



TOWN OF OLD SAYBROOK  
Planning Commission

**Executive Board**  
*Robert J. McIntyre, Chairman*  
*Judith S. Gallicchio, Vice*  
*Chairman*  
*H. Stuart Hanes, Secretary*

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**Members**  
*Kathleen R. Smith*  
*Richard R. Tietjen*

**MINUTES**  
**Wednesday, February 9, 2005 at 7:30 p.m.**  
Town Hall, First Floor Conference Room  
302 Main Street

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

**I. CALL TO ORDER**

Chairman McIntyre called the special meeting to order at 7:32 p.m.

**II. ROLL CALL**

**Present**

Robert McIntyre, Chairman  
Judith Gallicchio, Vice Chairman  
H. Stuart Hanes, Secretary  
Richard Tietjen, Member  
Janis Esty, Alternate Member, seated for Kathleen Smith  
Salvatore Aresco, Alternate Member, arrived at 9:35 p.m.

**Absent**

Kathleen Smith, Member  
James Conroy, Alternate Member

**Also Present**

Christine Nelson, Town Planner  
Kim McKeown, Recording Clerk  
Mark Branse, Attorney, Branse & Willis, LLC.  
Wendy Goodfriend, Conservation Specialist  
Geoffrey Jacobson, Town Engineer  
Richard Snarski, Wetland Specialist

**III. OLD BUSINESS**

**A. “The Preserve” Special Exception for Open Space Subdivision (934 ac. total) & Open Space (542.2 ac.)**

Ingham Hill and Bokum Roads (Map 55, 56 & 61 / Lots 6, 3, 15, 17, 18)  
*Residence Conservation C District, Aquifer Protection Area*  
Applicant: River Sound Development LLC Agent: Robert A. Landino, P.E.

Robert McIntyre, Chairman of the Planning Commission, explained that at the last deliberation meeting on “The Preserve”, the Planning Commission was attempting to determine the yield of the property by examining the reports received by the Town’s consultants and staff.

Christine Nelson, Town Planner, referring to the map entitled, Conventional Plan CN-4, Volume I, revised 12/23/04, explained that she and Wendy Goodfriend, Conservation Specialist, highlighted the map with areas that are mentioned in reports prepared by the Town's consultants and staff, distinguishing lots and infrastructure that the Planning Commission may want to consider for elimination based on cultural and historical reasons, environmental concerns, traffic considerations, and soil types. Ms. Nelson and Ms. Goodfriend also highlighted two potential active recreation areas as requested by the Commission at the last meeting.

There was significant discussion between Robert McIntyre, Chairman, Judith Gallicchio, Vice Chairman, Stuart Hanes, Secretary, Christine Nelson, Town Planner, and Mark Branse, Esq., attorney for the Commission, regarding the counting of the land to be used by a golf course in determining the yield. Attorney Branse pointed out that the applicant had submitted to the Commission a conventional plan with a golf course. Legally, the Commission may determine whether the property to be used as a golf course in the applicant's proposed plan should be counted in the yield. Ms. Nelson pointed out that the reports the Commission has received from the Town's consultants and staff are based upon the conventional plan map without the golf course. Attorney Branse expressed concerns about the Commission obtaining new reports from staff after the public hearing has closed because it would deprive the applicant of a fair hearing. The total lot difference between the two conventional plans 15 lots, 293 lots on the map without the golf course, 278 lots on the map with the golf course. The Commission members agreed to use the conventional map without the golf course to consider staff reports and lots to be eliminated; however, they would use the yield from the conventional map with the golf course as a starting point, 278 lots, and deduct lots from the 278 yield. Ms. Nelson expressed concern about the 15 lots that are not on the conventional map with a golf course; some of those lots might have been eliminated in the design and the staff recommendations may not apply. The Commission continued to discuss the use of the 278 yield as a starting point and the use of the conventional plan without a golf course map. Attorney Branse stated that the Planning Commission has discretion on which conventional plan it considers, as well as the total lots to start with, in determining the yield. The Commission must go with the best information it has to determine the yield of the property. The Planning Commission came to a consensus that it would start with a yield number of 278 lots and use staff reports and the conventional plan without a golf course map to eliminate lots as necessary based upon the best information presented to the Commission.

Christine Nelson, Town Planner, reported to the Commission that Bruce Hillson, Traffic Engineering Solutions, in his memo to the Commission recommended the elimination of road 10 and lots 212-217 based upon subdivision regulations 6.4.3.

The Planning Commission came to a consensus to eliminate road 10 and lots 212-217 based upon the traffic engineer's recommendation and the fact that the lots are also included on the soils list as possible lots to be eliminated.

Christine Nelson, Town Planner, continued with Bruce Hillson's, Traffic Engineering Solutions, memo by stating that he recommends the realignment of road 1 and the elimination of lots 73 and 79. The applicant has already eliminated both lots in the last

revised map. Ms. Nelson referred to the Nathan L. Jacobson & Associates report with the 2 attachments, which show the lots recommended for elimination based upon environmental reasons. Lots 98R and 99R, along with the 650ft driveway, are recommended for eliminated due to the proximity to vernal pools.

The Planning Commission had agreed to eliminate lots 98R and 99R, along with the 650ft driveway due to environmental reasons at the last deliberation meeting.

Christine Nelson, Town Planner, continued with the Nathan L. Jacobson & Associates report, which recommends the elimination of lot 209R due to the proximity to vernal pools.

Robert McIntyre, Chairman, discussed with Wendy Goodfriend, Conservation Specialist and Geoffrey Jacobson, Town Engineer the proximity of the house to the 50ft and 100ft setbacks. In their determinations, staff considered impacts to wetlands and vernal pools. According to Ms. Goodfriend, lot 209R appeared unrealistic based upon the 40 scale. Ms. Goodfriend clarified for the Chairman that the lot does meet Town Subdivision Regulations.

The Planning Commission came to a consensus to eliminate lot 209R based upon environmental impacts following staff recommendations.

Christine Nelson, Town Planner, continued with the Nathan L. Jacobson & Associates report, which recommends the elimination of lot 11 due to the location of a native cactus, which the applicant listed on the natural inventory of the property.

Robert McIntyre, Chairman, requested clarification on State guidelines regarding the protection of plants.

Richard Snarski, Wetlands Specialist, stated that plants that are on private land are not protected under State guidelines. If the lot is incorporated into the open space, then the native cactus could be protected. Wendy Goodfriend, Conservation Specialist, stated that lot 11 is also on the soils type list.

The Commission reviewed the open space plan maps and compared them to the conventional plan maps at lot 11 specifically. Under the open space plan, lot 11 is not planned for development. The Commission discussed reasons to eliminate the lot and staff's intention to avoid the double counting of lots.

The Planning Commission came to a consensus to eliminate lot 11 based upon staff recommendations.

Christine Nelson, Town Planner, continued with the Nathan L. Jacobson & Associates report, which recommends the elimination of a portion of road 6; to terminate at lot 144; eliminate road 7 serving lots 134-141; then lots 142 and 143 could be reached from road 4; eliminating 700 ft of road 4; and eliminating road 5 and lots 129, 132, and 133.

Robert McIntyre, Chairman, Judith Gallicchio, Vice Chairman, and Christine Nelson, Town Planner discussed lots 130 and 131, which were eliminated by the Commission at the last deliberation meeting. At the last meeting the Commission also considered keeping lot 142, to be accessed from road 4 and removing lot 132 due to cultural and historic reasons.

Geoffrey Jacobson, Town Engineer, stated that the reason the staff recommended the removal of lots 129 and 133 was to protect Pequot Swamp and the wetlands around the swamp. By removing the road and the lots, a large open space area will surround and protect the swamp. Wendy Goodfriend, Conservation Specialist, added that most lots have several reasons to be eliminated, not just environmental concerns alone. Richard Snarski, Wetlands Specialist, suggested that staff looked at the property as a whole, not as one lot; if the entire 1000 acres are taken into consideration, then development can occur on land that are less sensitive in relation to natural resources.

The Commission discussed with the consultants and Attorney Branse Section 56 in the Regulations and soil types. Other homes are built on similar soil types in Old Saybrook based upon meeting the MABL. Mr. Jacobson, Town Engineer, clarified for the Commission members that the consultants did not have thorough soil tests.

Christine Nelson clarified that lots 134-141 and associated infrastructure are recommended by staff for elimination.

The Planning Commission came to a consensus to eliminate lots 134-141 and the associated infrastructure based upon environmental concerns and soil types.

Christine Nelson, Town Planner, continued by stating that according to the Nathan L. Jacobson report, staff also recommends the removal of road 5 and lots 129, 132 and 133.

Robert McIntyre, Chairman, stated that the Commission agreed to eliminate lots 132 and 133 at the last deliberation meeting.

The Planning Commission came to a consensus to eliminate lots 129, 132 and 133, along with the associated infrastructure.

Christine Nelson, Town Planner, referred to the Town Planner's report dated February 7, 2005, which identifies lots recommended for elimination for cultural and historical concerns. The Town Planner recommends the elimination of lot 26, which is in fee on the application.

Robert McIntyre, Chairman, stated that the Commission agreed to eliminate lot 26 at the last deliberation meeting.

Christine Nelson, Town Planner, stated that the Planning Commission should consider trails to be preserved under a typical subdivision. Ms. Nelson referred to Planning Commission Exhibit B, which is Index Plan of Conservation Map, IB-2, dated 9/01/04, on which the trail system has been highlighted. The Town Planner recommended the elimination of lot 96 off road 8.

The Planning Commission discussed the location of road 8 on each of the maps, the Index Plan of Conservation Map and the Conventional Plan CN-4, Volume I Map. Road 8 is in different locations on each map. The Planning Commission agreed that lot 96 should stay based upon the location of road 8 on the Conventional Plan CN-4 map.

Christine Nelson, Town Planner, continued by recommending to the Commission the elimination of lots 101 and 106 based on trail conservation and soil considerations. The trails run through the lots from Old Ingham Hill Road back to the proposed neighborhood.

Robert McIntyre, Chairman, pointed out that lots 100R-116 are in a cluster that could be a possible location for active recreation, as one of the sites designated by the Town Planner as requested by the Planning Commission at the last deliberation meeting.

H.Stuart Hanes, Secretary, raised the concern about access to the active recreation area via a road. Mr. McIntyre, Chairman, stated that road 8 could become a cul-de-sac.

The Planning Commission discussed and came to a consensus on eliminating lots 100R-116 and the supporting infrastructure, which includes a portion of roads 8 and 2, based upon the preservation of the trail system, soil types, and conservation of open space for possible use as an active recreation area.

Christine Nelson, Town Planner, recommended the elimination of lot 126 due to the trail location and stonewalls on the lot. The trail connects road 1 to Old Ingham Hill Road.

Robert McIntyre, Chairman, stated that based upon the Conventional Plan Map, CN-4, it appeared that the trail and stonewall could stay on the lot undisturbed under a conservation easement.

The Planning Commission came to a consensus to keep lot 126 as part of the yield.

Christine Nelson, Town Planner, continued her recommendations by stating that the Commission should consider lots 142 and 143, along with road 7.

Robert McIntyre, Chairman, stated that the Commission has agreed to eliminate lot 143 and keep lot 142 at the last deliberation meeting.

Christine Nelson, Town Planner, recommended the elimination of lot 153 as the trail system that runs through the proposed lot connects road 12 to the perimeter trail around a wetland area. Lot 153 is also on the list of lots to be eliminated due to soil type.

The Planning Commission discussed the trails around the area of lot 153 and came to a consensus to eliminate lot 153 based on the trail system, wetland and soil type.

Christine Nelson, Town Planner, recommended the elimination of lots 161, 162 and new 22, along with road 11 due to the location of a trail loop that connects to the perimeter trail through the proposed lots.

The Planning Commission discussed the trails around the area and came to a consensus to eliminate lots 161, 162 and new 22, along with the supporting infrastructure.

Christine Nelson, Town Planner, recommended the elimination of lot 287, which is part of the trail system that connects the perimeter trail to Wild Apple Lane. This lot is also recommended for elimination due to soil type.

The Planning Commission agreed to eliminate lot 287.

Christine Nelson, Town Planner, recommended the elimination of lots 101, 106, 126, 132, and 133 due to the location of stonewalls on the sites.

Robert McIntyre, Chairman, pointed out that the Planning Commission had previously discussed the lots and decided to eliminate some of the lots and save others at the last deliberation meeting.

Christine Nelson, Town Planner, stated that her last recommendation was to consider the elimination of lots for active recreation purposes. The Planning Commission has considered and acted on this recommendation in their previous discussions. Ms. Nelson, Town Planner, recommended the elimination of lot 192.

Robert McIntyre, Chairman, stated that the Planning Commission had previously decided to eliminate lot 192. Mr. McIntyre discussed with other Commission members, Judith Gallicchio and H. Stuart Hanes, the remaining lots recommended for elimination on the soil types lists. There was discussion about taking 40% of the remaining lots or if the recommended 40% had been met by those lots already designated as to be eliminated.

Geoffrey Jacobson, Town Engineer, clarified that the 40% of lots to eliminate was included in the 65 lots recommended for elimination. Mr. Jacobson believed it would not be fair to apply the 40% to the remaining lots after elimination of designated lots as determined by the Commission. Wendy Goodfriend, Conservation Specialist, added that only 28 lots designated for elimination have soil type concerns only.

The Planning Commission came to a consensus to eliminate the 28 lots recommended for elimination based upon soil type only. The Commission discussed with staff the total lots to be eliminated. Wendy Goodfriend, Conservation Specialist, stated that the Commission had come to a consensus on 57 lots to be eliminated.

Robert McIntyre, Chairman, stated that starting with a yield of 278 lots minus the 57 lots to be eliminated, equals a yield of 221 lots. The Planning Commission has some latitude in determining if the 221 lot yield is a fair yield for the property.

The Planning Commission discussed the 221 lot yield and came to a consensus that 221 lots is an accurate and fair yield for the property.

Mark Branse, Esq. read a motion regarding the Planning Commission’s process in determining the lot yield, and stated the total yield to be 221 lots, as agreed upon by consensus.

Robert McIntyre, Chairman and Mark Branse, Esq. discussed the next step the Commission should take in reviewing the proposed open space plan now that the yield had been determined. Mr. McIntyre requested that the Commission members refer to Mark Branse’s, Esq. letter in preparation for the next deliberation meeting. The Commission should provide the applicant with some guidance as to either the type of lots to eliminate or the exact lots to eliminate to get to the 221 lot yield.

The Planning Commission discussed the staff members they would like to have present at the next deliberation meeting, as well as the date of the next meeting. The Commission would like Mark Branse, Esq., Geoffrey Jacobson, Town Engineer, Wendy Goodfriend, Conservation Specialist, Richard Snarski, Wetlands Specialist, and Christine Nelson, Town Planner, to attend the next deliberation meeting.

**IV. ADJOURNMENT**

**MOTION** to adjourn the meeting at 10:43 p.m. and to continue deliberations of “The Preserve” Special Exception for Open Space Subdivision & Open Space at the next special meeting, scheduled for February 23, 2005 at 7:30 p.m. at Town Hall, First Floor Conference Room located at 302 Main Street; **MOVED** by H. S. Hanes; **SECONDED** by J. Gallicchio; **APPROVED** by R. McIntyre, J. Gallicchio, H. S. Hanes, R. Tietjen, J. Esty; **ABSTAINED** by none; **OPPOSED** by none.

Respectfully Submitted,

Kim McKeown, Recording Clerk