances thereof, unto Grantee, its heirs and assigns forever, to his and their own proper use and behoof.

AND ALSO, Grantor, for itself, its heirs, successors and assigns, does hereby covenant with Grantee, its heirs, successors and assigns, that Grantor has not done or suffered anything whereby the premises have been encumbered, except as may be set forth herein.

AND FURTHERMORE, Grantor, his heirs, successors and assigns, does hereby covenant with Grantee, his heirs, successors and assigns, to warrant and defend the premises hereby conveyed to the Grantee, their heirs, successors and assigns, against the claims and demands of any and all persons claiming by, through or under the Grantor, but against no others.

IN WITNESS WHEREOF, these presents have been executed on this the 19 day of April, 2018.

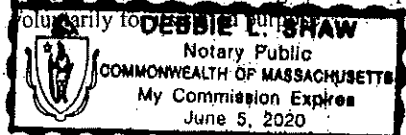
  
\_\_\_\_\_  
Witness  
  
\_\_\_\_\_  
Witness

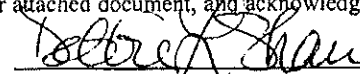
  
\_\_\_\_\_  
Jacqueline T. Sarkis  
  
\_\_\_\_\_  
George C. Sarkis, Jr.

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

On this 19 day of April, 2018, before me, the undersigned notary public, personally appeared, Jacqueline T. Sarkis, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that she signed it

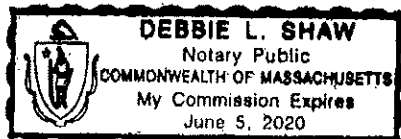


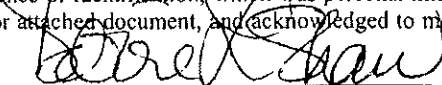
  
\_\_\_\_\_  
Debbie L. Shaw, Notary Public  
My Commission Expires: June 5, 2020

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

On this 19 day of April, 2018, before me, the undersigned notary public, personally appeared, George C. Sarkis, Jr., proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.



  
\_\_\_\_\_  
Debbie L. Shaw, Notary Public  
My Commission Expires: June 5, 2020

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL ONE:**

A certain piece or parcel of land with the buildings and improvements thereon, known as 54 Hangdog Lane in the Town of Somers, County of Tolland and State of Connecticut and situated on Rattle Snake Mountain, so-called, and just off Scantic Road, so-called, leading from Hampden to West Stafford, as shown on a map entitled "Property of RONALD C. DAVIS Rattlesnake Mountain Somers, Conn. Megson & Hyyppa Civil Engineers Glastonbury, Conn. Scale 1" = 60' Date 3-31-59 Map No. 170-58-1", and more Particularly bounded and described as follows:

Beginning at a merestone on ledge at the Southeast corner of the tract herein conveyed at land of Emerson B. Davis; thence

- |                 |   |
|-----------------|---|
| N 81° 06' 01" W | in line of said Emerson B. Davis' land, four hundred twenty-eight and forty-seven one-hundredths (428.47) feet to a merestone in stone heap; thence   |
| N 9° 30' 25" E  | in line of wire and stone fences and n line of land of Henry T. Cook, seven hundred sixty-six and eighty-nine one-hundredths (766.89) feet to a point; thence continuing in line of land of said Cook, and in line of fences; |
| N 11° 13' 25" E | seven hundred thirty-seven and forty-five one-hundredths (737.45) feet to a point; thence continuing in line of land of said Cook, and in line of fences;   |
| 14° 06' 20" E   | two hundred one and seventy-six one-hundredths (201.76) feet to a merestone; thence   |
| S 78° 40' 50" E | in line of land of said Cook, nine hundred twenty-six and fifty-five one-hundredths (926.55) feet to a merestone in a stone heap; thence  |
| S 38° 30' 50" W | in line of land of Alan Hartley, eight hundred eighty-seven and fifty four one hundredths (887.54) feet to a merestone in stone heap; thence  |
| N 46° 29' 20" W | in line of land of said Emerson B. Davis, one hundred fifty-four and seventy-five one-hundredths (154.75) feet to a merestone in a stone pile; thence   |
| S 8° 10' 45" W  | in line of land of said Emerson B. Davis, nine hundred eighty-one and eighty-six one-hundredths (981.86) feet to the point and place of beginning.  |

Said premises are conveyed together with a right of way as set forth in an agreement dated July 21, 1972 and July 15, 1972, and recorded in Volume 68, Page 324, of the Somers Land Records, together with all the right, use and privilege as set forth therein; and



whatever rights are set forth in an agreement of April 22, 1960, recorded in the Somers Land Records in Volume 33 at Page 149.

**SECOND PARCEL:**

All that certain piece or parcel of land located in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "LAND OF *N/F* ROULIER FAMILY LIMITED PARTNERSHIP TO BE CONVEYED TO & COMPINED WITH LAND N/F OF DANIEL R. & JANE E. ROULIER AREAS = 30,787 S.F., 0.70± A.C." on a map entitled "Lot Line Reconfiguration Plan Prepared for Daniel R. & Jane E. Roulrier 54 Hangdog Lane Somers, Connecticut J.R. .RUSSO & ASSOCIATES, LLC Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569, FAX: (860) 623-2485 BY LF SCALE 1"= 100' DATE 11-13-08 SHEET 1 OF 1 CHECKED JEU NO. 2004-085", which map or plan is on file with the Town Clerk of Somers, to which reference may be had.

Said premises are more particularly bounded and described as follows:

Beginning at a point located in the Northwest corner of the premises herein conveyed, which point is located in the Easterly line of premises designated as "Remaining Land of N/F Roulrier Family Limited Partnership"; thence running

- N 87° 31' 01" E a distance of 40.05 feet to a point located in the Westerly line of land now or formerly of Daniel R. and Jane E. Roulrier, which point marks the northeasterly corner of the premises herein conveyed; thence turning and running
- S 02° 28' 59" E along land now or formerly of Daniel R. and Jane E. Roulrier, a distance of 371.93 feet, to a point, which point marks the southeasterly corner of the premises herein conveyed; thence turning and running
- S 83° 28' 06" W along land now or formerly of Stephen J. and Mary L. Merone, a distance of 67.85 feet, to a point which marks the southwesterly corner of the premises herein conveyed; thence turning and running
- N 02° 28' 59" W along land shown and designated as "Remaining Land of N/F Roulrier Family Limited Partnership", a distance of 93.17 feet; thence turning and running
- N 10° 48' 49" E along land shown and designated as "Remaining Land of N/F Roulrier Family Limited Partnership", a distance of 294.28 feet, to the point and place of beginning.

Being the same premises conveyed to Jacqueline T. Sarkis and George C. Sarkis, Jr. by deed of The Living Stone, LLC, recorded herewith in the Land Records of the Town of Somers, Tolland County, Connecticut at Book 346, Page 284-286.

Received for Record at Somers, CT  
On 04/19/2018 At 4:20:28 pm

**Copies of Easements, etc.**

VOL 0249 PAGE 0040

WARRANTY DEED OF EASEMENT  
(Statutory)

KNOW ALL MEN BY THESE PRESENTS, THAT, It, ROULIER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership having an office in the Town of Somers, County of Tolland and State of Connecticut, acting herein by Daniel R. Roulier, its General Partner, for the consideration of ONE THOUSAND and no/one-hundredths (\$1,000.00) DOLLARS received to its full satisfaction, does give, grant, bargain, sell and confirm unto DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, their successors and assigns forever, with WARRANTY COVENANTS

A permanent easement and right of way over, under and upon that certain piece or parcel of land shown and designated as "Prop. 40' Access & Utility Easement in favor of Dan & Jane Roulier" on a map entitled "Plot Plan Prepared For Dan & Jane Roulier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569 FAX: (860) 623-2485 BY LF SCALE 1" = 100' DATE 11-22-04 SHEET 1 of 1 CHECKED JRR NO. 2004-085 Rev. 12-27-04 Revised Easement", which map is on file in the Town Clerk's office of the said Town of Somers.

The easement area shall be used for ingress and egress (by foot, vehicle or otherwise) and for installation of utilities, and for any other reason consistent with the purpose of this grant, including but not limited to any maintenance or repair thereto. The Grantee shall be entitled to install a paved driveway within the easement area.

IN WITNESS WHEREOF, the Roulier Family Limited Partnership has caused to be set its hand and seal this 8th day of April, 2005.

Signed, and delivered in the presence of:

ROULIER FAMILY LIMITED PARTNERSHIP

Robert F. Peters  
Robert F. Peters

By Daniel R. Roulier  
Daniel R. Roulier  
Its General Partner

Mary L. Reardon  
Mary L. Reardon

STATE OF CONNECTICUT:

ss. Somers

April 8, 2005

COUNTY OF TOLLAND :

Personally appeared DANIEL R. ROULIER, General Partner of Roulier Family Limited Partnership, Signer and Sealer of the foregoing instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said Partnership, before me.

Robert F. Peters  
Robert F. Peters  
Commissioner of the Superior Court

Grantee's Address  
65 Scully Road  
Somers, CT 06071

Conveyance Tax Received  
State \$ 0 Local 0  
250.00  
Town Clerk of Somers

RECEIVED  
TOWN OF SOMERS LAND RECORDS  
APR 14 2005  
TIME 10:21 AM  
TOWN CLERK 250.00

10/3/0

**WARRANTY DEED OF EASEMENT**  
(Statutory)

**KNOW ALL MEN BY THESE PRESENTS, THAT,** It, ROULIER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership having an office in the Town of Somers, County of Tolland and State of Connecticut, acting herein by Daniel R. Roulier, its General Partner, for no consideration, does give, grant, bargain, sell and confirm unto DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, their successors and assigns forever, with **WARRANTY COVENANTS**

A permanent easement and right of way over, under and upon that certain piece or parcel of land shown and designated as "LAND TO BE CONVEYED TO AND COMBINED WITH N/F ROULIER FAMILY TRUST AREA = 1,660 S.F." on a map entitled "Lot Line Reconfiguration Plan Prepared For Dan & Jane Roulier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 BY LF SCALE 1" = 40' DATE 2-3-06 SHEET 1 of 1 CHECKED JRR NO. 2004-085 REV. 2-14-06 SIGNATURE BLOCK ADDED", which map is on file with the Town Clerk of Somers, to which reference may be had.

The easement area shall be used for ingress and egress (by foot, vehicle or otherwise) and for installation of utilities, and for any other reason consistent with the purpose of this grant, including but not limited to any maintenance or repair thereto. The Grantee shall be entitled to install a paved driveway within the easement area.

The intent of this document is to extend the easement referred to in Volume 249 at Page 40 of the Somers Land Records to the land set forth herein.

IN WITNESS WHEREOF, the Roulier Family Limited Partnership has caused to be set its hand and seal this 15<sup>th</sup> day of March, 2006.

Signed, and delivered in the presence of:

ROULIER FAMILY LIMITED PARTNERSHIP

Mary L. Reardon  
Mary L. Reardon

By Daniel R. Roulier  
Daniel R. Roulier  
Its General Partner

Shane F. Wilczak  
Shane F. Wilczak

Conveyance Tax Received  
State \$ 0 Local \$ 0  
[Signature]  
Town Clerk of Somers

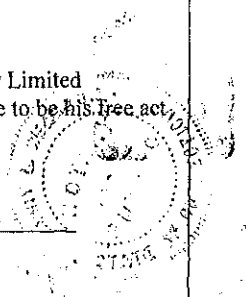
STATE OF CONNECTICUT: :  
: ss. Somers March 15, 2006  
COUNTY OF TOLLAND :

Personally appeared DANIEL R. ROULIER, General Partner of Roulier Family Limited Partnership, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said Partnership, before me.

[Signature]  
Notary Public  
Commissioner of the Superior Court  
APR 06 2006 12:27 P  
Grantee's Address  
11 South Road  
Somers, CT 06071

10  
3  
30

Mary L. Reardon  
MARY L. REARDON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 8-30-08



BOOK 260 PAGE 954

**WARRANTY DEED OF EASEMENT**  
(Statutory)

KNOW ALL MEN BY THESE PRESENTS, THAT, It, ROULIER FAMILY LIMITED PARTNERSHIP, a Connecticut Limited Partnership having an office in the Town of Somers, County of Tolland and State of Connecticut, acting herein by Daniel R. Roulier, its General Partner, for one dollar and other valuable consideration, does give, grant, bargain, sell and confirm unto DANIEL R. ROULIER and JANE E. ROULIER, both of the Town of Somers, County of Tolland and State of Connecticut, their successors and assigns forever, with **WARRANTY COVENANTS**

A septic system easement, under and upon that certain piece or parcel of land shown and designated as "Proposed Septic System Easement in Favor of Dan & Jane Roulier (hereinafter referred to "Easement Area") on a map entitled "As-Built Plan Prepared For Dan & Jane Roulier 54 Hangdog Lane Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shohan Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 12-27-04 Rev. 6-27-05 Test Pits Added 1-30-06 Driveway & Sheet Added Sheet 1 of 2 No. 2004-085", which map is on file with the Town Clerk of Somers, to which reference may be had.

The easement area shall be used for the installation of a septic system, or a portion thereof, to serve premises known as 54 Hangdog Lane, which use shall include the right to maintain a septic tank and/or leaching fields in the Easement Area. The Grantees shall have the right to enter the Easement Area at any time for the purpose of constructing, servicing, repairing or replacing said septic system.

IN WITNESS WHEREOF, the Roulier Family Limited Partnership has caused to be set its hand and seal this 6<sup>th</sup> day of June, 2006.

Signed, and delivered in the presence of:

ROULIER FAMILY LIMITED PARTNERSHIP

*Robert F. Retorn*  
Robert F. Retorn

By *Daniel R. Roulier*  
Daniel R. Roulier  
Its General Partner

*Joanne M. Castonguay*  
Joanne M. Castonguay

STATE OF CONNECTICUT:

ss. Somers

June 6, 2006

COUNTY OF TOLLAND :

Personally appeared DANIEL R. ROULIER, General Partner of Roulier Family Limited Partnership, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be his free act and deed, and the free act and deed of said Partnership, before me.

*Robert F. Retorn*  
Notary Public Robert F. Retorn  
Commissioner of the Superior Court

Conveyance Tax Received  
State \$ 0 Local \$ 0  
*Janet*  
Town Clerk of Somers

Grantee's Address  
11 South Road  
Somers, CT 06071

10  
30  
3  
2  
RECEIVED  
TOWN CLERK OF SOMERS  
JUN 07 2006  
10:58 AM  
*[Signature]*

YOL 0 2 8 2 PAGE 0 0 0 1

**MUTUAL DRIVEWAY MAINTENANCE AGREEMENT**

This Agreement made this 8th day of December, 2008, by and between the ROULIER FAMILY LIMITED PARTNERSHIP and NELSON ROUETTE and SANDRA J. CALVO-ROUETTE, all of the Town of Somers, County of Tolland and State of Connecticut.

WHEREAS, the Roulrier Limited Family Partnership owns property on Hangdog Lane, Somers Connecticut and Nelson Rouette and Sandra J. Calvo-Rouette own property at 54 Hangdog Lane Somers, Connecticut and recognize that the mutual driveway servicing these properties shall be used for the benefit of the owners of said properties; and

WHEREAS, the parties wish to set forth their respective rights and obligations with respect to said mutual driveway.

THEREFORE, in consideration of their mutual promises, the parties agree as follows:

1. The parties shall equally share all expenses for the maintenance, repair, plowing, etc., of that portion of the access easement shown and designated as "Portion of Access Easement to be Equally Maintained by N/F Roulrier Family Limited Partnership and N/F Nelson Rouette and Sandra J. Calvo-Rouette their successors and assigns" on a map entitled, entitled "Lot Line Reconfiguration Plan Prepared For Daniel R. & Jane E. Roulrier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES, LLC Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569 FAX: (860) 623-2485 BY LF SCALE 1" = 100' DATE 11-13-08 SHEET 1 of 1 CHECKED JEU NO. 2004-085 REV 12-4-08 MAINTENANCE EASEMENT ADDED", which map or plan is on file with the Town Clerk of Somers, to which reference may be had.
2. The Rouettes, at their sole cost and expense, shall be responsible for the maintenance, repair, plowing etc., of the remainder of the access easement as shown and designated as "Portion of Access Easement to be maintained by N/F Nelson Rouette and Sandra J. Calvo-Rouette" on a map entitled "Lot Line Reconfiguration Plan Prepared For Daniel R. & Jane E. Roulrier 54 Hangdog Lane Somers, Connecticut J.R. RUSSO & ASSOCIATES, LLC Land Surveyors & Professional Engineers 1 SHOHAM ROAD EAST WINDSOR, CONNECTICUT 06088 (860) 623-0569 FAX: (860) 623-2485 BY LF SCALE 1" = 100' DATE 11-13-08 SHEET 1 of 1 CHECKED JEU NO. 2004-085 REV 12-4-08 MAINTENANCE EASEMENT ADDED", which map or plan is on file with the Town Clerk of Somers, to which reference may be had.
3. No parties' use of the access easement shall interfere with the other's use.
4. This agreement shall be recorded and will run with the land and will bind the parties and their respective, successors, heirs and assigns.

YOL 0 2 8 2 PAGE 0 0 0 2

IN WITNESS WHEREOF, the parties have hereunto set their hands this 8th day of December, 2008.

Signed and delivered in the presence of:

Mary L. Reardon  
Maria Alexander

ROULIER FAMILY LIMITED PARTNERSHIP

By Amie Lynn Benedict  
Amie Lynn Benedict

\_\_\_\_\_

\_\_\_\_\_  
NELSON ROUETTE

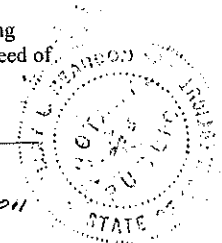
\_\_\_\_\_

\_\_\_\_\_  
SANDRA J. CALVO-ROUETTE

STATE OF CONNECTICUT :  
: ss. Somers December 8, 2008  
COUNTY OF TOLLAND :

Personally appeared AMIE LYNN BENEDICT, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her free act and deed and the free act and deed of ROULIER FAMILY LIMITED PARTNERSHIP, before me.

Mary L. Reardon  
Notary Public Mary L. Reardon  
Commissioner of the Superior Court  
My Commission Expires 7/30/2011



COMMONWEALTH OF MASSACHUSETTS: : ss Springfield December , 2008  
COUNTY OF HAMPDEN :

Personally appeared NELSON ROUETTE and SANDRA J. CALVO-ROUETTE, Signers and Sealers of the foregoing instrument and acknowledged the same to be their free act and deed, before me.

\_\_\_\_\_  
Notary Public

VOL 0282 PAGE 0003

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_\_ day of December, 2008.

Signed and delivered  
in the presence of:

ROULIER FAMILY LIMITED  
PARTNERSHIP

By \_\_\_\_\_  
Amie Lynn Benedict

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
NELSON ROUETTE  
  
\_\_\_\_\_  
SANDRA J. CALVO-ROUETTE

STATE OF CONNECTICUT :  
: ss. Somers December , 2008  
COUNTY OF TOLLAND :

Personally appeared AMIE LYNN BENEDICT, Signer and Sealer of the foregoing Instrument, and acknowledged the same to be her free act and deed and the free act and deed of ROULIER FAMILY LIMITED PARTNERSHIP, before me.


\_\_\_\_\_  
Notary Public  
Commissioner of the Superior Court

COMMONWEALTH OF MASSACHUSETTS:  
: ss Springfield December 8, 2008  
COUNTY OF HAMPDEN :

Personally appeared NELSON ROUETTE and SANDRA J. CALVO-ROUETTE, Signers and Sealers of the foregoing instrument and acknowledged the same to be their free act and deed, before me.

\_\_\_\_\_  
Notary Public

RECEIVED  
TOWN OF SOMERS LAND RECORDS  
DEC 09 2008  
TIME 9:16 AM  
TOWN CLERK \_\_\_\_\_

 DONNA L. WEXLER  
Notary Public  
Commonwealth of Massachusetts  
Registration Expires  
November 27, 2009





Doc ID: 000555160001 Type: ENCROACH

BK 315 PG 105

**NOTICE UNDER THE PROVISIONS OF CONNECTICUT  
GENERAL STATUTES SECTIONS 47-38, 47-39, 47-40**

To : Nelson R. Rouette and Sandra J. Calvo-Rouette, owners of property known as 54 Hangdog Lane Somers, Connecticut. (See Town of Somers Land Records Volume 281 Page 1053).

The, undersigned, being the owner of property known as 16 Hangdog Lane Somers, Connecticut (See Town of Somers Land Records Volume 254 Page 748), hereby advises you that a driveway starting at Cooksville Road near my southerly boundary line on land owned by Jose M. Rodriguez and Cynthia J. Huschka-Rodriguez, travels in a general easterly direction for the first 100 ± feet parallel to my southerly boundary line. Thereafter the driveway turns onto my property and continues in an easterly direction on my property for the remaining 400 ± feet until it reaches the westerly line of your property, which abuts my property to the east. This encroachment is shown on a map entitled "Construction Plot Plan Lot 42A Cooksville Road in Somers Connecticut Plot Plan November 9, 2012 Prepared for Nelson Rouette 54 Hangdog Lane Somers, Connecticut BSC Group 180 Glastonbury Boulevard Suite 103 Glastonbury, Connecticut 06033 860 652 8227 Scale: 1"=40' File: P:\prj\8352200\Civil\Drawings DWG. No: CPP Job No: 83522.0 Sheet 2 of 3".

The purpose of this formal notice is to prevent you or anyone claiming under you from the acquisition of any rights in or to my said property by the continued use of that portion of the driveway which is on my property in accordance with the provisions of the Connecticut General Statutes cited above.

Signed ~~January~~ <sup>February 12,</sup> 2013

\_\_\_\_\_  
Joseph H. Parks  
  
\_\_\_\_\_  
Sarah A. Soman

\_\_\_\_\_  
Lori E. Circeo

STATE OF CONNECTICUT )  
 ) ss. SOMERS  
COUNTY OF TOLLAND )

The foregoing instrument was acknowledged before me on February 12, 2013 by  
Lori E. Circeo.

ATTEST:  
  
\_\_\_\_\_  
SHARON DILLMAN  
STATE MARSHALL  
TOLLAND COUNTY

\_\_\_\_\_  
Commissioner of the Superior Court  
Joseph H. Parks

Received for Record at Somers, CT  
On 02/13/2013 At 1:22:53 pm

\_\_\_\_\_  
Ann Marie Logan, Town Clerk

Doc ID: 000895570001 Type: LIEN OPN  
BK **351** PG **660**

Assessor  
Town of Somers  
600 Main Street  
Somers, Connecticut 06071

Certificate continuing **PA-490 Open Space classification** lien for not more than ten years

The Assessor of the Town of Somers, in the County of Tolland, State of Connecticut, hereby continues for a period of not more than ten years from the date such land is so classified, an open space lien in favor of said Town of Somers, Connecticut which said real estate is described as follows:

Name of Owner(s): **Hangdog Lane, LLC**

Property location: **54 Hangdog Lane**

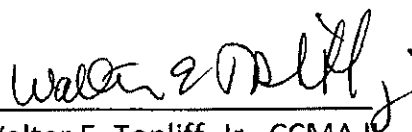
Volume: **347** Page: **188** Date: **04/19/2018**

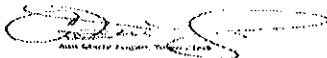
Number of designated acres: **19.0**

The lien continued by this certificate is to secure payment of a conveyance tax in accordance with Section 12-504A to Section 12-504H, inclusive pursuant to Section 12-107C, Section 12-107D, Section 12-107E, due to said Town of Somers, Connecticut of which tax becomes due on date of sale, transfer or change of use, according to State of Connecticut Statutes regarding open space, farmland or forest land.

This certificate is filed in accordance with the provisions of the applicable law.

Dated at Somers, Connecticut, this 1<sup>st</sup> day of October, 2018.

  
Walter E. Topliff, Jr. CCMA II  
Assessor



see V171 Pg 41

VOL 171 PAGE 351

**DECLARATION OF RESTRICTIONS AND COVENANTS**

WHEREAS, DANIEL R. ROULIER and JANE E. ROULIER, both of Somers, Connecticut, (hereinafter referred to as "Grantor"), is the owner of those certain lots or parcels of land situated in the Town of Somers, County of Tolland, of the State of Connecticut, more particularly bounded and described on SCHEDULE A attached hereto and made a part hereof ("Premises");

WHEREAS, Grantor intends to create a village type community on the Premises consisting of a farm like atmosphere whereby the natural conditions and habitat of the Premises will be preserved and maintained and specific measures and controls will be employed to conserve and protect wildlife, plants, trees and natural growth. In furtherance of this objective, Lot Owners will be restricted from removal of dead trees, encouraged to maintain natural buffers along boundary lines, preserve native vegetative cover and provide natural landscaping that wildlife populations rely on for forage, water, cover, travel corridors, breeding and nesting sites. In addition, a portion of the Premises currently consisting of open space will be used for limited agricultural purposes and farming activities such as growing vegetables and grazing cows and horses.

WHEREAS, Grantor is about to sell lots from the Premises and desires to subject said property to certain restrictions or covenants between themselves and the Grantees, their heirs and assigns, of said lots and parcels of land as hereinafter set forth for the benefit of said Grantees, their heirs and assigns, and all of said lots and/or parcels of land in order to achieve the above objectives;

WHEREAS, it is the desire and intention of the Grantor to impose on said property mutual beneficial restrictions under a general scheme of improvements for the benefit of each and all of the separate lots in accordance to accomplish the above;

NOW, THEREFORE, the said Grantor hereby declares that all property described above is held and shall be held, conveyed, or encumbered, leased, rented, used, occupied, and improved subject to the following limitations, conditions, covenants, and restrictions, all of which are declared and agreed to be in furtherance of the plan for the subdivision described above, improvement and sale of protecting the value, desirability, and attractiveness of the land and every part thereof. All limitations, restrictions, conditions, and covenants shall run with the land and shall be binding on all parties having or acquiring

VOL 171 PAGE 352

any right, title or interest in the above-described land or any part thereof, and shall be for the benefit of each owner of any portion of said real property or any interest therein, and shall inure to the benefit of and be binding upon each successor in interest of the owners thereof.

Said limitations, restrictions, covenants and conditions are as follows:

1. In order to accomplish the goals and objectives set forth above, it is agreed and understood that Dan Roulier & Associates, Inc., its successors and assigns, shall be the sole and exclusive builder of the dwelling and improvements to be constructed on the Premises.

2. The lots in the subdivision are for single-family, residential dwelling purposes only.

3. All houses must contain a minimum of one thousand eight hundred (1,800) square feet of living space, not including cellars, attics, decks, porches, patios, breezeways, garages or outbuildings. Furthermore, each house must have a two (2) car garage. House plans must be presented to the Grantor for review showing the calculation of total countable floor space.

4. All plans and specifications for the construction of private roads and driveways and all building plans for any building, fence, corral, wall, or structure to be erected upon any lot, and the proposed location thereof upon any lot, and any changes after approval thereof, for any exterior painting, remodeling, reconstruction, alteration, or addition to any building, lot, driveway, or other structure upon any lot in the Subdivision shall require the prior written approval of the Grantor, their heirs and assigns. The driveway shall be chip sealed with natural pea stone to resemble a farm road. Before beginning the construction or remodeling of any improvements whatsoever, the lot owner shall submit to the Grantor two complete sets of building plans and specifications. Approval of such plans and specifications shall be in the sole discretion of the Grantor and be evidenced by written endorsements on said plans and specifications, a copy of which shall be delivered to the owner of the lot upon which the prospective building, road, driveway, or other structure is contemplated prior to the beginning of such construction. No material changes or deviations in or from such plans and specifications as approved shall be made without the prior written consent of the Grantor.

5. The Owners of Lot Nos. 8, 9, 14, 15, 16 and 17 shall install a picket fence along the frontage of each lot, the design and exact location of the fence being subject to the written approval of the

Grantor. Notwithstanding the aforementioned, Lot No. 9 shall not be required to install this fence along its boundary on Lovers Lane.

6. All exterior work, including the siding, painting, staining, or shingling of any building erected on any lot, as well as final landscaping, shall be completed within one (1) year from the issuance of a certificate of occupancy.

7. No structure of a temporary character, trailer, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently.

8. The exterior color of any building and/or structure shall be approved in writing by the Grantor.

9. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No gravel, loam, compost, leaves, fertilizers or other mineral waste products or commodity shall be piled or stored within twenty (20) feet of lines of adjoining properties.

10. No boats, trailers, campers, commercial vehicles, mobile homes, unregistered vehicles or anything more than a 3/4 ton truck shall be stored on a lot unless within a garage or completely removed from sight from the street or from adjoining property owners' view.

11. No permanent clothes lines shall be erected outside on any lots or attached to any building so that they are visible from public areas or from neighboring properties. No outdoor clothes drying shall be allowed except in the rear yard and shall be screened in an attractive manner so as to not be visible from public areas or from neighboring properties.

12. There shall not be any Satellite TV disks on any lot within the Subdivision that is visible to either the public or from a neighboring lot. Specifically prohibited are disks that are attached to the roof of any structure, and disks that are separate free-standing poles or other ground mounted structures.

13. No exterior solar panels shall be allowed within the subdivision.

14. No wall, screen, or fence shall be constructed on any lot without the written approval of the Grantor, their heirs and assigns.

15. All tree removal or additional clearing of the lot subsequent to the construction of the residence shall be approved in writing by the Grantor.

16. No lot or buildings which may be erected thereon shall be used for any trade, business, professional, commercial activity or other occupation whether for profit or not, except in accordance with the Zoning Regulations of the Town of Somers. No temporary or permanent commercial signs shall be allowed on the property. Nothing herein shall be construed so as to prohibit the owner of a residence from renting said property for residential use.

17. No above ground swimming pools are permitted on any lot within the Subdivision.

18. The buildings and grounds of said premises, including the lawns and shrubbery shall be, at all times, maintained in a good, neat, presentable and attractive condition, and there shall be no accumulation or machinery, tires, lumber, logs, or junk of any nature on the premises.

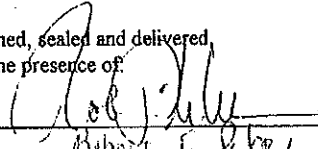
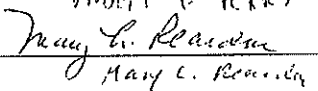
19. These covenants are to run with the land and shall be binding upon the said Grantor, its successors and assigns, and all persons claiming under it, until December 31, 2025, at which time said covenants shall be automatically extended for successive periods of twenty-five (25) years unless by a vote of all of the then owners of lots within the property agree to change said covenants in whole or part.

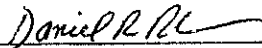
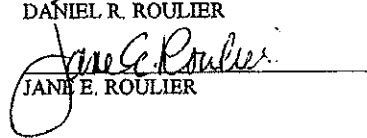
20. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages, and each person as fee owner of said lots is specifically given the right to enforce these covenants by injunction or other lawful procedure, and to recover any damages resulting from any violation.

21. Invalidation of any one of these covenants or restrictions by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, this Declaration of Restrictions and Covenants has been duly executed this 21<sup>st</sup> day of August, 1996.

Signed, sealed and delivered,  
in the presence of:

  
\_\_\_\_\_  
Robert E. Roulier  
  
\_\_\_\_\_  
Mary E. Roulier

  
\_\_\_\_\_  
DANIEL R. ROULIER  
  
\_\_\_\_\_  
JANE E. ROULIER

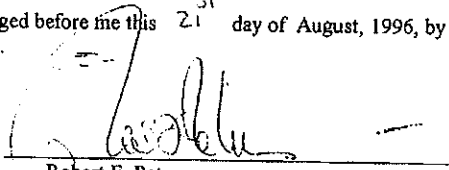
VOL 171 PAGE 355

STATE OF CONNECTICUT:

: ss. Somers  
COUNTY OF TOLLAND :

August 21, 1996

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of August, 1996, by DANIEL R. ROULIER and JANE E. ROULIER.



Robert F. Peters  
Commissioner of the Superior Court

SCHEDULE A

A certain piece or parcel of land situated on Cook Road and the Northerly side of Stafford Road in the Town of Somers, County of Tolland and State of Connecticut, bounded and described as follows:

Commencing at an iron pin to be set in the northeasterly street line of Cook Road as presently existing which point marks the southern most point of the herein described parcel;

Thence running along the arc of a curve to the left having a radius of 250.00 feet along the northerly street line of Stafford Road, a distance of 29.65 feet to a point;

Thence running N 65° 00' 30" W a distance of 529.20 feet to a point;

Thence turning and running along the arc of a curve to the left having a radius of 245.00 feet, a distance of 245.76 feet to a point; the last two (2) courses running along the northerly street line of Stafford Road;

Thence turning and running N 18° 18' 55" W a distance of 516.99 feet to a point;

Thence turning and running S 81° 20' 02" W a distance of 807.90 feet to a point;

Thence turning and running S 78° 33' 08" W a distance of 298.35 feet to a point, the last three (3) courses running along land now or formerly of Crapser;

Thence turning and running N 02° 56' 09" E a distance of 801.89 feet to a point;

Thence turning and running N 06° 47' 56" E a distance of 146.64 feet to a point;

Thence turning and running N 74° 36' 47" W a distance of 122.52 feet to a point;

Thence turning and running N 50° 55' 14" W a distance of 269.10 feet to a point;

Thence turning and running N 59° 33' 34" W a distance of 88.55 feet to a point;

Thence turning and running N 63° 47' 21" W a distance of 102.00 feet to a point situated in the easterly street line of Old Hampden Road, the last six (6) courses running along land now or formerly of Reinhold;

Thence turning and running N 17° 34' 03" E along the easterly street line of Old Hampden Road a distance of 178.48 feet to a point;

Thence turning and running N 74° 41' 03" E a distance of 590.21 feet to a point;

Thence turning and running N 76° 34' 56" E a distance of 138.32 feet to a point;

Thence turning and running N 78° 53' 18" E a distance of 53.84 feet to a point;



VOL 171 PAGE 357

Thence turning and running N 82° 01' 46" E a distance 406.81 feet to a point situated on the southerly boundary of the Commonwealth of Massachusetts, the last five (5) courses running along land now or formerly of Morton;

Thence turning and running S 88° 39' 11" E along land now or formerly of Morton which course is the southerly boundary line of the Commonwealth of Massachusetts, a distance of 1,410.06 feet to a point;

Thence turning and running S 00° 23' 56" W along land designated as "Lot 5 Possible Land of Cook By Occupation" a distance of 151.18 feet to a point;

Thence turning and running S 00° 23' 56" W a distance of 201.76 feet to a point;

Thence turning and running S 02° 28' 59" E a distance of 737.45 feet to a point;

Thence turning and running S 04° 11' 59" E a distance of 766.89 feet to a point, the last three (3) courses running along land now or formerly of Davis & Alden;

Thence turning and running S 85° 11' 26" W a distance of 504.28 feet to a point located in the easterly street line of Cook Road;

Thence turning and running S 40° 57' 41" E a distance of 175.00 feet to a point, the last two (2) courses running along land now or formerly of Schilling;

Thence running S 40° 57' 41" E along land now or formerly of Ferreira a distance of 175.00 feet to a point;

Thence turning and running S 75° 28' 14" W a distance of 5.11 feet to a point located in the northerly street line of Cook Road, said point being the point and place of beginning.

Excepting therefrom that certain piece or parcel of land known as Cook Road as it now exists and owned by the Town of Somers.

The aforementioned parcel includes Lot Nos. 1, 2, 3, 4, 5 (375,912.45 sq. ft. 8.63 acres), 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, Land designated as "N/F Dan Roulier Not An Approved Building Lot 304,631.86 sq. ft. 6.99 acres", "N/F Dan Roulier Not An Approved Building Lot 164,004.72 sq. ft. 3.77 acres" "N/F Dan Roulier Not An Approved Building Lot 536,343.19 sq. ft. 12.31 acres" "N/F Dan Roulier Not An Approved Building Lot 252,690.88 sq. ft. 5.80 acres", the road designated as Hangdog Lane (East), Hangdog Lane (West), Cook Road extending from the limit of abandonment running westerly to its intersection with Lovers Lane and Lovers Lane on a map entitled "Subdivision Plan Cooksville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

VOL 171 PAGE 358

**SCHEDULE A**  
**(Description)**

A certain piece or parcel of land situated in the Town of Somers, County of Tolland and State of Connecticut, shown and designated as "Lot 5 Possible Land of Cook By Occupation 149,137.18 sq. ft. 3.42 acres" on a map entitled "Subdivision Plan Cooksville @ Indian Rock Property Owner Priscilla A. Douty & June Alice Curtis Developer Dan Roulier & Associates 11 South Road, Somers, Connecticut J. R. Russo & Associates Land Surveyors & Professional Engineers 1 Shoham Road East Windsor, Connecticut 06088 Scale 1" = 100' Date 4-15-96 Sheet 1, 8 and 11 of 39 last revision 8-12-96" which map is on file with the Town Clerk of Somers and to which reference may be had for a more particular description.

RECEIVED FOR RECORD

*August 21, 1996*

Time *2:54 pm* Recorded in Somers

Land Records Vol. \_\_\_\_\_ Page \_\_\_\_\_

By *Charles Wall*

Town Clerk

45

VOL 175 PAGE 041

**AMENDMENT TO DECLARATION OF  
RESTRICTIONS AND COVENANTS**

This Amendment executed this 2<sup>nd</sup> day of June, 1997 by Daniel R. Roulier and June E. Roulier ("Roulier") of the Town of Somers, County of Tolland and State of Connecticut.

**WITNESSETH**

**WHEREAS**, Roulier executed a Declaration of Restrictions and Covenants ("Declaration") on August 21, 1996, which Declaration is recorded in Volume 171 at Page 351 of the Somers Land Records;

**WHEREAS**, paragraph 5 of the Declaration contains an error in that Lot No. 14 was inadvertently included in this paragraph;

**WHEREAS**, Roulier desires to correct this error by deleting Lot No. 14 from paragraph 5;

**NOW, THEREFORE**, in consideration of the above premises it is agreed as follows:

1. Paragraph 5 is deleted from the Declaration and the following is substituted in lieu thereof:

The owners of Lot No. 8, 9, 15, 16 and 17 shall install a picket fence along the frontage of each lot, the design and exact location of the fence being subject to the written approval of the Grantor. Notwithstanding the aforementioned, Lot No. 9 shall not be required to install this fence along its boundary on Lovers Lane.

2. The purpose of this Agreement is to correct the inadvertent inclusion of Lot No. 14 in paragraph 5.

VOL 175 PAGE 042

IN WITNESS WHEREOF, this Amendment has been executed on the date above written.

Barbara P. Colton  
Robert F. Peters  
Barbara P. Colton

Daniel R. Roulier  
Daniel R. Roulier

Barbara P. Colton  
Robert F. Peters  
Barbara P. Colton

Jane E. Roulier  
Jane E. Roulier

STATE OF CONNECTICUT )

ss: Somers

June 2, 1997

COUNTY OF TOLLAND )

The foregoing instrument was acknowledged before me this 2<sup>nd</sup> day of June, 1997, by DANIEL R. ROULIER and JANE E. ROULIER.

Robert F. Peters  
Robert F. Peters  
Commissioner of the Superior Court

RECEIVED FOR RECORD

June 2, 1997

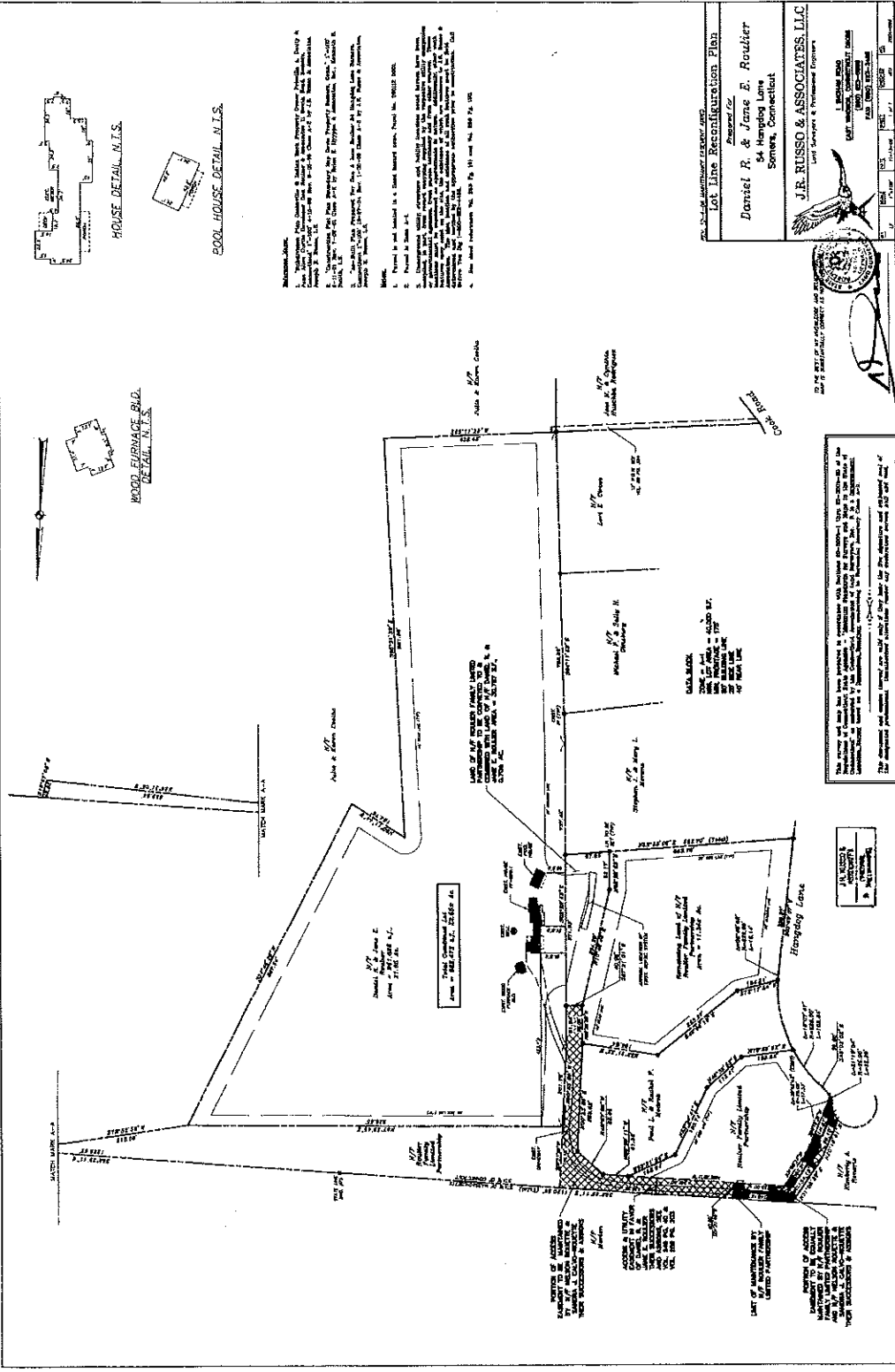
Line 8:42 p. 41 Recorded in Somers

Land Records Vol. \_\_\_\_\_ Page \_\_\_\_\_

By: Alvin [Signature]  
Town Clerk

35

# EXHIBIT 28



**J.R. RUSSO & ASSOCIATES, LLC**  
 LAND SURVEYORS & ENGINEERS  
 10000 W. 10th Avenue  
 Suite 100  
 Denver, CO 80202  
 (303) 755-1234  
 Fax (303) 755-1234



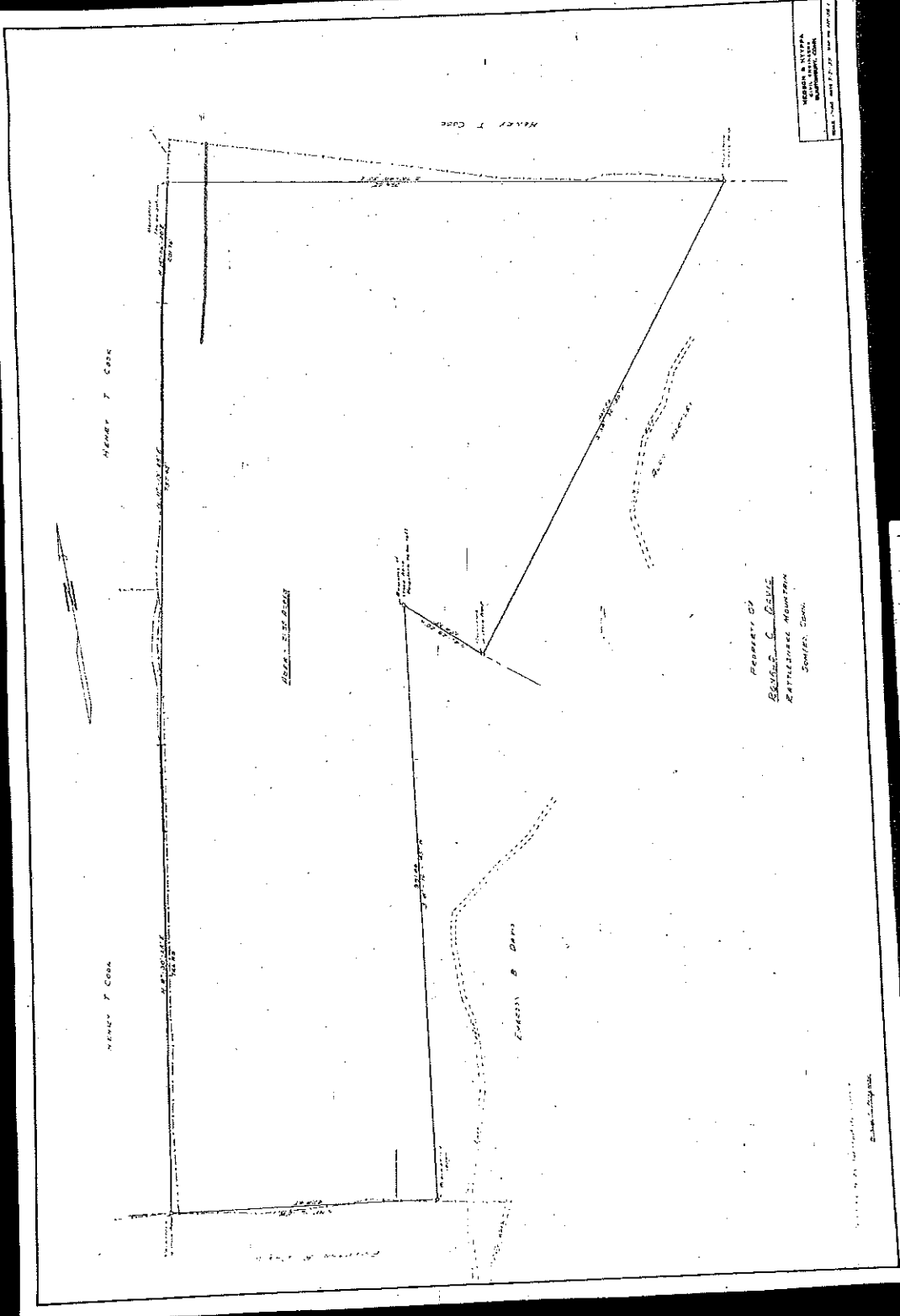
**Lot Line Recreation Plan**  
 Prepared for  
 Daniel R. & Jane E. Roulter  
 24 Harding Lane  
 Somers, Connecticut

**NOTICE TO CONTRACTOR**  
 The survey was made from existing monuments, including the corners of the lots shown on the plan. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board.

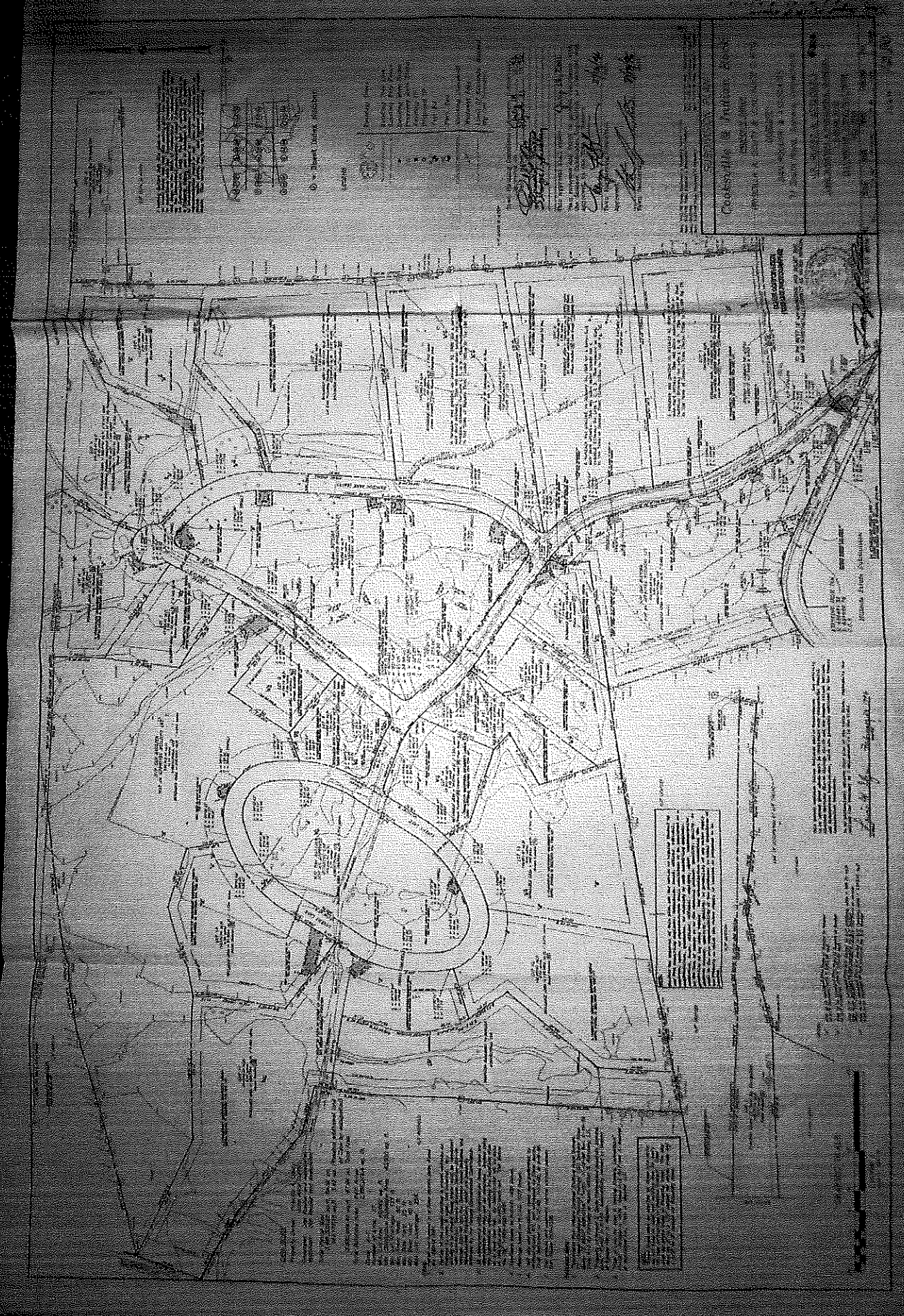
**NOTICE TO CONTRACTOR**  
 The survey was made from existing monuments, including the corners of the lots shown on the plan. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board.

**REVISIONS:**  
 1. Revised to add location of 1/2" scale survey from Parcel No. 1000000000.  
 2. Revised to add location of 1/4" scale survey from Parcel No. 1000000000.  
 3. Revised to add location of 1/8" scale survey from Parcel No. 1000000000.  
 4. Revised to add location of 1/16" scale survey from Parcel No. 1000000000.  
 5. Revised to add location of 1/32" scale survey from Parcel No. 1000000000.  
 6. Revised to add location of 1/64" scale survey from Parcel No. 1000000000.  
 7. Revised to add location of 1/128" scale survey from Parcel No. 1000000000.  
 8. Revised to add location of 1/256" scale survey from Parcel No. 1000000000.  
 9. Revised to add location of 1/512" scale survey from Parcel No. 1000000000.  
 10. Revised to add location of 1/1024" scale survey from Parcel No. 1000000000.  
 11. Revised to add location of 1/2048" scale survey from Parcel No. 1000000000.  
 12. Revised to add location of 1/4096" scale survey from Parcel No. 1000000000.  
 13. Revised to add location of 1/8192" scale survey from Parcel No. 1000000000.  
 14. Revised to add location of 1/16384" scale survey from Parcel No. 1000000000.  
 15. Revised to add location of 1/32768" scale survey from Parcel No. 1000000000.  
 16. Revised to add location of 1/65536" scale survey from Parcel No. 1000000000.  
 17. Revised to add location of 1/131072" scale survey from Parcel No. 1000000000.  
 18. Revised to add location of 1/262144" scale survey from Parcel No. 1000000000.  
 19. Revised to add location of 1/524288" scale survey from Parcel No. 1000000000.  
 20. Revised to add location of 1/1048576" scale survey from Parcel No. 1000000000.

**NOTICE TO CONTRACTOR**  
 The survey was made from existing monuments, including the corners of the lots shown on the plan. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board. The survey was made in accordance with the provisions of the Connecticut Statutes, Chapter 54-200, and the rules and regulations of the State Surveyors Board.

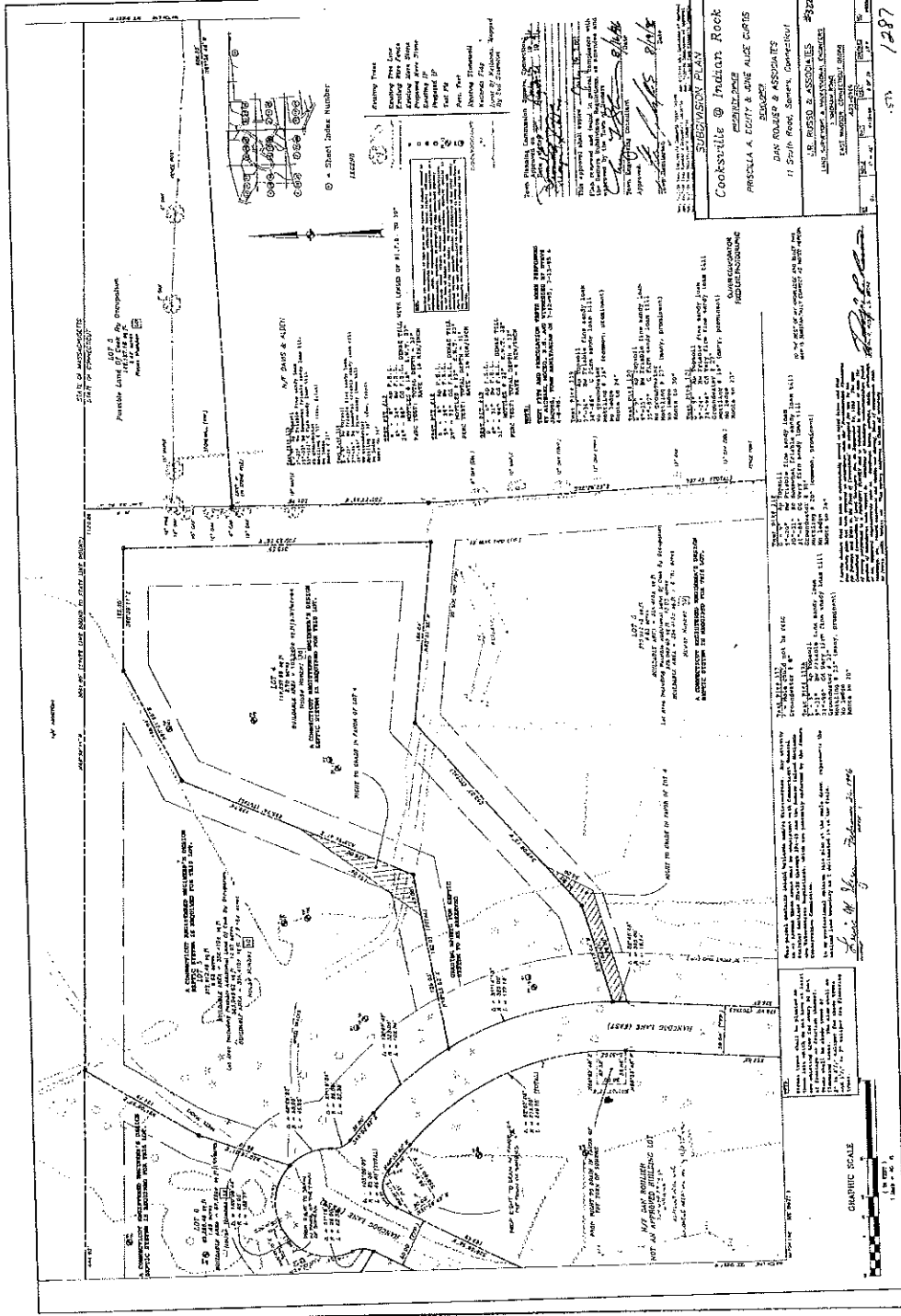


Horizontal  
SCALE 1" = 100'





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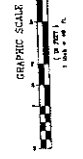
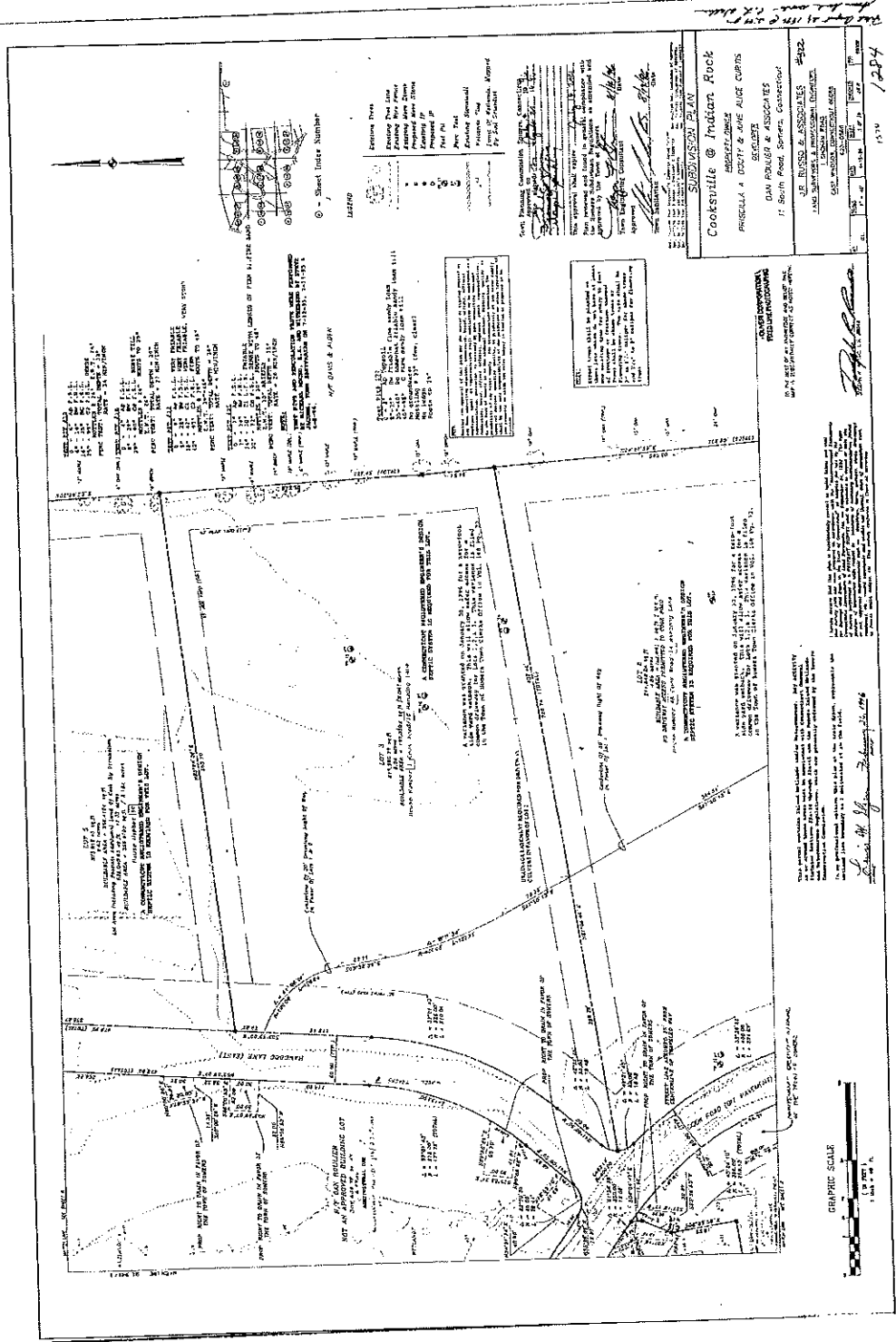


1573 1287

APPROVED BY THE BOARD OF SUPERVISORS

DATE: 7/21/87

D. W. Y.



*J.E. Russo*  
August 25, 1966

**COOKSVILLE @ INDIAN ROCK**  
SUBDIVISION PLAN

**ENGINEERS**  
J.E. RUSSO & ASSOCIATES, INC.  
17 BOOTH ROAD, JEROME, CONNECTICUT 06452

**DATE**  
AUGUST 25, 1966

**PROJECT NO.**  
1570

**NOTICE TO CONTRACTORS**

The undersigned has prepared this plan and the same is hereby filed for record in the Office of the State Register of Deeds, State of New York, in accordance with the provisions of the State Real Property Law, Chapter 101, Section 205.

The area shown on this plan is the same as that shown on the plan of the State of New York, dated August 25, 1966, and is subject to the provisions of the State Real Property Law, Chapter 101, Section 205.

The area shown on this plan is the same as that shown on the plan of the State of New York, dated August 25, 1966, and is subject to the provisions of the State Real Property Law, Chapter 101, Section 205.

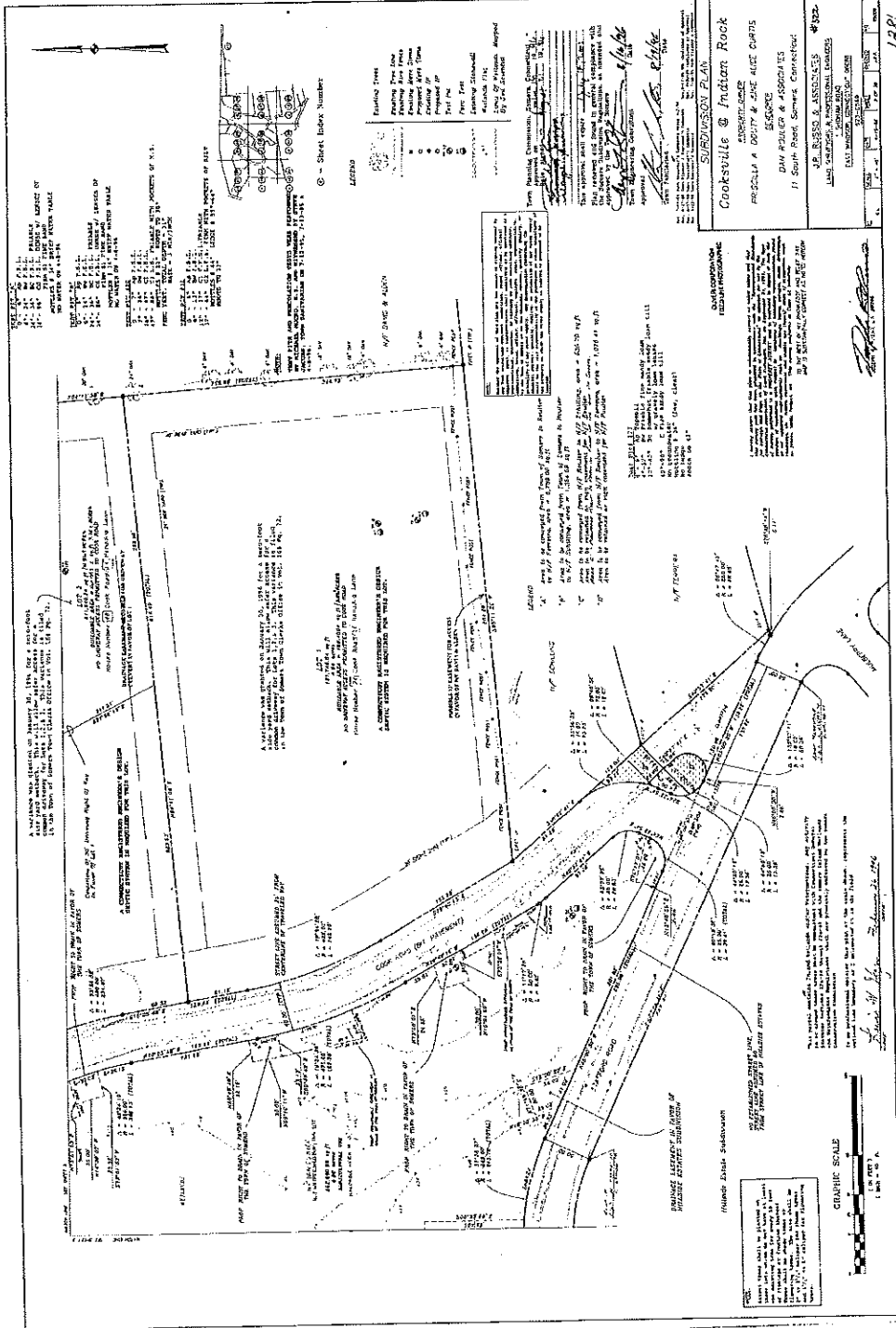
1570 1284

**RECORDING INFORMATION**

FILED IN BOOK NO. 1570 PAGE NO. 1284

RECORDED IN BOOK NO. 1570 PAGE NO. 1284

1567



1507 1981

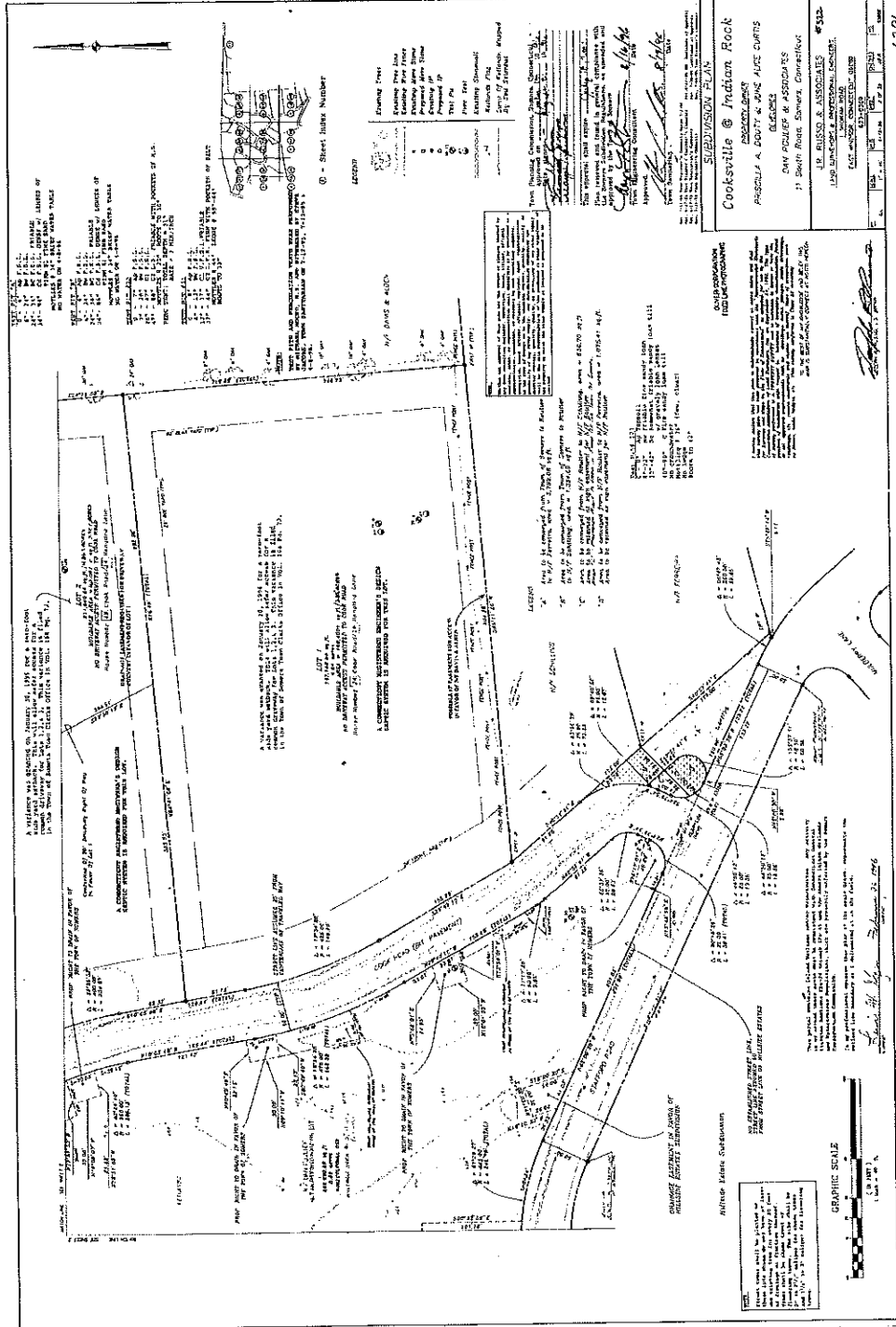
J.P. BASS & ASSOCIATES  
 ENGINEERS  
 11 South Reed Street, Connecticut  
 J.P. BASS, P.E. (Professional Engineer)  
 J.P. BASS, P.E. (Professional Engineer)

Cooksville & Indian Rock  
 RESUBDIVISION  
 PREVIOUSLY OWNED BY JANE ALICE CHAPIN  
 DAN BUCKLEY & ASSOCIATES  
 11 South Reed Street, Connecticut  
 J.P. BASS & ASSOCIATES #302  
 J.P. BASS, P.E. (Professional Engineer)  
 J.P. BASS, P.E. (Professional Engineer)

SHEET NO. 1507  
 DATE: 1981

THE STATE OF CONNECTICUT  
 DEPARTMENT OF CONSTRUCTION  
 REGISTERED PROFESSIONAL ENGINEER  
 J.P. BASS, P.E.

1567

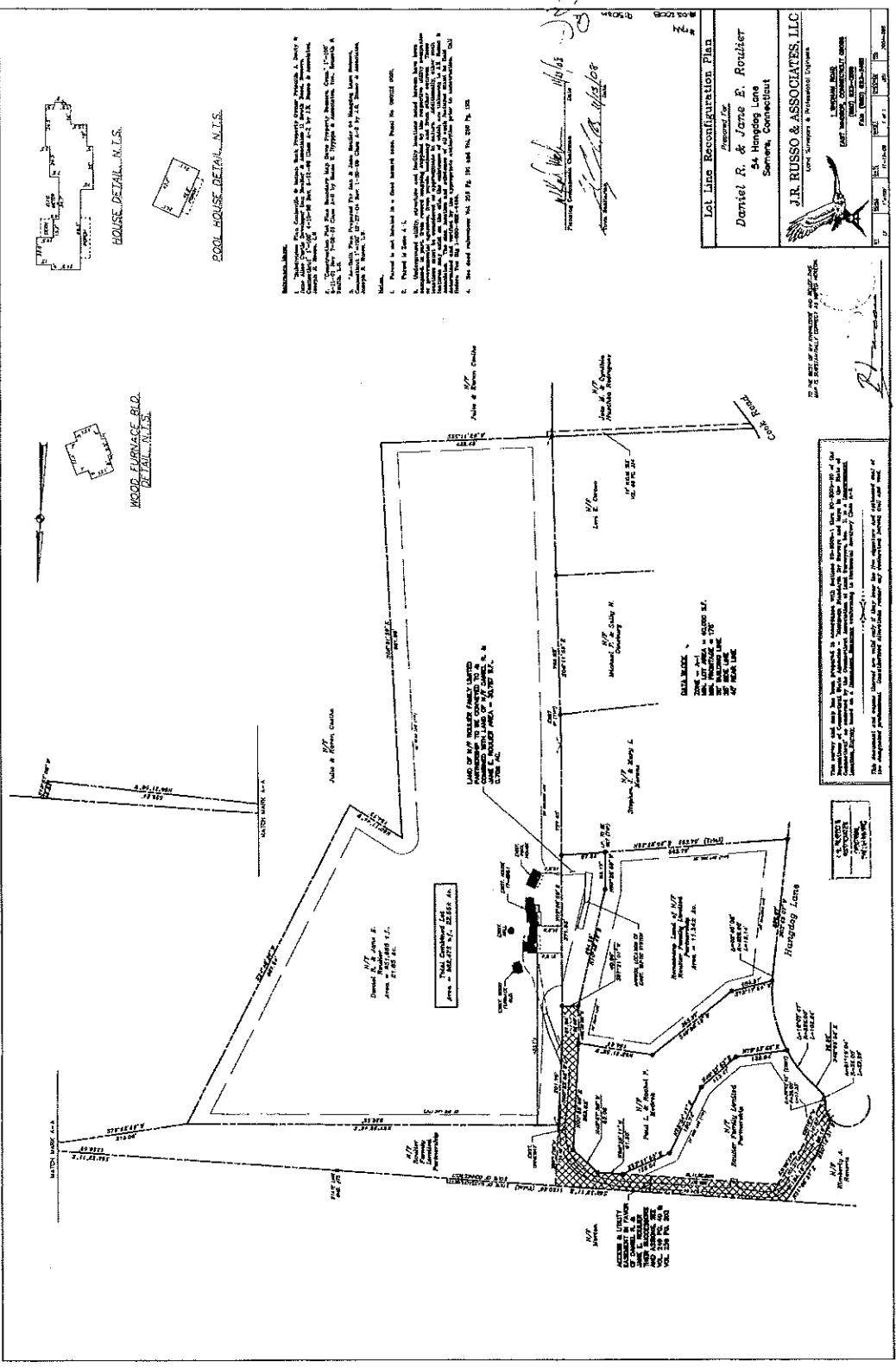


*Franklin A. Dortch*  
 FRANKLIN A. DORTCH & ASSOCIATES  
 CIVIL ENGINEERS  
 11 SOUTH STATE STREET, BOSTON, MASS.  
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*John J. ...*  
 JOHN J. ...  
 CIVIL ENGINEER  
 ...

*...*

1744



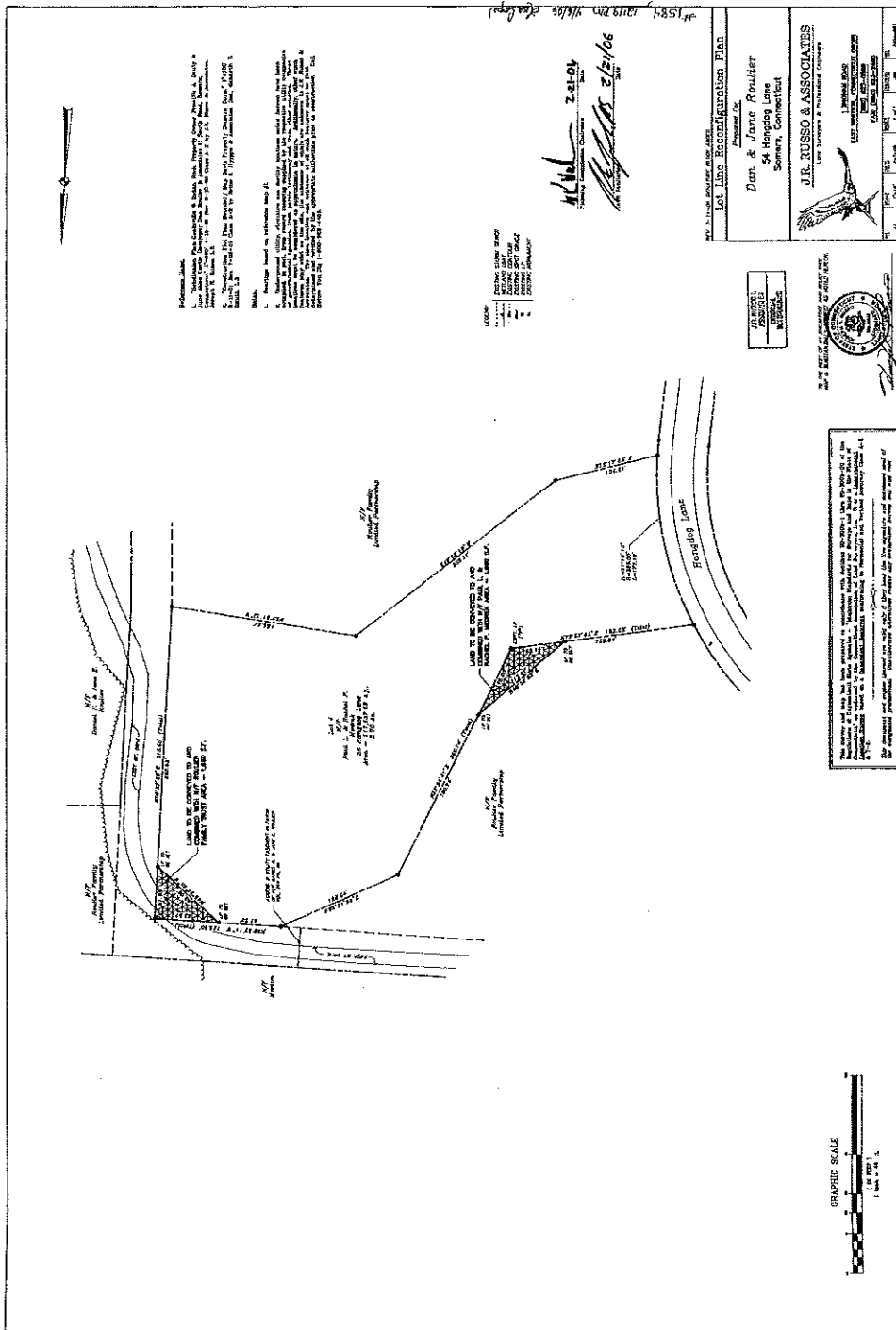
NOTES:  
1. This plan is prepared in accordance with the provisions of Section 8-27 of the General Statutes of the State of Connecticut, which require the owner of a lot to be shown on the plan.  
2. The plan is prepared in accordance with the provisions of Section 8-27 of the General Statutes of the State of Connecticut, which require the owner of a lot to be shown on the plan.  
3. The plan is prepared in accordance with the provisions of Section 8-27 of the General Statutes of the State of Connecticut, which require the owner of a lot to be shown on the plan.  
4. The plan is prepared in accordance with the provisions of Section 8-27 of the General Statutes of the State of Connecticut, which require the owner of a lot to be shown on the plan.

**Lot Line Reconfiguration Plan**  
Prepared for:  
Daniel R. & Loree E. Roulier  
444 Windsor Lane  
Somers, Connecticut  
J.R. RUSSO & ASSOCIATES, LLC  
LOCAL SURVEYORS & INSTRUMENTAL ENGINEERS  
LICENSURE NO. 4303  
STATE OF CONNECTICUT  
FOR FURTHER INFORMATION  
CALL (203) 633-5358  
FAX (203) 633-5358



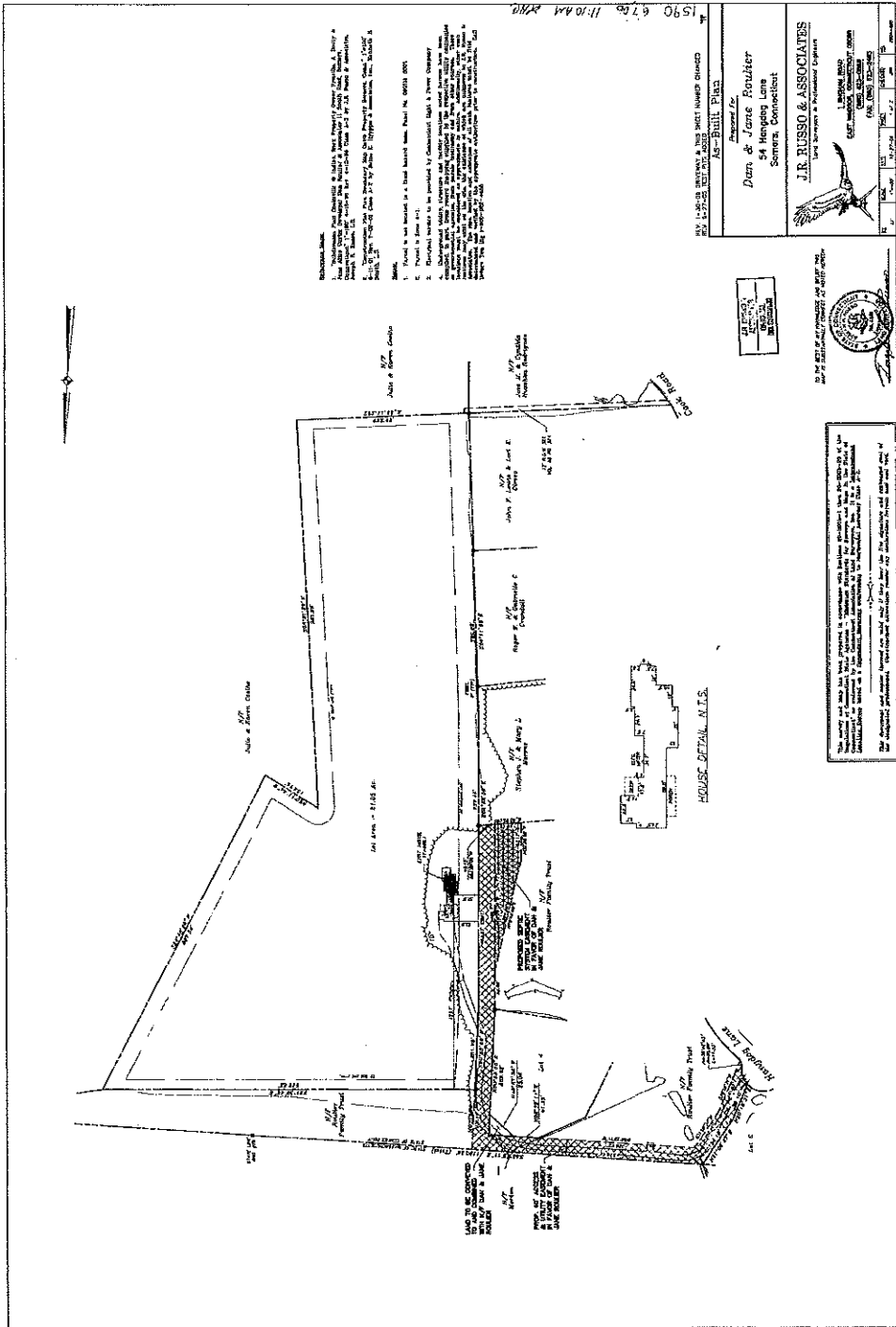
THIS PLAN IS NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION HEREON. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL EASEMENTS OR ENCROACHMENTS. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL EASEMENTS OR ENCROACHMENTS. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL EASEMENTS OR ENCROACHMENTS.

1584



1584

1590



**REVISIONS:**

1. Add Living Room, Dining Room, Kitchen, and Bedrooms as shown on this plan. Also add fireplace, chimney, and window details. (Date: 11-10-64)

2. Add structural details for chimney and fireplace. (Date: 11-10-64)

3. Add structural details for window and door. (Date: 11-10-64)

4. Add structural details for roof and foundation. (Date: 11-10-64)

5. Add structural details for plumbing and electrical. (Date: 11-10-64)

6. Add structural details for HVAC and insulation. (Date: 11-10-64)

7. Add structural details for exterior finish. (Date: 11-10-64)

8. Add structural details for interior finish. (Date: 11-10-64)

9. Add structural details for landscaping. (Date: 11-10-64)

10. Add structural details for site plan. (Date: 11-10-64)

1590 6726 11-10-64 JRR

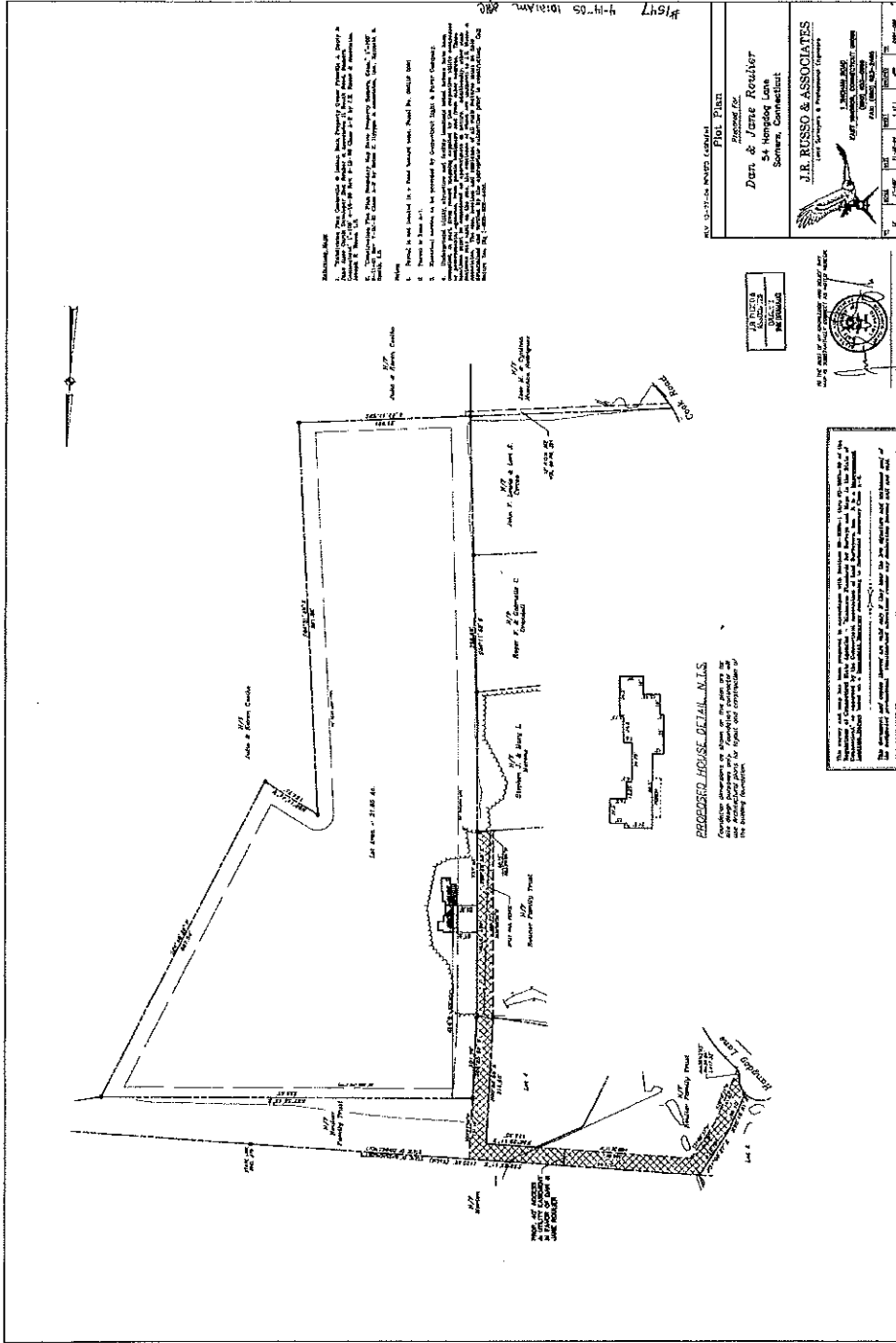
Approved For:  
**Diana & James Fanzler**  
 54 Hedges Lane  
 Somers, Connecticut

**J.R. RUSSO & ASSOCIATES**  
 Licensed Professional Engineer  
 License No. 3602  
 State of Connecticut  
 100 Main Street  
 Somers, Connecticut 06068



This drawing is prepared by J.R. Russo, Licensed Professional Engineer, License No. 3602, State of Connecticut. It is based on the information furnished to me by the client and is not to be used for any other purpose without my written consent. I am not responsible for the accuracy of the information furnished to me by the client.

J.R. RUSSO & ASSOCIATES  
 ARCHITECTS



Plot Plan  
Approved by:  
**Dun & Jarvis Reuther**  
54 Hempdog Lane  
Somers, Connecticut  
**J.R. RUSSO & ASSOCIATES**  
1000 ...

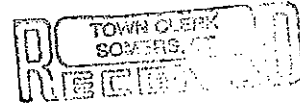


J.R. RUSSO & ASSOCIATES  
1000 ...

IN THE ...



# EXHIBIT 29

**TOWN OF SOMERS****PLANNING COMMISSION**

P.O. BOX 308.  
SOMERS, CONNECTICUT 06071  
**REGULAR MEETING MINUTES**  
**THURSDAY, JULY 18, 1996**

JUL 22 1996

**I. PUBLIC HEARINGS:**

**a. CONTINUATION: SUBDIVISION APPLICATION #322, 18 LOTS, COOK & STAFFORD ROADS, COOKSVILLE SUBDIVISION, DAN ROULIER & ASSOCIATES**

Chairman Allan opened the public hearing at 7:10 p.m. (see transcript). At 7:53 p.m. a motion was made by Mr. Viera, seconded by Mr. Bickley, and unanimously voted to close the public hearing.

The Commission took a brief recess.

**II. CALL TO ORDER:**

The Planning Commission meeting of July 18, 1996 was called to order by Chairman Richard Allan at 8:13 p.m. Members Allan, Viera, Collins, Palmer, Bickley were present and constituted a quorum. Also present were Alternate Members Clifford and Bowles. Town Planner Patrice Carson and Town Engineer Merv Strauss were also in attendance.

**III. AUDIENCE PARTICIPATION:**

Chairman Allan invited anyone in the audience to ask relevant questions of the Commission concerning planning matters. There was no response to this invitation.

**IV. OLD BUSINESS:**

**a. SUBDIVISION APPLICATION #322, 18 LOT SUBDIVISION, COOK & STAFFORD ROADS, COOKSVILLE SUBDIVISION, DAN ROULIER & ASSOCIATES**

Mr. Palmer asked Chairman <sup>Allan</sup>~~Bickley~~ to seat an Alternate Member for this portion of the meeting, as Mr. Palmer did not feel he was familiar enough with the subject properties. Mr. Bowles was seated for Mr. Palmer.

A discussion ensued as to how many rights of way Mr. Davis has to his property. Mrs. Carson explained that Mr. Roulier's Plans showed two rights of way, which agreed with a

Planning Commission Meeting Minutes  
July 18, 1996  
Page 2

quit claim deed on file in the Town Clerk's Office. After further discussion, it was the consensus of the Planning Commission that no additional easements would be required as requested by Mr. Davis.

A list of waivers submitted by J.R. Russo Engineers for the Cooksville Subdivision was read by Mr. Allan. A motion was made by Mr. Bickley, seconded by Mr. Collins, and voted 4 in favor, 0 opposed, and 1 abstention to grant the 10 waiver requests and approve Dan Roulier & Associates, Inc. 17 lot subdivision, application #322, in accordance with the plans known as "Cooksville @ Indian Rock, Cook Road and Stafford Road, Somers, Connecticut", Dated: 4/15/96 and 6/25/96, Revised: through 7/16/96, Sheet Numbers 1 through 39 or 39, which is conditional on the following:

1. The signatures of the Town Sanitarian and Town Engineer be on the plans signifying their approval of the plans in accordance with Section 4.10 of the Subdivision Regulations.
2. Within thirty (30) days of this approval a bond in the amount of \$677,472 (\$564,560 + 20 percent contingency of \$112,912) be received by the Town in accordance with Section 8.01 of the Subdivision Regulations.
3. Filing of \$30,625.00 fee in lieu of open space to the Town of Somers (\$1,801.47 upon the sale of each lot).
4. A copy of the transfer of any lot will be field by the applicant with the Planning Office.
5. The applicant complies with the seven conditions as listed in the July 18, 1996 memo to Patrice Carson from David Askew, Erosion/Wetland Officer, regarding revised plans for 17 lot Subdivision.
6. a luminaire light be constructed at the intersection of Stafford and Cook Road.
7. That the cross section for the first 750 feet of Cook Road from Stafford Road to Hangdog (East) for all of the existing Road be a minimum of 2" thick. Elsewhere it shall be 3" thick.
8. That the trail be relocated for the first 750 feet of Cook Road, from Stafford to Hangdog (East) be within the public right of way and that other grass trails be removed.

Planning Commission Meeting Minutes  
July 18, 1996  
Page 3

The Planning Commission also recommends to the Board of Selectmen abandonment of the portion of the existing Cook road, station 11 + 0 Southeasterly across the frontage of the Schilling and Ferreria properties until Cook Road intersects the pavement of Stafford Road, as shown on pages 2 and 13 of 39 of the Cooksville Subdivision Plan located in parcels A and B. Motion passed.

b. CODIFICATION DISCUSSION WITH CLAIRE WALKER

Mr. Palmer was reseated on the Commission. Mrs. Walker showed the Planning Commission a copy of the proposed Codification Book for the Town of Somers. It includes the Town Charter, Building, Zoning and Subdivision Regulations. Mrs. Walker hopes it will be formally adopted by the Town and available to all Boards and Commissions by August 25, 1996.

Mr. Allan asked if a legal opinion by the Town Attorney is necessary for the Planning Commission to adopt changes in numbering for consistency and whether a public hearing would be required to do so. Mr. Bowles suggested that this be made part of the record at the Town Hearing for the acceptance by the Town of the Codification.

Mrs. Walker suggested that the Planning Commission members think about how they would like to have the regulations printed. She explained that the regulations could be printed in-house or contracted to the company that printed the originals. She went on to explain that the Board of Selectmen have recommended a fee of \$100 to \$125 for the total codification book and updates yearly at \$25 per year.

Mr. Allan suggested that the books be made available at a reduced fee of approximately \$50 to Board and Commission members, refundable upon return of the Book to the Town.

Mr. Bowles commended Mrs. Walker for her efforts in getting the Book finished in a timely manner.

c. SUBDIVISION APPLICATION #3231 1-LOT SUBDIVISION, STAFFORD ROAD, KIBBE (08/08)

Mrs. Carson reported that all changes have been made as requested. The applicant has requested a waiver of 4.02.01b. to allow the subdivision to be shown at a scale of 1"=50'. Mrs. Carson feels this would not be a problem as it all fits on one page.

A motion was made by Mr. Palmer, seconded by Mr. Collins and unanimously voted to approve Alan D. Kibbe's 1-lot subdivision, application #323, in accordance with the

Planning Commission Meeting Minutes  
July 18, 1996  
Page 4

plans known as "1 Lot Subdivision, Stafford Road, Somers, Connecticut", Dated: 4/14/96, May 1, 1996, May 2, 1996, and July 8, 1996, Revised: through 7-15-96, Sheet Numbers 1 through 5 of 5, A & A2, which is exempt from open space and conditional on the following:

1. Within forty-five (45) days of this approval all iron pins and monuments be set and certified, and all clearing for site line be completed or a \$10,000.00 bond be received by the Town in accordance with Section 8.01.02 of the Subdivision Regulations.

The Commission waives Section 4.02.01b of the Subdivision Regulations and allows the subdivision plan to be shown at a scale of 1"=50'.

d. OTHER

Mr. Palmer made a motion, seconded by Mr. Bickley, and unanimously voted to move the discussion of By-laws to New Business. There was no other old business.

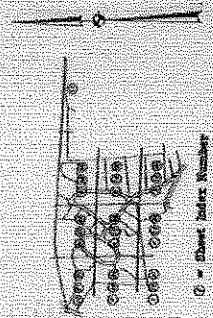
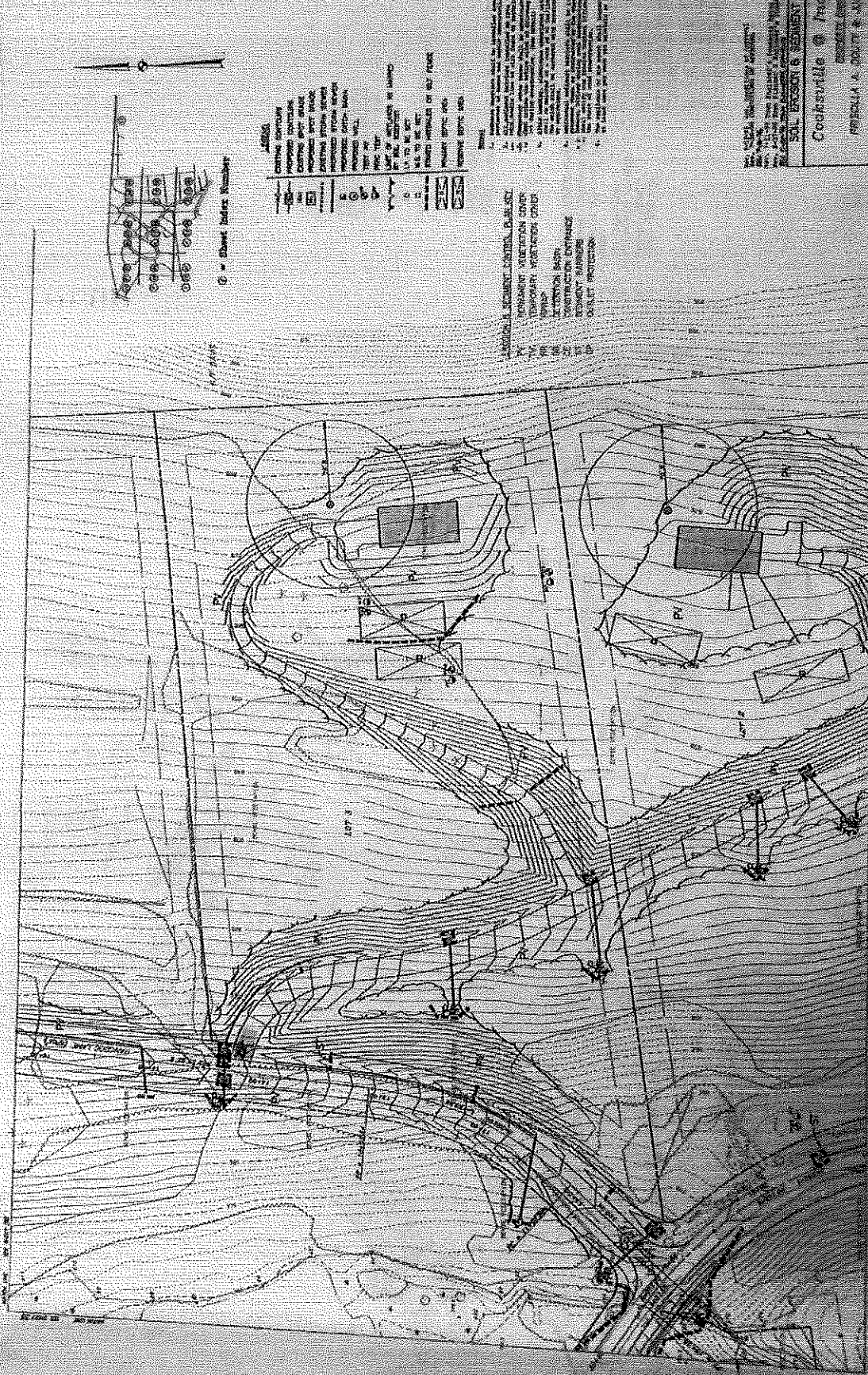
**V. NEW BUSINESS**

a. PRELIMINARY SUBDIVISION DISCUSSION: 4-LOT SUBDIVISION,  
STAFFORD ROAD, MCCULLOUGH

Mr. Richard Uss, General Manager of Richard A. McCullough, Inc. presented the Planning Commission with preliminary plans for a subdivision on land owned by Mr. McCullough on Stafford Road.

Mr. McCullough has used his "free cut" and is building a house adjacent to this planned subdivision. He is willing to give about an acre of adjacent land to the Five Town Land Trust to satisfy Open Space requirements. The Five Town Land Trust has shown willingness to accept this land as it lies adjacent to land the Trust already owns and maintains trails on. Mr. Allan suggested that the Planning Commission send a letter to the Selectmen to notify them of the intent of McCullough to meet the Open Space requirements by contributing land to the Five Town Land Trust. Mrs. Carson was directed to send a memo or add a note to the copy of these meeting minutes to the copy that will be given to the Board of Selectmen.

The Planning Commission deferred making a decision as to whether or not to hold a public hearing until a formal application is made.



**LEGEND**

—	Center Line
—	Right-of-Way
—	Proposed Right-of-Way
—	Existing Right-of-Way
—	Proposed Street
—	Proposed Alley
—	Proposed Walk
—	Proposed Driveway
—	Proposed Fence
—	Proposed Wall
—	Proposed Foundation
—	Proposed Footing
—	Proposed Retaining Wall
—	Proposed Slope
—	Proposed Embankment
—	Proposed Cut
—	Proposed Fill
—	Proposed Excavation
—	Proposed Foundation
—	Proposed Footing
—	Proposed Retaining Wall
—	Proposed Slope
—	Proposed Embankment
—	Proposed Cut
—	Proposed Fill
—	Proposed Excavation

**NOTES**

1. This plan is for soil erosion and sediment control practices and measures only.
2. The plan is based on the topographic map of the site.
3. The plan is based on the site visit on 10/10/10.
4. The plan is based on the site visit on 10/10/10.
5. The plan is based on the site visit on 10/10/10.
6. The plan is based on the site visit on 10/10/10.
7. The plan is based on the site visit on 10/10/10.
8. The plan is based on the site visit on 10/10/10.
9. The plan is based on the site visit on 10/10/10.
10. The plan is based on the site visit on 10/10/10.

**LEGEND**

1. Proposed Right-of-Way
2. Proposed Right-of-Way
3. Proposed Right-of-Way
4. Proposed Right-of-Way
5. Proposed Right-of-Way
6. Proposed Right-of-Way
7. Proposed Right-of-Way
8. Proposed Right-of-Way
9. Proposed Right-of-Way
10. Proposed Right-of-Way

THIS PLAN IS FOR SOIL EROSION & SEDIMENT CONTROL PRACTICES & MEASURES ONLY

DATE: 10/10/10  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

**Soil Erosion & Sediment Control**  
 Copeland & Partners, Inc.  
 1000 Main Street  
 Portland, ME 04101  
 TEL: 603-883-1111  
 FAX: 603-883-1112  
 WWW: www.copeland.com



SCALE: 1" = 100'  
 DATE: 10/10/10



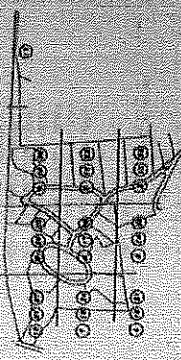


1. This plan is for soil erosion and sediment control practices and measures only. It is not a site plan and does not show the location of buildings, roads, or other structures. It is intended to be used in conjunction with a site plan and other documents.

2. The practices and measures shown on this plan are based on the information provided in the application and other documents. The engineer is not responsible for the accuracy of the information provided.

3. The practices and measures shown on this plan are subject to change without notice. The engineer is not responsible for the accuracy of the information provided.

4. The practices and measures shown on this plan are subject to change without notice. The engineer is not responsible for the accuracy of the information provided.



○ = Sheet Index Number

- LEGEND**
- = Sheet Index Number
  - = Sediment Control Structure
  - = Temporary Construction Control
  - = Temporary Sediment Control
  - = Retention Basin
  - = Construction Entrance
  - = Sediment Barrier
  - = Outlet Protection

- LEGEND**
- = Sediment Control Structure
  - = Temporary Construction Control
  - = Temporary Sediment Control
  - = Retention Basin
  - = Construction Entrance
  - = Sediment Barrier
  - = Outlet Protection
  - = Sediment Control Structure
  - = Temporary Construction Control
  - = Temporary Sediment Control
  - = Retention Basin
  - = Construction Entrance
  - = Sediment Barrier
  - = Outlet Protection

THIS PLAN IS FOR SOIL EROSION & SEDIMENT CONTROL PRACTICES & MEASURES ONLY.

For more information, contact the engineer or the local health department.

PAIDOLA J. DUNN & ASSOCIATES, INC.  
 ENGINEERS  
 11 South Street, Newark, New Jersey 07102

Cocksville, O. (Newark, NJ)  
 PAIDOLA J. DUNN & ASSOCIATES, INC.  
 ENGINEERS  
 11 South Street, Newark, New Jersey 07102





TOWN OF SOMERS  
PLANNING COMMISSION

CONTINUATION HEARING REGARDING  
SUBDIVISION APPLICATION #322, 18-LOTS,  
COOK & STAFFORD ROADS, COOKSVILLE SUBDIVISION,  
DAN ROULIER & ASSOCIATES

7:09 - 8:30pm

July 18, 1996

COMMISSIONER MEMBERS & ALTERNATES PRESENT:

Rick Allan, Chairman  
Wayne Bickley  
John Bowles  
David Palmer  
Michael Collins  
Leonard Viera  
Elwood Clifford

ALSO PRESENT:

Patrice Carson, Town Planner  
Mervyn Strauss, Town Engineer

PUBLIC AUDIENCE: 25



July 18, 1996

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22

MR. ALLAN: We'll call the hearing in session and did we publish anymore notices or anything? I take it that's a yes and you're getting it?

MRS. CARSON: I don't believe we did actually. No, we did not.

MR. ALLAN: It's 7:09. Why don't we start by staff summarizing what issues were open, what issues have been addressed and what issues remain and just so the audience knows, we'll give you a chance to speak later but--

MR. STRAUSS: For the record, Merv Strauss. Based upon the plans received today and a letter which you have in front of you, to summarize, a few of them are just answers to housekeeping items and a few of them have to be discussed by the Commission. First one, item 16, is the Davis land which is east of the subject property. Hopefully somewhere in the file you have a response from Mr. Davis, if I can find it in my file here. There is a letter dated June 27 of this year addressed to the Commission which you have and I won't read it except to tell

July 18, 1996

3

1  
2 the audience that it's a letter from Mr.  
3 Davis and it is his contention that through  
4 doing certain things, which make a rather  
5 drastic alteration to the current proposal,  
6 that one could run a potential roadway up  
7 to property that he owns and out of that he  
8 would get four lots.

9 I earlier--My earlier letter really  
10 addressed the issue of what I saw about Mr.  
11 Davis' land. It's a long strip of land, odd  
12 shaped. Some of the grades of the land are  
13 quite steep, some far beyond what you might  
14 be able to develop. I use the word tortuous  
15 in my earlier commentary and basically my  
16 commentary was not to be for or against Mr.  
17 Davis' proposal, because the regulations say  
18 something like the Commission shall consider  
19 whether the adjacent properties are suscep-  
20 tible to subdividing.

It's my, if you will, professional  
opinion that it's still too early to really  
say whether Mr. Davis' land is really sub-  
dividable or not. There is very limited in-  
formation. There are no tests or anything.  
We have no idea whether the property would



July 18, 1996

4

1  
2 support the lots. He proposes to take a  
3 road which is probably going to be in excess  
4 of 1,200 feet from the internal loop system  
5 which is already proposed on top of which he  
6 has to have variances for road to 10 percent  
7 whereas the regulations say 8 percent, but  
8 variance available to them, maybe if the Com-  
9 mission wants to.

10 He doesn't show anything about what  
11 would happen to the property adjacent to  
12 this proposed paper road at a later date  
13 such as cross slopes. In other words, it's  
14 just too early to say and the bottom line,  
15 for good or bad, is that it would certainly  
16 have a significant impact on the current  
17 proposal.

18 MR. ALLAN: Has there been any indica-  
19 tion from Mr. Davis that he is pursuing any  
20 more professional work on the lot to give us  
21 real numbers, give us real facts other than  
22 suspicions?

23 MR. STRAUSS: Well, as you may remem-  
24 ber, Mr. Davis is a professional engineer.  
25 Whether he has the particular skills which  
are involved for this, I have no idea. He



July 18, 1996

5

1  
2 hasn't presented himself so--

3 MR. ALLAN: We don't have any surveys  
4 or any idea he is going to have a survey  
5 done or anything?

6 MR. ALLAN: No, no. Based upon the let-  
7 ter and the sketches and what have you, he  
8 basically says, "In conclusion, we request  
9 that the Roulier subdivision be revised to  
10 provide reasonable right of way access to  
11 our property." The only thing I can respond  
12 to that is that--

13 MR. ALLAN: How much property would  
14 his "reasonable access" require?

15 MR. STRAUSS: Well--

16 MR. ALLAN: Ball park.

17 MR. STRAUSS: What it requires? It  
18 requires a looping of the road system from  
19 its current location. The record, unfor-  
20 tunately, can't see where I'm pointing but  
21 from the intersection of Hang Dog east and  
22 west, he proposed to extend that and loop  
23 the road across, I guess those are lots 5  
24 maybe, 6 maybe and to offer a revised loop-  
25 ing system and then take 1,200 or more feet  
to go from there. When you traditionally



July 18, 1996

6

1  
2 think of access to adjacent lands, you sort  
3 of think of, well, the road ran relatively  
4 close, parallel up to the property line and  
5 you put in a 50-foot right of way that's 300  
6 or 400 feet long. In this case that's not  
7 the case.

8 MR. ALLAN: Okay.

9 MR. ROULIER: Mr. Chairman, if I might  
10 just add to that. What he basically is talk-  
11 ing about doing is taking the intersections  
12 here and bringing a road so that he comes  
13 around like this and goes up into this  
14 meadow and across and then he says what he  
15 can do is exit out way over here on Stafford  
16 Road which he has no exit. The cost--First  
17 of all, Merv is being kind when he says tor-  
18 tuous but we could just barely make this  
19 road work traversing the slope like this  
20 never mind bringing the road up like this  
21 and coming across here. The slopes coming  
22 across here are 30 percent and when they get  
23 back here, they are 50 percent.

24 MR. ALLAN: Okay. So just as a com-  
25 ment then, you know, we will discuss that  
when we discuss the thing. There's no dis-



July 18, 1996

7

1  
2 cussion during the hearing.

3 MR. STRAUSS: The letter says whatever  
4 it says and I can answer whatever it says  
5 here. Beyond that, he needs professional  
6 help.

7 MRS. CARSON: But it does need to be  
8 addressed on the record during your delibera-  
9 tions.

10 MR. ALLAN: Yes, correct. I know  
11 that.

12 MR. STRAUSS: Item 21 is a quickie,  
13 short piece of Cook Road needs to be aban-  
14 doned and you may recall that needs to be  
15 abandoned in some fashion probably by the  
16 Selectmen. There's missing luminaire light-  
17 ing which is a small detail. It's a light.  
18 65, there needs to be a correction on the  
19 plans that the incoming piece of Cook Road  
20 must be a minimum of two inches thick  
21 bituminous. 67, there's been changes in the  
22 trail system, as you may recall. The trend  
23 is, currently as of this moment, show the  
24 trail moved off onto private property for  
25 the first like 750 feet of Cook Road which  
is the narrow area, the 18-foot. The

**TOWN OF SOMERS**

PLANNING COMMISSION

P.O. BOX 308  
SOMERS, CONNECTICUT 06071

**LEGAL NOTICE**

The Somers Planning Commission, at a regular meeting on July 18, 1996, voted to approve:

1. Roulier's 17-lot subdivision appl. #322 known as Cooksville on Cook & Stafford Rds. with 8 conditions.
2. Kibbe's 1-lot subdivision appl. #323 on Stafford Rd. with 1 condition.

Dated at Somers, Connecticut, this 25th day of July, 1996.

Planning Commission

\_\_\_\_\_  
David B. Palmer, Jr., Secretary

To be published: July 29, 1996



**TOWN OF SOMERS**  
EROSION CONTROL / WETLANDS ENFORCEMENT OFFICER  
P.O. BOX 308  
SOMERS, CONNECTICUT 06071  
TEL (203) 763-8221

Date: July 18, 1996

To: Patrice Carson, Town Planner

From:  David Askew, Erosion/Wetland Officer

Re: Revised Plans 17 Lot Subdivision, Cook Road, Roulier

\*\*\*\*\*

The engineer has addressed my comments of July 11, 1996 regarding outlet protection for stone-lined ditches.

The Conservation Commission approved the subdivision on June 5, 1996 without the conditions I recommended in a memo to the Commission dated April 24, 1996.

I recommend the following as conditions of approval:

1. Sediment barriers shall be installed around the downslope perimeter of house and septic construction envelopes.
2. All sediment barriers installed on lots 1-5 shall consist of a double line of silt fence or haybales.
3. Temporary stone berms shall be constructed every 50-75 feet across the entire width of driveway cuts on lots 1-5 during construction.
4. After seeding, sideslopes associated with driveway cuts shall be mulched at a rate of 90 lbs/1000 square feet. The mulch shall be anchored with erosion control netting or equivalent.
5. Tracking pads shall be installed at the end of each driveway during construction.
6. Additional sediment barriers shall be installed along the proposed roads as instructed by the Town of Somers Erosion Control Officer during road construction. The applicant shall notify the Erosion Control Officer one week prior to the start of road construction.
7. The applicant or his agent shall inspect all erosion controls at least once per week and maintain as needed.



July 18, 1996

Mrs. Patrice Carson  
Town Planner  
PO Box 308  
Somers, Connecticut 06071

Re: Cooksville @ Indian Rock

Dear Mrs. Carson:

I am in receipt of the revised plans today. I have the following comments concerning the changes: The numbers are the same as in prior letters.

16. My comments are the same concerning the Davis land. Note that access to the Davis land is long and tortuous as described in my prior letters. In addition it disrupts the current completed proposal. There is still no certainty that the Davis land can be successfully divided without substantially more work than that shown in the quick study by Mr. Davis. This should be discussed by the Commission.

21. The short piece of Cook Road must be abandoned as noted before.

64. The luminaire is missing

65. The detail on page 39 still does not show a minimum of 2" thick for the Cook Road cross-section from Stafford to Hangdog East.

67. The hiking trail has been moved off of the public right of way for the first 750' of Cook Road. The balance of the trail has been left within the public right of way for Cook, Hangdog (East & West) and Lovers Lane. I recommend that the trail system be totally off of the public lands and that the trails be extended for the first 200' and onto the west side of Cook Road from Stafford Road northerly. Thus there will be an alternate for pedestrians outside of the 18' Cook Road pavement.

82. Mr. Roulier shall comment on the tree trimming and removal as in my earlier recommendation.

Patrice Carson items as follows:

2. A scaling of the plans indicate that the edge of the subject driveways are a minimum of 75' from the intersection of the edge of road pavements. This must be enforced by the building department.

19. The frontages of 175' for lot 9 comply with the zoning requirements when measured to the intersections of the appropriate streetlines.



Patrice Carson

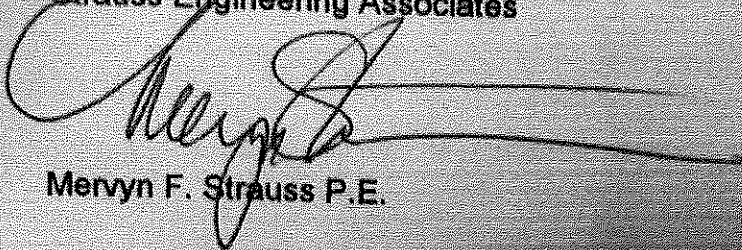
Page 2

July 18, 1996

The bond value is acceptable as noted in your July 17, 1996 letter.

As you know there are items that the Commission must consider including waivers, road abandonment, etc. These should be gone over with care by all concerned.

Very truly yours,  
Strauss Engineering Associates

A handwritten signature in cursive script, appearing to read 'Mervyn F. Strauss', with a long horizontal flourish extending to the right.

Mervyn F. Strauss P.E.

cc Joseph Russo P.E.  
Daniel Roullier

somer111.doc