



**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

MINUTES
Wednesday, December 8, 2004 at 7:00 p.m.
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 7:08 p.m.

II. ROLL CALL

Attending Members:

Robert McIntyre, Chairman

H. Stuart Hanes, Secretary

Judith Gallicchio, Regular Member, left at 8:50 p.m.

Richard Tietjen, Regular Member, arrived at 7:20 p.m.

Janis Esty, Alternate Member, seated for Judith Gallicchio at 8:50 p.m.

Salvatore Aresco, Alternate Member, arrived at 9:30 p.m.

Absent Members:

Kathleen Smith, Vice Chairman

James Conroy

Attending Staff:

Mark Branse, Esq., Branse & Willis, LLC.

Bruce Hillson, Traffic Engineering Solutions

Richard Snarski, CPWS, Wetland Specialist

Mr. Jacobson, Town Engineer, arrived at 8:50 p.m.

Christine Nelson, Town Planner

Kim McKeown, Recording Clerk, left at 12:00 a.m.

III. REGULAR BUSINESS

A. Minutes

1. Minutes from the meetings held on November 17, 2004, December 1, 2004, December 4, 2004, and December 8, 2004, will be reviewed at the next meeting, scheduled for Wednesday December 15, 2004.

B. Correspondence

- Letter to Christine Nelson from Geoff Jacobson
- Letter to Charles Rothenberger from Mark Branse
- Letter to Dwight Merriam from Mark Branse
- Recommendations from Richard Snarski, Geoff Jacobson and Wendy Goodfriend
- Letter to Christine Nelson from Bruce Hillson
- Letter to Robert McIntyre from Mark Branse
- Letter to Robert McIntyre from Walter Hirsch
- Minutes from Zoning Commission October 20, 2004 Meeting

- Minutes from Inland Wetlands & Watercourses Commission November 18, 2004 Meeting
- Minutes from Architectural Review Board November 22, 2004 Meeting
- Minutes from Economic Development Commission November 16, 2004 Meeting
- Planning Commission Budget

IV. PUBLIC HEARING

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.

David Royston, Esq. representing the applicant addressed the Commission requesting an extension of the Public Hearing through the Commission’s Regular Meeting of January 5, 2005. All final written responses and plans, including a full and comprehensive report on the application will be submitted to the Commission for public review on or before December 23, 2004. An additional Site Walk was presented as an option to the Commission to view the proposed Nature Center location; the proposed access road that will intersect Ingham Hill Road, and proposed preserved open space land. Several documents were submitted for exhibit (numbers 101 through 110).

Janis Esty asked several questions of the applicant regarding: obtaining the State’s permission to cross the railroad tracks; gated access to Ingham Hill Road only; and the total undisturbed acreage under the proposed open space plan compared to the conventional subdivision plan?

Robert Landino responded to Ms. Esty’s questions: the proposed open space plan calls for an overpass over the railroad tracks; the applicant has not applied to the State for permission to build the overpass on State property as they are waiting for the Town to endorse the plan. With regards to the gate at Ingham Hill Road, the applicant is flexible to the Commissions recommendations.

Dennis Goodaire responded to Ms. Esty’s questions regarding total undisturbed acreage: under the proposed open space plan there would be 514 acres of undisturbed open space compared to the conventional subdivision plan, which would allow for 437 acres pf undisturbed open space.

Mark Branse clarified language being used by both the Commission and applicant regarding “undisturbed open space”. Also, clarification was given regarding the decision concerning the application before the Commission as conventional subdivision compared to proposed open space subdivision.

Robert McIntyre asked representatives of the Connecticut Fund for the Environment how much developed land is located outside the preserve area?

Charles Rothenberger of the CT Fund for the Environment states that Audubon CT is currently working on an analysis and will have the results available by the end of the week.

Robert McIntyre inquired about bridge expenses to the applicant.

Robert Landino stated that the proposed bridge would be Town owned and thus eligible for Federal funding with an 80/20 local match (80% Federal funds/20% local funds). According to research, the traffic on the bridges would create reasonable expenses commiserate with expectations.

Richard Tietjen asked several questions of the applicant regarding: provisions for public transportation to, from and within the development; reptiles found in the area; the size wildlife habitat to be lost to proposed golf course; operational plan of the golf course; construction site operational plans to control noise, smoke, water pollution, etc.; forestation regulations.

Robert Landino stated that the roads within the development are designed to accommodate emergency vehicles, thus could handle buses; however, the applicant has not reached that point in the planning process to consider public transportation.

Michael Kline explained that the applicant had conducted a detailed survey of site mammals and found those that use the land as habitat to be adaptable, thus the amount of proposed open space would provide adequate feeding ground. The proposed golf course would be 150 acres following a naturalistic design, in which studies show, birds continue to breed and other mammals live. Naturalistic design allows for forest area and scrub shrub preservation to minimize impact on wildlife habitat. Future open space proposals could include an active management plan to promote wildlife. Current operational plans for the proposed project include water conservation, irrigation, mowing, pesticide control, and active habitat measures. Under the construction permits, the applicant will have a pollution plan to control dust and noise, as well as storm water. Under both the open space and conventional development plans, there will be a change in vegetation; however, under the open space proposal attempt to limit the amount of dispersment and forestation.

Mark Branse clarified that this Commission will look at the proposed use of the open space with or without the golf course. The Inland Wetlands & Watercourses Commission and the Zoning Commission will look at details of the design.

David Royston state that the Town and it's agencies will have authority to ensure project plans will encourage and support wildlife habitat.

Robert Landino stated that under the proposed open space plan there would be less construction impacts than under a conventional subdivision plan, as under open space proposal less roads to build. Plan to remove and disturb least amount of land possible. Construction permits will be filed with the DEP and the Town. The Town will have control to ensure the contractor follows the design intent and measures put in place. It is estimated that construction of the infrastructure will take 2 years and then an additional 2

years for the homes depending upon demand. Applicant has approached neighbors closest to proposed construction site; however, most development is 1000 ft from the closest neighbor. Currently the property can be forested without a permit. The open space proposal provides an opportunity to reforest if the Commission recommends it at the next phase.

Dennis Goodaire stated that at the site walk, the Commission saw that the property has no large-scale trees. Forestation has occurred on the property in the past.

Judith Gallicchio asked several questions of the applicant regarding: inclusion of the report from the State archeologist regarding the site; street parking on the roads in the village centers; and safety concerns regarding pedestrians on cart ways where the trail system and golf course overlap.

David Royston stated that the Report from the State Archeologist is not part of the application process; however, the applicant will submit the Report for the record.

Robert Landino stated that the roads are not designed for parking; however, the roads will be wide enough to allow for parking on one side of the street and a car to drive around. Overnight parking will be on the back roads or lane.

Dennis Goodaire stated that the trails would be open to the golf course at safe locations.

H. Stuart Hanes inquired about the overlay of the golf course over the site map; Westbrook's approval of entrance to propose community off of Route 153; parks for children to play; clarification on target market; standard on the soil types identified, including 40% HPE and 30% CRC

Robert Landino stated that the overlay would be submitted on or before December 23, 2004 along with the final reports. The applicant has an application with the Town of Westbrook; however, the applicant is not pursuing the application until the process is complete in Old Saybrook. The proposed community is an unrestricted development that targets single professionals, active professionals without children and seniors, thus playgrounds and items for children restricted. Club will provide social activities for families with and without children visiting rather than an on-site play area. Residents will not be required to be members of the club.

David Royston stated that within the Village areas there are 3 acres of proposed green areas that are undesignated that are available for recreational use.

Dennis Goodaire stated that the applicant had just received Mr. Jacobson's memo regarding soil types this past Monday. The applicant has not responded to the memo and does not agree with the methodology; however, the applicant is considering his recommendation and will address it in the next response report.

Robert McIntyre requested clarification from Mark Branse regarding the special exception for the golf course, which will be submitted to the Commission for review with regards to the Plan of Conservation. At that time the Commission will have input on the

plans for the golf course. Also during the planning process, the issues of blasting hours and road access will be addressed.

Mark Branse confirmed that the PRD application and Golf Course application would both be referred to the Planning Commission for review and comment with respect to the Plan of Conservation. Also, as part of the subdivision application, the applicant will address grading plans, construction, erosion control, etc.

Robert McIntyre questioned the applicant regarding: active recreation areas, such as ballparks and fields; regulation of private roads in villages; ownership and regulation of open land

Robert Landino stated that open fields and ballparks have been considered and future plans can designate areas as recommended by this Commission and other agencies at the next level of the design process.

David Royston stated that the roads would be configured and built in accordance with the fire marshal, regulations in the PRD process, and the Zoning Commission. The association will control the roads. The common areas will be controlled by the homeowners under conditions of the special exception. Thus the association will manage and maintain the common areas.

Richard Tietjen questioned the applicant on who will enforce the regulations regarding the open space, such as not motorized vehicles.

David Royston stated that the primary trail system will be deeded to the Town, thus the Town would have control and enforcement of the trail system, except for the easement of the golf course areas.

Christine Nelson clarified that the exception to motorized vehicles on the trail system will be where the trail and golf course overlap. Carts will be allowed on the trails at those points.

Mark Branse requested clarification on the timing of the receipt of Mr. Jacobson's report and if the applicant checks with the Land Use Department regularly for reports submitted to the Department.

Christine Nelson stated that the Land Use Department received Mr. Jacobson's report on Thursday. Ms. Nelson transmitted a copy of the report to the applicant on Monday. Applicant does check with the Land Use Department on a regular basis for reports submitted to the Department regarding the application.

Mark Branse questioned the applicant regarding obtaining property owners' consent from the State to cross State land.

Robert Landino stated that the applicant will file for DEP and DOT permits after the local permits are complete.

David Royston stated that the applicant has 6 months from date of local approval to apply for State permits. Premature to apply for State permits at the conceptual stage.

Mark Branse asked for clarification regarding the total undisturbed land acreage under both the proposed open space plan and the conventional plan.

David Royston stated that the answer would be provided by December 23, 2004 with final report.

Sam Haddock submitted written responses to and briefly presented on irrigation and water supply along with community sewage disposal system.

Stuart Cohen, expert on pesticides and herbicides, presented information to the Commission on lawn care management and water quality impacts. A detailed analysis on the impact of lawn care management on amphibians will follow later.

Michael Kline, biologist, presented information on wildlife protection, including the active management of wildlife preservation, use of the golf course for wildlife habitat, and the breeding bird survey.

Michael Clemons stated that a no build alternative is the best conservation alternative; however, if the land is going to be developed, than the proposed open space plan is the best conservation plan, providing for vernal pool protection and biological diversity protection.

David Royston stated that comprehensive responses to questions raised during meeting would be submitted in writing by December 23, 2004 for the public record.

Chris Cryder, 3 Merrit Lane Old Saybrook presented a 4 minute video on news clips concerning pesticide use on golf courses in Long Island. Submitted list of questions and issues along with map for the record. Stated that the water within the application feeds the Oyster River, Wetlands Systems and ponds. Under the River Continuum Concept headwaters are to be shaded. The golf course is not consistent with the open space regulations intent. Request that if Commission approves application, than approve open space plan with fewer units and no golf course to provide more protected, uninterrupted land. Request that the Town consider with the EPA and Land Trust to purchase the land to turn the site into park.

Andy Weedack, Old Saybrook stated that it is the Commission's duty to protect the land, the species on the land, and the people of the Town. Request that the Town purchase the land or take ownership through Eminent Domain.

Douglas Swartz, former Old Saybrook resident, currently of New London, state coordinator of archeological organization, requested careful survey of the land proposed for development for Native American stonewalls. Submitted topographical map and State statutes dealing with Native American sacred sites.

Charles Rothenberger, Connecticut Fund for the Environment, stated that his organization would like to see the total protection of the parcels of land in the proposed development.

Kurt Johnson, attorney for the Connecticut Fund for the Environment, presented legal reasons for objecting to the proposed development. Submitted letter with legal statutes providing means of objecting to application. Proposed development cuts the open space areas into small areas, which will negatively impact wildlife and natural resources. The Fund prefers the land parcels be maintained in a contiguous, open space area, with the developed areas moved to the edges of the property and the golf course rejected all together. The State has rejected previous requests for an easement to access the site from Bokum Road. This is the last remaining forested area close to Long Island Sound. It is a conservation priority for the Conservation Corp and EPA.

George Logan, ecologist with the Connecticut Fund for the Environment, will submit CV for the record. Submitted outline of issues for the record regarding previous surveys of the site. The proposed development fails to set aside at least one large portion of continuous land, this will negatively impact the genetic diversity of the species. Suggested that the 2002 survey and report is not complete regarding ecology, wildlife, insects, floristic inventory, and the vernal pools. Requested that all data from the survey be submitted for the record. The application proposed the preservation of 15 of the 31 total vernal pools. Requested a wildlife management plan as part of the application to address species of special concern.

Kathy Connolly, North Cove Road Old Saybrook, raised concerns about the lack of road access to Ingham Hill Road. What will happen if the residents within the proposed development petition the Town for a finished road? What will the Town's response be to the request for road completion? Is the expense of the roads figured into the tax benefit? Will school buses be given an exception to travel on private roads? Also, the Bokum Road access is not on the current application, it should be added. Submitted written statement of issues and concerns for the record.

Diana McMann, 19 Barley Hill Road Old Saybrook, raised concerns about the recourse homeowners around the proposed development site have if their water becomes contaminated or their homes have problems. Stated that she wonders what the benefits of the proposed development are to the Town.

Mark O'Neil, Route 153 Westbrook, referred to a letter from the Town of Westbrook's Board of Selectman addressed to the Old Saybrook Planning Commission, dated 12/07/04, in which the BOS oppose the project.

Mark Branse stated that the Westbrook Board of Selectmen's letter has been submitted for the record and that the letter should speak for itself.

Mark O'Neil stated that he attended the meeting of the BOS and that the Town of Westbrook does not want Ingham Hill Road to continue off of Route 153. The application is incomplete because the roads are in dispute.

Matt Ranelli, Shipman & Goodman, representing the Town of Essex, stated that a resolution from the Town of Essex addressed to the Planning Commission has been previously submitted. State that he agreed with Mark Branse regarding concerns about the easement request from the State to allow for access to the proposed development off Bokum Road. Also, requested that the Commission ask the applicant for a yield analysis of the number of units proposed in the open space plan in comparison to a realistic conventional subdivision. Also, requested that the Commission seek an over lay of the proposed golf course over the realistic conventional plan from the applicant to see how many lots would be used in the proposal.

David Royston stated that the applicant will respond in writing to all issues raised during this evenings hearing by December 23, 2004.

Stuart Cohen responded to the video stating that the golf course mentioned as a proposal on Long Island in the news clip has 14 monitoring wells. The course if highly monitored and contamination has not been found at the course as the news clip predicted. Referred to a study conducted by Cornell, which demonstrated that an all-organic approach to the maintenance of a golf course fails. Referred to written response number 3 presented for the record.

Sue Ellen McQuinn, 24 Ingham Hill Road Old Saybrook, stated that the applicant has said that there is no better environmentally sound plan; however, the proposed development started with the Tim Taylor plan, which was flawed. The proposed development will affect the watershed.

There was significant discussion amongst the Commission members and the applicant regarding the need for a second site walk. It was determined that a second site walk should be held. There was discussion between the Commission members and the applicant regarding the date and time of the site walk, along with what areas of the property will be viewed at the site walk.

MOTION to hold a second site walk on Saturday, December 11, 2004 at 1:30 p.m. meeting at the determinist of Ingham Hill Road, and the applicant will provide a map indicating the location of the path or areas to be viewed for those Commission members who cannot attend the site walk, those members will individually view the areas on the map only, with no more than two Commission members viewing the area at one time other than at the site walk; continuation of the Public Hearing at this location, the Middle School Auditorium located at 60 Sheffield Street, on Wednesday, January 5, 2005 at 7:30 p.m. **MOVED** by R. McIntyre; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, H.S. Hanes, R. Tietjen, J. Esty; **ABSTAINED** by none; **OPPOSED** by none.

Mark Branse stated items for the applicant to address at the January 5, 2005 meeting to the Commission, including the intervention of unreasonable pollution and the feasible alternatives test; application to the Wetlands Commission; answer question regarding whether this application involves an activity regulated pursuant to section 22A36 to 22A45; possible that consultants will have final responses from the applicant the night of January 5, 2005 rather than ahead of time due to the holidays and time of delivery of final written material from the applicant to the Land Use Department.

Robert McIntyre raised concerns about the ruling on Ingham Hill Road ownership.

Mark Branse stated that this is a decision of the Board of Selectmen based on the Town's attorney's advice. The Commission should be concerned with the applicant's proposal to not block Ingham Hill Road. If a petition were submitted in the future to make Ingham Hill Road a Town road, the cost would lie with those who will benefit from that petition according to statutes; it would not be the citizens of the Town of Old Saybrook who pay for the road.

V. ADJOURNMENT

MOTION to adjourn the meeting at 12:30 a.m. until the next site meeting on Saturday, December 11, 2004 at 1:30 p.m. at the north end of Ingham Hill Road. **MOVED** by R. McIntyre; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, H.S. Hanes, R. Tietjen, J. Esty; **ABSTAINED** by none; **OPPOSED** by none.

Respectfully Submitted,

Kim McKeown, Recording Clerk