

CONNECTICUT
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PLANNING
COMMISSION
EXHIBIT #21

AT SAYBROOK JUNCTION-MARKETPLACE
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October 25, 2004

Mr. Robert McIntyre, Chairman
Old Saybrook Planning Commission
302 Main Street
Old Saybrook, CT 06475

FILE COPY

SUBJECT: Open Space Subdivision – Application for Special Exception Use
Applicant: River Sound Development, LLC (“The Preserve”)

Dear Mr. McIntyre:

You have referred the subject Application for Special Exception Use to CRERPA for our review for intermunicipal impacts and impacts to Long Island Sound pursuant to Section 8-3b of the Connecticut General Statutes. This report is being provided for your public hearing that is scheduled to commence on Wednesday, November 3, 2004.

Intermunicipal Impacts/Impacts to the Ecosystem/Habitat of Long Island Sound
Sections 8-3b and 8-26b of the Connecticut General Statutes dictate what applications and regulation amendments must be submitted to a Regional Planning Agency for comment. Although the development known as “The Preserve” will be considered a municipal line subdivision at a later stage in a somewhat complicated application process, the current application for a Special Exception does not require the review and comment of the CRERPA board.

The RPA and RPA staff would like to note that one of the more controversial aspects of the previous application involved the issue of road access to the property and the resulting traffic patterns and volume. The conceptual plan used thus far indicates an intent to include TWO access points to the property – one at the same Route 153 location in Westbrook and the second on Bokum Road in Old Saybrook near the Essex/Old Saybrook municipal boundary - the access from Ingham Hill Road has apparently been deemed “emergency only”. It will likely be this aspect of the plan that produces the significant concern over potential intermunicipal impacts. In that the proposed Special Permit application does not involve this aspect of the overall development, comments regarding these intermunicipal concerns are not raised within this report. Like the Old Saybrook Commissions, the RPA and staff will look forward to review of submitted traffic planning details. As the Commissions are aware, the municipal line subdivision proposal will also require intermunicipal impact review by CRERPA under Section 8-26b of the Connecticut General Statutes.

Application Process

It is understood that the referred Application for a Special Exception Use has been submitted to accomplish two initial steps in the development process. First, the applicant seeks a Special Exception in order to allow for the submission of an application for an open space subdivision rather than a conventional subdivision. Second, the conventional subdivision that has been submitted with the application is intended to demonstrate how many conventional subdivision lots can be accommodated by the parcel. Ideally, the applicant seeks approval of that number of conventional lots to be designed into the open space subdivision. To reiterate, this is not a subdivision application, but an application to allow the applicant to apply for an open space subdivision.

Conventional vs. Open Space Subdivision

The applicant has indicated throughout the planning stages of this development that they preferred, and thought that the Town preferred, the development of an open space subdivision that would succeed in preserving a significant area of the property known as “The Preserve” in undisturbed open space. Zoning Regulations were developed and approved by the Town which would potentially allow such a development on this property.

Given that the proposal includes the preservation of approximately 54% of the parcel in fee, it would appear that the proposal accomplishes that goal. In order to set aside such a significant area of land for open space preservation, the applicant will “cluster” development in several areas of the remaining 46% of the property. A golf course is intended to be included within the developed portion of the property as well.

The proposal to create an open space subdivision on the property known as “The Preserve” is one that this Agency would support in concept.

Establishment of the Number of “Lots”

The applicant has submitted a conventional subdivision plan, as required by Section 56, Open Space Subdivisions, in order to demonstrate how many lots could be accommodated by the property. Although the applicant indicates that the property can accommodate 293 conventional subdivision lots, they have indicated an intention to apply for 248 dwelling units in several configurations (village attached (PRD), village detached (PRD), ¾ acre lots and “estate” lots).

A question arises regarding the manner in which the conventional layout was developed and how that number of lots relates to the planned open space subdivision. Specifically, the conventional layout did not include the parcel that will ultimately be developed as an 18-hole golf course, while the open space subdivision will include such a use. For instance, if an applicant intended to provide an open space parcel that is 50% of the property in Old Saybrook (446.6 acres), then 100% of the conventional *developable* lots are “clustered” on the other 50% of the property (446.6 acres) while the remaining 50% is preserved as open space.

In this case, the conventional developable lots are proposed to be clustered on substantially less than 50% of the property – the developed 46% of the property (open space proposed is 54% of the property) will include the residential development (229 acres) AND an 18-hole golf course (218 acres) that wasn't considered in the original lot count calculations. **Simply stated, residential dwellings said to be accommodated by the total 893 acres located in Old Saybrook are intended to be placed on 26% of the property (229 acres), not 50% of the property (446 acres), as is the case with most open space subdivision proposals.**

As indicated above, where the applicant contends that 293 conventional lots can be accommodated by the property, they are proposing only 248 dwelling units. It may be that the reduction of 45 dwelling units (293 conventional lots – 248 proposed dwelling units) may mitigate the question of what some may consider “double-counting” of the golf course. The Commission will have to determine if their regulations anticipated the process of subdivision to occur in this manner.

Conclusion

Given the resource value of a significant part of the 893 acre property known as “The Preserve”, it seems prudent to develop in the form of an open space subdivision, as originally anticipated by both the applicant and the Town. The question that arises, however, is at what development density. The questions of how many “conventional subdivision lots” can be accommodated by the property and whether that ultimate number should be placed on what amounts to 26% of the property should be addressed by the Commission in their initial deliberations.

Thank you for forwarding the Special Exception application to us for our findings and comment. If you have any questions or comments regarding this referral report, please don't hesitate to contact us at (860) 388-3497.

For the Agency,



J. H. Torrance Downes
Senior Planner

Copies to: Ms. Marian Staye, Zoning Official, Essex
Mr. Jay Northrup, Town Planner, Westbrook