

XC: ZC, PC  
(CN)

**MEMORANDUM**

**PLANNING  
COMMISSION  
EXHIBIT #16**

**FILE COPY**

To: Geoff Jacobson, P.E. - 860 526-5416  
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Vicki Duffy  
Julie Pendleton  
Old Saybrook Zoning Commission  
Old Saybrook Inland Wetlands and Watercourses Commission

From: Mark Branse, Counsel to the Planning Commission

Re: Old Saybrook Planning Commission - The Preserve, River Sound Development, LLC -  
Open Space Special Exception Application

File #: 3029/04-207

Date: October 12, 2004

Christine Nelson held a meeting of the Town's consulting team on October 4, 2004, which was attended by Rich and Bruce. Even with that small group, it became apparent that there is some justifiable confusion about exactly what it is that we are supposed to reviewing and under what criteria. The purpose of this Memorandum is to clarify that.

River Sound Development, LLC ("RS") is proposing, ultimately, a mix of single-family dwellings on lots of various sizes; two clusters of multi-family housing; a golf course/country club; and some ancillary commercial/municipal uses. However, the pending application is only the first step in that process. The pending application is the first stage in a two-stage application process for an "Open Space Subdivision" under Section 56 of the Zoning Regulations, a copy of which has already been sent to you. In this first stage (described in Section 56.4), RS must demonstrate that:

1. They could realistically locate the proposed number of dwellings (298) on the subject property in a conventional subdivision designed in compliance with all applicable zoning, subdivision, and health regulations; and in accordance with good engineering.

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environmental, traffic, and land use principles. RS seeks to demonstrate this in Volumes 1A and 1B of the plans provided to you. The Regulations do not require that the conventional subdivision be fully engineered, since its purpose is only to set a realistic lot count upon which the actual open space subdivision design will be based. The question for you, therefore, is: Do Volumes 1A and 1B depict a conventional subdivision that could actually be constructed in accordance with applicable regulations and sound design principles? If not, which lots would you eliminate and why? Your input here will determine the final number of lots which the Planning Commission finds to be "a reasonable subdivision of the land conforming to [the Zoning] Regulations and the Subdivision Regulations." Regulations Section 56.4. Remember that the Subdivision Regulations (copy attached) contain many discretionary standards about suitable subdivision design. Also remember that this is a Special Exception application, and so the criteria of Section 52.6 and, by reference, Section 51.5 apply. Copies of these Sections are also attached.

2. The preliminary Open Space Subdivision design is a good one that satisfies the goals of Section 56.2, and the criteria of Section 56.6. The preliminary Open Space Subdivision is depicted in Volume II of the plans provided to you. Section 56.5 requires that the final Open Space Subdivision Application (the second phase of the application process) must conform to the Preliminary design, as approved by the Planning Commission in this first phase. Therefore, if there are flaws in what the applicant actually proposes to build, as depicted in Volume II, we need that red flag now. You need not necessarily indicate what the design solution to the problem is—that is the applicant's job—but the Planning Commission needs to know what aspects of the Preliminary Plan should not be approved as presented.

In advising the Planning Commission on the preceding two topics, it is recognized that you do not have complete information of the kind that you will have when the final subdivision application and the PRD application are filed. Those applications will be reviewed on their own merits when filed. What the Planning Commission needs is your best judgment, as an expert in your field, as to the two questions posed above. There is no requirement that you be able to prove your conclusions. You have been retained because of your expertise and professional judgment and you are entitled to rely on that in advising the Commission.

If you require additional information from the applicant, you should request it via Christine Nelson. These requests need not be limited to plans or calculations. If you want the applicant to perform additional reviews or analyses or site inspections, you may request that, as well. If the applicant does not provide what you request, and this prevents you from performing a full review, you should so indicate in your staff reports. The Planning Commission has the authority to deny this application as incomplete and compel the applicant to file a new, complete application.

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In fairness to the applicant and the Commission, reports are requested no later than October 27, 2004, so that they may be distributed before the public hearing opens on November 3, 2004. The hearing will be continued, and you should assume that, in response to the first round of comments, the applicant will provide revised plans and/or additional information and responses which will also require your review and comments.

Those of you who have not submitted your fee estimates should do so at once. Assume that you will need to attend, in person, the three scheduled public hearings and that you will need to review not only the plans now in your possession, but revisions prepared in response to your first round of comments and public input. Lastly, assume that your written reports will have to be unusually clear, with particular emphasis on being understood by non-experts. This is so that the public, the Commission, and ultimately a judge, can read and understand your points.

As always, if you have any questions, please do not hesitate to contact me.

cc: David Royston, Esq. @ 860 395-6349