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**PLANNING
COMMISSION
EXHIBIT #36**

June 30, 2004

Mark K. Branse
Branse & Willis LLC
41C New London Turnpike
Glastonbury, CT 06033-2038

Re: **The Preserve: Response to Your June 3, 2004 Letter**

Dear Mark:

Thank you for responding to the points I raised in my May 19, 2004 letter and for clarifying Westbrook's concerns related to the design of the project so far. We intend to satisfy all of your requests for information over the next several months. This letter to you is our first step towards that goal.

Much of the information you have requested is dependent upon a final site design. We gather from your letter that Westbrook believes that we are further along in our design process than we really are. In fact, we still have many important decisions to make about the project, and we do not expect to be completely finished until September. The Preserve is an immensely complicated effort with various, interdependent components. We think that it is important that we take the time necessary to design a first-rate project.

This letter and its attachment will provide you with all of the definite information we can offer at this point. Where we cannot yet respond to a specific request for information, we explain why that is the case and we provide an approximate date by which we can respond.

Use Restrictions/Program for Improvements

In your Paragraph I, you asked for a precise description of the proposal since "Westbrook can only respond to a complete and detailed proposal." We are still refining our site design and will be prepared to share a detailed, specific site development plan with you in September. At this time, however, we are able to



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commit to the attached program (see Tab A). In the program we provide the kind of precise information you requested with regard to the numbers and types of units, the size of the clubhouse, how many seats the restaurant will contain, the firehouse, golf course tournaments, the nature center, and other elements of the project.

As I indicated in my previous letter, our client is also willing to commit to permanent restrictions on the Preserve consistent with this program. Attached is a draft Restrictive Covenant and Easement for your review (see Tab B). The covenants you requested in your Paragraph 3 are also included in this document.

You mentioned the Pianta parcel more than once in your letter. I can only repeat that River Sound has no detailed plans for development of the Pianta parcel, although it is willing to commit to a site plan showing the access road and the definition of parcels both for development and for preserved open space. The program (Tab A) contains information with regard to potential development, but in the event our client determines in the future to develop the parcel, our client has committed to no more than 35 units under a Planned Residential Development. These numbers and commitments represent the whole of our own conclusions for that parcel.

Access to the Golf Course and to Open Space

Our client acknowledges the need to provide Westbrook with benefits to offset certain impacts on the town; consideration for Westbrook's needs has driven many of our discussions and designs. Our client will provide permanent and meaningful access for Westbrook residents to many of the amenities planned for The Preserve. The attached draft Restrictive Covenant and Easement (Tab B) would confer substantial benefits on the Town of Westbrook by granting a permanent easement to the trail system and parking spaces and by ensuring that Westbrook residents will have permanent rights to use the golf course facilities. Not only will Westbrook residents enjoy the same right to join the golf club as residents of Old Saybrook, but use of the course for the Westbrook High School golf team will be at no cost. Team play would, however, be limited to business days.

Construction Traffic

Information on construction traffic will not be available until plans are finalized in September. We are still refining the detailed construction-phasing plans, the balance of cut and fill on site, and import for the community septic system and road base, and golf course, if necessary. This process takes time since it requires us to consider various options to mitigate impacts within the site and the surrounding area. Once we have this information, we will be sure to provide you with it.



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The Entrance Road

In Paragraph V, you raised the issue of maintenance of the entrance road providing ingress and egress to Route 153 in Westbrook. To avoid confusion with the previous application for this site, we will not refer to this road as "Sanctuary Drive."

Westbrook will not have to maintain any portion of this road. Our client is fully committed to an arrangement by which Westbrook would be relieved of maintenance duties for the portion of this road located in Westbrook. We will also make sure that our final road design accommodates the needs of maintenance vehicles to turn around at the end of the entrance road.

At the end of Paragraph 5 of your letter, you expressed a "slight preference" for creating a public highway under General Statutes Section 13a-48 of the General Statutes. We offer the following outline of tasks as one way to accomplish this:

- Our client would prepare a Petition to the Westbrook Board of Selectmen to accept a conveyance of the roughly two-acre Westbrook parcel and the proposed entrance road as a public highway under the terms set forth in the Petition. This Petition would include a detailed design map of the proposed highway and construction details consistent with the Standard Specifications set forth in the Westbrook Subdivision Regulations. The highway design will accommodate the needs of maintenance vehicles to turn around at the Westbrook-Old Saybrook Town Line. General Statutes Section 8-24 requires that the Westbrook Planning Commission review this proposal and submit a report to the Board of Selectman.
- The Petition would include, *inter alia*, the following elements:
 - An Agreement by our client that prior to the opening of the highway to the public, it would either provide an Interlocal Agreement between the Towns of Westbrook and Old Saybrook placing on Old Saybrook the burden of the maintenance of the portion of the highway located on the parcel in Westbrook, or if Old Saybrook is unwilling to do so, an agreement by our client to do so, binding upon the Homeowners Association contemplated for the Preserve and funded by it.
 - As a condition of the acceptance of the public highway right-of-way by the Town of Westbrook, that construction of the highway within the right-of-way be completed in accordance with the approved design.



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- o The reserved right of our client to erect signage and plantings, in accordance with the approved design within or on the property adjacent to the public highway right-of-way.

Upon acceptance of the conveyance of the property by the Town of Westbrook, our client would construct the highway, and upon completion and acceptance of its completion by Westbrook, it would be open to the public as a public highway.

This proposal contemplates a conveyance of the entire parcel as a single piece to Westbrook within which is located the public highway. We believe this avoids the need of an 8-25 application (subdivision or resubdivision). The Planning Commission review would only be under 8-24.

Distribution of Traffic Impacts

We understand Westbrook's desire for additional traffic outlets that you describe in Paragraph VI. Unfortunately, there does not appear to be a way of opening additional outlets other than Bokum Road without significantly compromising the quality of the project. We will, however, continue to investigate and evaluate opportunities for additional outlets – particularly to Ingham Hill Road in Old Saybrook – as they arise. We will also propose emergency access to the Preserve from Ingham Hill Road in Old Saybrook via a secure, gated access road.

Drainage Discharges

We will not have good information about drainage discharges until plans are finalized in September. Designing the drainage system for the Preserve is an undertaking that requires time and careful preparation. We are still evaluating detailed options relating to the golf course, the road and lot grading, and ground disturbances – all of which will affect runoff. Once we have completed our design, we will be pleased to share the results with you and with Westbrook.

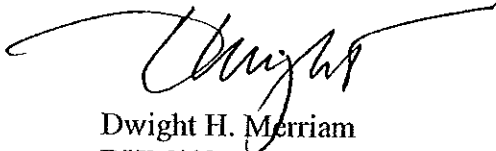
If you have any other questions, please do not hesitate to call or write me. I think that a continued dialogue between us will likely satisfy your requests for information and will help us to accommodate Westbrook's particular needs.



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Sincerely,



Dwight H. Merriam
DHM/df

Enclosures

Copy to:

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Christina Costa, Zoning Enforcement Officer, Town of Old Saybrook
Madeleine Fish, Chairman, Old Saybrook Zoning Commission
Dennis Goderre, Manager, Landscape Architecture, BL Companies
Robert McIntyre, Chairman, Old Saybrook Planning Commission
Christine Nelson, Town Planner, Town of Old Saybrook
Jay Northrup, Town Planner, Town of Westbrook
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Michael Pace, First Selectman, Town of Old Saybrook
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Lee Willman, Chairman, Westbrook Zoning Commission

