



TOWN OF OLD SAYBROOK  
Planning Commission

**Executive Board**  
*Robert J. McIntyre, Chairman*  
*Kathleen R. Smith, Vice Chairman*  
*H. Stuart Hanes, Secretary*

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**Members**  
*Judith S. Gallicchio*  
*Richard R. Tietjen*

**REGULAR MEETING MINUTES**  
**Wednesday, November 17, 2004 at 7:00 p.m.**  
Old Saybrook Middle School Auditorium  
60 Sheffield Street

**Alternate Members**  
*Salvatore V. Aresco*  
*Janis L. Esty*  
*James S. Conroy*

**I. CALL TO ORDER:** Chairman Robert McIntyre called the meeting to order at 7:10 p.m.

**II. ROLL CALL**

**Attending Members**

Robert McIntyre, Chairman  
Stuart Hanes, Secretary  
Judith Gallicchio, Regular Member  
Richard Tietjen, Regular Member  
Salvatore Aresco, Alternate Member  
Janis Esty, Alternate Member (seated for Kathleen Smith)

**Absent Members**

Kathleen Smith, Vice Chairman  
James Conroy, Alternate Member

**Attending Staff**

Geoff Jacobson, Town Engineer  
Mark Branse, Legal Counsel  
Bryan Zielinski, Recording Clerk

**III. REGULAR BUSINESS**

**A. Minutes**

**MOTION to postpone approval of the Special Meeting Minutes of November 10, 2004 until the next regularly scheduled meeting on December 1<sup>st</sup>. MOVED by Judith Gallicchio. SECONDED by Stuart Hanes. In favor: R. McIntyre, S. Hanes, J. Gallicchio, R. Tietjen, J. Esty. Opposed: None. Abstaining: None. APPROVED 5-0-0.**

**B. Correspondence**

**C. Committee, Representative & Staff Reports**  
Nothing new to report.

**IV. PUBLIC HEARINGS (7:00 to 11:00 p.m.)**

**A. “The Preserve” Special Exception for Open Space Subdivision (934 ac. total) & Open Space (542.2 ac.)**  
Ingham Hill and Bokum Roads (Map 55, 56 & 61 / Lots 6, 3, 15, 17, 18)  
*Residence Conservation C District, Aquifer Protection Area*  
Applicant: River Sound Development LLC Agent: Robert A. Landino, P.E.

Chairman Robert McIntyre opened the public hearing and informed the audience of the procedures of public hearings. At the last two meetings the applicant gave their presentation. This meeting will be for the public to voice their approval or disapproval of the application. The Chairman also read into the record the four criteria points from Attorney Mark Branse's letter of assessing an Open Space Subdivision Plan. The commission received Mr. Branse's and other correspondence in their packets.

David Royston, River Sound Development LLC attorney, submitted 11x17 color copies of the map boards displayed at the last meeting, a copy of Dr. Michael Klemens' Vernal Pool Best Management Practices, and a letter agreeing to an extension of time to December 15 for the public hearing if needed. The applicant will answer all questions at the next meeting.

Chairman McIntyre opened the floor for public comments. Interested individuals can review a copy of the transcript from the meeting to get a more accurate account of the public hearing. The applicant will have responses prepared for the next meeting.

Public comments:

Chris Cryder, Merritt Lane-

The developer presented a good case for their development and their qualifications, but one qualification that they don't have is being a resident of Old Saybrook. Mr. Cryder recommends taking a hike through the property to understand the magnitude and pristine quality of the forest. He also submitted an aerial photograph of the Preserve property, a layout plan that represents the watershed, aquifer recharge area, wetlands and vernal pools, and a map showing Old Saybrook and the Preserve with the golf course colored in. The development will have 60 % runoff draining into Old Saybrook and the other 40% going to Westbrook and Essex creating a regional dilemma. The biology in the Preserve is extremely important and why the last meeting had long presentations from the biologists. This development is not good for the environment as stated in the Preserve newsletter. What treatments will be performed on the golf course if the organic products cannot sustain the quality of the course? What will be the frequency, distribution, and remediation for the water quality monitoring program of the golf course and community septic system? What are the allowed concentrations of chemicals in the groundwater? If it comes to be a drought season will neighboring residents get first priority to well water instead of the golf course? How can any of these towns support the amount of construction traffic and congestion created by having this many new households? With all of the historical stone walls on the property, which ones will be preserved and will the remaining walls be sold? There will be 8 miles of edge effect created by the golf course clearings and development. This will fragment the land area of migrating birds that require substantial amounts of land to flourish. Mr. Cryder submitted a list of birds seen in the northern most section of the Preserve since 1990, some of which are listed as endangered, threatened, and special concern to the Department of Environmental Protection. Who should we believe when there are contradictory reviews by experts of the development team and experts of the town? At the present time the water quality and headwater streams are of the highest quality possible because there is nothing there to pollute them. Once trees are cleared and chemicals are used, the conditions of the streams and watershed will change drastically affecting everything downstream including the Oyster River. The town should also take the bridges into consideration since it will

be the town's responsibility to maintain the bridges once they are constructed. Mr. Cryder submitted a picture of the waterways leading out of the Preserve.

Mark Branse, Planning Commission Legal Counsel-

The commission can continue the public hearing to a site walk but it must be advertised and allow the public to attend. If the site walk is held it must be silent except for orientation since it will not be recorded.

Bill Peace, Old Saybrook Selectman-

As a retired Department of Transportation engineer, Mr. Peace stated that bridges can be a costly structure to repair and maintain and the bridges built on this site will have to be maintained by the town and part of the town's budget. At the present time, the town does not have the staff to be able to repair or maintain the bridges making it a burden for the town. There should be other areas to access the area without building bridges. If there is going to be a cross-town road it should be in a better location. Bokum Road residents will also probably prevent the widening or altering of the road, similar to what Schoolhouse Road residents did. There should also be defined bike and pedestrian travel paths.

Carolyn Longstrife, CT Fund for the Environment-

She introduced Robert Craig, an expert witness for CT Fund for the Environment specializing in bird life in eastern Connecticut and conservation research.

Robert Craig, expert witness for CT Fund for the Environment-

Mr. Craig submitted his credentials and a copy of his book. Mr. Craig is a conservation researcher and assists towns develop open space plans. He collects data to help towns make reasonable decisions when protecting open space. Tonight he provided the commission with a Power Point presentation on forest bird survey project. Most forest birds require vast lands to live in as they migrate from season to season. The highest diversity of species exists during the winter as shore birds migrate inland. Coastal forests, such as the Preserve, which are in close proximity to the ocean, are difficult to find since much of the coast has been developed. These coastal forests provide habitat refuge for numerous species both in the summer and in the winter. The range that these species require is usually 500- 1,000 acres as in this case with 934 acres.

Wayne Malloy, Middletown Avenue-

Mr. Malloy is a business owner in the shellfish industry. All runoff from development in town eventually reaches the Connecticut River and Long Island Sound. The lobsters have almost disappeared and the oysters have, but with the help of the town there are oysters back in the Oyster River. This development will have a large impact on the river systems and to the wildlife. Where will the wildlife go when their homes are destroyed?

Nancy Gustafson Radoff-

She received the newsletter and read 60% open space and figured that there would be half of the property in one section held as open and the other half in another section as the development. Instead the golf course cuts into the open space and the trails have to meander through or around the golf course fairways. As a retired attorney, she understands the arguments on both sides. Each side has to present the point of view they

are hired to represent. There isn't much open space left untouched and this is something that should be left untouched.

Sally Faulkner, Fenwood Drive-

Was the difference of opinion ever cleared up between the town's estimated lot yield and developers lot yield? Also, who is River Sound LLC with relation to this panel of experts?

Daniel Slatkin, Essex-

What are the legal parameters in which the commission makes its decision?

Doug Domemie, Deer Run-

Mr. Domemie though the information was inaccurate at the time that River Sound LLC was testing the wells in the area. They say that 275,000 gallons per day are needed to sustain the fairways and greens of the golf course during the dry season. Foxwoods casino uses 400,000 gallons per day at high need season and draws from a retention pond as its additional water source. The Preserve golf course will most likely have to drill more wells as time goes on to get the water it needs or be forced to build a retention pond which will require clearing of more land. As a private course, the standards of appearance will be much more critical than that of a public course.

Dani Redak, Waterbury Street-

What is the rule for referendums? The developers aren't held liable for the outcome of the development and if there can't be a referendum than the only alternative is to buy the property from the developers.

Dan Walden, Pepperidge Trail-

Mr. Walden is an abutting property owner. Articles in Sports Illustrated describe how golf courses are doing in the country. There are hundreds of courses going bankrupt because the demand for golf courses does not exist. The golf course industry is overbuilding. There should be a large bond issued for the development in case of bankruptcy so taxpayers won't have the burden. What happens when a development can't build what it said it could or maintain what it said it could? Will Lehman Brothers cover the financial burden?

Dillon Jones-

The population of Old Saybrook triples in the summer and has increased year round causing almost all of the town's schools to build out. How can the town handle an additional population increase?

Bob Day, School House Road-

Mr. Day has children and grandchildren in the area of the Preserve and are lucky to have the pristine streams and untouched water around them. Once the Preserve begins to build they will no longer be pristine. If chemicals enter the water system it is too late to remedy. There are sicknesses and disease caused by groundwater contamination. The Connecticut Water Company gets its water from wells using the same groundwater as the Preserve. We should not be encouraging these types of things from occurring and especially not encouraging developers knowing that they will not be involved once they receive their financial return.

Commission takes a ten-minute break from 9:30 to 9:40 p.m.

Matthew Ranelli, Attorney representing the Town of Essex-

This is a large scale development affecting three towns and the town of Essex would like to have an open dialogue with the applicant and the other two towns.

Philip Miller, Essex Selectman-

Mr. Miller is extremely familiar with the land through walking the property and being involved with the previous development application. This land has not been developed because of the amount of hillside, wetlands, and ledge. This leaves excellent land for wildlife and aquifer recharge, which the towns should be equally concerned with. There should be concern for the compromising of the Oyster River headwaters, Mud River, and Mud River aquifer. Why would a road be placed through quality vernal pools using culvert underpasses as a preventative measure to protect amphibians traveling to their habitats? Culverts were introduced as a remedy to existing problems, not premeditated prevention. Golf courses are reliant on petrochemicals and in this area it will be over a shallow aquifer. Essex and Westbrook receive nothing through tax benefits but do receive all of the negative aspects of traffic and congestion.

Matthew Ranelli, Attorney representing the Town of Essex-

Mr. Ranelli summarized the concerns that he feels that the commission should take into consideration when making a decision on this application. He developed four areas of concern- 1) the development is too dense or intense for the property; 2) need for management of the traffic in and out of the development; 3) damage to natural and ecologically important resources; 4) miscellaneous. Mr. Ranelli expanded on each of these areas and their relevance in determining whether this application is suitable to this property. 1) The applicant over-calculated the yield and should omit the 200 acre clubhouse and golf course or show it on the Conventional Subdivision Plan and transfer it to the Open Space Plan. The Conventional Plan maximizes the number of housing lots but doesn't include the 200 acre golf course. Next the applicant takes the maximum house yield and transfers it to the Open Space Plan and adds the golf course. A golf course has lot lines and should be part of the Conventional Plan to determine the actual lot yield. This application is for a golf course and housing and should be determined on the Conventional Plan layout first before transferring to an Open Space Plan. As the regulation is written and the commission should clarify, it is not written to maximize the lot yield then transfer to an Open Space Plan and add an 18 hole golf course. 2) Why is there a plan to build a bridge for a substandard road to carry the significant amount of traffic? The commission should also consider using Ingham Hill Road to dilute the amount of traffic traveling on Bokum Road and Route 153. Essex will be taking most of the traffic coming from this development, affecting the town in a negative manner that the town has been attempting to avoid. 3) The clearing of trees will have a significant effect on the wildlife. Vernal pool species will no longer have the tree shade that helps them stay productive and maintain water levels. It will also decrease the amount of protection that forests provide to its inhabitants. 4) There is a risk of failure for the community septic system and leach fields. Is there a back-up plan for the system such as a back-up generator to maintain the system at all times? Are there uses identified for all of the dwelling units, and if so are they limited by a homeowner association or limited by

the town? Essex is outside of the jurisdiction of this application because there isn't an application to Essex but the town would like to be involved since it will affect them.

Kate Cryder, Merritt Lane-

When it comes to the final decision, will the commission be deciding between a conventional plan and an open space plan or a plan with a golf course and one without? When do commissions get together to discuss all of the aspects of this development so that everyone is informed? There haven't been any public comments for this development. Does the commission take this into consideration? What happens when Westbrook blocks the access to Route 153 leaving Bokum Road and Ingham Hill Road as the only access points?

Barbara Maynard, Ingham Hill Road-

The School House Road and Ingham Hill Road subdivisions were designed to use traffic calming effects. It was never designed to have another subdivision using the road. All of the work from previous Planning Commissions will be erased when these areas are opened to additional traffic and emergency services. Bikers, hikers, walkers, and track teams use these roads with speed limits of 25 miles per hour. Changing the road conditions will worsen the road conditions and change what residents on these roads have been trying to avoid.

Bob Fisher, Ingham Hill Road, Essex-

The Old Lyme golf course had eventually determined that they had marginal wells. Water levels will fluctuate over time. It would be better to have a conventional subdivision without a golf course. A conventional subdivision would have the same number of houses drawing the same amount of water, without the possibility of a golf course contamination the groundwater with pesticides. Also, there is a misrepresentation on the plans because Ingham Hill Road is a town road.

Carolyn Longstrife, CT Fund for the Environment-

Introduced George Logan, an expert witness for CT Fund for the Environment.

George Logan, Wildlife Biologist and Environmental Consultant-

The Preserve is one piece of a larger tract of forest valuable to wildlife. Animals that require large land areas to survive are unable to adapt to smaller fragmented sections of forest and are more prone to predation once taken away from the protective canopy of a large forest. The conventional plan doesn't duplication any of the open space plan considerations into determining the important preservation land. Not only does this open space have important qualities within the boundaries of the development, it has value to things outside of the boundaries that may not be identified in any of the reports. Any development such as golf course fairways fragment the forest and open the land and the animals to increased exposure to chemicals, dehydration, and predators. The landscape will change once a golf course is introduced. It is not appropriate to have a golf course adjacent to sensitive ecological areas. Also, golf courses require continuous pumping of water and reserve ponds to utilize at dry times. If the Preserve needs a retention pond it will require additional clearing and construction of a man-made pond.

Lynn Morgan, Essex and Westbrook-

The plans makes maximum use of the dry developable land and leaves wetlands which cannot be developed anyway. Is it responsible planning to import water for residents and pump clean groundwater to water a golf course?

Tonya Anderson, Old Saybrook-

Living on the Oyster River and working on the water provides insight to what has been happening with our water systems. Water is being polluted and entering Long Island Sound.

Charles Rothenberger, CT Fund for the Environment-

Mr. Rothenberger provided transparencies that highlighted certain aspects of the development that the public is concerned with. First was lot lines that the town engineer would eliminate due to land constraints or that are within the 100 foot regulated wetlands area. The goals of the open space plan and Residence C Conservation District are to preserve large tracts of undisturbed and unfragmented open space for its natural qualities. If the access to 153 is not approved in Westbrook the development footprint will change and access roads will need to change. Mr. Rothenberger recommends denial of the application and that the developer come back to the commission with some more representative of the Residence C Conservation District regulation.

Mark O'Neill, Westbrook-

Concerned of traffic safety and what will happen with the two acre parcel bordering the Preserve. If other courses require 800,000 gallons per day to irrigate their courses, how can this course only require 250,000 gallons per day? Golf courses also use more pesticides than any farm. Can the golf course divert water away from residents with wells? Can the town force the course to stop irrigating in a drought to preserve water for the surrounding residents? This is a development that three towns are battling over, yet Old Saybrook gets to decide if it will be approved.

Tom Unger, Trask Road-

The choice is not between a conventional or open space plan. It is to approve or deny the open space cluster plan with a golf course. The children per household figure contradicts what currently exists in the town.

Charles Rothenberger, CT Fund for the Environment-

The CT Fund for the Environment did an independent tax analysis with the Alliance for Sound Area Planning and determined that this development will have a net \$750,000 loss to the town.

Carolyn Longstrife, CT Fund for the Environment-

When evaluating the open space plan it is necessary to determine by statute whether it will impair or destruct the natural resources on the site if there are prudent and feasible alternatives. Currently there is a grant of \$4.3 million to preserve this site. The 1998 Environmental Review Team determined the significance of the vernal pool matrix wetland system and the unfragmented woodlands. There should be a map with the golf course in relation to the vernal pools and upland habitat to determine whether the golf course is truly a beneficial addition to the open space system. Typical Integrated Pest Management plans avoid pesticides until a pest appears and then begin to use a pesticide to remedy the nuisance.

Dr. Peter Paton, Scientist-

The developer should provide alternatives to what has been presented. The wetlands commission should review the application before the planning commission to determine the wetlands parameters. The Environmental Review Team and Plan of Conservation & Development each identify the significance of having large tracts of unfragmented areas. Fragmented areas are prone to invasive species of plants and animals. Mr. Paton submitted a map of unfragmented areas surrounding the Preserve and how it could interconnect.

Mark Branse, Planning Commission Legal Counsel-

Did the town develop alternative road standards?

REPLY- Bill Peace- It is under the discretion of the Board of Selectmen where alternative road standards are appropriate. The idea is to have fewer curb cuts, less pavement, less maintenance, less grade percentage, and safer sight distances.

Geoff Jacobson, Town Engineer-

Mr. Jacobson is forming a team to develop a response for the next meeting. The MABL interpretation does not require testing to determine if the lots are actually feasible. There are soil limitations that can determine locations of housing lots.

After the public and consultants finished asking questions, the commission members began to ask questions of the developer.

Judith Gallicchio-

In Randall Arendt's report he has concerns that Ms. Nelson's report of stonewalls and historical travelways are not all valuable. Section 5.1.3 of the regulations states that they are important and worthy of protection. On the conventional subdivision plan there is supposed to be three access points but only two are visible. Which roads on the open space plan are private and which are residential? In the Traffic Impact study what are delay levels and drops in service levels? With an extra 900 cars traveling Bokum Road per day, what are the offsite improvements going to be? What is the impact of traffic going to have on the access roads leading to the subdivision? What height are the fairways mowed to? What effect will mowing have on the surrounding wildlife? How will anyone enforce the Turf Management Plan for the homeowners? Are the vernal pools along Bokum Road going to be negatively impacted by the increase in traffic?

Robert McIntyre-

Within the unfragmented forested block, how much of the acreage is developable? Are there alternatives to the bridges?

Salvatore Aresco-

What is the wildlife mortality rate during the subdivision construction? Shouldn't the golf course consider recycling water?

Stuart Hanes-

Are there any golf courses in the area using pesticides that have homes built nearby with wells that have a water quality study performed or monitoring wells? How will the school buses reach the Preserve if not through Ingham Hill?



The commission will hold the rest of its questions for the next regularly scheduled meeting.

**MOTION to continue the public hearing of “The Preserve” Special Exception for Open Space Subdivision to a site walk on Saturday December 4 at 10:00 a.m. at the northerly terminus of Ingham Hill Road. MOVED by Judith Gallicchio. SECONDED by Stuart Hanes. In favor: R. McIntyre, S. Hanes, J. Gallicchio, R. Tietjen, J. Esty. Opposed: None. Abstaining: None. APPROVED 5-0-0.**

**V. OLD BUSINESS**

Nothing scheduled.

**VI. NEW BUSINESS**

Nothing scheduled.

**VII. ADJOURNMENT**

**MOTION to adjourn the meeting at 1:20 a.m. until the next special meeting on Wednesday December 8 at 7:30 p.m. at the Pasbeshauke Pavilion, Saybrook Point. MOVED by Judith Gallicchio. SECONDED by Janis Esty. In favor: R. McIntyre, S. Hanes, J. Gallicchio, R. Tietjen, J. Esty. Opposed: None. Abstaining: None. APPROVED 5-0-0.**

Respectfully submitted,

Bryan Zielinski, Recording Clerk