

TOWN OF OLD SAYBROOK
Inland Wetlands & Watercourses Commission

302 Main Street • Old Saybrook, Connecticut 06475-1741
Telephone (860) 395-3131 • FAX (860) 395-3125

XC: PC 12/18
7C
PLANNING
COMMISSION
EXHIBIT #72a

PERMIT MODIFICATION

FILE COPY

APPLICANT	Riversound Development
ASSESSOR'S MAP #	56 LOT 6
ADDRESS	Ingham Hill Road, Old Saybrook, CT 06475
PERMIT #	P04-013
DATE GRANTED	11/18/04
EXPIRATION DATE	11/18/06
APPLICATION #	04-013
BOND AMOUNT	NONE

This authorization refers to your application to conduct a regulated activity within those areas regulated by the Inland Wetlands and Watercourses Commission at the following location: Ingham Hill Road, Old Saybrook

The Inland Wetland Commission has considered your application with due regard for the criteria enumerated in Section 7 of the Agency's Regulations and has found that the proposed work, as specified and conditioned below, is in conformance with the purposes and provisions of said sections.

The authorized activity consists of: Application to construct a private country club including an 18 hole golf course

Approved for application of modification of permit #00-002 with the following stipulations: See attachment of permit modification.

Additional recommendations:

The Commission recommends that the Applicant apply for appropriate Planning, Zoning and Building Permits for this activity.

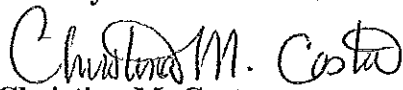
This Permit is issued subject to the following conditions and/or modifications:

1. The permittee shall notify the Wetland Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed on or before 11/18/06 said activity shall cease and, if not previously revoked or specifically extended, this Permit shall be null and void.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill,

obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this Permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this Permit.

4. This authorization is not transferable without the written consent of the Chairman of the Inland Wetland Commission.
5. In evaluating this application, the Commission has relied on information provided by the Applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this Permit may be modified, suspended or revoked.
6. The permittee shall employ best management practices, consistent with the terms and conditions of this Permit, to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands. The permittee shall immediately inform the Inland Wetlands Enforcement Officer of any problems involving wetlands which have developed in the course of, or which are caused by, the authorized work.
7. No equipment or material including, without limitation, fills, construction materials, or debris shall be deposited, placed or stored in any wetland on or off site unless specifically authorized by this Permit.
8. This Permit is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Old Saybrook Inland Wetlands & Watercourses Commission



Christina M. Costa
Enforcement Officer

Copy to: Don Lucas, Building Official
Madeleine Fish, Chairman, Zoning Commission
Robert McIntyre, Chairman, Planning Commission
IWWC File# 56/6
Master File #56/6

Revised Decision as per meeting held on 11/18/04

MOTION AS TO APPLICATION #00 002 – THE PRESERVE – PRIVATE COUNTRY CLUB

The Inland Wetlands Commission of the Town of Old Saybrook has the authority under the Old Saybrook Inland Wetland regulations of the Town of Old Saybrook and the Connecticut General Statutes to grant, deny, or grant with terms, conditions, limitations or modifications permits for any and all regulated activities conducted or to be conducted on any inland wetland or watercourse (regulated area), and any regulated activities which may occur within 100 feet of any wetland or watercourse (upland review area), and any regulated activity which may have an impact on any inland wetland or watercourse within the Town of Old Saybrook.

The proposed activities for the construction and use of a private country club, including an 18-hole golf course, known as "The Preserve", located in the Town of Old Saybrook on Lot #25 of a 25-lot subdivision known as Phase IA of "The Preserve" by the applicant, "The Preserve, LLC", are regulated activities within the Old Saybrook Inland Wetland regulations of the Town of Old Saybrook, and the General Statutes of Connecticut, Section 22a-36 to Section 22a-45, as amended. The Old Saybrook Inland Wetlands Commission, having considered the factors set forth under the provisions of Section 10 of the Old Saybrook Inland Wetlands regulations, written information received and comments provided by the public and the applicant at the Public Hearing before the Commission, (legal notice of Public Hearing was published in the Middletown Press on February 4, 2000. The Public Hearing was opened on February 17, 2000, continued to March 16, 2000, continued to April 11, 2000, and closed on May 2, 2000) and upon the advice and information given to the Commission by experts and staff under its employ and/or direction, finds the following:

1. That the application, together with further information acquired from the applicant and its experts during the Public Hearing, and further information acquired from the experts and staff hired or under the direction of the Old Saybrook Inland Wetlands Commission, contains sufficient information necessary for a fair determination of the issues to be considered.

2. In connection with its evaluation of the proposed regulated activities, as defined in its regulations, the Old Saybrook Inland Wetlands Commission has considered all evidence offered as part of the record of the Public Hearing, together with advice supplied to the Commission by its own experts and staff hired or under its direction, testimony and information provided by the public at the Public Hearing with respect to the following factors:

- (a) the environmental impact of the proposed activities;
- (b) the consideration of feasible and prudent alternatives to the proposed activities;
- (c) the relationship between the short-term and long-term impact of the proposed activities on the wetlands and watercourses;
- (d) the maintenance and enhancement of long-term productivity of such wetlands and watercourses;
- (e) the irreversible and irretrievable loss of wetland or watercourse resources caused by the proposed activities;
- (f) the character and degree of injury to property or interference with safety, health, or reasonable use of property, including abutting or downstream

property which would be caused or threatened by the proposed regulated activities;

(g) the impact of the proposed activities by wetlands or watercourses outside the activities area; and

(h) any measures that would mitigate the impact of the proposed activities.

3. The Commission finds that the proposed activities will not have a significant adverse impact of polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the Town of Old Saybrook or the State of Connecticut.

4. As required under the provisions of Section 10.3 of the Old Saybrook Inland Wetlands regulations, the Commission finds, on the basis of the entire record before it, that a feasible and prudent alternative to the proposed activities does not exist. In particular, the Commission has reviewed at least three alternate plans for the project, considering the location and relocation of the eighteen holes on the proposed golf course. Based on this information, including, in particular, the information given to the Commission by Executive Decisions, LLC, the Commission finds that the proposed location of the eighteen holes on the golf course that have the least impact on the inland wetlands, watercourses, 100 feet upland review area and surrounding areas, and abutting or downstream property are those plans designated "Special Exception Site Plan: The Preserve Country Club/Golf Course Old Saybrook, Connecticut, Sheets 1-14 of 14, Date 1-7-00, Scales: As Noted, Prepared by: Alvin G. Wolfgram" as to holes one through nine; and, as to holes ten through eighteen, said plan as revised by plan dated April 14, 2000. One of the primary reasons for this finding is that if all the proposed

activities regarding the location of the golf course are located further than 100 feet from the regulated areas, then the construction of said golf course holes would require a degree of injury to the surrounding upland area which would outweigh any benefit derived from prohibiting all activity within the 100-foot regulated setback area. The Commission also finds that the private country club and the golf course facility are a prudent alternative to the impact of other potential use allowed under the Old Saybrook Zoning Regulations (particularly a residential subdivision), which would cause a significantly greater long-term disturbance and impact on the wetlands, 100-foot regulated setback area, watercourses, and surrounding areas. The Commission also finds that the proposed golf course layout and wetland crossings for the roadways and cart paths within said Lot #25, and the activities associated within the 100 foot upland review area, are the minimum amount necessary for the applicant to provide access to and enable the applicant to use and develop the subject property as a private country club.

5. The proposed regulated activities within the wetland and watercourse areas of Lot #25 consist of approximately 7.19 acres. These activities consist solely of the removal of the forest canopy for the construction of fairways and cart paths. No tees, greens, paving or buildings are in the wetlands. There are approximately 31.96 acres of regulated activity which are within 100 feet of the wetlands boundary, which include construction of greens, tees, grass fairways, cart paths, and cutting of the forest canopy. The entire area of said Lot #25 is 239.4 acres.

6. That the Commission accepts and recommends acceptance by the Old Saybrook Planning Commission a "Declaration of Perpetual Conservation Restriction

Easement" (golf lot – with limited reserve rights), which designates certain areas within Lot #25 as areas restricted for open space and conservation purposes, to be filed on the Land Records and to be enforceable by the Town of Old Saybrook, the Town of Old Saybrook Planning Commission, the Town of Old Saybrook Zoning Commission, and the Town of Old Saybrook Inland Wetlands Commission. The final form of said easement shall be as approved by counsel for the Commission.

7. That the Commission accepts and recommends acceptance by the Old Saybrook Planning Commission a "Declaration of Perpetual Conservation Restriction Easement" (golf lot – with limited reserve rights – no public access) which designates certain areas within Lot #25 as restricted area for open space and conservation purposes, to be filed on the Land Records and to be enforceable by the Town of Old Saybrook, the Town of Old Saybrook Planning Commission, and the Town of Old Saybrook Inland Wetlands Commission. The final form of said easement shall be approved by counsel for the Commission.

8. That the applicant has presented an Integrated Pest Management Plan (including fertilizer and herbicide sections). The purpose of the Plan is to reduce the possibility of nitrogen, phosphorus, pesticide and herbicide movement to ground and/or surface water and to wetlands by implementation of best management practices, including grass species selection, turf grass management, water quality measures, chemical applications and handling, mowing, and irrigation rates. It also includes a program for monitoring of those activities, including periodic testing and maintenance of test wells and test sites. Also with regard to pest management, the Commission is in receipt of reports of its consultants, Geoffrey L. Jacobson, P.E. dated June 30, 2000,

Dr. Martin Petrovic dated April 11, 2000, and May 10, 2000, and Penny Sharp and Richard Snarski dated April 27, 2000.

9. That the applicant is advised that it might be required to apply for and receive a water diversion permit from the State of Connecticut Department of Environmental Protection, and permits from other State agencies.

10. That the proposed activities will not have a significant adverse effect on the regulated areas and lands adjacent to said regulated areas, and areas downstream thereof.

Based upon the above, the Old Saybrook Inland Wetlands Commission hereby grants approval of Application #00-002-The Preserve – Private Country Club Phase I A to construct a private country club, including an 18-hole golf course, referred to as “The Preserve”, as presented and shown on the plans entitled:

“SITE PLAN FOR THE PRESERVE, OLD Saybrook – Westbrook – Essex; Alvin G. Wolfgram, PE, P.O. Box 863, Essex, Connecticut”

Sheet No.	Drawing Title	Revision Date
1 & 1A	Site Plan for The Preserve	April 11, 2000
2-9	Site Plan for The Preserve, The Manor House	“
10-13	Site Plan for The Preserve, Maintenance Center	“
14-15	Site Plan for The Preserve, The Manor House and Maintenance Center	“
16	Site Plan for The Preserve, The Manor House	“
17-18	Site Plan for The Preserve, The Manor House and Maintenance Center	“
19-20	Site Plan for The Preserve, The Manor House	“

“GOLF COURSE AND OPEN SPACE, LOT 25 – GOLF LOT; Stein Survey, P. O. Box 1097, Westbrook, CT. and Alvin G. Wolfgram, PE, Essex, CT”.

Sheet No.	Drawing Title	Revision Date
1	Index Map	April 11, 2000
2-14	Site Development Plan Including Detailed Grading, Drainage, Utility and Sedimentation & Erosion Control, Depicting Proposed	

Golf Course and Open Space, Lot 25 – Golf
Lot

"

The following was applicant's exhibit No. 35, submitted on May 2, 2000 and is entitled "Subdivision Plans, Old Saybrook, Phase 1A, THE PRESERVE, LLC, Essex, Old Saybrook, & Westbrook, Connecticut".

Sheet No.	Drawing Title	Revision Date
1	Cover Sheet	May 2, 2000
2	Legend and General Notes	"
3	Subdivision Master Plan	"
4	Not Included	"
5	Boundary Survey Index Sheet	"
6-22	Boundary Survey Plan	"
23	Subdivision Layout Index Sheet	"
24-59	Subdivision Layout Plans	"
60	Detailed Layout Index Sheet	"
61-79	Detailed Layout Plans	"
80	Construction Plan Index	"
81	Construction Profile Index Sheet	"
82-98	Plan and Profile Sheets	"
99-120	Cross Sections	"
121	Erosion and Sedimentation Index Sheet	"
122-139	Erosion and Sedimentation Control Plans	"
140-153	Detail Sheets	"

The above said plans are approved, together with and subject to, the following stipulations and modifications:

GENERAL CONDITIONS:

1. Any significant changes, additions or modifications to the plans as approved shall require subsequent review and approval by the Old Saybrook Inland Wetlands Commission. Any deviation from the approved plans shall be documented, in written form, and/or revisions to the plans, and shall be approved by the Inland Wetlands Commission or its agents prior to the initiation of the associated work.

2. Prior to the commencement of construction activities, the applicant shall notify the Old Saybrook Inland Wetlands Enforcement Officer (or his agent) and the Inspector, (described in Paragraph 6 hereof), so that they can inspect the site to insure that all required erosion and sedimentation controls are in place. The Inland Wetlands Enforcement Officer shall have the right to enforce any controls in addition to those shown on the applicant's Plan, if, in his opinion, field conditions warrant such controls.

3. Prior to the beginning of construction, the applicant will provide a detailed "Construction Plan" satisfactory to the Commission staff that determines the stages of construction. The primary purpose and requirement of the Plan shall be to minimize the amount of area which, at one time, is in the process of being disturbed. Said Plan shall include the following:

- (a) The location of all temporary access roads and paths
- (b) The location and type of all proposed erosion control measures to be utilized during construction of permanent structures.
- (c) The type of equipment to be used, and where on the site such equipment will be used.
- (d) That no equipment other than hand-held and hand-used equipment shall be used in any wetland regulated area.
- (e) The measures proposed to insure that the natural soils, both within the wetland areas and within the 100 foot upland review area remain undisturbed and in their natural state, except where specifically permitted by this Commission.

- (f) That prior to any proposed activity taking place in the regulated area, or within the 100 foot upland review area, that the limits of said area shall be staked by the applicant's surveyor or engineer, and inspected by the Inland Wetlands Officer or his agent.
- (g) That within the 30 days next following completion of permitted activity within regulated areas or the 100 foot upland review areas, that an "As Built" or "As Completed" survey shall be prepared and filed with the Inland Wetlands Officer in accordance with A-2 standards showing said area following the implementation and completion of the permitted activities.
- (h) The "Construction Plan" shall require the breakdown of the construction of the golf course into four separate phases. Aside from cutting of timber, the on-site heavy construction should be limited to not more than five-hole segments at any one time. Substantial improvement of each five-hole segments shall be completed (including the stabilization of the ground area and construction of all drainage facilities, shall be completed in one phase before beginning another five-hole phase).
- (i) Monitoring of the drainage outlet pipes should be conducted for a three year period to determine if gullyng occurs. In this regard, a Remediation Plan should be developed which outlines various corrective measures to be taken. We recommend that bioengineering techniques be utilized, whenever possible, in lieu of structural measures such as riprap.
- (j) Sediment fences and hay bales should be removed in the vicinity of vernal pools during the amphibian breeding period (February 20 – April 30). The

extent of removal should be evaluated on a case-by-case basis. Alternative erosion control measures will need to be implemented during this period, which will allow amphibian movements (e.g. woodchip berms and/or slits in the silt fence).

- (k) Tree clearing should be prohibited during the prime avian breeding season (April 30 to June 30).
- (l) Woodchip piles should be retained on site in stable upland areas for emergency use during construction of the golf course.

4. The applicant shall be required to implement fully its Integrated Pest Management Plan (including fertilizer and herbicide sections), and to incorporate therein all of the recommendations from Dr. Martin Petrovic, as outlined in his letters of April 11, 2000 and May 10, 2000, the recommendation of Geoffrey L. Jacobson, P.E. in his Memorandum dated June 30, 2000, and the recommendation of Penny Sharp and Richard Snarski dated April 27, 2000. Procedures and requirements for the same shall be as follows:

- (a) The final revised Plan shall be submitted to Dr. Petrovic, Geoffrey L. Jacobson, Penny Sharp, and Richard Snarski for their review and, thereafter, to this Commission, and its counsel, for final review and approval. All costs for such review shall be borne by the applicant.
- (b) The applicant shall submit an annual report to the Commission detailing the following information regarding the use of pesticides, herbicides and fertilizers on the subject site. This report shall include, as a minimum, the following information:

(1) chemical name, common (trade) name, type, and quantity of each compound utilized on the golf course lot during the previous calendar year;

(2) any changes (proposed additions or deletions) of chemical compounds anticipated to be utilized during the current calendar year;

(3) a summary report of any reportable spill or exposure incidents experienced during the previous calendar year, including any remediation efforts undertaken or on-going; for purposes of the annual report, a reportable spill or exposure incident is one in which any listed compound in excess of 10 pounds (dry weight) or five gallons (liquid measure) is spilled onto any area of the subject property;

(4) any reportable incidents to other regulatory agencies such as the State of Connecticut Department of Environmental Protection, Public Health Department, or Occupational Safety agency involving listed chemical compounds;

(5) the results of all groundwater and surface water monitoring, testing, including any second or third tier activities, as proposed by the applicant and modified upon the recommendations of the hereinbefore referred to reports of the Commission's consultants;

(6) any actual or proposed changes to the listing of responsible agents for The Preserve, LLC, including names, addresses, phone numbers and pagers;

(7) any actual or proposed changes to the listing of approved commercial applicators under the Integrated Pest Management Program for Residential Properties;

(8) in the event of a spill as defined above, the wetlands agent of the Town shall be notified within one working day of any event. Notification shall include any containment and/or remediation efforts planned or undertaken;

(9) the Annual Report shall be submitted to the Inland Wetlands & Watercourses Commission at its regularly scheduled February meeting. The Report shall contain a review of the results of all site testing for pesticides, herbicides and fertilizers for the preceding year. It shall also include a review of the performance and results of the Integrated Pest Management Plan, and a list and description of any stormwater runoff problems encountered during said year. The Commission may request a review of the report by an outside consultant to analyze the results therein. Costs for such a review shall be borne by the applicant.

(c) the Commission shall grant an operating permit for the operation of the golf course for a one year period, beginning on May 1st of each year and ending on April 30th of the successive year. The granting of a renewal permit shall be contingent upon the receipt and acceptance of a complete annual report. It is the sole responsibility of the applicant to assure that the annual report is submitted in a timely fashion to allow for review and acceptance prior to the renewal date;

(d) any changes or modifications to the groundwater or surface water monitoring program shall be subject to prior review and approval by this Commission;

(e) due to the serious concerns with groundwater and surface water protection, no changes, modifications, or deletions will be tolerated to either the groundwater and surface monitoring program nor to the Integrated Pest Management Plan without review and approval of the Commission. VIOLATIONS OF EITHER PROGRAM MAY RESULT IN THE IMMEDIATE SUSPENSION OR REVOCATION OF THE OPERATING PERMIT FOR THE PRIVATE COUNTRY CLUB;

(f) upon notification of a violation or suspected violation of either the Integrated Pest Management Plan or the groundwater and surface water monitoring program, the applicant and his agents shall cooperate fully with the Commission's agent(s) to ascertain the severity of the incident and to assist fully in the implementation of a containment and/or remediation plan. Failure to assist the Town's agent(s) shall be construed to be an additional violation and will subject the applicant to the same penalties; should the applicant's operating permit be suspended or revoked, the applicant must respond, no later than the next regularly scheduled meeting of the Commission, with a written response identifying the applicant's intention to address the violation.

(g) As part of the "Integrated Pest Management Plan", a list of all of the chemicals to be used on the site shall be given to the Inland Wetlands Enforcement Officer, who shall have the authority to review, approve, or disapprove the use thereof. Thereafter, prior to the introduction and use of any additional new chemical, the applicant shall give appropriate advance notice thereof to the Inland Wetlands Enforcement Officer who, prior to its use, shall have the right to approve or disapprove said use. In the event that during the period of application of any chemical, it should come to the attention of the Inland Wetlands Enforcement Officer that the continued use thereof might constitute a hazard to the wetlands and surrounding area, he shall have the right to order the discontinuance of the use of said chemical.

(h) In the event that any water source servicing properties in the area surrounding the golf course site is adversely affected by the use of any chemical

or any other activity on said site by the applicant, then the applicant shall take immediate steps, at its sole expense, to correct the situation. Such action shall include, but not be limited to, the providing of new water sources by drilling new wells and/or providing public water to the properties adversely affected by such activities.

5. The applicant has expressed a willingness during the application process to accommodate the desire of the Commission to promote public awareness and education with regard to the importance of inland wetland resources, especially on the subject site. As such, the applicant is requested to delineate, in sufficient detail to the satisfaction of the Commission, the details regarding public access trails, nature walks, wetlands overlook platforms, breeding platforms, educational kiosks, or other such materials to enhance the educational opportunities presented by the subject site.

6. In order to insure compliance with the provisions of this decision and the permit issued to the applicant, the Inland Wetlands Commission will hire and make available an Inspector for said project. The Inspector will be fully qualified to review the construction plans, make site visits, and determine that the applicant is, at all times, in compliance with the provisions of this decision. Said Inspector shall be available at all times during the period of construction, and shall have full and unimpeded on-site access to all activities on the subject property. During the period of time that the applicant is conducting its permitted activities on said site, the Inspector shall visit and be present on said site on each day of said activity. The amount of time that the Inspector shall spend on each such day shall be that time necessary, in his sole opinion and discretion, to perform his duties. All costs of the hiring and associated expenses of

said Inspector shall be paid by the applicant. The applicant shall provide an on-site office for use by the Inspector. Such area shall be of sufficient size to allow for review of project plans and specifications. The Inspector shall be provided with a complete set of project drawings, specifications, and change orders appropriate to the permitted activities which shall be maintained on an up to date basis.

7. Prior to the commencement of construction activities on the project, the applicant shall execute and file with the Commission the "Declaration of Perpetual Conservation Restriction Easement" (golf lot with limited reserve rights – no public access), and "Declaration of Perpetual Conservation Restriction Easement" (golf lot – with limited reserve rights). Said documents shall be accepted by the Commission subject to the review and approval of counsel for the Commission.

8. Prior to the commencement of construction activities on the project, the applicant shall file with the Old Saybrook Inland Wetlands Commission a bond in an amount in the form acceptable to the Commission, the Town Engineer, and the Town Attorney, as security for the performance of its obligations under this permit. Said bond shall be in an amount adequate to allow the Town of Old Saybrook to have sufficient funds available to correct, stabilize, or restore all disturbed areas to the extent of establishing permanent vegetation, and to insure the full implementation of the Applicant's Integrated Pest Management Plan. In determining the amount of said bond, the Commission shall accept the recommendations of the Town Engineer as to the adequacy thereof. In addition, there shall be a provision for a maintenance bond which shall continue for a period of at least three years next following the completion of all construction items under this permit. Said maintenance bond shall be in an amount

adequate to insure the correction of any inadequacies or problems which may occur with respect to said construction activities or implementation of the Integrated Pest Management Plan under the provisions of this permit. The Commission will accept the advice of the Town Engineer as to the amount and duration of said maintenance bond.

9. The Inland Wetlands Commission has an interest in making sure that any contractors performing work on the applicant's project associated with wetlands are qualified to do so. Prior to the beginning of any construction activity on the applicant's site, the names and credentials, and proposed construction activities of said contractors, shall be presented to the Inland Wetlands Officer, or his agent, before said contractor is scheduled to begin work on said project. No such contractor shall have the right to perform work on said project without the prior express written approval of the Inland Wetlands agent, which approval shall not be unreasonably withheld. The Inland Wetlands agent may from time to time consult with the Inland Wetlands Commission concerning the approval or disapproval of any such proposed contractor. Prior to the granting of approval of such contractor for the proposed work for such contractor, the Inland Wetlands agent shall investigate the qualifications and expertise of said proposed contractor, and shall issue his permission only in the event that he is satisfied that said proposed contractor has had the experience and qualifications to perform said work. In addition to the above requirement, the applicant shall require of and file with the Inland Wetlands agent a copy of the performance bond of said contractor for its proposed work on the project, which bond shall be reviewed and approved by said Inland Wetlands agent with the assistance of the engineer and attorney for the

Commission. The Commission shall have the right to require that the Town of Old Saybrook be an additional insured on said bond.

10. The Commission recognizes that the proposed golf course on Lot #25 has many characteristics of "open space", even though a considerable percentage of the area is devoted to the construction and use of an 18-hole golf course. It is the specific desire of the Commission that this characteristic as "open space" for Lot #25 be maintained, in perpetuity. Accordingly, it is a specific condition of the granting for the permit activity of construction of the proposed golf course, that in the event that said use as a golf course on said Lot #25 be terminated, that said premises continue as and remain as "open space", as the same is defined under the provisions of the Old Saybrook Planning regulations. This restriction shall not, in the event of the cessation of the use of Lot #25 as a golf course, prevent the owner of said property from using existing improvements to said property in accordance with other uses permitted by the zoning regulations of the Town of Old Saybrook. The term "golf course areas", as used under the provisions of this paragraph, shall include the areas of the 18 holes of said proposed golf course, its paths and approaches, and all proposed practice areas. Appropriate legal documents to implement this condition shall be prepared by counsel to the Commission.

11. All conditions or stipulations that are part of this Motion shall be incorporated into the project contract drawings and/or specifications, as appropriate, prior to the initiation of that particular work on the site. Said project documents shall be clearly labeled with the date of issuance incorporating the revisions. Said project

documents shall be submitted to the Inland Wetlands Commission and its staff for review and approval prior to issuance for construction.

12. All references in this decision to "applicant" shall apply to and be equally binding upon all of the successors and assigns of the applicant and agents thereof.

SPECIAL CONDITIONS:

1. The applicant shall not place, use or store any heavy equipment within delineated inland wetland areas. All equipment used to remove vegetation from designated inland wetland areas as authorized herein shall be hand held.

2. All vegetation cut down from within designated inland wetland areas as authorized herein shall be removed by hand to an upland disposal location suitable for disposal of such waste.

3. The applicant shall maintain at least a 25-foot setback for all proposed stormwater discharge pipes from delineated inland wetland areas. Such adjacent stormwater discharges must be allowed to naturally sheet flow into all regulated areas.

4. Prior to the removal of any inland wetland vegetation authorized herein, the applicant shall submit for the Commission's review and approval a restoration plan for all delineated inland wetland areas which will be impacted by the removal of vegetation. Such restoration plan will encompass methods for removal of any invasive plants, such as the purple Loosestrife and Phragmites ssp., which may invade the regulated areas. The restoration plan shall be implemented for a minimum of two years and continue until the wetland areas have stabilized and no presence of invasive plants can be identified by a qualified scientist.

5. The applicant shall be required to modify its plans to incorporate all recommendations made by Geoffrey L. Jacobson, P.E., in his Memorandum of June 2, 2000 for golf course holes 1 through 9 and his Memorandum of June 19, 2000 for golf course holes 10 through 18. Said Plan, as modified, shall be filed with, reviewed and approved by the Commission or its designated agent prior to the beginning of any work on the site.

6. The location of the proposed maintenance buildings for the golf course shall be relocated to a point which is not closer than 300 feet from inland wetlands or watercourse areas. Also, a separate building for pesticides, herbicides storage and handling shall be provided, as set forth in Memorandum of Geoffrey Jacobson dated June 30, 2000.

7. Details for temporary structures (detention basins, settling basins, etc.) shall be added to the plans to the satisfaction of the Commission, which may include, but not be limited to, the following:

- (a) clearing limits for temporary basins;
- (b) grading associated with these basins;
- (c) piping or channel flow structures into the basins;
- (d) outlet structures for these basins;
- (e) removal of basins after permanent structures installed;
- (f) time of removal of temporary basins;
- (g) restoration plans for basins;
- (h) flows and volumes to be controlled by these basins.

8. A narrative describing the planned conceptual arrangement between the temporary storm water control structures and the permanent structures shall be provided. This narrative shall include details regarding the phasing-in of the permanent structures as well as information regarding the abandonment and removal of temporary structures.

9. Details regarding the proposed grass seed mix for the grass lined drainage swales should be provided. Any information regarding slope stabilization prior to establishment of the grass lining should also be provided. Also, the inclusion of intermediate stone check dams, if appropriate, shall be used in the grass line swales if requested by the Inland Wetlands Enforcement Officer.

10. The Commission recognizes that it is important that the integrity of the wetland areas of the golf course holes be maintained during play and use of the golf course. Appropriate steps shall be taken by the applicant to prevent players from entering wetland areas during the course of play. Appropriate signs shall be placed by the applicant to insure enforcement of this provision. The Inland Wetlands Enforcement Officer shall approve said signs as to number, location, and appearance.