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OLD SAYBROOK PUBLIC HEARING

THE PRESERVE SPECIAL EXCEPTION
FOR OPEN SPACE SUBDIVISION

WEDNESDAY, NOVEMBER 17, 2004, 7:00 P.M.

OLD SAYBROOK MIDDLE SCHOOL
60 SHEFFIELD STREET
OLD SAYBROOK, CONNECTICUT

PLANNING COMMISSION MEMBERS PRESENT:

- ROBERT MCINTYRE
- JANIS ESTY
- SALVATORE ARESCO
- RICHARD TIETJEN
- H. STUART HANES
- JUDITH GALLICCHIO
- BRYAN ZIELINSKI, RECORDING CLERK
- MARK BRANSE, LEGAL COUNSEL
- JEFF JACOBSON, TOWN ENGINEER

1 CHAIRMAN MCINTYRE: The next order of
2 business is public hearing, The Preserve Special
3 Exception for Open Space Subdivision, 934 acres total
4 and open space 542.2 acres. Ingham Hill and Bokum
5 Roads, Map 55, 56, and 61; Lots 6, 3, 15, 17, 18.
6 Residence Conservation C District, Aquifer Protection
7 Area. Applicant: River Sound Development, LLC.
8 Agent: Robert A. Landino, P.E. Action: Continue
9 public hearing or close public hearing by 12-01-04 --
10 oh, and no later than 12-7-04, deliberate, act.

11 At this time -- tonight also not present is
12 Christine Nelson, the town planner. She was ill, so
13 she couldn't make it tonight.

14 At this time all members of the board, there was
15 correspondence handed out. Everyone should have the
16 additional correspondence.

17 Does the applicant have anything at this time?

18 MR. ROYSTON: Mr. Chairman -- I think this is
19 on. I understand that the commission would like to
20 hear comment from the public as soon as possible, so
21 I'll be brief. First of all, I would like to just
22 confirm that you have received for the record the
23 11-by-17 reduced copies of all the maps that were
24 used as exhibits in the previous hearing. The
25 full-sized copies will also be made available to you.

1 Secondly, I believe that of the correspondence
2 you have received was the report from Christine
3 Nelson, the town planner, with respect to the open
4 space plan. We did recently receive a copy of that
5 report, also.

6 Third, I would like to put into the record
7 certain items that were referred to previously,
8 specifically Dr. Klemens had referred to a book
9 called *Best Development Practices*. And he indicated
10 that he would provide a copy for the record, and I
11 will give you those copies, also.

12 CHAIRMAN MCINTYRE: Thank you.

13 MR. ROYSTON: We have also prepared responses to
14 comments which we received from staff and from the
15 public at the last public hearing or with respect to
16 the zoning enforcement officer's report of
17 November 12, received after the conclusion of that
18 public hearing. And I assume that the zoning
19 enforcement officer's report of November 12, 2004 is
20 part of the correspondence put into your record, that
21 you have received a copy of that report.

22 Do you have a copy of the zoning enforcement
23 officer's report of November 12, 2004?

24 MS. GALLICCHIO: I thought we had that from our
25 last meeting, but if it's the 12th, I guess we

1 didn't.

2 MR. ROYSTON: I think that's the date of it. It
3 may have been dated then.

4 CHAIRMAN MCINTYRE: We have one from the
5 Department of Public Works dated November 18.

6 Stuart, did you see that report that Attorney
7 Royston is speaking of?

8 MR. HANES: From Larry Boleman?

9 CHAIRMAN MCINTYRE: No.

10 MR. ROYSTON: From Chris Costa, zoning
11 enforcement officer.

12 MS. GALLICCHIO: I have one November 10. Is
13 that the one you're referring to?

14 MR. ROYSTON: If the one you have is dated
15 November 10, that would be the one.

16 MS. GALLICCHIO: We received that at the last
17 meeting.

18 CHAIRMAN MCINTYRE: Right. We received
19 Christine's. Are you referring to your response to
20 that report?

21 MR. ROYSTON: No. We have received that report.
22 I think it came in at the end of the meeting, but we
23 have a copy of that. So we have responded to that
24 and to other staff comments and comments from the
25 public. I'm going to give you one copy for the

1 record at this point. We will make additional copies
2 available to you.

3 And lastly, we have submitted a letter to the
4 commission consenting to an extension of the time for
5 the completion of your public hearing through the
6 conclusion of your regular meeting of December 15,
7 2004. That would have been submitted at the request
8 of the staff, and that should be in your record,
9 also.

10 CHAIRMAN MCINTYRE: I thought we were going
11 to December 8.

12 MR. ROYSTON: We were requested to go through
13 December 15. If you don't have to go beyond
14 December 8, that's fine, also. But we have agreed to
15 an extension through December 15.

16 MR. BRANSE: Mr. Chairman, for the record, Mark
17 Branse. I spoke briefly with Christine Nelson about
18 that. The 8th is the date and it should close the
19 8th. But this being New England and us having had
20 one snow already, I think the thought was that if
21 something happened weatherwise or something
22 unexpected, that there would be that date of the 15th
23 available if it was needed.

24 CHAIRMAN MCINTYRE: Thank you, Attorney
25 Branse.

1 MR. ROYSTON: So we have provided that letter in
2 that eventuality.

3 And finally, we will not try to answer questions
4 from the public as they arrive. We believe and I
5 think the commission concurs that we will allow them
6 full opportunity to hear from the public and will not
7 attempt to respond to them until the completion of
8 that. Thank you very much.

9 CHAIRMAN MCINTYRE: Thank you, Attorney
10 Royston.

11 Just a few housekeeping issues I want to take
12 care of here, also. A couple other items that we
13 received, the board received. We received a letter
14 from Geoffrey A. Hammerson, 158 Brainard Hill Road,
15 Higganum, Connecticut. And that's Exhibit No. 58.
16 We also received another letter or another exhibit,
17 No. 59, actual open space calculations. Another
18 letter dated November 17, 2004 to the Old Saybrook
19 Planning Commission Members, Cheryl Hanly, 36 Shepard
20 Street, Old Saybrook. At this time it does not have
21 an exhibit number. Okay.

22 As everyone knows or for those of you who were
23 not here last week, most of the time was taken up
24 by -- a lot of the time was afforded to the applicant
25 to explain his position which the applicant was

1 presenting, which I think was very interesting and
2 that the public needed to hear. It did take a lot of
3 time, so tonight we are going to let the public speak
4 first. I'm just going to read one more letter before
5 we get really started with the public. Once again,
6 we just want to make sure everybody that speaks
7 tonight stays focused on the issue of the open space
8 plan versus the conventional subdivision is basically
9 what's being discussed tonight. And I'll go over a
10 few more issues or memoranda from Mark Branse
11 addressing those particular issues.

12 What the format tonight will be is once the
13 public starts to speak, we are going to afford the
14 public the opportunity to speak. And they will --
15 after you speak we'll just keep having the public
16 speak. And at the end of that process, we'll have
17 the applicant, if they wish to, respond to any of the
18 questions at that time. That should move everything
19 along and make it so that everyone in the public gets
20 to speak.

21 Now, keeping that in mind tonight it looks like
22 we have just about as many people as we did last
23 week. So if someone in the audience has already
24 brought up a point that you were going to bring up,
25 rather than going totally into it if you could just

1 concur with it and that would help move the process
2 along. You don't have to, but it would help.

3 I've received a letter from Mark Branse -- a
4 memorandum to the Old Saybrook Planning Commission
5 from Mark Branse with reference Old Saybrook PC,
6 Preserve RS Open Space Special Exception Application,
7 File 3029/04-207, dated November 17, 2004. It's a
8 lengthy document. Basically, what it outlines is
9 the -- what we are looking to decide by having this
10 public hearing, and what this application is about,
11 and what our decisions are going to be. Rather than
12 read the whole thing I am just going to read the
13 highlighted questions. And I believe there are
14 copies of this out in the audience. Everyone from
15 the board should have it, also.

16 Number one, is the site conducive to an open
17 space subdivision and general conformance with the
18 plans proposed by the applicant or is it more
19 conducive to development as a conventional
20 subdivision? That was question number one that we
21 were going to be looking at.

22 Number two, if the site is more conducive to an
23 open space subdivision, what is the proper number of
24 lots to be derived from the yield plan?

25 Number three, once those yield plan numbers are

1 determined, should the proposed preliminary plan be
2 approved as submitted or should it be
3 modified/conditions or approved? If conditions are
4 modified in what way? Okay.

5 Number -- then there's number five is the open
6 space subdivision as proposed by the applicant, i.e.
7 with golf course, road patterns, et cetera
8 responsibly -- excuse me, reasonably likely to
9 unreasonably impair, pollute or destroy the public
10 trust in air, water or other natural resources of the
11 state as compared to the conventional subdivision?
12 And that was underlined.

13 Number six, are there feasible and prudent
14 alternatives that would reduce or eliminate any
15 unreasonable, adverse impacts that are found to
16 exist?

17 So those are the questions that we are going to
18 be looking at as a commission. And hopefully, you'll
19 address your questions to the commission or your
20 comments to the commission to those questions.

21 Tonight anyone wishing to speak, please state --
22 MR. BRANSE: Mr. Chairman, just one quick -- for
23 the record, Mark Branse.

24 The first four of those were derived from the
25 criteria of the application of the regulation itself.

1 The second two were because an intervention was
2 filed. I would just note that Professor Arendt
3 has -- I put them as four bullets. Professor Arendt
4 put them as three, but substantively they are the
5 same. And they are on this board up here. And
6 they -- there's slightly different wording, but it's
7 the same questions that are presented. So if people
8 could look at that, if they don't have a memo, that
9 should be helpful to you.

10 CHAIRMAN MCINTYRE: Thank you, Attorney
11 Branse.

12 Any members of the audience that wish to speak
13 tonight, please state your name and address when you
14 come up to the podium. Of course everyone that
15 wishes to speak step up to the podium. There is a
16 microphone up there. I would like to open up the
17 public hearing to the public at this time. Who would
18 like to speak? Yes, sir.

19 MR. CRYDER: Good evening. Can you hear me?

20 CHAIRMAN MCINTYRE: Why don't you take that
21 other microphone and use it. The one that's on the
22 stand. That will work better.

23 MR. CRYDER: Okay.

24 CHAIRMAN MCINTYRE: You can use the stand if
25 you want.

1 MR. CRYDER: All right. My name is Chris
2 Cryder. I'm an Old Saybrook resident living at 3
3 Merritt Lane.

4 And first, I want to thank BL Companies
5 representing Lehman Brothers. I think you've done an
6 excellent job of presenting your case. You have an
7 esteemed panel of experts representing you. I being
8 a citizen of Old Saybrook, though, have perhaps a
9 qualification you don't and that is I'm a citizen of
10 Old Saybrook. I don't think anyone in this -- of
11 your panel is.

12 MR. ROYSTON: I am.

13 MR. CRYDER: You are, okay. I'm a concerned
14 citizen and a taxpayer and have some concerns about
15 the development.

16 I do want to thank the planning commission, too,
17 because you put in a lot of time and effort. And the
18 decisions you have here regarding this and the vote
19 you finally have will leave a lasting legacy in Old
20 Saybrook, The Preserve area, the waters leading to
21 the Oyster River, and ultimately to Long Island
22 Sound.

23 One of the things I wanted to ask the planning
24 commission and I think is my biggest point is
25 Mr. Landino, at the November 3rd meeting, offered

1 for you to go to a hike of The Preserve. And I think
2 you should take him up on that if you haven't. One
3 of my qualifications, I think, is I know that area
4 like the back of my hand. I hike it all the time. I
5 used to ride my mountain bike, but with a back injury
6 I can't. But now I hike it and know every inch of
7 it. The eastern valley, the western valley, the
8 wetlands, the headwaters, the vernal pools, the
9 groundwaters, the wonderful Atlantic cedar sand at
10 the edge of the property, and all of the waters that
11 flow from that down the eastern valley to the Ingham
12 Ponds system, to the Chalkers Mill Pond where the
13 edelweiss and grayback herring come up and down to
14 the western valley where the Pequot Swamp overflows
15 into that system, down to the fishing brook and down
16 to the reservoir and to the Westbrook watershed and
17 other areas.

18 I don't know if I can ask respectfully how many
19 of you have walked through that area. Is that a
20 question that I can ask?

21 MR. BRANSE: Actually, not. The
22 commissioners don't ask -- answer questions. They
23 just ask them.

24 MR. CRYDER: All right. I'm sorry.

25 MR. BRANSE: It's a rhetorical question you can

1 pose.

2 MR. CRYDER: It's a rhetorical question. If you
3 have not walked it, I would propose that maybe this
4 Sunday at 1:30 we take up Mr. Landino's offer that
5 members of the commission, along with members of The
6 Preserve and concerned citizens, take a walk starting
7 at the Great Cedar Swamp Preserve leading up to The
8 Preserve area so that you know what you're voting on.
9 Because I think if you vote without knowing what
10 you're voting on, it's sort of like a doctor
11 performing surgery on a patient without first
12 observing the patient. You need to know this.

13 You've seen this picture before. This is on the
14 website for the Alliance for Sound Area Planning
15 taken by Bob Lorenz flying from Chester Airport over
16 The Preserve area. And if you could pass that down.
17 In the center that's sort of the heart of The
18 Preserve. That's the Pequot Swamp. It sort of looks
19 like a field, but it's not. It's a swamp with
20 groundwater, with floating shrubs on top of it. I
21 sort of equate it to the heart of the dome of the
22 crest that's above Old Saybrook.

23 This plan for this development is for 240,
24 approximately, units with a golf course, built on the
25 headwaters of the Oyster River. Built right on top

1 of wetlands, vernal pools, streams, et cetera. It's
2 a complex site. It's very difficult. And I think
3 even Mr. Klemens mentioned in his talk about vernal
4 pools it's a challenge, because there's vernal pools
5 everywhere. It is difficult. There are wetlands
6 everywhere you look. The only place that wetlands
7 are not really on the hike, if you go on the hike, is
8 in the area where the clustered housings are.
9 Everywhere else you look you'll find streams, vernal
10 pools, wetlands. It's a very difficult site to do
11 any development on and to do it responsibly. My
12 feeling is it doesn't make sense.

13 What you're acting on is also a very significant
14 part of Old Saybrook. The Preserve being planned by
15 the Lehman Brothers represents approximately
16 8 percent of Old Saybrook. You're making a
17 significant decision on a significant piece of land.
18 And you'll see how the golf course related to the
19 open space plan takes up a significant part of that
20 area. And a golf course is really not open space per
21 the regulations. So really where is the open space?
22 And that is the wetlands areas which really can't be
23 built on anyway and the buffer zone, the vernal
24 pools, conservation easements, et cetera. So it's a
25 huge part of Old Saybrook. So, again, I ask you to

1 go on the hike.

2 I also really encourage you, because my
3 understanding is about 60 percent of the runoff goes
4 to Old Saybrook and the rest goes to Essex and
5 Westbrook. That you're communicating -- I hope
6 Mr. McIntyre and others and the inland wetlands
7 commissioner are communicating with Essex and
8 Westbrook, communicating with Mr. Phil Miller and the
9 other selectmen. I think it's essential, because
10 it's a tri-town issue. It's a regional issue, not
11 just a local issue. So those are some of my lead-in
12 questions.

13 Also, Mr. Branse, just on the questions in front
14 of the commission, did -- if I'm correct one of the
15 issues that can be addressed is the open space
16 that -- plan that includes the golf course, whether
17 that's preferable or not to the conventional
18 subdivision.

19 MR. BRANSE: That is correct.

20 MR. CRYDER: And at the last meeting a lot of
21 time was spent by The Preserve people discussing
22 toxicology related to pesticides, groundwater of the
23 golf course, vernal pools, amphibian life, avian
24 life. And that initially in that meeting you allowed
25 that to go so long because it's part and parcel of

1 making that decision that this commission has. So if
2 I make comments about pesticides or groundwater or
3 avian life or amphibian life or wetlands, am I going
4 astray from the mission?

5 MR. BRANSE: Let me try to --

6 MR. CRYDER: Because it was presented for so
7 long and then the direction of your meeting last time
8 turned. But I think your hesitancy to not turn it at
9 the beginning of the meeting was the right one --

10 MR. BRANSE: Well --

11 MR. CRYDER: -- because it's part and parcel of
12 that difference and that decision to make between an
13 open plan with a golf course and a conventional plan
14 without or maybe even an open plan without a golf
15 course.

16 MR. BRANSE: I think you've expressed -- can
17 people hear me? I think you've expressed that well.
18 This commission will not review an actual golf course
19 application. So this commission will not be
20 evaluating the application of pesticides, and
21 herbicides, and so on. This commission will not be
22 reviewing the technical designs of a golf course.
23 But the reason, I presume, why the applicant
24 addressed some of those issues was because it does
25 bear on the question of whether the open space

1 subdivision with a golf course is an integral part,
2 which is how the applicant described it, is
3 preferable to a conventional subdivision without one.

4 The only thing I would ask both you and other
5 members of the public and the applicant is not to get
6 too heavily into that, because this commission is
7 never going to review the golf course. So it's
8 relevant only to the extent of evaluating which plan
9 is better, the conventional or the open space, golf
10 course, cluster, et cetera. And I think you
11 expressed it that way, and I think that's correct the
12 way you expressed it.

13 MR. CRYDER: But I do want to talk about some of
14 those items that they talked about for two hours.

15 MR. BRANSE: Well, they raised them. They
16 addressed them. I think you have the right to
17 respond to them.

18 MR. CRYDER: Okay. Thank you. First, I'll talk
19 about -- I guess my primary issue in walking that
20 whole area and knowing it with all this wetlands is
21 water, water, water, water, groundwater, groundwater
22 quality, the amount of water for people who rely on
23 groundwater for their drinking water, water to the
24 Oyster River watershed, water to Long Island Sound.
25 It's grade A water up there. It's pristine today.

1 And it's important to keep it pristine.

2 And I realize the experts here are experts and
3 they are trying to do their best to have what I would
4 call this surgery, this development surgery into this
5 pristine forest, to have the lowest impact. But it's
6 really surgery. It's not good nor needed.

7 One of the headlines on our newspaper to
8 everybody in Old Saybrook was Good for the
9 Environment. I think that's a misnomer. I think
10 that's not a wrong -- I think that's a wrong
11 statement, Good for the Environment. I believe it's
12 not good in many different ways, especially related
13 to water quality and water issues.

14 First, the original golf course application that
15 was ultimately remanded I guess by the courts in it
16 had a list of 20 plus chemicals that were going to be
17 used on the golf course. And two of those were later
18 identified by a chemical engineer in Essex to be very
19 highly carcinogenic and toxic, yet the inland water
20 commission allowed it to go through, but they placed
21 I think a \$300,000 bond on it and -- in case
22 groundwater was polluted and the wells were polluted
23 of nearby neighborhoods. But now that's been
24 remanded. Can't do that anymore. It has to sit
25 alone by itself.

1 So in this new application with the IPM
2 management, there still is allowed to be used
3 traditional pesticides, traditional fungicides,
4 traditional herbicides and amoebicides. My question
5 is what is the list of materials they are proposing
6 to use on the golf course? Which of those meets the
7 definition of organic as defined by the National
8 Organic Standards Board through the national list?
9 In what quantities do they estimate the pesticide and
10 fertilizer materials will be applied, both during the
11 conversion phase from forestland to farmland and
12 during the later maintenance phases? .

13 We need to know the list and, really, the
14 toxicology assessments on the animal life, and the
15 fish life in the area, and amphibian life. Is the
16 commission aware that if the developer is permitted
17 to pursue a turf management plan that includes
18 ephetic chemical pesticides and fertilizers, that it
19 may take three to five years to transition it to
20 organic management, should that be required in the
21 future?

22 Let's say the golf course is established and for
23 whatever reason the quality of the turf is below that
24 demanded by the golfing public. The area is very
25 humid up there. The forest soil is fungal in nature.

1 Fungus grows on monocultures of grass. The turf
2 manager must then make a decision regarding rescue
3 treatments. And that is allowed, is my
4 understanding, under this plan, that they can use
5 those and they may need to use those. What is the
6 emergency rescue treatment plan for the turf, if they
7 run into problems?

8 I would like to go back to some of Kathy
9 Conley's statements in the last meeting about the
10 fact that it was said in this meeting there would be
11 no importation of topsoil. There has to be then some
12 movement of topsoil to make the fairways and greens.
13 I would like to know what techniques you'll be using
14 on that site to move soil. Cutting and moving,
15 blasting? Will there be blasting? And from what
16 areas of the site will you find the topsoil to move
17 to those areas to create the formation of the
18 fairways and greens?

19 What about compost? If they do import sod and
20 compost, what is the testing program for those? Who
21 will see the results? Who will determine what's
22 acceptable? Does the town of Old Saybrook have any
23 rights with regards to the materials that are being
24 used or that will be moved in?

25 Groundwater. I believe it was Mr. Cohen who

1 mentioned the water monitoring program that they
2 developed. And there should be one. There'll need
3 to be groundwater for the septic system, the enormous
4 septic system that will be there for the leach field.
5 Reports will have to go to DEP and maybe even other
6 agencies. But we need to learn more about the
7 description of the water monitoring program. We need
8 to know about the frequency of this monitoring
9 program; the distribution of the reports; how this
10 will be communicated; and what will be the
11 responsibility for the remediation if these reports
12 show that certain chemicals are found in the
13 groundwater beyond the parameters that they set for
14 each of those pesticides, fungicides, herbicides that
15 will be used.

16 I realize that turf management and practices
17 have come a long way, but they cannot guaranty --
18 there is no system yet that can guaranty the
19 pesticides, fungicides, herbicides, and amoebicides
20 will not get into the water. There will be some
21 concentration. My question is what concentration is
22 okay? Sort of like what levels of arsenic is okay in
23 something that you may ingest?

24 And as we know everything is interconnected.
25 Everything is interconnected. Just like your body

1 everything is interconnected, everything up there is
2 interconnected. We learned that all too well with
3 DDT, getting the fish, higher concentrations, then
4 going to the eagle and then causing thinning shells.
5 What is an okay level for all of these pesticides?
6 What will the parameters be? How will they be
7 measured? Who will they go to? Will there be a
8 third party that is the tester? And will the town be
9 involved with that?

10 We have heard it said that the water company
11 believes there to be enough water present to service
12 the golf course without depriving surrounding
13 homeowners. I'm not really sure if that was totally
14 answered by the hydrologist last time to Bob Fisher's
15 question. Under what drought circumstances will
16 there still be enough? A one-year drought, a
17 two-year drought, a three-year drought? Some experts
18 are saying with global warming that we are having
19 fluctuations in wet years and dry years. Maybe the
20 freak snowstorms we had last week is a result of
21 these fluctuations of global warming. But anyway, if
22 you have a three-year drought, what legal recourse
23 will the town of Old Saybrook have to assure that the
24 golf course must find other sources of water so the
25 homeowners' wells are not depleted in Essex,

1 Westbrook, and Old Saybrook?

2 Judy, I think you live within 600 feet from the
3 proposed plan. Are you concerned at all - I'm sorry;
4 I'm asking you a question - about the groundwater and
5 the groundwater that you'll be drinking?

6 Furthermore, at what point does the lack of
7 availability of groundwater for the remaining forest
8 become a measurable issue? And what is that
9 measurement? There are rare - I'm not sure if I'm
10 using the right term - Atlantic cedar sands, both in
11 The Preserve that's behind Dave Brown's house. It
12 has the largest Atlantic cedar in New England. And
13 then there's one on the southeast side of the
14 proposed preserve. They require a specific bog-type
15 environment to live in. And if those water levels
16 change in the lower wetland areas, that could harm
17 certain plant life. If the pesticides and
18 petrochemicals end up in the water supply, God
19 forbid, what legal recourse do well owners have? How
20 can this situation be remediated?

21 According to the prior development plan, all
22 construction traffic would be banned from local
23 residential roads. What about this plan? Will this
24 still apply to Bokum and Ingham Hill Road? We
25 understand that The Preserve experts estimate an

1 average of ten trips of construction traffic per day.
2 That seems like a gross underestimate. Are you
3 averaging that over a period of ten years? If so,
4 how would those trips take place over time? For
5 example, 50 trips a day for a month straight would be
6 1,550 trips or 18,600 trips in the first year of
7 development.

8 During a period of slowdown in construction
9 traffic in the last years of development would an
10 estimated 36,500 trips over a ten-year plan be
11 achieved? What exactly do you project the
12 construction traffic count to be in the first years
13 of development?

14 And I ask all these questions because, Mr.
15 Branse, they do apply to the decision between the
16 conventional subdivision and an open subdivision with
17 a golf course. Because a lot of this depends on the
18 golf course. Without it perhaps we would not have
19 the risks associated with groundwater contamination,
20 construction traffic, clearing hundreds and hundreds
21 of acres of trees, et cetera. So it does come back
22 to that question that is in front of the commission.

23 It has been estimated that an average family
24 takes eight trips a day out of their house. A trip
25 is -- when you leave is a trip and when you come back

1 is a trip. So think about your own home on average
2 eight trips a day, going out, coming back. Say you
3 have two kids. You're taking them off to soccer, you
4 come back. Eight trips a day times 240 units is
5 1,920 trips a day. That does not include the traffic
6 associated with the convenience store, and the golf
7 course, and the golf course lodge clubhouse. Add
8 those together and I'm afraid the congestion in Old
9 Saybrook, the congestion IPA on Bokum Road in Essex,
10 the congestion at 153 going into Westbrook is
11 something that the tri-town area cannot absorb today.

12 Looking in an historic aspect, when I go hiking
13 in the woods, there are rock walls everywhere up
14 there, everywhere. Traversing the planned golf
15 holes, you've got the beautiful foundation for the
16 old Ingham house. And to the left of it, if you
17 haven't been up there, there is a half-circle wall
18 right across from it. And in the late 1700s, 1800s,
19 that half-circle wall may have been used as a sheep
20 fold when it was a farm. Sheep stay in that
21 half-circle wall and are protected from the storms.
22 So it's up there. It's right there. So I ask will
23 those be protected?

24 It's been publicized recently in several
25 magazines and articles that New England rock walls

1 are a valuable commodity. And developers are selling
2 them, the rock walls, to different states for lots of
3 money. So will any of the rocks or rock walls be
4 sold and taken off the site? If so, how many? And
5 what are the truck routes? Has there been a layover
6 yet on any of these maps - I haven't seen them - of
7 the rock walls on top of these maps related to the
8 golf course and the development?

9 So, again, this comes back to the conventional
10 subdivision issue versus the open plan and golf
11 course. Golf course being critical here. How would
12 we preserve those rock walls?

13 Mr. Aresco -- is that your name?

14 MR. ARESCO: Yes.

15 MR. CRYDER: I'm sorry. Mentioned in the first
16 meeting on November 3rd about the fringe effect.
17 The map that I gave you shows an unfragmented forest.
18 And The Preserve is 1,000 acres, but around it is
19 1,500 acres. And it's been identified by the Audubon
20 Society as a central pathway of migratory birds up
21 through the corridor, up through the forests and
22 northward. Fragmentation will occur with this
23 development. Fragmentation will occur with the golf
24 course. If you assume that there's 800 yards per
25 hole, 400 on one side, 400 on another side, you'll

1 have 800 yards per hole times 18. It ends up being,
2 just for the golf course, eight miles of edge. Goes
3 back to Mr. Aresco's question about edge and what is
4 the impact on the environment. Mr. Arendt's response
5 to that was there will be certain species that thrive
6 better in that situation and certain species that
7 will suffer. I won't get into all of that, but
8 that's something I believe you need to study.

9 Some of you may have heard of the notorious
10 catbird that thrives in the edge. Goes in, pushes
11 out the eggs of others that are the nature-dwelling
12 species. But there's other animals that thrive on
13 the edge and other animals that will suffer. Maybe
14 Mr. Arendt can speak to that later or maybe the avian
15 expert. So all that new edge -- and that's just for
16 the golf course. But I haven't talked about the edge
17 for the clustered homes and the other homes.

18 Talking about birds. I would like to pass this
19 out really quickly. I think Mr. Klein mentioned that
20 there was a study in the first week of June, and that
21 they found 54 to 57 species, none endangered or
22 threatened. The list that I'm giving you is a list
23 that was compiled by Dexter Chaffee. He's an amateur
24 bird enthusiast, a member of the Audubon Society.
25 And he gave me permission to publicize this list. He

1 has lived in Essex Meadows at the northernmost edge
2 of The Preserve. The map I gave you out before of
3 The Preserve map has a little red circle on it. And
4 that is the area in which Mr. Chaffee did his study.
5 Over a ten-year period he found over 137 birds
6 sighted. These are not nesting populations, but
7 sighted. I compared it then to the Connecticut
8 endangered species list, and you'll find that there
9 are and there were sights there in the northernmost
10 section of birds that were endangered, threatened,
11 and of special concern.

12 So my question is do we, do we believe the
13 one-week studies that The Preserve experts did or did
14 do we believe Mr. Chaffee's studies? Similarly, on
15 the Connecticut state endangered flora, fauna, and
16 wildlife study that was done in the late '90s in
17 which they found some endangered species on the site,
18 but in the studies that were done by The Preserve
19 experts they found none. Who do we believe? Do we
20 believe the state study or do we believe the experts'
21 study? Question Mark.

22 Wetlands. It was mentioned I think by Mr. Hills
23 at the last meeting that on the golf course the golf
24 holes will actually traverse many of the wetlands.
25 If you look at that map, you'll see the bridges

1 through the wetlands, and that they will have to cut
2 trees down across the wetlands, across these holes.
3 And then the comment was made I think by Mr. Hills,
4 maybe somebody else, that the sunlight will come in
5 and it will rebuild that vegetation. It will be
6 okay. But if you study the material from the
7 Tidewater Institute about the river continuing
8 concept, up there are the headwaters of the Oyster
9 River. Headwaters are to be covered with shadow.
10 That's why the tree canopy is there. That's why the
11 headwaters are atop of the dome. They do their best
12 when they are shadowed.

13 There are certain animals, phytoplankton, algae
14 that break down the tree matter and materials that
15 thrive in shaded conditions, not sunlight conditions.
16 The sunlight conditions of removing those trees
17 disrupts the natural habitat of the wetlands and the
18 natural way that wetlands work and decompose material
19 that later then goes down the stream system that is
20 then used by other animals, fish, et cetera. You
21 don't want that canopy broken if you're a wetland or
22 a headwater. It's not natural. It's not good. It's
23 not good for the environment. So I am very concerned
24 about the front nine holes with the wetlands on the
25 eastern valley. They are all over the place. I'm

1 also concerned about holes ten and 18 that sit right
2 atop of the Pequot Swamp. Yes, I know there's
3 preventative measures to keep the drainage there, but
4 if you walk there, holes ten and 18 are right above
5 the Pequot Swamp. So how will that drainage be
6 stopped? How will that leaching of potential
7 pesticides be stopped, particularly for holes ten and
8 18 right into the Pequot Swamp?

9 If the town of Old Saybrook needs to budget for
10 the maintenance of bridges, including one that will
11 be the largest bridge in Old Saybrook, shouldn't this
12 be a matter for townwide planning and consideration
13 and approval by the residents of Old Saybrook in
14 order to decide if they want to pay for it?

15 If the septic tank -- septic plan fails, it is
16 our understanding that Old Saybrook will be
17 responsible for its repair and mediation. Shouldn't
18 residents be made aware of the situation and given
19 the opportunity to vote on whether we wish, as a
20 town, to take on the responsibility?

21 With The Preserve we need to address the
22 ownership of clean water in surrounding wells and
23 aquifer, shellfish beds, and streams. Who owns the
24 groundwater?

25 This is right off the United States Geological

1 Service website. And granted, there are no
2 Connecticut golf courses, but it lists the
3 pesticides, fungicides, herbicides, and amoebicides.
4 And amoebicides being things that kill grubs, and
5 worms, and things like that. And again, pesticides
6 are meant to kill something. They kill things and
7 then are ingested by other animal species. But these
8 are items found in golf courses throughout the
9 country. And yes, things have improved, but, again,
10 concentrations will be found.

11 CHAIRMAN MCINTYRE: One moment. We have to
12 change the tape.

13 MR. CRYDER: So I wish that the commission could
14 also hire this type of panel of experts. I'm sure
15 they would do a good job arguing also for the
16 environmentalists. Mr. Landino even said in the
17 November 3rd meeting, and I paraphrase, that the
18 best conservation is no development. He mentioned
19 that in the first November 3rd meeting. Of course
20 there has to be development for expanding the growth
21 of people in the country, but it just doesn't make
22 sense to build a golf course at the headwaters of a
23 river system rife with wetlands.

24 Mr. Hills made a mention that this would be a
25 model for the future for golf courses. And I agree

1 with Mr. O'Neil from Westbrook who said that would be
2 a travesty. It just doesn't make sense to do that on
3 the top of a wetlands groundwater systems that feed
4 the tri-town area. And so I would remark, Mr. Branse
5 and the commission, that this is critical to the
6 decision-making process about the conventional versus
7 the open space with a golf course. And maybe the
8 third issue, an open space without a golf course. I
9 really think it's perhaps picking the lesser of
10 evils.

11 My conclusion is it doesn't make sense to
12 develop The Preserve area and that I hope that we can
13 find a way to buy it through Connecticut public
14 funds, through funds raised privately, through funds
15 from the Connecticut Fund for the Environment and
16 that a reasonable price is negotiated and that I hope
17 we find the will and the way to do that. And I thank
18 you.

19 I leave you with this picture. That is where
20 all of the waters from The Preserve go to, almost
21 entirely lead to the Oyster River, which is Old
22 Saybrook's legacy, the Long Island Sound. How many
23 of you have license plates that say preserve the
24 sound? Well, don't let a golf course be built up at
25 the headwaters if you want to preserve the sound.

1 And just recently 15,000 seeded oysters were planted
2 in the Oyster River to try to bring them back. And I
3 thank you again for your consideration. I'll be glad
4 to lead the troop, along with members of The
5 Preserve, at 1:30 let's say. Did I say 1:30 or two
6 o'clock on Sunday?

7 MR. ARESCO: One thirty you said.

8 MR. CRYDER: One thirty. I would love to do
9 that at the Great Cedar Swamp Preserve right off of
10 Ingham Hill Road. You need to see it. Regardless of
11 which way you decide to vote, you need to see what
12 you're voting on. Thank you.

13 CHAIRMAN MCINTYRE: Thank you. Please hold
14 the applause.

15 MR. BRANSE: Wait. Come back, please.
16 Chris, you asked a number of questions. Did you have
17 those written out?

18 MR. CRYDER: Some.

19 MR. BRANSE: It doesn't have to be tonight,
20 but if you could make it available, make a copy of
21 that.

22 MR. CRYDER: Sure.

23 MR. BRANSE: Because I took them down as fast as
24 I could and I'm sure the applicant did, too.

25 MR. CRYDER: I talk fast.

1 MR. BRANSE: That would be helpful. The
2 other thing just let me comment on this walk. The
3 commission is allowed to continue a public hearing to
4 a site walk and thence thereafter to a further
5 meeting of the commission. The only thing it has to
6 be posted as a meeting. It has to be part of the
7 public hearing, which means announced before we
8 adjourn tonight. It doesn't have to be right this
9 minute, but before we adjourn tonight. It's not
10 mandatory that you do so. You can, though.

11 And the public must be allowed to attend. And
12 the difficulty is there can't -- because we can't
13 tape an outdoor meeting, it will have to be a silent
14 walk. Merely orientation. We are here now, et
15 cetera. We can't have question and answer or
16 testimony at a site walk, because there's no way to
17 record it. So those are the only ground rules for
18 site walks, but they are allowed if you wish.

19 CHAIRMAN MCINTYRE: Thank you, Attorney
20 Branse. We'll address the issue of the site walk at
21 the end of the meeting. For those who haven't been
22 at our meetings before, it's very difficult. You
23 have seven, eight different members of the board that
24 want to attend and sometimes everybody can't get the
25 same schedule. So it's not, you know, one day only

1 type thing. We are going to have to make a decision
2 what day most of the members are available. However,
3 I do think a site walk is in order, but we'll leave
4 that up to the board, see who can attend.

5 Who else from the public would like to speak at
6 this time? Would you sit down, sir, until I call on
7 somebody. Thank you. Mr. Peace.

8 MR. PEACE: Good evening. My name is Bill
9 Peace. I'm --

10 CHAIRMAN MCINTYRE: If you want to use that
11 other microphone, the handheld, it's probably better.

12 MR. PEACE: Is this going to work out okay?

13 CHAIRMAN MCINTYRE: Yes, we can hear you now.

14 MR. PEACE: Good evening. My name is Bill
15 Peace. I'm a selectman in Old Saybrook. I have been
16 a selectman for nine years. I just wanted to share
17 that. I want to get into a little background here.
18 The other part is I'm a retired engineer from the
19 Department of Transportation for 38 years. I'm
20 presently serving on a subgroup of the transportation
21 and strategy board. And the board of selectmen has
22 asked me to pay attention to this particular issue.

23 Obviously, there's been some very learned
24 comments concerning the environment, and I'm not
25 going to go there. I'm going to just simply stay on

1 track on the things that will probably be coming from
2 the board of selectmen and what I would think would
3 be of interest of us. Going on the assumption this
4 development was going to be built as proposed, I have
5 some concerns and some thoughts.

6 First of all, one of the things someone earlier
7 mentioned are the three bridges. It took almost six
8 years to replace the Mud Creek bridge. It's a
9 39-foot bridge, cost \$1.5 million. Now, these three
10 bridges -- now, I have to tell you at the selectmen's
11 meeting always -- it was almost like reading the sign
12 on the side of a bus as it went by us. But best I
13 can tell it was about 80- or 90-foot spans, each
14 bridge. It involved some incredibly large approach
15 work and abutment work on each bridge. And
16 obviously, I have no idea how close it came to
17 wetlands, because when I looked through the plans
18 that were in the town planning office, there were no
19 bridge plans there.

20 So I made a quick calculation based -- if we
21 spend 1.5 million on one brick bridge, being very
22 conservative. And I know the developer is going to
23 have another number, but I would think it would run
24 about \$2 million to build the bridge. If the town of
25 Old Saybrook was going to build that bridge today, it

1 would be at least 2 million.

2 Then I called one of my daughters who does some
3 pretty good analysis work, and I said, well, looking
4 at the Mud Creek bridge, we are going to replace this
5 bridge in 50 years. I think that's a reasonable
6 assumption. Let me just say I watched -- when I was
7 with the Department of Transportation, I watched many
8 structures deteriorate because they didn't do the
9 linseed oil treatment, they didn't do anything with
10 electrolysis, and on and on and on with maintenance.
11 So we looked to the past and I think it's reasonable
12 to look to the future, which tells me that these
13 bridges are going to need to be replaced in 50 years,
14 totally replaced. There's going to be obviously some
15 of the same problems because of how close we are to
16 the wetlands, right. But when you run the numbers,
17 it's absolutely amazing. The cost to replace three
18 bridges, all right, it would cost today \$2 million
19 each. That would be \$6 million.

20 I tried to make a reasonable assumption on what
21 the increase in construction costs were, because the
22 first project I worked on with the Department of
23 Transportation on I-84 back forever, more than 40
24 years ago, and that was a four-mile project with
25 seven bridges and cost \$4 million. So I think my

1 estimate of 6 percent per year is not unreasonable.
2 You run that out.

3 It's going 50 years from now, after most of us
4 are long gone, we are going to leave an unfunded
5 liability, right, if the town actually maintains
6 these bridges, of \$108 million. So that's the
7 cost -- that would be the way -- that would only be
8 the first time. Of course that goes on the next 50
9 years and the next 50 years after that.

10 The problem is it's really a road to nowhere.
11 Sort of like an Alice in wonderland. You know, any
12 road will get you there if you don't know where
13 you're going. That particular road nobody here will
14 ever use. You would have to drive up -- all the way
15 up to the end of the Bokum Road, the Essex line, and
16 then cut across. It is not a crosstown connector. I
17 looked at the plan in conservation, the development
18 and what that referred to, having some idea what the
19 town's desires were and the duty to cross. So we are
20 ending up with three bridges, five miles of road that
21 are of absolutely no value to the town of Old
22 Saybrook. And at least the bridge part is going to
23 cost somewhere in the future \$108 million to replace.
24 That doesn't include -- first of all, let me just
25 plan what we have.

1 We've got one bridge that's been a struggle to
2 replace it. There is one other bridge that the town
3 did get involved in. That's over the railroad tracks
4 in the state's DOT Portland Bridge Program. But even
5 today we would claim that we have no responsibility
6 for that. We don't have the capability, equipment,
7 manpower in any shape or form to maintain a bridge
8 like this.

9 We would have to out -- we would have to
10 outsource all of this work. The state does go
11 through the inspection. That's the good part. But
12 then the maintenance work, cleaning out shrubbery,
13 whatever work. When you finally see some contents of
14 these developments, they are monstrous. So I would
15 suggest that this commission, that they should look
16 other -- other ways for a means of access. I think
17 it's totally unreasonable to put the town of Old
18 Saybrook in the ownership for those three bridges.

19 The other part -- let me go on further. From
20 what I gathered, at least in a preliminary
21 conversation with the developer at the selectmen's
22 meeting, was Attorney Royston just said that they are
23 like everybody else. They are going to fight state
24 traffic issues in Section 14-311 of the Connecticut
25 General Statutes as revised.

1 Just having -- actually, that was part of my
2 work. I recognize clearly --

3 MR. BRANSE: Could you just -- for the what?
4 Repeat that one more time.

5 MR. PEACE: The section?

6 MR. BRANSE: Yeah.

7 MR. PEACE: Section 14-311 of the Connecticut
8 General Statutes as revised. Basically, it means
9 anything over 100,000 square feet or 200-car parking
10 lot comes under review of state traffic commission.
11 Under the state traffic commission, they cannot get
12 a -- permit the bill until they have a certificate in
13 hand. They cannot get a CO until the improvements
14 are in place.

15 What I am told by Attorney Royston is the town
16 of Old Saybrook, we may be a little different. In
17 other words, they may be able to build what they want
18 and then leave us with a problem. So when you look
19 at the access on the Bokum Road, that roadway there,
20 and when you try to consider whether it's a safe road
21 or not -- and I can tell you about three or four
22 years ago we did have a study done by the regional
23 planning agency, and it actually qualified as a high
24 hazardous. But high hazardous funding if we wanted
25 to do improvements. We didn't, because we didn't

1 think people building the roadway would let us, quite
2 frankly. They didn't want anything done. So we
3 deferred on that.

4 But if improvements were going to be done, who
5 would do them? And would they be in place at the
6 date of opening? I think it would not be responsible
7 to approve a development, allow a developer to build
8 something and leave the town with a problem that we
9 may not be able to mitigate because of like, for
10 instance, design restraints, wetlands, trees, houses
11 and, quite frankly, unfriendly abutters. We can only
12 build -- in the town of Old Saybrook we can only
13 build something people will let us build. My hunch
14 is people on Bokum Road would not let us do
15 improvements there. I learned that when I first came
16 into office on Schoolhouse Road. I think Bob Day was
17 there. It was part of my learning curve. And I also
18 learned that on Route 6. That still hasn't been
19 built, too. That's in my other life.

20 So I think when you look at this, I think you
21 have to look at the cost of -- the proposal they have
22 are the three bridges I think is totally an
23 unreasonable cost to the town. I think you have to
24 look at what would be required of Bokum Road and the
25 fact that the developer is taking no responsibility

1 for any improvements. And quite frankly, the
2 developer may not even be able to build on it
3 himself.

4 Whether this is a crosstown road, it just simply
5 isn't. If we are going to have a crosstown
6 connector, we need it in a better and more
7 appropriate place.

8 And lastly, let me just say this. I mean it's
9 funny. It sticks out. The most glaring thing, if
10 you look at this particular plan where the housing
11 is, the housing -- the bulk -- the centroid of all
12 the housing, where all the units are is basically
13 adjacent to Ingham Hill Road, but nobody's obviously
14 going to come that way.

15 So once again, if you approve this development
16 as proposed, you're going to be leaving the town with
17 another problem. Because just like that walkway down
18 in my neighborhood in Cornfield Point, once the
19 people move in, they traditionally come back to this
20 board for a change. If I lived up there, I would get
21 a few of my neighbors over, we would have a little
22 picnic and we would decide to go to the town and we
23 would ask for a change so we can come in and build
24 roads. Once again, leaving the town of Old Saybrook
25 would be left with a problem that we couldn't

1 mitigate. In other words, if you put the additional
2 traffic on Ingham Hill Road, you would be leaving the
3 town holding the bag. Once again, that would be --
4 quite frankly, when I started looking at this here,
5 Lehman Brothers is a multimillion dollar corporation,
6 and yet -- and this could very well be a half a
7 trillion dollar project. But yet, we are being
8 asked -- Old Saybrook is being asked to subsidize
9 this developer. I don't think we should subsidize
10 any developer. We just shouldn't.

11 So I think just like the state traffic, just
12 like in my other life, wherever they come in, all of
13 the roadway improvements should be in place the date
14 of opening.

15 About three years ago, on behalf of the board of
16 selectmen, I prepared some comments on Ingham Hill
17 Road. They are somewhere in the records. What it
18 said, basically, those comments, and they were
19 approved by the full board of selectmen, if there was
20 going to be access on the Ingham Hill Road, it's
21 unreasonable to approve the horizontal and vertical.
22 It just isn't. There are design constraints. The
23 more reasonable thing to do would be based on what's
24 constructed by the bike path. So you can get
25 bicycles and pedestrians out of the roadway.

1 Attorney Royston said, you know, if you want it,
2 construct it yourself.

3 So I think if you're going to approve this
4 development, I think you have to make a requirement
5 that the developer do the improvements and the
6 improvements be in place date of opening, otherwise
7 you're going to have a safety hazard. And I thank
8 you for your time.

9 CHAIRMAN MCINTYRE: Thank you. Yes, sir.

10 MS. LONGSTRETH: Good evening, Commissioners.
11 My name is Carolyn Longstreth.

12 CHAIRMAN MCINTYRE: Could you use the
13 microphone.

14 MS. LONGSTRETH: And this is going to be brief.
15 I'm just introducing someone. Can you hear me now?

16 CHAIRMAN MCINTYRE: Yes.

17 MS. LONGSTRETH: Okay. My name is Carolyn
18 Longstreth. I'm with the Connecticut Fund for the
19 Environment. And we have a couple of expert
20 witnesses to present to you tonight. And I would
21 like to first introduce Dr. Robert Craig, who will be
22 giving a presentation on the bird life in eastern
23 Connecticut.

24 CHAIRMAN MCINTYRE: Thank you.

25 MS. LONGSTRETH: He needs to set up his Power

1 Point, so that might take a minute or so.

2 MR. BRANSE: Excuse me, Miss Longstreth, will
3 Mr. Craig have hard copy of those Power Point?

4 MS. LONGSTRETH: Yes.

5 MR. BRANSE: Because we can't enter a Power
6 Point into the record. He can use that for display
7 purposes as long we have a hard copy that we can copy
8 later.

9 MS. LONGSTRETH: We will make sure that you get
10 one.

11 MR. BRANSE: Thank you.

12 MS. LONGSTRETH: Okay.

13 PUBLIC SPEAKER: Can somebody else speak briefly
14 while he's setting up his Power Point to save time?

15 CHAIRMAN MCINTYRE: Mr. Craig, about how long
16 will it take you to set up?

17 MR. CRAIG: I think it's all set.

18 CHAIRMAN MCINTYRE: We're all set, so we'll
19 get to you in a few moments.

20 MS. GALLICCHIO: Would you like either of us to
21 move?

22 MR. CRAIG: Hopefully I can put it over this.
23 We'll get to this in just one second.

24 My name is Robert Craig. I'm from Putnam,
25 Connecticut, and I represent a research foundation

1 for conservation research. And the mission of the
2 foundation is to provide town governments,
3 particularly I work with conservation commissions, in
4 developing open space plans. And --

5 PUBLIC SPEAKER: Can you hold the microphone up
6 to your face, sir.

7 MR. CRAIG: And so I've brought along some of
8 the work that I have been doing. The kind of things
9 that I do, that I advise towns on in developing open
10 space plans, what the foundation does is to collect
11 basic science to help lead towns to reasonable
12 conclusions about what to do with their open space;
13 how to go about designing it; and how to make
14 decisions and things like that.

15 I am going to give you a copy of my credentials.
16 And we did publish a book which covers all of our
17 region this past year. And I am also going to give
18 you a copy of that. And much of what I am going to
19 say is -- virtually everything I am going to say is
20 in that book, also. I will be rather succinct,
21 however. Okay.

22 What I would like to tell you briefly about is
23 the forest bird survey that covers all of Southern
24 New England that we have been working on for the past
25 four years now and anticipated a seven-year project.

1 And the purpose of this is to, again, provide a data
2 base, provide some resource management data on
3 wildlife. And we've picked out the birds, because
4 there's such a diverse group that they serve as a
5 very good biological indicator. There are so many
6 species that do so many different things that they
7 are very effective in using to develop some kind of
8 plans that would deal with conservation strategy.

9 The region that we focused on the first couple
10 of years is called Last Green Valley. You probably
11 have all heard about that. It includes the Quinebaug
12 Shetucket corridor all the way to the Connecticut
13 River and even into Rhode Island. And this project
14 is a very large-scale project. It is a region such
15 as right here which is undergoing explosive
16 development. Most of the towns in that region, many
17 of the towns in that region have grown by 30 percent
18 in the last ten years alone. So making open space
19 decisions, that's something that has to happen now,
20 because in another generation many of those choices
21 will be past. So if there are significant areas of
22 open space to preserve, we right now are the ones who
23 are going to have to make those decisions.

24 Now, this is a very broad-scale project. And a
25 lot of the things that it's doing -- I was asking

1 questions about basic science. And I am not going to
2 read all of these. But if you look at the last two,
3 they are relevant here. One of the things I have
4 been looking at is large, unbroken tracts. And the
5 kinds of surveys that we do are large-scale surveys.
6 So they cover areas -- most of the areas we cover are
7 in the 500- to 1,000-acre range. And so the one
8 question is whether or not these large tracts contain
9 everything that there is to find in our regional
10 environment or whether they contain subsets. And
11 this becomes an important issue.

12 Also, from the kind of data that we have
13 selected on the distributions of species, the
14 population densities of species, and species
15 diversity - in other words, the number of species
16 that inhabit areas - what kind of things can you
17 conclude about how you go about conserving the forest
18 bird community and then consequently the larger
19 environment.

20 The methodology here is, again, quite extensive.
21 We are looking at well over 1,000 sample stations.
22 To date the survey has collected somewhere in the
23 vicinity of 30,000 data points. So a very large data
24 set. And you can do a lot of things with lots of
25 numbers. Using very sophisticated statistical,

1 mathematical procedures, looking at not only
2 wildlife, but also at the same time looking at
3 habitat, six measures of habitat.

4 And let me say a few words about habitat first.
5 When we conducted this survey, we found these four
6 points to be pretty clearly notable things. And that
7 is that there are geographic patterns in the presence
8 of habitats. As you go across Connecticut, from the
9 Massachusetts border to Long Island Sound, there are
10 patterns that exist. Northern Connecticut is not
11 like southern Connecticut. And the details of its --
12 and even in the generalities of its natural systems.
13 And this makes that landscape -- even though
14 Connecticut is a little state, the landscape is a
15 rather heterogeneous one. Consequently, the wildlife
16 that inhabit these areas also tends to be
17 heterogeneous. Different species occur in different
18 areas. Some of these kind of patterns have to do
19 with subtleties and regional climate. Particularly
20 here along the coast we have some subtleties in our
21 climate here that make the environment a
22 characteristic one for a whole suite of species.

23 Another interesting thing that we are starting
24 to get some data on is that when you have urban
25 areas, when you have high concentrations of urban

1 dwellings, even extensive parklands seem to have
2 their wildlife value significantly compromised,
3 particularly in terms of those things that live on
4 the forest floor.

5 Now, here are some of our data. And this -- you
6 can see all of eastern Connecticut here from the
7 Mass. border, to my right is the Rhode Island border,
8 and to my left is the Connecticut River Valley. The
9 bottom of these maps are Long Island Sound. So Old
10 Saybrook would be in the bottom left corner, in my
11 left corner.

12 If you look at the upper map, it displays summer
13 diversity. And you'll notice that if the darkest
14 area as being the highest diversity, highest
15 diversity tended to exist across the middle of the
16 state. But look at the difference from summer to
17 winter. If you look at the winter map at the bottom,
18 in wintertime diversity -- the highest diversity of
19 species tend to collect along the coast. And we can
20 speculate why this is. And we are gathering some
21 data as to why that is. And it does look like it has
22 to do with the regional climate. The kind of species
23 that we find collected along the coast in the winter
24 tend to be those who are ranging north and barely
25 make it into our region at that winter season.

1 If you look at that last point, one of the
2 things that -- looking at things like diversity and
3 also this next slide I'll show you is -- again, it
4 reaffirms this idea that if you look at our wildlife
5 resources, they are rather heterogeneous. You don't
6 find the same thing everywhere. Different things
7 occur in different places.

8 This is looking at -- instead of species
9 diversity, looking at population densities. The
10 upper one is population density in summer and the
11 lower one is population density in winter. Note
12 especially that highest population densities tend to
13 accumulate along the coast. In fact, if you look at
14 many of our permanent residents, what happens is that
15 they tend to move south, and I'll be showing you a
16 few examples of that, from summer to winter.

17 Here's one case study. This is one of our most
18 common wildlife species in the state, red-eyed vireo.
19 It's one of the most abundant of our native species.
20 And if you look at its pattern of population density,
21 most of them collect along the coast, in the southern
22 third of the state. And this has to do with their
23 habitat. This is what I'm getting at with the idea
24 of heterogeneity. Even our most common species are
25 not uniformly distributed. They have a range in

1 where they occur. Where these species occur, they
2 tend to occur along the coast, in coastal regions,
3 where you have a predominance of a particular kind of
4 a forest. And that kind of a forest will be the
5 oak-dominated forest that can be found here in
6 southern Connecticut. Especially as you get further
7 toward the coast, white pines and things like that
8 tend to drop out. And those create the kind of
9 conditions that for this species and a whole host of
10 others are really ideal.

11 Looking at other species, if you look at the
12 upper map, that is of a species that is
13 characteristically a coastal Connecticut species, the
14 carolina wren. The species at the bottom is the
15 acadian flycatcher. And in fact, we have a whole
16 suite of species who are characteristically in the
17 summertime coastal residents. So for those species
18 the preservation of tracts along the coast becomes
19 critically important to their continued persistence
20 in large enough numbers to remain in our region.

21 Now, because the study looked at not only
22 summertime but also wintertime, we found a number of
23 very notable patterns that have some significant
24 consequences in terms of how you develop a management
25 plan. If you look at -- this is another one of our

1 very common species, black-capped chickadee. If you
2 look at this distribution in the summer, the highest
3 densities are in northern Connecticut, which would be
4 the upper map. If you instead look at the lower map,
5 you see its distribution in the wintertime. They
6 tend to collect again along the coast. And not only
7 do they collect along the coast in the wintertime,
8 but their populations actually rise. So you can say
9 that for a species like this, the coastal region of
10 Connecticut, southern third of the state is the
11 population reservoir for this species which remains
12 with us all year long. So things that happen
13 particularly in the southern third of the state will
14 impact its long-term population levels. And this is
15 only one example, but I can show you a whole host of
16 examples that show similar patterns. In fact, most
17 of our permanent resident species show the same kinds
18 of patterns.

19 Here's another example, close relative, tufted
20 titmouse. Widespread in the summer and extremely
21 concentrated especially along the coast in the
22 winter. Populations again rise from summer to
23 winter. So that again the coastal region becomes the
24 principal population reservoir for these kinds of
25 species.

1 Now, what does all this mean? Those are just a
2 few tastes of what the data are like. The data are
3 very, very extensive. It covers well over 100
4 species. And I'm sure you don't want to hear about
5 all 100 tonight, but this gives you a little flavor
6 of what the data show.

7 Now, in terms of what this means, if you look at
8 our findings overall, it suggests that there is a
9 great deal, again, of heterogeneity in the natural
10 systems of Connecticut. Not all of Connecticut for
11 that matter. They are all of Southern New England.
12 The kinds of wildlife communities that you find
13 within our local environments are likely to be
14 preserved only if we establish a series of rather
15 large refuges.

16 Reasons why that is I'll talk a little bit more
17 in just a minute, but let me tell you some specific
18 things first about the coastal region, since this is
19 where we are. One thing in particular to note, look
20 at that photograph on the upper part of the slide
21 there. Coastal forests are not like inland forests.
22 It's not only species in composition but also in
23 structure, also in aspects of their microclimate. As
24 a consequence of that you have a suite of species
25 that live along the coast that you don't find

1 elsewhere. This gets to the idea of heterogeneity.
2 If you preserve forest tracts in northeastern
3 Connecticut, you don't preserve what there is along
4 the coast. So in other words, you need to have large
5 preserves scattered throughout the state. And what
6 I'm getting at, looking at how all these species had
7 to congregate along the coast is that key among these
8 places to have wide preserves are coastal areas.

9 A number of species -- and I put up another map
10 here. If you look at that map on the lower part of
11 the slide, that is a map of the density and
12 distribution of the American redstart in eastern
13 Connecticut. And again, notice that this is a
14 species whose populations peak along the coast. It
15 is a species, like a number of others, that live in
16 more open forests, forests which tend to be
17 particularly prevalent in this region. So most of
18 its Southern New England population is present along
19 the coast. In fact, several species are virtually
20 limited to the coastal environment. Especially in
21 wintertime there's a variety of species that we find
22 with us only along the coast and, actually, only
23 right along the coastal perimeters. Quite a number
24 of forest species actually wind up going into that
25 category.

1 So what I'm getting at here is that extensive
2 tracts are important, because they protect a range of
3 physical conditions, a range of habitat conditions.
4 If you think in terms of slope of the land, moisture
5 regime, all those kinds of physical factors, if you
6 want to have a sampling of all of those, you need to
7 have a large enough area and you also need to have a
8 large enough area in terms of having viable
9 populations. Many of these species you might find in
10 a little wood lot, but that does not mean that they
11 are viable populations. You get into statistical
12 probability issues. If you don't have a large enough
13 population, then you can look at over time
14 statistical phenomenon occurring, which can drive
15 species locally to extinction.

16 All right. Let me summarize some of these
17 things and then I'm done. Again, the forest bird
18 community is a heterogeneous environment. It
19 requires -- in order to provide habitat for all these
20 different species that live in our region, they
21 require a variety of habitat types. A single species
22 cannot be preserved by preserving only what they do
23 in summertime. Because we have a whole community of
24 species that live with us year round, often what
25 happens in the summer and what happens in the winter

1 are not the same thing. So to truly preserve those
2 aspects of our fauna, we need to consider what
3 happens year round. And as you saw in a number of
4 instances what happens along the coast tends to be
5 key for a lot of these species.

6 Another important point to mention is that,
7 again, because of its heterogeneity in our
8 environment, there is not one forest tract that's
9 going to preserve the entire system. Only a series
10 of those tracts is going to do that. So in order to
11 maintain all the species in this system, we need to
12 have not just our existing state parks, which may
13 cover five or so percent of our landscape, but we
14 need to think in terms of adding additional ones to
15 that. Particularly this becomes important for less
16 common species. You know, not all species are
17 common. We might say a third of our species are
18 really common, but then there's another third that
19 are rather uncommon. It's not that they are
20 endangered. And the whole idea of local endangerment
21 is something which is open to a lot of debate and
22 discussion.

23 But we do have this lower third of species which
24 exists with us in low population densities. And for
25 those in particular we have to think in terms of

1 having a number of extensive preserves. And again,
2 because of the year-round dynamics of this system,
3 among those that are most important are going to be
4 those along the coast.

5 So as I go around the state and I advise towns
6 on developing their open space plans, one of the
7 things that I would say to you is being on the coast
8 you have to look particularly closely at a large
9 tract like this in terms of what are your options in
10 terms of preserving the whole thing.

11 And I guess I can entertain some questions.
12 That's all I have in the way of slides for you.

13 CHAIRMAN MCINTYRE: We are not entertaining
14 questions at this time. We are going to save those
15 to the end.

16 MR. CRAIG: Okay.

17 CHAIRMAN MCINTYRE: Thank you. I realize you
18 have other people that want to speak, but I'm going
19 to hold off on that. I want to get to the general
20 public. Sir, if you could step up, please. Thank
21 you for being patient.

22 MR. MALOY: No problem. Can everybody hear me?
23 Good evening, Mr. Selectman, Panel. My name is Wayne
24 Maloy. I live at 85 Middletown Avenue. I have the
25 business Julia's Oyster Company. And my worry is --

1 about this whole project is the runoff that's going
2 to be from the golf course. And from experience --
3 our family's been in the oyster business for over 100
4 years. And our experience with stuff going into the
5 water, it does a lot of damage to the shellfish and
6 wildlife. And to me, I don't think the project
7 should be allowed because of the danger that's going
8 to be, you know, with this project. You got to
9 excuse me. I'm not good at speaking in front of a
10 lot of people.

11 But the town of Old Saybrook, they did take and
12 plant in the Oyster River a lot of oysters, and they
13 are trying to raise them. And I think with this
14 project going on and with all that runoff, not
15 necessarily from the golf course, but from all of the
16 houses and everything in the area, on the Higganum,
17 you know, area and all that, it's going to take a
18 real toll on the wildlife and the shell fishing. And
19 we are having a big problem with our lobsters. All
20 of our lobsters is gone, basically.

21 And this runoff, it goes into the Connecticut
22 River. It's going to affect the whole Long Island
23 Sound in some degree, you know. It's going to be a
24 big impact to the area, and to the State of
25 Connecticut, and to New York. And eventually it will

1 go over there. And I think the project -- I think
2 you guys should really look into what your -- before
3 you take and make a decision on this.

4 And like the selectman said, if we have to get
5 with the bridges and foot the bill for that, I don't
6 think the town is going to be able to do it. And you
7 know, there's a lot of things to be considered here.
8 And the gentleman that spoke first, he said a lot of
9 things that I was going to ask and he made a real
10 good presentation about the whole thing. And I just
11 hope everybody thinks on what they are doing, because
12 we are having problems, too, with the deer and the
13 bears coming out into people's backyards. This is
14 going to be a factor, too. Where is all the deer,
15 and the bears, and the wolves, you know, and the
16 coyotes and all that? Where are they going to go?
17 They are going to go into people's backyard and
18 people are going to get hurt eventually because of
19 overpopulation of the land. Just about all of it is
20 gone.

21 I sit back and I kind of feel bad about the
22 whole thing. When you see all these big developments
23 that come in, it's destroying everything. To me, you
24 know, the animals got to have their place to go. We
25 have a house we live in. And I think they should

1 have their place where they can live without being in
2 danger of getting run over and so forth and so on.

3 That's all I wanted to say. You know, it's
4 really going to be a big impact on the fishing
5 industry if this goes in. I know that they have
6 plans of containing this stuff, but accidents happen.
7 I know. I do a little bit of the environmental work
8 over in the Thames River, too, on top of my shellfish
9 business. And always as an accident, always. And
10 it's something that can't be helped. It's human
11 error or, you know, so forth and so on. Things
12 happen. And I think it would be a real devastation
13 to the area and to the environment, and I don't think
14 it should go through. Thank you.

15 CHAIRMAN MCINTYRE: Thank you, sir. Would
16 you state your name for the record again. One of the
17 board members would like to hear your name.

18 MR. MALOY: Yeah. My name is Wayne Maloy, 85
19 Middletown Avenue, Old Saybrook. And I own and
20 operate Julia's Oyster Company.

21 CHAIRMAN MCINTYRE: Thank you, Wayne. Yes,
22 ma'am.

23 MS. RADOFF: Hi. My name is Nancy Radoff, Nancy
24 Gustafson Radoff. Those people who know me know that
25 I'm an attorney. Mr. Royston, we have met many times

1 before.

2 I want to make it clear that I'm a retired
3 attorney. I hate lawyers with the exception of
4 Mr. Royston. I threw away all the suits and
5 pantyhose as soon as I stopped practicing. I did in
6 fact practice along the shoreline for about five
7 years in private practice before I moved into a state
8 job. And I understand the dynamics of these local
9 hearings and I understand that a commission makes --
10 is very, very careful, just like a jury is, to follow
11 their rules. And that's why it was made clear what
12 your question is that you have to decide as opposed
13 to any other board or organization or the town
14 government.

15 I certainly concur and God bless that first
16 gentleman and everyone who's come up here, concur
17 with everything they said. And the question being we
18 want a conventional subdivision or an open space
19 subdivision, of course my answer is no subdivision.
20 But that's not the question before you at this point.

21 And so -- and I want to thank the proposed
22 builders here for sending me this lovely newspaper.
23 I thought it was from our gang when I saw it said The
24 Community Paper of The Preserve, because we are the
25 community. There is no preserve community. I love

1 the name preserve which implies that you're saving
2 something instead of breaking it all up. But I want
3 to tell you that this -- what my reaction was to this
4 and as it -- it addresses the question before this
5 commission, because it's a question of are we talking
6 about an open space subdivision at all? And I would
7 say that we're not. This proposal is not an open
8 space subdivision. When I first saw the paper and
9 after I realized who it came from, I did read all of
10 it. And as a former attorney I was happy to see that
11 it was suggesting improvements over a previously
12 proposed plan, a compromise. And I saw the 60
13 percent open space --

14 CHAIRMAN MCINTYRE: Just a second. Tape
15 change.

16 MS. RADOFF: I saw the 60 percent open space and
17 the 40 percent developed space, and I thought as a
18 lawyer, not -- as a person I would say that's not
19 enough. A hundred percent is what we want. As a
20 lawyer I said, hmmm, that sounds like a good
21 compromise, because that's what lawyers do. And then
22 I opened up the paper and looked at the first map. I
23 just want to make sure that people really truly
24 understand what they are reading here. Some people
25 will look at a map and not really pay much attention

1 to the legend. And so when I first looked at the
2 page that says, The Preserve Open Space -- it's the
3 first map in the paper if you have it. It looks
4 basically like this. I remember how much this cost
5 when my daughter was in school.

6 CHAIRMAN MCINTYRE: Is there a stamp on that?

7 MS. RADOFF: Yes. I looked at it and I saw
8 these clever sort of the green areas and then these
9 clever sort of grayish-green areas.

10 MR. BRANSE: Would you just describe the map
11 of what you're referring to.

12 MS. RADOFF: I'm sorry. It's the map that's on
13 page three of the newspaper they sent out. And I
14 don't know, do you have an identification number on
15 this?

16 MR. BRANSE: It should have a title in the
17 lower left.

18 MS. RADOFF: Open Space Subdivision -
19 Preservation Plan. It just says legend at the top
20 and it shows three colored sections. Development
21 area, then there's a greenish-gray area, then there's
22 the green area. I don't see anything else that
23 identifies it.

24 MR. BRANSE: That's fine.

25 MS. RADOFF: Of course I looked at it and I went

1 oh, I see. That's really, really great. Because
2 when I heard 40/60, as I think probably many people
3 out here thought of 40 percent over here, over to one
4 side, and 60 percent over to the other side
5 undisturbed. And I looked at the map and I saw the
6 pretty gray-green area and I thought oh, that must be
7 the wetlands. Then I looked closer at the legend and
8 realized that that was the golf course.

9 And may I lift this map up? If you don't mind.

10 MR. BRANSE: Do you want to put it on the
11 easel right here?

12 MS. RADOFF: What we have here is swiss cheese.
13 There is no 60 acres of open space here. If you add
14 up this inch here, and this space here, and this spot
15 over there, sure. You can add it up and get --
16 mathematically get 60 percent. I'm assuming that
17 they are being accurate about that. I didn't take
18 much math. But this is not what I anticipated seeing
19 when I read the first page and it was talking about
20 open space and 60 percent of the land being open
21 space.

22 They are talking about five miles of trails.
23 The trails have got to meander through the golf holes
24 and so does the wildlife. And one of the funniest
25 things I saw in the paper - I truly enjoyed the

1 paper - was that there were going to be some -- let's
2 see. I probably can't find it right here, but it was
3 underpasses for the wildlife. I don't know of any
4 universal language that wildlife reads so they know
5 to go under the underpass and stop doing what they
6 have instinctively done all along. Wildlife doesn't
7 work that way. You can't just stick it into these
8 little spaces between the holes in the swiss cheese.
9 And that's what we've got here. So as far as I'm
10 concerned, this is not an open space plan.

11 If you stuck your golf course up in that corner
12 and left all of this open, then you might have an
13 open space plan that would be palatable to at least
14 people who were willing to have something developed
15 there. But I don't think you have that. So your
16 whole question that's before this commission is moot,
17 because you don't have a -- you're not choosing
18 between an open space plan and a conventional plan.
19 You're choosing between two different conventional
20 plans that use up the natural area for the wildlife.
21 And I just want to say for the audience I think the
22 commission is well aware of this.

23 I'm on the inside knowing what attorneys are for
24 and what kind of things happen at zoning. I did a
25 few very small-scale things myself when I was -- when

1 I was first practicing as a private attorney. And
2 what you do is you hire the big guns, okay. You hire
3 a great lawyer. And Dave Royston's a great lawyer.
4 You hire experts that you can show a resume. And
5 that's why we have two pages of resumes. You don't
6 hire somebody who opposes your viewpoint. And so
7 just keep in mind that these opinions are biased to
8 the extent that they have been -- these experts have
9 been chosen just like you see in on Court TV. They
10 have been chosen to present a certain point of view
11 and support that. And I don't believe that anybody
12 that's come up here in opposition was hired to do
13 anything. And again, I want to make clear I wasn't
14 hired to do anything. I don't represent anyone. I
15 am retired from the Connecticut and Florida bars.

16 I'm so happy that these other gentlemen came up
17 and could answer the questions of how many species
18 there were and so forth.

19 I was going to bring up the example of the great
20 census they did about a year or so ago in Central
21 Park right before George Plimpton died. He was
22 there. And they had huge numbers of volunteers.
23 They covered every inch of Central Park. They found
24 far more species than they thought they would and
25 they even found -- you may not get real excited about

1 this, but an entirely new species of worm, okay.
2 Maybe with a little Chianti and a nice sauce, I don't
3 know. But the birds I'm sure like it. And there's
4 always that possibility in any piece of open space.

5 Just finally, I want to point out something. If
6 you look at a map of the United States, and I think
7 we have all seen a whole bunch of them in the last
8 election cycle here, we are this teeny tiny little
9 state in the upper right-hand corner. And this town
10 is a teeny tiny little town in that state. We don't
11 have a lot of open space left. We can't afford to
12 spend it on development like a larger state could.
13 We have to preserve what's left. I was born and
14 raised here in Middletown I lived all my life, moved
15 to Saybrook in '83, have lived on Schoolhouse Road
16 since '93. And I drive up the highways and I think
17 God, you know, everyone says how green Ireland is.
18 And I can't believe what could be greener and more
19 beautiful than Connecticut.

20 And if you -- we have all ridden up and down
21 Route 9, and it's got that lovely divider in the
22 middle. Think of somebody calling that open space.
23 Because that's what they are doing here. You can
24 have an acre of land one inch wide and I don't know
25 how many miles long. I don't think any of us would

1 believe that the animals are happy with or can
2 accommodate living on the divider between the highway
3 lanes. And we've all seen the dead animals on the
4 roads. And to me a new road from Bokum across is
5 just another place for them to get splatted. This is
6 too beautiful a place to do this to. And as I said,
7 we are a very tiny state. We really just can't go on
8 developing, and developing, and developing. And if
9 the developers really want to build something like
10 this, why don't they take it to one of those big red
11 states in the Midwest where they have lots of space.

12 CHAIRMAN MCINTYRE: Ma'am, could you -- one
13 question for you. Could you spell your name for the
14 record. There are a couple of the board members that
15 didn't catch it.

16 MS. RADOFF: Sure. Nancy Gustafson,
17 G-U-S-T-A-F, as in Frank, S-O-N, Radoff, R-A-D-O-F-F.
18 Thank you.

19 CHAIRMAN MCINTYRE: Thank you. Any future
20 speakers, to keep the confusion down, when you come
21 up to say your name if you could spell your last
22 name, that would be appreciated.

23 Yes, ma'am. Yes. And I will get to that side
24 of the room. I keep turning that way. I apologize.
25 We'll move around the room a little bit more.

1 MS. FAULKNER: How's this? Can you hear me?
2 Okay. I'm Sally Faulkner, F-A-U-L-K-N-E-R. I live
3 at 10 Dwayne Road, Old Saybrook.

4 I have three things. One is the same question
5 as last week. We heard that there was a difference
6 in opinion about the number of units there could be
7 on the property because of the original number of
8 units that wouldn't work out for the conventional
9 plan, and I wondered if those maps have been revised.
10 I looked a few days ago at the library and it did not
11 appear that they had been. It would have -- or would
12 that have to be a whole separate application? I'll
13 just leave that question out there. Someone will
14 answer it later, okay.

15 And another question I had I hope will be
16 answered, because I haven't been able to find it
17 anywhere, is who is River Sound Development and what
18 is their relationship to the engineering firm and
19 their panel that they have hired and -- yeah.

20 And then the other thing is I went looking for
21 more information about the open -- the conservation
22 design, because I thought it sounded like a really
23 awesome principle. And so I started reading some of
24 Mr. Arendt's books, and I was really -- I thought it
25 just sounds so promising if it was used on -- you

1 know, if it was the basis for development in the
2 future. But I don't think that's what's been really
3 presented in whole as the open space design.
4 Because -- and I am going to just read something
5 from the -- that I found in two of his books right up
6 in the beginning chapters. This quote specifically
7 is from *Conservation Design for Subdivisions, a*
8 *Practical Guide to Creating Open Space Networks.*
9 It's on page two of the first chapter titled How This
10 Handbook Can Help You. This is a book I think
11 designed for panel members like yourselves to read to
12 help them evaluate these kinds of designs.

13 And so he lists several reasons for readers to
14 go through the process of learning about designing
15 subdivisions for conservation and development. And
16 this is a quote from that, item number four in that
17 list. Conservation subdivisions are simply better
18 places to live. When well designed the majority of
19 lots abut or face onto a variety of open spaces from
20 formal greens or commons to wildflower meadows, farm
21 fields, mature woodlands, tidal or freshwater
22 wetlands and/or active recreational facilities. At
23 present only golf course developments offer
24 comparable amounts of open space, but those green
25 areas are managed for one kind -- for only one kind

1 of activity. And they typically convert all previous
2 natural areas, except wetlands and steep slopes, into
3 intensively managed lawns that are off limits to
4 everyone but golfers and are uninviting to most forms
5 of wildlife, except the more tolerant animals such as
6 geese.

7 So I think that what's happened here is the
8 developers have used the best parts of their experts'
9 design principles and that -- corrupted it and
10 presented it as an open space plan. And that's it.
11 Thank you.

12 CHAIRMAN MCINTYRE: Thank you very much.

13 MR. BRANSE: Mr. Chairman, just for the
14 record again, Mark Branse. The second question about
15 the corporate identity of the applicant or its
16 relationship with other investors or entities is
17 something the commission cannot inquire into and
18 cannot consider. You're certainly free to ask the
19 applicant that off the record, but this commission is
20 not allowed to consider the identity or investors or
21 relationships of any -- not just this, but any
22 applicant. The other questions are fine.

23 CHAIRMAN MCINTYRE: Yes, sir.

24 MR. SLATKIN: My name is Daniel Slatkin. I live
25 in a dwelling which has --

1 CHAIRMAN MCINTYRE: Could you spell your last
2 name, sir.

3 MR. SLATKIN: I beg your pardon?

4 MR. CHAIRMAN: Could you spell your last name.

5 MR. SLATKIN: S-L-A-T-K-I-N. I live in this
6 area in a dwelling that has its exclusive drinking
7 water supply from groundwater. I'm a resident of the
8 town of Essex. Does that mean that I cannot
9 continue?

10 CHAIRMAN MCINTYRE: No. You may continue,
11 sir.

12 MR. SLATKIN: Thank you. I have many questions,
13 but I am only going to ask one. Because I've been
14 invited to come to this public meeting of
15 information, and there is a basic question that is in
16 my mind. Without knowing that question it's
17 impossible for me to evaluate the decisions of this
18 board. That question is what is the legal basis for
19 the announcement that this group, which I believe is
20 the Town of Old Saybrook Planning Commission, what is
21 the legal basis for what I understand to be the
22 information that this planning commission is unable
23 or unwilling or not permitted to advise or even
24 make -- perhaps make a decision regarding whether
25 this tract of land will be developed at all or not?

1 That is my question. Thank you.

2 CHAIRMAN MCINTYRE: Thank you, sir.

3 Mr. Branse, do you want to say something?

4 MR. BRANSE: Do you want me to answer that
5 now? I would be happy to.

6 CHAIRMAN MCINTYRE: Sure.

7 MR. BRANSE: The planning commission reviews
8 applications for development. It is not a funding
9 agency. It has no authority to buy land. Private
10 property -- people who own private property like
11 yourself have the right to do certain things with it
12 as long as they are in accordance with the law. So
13 this commission cannot deny any owner of private
14 property the right to do something with their
15 property. Now, maybe not anything or everything they
16 want. The commission can regulate the use of private
17 property, but it does not have the ability legally,
18 constitutionally, to say to any property owner, you,
19 them, anyone, you cannot do anything with your
20 property. Your property must remain exactly as it is
21 today.

22 CHAIRMAN MCINTYRE: Yes, sir.

23 MR. SLATKIN: May I?

24 CHAIRMAN MCINTYRE: Quickly.

25 MR. SLATKIN: The gentleman answered my

1 question, but he did not answer it with exact logical
2 specificity. This planning commission is not allowed
3 to tell people what to do with their property. I can
4 understand that.

5 MR. BRANSE: That's not what I said.

6 MR. SLATKIN: I beg your pardon?

7 MR. BRANSE: That's not what I said.

8 MR. SLATKIN: I beg your pardon?

9 MR. BRANSE: What I said was the commission can
10 regulate the use of land. It cannot prohibit all use
11 of land.

12 MR. SLATKIN: But in any specific use of the
13 land is or is not the planning commission allowed to
14 say that a specific proposed use of a land is
15 disallowed? That is my question, sir. Is or is it
16 not allowed to disallow a proposed -- a specific
17 proposed use? That is my question. And the answer
18 to that is either yes or no.

19 MR. BRANSE: No, I'm afraid it's really not.

20 MR. SLATKIN: The answer is neither yes or no?

21 MR. BRANSE: No. The answer is neither a yes
22 or no. Do you want an answer to your question or do
23 you not?

24 MR. SLATKIN: Yes, please.

25 MR. BRANSE: All right. The answer to your

1 question is that a planning commission can deny
2 applications which do not comply with its
3 regulations. Those that comply with its regulations
4 it must approve.

5 MR. SLATKIN: And if one of those regulations
6 specifies that a particular proposal is not in
7 accordance with its regulations, then it is permitted
8 to say no; is it not, sir?

9 MR. BRANSE: That's correct.

10 MR. SLATKIN: Thank you, sir.

11 CHAIRMAN MCINTYRE: Thank you. The gentleman
12 way in the back.

13 MR. DOMENIE: Good evening. My name is Douglas
14 Domenie. That's D-O-M-E-N-I-E. I live on 5 Deer
15 Run, which for perspective is right there, just
16 below -- in the middle of The Preserve.

17 CHAIRMAN MCINTYRE: Hold on. You're
18 referring to the Open Space Subdivision Map -
19 Preservation Plan.

20 MR. DOMENIE: I have plan -- Open Space
21 Subdivision - Preservation Plan.

22 CHAIRMAN MCINTYRE: Thank you.

23 MR. DOMENIE: This summer we were given an
24 opportunity to participate in some testing of our
25 wells while The Preserve developers were testing

1 their wells to see if there was any adverse effect on
2 the surrounding property owners' wells. I opted not
3 to participate in that plan or that program for the
4 simple purpose that the information that they had
5 provided us seemed to be significantly inaccurate.
6 And I believe that information was part of their
7 application to the DEP for a water permit that they
8 have to have.

9 They stated at an information meeting that was
10 held at the library during the summer that they had
11 expected that they would need approximately 150 to
12 175,000 gallons of water per day to operate the golf
13 course. Being involved in the golf course as a
14 member, I investigated to find out what the water
15 usage at that course was. The water usage there was
16 approximately 275,000 gallons of water per day. I
17 then went on to find out that the new golf courses
18 that Foxwoods has built, they are planning 400,000
19 gallons of water per day for the operation of the
20 golf course. And these are during the high-need
21 season time. I was not able to get accurate numbers
22 for Clinton, but I do know that they right now are in
23 the process of redoing their irrigation system,
24 because the water supply that they have was not
25 adequate. And they had to buy a significant amount

1 of water this summer and last summer, and that they
2 found that it was not cost effective in operating a
3 golf course. So now they are looking back within
4 their own property where to get more water.

5 They stated at that meeting that they were going
6 to have a 3 million-gallon retention pond. It sounds
7 like a lot, but, again, depending on water usage,
8 that's probably only a 10- to 15-day supply of water
9 during a period of drought. I think it's important
10 the commission get accurate information from all
11 sources to find out what water usage is on golf
12 courses. The Preserve plan to be able to meet that
13 150- to 175,000-gallon water need with four wells
14 that were drilled -- they drilled six wells. They
15 found two of them to be insufficient. The other four
16 were going to be the ones that were going to be used
17 for the testing. I think they figured that -- or
18 they stated that those wells would be operating only
19 50 percent of the time. If you do the math on -- I
20 think two of the wells had in excess of 50 gallons
21 per minute production and two of the wells were less
22 than 50 gallons per minute production. If you do the
23 math on that and you do it at the 50 percent
24 population, which is what they stated, I think you
25 would find that that amount of water would be

1 insufficient and, therefore, soon after opening they
2 would need to be drilling for more wells.

3 Again, I would ask that you check with the DEP
4 as to the permit that's in process to find out that
5 accurate information has been given. Maybe a public
6 course will operate 150 to 175,000 gallons per day,
7 but I think a private course that wants to look the
8 part of being a private course is going to use a lot
9 more water as is evidenced in several other high-end
10 golf courses. Thank you.

11 CHAIRMAN MCINTYRE: Thank you, sir. The
12 gentleman right there.

13 MR. WALDEN: Yes, sir.

14 CHAIRMAN MCINTYRE: No.

15 MR. WALDEN: I can wait. Thank you.

16 CHAIRMAN MCINTYRE: All right. Thank you
17 very much, sir.

18 MR. REDAK: Attorney Branse --

19 MR. BRANSE: Your name for the record.

20 CHAIRMAN MCINTYRE: Can you speak into the mike,
21 sir, and state your name and spell it, please.

22 MR. REDAK: Danny Redak, R-E-D-A-K. Attorney
23 Branse --

24 CHAIRMAN MCINTYRE: Would you speak into the
25 mike, sir. No one in the audience can hear you.

1 MR. REDAK: What was the wording of the
2 referendum rule?

3 MR. BRANSE: I think the question was what
4 was the wording of the referendum rule?

5 MR. REDAK: (Nods head)

6 MR. BRANSE: I'm afraid I don't know what
7 you're asking me about.

8 MR. REDAK: If we have a referendum, what is the
9 rule?

10 MR. BRANSE: A referendum on this
11 application?

12 MR. REDAK: Correct.

13 MR. BRANSE: Is that the question?

14 MR. REDAK: (Nods head)

15 MR. BRANSE: If the question is whether this
16 application can be referred to a referendum, the
17 answer is it cannot. Neither a zoning commission nor
18 a planning commission is allowed by state law to
19 delegate a decision to a referendum, and there is
20 case law on that.

21 MR. REDAK: Well, what if we have a signed
22 petition?

23 MR. BRANSE: It would not matter. It would
24 take a change in state law.

25 MR. REDAK: Well, we have to purchase the land.

1 You do not hold yourself responsible for developing
2 this land, injuring wildlife, endangered species and
3 our legacy for our children and your children's
4 children. Thank you.

5 CHAIRMAN MCINTYRE: Thank you, sir. The
6 gentleman right there.

7 MR. WALDEN: Thank you, Commissioners. My name
8 is Dan Walden. I am an abutting landowner at 40
9 Pepperidge Trail, W-A-L-D-E-N.

10 CHAIRMAN MCINTYRE: Thank you.

11 MR. WALDEN: First, if I may I would like to ask
12 a clarifying question. The six questions that were
13 posed when you read the letter early on, they came
14 from the applicant, was that not true?

15 MR. BRANSE: No.

16 CHAIRMAN MCINTYRE: Those came from Attorney
17 Branse.

18 MR. WALDEN: For the applicant?

19 CHAIRMAN MCINTYRE: No.

20 MR. WALDEN: Thank you. I wonder if anybody on
21 the commission or with the applicant or in the
22 general public has been reading *Sports Illustrated*
23 lately. Earlier this month there was a very
24 interesting article about how golf courses are
25 fairing in this country these days. Literally

1 hundreds of them have been going bankrupt.

2 PUBLIC SPEAKER: Sir, can you use the hand mike,
3 please.

4 MR. WALDEN: Sure. Is that better?

5 PUBLIC SPEAKER: Yes.

6 MR. WALDEN: Thank you. Sorry. Literally
7 hundreds of golf courses in this country have been
8 going bankrupt in the last few years. The reason for
9 that is that the industry is vastly overbuilt. And
10 it is still overbuilding to this day. We have even
11 in New England a glut of golf courses. The article,
12 which is very carefully researched, projects this
13 trend to continue for a decade or more until
14 equilibrium is again established, which raised for me
15 some questions.

16 First, how many tens of millions of dollars of
17 performance bonds will the towns of Old Saybrook, and
18 Essex, and Westbrook require to prevent our citizens,
19 our taxpayers from being sponged if this development
20 goes under?

21 Will the applicant commit to devoting the
22 resources of Lehman Brothers, not just River Sound
23 Development, to making up any shortfall that may
24 occur if economic events either cause the development
25 to be cancelled, foreclosed or if the applicant,

1 smaller applicant goes bankrupt?

2 And will the applicant simply declare bankruptcy
3 if the development, as the first developer did, goes
4 under? Will Lehman Brothers guaranty that it will
5 make up any shortfall?

6 I think those are questions that the citizens of
7 the three towns deserve to know. Thank you.

8 CHAIRMAN MCINTYRE: Young gentleman.

9 MR. JONES: Dillon Jones, D-I-L-L-O-N J-O-N-E-S.
10 I would like to talk about something that none of us
11 has talked about before. The population of Old
12 Saybrook would skyrocket should this be built. An
13 estimated 18,000. And the summertime is gorgeous
14 around here. Many people move up here.

15 For any of us who brought our paper, middle
16 column, first indent: The 248 homes will be upscale
17 residences with prices ranging from almost 400,000 to
18 approximately 1 million. Because of the cost of the
19 homes, we strongly expect buyers will be primarily
20 older empty nesters who cannot -- who can more easily
21 afford them. As a result there will be few
22 additional school-aged children attending the Old
23 Saybrook Public Schools.

24 Now, I'm a student at this school right here.
25 And just this year when the third graders from the

1 Goodwin school came up, they had to add a whole row
2 of new lockers because of the massive amounts of
3 students. And Goodwin, they had cleared a whole
4 supply room just to accommodate the students. Mobile
5 supply rooms were shifted into tractor trailers.
6 Should this preserve be taken down or made into
7 homes, the population would just be drastic. It
8 would affect the school systems incredibly. I'm not
9 sure how we would all handle it. And I mean no
10 offense to anyone in here, but I think a million
11 dollars is a lot to pay for a home. I'm not sure how
12 we could actually get this. Thank you.

13 CHAIRMAN MCINTYRE: Yes.

14 MR. DAY: I'm Bob Day, 211 Schoolhouse Road,
15 D-A-Y.

16 CHAIRMAN MCINTYRE: Thank you. He had one of
17 the easy ones.

18 MR. DAY: Just as a point of interest, a little
19 over a month ago I finished insulating myself from
20 Lehman Brothers. I moved everything I could, sold it
21 or transferred whatever was controlled by them. I
22 urge all my friends to do the same. Anybody that
23 would back a dead horse like this. They got to see
24 the light, people. They got to see the light. I'm
25 concerned about this. I'm not going to be of any

1 help to you tonight, because my answer also is no
2 development. I have a lot of concerns.

3 I have two of my children, and their husbands,
4 and my grandchildren that abut this property. One of
5 them -- one of those pristine streams that emanates
6 from that land goes right through her property. Her
7 well's about 100 feet from it. If this is allowed to
8 be developed and a golf course goes in, they may
9 become added to the list of extinction. By the time
10 the pollutants get into their well and get into their
11 systems, it's going to be too late. Drilling a new
12 well is not going to be the answer. When the
13 groundwater is polluted, the groundwater is polluted.
14 They cannot possibly service everybody with city
15 water financially or any other way.

16 And besides that where do we suppose the city
17 water comes from? It comes from the ground right
18 across the street from The Preserve. One of the
19 water company's biggest wells is right across the
20 street from it.

21 I'm concerned with automobile pollution, noise,
22 water. Yes, water, because automobile emissions are
23 the second highest contributors to pollution and
24 comes out of the tailpipes of our cars. Water,
25 because as we know MTVE, which, fortunately, we are

1 no longer using in our gasoline. And the reason that
2 we are no longer using it is it can hurt the
3 groundwater. God knows how many people are sick
4 today and will be sick for the rest of their lives
5 and for generations to come because of this.

6 We do not need the golf course. It's all about
7 dollars. Lehman Brothers made a mistake. They need
8 to stand up and get rid of this thing, get it off of
9 our backs and their backs. We need you to protect us
10 in any way that you can in stopping this.

11 I'm concerned because I have read all of their
12 information. I stopped attending a lot of the
13 meetings because I've heard it. I don't believe it.
14 And I don't trust them. Once they've got what they
15 want, they'll tell you anything that they want to
16 that they think you'll hear to get this through.
17 When they have got their money, they'll be long gone.
18 We'll be holding the bag. I do not want my
19 grandchildren, if they are fortunate enough to live
20 through it, to have to replace the bridges. I see no
21 way that this is an asset to Saybrook. Before Lehman
22 Brothers ever got in the picture, when the town of
23 Saybrook made their initial mistake, we were
24 presented with a seminar where the people from
25 Madison showed us that developing that land would not

1 be beneficial financially to the town of Saybrook or
2 to any other town. These people will tell you that
3 it will be. I don't believe them.

4 Automobile pollution is wicked. I've lived on
5 Schoolhouse Road for 45 years. We are early morning
6 walkers. Traffic now is bad. Any improvements to
7 the road, which we stopped them from making most of
8 them, would only make it worse. I understand that
9 they are saying we'll get 60 more cars a day on
10 Schoolhouse Road. I don't believe them.

11 What do we do when we find out that this was all
12 mistakes or lies, whichever the case may be? It
13 doesn't matter. What do we do when the wells are
14 polluted? What do we do when the air is polluted
15 from the additional traffic? What do we do when
16 people get hit by a car?

17 We don't owe them any favors. They made a
18 mistake. Don't help them. Protect us. Do whatever
19 you can to stop them. Everything that comes out of
20 there is going to go into Long Island Sound. It's
21 already in trouble. It's moving down from New York,
22 from sewer treatment plants that are failing,
23 obsolete, never will work. Don't become a part of
24 it. This is a unique, pristine -- was pristine I
25 understand. I was very familiar with this land in my

1 younger days. I haven't been on it for quite awhile.
2 But I understand it's no longer pristine. I have
3 been told that it's been pretty thoroughly damaged
4 already. Put an end to it. I know you don't have
5 the power, but don't encourage them. Don't do
6 anything to make it easier. Don't put my family in
7 danger. Don't put yourselves in danger. You've got
8 to breathe the air. You've got to drink the water.
9 Don't believe them.

10 CHAIRMAN MCINTYRE: Thank you, Mr. Day.

11 We are going to take a ten-minute recess at this
12 time. So we'll convene -- it's 9:20, so at 9:30
13 we'll reconvene.

14 (Recess)

15 CHAIRMAN MCINTYRE: Okay. I would like to
16 get the meeting started again. Everyone take their
17 seats. We are going to reopen the meeting. This
18 gentleman from Essex.

19 MR. RANELLI: Good evening, Chairman McIntyre,
20 Members, and Attorney Branse. My name is Matthew
21 Ranelli, R-A-N-E-L-L-I, of Shipman and Goodwin. And
22 I am here on behalf of the town of Essex.

23 The town of Essex, as you know, has some very
24 significant concerns related to this project. As it
25 is obvious this is a -- really a large-scale project

1 on the boundary line of three towns, creates
2 intermunicipal impacts. And we are in the process of
3 trying to develop a full accounting of those
4 concerns. And we are looking forward to opening a
5 dialogue with the applicant on some of those concerns
6 in the near future. However, we thought given the
7 stage that this proceeding is at and in fairness to
8 the commission and to the applicant, there was a need
9 to make a preliminary statement of what those
10 concerns are, provide everyone with some notice of
11 them, and a chance to engage in dialogue and respond
12 to them.

13 So what I would like to do is I have with me
14 this evening the first selectman of Essex, Mr. Phil
15 Miller. And I would like to -- he would like to make
16 a statement on behalf of Essex and then I will follow
17 up with an outline of the issues that we have to
18 date. And I will try to abbreviate them to the
19 extent that they are covered already. So with that I
20 would like to introduce the first selectman.

21 CHAIRMAN MCINTYRE: Thank you.

22 MR. MILLER: Thank you. It's Philip Miller.
23 Philip with one L and Miller with two L's.

24 I want to talk about the land. I actually know
25 this land pretty well. I first explored this land

1 back in 1982 with the permission of the Lyons family.
2 And even back then as a young professional naturalist
3 it was quite obvious to me why that 1,000 acres had
4 never been developed, and that is that it's very
5 marginal land. Anyone who's walked it, it's pretty
6 plain to see that it's either mostly hillside,
7 wetland or ledge. And that's why Old Saybrook is
8 here, and Westbrook is over there, and Essex is here
9 and not where this land is now.

10 It's very marginal building land, but it's
11 excellent for wildlife. And in fact, because there's
12 so many wetlands all over the surface, it's superb
13 for wildlife because it recharges the aquifer
14 underneath. There's a lot of high quality vernal
15 pools that you've all heard about. But underneath
16 this land there's two really significant aquifers.
17 The one that's the larger one you have heard about
18 tonight, the Oyster River aquifer. And now it's a
19 little bit ironic that here we have people in Old
20 Saybrook showing incredibly good faith by restoring
21 the oyster beds on the Oyster River, and the biggest
22 problem that compromises that effort is the continued
23 and long-term storm water runoff from Interstate 95.
24 And we are hoping that in the next five years that is
25 all the municipalities in Connecticut, including Old

1 Saybrook, and Essex, and Westbrook, conform to the
2 storm water programs for greater protection of our
3 aquifer. We are hoping that the federal government
4 will help with some storm water runoff remediation on
5 highway 95. So, again, here's the people in Saybrook
6 showing incredibly good faith. And you already have
7 this big hurdle to overcome with 95, and now you're
8 looking at a project that would significantly
9 compromise the sanctity of the headwaters of the
10 Oyster River.

11 And also the other big aquifer is the Mud River.
12 There's only about 60 of these 1,000 acres that are
13 in Essex, but a great amount of the drainage comes
14 our way. And that's called the Mud River aquifer.
15 And if you look at any well along Ingham Hill Road or
16 Plains Road and do what I've done and open the tops
17 and look down, it's only 12, 15 feet down. This huge
18 underwater lake of high quality drinking water. Now,
19 here we are a little bit in Essex downstream,
20 underground that is, from this proposed development.
21 We are building a high quality public swimming area
22 in a spring fed pond, and that's downstream.

23 Now, when I said this is a highly functioning
24 ecosystem, I brought a couple of props with me. One,
25 I just wanted to show you something that I used to

1 find a lot of when I was a kid and you don't find too
2 many of today. This is a box turtle, Terrapene
3 carolina. And it's our terrestrial turtle. And I
4 have found them on this property. But I wouldn't say
5 where publicly, because these things are really
6 threatened by collectors. And there's a lot of
7 studies about these box turtles that are really
8 interesting. There was a naturalist in Long Island
9 around the turn of the 20th century who for years
10 would collect these box turtles and carve his
11 initials and the year on them. And they are still
12 finding, in the eastern end of Long Island, some of
13 these box turtles with 1906, 1908, some of these
14 dates on them. So these are long-lived turtles. And
15 they find out that a lot of them spend their entire
16 lives within a 250-yard radius of where they are born
17 and they never leave. So obviously, if that area
18 gets built on, these box turtles are gone.

19 Other things you find there that are really
20 neat. Here's one of the coolest salamanders
21 anywhere. This is the marbled salamander. And this
22 one is so unusual, because it doesn't breed in these
23 vernal pools in the spring like all the other
24 salamanders. The marbled salamander uses those
25 breeding pools in the fall, and no one knows why. So

1 there's a lot of things that we know about nature and
2 science, but certainly a lot that we don't.

3 Well, I want this land protected. And what does
4 it need protection from? I'll tell you. It needs
5 protection from market hungry profiteers. Now, even
6 when they are fronted by thoroughly decent, honorable
7 people -- and I can't tell you that -- how much I
8 find ironic that -- a few things. First, that ten
9 years ago one of the few voices in this area crying
10 out for protection of this property was a young
11 selectman in Old Saybrook, Bob Landino, a very fine
12 gentleman. And now he's fronting this project. And
13 I have long been a fan of Dr. Klemens. I followed
14 his career from afar. And I don't think there's
15 anyone I respect more than Attorney Royston.

16 Well, I look at this plan as described, and I
17 see all sorts of flaws. First, the road that comes
18 in goes right through all these highly functioning
19 vernal pools. And they've allowed for this road to
20 have these underground passageways. Well, that's not
21 what these passageways were designed for.

22 When I was a graduate student in the mid '80s
23 and I was working with Massachusetts Audubon at the
24 time, I was working with a couple of well-known
25 herpetologists, Scott Jackson and Tom Tynning, who is

1 the author of the Stokes *Guide to Amphibians and*
2 *Reptiles*. And we were working in South Amherst,
3 Massachusetts. And what we had there was an old farm
4 road that for many years only had a few farmhouses on
5 it and it had a bunch of vernal pools. And when
6 these salamanders would migrate to these vernal
7 pools, it was no big deal, because there wasn't a lot
8 of traffic there. But during the '70s and '80s a lot
9 more homes were built as a lot of those farms were
10 carved up. And we have all seen this phenomenon
11 before. And then they were finding that the
12 salamanders were getting squished on the road. So
13 they developed these underground or passageways, and
14 that's what these things were originally developed
15 for. They were for remediation, to fix something
16 that's already there. I don't believe in spirit they
17 were ever designed so that you could justify going
18 right through all these vernal pools and oh, well, we
19 have these passageways for the salamanders. It just
20 seems kind of disingenuous.

21 Well, another thing, too, is that I have looked
22 on this plan and it talks about how there's so many
23 high-functioning vernal pools that this plan will
24 protect and, therefore, it's okay to sort of
25 disregard some of the lesser-functioning ones. Well,

1 I would put forth to you that in much literature,
2 including Dr. Klemens's own literature, there's a
3 strong case made against that very notion of sort of
4 disregarding some wetlands. They all deserve
5 protection. And those things -- again, the water
6 cycle. They percolate down. They recharge our
7 aquifers. And so they are really important for our
8 health. You know, when you live near these vernal
9 pools, you can rest assure that you're most likely
10 breathing very good, clean air and drinking very
11 good, clean water.

12 Well, golf courses are notorious for their
13 over-reliance on petrochemical fertilizers. These
14 are unnatural substances. They don't break down into
15 natural things, pesticides and herbicides. And here
16 again, a very shallow aquifer. So anything that's
17 applied is going to wash off and get into our
18 watersheds.

19 Well, so what we have is a plan fronted by
20 people that would have you believe it's in our best
21 interest. And they are certainly well-heeled and
22 slick enough to do that and to maybe even pull it
23 off, but then we get left subsidizing this
24 development. So many of the approach roads like
25 Bokum Road or Ingham Hill. Think of the massive

1 amount of construction that will happen on those
2 roads just during that phase and then look at some
3 traffic studies that will talk about something like
4 11 trips per day per car times 250 units, and you're
5 looking at a ton of problems. And most of the access
6 is much closer to towns like Westbrook and Essex than
7 it is to Old Saybrook. So we will in Essex receive
8 no tax benefits and be stuck with subsidizing. And
9 there's no way, not on my watch. I will do
10 everything I can to keep it from happening.

11 Well, I would say to the commissioners here, the
12 esteemed commissioners, you've not been predisposed
13 but neither should you ever feel any sense of
14 intimidation despite some bluster and implied threats
15 of litigation that we have heard in the past. And I
16 would remind all of you -- and I don't mean this in a
17 condescending way, but I would say that any land use
18 commissioner has taken an oath to faithfully
19 discharge according to law your duty. And I will
20 tell you that I feel that this project is literally a
21 sword to the throat of Essex. I see it as a dagger
22 to the gut of Old Saybrook and a garret to
23 Westbrook's windpipe. And I would ask you all to
24 stand your ground, because what you believe in is
25 more important than what everybody says and whatever

1 pressures come. And I know in my heart that this
2 project just does not have sustainability nor does it
3 have merit. And I would ask you to turn this down
4 with a strong sense of justification. This project
5 has no legs. This dog don't hunt. However you want
6 to say it. And I would say that turning it down
7 would be the right thing to do. And my hope is that
8 some day if all of us work together we can truly make
9 this area a real preserve. Thank you, folks.

10 CHAIRMAN MCINTYRE: Thank you.

11 MR. RANELLI: Mr. Chairman, Matthew Ranelli.

12 In the interst of time, what I would just like
13 to do is just summarize our concerns and our
14 questions from the commission or from the applicant.
15 Later on I would be happy to take that and discuss
16 them further.

17 Just as has been pointed out this is a large,
18 very large, complicated site. It presents many
19 challenges, both the topography and the resources
20 present. A great deal of this site drains into Essex
21 and Westbrook and into critical areas of those towns
22 as well as the drainage that goes into Old Saybrook,
23 which you of course will be looking out for as this
24 is your municipality.

25 The concern that we have basically I have tried

1 to group them into four categories. Essentially that
2 the project is too dense or too intense. The other
3 concern is the management of traffic. The third
4 concern is the ecosystem resources. And the fourth
5 category is really just other issues, miscellaneous
6 issues.

7 In the first instance, that the project is too
8 dense, there are really two ways that the applicant
9 we believe has overstated the potential residential
10 yield on the property. The first way, which we think
11 is a more meaningful way and we think is a
12 fundamental flaw in the application, is that by
13 omitting the 200-plus-acre country club with an
14 18-hole golf course, driving range, and restaurant,
15 that they have -- by omitting that from the standard
16 plan and then adding it in the open space plan, they
17 have in essence authorized themselves a greater
18 residential yield than if they had shown that use in
19 the standard plan and then carried it over to the
20 open space plan.

21 In simplest terms this argument is they are
22 asking you to compare apples to oranges instead of
23 apples to apples. And we think this is a
24 fundamental --

25 CHAIRMAN MCINTYRE: Can you speak more into

1 the mike. The people are having a hard time.

2 MR. RANELLI: We think by asking you to compare
3 plans that contain significant different uses, they
4 have really misread the purpose of the regulation.
5 The regulation clearly sets up a standard plan that
6 in part will yield a yield analysis. And that's to
7 be compared with the benefits to be gained by doing
8 that yield in a clustered plan. But what's happened
9 here in essence is they have prepared a standard
10 plan, purely residential, which maximizes the acreage
11 that can be called residential and maximizes the
12 units, and then they consolidated those gains, if you
13 will, into a clustered plan and then added a large
14 land-intensive use of over 200 of the acres that
15 would have been benefited to the open space, which is
16 the purpose of the regulation.

17 And again, so at this point it has been made in
18 various forms by speakers who have said the golf
19 course creates a different type of use and creates
20 problems. But in essence it does not appear to be
21 what the regulations intended. It would diminish
22 rather than enhance those very purposes that are
23 listed in Section 56.2. And if you go down those
24 list of purposes in almost every instance and ask
25 yourself is that purpose better served with the golf

1 course or without the golf course, I think the
2 answers will be evident. You have real meaningful
3 open space in the absence of a golf course with a
4 clustered development.

5 I'm just putting up on the board -- this is the
6 Open Space Subdivision - Preservation Plan. If you
7 imagine for a moment that the lightly shaded green
8 golf course areas are dark green, then you have a
9 real unfragmented, meaningful body of open space.
10 But if you add in the lightly shaded golf course
11 colors, the lot lines are enough to make a
12 redistricting attorney blush in the way it fragments
13 in there and creates this hodgepodge of lot lines.

14 So we believe in short that the applicant --
15 that this is really a fundamental flaw in the
16 application, that they should bring to you plans that
17 allow you to compare apples to apples. And if they
18 want the golf course, show it on the standard plan
19 and carry it through to the open space plan. If you
20 do that you can -- essentially you could make a
21 transparency of the golf course land and lay it over
22 the standard subdivision plan and figure out the golf
23 course is mostly in this area.

24 CHAIRMAN MCINTYRE: Could you identify the
25 map.

1 MR. RANELLI: This is the conventional
2 subdivision plan. The golf course is located in this
3 center area around the Pequot Swamp Pond and this
4 other large wetland located on the eastern portion of
5 the site. And you could roughly figure out that it
6 probably is about 100 to 105 homes that they wouldn't
7 get credit for in the standard plan. So that would
8 significantly reduce yield. But if the golf course
9 is important, carry it over. On the other hand, if
10 the golf course isn't, then abandon it. And then you
11 end up the -- with the meaningful open space which
12 this was designed to encourage.

13 This is sort of a simple problem with complex
14 implications. But the simple issue is they have I
15 think put the commission in a position of trying to
16 figure this out for themselves rather than them bring
17 in two plans that match up. And the applicant may
18 say, well, it really doesn't matter. As long as we
19 preserve 50 percent of the open space, we really can
20 do what we want with the rest of it. But that's not
21 the way I read that regulation, because -- the reason
22 it's not is because they are getting residential
23 yield they wouldn't otherwise be entitled to if they
24 showed all the same uses. There's a finite
25 residential yield they can get. And the other thing

1 is the quality of the open space, which is important
2 for the purposes of 56.2.

3 So what are the options? Well, I've told you
4 what the options are for the applicant. They should
5 decide whether they want the golf course or not. But
6 then for the commission what do you do when
7 confronted with this dilemma, should you agree that
8 this was not what was intended?

9 The way I can see it is you can do one of three
10 things. You can require the applicant to bring in a
11 conventional standard plan either showing the golf
12 course or deciding they don't want it. Or number
13 two, you could attempt to figure this out yourself
14 by, you know, looking at the location of the holes
15 and trying to figure out what residential units they
16 wouldn't be entitled to. Or three, you could ask the
17 applicant to withdraw the application or you could
18 deny it if not and start fresh to give you enough
19 time to analyze two plans that are brought in
20 accordance with the regulation.

21 The second way that we think that the density is
22 overestimated is more sort of a discreet -- I should
23 say this may be a question of interpretation of your
24 regulations. I suspect the applicant would say,
25 well, there's nothing in the regulation that prevents

1 us from showing a second use or a different use. And
2 I think maybe reasonable people could disagree on
3 that, but you've got to look at the special exception
4 uses that are otherwise allowed in this district. I
5 mean if it wasn't a golf course, if it was a series
6 of radio towers or private schools or one of the
7 other special exception uses, I think it would jump
8 out at you that this is an inappropriate layout for
9 the plan. But regardless, the discretion to
10 interpret your regulation is yours. So you get to
11 decide.

12 And looking ahead I would decide carefully,
13 because Old Saybrook has plenty of land, and no pun
14 intended, sort of subpar land that has a lot of
15 wetlands. It is not good building land, but a lot of
16 acres of it. And if you side with an interpretation
17 that allows the comparison of apples to oranges, you
18 may be encouraging people to accumulate a large
19 quantity of low quality land and then cluster
20 everything in the high quality section of it, but
21 trying to get credit for uses that are in conceptual
22 site plans that may not reasonably be approved, but
23 that they incorporate the larger piece of land.

24 So I think, you know, given the types of land
25 you have in Westbrook -- I mean, I'm sorry, in Old

1 Saybrook, this is an important question of
2 interpretation for you of how you want these
3 applications to come in.

4 The second and more discreet areas where we
5 don't think it complies with the regulations, a lot
6 of these have been covered by your staff reports and
7 have to deal with the roadway system and other areas
8 of the site. The one that I would like to focus on
9 is the wetlands. The regulations say that the
10 concept plan should meet all the requirements of the
11 subdivision and zoning regulations and conform to all
12 the other regular provisions of those regulations.
13 And they go on to say, in the section that describes
14 how you should deliberate on this, that the plans
15 should meet those requirements, that a reasonable
16 subdivision of land conforming to those regulations
17 and subdivision regulations. That's 56-4. So it's
18 really what would be reasonably approvable.

19 And to make that measure I think you need some
20 input from the wetlands commission on this. And I
21 think from what I have seen in the record, the only
22 input from your wetlands commission so far is on the
23 open space plan. But I really think you need them to
24 have some input on the standard plan to see if that
25 is a reasonable subdivision of land conforming to the

1 regulations, and you don't have that. But what you
2 do have at this point is you have a report from the
3 wetlands commission that suggests that they do like
4 what Dr. Klemens has done just generally with some
5 caveats. And that's really all you have to go on.

6 And there's not really -- I haven't heard a
7 sound explanation of why those planning principles
8 were not incorporated into the standard plan. So I
9 think that it would be perfectly appropriate for the
10 commission to take a look at that standard plan and
11 see if it's a reasonable plan by applying the
12 principles of resource protection that Dr. Klemens
13 has advocated for the open space plan. And he
14 testified last week that that really wasn't done and
15 that the open space -- that the conventional plan was
16 meaningless in terms of vernal pool protection. I
17 think that that probably is the case.

18 So what you could do, again, is to take a look
19 at how they laid this out and then take a look at --
20 I'll just put this one down here. This is the
21 ecological connectivity vernal pool steppingstones to
22 upland habitat. There's really no reason that the
23 standard plan shouldn't have the plans attached to
24 it. Applicants who come before you to do a
25 subdivision under a standard plan are required to

1 exercise good planning. So if you, again,
2 superimpose that type of planning on the standard
3 plan, then you find that a lot of these units that go
4 into the yield analysis may not be reasonably
5 approvable.

6 And so the question for the commission is how do
7 you handle that kind of information? If you decide
8 that this type of good planning should be exercised
9 even in a conventional plan, how do you handle it?
10 Well, one way is to say that those lots that would
11 fall under those circles or more than 25 percent of
12 those circles, according to Dr. Klemens's method of
13 analysis, shouldn't be allowed.

14 So Essex's role in this is we think this is too
15 dense at the least. And that results in greater
16 municipal impacts. And this is how we think it's too
17 dense. And we think that that could -- really
18 creates two questions of interpretation for the
19 commission. And again, we remind you that you have
20 broad discretion in interpreting your own
21 regulations.

22 The other concerns that we have, traffic. I
23 think this has been pretty well covered. I think the
24 big question is why go through the trouble to build
25 this bridge to get access to what is a substandard

1 road, the Bokum Road. And why is it that the access
2 that's shown in the conventional plan is not
3 sufficient or not appropriate for the open space
4 plan? Now, obviously, one of the points isn't
5 because there's no development over there.

6 But the Ingham Hill Road portion, again, I
7 haven't heard a good reason why there's an access on
8 Ingham Hill Road. And having three means of egress
9 and exiting from the site would dilute the amount of
10 traffic that's being put onto Bokum Road. And that's
11 a large concern. And it would -- would be a more
12 appropriate way for people trying to get into Old
13 Saybrook than sending them out and around Bokum Road
14 with only two access points, both of them at the
15 doorstep of Essex. Essex really will bear the
16 traffic burden for people going east. They are going
17 to go down Bokum Road, onto 153, up to Route 9, to
18 95. Anyone going to that direction is going through
19 Essex. Anyone going to Westbrook on the eastern
20 portion of the site is going to go up Bokum Road.
21 And people going to Old Saybrook are going to go up
22 Bokum Road. Whereas, if you add Ingham Hill Road, it
23 would alleviate some of that traffic. Most of the
24 other points on traffic have been made, but we look
25 forward to talking with the applicant about it.

1 We have questions about the amount of cut and
2 fill that would be necessary and truck trips that
3 will be coming through Essex during construction.

4 The country club. I think there are questions
5 out there again that have implications for Essex.

6 Traffic. The types of events that would be held
7 there, maintenance, if there are changes in ownership
8 and maintenance and how that will be ensured that the
9 course will be managed to the high standards that
10 they have set out.

11 Also, the impact of the tree cuttings on the
12 wildlife population, the amphibians, the avian
13 population are questions that we would have.

14 The wastewater treatment facility we haven't
15 really even gotten to the potential implications
16 here, but obviously the risk of failure. The risk of
17 failure of the system; the risk of failure of the
18 leach fields are issues that we will be keenly
19 concerned with. Will there be on-site fuel storage
20 for backup generators? Future maintenance and what
21 is the position of the Old Saybrook WPCA are all
22 questions that we hope to address between now and the
23 next meeting.

24 The ecosystem. I think those questions have
25 been addressed.

1 I guess I would just have two questions that Dr.
2 Klemens could answer between now and then. I noted
3 that on the map he lists the vernal pool obligate
4 species and facultative species, but he doesn't list
5 the box turtle in those categories. And it's my
6 understanding that the emerging science in this area
7 is the box turtle is at least a facultative species.
8 So I would be curious to hear if that's the case and
9 whether they should be moved over or down as the case
10 may be into that category.

11 The other thing I would -- sort of general
12 question I would like to hear more on is why some of
13 these high quality vernal pools that are spotted
14 salamander breeding grounds and wood frog breeding
15 grounds are not conserved, especially in regard to
16 the spotted salamander. If this is a species that's
17 in a noncyclical regional decline, it would seem like
18 even though those pools don't have three obligate
19 species, that there should be some accommodation made
20 to protect that particular species if it is the case
21 that it's in decline.

22 The last category of concern is just the concern
23 about future uses. I would, again, hope the
24 commission would take a close look at the uses as of
25 right, because they really have a potential to

1 explode the density of uses on this site with home
2 offices, accessory apartments, renting rooms. And I
3 don't know if any of the homeowners' association
4 documents address this issue and limit some of those
5 uses. If they do that would be great. But if they
6 don't then you really have to consider if those uses
7 were utilized, you would have a lot more traffic, a
8 lot more residence density than you otherwise might
9 be anticipating.

10 So in conclusion, I would again thank the
11 commission for its time and the applicant for the
12 information that it has presented. We look forward
13 to being a part of this dialogue and hopefully being
14 at the table to protect Essex's interests. And I
15 would just remind you this site lies just beyond
16 Essex's borders. It's a large site, but it is just
17 outside of the jurisdiction of your counterparts in
18 Essex. And they have -- while they are watching this
19 closely, really have no input into the deliberations
20 here. And we would ask you to be mindful of that and
21 their interests when you carefully consider this
22 application and its impacts. Thank you very much.

23 CHAIRMAN MCINTYRE: Thank you, sir. Yes,
24 ma'am.

25 MS. CRYDER: My name is Kate Cryder,

1 C-R-Y-D-E-R. I live at 3 Merritt Lane in Old
2 Saybrook. I have a couple of questions for the
3 committee.

4 First, who exactly will make the final decision
5 on this approval? It's my understanding that you're
6 not going to approve the golf course, but you will
7 approve the conventional versus open space plan; is
8 that correct?

9 MR. BRANSE: For the record, Mark Branse.

10 As is currently foreseen there are going to
11 be -- or the applicant proposes to have four separate
12 applications. This first application is for the open
13 space subdivision special exception, which is
14 basically permission to do an open space pattern as
15 opposed to a conventional. I may not have it in the
16 exact order, but the second step would be an
17 application for a final subdivision in accordance
18 with whichever pattern is approved. That will go --
19 both of these will go to this commission, to the
20 planning commission.

21 Another application would be what's called the
22 PRD. That's the multifamily component of this where
23 you see the so-called village areas. That goes to
24 the zoning commission. Then there's a special
25 exception application for the golf course which goes

1 to the zoning commission. So the lot layout and the
2 planning, the overall plan is addressed here and then
3 the detailed subdivision, drainage and road layouts
4 and those types of engineering items are addressed
5 here. Then the approval of the multifamily,
6 including, by the way, the number of units as well as
7 their arrangement, zoning commission. And then the
8 golf course -- and also when I say golf course, I
9 include the country club, driving range, all of those
10 related uses is another application at the zoning
11 commission.

12 MS. CRYDER: Okay. So with that said you guys
13 are never going to ever have dinner at home ever
14 again.

15 So it's my understanding as of today, as of this
16 moment that there is not approved access from
17 Westbrook for the 153 access. Attorney Branse, is
18 that correct?

19 MR. BRANSE: I'm probably not the one to ask
20 that to.

21 MS. CRYDER: Mr. Landino.

22 MR. BRANSE: Well, actually, perhaps
23 Mr. Royston, do you want to answer that, whether
24 there is an approval for access to 153 in Westbrook?

25 CHAIRMAN MCINTYRE: Can I interrupt. I

1 prefer that we just let the applicant, just as we
2 have with all the other speakers, that anything that
3 would be addressed to the applicant be answered later
4 on at a later date or at the end of the meeting.

5 MR. BRANSE: Is that acceptable to you, Miss
6 Cryder?

7 MS. CRYDER: Absolutely.

8 MR. BRANSE: Thank you.

9 MS. CRYDER: So that kind of shortens my list.
10 So tomorrow night --

11 CHAIRMAN MCINTYRE: It doesn't hurt to ask
12 any questions.

13 MS. CRYDER: Pardon?

14 CHAIRMAN MCINTYRE: It doesn't hurt to ask any
15 questions.

16 MS. CRYDER: No. I'm not done.

17 CHAIRMAN MCINTYRE: Okay.

18 MS. CRYDER: So tomorrow night's a wetlands
19 commission meeting, seven o'clock at the pavilion.
20 And I am just curious what they will be discussing or
21 what their role is. And when do you all get together
22 to compare notes and make your final decision?

23 CHAIRMAN MCINTYRE: I would just say I'm a
24 member of the wetlands commission. We will not be
25 discussing this tomorrow night.

1 MS. CRYDER: Okay. Thank you. You can take
2 that off of your calendar. Maybe you guys can go
3 home and have dinner with your families.

4 So we were told early on by a member of the
5 Saybrook government that we can't come to these
6 meetings with just our passionate issues and expect
7 to facilitate any change. However, I have yet to see
8 anybody come up and speak in favor of this project,
9 any taxpayer or citizen of Old Saybrook with the
10 exception of maybe Attorney Royston. Doesn't -- does
11 it weigh on your decision at all that so many people
12 are passionately opposed to this development?

13 CHAIRMAN MCINTYRE: I'll address that just
14 real quickly. Everything that's said here we weigh
15 heavily and we do take into consideration. There's
16 other forms of communication that go into the record
17 that we also weigh. So we take everything that's
18 presented at the public hearing and here -- rather
19 than here and at the public hearing and any
20 correspondence given to us during the public hearing
21 is what we weigh our decision on.

22 MS. CRYDER: Thank you. And finally, getting
23 back to the Westbrook access issue, aren't we kind of
24 putting the cart before the horse here if you don't
25 have access? Will this all be for naught? I mean

1 can you legally, Attorney Branse, approve this
2 project when all the ducks aren't in a row? And if
3 you approve all of this and then Westbrook says no to
4 153, that will leave Bokum Road and what was going to
5 be just simply a gated emergency access, Ingham Hill
6 Road, which is the two nightmare roads. The top
7 three if you wanted to throw in Schoolhouse. And
8 where does that leave the whole process? Thank you.

9 CHAIRMAN MCINTYRE: Thank you. Barbara
10 Maynard. I'm not forgetting you.

11 MR. FISHER: I want to make sure you don't.

12 MS. MAYNARD: I'll try to be brief, but I do
13 want to make a point that I don't think has been made
14 yet before this evening.

15 CHAIRMAN MCINTYRE: Barbara, could you state
16 your name for the record.

17 MS. MAYNARD: Barbara Maynard, Ingham Hill Road,
18 Old Saybrook.

19 CHAIRMAN MCINTYRE: And spell your last name.

20 MS. MAYNARD: Former planning commissions over
21 many years have reviewed many and approved many of
22 the subdivisions that are now located off the major
23 north/south roads in Old Saybrook: Ingham Hill Road,
24 Schoolhouse Road, Bokum Road. These previous
25 planning commissions reviewed, covered land coverage,

1 drainage, roads, streetlights, intersections, and
2 traffic flow. If either of these preserved plans
3 ever get developed, the work of previous planning
4 commissions would certainly be compromised. The
5 traffic of all kinds anticipated from The Preserve
6 would create unsafe conditions for the residents of
7 all three roads who now have homes and are raising
8 families in these subdivisions which had been
9 approved.

10 Having lived in Old Saybrook for 57 years -- on
11 Ingham Hill Road for 57 years, above the Mill Pond
12 and close to many of the new homes that have been
13 built in the last 30 years on approved subdivisions,
14 all these homes are placed on at least one-acre lots,
15 as your regulations require, and all are served by
16 individual wells. They mostly are all downhill from
17 the proposed 248 houses and golf course.

18 As commission members you have an awesome
19 responsibility, and I think we all realize that. You
20 must be careful not to create unsafe, unhealthy
21 conditions for subdivisions that have been previously
22 approved and are now inhabited by Old Saybrook
23 families in lovely homes. Ingham Hill Road is first
24 mentioned in the 1600's. It was a gravel road up
25 until the 1930's. It's hilly, narrow, and follows

1 the path of the early road. The improvements were
2 conservative. We now have paving.

3 Bokum Road and Schoolhouse Road are also of the
4 same type. They are substandard, but they work for
5 us. They have been posted at 25 miles an hour. We
6 have hikers, bikers, track team runners, lots of
7 kids, hundreds of deer, turkey, and other wildlife.
8 Traffic that creates -- what traffic that would be
9 created from the subdivision would be a challenge
10 more so than it is now. Safety is probably a major
11 consideration for you people to consider. It's
12 safety and our health from the pollution, those are
13 probably the two main things that you will really
14 have to sweat over, and I think you're capable of
15 doing it. And I'm sure that you're going to listen
16 to the people that have spoken to you tonight and I'm
17 sure that you're going to weigh this very, very
18 carefully and protect the people of Old Saybrook and
19 the previous subdivisions that were already approved.
20 Thank you.

21 CHAIRMAN MCINTYRE: Thank you. Yes, sir.

22 MR. FISHER: I'm Bob Fisher. I live on Ingham
23 Hill Road.

24 CHAIRMAN MCINTYRE: Could you use the other
25 microphone, please, sir.

1 MR. FISHER: My name is Bob Fisher. I live on
2 Ingham Hill Road in Essex.

3 This is definitely a safety --

4 CHAIRMAN MCINTYRE: Could you spell your last
5 name. Could you spell your last name, please, sir.

6 MR. FISHER: F-I-S-H-E-R. No C.

7 First of all, I would like to reinforce
8 something that Barbara Maynard brought up. I don't
9 know if you're aware. Black Hall, which is a golf
10 course over in Old Lyme, recently, within the last
11 few years, acquired an abandoned gravel pit to
12 augment their water supply for the golf course.
13 Apparently their wells were marginal or they feared
14 they would become marginal in terms of the water
15 supply for the golf course. I think the commission
16 ought to look very carefully at the water demands
17 that are going to be imposed on the area as a result
18 of the golf course.

19 The second thing, I would like to compliment
20 Mr. Landino. I'm an engineer, too. And I think he
21 has a very cost-effective alternative to the
22 conventional plan in terms of eliminating roads,
23 moving earth, dealing with the outcroppings and
24 grades and so forth. I think it's a nice piece of
25 engineering. I think it's an economic miracle,

1 really, but an environmental disaster.

2 I think if you look at the alternative compared
3 to -- or the open space alternative compared to the
4 conventional one, I think you have to include it's
5 cost driven. It's a lot more economical to cluster
6 housing than it is to spread it out all over,
7 particularly on the marginal piece of property that
8 this particular piece is. And I think the
9 representatives of the environmental improvement,
10 particularly in light of some of the questions that
11 have been raised about the conventional development
12 plan, I think is a little misleading. I think if you
13 were to look at both of these in terms of what is
14 approvable, very frankly, I think the conventional
15 plan is a better plan. There's no golf course.
16 There's no heavy draw on the water. Yeah, you'll get
17 some pollution from insecticides and fertilizers on
18 the lawns, but you won't have the massive draw for
19 the golf course in terms of water. You'll probably
20 have the same residential draw on the water as you
21 will on this cluster plan. So you'll lose the
22 incremental draw from the aquifer of the golf course.
23 And I think that's significant and should be weighed
24 very carefully.

25 In addition, the conventional development would

1 not have the problems associated with the golf course
2 in terms of pesticides, herbicides, insecticides, and
3 so forth, the fragmentation. And everybody has been
4 talking about in terms of the property from an
5 environmental standpoint.

6 CHAIRMAN MCINTYRE: One second, sir. We have
7 to change the tape. Go ahead.

8 MR. FISHER: The -- let me also say that if the
9 land, which I understand -- again, I'm not familiar
10 with the -- I have walked the property in Essex
11 when it was before the inland wetlands commission in
12 Essex. I have not walked the property in Old
13 Saybrook. I assume it's somewhat similar. And in
14 terms of what was originally proposed in Essex in
15 terms of lot usage was grossly overstated. And when
16 it came time for approval, really the amount of lots
17 approved for construction were diminished very
18 significantly. I can't give you exact numbers. I
19 would like to. So I think there may be a little
20 misrepresentation here in terms of fully developing
21 this property to the extent as shown in the
22 conventional plan. I think if you're going to make a
23 comparison with the so-called open space plan with
24 the conventional plan, you should have a meaningful
25 conventional plan.

1 And the one last comment I have is I thought Old
2 Saybrook owned the original Ingham Hill Road that ran
3 through the golf course. That was a question that
4 was brought up the last time this thing was going on.
5 And I'm not sure that that has been resolved, but I
6 don't see it shown on any of these charts, maps,
7 whatever you want to call them. And I would ask the
8 commission I think to look at that very seriously and
9 find out if The Preserve is assuming that it owns Old
10 Saybrook property which runs through this golf
11 course. And that's pretty much all I have to say.

12 CHAIRMAN MCINTYRE: Thank you, sir. Yes,
13 ma'am.

14 MS. LONGSTRETH: For the record, Carolyn
15 Longstreth with CFE again. We are going to be
16 presenting our second expert witness for tonight,
17 George Logan, a biologist and environmental
18 consultant. George.

19 MR. LOGAN: Good evening. It's my pleasure to
20 be here before you. Just a little bit by way of
21 background. My name again is George Logan with REMA
22 Ecological Services of Manchester, Connecticut.

23 CHAIRMAN MCINTYRE: Could you spell your last
24 name.

25 MR. BRANSE: REMA, all capitals.

1 MR. LOGAN: That is correct. Thank you.

2 By way of background I hold a master's degree in
3 natural resources. But by way of planning and
4 education, I am a wildlife biologist and wetlands
5 scientist. And I hold three professional
6 certifications as a soil scientist, a wetlands
7 scientist, and an ecologist. I have been working in
8 this field for approximately 16, 17 years now. I see
9 many familiar faces in this audience, on the board,
10 and in the applicant's consulting team. Mr. Royston,
11 how are you doing? And Mr. Branse a fine, fine
12 lawyer. So I know a lot of these people and I know
13 their qualifications. And I am here just to add a
14 few things myself which you might find of interest.

15 Now, originally at the beginning of this - when
16 the time was a little earlier than it is now; it's
17 past my bedtime - I was going to give you a little
18 more lengthy presentation on some of the issues that
19 I saw that are facing you folks here. Instead, what
20 I would propose is to give you sort of a taste
21 tonight of some of the issues that I see as a
22 wildlife biologist and environmental consultant and
23 to leave you with that. And perchance that I have
24 the opportunity to come before you at the next
25 meeting, I would be able to elaborate. Maybe I would

1 do it under questions.

2 One of the first things that I think impressed
3 me -- and by the way, I have made myself familiar
4 with most of the information that's in the
5 application. But one of the first things that struck
6 me is the size of this particular parcel and also its
7 mostly unfragmented state. This 900 or so acres is
8 in the middle, if you will, in the core and the heart
9 of a larger piece of unfragmented land that extends
10 in other places that doesn't belong to this land.
11 So -- and very often -- and maybe I'm a little
12 jealous and that's why I'm here, because I don't get
13 involved with very, very large pieces of property.

14 About 80 percent of my work is prodevelopment.
15 And many times the parcels that I am faced with
16 are -- the larger ones are 1, 300-, 400-acre. I --
17 very rarely do I come across something of this size.
18 And maybe I'm glad. Because this is a particularly
19 tough situation, if I was on the consulting team, to
20 make sense of it. As you go up in size and lack of
21 fragmentation, the value of the land for a variety of
22 wildlife species increases exponentially. And I
23 think that's the case here. And so I probably would
24 have spent a lot more time than I think these people
25 have spent. Although, I looked at some of the

1 numbers in Dr. Klemens's report and I admit even I
2 was impressed with the 170 some hours of fieldwork.
3 I think I've only come up to 270 on the project at
4 this point. But even so on a project and a piece of
5 this size, that many hours and that much effort might
6 not be able to give you the information that you
7 need.

8 The biodiversity of this, by the applicant's own
9 admission, is very high. And earlier someone talked
10 about avian usage of this particular piece of
11 property. A lot of it is forested off. Obviously,
12 the quality of forest is varied, but it is forested
13 and it is coming back in some cases where it has been
14 disturbed. And so as far as avians are concerned, as
15 far as birds, this is a very large, unfragmented
16 piece of land that's the host. And based on the
17 information that I saw in the record, there's a lot
18 of biodiversity and particularly of the migrant birds
19 of this area are sensitive. So there are -- we are
20 meeting more birds, the scarlet tanager, the wood
21 thrushes and other birds, the black and white
22 warblers, hooded warblers, et cetera. And all of
23 these species need large pieces of land in order for
24 them to survive and do well.

25 In our region basically we have come to the

1 conclusion that we have to have at least about 250 to
2 300 acres of land in order for -- from an avian
3 perspective for these populations to be able to
4 survive and do well. I am not going to go into
5 exactly why this is the case. There's a lot of
6 science behind it. The larger the tract the more
7 secure the avian populations are.

8 You probably have heard me say these things
9 before before this commission a long time ago. I
10 remember Mr. Branse here. And I think I was talking
11 about only 50- to 60-acre parcels at that time. And
12 this is 900. This is a mile, a square mile and a
13 half.

14 So the point that I have to make is that the way
15 that this has been carved up, I can tell you with
16 great assurance that this will become from the source
17 of some of these area-sensitive tropical migrants to
18 mostly a sink.

19 CHAIRMAN MCINTYRE: What?

20 MR. LOGAN: It will be a sink, which means it
21 will be an area that attracts these species, but
22 they're not going to do well. They are not going to
23 be a source of new populations of breeding birds that
24 are going to decimate and go across the land from
25 this area, where this land becomes a source to other

1 areas that are smaller. And so every region in the
2 state, particularly along the coast as has been
3 previously said, needs large pieces of land that
4 aren't fragmented in order to become sources for
5 these avian species. Okay. So let's leave avians
6 for a little while.

7 The other thing that struck me as I looked at
8 what the applicant is proposing, apart from the fact
9 that it's clearly fragmented throughout, is that for
10 some species and not for all species -- and I think
11 Dr. Klemens did a good job in explaining some of the
12 amphibian routes and how the connectivity is there.
13 I might not completely agree with everything he said,
14 but I am not going to go through the minutia of
15 details right now. But there are species that use
16 this portion of the property and also use this
17 portion of the property. And so they travel back and
18 forth and they utilize the entire area. And there
19 are overlapping ranges, home ranges. There are
20 animals that are called passive species and they
21 travel from one side to the other side and back.

22 And on this property the applicant hasn't done a
23 good job in preserving that kind of connectivity
24 between the west and the eastern portion. I mean
25 yes, we know that this connectivity may be off site,

1 but narrow connectivity. But that's not something
2 that they have provided as part of their plan.

3 Now, one of the tasks that you have been asked
4 to look at and one that I tried to look at with my
5 own planning hat, and it's a difficult one and I
6 think the previous speaker explained it very well, is
7 the fact that you're asked to compare this plan,
8 which is sort of an open space subdivision with a
9 golf course --

10 CHAIRMAN MCINTYRE: Could you identify which
11 map you're speaking of.

12 MR. LOGAN: I was looking at the Open Space
13 Subdivision - Preservation Plan, which is the one
14 that's before you, with a conventional one, with or
15 without a golf course, that takes into account the
16 same natural features and ecological constraints.
17 They have told you it wouldn't work. Mr. Klemens has
18 done some explanation of why in his perspective and
19 that's sort of maybe a moot point. But, again, the
20 side-to-side comparison, where you would look at an
21 ecological constraints analysis on this plan, being
22 the Open Space Subdivision - Preservation Plan, and
23 the more conventional plan with or without a golf
24 course would have been a prudent way to go so they
25 can have a completely informed decision to be able to

1 make based on the data. I don't see that, so I can't
2 comment on that. My suspicion is that it wouldn't
3 work in the way that they are telling you it would
4 work as far as the counts that come up. So that
5 would have been a suggestion is to look at that.

6 Now, I have seen a lot of data in their reports.
7 And it's a lot of good data. Individually it's a lot
8 of good data. But one of the things that struck me
9 is that they didn't seem to tie together. The two
10 ecological constraint analysis that was done over a
11 number of years. And I have been involved in some of
12 those over the years. Whether you were just looking
13 at this open space subdivision plan and/or the
14 conventional would have been to put all this
15 information together in overlapping layers and be
16 able to say that there are certain portions of the
17 site and certain ecological and natural features that
18 are low sensitive, ones that are medium to
19 intermediate sensitivity, and ones that are areas
20 that are not sensitive and maybe the best for
21 development.

22 I think if you did that what you would discover
23 was that this would not be the plan that you would
24 come up with. What you might end up doing is you
25 would select an area or areas of the site and try to

1 keep large blocks of unfragmented land together and
2 then concentrate your development in those areas that
3 were the least sensitive. This is something that I
4 have done in many cases.

5 And I am not going to tell you exactly where
6 these things are, but I will give you a recent
7 example where a 300-acre property in a town nearby
8 was studied by myself for the better part of three
9 years. And at the end of the day the owner and
10 applicant took a third of that piece of land and put
11 it out of commission for development. Maybe even for
12 a selfish way. He decided that that piece of the
13 property had the most ecological sensitive features,
14 the nicest natural features. So it might have been
15 difficult, he thought, to be able to get the
16 necessary permits. So maybe it was a wise thing to
17 do. I think it ended up being a good thing to do
18 from an ecological perspective. So he had 200 acres
19 or so to deal with and 100 acres or so completely set
20 aside. That's the kind of thing that you might have
21 considered here. I'm only talking with 300 acres or
22 so, and this is 900 acres.

23 There are a lot of things that I could go on. I
24 looked at the vernal pool data with Dr. Klemens. And
25 why I am mentioning this is because I think, and he

1 would probably agree with me as someone who
2 specializes in vernal pool ecology, that in the
3 eastern forest the vernal pool areas seem to be
4 topics, if you will, bread baskets of the eastern
5 forest. There's a lot of activity that happens there
6 that's not just amphibians and reptiles, whether
7 obligate or facultative species. Everyone seems to,
8 sooner or later, to be there. There's a lot of
9 productivity, a lot of biomasses being generated. So
10 when you have a lot of vernal pools, it's usually,
11 usually a good indicator of very high quality
12 habitat. And so you need to preserve the
13 connectivity between these systems to the extent
14 possible.

15 Now, what -- I have worked with Dr. Klemens
16 before. And we worked together; we have worked
17 against each other. So we are very familiar with our
18 views. And I really respect him. But I was curious
19 when I started looking at his data, knowing some of
20 the things that he's written before, and the DEP, the
21 development practices that's on the table there. And
22 it almost seemed -- maybe I'm mistaken, but it almost
23 seemed that what Dr. Klemens did is he said that the
24 edge of the property more or less is the edge of this
25 world. So any comparisons that he would make and any

1 rankings that he would make, we are only going to
2 make on this property. So he created his own little
3 bell curve which showed, out of these 30 or so vernal
4 pools, that some were of high quality and high
5 priority for preservation and there was those that
6 were intermediate, a little less maybe developed,
7 okay, and the ones that were the lowest ones that
8 were I wouldn't say expendable, but realized larger
9 pressure.

10 But in all honesty, if I took some of these
11 intermediate productivity or vernal pools or even
12 below and put in some of these other projects that I
13 have been working on, these would be tremendously
14 good vernal pools worthy of full protection. So
15 that's what I'm saying is that it seems like we put a
16 line around this property more or less and sort of
17 comparing within the property itself instead of
18 comparing these vernal pools with a greater parity of
19 vernal pools in the region.

20 And I know that Dr. Klemens has made a statement
21 on the record that if development were to happen on
22 this land, then what might be a beneficial thing to
23 do is to look at a hierarchy of which ones are the
24 best pools to preserve versus the ones that are not
25 as important. I say to you that in my view, looking

1 at the interconnective ecosystem of this entire
2 property, that every single vernal pool on this land,
3 with the exception of maybe two or three, are worthy
4 of full protection.

5 Now, the golf course surrounds some of these
6 vernal pools. And I think most of us that are in
7 this area would agree that if you have a golf course
8 green or fairway or even rock next to the vernal
9 pool, that's not really a suitable habitat for
10 foraging and for hibernation of spotted salamanders
11 for instance. And so in my view while you all seem
12 to make the argument that the salamander, the wood
13 frog, some of these amphibians can cross a fairway,
14 they are not suitable habitat. As a matter of fact,
15 for many of these animals it's just plain hazardous.
16 And there might be areas that make them a little more
17 prone to credation because they are out in the open,
18 may make them prone to dehydration, might even make
19 them prone to -- and if they are susceptible, and
20 some of them are, to chemicals which obviously would
21 be applied on the golf course. And not go into
22 whether these chemicals migrate from golf course to
23 natural resources. That's something for simply
24 another day. But certainly they are there.

25 And as far as salamanders, and wood frogs, and

1 other amphibians and reptiles moving across, there is
2 the possibility that they could start by accumulating
3 some of these bad things that are on golf courses.
4 So this is not the best habitat to have golf course
5 uses next to sensitive resources such as vernal
6 pools.

7 Another thing that I kind of noticed in passing,
8 having experience with golf courses in the past, and
9 maybe I didn't look closely enough. And I have heard
10 some discussion here about the sources of water for
11 irrigating this golf course. And we know that
12 particularly good, high-end golf courses -- I'm
13 sorry. I'll speak a little bit louder. It's late.
14 It doesn't help that I went to bed at 2:30 last
15 night, but that's another story.

16 These high-end golf course tend to require a lot
17 of maintenance, manicuring, and water. I can tell
18 you at least three golf courses that I have been
19 working on in the past two or three years upgraded
20 their irrigation to catch up with time so to speak.
21 The members were complaining that their golf course
22 doesn't look nearly as good as the one next door. So
23 water is very important. And I'm just concerned that
24 at some point we might -- they will realize that they
25 don't have enough yield from wells, where they would

1 have to have a continuous pumping or just about
2 continuous pumping of the water. And therefore, they
3 would need large lined irrigation ponds in order to
4 store water. I don't see any. Maybe they won't need
5 them, but you don't know that. Because all of a
6 sudden you might find yourself with even higher
7 fragmentation, because they need two here and two
8 there. Unless they put it on top of the hill and
9 kind of go both ways. I have seen it happen that way
10 before. So I'm not sure where these things are.

11 Those are some of my preliminary thoughts.
12 There's a lot more that I would like to say, but in
13 the interest of time and I'm also kind of feeling out
14 what is important for this commission to hear. And
15 I'm a wildlife wetlands professional. My bailiwick
16 is probably in that area. So I might appear in
17 wetlands. But I thought I would give you from sort
18 of the environmental planning perspective a few of my
19 thoughts on this project. And really, the big
20 take-home message here is that this proposal is
21 totally fragmenting this particular piece of property
22 and therefore I think professionally compromises many
23 of the natural features on this site which you would
24 otherwise want to protect. Thank you so much.

25 CHAIRMAN MCINTYRE: Thank you, sir. Yes,

1 ma'am. Yes.

2 MS. MORGAN: My name is Linn Morgan. It's
3 L-I-N-N Morgan. And I live in Essex. And I also
4 have property in Westbrook where I'm building. And
5 when I move off the Essex property, my son is going
6 to be taking that. So I have a good invested
7 interest in this.

8 PUBLIC SPEAKER: We can't hear you.

9 CHAIRMAN MCINTYRE: You probably need to
10 speak up louder.

11 MS. MORGAN: I'm sorry. I'm very nervous.
12 How's that? Okay.

13 One of the things I noticed about this plan
14 right off is that there are a lot of wetlands. And I
15 have had a number of people -- seen a number of
16 people point this out. And from what I can see this
17 plan that they are presenting to you makes use of the
18 dry area, period. And if they actually, as the man
19 prior to me pointed out, used the whole land, they
20 wouldn't actually be allowed to develop it, because
21 it is wetlands. So, therefore, as they pointed out
22 the housing would -- that they would manage to get
23 from it would not be at the same level and wouldn't
24 be economically viable for development, which is why
25 I believe that they are pushing this plan.

1 The second thing I would like to bring up is the
2 water supply. I find it curious that they are
3 digging wells for the golf course and importing water
4 for the people. How is this responsible planning?
5 If you can't plan for people to live on a piece of
6 property or animals to live on a piece of property
7 and you have to import water; is that the right thing
8 to do? Is that the best use for the land? And is it
9 the most -- is it the best use even for the people in
10 that area? Eventually you're draining these pools if
11 you put in housing.

12 There's something I haven't heard anybody here
13 address, and that's oxygen supply. And I can't say
14 that I'm an expert on it, but I know from what I have
15 been reading that the decreasing rain forests
16 throughout the world is decreasing the oxygen supply.
17 A lot of it comes from the ocean admittedly, but if
18 we keep chopping it down and putting up developments,
19 and houses, and cars, and people, we don't leave
20 anything for our children.

21 I give every year to the Essex Land Trust. And
22 I don't have much to give, but I give what I can,
23 because I think it's important to preserve land from
24 houses. I live on three acres. I bought the biggest
25 piece I could afford to for just that reason. I am

1 not required to live on three acres.

2 I live in Ivoryton, and I believe my zoning is
3 what? It's one acre or a quarter or a half acre?

4 MR. MILLER: It's two.

5 MS. MORGAN: It's two now. But when I built 20
6 years ago, it wasn't. But I still didn't want a
7 small piece of land. And I am house poor but land
8 rich.

9 But the bottom line is that it would be a bloody
10 sin to develop this, because this is something that
11 we ought to be keeping for our grandchildren. I'm
12 damn near 50 years old. I've got three grand -- no.
13 If my son gets married I'll have four grandchildren,
14 seven, four, four, and three. And if I can I'm going
15 to bring them out there on Sunday to walk this,
16 because it might be the only chance they ever get.
17 And that's something that in terms of responsible
18 planning ought to be considered.

19 Now, you said that you're looking at this plan
20 versus the chopped-up plan. But as a planning
21 commission what we should be looking at is preserving
22 as much as we can in exactly the way that it is. And
23 that's about all I've got to say. Thank you very
24 much.

25 CHAIRMAN MCINTYRE: Thank you, ma'am. Right

1 there. Yes.

2 MS. ANDERSON: My name is Tatiana Anderson,
3 A-N-D-E-R-S-O-N. I live on the Oyster River. I have
4 lived in Saybrook approximately five years. I work
5 for Schooner Sound Learning in New Haven, which
6 involves working on a schooner on Long Island Sound
7 eight months of the year. So I'm pretty familiar
8 with the water, water quality. And I just would like
9 to ask this commission to please think about what
10 they are doing to the Oyster River when they make
11 their decision about this development. Because
12 everything that you do is going to affect the Oyster
13 River and then Long Island Sound, which we have
14 already pretty much messed up. And that's really all
15 I have to say.

16 CHAIRMAN MCINTYRE: Thank you.

17 MR. ROTHENBERGER: For the record, Charles
18 Rothenberger with the Connecticut Fund for the
19 Environment.

20 Somebody earlier, Sally Faulkner, asked if a
21 revised map had been presented that actually showed
22 what the conventional lot yield would look like if
23 some of the recommendations, and suggestions, and
24 inputs from the town's staff and the town's experts
25 were actually taken into consideration. And I know

1 that the applicant has responded to some of those
2 concerns. I don't believe the town experts have yet
3 gotten back to that. But I think it's important, as
4 you think about these numbers and in reducing lots 1
5 through 17 here or 193 through 201 there, to actually
6 see what that might look like. So I took the liberty
7 of actually presenting that for the commission's
8 benefit so you can get a visual sense of what we are
9 talking about here. And I am sure that the applicant
10 has better equipment than we do, so maybe I'll try to
11 use their stand to display this. Maybe I will use
12 this chair.

13 What I am referencing right here is page SD0 of
14 Volume I-A of the applicant's plans. Thanks. And
15 what I have done here is essentially outlined in
16 yellow the lots that were recommended for removal by
17 the engineer that the town hired to consult with the
18 project. The count there is the elimination of about
19 105 lots. All the ones outlined in yellow. About a
20 third of what was proposed under the original
21 proposal. The town staff, on the basis of
22 considerations of cultural and other natural
23 features, the Ingham Hill homestead, important stone
24 structures, suggested the elimination of about
25 another five additional lots and the reconfiguration

1 of eight more. And that's the blue overlay. The
2 blue solid lines showing the additional lots that
3 would be removed and the dashed lines showing the
4 lots that would actually be reconfigured. So there's
5 some potential reduction in density.

6 And again, you've heard over and over about the
7 natural strengths of this landscape. There was a
8 prior application that wasn't successful and it
9 proposes significant challenges to development. And
10 because it's sort of hard to see in terms of all of
11 that mess, we prepared an additional overlay. And I
12 apologize for not having the GIS capacity of the BL
13 Companies. But the red lots are essentially what you
14 have remaining after those engineering suggestions
15 are taken into account. And I am sure there will be
16 some back and forth and some negotiation and some
17 compromise from this point, perhaps a backup towards
18 a larger lot yield, but I think it's important for
19 the commission to sort of have a sense of the
20 conversation and sort of a real visual manner.

21 MS. GALLICCHIO: Could you bring that map over
22 so we can see it.

23 MR. ROTHENBERGER: Sure.

24 MS. GALLICCHIO: We are not seeing the yellow at
25 all from that distance.

1 MR. BRANSE: With that sheet and the overlay.

2 MR. ROTHENBERGER: I will make sure copies make
3 it into the record.

4 The conventional plan didn't show the golf
5 course. So that's just an overlay on the
6 conventional plan. What one can do, however, that
7 sheet's transferable. So you could take those red
8 lots and actually overlay it over the open space
9 subdivision and get some sense of the comparison of
10 developed land versus undeveloped land between the
11 two plans. Considering the technical difficulties
12 with the overlays, I won't do that. I will leave
13 that page for the commission as well. You can do
14 that on your own.

15 To a certain extent, though, I mean I certainly
16 agree with the comments that have been made both in
17 the record by even various other land use commissions
18 here in town and by Attorney Ranelli on behalf of the
19 town of Essex about the propriety of comparing apples
20 to apples here. And the sense that regardless of
21 where you come out in the eventual debate between the
22 experts and the consultants that this commission has
23 hired and the applicant's own assertions, that any
24 way you slice it the original lot yield really,
25 really games the system by omitting the golf course

1 from the original design.

2 But be that as it may, I would emphasize to the
3 commission that the importance of that conventional
4 subdivision plan isn't really so much to compare what
5 the open space plan might look like compared to the
6 conventional subdivision. You're looking at the
7 conventional subdivision really for the lot yield.
8 And whether it's a 300 plus development or whether
9 it's a 90 plus development, that will guide the open
10 space plan moving forward.

11 I think a much more of an appropriate analysis
12 or comparison for the commission is to look at the
13 open space subdivision plan that's been proposed by
14 the applicant and compare that one with the goals and
15 purposes of both the residency conservation district,
16 which is where this property lies and which presumes
17 an open space subdivision, and two, whether, one, the
18 plan put forward by the applicant meets those goals
19 and objectives and if not, whether you can envision
20 an open space subdivision plan, an arrangement and a
21 use of this property considering the lot yield,
22 whichever you determine it to be, that does satisfy
23 those goals.

24 And the goals are really the preservation of
25 open space, of unfragmented habitat. That's why you

1 give the applicant the same number of units you would
2 get under a traditional subdivision and allow him to
3 cluster. He gets what he would have gotten under the
4 traditional subdivision. The town gets unfragmented
5 open space. It's that unfragmented portion that's
6 really, really important. I won't go into a lot of
7 detail, because you've heard from experts about the
8 importance of fragmentation, about preserving large,
9 unbroken tracts of forest. And you'll be hearing
10 some more. Suffice it to say that this picture does
11 not present an unbroken, unfragmented forest and does
12 not really satisfy the goals of your own regulations
13 neither in spirit or at any sort of level of detail.

14 I would also mention that the issue of access
15 which has been touched on by several other speakers
16 is also very important and critical. And the
17 commission should bear in mind that access to both
18 Bokum Road and 151 at this point remains speculative
19 at best.

20 MR. BRANSE: One fifty-three.

21 MR. ROTHENBERGER: One fifty-three. I have 153.

22 And while I realize that the planning commission
23 is charged with approving the concept of the open
24 space subdivision, the applicant will still need to
25 gain the necessary further approval for that access

1 before construction can begin. Nevertheless, the
2 decision made at this stage will determine the
3 general footprint of the proposal. And if River
4 Sound should fail to gain the necessary approval for
5 access at either of the proposed locations, it could
6 very well require changes in the footprint of the
7 development. Therefore, I would submit to the
8 commission that any approval of the conceptual open
9 space subdivision plan, whether this one or given
10 your discretion to require modifications and changes
11 which actually effectuate the purpose of the
12 underlying Conservation C District and the open space
13 subdivision regulation, which this clearly does not,
14 some other open space subdivision plan -- approval of
15 either of those at this stage would be a bit
16 premature until the applicant has demonstrated that
17 the access that he proposes is in fact even likely,
18 which he hasn't done at this point.

19 Moreover, I would submit that access to Bokum
20 Road in particular is certainly less than merely
21 speculative. In order to access Bokum Road from The
22 Preserve property, the applicant will have to get an
23 easement over the state right-of-way for the Valley
24 Railway. In the previous application the state
25 denied an easement explicitly over the railroad

1 right-of-way because of concerns over state-listed
2 species. Because of the relative similarity of the
3 habitat along that railway corridor, it's likely that
4 the current applicant will also be unsuccessful in
5 securing the necessary easement. And while I
6 certainly recognize the proposed access is not in the
7 exact same location as in that previous application,
8 nevertheless, I'm not confident that a half mile one
9 way or the other is really going to make a
10 significant change in the analysis. And I'll submit
11 the letter from the state and some supporting
12 documents denying that earlier access for the record.

13 I would just emphasize that the purpose of the
14 Residence Conservation C District on the open space
15 subdivision plan is not to ensure the highest
16 possible profit margin; the most profitable
17 development. It's to ensure unbroken, unfragmented
18 habitat for wildlife and to ensure open space for the
19 citizens of Old Saybrook. They may well argue that
20 the golf course will boost their profits. That may
21 be. I take no position with respect to that. But
22 that's simply not the concern of this commission.

23 In light of the foregoing, I would respectfully
24 suggest and recommend that the commission deny the
25 current application and at a minimum require the

1 applicant to present feasible alternatives that would
2 better serve the purposes of the underlying district
3 and the subdivision regulations.

4 CHAIRMAN MCINTYRE: Thank you. Could you
5 bring those exhibits to us. While we're doing the
6 exhibits, yes, sir, in the back.

7 MR. O'NEIL: My name is Mark O'Neil.

8 CHAIRMAN MCINTYRE: Could you hit the top of
9 the mike, see if it's on.

10 MR. O'NEIL: My name is Mark O'Neil, Westbrook,
11 O apostrophy N-E-I-L.

12 A couple things were covered. And there's so
13 many people speaking let me just start with what I
14 wanted to conclude with, because it kind of changed
15 through the process. I was just concluding about an
16 unrelated concern of my mine that attending the last
17 three meetings that I noticed there wasn't any
18 politicians or selectmen from the towns that ever
19 came to show their opinion. And it just so happened
20 that Phil Miller from Essex and Bill Peace from Old
21 Saybrook came, and that kind of shut down what I was
22 going to say. And I really appreciate that, because
23 it's great work. I really appreciate that. It's
24 fantastic. I'm from Westbrook, so I really would
25 like to see Mr. Palermo show up, because he has a big

1 stake in this, also. And I know if I ever move to
2 one of your two towns, you've got my vote.

3 The first thing I want to mention is about
4 what's been mentioned a couple of times, but since
5 I'm from Westbrook, maybe I can state it a little bit
6 better. It doesn't really matter which map. Open
7 Space Subdivision - Preservation Plan. I know you
8 people probably can't see and need your binoculars to
9 really see it. It's a little, little, tiny two-acre
10 piece of property here that's in Westbrook. And I
11 think there's another one-acre piece here. But this
12 piece right here is what I'm concerned about. That's
13 a two-acre piece of property. That's the main access
14 to The Preserve. You can call it this, that,
15 whatever you want to call it, but it's the main
16 access to The Preserve. I think it would be unfair
17 to the members of public not to be told the reality
18 of this, that this was once denied entrance.

19 I attended Westbrook's meeting two days ago, on
20 the 15th, in regards to another development. To my
21 surprise the planning board was discussing the
22 traffic and safety implications of The Preserve for
23 the purpose of submitting a recommendation to the
24 board of selectmen in Westbrook.

25 Many of the residents in Westbrook are aware of

1 the desire for River Sound to convey this land to the
2 town, to Westbrook first, and then have the town
3 rezone the property for a public road in the main
4 access to The Preserve. As of this day I know of no
5 public offering to our town in lieu of compensation
6 for taxes, but I'm sure there's something probably in
7 the works which I am not aware of. I'm not sure if
8 the public is. Anyhow, being that said at the
9 planning meeting on the 15th as recorded in the
10 record, all board members insisted - now, this was
11 all board members; I sat there - insisted that both
12 Bokum Road and Ingham Hill Road not only be fully
13 opened but greatly improved to avert and entice
14 traffic to use these alternative routes. This is the
15 main reason it was denied last time. I feel the
16 public should be made aware of how certain this
17 entrance is at this point and how the burden of
18 traffic sharing will definitely be increased upon the
19 residents of Essex and Old Saybrook.

20 I don't know if Attorney Branse can legally talk
21 about what kind of negotiation between the board of
22 selectmen and River Sound Development, but I think
23 that might be attorney-client privilege. I'm not
24 sure.

25 The water. River Sound, a/k/a Lehman, is saying

1 that an average of 250,000 gallons a day is needed to
2 irrigate the golf course. That's 91,250,000 gallons
3 a year. According to the National Golf Foundation
4 regarding a southwest Massachusetts similar plan,
5 they say that between 500,000 and 800,000 gallons per
6 day is needed for upkeep of this type of a layout,
7 which is a large professional type of golf course.
8 That's a huge difference. That would be 292 million
9 gallons a year. That's over three times the amount
10 they claim is needed to irrigate the golf course.

11 I would like to know the maximum pump capability
12 of gallons per day that is engineered in this system.
13 This way there can be some kind of limit. Let's say
14 they claim they need 250 and all of a sudden they
15 need, you know, 800,000. At least if we knew what
16 the maximum pump capability of a system like this is,
17 it may give a clue to their future plans for it.
18 Such a drain on the natural supply system in any
19 community is cause for concern and further
20 investigation. There are many chances for such a
21 complex computerized irrigation system to fail, which
22 would be catastrophic to the environment.

23 As you all know this is an area where moles are
24 a constant burden for us, the homeowners. This will
25 undoubtedly lead to a higher concentration of

1 pesticides. The facts are that the average golf
2 course uses more pesticides, herbicides, fungicides
3 and fertilizers per square foot than any farm in
4 America. This will overburden the land, so we have
5 to stop all the chemicals before it reaches the water
6 supply. I'm sure there will be much more said about
7 this, which apparently there was.

8 In many parts of the country golf courses are
9 responsibly built in areas where natural --

10 CHAIRMAN MCINTYRE: Hold on a second.

11 (Tape is changed.)

12 MR. O'NEIL: In many parts of the country golf
13 courses are being responsibly built in areas where
14 natural beauty and nature is not at its best. As we
15 all know from looking at the aerial photographs from
16 before, that this is nature at its finest. And the
17 golf course would be a great lack of responsibility.

18 Regarding where all the water is going to come
19 from, either 91 million gallons per year, which is
20 your estimate, or 292 million gallons a year, which
21 is the National Golf Federation's estimate for
22 southwest Massachusetts's golf courses, River Sound's
23 water will have to be drawn from bedrock aquifers.
24 And I guess they drilled about eight test holes,
25 tested three of them and tapping into irrigation for

1 irrigation purposes. They have been monitoring water
2 levels in wetlands, ponds, streams, pumping -- you
3 know, pumping out the tests and gathering the data's
4 effect on the water sources.

5 I understand about 100 residents between a two
6 and 3,000 feet radius have been contacted and about
7 50 of them or so agreed to monitor to check the water
8 level during testing. I would like to know, even
9 though about half the effected area residents did not
10 allow the tests, did you receive the data on this and
11 what does it tell you? If so, is it in the records
12 and did you get approval for the required water
13 diversion permit needed to irrigate the golf course?
14 If not, when would you receive it? Since water is
15 the heartbeat of a golf course and everything rides
16 on irrigation.

17 I'm sure they'll be drilling at a depth far
18 greater than the area residents have in their wells.
19 Some may be very low, quite suitable for everyday
20 needs, bathing, cooking. The responsibility of the
21 unfortunate homeowners to redrill new wells falls on
22 their shoulders or some surrounding well standards
23 that the new extreme usage would be putting on the
24 water supply. It seems like a horrible burden to put
25 on anybody so a chosen few can play around with it.

1 Two years ago we had a serious drought in my
2 neighborhood and quite a few people had to drill new
3 wells or hook up to city water, which I don't think
4 is an option for this area, except if you live in the
5 so-called village in which the tested, treated water
6 is standard. The next drought happens, and they
7 always do. Being that you're a private club, can the
8 town force you to restrict or stop irrigation on the
9 golf course so the residents don't have to live in
10 fear of running out of water?

11 All this -- the traffic and the water are direct
12 questions on how feasible this project is and how
13 honest you are with your calculators at this time
14 about how much of a change in your plans will have to
15 occur if the project is actually implemented. I'm
16 afraid that should this project go forward, it will
17 be way too late before the consequences affect the
18 tri-town residents.

19 One other thing I just took out of this meeting
20 so far. I don't like reading out of these things,
21 but with Mr. Miller and Mr. Peace coming, this
22 project -- Mr. Landino is single-handedly going to be
23 ripping apart three towns. This is going to be one
24 fight against another town. It's town against town
25 now. They can't afford -- Old Saybrook can't afford

1 to build the roads there. Essex doesn't want the
2 traffic. Westbrook is going to get -- I mean the
3 quotes at the meeting are 66 percent of the traffic
4 at this point is going into Westbrook. That's why
5 they say no way. They will not do it. They have
6 said it over and over. So when are -- you know, this
7 is -- these are three -- we are neighbors, you know.
8 I'm a neighbor of Essex and Old Saybrook. I'm right
9 in the middle of this. I'm 1.7 miles down the road
10 from the entrance of this project. And it's -- I
11 don't know how to say this, but it's -- we really
12 shouldn't allow someone to come in and take a huge
13 piece of property and then rip each other -- and
14 rip -- and cause a fight between the three towns.
15 It's just not a good thing to happen.

16 We really should put an end to this as fast as
17 we can. Whether it's Westbrook who's going to deny
18 their road or whether Essex can do whatever they can
19 do or -- it's in your ballpark right here, I guess.
20 But we have to get this over with, because it's just
21 not good. It's not good for the three communities as
22 a whole. Thank you.

23 CHAIRMAN MCINTYRE: Thank you. I would just
24 like to take a minute. Mr. Rothenberger, those
25 items, the transparencies, those are supposed to be

1 submitted for the record.

2 MR. ROTHENBERGER: Yeah, I will submit copies of
3 those.

4 CHAIRMAN MCINTYRE: Is that --

5 MR. BRANSE: The problem with copies is that
6 they can't be read the way you presented them.

7 MR. ROTHENBERGER: The transparencies will
8 actually be copied, so I will have those.

9 MR. BRANSE: Oh, I see. As transparencies.

10 MR. ROTHENBERGER: Yes.

11 MR. BRANSE: Okay. Thank you.

12 CHAIRMAN MCINTYRE: Thank you. Anyone else?
13 Mr. Unger.

14 MR. UNGER: Thank you, Mr. Chairman. My name is
15 Tom Unger, U-N-G-E-R.

16 I respectfully submit to this commission that
17 the choice is not between this clustered golf course
18 plan or a conventional subdivision. The choice
19 appears to be to accept or reject this plan. The
20 applicant submits a document called The Lesser
21 Report, which purports that the subdivision is a
22 long-term moneymaker for Old Saybrook. While this
23 comes from a financial firm, I did not see in the
24 report where it specified that the future income
25 statements are in net present values or are in

1 constant dollars. So we don't really know. The same
2 report states it would mitigate the subdivision's
3 impact on the school system. It does suggest 80
4 percent of the purchases would come from outside Old
5 Saybrook and 20 percent would come from inside Old
6 Saybrook, but we don't really know.

7 They imply that the 250 homes located in Old
8 Saybrook would have fewer children than they have
9 today, which flies in the face of current evidence.
10 So we don't really know. The applicant uses .4
11 child -- children per household to estimate the
12 impact on the school system, but the Old Saybrook
13 Board of Education uses .7, which is twice the
14 number.

15 I have a long list of points I could make, but
16 since so many other speakers has stated them already,
17 in the interest of time I will leave with only one
18 question, and that is how can we accept a subdivision
19 application of this magnitude when the bottom line
20 figure is we don't really know? Thank you.

21 CHAIRMAN MCINTYRE: Thank you.

22 MR. BRANSE: Mr. Chairman, just one thing.
23 For the record, Mark Branse.

24 A number of speakers have referred to this
25 newspaper that apparently was circulated. If someone

1 has one we should probably have it for the record,
2 because a number of people have read from it and
3 alluded to it, but I don't think it's actually
4 been -- is it? Okay, it is in the record now?

5 MS. GALLICCHIO: No, it hasn't been put in the
6 record.

7 MR. BRANSE: Oh.

8 CHAIRMAN MCINTYRE: This is mine.

9 MR. BRANSE: Okay. We should probably just
10 put one in the record, because a number of people
11 have referred to it and I never saw it. We should
12 just have one in the record.

13 CHAIRMAN MCINTYRE: I'm sure the applicant
14 will give me another copy.

15 Is there anyone -- Attorney Branse, are you all
16 set?

17 MR. BRANSE: (Nods)

18 CHAIRMAN MCINTYRE: Okay. Anyone else from the
19 public wishing to speak at this time?

20 MR. ROTHENBERGER: I would like to just make one
21 comment, if there's nobody else waiting.

22 CHAIRMAN MCINTYRE: Okay.

23 MR. ROTHENBERGER: Again, for the record,
24 Charles Rothenberger, Connecticut Fund for the
25 Environment.

1 I just neglected to mention and make part of the
2 record an independent tax analysis of the project
3 that we commissioned which shows a net loss to the
4 town of about three-quarters of a million dollars a
5 year and a net loss of about \$9 million over a
6 20-year period as detailed in the report. And I will
7 submit a copy tonight for the record.

8 CHAIRMAN MCINTYRE: Thank you. Being that
9 there is no one else from the public wishing to speak
10 at this time -- yes, ma'am.

11 MS. LONGSTRETH: I do have a presentation, but
12 if you would like to put it off until next time. It
13 will be 15 minutes maybe.

14 CHAIRMAN MCINTYRE: Fine.

15 MS. LONGSTRETH: Okay. For the record, Carolyn
16 Longstreth with CFE again.

17 Connecticut Fund for the Environment has
18 intervened in this proceeding, as you probably know,
19 under 22a-19 in order to raise issues concerning the
20 impairment or destruction of natural resources on
21 this site.

22 Connecticut Environmental Protection Act, also
23 known as CEPA, protects the natural resources from
24 unreasonable impairment or destruction and requires
25 that the commission deny an application that will

1 unreasonably destroy or impair natural resources if
2 there is a prudent and feasible alternative.

3 We would submit that this is an analysis that is
4 actually separate and parallel to the analysis that
5 you're going to be doing under your own open space
6 subdivision regulations. And the procedure there has
7 been outlined on the board or I guess the board isn't
8 up right now, but in terms of your procedure of
9 determining the proper number of lots and then
10 evaluating the open space plan. But in addition to
11 those considerations, you need to decide whether
12 there is going to be an unreasonable impairment of
13 natural resources and if so, whether there is a
14 feasible and prudent alternative. And if you find
15 affirmatively on that, then the proposal as it is
16 submitted has to be rejected, has to be denied.

17 Also, under your -- when you do consider --
18 these two analyses overlap to some extent, because
19 your own regulations also require that as you
20 evaluate the open space plan, you consider whether
21 the -- whether it minimizes the impact on large
22 woodlands. And I have heard a lot of testimony about
23 how it in fact does not minimize the impact on large
24 woodlands.

25 This site is exceptionally rich in natural

1 resources, and you have heard a lot about that
2 already. But what we do want to submit to you, and
3 we do have a stack of exhibits that we are going to
4 be providing, is that the DEP, in its open space --
5 its land acquisition division has evaluated this
6 site. And they prepared a scoring sheet with various
7 categories - we are going to be submitting this into
8 the record - where various criteria are rated on a
9 100-point scale. And this site received a 95 for
10 wildlife and an 82 for woodlands and other high
11 scores. I spoke with Beth Brothers at the DEP, and
12 she told me scores like that are just not seen. This
13 is very, very unusual.

14 The DEP has also approved an open space grant of
15 \$4.3 million for this site. That's our taxpayer
16 dollars being put towards preservation of this site.
17 That's for the benefit of all of Connecticut
18 citizens. And I think that says a lot about the
19 importance of this site for the people of
20 Connecticut.

21 There are other groups, and we will be
22 submitting the reports prepared by these other
23 groups, who also have designated this site as one
24 that should be preserved. That would include the Old
25 Saybrook Land Trust and your own town plan of

1 conservation. And also in the records -- already in
2 the record is the Eastern Connecticut Environmental
3 Review Team, 1998 report, which discusses the value
4 of the unfragmented forest and knows that this is a
5 scarce resource in Connecticut today.

6 We would submit that the site has two especially
7 valuable natural resources, that would be the vernal
8 pool matrix - this part of a wetlands system on the
9 site - and also the unfragmented forest. Dr. Klemens
10 stated in his report that what exists now and what is
11 desirable is an ecologically resident interconnected
12 system of wetlands and forest. He also notes there's
13 an unusually high number of pools and high numbers of
14 amphibians, including certain declining species in
15 Connecticut, including the great treefrog, the
16 northern dusty salamander, and the red-spotted newt.
17 What didn't get into his report is a point that he
18 did make in his book on *The Reptiles and Amphibians*
19 *of Connecticut* - and we have prepared an excerpt to
20 be submitted as an exhibit - in which he says that
21 amphibians are especially sensitive to habitat
22 destruction, nutrient chemical, and thermal
23 pollution.

24 So I would like to call your attention to this
25 particular map, because this shows --

1 MR. BRANSE: Please --

2 CHAIRMAN MCINTYRE: Could you please identify
3 the map.

4 MS. LONGSTRETH: Yes. This is map 28. And you
5 know, I also would call your attention to map 2-B in
6 Dr. Klemens's report. It is quite similar to this.
7 But it shows how the critical upland zone where these
8 amphibians will be migrating, they all overlap in
9 this particular area to the west of the pond. So
10 that, you know, at any given location in this whole
11 area of all these pinkish-brown circles, in any given
12 location you're likely to be within the critical
13 upland zone of multiple vernal pools.

14 Now, we would submit it would have been
15 helpful -- of all the maps that the applicant did
16 provide us, there is no map which shows the golf
17 course in relation to the vernal pools. We have to
18 use our imaginations to extrapolate where exactly the
19 golf course -- how it relates to these -- to this
20 whole critical upland area; this whole overlapping
21 wetland system. And I think it's pretty clear,
22 though, if you look here, this area corresponds. And
23 clearly this important, unusual, precious resource of
24 the wetland -- the matrix of the vernal pools is
25 going to be substantially destroyed and fragmented by

1 the golf course as well as the housing and the roads.

2 Now, there's been -- there was a lot said last
3 week about integrated pest management. And a couple
4 of our exhibits are printouts from the -- that we
5 downloaded from the internet. These are university
6 departments that have put out this information,
7 general background information on integrated pest
8 management. And we just offer these as general
9 information about what this integrated pest
10 management is all about. And really, all it is is a
11 general approach that you don't use pesticides until
12 a particular pest appears. But once it does appear
13 you do use it.

14 Another point is there's a report in the record
15 already from the applicant on the pesticide
16 programing for the golf course. And it incorporates
17 by reference a report filed by the previous
18 applicant, but we don't believe that report is in the
19 record. And we would ask that perhaps the commission
20 could retrieve that report from the prior application
21 and add it to the record of this application so that
22 the public has a chance to review it and comment on
23 it. The addition to the report does refer to
24 something like 40 different chemicals that are on the
25 list.

1 So we don't really know -- we don't have any
2 guaranty that the wildlife on the site is going to be
3 protected from harmful levels of pesticides. And we
4 also have no guaranty that the underpasses and the
5 special curbs will really serve the function that
6 they are intended. There's no evidence before you
7 that -- or no -- studies have not been presented to
8 show that these structures actually succeed in
9 protecting wildlife.

10 And in terms of the pesticides, remember, you
11 know, we are here today in 2004 getting assurances,
12 but this golf course, if it's approved, is going to
13 be there for decades. And what guaranty, what
14 recourse do we have if sometime down the line 20
15 years from now there's an outbreak of some sort of
16 fungus and a significant dose of pesticide is applied
17 and it wipes out a population or curtails it
18 significantly? Nothing can be done.

19 There's another report that we are offering into
20 the record that is -- it's an article by a Dr. Peter
21 Paton at the University of Rhode Island. And it --
22 this is a scientist that is doing research on this
23 specific topic of pesticides on golf courses and
24 their impact on vernal pools and amphibians.
25 Unfortunately, his research isn't 100 percent

1 complete, but this is one article that he has
2 provided. It's already published. So we offer that
3 into the record. And it states that certain species
4 of amphibians are more affected by habitat
5 fragmentation than others. And those that are
6 affected adversely include the wood frog, the spring
7 peeper, the spotted and marbled salamanders, and the
8 red-spotted newt, which is one of the declining
9 species that was found in very good numbers on this
10 site.

11 So we do submit that this wetland matrix that is
12 shown here is a significant natural resource that is,
13 under this proposal, going to be significantly
14 impaired and destroyed. And therefore, the
15 commission should demand that the applicant present
16 some other less onerous alternatives.

17 This -- well, I'll go on to my next point. The
18 topic of the vernal pools, in our view, brings up
19 another important issue that hasn't really been
20 brought up so far with this application, and that is
21 the fact that there has not yet been a formal
22 application to the wetlands commission nor has there
23 been a final decision by the wetlands agency as
24 required under General Statutes 8-26. There is a
25 report from the wetlands commission, but it is fair

1 to say that the report is extremely tentative. It
2 states that the detailed plans have been neither
3 submitted nor reviewed. It says that no application
4 has been made and its review is only general and
5 directed toward your purpose, not towards the purpose
6 of determining whether this particular proposal
7 should be approved under the wetlands statutes, nor
8 has there been any properly noticed public hearing on
9 the wetlands. And at one point that has been made
10 before, the wetlands commission ought to be reviewing
11 this before you determine how many lots that would
12 constitute a reasonable subdivision under the
13 standard plan.

14 There's also no assurance that the commission is
15 going to permit this golf course to be constructed so
16 close to the pond and the vernal pools. We would
17 submit that if you approve it without wetlands,
18 without a final decision from the wetlands
19 commission, you will be acting in violation of the
20 statute. Perhaps an objection would be made that
21 this is preliminary. But, in fact, much of the --
22 you know, the proposal is going to get momentum if
23 you approve this preliminary -- at this preliminary
24 stage.

25 And we would submit that under the statutory

1 definitions, this application does meet the
2 requirement for -- it does fit the definition of a
3 subdivision application and therefore under the
4 statute a prior wetlands application and prior -- and
5 final decision is required. Again, if you circumvent
6 this statutory requirement, we feel that a review in
7 court would take a dim view of that and it would also
8 give the -- it would put pressure on the wetlands
9 commission to approve something that's already been
10 approved, and that's not what the legislature
11 intended for how our subdivision and wetlands
12 statutes should be working together.

13 Getting back to the natural resources, there is
14 a large unfragmented forest that you've heard already
15 a lot about. And it's very important that it is an
16 unfragmented forest. This is emphasized in the
17 environmental review team report; the town plan for
18 conservation and open space in a zoning commission
19 memo of October 28. And today we are also going to
20 be submitting a report prepared by Patrick Cummins,
21 who is the director of bird conservation for Audubon
22 Connecticut. And Mr. Cummins also explains why it's
23 so important that a forest be unfragmented, and that
24 is that there are quite a few species, not only of
25 birds but also other wildlife, that require a large

1 tract. And the fact is that the further from the
2 edge of the forest that these animals live -- can
3 live, the fewer predatory species they are going to
4 encounter, such as blue jays, cow birds, starlings,
5 raccoons, and of course house cats that will be now
6 introduced into the site. Just a large distance from
7 the edge of the forest also discourages invasive
8 plants, which I am sure many of you are familiar with
9 that problem. They degrade the vegetation, and the
10 ecosystem, and the forest.

11 Now, Mr. Cummins's report has several
12 attachments to it. And the thrust of the attachments
13 is -- I made copies of one of them, and I would ask
14 if you would just pass that down. The thrust of
15 these attachments is to -- this is also something
16 that Dr. Craig was talking about, how this particular
17 site is part of a much larger unfragmented forest.
18 And this is documented -- he explains this in his
19 letter, in his report. These maps were prepared from
20 DEP data bases on forest cover. But what the -- can
21 I borrow that back again.

22 MR. BRANSE: Here. You can use mine.

23 MS. LONGSTRETH: Okay. Thank you. I'm sorry we
24 don't have this blown up, but what it shows is the
25 site here is outlined in red and the larger

1 unfragmented forest is outlined in blue. And what
2 this diagram dramatically shows is that the
3 configuration of the site is that it reaches right
4 into virtually the center of this larger forest
5 block. And the development -- the forest blocks
6 which are illustrated on additional attachments to
7 Mr. Cummins's report run on a north/south access.
8 And the development -- the parcel and the development
9 goes all the way from one end to the other east/west.
10 So if you look at that, look at the site in question
11 in the context, you can see the very, very
12 significant fragmentation that will occur on the
13 site.

14 And there's one more interesting exhibit that we
15 received from Mr. Cummins that we are also
16 introducing, and that is a photograph of the state of
17 Connecticut taken at night. It must have been taken
18 from space. And it shows what a migrating bird would
19 see as it flies over our state. And it does show
20 this dark area right in this part of the state, dark
21 area reaching all the way up into Massachusetts and
22 beyond. And that just illustrates how important this
23 site is for migrating birds and for this -- as part
24 of this larger unfragmented forest tract.

25 So we submit that the impairment and destruction

1 of the natural resources on this site is unreasonable
2 because of the extent of the fragmentation of both
3 the forest and the wetlands system. And there are
4 less harmful alternatives. The development can and
5 should be concentrated over towards the Pianta parcel
6 where there's already edge and in this area to the
7 east end. And I think other speakers have talked
8 about concentrating --

9 CHAIRMAN MCINTYRE: Can you identify what map
10 you're talking about.

11 MS. LONGSTRETH: I'm talking again about map 28.

12 CHAIRMAN MCINTYRE: Thank you.

13 MS. LONGSTRETH: But also the same point can be
14 made with this map, which is entitled the Open Space
15 Subdivision - Preservation Plan. There is land owned
16 by the applicant over here where there's already some
17 development. And it could be much more clustered at
18 that side and leaving this particularly valuable
19 wetlands matrix untouched.

20 We basically commend the concept of an open
21 space subdivision, but it doesn't follow that we have
22 this progressive concept in front of you -- it
23 doesn't follow that this particular site can
24 accommodate this much development without causing
25 unreasonable impairment.

1 You know, just getting back to the idea of
2 feasible and prudent alternatives, the golf course is
3 obviously really driving the fragmentation of this
4 site. So doing away with the golf course would
5 certainly still allow ample development on this site
6 and it would go far towards giving some flexibility
7 to preserve much more of the unfragmented forest and
8 the vernal pool matrix. Okay.

9 I think Mr. Rothenberger also discussed the
10 access issue, and I won't touch on that. I
11 understand that the hearing is going to be held open
12 to two weeks from tonight I take it.

13 CHAIRMAN MCINTYRE: December 8, yes. We'll
14 have to make a motion on that.

15 MS. LONGSTRETH: And I hope you'll be able to
16 add that pesticide report to the record which was --
17 you know, it was part of a previous application.
18 Thank you very much.

19 CHAIRMAN MCINTYRE: Thank you. At this time
20 I would like to close the public portion of the
21 public hearing.

22 I would like to address both attorneys. If it
23 would be all right, what I would like to do at this
24 point is rather than have the applicant address
25 the -- some of the concerns of the public that have

1 been expressed tonight, because I have a feeling our
2 consultants are going to ask some questions and may
3 be able to answer those with that and also the board
4 members may be asking questions that will give
5 answers to what the public had asked. So if the
6 applicant doesn't mind holding off until after our
7 consultants and we ask the questions, if they want to
8 address any public issues.

9 MR. LANDINO: Thank you, Mr. Chairman. Bob
10 Landino, BL Companies.

11 Did I hear you correctly -- I'm sorry, the hour
12 is late. Did you want us to try to answer the public
13 questions now?

14 CHAIRMAN MCINTYRE: No. I want you to hold
15 off now and then if there's anything that you really
16 want to express at the very end, we'll --

17 MR. LANDINO: I think what we would like to do,
18 with your permission, is we have taken notes tonight
19 and we were going to assemble a verbal response to as
20 many questions as were asked tonight at the next
21 meeting if that's okay.

22 CHAIRMAN MCINTYRE: That's fine with me.

23 MR. TIETJEN: Bravo.

24 CHAIRMAN MCINTYRE: What I would like to do
25 at this time, I would like to see if Attorney Branse

1 has any questions that he would like to address and
2 then we'll move on to our other consultants and then
3 after that we'll move on to the board.

4 MR. BRANSE: I just really have one. It's
5 for Mr. Peace, First Selectman Peace. One of the
6 issues that has arisen in reviewing this application
7 by the commission's consultants, specifically
8 Mr. Hillson and also Mr. Jacobson, is that so far the
9 analyses of both the conventional layout and the open
10 space layout have assumed the existing subdivision
11 road requirements and the town road specifications.
12 In their written response the applicants have stated
13 that that is not a proper review basically because
14 the board of selectmen have a policy in favor of
15 alternative road specifications. It's been followed
16 in a number of cases. That in the first preserve
17 application, that the board of selectmen in fact did
18 approve certain modifications for the alternative
19 road specifications and therefore the review of the
20 roads and other improvements in this subdivision
21 should not be conducted under the specs, but under
22 basically the presumption that there would be some --
23 some level of use of alternative road specs.

24 And so I guess my question to you is, one, what
25 is the status of that request and do you have some

1 indication as to what alternative road specifications
2 the board of selectmen will approve and if not, then
3 should we be using the specs as now adopted?

4 I mean we are just not sure what standard to be
5 using, and I would like whatever you can -- however
6 you can illuminate that for us would be helpful.

7 MR. PEACE: First of all, Mark, that's a very
8 long question for this hour of night. And also, I
9 want to comment and compliment the board, all
10 volunteers I might add. I kind of forget from time
11 to time how late you guys stay up. I would have been
12 in bed a couple of hours ago myself.

13 In answer to the question, I so far -- the board
14 of selectmen has asked me to basically facilitate
15 that particular request. I have met with the town
16 engineer, who is here tonight, and the town planner.
17 We have had at least one meeting. It's a matter of
18 town policy to try to have more environmentally
19 friendly road standards. So that's certainly our
20 policy. That would be less asphalt in roadway
21 design, no curbing, catch basins preferred. And even
22 unrelated to that or related to that would be clean
23 roadsides with no guardrail. Our objective obviously
24 is to be environmentally friendly and reduce our
25 maintenance costs. We are looking again -- we are

1 going to have another meeting. And it probably won't
2 be until December 3rd, I think, where the board of
3 selectmen will have it on their agenda to vote where
4 to go on that.

5 A couple of concerns we have right now is
6 basically the grade. There's a proposal to have a
7 10 percent grade, if I recall, for a few thousand
8 feet. The roadway that's proposed is -- doesn't
9 really quite fit anything. The best that you could
10 describe it is a collector arterial of some sort.
11 I'm personally looking for less of a grade, something
12 that our fire trucks won't struggle over or plows
13 won't have a problem going up on. So that's one
14 thing.

15 The other issue that comes to mind quickly is -
16 and Jeff is checking on this - is to make sure the
17 safe site stopping distances are consistent with
18 ASHIO (phonetically). Apparently ASHIO may have been
19 changed. And also intersection site lines and these
20 sort of things. And then we haven't really gotten
21 into what the design yield would be for the
22 percentage. We haven't gotten quite there. But it's
23 certainly our desire to have alternative road designs
24 that are environmentally friendly. That's the
25 direction we are heading. I don't know if I've

1 answered it yet, because, once again, I have to think
2 of the full board.

3 MR. BRANSE: I guess my conclusion would be
4 that for now we need to use the standard specs until
5 you tell us that something else has been approved.

6 MR. PEACE: Well, that might be unfair to the
7 applicant, if I had to speculate at this hour of
8 night. It's our corporate policy to try to have
9 environmentally friendly standards. We have done
10 this a number of -- we started it a number of years
11 back and will continue it and want to continue it.
12 But I do have issues with a few of these things. And
13 I suppose if we can't reach resolution and
14 negotiation with the engineers particularly on the
15 grading and some other stuff, we'll have to talk
16 about it as a full board.

17 CHAIRMAN MCINTYRE: Attorney Branse, do you
18 have any other questions?

19 MR. BRANSE: No.

20 CHAIRMAN MCINTYRE: Jeff, do you have
21 anything tonight?

22 MR. JACOBSON: Bob, we met as a team to start
23 coordinating our response, but we are still in the
24 process of formulating that and have a couple more
25 meetings scheduled. So I think we'll be prepared to

1 respond at the next meeting.

2 CHAIRMAN MCINTYRE: Do you have anything
3 tonight?

4 What I would like to do -- it is late. We did
5 stay until one o'clock last time, and I am sure
6 everybody is willing to do that again if we have to.
7 Would anybody on the board that has any questions
8 that they would like to ask -- I'll start with Janis
9 and work my way down this way. Oh, Dick, you're down
10 there. You might nudge Dick. Dick.

11 MR. TIETJEN: Yeah, what time is it?

12 CHAIRMAN MCINTYRE: Dick, do you have any
13 questions? It's early, Dick. It's not one o'clock.

14 MR. TIETJEN: Well, will we have time next time?

15 CHAIRMAN MCINTYRE: Yes. Yes, we will.

16 MR. LANDINO: It's up to you and Mr. Chairman.

17 CHAIRMAN MCINTYRE: What's your question,
18 Dick?

19 MR. TIETJEN: What?

20 CHAIRMAN MCINTYRE: What was your question?

21 MR. TIETJEN: The question is if we'll -- if --
22 whether or not we'll have time in the next meeting to
23 discuss the village, which would probably take two
24 hours or three or something like that.

25 CHAIRMAN MCINTYRE: Well, what I am going to

1 propose tonight, being that it is late and we did go,
2 you know, the applicant last time, the public this
3 time, I think the board's going to go first next
4 time. I think that would be fair and that way we can
5 begin to address all those issues. Does that satisfy
6 your question, Dick?

7 MR. TIETJEN: Yeah.

8 CHAIRMAN MCINTYRE: Okay, Janis.

9 MS. ESTY: I would like to go when I'm awake
10 next time.

11 CHAIRMAN MCINTYRE: Okay. Judy, I know you
12 have at least one.

13 MS. GALLICCHIO: I have a lot of questions.

14 CHAIRMAN MCINTYRE: I am going to ask a few,
15 so feel free.

16 MS. GALLICCHIO: All right. One of the biggest
17 issues that I see in the information that we've
18 gotten so far is a large discrepancy between how the
19 MABL is being interpreted from our town engineer
20 versus the applicant's engineer. And it appears to
21 me and my interpretation is that the MABL allows
22 either for -- let me get my notes. That when MABL
23 talks about no land should be included which is
24 identified as having groundwater higher than
25 18 inches below the naturally occurring surface or

1 ledge at a depth of less than four feet below the
2 natural ground surface as observed by soil testing,
3 unless an area of suitable size and location has been
4 identified for the placement of a subsurface sewage
5 disposal system through soil testing which
6 demonstrates the suitability of soil in that area for
7 such sewage system placement in accordance with the
8 requirements of the Connecticut Public Health Code in
9 effect at the time of such testing. Then later on it
10 says, the number of and location of such test is
11 required to demonstrate the suitability of soil for
12 sewage placement shall be determined by the
13 environmental health officer who shall certify
14 compliance of such soil testing with the
15 requirements.

16 It's my interpretation that since the -- our
17 public health authority is the sanitarian. And there
18 is no reference or no report from the sanitarian
19 which states unequivocally that in the areas where
20 subsurface sanitation would not be appropriate - in
21 other words, doesn't meet the MABL in that request -
22 in his report he does not unequivocally state that an
23 engineered septic system would be appropriate. He
24 doesn't have enough information.

25 So as I say it's my interpretation that the MABL

1 is not met in the -- many of the subdivision lots
2 that in particular Mr. Jacobson has referred to in
3 his report. And that is a huge problem that I have
4 in determining the number of lots that can be --
5 actually could be on a conventional subdivision
6 placed on this -- in this subdivision. So I think
7 that that's an issue that we need to discuss more
8 certainly among us planning commission members when
9 we get into the deliberation.

10 But also, I would like to ask Mr. Jacobson what
11 his interpretation of that part of the MABL is.

12 MR. JACOBSON: Well, this section for the
13 conventional subdivision does not require testing.
14 In fact, it specifically says - I don't remember the
15 exact section - that you don't have to comply with
16 that section of the regulations for a normal
17 conventional subdivision for testing for the MABL.
18 But what it does say is you can rely on a soil
19 analysis. And that's kind of a pretty broad
20 description. You know, what is a soil analysis? And
21 we struggled with that to try to come up with some
22 type of fair and equitable way of assessing the soils
23 on the property. And the soils do have limitations
24 on the property.

25 And we selected a method based on the soil

1 conservation service mapping which identified various
2 different soil types, broke it down into -- there's
3 different inclusions of soils within these major soil
4 types that would not meet the MABL requirements. And
5 we applied those percentages to the lots where they
6 did not show any testing. There was testing that
7 they did show on some of the lots.

8 If it met the MABL requirements, we gave them
9 credit for that lot, regardless of whether it was a
10 restrictive type of soil. We went to the extent of
11 if we had a lot here or a lot here that had good test
12 results, a lot in the middle, we gave credit for that
13 under the presumption if the topography was somewhat
14 uniform, that it would most likely meet the
15 requirements. But there are areas where there wasn't
16 a lot of testing. They didn't have to do testing.
17 The only information we have to rely on is the SES
18 soils analysis, and that's what we did.

19 MS. GALLICCHIO: And you're comfortable that
20 that was an appropriate way to view it.

21 MR. JACOBSON: I don't know of any other way
22 realistically to look at it.

23 MR. LANDINO: Mr. Chairman, may I respond to
24 that?

25 MR. BRANSE: Mr. Chairman, the applicant will

1 be able to respond next time. Right now the
2 commission members are asking questions, if they have
3 a question of the applicant.

4 CHAIRMAN MCINTYRE: You're reading my mind.
5 Bob -- Mr. Landino.

6 MR. LANDINO: At two of 12 I agree with
7 Mr. Branse.

8 (Tape is changed.)

9 MS. GALLICCHIO: I do have a question or a
10 comment regarding the response to town review
11 comments that we received -- or that was dated
12 November 10th from the applicant. And in the section
13 regarding open space -- is Mr. Arendt still here?

14 MR. LANDINO: No. He left.

15 MS. GALLICCHIO: I can hold that until next time
16 if he's going to be here.

17 And Mr. Hills is not here either, is he,
18 tonight?

19 MR. LANDINO: Not tonight, no. Do you need them
20 here for next week or two weeks from now?

21 MS. GALLICCHIO: It depends if somebody else can
22 answer the question.

23 MR. LANDINO: There might be. Mr. Chairman, I
24 don't want to get into what you asked me not to do,
25 but we responded at some level of detail tonight with

1 a single copy which we will distribute in multiple
2 copies tomorrow. And the responses to many of the
3 questions that were raised previously provide
4 additional information which might clear up some of
5 those issues. But if it would be possible to put
6 some of these questions in writing to us by the time
7 we come back to you, we can have either the experts
8 available or clear, comprehensive answers, whichever
9 makes sense. If that would be possible, we would be
10 willing to do that.

11 CHAIRMAN MCINTYRE: That I have to ask our
12 attorney.

13 MS. GALLICCHIO: I'm not comfortable doing that.

14 MR. BRANSE: What is that?

15 MS. GALLICCHIO: Write up our questions, pass
16 them to the applicant and have them respond at
17 another date.

18 MR. BRANSE: It means submitting questions
19 sometime after tonight. I have seen that done. I
20 have seen it done, but you -- typically what happens
21 is the questions are stated on the record and left
22 unanswered and then -- so everybody hears. So each
23 commissioner hears what everybody else is asking and
24 the audience hears what they're asking. And then the
25 applicant responds at the next meeting so everybody

1 knows what the questions are.

2 MR. LANDINO: In the alternative if you wanted
3 to ask the questions, if we couldn't answer them
4 tonight, at least we know what they are and come back
5 with a response.

6 MS. GALLICCHIO: That's fine. And I'll hold off
7 on some of these, because I don't want to go too
8 late. But on page four of Mr. Arendt -- of the
9 report, which Mr. Arendt is responsible for that
10 section, apparently he -- excuse me. He expresses a
11 concern about Ms. Nelson's report. And the -- I'll
12 quote the part I'm discussing or that I'm talking
13 about of his report about the suggestion of dozens of
14 lots shown on the yield plan should be excluded on
15 the basis that they interrupt prevalent trails,
16 impact particular stone walls or interrupt the
17 historical travel away from Old Ingham Hill Road,
18 lacks the necessary legal basis because these
19 cultural features are not listed among the kind of
20 resources that the town has chosen to protect through
21 zoning and subdivision ordinances. And I would
22 strongly disagree with that. In our subdivision
23 regulations 5.1.3, historical preservation, it
24 states --

25 MR. BRANSE: Commissioner, you don't need to

1 disagree or agree yet, because we are not in
2 deliberations. So I take it you're asking the
3 applicant to respond to why this section doesn't
4 authorize that.

5 MS. GALLICCHIO: Yes, I am. And it's 5.1.3. It
6 appears to directly correlate with that.

7 CHAIRMAN MCINTYRE: You can wait until next
8 time for your answer.

9 MS. GALLICCHIO: Sure. There's reference made
10 to -- and again, I'm talking about the conventional
11 subdivision solely at this point. It mentions four
12 points of access, three from Ingham Hill. And I
13 can't find three from Ingham Hill.

14 MR. LANDINO: Three points of access?

15 MS. GALLICCHIO: To the subdivision, in the
16 conventional subdivision. One, the -- on 153 in
17 Westbrook and three on Ingham Hill. And I see one at
18 Barley Hill and one at the end of Ingham Hill Road.
19 And I'm missing the --

20 MR. GODERRE: Dennis Goderre, BL Companies.

21 CHAIRMAN MCINTYRE: And the board that you're
22 pointing to.

23 MR. GODERRE: The board I'm pointing to is
24 Conventional Subdivision Plan. This is Ingham Hill
25 Road right here. We have a point of access here off

1 Ingham Hill Road. There's a point of access here off
2 of Ingham Hill Road.

3 MS. GALLICCHIO: Those aren't current roads.

4 MR. GODERRE: No. Two new roads that would be
5 proposed under the conventional plan. And the third
6 I would imagine would be referenced from Barley Hill
7 Road, end up on Ingham Hill Road.

8 MS. GALLICCHIO: Okay.

9 CHAIRMAN MCINTYRE: Thank you.

10 MS. GALLICCHIO: There was a question raised I
11 believe by Mr. Branse, and I don't think we heard a
12 response yet. And I know you're expecting to put it
13 on your revised plans eventually, but can you show us
14 which roadways are proposed as private, particularly
15 in the village cluster area.

16 MR. LANDINO: Attorney Royston, would you like
17 to do that? Because you've explained it to me two or
18 three times, and I'll mess it up.

19 MS. GALLICCHIO: Again, you don't have to do it
20 tonight. I want these addressed.

21 MR. ROYSTON: We will show them on the plan.
22 They are private residential streets on your
23 regulation. We'll label those public roads. We'll
24 label those. And in the village that would be a
25 private roadway within the village.

1 MS. GALLICCHIO: But can you show us those.

2 MR. ROYSTON: We'll label that on the plan.

3 MS. GALLICCHIO: At our next meeting?

4 MR. ROYSTON: I think we can do that by the next
5 meeting.

6 MS. GALLICCHIO: Or just point them out. It
7 will make it clearer for me.

8 MR. ROYSTON: At least on a single sheet we
9 would be able to demonstrate or show and depict
10 clearly which ones are proposed as public, which are
11 private residential streets under your regulations,
12 which are really private roadways or driveways.

13 MS. GALLICCHIO: Thank you. In the traffic
14 impact study, it appears that there is a drop in
15 service levels at a number of the intersections from
16 D's to F's, C to D, D to E, C to D; am I correct?

17 MR. LANDINO: Could I have a copy?

18 CHAIRMAN MCINTYRE: Do you need the answer
19 tonight?

20 MS. GALLICCHIO: No. You don't have to answer
21 tonight, but it appears that there is -- and I'm
22 wondering if I'm reading it correctly.

23 Also, it appears that Bokum Road volumes south
24 of the entrance is going up by 900 per day. And as
25 people have mentioned Bokum Road is a difficult

1 roadway as is. So far what I'm seeing in your
2 reports in terms of off-site improvements other than
3 at intersections is, in quotes, minor widening and
4 flattening of horizontal curve at The Preserve access
5 road. And my question is what about the rest of
6 Bokum Road?

7 It would seem that there is -- and I would like
8 more information, but it would seem with the increase
9 in traffic there certainly would be a nexus between
10 the development and the repairs or adjustments made
11 to make Bokum Road safer.

12 I also have a question for Mr. Hillson, whether
13 he has concerns about the impact of the subdivision
14 on Bokum Road. Also, would making Ingham Hill Road a
15 full access, what would that do to Bokum Road? In
16 other words, how many fewer trips would one expect to
17 see on Bokum Road?

18 And in his professional opinion regarding the
19 two full access points versus three -- by three I
20 mean 153, Bokum and Ingham Hill, would that likely be
21 beneficial regarding circulation?

22 I also would like to know in Mr. Hillson's --
23 I'm sorry. I'm asking questions of Mr. Hillson and
24 thinking you're not here.

25 MR. HILLSON: Do you want an answer tonight? I

1 can if you wish.

2 MS. GALLICCHIO: Sure. That would be great. I
3 apologize. I'm thinking one person and realizing
4 you're -- not realizing you're here.

5 MR. HILLSON: For the record, I'm Bruce Hillson,
6 traffic consultant for the town.

7 The question was the impact of having three
8 points of access from Ingham Hill Road, Bokum Road,
9 and also Route 153. In my memorandum dated
10 October 27 of this year, the last item under the
11 conventional subdivision and the last item also under
12 the open space subdivision, I talk about that case
13 and recommend that those points of access, two points
14 of access be provided within the town of Old
15 Saybrook. One to Ingham Hill Road. And when I say
16 Ingham Hill Road, I mean even though the conventional
17 subdivision has three points of access, they all lead
18 or funnel to one roadway, and that's Ingham Hill
19 which then goes down toward the center of town. It's
20 a fairly lengthy roadway. And I consider Ingham Hill
21 Road as the access point and splits off to three
22 other points of connection. So I think Ingham Hill
23 Road is a logical access point and it should be
24 complemented with an access point on Bokum Road.

25 The impact that's going to have on the roadways

1 and travel, we have not reviewed the traffic impact
2 study. That's not a subject of my understanding of
3 what this commission's task is at this point. But
4 what it will do is it will spread the traffic flow
5 amongst the three major points of access as opposed
6 to two points of access. And what I would envision
7 is those people who particularly live in the center
8 village, and that's probably half the units or close
9 to it for the entire development, they would more
10 than likely use Ingham Hill Road to access 95,
11 particularly those people that are going toward the
12 east, since that's a partial interchange down at the
13 bottom of Ingham Hill. That also provides access to
14 Route 9 indirectly by going up 95 to the Route 9
15 interchange, if they wish to go that direction. So
16 it does provide a more direct connection and access
17 to the highway.

18 The 900 vehicles that you referred to, 900 a day
19 on Bokum Road, would more than likely be reduced by
20 probably about half that amount. I'm just
21 conjecturing at this point, but I would envision that
22 it would be cut to less than half of what's being
23 projected at this point. So I would encourage a --
24 as I have recommended in my memorandum, that
25 connections to Ingham Hill Road and to Bokum Road be

1 provided regardless of which subdivision.

2 Now, I might add that that has the added
3 advantage to provide emergency access to the
4 development, two points of emergency access within
5 the town of Old Saybrook. If one of those points
6 became blocked, it would be difficult to provide or
7 for emergency vehicles to have to go to Route 153 and
8 access the site through Westbrook. It's kind of
9 circuitous. And there's some question -- a lot of
10 towns don't like to have their emergency vehicles
11 travel into other towns to gain access to a
12 development in their town.

13 MS. GALLICCHIO: Okay.

14 MR. LANDINO: I can answer the other question.
15 With regard to levels of delay, it's been awhile.
16 But there are two or three instances where the level
17 of delay in unsignalized locations goes from E to F.
18 And it's kind of unfortunate that a traffic
19 engineer's nomenclature is the same unsignalized
20 intersection is reduced level of service.

21 And the basic initiative is to look at the
22 possibilities of signalization in that location. We
23 have done that and determined that in those locations
24 a signal is not warranted, but that certainly would
25 be subject to review by your traffic consultant when

1 he does review the site impact study and the state
2 traffic commission through the review process. And
3 we certainly would be willing to comply with whatever
4 recommendations were made that would restore the
5 levels of delay. But if the state and your
6 consultant agrees that the signal warrants are not
7 met, then they would remain unsignalized and we would
8 look for some other possible improvements, but very
9 likely would just mean an extra 15 seconds of delay
10 at that location. I hope that answers your question.

11 MS. GALLICCHIO: Well, what about the off-site
12 improvements?

13 MR. LANDINO: We have proposed off-site
14 improvements at the entrance drive, which would
15 include the installation of a left turn lane. And to
16 the extent that there is other improvements on Bokum
17 Road or at locations where unsignalized intersections
18 need to be analyzed, we would be happy to make those.

19 I think we understood the history of Bokum Road
20 as well being somewhat sensitive. And we did want to
21 propose significant improvements that might be
22 contradictory to what the town desired. So at the
23 stage that this report was written, we decided that
24 it would make sense to leave it as localized
25 improvements to be determined at a later date, but

1 express a willingness to work with the town staff to
2 develop those improvements as needed.

3 MS. GALLICCHIO: Okay, thank you.

4 CHAIRMAN MCINTYRE: We are going to take a
5 five-minute break at the request of Debrah.

6 (Recess)

7 CHAIRMAN MCINTYRE: We are going to reconvene.
8 And I think Judy has at least one more question.

9 MS. GALLICCHIO: Yeah. Regarding the fairways,
10 what height is the grass mowed to generally?

11 MR. LANDINO: What height?

12 MS. GALLICCHIO: Golf fairways. Or you can get
13 back to me. If you have an answer, I would like it
14 now. It would be great.

15 MR. COHEN: My name is Stuart Cohen, C-O-H-E-N.

16 But the fairway height -- you're asking about
17 the height cut.

18 MS. GALLICCHIO: Yes.

19 MR. COHEN: I think nowadays it's between a half
20 inch and an inch.

21 MS. GALLICCHIO: Okay. How often generally is
22 it mowed let's say spring versus summer versus fall?

23 MR. COHEN: We'll get back to you on that.

24 MS. GALLICCHIO: Okay. My next question
25 relating to that is for -- and I am going to get this

1 confused. I'm just going to call on you both,
2 Mr. Klein and Mr. Klemens. What impact would the
3 mowing have on reptiles and amphibians as well as
4 smaller animals, birds, et cetera when they are
5 trying to -- you had mentioned about them crossing
6 fairways.

7 MR. KLEIN: I think reptiles and amphibians is
8 the other Michael.

9 MS. GALLICCHIO: And again, you can give me an
10 answer next time.

11 CHAIRMAN MCINTYRE: We'll go with two-minute
12 answers.

13 MR. LANDINO: Do you want to answer it now?

14 MR. KLEMENS: I'm not answering anything
15 tonight.

16 MS. GALLICCHIO: Okay.

17 MR. BRANSE: Were you asking about the impact
18 of mowing or the impact of the fairways themselves?

19 MS. GALLICCHIO: No. The impact of mowing. The
20 dangers of mowing to critters trying to cross the
21 fairways, because we have talked about that in the
22 past.

23 MR. LANDINO: Most of those critters are
24 nocturnal. Michael.

25 MR. KLEMENS: I'm not answering.

1 MS. GALLICCHIO: No, that's okay.

2 I noted, also, that deer and their pathways were
3 not listed on these site mammals. And you mentioned
4 in the report that it's because they are so -- that
5 the population is large. Are you saying that there
6 would be no significant impact on the deer population
7 or its habitat in the conservation?

8 MR. LANDINO: Michael, you work after midnight,
9 right?

10 MR. KLEIN: Yes, I do. Michael Klein.

11 The impact on the deer population if anything
12 would be an increase.

13 MS. GALLICCHIO: Why would that be?

14 MR. KLEIN: Because deer are creatures of -- two
15 reasons. Deer are creatures of edges, not deep
16 woodlands. And secondly, deer love ornamental
17 shrubbery.

18 MR. TIETJEN: What?

19 MR. KLEIN: Deer love to eat many kinds of
20 ornamental shrubbery. As suburbanization in
21 Connecticut has increased, the deer population has
22 increased. And that's not an accident.

23 MS. GALLICCHIO: Thank you. Also, were there
24 any signs of larger mammals, such as wolf or bear?

25 MR. KLEIN: There are no wolves in Connecticut.

1 We didn't see any bear on this site.

2 MS. GALLICCHIO: No signs of bear?

3 MR. KLEIN: No. No signs of bear.

4 MS. GALLICCHIO: Okay. In Dr. Cohen's report
5 regarding turf management for private homes, my
6 question is how will these be enforced?

7 MR. LANDINO: I can try. Dave or one of the
8 three of us will do it.

9 MR. ROYSTON: They can be enforced actually
10 through the PRD management documentation. That's the
11 short answer. If you recall the intention is for the
12 entire property to be a PRD. And one of the
13 advantages of that is that even single-family lots
14 would be part of the PRD and would be subject to PRD
15 management documentation that would be subject to
16 review by the zoning commission. And part of that
17 documentation can include these requirements.

18 MS. GALLICCHIO: What would be a possible
19 enforcement response? In other words, if someone --
20 a private landowner did not abide by them, what would
21 there be to prevent that?

22 MR. ROYSTON: Basically, it is like any other
23 association entity. They can levy fines. They could
24 take legal action against them. The association
25 itself would have the legal authority to do that

1 within that documentation. And that is the
2 significant difference between that and a general
3 subdivision where you don't have any mechanism to do
4 that.

5 MS. GALLICCHIO: Okay. Again, with the critter
6 fellas, Mr. Klein and Klemens. Was there any study
7 done -- or let me change that. Are there areas near
8 Bokum Road in which amphibians, reptiles, and/or
9 mammals would be impacted negatively by additional
10 traffic from the development? I'm thinking of vernal
11 pools nearby, wetlands, crossing the road of turtles
12 or reptiles for spawning purposes, anything like
13 that.

14 MR. LANDINO: Through the entire length of Bokum
15 Road?

16 MS. GALLICCHIO: Um-hum.

17 MR. LANDINO: Okay. They're tired tonight.

18 MS. GALLICCHIO: And I would have the same
19 question -- oh, I'm sorry. Do you want to answer
20 that?

21 MR. KLEMENS: Michael Klemens for the record.

22 Yes, there are areas along Bokum Road where
23 there already exists -- significant current
24 conditions exist. There are significant road
25 mortality right now. I think you have a threshold of

1 traffic. Once you move the traffic trips more than
2 about 25 cars an hour, you have a pretty effective
3 barricade to a lot of animals getting across. The
4 areas on Bokum Road that's particularly a lot of
5 amphibian activity is right by the exchange pond.
6 There's quite a bit of road mortality there. And in
7 the small creek that's in the vicinity of the
8 exchange pond, that's probably the one that's
9 furthest up Bokum Road on the right-hand side.
10 There's a wet meadow that's further back, that's
11 going north on Bokum Road. And that wet meadow,
12 there's not much activity from that grassy pond.
13 Most of it is in the very lower part. And I guess
14 now that the exchange pond's not there when I was
15 there the last time. It dried up; is that right?

16 MS. GALLICCHIO: Yes. I don't know what's going
17 on.

18 MR. KLEMENS: I don't know what that means in
19 terms of amphibian crossing, but there's definitely
20 mortality. And we actually have dots on the road.
21 If you look actually on that map over there, map
22 number 28 where Mr. Landino has his finger.

23 MR. LANDINO: Right here.

24 MR. KLEMENS: I was at a public hearing last
25 night that went until two o'clock.

1 Right down here. These are all road crossings
2 of gray treefrogs and wood frogs both here. And a
3 lot of road mortality there. And there are bullfrogs
4 not mapped here. Bullfrogs and treefrogs.

5 MS. GALLICCHIO: Do you have any information,
6 same question, on Ingham Hill Road?

7 MR. KLEMENS: On Ingham Hill Road, yes. Ingham
8 Hill Road. Let me orient myself in one moment. Yes.
9 On Ingham Hill Road -- oh, that part, no. Ingham
10 Hill Road -- just bear with me for a moment, please.
11 There's not much in current road mortality on the
12 upper portion here of Ingham Hill Road, because the
13 traffic is very minimal here. As a matter of fact,
14 this vernal pool -- this is, again, map 28. The
15 vernal pool that's sort of tucked -- I don't know
16 what the number is, unfortunately. The one that's
17 right there adjacent to the vernal pool here. And
18 the reason it is able to sustain itself is because
19 the traffic generation is very minimal there. It
20 almost functions as a driveway. That's the pool
21 that's actually located just west of the intersection
22 of Ingham Hill and Deer Run Road.

23 As you progress further down Ingham Hill Road,
24 you start to pick up the road mortality. There's
25 quite significant road mortality. You start to get

1 to the part of Ingham Hill Road that's adjacent to
2 the cedar swamp area, you have quite a bit of road
3 mortality there now, because you have quite a bit of
4 road traffic generated from the subdivision. So you
5 really have -- as you go down Ingham Hill Road, you
6 pick up more and more traffic and there's more and
7 more road mortality. By the time you get to Chalkers
8 Pond, you have a lot of stuff on the road as kill.
9 And again, the threshold really is about 25 car trips
10 an hour is what you -- that's the threshold for
11 significant road mortality.

12 MS. GALLICCHIO: Are you suggesting then that
13 over 25 cars it really doesn't matter if there are
14 500 cars or 25 cars?

15 MR. KLEMENS: I'm not suggesting that, but I'm
16 saying you already lose a significant portion of the
17 population from management standards. You're
18 starting to knock a lot of animals out. Certainly
19 when you have twice as many, it gets to a point where
20 you will effectively remove everything. And that is
21 one of the goals of the -- if you remember going back
22 to our plan, that there are two types of road
23 treatments on the proposed development. The highest
24 roads that have in excess of 25 car trips. The
25 animals will be excluded from the roads by these

1 curbs which actually do work. And they are the
2 excluder curbs. There are sites where they are
3 working quite effectively to exclude the animals from
4 the road. And where you have lower volumes, the goal
5 is to actually move the animals over the road
6 surface.

7 But to get back to your question, I think once
8 you get to any kind of volume with 50 cars an hour,
9 there's not much chance. You'll get some across, but
10 the impact is significant at 25 cars an hour.

11 MS. GALLICCHIO: Okay. I know that there are
12 significant numbers of turtles that cross at the
13 Chalkers Mill Pond, and that area as well as other
14 areas that you've mentioned on Ingham Hill and Bokum
15 Road, I wonder if you have ideas or recommendations
16 in terms of mitigating those impacts, particularly of
17 increased traffic if Ingham Hill were a full access
18 and Bokum Road were a full access.

19 MR. KLEMENS: Well, I'll tell you from my
20 perspective -- and I may be standing on dangerous
21 ground here. I think that the opening up of Ingham
22 Hill Road to traffic beyond the gated access would
23 have serious impacts to the two critical vernal
24 pools. I don't remember the number of the one I
25 talked about earlier. These two pools would be

1 averted to the impact. You have that road going now
2 through the vernal pool envelope as it is now, but
3 because that road is really functioning as a driveway
4 and not really a road in terms of traffic intensity
5 the pools survive. I didn't see that interestingly
6 enough. I thought I would get a lot more DOR, dead
7 on road, turtles on this study. Did not see much
8 road mortality actually down by Chalkers Pond. Maybe
9 one painted turtle. There's one -- the only really
10 significant turtle that was DOR was here on Route
11 153.

12 MS. GALLICCHIO: What is DOR?

13 MR. KLEMENS: Dead on road. We have parlance.
14 DOR is dead on road.

15 This one right here was a gravid female, gravid
16 is pregnant, female spotted turtle was killed right
17 here on 153. There didn't seem to be a lot of turtle
18 mortality. People generally do tend to let them
19 cross.

20 How to deal with turtle crossings is very --
21 again, to get back to these underpasses. And you
22 just can't -- you have to really have them pretty
23 high and pretty wide and pretty open with lots of
24 light spillage. But I think you're not going to have
25 turtle issues. Here you have a problem. On busy

1 roads turtles get hit, unfortunately. Other roads I
2 have seen people actually -- people seem to care
3 about turtles, pulling turtles off the road, on
4 Ingham Hill Road. Actually, I saw cars pull painted
5 turtles off the road. People do seem to be careful.

6 The real danger with turtles is if you start to
7 have lots and lots of traffic, you have one person
8 straddle the turtle and the next person, you know,
9 hits the turtle. You straddle the turtle and the
10 next one is not quite aligned. It is a problem, but
11 I don't think -- I think it's not as big as the
12 amphibian mortality, which is really significant at
13 nighttime when you can have hundreds and hundreds of
14 these things killed on certain roads.

15 MR. LANDINO: Michael, could I ask a question.
16 You don't have to answer this tonight, but you might
17 give it some thought. But you indicated that if you
18 opened up Ingham Hill Road to full access, that it
19 would have an impact on the mortality rate of
20 amphibians that were -- that had one or two vernal
21 pools in those areas. Would there be a way to
22 mitigate Ingham Hill Road? I think that was part of
23 Ms. Gallicchio's question. Would there be a way to
24 mitigate Ingham Hill Road to prevent the --

25 CHAIRMAN MCINTYRE: That can wait to next

1 week.

2 MR. LANDINO: You can answer that at the next
3 meeting.

4 MR. KLEMENS: Sure. You can take Ingham Hill
5 Road and elevate it in the skyway across the vernal
6 pool envelope. It is what it is.

7 MR. LANDINO: So is that a no?

8 MR. KLEMENS: I think it would be -- I think --

9 CHAIRMAN MCINTYRE: It can wait until next
10 week.

11 MR. KLEMENS: I think given the juxtaposition of
12 this particular road, that you could end up with just
13 elevating this road. Again, you could elevate it and
14 try to do something, but it's a pretty difficult -- I
15 mean that road whips around. It's built into a
16 curve. You have the pool sitting down on the
17 left-hand side of the road. That would be very
18 difficult. You'd probably have to elevate the whole
19 stretch of the road to get the animals. They are
20 coming -- the pool is -- the pool is down here. I
21 don't know how to do this in a public hearing
22 context.

23 The pool is -- the road is -- the pool lies
24 below the road, I guess, down slope of the road. The
25 road lies sort of at a mid slope and then there's a

1 hill on the other side. So you would have to
2 basically raise the road up considerably for the
3 animals to come down the hill. I guess you could do
4 it. I think it would be quite an engineering job
5 given the configuration of the road. Around pool 31
6 it's probably easier. The topography is more -- you
7 probably could do that around pool 31 easier than
8 this pool.

9 This pool -- you're probably familiar with it.
10 It's quite -- it's quite a challenge, the topography
11 there. I imagine you could do it if you had to do
12 it. To me, I would like to avoid that problem by not
13 having a lot of traffic there.

14 MS. GALLICCHIO: And how about Bokum Road,
15 mitigating problems there in terms of --

16 MR. KLEMENS: I don't think the animals --
17 again, we talked about the key -- the critical
18 animals. The animals are generally under the bog.
19 You have a lot of bullfrogs, a lot of green frogs.
20 You could, again, try to restructure some of the
21 roadway there. I don't know if you have the
22 requisite suite of really significant species at that
23 area. You have a few transient wood frogs; you have
24 the gray treefrog which are breeding in the exchange
25 pond. I'm not sure that would warrant the

1 investment. I think most of the animals being killed
2 there are the bullfrogs and the green frogs.

3 You don't really have a vernal pool habitat in
4 this area here. I mean it's one of those things
5 where you put your dollars to actually try to create
6 a mitigation. You also have multiple crossing points
7 by the exchange pond. I guess the only point that
8 you may try to do something was that stream crossing
9 under the road there. But I think your bang for your
10 buck here is pretty minimal.

11 MS. GALLICCHIO: How about further up Bokum
12 where that cluster is.

13 MR. KLEMENS: Further up. Oh, that. Bokum is
14 here.

15 MS. GALLICCHIO: Oh, I'm sorry.

16 MR. KLEMENS: That's the railroad. That's a
17 very -- that's your Valley Railroad area there, up
18 here on the northeast side of the map. That's a very
19 significant area. There's not much really on Bokum
20 Road. We did spend quite a bit of time, though,
21 along there, because to do the nighttime roadwork,
22 all of us were going down and around Bokum Road to
23 get to various parts of The Preserve. There's
24 actually a lot of road activity on the Essex part of
25 Ingham Hill Road, which I guess is not a matter of

1 discussion for this commission. But there wasn't
2 really a lot. There was somewhere -- in the
3 midsection there was a little pond way back in the
4 field, but nothing seemed to come out. It was a
5 pretty clean road in terms of road crossing.

6 MR. GALLICCHIO: That's it for now.

7 CHAIRMAN MCINTYRE: Okay. I have a question
8 for the Connecticut Fund for the Environment. And I
9 don't know who would want to answer this, but on
10 this -- the map that I guess it's titled Approximate
11 Location of Proposed Development within Relatively
12 Unfragmented Forest Block. My question is in this
13 area where it's marked blue, do you know how much of
14 that land is developable? You don't have to answer
15 it now.

16 MS. LONGSTRETH: Okay. Maybe I'll have to look
17 into that. I'll speak with Mr. Cummins. He
18 generated the map. My understanding is it's the
19 whole area outlined in blue is unfragmented forest.

20 CHAIRMAN MCINTYRE: At this point in time.

21 MS. LONGSTRETH: Yes.

22 CHAIRMAN MCINTYRE: My question is in the
23 future -- I know when we were doing the Conservation
24 C District, that we also had the opportunity to look
25 at everything north of 95 within Old Saybrook. And

1 there were quite a few parcels of land that are shown
2 as unfragmented at this time which are developable by
3 people within the town.

4 MS. LONGSTRETH: Let me see what I can find out
5 on that. Thank you.

6 CHAIRMAN MCINTYRE: My next question is -- so
7 we can get this -- I want to direct some of these
8 questions so we can get to the questions of density
9 solved. The Jacobson report and the town planner's
10 report and then also what the -- I guess the
11 Connecticut Fund for the Environment, the way they
12 expressed their overlays. I have a little bit of a
13 problem with all three of those reports. And I base
14 that on the -- because we're supposed to be --
15 because the way the regulation is set up at this
16 time, we need to make assumptions. Knowing from the
17 past experience of being on land use boards and
18 watching other developments being developed, I can
19 see that what Mr. Jacobson was stating and Miss
20 Nelson wrote in reference to stone walls and things
21 of that nature, not environmental issues but
22 historical issues and things like that, that many
23 times when you go into the subdivision, you know, the
24 subdivision process during that time, things such as
25 stone walls are moved and reconstructed. So to, you

1 know, I just find it -- just to alleviate stone
2 walls -- lots just because there's a stone wall on it
3 is not something that we have held tight to. It's
4 just a point I want to make.

5 Also, with the -- in respect to the road layout
6 in the conventional subdivision, that during
7 deliberations in wetlands and everything, there's
8 hundreds of roads in this town that have been
9 developed in and adjacent to the 100-yard zone, which
10 is just a review zone and development does occur
11 there.

12 And Jeff, you know, I respect everything you do.
13 And if you want to address it at the next meeting,
14 you know, what your theory or your thoughts were.
15 And that's why I'm throwing it out there. I want to
16 get your thoughts on that, because I really feel that
17 I have seen -- and I don't know if I should -- I'm
18 going to mention it. The previous -- and Mark, if I
19 shouldn't say this, stop me. Previously --

20 MR. BRANSE: Since we are not in
21 deliberations, you want to focus on questions that
22 you want people to respond to. So I think you've
23 just expressed a question to Mr. Jacobson which is
24 to -- sort of looking at past subdivisions and how
25 they have been reviewed, put that in the light of his

1 review and information.

2 CHAIRMAN MCINTYRE: And then previously if
3 you look at the overlays that the Connecticut Fund
4 for the Environment presented, I only got a quick
5 look at them, but if you could look -- Mr. Jacobson,
6 if you could look at those maps again and then look
7 at what your firm last time did when we did The
8 Preserve, that one, I think it was Section C. The
9 one down beginning -- at the end of Ingham Hill Road,
10 is that referred to as Section C?

11 MS. GALLICCHIO: It changed to one.

12 CHAIRMAN MCINTYRE: One. Was it one?

13 MR. ROYSTON: Maybe as a general response to the
14 question is that -- one of the questions that we
15 posed in our response was whether it would be deemed
16 necessary for us to show a revised plan for some of
17 these things. And we had indicated that we were
18 holding off submitting the revised plan until we got
19 to the point in the process where we had received
20 sufficient comments so that we weren't giving you
21 multiple revisions. We think we have reached that
22 point. And it is our intention to provide the
23 revised conceptual standard plan which addresses some
24 of the comments and also to provide you with
25 revisions to the preliminary open space plan. We

1 would hope to have those to you within the standard
2 plan this week and we would file it in the office.
3 It would be part of the record and available for
4 inspection by your consultants and the commission.
5 And we would request that they await those plans
6 before making any final recommendations.

7 CHAIRMAN MCINTYRE: Thank you.

8 MR. BRANSE: Well, the consultants obviously
9 want to do a response early enough before the 8th
10 that you can address it. Therefore, I would state to
11 you if you can at least get reduced versions of those
12 to all the town's consultants. Otherwise, if there's
13 only one copy on file at the town hall, I don't think
14 it's going to be possible for all of us to see and
15 review it and get back.

16 MR. LANDINO: We can get multiple full-size
17 copies.

18 MR. BRANSE: Okay, fine. No problem. Thank
19 you. And they don't have to be color.

20 MR. LANDINO: We understand.

21 CHAIRMAN MCINTYRE: Now, to continue my
22 question and thought pattern here. Being that phase
23 one -- and this is just in reference to showing
24 how -- I believe on the maps that were shown by the
25 Connecticut Fund for the Environment, it was like in

1 that section it looked like there was one blue house.
2 And I remember in phase one, if I remember, that that
3 portion did -- that portion did get approved and
4 there was 11 houses up there with septic -- with
5 engineered septic systems.

6 So I mean it's just so -- you know, we are all
7 having a hard time on this board wrestling with the
8 word what -- because this is a new process. What we
9 are being asked. Our regulations are asking us to
10 make assumptions based on specific facts. And I
11 think, you know, soils -- what Jeff has said is one
12 important fact, but I think that what we have done in
13 the past as board members and what we have done --
14 you know, what has been done in that area is
15 important, too. To be able to -- because I want to
16 be able to show -- it's very hard to show the yield
17 the way our regulation has presented it, because I
18 think a lot of people are looking for concrete
19 information. However, our regulation does not allow
20 for that because of the way it's structured.

21 MR. LANDINO: Mr. Chairman, I agree. And in
22 most circumstances your -- the intent, I believe, of
23 your regulation was not to actually test every lot,
24 because it would defeat the purpose of what an open
25 space plan is trying to accomplish.

1 CHAIRMAN MCINTYRE: Correct.

2 MR. LANDINO: In this case we are lucky or
3 unlucky enough to have a huge amount of site-specific
4 data. Much of it was not submitted as part of the
5 original analysis. Some of it was. But in that
6 response that you got this evening, you got a fair
7 amount of additional information specifically in the
8 areas of the lots that were in question from
9 Mr. Jacobson's original review letter. So I think
10 that some of this will begin to flush itself out
11 after Mr. Jacobson reviews our response, and I think
12 that we'll arrive at, hopefully, a closer agreement
13 on lot yield.

14 CHAIRMAN MCINTYRE: Okay. I have only one
15 more question, and it has to do with Bill Peace's
16 comments about the bridges. If, you know, one of the
17 like -- obviously, you're going to respond to that
18 and I am looking at that heavily. Also, when you do
19 respond to that, what I would be looking for would be
20 what alternatives to the bridge that you may be able
21 to come up with, with -- you know, with least
22 intrusiveness into the wetlands. And, you know,
23 basically use the same formula you have been using
24 all the time. I mean you have shown good restraint
25 in protecting the environment on everything you seem

1 to have done so far. So if you could, you know,
2 address that. The fact that it's \$108 million for
3 replacement of a bridge.

4 And this board has four bridges, three bridges,
5 I guess. He was assuming that this board has the
6 responsibility not only for right now but for the
7 future. And that's going to weigh heavily, knowing
8 that a financial burden such as that could -- if --
9 as this roadway system is presented right now is
10 approved, that we could end up with \$108 million down
11 the road of problems for my kids' kids.

12 MR. LANDINO: Okay. We need to give you a
13 fairly detailed response, which we obviously will.

14 CHAIRMAN MCINTYRE: I'm definitely not
15 expecting --

16 MR. LANDINO: Just some food for thought. The
17 bridges are a lot less than \$2 million. And
18 notwithstanding the report that I guess was submitted
19 to you that we haven't seen showing that the
20 development will cost the town money. Simply by
21 virtue of the home prices and the golf course being
22 what they are, there's a built-in net benefit to the
23 town. And that analysis assumed that the money was
24 pulled aside for the maintenance and upgrade of roads
25 and bridges.

1 Now, we'll revisit that, because we did that
2 analysis without the full plan being completed. It's
3 a year-and-a-half old at this point. So we'll
4 revisit that analysis. If we have to make it more
5 conservative, we will. But we'll present that to you
6 at the next meeting.

7 CHAIRMAN MCINTYRE: Okay. One other thing.
8 Sorry. I lied. The -- I forget the name of that.
9 The parcel that's up on the corner there.

10 MS. GALLICCHIO: The Pianta.

11 CHAIRMAN MCINTYRE: Pianta, yeah. I've read
12 a little bit, but I keep seeing in all the reports
13 that people want to know what that lot would yield as
14 far as traffic. Have we -- have you addressed that?

15 MR. LANDINO: The traffic report includes the
16 development of the Pianta property under current
17 zoning. So if someone came back in the future and
18 permitted lots there -- I think it was 20 -- 35 lots
19 were assumed to be available to be permitted on the
20 Pianta parcel. The traffic for those lots were
21 included in the study.

22 CHAIRMAN MCINTYRE: Okay. Thank you. I am
23 going to stop there. Sal.

24 MR. ARESCO: Dr. Klemens, on the -- during the
25 excavation phase of the golf course and so forth, is

1 there any way to estimate what the losses would be to
2 reptiles buried and so forth and so on when all that
3 takes place? How severe would the mortality be when
4 that occurs?

5 MR. KLEMENS: This is Michael Klemens for the
6 record.

7 I think that is a question that is far in the
8 future. I think there are ways, and they are in the
9 *Best Development Practice* manual, to limit and
10 greatly reduce mortality of wildlife from
11 construction activities. They are in the manual
12 under construction site clearing and activities. If
13 you can limit mortality by using silt fences, by
14 staging construction in nonactive times of the year.
15 There are many ways to limit the mortality from
16 construction. And I think that's the kind of thing
17 that whatever gets built there, whenever it does get
18 built, that's the kind of conditions and detail that
19 will be needed fully engineered before we -- but
20 there are ways to do it. And it's being done using
21 these various techniques to actually do that. One
22 should be able to construct it minimizing mortality.

23 MR. ARESCO: I'm wondering, you know, animals
24 brought down deep and in come the bulldozers. I know
25 through experience, for example, in Florida projects

1 they do there people come in --

2 MR. KLEMENS: The hour is late. But there are
3 many different ways to handle this. One of the ways
4 you can handle it is you can presanitize the site,
5 which was done on Long Island on development with
6 tiger salamanders. You actually can cordon off the
7 site, collect what's in that -- move the construction
8 in phases, collect the animals in a series of drift
9 fences that are within that and move them out. There
10 are ways to do it by doing it when the ground is
11 really frozen. You can do it -- there are different
12 ways to use that knowledge of the animals to --
13 you'll certainly have some mortality, but you can
14 minimize mortality through many different ways.

15 MR. ARESCO: So will there be in the plan --
16 will the engineer have in the plan then what the, you
17 know, what the process will be, what in fact will be
18 done in order to minimize mortality during
19 construction; is that included? You don't have to
20 answer it now, but will that be included that we can
21 look at?

22 MR. LANDINO: When we submit detailed plans for
23 the construction sequencing and all the things
24 surrounding that will be detailed and notes will be
25 included to supplement it.

1 CHAIRMAN MCINTYRE: He's saying not during
2 this phase.

3 MR. ARESKO: I hear you. Thank you,
4 Mr. Landino.

5 MR. LANDINO: You're welcome.

6 MR. HANES: Just a couple of quickies.

7 Do you have more, Sal?

8 MR. ARESKO: Well, you know, I had heard a lot
9 of talk about the wells and all that. Maybe I missed
10 something. I had heard that you were going to be
11 using a process of recirculating or recycling water
12 from wastewater and so forth. Is that still on the
13 table or -- for irrigation purposes or is it strictly
14 wells? For irrigation of the golf course.

15 MR. GODERRE: There have been general
16 discussions with staff. Nothing is proposed at this
17 time as far as it being something that we are going
18 to propose. That the DEP is in the process of
19 developing guidelines with Jeff's office, actually.
20 And it seems to be favorable to some staff members,
21 but there hasn't been a final decision that we have
22 made.

23 MR. ARESKO: I had some comments on that, but I
24 guess I can hold it concerning the wells and so
25 forth.

1 MR. LANDINO: We have a hydrogeologist here to
2 answer questions, Sam Haydock, if you have questions.

3 CHAIRMAN MCINTYRE: You can ask them tonight,
4 but you don't have to have them answered.

5 MR. ARESCO: That's a general comment on the
6 record. There are aquifers there which you would be
7 drilling into; is that --

8 MR. HAYDOCK: Sam Haydock from BL Companies for
9 the record.

10 There is a write-up in the information that was
11 provided tonight that describes the irrigation
12 demands and the process of testing that we have gone
13 through. Just so you're aware of it that's in there
14 for your reading. And certainly after you have read
15 that I can answer more questions. But we have gone
16 through a process of identifying three wells in
17 particular that we would propose to use for
18 irrigation there. Bedrock wells that would draw
19 groundwater from the bedrock aquifer.

20 MR. ARESCO: So it isn't into an aquifer per se
21 that you're taking water?

22 MR. HAYDOCK: Well, there are different types of
23 aquifers. This site does not have what we call
24 stratified drift aquifers, which are sand and gravel
25 aquifers, but it does have the ability to withdraw

1 groundwater from the bedrock. So yes, that would be
2 considered an aquifer.

3 MR. ARESCO: Just something I just read
4 recently. And I just -- I'm going to read it into
5 the record, because it hit me significantly. And it
6 just appeared in the *Middletown Press* on Monday,
7 November 15. And it was drinking Coke's water makes
8 others thirsty. And it's interesting here that they
9 talk about Coca-Cola as aggressively expanding their
10 bottled water industry. And what they talk about
11 here is that this is occurring in India right now
12 where they are extracting water for sale and making
13 water obviously a commodity. And what it says here
14 is that the United Nations estimates that practices
15 like this -- as a matter of fact, they've drained off
16 water that's affected 75,000 villagers there, has
17 dried up 260 public wells because of the water they
18 are extracting for bottling purposes.

19 And this I found interesting. The United
20 Nations estimates that two-thirds of the world's
21 population will not have access to enough water by
22 the year 2025. And then it goes on to say that
23 *Fortune Magazine* had written an article saying that
24 water promises to be to the 21st century what oil
25 is to the 20th century. And a former vice president

1 of World Bank says -- or he claims that the wars in
2 the 21st century will be fought over water.

3 It seems to me it's such a scarce commodity or
4 it is a precious resource, an essential resource
5 and -- I mean I don't know what the gallonage is
6 that's going to be used on the golf course, but when
7 you think about the --

8 MR. BRANSE: Well, excuse me, Mr. Aresco.
9 This is a question, right?

10 MR. ARESCO: Yeah.

11 MR. BRANSE: Because we are not in
12 deliberations yet.

13 MR. ARESCO: Okay.

14 MR. BRANSE: So I take it your question is
15 you'll want to review the water consumption and
16 you'll want them to address -- you'll want them to
17 address the water demand.

18 MR. ARESCO: You know, we're taking out a lot of
19 water here and it's a precious asset. And it's
20 affecting -- it's affecting other people in other
21 parts of houses. How does it fit in with -- you
22 don't have to answer.

23 MR. BRANSE: That's probably a good one to save
24 until next time.

25 MR. HAYDOCK: If I can make a couple of points,

1 because I think it's relevant and it's important.
2 Because there were numbers thrown out tonight which,
3 no pun intended, were all wet.

4 First of all, we live in a very wet climate. So
5 we have a lot of precipitation, typically 45 inches
6 per year. And we have a lot of that water going into
7 the aquifer as recharge. The irrigation will be used
8 from April through October, approximately 210 days
9 per year. It is not a year-round, continuous
10 withdrawal. The average withdrawals over that time
11 period on a daily basis would be expected to be in
12 the range of 50 to 70,000 gallons per day. However,
13 in August and July, when we have the drier times of
14 the year and the hottest temperatures, those rates
15 would be expected to be higher and could be as high
16 as 250,000 gallons per day. The testing that we have
17 done proposes to withdraw somewhere in the
18 neighborhood of 225,000 gallons per day maximum
19 amounts from the aquifer. Peak demands will be
20 met -- could be met from a combination of pumping and
21 storage.

22 Just to put some perspective on those numbers,
23 if you look at the 1,000 acres or so in the area and
24 you look at the recharge that we get from
25 precipitation and you assume that 25 to 50 percent of

1 that precipitation will actually infiltrate into the
2 aquifer as recharge, you have on the order of 300 to
3 600 million gallons per year recharging that bedrock
4 aquifer. We are proposing to use somewhere between 5
5 to 10 percent of that for the irrigation demand. So
6 with that perspective it is a small amount.

7 Second and more importantly is that in order to
8 use these wells for irrigation, we need to go through
9 a process of obtaining a diversion permit from the
10 Connecticut DEP. That process - and I can go into
11 the specific details of that at a later time - is a
12 rigorous environmental impact analysis that requires
13 us to evaluate the impact of the withdrawal on
14 wetland stream, surface water flows, surrounding
15 wells, existing groundwater uses, what have you. If
16 that permit is issued, it sets a maximum amount that
17 the withdrawal can be at. And there are strict
18 monitoring and reporting requirements that must take
19 place to abide by that permit. And that permit must
20 be renewed on a five- or ten-year basis.

21 So first of all, the numbers that you heard
22 tonight I think were grossly out of line with the
23 water that would be required. And secondly, that
24 there will be a permit process in place that will
25 ensure that if we use groundwater for irrigation,

1 that it will not adversely impact the surrounding
2 area.

3 MR. ARESCO: Thank you.

4 CHAIRMAN MCINTYRE: Stuart.

5 MR. HANES: Just one quick question. In regards
6 to the golf course, are there any courses in the area
7 here where homes are on wells and there are adjoining
8 golf courses that are putting on fertilizers and
9 whatnot into the ground that has impacted or do they
10 have any way of measuring an existing golf course
11 with wells on the residences?

12 MR. LANDINO: I think Fox Hopyard, but we
13 weren't involved in that project. But I'm pretty
14 certain that there are homes on the golf course that
15 are serviced by wells. And I would imagine that
16 there's monitoring going on.

17 MR. HANES: But there's just a few homes at this
18 point that have been built; is that correct?

19 MR. LANDINO: Correct, yes.

20 MR. HANES: So there really has not been enough
21 time to measure any impact.

22 MR. LANDINO: I can't answer that question, but
23 I can certainly look into that. Does anyone on the
24 team have anything --

25 MR. HAYDOCK: I would say to you that there are

1 extensive studies out there that are taking place.
2 I'm not sure that there are any specifically right
3 here in this area. I know there's some in New York
4 and other areas within New England. And I would
5 think that that would probably be something that we
6 would be better prepared to answer next time unless
7 Stuart wants to.

8 MR. COHEN: Yes. We've published a study and
9 it's in peer review literature and I can address this
10 in two weeks. But we looked at 16,000 data points
11 from golf courses around the country, and that
12 includes monitoring wells right along the course.
13 And we could address this in two weeks if you would
14 like.

15 MR. HANES: And the only other thing I have was
16 in regard to school-age population. I know you were
17 saying there aren't going to be any or very few, if
18 any. I'm concerned about the school bus
19 transportation. If you don't open up Ingham Hill
20 Road, I see an extensive trip.

21 MR. LANDINO: It's a good question. Just to be
22 clear our study that we presented to you over a year
23 ago at the first set of hearings used the .4 factor
24 as the factor of the number of school-age children
25 per household in the town of Old Saybrook today that

1 your board of education uses for projection and
2 estimates. So the comments made earlier about not
3 being --

4 MR. BRANSE: That's not his question.

5 MR. LANDINO: That was just background
6 information leading up to his question.

7 So when we did our analysis which estimated the
8 number of school-age children, we -- even though the
9 development is designed in such a way to minimize
10 school-age children, we used the factors that the
11 town uses in any neighborhood to estimate that number
12 of children. So we have a very conservative estimate
13 of school-age children. If Ingham Hill Road is not
14 opened up to two-way traffic, it's a very good point.
15 School buses would need to travel down Bokum Road and
16 up the new preserve roadway to pick up and drop off
17 children. It's proposed as an emergency access only.

18 MR. TIETJEN: The Saybrook estimate is based on
19 .7, not .4.

20 MR. LANDINO: Point 4 is what we used. We
21 presented the report to the board of education.

22 MR. TIETJEN: Well, right now.

23 CHAIRMAN MCINTYRE: Can I interrupt for a
24 minute so we can get Stuart -- Stuart, just to help
25 you out here, the last time we did -- if I'm wrong on

1 this, somebody speak up. The last time The Preserve
2 was presented on the Ingham Hill Road entrance, there
3 was a stipulation that was made because of the same
4 question you asked this time, that not only emergency
5 vehicles, police, but the buses would also -- we
6 made, we made the stipulation that we would have bus
7 traffic go through.

8 MR. LANDINO: That's completely within your
9 prerogative to do so.

10 CHAIRMAN MCINTYRE: And we can make that.

11 MR. LANDINO: And if the factors have changed,
12 and I'll double check that for the next meeting, but
13 we can certainly update the report.

14 CHAIRMAN MCINTYRE: Okay. Is that it,
15 Stuart?

16 MR. HANES: Yes.

17 CHAIRMAN MCINTYRE: Okay. At this time I
18 would like to -- before we close the public hearing,
19 we have to do the site walk, discuss the site walk
20 real quick. Obviously, we were told that we had an
21 invite from one of the speakers which would not
22 legally meet our demands.

23 Attorney Branse, the site walk. As far as time
24 frame, Christine's not in town and she'll be away for
25 a few days. So I don't know when we are going to get

1 to publish anything about a site walk or do a site
2 walk. What is our constraints on that site walk as
3 far as time?

4 My feeling is -- does it have to be during this
5 public hearing or can it be during deliberation?

6 MR. BRANSE: I would say it should not be
7 during deliberations. It could have been before the
8 hearing opened, but it wasn't. Now that the hearing
9 is open I think you can make it part of the public
10 hearing. You can make the site walk part of the
11 public hearing. That's done very commonly. But the
12 way you would have to do that is to basically
13 continue the public hearing until the site walk and
14 thereafter to December 8th at 7:00 p.m. in this room.
15 You'd have to sort of announce both of those
16 continuations now and obviously be sure that the
17 commissioners were available. We would only have to
18 post that in the clerk's office 24 hours in advance.

19 CHAIRMAN MCINTYRE: Just twenty-four hours.

20 MR. BRANSE: Yes. Because we have already
21 advertised the public hearing and we are in public
22 hearing. And it's really just -- like I say, the
23 thing is -- I mean there's certain ground rules
24 there. It is not open season for the public. It
25 does not mean the property is open to the public.

1 The public goes only where the commission goes. And
2 no testimony other than orientation. I mean, you
3 know, this is the -- we are now walking down the
4 centerline of the future road number one or whatever.
5 No questions, no answers, no comments. That's often
6 difficult to monitor when you have large numbers of
7 people, but -- because we can't tape outside. It
8 just won't work.

9 CHAIRMAN MCINTYRE: Okay. So we have until
10 the 15th, but we probably want to do it before then.
11 Would either Monday, the 6th, or the 7th of December
12 be a good time for -- it's getting -- that's right,
13 it gets late.

14 MR. BRANSE: It gets dark so early now.

15 CHAIRMAN MCINTYRE: It gets dark early now. How
16 does the board feel about a Saturday or a Sunday
17 morning? Speak up here a little bit.

18 MR. ARESCO: Sunday mornings aren't good.

19 MS. GALLICCHIO: Saturday mornings.

20 CHAIRMAN MCINTYRE: Saturday mornings?

21 MS. GALLICCHIO: Are we going to do this in one
22 fell swoop? Or someone had mentioned - I think Mr.
23 Landino or someone - that with the scope of the
24 property, that two visits might be more appropriate.

25 MR. LANDINO: It's completely up to --

1 CHAIRMAN MCINTYRE: You can never cover the
2 whole thing in one day.

3 MR. LANDINO: You may just want to look at the
4 areas of development. It's totally at your
5 discretion.

6 CHAIRMAN MCINTYRE: And let me just say this
7 from experience. And don't anybody laugh, please.
8 When you go on the site walk, you get into those
9 woods, make sure that you don't go with a limited
10 time frame and then turn around and say, well, I can
11 find my way out of here and about two hours later you
12 finally make your way out of there. So --

13 MS. GALLICCHIO: Stay with the group.

14 CHAIRMAN MCINTYRE: -- stay with the group. If
15 you can't commit to the full time, you'll get lost.

16 MR. LANDINO: My only request is -- to answer
17 Mr. Branse's comment. If you would like to see any
18 areas staked out or located, we would just need some
19 time to do that. And so if you want areas -- if you
20 want to know where a road is or where one of the
21 villages are or both, please let us know and give us
22 a little time to get it done.

23 CHAIRMAN MCINTYRE: We just want to stay away
24 from the snake pits. That's all that we want to do.

25 MS. GALLICCHIO: And the bears.

1 MR. KLEMENS: There are no snake pits. They are
2 all hibernating.

3 CHAIRMAN MCINTYRE: So we can get this
4 wrapped up tonight and we don't go into tomorrow
5 night, is everybody available for Saturday, the 4th?

6 MS. GALLICCHIO: December 4th.

7 CHAIRMAN MCINTYRE: Yes, December 4th.

8 MR. ARESCO: Saturday?

9 CHAIRMAN MCINTYRE: Yes, Saturday, December 4th.

10 MR. HANES: Yes.

11 CHAIRMAN MCINTYRE: What would be a
12 reasonable time, nine, ten o'clock?

13 MS. GALLICCHIO: How long are we anticipating?
14 How many hours?

15 CHAIRMAN MCINTYRE: We are going to do this
16 twice, right?

17 MS. GALLICCHIO: I don't know.

18 CHAIRMAN MCINTYRE: Is there anybody on the
19 board who has any specific areas they would want
20 staked out or would they want to more to go to the
21 primary site?

22 MR. HANES: The village.

23 MS. GALLICCHIO: The village areas.

24 CHAIRMAN MCINTYRE: The village areas.

25 Mr. Landino --

1 MR. LANDINO: Yes.

2 CHAIRMAN MCINTYRE: -- I think we were focusing
3 on the village areas.

4 MR. LANDINO: Okay. So the two villages, give
5 you a rough idea of the outer limits of the villages.

6 CHAIRMAN MCINTYRE: Right. Which would be
7 the best way to go in, the Westbrook side or the
8 Ingham Hill Road side for that?

9 MR. GODERRE: The central village area Ingham
10 Hill Road would be the best location.

11 CHAIRMAN MCINTYRE: Okay. Now, we should
12 have sufficient parking up there for a number of
13 vehicles.

14 MR. GODERRE: You can probably get four vehicles
15 up there.

16 MS. GALLICCHIO: That's not going to go far.

17 MR. GODERRE: We can meet off site and have a
18 shuttle.

19 CHAIRMAN MCINTYRE: Attorney Branse, what's
20 the legal ramifications of not enough parking?

21 MR. BRANSE: Well, we just have to pick a
22 spot where -- to which the public hearing is
23 adjourned. And I guess if people park all the way
24 down the road and have to walk a long way. I mean
25 they're going to have to walk through The Preserve

1 anyway.

2 CHAIRMAN MCINTYRE: Well, let me ask you
3 this. I know the Westbrook side has sufficient
4 parking for numerous vehicles.

5 MR. LANDINO: It's a long walk.

6 CHAIRMAN MCINTYRE: I know. I've done it.
7 But what we're going to end up doing is -- what would
8 you say, it would be an hour about, 45 minutes in?

9 MR. LANDINO: I would think you could plan three
10 to four hours if you come in from the Westbrook side.

11 CHAIRMAN MCINTYRE: Would we get more
12 orientation by doing that?

13 MR. LANDINO: You'll see more of the site,
14 absolutely.

15 CHAIRMAN MCINTYRE: Right. And that's a
16 very -- it's a wetter side, also.

17 MR. LANDINO: Dennis and I are not available
18 that day, but we'll figure something out. So it may
19 be a representative that you haven't met before, but
20 we'll organize something.

21 CHAIRMAN MCINTYRE: We're a friendly group.
22 We'll be okay.

23 MS. GALLICCHIO: You're thinking Westbrook side,
24 even though it's going take an extra 45 minutes?

25 MR. LANDINO: No, no. I would think you're at

1 least about an hour in and an hour out. I would say
2 if you plan for four hours, you're probably about
3 right.

4 CHAIRMAN MCINTYRE: So the best way is Ingham
5 Hill and then we'll just have to deal with the
6 traffic.

7 MS. GALLICCHIO: People could park on Deer Run.

8 CHAIRMAN MCINTYRE: Well, yeah. I mean
9 obviously if there's a -- that's a very -- you know,
10 once we get up inside there -- actually, if I
11 remember right once we get up that high, there's only
12 one or two houses at that end of the road, so -- if
13 cars are all lined up for -- 15, 20 cars lined up on
14 the road, it's still enough room for one car to get
15 by.

16 MR. LANDINO: Probably.

17 CHAIRMAN MCINTYRE: So I don't think that would
18 be a major issue. Okay. So let's go in the Ingham
19 Hill Road side at -- does this need a motion?

20 MR. BRANSE: You haven't picked a time.

21 CHAIRMAN MCINTYRE: What?

22 MS. GALLICCHIO: Time.

23 CHAIRMAN MCINTYRE: Okay. Say ten o'clock.
24 And could you -- just so we know where the actual
25 entrance is, you know, just a rally point. Just put

1 something up for us, a little sign. You know, even
2 if it just says rally point.

3 MR. LANDINO: Sure. December 4th, ten a.m.

4 MR. BRANSE: So the motion would be, whoever
5 makes it, to continue this public hearing until
6 December 4th at ten a.m. at Ingham Hill Road for a
7 site walk, no testimony, and thence to December 8th
8 at seven in this room.

9 CHAIRMAN MCINTYRE: Yes. I assume it's this
10 room, because we have a conflicting document here.
11 Our --

12 MR. BRANSE: We'll just have to announce both
13 continuations tonight so that --

14 MR. LANDINO: Are we not meeting the 1st of
15 December? I thought that was --

16 MR. BRANSE: No. The 8th.

17 CHAIRMAN MCINTYRE: The 8th.

18 MR. LANDINO: So we're not meeting -- we have
19 one more meeting on the 8th and that's it. Okay.

20 CHAIRMAN MCINTYRE: That's why it was -- you
21 know, being it is late, that's one of the reasons I
22 felt it was important to get some of these questions
23 out so we can get some answers.

24 Judy, can you make a motion.

25 MS. GALLICCHIO: Sure. I move we continue

1 public hearing on The Preserve -- hang on. I need
2 my -- on The Preserve Special Exception for Open
3 Space Subdivision, 934 acres total and open space
4 542.2 acres. Ingham Hill and Bokum Roads, Map 55,
5 56, and 61; Lots 6, 3, 15, 17, 18. Residence
6 Conservation C District, Aquifer Protection Area.
7 Applicant: River Sound Development, LLC. Agent:
8 Robert A. Landino, P.E. Until December 4th,
9 Saturday, ten a.m., for site walk. Thence,
10 December --

11 MR. BRANSE: At ten a.m. at the northerly
12 terminus of Ingham Hill Road.

13 MS. GALLICCHIO: At the northerly --

14 CHAIRMAN MCINTYRE: Terminus.

15 MS. GALLICCHIO: -- terminus of Ingham Hill
16 Road. Site walk. Thence December 8th at seven p.m.,
17 middle school auditorium, 60 Sheffield Street.

18 MR. TIETJEN: How about the pavilion, still too
19 small?

20 CHAIRMAN MCINTYRE: (Nods head)

21 MR. BRANSE: You never know.

22 CHAIRMAN MCINTYRE: Can I get a second on that
23 motion.

24 MR. HANES: I'll second that motion.

25 CHAIRMAN MCINTYRE: Okay. Motion was made by

1 Judy to continue the public hearing to December 4th
2 for a site walk at ten a.m. at the --

3 MS. GALLICCHIO: At the northerly terminus of
4 Ingham Hill Road

5 CHAIRMAN MCINTYRE: At the northerly terminus
6 of Ingham Hill Road and then continue again until
7 December 8th at the middle school at seven p.m. And
8 it was made by Gallicchio and seconded by Stuart.
9 Any discussion?

10 (No response)

11 CHAIRMAN MCINTYRE: Hearing none all in favor.

12 (Affirmative response given by all.)

13 CHAIRMAN MCINTYRE: Okay. Motion to adjourn.

14 MS. GALLICCHIO: So moved.

15 CHAIRMAN MCINTYRE: Okay. We are adjourned.

16 Thank you very much, ladies and gentlemen. Sorry for
17 the late night.

18 (Whereupon, the meeting was adjourned at
19 1:17 a.m.)

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C E R T I F I C A T I O N

I, Debrah Veroni, Registered Professional Reporter, do hereby certify that the within and foregoing 236 pages are a true and accurate transcription of my steno notes taken at the Public Hearing held by the Old Saybrook Planning Commission on the 17th day of November, 2004, at the Old Saybrook Middle School, 60 Sheffield Street, Old Saybrook, Connecticut, in the matter filed In Re: The Preserve Special Exception for Open Space Subdivision.

Certified this 10th day of December, 2004.


Debrah Veroni, RPR, LSR