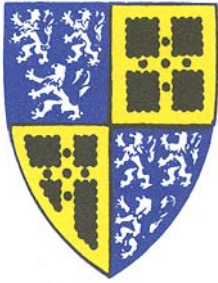


# TOWN OF OLD SAYBROOK

## Land Use Department



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### **ENFORCEMENT OFFICER'S REPORT**

#### *Via Hand Delivery*

To: Robert J. McIntyre, Chairman, Planning Commission  
From: Christina M. Costa, Enforcement Officer  
Date: November 10, 2004  
**Subject: “The Preserve” Preliminary Open Space Subdivision (934 acres total) & Open Space (542.2 acres)**

Ingham Hill and Bokum Roads (Map 55, 56 & 61 / Lots 6, 3, 15, 17, 18)  
Residence C Conservation District, Aquifer Protection Area  
Applicant: Riversound Development, LLC. Agent: Robert A. Landino, P.E.

This memorandum serves to report to the Planning Commission regarding the above-referenced Preliminary Open Space Subdivision Application. Comments in this report are based on information provided in plans prepared by BL Companies, dated September 1, 2004. At this early stage of the application process, the Applicant has not, or in some cases is not, required to provide detailed reports on the integrity of wetlands, watercourses and vernal pools, nor reports from technical experts regarding traffic, stormwater management, engineering and other pertinent data.

#### **Conceptual Standard Plan and Lot Density Calculations**

After reviewing the Conceptual Standard Plan (Conventional Layout), it was noted that lots containing inland wetlands did not have precise calculations of the wetland areas. This is critical in determining the upland area of a lot. Section § 7.2.1 c of the Old Saybrook Zoning Regulations clearly indicates that wetlands cannot be included in the calculation for Minimum Area of Buildable Land (MABL) and Section § 51.3.1 c 11 indicates that this information should be calculated to demonstrate the feasibility of these conceptually proposed lots. Furthermore, the plans failed to identify that lots containing steep slopes did not have steep slopes in grade as measured in forty foot (40') increments in accordance with Section § 7.2.1 d and as required under Section § 51.3.1 c 11. The Planning Commission should:

- Require the applicant to identify on the plans sufficient evidence that MABL requirements as listed under Section §7.2.1.a – §7.6.1d of the Zoning Regulations have been met on a lot by lot basis.
- Require the applicant to provide information to identify that the land for the non-residential amenities of the development (private country club, golf course and retail uses) in the Open Space Subdivision Plan were excluded from lot density calculations in the Conceptual Standard Plan. The Golf Course/Private Country Club Lands are a separate commercial

entity and if the property was potentially subdivided by numerous developers in a conventional subdivision format, a golf course or retail area would not count towards the lot density for any of the developers.

- Require the applicant to clarify that acreage of the Pianta parcel and other adjacent lands owned by Riversound, LLC, were not included in the lot density calculations. If development is not included in this application, then it should not be included in the lot density calculations for this application.

### **Private Country Club**

The Old Saybrook Inland Wetlands and Watercourses regulations state in Section §4.2b that golf courses shall be permitted as nonregulated uses. This statement is true when a golf course is designed in a manner where the “activities do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse” (Z.R. §4.2). This application proposes a number of activities within the regulated area. In fact all eighteen (18) holes and numerous wetland crossings are located within the regulated area. Disturbance during construction for vehicle/machinery access and permanent grading associated with tees and fairways will alter sensitive areas through changes in elevation and water diversion that could possibly result in discharge to sensitive wetland, vernal pool and upland areas that are an important for migration and habitat. Tree clearing adjacent to these are can also promote changes in water temperature which may incur negative wetland impacts. The Planning Commission should:

- Encourage the applicant to avoid activity within wetlands, watercourses and vernal pools and within the 100 foot upland review area wherever possible.

The Zoning Regulations permit Private Country Clubs in the Residence C Conservation District (Z.R. §27.2.13) as a Special Exception (Z.R. §52.7.16) or as a use within a Planned Residential Development (Z.R. §55.6.9.1). The applicant proposes an eighteen hole golf course and private country club, storage/maintenance facilities, and several additional accessory uses. It is my understanding that this course is designed to a professional standard and will require substantial maintenance to sustain the integrity of the course once it is constructed. The Private Country Club will be open for public membership and may potentially generate additional traffic to the site from members living outside of “The Preserve” development. The Planning Commission should consider the following:

- Consider the “worst case scenario” when reviewing new road design and off site impacts to existing infrastructure. Request that the applicant calculate the traffic impacts in the event that all of the Country Club members live outside of the “The Preserve” development. Identify all uses that may be open to the public, such as the restaurant, snack bar or golf practice range.
- Request that the applicant identify the scope of golf course special events and tournaments. The 11,000 s.f. club house and a few tents could accommodate an event such as the Greater Hartford Open (GHO) or a combination of private parties and weddings. These activities can significantly increase traffic as well as present potential parking problems.

- Identify the accessory uses within the Private Country Club/Golf Course such as guest houses or an apartment for the golf course maintainer.

### **Infrastructure, Traffic & Circulation**

Road, trails, sidewalks and golf cart paths designed for this development will play an important role in connecting “The Preserve” residents to the Old Saybrook community. Infrastructure should be designed to welcome “The Preserve” into the Old Saybrook while utilizing environmentally sensitive measures and best management practices to achieve this goal. The Planning Commission should consider the following:

- Encourage alternatives to impervious surfaces to reduce sheet flow on the site by promoting narrow roads and sidewalks. Avoid sidewalks, trails and cart paths that do not lead to a destination or a connection – they promote additional impervious surface area with little function.
- Discourage pervious surfaces in areas located adjacent to wetlands that will be plowed or shoveled. Leaky automobiles as well as sand and salt treatments used during the winter can adversely impact wetlands, watercourses and vernal pool areas.
- Encourage alternatives to crossing wetlands, watercourses, vernal pools and within the 100 foot review area wherever possible.
- Request that the applicant consider methods to discourage ATV, dirt bike and motorcycle traffic throughout the trail system. (This is a current problem with the existing trails on site.)
- Discourage unnecessary tree clearing for new road construction, as well as for off-site improvements.
- Encourage the applicant to provide reasonable and prudent alternatives to avoid construction of infrastructure within wetlands, watercourses and vernal pools and within the 100 foot upland review area wherever possible.
- Insist that sidewalks and trails are constructed with handicapped accessibility in accordance with ADA standards.
- Identify who will utilize and be responsible to maintain the gated access at Ingham Hill Road.
- Consider additional connector roads into Old Saybrook to provide better circulation and access to the Old Saybrook shopping areas, highways and municipal areas.
- Determine which roads, trails, bikeways and sidewalks are public vs. private. Identify who will be responsible for cost and maintenance.

### **Planned Residential Development (PRD)**

The Zoning Regulations permit Planned Residential Development (Z.R. §.55) as a class of zone in addition to and overlapping the Residence C Conservation District Regulations (Z.R. §27) and may be located on a lot in an Open Space Subdivision. The applicant has proposed two areas of PRD with a Traditional Neighborhood Design that will be subject to a more detailed review by the Zoning Commission at a later date. The Planning Commission should consider the following at this time:

- Determine if rear alleys within the Planned Residential Development are of a sufficient width to accommodate regular vehicular traffic and additional users. Identify if refuse collection, delivery and other service vehicles will access through these rear access roads, as well as guest parking in the event of a residential gathering.
- Consider if merging the two PRD areas would create a better sense of neighborhood for residents.
- Encourage open recreation/community areas within the PRD to support better interaction in keeping with theme of Traditional Neighborhood Design.
- Consider interaction between the PRD and the adjacent driving range and golf course to ensure that no detrimental impacts will be created by the neighboring mixture of uses. Privacy, lighting and noise from the golf course/private country club should be properly planned to avoid disturbance to PRD residents.
- Revisit the comments listed above under “Infrastructure, Traffic & Circulation.”

### **Lots for Single Family Dwellings (SFD)/Estate Dwellings**

During the conventional subdivision process, the Inland Wetlands & Watercourses Commission (IWWC) reviews reasonable applications and prudent alternatives to avoid the creation of lots and roadways that will potentially have an adverse affect on neighboring wetlands and watercourses. Through violation/enforcement experience, both the IWWC and I have learned that often residential homeowners are unaware of wetlands/watercourses and the regulations that protect them. The applicant proposes lot lines with limited notice to or legal protection to inform future homeowners from clearing the protective canopy and underbrush. The Planning Commission should consider the following:

- Encourage clearly marked conservation easements on lots that contain or are adjacent to wetland areas.
- Consider alternatives on the Pianta parcel (which is included as part of the Open Space Subdivision) to locating roads/lots within the 100 foot upland review area.
- Encourage shared driveways to minimize intrusion into regulated and upland review areas.

- Require that conservation/easement areas are clearly marked with permanent plaques indicating that clearing is prohibited within the conservation/easement area.
- Encourage minimum tree clearing and impervious driveways near wetland/water resources to prevent leaching of non-point source pollution into the fragile headwaters of their watersheds.

The Planning Commission should consider directing the applicant to:

- Provide information about the “Access Easement” from Road A across Open Space adjacent to SFD Lots #17 and #18 to the adjacent property (Assessor’s Map 55 / Lot 2)
- Relocate the boundaries of SFD Lots #4 and #5 of the “Road B” Cluster away from Wetland #32.
- Request waiver of limit on SFD Lots #9, #10, #11 and #12 of the “Road C” Cluster” of number of lots to be served by a shared driveway.
- Request waiver of limit on SFD Lots #16, #17, #18 and #19 of the “Road C” Cluster” of number of lots to be served by a shared driveway.
- Relocate the boundaries of SFD Lots #26, #27, #28 and #29 of the “Road J” Cluster away from Wetland #17.
- Relocate the shared driveway for SFD Lots #26, #27, #28 and #29 of the “Road J” Cluster out of the Upland Review Area for Wetland #17.
- Request waiver of limit on SFD Lots #26, #27, #28 and #29 of the “Road J” Cluster” to be served by a shared driveway.
- Relocate the boundaries of SFD Lots #34, #35 and #36 in the “Road J” cluster of single-family dwellings so that no part of any lot is within the Upland Review Area of the Wetland #16.
- Eliminate or relocate SFD Lot #37 to better group the “Road K” Cluster on the east side of the road.
- Request waiver of limit on SFD Lots #43, #44 and #45 of the “Road K” Cluster to be served by a shared driveway.
- Relocate the boundaries of SFD Lots #38, #39, #40, #41 and #42 of the “Road K” Cluster away from Wetlands #12, #13 and #15 and from Vernal Pool #6.
- Relocate the boundaries of Estate Lots #21, #22 and #23 by combining the pooled area into only one or two lots outside of the Upland Review Areas for Wetlands #18 and # 39 and Vernal Pool #19 and #26.

- Restrict the building envelope via Conservation Easement to contain the Upland Review Area for any SFD or Estate Lot where it is not feasible to relocate the boundaries out of the Upland Review Area of any wetlands.

The Zoning Regulations permit single-family dwellings as a permitted use in the Residence C Conservation District under Section § 27.1.1. The Planning Commission should:

- Require that all lots meet the lot, area, shape and frontage requirements of Section §7.2 of the Zoning Regulations.

### **Aquifer Protection**

The State of Connecticut Department of Environmental Protection has been working recently with all Connecticut municipalities to adopt more stringent local regulations to protect aquifers. Old Saybrook is in the process of adopting an aquifer protection ordinance, and the Zoning Commission will soon update its Aquifer Protection Zone Regulations. Section §57 of the Zoning Regulations currently identifies Aquifer Protection Zones as overlapping districts, in addition to other zoning districts, to assure that uses and site development are conducted in a manner to protect valuable groundwater supply resources. The Holbrook Aquifer Protection Zone is located in Westbrook and the northwest section of Old Saybrook including property owned by Riversound, LLC. Residential uses are permitted in the aquifer protection zone and propose minimum adverse impacts to the Aquifer area. The Planning Commission should:

- Request that the applicant update plans to identify the Hollbrook Aquifer.
- Pay particular attention to the utilization of best management practices for surface water runoff and sewage disposal in this district.

### **Uses**

The Residence C Conservation permits uses as of right (home occupations, family daycare homes and accessory apartments) as well as special exception uses (riding academies and transient lodging). These uses are not being proposed by the Applicant yet may be proposed by future residents of “The Preserve.” The Planning Commission should:

- Review the uses listed under Section § 27 of the Zoning Regulations.
- Consider the interaction between the proposed location of lots, infrastructure and non-residential amenities of the proposed development and the addition of future permitted uses.

Copy to:     Attorney David Royston  
                   Attorney Mark Branse  
                   Dennis Goderre, BL Companies  
                   Madeleine Fish, Chairman, Zoning Commission  
                   Frank Jones, Chairman, Inland Wetlands & Watercourses Commission

**END OF REPORT**