



TOWN OF OLD SAYBROOK  
Planning Commission

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

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

**MINUTES**  
**Wednesday, January 19, 2005 at 7:30 p.m.**  
Pasbeshauke Pavilion at Saybrook Point Park  
155 College Street Extension

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

**I. CALL TO ORDER**

Chairman McIntyre called the regular meeting to order at 7:33 p.m.

**II. ROLL CALL**

**Present**

Robert McIntyre, Chairman  
Kathleen Smith, Vice Chairman  
H. Stuart Hanes, Secretary  
Judith Gallicchio, Member  
Richard Tietjen, Member  
Salvatore Aresco, Alternate Member  
James Conroy, Alternate Member

**Absent**

Janis Esty, Alternate Member

**Also Present**

Christine Nelson, Old Saybrook Town Planner  
Joe Metzendorf, Chairman, Village Gateway Committee  
Kim McKeown, Recording Clerk

**III. REGULAR BUSINESS**

**A. Meeting Minutes**

**1. Amendments to Minutes of December 8, 2004:**

Item IV. A. (Page 3): According to research, the traffic on the bridges would create reasonable expenses [~~DELETE: commiserate~~; **ADD: commensurate**] with expectations.

Item IV. A. (Page 6): Michael Kline, biologist, presented information on wildlife protection, including the active management of wildlife preservation, use of the golf course for wildlife habitat, and the [~~DELETE: breeding~~; **ADD: breeding**] bird survey.

Item IV. A. (Page 8): MOTION to hold a second site walk on Saturday, December 11, 2004 at 1:30 p.m. meeting at the [~~DELETE: determinist~~; **ADD: terminus**] of Ingham Hill Road.

**MOTION** to approve the meeting minutes of December 8, 2004 as amended; **MOVED** by J. Gallicchio; **SECONDED** by H. S. Hanes; **APPROVED** by R. McIntyre, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by K. Smith; **OPPOSED** by none.

**2. Amendments to Minutes of December 15, 2004:**

Item IV. A. (Page 5): Robert McIntyre suggested that the [DELETE: working; ADD: **wording**] on the easement agreement is incorrect and needs to be corrected on document.

**MOTION** to approve the meeting minutes of December 15, 2004 as amended; **MOVED** by J. Gallicchio; **SECONDED** by H. S. Hanes; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**3. Amendments to Minutes of January 12, 2005:**

Item III. A. (Page 1 in the Motion): APPROVED by R. McIntyre, H.S. Hanes, J. Gallicchio, R. Tietjen, J. Esty [DELETE: S. Aresco, J. Conroy]

Item IV. A. (Page 4): The CFE will [DELETE: demonstrated and; ADD: **demonstrate an**] alternative open space plan in it's presentation.

Item IV. A. (Page 5): Carol [DELETE: Basham; ADD: **Bastian**]

Item IV. A. (Page 7): [DELETE: The estate lots require a conservation easement] How do we keep the estate lots from resubdividing into smaller lots?

Item IV. A. (Page 7): [ADD: **How does the applicant reconcile the use of 4 acre estate lots in the open space subdivision in Conservation C District, rather than clustering?**]

Item IV. A. (Page 7): [DELETE: The; ADD: **Some**] estate **lots have been reduced in size in the revision and [DELETE: do not need; ADD: have]** conservation easements.

Item IV. A. (Page 8 – 12): [DELETE: PDR; ADD: **PRD**].

Item IV. A. (Page 8): For clarification purposes, what is the total number of [ADD: **road**] miles in the open space plan? [DELETE: In the open space plan compared to the conventional plan, should the road lengths be included in the PDR?] [ADD: **It seamed in the open space plan compared to the conventional plan, there are shorter road lengths.**] Also, [DELETE: the PDR shows minimum 1/2 acre lots, does this change the undisturbed area?; ADD: **Will 1/2 acre lots in the open space plan without a golf course, with a PRD included, will reduce road lengths, increase open space and reduce disturbances.**] Blasting today is controlled, but does it guarantee that it won't cause cracks and [DELETE:

fishers; ADD: **fissures**]? Mr. Aresco detailed a personal story of well contamination [ADD: **that occurred in spite of controlled blasting**].

Item IV. A. (Page 9, in Mr. Royston’s statement): [ADD: **Yes, ½ acre lots in the open space plan without a golf course, with a PRD included, will reduce road lengths, increase open space and reduce disturbances.**]

Item IV. A. (Page 10, change spelling throughout paragraph): Attorney General [DELETE: Bloomenthal; ADD: **Blumenthal**] .

Item IV. A. (Page 10, change spelling throughout paragraph): Dwight [DELETE: Marian; ADD: **Merriam**].

Item IV. A. (Page 11 in the Motions): APPROVED by R. McIntyre, H.S. Hanes, J. Gallicchio, R. Tietjen, J. Esty [DELETE: S. Aresco, J. Conroy]

Item IV. A. (Page 12 in the Motion): APPROVED by R. McIntyre, H.S. Hanes, J. Gallicchio, R. Tietjen, J. Esty [DELETE: S. Aresco, J. Conroy]

**MOTION** to approve the meeting minutes of January 12, 2005; **MOVED** by J. Gallicchio; **SECONDED** by H.S. Hanes; **APPROVED** by R. McIntyre, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by K. Smith; **OPPOSED** by none.

- 4. **Minutes of the December 11, 2004 meeting will be tabled until all three participating members are present so a quorum can be met.**

**MOTION** to amend the agenda by moving items B, C, and D under III. Regular Business to follow VI. Old Business item D; **MOVED** by J. Gallicchio; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**IV. PUBLIC HEARINGS**

**V. NEW BUSINESS**

**A. Sale of a portion of “Center Road West” as a Municipal Improvement**

*Gateway Business B-4 District*

Petitioner: Max’ Place, LLC.

Representative: David Royston, Esq.

Christine Nelson, Town Planner, informed the Planning Commission that included in their packets are an introduction letter, a referral from the Board of Selectmen, and a report from the Town’s traffic consultant regarding the Max’s Place site.

David Royston, representing the applicant, stated that the applicant owns or has contract to purchase land at the Boston Post Road and Spencer Plain Road except for Center Road

West. Drawings were presented to identify the lots within the site under discussion. The applicant has made a specific offer to purchase Center Road West to the Board of Selectmen. The applicant proposes that the Board of Selectmen authorize the sale at fair market value of Center Road West. If the sale of the road is authorized, the applicant will present to the Planning Commission requesting approvals for a resubdivision and special exception. At the previous presentation to the Commission, the applicant had planned to develop 145000 sq. ft., including a Big Y and retail space. The total area to be developed has been reduced to 135000 sq.ft.

Dave Ziacs, engineer, FA Housegood & Associates, representing the applicant, reviewed the proposed development plan, which includes a Big Y with small retail space, which could be divided up depending on market demand. The entrance from Center Road West will involve a reconstructed cul-de-sac. A second entrance is planned for off of Boston Post Road. This entrance/exit will not allow left hand turns and not include a traffic light. A third entrance/exit is planned for off Spencer Plain Road. The Town's life safety groups support the latest plan. The applicant will be requesting to defer some parking spaces to provide for more green space. Under current Zoning Regulations, the applicant feels the center will be over parked. Pedestrian access ways have been designed, including a sidewalk to connect Boston Post Road and Spencer Plain Road and across the fronts of the buildings. There could potentially be outdoor seating at the Big Y café. In order to soften the look along Route 1, the applicant has planned to include a continuous stonewall with trees; and along Route 166, the applicant has planned stone wall features at the main entrance with decorative fencing with shrubs and trees. The applicant will work with the Town on its preferences. Mr. Ziacs presented scaled drawings of the proposed development from Boston Post Road and Spencer Plain Road, including the sidewalks, trees, and parking lots. The major changes to the plan include the reduction in the overall size of the development to 135000 sq.ft., the removal of the traffic light at the Boston Post Road entrance, a greater curve in the road near the Big Y. The Board of Selectmen has requested that the applicant look at a traffic light at Center Road West.

David Royston, representing the applicant, stated that the Board of Selectmen has charged the applicant to look at the impact of emergency vehicles to access Spencer Plain Road from Center Road West to avoid the Boston Post Road intersection. Mr. Royston submitted to the Commission letters from Jeff True, Chief of the Old Saybrook Fire Company No. 1, and Charles Norz, President of the Old Saybrook Ambulance Association, which state no objection to the development. The only concern raised by the Fire Department was the size of the cul-de-sac to accommodate trucks. The redesigned cul-de-sac will accommodate the fire trucks.

Chairman McIntyre requested that the applicant's representatives to focus on the details that involve Center Road West.

David Royston, stated that the development is consistent with the Plan of Development regarding image, size, scale and appearance. Mr. Royston presented a visual plan of the architecture for the development. The future appearance of the center can remain consistent through the actions of the Town requiring, as a condition of the transfer of Center Road West, that the appearance of the center remain the same. According to Mr.

Royston, the sale of Center Road West and the overall development of the site are consistent with the Plan of the Development in the following areas:

*Town Image*

**Goals**

Strengthen commercial economic viability by incorporating structures designed to be in harmony with the town’s historic structures and sites.

**Policies**

Encourage quality design of commercial, industrial, and municipal development sites with special regard for landscape and other site amenities, traffic safety and convenience, and functional and visual linkages with adjacent areas.

*Economic Development*

“One approach that has attracted support is the promotion of additional light industrial development while at the same time revising land use regulations to allow for commercial development, but scale and appearance consistent with the town’s character.”

**Policies**

Encourage development of commercial retail sites that are consistent with Old Saybrook’s small town character with respect to scale, appearance, and design and with special regard for landscape and other site amenities, traffic safety and convenience, and functional and visual linkages with adjacent areas.

*Transportation*

**Policies**

To cooperate with private developers to share financial responsibility for upgrading state and local roads and nearby impacted intersections to accommodate development.

To promote pervious overflow parking alternatives for large developments that require increased parking yet utilize this parking mainly during holiday and tourist seasons.

*Water Resources*

**Goals**

Protection of water resources and groundwater quality.

Mr. Royston stated that the engineers have planned for water detention using the most advanced groundwater methodologies. The applicant presented an Analysis of Real Property Tax Revenue report prepared by Lyman Development Corporation to the Commission for review. The report suggests that developing the area as a single retail site will provide a greater tax base than if the site is split up. Mr. Royston summarized that the applicant has offered to purchase Center Road West at fair market value of the fully approved site as determined by a Town chosen appraiser. The Old Saybrook Board of Finance has state an interested in including a minimum price for the road.

Chairman McIntyre reminded the Commission members that they are to focus on the sale of the road, whether they are in favor of or not of the sale of the road to the applicant and what is the best interest of the Town.

James Conroy questioned the applicant the responsibility of the maintenance of the new cul-de-sac post construction.

David Royston, representing the applicant, stated that the new cul-de-sac will continue to be a Town road and thus, maintained by the Town.

Salvatore Aresco questioned the applicant regarding the approval of the sale of the road placing the Commission and/or Town under a legal obligation to proceed with the development plan. Also, Mr. Aresco questioned whether the sale of the road would require a referendum.

David Royston, representing the applicant, stated that approving the sale of the road does not create an obligation on the Town to approve the development. Approving the sale of the road gives the Board of Selectmen the OK to sell the road. The applicant will have go through the normal application process and seek approvals for the planned development. The sale of the road will not require a referendum, rather it will go before a Town meeting.

Judith Gallicchio requested an updated report from Mr. Hilson, the Town's traffic consultant, to ensure the revisions of the plan addresses his concerns. Ms. Gallicchio also questioned the applicant regarding the use of the cul-de-sac as an entrance rather than two entrances off of Routes 1 or 166. Also, would truck deliveries use Center Road West? Previous thought of the Planning Commission was that Center Road West would one day go through to Spencer Plain Road.

David Royston, representing the applicant, stated that the use of the cul-de-sac addresses the Town's concern for emergency access if necessary, accommodating emergency vehicles, from Center Road to Spencer Plain Road. Also, truck deliveries would use Center Road West.

Kathleen Smith, concurred with Ms. Gallicchio requesting the most current report form Mr. Hilson. Ms. Smith questioned the applicant regarding the design of the buildings to include deliveries to the back? Also, requested clarification on where Center Road West would go through to Spencer Plain Road.

David Royston, representing the applicant, stated that each building is designed to receive deliveries from the rear of the building. Mr. Royston pointed out on the drawings where Center Road West would meet Spencer Plain Road. The applicant requested that the Commission rethink the use of Center Road West in light of the proposed plan, that it will provide an alternate access from Center Road to Spencer Plain Road, and whether the plan makes good economic sense. Traffic engineers have stated that whether Center Road West goes through to Spencer Plain Road or not, will not impact the traffic at the Boston Post Road/ Spencer Plain Road intersection.

Judith Gallicchio questioned how the use of Center Road West could not impact the traffic at the intersection of Boston Post Road and Spencer Plain Road.

Dave Ziacs, representing the applicant, stated that due to the introduction of additional traffic lights, including one at Center Road and Route 1, there would not be any impact on the intersection of Boston Post Road and Spencer Plain Road with the use of Center Road West. With the proposed development of the site, there would be one source of traffic and includes emergency vehicle access. Other options of development of the site would potentially involve a series of independent driveways resulting in many sources of traffic. Either development option would result in the same total traffic volume.

Kathleen Smith suggested that there are other restricted driveways in Town that are ignored by drivers. Ms. Smith expressed concern that the right turn only driveway onto Route 1 would be ignored as well.

David Royston, representing the applicant, stated that the right turn only driveway would be similar to the one located at Boston Post Road and Elm Street. Mr. Royston suggested that most drivers obey the right turn only rule at that location due to the construction of the driveway.

Robert McIntyre stated that his is in favor of another grocery store in Town. In the overall proposed development plan, Mr. McIntyre stated that he saw some good as well as some flaws. He believes that it was the intent of the Planning Commission to have Center Road West go through to Spencer Plain Road. However, Center Road is currently a dead road with some industry that no one knows about. There is a need to revitalize the area with light industrial businesses. Mr. McIntyre stated he agrees with the Mullin Report, which suggested that the Town has enough retail, yet needs light industrial businesses. His vision for the site is for Center Road West to go through to Spencer Plain Road with Big Y at the north or south end of the property. Mr. McIntyre would like to review the tax analysis before making any decisions.

Richard Tietjen stated his agreement with Robert McIntyre and expressed concerns for the scale of the project, traffic, and the sale of the road. Mr. Tietjen suggested the placement of the buildings forward along the streets with the parking in the back of the buildings.

H.Stuart Hanes stated that he is an advocate of east-west highways. Mr. Hanes suggested that if the Commission agrees to sell the road, than the developer should consider building a road at the north end of the property. Mr. Hanes does not see emergency vehicles driving through the center parking lot. Also, Mr. Hanes expressed concern regarding left turns off northbound Route 1.

David Royston, representing the applicant, suggested that the Commission contact Mr. Hilson for his updated traffic report. Also, the development plan is predicated on having an anchor tenant as a grocery store, in which case the parking must be in front of the building.

Peter Thomas, Big Y representative, stated that the grocery store requires parking up front otherwise delivery side would be seen from the road.

Robert McIntyre stated that the Yale urban design recommends parking in the back.

David Royston, representing the applicant, stated that the applicant was working with the Yale group initially regarding the design of the site.

Christine Nelson, Old Saybrook Town Planner, state that the applicant has worked with the Town staff in considering many configurations for the site. Due to restrictions on some of the land parcels, such as wetlands and rises in the road, the design is limited. The Town has acknowledged, from a design perspective, that Route 1 is auto dependent. Thus, developments, such as the one proposed, include trees and sidewalks to give a pedestrian feel.

Salvatore Aresco suggested that the applicant created a greater buffer in front of the development with berms so parking is hidden from the street.

David Royston, representing the applicant, stated that the applicant believes the sale of the road and the development will be good for the Town and meets the objectives of the Town plan. Also, Mr. Royston suggested that Center Road West may never go through to Spencer Plain Road due to the property owner off Spencer Plain Road.

**MOTION** to continue deliberations of the Sale of a portion of “Center Road West’ as a Municipal Improvement to the next regular meeting scheduled for February 2, 2005 at 7:30 p.m. at Pasbeshauke Pavilion at Saybrook Point; **MOVED** by K. Smith; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**MOTION** to amend the agenda by moving items B under V. New Business to follow VI. Old Business item D; **MOVED** by J. Gallicchio; **SECONDED** by K. Smith; **APPROVED** by none; **ABSTAINED** by none; **OPPOSED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen.

**B. Development of “Village Gateway Information Booth” as a Municipal Improvement SW Corner of Main Street (Ct Rte 154) & Boston Post Road (U.S. Rte 1) (Map 40 / Lot 1)**

*Central Business B-1 District*

Petitioner: BOS Village Gateway Committee

Agent: Joe Metzendorf, Chairman

Joe Metzendorf, Chairman, Village Gateway Committee, presented the proposed plan of development for the head of Main Street and Route 1. The plan includes the use of the 1935 building designed and built for the Town’s 300<sup>th</sup> anniversary. The building would house a tourist information center, public restrooms, and possibly the Chamber of Commerce, along with meeting rooms for public use. An 100-year lease for the property has been signed with Mr. Walker, the property owner. The Committee feels this is a major gateway to the business district. The proposed building is unique and appropriate in scale for the site. The proposal includes sidewalks to connect Elm Street to the site.

James Conroy had no questions for the Chairman.



Salvatore Aresco questioned how visitors would get to the building in regards to parking.

Christine Nelson, Old Saybrook Town Planner, stated that the regulations have been written to allow municipal buildings to share parking areas up to 1000 ft. away, which allows for a pedestrian oriented site.

Judith Gallicchio questioned the Chairman regarding whether the information booth was contingent on the relocation of the Chamber of Commerce.

Joe Metzendorf, Chairman, stated that the information booth will be located in the building even if the Chamber of Commerce does not relocate to the site.

Kathleen Smith expressed support for the development.

Robert McIntyre questioned the Chairman regarding information provided outside the building.

Joe Metzendorf, Chairman state that nothing has been proposed as of yet regarding informational material.

Richard Tietjen expressed support for the development and the crosswalks.

H.Stuart Hanes expressed support for the development.

The Commission found the proposal to be consistent with the Plan of Conservation & Development for the Town of Old Saybrook:

*Economic Development*

**Goals:**

Maintain and enhance the image of Old Saybrook as an important, successful and enjoyable place for economic activity.

**Policies:**

Recognize the small town character and unique natural resources of the town as a marketable economic commodity, providing an exceptional quality of life for residents and a quality experience for visitors.

*Town Center*

**Goals:**

Continue to promote the aesthetic qualities that make the village center an attractive, pleasant place to visit, create a positive image of the community, and give a sense of community pride.

*Municipal Improvements, Programs, and Standards*

**Town Center Bulk Standards:**

Develop bulk and architectural design standards to guide development in the town center: parking at rear of buildings, enhanced landscaping and pedestrian-scale amenities including benches, outdoor cafes, and information kiosks.

**MOTION** to approve the “Village Gateway Information Booth” as a Municipal Improvement as a proposal consistent with the Plan of Conservation & Development; **MOVED** by J. Gallicchio; **SECONDED** by H. S. Hanes; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**VI. OLD BUSINESS**

- A. “Saltaire” Resubdivision – 2 Lots (1.25 ac.) & Open Space (0.16 ac.)**  
 So. side of Billow Road / 100 ft W. of Pratt Road (Map 82 / Lots 1 & 2)  
*Residence A District, Coastal Mgmt. Zone*  
 Applicant: Richard Vicino / David & Ruperta Foy Agent: Richard Tulisano, Esq.

Christine Nelson, Old Saybrook Town Planner stated that the public hearing had been closed at the December 15, 2004 meeting. The Planning Commission has 65 days to deliberate and act. Two reports have been received from the Long Island Sound Commission regarding the application and have been included in the Commission members’ packets.

Robert McIntyre stated that only voting members can deliberate.

H.Stuart Hanes stated that the latest report from the State suggests that public access is statutorily defined as a water use. Mr. Hanes suggested that it would be a mistake for the Town to give up the walkway. The homes should build burms if privacy is needed. Police should petrol the area more especially during the summer months.

Richard Tietjen stated his agreement with Stuart Hanes.

Kathleen Smith stated she concurs with Mr. Evans, Stated Department of Environmental Protection. Ms. Smith suggested that to give up the walkway would go against the Plan of Conservation.

Judith Gallicchio stated she concurs with what has been stated previously by other Commission members. The Town has other water viewing areas that cannot be seen from the road. To close the walkway to the public would set a dangerous precedent. The Planning Commission has seriously considered and mitigated the development and walkway during the initial application. The Commission understands the privacy and safety concerns of the applicant, as well as liability issues. Ms. Gallicchio suggested that there are ways to mitigate the applicant’s concerns. Ms. Gallicchio reminded the Commission that the Castle had been open to the public for many years. She understands why people infringe on the area and will continue to be tempted to look at the Castle due to the architecture and location. The Planning Commission does not have control over the public’s interest in the area. Ms. Gallicchio suggested that the area will be less

infringed upon once the Castle is a private home. This is an important area for public access. Ms. Gallicchio stated the application should be denied.

Robert McIntyre stated his agreement with the statements of the other Commission members. Everything that has been completed in the area was done for specific purposes. In the future, if the applicant has other ideas, such as lighting the walkway, the Commission will have an open mind. Mr. McIntyre clarified that lighting of the walkway is just a suggestion for security, but expert review would be required. The Planning Commission does not want to encourage nighttime use of the walkway.

**MOTION** to continue deliberation of the “Saltaire” Resubdivision application at the next regular meeting scheduled for February 2, 2005 at 7:30 p.m. at Pasbeshauke Pavilion at Saybrook Point Park, at which time the Town Planner will have a resolution for the Commission to review and act upon; **MOVED** by J. Gallicchio; **SECONDED** by K. Smith; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**B. “Phillips” Resubdivision – 2 Lots (4.10 ac.) & Coastal Site Plan**

N. & W. side of Otter Cove Drive / 1,200 ft. SE. of River Edge Road (Map 63 / Lot 58)  
*Residence AA-3 District, Coastal Management Zone*

Applicant: Ian Phillips, Owner                      Agent: Gary P. Sharpe, P.E.

Christine Nelson, Old Saybrook Town Planner, stated that the public hearing had been previously closed at the December 15, 2004 meeting. The Planning Commission has 65 days from the closing of the public hearing to deliberate and act.

Judith Gallicchio stated that she drove by the area and viewed the property. Ms. Gallicchio agreed with Robert McIntyre’s suggestion of a 50 ft. conservation easement to protect the wetlands in the area. Ms. Gallicchio questioned whether the conservation area could be considered a type of open space, since the total size of the area would be about ½ acre or about 10% of the property site.

Christine Nelson, Old Saybrook Town Planner, stated that the conservation easement could be a type of open space.

Kathleen Smith stated that the resubdivision does not support the plan of development, especially in the areas of contiguous open space and protection of wetlands, even with the 50 ft. easement.

Robert McIntyre stated that the Commission members are to disregard letters received after the public hearing was closed.

The Commission members discussed what was said at the public hearing by members of the public, as well as the open space easement suggestion. The open space easement provides the functions of conservation and aesthetics, as well as ensures a buffer protecting the tidal wetlands to avoid grass down to the water. The open space easement

would protect the area as if the Town owned the land, however, the applicant would remain the sole owner of the open space area.

Kathleen Smith expressed concern with regards to the enforcement of the open space easement since the property will continue to be owned by the applicant.

Robert McIntyre stated that neighbors would call the wetlands enforcement officer if the applicant violated the open space easement regulations. The Town regulations can guarantee some protection of the area. Approving the application with the open space easement combines the rights of the property owner and the protection of the environment with enforcement.

Christine Nelson, Old Saybrook Town Planner, stated that the Commission could approve the application with the condition that the easement be marked along trees or with posts along the boundary of the 50 ft. buffer.

Kathleen Smith stated that although the regulations have changed regarding the Otter Cove area, the law has not changed since the property owner purchased the land. The location of the site is in a unique area. The resubdivision is contrary to what the Commission seeks to do with contiguous open space areas.

H.Stuart Hanes stated concerns about dividing up the property and requested clarification regarding the regulations that require a 2-acre minimum. Mr. Hanes also, requested clarification regarding whether the property owner could cut down the reeds in a conservation easement. Mr. Hanes stated that the Commission should not deny the applicant the ability to divide the property under current regulations.

Judith Gallicchio stated that the subdivision area is 87,120 ft. The applicant has 4000 ft. more land than required for a normal subdivision. Apply the 10% rule for the conservation easement, then may preclude from subdividing.

Christine Nelson, Old Saybrook Town Planner, clarified that the property owner could maintain the conservation easement area. Ms. Nelson also clarified that under normal open space subdivisions, the Town could accept a fee instead of land conservation. Ms. Nelson followed up with the maintenance of the easement area discussion by stating that the Otter Cove Association would manage the removal of reeds from the wetland areas. The Commission could modify the Open Space Conservation Agreement to include a statement regarding the removal of only non-native plants by the applicant.

Richard Tietjen expressed an interest in the possibility of a dock.

Robert McIntyre stated that the Otter Cove Association would not allow a dock.

**MOTION** to approve the “Phillips” Resubdivision application with a conservation easement of 425.25 ft., which will encompass an 50 ft. wide buffer at the northwest boundary of lot 2 adjacent to the property of the Otter Cover Association, to be delineated by boundary markers to

the satisfaction of the Old Saybrook Town Planner; **MOVED** by R. McIntyre; **SECONDED** by J. Gallicchio

Discussion regarding the Motion:

Richard Tietjen questioned whether public access should be included in the easement.

Robert McIntyre stated that the area does not lend itself to public viewing.

Judith Gallicchio stated that the public could park on the road and view from the road. Since the area is considered sensitive, the public may not be allowed to walk on.

**MOTION** to amend the Motion to approve the “Phillips” Resubdivision as the approval of this application is consistent with the policies of the Office of Long Island Sound; **MOVED** by R. McIntyre; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**MOTION** to approve the “Phillips” Resubdivision application with a conservation easement of 425.25 ft., which will encompass an 50 ft. wide buffer at the northwest boundary of lot 2 adjacent to the property of the Otter Cover Association, to be delineated by boundary markers to the satisfaction of the Old Saybrook Town Planner; **MOVED** by R. McIntyre; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by K. Smith.

**C. Municipal Improvement of “Willard Avenue” for Coastal Public Access**  
*Residence A District, Gateway Conservation Zone, Coastal Management Zone*

Christine Nelson, Old Saybrook Town Planner will schedule the final informational meeting at the next regular meeting of the Planning Commission that will provide the time needed to hear from the public.

**D. “Economic Development” Section of the Plan of Conservation & Development**  
 Petitioner: Economic Development Commission Representative: Jim Keating, Chairman

The Economic Development Commission drafted and submitted a job description of the proposed economic developer position to the Planning Commission.

Robert McIntyre requested the minutes from the previous meeting the Economic Development Section of the Plan of Conservation and Development was discussed.

Christine Nelson, Old Saybrook Town Planner, requested that the Commission members review the proposed section and current section of the Economic Development Section of the Plan of Conservation and Development to ensure no points have been neglected.

The Economic Development Section of the Plan of Conservation and Development will be discussed at the next regular Planning Commission meeting.

**III. REGULAR BUSINESS**

**B. Correspondence**

- Bill for Sentinel Hill - delay payment until fees are received from applicant
- 4 Bills from Jacobson & Associates - 2 for Bessoni, 1 for Road Endings, 1 for unit costs
- Letter from Bob Done regarding Sentinel Hill
- Notifications regarding 3 workshops, including the Connecticut Bar Association Workshop on Land Use Law - Sign up with Christine Nelson if able to attend.
- Budget

**MOTION** to approve payment to Nathan L. Jacobson & Associates, Inc. \$376.49 for invoice #8457 and #8454; **MOVED** by H. S. Hanes; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

**C. Committee, Representative & Staff Reports**

H.Stuart Hanes reported that the Town of Old Saybrook Hazard Mitigation Plan has been drafted and is currently under review. The plan includes the evaluation of dams, the Elm Street underpass, evacuation routes, Banbury Crossing improvements, and South Cove Causeway improvements. The Plan must be approved for the Town to receive discounts on flood insurance. Also, the Town is penalized for all repeatable claims not repaired.

**D. Election of Officers**

Nominations:

Chairman

H.Stuart Hanes was nominated by Salvatore Aresco.

Mr. Hanes declined the nomination.

Robert McIntyre was nominated by James Conroy.

The nomination was seconded by Richard Tietjen.

**VOTE** to elect Robert McIntyre as Chairman; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen, J. Conroy; **ABSTAINED** by none; **OPPOSED** by S. Aresco.

Vice Chairman

Judith Gallicchio was nominated by Robert McIntyre.

The nomination was seconded by H.Stuart Hanes.

**VOTE** to elect Judith Gallicchio as Vice Chairman; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen, J. Conroy, S. Aresco; **ABSTAINED** by none; **OPPOSED** by none.

Secretary

Kathleen Smith was nominated by H. Stuart Hanes.

Ms. Smith declined the nomination.

H. Stuart Hanes was nominated by Judith Gallicchio.

The nomination was seconded by Salvatore Aresco.

**VOTE** to elect H. Stuart Hanes as Secretary; **APPROVED** by R. McIntyre, K. Smith, H. S. Hanes, J. Gallicchio, R. Tietjen, J. Conroy, S. Aresco; **ABSTAINED** by none; **OPPOSED** by none.

**VII. ADJOURNMENT**

**MOTION** to adjourn the meeting at 11:11 p.m. until the next special meeting, scheduled for January 26, 2005 at 7:30 p.m. at Town Hall, 1<sup>st</sup> Floor Conference Room, 302 Main Street; **MOVED** by H.S. Hanes; **SECONDED** by J. Gallicchio; **APPROVED** R. McIntyre, K. Smith, S. Hanes, J. Gallicchio, R. Tietjen; **ABSTAINED** by none; **OPPOSED** by none.

Respectfully Submitted,

Kim McKeown, Recording Clerk