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OLD SAYBROOK PLANNING COMMISSION DELIBERATION

THE PRESERVE SPECIAL EXCEPTION
FOR OPEN SPACE SUBDIVISION

WEDNESDAY, MARCH 23, 2005, 7:30 P.M.

OLD SAYBROOK CITY HALL
302 MAIN STREET
OLD SAYBROOK, CONNECTICUT

PLANNING COMMISSION MEMBERS PRESENT:

ROBERT MCINTYRE, CHAIRMAN
JUDITH GALLICCHIO, VICE CHAIRMAN
H. STUART HANES, SECRETARY
RICHARD TIETJEN, REGULAR MEMBER
JANIS ESTY, ALTERNATE MEMBER, SEATED FOR KATHLEEN SMITH

ATTENDING STAFF:

GEOFFREY JACOBSON, TOWN ENGINEER
KIM MCKEOWN, RECORDING CLERK

ERIC KNAPP, LEGAL COUNSEL

1 CHAIRMAN MCINTYRE: I would like to call the
2 meeting to order. This is the Special Meeting of the
3 Planning Commission, Wednesday, March 23rd, 2005 at
4 7:30, Town Hall, first floor conference room, 302
5 Main Street.

6 Roll call. We have Janis Esty, Dick Tietjen,
7 Stuart Hanes, Bob McIntyre, and Judy Gallicchio
8 present. Eric Knapp, our attorney, and Debrah Veroni
9 is also here, and Kim. Tonight Wendy Goodfriend,
10 Rich Snarski, and Christine Nelson will not be
11 attending this meeting.

12 Next order of business is Old Business A, The
13 Preserve Special Exception for Open Space
14 Subdivision, 934 acres total and open space
15 542.2 acres. Ingham Hill and Bokum Roads, Map 55,
16 56, and 61; Lots 6, 3, 15, 17, and 18. Residence
17 Conservation C District, Aquifer Protection Area.
18 Applicant: River Sound Development, LLC. Agent:
19 Robert A. Landino, P.E. Action: Act and deliberate
20 by 3-23-05 at regular meeting, which is actually --
21 it says regular, but it's actually a special meeting.
22 And that's it. Okay.

23 So what we have tonight in front of us, everyone
24 should have a resolution that Mark has been drafting
25 as we went along.

1 MS. MCKEOWN: Mr. Chairman, did you seat Janis?

2 CHAIRMAN MCINTYRE: Excuse me. Thank you. I
3 would like to seat Janis Esty at this time. It seems
4 like you're just a regular member, Janis. Sorry
5 about that. Janis will be seated for Kathleen Smith.

6 So in front of us we all have a motion on the
7 application of River Sound, LLC, The Preserve
8 Application for a Special Exception. It says WLG on
9 top, which means Wendy Goodfriend, comments on
10 3-23-05 are in blue. And obviously, these are black
11 and white correspondence, so anything that's
12 highlighted would be a Wendy issue, something Wendy
13 had brought up.

14 Then it goes on a little further down it says,
15 The text in brackets represents the optional or
16 alternative language. As you see there's different
17 bracketed areas throughout the text that we'll go
18 over. Then add a direction here as to how to
19 proceed, which includes striking this text for a
20 final motion. So it kind of gives us direction.
21 Rather than going -- reading the whole thing over
22 pretty much like we did last time, what I'm going to
23 do is I'm looking at what we had last time. On the
24 front page I don't see any changes at all. It looks
25 the same.

1 And then on item -- The commission accepts this
2 explanation. That was on the original we had -- that
3 would be the -- on page two, second paragraph down,
4 on the motion from last time it said if okay, and
5 that's the one we went with in that second paragraph.
6 And we had an or just above number two.

7 MR. TIETJEN: What is an STC permit?

8 MR. KNAPP: State Traffic Commission.

9 CHAIRMAN MCINTYRE: State Traffic Commission.

10 Going down to page two --

11 MR. TIETJEN: Wait a second. What did you say
12 about this second paragraph?

13 CHAIRMAN MCINTYRE: Second paragraph was a
14 paragraph that said -- we had two paragraphs to
15 determine on the first draft, and we picked this
16 paragraph. And I marked mine and this shows it's the
17 identical paragraph that remains in there.

18 MR. TIETJEN: Page two -- number two.

19 MS. GALLICCHIO: No. Just above two. It's the
20 end of number one.

21 CHAIRMAN MCINTYRE: The paragraph that you just
22 marked. That one right there.

23 MR. TIETJEN: Yeah, this one. We accept that
24 explanation.

25 CHAIRMAN MCINTYRE: We accept that.

1 MR. TIETJEN: How about number two here?

2 CHAIRMAN MCINTYRE: Number two --

3 MS. GALLICCHIO: We are on number two.

4 CHAIRMAN MCINTYRE: Now we are on number two.

5 Standing to Apply Access to Bokum Road Over the State
6 Valley Railroad Corridor. Is application complete
7 without knowing if that access can be obtained? The
8 applicant says it is similar to an STC, State Traffic
9 Commission, permit that they must obtain in order to
10 proceed. The intervenors say that the RSD is
11 applying for a use of a parcel of land which they do
12 not own, which is not the same thing.

13 Then it goes on to say, the following is new
14 since the last revision and for guidance only.

15 And it writes, The commission finds that the
16 applicant has not provided substantial evidence that
17 it has legal authority to propose Road A where it
18 crosses the property of the state of Connecticut
19 en route to Bokum Road. The commission finds that,
20 in the absence of any evidence from the Connecticut
21 Department of Environmental Protection, that it will
22 approve the crossing of the state property. The
23 applicant lacks the standing to file this
24 application, and the commission has no opinion but to
25 deny it, without --

1 MS. GALLICCHIO: Option.

2 CHAIRMAN MCINTYRE: What?

3 MS. GALLICCHIO: Option.

4 CHAIRMAN MCINTYRE: No option. To -- no option
5 but to deny it, without prejudice, as completed
6 (sic). Or, The commission finds that the state of
7 Connecticut, acting by and through its Department of
8 Environmental Protection, is not prepared to approve
9 an at-grade crossing of the railroad tracks located
10 at -- located on state property between The Preserve
11 property and Bokum Road. However, the applicant is
12 not proposing an at-grade crossing but rather is
13 proposing a flyover crossing. The applicant may --
14 the applicant has represented to the commission that
15 it is capable of obtaining the approval required to
16 cross the state property, that it has discussions
17 with -- discussions with the state to that effect,
18 and that it is willing to assume the risk that it is
19 unsuitable to obtain such approval. The applicant
20 has also argued that because this is a preliminary
21 design, authorizing nothing to be constructed, it has
22 not -- it need not have the state's consent at this
23 stage any more than it has approval of other state or
24 local agencies that would be required in a sub -- in
25 a final subdivision application.

1 The commission accepts the applicant's argument
2 and finds that this is the preliminary stage of
3 review where only a preliminary conceptual plan is
4 being approved. Final state approval is not required
5 in order to evaluate the suitability of the plan
6 before it.

7 These findings shall not be construed as
8 imposing on the state any obligations to approve the
9 use of its property by this or any other applicant,
10 nor any exceptions that the same will occur. The
11 applicant has indicated repeatedly that it assumes
12 full responsibility for obtaining such approval in
13 advance of any subdivision or PRD approval, and the
14 commission will allow the applicant to show that
15 burden. The motion shall not be used as a basis for
16 any claim by the applicant that the denial of access
17 rights to the state property deprives it of the
18 benefit of this special exception. Such benefit does
19 not exist unless and until the state grants the
20 approval that the applicant has claimed it can
21 obtain. Any approval of the application will, as set
22 forth below, be subject to the applicant's ability to
23 establish the rights that it claims to have. Okay.

24 I believe -- it was my understanding that last
25 week we kind of went with part two. So we kind of

1 made a decision there that we kind of accepted that
2 the --

3 MS. GALLICCHIO: I don't know if we made that
4 decision, but I'm in favor of two.

5 CHAIRMAN MCINTYRE: The or part, okay. The
6 second half.

7 MS. GALLICCHIO: The second choice.

8 CHAIRMAN MCINTYRE: The second choice.

9 MS. GALLICCHIO: I'm just going to move some
10 chairs for people. There are more chairs over here
11 if you want to get them.

12 CHAIRMAN MCINTYRE: It's going to be a long
13 night, so you might as well get comfortable.

14 MR. TIETJEN: I have a question when you get
15 around to it.

16 CHAIRMAN MCINTYRE: For the record, we are just
17 letting everyone get settled in. Before we started I
18 didn't realize we had such a crowd going.

19 MS. GALLICCHIO: Here's Geoff, so he needs one.

20 CHAIRMAN MCINTYRE: For the record, Geoff
21 Jacobson just walked in, the engineer. I am going to
22 give Geoff a few seconds to get settled in.

23 MR. KNAPP: Give one copy to the applicant.

24 CHAIRMAN MCINTYRE: Okay. Just a quick -- we
25 were discussing the -- in paragraph two of the motion

1 on the application of River Sound, I read into the
2 record this one, two -- second paragraph of two.
3 And then it said or and there was a third paragraph.
4 And myself and Commission Member Judy Gallicchio have
5 stated that we are in favor of that language. And I
6 am now asking, Stuart, are you in favor -- which
7 paragraph are you more in favor of?

8 MR. HANES: Second paragraph.

9 CHAIRMAN MCINTYRE: Second paragraph. Dick.

10 MR. TIETJEN: You mean the or?

11 CHAIRMAN MCINTYRE: Or, yeah.

12 MR. TIETJEN: I had a question about it.

13 CHAIRMAN MCINTYRE: Sure.

14 MR. TIETJEN: It states that it, the commission,
15 had -- let's see. It -- where is the it?

16 CHAIRMAN MCINTYRE: Over there.

17 MR. TIETJEN: What does it refer to, state of
18 Connecticut?

19 CHAIRMAN MCINTYRE: So you're on the page three
20 actually.

21 MR. TIETJEN: The applicant has represented to
22 the commission. And I assume that means -- it means
23 the applicant. And that it is willing to assume the
24 risk that it is unable to obtain such approval. I
25 would like to know what that means. What are we

1 voting on here?

2 MR. KNAPP: All of those would be the applicant.

3 MR. TIETJEN: I'm deaf. You better speak up.

4 MR. KNAPP: All of those its there refer to the
5 applicant. So the applicant is assuming the risk.
6 Its, the applicant.

7 MR. TIETJEN: Yeah. What is the risk?

8 MR. KNAPP: Well, the risk is that they get
9 approvals and they can't build, because the DEP won't
10 let them across the train tracks.

11 MR. TIETJEN: So are there penalties or
12 difficulties from that involved -- evolved from that
13 that we don't know about or ought to?

14 MR. KNAPP: Well, it basically means that any
15 approvals you give are worthless to them and they
16 can't build. So that's the risk. And the risk is
17 they've spent all this time and money and they have
18 nothing.

19 MR. TIETJEN: Got you. I'm sorry to be so
20 obtuse about this --

21 MR. KNAPP: No, that's fine.

22 MR. TIETJEN: -- but I'm not a lawyer. So you
23 know about this.

24 MR. KNAPP: The risk is -- this is only one of
25 many approvals that you're going to do. Unless they

1 get all the approvals, they do not build.

2 MR. TIETJEN: Thank you. Okay. Thanks.

3 CHAIRMAN MCINTYRE: And --

4 MR. TIETJEN: So, okay.

5 CHAIRMAN MCINTYRE: Janis.

6 MS. ESTY: Of the two I favor the second.

7 CHAIRMAN MCINTYRE: The second, okay. For the
8 record, everyone has approved the second paragraph.

9 Access to 153. Similar question: Can approval
10 be conditioned. And so the same question. How about
11 access to 153. Let's see, is the new version -- is
12 new since the last version only for guidance. So
13 let's go over that real quick.

14 This situation is to be distinguished from the
15 one above. In this case the applicant clearly owns
16 the land extending to Route 153 in Westbrook, and
17 therefore it has standing to apply for this special
18 exception. The real reason -- the real issue is
19 whether the applicant is in the position to establish
20 a public highway into the town of Westbrook and to
21 have that public highway accepted as such by that
22 town, as indicated on the plans submitted. The
23 record indicates that the town of Westbrook is not
24 currently receptive to that proposal and there is no
25 evidence upon which to predicate a finding that such

1 approval will be forthcoming. As with the Bokum
2 Road, the applicant has argued that such approval is
3 premature at this preliminary plan review stage.

4 Then select one: The commission finds that the
5 applicant has not provided substantial evidence that
6 it has the legal authority to propose Road A as a
7 public highway extending into the town of Westbrook
8 to Route 153. The commission finds that, in the
9 absence of any evidence from the town of Westbrook,
10 that it will accept Road A into its public highway
11 system. Without that Road A becomes a private
12 roadway which has access only to Bokum and emergency
13 access to Ingham Hill Road for all construction and
14 ultimate post-construction traffic. Therefore, the
15 commission does not -- excuse me. Therefore, the
16 commission has no option but to deny it, without
17 prejudice, as incomplete.

18 Or, The applicant has represented to the
19 commission that it is capable of obtaining the
20 approval required to reach 153, and that it is
21 willing to assume the risk that is obtainable -- is
22 unobtainable -- excuse me. That it is unable to
23 obtain such approval. The applicant has also argued
24 that because of the preliminary design authorizing
25 nothing to be constructed, it need not have the

1 town's consent at this stage any more than it has the
2 approval of other state agencies -- state and local
3 agencies that would be required in the final
4 subdivision application.

5 The commission accepts the applicant's argument
6 and finds that at this preliminary stage of review,
7 where only a preliminary conceptual plan is being
8 approved, final approval by the town of Westbrook is
9 not required in order to evaluate the suitability of
10 the plan before it.

11 These findings shall not be construed as
12 imposing on the town of Westbrook any obligation to
13 approve the extension of its public road system, nor
14 any exceptions that the same --

15 MR. TIETJEN: Expectation.

16 CHAIRMAN MCINTYRE: Expectation. Excuse me,
17 expectation that the same will occur. The applicant
18 has indicated repeatedly that it assumes full
19 responsibility for obtaining such approval in advance
20 of any final subdivision or PRD approval, and the
21 commission will allow the applicant to shoulder that
22 burden. This motion shall not be used as the basis
23 for any claim by the applicant that the denial of the
24 public highway status in Westbrook deprives it of the
25 benefit of this special exception. Such benefit does

1 not exist unless and until the town of Westbrook
2 grants the approval that the applicant has claimed it
3 can obtain. Any approval of the application will, as
4 set forth below, be subject to the applicant's
5 ability to establish the rights that it claims to
6 have. Judy.

7 MS. GALLICCHIO: The second.

8 CHAIRMAN MCINTYRE: The second. I go with the
9 second portion.

10 MR. HANES: Second.

11 CHAIRMAN MCINTYRE: Dick.

12 MR. TIETJEN: What?

13 CHAIRMAN MCINTYRE: First or second paragraph do
14 you go with?

15 MR. TIETJEN: The or you're talking about?

16 CHAIRMAN MCINTYRE: The or, yes.

17 MR. TIETJEN: Yes, okay.

18 CHAIRMAN MCINTYRE: That second part.

19 MS. ESTY: I'll go with the second part.

20 CHAIRMAN MCINTYRE: Second, too. Okay.

21 Everyone shows that they were in favor of the second
22 part. You did, Dick? Did you indicate that you were
23 in approval of the second paragraph?

24 MR. TIETJEN: Yep.

25 CHAIRMAN MCINTYRE: Okay. It will be shown that

1 the second portion of access to Route 153, all board
2 members agreed on that.

3 Inland Wetlands and Watercourses Commission
4 Action. There's nothing outstanding there.

5 Compliance with Standards. Everybody just take
6 a few seconds to look at that Section 56.2 and look
7 down to see if you see anything that has changed. I
8 guess that's just verbiage, isn't it?

9 When you get down to 56.2.4, that's the last
10 paragraph. Once you get onto the second page, you're
11 going to get some additional information. The
12 highlighted -- everyone ready to proceed? No, okay.
13 Okay.

14 What's written in here, Dr. Goodfriend indicates
15 that she disagrees with the finding no PMB -- BMP's
16 are shown or specified at this stage. She suggests
17 checking with Geoff Jacobson on this to see if he's
18 comfortable with the wording. Alternative wording
19 could be, "The plan is preliminary but at this level
20 of detail appears capable of including best
21 management practices for storm water management, and
22 those measures can be defined (sic) in the final
23 subdivision application. Check with Mr. Jacobson.

24 What do you say, Mr. Jacobson?

25 MR. JACOBSON: I would recommend the alternative

1 wording.

2 CHAIRMAN MCINTYRE: Alternative wording.

3 MR. JACOBSON: Yes, absolutely.

4 CHAIRMAN MCINTYRE: Use alternative wording.

5 MS. GALLICCHIO: So it appears capable of
6 including best management.

7 MR. JACOBSON: Yeah. I mean at this point in
8 time it's a concept plan. They've shown graphic
9 symbols where they might be able to locate retention
10 basins, but they are not at a design stage where they
11 could really finalize that type of information now
12 anyway.

13 MS. GALLICCHIO: I'm comfortable with that.

14 CHAIRMAN MCINTYRE: I'm comfortable.

15 MR. HANES: Likewise.

16 MR. TIETJEN: Okay.

17 MS. ESTY: (Nods head)

18 MR. TIETJEN: We'll go by Geoff's.

19 CHAIRMAN MCINTYRE: Right. Geoff just said that
20 he agrees with the alternative wording.

21 MR. JACOBSON: Alternative.

22 CHAIRMAN MCINTYRE: Then we go down to 56.2.6.
23 I'll just read that real quick. The open space
24 subdivision plan provides for conservation for
25 forest, wildlife, and other natural resources to the

1 extent consistent with the development of the
2 property. As with other findings this plan does not
3 protect each and every fragile natural resource on
4 the site, but the commission does not interpret
5 Section 56.2.6 as requiring that. And then in
6 highlighted parentheses, The commission also finds
7 that additional natural resource protection is
8 possible and is provided by the modifications and
9 conditions set forth in this motion. There are no
10 agricultural resources on the site. I would include
11 this statement here as above without brackets.

12 MS. GALLICCHIO: Yes, I agree with that.

13 CHAIRMAN MCINTYRE: I agree with it.

14 MR. HANES: Agree.

15 MR. TIETJEN: Okay.

16 CHAIRMAN MCINTYRE: Basically, we are adding
17 that highlighted area in paragraph 56.2.6. Janis.

18 MS. ESTY: Yes.

19 MR. TIETJEN: We talked about this.

20 MS. GALLICCHIO: We did.

21 CHAIRMAN MCINTYRE: What they did is they --
22 what basically happened is from our discussion last
23 week, our attorney put this together based on what we
24 said, and now we are just reviewing everything to
25 make sure that what we said and is on here is

1 reflective of what we said and came to conclusions
2 on. Okay.

3 No other changes in the lot yield. Let's make
4 sure. Lot Yield, Golf Course, no changes there.
5 Other Factors.

6 I guess the most important part on that page,
7 which they're not numbered, but it would be one, two,
8 three, four, five, six, seven, is that at the bottom
9 of the page it shows, When deducted from the 278 lots
10 of the yield plan with golf course, the resulting
11 total is 221. That's the number of dwellings.

12 Going on to the next page, top of the page is
13 number three. The Preliminary Open Space Plan;
14 Compliance with Standards. When we get down to area
15 B, the Golf Course Design Considered in Light of the
16 Goals of an Open Space Subdivision, the first two --
17 the second paragraph of B, The recommended 100-foot
18 nondisturbance buffers are not maintained for vernal
19 pools, and particularly for vernal pool number 18,
20 and the area of intact wooded uplands between this
21 pool and the large Red Maple Swamp to the west. And
22 then they crossed out must be preserved.

23 Does that make any -- so you get rid of that
24 must be preserved.

25 MS. GALLICCHIO: There is a typo, also. In B,

1 the second line, golf courses. It should say course,
2 singular.

3 CHAIRMAN MCINTYRE: All right. Then going on to
4 the next paragraph, it says, The current plan --
5 what?

6 MR. TIETJEN: You haven't done -- I'm sorry.
7 You went by me before I had a chance to read A. Is
8 there anything new in there?

9 MS. GALLICCHIO: There does not appear to be.

10 MR. TIETJEN: That's just about --

11 CHAIRMAN MCINTYRE: Nothing. It's the same.

12 MR. TIETJEN: The same.

13 MS. GALLICCHIO: There's a typo that continues
14 in there. The next to the last line it should start
15 than, rather than that.

16 CHAIRMAN MCINTYRE: In A.

17 MS. GALLICCHIO: In A.

18 CHAIRMAN MCINTYRE: Second to the last sentence.

19 MS. GALLICCHIO: Next to the last line, first
20 word.

21 CHAIRMAN MCINTYRE: Than.

22 MS. GALLICCHIO: Less impact than conventional
23 subdivision lots.

24 CHAIRMAN MCINTYRE: Back to -- we are back on B
25 again.

1 MS. GALLICCHIO: Excuse me. One more thing
2 while we are going through it.

3 CHAIRMAN MCINTYRE: Sure.

4 MS. GALLICCHIO: On the third line, the first
5 word, design, should be designed, E-D.

6 CHAIRMAN MCINTYRE: Is that on B?

7 MS. GALLICCHIO: In A. A, the third line, first
8 word.

9 CHAIRMAN MCINTYRE: Any other comments before we
10 proceed? Okay.

11 Then the next paragraph, The current plan
12 involves excessive fragmentation of habitat areas.
13 While some fragmentation may be unavoidable in any
14 form of development, this design can and should be
15 modified to reduce that fragmentation, and then
16 there's some highlighted material that was added,
17 especially in areas of known ecological importance.
18 The design of the golf course must be driven by goals
19 of Section 56 and not the other way around.

20 MR. TIETJEN: Where are you reading that?

21 CHAIRMAN MCINTYRE: Right --

22 MR. TIETJEN: Oh, way down there.

23 CHAIRMAN MCINTYRE: Yeah.

24 MR. TIETJEN: You're skipping along awful fast
25 here.

1 MS. GALLICCHIO: Actually, all of that was in
2 there already. The underline was in there, except
3 the highlighted, the shaded. Especially in areas.
4 But that last sentence was in there.

5 CHAIRMAN MCINTYRE: Was in there even though
6 it's underlined.

7 MS. GALLICCHIO: Right.

8 CHAIRMAN MCINTYRE: Everybody agree with that?

9 MR. TIETJEN: Now, what is it we're agreeing
10 with?

11 CHAIRMAN MCINTYRE: The highlighted area in the
12 third --

13 MR. TIETJEN: Especially in areas of known
14 ecological importance?

15 MS. GALLICCHIO: Yes. Adding that phrase.

16 MR. TIETJEN: Okay.

17 CHAIRMAN MCINTYRE: All right. Next one, It
18 requires fairways to cross significant wetlands
19 areas, including Pequot Swamp. This involves, and
20 this is highlighted, clearing of vegetation,
21 establishment of golf -- I mean cart paths. And
22 what's number three? That's the same according to
23 the footnotes.

24 MS. GALLICCHIO: That means it's from Dr.
25 Goodfriend. That's one of her comments.

1 CHAIRMAN MCINTYRE: And then having golf balls
2 flying over and inevitably into the fragile wetlands
3 and watercourses (e.g, hole number 11). And then it
4 goes on to say, highlighted, Golfers will naturally
5 seek out errant golf balls in wetland rough areas,
6 creating foot traffic and disturbances of those
7 sensitive areas.

8 And I thought I had made a comment on that last
9 time that you would use signage and things of that
10 nature to make that off limits.

11 MS. GALLICCHIO: I think the signage ends up in
12 the modifications at the end.

13 CHAIRMAN MCINTYRE: I think I saw something
14 about that in the back here earlier looking through
15 it.

16 MR. TIETJEN: What happened to the discussion we
17 had about golf balls flying up in the direction of
18 the village?

19 CHAIRMAN MCINTYRE: We haven't gotten there yet.

20 MR. TIETJEN: We're going to get there?

21 CHAIRMAN MCINTYRE: We're going to get there.

22 MR. TIETJEN: I'm not apologizing.

23 CHAIRMAN MCINTYRE: Don't lose that thought if
24 we don't get to it, but I'm pretty sure as we go
25 through this whole thing again we'll get there. We

1 don't want to jump around. We want to kind of stay
2 on focus here.

3 MR. TIETJEN: Okay. You're skipping along here.
4 I want to make sure.

5 CHAIRMAN MCINTYRE: Okay. It requires fairways.
6 I'm not too sure what they are really asking us to do
7 here or what we want to --

8 MS. GALLICCHIO: The only thing that's actually
9 added from the last time we looked at this is the
10 phrase clearing of vegetation, establishment of cart
11 paths, and. That's all that's added. The last part
12 was already in there at our last meeting.

13 CHAIRMAN MCINTYRE: That golfers will naturally
14 seek out errant golf balls.

15 MS. GALLICCHIO: That was in the draft we looked
16 at last time.

17 CHAIRMAN MCINTYRE: Bracket or delete this text?
18 Okay. It's asking if we want to have that text in
19 there. Okay. You have to read the top part to
20 understand what we are trying --

21 MS. ESTY: Well, we are missing number four.
22 Number three is clearing of vegetation, establishment
23 of golf paths. And then it says number four was
24 moved to this location from the following bullet, but
25 there's no number four on here.

1 MS. GALLICCHIO: You know what. When I was
2 looking at last week's, my eyes shifted down. It's
3 in the next bulleted section of our last one. And
4 that's -- part of it was pulled up from there. The
5 next bullet originally said, and it still does on the
6 next page, about the safety of adjoining dwellings.
7 This was what you just mentioned, Dick, public
8 roadways, et cetera. And then at the end of that was
9 the original line golfers will seek out errant golf
10 balls. It was in that safety section rather than in
11 the wildlife section. So it was shifted to the
12 bullet above it. And I think it makes sense to have
13 it there. And the clearing of vegetation and the
14 establishment of cart paths I think is appropriate to
15 add.

16 CHAIRMAN MCINTYRE: What they are asking us to
17 do is either bracket or delete this text if we feel
18 it necessary, if anyone is uncomfortable with it.

19 MR. TIETJEN: Leave it in.

20 CHAIRMAN MCINTYRE: And I agree that golfers
21 will naturally seek out balls in the wetlands;
22 however, there are things that can be done to keep
23 that from happening. Okay.

24 So the next line is -- that's underlined is, The
25 golf course plan does not adequately address the

1 safety of adjoining dwellings, public roadways, and
2 infrastructure or the wildlife that exists along the
3 fringes of this golf course. And that we have to
4 address with modifications if we see -- maybe we'll
5 make a statement in modifications basically saying
6 something along the lines of if the golf course --
7 that they follow the -- what were the plans that
8 they --

9 MS. GALLICCHIO: ULI.

10 CHAIRMAN MCINTYRE: The ULI recommendations for
11 good golf course management and protection. All
12 right.

13 Road Patterns. What does it mean when they
14 underline everything? What is that again?

15 MR. KNAPP: I don't think it actually means
16 anything. I think it's just a quirk from the fact
17 that we changed it from Word to Word Perfect.

18 MS. GALLICCHIO: It also could be that we had
19 some discussion on it and hadn't reached a consensus.

20 MR. HANES: It wasn't in the other document
21 either, so it's new verbiage.

22 CHAIRMAN MCINTYRE: Okay, good.

23 MS. GALLICCHIO: Did we agree to the one about
24 Pequot Swamp, all of us? Did you go around?

25 CHAIRMAN MCINTYRE: The paragraph where we want

1 to add the clearing of vegetation, establishment of
2 golf cart paths, and the golfers will naturally seek
3 out errant balls into wetland rough areas, creating
4 foot traffic and disturbance of those sensitive
5 areas, does everyone want that verbiage added to the
6 or language added to the document?

7 MS. ESTY: Yes.

8 CHAIRMAN MCINTYRE: I do.

9 MS. GALLICCHIO: Yes.

10 MR. TIETJEN: Yes.

11 CHAIRMAN MCINTYRE: As I look around everyone on
12 the board indicates yes. Okay.

13 Next one was, The golf course plans do not
14 adequately address the safety of the adjoining
15 dwellings, public roadways, and infrastructure or the
16 wildlife that exists along the fringes of this golf
17 course. And we need to address that. I don't know
18 if that addresses it later on. What we have on a
19 couple of pages down - let's keep that in mind - we
20 have golf course design, as I think these are
21 modifications. We'll get into modifications and
22 conditions, and we'll keep that in mind that we
23 should make bullets.

24 MS. GALLICCHIO: Which ones are you thinking of,
25 the signage?

1 CHAIRMAN MCINTYRE: The signage.

2 MS. GALLICCHIO: Because signage is further
3 back. I see signage.

4 CHAIRMAN MCINTYRE: And this thing about
5 adequately addresses the safety of adjoining
6 dwellings and public roads.

7 MS. GALLICCHIO: Yes. It talks about the ULI
8 standards later on.

9 CHAIRMAN MCINTYRE: All right. Going down to
10 the next highlighted or underlined comments, The
11 commission finds that there was no -- excuse me. The
12 commission finds that there was not --

13 MS. GALLICCHIO: Go back one paragraph.

14 CHAIRMAN MCINTYRE: Oh, okay. It says, Road G
15 is not viable as a cul-de-sac design. Turning radii
16 for the fire apparatus and other large vehicles is
17 not adequate. Number five, which states -- okay.
18 And it says, I believe the idea was to require a
19 cul-de-sac meeting town road standards. And I think
20 that's Road G. Is that everybody's understanding of
21 Road G?

22 MS. GALLICCHIO: That was my understanding.

23 CHAIRMAN MCINTYRE: A cul-de-sac, all right.

24 MS. GALLICCHIO: It was that elongated
25 cul-de-sac.

1 MR. TIETJEN: I thought we had that. He didn't
2 understand it, but --

3 MS. GALLICCHIO: So we would require it to meet
4 town road standards.

5 CHAIRMAN MCINTYRE: Does everybody agree that we
6 want to add the -- I believe the idea -- well, it was
7 our idea to require a cul-de-sac meeting town road
8 standards on Road G. Looking around everybody is in
9 agreement.

10 MR. HANES: Right.

11 MS. GALLICCHIO: Yes.

12 CHAIRMAN MCINTYRE: All right. The next one,
13 The commission finds that there was not intended to
14 be and requires that there be access to land of
15 others via the corridor at the end of Road B depicted
16 as wetlands. And we already agreed to that.

17 MS. GALLICCHIO: Yes, we did.

18 MR. HANES: You forgot to say not, though. They
19 are not.

20 CHAIRMAN MCINTYRE: Not intended to be.

21 MR. HANES: No. You left out not.

22 MS. ESTY: Requires that there not be.

23 CHAIRMAN MCINTYRE: Oh, not be. Okay. Let me
24 reread it. The commission finds that there was not
25 intended to be and requires that there not be access

1 to land of others via the corridor at the end of Road
2 B (depicted as wetlands on the plans). And I think
3 we thoroughly discussed that last time, and it was
4 decided that we weren't going to seek any action
5 there.

6 There should be full access to Ingham Hill -- is
7 everyone in agreement with that?

8 MS. GALLICCHIO: Yes.

9 MR. HANES: Yes.

10 CHAIRMAN MCINTYRE: Okay. Everyone indicates
11 yes.

12 There should be full access to Ingham Hill Road
13 via Road H (not just an emergency access), as
14 recommended by the commission's traffic engineer
15 consultant (memo of December 1st, 2004). This not
16 only provides improved access for residents of The
17 Preserve, but also provides a second means of egress
18 from the existing residents of Ingham Hill Road in
19 the event of emergency (such as the flooding observed
20 near the ice house in 1982). The existing Ingham
21 Hill Road shall be realigned at the north end across
22 lots 73 and 79 as shown on the conventional
23 subdivision plan to eliminate the sharp curve on
24 Ingham Hill Road, also as recommended by Mr. Hillson.
25 The applicant should also address improvements to

1 Ingham Hill Road to accommodate any additional
2 traffic produced by this connection, including
3 improved pedestrian movement.

4 And we thoroughly discussed that. This is the
5 summary of what we came up with last time.

6 MS. GALLICCHIO: Yes. Except I did add at our
7 last meeting, and it's not shown here, after -- it
8 says, by the commission's traffic engineering
9 consultant in the memo and the town planner. And I
10 was just looking to find the date of her memo.

11 CHAIRMAN MCINTYRE: So you want to add that to
12 it.

13 MS. GALLICCHIO: I want to add and the town
14 planner.

15 MR. JACOBSON: I think there's one other
16 clarification, too, Bob. Lot 73 and 79 that he
17 refers to are shown on the original conventional
18 subdivision plan. I think those were deleted on the
19 last revision. So you may want to just insert as
20 shown on the original subdivision plan.

21 CHAIRMAN MCINTYRE: Okay. As shown on the
22 original subdivision.

23 MS. GALLICCHIO: Original conventional --

24 MR. JACOBSON: Original conventional subdivision
25 plan.

1 CHAIRMAN MCINTYRE: You all set, Eric?

2 MR. KNAPP: Yeah. I did find the motion on
3 here, so I am keeping up with you at this point in
4 time.

5 MS. GALLICCHIO: And I don't have the date of
6 the --

7 MR. KNAPP: Where was the town planner comment
8 again?

9 MS. GALLICCHIO: It was --

10 CHAIRMAN MCINTYRE: It was like the third line,
11 right after the memo of December 1st, 2004, and the
12 town planner.

13 MS. GALLICCHIO: And the town planner. And it
14 was her memo of end of November, beginning of
15 December. I've got to find the exhibit list.

16 MR. TIETJEN: I have a question about this.

17 MS. GALLICCHIO: No. It's Christine Nelson's.
18 That one and --

19 MR. KNAPP: Why don't you move on. We'll get to
20 it later on.

21 CHAIRMAN MCINTYRE: Sounds good. Christine can
22 probably get it right to us. Okay.

23 Is everyone in agreement with that, adding those
24 two extra comments plus what is stated in that
25 paragraph?

1 MR. TIETJEN: My question is the relevance of
2 the freezing at the bottom end of Ingham Hill Road.
3 How is this going to change that or how is that going
4 to be improved by a connection with the upper end of
5 the road?

6 CHAIRMAN MCINTYRE: I'll let you answer that.

7 MS. GALLICCHIO: I don't understand your
8 question.

9 MR. TIETJEN: Well, it's cited here in the event
10 of emergency such as flooding observed near the ice
11 house in 1982.

12 MS. GALLICCHIO: Right.

13 MR. TIETJEN: That's the only place it could
14 possibly happen. I can't see what the connection is
15 between making -- I just think it's a lousy argument
16 in short.

17 MS. GALLICCHIO: Well, my point was that the --

18 MR. TIETJEN: Sorry.

19 MS. GALLICCHIO: No. That's all right. That
20 that provides another access not only for The
21 Preserve development, but that -- the other way
22 around. That residents off of Ingham Hill Road
23 currently would also have another access.

24 MR. TIETJEN: To go up the hill.

25 MS. GALLICCHIO: If there were a problem, go out

1 that way, if they weren't able to get out near I-95.

2 MR. TIETJEN: Go up the hill.

3 MS. GALLICCHIO: Go up the hill what? Yeah, go
4 up Ingham Hill and out Bokum Road or Route 153 was
5 the issue. Now, if you want to remove that part, I
6 don't have a problem with it.

7 CHAIRMAN MCINTYRE: I think it's good. I think
8 it's good justification.

9 MR. HANES: It makes sense.

10 CHAIRMAN MCINTYRE: Does anyone have any changes
11 they want to make to this paragraph? Okay. Just for
12 clarification the such as flood observed near the ice
13 house in 1982 will remain in the paragraph.

14 MR. TIETJEN: It sounded irrelevant to me
15 somehow, but that's okay.

16 CHAIRMAN MCINTYRE: Off-site improvements to
17 Bokum Road must be investigated and proposed to
18 accommodate the additional traffic that will be
19 generated by this development. The commission's
20 counsel requested this information from the earliest
21 reviews, and the applicant has failed to respond.
22 There is a clear nexus between the traffic generated
23 by this development and the need for improvements on
24 Ingham and Bokum Road, and the safety of these future
25 residents require that both vehicular and pedestrian

1 traffic passage to and from the development be safe,
2 and convenient, and inviting.

3 I think as part of the application I think we
4 all agree that this statement was needed to ensure
5 that there may be some off-site road improvements
6 that are going to be needed to ensure that they --
7 because there's extra traffic generated by these --
8 by this site would warrant the improvements of both
9 these roads. So I think that's all that's stating.

10 MR. HANES: Right.

11 CHAIRMAN MCINTYRE: Anyone have any changes or
12 any problems with that paragraph?

13 MS. GALLICCHIO: No.

14 CHAIRMAN MCINTYRE: Okay. We have D, Clustering
15 of Estate Lots. No changes there.

16 E, no changes there. No discussion. Design of
17 Village Areas. So we'll have to rediscuss that.
18 We'll go back to that, unless you want to do it right
19 now. It's inevitable we've got to do it.

20 MR. TIETJEN: Are need. That's a little bit
21 funny language there, are need to be smaller. You
22 might want to correct that from the fancy record.

23 CHAIRMAN MCINTYRE: Where are you talking about?

24 MR. TIETJEN: In the middle of the paragraph.

25 CHAIRMAN MCINTYRE: Oh, you're on paragraph D?

1 MR. TIETJEN: D, yes.

2 CHAIRMAN MCINTYRE: D, as David.

3 MR. TIETJEN: It's a nitpick.

4 CHAIRMAN MCINTYRE: Where are you at?

5 MS. GALLICCHIO: Where is it, Dick?

6 MR. TIETJEN: The middle -- let's see, the
7 eighth or ninth sentence. The houses in the estate
8 lots are need to be smaller. It's just a nitpick.
9 We'll look a little stupid.

10 MS. GALLICCHIO: I'm just looking to see what we
11 had last time.

12 CHAIRMAN MCINTYRE: That makes sense.

13 MR. TIETJEN: Need to be smaller.

14 CHAIRMAN MCINTYRE: This finding does not mean
15 that the houses in the estate lots need to be
16 smaller, but only that the building envelopes need to
17 be smaller.

18 MS. GALLICCHIO: Right. But the verb isn't
19 right.

20 MR. KNAPP: When you read it, you read the word
21 or out of it and that made sense.

22 MR. TIETJEN: Now that makes sense.

23 MS. GALLICCHIO: So the estate lots -- the
24 houses in the estate lots need to be smaller. It
25 does not mean -- the houses in the estate lots need

1 to be smaller. Delete are, A-R-E.

2 MR. TIETJEN: We'll leave it to the applicant to
3 figure out how to do that. Is that what you were
4 saying?

5 CHAIRMAN MCINTYRE: I believe that was the
6 discussion. Anybody have a different viewpoint on
7 that; that's how the discussion went?

8 MS. GALLICCHIO: No. Because it continues there
9 to say how it will be done. Building envelopes shall
10 be limited to one acre, with the rest preserved for
11 conservation, located wherever, et cetera.

12 THE CLERK: Mr. Chairman, could you pause for a
13 moment.

14 CHAIRMAN MCINTYRE: Yes. Tape change.

15 THE CLERK: Thank you.

16 (Tape is changed.)

17 CHAIRMAN MCINTYRE: We are back on the record
18 again. The tape is rolling.

19 MS. GALLICCHIO: If we can Geoff just found the
20 memo I was referring to by Christine Nelson to add.
21 And it was November 17, 2004. Thanks, Geoff.

22 MR. KNAPP: November 17?

23 MS. GALLICCHIO: Yes.

24 CHAIRMAN MCINTYRE: Any other discussion on
25 paragraph D? Okay.

1 Next one is E, Design of Village Areas. Why
2 don't we get into that so we'll get that out of the
3 way.

4 MR. TIETJEN: You're not going to get into that
5 you say?

6 CHAIRMAN MCINTYRE: We are.

7 MR. TIETJEN: Because we did get started last
8 time.

9 CHAIRMAN MCINTYRE: Right. We did some
10 preliminary discussion about it, but we need to --

11 MS. GALLICCHIO: These are the -- where they
12 were first discussed.

13 CHAIRMAN MCINTYRE: For the record, the
14 commission is looking at the response to town review
15 comments, response number two, and we are looking at
16 I guess it's a drawing of BG00-A. And we are looking
17 at a drawing of the east village. Does everybody
18 have a copy here? If anybody wants to come around
19 and look, they can. Janis, if you need to.

20 MR. TIETJEN: I've looked at them.

21 CHAIRMAN MCINTYRE: Do we have any comments on
22 the east village, any changes or modifications anyone
23 wishes to see there?

24 MR. TIETJEN: Well, you remember my comment was
25 simply loosened up. It's too tight.

1 CHAIRMAN MCINTYRE: The only thing I'll say
2 right at this time, if we -- we haven't come to a
3 decision where the hundred -- well, there was 221
4 lots approved, which is -- what is it, 27 lots
5 removed from the 248. So somewhere the applicant
6 will have to do away with some lots. And I don't
7 think -- I think we are at the decision that -- to
8 let the applicant do that at this point, but that's
9 what's open for discussion, also. If there is a
10 particular lot that really annoys, you know, or
11 there's justification that we see for a particular
12 lot within the east village to be removed, now would
13 be the time to say so. There was also discussion
14 brought up about parking behind and issues. We
15 really haven't had a good look at these. We have
16 always been looking at the main village.

17 MS. GALLICCHIO: The main village is just the
18 next page.

19 CHAIRMAN MCINTYRE: We'll just take one village
20 at a time.

21 MS. GALLICCHIO: When you asked about parking,
22 let me just find it here.

23 CHAIRMAN MCINTYRE: Sure.

24 MS. GALLICCHIO: As I mentioned at the last
25 meeting, there was reported to be or in the plan is

1 two garages and one-car parking behind each garage or
2 in front of, whichever way you want to look at it.
3 But, also, there's something that we were discussing
4 about the back lanes, a/k/a alleys. And let me just
5 read it out loud to refresh people's memories. This
6 is in the same response number two from the
7 applicant.

8 The village back lanes, a/k/a alleys, are
9 proposed to be 18 feet in width; the same as many
10 local streets. Turning movements at each
11 intersection have been designed in consultation with
12 the fire marshal and fire chief to provide for access
13 by emergency vehicles and service vehicles. Visitors
14 may park in the rear lanes; however, it is more
15 likely that visitors will park in the front of a home
16 in designated on-street parking locations. In the
17 case of front access driveway, visitors may also park
18 within the driveways. So I just bring that up.

19 MR. HANES: Was it understood that there would
20 be parking on just one side of the streets in these
21 villages? I know we talked about the main village I
22 thought was just in front of the houses and not on
23 the opposite side of the street.

24 CHAIRMAN MCINTYRE: I would think, Geoff, your
25 recollection of the width of the main street in front

1 of the houses, is there adequate roadway to park two
2 vehicles on opposite sides of the street and still
3 have passage?

4 MR. JACOBSON: I think, you know, just as an
5 example, Road H I know we got into a big discussion
6 on that, and they were going to have parallel parking
7 on one side of the street was my recollection, on the
8 opposite side from the dwellings.

9 CHAIRMAN MCINTYRE: And that's something you
10 would address from a road standard point of view that
11 if they propose both and you couldn't do it during
12 the engineering review, you would tell them no, you
13 can't do that, because it wouldn't meet regulations.

14 MR. JACOBSON: Correct.

15 MR. HANES: Why would it be on the opposite side
16 of the street? I would think that most visitors
17 would tend to park right up in front of the house.

18 MR. JACOBSON: You know, I can't answer the
19 question why they proposed that, but that was my
20 recollection is that they were proposing it on the
21 opposite side of the street.

22 MR. HANES: I see.

23 MR. JACOBSON: Which would be -- on Road H, for
24 instance, that would be adjacent to where the golf
25 course was.

1 MR. TIETJEN: Do you want me to get my big map
2 out of the car?

3 MS. GALLICCHIO: I've got them here. I just
4 need to find which one is the first one in terms of
5 the parking.

6 CHAIRMAN MCINTYRE: Well, as far as parking, you
7 know, basically, what we want to say is that
8 parking -- about parking will not impede traffic flow
9 as a general statement in the design of this
10 subdivision and then that when they get to the
11 engineering portion, that will be covered under that
12 when the road standards and the roads are designed.
13 It's the big one.

14 MS. GALLICCHIO: You can see it, but not very
15 well on this one. This is S.B.A., Volume II,
16 revision date 12-23-04, which is Open Space
17 Subdivision Master Plan. If you look in the central
18 village where this dotted is on the outside and goes
19 in, you can see those little spaces.

20 CHAIRMAN MCINTYRE: Last time we had these --
21 last meeting someone showed us a good drawing of
22 that.

23 MS. GALLICCHIO: I may have it. I don't know --

24 CHAIRMAN MCINTYRE: I don't remember who
25 presented that to us.

1 MS. GALLICCHIO: -- about finding it quickly.

2 MS. ESTY: The bump-outs?

3 CHAIRMAN MCINTYRE: The bump-outs.

4 MS. ESTY: Here it is.

5 MS. GALLICCHIO: Oh, good.

6 CHAIRMAN MCINTYRE: There we go. This is the
7 exact map. This is Overall Master Plan, sheet number
8 MP-01, and the bump-outs. There's your bump-outs.
9 And there's more bump-outs here.

10 MR. HANES: Those are also designed to slow the
11 traffic?

12 MR. JACOBSON: They'll serve to slow the
13 traffic. You know, people do tend to slow up when
14 there's, you know, parallel parking, but I don't
15 believe that's the reason they were intended.

16 CHAIRMAN MCINTYRE: Just secondary effect.

17 MR. JACOBSON: Um-hum.

18 MR. HANES: Those bump-outs, are those built
19 into the roadway on the side?

20 MR. JACOBSON: Yes. It would be just like
21 parallel parking on a normal street.

22 MR. HANES: But will the bump-outs extend out
23 into the travel portion of the road to maintain or
24 are they just for design purposes here?

25 CHAIRMAN MCINTYRE: What you're seeing -- what

1 we are looking at, this drawing, Stuart, it's talking
2 about -- it looks like the bump-out shoots out into
3 the street rather than going back away from the
4 street. Unless the bump-outs are not the out part;
5 it's the in part.

6 MR. JACOBSON: Yeah, it's the in part.

7 CHAIRMAN MCINTYRE: Oh, we're looking at the out
8 part.

9 MR. JACOBSON: The things coming out are
10 actually islands.

11 CHAIRMAN MCINTYRE: Islands.

12 MR. JACOBSON: Just to break up a continuous
13 line of parking along that whole lane.

14 CHAIRMAN MCINTYRE: Okay.

15 MR. HANES: Oh, okay.

16 CHAIRMAN MCINTYRE: That makes sense. I was
17 looking at it going -- you're right.

18 MS. GALLICCHIO: We also were talking last time
19 a little bit about the open spaces; the park areas
20 within those.

21 MR. TIETJEN: Within the village.

22 MS. GALLICCHIO: Within the village. And this
23 shows the central village parks.

24 CHAIRMAN MCINTYRE: We are back to --

25 MS. GALLICCHIO: Response number two.

1 CHAIRMAN MCINTYRE: Response number two,
2 VG-00-B.

3 MR. HANES: What was your comment, Judy?

4 MS. GALLICCHIO: Just that people had questions
5 about where they were exactly.

6 MR. HANES: About parking?

7 MS. GALLICCHIO: No. The park areas; the green
8 areas.

9 CHAIRMAN MCINTYRE: You have A, B, C, and D,
10 green areas within these.

11 MR. TIETJEN: That green area is not a parking
12 area, is it?

13 CHAIRMAN MCINTYRE: No, no, no.

14 MS. GALLICCHIO: I meant the term park as a
15 green, like a village green. I didn't mean to be
16 parked on.

17 MR. TIETJEN: My question about that is those
18 are terribly small, considering the number of people
19 that are going to be living there. The size of it
20 may have to do with what kind of active recreation on
21 a small scale perhaps could take place there. The
22 village hasn't really much of a center, neither
23 village has. And it might be that this is a place
24 where you could pull the thing together a little bit,
25 make it more of a community. I'm thinking about the

1 people have to put up with the tightness, which you
2 like but I don't.

3 CHAIRMAN MCINTYRE: I did not say I like it. I
4 just said that --

5 MR. TIETJEN: Yes, you did.

6 CHAIRMAN MCINTYRE: -- I believe that diversity
7 is good and that this is what the applicant feels
8 that is marketable at this time, and that's why he's
9 depicted it this way. And I don't have the expertise
10 to disagree with him that -- whether these houses are
11 desirable or not. I leave that up to the applicant.
12 This is what he's proposed to us.

13 MS. GALLICCHIO: As I recall in their
14 information, although the green areas are small, they
15 about -- most of the villages about the golf course so
16 that you have scenery of golf course as well as these
17 small green areas.

18 MR. TIETJEN: Which is essentially unusable.

19 MS. GALLICCHIO: Right. More visual and
20 aesthetic for those people.

21 MR. TIETJEN: But for the people who live
22 there --

23 MS. GALLICCHIO: Right.

24 MR. TIETJEN: -- are still going to have to go a
25 long way to get some open space.

1 CHAIRMAN MCINTYRE: No. The open space is --
2 there will be open space pathways, that they can pick
3 up the open space walkways.

4 MR. TIETJEN: That's all golf course right
5 there.

6 CHAIRMAN MCINTYRE: Well, there will be pathways
7 through here.

8 MR. TIETJEN: If you look -- incidentally, if
9 you look at the contour lines -- I should have
10 brought my other book.

11 CHAIRMAN MCINTYRE: Well, there are contour
12 lines, I know. Well, right up --

13 MS. GALLICCHIO: The slope there.

14 CHAIRMAN MCINTYRE: Well, up here, this is flat
15 up here.

16 MR. TIETJEN: It's cliff between that flat
17 you're talking about and the swamp.

18 CHAIRMAN MCINTYRE: Right. But you're not going
19 to build there.

20 MR. TIETJEN: They are going to have to excavate
21 to put a green, a fairway down there.

22 CHAIRMAN MCINTYRE: They are going to have to
23 what?

24 MR. TIETJEN: If there's going to be a golf
25 course between the village and the swamp, they are

1 going to have to do some earth moving to make it a
2 flat enough, wide enough area to have the thing work.
3 It seems to me it's very tight for any purposes that
4 require flat surfaces for people to walk on.

5 MS. GALLICCHIO: Well, we've talked about a
6 100-foot buffer between there and the village or I
7 should say from the swamp outward. So the
8 possibility of having much in the way of fairways in
9 between is limited even more.

10 MR. TIETJEN: Is --

11 MS. GALLICCHIO: Limited.

12 MR. TIETJEN: Yes. That's one of my problems.

13 MS. GALLICCHIO: Even more than it shows on this
14 map.

15 MR. TIETJEN: It's right like this right next to
16 it. So it shouldn't be counted. You can't count a
17 golf course as open space.

18 CHAIRMAN MCINTYRE: No.

19 MS. GALLICCHIO: No. We are not really talking
20 about open space.

21 MR. TIETJEN: For open space uses.

22 CHAIRMAN MCINTYRE: Yeah, but we are just
23 talking about --

24 MS. GALLICCHIO: We are talking about the
25 village setup.

1 CHAIRMAN MCINTYRE: The village setup. So we
2 have to concentrate -- right now we need to stay
3 focused on the village setup.

4 MR. TIETJEN: The village was set? What do you
5 mean?

6 CHAIRMAN MCINTYRE: Set up. How it's set up.

7 MS. GALLICCHIO: The design of the village.

8 CHAIRMAN MCINTYRE: How it's depicted on the
9 plans.

10 MR. TIETJEN: We can't recommend any changes; is
11 that what you're saying?

12 CHAIRMAN MCINTYRE: That's what we are
13 discussing.

14 MS. GALLICCHIO: That's what we are proposing.

15 CHAIRMAN MCINTYRE: Is there any changes you
16 want to see to the village section? We discussed the
17 parking off site -- off-the-street parking. We
18 discussed about the -- how many cars could park in
19 the driveways last time. We see that you can get two
20 plus one in the back, on the backside. And you just
21 brought up the fact of -- what I think you're getting
22 at is we have several different small areas of open
23 green space, not open space but green space, to be
24 used as parks by the residents.

25 MR. TIETJEN: That's important.

1 CHAIRMAN MCINTYRE: Right. And it gives some
2 greening to the area. And myself, I'm looking at,
3 you know, I would rather have small greens like this
4 than have one big center green where everyone would
5 have to go and be in one area. I think this is nice
6 the way they have it broke up, that it provides to
7 each little area you get several different diverse
8 open areas to go to.

9 MR. TIETJEN: What kind of uses would that --
10 does that imply? Is there enough room there for what
11 kind of activity in each of those green spaces? Are
12 they big enough to accommodate anything but a --

13 CHAIRMAN MCINTYRE: I believe when the
14 applicant -- I think when the applicant was speaking
15 to me about -- when I brought up the fact of baseball
16 fields and stuff, that these were basically big
17 enough to have maybe small swing sets and things of
18 that nature. They are not overly big. You're not
19 going to have active recreation in there. They are
20 basically paths of recreation. And I believe that
21 there's an association that will probably make a
22 determination what kind of activity can take place
23 within those -- that's within the private association
24 area.

25 MR. TIETJEN: They might have to.

1 MS. GALLICCHIO: Let me read what the applicant
2 said about that. And again, I'm reading from
3 response number two. A goal of the applicant and a
4 certain -- and a significant component of promoting
5 neighborhoods is the provision of green and social
6 spaces. There are eight proposed green spaces
7 ranging in size from 2,000 square feet to
8 35,000 square feet and totaling three acres. The
9 specific uses of these spaces have not yet been
10 defined, as this application is preliminary in nature
11 only. However, it is envisioned that the greens will
12 allow for passive recreation, light recreation,
13 monuments for creating identity and defining social
14 gathering spaces. We believe such specific review
15 comments are more appropriate for the final site
16 application.

17 MR. TIETJEN: So I'm asking if we think that
18 that's enough land in the villages would be allocated
19 for those purposes. It just looks small on the map,
20 especially compared to the golf course and other
21 luxuries that a very few people will enjoy.

22 CHAIRMAN MCINTYRE: I'm happy with the way they
23 are depicted. I think they're sufficient.

24 MR. HANES: My comment here, what about animals,
25 dog walking and whatnot? Is there adequate space for

1 pets or is this going to be like little New York?

2 CHAIRMAN MCINTYRE: Will you take them out and
3 get them shocked as you're walking down the street?

4 MR. HANES: Yeah.

5 MS. GALLICCHIO: I think it was confusing,
6 because -- let me see if we have a closer -- these
7 are more close-ups. On a picture like here I'm not
8 saying of the green, but more to focus in the front
9 of the houses there's --

10 MR. HANES: Greenway.

11 MS. GALLICCHIO: A strip of green. You know,
12 there's sidewalk and then a strip of green with a
13 tree. It's like in the center of town. Those
14 streets where you have a street and then a strip of
15 grass, not a wide strip, but I think that's the --

16 CHAIRMAN MCINTYRE: Then again these are going
17 to be private associations, and that's things that
18 they will handle within their own community. I mean
19 as any association is going to -- the people that
20 live there will want to control -- they are going to
21 have regulations and rules just like the town has.
22 You've got to register your dog and certain things.
23 And obviously, living in this area there will be
24 plenty of open space there to take your dog walking
25 out into anyway, you know, away from your house.

1 MR. TIETJEN: If you don't get hit by a golf
2 ball, yes.

3 MS. GALLICCHIO: I don't recall - and perhaps
4 someone can remind me - of getting much evidence in
5 the record that this -- these village setups were
6 inappropriate or difficulties with them. I don't
7 recall seeing much addressed about the villages.

8 MR. TIETJEN: Well, I can make a wisecrack about
9 tree arborists being concerned about their stakes, as
10 me, an old suburbanite, being concerned with mine.
11 I've spoken about this before, and I just feel that
12 this is squeezing people in. They haven't got room
13 to plant a little garden. They haven't got squat.
14 They've got a place to put a car or maybe two to get
15 out into the country, I suppose.

16 CHAIRMAN MCINTYRE: The fact of the matter is --

17 MR. TIETJEN: It's not a complicated idea.

18 CHAIRMAN MCINTYRE: But the thing is that we all
19 have our -- each of us have our idea of where we want
20 to live.

21 MR. TIETJEN: Yes. And I think we've already
22 expressed it.

23 CHAIRMAN MCINTYRE: And these people are going
24 to -- when they see these places, the people that buy
25 into these places are going to want to live there.

1 Nobody's going to force them to come to this village
2 and live, you know. If they walk in and say --

3 MR. TIETJEN: Well, we aren't, that's for sure.

4 MS. GALLICCHIO: Well, it's an option.

5 CHAIRMAN MCINTYRE: It's an option.

6 MS. GALLICCHIO: It's a living style --
7 lifestyle option that this application is offering,
8 not to say you would like to live there.

9 CHAIRMAN MCINTYRE: Low maintenance.

10 MS. GALLICCHIO: Similar to a condo, regular
11 condo association.

12 MR. TIETJEN: We're saying -- Judy, it sounds as
13 if we are saying -- by that we're saying, well, we
14 don't give a damn how you live.

15 MS. GALLICCHIO: No.

16 MR. TIETJEN: That's your problem.

17 MS. GALLICCHIO: One of the things that we've
18 said, though, is that we -- our regulations and the
19 zoning regulations in Conservation C District
20 encourage clustering and mandate clustering.

21 MR. TIETJEN: Is this the definition?

22 MS. GALLICCHIO: This is clustering. This is a
23 type of clustering.

24 MR. TIETJEN: Is this the definition of
25 clustering?

1 CHAIRMAN MCINTYRE: This is the truest form of
2 clustering that you can really have.

3 MR. TIETJEN: I've never seen one quite like
4 that.

5 MS. GALLICCHIO: There can be clustering of
6 quarter acre lots. There can be clustering of other
7 size, but this is a type of clustering.

8 CHAIRMAN MCINTYRE: This is clustering. This is
9 what the developer has presented to us or the
10 applicant has presented to us, and I don't see any
11 problem with it. It's a different type of housing.
12 It may appeal to many people, it may not. That's the
13 chance that the developer's taking.

14 MR. TIETJEN: Well, my point earlier was I think
15 advisable to require that they loosen it up a bit.

16 MS. GALLICCHIO: In what way, Dick? You need to
17 be more specific.

18 MR. TIETJEN: Well, give people a place to plant
19 a vegetable garden or better even a flower garden in
20 the front yard or in the backyard, but there is
21 neither in this arrangement. This is all based on
22 automobile traffic --

23 CHAIRMAN MCINTYRE: Right.

24 MR. TIETJEN: -- and pedestrian traffic.

25 CHAIRMAN MCINTYRE: We are not here to dictate

1 what they do with their houses.

2 MR. TIETJEN: There's no common -- we are a
3 planning commission. Of course we are not dictating.
4 We are trying to plan something. If they want to do
5 it, that's their business, but if they don't then
6 somebody is going to leave a curse on our heads --

7 CHAIRMAN MCINTYRE: They just won't buy there.

8 MR. TIETJEN: -- for closing them in this way.
9 Okay. But if you're -- I've said my piece and you've
10 said yours.

11 CHAIRMAN MCINTYRE: Any other comments on the
12 village -- center village section? Does anybody have
13 any problems with them that we can -- so we can --

14 MR. HANES: No. Basically, we discussed the
15 clustering and this type of housing, and there are
16 pros and cons. And chances are if people want them
17 they'll go there, but to many of us that isn't our
18 desire to be in a clustered area like that. The only
19 thing that they might do, if they have an
20 opportunity, would be to have a little more open park
21 like greenery near the clubhouse here. I can see
22 where if most of these people are members of the
23 club -- this isn't it. This is the eastern village.
24 But the other, they'll be walking over here by the
25 tennis courts and --

1 CHAIRMAN MCINTYRE: Right.

2 MR. HANES: So you don't see the greenery here
3 that there's going to be around the golf course.

4 CHAIRMAN MCINTYRE: Right. There are -- like
5 over here by the water tank, it's all wooded area
6 right there. Okay. So I would surmise from our
7 conversation of the village area that at this time we
8 have no major objections to the way the village areas
9 are set up.

10 MS. GALLICCHIO: Yes, I agree.

11 CHAIRMAN MCINTYRE: Judy, do you agree?

12 MS. GALLICCHIO: Yes.

13 MR. HANES: I'll go along with that.

14 CHAIRMAN MCINTYRE: And I agree.

15 MR. TIETJEN: I have an objection and I've
16 expressed it. It's a reservation that I would hold
17 in our further discussions.

18 CHAIRMAN MCINTYRE: Janis.

19 MS. ESTY: No.

20 CHAIRMAN MCINTYRE: Okay. So it's basically
21 a -- Dick was not in agreement, but everyone else was
22 in agreement that the village areas should be left
23 the way they are. Okay.

24 Then we talked about active recreation. We
25 already discussed that.

1 MR. KNAPP: Before you go on, Mr. Chairman, I
2 typed in the following two sentences. It now reads,
3 At this time the commission has no measurable
4 objections to the way the village areas are set up.
5 The village areas should be left the way they are.
6 That's in the motion right now, unless you tell me to
7 put something else there.

8 CHAIRMAN MCINTYRE: I don't think so. Anybody
9 want to add anything else to that?

10 MS. GALLICCHIO: Maybe instead of left the way
11 they are, that the design of the villages -- design
12 of the village areas --

13 CHAIRMAN MCINTYRE: Are deemed appropriate.

14 MS. GALLICCHIO: -- is deemed appropriate.

15 CHAIRMAN MCINTYRE: Just soften it a little bit.

16 MR. KNAPP: Design of the village areas is
17 deemed appropriate. The second sentence now reads,
18 The design of the village areas is deemed
19 appropriate. I want to make sure that we have our
20 motion language ready before we move on to the next
21 item.

22 CHAIRMAN MCINTYRE: Sure. Okay. Active
23 Recreation for the Public, we've discussed that. And
24 that's in there.

25 Now, the next thing that has any changes is the

1 Location of Maintenance Facility. We discussed that.
2 And Location of Maintenance Facility. The
3 maintenance facility has been placed directly
4 upgradient from vernal pool number 24. It says, note
5 number seven, Dr. Goodfriend suggested omitting that
6 language about high value, because it implies that
7 the vernal pool number 24 was higher in value than
8 any others on the site, which she does not think is
9 accurate. So we are taking out the word high value
10 from the original paragraph. And the maintenance
11 facility will, of necessity, involve the storage of
12 chemicals for the golf course and the storage
13 maintenance and possible fueling of service vehicles.
14 This facility should be located in a less sensitive
15 area. And everybody is still in agreement with that.

16 MS. GALLICCHIO: Yes.

17 MR. HANES: Yes.

18 MS. ESTY: Yes.

19 CHAIRMAN MCINTYRE: Dick, are you in agreement?

20 MR. TIETJEN: (Nods head)

21 CHAIRMAN MCINTYRE: Okay, Dick's in agreement.

22 Preserve (sic) of the Ingham Hill Homestead. In
23 addition to the lack of active recreational
24 opportunities in The Preserve, there is a failure to
25 address how the historic Ingham Hill Homestead and

1 setting will be protected and preserved.

2 MS. GALLICCHIO: Can we go back a second?

3 CHAIRMAN MCINTYRE: Yes, we can.

4 MS. GALLICCHIO: At the bottom of the page there
5 is footnote number six. And I'm not sure -- oh,
6 okay. It's at the end of D. So I think we need to
7 address that.

8 CHAIRMAN MCINTYRE: D, okay. Number six said,
9 The last phrase does not make sense to me, but do you
10 mean that you want conservation easements only where
11 the land is adjacent to public open space or you want
12 the applicant to create new public open space at the
13 perimeter of the building envelopes (which might be
14 impossible for every lot)? Or do you mean you want
15 the perpetual easement areas to be located on the
16 side of each lot where it abuts proposed public open
17 space? Try to clarify this.

18 MS. GALLICCHIO: When we were discussing this,
19 my -- what I was trying to say was the last of them.
20 That the easement areas ought to be located on the
21 side of each lot where it abuts proposed public open
22 space.

23 CHAIRMAN MCINTYRE: Okay.

24 MR. HANES: Did we agree to the term that every
25 lot had some -- that all lots did abut open spaces?

1 MS. GALLICCHIO: No, I don't believe we did.

2 MR. HANES: So some of those lots --

3 CHAIRMAN MCINTYRE: No, no. Because these two
4 ones in the middle don't.

5 MR. TIETJEN: That was sort of a compromise I
6 thought. We looked at the map and thought it was
7 impossible to do it everywhere.

8 MR. HANES: So you do it just on those lots that
9 abut the open space.

10 MS. GALLICCHIO: That would be my suggestion,
11 yes.

12 MR. HANES: There's no sense in here.

13 MS. GALLICCHIO: No. That's -- I can't read the
14 number. Sixty -- no. Sixty-nine and 68 is what
15 you're referring to.

16 MR. HANES: Okay.

17 CHAIRMAN MCINTYRE: We'll use the language
18 then --

19 MR. KNAPP: Why don't we actually -- give me the
20 language that you want that last sentence to read so
21 that I can put that in.

22 CHAIRMAN MCINTYRE: Basically, you're saying
23 building envelopes should be limited to one acre,
24 with the remainder of the lot to be preserved by
25 perpetual easements located wherever possible

1 adjacent to permanent open space.

2 MR. KNAPP: That's how it reads now.

3 MS. GALLICCHIO: So instead of that comma
4 located wherever, located on the side of each lot
5 where it abuts proposed open -- public open space.

6 MR. KNAPP: Each lot where it abuts --

7 MS. GALLICCHIO: Proposed public open space.

8 MR. KNAPP: Proposed public open space. Okay.
9 Then delete the rest of the sentence there?

10 MS. GALLICCHIO: Let me just read it again.

11 MR. KNAPP: I can read you what I have now.

12 MS. GALLICCHIO: Okay.

13 MR. KNAPP: Last sentence there now reads,
14 Building envelopes shall be limited to one acre, with
15 the remainder of the lot to be preserved by perpetual
16 conservation easements, comma, located on the side of
17 each lot where it abuts proposed public open space,
18 period.

19 MS. GALLICCHIO: Yes. But let me ask you,
20 Mr. Knapp -- I'm not sure how we can reflect what
21 would happen with lots that do not abut proposed
22 public open space.

23 MR. KNAPP: What would you like to have in
24 there?

25 MS. GALLICCHIO: I don't know. I'm asking.

1 MR. KNAPP: Well, then I can't help you with the
2 language.

3 CHAIRMAN MCINTYRE: Think quick, Judy. Do we
4 have that map that shows -- we had a map last week
5 that showed the open space. You know, it showed
6 how -- the proposed conservation easements in this
7 area. Didn't we have a map of that?

8 MS. GALLICCHIO: Yeah, we did.

9 CHAIRMAN MCINTYRE: So that might --

10 MR. TIETJEN: The alternative would be to -- I
11 take it it was understood here -- if you looked at
12 any of the maps that - what's his name - Randall
13 Arendt did in his books, there I think it was all
14 pretty loose by comparison and lots were arranged
15 very carefully so that everybody -- every lot had
16 some direct way to get to the open space.

17 CHAIRMAN MCINTYRE: Here it is. I've got it.

18 MR. TIETJEN: Now, that isn't quite what's
19 happened here. So to change it to what he was
20 driving at would require an awful lot of room for one
21 thing. It would have lots of land taken up by houses
22 spread out all over the place. So it would be a hard
23 thing to do. So I think the idea of limiting it to
24 the land that abuts the open space is probably a good
25 idea. The rest of the people maybe with

1 rights-of-way, pathways or something or other so that
2 they could walk to it, the open space, that would be
3 a solution, but if you follow me.

4 MS. GALLICCHIO: Yeah. This shows for those two
5 lots that I was referring to --

6 CHAIRMAN MCINTYRE: Sixty-eight and 69.

7 MS. GALLICCHIO: -- 68 and 69, that the
8 conservation ease -- well, I don't know if it says --
9 proposed.

10 CHAIRMAN MCINTYRE: Well, you can't tell,
11 because you have to assume it's yellow. Proposed
12 undisturbed, see. That's what that all --

13 MS. GALLICCHIO: Okay. It goes undisturbed
14 shows the area that is abutting Road E?

15 CHAIRMAN MCINTYRE: We have to go to a different
16 map. Road to -- it's the same -- no. It's a
17 different location. This is the other end of the
18 road.

19 MS. GALLICCHIO: Where was the one Janis -- is
20 this Janis's?

21 CHAIRMAN MCINTYRE: Yes.

22 MS. GALLICCHIO: Road E. It shows the
23 conservation easement on the Road E side of those
24 two, which I guess in terms of vista it gives a
25 scenic view in that area. It doesn't make for

1 contiguous open space, which was my point about the
2 large lots.

3 CHAIRMAN MCINTYRE: So it looks like -- well,
4 except right now the way on this preserve plan --
5 Open Space Subdivision Plan, Graphic Plate Number Two
6 dated January 26, 2005, that the proposed undisturbed
7 area within the larger estate lots, they show
8 undisturbed area running along the backside of -- get
9 a better map here. Where did that other map go?
10 There it is. Okay. Lot 67, 66, 65, 64, all the way
11 down and around to lot 60 -- 56. All the way around.
12 It runs around the backside and just kind of follows
13 along, except on lot number -- what lot is that?
14 Sixty-one. They have lot 61 placed high back on the
15 property, and that might be topography, too. So
16 basically, what you're saying is you want the --
17 basically, what we have right now is almost what you
18 want -- what you're depicting here.

19 MS. GALLICCHIO: Except there are some that
20 don't have them.

21 CHAIRMAN MCINTYRE: And this may mean possible
22 elimination of lot 61 if the topography doesn't allow
23 for it.

24 MS. GALLICCHIO: Well, it could.

25 CHAIRMAN MCINTYRE: Right. Because otherwise

1 they show -- then again, you've got all this area --
2 what confuses me is that you have all this proposed
3 undisturbed area, but then along the northeast
4 boundary of the property parallel with Bokum Road
5 there's no proposed undisturbed, meaning that they
6 are going to go in, but there is no conservation
7 easements along the backside of these either.
8 There's, you know, open space. I don't know what
9 this land is considered. What I'm trying to say is
10 in your statement -- could you read that last
11 sentence back to me about what we just changed,
12 Judy's statement.

13 MS. GALLICCHIO: Building envelopes.

14 MR. KNAPP: Building envelopes shall be limited
15 to one acre, with the remainder of the lot to be
16 preserved by perpetual conservation easements located
17 on the side of each lot where it abuts proposed open
18 space.

19 CHAIRMAN MCINTYRE: Right. So really we don't
20 know what this is right here. I assume open space.

21 MS. GALLICCHIO: Well, that's the --

22 CHAIRMAN MCINTYRE: Railroad tracks.

23 MS. GALLICCHIO: -- utility, yeah, railroad
24 tracks.

25 CHAIRMAN MCINTYRE: But is it your intention for

1 this type of situation, undisturbed area to be --

2 MS. GALLICCHIO: All the way around. All the
3 estate lots. All the estate lots. Maybe if we
4 added --

5 CHAIRMAN MCINTYRE: So basically, you're saying
6 to the rear of all estate lots --

7 MS. GALLICCHIO: Well --

8 CHAIRMAN MCINTYRE: -- excluding 68 and 69 you
9 want buffered.

10 MS. GALLICCHIO: When abutting public open space
11 or what is currently open space or is proposed to be
12 open space.

13 MR. KNAPP: There are two different alternatives
14 here --

15 MS. GALLICCHIO: Okay.

16 MR. KNAPP: -- at least grammatically. One of
17 which is to put in some sort of comma here and try
18 and make the sentence longer. It's already quite
19 long. The alternative is to basically start a new
20 sentence, starting on something like for lots not
21 abutting open space and then dot, dot, dot, go on
22 from there. And I don't know if you prefer to do it
23 that way or if you would rather rewrite the previous
24 sentence to say all lots shall abut open space. I
25 don't know where you want to go with that.

1 MS. GALLICCHIO: Well, even on the ones that are
2 on the --

3 CHAIRMAN MCINTYRE: Northeast.

4 MS. GALLICCHIO: -- northern side, that is open
5 space to the boundary line.

6 CHAIRMAN MCINTYRE: Okay. I'm just making
7 sure -- I'm not too sure myself what that's actually
8 going to be defined as.

9 MS. GALLICCHIO: Right.

10 CHAIRMAN MCINTYRE: So I want to make sure
11 you're comfortable with that. I don't want you
12 getting -- when we get to the -- if we get to the
13 stage of getting an application it turns out this is
14 defined as something different as a -- you know,
15 the -- what would you call that, the --

16 MS. GALLICCHIO: Railroad right-of-way.

17 CHAIRMAN MCINTYRE: Right-of-way or the power
18 line right-of-way, that's not open space so they
19 wouldn't have to put it there.

20 MS. GALLICCHIO: Well, my feeling is they
21 still -- it still ought to be there.

22 CHAIRMAN MCINTYRE: Okay.

23 MR. KNAPP: Should I add abuts proposed public
24 open space and undisturbed areas; is that also part
25 of the concept here?

1 MS. GALLICCHIO: Yes.

2 MS. ESTY: If you look at this one, there seems
3 to be a boundary, a green space before the railroad.

4 CHAIRMAN MCINTYRE: Yeah. So your statement is
5 good.

6 MS. GALLICCHIO: Okay.

7 MR. KNAPP: Abuts public -- proposed public open
8 space and undisturbed areas; is that now in addition
9 to the language here? Is that adequate?

10 MS. GALLICCHIO: Yes.

11 MR. KNAPP: Okay. Do you want something more
12 for lots that are not?

13 MS. GALLICCHIO: I think we still need to
14 address those lots that are not abutting open space
15 or a natural area.

16 MR. KNAPP: Okay.

17 MR. HANES: How many are there?

18 MS. GALLICCHIO: There's only two. And we don't
19 know if those will still --

20 CHAIRMAN MCINTYRE: Two. But you've got this
21 one here, that 80 -- 62 is where it doesn't have any
22 abutment to -- it has something causing a gap there.
23 What it is I don't know. And you can see there's a
24 gap.

25 MS. GALLICCHIO: Maybe we can say where the

1 property or where the boundary abuts proposed open
2 space or -- what's the language that you used?

3 MR. KNAPP: Undisturbed area.

4 MS. GALLICCHIO: Undisturbed land that the
5 building envelopes would be limited to one acre.

6 MR. KNAPP: Okay. And for those that are not?

7 MS. GALLICCHIO: Do we have to be specific about
8 it or --

9 MR. KNAPP: I just don't know if you want to add
10 anything about that.

11 MS. GALLICCHIO: It just doesn't seem
12 reasonable. My focus is to get more contiguous open
13 space, undeveloped land. And it really -- the lots
14 that would not be affected by that, the three lots or
15 four lots perhaps, aren't really of concern of mine.

16 MS. ESTY: They are landlocked, basically, by
17 their own development.

18 MS. GALLICCHIO: Yeah. And it just would be
19 pointless to me to require that of those, because
20 then you're getting just some little blobs of open
21 space, which isn't meaningful.

22 CHAIRMAN MCINTYRE: So what we are doing here is
23 normally in a subdivision we would look at each lot,
24 and we would go back and we could put a conservation
25 easement along the backside of wherever we felt it

1 was necessary --

2 MS. GALLICCHIO: Right.

3 CHAIRMAN MCINTYRE: -- by viewing these. But in
4 this case what we are saying is that these lots are
5 so large that they could be -- by limiting it to one
6 acre, that the remaining parcel of that one acre land
7 will remain undisturbed on each lot.

8 MS. GALLICCHIO: Right, right. But we want that
9 one acre to be contiguous with open space or other
10 undisturbed land.

11 MR. KNAPP: So I have now added in the beginning
12 of your sentence --

13 MS. GALLICCHIO: Okay.

14 MR. KNAPP: -- for those lots abutting proposed
15 public open space or undisturbed areas, building
16 envelopes shall be limited to one acre, with the
17 remainder of the lot to be preserved by perpetual
18 conservation easements located on the side of each
19 lot where it abuts proposed public open space and
20 undisturbed areas. Is that the concept?

21 MS. GALLICCHIO: Yes.

22 CHAIRMAN MCINTYRE: I think that intention will
23 cover two things. And you tell me if I'm wrong.
24 That, one, anywhere we have open space where we are
25 assured that there will be additional undisturbed

1 land, but there may have to be areas that are not
2 adjacent to the open space that will also have to be
3 left undisturbed to meet that one-acre envelope. You
4 don't have to add that in there. I'm just seeing if
5 that sentence will meet that. I think that's what we
6 are saying in general.

7 MR. KNAPP: Well, let's see. Building envelopes
8 shall be limited to one acre, with the remainder of
9 the lot to be preserved by perpetual conservation
10 easements located on the side of each lot where it
11 abuts proposed open space -- proposed public open
12 space and undisturbed areas. Does that --

13 MS. GALLICCHIO: Or perhaps or other undisturbed
14 areas.

15 MR. KNAPP: Or other undisturbed areas?

16 CHAIRMAN MCINTYRE: What I see in Judy is
17 here --

18 MS. GALLICCHIO: It doesn't necessarily have to
19 be open space.

20 CHAIRMAN MCINTYRE: That you want to make sure
21 that anywhere on each lot that abuts open space, that
22 there is a conservation -- a perpetual conservation
23 easement. But we are not saying -- do you want to
24 put how deep you want that to be?

25 THE CLERK: Mr. Chairman, can you stop?

1 CHAIRMAN MCINTYRE: Yep.

2 (Tape is changed.)

3 MR. REDAK: The designated conservation area --

4 MS. GALLICCHIO: This is not a public hearing.

5 MR. REDAK: And --

6 MR. KNAPP: Sir, you cannot speak.

7 MR. REDAK: A yes vote would drive a nail into
8 the coffin --

9 MR. KNAPP: Excuse me, sir. Excuse me, sir.

10 This is not a public hearing. This is not a session
11 you're allowed to speak at.

12 CHAIRMAN MCINTYRE: You can't speak at this
13 session. We are in deliberation now. Thank you.

14 MS. GALLICCHIO: Mr. Knapp, did you have a
15 follow-up sentence?

16 MR. KNAPP: Well, only if you wanted to have a
17 sentence regarding lots that were not abutting open
18 space. But basically, the way you've now written it
19 those lots would not require building envelopes being
20 limited to one acre.

21 MS. GALLICCHIO: Okay. I'm okay with that.

22 MS. ESTY: I'm not sure, though, that that
23 wording would realize that the houses of the estates
24 on Road E that face that railroad, whether that would
25 be clear enough for the developer to realize that

1 that would, also.

2 MR. KNAPP: Undisturbed areas such as?

3 CHAIRMAN MCINTYRE: What do you mean, Janis?

4 MS. ESTY: In other words, this is the railroad
5 track and there is a small green space there.

6 CHAIRMAN MCINTYRE: Right.

7 MS. ESTY: And we are assuming by that map that
8 there is truly a small green space there, but I don't
9 know how accurately drawn that is. And if we go --
10 if they don't want to consider that either open space
11 or --

12 CHAIRMAN MCINTYRE: Well, it has to be, because
13 it's shown on the open space plan. We have it right
14 here.

15 MS. ESTY: I want to make sure that they realize
16 that this back part is in the back. It looked like
17 that when I looked at it, but --

18 MR. KNAPP: Tell you what. Why don't I include
19 in here additional language saying for those lots
20 abutting proposed public open space or undisturbed
21 areas such as areas adjacent to railroad tracks. Is
22 that better, worse?

23 MS. GALLICCHIO: And/or utility --

24 CHAIRMAN MCINTYRE: Easements.

25 MS. GALLICCHIO: -- easements.

1 MR. KNAPP: Or utility easements. Is that
2 better?

3 MS. ESTY: That would fix it for me anyway.

4 CHAIRMAN MCINTYRE: Okay.

5 MS. GALLICCHIO: Okay.

6 MR. TIETJEN: How about something for -- to
7 allow access for people who are in these blind lots,
8 if that's what you want to call them, to the
9 right-of-way to get to open space. It wouldn't have
10 to be -- certainly not automotive, but something that
11 you could walk over or ride your bike on.

12 CHAIRMAN MCINTYRE: Well, there's passive
13 recreation allowed in any of those areas.

14 MR. TIETJEN: What?

15 CHAIRMAN MCINTYRE: Passive recreation is
16 allowed in any of those areas. You just can't --

17 MR. TIETJEN: Well, we are talking about lots
18 now.

19 CHAIRMAN MCINTYRE: Right, in the lots. So if a
20 person wanted to walk through there, it's passive.

21 MR. TIETJEN: Okay. Access to open space is I
22 thought what we were talking about.

23 MS. GALLICCHIO: No. I'm thinking more in terms
24 of habitat for animals rather than people, because I
25 don't think the idea of -- in my head of a

1 conservation easement is not for either the general
2 public or neighbors to pass through.

3 MR. TIETJEN: Okay.

4 MS. GALLICCHIO: It's more an undeveloped area
5 that's contiguous with other undeveloped areas.

6 MR. TIETJEN: Yes. That's important. Okay.
7 But somehow I just wonder about the people who don't
8 have access to this but their neighbors do. If they
9 do, why, fine; if they don't, I guess we can't --

10 MS. ESTY: Well, they're not giving up their
11 property.

12 MS. GALLICCHIO: It's not really access to it.
13 It's part of their own property.

14 MR. TIETJEN: I'm thinking about the properties
15 that are not contiguous; they are not part of this
16 open space that you're talking about. You're looking
17 at houses, even though in a larger open scale, they
18 are clustered. And if you're looking for that, you
19 find some that are not even remotely able to get
20 directly to open space.

21 MS. GALLICCHIO: Well, they have it on their own
22 lot. In the estate lots we are talking about. Is
23 that what you're talking about?

24 MR. TIETJEN: Right. Well, I thought that was
25 one of the things you were worried about. If that's

1 not an issue with you, then okay. I won't push it.
2 But yes, I agree with you about the continuity of the
3 open space for wildlife.

4 MR. HANES: Are we talking about condominium
5 lots or --

6 MS. GALLICCHIO: No. I'm talking about the
7 estate lots.

8 CHAIRMAN MCINTYRE: Just the estate lots.

9 MR. HANES: You're not having people walk
10 through.

11 MS. GALLICCHIO: No. That was not my intention.
12 It was that part of that lot be maintained as wild.

13 CHAIRMAN MCINTYRE: Basically, it looks like
14 undisturbed land.

15 MS. GALLICCHIO: Part of the open space in terms
16 of functioning, but not in terms of access.

17 MR. TIETJEN: Functioning, yes. Okay.

18 CHAIRMAN MCINTYRE: All right.

19 MR. TIETJEN: Forget it. That's it.

20 CHAIRMAN MCINTYRE: Any other discussion on
21 that? I think -- Eric, are you happy with what you
22 have?

23 MR. KNAPP: It reads perfectly fine. I'm not
24 the one who has to be happy with it.

25 CHAIRMAN MCINTYRE: As far as have we given you

1 enough information to make a good sentence?

2 MR. KNAPP: It's a very long sentence, but it's
3 a good sentence.

4 CHAIRMAN MCINTYRE: All right. Are you
5 satisfied, Judy?

6 MS. GALLICCHIO: Would you read it back to us.

7 MR. KNAPP: One more time. Okay. For those
8 lots abutting proposed public open space or
9 undisturbed areas, such as areas adjacent to railroad
10 tracks or utility easements, building envelopes shall
11 be limited to one acre, with the remainder of the lot
12 to be preserved by perpetual conservation easements
13 located on the side of each lot where it abuts
14 proposed public open space or other undisturbed
15 areas.

16 MS. GALLICCHIO: Good.

17 MR. KNAPP: Okay?

18 CHAIRMAN MCINTYRE: Okay.

19 MR. KNAPP: Okay.

20 CHAIRMAN MCINTYRE: At this time I would like to
21 take a five-minute --

22 MS. GALLICCHIO: Is everybody in agreement?

23 CHAIRMAN MCINTYRE: Everybody agree to that?

24 MR. HANES: Yes.

25 MR. TIETJEN: Yes.

1 MS. GALLICCHIO: Yes.

2 MR. TIETJEN: Yes.

3 CHAIRMAN MCINTYRE: Everyone noted they were
4 agreement. At this time we are going to take a
5 five-minute recess and then we'll resume.

6 (Recess)

7 CHAIRMAN MCINTYRE: Okay. I would like to call
8 the meeting to order. Everyone please take their
9 seats.

10 Before we proceed any further, Attorney Knapp,
11 do we have any other issues that we need to address?

12 MR. KNAPP: It's come to my attention that
13 there's an outstanding 22-A19 intervention on this
14 application. Before you move to your decision, the
15 commission should make some sort of finding on what
16 they want to do with the intervention, whether they
17 in fact agree with the intervention that there will
18 be a substantial impact or potential for substantial
19 impact on the environment from this particular
20 application or whether they do not agree with the
21 intervention. But that is a finding of fact, not a
22 decision of the commission afterwards. So before we
23 sort of move from facts to conditions, now would
24 probably be the moment in time to address that.

25 CHAIRMAN MCINTYRE: Anyone have any comments on

1 the intervention statement?

2 MR. TIETJEN: We are going to skip this part?

3 CHAIRMAN MCINTYRE: No.

4 MS. GALLICCHIO: No. We are going to come back.

5 MR. TIETJEN: Come back to it, yeah.

6 CHAIRMAN MCINTYRE: What exactly -- the
7 intervention, right here. Okay. The issue before us
8 now is the open space subdivision proposed by the
9 application, i.e., with golf course and road
10 patterns, reasonably likely to unreasonably impair,
11 pollute, or destroy public trust in air, water, or
12 other natural resources of the state as compared to
13 the convention -- as compared to the conventional
14 subdivision?

15 This is tricky. At this stage the commission is
16 only evaluating which pattern is preferable,
17 conservation or open space, not actual subdivision
18 plan and not golf course proposal is going to receive
19 an approval or nothing can be built after the
20 decision is made; therefore, while the absolute
21 impact of the open space subdivision -- the absolute
22 impacts of the open space subdivision will be
23 relevant when they actually apply for the subdivision
24 and golf course. At this stage the only
25 environmental impact issues that can be considered is

1 the relative impact of one plan versus the other.

2 I myself feel that this plan is superior to that
3 of the conventional subdivision and would not -- the
4 proposed plan does not unreasonably impair, pollute,
5 or destroy the public trust in air, water, or other
6 natural resources of the state. And --

7 MS. GALLICCHIO: Pass that along.

8 CHAIRMAN MCINTYRE: It's the top one, Dick.

9 MR. TIETJEN: I did?

10 CHAIRMAN MCINTYRE: No. The top. That's what I
11 just read.

12 MS. GALLICCHIO: That's from one of the memos.

13 MR. TIETJEN: We haven't seen this then before.

14 MS. GALLICCHIO: Yes, we have.

15 CHAIRMAN MCINTYRE: Yes, yes.

16 MS. GALLICCHIO: We've seen about three
17 different copies of it.

18 CHAIRMAN MCINTYRE: And we have read it many
19 times before.

20 MR. TIETJEN: Oh, this goes way back now. Okay.
21 Sorry.

22 MS. GALLICCHIO: We have to make --

23 CHAIRMAN MCINTYRE: A decision.

24 MS. GALLICCHIO: -- a decision now --

25 MR. TIETJEN: We have to make a decision.

1 MS. GALLICCHIO: -- on the intervenor's status.

2 CHAIRMAN MCINTYRE: Intervenor's --

3 MS. GALLICCHIO: Not their status. On the
4 intervenor's --

5 CHAIRMAN MCINTYRE: Intervention.

6 MR. KNAPP: On the merits of it.

7 MS. GALLICCHIO: On the merits of it.

8 CHAIRMAN MCINTYRE: Right. Do you feel that
9 the -- as compared to the conventional open space --
10 the conventional subdivision versus the open space
11 subdivision, how do you feel?

12 MR. TIETJEN: It's preferable. I thought we did
13 that.

14 CHAIRMAN MCINTYRE: We did. We discussed it.
15 Now we are coming to a final say-so on it. And I'm
16 saying I believe that we are doing the correct thing
17 and we are not unreasonably impairing, polluting, or
18 destroying public trust in the air, water, or other
19 natural resources of the state.

20 MS. GALLICCHIO: I agree with you.

21 MR. HANES: Agree, agree, comparing the two.

22 MR. TIETJEN: As long as this is not for final
23 approval, then I guess we have no reason to -- I say
24 as long as this does not amount to an approval of the
25 application.

1 CHAIRMAN MCINTYRE: No. Just like anything
2 else.

3 MS. GALLICCHIO: This is a finding we need to
4 make as part of our decision.

5 MR. TIETJEN: Yes. The comparison, yes. I
6 swear we had done this six months ago or something.
7 Sorry.

8 MS. GALLICCHIO: No. That's okay.

9 MR. TIETJEN: This makes me very paranoid.

10 MS. GALLICCHIO: We've gotten the memorandum
11 before regarding the steps we need to take. We have
12 not discussed --

13 MR. TIETJEN: Number five.

14 MS. GALLICCHIO: -- number five at this point,
15 because we hadn't gotten to it yet.

16 CHAIRMAN MCINTYRE: Janis.

17 MS. ESTY: I think it's better than the
18 conventional subdivision.

19 CHAIRMAN MCINTYRE: And that's what it was
20 asking us. Okay. The next question -- Dick, how do
21 you go on that, yes or no?

22 MR. TIETJEN: Yes.

23 CHAIRMAN MCINTYRE: So everyone agrees that this
24 subdivision is a better subdivision than the
25 conventional subdivision.

1 MS. ESTY: Well, not this one per se perhaps,
2 but the open space subdivision.

3 CHAIRMAN MCINTYRE: Is better than the
4 conventional subdivision.

5 MS. ESTY: Yes.

6 CHAIRMAN MCINTYRE: It's open space subdivision
7 presented.

8 MR. TIETJEN: As presented?

9 CHAIRMAN MCINTYRE: As presented.

10 MS. GALLICCHIO: With the golf course.

11 CHAIRMAN MCINTYRE: With the golf course and all
12 that as presented by the applicant.

13 MS. GALLICCHIO: Is it reasonably likely to
14 unreasonably impair, pollute, or destroy the public
15 trust in air, water, or other natural resources of
16 the state?

17 MS. ESTY: I can't say that I could go with
18 that.

19 CHAIRMAN MCINTYRE: Okay. So we have four
20 saying yes and one saying no.

21 MS. GALLICCHIO: Well, actually, saying -- four
22 saying no and one saying yes.

23 CHAIRMAN MCINTYRE: Okay. Yeah.

24 MS. GALLICCHIO: Because we are saying no, it
25 will not be reasonably likely to unreasonably impair.

1 CHAIRMAN MCINTYRE: Right. Four saying no,
2 okay.

3 MR. KNAPP: Judy, just read that sentence again
4 for me so I can just type it in. Preliminary
5 approval will not be reasonably likely to
6 unreasonably impair --

7 MS. GALLICCHIO: Let me read it the way it's
8 done exactly. Is the open space subdivision as
9 proposed by the applicant reasonably likely to
10 unreasonably impair, pollute, or destroy the public
11 trust in air, water, or other natural resources of
12 the state?

13 MR. TIETJEN: And if we said no, we are saying
14 yes. If we are saying no, it's okay.

15 CHAIRMAN MCINTYRE: In essence, yes.

16 MR. TIETJEN: If we're saying yes, then it's
17 unreasonably likely to do unreasonable damage.

18 MS. GALLICCHIO: Correct.

19 CHAIRMAN MCINTYRE: When we say no we are not --

20 MR. TIETJEN: So we could kill the thing right
21 now, right? Wouldn't that remove the application
22 from all further consideration?

23 MR. KNAPP: No.

24 CHAIRMAN MCINTYRE: There you go.

25 MR. KNAPP: It would merely state that you would

1 each make other --

2 MR. TIETJEN: I can't hear you. Sorry.

3 MR. KNAPP: If you find the intervention to be
4 valid, you would need to make other findings pursuant
5 to 22-A19 regarding the nature of the application
6 such as whether there are reasonable and prudent
7 alternatives. The statute has other provisions in
8 the event that you find the intervention valid, but
9 the preliminary question is whether the open space
10 subdivision is preferable to the conventional
11 subdivision for purposes of whether it is reasonably
12 likely to unreasonably impair, pollute, or destroy
13 the public trust in the air, water, or other natural
14 resources of the state of Connecticut.

15 MR. TIETJEN: Yeah.

16 MR. KNAPP: If you find that it will cause more
17 damage to those resources, then you need to go on to
18 determine whether there are other feasible and
19 prudent alternatives or not. If you do not find it
20 is likely to do that, then you do not need to go on
21 and make those additional findings. So this is
22 just -- this flavors how you view the application.
23 It does not prevent you from dealing with the
24 application.

25 MR. TIETJEN: Okay.

1 CHAIRMAN MCINTYRE: We can still make
2 modifications that we feel necessary.

3 MR. KNAPP: Yes. And you would need to make
4 some sort of further finding regarding feasible and
5 prudent alternatives that either, A, there are none
6 or, B, there are some and you are incorporating them
7 in by modification.

8 CHAIRMAN MCINTYRE: I think that's the route
9 that we are heading, that there are some that we are
10 going to incorporate and make some modifications.

11 MR. KNAPP: You don't actually need to --

12 MS. GALLICCHIO: We don't need to address that
13 last one if we are saying no.

14 CHAIRMAN MCINTYRE: Okay.

15 MR. KNAPP: That's correct. You can make more
16 modifications, but you are not accepting the premise
17 of the intervention --

18 CHAIRMAN MCINTYRE: Correct.

19 MR. KNAPP: -- which is that this proposal
20 merely as the preliminary conservation proposal is
21 somehow more likely to impair than the conventional
22 subdivision.

23 CHAIRMAN MCINTYRE: I agree that the
24 conventional subdivision would be worse than an open
25 space subdivision. So I'm in agreement -- I don't

1 agree with the intervenor. I believe the --
2 Commissioner Gallicchio, you don't agree?

3 MS. GALLICCHIO: That's correct. I do not agree
4 with the --

5 MR. HANES: I do not agree.

6 CHAIRMAN MCINTYRE: And Stuart Hanes has
7 indicated he doesn't agree. Dick.

8 MR. TIETJEN: I don't agree.

9 CHAIRMAN MCINTYRE: And Janis, agree.

10 MS. ESTY: I agree.

11 CHAIRMAN MCINTYRE: And Janis agrees with the
12 intervenor. All right.

13 Is that all we need to do on that issue? And we
14 can go now, move into --

15 MR. KNAPP: I have now added a subsection I
16 there that just simply states, 22-A19 intervention,
17 the open space subdivision is preferable to the
18 conventional subdivision plan as proposed. The
19 preliminary approval will not be unreasonably -- will
20 not be reasonably likely to unreasonably impair,
21 pollute, or destroy the public trust in the air,
22 water, or other natural resources of the state of
23 Connecticut. So you now have a finding of fact
24 addressing the intervention, okay.

25 CHAIRMAN MCINTYRE: Okay.

1 MR. KNAPP: Now we move on to modifications and
2 conditions.

3 CHAIRMAN MCINTYRE: We just have one more thing,
4 I think; the preservation of Ingham Hill Homestead.
5 I think in addition to the lack of recreational
6 facilities of the preserve, there is a failure to
7 address how the public Ingham Hill setting will be
8 protected and preserved. I think we did that,
9 though, didn't we? We discussed that.

10 MS. GALLICCHIO: I think we discussed it. I
11 don't know if we reached consensus, so maybe we need
12 to do that.

13 MR. HANES: I agree. Are they going to ask us
14 specifically what we want to do to preserve that?

15 CHAIRMAN MCINTYRE: I would just say that I
16 think we just need to make a statement in there that
17 the applicant needs to make -- needs to make sure
18 that the preservation of the Ingham Hill Homestead
19 site is preserved. And I believe it is, but I think
20 we --

21 MS. GALLICCHIO: But there are not specific
22 details.

23 CHAIRMAN MCINTYRE: Right.

24 MS. GALLICCHIO: That's what we are looking for.

25 CHAIRMAN MCINTYRE: Does anybody have any

1 specific details that they have? I know there was
2 the field and there is the homestead itself. How
3 many -- where is the map?

4 MS. GALLICCHIO: But I don't think that that's
5 the issue that we are thinking of now, because it's a
6 conservation easement. It's more how it will be
7 protected and preserved, like the buildings; how they
8 will be protected.

9 CHAIRMAN MCINTYRE: Is there a building there?
10 I thought it was a foundation.

11 MS. GALLICCHIO: Well, foundation. What the
12 specifics of the protection of that area will be. In
13 other words, what will be done with it besides
14 just --

15 CHAIRMAN MCINTYRE: Leaving it alone.

16 MS. GALLICCHIO: -- leaving it alone, to
17 continue the preservation or to make sure it is
18 preserved. And it is -- I'm just looking. It is
19 addressed when we get further in modifications under
20 G, Preservation of Ingham Homestead. What we are
21 looking for is a design; an idea of how the area will
22 be protected.

23 CHAIRMAN MCINTYRE: That's already been
24 answered. It just didn't get addressed here in this
25 second.

1 MS. GALLICCHIO: Yeah. It needs to get
2 addressed in the findings so that then we can refer
3 to it in the modification section.

4 CHAIRMAN MCINTYRE: But I think G says that the
5 applicant shall present a design for the preservation
6 of the area around the Ingham Homestead, which design
7 shall protect and preserve the historic character of
8 the site and provide interpretive aides for visitors.

9 MS. GALLICCHIO: Right.

10 CHAIRMAN MCINTYRE: That would take care of H.

11 MS. GALLICCHIO: Well, no. Because we need to
12 have H in the findings as this is an area we are
13 concerned with; therefore, in the modifications we
14 have a modification to address that.

15 CHAIRMAN MCINTYRE: Okay. When we get there we
16 can answer that.

17 MS. GALLICCHIO: No. But what I'm saying is we
18 need it here, too, in H. We need it to be present in
19 H in order for us to address it later.

20 CHAIRMAN MCINTYRE: Okay. I see what you're
21 saying now. All right. So basically, that G -- what
22 it says in G we can put in H.

23 MS. GALLICCHIO: No.

24 CHAIRMAN MCINTYRE: No.

25 MS. GALLICCHIO: Just leave H the way it is, and

1 then how you address it is going to be later.

2 CHAIRMAN MCINTYRE: Okay. Do you agree with
3 that, Attorney Knapp?

4 MS. GALLICCHIO: It's like with --

5 MR. KNAPP: I guess I'm a little confused. H
6 seems to do what Judy wants it to do. I don't know
7 whether you need more discussion on it at this point
8 in time. What is it you don't think it's doing?

9 MS. GALLICCHIO: I think it's fine. I'm just
10 saying it needs to be here. Bob's saying remove it.
11 I'm saying no, it has to be here. Because then we
12 talk about it later, how to address the lack --

13 MR. KNAPP: I agree that if you want to address
14 it later, you need to include it now.

15 CHAIRMAN MCINTYRE: I agree with you, too. I
16 agree. Okay. The next issue is The Preliminary Open
17 Space Plan: Modifications and Conditions. Okay.
18 Number three states, If you deny the application --
19 and this would be the verbiage that would be if we
20 denied the application. The commission recognizes
21 that it has the opinion of modifying or
22 conditioning --

23 MS. GALLICCHIO: Option.

24 CHAIRMAN MCINTYRE: What?

25 MS. GALLICCHIO: Option.

1 CHAIRMAN MCINTYRE: Option of modifying or
2 conditioning the application in order to address the
3 deficiencies above, but it declines to do so. The
4 commission finds that the following modifications and
5 conditions are required to allow the applicant (sic)
6 to conform to the standards of its regulations, and
7 the commission considers that these changes and
8 modifications are so substantive that they should not
9 be implemented without prior review and the
10 opportunity for all parties to be heard concerning
11 them. The modifications and conditions which these
12 plans require include the following: Or, if you
13 approve the application, the commission recognizes
14 that it has the option of modifying or conditioning
15 the application in order to address the deficiencies
16 above, and the commission concludes that they can be
17 remedied by conditions and modifications based on the
18 information and arguments now contained in the
19 record, and that such conditions and modifications do
20 not substantially (sic) or alter -- substantially
21 alter the application to the extent that any parties
22 are deprived of their rights to be heard. These
23 conditions and mod -- this is underlined, number
24 eight. These conditions and modifications are drawn
25 directly from the testimony and evidence received

1 during the public hearing and are intended to be
2 responsive to them. The -- yes, responsive to them.
3 The following conditions and modifications are
4 integral to the approval and not severable from it.
5 But for these conditions and modifications, the
6 commission would have denied the applicant (sic)
7 without prejudice so that the applica --

8 MR. HANES: Acceptable plan.

9 CHAIRMAN MCINTYRE: That an acceptable plan
10 could be designed and submitted; therefore, the
11 special exception is granted subject to the following
12 conditions and modifications.

13 So I'm going to paragraph number two -- well,
14 let's go through the modifications. We can't make a
15 determination on one or two until we go through the
16 modifications. We can't make a determination on that
17 right now.

18 So A would be access to Ingham Hill Road. As
19 noted above the access from Road H to Ingham Hill
20 Road shall be a full public road. The existing
21 Ingham Hill Road shall be realigned at the north end
22 across lots 73 and 79 as shown on the conventional
23 subdivision plan --

24 MS. GALLICCHIO: On the original it should say.

25 MR. HANES: Original plan.

1 CHAIRMAN MCINTYRE: On the original.

2 MS. GALLICCHIO: Original conventional.

3 CHAIRMAN MCINTYRE: Subdivision plan to
4 eliminate the sharp curve on Ingham Hill Road, also
5 as recommended by Mr. Hillson. A minimum of three
6 public access points are required for this
7 development in the locations shown on the preliminary
8 plan, except as modified in this motion: Ingham Hill
9 Road, Bokum Road, and Route 153 in Westbrook. And
10 that was nine.

11 I added this last sentence because it is
12 something that the commission discussed but was not
13 expressly stated, even though it is implied because
14 the applicant was already showing two full public
15 access points and this condition as clearly adding a
16 third.

17 So is everybody in agreement with that
18 modification, A?

19 MS. GALLICCHIO: Yes.

20 MR. HANES: Yes.

21 MS. ESTY: Yes.

22 CHAIRMAN MCINTYRE: Dick, do you agree with
23 modification A?

24 MR. TIETJEN: Yes.

25 CHAIRMAN MCINTYRE: Everyone agrees.

1 B, Village Layout. The commission finds the
2 preliminary open space plan (not discussed as yet,
3 except Road H and the bike path). So the --

4 MS. GALLICCHIO: Actually, the village layout
5 then does not need to be a modification. I don't
6 believe we made any modifications to it.

7 CHAIRMAN MCINTYRE: Well, we did, yes, Road H.
8 We did make -- yes.

9 MS. GALLICCHIO: But isn't that --

10 CHAIRMAN MCINTYRE: So he's saying in the
11 village plan layout we actually did make a
12 modification to Road H and the bike path. So that is
13 the modifications that we want to see for the village
14 layout, that Road H become a public road and the bike
15 path.

16 MS. GALLICCHIO: You're right.

17 CHAIRMAN MCINTYRE: So it will be public road
18 and bike path. And the bike path will join with the
19 bike path that's on Road A. Why don't we skip --

20 MR. KNAPP: Mr. Chairman, if I could.

21 CHAIRMAN MCINTYRE: Yes.

22 MR. KNAPP: I want to make sure that that
23 sentence now reads properly here, and I only caught
24 about half of it. The commission finds the
25 preliminary open space plan should be modified to

1 require that Road H become a public road and that the
2 bike path should -- and what do you want to add to
3 that bike path?

4 CHAIRMAN MCINTYRE: Will extend from Road A to
5 Ingham Hill Road.

6 MS. GALLICCHIO: From the one along Road A,
7 along Road H to Ingham Hill Road.

8 CHAIRMAN MCINTYRE: Let's jump over C real quick
9 and then we'll get back to that. We are going to go
10 E, Active Recreation.

11 MS. GALLICCHIO: We are skipping clustering?

12 CHAIRMAN MCINTYRE: Where does clustering come
13 in on that?

14 MR. TIETJEN: You have a vote on B or are you
15 waiting for that?

16 CHAIRMAN MCINTYRE: C, right here. C, Golf
17 Course Design. Let's wait on that one and get to
18 this other stuff.

19 MS. GALLICCHIO: Right. Dick is asking about
20 village layout, B.

21 MR. HANES: Oh, D.

22 MS. GALLICCHIO: B.

23 MR. HANES: Are we going to vote on that?

24 CHAIRMAN MCINTYRE: Oh, okay. We need to vote
25 on that. Is anybody in favor of the village layout,

1 that the village layout will remain the same as
2 depicted on the drawing except for that the Road H
3 will now be made a public road and the bike path will
4 run from the bike path from Road A as depicted on the
5 plans presently to the end of Ingham Hill Road?

6 MS. GALLICCHIO: Yes.

7 MR. HANES: Yes.

8 MS. GALLICCHIO: Dick.

9 MR. TIETJEN: No. I think the public road and
10 the bike path is okay, but the layout, you've heard
11 me on that.

12 CHAIRMAN MCINTYRE: Okay. So that's four in
13 favor and one against. Okay.

14 Golf course design we are going to skip over
15 real quick, and we are going to go over to active
16 recreation.

17 MS. GALLICCHIO: No. D, Clustering.

18 CHAIRMAN MCINTYRE: D. I keep getting mixed up.
19 I have my finger on top of it. Clustering of Estate
20 Lots. The estate lots shall be clustered such that
21 no lot shall be larger than -- I think we made the --
22 we didn't change the lot size, did we? That's what
23 it's inferring.

24 MS. GALLICCHIO: No.

25 MR. JACOBSON: What you talked about was the

1 building envelope.

2 CHAIRMAN MCINTYRE: Right. The lot size
3 remained the same; the building envelope changed.

4 MR. KNAPP: So do I just leave the sentence then
5 or how would you like that to read?

6 MS. GALLICCHIO: You know, I'm wondering if
7 instead of in the findings under the clustering, that
8 it should be in the modifications; the part that we
9 say building envelope shall be limited to and then
10 continue that sentence that we were struggling with
11 in the other part.

12 MR. KNAPP: Well --

13 CHAIRMAN MCINTYRE: Because what happened at the
14 last meeting, Attorney Knapp, was that we started off
15 discussing changing the size of the lot and then we
16 realized we were talking about the building envelope
17 of the one acre, not the lot. The lot sizes were --
18 the size of the lots were fine. It was just that the
19 buildable -- the buildable area on each lot is what
20 we were really looking at. So yes, the estate lots
21 shall be clustered such that no lot shall be larger
22 than can go away, I believe.

23 MR. KNAPP: Okay. I think the easiest way is
24 not to remove that from the findings of fact but to
25 leave that as a finding of fact and then you include

1 it as a condition further down.

2 So let me go down. We are going to delete the
3 first sentence there.

4 CHAIRMAN MCINTYRE: Actually, you're going to
5 delete I think just about all of it. You better read
6 this, Judy, because I want -- you authored most of
7 it.

8 MS. GALLICCHIO: I think the first and second
9 sentences should be deleted.

10 MR. KNAPP: The third sentence we are going to
11 substitute the one we used up top for what is there
12 now.

13 MS. GALLICCHIO: Yes.

14 MR. KNAPP: Okay. Let me go back in, delete
15 that. I have now again repeated the very long
16 sentence from before stating, for those lots abutting
17 proposed open -- proposed public open space or
18 undisturbed areas, such as areas adjacent to railroad
19 tracks or utility easements, the building envelopes
20 shall be limited to one acre, with the remainder of
21 the lot to be preserved by perpetual conservation
22 easements located on the side of each lot where it
23 abuts proposed public open -- public open space or
24 other undisturbed areas. Is that what you were
25 looking for?

1 MS. GALLICCHIO: Yes.

2 CHAIRMAN MCINTYRE: And I think can you do away
3 with -- basically, we kind of modified Wendy's
4 statement there that highlighted Wendy.

5 MS. GALLICCHIO: I think just what you said --

6 CHAIRMAN MCINTYRE: Is sufficient.

7 MS. GALLICCHIO: -- is enough. That's pretty
8 much the concept that I was requesting.

9 MR. KNAPP: Okay.

10 CHAIRMAN MCINTYRE: Everybody in agreement with
11 D?

12 MR. TIETJEN: What do we agree with, Wendy or --

13 CHAIRMAN MCINTYRE: Wendy, yes. In essence,
14 yes. We went along with the same -- basically, the
15 same statement as Wendy. Attorney Knapp, could you
16 just read that one more time so Dick can hear it.
17 You have to speak up a little bit.

18 MR. KNAPP: For those lots abutting proposed
19 public open space or undisturbed areas, such as areas
20 adjacent to railroad tracks or utility easements,
21 building envelopes shall be limited to one acre, with
22 the remainder of the lot to be preserved by perpetual
23 conservation easements located on the side of each
24 lot where it abuts proposed public open space or
25 other undisturbed areas.

1 MR. TIETJEN: Okay. You're just talking about
2 where people can build, not the size -- total size of
3 the lot, right?

4 MS. GALLICCHIO: That's correct.

5 MR. KNAPP: That's correct.

6 MR. TIETJEN: As established by the applicant.

7 MR. KNAPP: The building envelope is all we are
8 talking about here, not the size of the lot. They
9 can have as big a lot as they want.

10 MR. TIETJEN: That's clear here, that's for
11 sure.

12 CHAIRMAN MCINTYRE: As big a lot as shown --

13 MS. GALLICCHIO: As shown on the plan, which is
14 about two acres.

15 MR. TIETJEN: Okay.

16 CHAIRMAN MCINTYRE: You're in agreement, Dick?

17 MR. TIETJEN: Yep.

18 CHAIRMAN MCINTYRE: Everyone's -- Stuart, Janis.

19 MS. ESTY: Yes.

20 CHAIRMAN MCINTYRE: Everyone's in agreement
21 with --

22 MS. GALLICCHIO: Yes.

23 CHAIRMAN MCINTYRE: -- D, the changes to D.

24 Okay. E, Active Recreation.

25 MR. TIETJEN: That will be a mod, a

1 modification.

2 CHAIRMAN MCINTYRE: These are all modifications.

3 MS. GALLICCHIO: These are all modifications.

4 CHAIRMAN MCINTYRE: We are in modification now.

5 Active Recreation. A level area for active
6 recreation at least ten acres in area shall be
7 depicted (sic) and improved for use by all residents
8 of The Preserve. The design, location, and uses of
9 this area will be subject to review as part of the
10 final subdivision plan. In addition, the bicycle
11 path system shall -- okay, and then it says, shall be
12 extended from Road A and H and down Ingham Hill Road
13 as indicated above.

14 So he has that kind of incorporated in there
15 about the roadway. But it wasn't my intention
16 to just The Preserve, the residents of The Preserve.
17 It was for all residents, all town residents, too.

18 MS. GALLICCHIO: Of all Old Saybrook residents.

19 CHAIRMAN MCINTYRE: Of all Old Saybrook
20 residents.

21 MR. KNAPP: What are you looking to change here
22 then?

23 MS. GALLICCHIO: Active recreation, the second
24 line. Instead of by all residents of The Preserve,
25 by all Old Saybrook residents.

1 MR. KNAPP: Residents of --

2 CHAIRMAN MCINTYRE: Old Saybrook.

3 MR. KNAPP: How about by the town of Old
4 Saybrook. Does that work for you?

5 MS. GALLICCHIO: Yes.

6 CHAIRMAN MCINTYRE: And the design, location,
7 and uses of this area will be subject to review as
8 part of the final subdivision plan. That's okay.
9 But then I guess you can do away with in addition,
10 the bike path, because we already got that listed
11 in --

12 MS. GALLICCHIO: In the village --

13 CHAIRMAN MCINTYRE: -- in the village layout.

14 MR. KNAPP: I'm deleting the last sentence.

15 CHAIRMAN MCINTYRE: Does everyone agree with E,
16 Active Recreation?

17 MS. GALLICCHIO: Yes.

18 MR. HANES: Yes.

19 MR. TIETJEN: Yes.

20 MS. ESTY: Yes.

21 CHAIRMAN MCINTYRE: Everyone indicates they
22 agree.

23 Location of Maintenance Facility. The
24 maintenance facility shall be relocated to a less
25 environmentally sensitive location that is not

1 immediately upgradient of vernal pools or wetlands.
2 The applicant is encouraged to work with the
3 commission's environmental consultants to identify a
4 suitable site.

5 MS. GALLICCHIO: Fine.

6 MR. TIETJEN: Okay.

7 CHAIRMAN MCINTYRE: G, Preservation of Ingham
8 Hill Homestead. The applicant shall present a design
9 for the preservation of the area around the Ingham
10 Homestead, which design shall protect and preserve
11 the historic character of the site and provide for
12 interpretive aides for visitors.

13 Everyone in agreement with that?

14 MS. GALLICCHIO: That's fine.

15 MR. TIETJEN: Fine.

16 MR. HANES: Did we mention the walls, stone
17 walls?

18 CHAIRMAN MCINTYRE: That will be part of the
19 area around the homestead to include stone walls.

20 MS. GALLICCHIO: The areas of the pen, animal
21 pen are you talking about?

22 MR. HANES: Yeah, I think in the backyard.

23 MS. GALLICCHIO: Because that was included in
24 the last plan. They have that under --

25 MR. HANES: So it is part of the plan.

1 MS. GALLICCHIO: It is part of the homestead
2 plan -- I mean part of the conservation easement for
3 the homestead.

4 CHAIRMAN MCINTYRE: Well, did you want to add
5 any verbiage to this or are you happy with what this
6 is?

7 MS. GALLICCHIO: No. I'm okay with it.

8 CHAIRMAN MCINTYRE: Stuart.

9 MR. HANES: No. If it's covered, fine.

10 CHAIRMAN MCINTYRE: Is everybody happy with G?
11 In agreement with it?

12 MS. ESTY: (Nods head)

13 MR. TIETJEN: (Nods head)

14 CHAIRMAN MCINTYRE: Okay. Everyone's indicating
15 they are in agreement with G, Preservation of Ingham
16 Homestead.

17 H, Off-Site Improvements. The applicant shall
18 submit plans for improvements to Ingham Hill Road and
19 Bokum Road that acknowledge and address the increased
20 traffic burdens that The Preserve will create for
21 these roads. Such improvements shall include both
22 vehicular safety improvements and pedestrian and/or
23 bicycle travel. The applicant should have addressed
24 these topics in the context of this application and
25 any other -- and any additional prevarication in the

1 final subdivision application will not be accepted.

2 MS. GALLICCHIO: Mr. Knapp, when I saw this in
3 the earlier draft and I saw the word prevarication, I
4 always think of that as meaning lying. And I looked
5 it up in the dictionary, and it doesn't necessarily
6 mean lying, but it can mean equivocating. I think
7 prevarication is a -- is not the best word to use
8 perhaps, unless it's something that's typically used
9 in lawyerees.

10 MR. KNAPP: No.

11 MS. GALLICCHIO: I think it's a hostile term.

12 MR. KNAPP: Well, what word would you prefer?

13 MS. GALLICCHIO: Is equivocation what Mr. Branse
14 we think meant in terms of braising? Because I'm not
15 really sure. Mr. Branse wasn't at our last meeting,
16 so I'm not sure what this last sentence was meant to
17 express.

18 MR. KNAPP: I'm not sure that this isn't some
19 sort of spell check issue or whatever else. It
20 almost looks like he means the word variation, but
21 I'm just trying to take a second.

22 MR. TIETJEN: Prevarication.

23 MR. KNAPP: I think the word that he was looking
24 for there is variation, not prevarication.

25 MS. GALLICCHIO: Okay.

1 MR. KNAPP: Because variation --

2 MS. GALLICCHIO: Variation makes more sense to
3 me.

4 MR. KNAPP: I'm not sure you want equivocation
5 there either. I think what you want is variation. I
6 have a feeling that that was something that somehow
7 the spell checker picked up and automatically moved
8 or -- so I think it would make more sense reading,
9 The applicant should have addressed these topics in
10 the context of this application and any additional
11 variation in the final subdivision application will
12 not be accepted. Does that seem to address what
13 you're looking for there?

14 Because it's saying that there are a bunch of
15 improvements and such that are on these maps. You
16 don't want them changed basically or you're not going
17 to accept changes from here.

18 MS. GALLICCHIO: Well, they are not on the maps.

19 MR. KNAPP: Okay.

20 MS. GALLICCHIO: That's the problem is that the
21 issue was raised a number of times at public hearing,
22 and the applicant did not give any -- or gave very
23 limited ideas of what they would be willing to
24 improve.

25 MR. KNAPP: Okay.

1 MS. GALLICCHIO: I guess I'm just thinking that
2 that last sentence perhaps should be just deleted. I
3 don't know if it really --

4 MR. KNAPP: What don't you want in the final
5 materials that -- is there something that -- again,
6 it's saying will not be accepted. What is it you
7 don't want to accept later on? Let's see if we can
8 work backwards.

9 MS. GALLICCHIO: That's my issue is that --
10 that's why I don't know that it's appropriate.

11 MR. KNAPP: Okay.

12 MS. GALLICCHIO: Because we talked about
13 off-site improvements in our deliberation and that --
14 the necessity of them and that certainly the
15 increased traffic to both Ingham Hill Road and Bokum
16 Road would to us require that The Preserve make some
17 corrections to the roads off-site as well as
18 abutting.

19 CHAIRMAN MCINTYRE: On their frontage road.

20 MS. GALLICCHIO: As well as on their frontage.
21 So that part I think we all agree to. I'm not sure
22 that the last sentence adds anything to it.

23 MR. KNAPP: Okay.

24 CHAIRMAN MCINTYRE: It almost looks like it's
25 being used to --

1 MR. TIETJEN: Slap on the wrist.

2 CHAIRMAN MCINTYRE: Well, it's kind of a -- it's
3 saying that we feel strongly about something.

4 MR. KNAPP: Yes. But it's not clear what you
5 feel strongly about I guess is my point. And in the
6 absence of not knowing what you feel strongly about,
7 I guess Judy's perhaps right and we should delete the
8 sentence.

9 MR. TIETJEN: What's the additional for then?
10 Is it to -- not to protect him or them rather than
11 us? The additional variation will not be accepted.
12 Why put that in at all?

13 MR. HANES: No. Scratch it.

14 CHAIRMAN MCINTYRE: Actually, it's saying -- I
15 think what it's saying not addressing these in the
16 final application is not going to be accepted.

17 MR. KNAPP: I think at this point, having made
18 that point, I'm not sure you need to have it in the
19 motion particularly. I think the applicant is
20 obviously sitting right here and is well aware of
21 what you're saying. And certainly whether you say it
22 here or you don't say it here, if you don't see it in
23 the final application, if you don't like it, you're
24 not going to approve it. So I don't know that you
25 have to have it here to consider it later on the

1 final application.

2 CHAIRMAN MCINTYRE: Right.

3 MS. GALLICCHIO: You're saying remove H
4 completely?

5 MR. KNAPP: No. Just remove the last sentence.

6 MS. GALLICCHIO: Oh, okay.

7 MR. KNAPP: You don't think it adds anything.
8 What I'm saying is that if you're saying that you're
9 putting them on notice they will need improvements,
10 the fact that you are saying you're putting them on
11 notice that the improvements are needed is in and of
12 itself sort of fair warning, without putting it in
13 the motion.

14 MS. GALLICCHIO: Right.

15 MR. KNAPP: If the applicant shows up without
16 these improvements, presumably you will deny the
17 application and they will know why. So I don't think
18 it necessarily has to be in this motion I guess is
19 what I'm saying.

20 MS. GALLICCHIO: I agree.

21 MS. ESTY: I agree.

22 CHAIRMAN MCINTYRE: Dick, do you agree?

23 MS. GALLICCHIO: Do you agree to the rest of it?

24 CHAIRMAN MCINTYRE: Dick, we are going to remove
25 the last sentence of H and leave the rest remaining.

1 MR. TIETJEN: (Nods head)

2 CHAIRMAN MCINTYRE: Okay. Everyone's in
3 agreement.

4 Let's go back to -- we are going to golf course
5 design. Golf Course Design. Let's see what it says
6 here. The Golf Course Design. The commission
7 declines to dictate particular changes that are to be
8 made in the golf course design and instead to focus
9 on performance standards and requirements that a
10 revised design must meet. These include the
11 following: Delete one and two and replace with the
12 following statement. Okay. Delete one and two. The
13 commission agreed to during deliberation and make
14 less prescriptive.

15 MS. GALLICCHIO: Prescriptive. So instead of
16 saying as we had discussed --

17 CHAIRMAN MCINTYRE: He wants the next paragraph.

18 MS. GALLICCHIO: Hole 11 be rerouted so it
19 doesn't cross, et cetera, et cetera, and holes ten
20 and 18 be reconfigured. He's suggesting that we say
21 no golf holes shall be allowed to cross any portion
22 of Pequot Swamp, and all of Pequot Swamp and a
23 100-foot horizontal buffer surrounding the entire
24 swamp shall be included in the publicly-owned open
25 space.

1 And I think that makes sense, because I think we
2 found, at the end of our meeting, that we were
3 getting too precise and trying to re-engineer the
4 golf course. And as long as our concerns were met,
5 that it really doesn't matter how they line up the
6 holes, et cetera, as long as certain things are
7 protected. So that's one.

8 CHAIRMAN MCINTYRE: So everybody agrees -- let's
9 just do it one at a time. Okay. So --

10 MR. JACOBSON: Can I make one suggestion?

11 MS. GALLICCHIO: Yeah.

12 MR. JACOBSON: That you define buffer a little
13 better, whether you're talking an undisturbed buffer
14 or planted buffer.

15 CHAIRMAN MCINTYRE: Right. You can go into a
16 buffer and do -- in terms of putting it back to its
17 natural state.

18 MR. JACOBSON: You can regrade.

19 CHAIRMAN MCINTYRE: Right.

20 MR. JACOBSON: And then basically create a
21 man-made buffer. So if you can just provide some
22 more guidance on that.

23 CHAIRMAN MCINTYRE: Now, would -- in your
24 engineering experience sometimes if they -- say if
25 there was a need to -- sometimes a man-made buffer

1 can be better than what's naturally out there at
2 times.

3 MR. JACOBSON: I think in this case, in terms of
4 protecting Pequot Swamp, that that's probably
5 doubtful.

6 CHAIRMAN MCINTYRE: Doubtful, okay.

7 MR. HANES: It should be a natural buffer.

8 CHAIRMAN MCINTYRE: So leave it natural.

9 MR. JACOBSON: I think the intent of the other
10 consultants was a natural buffer, but that's up to
11 you. I just want to get some clarification on this
12 so when we get to the next step, it's clear exactly
13 what your intent is.

14 MS. GALLICCHIO: So the terms we would use would
15 be natural, undisturbed; natural, comma, undisturbed.

16 MR. JACOBSON: If that's what you want to do.

17 MS. GALLICCHIO: I think -- well, that was my
18 intention.

19 CHAIRMAN MCINTYRE: I believe that was your
20 intention.

21 MR. KNAPP: What I've done --

22 THE CLERK: Mr. Chairman, can you pause for a
23 moment?

24 CHAIRMAN MCINTYRE: Yeah. Tape change.

25 (Tape is changed.)

1 THE CLERK: Thank you.

2 CHAIRMAN MCINTYRE: What our attorney has
3 recommended in this motion is to delete -- as you can
4 see the highlighted areas is his writing to us. The
5 one and two is what we had discussed. He's saying
6 delete one and two and replace it with no golf hole
7 shall be allowed to cross any portion of Pequot
8 Swamp, and all of Pequot Swamp and a 100-foot
9 nondisturbed --

10 MS. GALLICCHIO: Natural, comma, undisturbed.

11 CHAIRMAN MCINTYRE: Natural, undisturbed buffer
12 surrounding the entire swamp to include the --
13 include the publicly-owned open space.

14 MR. KNAPP: Can I read to you what I typed here?

15 CHAIRMAN MCINTYRE: Sure.

16 MR. KNAPP: I had left the language that
17 Attorney Branse drafted as is. I included a second
18 sentence reading said buffer should consist of a
19 natural, undisturbed area. Is that equivalent to
20 what you were looking for?

21 MS. GALLICCHIO: Read it again, just the little
22 blurb that you --

23 MR. KNAPP: Said buffer should consist of a
24 natural, undisturbed area. Is that not what you're
25 looking for or does that do what you want?

1 MR. HANES: That's what we want, 100-foot
2 buffer.

3 MR. KNAPP: I just wanted to make sure that it
4 was the equivalent concept of what you were just
5 discussing.

6 MS. GALLICCHIO: Why not just stick in natural,
7 comma, undisturbed in front of buffer and forget a
8 separate sentence?

9 MR. KNAPP: Only because I guess Geoff had
10 indicated that he wanted a definition of buffer, so I
11 just broke it out as a definition basically.

12 MR. JACOBSON: I just want clarification, that's
13 all. Because I see there's --

14 MR. KNAPP: I don't know that one is better than
15 the other.

16 CHAIRMAN MCINTYRE: I would go with what Judy
17 wants, the buffer.

18 MR. KNAPP: Okay.

19 CHAIRMAN MCINTYRE: You know, natural,
20 undisturbed buffer.

21 MS. GALLICCHIO: It just seems a little cleaner
22 to me.

23 CHAIRMAN MCINTYRE: Well, I think it's closer to
24 what we are saying.

25 MS. GALLICCHIO: Okay.

1 MR. KNAPP: Again, I'm here to write down what
2 you're saying. I typed it up differently than what
3 you had said, and I wanted to make sure that you --
4 okay.

5 CHAIRMAN MCINTYRE: Okay. Now, it goes on to
6 say, Delete item three and item below, modify four to
7 not be prescriptive as noted. Rich feels that this
8 hole should not be moved simply to the north of VP18
9 be eliminated entirely. I don't think we should
10 delete -- hole 18 was the one with the frogs,
11 correct? Does anybody remember? Where is the map?

12 MS. ESTY: That was the one by Red Oak -- Red
13 Maple Swamp.

14 CHAIRMAN MCINTYRE: Right. And the main concern
15 about that was the frog crossing, and I think there's
16 a way to address that. And I'll just run that by.
17 We won't put it into the motion, because, you know,
18 we're not getting that specific, but to put
19 everybody's mind at ease. Do you have the map?

20 MS. GALLICCHIO: Actually, the one with the
21 circle is probably the easier one to look at.

22 CHAIRMAN MCINTYRE: I've got that.

23 MS. GALLICCHIO: The one you have with the
24 green.

25 CHAIRMAN MCINTYRE: Okay. There should be a

1 way -- the way this is laid out with the vernal pool
2 here and if you -- I think you could manage that frog
3 crossing they were talking about if you basically
4 made a -- rather than this being all fairway -- if
5 you look at those little circles, those little
6 circles, tee boxes one, two, three, four, five. When
7 you get to the tee box, you could make that a -- the
8 type of vegetation that the frogs would be able to
9 cross and then continue the fairway on the other
10 side. It's referred to as a hazard and you don't go
11 into it, and the frogs will be able to cross or
12 whatever they needed to do, if you left that in a
13 vegetative state. And then you just make a bridge or
14 whatever the golf carts would go over. Just like
15 there is already a natural bridge -- there's a bridge
16 already proposed there with some water.

17 So if you put right there -- if you're on either
18 side of that and you made a certain amount of -- so I
19 think there is a way to handle that rather than
20 eliminating the hole for that reason.

21 MS. ESTY: I think they were looking for that
22 same type of buffer for Pequot Swamp as they did for
23 vernal pool 18.

24 CHAIRMAN MCINTYRE: What I took away from it --
25 and the reason -- and I think Rich's reasoning behind

1 that was about -- we got into the specifics of why,
2 and the biggest reason why was because frogs don't
3 travel well -- I think it might have been Wendy who
4 actually said this, that the frogs do not travel well
5 across fairways. So if you don't -- if you leave
6 them I guess a path --

7 MS. GALLICCHIO: Well --

8 CHAIRMAN MCINTYRE: -- they'll --

9 MS. GALLICCHIO: -- it has to be wider than a
10 path.

11 MS. ESTY: It's not like a street sign.

12 CHAIRMAN MCINTYRE: No, no. I mean we would
13 have to make it --

14 MR. TIETJEN: Frog walk.

15 CHAIRMAN MCINTYRE: I think that the concern to
16 the frogs could be addressed at a later date and that
17 elimination of 18 is a necessity based on the
18 conversation that we had at the last meeting. I
19 didn't even think about that last time, but I was
20 thinking about it and I was thinking how can you
21 maintain that hole and still have the main concerns
22 of Rich and Wendy about the frogs.

23 MR. TIETJEN: If you go back -- we may have
24 talked about this. If you go back to the section
25 that deals with hole 11, and hole 10, and hole 18, it

1 says -- the second part of that, which we have now
2 eliminated, but holes 10 and number 18 must be
3 reconfigured to create -- and nothing is specified
4 there. It's just a blank. Create on the east side
5 of Pequot Swamp. It doesn't say what create. Maybe
6 that's what this was about.

7 CHAIRMAN MCINTYRE: Right. That's why the
8 discussion, because they were concerned about -- one
9 of the major concerns was about the frogs.

10 MR. TIETJEN: The frog path.

11 CHAIRMAN MCINTYRE: About the frogs. So I'm
12 just saying that I think there's a way of --

13 MS. GALLICCHIO: No. But we are not talking
14 about the Pequot Swamp.

15 CHAIRMAN MCINTYRE: No. Dick is talking about
16 the relationship --

17 MR. TIETJEN: The fairway.

18 MS. GALLICCHIO: Yeah.

19 MS. ESTY: I think vernal pool 18 --

20 MR. TIETJEN: And it happened to be number 11.
21 Now you're talking about a totally different area
22 perhaps.

23 MS. GALLICCHIO: Yeah, we are way over here.

24 CHAIRMAN MCINTYRE: We are over here right now.
25 We addressed over here with part one and two, when we

1 got rid of those two sentences one and two.

2 MR. TIETJEN: I know.

3 CHAIRMAN MCINTYRE: That we are putting 100-foot
4 buffer -- undisturbed, natural buffer around Pequot
5 Swamp.

6 MR. TIETJEN: I just felt maybe that thing got
7 lost in the shuffle.

8 MS. ESTY: Also, vernal pool number 18 was the
9 highest productive pool they had there, which I think
10 was the other reason why they were --

11 CHAIRMAN MCINTYRE: No, it was not the -- it was
12 one of the highest I would think.

13 MS. GALLICCHIO: Actually, I think Mr. Snarski
14 said it was one of the highest he's ever seen.

15 CHAIRMAN MCINTYRE: One. I think the other one
16 up here is very high, too. I mean those two right
17 there. But I'm just throwing my thoughts out. Okay.

18 May combine the previous two as follows: Hole
19 number seven must be relocated further to the
20 northeast to provide amphibian passage and
21 connectivity of resources between the Red Maple Swamp
22 and wetland 18 and vernal pool 18. Therefore, there
23 shall be an undisturbed buffer between vernal pool 18
24 and the Red Maple Swamp to the west to include in the
25 publicly-owned open space.

1 That's basically what I'm saying is that you can
2 do both and still maintain -- if you put a gap in
3 there. Because if you're looking at the vernal pool
4 on 18 -- where did it go? It says seven, but --

5 MS. GALLICCHIO: This is seven.

6 MS. ESTY: I think, again, we are getting too
7 specific.

8 CHAIRMAN MCINTYRE: Well, no, we're not getting
9 specific. The specificness of it is do we go along
10 with getting rid of hole 18, because that's what it's
11 saying?

12 MS. ESTY: It says relocate it. It doesn't say
13 get rid of it.

14 CHAIRMAN MCINTYRE: I don't think that's --
15 based on what -- right here, Janis. Right there.

16 MS. ESTY: It says relocated. It doesn't say
17 get rid of it.

18 CHAIRMAN MCINTYRE: Right. But what it's saying
19 is therefore, we shall -- an undisturbed buffer
20 between vernal pool 18 and the Red Maple Swamp. And
21 that's what I'm saying. You can do that by leaving
22 18 there at the end of the tee boxes, put an
23 undisturbed area and then open it back up to fairway
24 again. And there's -- I mean they're not going to
25 use the entire swath of the hole. They'll have

1 some --

2 MS. ESTY: But I'm not sure we know where they
3 cross is what I'm trying to say, so I don't --

4 MR. JACOBSON: This is their comments, I think,
5 somewhere in that area there.

6 MS. GALLICCHIO: What they are saying is
7 reconfigure the publicly-owned -- this is in the memo
8 from Dr. Goodfriend, Mr. Jacobson, and Mr. Snarski,
9 February 16, 2005. Reconfigure the publicly-owned
10 open space to include the Pequot Swamp. I won't
11 mention the details of that. Hundred-foot
12 undisturbed buffer, woods on the west side of Pequot
13 Swamp. And then this is the one we are talking
14 about. The uplands to the west of vernal pool 18
15 connecting as high quality productive amphibian
16 breeding pool to the large Red Maple Swamp identified
17 by the applicant as wetland number 18.

18 CHAIRMAN MCINTYRE: So reconfigure could mean
19 just changing the layout. You could reconfigure it
20 to where you leave everything where it was and just
21 put that swath in the middle or you can move the
22 hole. I mean it could mean any one of those things.

23 MS. GALLICCHIO: Well, we want to --

24 CHAIRMAN MCINTYRE: So we'll just leave it
25 reconfigure.

1 MS. GALLICCHIO: What we want to do is connect
2 vernal pool 18 to the Red Maple Swamp, right?

3 MR. HANES: Right. And Bob mentions that this
4 is not fairway.

5 CHAIRMAN MCINTYRE: That is fairway. This is
6 the -- these are tee boxes.

7 MR. HANES: What's this?

8 CHAIRMAN MCINTYRE: That's basically a landing
9 area. This is the fairway and this is rough.

10 MR. HANES: Well, that's what I meant.

11 CHAIRMAN MCINTYRE: Rough. It's part of the
12 fairway, but it's the rough of the fairway. So if
13 you put from here to there, I mean that's wider than
14 the pond itself.

15 MR. HANES: Right. The vernal pool.

16 CHAIRMAN MCINTYRE: The vernal pool.

17 MR. HANES: So what you're saying is if that is
18 all rough, that would provide them with access --

19 CHAIRMAN MCINTYRE: That's what Wendy and them
20 were talking about. They said they couldn't cross a
21 fairway.

22 MR. HANES: Right.

23 CHAIRMAN MCINTYRE: I'm just saying I think what
24 this is going -- when they use the word reconfigure,
25 what's the definition of reconfigure, you know? It

1 could mean as little as changing a few things or
2 moving the whole thing. Reconfiguring to me means --
3 in this case would mean to allow the -- you were
4 trying to leave an --

5 MS. GALLICCHIO: But I think the difficulty
6 comes in here --

7 CHAIRMAN MCINTYRE: -- undisturbed buffer.

8 MS. GALLICCHIO: -- when we are going to talk
9 about how big a buffer? How wide a buffer?

10 CHAIRMAN MCINTYRE: I think that can be
11 determined -- that one should be determined at the --
12 during the golf course design. We put in there that
13 we --

14 MS. GALLICCHIO: We won't be involved in the
15 golf course design.

16 CHAIRMAN MCINTYRE: Right. But if we put in
17 there a note to the wetlands that this is a high area
18 of interest, that wetlands -- it's our intention that
19 there be -- that the --

20 MS. GALLICCHIO: I don't know that wetlands
21 necessarily will have the capability of saying --

22 CHAIRMAN MCINTYRE: Yes, okay.

23 MS. GALLICCHIO: -- a buffer to connect two
24 water points.

25 CHAIRMAN MCINTYRE: If we put in there --

1 MS. GALLICCHIO: Am I correct? Because that
2 gets into --

3 MR. JACOBSON: Yes.

4 CHAIRMAN MCINTYRE: That's true. Because it's
5 wildlife.

6 MS. GALLICCHIO: It's a wildlife thing.

7 CHAIRMAN MCINTYRE: Right. And they don't get
8 involved in that anymore. Avian -- Avon.

9 MS. GALLICCHIO: So I think we need to do it
10 here.

11 MR. KNAPP: Avalon Bay.

12 CHAIRMAN MCINTYRE: Avalon Bay.

13 MR. KNAPP: They do get involved with habitat,
14 with eel wells.

15 CHAIRMAN MCINTYRE: See, that's the fairway. So
16 you would have that much of a --

17 MS. GALLICCHIO: Sorry.

18 MR. KNAPP: They do get involved with wildlife
19 with the inland wetlands, but not outside of
20 wetlands.

21 MS. GALLICCHIO: We are talking about
22 connecting.

23 CHAIRMAN MCINTYRE: Well, this is all within
24 wetlands. This is all wetlands. This is all
25 wetlands. So yeah, that's true. This is all

1 wetlands. Because anyplace from 100-foot outside the
2 vernal pool to 100-foot outside the Pequot Swamp -- I
3 mean the Red Maple Swamp is -- that's 100 feet.
4 Well, maybe not. Maybe it's a little wider than
5 that. But do you see what I'm saying?

6 MS. GALLICCHIO: Yeah. But I'm saying I think
7 if we are going to do that, we need to specify the
8 width of the buffer.

9 CHAIRMAN MCINTYRE: Well, that's what I'm
10 saying. I can do that by saying that at the end --

11 MS. GALLICCHIO: How can you do it?

12 CHAIRMAN MCINTYRE: Well, you can look at --
13 well, you can say that in verbiage saying that.

14 MS. GALLICCHIO: But you want to measure it. I
15 mean we have to measure it. You can't just say --

16 CHAIRMAN MCINTYRE: I don't think this has a
17 scale, does it? Yes. One to 500-foot.

18 MS. GALLICCHIO: But what you're saying --

19 CHAIRMAN MCINTYRE: One inch equals 500 feet.

20 MS. GALLICCHIO: Do you want to measure that on
21 a 500 scale?

22 MR. JACOBSON: I don't have a scale.

23 MS. GALLICCHIO: I do have a scale. I just have
24 trouble with a little dinky. But, Bob, you want to
25 measure -- what are you suggesting? How wide? See,

1 that's where I think --

2 CHAIRMAN MCINTYRE: Whatever this width is here
3 from -- see right here. Here's the width of the
4 pond. Right here, this is indicating where they
5 think the landing area, the green, the fairway.

6 MS. GALLICCHIO: Right.

7 CHAIRMAN MCINTYRE: Here ends the last tee box.
8 From the end of the last tee box to the start of the
9 fairway should be undisturbed, natural vegetation as
10 is right now.

11 MS. GALLICCHIO: But how do we know that that's
12 sufficient for amphibian crossing? That's my point
13 is that --

14 MS. ESTY: There is a stream coming down here
15 where they have that little bridge across.

16 CHAIRMAN MCINTYRE: Well, that's where it would
17 be, right there. You would have to have a cart path
18 of some sort going through there.

19 MS. GALLICCHIO: How is that undisturbed if you
20 have a cart path?

21 CHAIRMAN MCINTYRE: Well, you have a bridge.
22 You have some sort of --

23 MS. GALLICCHIO: But that's disturbed.

24 CHAIRMAN MCINTYRE: Not if it comes over. Well,
25 I don't know how far that is, so I don't even know if

1 it's doable.

2 MS. GALLICCHIO: All right, Geoff, if you could
3 measure for us --

4 CHAIRMAN MCINTYRE: Let's get some measurements
5 in here.

6 MS. GALLICCHIO: -- from -- can I mark on your
7 thing?

8 MR. HANES: That's fine. That's all right. You
9 may.

10 MR. TIETJEN: Do you want a pencil?

11 CHAIRMAN MCINTYRE: We'll be writing all over
12 it.

13 MS. GALLICCHIO: From the X to the X.

14 CHAIRMAN MCINTYRE: Let me review your X's.

15 MR. HANES: Is it about 100 feet?

16 MR. JACOBSON: It's about 180 feet.

17 MS. GALLICCHIO: Okay.

18 MR. JACOBSON: Because those dash lines would be
19 100 feet off the watercourse anyways.

20 CHAIRMAN MCINTYRE: And how far is that vernal
21 pool -- from the vernal pool to the Red Maple Swamp,
22 how far is that?

23 MR. JACOBSON: Through that corridor?

24 CHAIRMAN MCINTYRE: Yeah, right through that
25 corridor. How much of a distance is that?

1 MR. JACOBSON: About 400 feet.

2 CHAIRMAN MCINTYRE: So there's like 200 feet
3 that would not be -- well, not in wetlands.

4 MS. GALLICCHIO: I don't have a problem with
5 going 180 feet, leaving a buffer of 180 feet wide
6 from the vernal pool to the --

7 MR. HANES: Red Maple Swamp.

8 MS. GALLICCHIO: -- Red Maple Swamp undisturbed.

9 CHAIRMAN MCINTYRE: Other than putting in a --

10 MS. GALLICCHIO: No. Undisturbed.

11 CHAIRMAN MCINTYRE: You have to figure out how
12 to get around --

13 MS. GALLICCHIO: Well, I think that's --

14 CHAIRMAN MCINTYRE: Well, we have to look at
15 that.

16 MS. GALLICCHIO: No. I think that's the
17 applicant's problem.

18 CHAIRMAN MCINTYRE: Realistically you're not
19 going to be able to do that.

20 MS. GALLICCHIO: Bob, but then we are
21 redesigning the golf course, and I think that's the
22 thing we were trying to stay away from. If we talk
23 about what our -- or not 180. Hundred fifty sounds
24 reasonable. I think if we get into like a 50-foot
25 buffer -- I don't know enough about amphibians --

1 and, Geoff, I don't know if you're comfortable --

2 MR. JACOBSON: No, I'm not.

3 MS. GALLICCHIO: -- making any comments about
4 how wide it really needs to be.

5 CHAIRMAN MCINTYRE: So what would you think
6 would be the proper thing to do?

7 MS. GALLICCHIO: Well, one of the things that we
8 had before was an undisturbed buffer just connecting
9 the two, but we didn't give the width. And that's
10 the problem with it. I am looking to see whose draft
11 this is. Twelve. I'm looking for little numbers.
12 Oh, that's way down there. No. Okay.

13 CHAIRMAN MCINTYRE: I take that back. It's only
14 a couple hundred yards around that way.

15 MR. HANES: Seven hundred fifty. It's 750 feet.

16 MS. GALLICCHIO: I was just looking to see if --

17 MR. TIETJEN: Is that the radius or the
18 diameter? What is that?

19 CHAIRMAN MCINTYRE: What?

20 MS. GALLICCHIO: Mr. Branse is talking 300-foot.

21 CHAIRMAN MCINTYRE: That's 750 feet.

22 MR. TIETJEN: What, the radius or the diameter?

23 CHAIRMAN MCINTYRE: Of this yellow thing is 750
24 feet.

25 MR. TIETJEN: Okay, half of that.

1 CHAIRMAN MCINTYRE: A hundred fifty feet from
2 the edge of the pool to the edge of this line right
3 here, of this yellow line, this dotted line. That's
4 the distance. That's the radius.

5 MS. GALLICCHIO: Right.

6 MR. TIETJEN: Well, that should give you some
7 sense of proportion about it.

8 CHAIRMAN MCINTYRE: Right.

9 MR. TIETJEN: That's a lot of space.

10 CHAIRMAN MCINTYRE: So you could go around like
11 this and connect back up.

12 MS. GALLICCHIO: I'm --

13 CHAIRMAN MCINTYRE: I'm agreeing you could leave
14 it undisturbed.

15 MS. GALLICCHIO: Now, what Mr. Branse has
16 here -- and I was just looking to see if it was from
17 Dr. Goodfriend, and it's not.

18 MS. ESTY: I think the one in the dark is.

19 MS. GALLICCHIO: In terms of 300 feet, I'm
20 wondering where that came from. That's just the
21 width of the vernal pool.

22 MR. KNAPP: That's the width of the vernal pool
23 plus 100 feet on each side. If you read down in
24 blue - it's blue on mine, but not blue on yours - the
25 bolded language there, which would be his condition.

1 MS. GALLICCHIO: Yeah.

2 MR. KNAPP: If you read down there's a little
3 bracketed language. Of approximately 300 feet (the
4 width of the vernal pool as shown on the plans and
5 100 feet on either side), which is basically your
6 buffer area per your wetlands regs is where that
7 number comes from.

8 MS. GALLICCHIO: Okay. So you're talking a
9 500-foot buffer going across.

10 MR. KNAPP: No.

11 MR. JACOBSON: No, 300.

12 MS. GALLICCHIO: See, I'm missing this somehow.

13 CHAIRMAN MCINTYRE: You said that what we
14 measured just now from the edge of the vernal pool to
15 the edge of the Pequot Swamp is 400.

16 MR. JACOBSON: Correct.

17 CHAIRMAN MCINTYRE: That's from this point right
18 here to right there.

19 MS. GALLICCHIO: Right.

20 CHAIRMAN MCINTYRE: It's from your X's -- from
21 where your X's were on the other drawing, that's
22 400 feet.

23 MS. GALLICCHIO: Okay.

24 MR. TIETJEN: How about the width of the pool?

25 CHAIRMAN MCINTYRE: The width of the pool is

1 approximately probably --

2 MR. TIETJEN: That's the length. The width.

3 CHAIRMAN MCINTYRE: The width is probably 200 --
4 well, it varies. Probably at the widest point it
5 looks about 200.

6 MR. TIETJEN: If they are used to operating at
7 that dimension, that ought to be big enough, right?

8 CHAIRMAN MCINTYRE: I would think so. Then they
9 just have to figure how to get to the other side of
10 the fairway, and that's not going to be our problem.

11 MS. GALLICCHIO: What are you suggesting?

12 CHAIRMAN MCINTYRE: We make an opening for the
13 frogs and --

14 MR. JACOBSON: It's about 100 feet in width.

15 CHAIRMAN MCINTYRE: Width, 100 feet, yeah.

16 MS. GALLICCHIO: So what are you saying in terms
17 of numbers?

18 CHAIRMAN MCINTYRE: Saying 180 feet undisturbed
19 buffer between -- right as depicted there, as shown
20 on Stuart's map. Hundred-foot undisturbed, and then
21 the applicant will have to deal with how to get the
22 golf carts from point A to point B without going
23 through that undisturbed buffer.

24 MS. GALLICCHIO: Okay. Of 180 feet wide.

25 CHAIRMAN MCINTYRE: Hundred eighty feet wide

1 from where depicted -- let me have that, Geoff, so I
2 can read some letters off of it and stuff. We are
3 talking about The Preserve Preliminary Open Space
4 Subdivision Plan, Graphic Plate Number Two. As
5 depicted on there what I would -- from the edge of
6 the last tee box, as depicted on this drawing, to the
7 edge of the landing area be 180 feet wide; a swath
8 going from the vernal pool 18 to the Red Maple Swamp
9 of undisturbed land.

10 MS. GALLICCHIO: Natural, undisturbed.

11 CHAIRMAN MCINTYRE: Natural, undisturbed land.

12 MR. KNAPP: I'm still struggling with how this
13 is going to read in a motion here. So if you can
14 figure out what you would like in sort of motion
15 language to read, that would be helpful. Is hole
16 seven still being relocated?

17 CHAIRMAN MCINTYRE: What was hole seven?

18 MS. ESTY: Seven is the one that crosses the
19 vernal pool.

20 MR. KNAPP: Let's look at the language we have
21 in front of us here.

22 CHAIRMAN MCINTYRE: No, that's not seven.
23 That's 18.

24 MR. HANES: No, no. The hole.

25 MS. GALLICCHIO: The hole number is seven.

1 CHAIRMAN MCINTYRE: Yes, that's hole number
2 seven. I have been calling it 18, but it's actually
3 number seven.

4 MS. GALLICCHIO: Vernal pool number 18.

5 CHAIRMAN MCINTYRE: It's vernal pool 18. I have
6 been calling it not hole number 18, but it's actually
7 hole number seven. So we have all been talking about
8 the same thing. I just didn't use the right
9 terminology.

10 MR. KNAPP: Going back to the motions we have on
11 the page then, Attorney Branse has suggested deleting
12 what was three and then the unnumbered paragraph
13 underneath three and substituting other language. Do
14 you want to do that? Do you want to put in other
15 language? Look at unrelated; either of those two
16 things? I'm trying to get a sense as to -- again,
17 starting with the language you have, hole seven, do
18 we need to relocate that or not?

19 CHAIRMAN MCINTYRE: No.

20 MR. JACOBSON: You may practically have to by
21 imposing that condition.

22 CHAIRMAN MCINTYRE: Right. They may have to.

23 MR. JACOBSON: If you're talking undisturbed, I
24 don't recall exactly what that area looks like, but
25 if there are trees within that corridor, that's going

1 to eliminate any potential of golf from the tee to
2 the fairway.

3 CHAIRMAN MCINTYRE: Right. Heck of a drive.

4 MS. GALLICCHIO: Could we say in order to allow
5 for amphibian passage and connectivity of resources
6 between the Red Maple Swamp and vernal pool 18, an
7 undisturbed buffer of approximately 180 feet wide --

8 MR. KNAPP: I don't want approximately.

9 MS. GALLICCHIO: Of 180 feet. Of at least
10 180 feet wide.

11 MR. KNAPP: Okay. But approximately is not
12 going to work, because approximately can be less,
13 more.

14 MS. GALLICCHIO: Right.

15 CHAIRMAN MCINTYRE: No less than 180 feet.

16 MR. KNAPP: So in order to allow for --

17 MS. GALLICCHIO: Amphibian passage and
18 connectivity.

19 CHAIRMAN MCINTYRE: Geoff's right, though, that
20 whole concept is haywire.

21 MS. GALLICCHIO: Of resources --

22 MR. KNAPP: Of resources --

23 MS. GALLICCHIO: -- between the Red Maple
24 Swamp --

25 MR. KNAPP: -- between the Red Maple Swamp --

1 MS. GALLICCHIO: -- shown as wetland number
2 18 --
3 MR. KNAPP: -- shown as wetland number 18 --
4 MS. GALLICCHIO: -- and vernal pool number 18 --
5 MR. KNAPP: -- and vernal pool number 18 --
6 MS. GALLICCHIO: -- an undisturbed buffer --
7 MR. KNAPP: -- an undisturbed buffer --
8 MS. GALLICCHIO: -- of at least 180 feet in
9 width --
10 MR. KNAPP: Okay.
11 MS. GALLICCHIO: -- will connect --
12 CHAIRMAN MCINTYRE: A corridor from the edge of
13 the vernal pool to the edge of the Red Maple Swamp of
14 180 feet. Is that what you're saying?
15 MS. GALLICCHIO: No. Wait a minute. Let me
16 just do it in my head. Hundred eighty feet between
17 vernal pool number 18 and the Red Maple Swamp to the
18 west will be provided.
19 MR. KNAPP: Okay. Back up here. Let me read
20 what I have written so far, which did not tie into
21 the end of the sentence you just read to me. So
22 let's see if we can make it all tie in.
23 MS. GALLICCHIO: Okay.
24 MR. KNAPP: The sentence I have presently reads,
25 In order to allow for amphibian passage and

1 connectivity of resources between the Red Maple
2 Swamp, shown as wetland 18 and vernal pool 18, an
3 undisturbed buffer of at least 180 feet in width will
4 connect, and that's where you stopped. You then
5 started again differently. So I don't mind
6 rearranging the sentence here.

7 MS. GALLICCHIO: Will connect vernal pool number
8 18 and the Red Maple Swamp to the west.

9 MR. KNAPP: Vernal pool number 18 to the
10 vernal -- to the Red Maple Swamp to the west. Okay.

11 MS. GALLICCHIO: That's it.

12 MR. HANES: That's it.

13 CHAIRMAN MCINTYRE: I want to just bring up what
14 Geoff said. He brought up a good point about this
15 may not be that. So I think we should just add one
16 thing, or relocation of the hole.

17 MR. HANES: South.

18 CHAIRMAN MCINTYRE: Well, no. Just relocation
19 of hole number seven so it doesn't interfere. Either
20 one. They can do either that or we'll get our --
21 what we want both ways. So it doesn't matter if we
22 say you can do this, leave hole number seven. If you
23 can do this, leave hole seven there. If you can't
24 then relocate hole number seven.

25 MS. GALLICCHIO: But if you say or relocate

1 number seven but it impinges, we want that 180-foot
2 buffer no matter what. Maybe we should say this may
3 require relocating golf hole number seven.

4 CHAIRMAN MCINTYRE: So it does not interfere
5 with vernal pool number 18 and Red Maple Swamp.

6 MR. KNAPP: Can I read what I typed here and see
7 if it works?

8 MS. GALLICCHIO: Okay.

9 MR. KNAPP: I kept the same first sentence. I
10 then typed alternatively, the applicant may relocate
11 hole number seven to address these concerns.

12 MS. GALLICCHIO: Fine.

13 MR. KNAPP: Does that do what you wanted?

14 CHAIRMAN MCINTYRE: Um-hum.

15 MS. GALLICCHIO: I think it's clear enough.

16 MR. KNAPP: That way they can pick and choose as
17 long as they address the concerns that you have
18 specified in that particular passage.

19 CHAIRMAN MCINTYRE: Right. I'm happy with that.
20 Thank you, Geoff.

21 MS. GALLICCHIO: Do we want to agree to that or
22 continue to the other parts first?

23 CHAIRMAN MCINTYRE: No. Let's agree to that.
24 So I have to impose on you one more time so everyone
25 can hear you. Dick, this is what we are going to

1 agree to now. Okay, Eric.

2 MR. KNAPP: Okay. In order to allow for
3 amphibian passage and connectivity of resources
4 between the Red Maple Swamp shown as wetland number
5 18 and vernal pool number 18, an undisturbed buffer
6 of at least 180 feet in width will connect vernal
7 pool number 18 to the Red Maple Swamp to the west.
8 Alternatively, the applicant may relocate hole number
9 seven to address these concerns.

10 CHAIRMAN MCINTYRE: Okay. I agree on that.

11 MS. GALLICCHIO: I agree.

12 CHAIRMAN MCINTYRE: Stuart.

13 MR. HANES: The 180 feet --

14 MR. KNAPP: Yes.

15 MR. HANES: -- that's from the vernal pool to
16 the Red Maple?

17 CHAIRMAN MCINTYRE: No. It's the width.

18 MS. GALLICCHIO: It's the width.

19 CHAIRMAN MCINTYRE: Not the length.

20 MS. GALLICCHIO: Width.

21 MR. JACOBSON: That's from the last -- the edge
22 of the last tee box to the beginning of the fairway
23 as they have shown it.

24 MR. HANES: That's what I wanted to be sure of.

25 CHAIRMAN MCINTYRE: Now, do we need to say that?

1 You want it to start at the edge of the last tee box?

2 MR. KNAPP: It wouldn't hurt.

3 CHAIRMAN MCINTYRE: Okay. As depicted on
4 that -- I'll have to use this drawing, because that's
5 the only thing we are going by.

6 MR. KNAPP: As depicted on --

7 CHAIRMAN MCINTYRE: On The Preserve Preliminary
8 Open Space Subdivision Plan.

9 MR. KNAPP: Wait a minute.

10 CHAIRMAN MCINTYRE: The Preserve Preliminary --

11 MR. KNAPP: The Preserve Preliminary -- go
12 ahead.

13 CHAIRMAN MCINTYRE: -- Open Space Subdivision
14 Plan --

15 MR. KNAPP: Open Space Subdivision Plan --

16 CHAIRMAN MCINTYRE: -- Graphic Plate Number
17 Two --

18 MR. KNAPP: -- Graphic Plate Number Two --

19 CHAIRMAN MCINTYRE: -- dated January 26, 2005.

20 MR. KNAPP: -- dated 1-26-05. That's only half
21 a sentence.

22 CHAIRMAN MCINTYRE: Excuse me?

23 MR. KNAPP: That's only half a sentence.

24 CHAIRMAN MCINTYRE: Okay. What do I have so far
25 then?

1 MR. KNAPP: What you have is as depicted on The
2 Preserve Preliminary Open Space Subdivision Plan,
3 Graphic Plate Number Two dated January 26, 2005.

4 CHAIRMAN MCINTYRE: The width -- the 180 feet
5 will start at the end of the last tee box.

6 MR. KNAPP: Will start at the end of the last
7 tee box.

8 MS. GALLICCHIO: Southerlymost tee box.

9 CHAIRMAN MCINTYRE: Of the southerlymost tee
10 box --

11 MR. KNAPP: Of the southerlymost tee box.

12 CHAIRMAN MCINTYRE: -- as depicted on the
13 drawing. And then 180 feet wide, and that's where
14 the fairway starts.

15 MR. KNAPP: That's not going to fit with the
16 sentence here. So we'll start at the end of the
17 southerlymost tee box as depicted on the drawing
18 and --

19 CHAIRMAN MCINTYRE: Traverse 180 feet to the
20 southwest. And traverse 180 feet to the southwest.

21 MR. KNAPP: Southwest to connect to the Red
22 Maple Swamp; is that the point?

23 CHAIRMAN MCINTYRE: Right.

24 MR. KNAPP: Okay.

25 CHAIRMAN MCINTYRE: We may get more or less --

1 more out of it.

2 MR. KNAPP: How about traverse at least to
3 180 feet?

4 MR. HANES: Are you saying from the tee box to
5 the Red Maple?

6 CHAIRMAN MCINTYRE: No, no. South -- southwest.
7 We are heading down the fairway.

8 MR. HANES: I wondered why we brought in this.

9 CHAIRMAN MCINTYRE: This is the width.

10 MR. HANES: Right.

11 CHAIRMAN MCINTYRE: This is the length.

12 MS. GALLICCHIO: Yeah, 180 feet wide, but you're
13 going from east to west. You're not going north and
14 south.

15 CHAIRMAN MCINTYRE: No. This is the width right
16 here. From here to here is 180. From here to here
17 is -- or from there to there is 400.

18 MR. HANES: So we are going from the tee box
19 down to the fairway.

20 CHAIRMAN MCINTYRE: Down to the fairway, right.
21 But it's just as easy to say go 180 feet and then
22 whatever they do after that.

23 MS. GALLICCHIO: But you're going across hole
24 number seven.

25 CHAIRMAN MCINTYRE: We are going down the

1 fairway of hole number seven as depicted on the
2 drawing.

3 MS. GALLICCHIO: Across, not down the fairway.
4 Across the fairway.

5 CHAIRMAN MCINTYRE: This would be down.

6 MS. GALLICCHIO: Well, no. Because down would
7 be here this way.

8 CHAIRMAN MCINTYRE: Right.

9 MS. GALLICCHIO: You're going across the
10 fairway.

11 MR. HANES: The 180 feet down.

12 MS. GALLICCHIO: The strip --

13 CHAIRMAN MCINTYRE: The width is 180 feet.

14 MS. GALLICCHIO: The strip is going across the
15 fairway, right?

16 CHAIRMAN MCINTYRE: Okay.

17 MS. GALLICCHIO: Is that clear on the --

18 MR. KNAPP: I don't know.

19 MS. GALLICCHIO: Read the description, just the
20 descriptive part.

21 MR. KNAPP: Okay. As depicted on The Preserve
22 Preliminary Open Space Subdivision Plan, Graphic
23 Plate Number Two dated January 26, 2005, the 180 feet
24 will start at the end of the southerlymost tee box as
25 depicted on the drawing and traverse at least

1 180 feet to the southwest to connect to the Red Maple
2 Swamp.

3 MS. GALLICCHIO: Okay. I think that's clear.

4 CHAIRMAN MCINTYRE: Well, it's not connecting
5 to --

6 MR. HANES: We are not connecting to the Red --

7 CHAIRMAN MCINTYRE: But the 180 feet goes this
8 way, so that makes that corridor. So actually the
9 180 feet is going from the tee box to the fairway.
10 It's actually ending at the fairway.

11 MR. TIETJEN: The tee box, what happens if they
12 move it?

13 CHAIRMAN MCINTYRE: It doesn't matter, because
14 we are using this as our base. So it has to be based
15 on this drawing. Let me show Eric here. Maybe he
16 can put it into words better if he sees what we're --

17 MR. TIETJEN: You're saying it's to the west of
18 it.

19 CHAIRMAN MCINTYRE: I'm saying from the end of
20 the tee box, going 180 feet to the south -- here's
21 your north -- to the southwest and we are ending at
22 the -- basically, we figured that 180 feet was where
23 the fairway starts. This is rough right now.

24 MR. KNAPP: Okay. Where is your Red Maple
25 Swamp?

1 CHAIRMAN MCINTYRE: Right there. So this is
2 400 feet from there to there.

3 MR. KNAPP: So you're not connecting to the Red
4 Maple Swamp at all. You're connecting to the
5 commencement of the fairway.

6 MR. HANES: Right.

7 CHAIRMAN MCINTYRE: Correct.

8 MR. KNAPP: The concept of the Red Maple Swamp
9 is a red herring, to use a bad term here, because
10 you're running in the wrong direction to connect it
11 to the swamp. You're running in precisely a
12 direction that will never connect you to the swamp.
13 If you keep running southwest forever, it won't hit
14 the swamp.

15 CHAIRMAN MCINTYRE: We are saying from the
16 Pequot Swamp -- from here --

17 MR. KNAPP: You're going from the southerlymost
18 tee box as depicted on the drawing and traverse at
19 least 180 feet to the southwest. Your next phrase to
20 connect to the Red Maple Swamp is inaccurate,
21 because --

22 CHAIRMAN MCINTYRE: Right. That's what we are
23 saying. We agree on that.

24 MR. KNAPP: What do we want to put there?

25 CHAIRMAN MCINTYRE: To traverse in the southwest

1 direction to the beginning of the fairway --

2 MR. KNAPP: Okay.

3 CHAIRMAN MCINTYRE: -- which will provide a 180
4 by 400-foot corridor from the vernal pool 18 to Red
5 Maple Swamp. Would that be correct, Geoff?

6 MR. JACOBSON: Yes.

7 MR. HANES: Did you see it, Judy?

8 MS. GALLICCHIO: Yes.

9 MR. TIETJEN: I've got it.

10 MR. KNAPP: Can you see how that reads now.

11 CHAIRMAN MCINTYRE: Read it for everyone.

12 MR. KNAPP: Okay. As depicted -- I'm not going
13 to read the whole map again.

14 CHAIRMAN MCINTYRE: No. Just the specifics.

15 MR. KNAPP: The 180 feet will start at the end
16 of the southerlymost tee box as depicted on the
17 drawing and traverse at least 180 feet to the
18 southwest to the beginning of the fairway, which will
19 provide a 180-foot by 400-foot corridor from vernal
20 pool number 18 to the Red Maple Swamp.

21 MR. HANES: Right.

22 MR. KNAPP: Okay? No?

23 MS. GALLICCHIO: What I'm concerned with is
24 you're only talking about crossing the hole. You're
25 not talking about either side of the fairway. It's

1 got to be natural all the way across.

2 CHAIRMAN MCINTYRE: That's what I'm saying.

3 MS. GALLICCHIO: But is that clear?

4 MR. KNAPP: One eighty by 400.

5 CHAIRMAN MCINTYRE: Four hundred feet wide from
6 the vernal pool to the --

7 MR. TIETJEN: That goes all the way to the
8 swamp.

9 MS. GALLICCHIO: I just want to make sure we are
10 not saying just across the --

11 CHAIRMAN MCINTYRE: I'm not trying to sneak one
12 in on you, Judy.

13 MS. GALLICCHIO: I know.

14 CHAIRMAN MCINTYRE: So is everyone happy with
15 that statement? And then it goes on to say that he's
16 going to relocate -- if you can't do this, you
17 relocate the hole.

18 MR. TIETJEN: If you can't do that, get a new
19 golf course.

20 CHAIRMAN MCINTYRE: Right. No, no. Okay. So
21 we are removing the verbiage that was in there for
22 three and that highlighted area, we are moving all
23 that verbiage and replacing it with what Eric just
24 wrote.

25 MR. KNAPP: Judy, that's an acre and a half.

1 That's a pretty big area.

2 MS. GALLICCHIO: I just wanted to make sure that
3 from the description it was going across actually
4 from the vernal pool to the swamp, not just --
5 between the two but not connected all the way.
6 That's all.

7 MR. KNAPP: Four hundred by 180 is actually a
8 pretty sizable --

9 MS. GALLICCHIO: I know.

10 MR. KNAPP: I want to make sure that you're
11 aware, if you think it's narrow.

12 MS. GALLICCHIO: No, no, no. I just wanted to
13 make sure it reached the important areas. Okay.

14 CHAIRMAN MCINTYRE: That will bring us down to
15 number four.

16 MR. KNAPP: Now number three.

17 CHAIRMAN MCINTYRE: That was number three we
18 just did, right?

19 MR. KNAPP: We are relabeling, because we
20 deleted a number earlier. So it's been --

21 CHAIRMAN MCINTYRE: Oh, okay. So now this is
22 now number three.

23 MR. KNAPP: It will be now number three. It is
24 number four on your list here, but it will turn out
25 to be --

1 CHAIRMAN MCINTYRE: Signs shall be installed
2 between the golf course and all sensitive adjacent
3 natural areas alerting golfers that they are not
4 allowed to enter these areas to retrieve errant golf
5 balls. Everybody agree on that?

6 MS. GALLICCHIO: Can we say instead of not
7 allowed prohibited from entering?

8 CHAIRMAN MCINTYRE: All right.

9 MS. GALLICCHIO: I think that's just a little
10 stronger.

11 CHAIRMAN MCINTYRE: Does everybody agree with
12 statement number three with adding the word
13 prohibited versus --

14 MS. GALLICCHIO: Prohibited from.

15 CHAIRMAN MCINTYRE: Prohibited from versus
16 allowed?

17 MR. HANES: Yes.

18 MS. GALLICCHIO: Yes.

19 MS. ESTY: Yes.

20 CHAIRMAN MCINTYRE: Okay. Everyone -- Dick, are
21 you in agreement?

22 MR. TIETJEN: I'm looking for which number?

23 CHAIRMAN MCINTYRE: Four.

24 MS. GALLICCHIO: It's number four.

25 MR. TIETJEN: Number four, thank you.

1 MS. GALLICCHIO: We are calling it three,
2 because we renumbered.

3 MR. TIETJEN: I'm in agreement. Just tack on a
4 couple of weeks in a federal prison.

5 CHAIRMAN MCINTYRE: Everyone is in agreement
6 with number three, Eric.

7 Number five -- four.

8 MR. KNAPP: Why don't you use the numbers you
9 have on there. It will be easier for everyone to
10 understand.

11 CHAIRMAN MCINTYRE: Number five, no clearing in
12 or over identified vernal pools shall be allowed to
13 construct -- be allowed to construct the golf course,
14 e.g. vernal pools 3, 9, 12, 21, 27 (not sure there is
15 total agreement on commission but may be three of
16 five). Clearing in or over identified.

17 MR. TIETJEN: Just you might want to say to be
18 constructed.

19 CHAIRMAN MCINTYRE: We weren't in agreement with
20 that.

21 MS. GALLICCHIO: Did you bring back that one
22 that you had, because I think the language was
23 clearer on that?

24 MR. JACOBSON: What page?

25 MS. GALLICCHIO: That page that you just had

1 open that you were showing me. I think the language
2 about this was a little more concise.

3 MR. JACOBSON: It might be the next page.

4 MS. GALLICCHIO: Yes. I'm just looking to see
5 the language. Maybe it's the same. No clearing in,
6 over, or directly adjacent to vernal pools to
7 construct proposed golf course holes. I think that
8 language is better if we want to use it.

9 CHAIRMAN MCINTYRE: Well, I think the -- I don't
10 know if I'm in agreement with that. I think that's
11 what this was saying. That's what happened last
12 time.

13 MS. GALLICCHIO: Yeah, it's the same concept.

14 CHAIRMAN MCINTYRE: Like we said that lesser
15 thing. I think if you don't -- if we went with no
16 clearing or -- in or within 50 feet of the vernal
17 pool and then they can go into the undisturbed area,
18 the 100 feet, and then have to bring it back to
19 natural vegetation or back to the -- because you can
20 go within the 50-foot.

21 MS. GALLICCHIO: I don't understand what you're
22 saying.

23 CHAIRMAN MCINTYRE: What they are saying is that
24 no clearing in or over identified vernal pools shall
25 be allowed --

1 MR. TIETJEN: To be constructed.

2 CHAIRMAN MCINTYRE: What it reads is allowed to
3 construct a golf course, e.g. vernal pools 3, 9, 12,
4 21, 27. Not sure there is total agreement -- this is
5 Mark's comment. Not sure there is total agreement on
6 the commission but three of the five. Question,
7 question. And that's what I'm --

8 THE CLERK: Mr. Chairman, can you hold for just
9 a moment?

10 CHAIRMAN MCINTYRE: Yes, tape change.

11 (Tape is changed.)

12 THE CLERK: Thank you.

13 CHAIRMAN MCINTYRE: A lot of these things were
14 brought up, because when we were moving -- you know,
15 these are Wendy's comments that we are dealing with
16 right now.

17 MS. GALLICCHIO: Right.

18 CHAIRMAN MCINTYRE: Okay. I think that the
19 vernal pool -- if we go with no disturbance within
20 50-foot of a vernal pool and then within the
21 100-foot, there's certain things you have to do as
22 far as whether there's any sort of construction or
23 anything going on. You put up siltation fences and
24 things of that nature to protect the resource and
25 then you put everything back to normal. I don't know

1 if -- I don't know if they've talked about filling --
2 they may have in the -- no. They didn't say. I
3 think they did state there was no filling of any
4 vernal pools, correct?

5 MS. GALLICCHIO: Yes, I believe so.

6 CHAIRMAN MCINTYRE: I think if we go within
7 50 -- no disturbance of a vernal pool within 50-foot
8 and then -- but, you know, and this is just standard
9 protection of a vernal pool. Within 100-foot you can
10 do disturbance, but you have to put up a siltation
11 fence and then put everything back to -- so that
12 there is vegetation there which will --

13 MS. GALLICCHIO: But this isn't saying -- this
14 isn't even asking for a 50-foot buffer.

15 CHAIRMAN MCINTYRE: Right.

16 MS. GALLICCHIO: This is saying no clearing in
17 and over.

18 CHAIRMAN MCINTYRE: Well, you can't clear a
19 vernal pool anyway. I don't know why she would write
20 that. No clearing in or over identified vernal
21 pools.

22 MS. GALLICCHIO: Because originally it said no
23 clearing in, over, or directly adjacent to vernal
24 pools to construct proposed golf course holes.
25 That's why I said that this language seems --

1 CHAIRMAN MCINTYRE: Is different than this.

2 MS. GALLICCHIO: Different and it seems clearer
3 to me.

4 CHAIRMAN MCINTYRE: Well, yeah, what it's saying
5 is that -- I'm talking about adjacent, and they don't
6 use the word. That's what he's saying. We weren't
7 in favor of no clearing -- well, I'm not in favor of
8 clearing in a vernal pool or over identified vernal
9 pool. How do you clear over an identified vernal
10 pool?

11 MR. JACOBSON: I think what they are talking
12 about is where they would go carry over a wetland,
13 but they would cut it down to a certain height. I
14 believe that that's what she's referring to.

15 CHAIRMAN MCINTYRE: A wetland or a vernal pool?

16 MR. KNAPP: If there are trees or other things
17 that have limbs that overhang the vernal pool, the
18 bottom line is you wouldn't want to clear those
19 either, because you would change the shading of the
20 things; the temperature would change the vernal pool;
21 the function of the vernal pool would also change.
22 And so I think that the bottom line is you need to
23 keep shaded vernal pools shaded or they lose their
24 characteristics.

25 CHAIRMAN MCINTYRE: So that's what she's talking

1 about over.

2 MR. KNAPP: Yes. If you were to change it so
3 that you were also not clearing within 50 feet, it
4 would have to be a very tall tree to be 50 feet away
5 and still have branches over a vernal pool. But I
6 have reworded that slightly so that it now reads, No
7 clearing in, over, or within 50 feet of identified
8 vernal pools shall be allowed in order to construct
9 the golf course, e.g. vernal pools 3, 9, 12, 21, and
10 27. I don't know that you need the specific vernal
11 pools listed in the motion.

12 CHAIRMAN MCINTYRE: Just vernal pools in
13 general. I think that everybody would feel that it's
14 the whole --

15 MR. KNAPP: The e.g. just means that it's being
16 given for example purposes. They are not meant to be
17 all inclusive. I don't know that you need to include
18 any, particularly given the nature of the motion.

19 MS. GALLICCHIO: I think that's pretty clear and
20 I think that it's reasonable.

21 CHAIRMAN MCINTYRE: How about if we put -- what
22 if we do this, because there may be some -- why don't
23 we put in also unless otherwise approved by the
24 wetlands commission for various reasons. There may
25 be some --

1 MR. TIETJEN: Would they be interested in the
2 protection of a vernal pool?

3 CHAIRMAN MCINTYRE: Very much so. And then they
4 can get into the specifics of it if it affected the
5 golf course. There are many aspects of -- when
6 you're doing a wetlands application, that there's a
7 lot -- there's leadway for -- and mitigation and all
8 these other things that can be done. But normally in
9 general a vernal pool is taboo.

10 MS. GALLICCHIO: But I don't understand why we
11 would defer it to the inland wetlands if this is
12 something they probably would do anyway. We can do
13 it here. I think it just kind of reinforces it, that
14 we feel that this is crucial in terms of the natural
15 resources protection.

16 CHAIRMAN MCINTYRE: Well, the only thing I think
17 during the -- or the thing is that during the
18 presentation by the applicant, I think they talked
19 about in the beginning -- I think Klein talked about
20 that they took in consideration all the big vernal
21 pools and that there would be some disturbance near
22 the lesser ones. And I'm not too sure what that --

23 MR. TIETJEN: We don't know if they were talking
24 about the canopy or just digging holes.

25 CHAIRMAN MCINTYRE: They weren't talking about

1 filling any vernal pools, but there may be
2 disturbance near them.

3 MS. GALLICCHIO: But we're only talking 50 feet.

4 CHAIRMAN MCINTYRE: That's not much. Once
5 again, it gets into the issue of where the vernal
6 pool lies and the layout of the golf course as far as
7 the flight of the ball. You know, when you're laying
8 out the golf course, you have -- like if there's some
9 sort of trees within that 50-foot that could be cut
10 down without just totally disturbing -- you know, you
11 could cut down a tree within that 50-foot disturbed
12 area and not degrade the vernal pool.

13 MR. TIETJEN: It may or it may not.

14 CHAIRMAN MCINTYRE: May or may not. But you
15 would have to see the tree, and that's what I'm
16 saying. But if anything is to be cleared within that
17 50-foot, that it had to be with the approval of the
18 wetlands commission. We are saying we don't want
19 anything disturbed, but if the wetlands look at and
20 say it's not going to be detrimental to the vernal
21 pool, then it could be done during, you know, the --
22 an actual review. Because there are things that can
23 be done with vernal pools that won't hurt them. As I
24 said you can take 75 percent or leave 75 percent of
25 the vernal pool active and only if you were within

1 that 25-foot -- 25 percent zone the vernal pool will
2 stay active.

3 MR. TIETJEN: Why encourage them? I wouldn't.

4 CHAIRMAN MCINTYRE: I'm just trying to --

5 MR. TIETJEN: Let them come to you or to us.

6 CHAIRMAN MCINTYRE: Well, they would. That's
7 what I'm saying.

8 MR. TIETJEN: You're on the inland wetlands
9 commission, so there's a chance that you would spot
10 something that they didn't, but you may have a cold
11 that day or something.

12 CHAIRMAN MCINTYRE: Well, no. I'm just saying
13 that they give -- you know, I never miss a meeting,
14 Dick.

15 MR. TIETJEN: What?

16 CHAIRMAN MCINTYRE: I never miss a meeting.

17 MR. TIETJEN: Well, don't speak too soon. It
18 may be snowing out there, who knows.

19 CHAIRMAN MCINTYRE: It is. But anyway, I'm just
20 saying that there are -- if we put that I guess
21 little extra statement in there, that allows for some
22 leeway by the applicant to put the golf course in
23 play that we don't understand yet that -- because
24 it's preliminary that may affect the design of the
25 golf course but may not affect -- but by putting

1 that -- prohibiting that activity could affect things
2 that we don't realize. But if -- during the actual
3 review the wetlands commission will look at each and
4 every hole and each and every vernal pool, and they
5 will be able to say whether or not the removal of
6 that tree or changing of this little area would --

7 MR. TIETJEN: This is when they are looking at
8 the plan you mean.

9 CHAIRMAN MCINTYRE: Yes.

10 MR. TIETJEN: Who's going to monitor this stuff?
11 That's what I mean about don't encourage them. If
12 there's any looseness, they may just take advantage
13 of that.

14 CHAIRMAN MCINTYRE: Well, the wetlands
15 commission is made of members just like this board
16 is, and they take their job just as --

17 MR. TIETJEN: I'm talking about the applicant.

18 CHAIRMAN MCINTYRE: You asked me who's going to
19 enforce this. I'm saying that the wetlands
20 commission is made up of citizens just as this board
21 is. And they are there to do a specific job, and
22 they do it well, also.

23 MR. TIETJEN: You mean they go out there every
24 day to take a look?

25 CHAIRMAN MCINTYRE: No, no, no. They will

1 ensure that when the preliminary -- just like we do.
2 When the preliminary plans come in, we review them
3 and before they go into effect and when you're in the
4 building process, that's the town's responsibility to
5 ensure that those things get done correctly.

6 MR. TIETJEN: Well, I was just thinking about
7 the recent experience the town has had with trees on
8 small roads running between town and 95.

9 CHAIRMAN MCINTYRE: Right.

10 MR. TIETJEN: Nobody was looking. Now,
11 incidentally, you probably know perfectly well, as
12 well as I do, that the tree warden doesn't have
13 anything to back him up. If he had gone out there,
14 he has no statute that makes it possible.

15 CHAIRMAN MCINTYRE: Just like when we do our
16 applications now we have learned particularly what
17 you're talking about. We have learned through
18 experience that if we have a sensitive area that we
19 don't want touched, being our -- mainly our
20 conservation buffers, we have learned that we need to
21 take those off and put that on the guy's application,
22 on his mylar whatever. Just say, hey, before you
23 start construction you need to run tape or signs
24 along the edge to show your construction people where
25 not to cut. I mean there are things that we do do.

1 MR. TIETJEN: I don't trust wood choppers like
2 that.

3 CHAIRMAN MCINTYRE: I don't know how to address
4 that, Dick, other than the fact that there are things
5 in place to limit those type of things happening, and
6 then there are mitigation if they do happen,
7 replanting --

8 MR. TIETJEN: By the town, though.

9 CHAIRMAN MCINTYRE: Well, no. Replanting and
10 things of that nature. We have done that ourselves.
11 We have had people come around and they have to
12 replant.

13 MS. GALLICCHIO: But I think we would rather
14 curb it right from the beginning, and I think that
15 it's appropriate to have it in here.

16 CHAIRMAN MCINTYRE: Well, 50-foot, but I'm just
17 saying that would you not agree that if it wasn't
18 going to hurt anything and the wetlands commission
19 saw that it was not going to, then --

20 MS. GALLICCHIO: No. Because I think that we've
21 got information from at least one of our -- one of
22 the experts that has spoken that thinks that that is
23 not only appropriate but crucial in terms of
24 protecting natural resources. So I think we should
25 include it.

1 MR. HANES: Make a motion.

2 CHAIRMAN MCINTYRE: Okay. So we want to leave
3 that out. What did you say?

4 MS. GALLICCHIO: We can see what everybody else
5 says.

6 CHAIRMAN MCINTYRE: I think everybody else is in
7 agreement.

8 MR. TIETJEN: Yeah, go ahead.

9 CHAIRMAN MCINTYRE: So just go with 50-foot.

10 MS. GALLICCHIO: Okay.

11 CHAIRMAN MCINTYRE: Okay. Eric, you got that?
12 It will just be 50-foot around -- let's go over that
13 again.

14 MS. GALLICCHIO: No clearing in or over --

15 MR. KNAPP: No clearing in, over, or within 50
16 feet of identified vernal pools shall be allowed in
17 order to construct the golf course, e.g., vernal
18 pools 3, 9, 12, 21, 27. Is that good, bad,
19 indifferent?

20 MS. GALLICCHIO: That's fine.

21 MR. HANES: Fine.

22 CHAIRMAN MCINTYRE: I'll go along with the rest
23 of the board.

24 MR. TIETJEN: Yes.

25 CHAIRMAN MCINTYRE: Six, an area of undisturbed,

1 unfragmented habitat on the west side of Pequot
2 Swamp, in the vicinity shown as golf course holes
3 11-17, shall be included in the publicly-owned open
4 space. The commission seemed interested but not sure
5 how to find common ground on the issue, except for an
6 outright denial and request for redesign. So we've
7 addressed that by bringing that buffer around.

8 MS. GALLICCHIO: We did, and I don't know if
9 that's sufficient for the other members. It is
10 sufficient for me.

11 CHAIRMAN MCINTYRE: It's sufficient for me.

12 MS. ESTY: And I disagree.

13 MR. HANES: I agree that it is sufficient.

14 MR. TIETJEN: Is there a conflict in there? I'm
15 not worried about this, but I wonder if somebody else
16 might be. The golf course is not public. That is --
17 I mean no kidding. It's not public.

18 MS. GALLICCHIO: Right.

19 MS. ESTY: It's --

20 MR. TIETJEN: It's not open space owned by the
21 town. So what happens here? Are you mixing two
22 jurisdictions or is there no problem?

23 CHAIRMAN MCINTYRE: I don't understand your
24 question.

25 MS. GALLICCHIO: What the comment here is, Dick,

1 is that this whole area - I think they said
2 originally 400 feet west of the Pequot Swamp - should
3 not be built upon and should be open space.

4 MR. TIETJEN: But you have -- it says something
5 about the golf course there and --

6 MS. GALLICCHIO: Right. Because that's what's
7 there now is golf course. There's golf course there
8 now and what --

9 MR. TIETJEN: You mean it says it in the plan
10 it's there, but not --

11 MS. GALLICCHIO: Right.

12 MR. TIETJEN: But what happens when this becomes
13 public? What happens to the golf course? Are you
14 just saying you can't --

15 MS. GALLICCHIO: If we agree to this, which I
16 think is overly restrictive, but if we agree to this,
17 then the golf course holes that are there on the plan
18 now could not be there.

19 MR. TIETJEN: Right. So how could that --

20 MS. GALLICCHIO: So they wouldn't be
21 conflicting, because it would be open space --
22 publicly-owned open space if you follow this.

23 MR. TIETJEN: Yes, okay. So what you're saying
24 then is we are eliminating those two holes.

25 MS. GALLICCHIO: I'm not saying I'm for that.

1 I'm saying that that would follow --

2 MR. TIETJEN: That would be the result.

3 MS. GALLICCHIO: That would be the result.

4 Actually, I think it's three holes.

5 MR. TIETJEN: So what are we supposed to do
6 then, accept this?

7 CHAIRMAN MCINTYRE: That's what the three of us
8 just did and Janis said no.

9 MS. GALLICCHIO: Because we've got --

10 MR. TIETJEN: I didn't accept this part.

11 MS. GALLICCHIO: We've provided a 100-foot
12 buffer all around the Pequot Swamp.

13 MR. TIETJEN: Right.

14 MS. GALLICCHIO: And I said I feel that that's
15 sufficient. Bob agreed, Stuart agreed, Janis does
16 not agree. She feels that there should be more.

17 MR. TIETJEN: Yes, okay. But I'm just -- these
18 shall be included in the publicly-owned open space.

19 CHAIRMAN MCINTYRE: Right. If we moved them
20 to -- where are we moving them to? To the west side
21 of Pequot. If we move them then that would be --
22 once the golf course is removed, that would then
23 become part of the open space and the golf course
24 would be relocated to elsewhere.

25 MR. TIETJEN: So we have to move that part to

1 the west.

2 CHAIRMAN MCINTYRE: We didn't want to move that.

3 MS. ESTY: You're making up your mind whether
4 you want to do that or not.

5 CHAIRMAN MCINTYRE: Or not.

6 MS. GALLICCHIO: All of these areas that we are
7 talking about tonight are not written in stone. It's
8 what our staff, from our discussions, have put
9 together, particularly our attorney, as possible --
10 as part of a draft motion that eventually we would
11 put forth, but we don't have to agree to any or all
12 of these. That's what we are going step by step to
13 the see. And I'm saying that I don't agree with
14 number six. But we want to --

15 CHAIRMAN MCINTYRE: What we say tonight is it.

16 MR. TIETJEN: Pardon?

17 CHAIRMAN MCINTYRE: The motion is being made
18 right now.

19 MR. TIETJEN: We are discussing it, I assume.

20 CHAIRMAN MCINTYRE: But whatever we are stating
21 now and becoming the agreement is what the attorney
22 is putting into the motion. All right. So that --
23 so you know that's what's going to be happening.

24 MS. GALLICCHIO: In terms of modifications.

25 CHAIRMAN MCINTYRE: In terms of modifications.

1 MR. TIETJEN: Just the area shown has golf
2 course holes 11 and 17 shall be included in the
3 publicly -- okay. Now --

4 CHAIRMAN MCINTYRE: Eleven through 17.

5 MR. TIETJEN: The reading of that is that the
6 public -- according to this those holes would -- they
7 will disappear.

8 CHAIRMAN MCINTYRE: They would be relocated.

9 MR. TIETJEN: But they were no longer -- they
10 are no longer going to be there.

11 CHAIRMAN MCINTYRE: That was the discussion we
12 had with Wendy and Rich last week.

13 MR. TIETJEN: That's right. I thought we agreed
14 to do that.

15 CHAIRMAN MCINTYRE: No. We never came to
16 consensus or agreement on that.

17 MR. TIETJEN: But they are not certainly going
18 to be two jurisdictions in the same place.

19 MS. GALLICCHIO: No.

20 CHAIRMAN MCINTYRE: No.

21 MR. TIETJEN: I agree with number six.

22 CHAIRMAN MCINTYRE: So you're a no.

23 MR. TIETJEN: I'm a no.

24 CHAIRMAN MCINTYRE: You want to leave six. So
25 it's three for and two against. So it's a yes. So

1 you can remove number six, because we have already
2 got that addressed elsewhere, right?

3 MS. GALLICCHIO: I'm trying to remove this.

4 CHAIRMAN MCINTYRE: Remove this. Get rid of
5 this statement.

6 MS. GALLICCHIO: Right.

7 CHAIRMAN MCINTYRE: Remove the statement in an
8 area of undisturbed, unfragmented habitat on the west
9 side, blah, blah, blah.

10 MR. KNAPP: So I'm just deleting the sentence
11 that starts an area of undisturbed, unfragmented
12 habitat.

13 CHAIRMAN MCINTYRE: Right. Delete that whole
14 paragraph. Okay.

15 Now, going on to number seven regarding golf
16 course safety. The golf course design shall be
17 modified so as to conform to the plain text of the
18 Urban Land Institute standards submitted by the
19 applicant. That plain text does not provide for
20 measurements from the centerline of greens or
21 fairways, but from the landing areas and greens.

22 Sixteen is if the commission agrees with this
23 statement. Recall that Mr. Hill himself presented
24 the ULI standards, but when I demonstrated that they
25 were not complied with, he measured from the

1 centerline of the greens and fairways, not per the
2 ULI standards, and then said that the ULI standards
3 were the only guidelines.

4 MR. TIETJEN: Were only guidelines.

5 CHAIRMAN MCINTYRE: I think there was a
6 disagreement between our attorney in his
7 interpretation -- that he believes that Mr. Hill, of
8 Arthur Hill Golf Design, was errant in his statement
9 in that the regulation actually reads from the --

10 MR. TIETJEN: ULI.

11 CHAIRMAN MCINTYRE: -- ULI standards. That he
12 measured from the centerline, and we are saying that
13 the measurements should be from -- but from the
14 landing areas and greens, not the greens and
15 fairways.

16 MS. GALLICCHIO: But I think the important part
17 of this is that if we agree that we will -- that the
18 Urban Land Institute standards will be followed --

19 CHAIRMAN MCINTYRE: Right.

20 MS. GALLICCHIO: -- on his golf course.

21 CHAIRMAN MCINTYRE: Right. And that's all we're
22 saying. Is everybody in agreement with that?

23 MR. TIETJEN: That we accept those standards.

24 CHAIRMAN MCINTYRE: Right. Those are the
25 standards that we want to see applied to this golf

1 course.

2 MS. GALLICCHIO: I agree.

3 CHAIRMAN MCINTYRE: That's what the application
4 said. And then if the applicant can convince us
5 otherwise that the standards are saying how their
6 golf course is laid out, so be it.

7 MR. TIETJEN: It's something that we disagree
8 with Mr. Hill on, right?

9 MS. GALLICCHIO: What?

10 MR. TIETJEN: It's something that we disagree
11 with Mr. Hill on.

12 CHAIRMAN MCINTYRE: Our attorney did.

13 MR. TIETJEN: Well, we are us.

14 CHAIRMAN MCINTYRE: All we are going to say is
15 that Urban Land Institute standards must be used by
16 the applicant.

17 MR. TIETJEN: Fine.

18 MS. GALLICCHIO: Yes.

19 MS. ESTY: Yes.

20 CHAIRMAN MCINTYRE: Everyone is in agreement
21 with that. Is there anything we missed?

22 MR. KNAPP: There's two things you missed. One
23 is the decision, one goes back up to the top part.

24 CHAIRMAN MCINTYRE: Top part, right.

25 MS. GALLICCHIO: We also have -- at the last

1 meeting -- and I don't think this is going to make a
2 big difference in people's decisions, but just we
3 were talking about streetlights - and, Stuart, I
4 think you asked me - up off of Ingham Hill, whether
5 there were streetlights or not. And I thought that
6 there were streetlights at most intersections. There
7 aren't. There's a lot of variation. If you go up
8 Ingham Hill from the I-95 overpass, the first serious
9 curve that you come to before Mill Rock Road there is
10 a streetlight; and then at Mill Rock Road east there
11 is a streetlight; at Barley Hill there is a
12 streetlight; and at Fox Hill there is a streetlight.
13 There is none at Pheasant Hill, none at Dwayne, none
14 at Deer Run. There is one between Pheasant Hill and
15 Dwayne that's at a significant curve. So in terms of
16 intersections it's not consistent.

17 MR. HANES: It's not consistent.

18 MS. GALLICCHIO: And I just wanted to restate
19 that, because I had given incorrect information.

20 CHAIRMAN MCINTYRE: Do you want to add anything
21 to the motion referencing that?

22 MS. GALLICCHIO: I don't think so. I think that
23 could come into -- the subdivision itself will get
24 into that.

25 CHAIRMAN MCINTYRE: All right.

1 MS. GALLICCHIO: We also had talked about stone
2 walls, the Old Ingham Hill right-of-way, that there
3 is a -- I believe a 25-foot conservation easement on
4 the plans. And we had talked about increasing that
5 to 50 or 100 feet in terms of preserving areas of
6 scenic beauty and historic interest. And I bring
7 that up, because that isn't anywhere in the
8 modifications. And I don't know what people think
9 about it, if they think that that's a priority or
10 not.

11 CHAIRMAN MCINTYRE: And this is in the Ingham
12 Homestead?

13 MR. HANES: Or the old trail?

14 MS. GALLICCHIO: The Old Ingham Hill Trail.

15 MR. HANES: Twenty-five-foot.

16 MS. GALLICCHIO: That was for maintenance of
17 stone walls primarily as well as the scenic views.
18 Most of the stone walls are going to be maintained in
19 that area with a 25-foot. But I bring it up, because
20 we did discuss it for a while and I think we need to
21 just have some closure.

22 MR. TIETJEN: Opposed?

23 MS. GALLICCHIO: No.

24 MR. TIETJEN: Oh, I thought I heard --

25 MS. GALLICCHIO: I'm wondering what people --

1 Bob, right?

2 CHAIRMAN MCINTYRE: What?

3 MS. GALLICCHIO: You just shook your head.
4 You're not into that.

5 MR. HANES: Someone has mentioned, though,
6 trying to bring it up to 50 or even 100.

7 CHAIRMAN MCINTYRE: I believe what happened when
8 we were doing the -- during the conventional layout
9 review, when we were making the lot yield
10 determination, that was discussed during the lot
11 yield determination about the 25-foot. And then
12 we -- when we were laying it out in the conventional,
13 we said that if we were doing the conventional and
14 this was the plan that was in front of us, we would
15 increase that to at least 50-foot on either side. So
16 basically it would be 100-foot. But what I find in
17 the golf course design -- that with the open space
18 design, that total -- it doesn't look like total -- I
19 guess -- not the word saving, but the total -- you
20 know, keeping it as it is today is not possible
21 without totally affecting this plan greatly as
22 presented to us, that it would have too much of an
23 impact. That I believe that as much it should be the
24 applicant's -- to save as much of the trail as
25 possible. And I guess I made the statement during

1 that that pretty much when I was out in -- you know,
2 walking that area the many times that I have, that
3 whether you're standing on Ingham Hill or standing on
4 another -- whatever roadway, if I was to blindfold
5 you, you wouldn't know whether you were on Ingham
6 Hill or you were on another roadway. So I'm just
7 saying yes, for historical purposes if it was
8 identified even as though it ran through a fairway,
9 whatever, that it went that way, I think that's
10 sufficient not to have that much impact on
11 development itself. It would maintain -- save as
12 much of it and identify as much of it, that this was
13 a portion of the Old Ingham Hill Road and maintain as
14 much of that and have that 25-foot on either side of
15 that. But I wouldn't be in agreement to save the
16 entire Old Ingham Hill Trail.

17 MR. TIETJEN: Now, we were talking about how to
18 measure that. Where does that come down now?

19 CHAIRMAN MCINTYRE: That was just during the --

20 MS. GALLICCHIO: That was for the conventional.

21 MR. TIETJEN: Sorry?

22 MS. GALLICCHIO: When we were coming up with the
23 lot yield on the conventional subdivision of
24 counting.

25 MR. TIETJEN: Yes, I know. But we had had a

1 little debate about measuring the width of the
2 fairway and whatever.

3 MS. GALLICCHIO: Um-hum.

4 MR. TIETJEN: Are we just happy to let them take
5 care of that and let it go?

6 CHAIRMAN MCINTYRE: No. What I'm saying and
7 what Judy is saying we should discuss it, that's what
8 she's asking us to do, and see how everyone feels
9 about it, and that I believe there are portions of
10 the Ingham Hill Road that -- Ingham Hill Trail that
11 do run through the fairways and that I don't think
12 that's a reason to discontinue, you know, then they
13 run right through a fairway, whatever. That if it
14 terminates or starts again, that it should be
15 identified.

16 MR. TIETJEN: Sure.

17 CHAIRMAN MCINTYRE: As a minimal, but not to let
18 it affect the development of the project. I mean
19 it's important to save some of it, but I don't think
20 we need to save it all.

21 PUBLIC SPEAKER: It's a town road. The town
22 owns it.

23 CHAIRMAN MCINTYRE: Please, no comment from the
24 public.

25 MR. TIETJEN: The width of the thing still would

1 be an issue nevertheless.

2 CHAIRMAN MCINTYRE: That's why I said Judy's
3 bringing that up.

4 MS. GALLICCHIO: That's why I'm bringing it up
5 for discussion.

6 CHAIRMAN MCINTYRE: Basically what I'm saying is
7 that any portion of that road that's been saved or
8 maintained should have a buffer. Most of it's in
9 open space, right?

10 MS. GALLICCHIO: Um-hum.

11 CHAIRMAN MCINTYRE: Most of it's in open space.
12 So it isn't like there were houses. The only thing
13 that's going to affect it, I believe, is the golf
14 course, because it's all down in here.

15 MS. ESTY: Was it going to be used as a trail
16 and then there was going to be --

17 MS. GALLICCHIO: Yes, a walking trail.

18 MS. ESTY: Pass across the golf course.

19 MS. GALLICCHIO: Yes.

20 CHAIRMAN MCINTYRE: No. They wouldn't have you
21 walk across a fairway.

22 MS. GALLICCHIO: Not across fairways, but it was
23 alongside.

24 CHAIRMAN MCINTYRE: Right.

25 MR. TIETJEN: Crossing it is crossing it.

1 CHAIRMAN MCINTYRE: This is the golf cart path,
2 right? This line right here. I forget what line was
3 the Ingham Hill Trail.

4 MS. GALLICCHIO: Well, it's got a little box.
5 It's right here. That's the homestead.

6 CHAIRMAN MCINTYRE: Yeah, that's the homestead.
7 Where does the road go? It's right here. It starts
8 right here. I think it's right here, Judy. Here it
9 is. Here's Ingham Hill.

10 MS. GALLICCHIO: Okay.

11 MR. HANES: So it goes across just one.

12 CHAIRMAN MCINTYRE: Right.

13 MS. GALLICCHIO: Yes.

14 CHAIRMAN MCINTYRE: It goes across 13. Between
15 13 and 11. I can't see where the tee boxes are. I
16 think these might be the tee boxes here. Here's tee
17 boxes. That's a green, that's a green.

18 MS. GALLICCHIO: That's a green. And the
19 problem I think was that Road A cuts across.

20 MR. HANES: Which is all right. I mean that can
21 be a cross-over.

22 MS. GALLICCHIO: Yeah.

23 CHAIRMAN MCINTYRE: The thing is that -- I guess
24 the most important thing you can do is just
25 encompass -- when we do the trail system, is try to

1 encompass as much of the Old Ingham Hill Trail into
2 it as possible without endangering the safety of the
3 trail walkers with the golf course.

4 MR. HANES: Right. I go along with the 25-foot.

5 CHAIRMAN MCINTYRE: Right. Actually, I don't
6 know if it's even relevant, because if the Ingham
7 Hill Trail is an open space anyway and the open space
8 goes to -- other than the golf course portions goes
9 to a -- now where is the open space? Does it get
10 conveyed to the town?

11 MR. HANES: Town.

12 CHAIRMAN MCINTYRE: So we have control over it
13 anyway. So the 25-foot is --

14 MR. TIETJEN: Well, it's not safe to run across
15 the fairways.

16 MS. GALLICCHIO: There's something that I
17 mentioned before.

18 MR. TIETJEN: People are going to do it anyway.

19 MS. GALLICCHIO: That I thought it was
20 appropriate in terms of conservation, historically,
21 aesthetically. I'm more concerned with some of the
22 conservation of wetlands and some of the more natural
23 resources. And you know, it's not something that I'm
24 going to push, because I think 25 feet I can live
25 with.

1 CHAIRMAN MCINTYRE: Where it's as part of open
2 space.

3 MS. GALLICCHIO: Yes.

4 CHAIRMAN MCINTYRE: Well, I think it only goes
5 across this one fairway anyway.

6 MS. ESTY: It goes across 13.

7 MR. HANES: That's what we are saying.

8 MS. GALLICCHIO: That's what we are talking
9 about.

10 MS. ESTY: One small portion of 11.

11 MR. HANES: On the edge.

12 CHAIRMAN MCINTYRE: I could live with that.

13 MS. GALLICCHIO: As I said at the last meeting,
14 I felt -- my priority was more conservation of the
15 natural resources at this point.

16 CHAIRMAN MCINTYRE: Right. But do you feel
17 that -- and I understand that. I would like to
18 preserve as much of it as possible, also. But the
19 part that is not -- that was within the open space
20 area, do we need to impose a 25-foot -- there's
21 nothing going to happen to it anyway.

22 MS. GALLICCHIO: I thought it was 25 feet all
23 the way to right near the upper end.

24 CHAIRMAN MCINTYRE: Under the conventional.

25 MS. GALLICCHIO: I was thinking it was on this

1 one, too. I guess I'm mistaken.

2 CHAIRMAN MCINTYRE: We had it just in that one
3 portion where it was running by those houses. That's
4 where we eliminated a lot or two that way that
5 happened. The lots were right in here.

6 MS. GALLICCHIO: Do you have Christine's report,
7 the one from --

8 MR. JACOBSON: The one that you looked at
9 before?

10 MS. GALLICCHIO: Yes. I just want to review.

11 CHAIRMAN MCINTYRE: Sure. No problem.

12 MS. GALLICCHIO: Because I'd like to see what is
13 in the plan. I mean I know it's on here, but I want
14 to read what Christine's report said, because I have
15 a -- I'm feeling the crux between there. We are
16 maintaining and conserving a lot of public things,
17 including the homestead, et cetera.

18 CHAIRMAN MCINTYRE: Right. I think that's more
19 important than the road, the homestead. We put more
20 emphasis on the homestead than the road itself. In
21 actuality you can get from the -- from Road A -- you
22 could walk from Road A right to the homestead with
23 the way this plan is laid out.

24 MS. GALLICCHIO: In Christine's report she said,
25 one of her recommendations, the applicant should

1 locate the entirety of Old Ingham Hill Road
2 right-of-way within an easement or a fee simple strip
3 of land at least 50 feet in width, with additional
4 conservation easements on the adjacent lots that
5 provide at least 50 feet of distance from any
6 residential or golf course improvements except where
7 cart paths coincide with hiking trails.

8 CHAIRMAN MCINTYRE: That doesn't make much --
9 looking at the -- there aren't any houses anywhere
10 near this. It started out sounding like you were on
11 the conventional and then she threw in the word golf
12 course. So I think -- the best way I can put it is
13 the way it's depicted on the plan I have no problems
14 with it.

15 MS. GALLICCHIO: Let me see it again.

16 CHAIRMAN MCINTYRE: On here, if you're looking
17 at coming around from this side. When you come from
18 here, you can get all the way down to Ingham Hill --
19 Ingham Homestead.

20 MS. GALLICCHIO: Okay.

21 CHAIRMAN MCINTYRE: This is the tee boxes and
22 everything going this way.

23 MS. GALLICCHIO: I can live with that.

24 CHAIRMAN MCINTYRE: Dick.

25 MR. TIETJEN: Yes.

1 CHAIRMAN MCINTYRE: Janis.

2 MS. ESTY: Yeah.

3 CHAIRMAN MCINTYRE: Everyone is in agreement.

4 We don't need a motion to be added then.

5 MS. GALLICCHIO: No.

6 CHAIRMAN MCINTYRE: Anything else?

7 MS. GALLICCHIO: No.

8 CHAIRMAN MCINTYRE: Now, Eric, you had a couple
9 of comments. You said there were a couple of things
10 we needed to finalize.

11 MR. KNAPP: Well, you skipped over at the
12 beginning of this section --

13 CHAIRMAN MCINTYRE: Section III.

14 MR. KNAPP: Section III. It says, If you deny
15 the application or if you approve the application.
16 And you didn't choose one, because you wanted to go
17 through the conditions before you made a choice.

18 CHAIRMAN MCINTYRE: Right.

19 MR. KNAPP: So now I guess you need to come back
20 and decide which one of those you want to choose.

21 CHAIRMAN MCINTYRE: At this time, after seeing
22 the modifications that we made, that the
23 modifications aren't severe enough to deny the
24 application. So I would go with paragraph two as if
25 we were approving the application.

1 MS. GALLICCHIO: I agree. I think if -- with
2 the modifications this can be a viable project, then
3 I think we should give approval with modifications.

4 MR. HANES: I agree with that. With the
5 modifications I feel that it would be acceptable.

6 CHAIRMAN MCINTYRE: Dick.

7 MR. TIETJEN: Yes. I, as an uninformed expert
8 on the future, I will agree, take a chance.

9 CHAIRMAN MCINTYRE: Okay. Janis.

10 MR. TIETJEN: Or not take a chance, I guess, at
11 this point.

12 MS. ESTY: Well, the modifications don't address
13 my subtle concerns.

14 CHAIRMAN MCINTYRE: So you're just saying at
15 this time you will be not -- you wouldn't be willing
16 to approve the application.

17 MS. GALLICCHIO: Are there other modifications
18 that you're considering, Janis, that would make you
19 more comfortable or are you just interested in
20 denying this?

21 MS. ESTY: No, no. The one I would like most of
22 all would be the open space subdivision with a half
23 acre without a golf course, and I think that would
24 eliminate my concern with --

25 MS. GALLICCHIO: Okay.

1 MS. ESTY: -- just about everything.

2 MR. TIETJEN: You don't think that would do us
3 in, get us in the future?

4 MS. ESTY: I think the open space subdivision
5 with the half acre that they had on the plan is a
6 better viable alternative to this plan.

7 CHAIRMAN MCINTYRE: So that would be a no.
8 Okay. So right now we have four people in agreement
9 of approval and one against. So paragraph number two
10 should be put into effect.

11 Next would be --

12 MR. KNAPP: The decision part.

13 CHAIRMAN MCINTYRE: -- the decision, which is at
14 the end.

15 MR. KNAPP: At the very end.

16 CHAIRMAN MCINTYRE: Okay. Based on the fact
17 that it was four, I would say that our -- the
18 decision would be that the special exception is
19 hereby granted subject to the findings -- and I am
20 just reading this right now. Subject to the
21 findings, conditions, and modifications set forth
22 above. The preceding conditions and modifications
23 are essential to the success of The Preserve Open
24 Space Subdivision. Failure to address these
25 conditions in the final subdivision application shall

1 be grounds for the denial of that application and/or
2 the revocation of this special exception approval of
3 the preliminary plan.

4 The six-month time limit contained in Section
5 56.5 shall commence upon the publication of the legal
6 notice of this decision.

7 And then I won't go -- or in reviewing the
8 foregoing findings. So we didn't find that. So I'm
9 not going to go into that, but that's basically what
10 we found.

11 Would the next thing, Eric, be a motion has to
12 be presented?

13 MR. KNAPP: Well, at this point you've all gone
14 over the text in sort of lots of detail. You have a
15 motion language in front of you. I would suggest
16 that if you are comfortable with your discussion,
17 that you entertain a motion to approve the proposal
18 as modified and go from there and then any final
19 discussion at that point in time.

20 CHAIRMAN MCINTYRE: Okay.

21 MR. HANES: I'll make a motion that we approve
22 the special exception with modifications as outlined.

23 MR. TIETJEN: How about conditions?

24 CHAIRMAN MCINTYRE: That's the modifications.

25 MS. GALLICCHIO: I'll second.

1 CHAIRMAN MCINTYRE: Hang on. He's going to
2 reword it.

3 MR. HANES: For The Preserve Special Exception
4 for Open Space Subdivision, 934 acres total and open
5 space 542.2 acres. Ingham Hill and Bokum Roads, Map
6 55, 56, and 61; Lots 6, 3, 15, 17, 18. Residence
7 Conservation C District, Aquifer Protection Area.
8 Applicant: River Sound Development, LLC. Agent:
9 Robert A. Landino, P.E.

10 MS. GALLICCHIO: I'll second the motion.

11 CHAIRMAN MCINTYRE: Motion was made by Stuart
12 to -- for approval of the subdivision The Preserve,
13 seconded by Judy Gallicchio. Any discussion?

14 MR. TIETJEN: Yep.

15 CHAIRMAN MCINTYRE: Okay, Dick.

16 MR. TIETJEN: Because I've really -- this is the
17 first time I have been involved in a long time --
18 involved in this much history, but let me read this.

19 Before I cast my vote, may I remind those who
20 are witnessing our decision on The Preserve
21 application (in case this point needs repeating) our
22 charge has been either to approve or to deny the
23 Conservation Open Space Plan for development of the
24 former Lyon family property that's been put before us
25 by the River Sound Development, LLC, whatever that

1 means.

2 CHAIRMAN MCINTYRE: Limited Liability Company.

3 MR. TIETJEN: The choice is thus essentially
4 between the plan or no plan, and not whether this
5 property should be developed or not developed.
6 Denial of the application of course would lead to
7 uncertainties which at this point I would rather not
8 contemplate, even if it were appropriate to do so.
9 Tonight we are committed to make what I would call a
10 solomonic judgment. Probably we all remember a
11 difficult case in the history of ancient Israel
12 famously revisited by the two principal characters in
13 Mark Twain's great novel. Huck Finn and Miss
14 Watson's Jim argued over the choice facing the king
15 about which of two women should get custody of the
16 child each of them claimed was hers. Jim's take on
17 it was you might say unconventional, but the real
18 issue before them or before Solomon was the fate of
19 the child and the loss for one of the mothers.

20 You're going to have to dredge your memories to
21 conjure this up perhaps, but it's worth it.

22 The parallel may seem a little ragged, but in
23 tonight's case one of the parties stands to lose
24 something. Either River Sound (a/k/a Lehman
25 Brothers) will have to go back to the drawing board

1 (if they don't sue us) or Old Saybrook must accept
2 loss of control of the essentials of the plan by
3 approving it. A couple of facts bear on this issue.
4 One is that the town blew it in the first place when
5 we turned down an offer of the Lyon property at a
6 reasonable price. The other is the perhaps redeeming
7 fact that the River Sound plan is a good one, if not
8 an extraordinary one, remarkable for its care in
9 laying out a subdivision which saves a substantial
10 amount of contiguous open space and minimizes harm to
11 the environment in which wildlife and homeowners,
12 including -- the ultimate consumers, will live.

13 The particulars of this plan have been presented
14 to us in a series of hearings, along with criticisms
15 by intervenors, by the commission itself, and by
16 individuals from the general public. The planning
17 commission has looked (literally), listened to
18 evidence, and considered conditions and/or
19 recommendations, with the advice of our own
20 consultants which we trust will be acceptable to the
21 applicant. Speaking for myself, I hope that for all
22 our reservations I may have regarding this plan, Old
23 Saybrook hasn't, quote, lost a child. What we all
24 can hope for is an uncommonly hospitable environment
25 for both man and nature. May that be so. And I vote

1 to approve.

2 CHAIRMAN MCINTYRE: I haven't asked for that
3 yet, but thank you very.

4 THE CLERK: Mr. Chairman.

5 CHAIRMAN MCINTYRE: Tape change.

6 (Tape is changed.)

7 CHAIRMAN MCINTYRE: Are there any other
8 discussions at this time?

9 MR. TIETJEN: Not from me.

10 CHAIRMAN MCINTYRE: Hearing none all in favor,
11 aye.

12 (Affirmative response was given by Chairman
13 McIntyre, Ms. Gallicchio, Mr. Hanes, and Mr.
14 Tietjen.)

15 CHAIRMAN MCINTYRE: Opposed.

16 (Negative response was given by Ms. Esty.)

17 CHAIRMAN MCINTYRE: One, okay. There were four
18 in favor: Gallicchio, McIntyre, Hanes, and Tietjen.
19 And Janis Esty was opposed.

20 MR. TIETJEN: Sorry about that.

21 MS. ESTY: That's okay.

22 CHAIRMAN MCINTYRE: I would like to -- I wish
23 everybody was here tonight so that I could thank
24 them. And -- yes.

25 THE CLERK: You'll need a motion to adjourn.

1 MS. GALLICCHIO: We are going to do that. We
2 are still going.

3 CHAIRMAN MCINTYRE: I'm going to ramble here a
4 minute. I'm doing a Dick without literature.

5 I would just like to thank our attorneys,
6 Debbie, and the clerks, several clerks we had, and
7 Geoff, and Wendy, and Christine, and Rich Snarski for
8 all the work they put into this.

9 Excuse me. We are trying to hold a meeting
10 here. Thank you.

11 That they all put a lot of work and effort into
12 this. And I know everyone on this board took a lot
13 of time and effort to listen to what the public had
14 to say, what the intervenors had to say, and what the
15 applicant had to say. And I think that the result of
16 that is what we have come to tonight, a project that
17 will benefit Old Saybrook in the end. And I think we
18 all did a very good job, and I want to thank you.

19 Okay. Motion to adjourn.

20 MS. GALLICCHIO: So move.

21 MR. HANES: Second.

22 CHAIRMAN MCINTYRE: Motion was made by
23 Gallicchio, seconded by Stuart.

24 MS. GALLICCHIO: And it's what, 10:30?

25 CHAIRMAN MCINTYRE: Any discussion? Hearing

1 none --

2 MR. HANES: Eleven thirty.

3 MR. TIETJEN: Five.

4 CHAIRMAN MCINTYRE: All in favor, aye.

5 (Affirmative response was given by all.)

6 (Whereupon, the meeting was adjourned at

7 11:32 p.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 pages 1-192 are a true and accurate transcription of my steno notes taken at the Deliberation Hearing held by the Old Saybrook Planning Commission on the 23rd day of March, 2005, at the Old Saybrook Town Hall, 302 Main Street, Old Saybrook, Connecticut, in the matter filed In Re: The Preserve Special Exception for Open Space Subdivision.

Certified this 11th day of May, 2005.

Debrah Veroni, RPR, LSR

