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OLD SAYBROOK PLANNING COMMISSION DELIBERATION

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THE PRESERVE SPECIAL EXCEPTION

7

FOR OPEN SPACE SUBDIVISION

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WEDNESDAY, MARCH 9, 2005, 7:30 P.M.

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OLD SAYBROOK TOWN HALL

12

302 MAIN STREET

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OLD SAYBROOK, CONNECTICUT

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PLANNING COMMISSION MEMBERS PRESENT:

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ROBERT MCINTYRE, CHAIRMAN

H. STUART HANES, SECRETARY

19

JUDITH GALLICCHIO, REGULAR MEMBER

RICHARD TIETJEN, REGULAR MEMBER

20

JANIS ESTY, ALTERNATE MEMBER

21

ATTENDING STAFF:

22

CHRISTINE NELSON, TOWN PLANNER

WENDY GOODFRIEND, NATURAL RESOURCE SCIENTIST

23

RICHARD SNARSKI, SOIL SCIENTIST

GEOFF JACOBSON, TOWN ENGINEER

24

25

KATE HOEY, RECORDING CLERK

1 CHAIRMAN MCINTYRE: I am going to call the
2 meeting to order, special meeting of the Old Saybrook
3 Planning Commission, Special Meeting Agenda on
4 Wednesday, March 9, 2005, 7:30 p.m., Town Hall, first
5 floor conference room, 302 Main Street, Old Saybrook.

6 First order of business is -- second order of
7 business is role call. We have Kathleen Smith who is
8 not here, and James Conroy who is not here, and Sal
9 Aresco are not here. All the other members are here.
10 I would like to seat Janis Esty for Kathleen Smith.

11 Next order of business, A, The Preserve Special
12 Exception for Open Space Subdivision, 934 acres total
13 and open space of 542 acres -- 542.2 acres. Ingham
14 Hill Road and Bokum Road, Map 55, 56, 61; Lots 6, 3,
15 15, 17, 18. Residence Conservation C District,
16 Aquifer Protection Area. Applicant: River Sound
17 Development, LLC. Agent: Robert A. Landino, P.E.
18 Action: Deliberate and act by 3-23-05 regular
19 scheduled meeting.

20 We did get -- just so everyone knows we did get
21 an extension. Tonight should have been our last
22 meeting. We had until the 16th. The applicant has
23 granted an extension to the 23rd of March, so it
24 gives us a little bit of breathing room.

25 Did everyone get in their packets -- everyone

1 get their mail from the -- the letter from the board
2 of selectmen on roads?

3 MS. GALLICCHIO: Yes.

4 MR. HANES: Yes.

5 CHAIRMAN MCINTYRE: Did you get that, Dick?

6 MR. TIETJEN: Let's see what it looks like.

7 Yes.

8 CHAIRMAN MCINTYRE: So you reviewed that
9 already.

10 MR. TIETJEN: Yes.

11 CHAIRMAN MCINTYRE: Okay. And then everyone
12 either got a draft copy tonight or -- of the motion
13 on the -- it's actually called a Motion on the
14 Application of River Sound, LLC; The Preserve
15 Application for Special Exception. What this is is
16 Attorney Branse has -- it's a draft. And Attorney
17 Branse has kind of summarized what events have gone
18 on so far from our conversations and put this draft
19 motion together. It's not complete. We are going to
20 go through it I think piece by piece. I think that's
21 going to be Christine's suggestion.

22 And so do you have anything else, Christine,
23 before we get started on that?

24 MS. NELSON: That's all I have.

25 CHAIRMAN MCINTYRE: Okay. Just so -- has

1 everyone had a chance to read this draft yet?

2 MR. TIETJEN: Not yet.

3 CHAIRMAN MCINTYRE: Why don't we do this then.
4 I'll start reading it and then as we get into it,
5 we'll go through it and if we have any comments, and
6 then I may call upon some other people to help read
7 eventually.

8 MS. GALLICCHIO: You're going to read it out
9 loud?

10 CHAIRMAN MCINTYRE: Well, we're going to have to
11 go over it piece by piece. The commission -- it's
12 the introduction. The commission has given careful
13 consideration to this Application for Special
14 Exception for Open Space Subdivision in accordance
15 with Section 56 of the Old Saybrook Zoning
16 Regulations (the application) as filed by River Sound
17 Development, LLC (the applicant). The commission
18 members have heard exhaustive testimony - expert,
19 anecdotal, and otherwise - during many hours of
20 testimony. They have received numerous plans,
21 reports, staff memoranda, and other documents. In
22 reaching this decision -- just so the audience knows
23 this is not -- this is just what the attorney has
24 suggested right now. There's nothing that I'm
25 reading now that is in stone. This is just a draft,

1 so we look over it and we know what we are
2 discussing.

3 The commission members have relied exclusively
4 on the evidence and testimony in the record and,
5 where appropriate, their own knowledge of the Town of
6 Old Saybrook and topics within their individual or
7 collective expertise. The findings, conditions, and
8 modifications stated below are integral to the
9 commission's decision on the application. But for
10 these findings, conditions, and modifications the
11 commission would have denied the -- the commission
12 would have denied the applicant -- application as
13 either incomplete or not in compliance with its
14 regulations.

15 So the finding is, number one, suitability of
16 open space. As we go through this, as you notice
17 that there's some things in here that are not
18 complete. So as we go through it, we'll discuss
19 things that are not complete, yet we may set this
20 aside, this document, so we can get some consensus
21 and agreement that some portions of this document are
22 what we want it to be.

23 Okay. Alternative Road Standards. The
24 commission has not received evidence that the board
25 of selectmen have approved, or are reasonably likely

1 to approve, the alternative road standards proposed
2 by the applicant as of the close of the public
3 hearing; therefore, the commission has been
4 considering the application under the current road
5 standards required by the zoning and subdivision
6 regulations.

7 After the close of the public hearing, the
8 commission received the decision of the board of
9 selectmen relative to the alternative road standards,
10 but the plans before the commission do not illustrate
11 that -- the effect that such standards would have on
12 the road locations, alignment, grading, or other
13 aspects of design that may be affected by the road
14 specifications as approved. The commission's traffic
15 engineering consultant has cautioned the commission
16 that, depending on the extent and type of alternative
17 road standards that were approved, there would be
18 some degree of alteration of road grades, alignment,
19 or public/private status. The applicant has
20 contended that because of the preliminary nature of
21 the road pattern set forth in this special exception
22 application, there was no need for the alternative
23 road specifications to be finalized in this
24 proceeding, and that is the reason why the applicant
25 did not seek the decision of the board of selectmen

1 prior to filing this application.

2 And it says this is okay. The commission
3 accepts this. It's okay. This is Mark Branse
4 writing, giving us some guidelines here. If this is
5 okay, the commission accepts this explanation and
6 therefore the approval of this special exception
7 shall not include any approval of road specifications
8 or any approval of road grading, alignment, or other
9 engineering elements, all aspects of which, including
10 environmental impacts therefore -- of -- excuse me,
11 thereof, shall be reviewed de novo during the final
12 subdivision application.

13 And then he goes on to say or if this is not
14 okay and mandates denial, the commission does not
15 accept the applicant's position. The grading and the
16 alignment of the roads constitutes a central aspect
17 of the exhaustive environmental reviews. And they
18 were performed by the commission, its consultants,
19 the intervenors, and the public. The applicant is --
20 the application is incomplete and cannot be approved.

21 Or if the commission does not accept the
22 applicant's position, the grading and alignment of
23 roads constitutes a central aspect of the exhaustive
24 environmental reviews that were performed by the
25 commission, its consultants, and the intervenors, and

1 the public. This special exception approval is
2 therefore granted, and this is underlined, only in
3 accordance with the roadway designs as submitted,
4 except as modified or conditioned in this motion of
5 approval. And then the underlining ends and it
6 starts, any changes required by road alteration (sic)
7 specifications as approved by the board of selectmen
8 must be processed as an amendment to this special
9 exception.

10 So that first one is -- everyone's read the road
11 standards as -- the alternative road standards that
12 the board of selectmen would like to incorporate into
13 this application. Why don't we turn to that and
14 see --

15 MS. GALLICCHIO: To the selectmen's report?

16 CHAIRMAN MCINTYRE: The selectmen's report, yes.
17 It's a letter to me from Mike Pace dated February 28,
18 2005, RE: Roads on The Preserve Open Space Planning,
19 Ingham Hill and Bokum Roads, Map 55, 56, and 61; Lots
20 6, 3, 15, 17, and 18. Okay.

21 The first concern of the board of selectmen is
22 patterns of circulation. Everybody just go ahead and
23 read. I'm not going to read the whole thing. Just
24 go ahead and read it. On the pattern of
25 circulations, does anybody have any questions on

1 that?

2 MS. GALLICCHIO: I think that's consistent with
3 what we said at our last meeting as well.

4 CHAIRMAN MCINTYRE: Route 153, I think the most
5 important statement on there is that this is
6 appropriate as a gateway to the community, because it
7 is a state road with a most direct path to a larger
8 transportation corridor, such as Interstate 95 in
9 Westbrook, Connecticut, and Route 9 in Essex. And it
10 says 153 should not be the only access by future
11 residents of the project, because first and foremost
12 we must acknowledge that they will be residents of
13 Old Saybrook.

14 Does anybody have any problem with the access of
15 153? We pretty much discussed it before, but I mean
16 in relationship to as the board of selectmen has
17 written it.

18 MR. TIETJEN: It hasn't been approved by the
19 people who make it possible.

20 CHAIRMAN MCINTYRE: Well, yeah.

21 MR. TIETJEN: So they can't put it in their
22 application, so we are stuck with a blank, right?

23 MS. GALLICCHIO: They can put it in their
24 application.

25 MR. TIETJEN: They haven't yet.

1 CHAIRMAN MCINTYRE: Yes, it's in the
2 application.

3 MS. GALLICCHIO: Yes, it's in the application.

4 CHAIRMAN MCINTYRE: It's in the drawing. That's
5 that access point.

6 MR. TIETJEN: Yeah, but it's -- the final
7 application won't have it in there until somebody
8 approves it.

9 CHAIRMAN MCINTYRE: No, no. When the final
10 application comes in, it will probably still be in
11 the negotiation stages.

12 MR. TIETJEN: All right.

13 CHAIRMAN MCINTYRE: What would normally happen,
14 Dick, is that during the -- during the next phase of
15 this, if it goes forward to the next phase --

16 MR. TIETJEN: Then it can come here.

17 CHAIRMAN MCINTYRE: It's already in the plans.
18 What we would do is discuss it, and before this plan
19 be approved, they would have to have access there.

20 MR. TIETJEN: So there's no argument there.

21 CHAIRMAN MCINTYRE: Right.

22 MS. GALLICCHIO: And I think we'll be discussing
23 what you're getting at as well as the Bokum Road
24 access over the railroad later on in our discussion
25 tonight; not in the selectmen's report, but after

1 that.

2 MR. TIETJEN: I said in a little scribble in the
3 margins 323, question mark.

4 MS. GALLICCHIO: Later tonight I think we'll
5 probably be talking about it.

6 CHAIRMAN MCINTYRE: Next is Ingham Hill Road.
7 We have already discussed Ingham Hill Road, that I
8 think we are all in agreement that -- with that of
9 traffic consultant and everyone that Ingham Hill Road
10 should be opened up, not a gate. It should be a
11 regular access. And we have even gone one step
12 further and made Road H a town road.

13 MR. TIETJEN: We agree with the selectmen. I
14 wonder how that affects the application, though, when
15 we get to say whether it's okay or not tonight, or
16 tomorrow, or next time.

17 CHAIRMAN MCINTYRE: What we are really doing
18 right here right now is looking at this to see if
19 there's anything in this letter given to us by the
20 board of selectmen that we want to incorporate into
21 our final decision.

22 MR. TIETJEN: Okay.

23 CHAIRMAN MCINTYRE: Okay.

24 MR. TIETJEN: Ingham Hill, that's the only issue
25 now, though, in this category.

1 CHAIRMAN MCINTYRE: Now, the board of selectmen
2 did bring up one thing about --

3 MR. TIETJEN: Grading.

4 CHAIRMAN MCINTYRE: What?

5 MS. TIETJEN: Grading, that's another issue.

6 CHAIRMAN MCINTYRE: But that's part of the
7 alternative.

8 MR. TIETJEN: We dealt with that.

9 CHAIRMAN MCINTYRE: Ownership. The board of
10 selectmen requests that all roads be public roads to
11 allow for easy access. That's one thing that we
12 haven't come to the conclusion of. That was
13 something that we have to take into consideration
14 tonight. Pretty much up to now we have been right in
15 line with what the board of selectmen wanted. We
16 didn't even address the issue that all roads would be
17 public. That is something we need to take into
18 consideration for tonight.

19 Road decision and construction specifications.
20 When it goes to alternate design standards,
21 specifically the board of selectmen does not approve
22 of waiving design standards as proposed to be used
23 for Road A, agreeing that Road A should be considered
24 a feeder street, which the following alternative
25 standards has recommended by our consulting --

1 traffic consultant.

2 MR. TIETJEN: Which means with --

3 CHAIRMAN MCINTYRE: This is getting into
4 something you wanted to talk about earlier. The
5 minimum grade should be no greater than 6 percent per
6 subdivision regulations. Horizontal curves are to
7 have a radius at the center of the road that is no
8 less than 350 feet from subdivision and a design
9 waiver for a lesser radius no less than 250 may be
10 pursued where exceptional condition exists is the
11 applicant's response to document. Qualified benefits
12 that would result from the waiver. Tangent distance
13 between the reverse curves is to be -- okay. Reverse
14 curves is to be 250 feet per subdivision regulation.
15 A design waiver for a lesser distance between reverse
16 curves may be pursued where exceptional conditions
17 exist. It is the applicant's responsibility to
18 document and qualify the benefits that would result
19 from the waiver. And the road within Road A is to be
20 24 feet, in keeping with the board of selectmen's
21 policies.

22 MS. GALLICCHIO: On that D there seems to be a
23 typo, and I'm not sure what it means. Does it mean
24 the road width of Road A is to be 24 feet?

25 MR. TIETJEN: Yeah.

1 CHAIRMAN MCINTYRE: That's what I would take it
2 to be.

3 MS. GALLICCHIO: Okay. There's a lot of typos
4 in this.

5 CHAIRMAN MCINTYRE: And then it talks about the
6 intersection at the center village is problematic.
7 For the most part Road A is a spline or through road
8 and needs to have characteristics that guide drivers
9 along the desired route; however, the board of
10 selectmen recognizes the developer's intention to
11 treat the central village and country club as a
12 designation -- destination for which we believe
13 modifying the plans to create a three-way stop
14 control intersection at the location is acceptable.
15 All of the other roads the board of selectmen details
16 at the time of the application for the subdivision of
17 the land and reserve the privilege to advise the
18 planning commission at that time.

19 And that's one of the things that I think we
20 have pretty much is we are going to have to decide to
21 commit whether we want to go with alternate road
22 standards. Pretty much the board of selectmen
23 recommended that and so we have to come to an
24 agreement on.

25 MS. GALLICCHIO: I think that's something that

1 we assumed originally was going to happen with this
2 particular area anyway. Because of the nature of the
3 land, that we would prefer, in terms of conservation
4 measures, to have easier levels, curbs, et cetera,
5 not catch basins.

6 MR. TIETJEN: They had -- the applicants had
7 said that they were trying to avoid cut and fill, and
8 that's one reason that the issue of the grading is
9 relevant, you might say, to what we decide to do.
10 Maybe we should think about that, but also 6 percent
11 is a pretty limiting grade. You might -- we might
12 think about where that should apply. And we don't
13 have a topographical map handy I'm sure.

14 CHAIRMAN MCINTYRE: Well, that's why this is --
15 sometimes it's very frustrating what we are doing
16 right now, because we are trying to take and apply
17 standards that the -- that we would have full
18 drawings of to make decisions based upon a regular
19 application. So what we are going to do now is we
20 just look at these and we just say, okay, do we want
21 to -- when this development comes in -- if we approve
22 this, we would say, okay, we want to use board of
23 selectmen's alternative road standards. And being
24 the fact in reality the board of selectmen have the
25 final say on the roads to begin with, so we would

1 even -- in the regular application we would say we
2 would like something, and the board of selectmen may
3 come back and ask us to modify, and that has happened
4 before based on alternative road standards, width,
5 curves, that type of thing. So it's not strange to
6 have this type of thing going on.

7 MR. TIETJEN: It's all strange to me. I'm not a
8 road builder, but I wonder if we are -- we are stuck
9 if we said, okay, selectmen, it's yours to decide and
10 then we accept it. Now, does that mean that we can't
11 suggest a modification which differs from those?

12 MS. GALLICCHIO: Like what?

13 CHAIRMAN MCINTYRE: Well, we can --

14 MS. GALLICCHIO: When we get to the application.

15 MR. TIETJEN: When we get around to the big
16 thing, yeah.

17 CHAIRMAN MCINTYRE: Even now you're talking
18 about the application before us now or the
19 application later?

20 MR. TIETJEN: Well, I think -- I was asking if
21 we deal with it right now, that is, accept this thing
22 tonight, does that mean then we are finished and we
23 don't have any more to say about it when the real
24 application goes through?

25 CHAIRMAN MCINTYRE: No, I don't believe that

1 that's true. I believe we'll get into more specifics
2 then and it will be more meaningful, because then
3 you'll be able to see what really is going to happen
4 there rather than a road that looks like it's doing
5 just fine, and then you get our town engineer looking
6 at it saying this is real good, except you have it
7 sloping so the drainage goes uphill, which wouldn't
8 work.

9 MR. TIETJEN: I definitely don't favor that.
10 One of the reasons I'm mentioning this is the very
11 thing they talked about in their plan or propaganda
12 is the cut and fill issue; the grading of roads and
13 so on in the interest of conforming to the contours
14 of the land. There might be a better way to get
15 around a steep hill that you can hardly walk up. Do
16 you follow this?

17 One of the virtues of this plan is it suits the
18 grounds. It sits on real earth and follows the
19 contours more or less, and I don't want to mess that
20 up if it's been done carefully and accurately by the
21 applicant. I think we should think twice about tying
22 their hands. That's why I'm asking these --

23 CHAIRMAN MCINTYRE: It's a point well taken.

24 MR. TIETJEN: -- questions.

25 CHAIRMAN MCINTYRE: And then the last thing with

1 amenities and off-site improvements, the board of
2 selectmen does not believe there's a need for the
3 sidewalks on each street within The Preserve other
4 than within the village and where there is a plan for
5 safe school bus stops for the loading and unloading
6 of children.

7 So anybody have anything to -- I think we -- is
8 everybody in consensus that there's no need for
9 sidewalks throughout the whole -- there's going to be
10 a pedestrian pathway, which is not a sidewalk.

11 MR. HANES: I think that's important.

12 MS. GALLICCHIO: Sidewalk in the village area.

13 CHAIRMAN MCINTYRE: I'm saying outside the
14 village area there will be pedestrian walkways that
15 are probably parallel to the roadways but not
16 sidewalks as we would think of sidewalks.

17 MR. TIETJEN: Right.

18 MS. NELSON: There's a bike lane along the main
19 road.

20 CHAIRMAN MCINTYRE: A and H. That was another
21 thing; A and H have bike paths.

22 MR. TIETJEN: Both villages should have
23 sidewalks.

24 CHAIRMAN MCINTYRE: Right. And that's what they
25 are saying. That's where the sidewalks should be.

1 They also talked about lighting; that I agree with
2 the board of selectmen. They should limit the number
3 of streetlights and lighting and then in the village
4 area have low-key lighting.

5 Board of selectmen requested to put -- let's
6 see. The board of selectmen believes that the
7 streetlighting should be omitted from the proposed
8 roads except at intersections and sharp turns for
9 identification and clarity of site as well as within
10 the village area, with low lights alongside which
11 will be more appropriate. And that's one of the
12 things that I think we've always done in the past is
13 we basically had streetlighting at intersections on
14 most of our applications. So I mean this wouldn't be
15 anything different than that.

16 MS. GALLICCHIO: No.

17 CHAIRMAN MCINTYRE: Okay. And then --

18 MR. HANES: Question: Up in that area now,
19 Judy, on Ingham Hill Road, are there lights at
20 intersections now?

21 MR. TIETJEN: No.

22 MS. GALLICCHIO: Not most. The intersections at
23 Ingham Hill Road and the cross street or street off
24 of that there typically is a light, but further up in
25 the neighborhoods, no.

1 MR. HANES: Because it's not as --

2 MS. GALLICCHIO: It just wasn't done I think in
3 those days. Deer Run may have some lights further
4 up, but Fox Hill and Pheasant do not, and they are
5 very dark. Even if you're walking from neighbor to
6 neighbor's house, you can't without a flashlight or
7 some kind of light.

8 MR. HANES: They want to keep it as primitive as
9 possible.

10 MS. GALLICCHIO: I don't think at this point
11 it's been a neighbor decision. I think it was when
12 the subdivisions were developed and what the
13 considerations of the planning commission was and the
14 developer at that time.

15 MR. HANES: I see.

16 MS. GALLICCHIO: I don't think it was any plan
17 of the neighbors.

18 CHAIRMAN MCINTYRE: And it kind of became a
19 standard that for the public safety that we put them
20 at intersections, streetlights only at intersections.
21 Because then again you've got to remember that for
22 every light that there is out there, we have to
23 provide maintenance. So it's an additional cost
24 burden on the town. So it's just like rather than
25 using catch basins you use swales so that you can cut

1 down on the maintenance costs of a road. Basically,
2 the less lights you have, the less maintenance; the
3 less catch basins, the less maintenance. Just one
4 way of controlling the cost of a road, building of a
5 road. Plus then you get into that other thing called
6 light pollution.

7 MR. TIETJEN: Yes, we have it. People create it
8 in our neighborhood with their fancy lights on the
9 street and stuff. It's terrible.

10 MS. GALLICCHIO: I have a concern --

11 CHAIRMAN MCINTYRE: Sure.

12 MS. GALLICCHIO: -- and that is -- I think it's
13 in the way that this was written that I don't
14 understand exactly what it's saying. In the
15 alternate design standards section, I know that there
16 are alternate design standards. And this says that
17 they do not approve of waiving design standards
18 proposed or I think they mean to be proposed to be
19 used for Road A, agreeing that Road A should be
20 considered as a feeder street and then they mention
21 the other alternatives.

22 MS. NELSON: I think that's misworded.

23 CHAIRMAN MCINTYRE: When I was reading it, I had
24 to go back and read it again.

25 MS. GALLICCHIO: Well, I think we need to be

1 clear that we understand what it's saying.

2 CHAIRMAN MCINTYRE: We need to get
3 clarification.

4 MS. GALLICCHIO: Are they saying they are not
5 agreeing with alternate design standards or they're
6 coming up with different alternate design -- can't
7 really call them standards, because they are --

8 MS. NELSON: Right. This letter actually
9 doesn't address -- the road design and construction
10 standards has -- they have specific standards for
11 width of pavement and all kinds of different things.
12 And there's a tiny phrase that says alternate
13 standards can be proposed. The applicant proposed
14 alternate standards in terms of width of pavement,
15 and turning radiuses, and all kinds of different
16 things. But the board of selectmen hasn't agreed to
17 those specifics just yet, otherwise they would have
18 forwarded it to you. They agree with the concept in
19 general.

20 MS. GALLICCHIO: Okay.

21 MS. NELSON: And it can be hammered out during
22 the subdivision process, which is when it's normally
23 done. Sorry to interrupt you.

24 MS. ESTY: That's okay.

25 MS. NELSON: The applicant proposed them now,

1 because the placement of the roads and so forth could
2 change if alternate -- the alternate design standards
3 that they proposed were not approved.

4 MS. GALLICCHIO: But we don't know if these are
5 the proposed --

6 MS. NELSON: Right.

7 MS. GALLICCHIO: -- alternate design standards
8 or are these -- or if these are alternate design
9 standards that the board of selectmen came up with
10 that are different.

11 MS. NELSON: Right.

12 CHAIRMAN MCINTYRE: These are alternate
13 standards as recommended by the resulting traffic
14 consultant.

15 MS. NELSON: Right. There are some in there
16 that they agree with so far.

17 CHAIRMAN MCINTYRE: A, B, C, and D. Our thing
18 is do we want these incorporated into our motion when
19 we get to the end?

20 MS. GALLICCHIO: See, I'm uncomfortable with
21 that. I wouldn't mind us saying that we would go
22 along with alternate design standards, but I think
23 when we get into these specifics --

24 CHAIRMAN MCINTYRE: Right. I think that's for
25 later.

1 MS. GALLICCHIO: Yeah.

2 CHAIRMAN MCINTYRE: Right. I think if we come
3 to the consensus that we should use alternate design
4 standards when it comes time for the application,
5 then that's what we should be looking at rather than
6 trying to get into specifics.

7 MS. NELSON: Right. As long as you're
8 comfortable with that, which normally takes place
9 during a subdivision process anyway. But you just
10 have to understand that if a curve of a road is
11 brought in tighter or brought out wider, it will
12 change its actual physical location.

13 CHAIRMAN MCINTYRE: It may affect wetlands and
14 curve cuts.

15 MS. NELSON: Right.

16 CHAIRMAN MCINTYRE: This is what Dick was
17 talking about earlier, saying that he liked the
18 standard roads the way they were, because the
19 applicant was trying to stay away -- you need to take
20 into consideration the natural resources more than
21 the -- he was within standards. He wasn't thinking
22 with -- the selectmen are saying that they think the
23 alternate road standards are a safer way of doing it
24 than what the applicant has proposed.

25 MS. NELSON: Well, the applicant did propose

1 alternate standards to our regular book of standards;
2 a few here, a few there.

3 CHAIRMAN MCINTYRE: Stop. Are we talking about
4 the selectmen's alternate road standards?

5 MS. NELSON: There are actually no alternate
6 road standards.

7 CHAIRMAN MCINTYRE: But we always talk about
8 them.

9 MS. NELSON: It's a case by case. It's like
10 asking for a waiver.

11 MS. GALLICCHIO: Except we have a policy
12 statement from the board of selectmen saying these
13 are the alternate road standards that we like to
14 consider.

15 MS. NELSON: Right.

16 MS. GALLICCHIO: I think of those as alternate
17 road standards. You're saying they haven't approved
18 those.

19 MS. NELSON: I would say they are alternate road
20 policies. That's a policy statement where they say
21 we want swales rather than curbs and catch basins,
22 but they don't say what the grade of the slope of the
23 swale is.

24 CHAIRMAN MCINTYRE: That's engineering.

25 MS. NELSON: Right.

1 MS. GALLICCHIO: Isn't the whole idea also of
2 this process that we are coming up with general
3 consents of where the roadway is going to be?

4 MS. NELSON: Yes.

5 MS. GALLICCHIO: But we are not really accepting
6 that the road actually is going to be in a specific
7 location on a map. So we can't really determine what
8 angles things are going to be at, because it might be
9 in different topography.

10 MS. NELSON: Well, it's conceptual, but the
11 burden was on the applicant to prove that it would be
12 reasonably likely to get permitted, and then you had
13 a whole bunch of professionals who reviewed it in
14 that regard and made some suggestions about the
15 locations.

16 CHAIRMAN MCINTYRE: Right. Then again in the --
17 if the regular application does come forward, that's
18 the time when all specifics will be worked out. And
19 if you find anything -- you can find a show stopper
20 that was overlooked and things would have to totally
21 change. We are not giving up any of our authority to
22 change or request change of roads or anything by
23 saying right now Road A looks good. All the roads
24 look good right now. We want to use alternative road
25 standards. We would like the applicant to work with

1 the board of selectmen on alternative road standards
2 with the board of selectmen's agreement and go on
3 from there. And then when the application comes in,
4 these things should be incorporated into the plans
5 that we review and then our engineer will tell us
6 whether or not the board of selectmen -- the
7 applicant's engineers met the requirements of the
8 board of selectmen's requirements. That's the way it
9 always works. I've never seen a subdivision
10 regulation come in that the applicants ever submitted
11 that our engineers haven't improved upon. So it's
12 just the way of the world, I guess.

13 MS. NELSON: This application gives the
14 applicant permission to come and apply to wetlands
15 and to planning for subdivision.

16 MR. HANES: But now let me ask one further
17 question on this first item here. The maximum grade
18 be no greater than 6 percent. Now, they are
19 mentioning that as Road A, but are we saying then
20 that that is a definite, that none of the roads will
21 be over 6 percent grade? This is recommended by our
22 consulting -- traffic consultant.

23 MS. NELSON: Right. Our traffic consultant
24 found that the grade that was proposed by the
25 applicant for the road, for Road A, which was

1 proposed at about 10 percent --

2 MR. HANES: Was too great.

3 MS. NELSON: -- was too great. So he
4 recommended to the commission and to the board of
5 selectmen that the road be classified a certain way,
6 which would bring the grade of that road down to
7 about 6 percent, which was more appropriate for a
8 through road.

9 CHAIRMAN MCINTYRE: Right. And basically it
10 becomes an issue of whether you blast more or not
11 when you do these gradings. Our regulations allow up
12 to 10 percent, and so that's what the applicant went
13 with, I assume, went with the 10 percent grading so
14 we would have less impact on the land.

15 MS. NELSON: Yes.

16 CHAIRMAN MCINTYRE: But in the interest of
17 public safety and how a through road -- general
18 policy is to make a good through road. To have the
19 safest through road, you wouldn't have any more than
20 a 6 percent grade.

21 MS. NELSON: Also, it's difficult to maintain a
22 10 percent grade. The plow trucks have a hard time
23 getting up it.

24 CHAIRMAN MCINTYRE: The velocity of the runoff
25 is greater and it's harder to control that runoff,

1 depending on how long your slope is.

2 MR. HANES: Well, are we then stating that the
3 grade under the alternate standards that the board of
4 selectmen are proposing is a max of 6 percent
5 throughout a public road?

6 CHAIRMAN MCINTYRE: Road A they are just
7 recommending feeder streets.

8 MR. HANES: But we are still saying that
9 anything over 6 percent is difficult to maintain.
10 And if we were recommending all of the roads be
11 public roads --

12 CHAIRMAN MCINTYRE: I think it has to do with
13 the word feeder, because a feeder street, is that
14 the -- there's more traffic, there's -- and there's
15 more -- you can have more speed, but then again you
16 can also -- you know, rather than -- if you wanted
17 to -- rather than making it a turnpike through The
18 Preserve, you soften it by making more curves, more
19 slopes, more this so that people slow down, so it's
20 more like a country road, so you don't have vehicles,
21 you know, barreling through there.

22 MR. TIETJEN: Speed tamer.

23 CHAIRMAN MCINTYRE: Yes. To soften it. So you
24 don't have a bunch of speeding or everybody just
25 driving at 50, 60 miles an hour.

1 MR. TIETJEN: Not last night.

2 CHAIRMAN MCINTYRE: No.

3 MS. NELSON: We are only looking at completeness
4 of the application here.

5 CHAIRMAN MCINTYRE: Yes. Okay. So as we go
6 through this -- we'll go back to the other letter
7 here. As we go back through this, we'll keep this
8 all in consideration and when we get to the end, we
9 can make a decision.

10 MR. HANES: The last item you didn't mention
11 here the location of the auxiliary firehouse.

12 CHAIRMAN MCINTYRE: I think I kind of whispered
13 that. The other last thing, as Stuart said, would
14 request input of the site location of the auxiliary
15 firehouse. I would think that would be -- it should
16 more or less -- not the board of selectmen, but it
17 should be the fire chiefs and the fire marshal.

18 MS. NELSON: Well, they have all written letters
19 to you about it. I think they were okay with the
20 location, where it was. This application's
21 conceptually the time to say where the firehouse
22 should be located, because this is the time when we
23 are deciding what should be conserved and what should
24 be developed.

25 CHAIRMAN MCINTYRE: Right. What I've written

1 down that we are going to look at from this letter
2 right now, one of the questions we are going to
3 answer tonight is are all roads made public is one of
4 the questions, streetlights, and the auxiliary
5 firehouse, and road standards.

6 MS. NELSON: Right now you're just talking about
7 completeness of the application.

8 CHAIRMAN MCINTYRE: Right. Well, when we look
9 at kind of like the completeness of the auxiliary
10 firehouse - everybody look at it - everybody think
11 that's the good spot for it? Fire marshal said so;
12 this guy said so; board of selectmen would like it
13 moved. Say so.

14 MS. GALLICCHIO: It doesn't seem appropriate
15 that they say they would like input, but they are not
16 giving us input as to where they want it.

17 CHAIRMAN MCINTYRE: It's like where do you want
18 it? You should have said so.

19 MS. GALLICCHIO: Yeah.

20 CHAIRMAN MCINTYRE: Right. And I agree with
21 you.

22 MS. NELSON: Right.

23 MS. GALLICCHIO: This is the time that they
24 should have done it.

25 CHAIRMAN MCINTYRE: Let's take the letter into

1 consideration. When we get to that point, we'll look
2 at the map; we'll look at the firehouse and say
3 everybody agree it goes there, yep, that's fine, or
4 no. We want it moved somewhere else. Just like the
5 maintenance building, how we came up with the idea.
6 We realized the idea of having the maintenance
7 building up slope of a vernal pool is not the best
8 idea in the world. There's probably better places
9 you can put the maintenance building. Same thing
10 with the firehouse. Maybe we'll look at it and say
11 maybe there is a better place for the firehouse.

12 MS. NELSON: So the question in front of you is
13 are you comfortable with the status of the alternate
14 design standards that have been submitted to you?

15 Do you feel like you've got enough in front of
16 you?

17 Do you feel like you can work on it more when
18 the subdivision application comes in or --

19 CHAIRMAN MCINTYRE: I feel that I have in front
20 of me enough information so that when the application
21 comes in using alternative road standards, we can
22 make a decision at that time and refine everything.

23 MS. GALLICCHIO: Okay.

24 CHAIRMAN MCINTYRE: I mean in general we know
25 the roads. We know how they are going to be, where

1 they are going to be laid out. We've already come up
2 with some general ideas. If in fact when the roads
3 come in and we see that, what we may find if the
4 applicant comes in and starts showing us what, by use
5 of these road alternatives, what's really going to be
6 entailed, we may say wait a minute. We don't want to
7 do that. Let's go back to our original plan.
8 Because we have started using alternative road
9 standards on all our developments, that I think we
10 should stick with that and be consistent. And then
11 we always have the right, if we find something in the
12 road alternatives that doesn't meet the muster, no.
13 We want to stick with our zoning and road standards.

14 MS. NELSON: Later in the draft resolution
15 you've got a little more detail on some of the
16 standards that the board of selectmen did speak
17 about.

18 CHAIRMAN MCINTYRE: Right. Okay. So how does
19 everybody feel about the completeness of the
20 application as far as alternative road standards,
21 that first part that I read? We have to kind of get
22 some consensus so that we can move along here.

23 MR. HANES: I think, as Attorney Branse points
24 out, the applicant has contended because of the
25 preliminary nature of the road patterns set forth in

1 this special exception application, there's no need
2 for the alternative road specifications to be
3 finalized in this proceeding. And that's the reason
4 why the applicant -- I see no reason that he has to
5 go ahead now.

6 CHAIRMAN MCINTYRE: Right.

7 MR. HANES: So they did not seek the decision of
8 the board of selectmen prior to filing the
9 application, and I guess I'll go along with that.

10 MS. GALLICCHIO: I would, too. I would go along
11 with the first choices.

12 CHAIRMAN MCINTYRE: First choices.

13 MS. GALLICCHIO: I say it's okay, and I accept
14 the explanation.

15 CHAIRMAN MCINTYRE: Dick, you're in agreement?

16 MR. TIETJEN: Um-hum.

17 MS. ESTY: (Nods head)

18 CHAIRMAN MCINTYRE: Janis is in agreement, also.
19 So everyone on the board has nodded or said yes that
20 it is okay as a first recommendation, the alternative
21 road standards. All right.

22 So where does that leave us? Inland wetlands,
23 that was number --

24 MS. GALLICCHIO: We are at number two.

25 CHAIRMAN MCINTYRE: Number two. Okay,

1 applying -- Standing to Apply, Access to Bokum Road
2 Over the State Valley Railroad Corridor. As far as
3 that whole thing about access from Westbrook, I
4 believe that the application -- that if we don't --
5 if you don't get one of the things, you have to have
6 the right access to your roads. We want the three
7 accesses. We want 153; we want Bokum; and we want
8 Ingham Hill. And I believe that if any of the -- one
9 of those three was not met during the formal
10 application, that's reason for denial. They haven't
11 met our requirements. So it's going to be upon the
12 applicant to make sure that he gets what he says he
13 thinks that he can get.

14 MS. NELSON: It's a little different than that.
15 What they are saying it's similar to an STC permit,
16 State Traffic Commission permit. If you're looking
17 at applying for permits sequentially, it would happen
18 after local approval or in Westbrook it might happen
19 at a different time over which you wouldn't
20 necessarily have any control. But if it wasn't
21 obtained, it would make what you've approved showing
22 access no longer approved. They would have to come
23 for a modification to say, you know, we couldn't get
24 that access over in Westbrook, or Bokum, or Ingham
25 for some reason, and we are back to apply for a

1 modification of what's already been approved. That's
2 what Mark means that it's a sequential decision, but
3 the intervenors are saying differently.

4 CHAIRMAN MCINTYRE: Right. I understand that.

5 MS. NELSON: They are saying that it's a right
6 that the applicant has not presented as having.

7 MR. TIETJEN: I'm listening.

8 CHAIRMAN MCINTYRE: Right. And I think that was
9 presented at the public hearing, that the applicant
10 express what you just said the applicant express,
11 that their point of view of how the process worked.
12 And the intervenors have stated their point of view
13 on how -- their interpretation of what should have
14 happened, that you can't make a commitment to putting
15 a road there without having permission first, or
16 having ownership, or any one of those things.

17 MR. TIETJEN: That really doesn't depend on us.

18 CHAIRMAN MCINTYRE: The question I think before
19 us is as board members are we comfortable with the
20 fact that these access points have been recommended
21 by the -- have been requested by the applicant or
22 shown us -- to us by the applicant and that the --
23 that we feel comfortable that this is something that
24 would more than likely happen based on the testimony
25 that was presented before us?

1 MR. TIETJEN: I'm not.

2 MR. HANES: Can't we condition our approval
3 based on them getting this?

4 MS. NELSON: You can't really condition an
5 approval on another agency.

6 MR. HANES: On another agency?

7 MS. NELSON: Yeah. I'm not sure if that's
8 another local agency or another state agency, but the
9 fact remains that if your plans are approved showing
10 a certain pattern of circulation and then that
11 circulation doesn't come to happen, then the
12 application is not as it was approved.

13 MS. GALLICCHIO: But at what point could that
14 happen?

15 MS. NELSON: At what point could --

16 MS. GALLICCHIO: Could the decision that the
17 application was not as -- could not be developed as
18 applied for and permits received for if roadways were
19 built and infrastructure put into place, and then
20 you're saying at that point the state could say no.
21 And then what would we do?

22 MR. TIETJEN: What would the applicant do?

23 MS. GALLICCHIO: Well, what would the town do?

24 CHAIRMAN MCINTYRE: It wouldn't be the
25 applicant; it would be us.

1 MS. GALLICCHIO: What would the town do in terms
2 of if someone comes and says, well, we need -- an
3 applicant comes and says we need to request that you
4 modify the application. What options do we have at
5 that point?

6 This is now when we have options, not --

7 MS. NELSON: They would have to come and modify
8 the application.

9 MS. HOEY: Hold on.

10 CHAIRMAN MCINTYRE: Because you would have to --

11 MS. HOEY: Hold on.

12 (Tape is changed.)

13 MR. TIETJEN: I'm not comfortable.

14 CHAIRMAN MCINTYRE: Well, with respect to this
15 if in fact -- say if the -- if neither one of these
16 were granted, he would have no access. He would have
17 to come up with some alternative access point.

18 MS. GALLICCHIO: Well, there would be access to
19 Ingham Hill Road.

20 MR. HANES: Period.

21 CHAIRMAN MCINTYRE: One.

22 MS. GALLICCHIO: I mean we wouldn't find that
23 acceptable. But if there were no alternatives, what
24 would we be stuck with?

25 That's what I think we need to think about now

1 is what's the worst case scenario?

2 CHAIRMAN MCINTYRE: Worst case scenario is
3 Ingham Hill Road only.

4 MR. TIETJEN: Is what?

5 CHAIRMAN MCINTYRE: Ingham Hill Road only.

6 MS. GALLICCHIO: And I think that would be a
7 hardship. That's something we should try to avoid.

8 MS. NELSON: This is a special application. You
9 have the discretion to say what's appropriate. So in
10 determining density the first step you would have the
11 discretion to say this density is too much for the
12 capacity or the safety considerations of Ingham Hill
13 Road only, and you would be able to consider that on
14 application for modification to the special
15 exception.

16 CHAIRMAN MCINTYRE: I'm feeling pretty confident
17 that more than likely all these access points will be
18 granted. You know, I mean --

19 MS. GALLICCHIO: I'm more comfortable with
20 Westbrook, because I think that they've shown in
21 their reports or their letters that as long as there
22 was other access to Old Saybrook, that they would be
23 more amenable. I think their concern is that would
24 be the primary access. And I think if it were divided
25 up, that there's a likelihood that they would go

1 along with it. And I think that there's a likelihood
2 that the railroad crossing would be allowed with the
3 documentation that we have received. I would be more
4 comfortable conditioning an approval as Stuart
5 mentioned. I know that there are some issues with
6 that.

7 MS. NELSON: Well, it can be worded in such a
8 way to say that it's not conditioned upon approval by
9 other towns or other agencies that -- for which you
10 don't have control over or timing over, but you could
11 say that the application is approved as shown with
12 access and specifically, you know, make a point of
13 saying as shown with these access points and should
14 this change the applicant must return for
15 reconsideration under the provisions of special
16 exception.

17 CHAIRMAN MCINTYRE: Okay. And then there is
18 other alternatives, too, down the road if something
19 was to go through. We could think about -- I
20 remember there's plenty over by the road that goes to
21 the individual -- I guess the middle lots, whatever
22 you want to call them. I can't think.

23 MS. GALLICCHIO: Estate lots.

24 CHAIRMAN MCINTYRE: Estate lots. That's the
25 word I was looking for. The estate lots. There is a

1 road that could go through -- is it Barley?

2 MR. TIETJEN: Barley Hill.

3 MS. GALLICCHIO: Barley is not over there.

4 MR. TIETJEN: That's farther south.

5 CHAIRMAN MCINTYRE: What's the one south on
6 Ingham Hill?

7 MS. GALLICCHIO: Barley is south of Ingham Hill,
8 but that's not over to the estate lots.

9 CHAIRMAN MCINTYRE: Who has a map?

10 MS. NELSON: It's Wild Apple Lane and Barley
11 Hill.

12 CHAIRMAN MCINTYRE: I'll show you what I'm
13 talking about.

14 MS. GALLICCHIO: You want the town map?

15 CHAIRMAN MCINTYRE: This right here. Right
16 here. You may have to come to one of these points,
17 too. I mean that's another alternative. I mean that
18 was something we saw before.

19 MS. NELSON: The only thing is that would still
20 dump out onto Ingham Hill Road.

21 CHAIRMAN MCINTYRE: But I'm just saying there
22 are alternatives.

23 MS. NELSON: Another thing to think of in terms
24 of stop gaps for the worst case scenario is because
25 of the number of houses, this requires permitting by

1 a state traffic commission. And they would -- the
2 state traffic commission would look at the conditions
3 of the local roads, and no building permit can be
4 issued until there's a permit from the state traffic
5 commission.

6 CHAIRMAN MCINTYRE: With acceptable road.

7 MS. NELSON: Right. Also, board of selectmen
8 are the ones who give the permits for roads.

9 CHAIRMAN MCINTYRE: I'm comfortable with the
10 fact of what's placed right now. I'm pretty well
11 comfortable with what's on the application that it
12 could occur.

13 MR. TIETJEN: How comfortable are you about
14 Bokum? I'm not very comfortable, because I don't
15 really -- I don't have the same sense of the evidence
16 that Judy seems to have that the state is going to
17 give in.

18 MS. GALLICCHIO: I don't think it's a sure
19 thing.

20 MR. TIETJEN: Bokum is a lousy solution in the
21 first place.

22 CHAIRMAN MCINTYRE: I think for this thing to
23 really work even for the applicant, access to Bokum
24 has to be there to make it even desirable to live the
25 way the whole setup would be. So I think it's

1 incumbent upon the applicant to try his best to get
2 through Bokum Road, and I think that's his intention.
3 I heard the testimony. All I can say we all heard
4 the same testimony that -- and whether now you got to
5 weighing it that the applicant said that getting a
6 bridge crossing over a railroad, it happens. It
7 isn't that -- you know, maybe one or two has gotten
8 denied. I don't know. But basically I think it was
9 presented there's very seldom a denial.

10 MS. GALLICCHIO: We didn't hear any information
11 to the contrary.

12 MR. TIETJEN: Well, the information to the
13 contrary was from the State Department of
14 Transportation.

15 MS. NELSON: No.

16 CHAIRMAN MCINTYRE: No.

17 MS. GALLICCHIO: No.

18 MR. TIETJEN: I thought that they were very
19 definitely suspicious of the whole thing, that they
20 were not going to grant this. And I don't mean about
21 a grade crossing, because the second letter, whatever
22 it was, specified a bridge. And they understood from
23 that letter that we were talking about a bridge. The
24 first one was irrelevant, but I don't know. Anyway,
25 Bokum Road -- we are a planning commission, and

1 that's one of our roads. And I think that would be
2 an unfortunate solution.

3 MS. NELSON: I think the letter that you're
4 referring to is from the Department of Environmental
5 Protection.

6 MR. TIETJEN: No, I don't think so.

7 CHAIRMAN MCINTYRE: So let's go ahead and
8 let's --

9 MR. TIETJEN: Over my dead body, but go ahead.

10 CHAIRMAN MCINTYRE: Any concept -- what was the
11 word? Concept, is that the term we are looking at
12 right now?

13 MS. NELSON: Yes.

14 CHAIRMAN MCINTYRE: Everybody is in agreement
15 that the road access is Bokum, Westbrook's 153, and
16 Ingham Hill Road are appropriate for this
17 application?

18 MS. GALLICCHIO: Yes.

19 CHAIRMAN MCINTYRE: Okay. Next thing is number
20 four, Inland Wetlands and Watercourses Commission
21 Action. This commission does not have the authority,
22 meaning the planning commission, does not have the
23 authority to determine the jurisdiction of the Old
24 Saybrook Inland Wetlands Watercourses Commission.
25 That commission has submitted a report and has

1 concluded that no permit applications are required in
2 connection with this special exception application.
3 Unless and until that decision is reversed by a court
4 of competent jurisdiction, the commission concludes
5 that the Inland Wetlands and Watercourses Commission
6 has exercised its jurisdiction to the extent that it
7 deems appropriate.

8 And I would have to say yes.

9 MR. TIETJEN: It meaning us?

10 CHAIRMAN MCINTYRE: No. With this, this
11 commission. That's us. Say do we feel that the
12 Inland Wetlands Commission has done everything they
13 needed to do as far as this application goes? They
14 submitted their letter as required and gave us
15 guidance on what they thought.

16 MS. GALLICCHIO: Yes.

17 CHAIRMAN MCINTYRE: So that's the only thing.
18 Yes, we do we agree on that. Okay.

19 Compliance with Standards. Based on the
20 information received in this record, the commission
21 finds that The Preserve property should be developed
22 as an open space subdivision. This finding might be
23 different in some future proceeding at which
24 different evidence and/or plans were submitted. In
25 support of this finding, the commission further finds

1 that the open space subdivision plan, as modified in
2 this motion, will not be detrimental to the public
3 health, safety, and property values. Furthermore,
4 the said plan, as modified in this motion,
5 accomplishes the purposes specified in Paragraph 56.2
6 and that the standards of Paragraph 56.6 will be met
7 as follows: And at Section 50 -- obviously, we have
8 already made -- everyone knows that we have already
9 made the determination that an open space subdivision
10 is the route that we are going on.

11 MS. GALLICCHIO: Yes.

12 MR. HANES: Right.

13 CHAIRMAN MCINTYRE: That's already been
14 determined. Okay.

15 Section 56.2. It says, 56.2.1: The open space
16 subdivision plan can provide public playgrounds and
17 active recreation sites and will be modified to do
18 so. The plan already provides for outdoor recreation
19 in the form of golf and tennis (among other
20 activities) for club members; trails for other
21 residents and the general public; and passive
22 enjoyment of nature in the undisturbed forest areas.
23 The plan also already provides for public parks in
24 the form of the deeded open space land. The plan
25 does not propose -- does not provide expressly for

1 preservation of the Ingham Hill -- Ingham Homestead,
2 but could be modified to do so.

3 And I think we've come to the conclusion that we
4 do want to preserve the Ingham Homestead.

5 MS. GALLICCHIO: Yes.

6 MS. NELSON: If you look at the open space plan,
7 the Ingham Homestead is within entirely open space.

8 CHAIRMAN MCINTYRE: I was thinking that.

9 MS. NELSON: Maybe we just want to clarify that.

10 CHAIRMAN MCINTYRE: Yes. That the Ingham
11 Homestead -- I keep wanting to say Hill. That the
12 Ingham Homestead needs to be preserved.

13 Now, remember, though, when you say that is the
14 field that -- remember when we were doing the yield,
15 we talked about the field was up to the northeast.

16 MS. GALLICCHIO: There was an enclosed stone
17 wall.

18 CHAIRMAN MCINTYRE: Is that encompassed in
19 there, also?

20 MS. NELSON: I think so.

21 MR. TIETJEN: That -- no. That was our plan,
22 not theirs.

23 CHAIRMAN MCINTYRE: No. That was their
24 conventional subdivision plan which we used to
25 determine yield.

1 MS. NELSON: Do you have that overview plan; the
2 master plan?

3 CHAIRMAN MCINTYRE: Let's just state that. Why
4 don't we do that.

5 MS. GALLICCHIO: Well, you know what, I've got
6 my --

7 MS. NELSON: This is that circle.

8 CHAIRMAN MCINTYRE: If it doesn't we just say it
9 then; that has to be.

10 MS. GALLICCHIO: I brought --

11 CHAIRMAN MCINTYRE: The real question isn't
12 whether it is or not. The real question is --

13 MS. NELSON: We are good.

14 CHAIRMAN MCINTYRE: So rather than going through
15 all this map business, is it everybody's intention on
16 this board that the Ingham Homestead be preserved;
17 the homesite and the adjacent field as depicted on
18 that yield map that we reviewed?

19 MR. TIETJEN: Yes.

20 MS. GALLICCHIO: Yes.

21 MS. ESTY: (Nods head)

22 CHAIRMAN MCINTYRE: That should be preserved,
23 okay.

24 MS. NELSON: It might interfere with fairway 14.

25 CHAIRMAN MCINTYRE: That's conceptual. Now,

1 when the regular plan comes in, we'll see what can be
2 done. Like you said this is a concept. In concept
3 we believe right now we should save the whole field.
4 And I guess it would be up to the applicant to show
5 us that by doing whatever he's doing can do that and
6 plus whatever he wants to do. So --

7 MS. GALLICCHIO: You know, while we are talking
8 about --

9 CHAIRMAN MCINTYRE: Sure.

10 MS. GALLICCHIO: -- that historical kind of a
11 site, I think it's appropriate for us to talk about
12 the Old Ingham Hill Road right-of-way as well, which
13 also on the conventional plan we felt should be
14 100-foot right-of-way conservation easement. I think
15 it would be appropriate in this situation to also --
16 in this application to make sure that it is also
17 100-foot.

18 CHAIRMAN MCINTYRE: Wasn't that because there
19 were houses there, though? I don't think there's any
20 houses proposed there right now.

21 MS. GALLICCHIO: Well, we want to make sure that
22 the road right-of-way and the integrity of the view
23 and because of the historic and scenic nature of it
24 are maintained.

25 CHAIRMAN MCINTYRE: Okay.

1 MS. GALLICCHIO: So I think it's appropriate
2 that we talk about that. And I think on the plan
3 it's about 25 feet, and I think we talked about
4 increasing that in the conventional plan to 100 feet.
5 And I think if we still have that concern, I think we
6 should be consistent and put it in this as well.

7 CHAIRMAN MCINTYRE: I understand what you're
8 saying, but I think what -- when we were looking at
9 that 100-foot right-of-way was based on the fact that
10 there were homes in there that could impede upon
11 that. So I think what we say in the modification is
12 that everything should be done to preserve the Ingham
13 Hill Road right-of-way.

14 MS. GALLICCHIO: I'm not sure what you're
15 saying.

16 CHAIRMAN MCINTYRE: Do you want it preserved
17 intact, the whole entire thing?

18 MS. GALLICCHIO: Well, that's going to be part
19 of the trail system.

20 CHAIRMAN MCINTYRE: Right.

21 MS. GALLICCHIO: And yes, I think the visual,
22 the aesthetics, and the stone walls as they are are
23 important to keep not just in the homestead, but --

24 CHAIRMAN MCINTYRE: The roadway.

25 MS. GALLICCHIO: -- the length of the roadway.

1 MR. TIETJEN: And I think could we settle for
2 100 feet?

3 MS. GALLICCHIO: We did.

4 CHAIRMAN MCINTYRE: The 100 feet was because
5 there were homes. You may not need 100 feet. There
6 may be conservation area on each side of it now.

7 MS. NELSON: In the open space subdivision, the
8 Old Ingham Hill -- the Old Ingham Hill Road is -- for
9 the most part it's an open space that's designated to
10 be town owned, except for a small portion that
11 crosses over a fairway, which is number 13. So that
12 would require either -- in order to preserve it, it
13 would require either relocating or if you could
14 somehow incorporate it into the fairway or do it via
15 conservation easement over the --

16 MS. GOODFRIEND: And 11. The corner of 11.

17 MS. NELSON: So there are a couple of places
18 where it will be within shouting distance or crossing
19 over fairways. So how does that fit into what you're
20 saying?

21 MS. GALLICCHIO: I think if we said in a
22 conventional subdivision that it was important enough
23 to save, I think it's important enough to save in
24 this. And I think we've talked about a number of the
25 fairways needing to be relocated anyway, so it may or

1 may not be an issue when we get further with this.
2 I'm bringing it up now. We are not voting tonight.
3 So I'm bringing it up so people can have a chance to
4 sift through. And Mr. Branse, when he's looking at
5 our information that we are giving tonight, can find
6 a way -- perhaps to word it in a way that would be
7 acceptable.

8 MS. NELSON: It's worthwhile to have discussion
9 on it so he can have a resolution for you to look at
10 at your next meeting.

11 CHAIRMAN MCINTYRE: My feeling is if you have
12 the Ingham Hill Road, it's part of the proposed
13 pathway, not the entire thing, right?

14 Is it part of the walkway or is it just their
15 preserve on its own, on the subdivision, conventional
16 subdivision?

17 Is that part of the pathway, the trails?

18 MS. NELSON: Yes.

19 CHAIRMAN MCINTYRE: It's part of the trails. So
20 we are saying --

21 MS. GALLICCHIO: On the open space.

22 CHAIRMAN MCINTYRE: On the open space
23 subdivision. So what you're saying people would be
24 able to walk along the Old Ingham Road up to a point
25 and then they'll be crossing over a fairway or there

1 is -- does the trail divert at that point?

2 MS. NELSON: No. It's right at a fairway.

3 CHAIRMAN MCINTYRE: And this is part of that
4 golf course.

5 MS. GALLICCHIO: And this is an issue that we
6 are going to be dealing with with other areas, too,
7 where a trail crosses a golf -- part of the golf
8 course or a golf cart path or vice versa.

9 CHAIRMAN MCINTYRE: This is the T boxes; there's
10 the green.

11 MR. HANES: Right across the green.

12 MR. TIETJEN: Is it the fairway or the green?

13 MR. HANES: Green.

14 MS. ESTY: Green.

15 CHAIRMAN MCINTYRE: That's the green.

16 MR. TIETJEN: Yelling fore.

17 CHAIRMAN MCINTYRE: I don't know if we've really
18 said that the Ingham Hill Road is going to be the
19 trailway.

20 MS. GALLICCHIO: Well, we haven't talked about
21 it yet. You're right. In the conventional
22 subdivision we talked about it. We have not talked
23 about the trails at all yet.

24 CHAIRMAN MCINTYRE: Right. Because this is just
25 depicting where the road is, and it's showing you

1 that a portion of the road will have to be used to
2 provide space for 13, fairway 13.

3 MR. TIETJEN: Well, if our reshuffling of part
4 of the golf course next to the walk was --

5 CHAIRMAN MCINTYRE: Maybe the approach -- we'll
6 do this, Dick. Is we want to say -- we want to see
7 as much of the Ingham Hill Road, Old Ingham Hill Road
8 preserved as much as possible or we want it to be
9 preserved in its entirety. I'm not sure that being
10 we have that much open space, you're going to have so
11 many open trails, that having that whole road
12 preserved in its entirety is of necessity. Walking
13 through the woods is walking through the woods.
14 You're not going to know the difference if that was
15 the old trail or the new trail.

16 MS. GALLICCHIO: You are with the old stone
17 walls. And it's been the trail through that area for
18 years, hundreds of years.

19 MR. HANES: I think, too, right here on the
20 preliminary open space subdivision plan it states Old
21 Ingham Hill Road to be protected.

22 CHAIRMAN MCINTYRE: Right. But what does that
23 mean? It's going right through the fairway, too.
24 What does that mean to be protected? You can't
25 protect it if you put a fairway over it.

1 MS. NELSON: In the spaces where it's not
2 protected, what is your preference for the applicant
3 how to handle it? Do you want --

4 MR. HANES: Again, if we have stone walls and
5 everything going across the fairway, you have a
6 problem.

7 MS. NELSON: Do you want the path diverted or
8 the fairways relocated or are you okay with it
9 crossed?

10 CHAIRMAN MCINTYRE: I think we should be able to
11 leave our options open there; that when they bring in
12 the application, that we are looking to preserve as
13 much of the Ingham Hill Trail as possible. And what
14 if there are at that point no stone walls or anything
15 that really designates it? What's the difference if
16 you divert it?

17 I mean I've walked that property a whole bunch
18 of times, and walking one trail to the other trail
19 you don't really know whether you're standing on
20 Ingham Hill Trail or if you blindfolded somebody and
21 brought them over to another location and took off
22 the blindfold and said where you're at - is this the
23 trail or isn't it - you're not going to know the
24 difference. I mean it's the woods. As much as it is
25 nice to save cultural resources, it should have a

1 purpose and there should be some really designation.
2 If we provide an alternative path and bring you back
3 onto it again, I don't think that's even such a bad
4 thing either. I'm just bringing this up. This is
5 food for thought. Okay.

6 MR. TIETJEN: We have said that, while we were
7 tweaking this business earlier, that we really -- we
8 can't specify every shot and title. We have to let
9 them do -- figure out how to do what we are asking
10 them to do.

11 CHAIRMAN MCINTYRE: Right.

12 MR. TIETJEN: But I like the width.

13 CHAIRMAN MCINTYRE: We keep doing it, and I just
14 don't -- I guess maybe it just goes against my grain
15 that every time we come up with something - we are
16 going to move the golf course, move things here,
17 there - we don't know where to move them or how. And
18 that's going to be up to the applicant to do that,
19 but is it going to be doable to make the --

20 MR. TIETJEN: The 100-foot.

21 CHAIRMAN MCINTYRE: Well, that's important, too,
22 but to make it a good subdivision, to make it a
23 doable subdivision. Because we have talked about the
24 alternative of that being houses there versus the
25 alternative of the golf course. So the golf course

1 does hold some weight to preserving that land and an
2 additional space. So okay.

3 Anybody else want to discuss this anymore or
4 shall we move on to another topic?

5 MS. GALLICCHIO: We can continue.

6 MR. HANES: Continue.

7 CHAIRMAN MCINTYRE: Chris, are you clear on what
8 we were talking about, unless Mark brings up
9 anything?

10 MS. NELSON: There's not consensus.

11 CHAIRMAN MCINTYRE: I don't think there's
12 consensus, but right, I think we'll get to it later
13 on.

14 MS. NELSON: Right now we are talking about the
15 application and how complete is the application.

16 CHAIRMAN MCINTYRE: Yes, okay.

17 MR. TIETJEN: I brought Mark and his friends
18 with me.

19 CHAIRMAN MCINTYRE: And in that aspect, when you
20 put it in that perspective, the open space
21 subdivision plan, it has all these other things. The
22 only thing it's missing is the question of the Ingham
23 Hill Homestead, and we said yes. And you brought up
24 the roadway, so the roadway is still in question.

25 MS. NELSON: Would you like to modify it? The

1 plan does not provide for preservation of the Old
2 Ingham Hill Road right-of-way but will be modified to
3 do so.

4 MR. TIETJEN: To the extent practicable.

5 MS. NELSON: To the extent practicable.

6 CHAIRMAN MCINTYRE: We have to provide some
7 practicality to it. Like Judy said there are some
8 major stone walls that we don't want to lose. When
9 we say the application, we may say maintain the stone
10 walls.

11 MS. GALLICCHIO: I think just looking at that
12 that there are other places where I think it's more
13 appropriate or less dangerous for pedestrians to be
14 crossing. That seems like a really bad spot.

15 CHAIRMAN MCINTYRE: Very bad spot.

16 MS. GALLICCHIO: Pedestrians to be crossing the
17 fairway right in front of the green. So I think that
18 some changes will need to be made.

19 CHAIRMAN MCINTYRE: But that's what I was
20 saying. I don't think the depiction of that roadway
21 was a depiction of the trailways. That road is just
22 indicating where the road was or is.

23 MS. GALLICCHIO: Right. But I thought the whole
24 concept of the trailways was to use existing trails
25 whenever possible --

1 CHAIRMAN MCINTYRE: Yes, whenever possible.

2 MS. GALLICCHIO: -- so you don't have to cut
3 down trees.

4 CHAIRMAN MCINTYRE: Whenever possible. A house
5 may preclude that fairway. Some alternative may be a
6 better alternative.

7 MS. GALLICCHIO: Could be.

8 CHAIRMAN MCINTYRE: Next one is 56.2.2: Open
9 space subdivision plan provides protection for
10 natural streams, ponds, and water supplies. This
11 plan does not protect each and every fragile natural
12 resource on the site, but the commission does not
13 interpret Section 56.2.2 as requiring that. The
14 commission also -- [the commission also finds that
15 additional natural resource protection is possible
16 and is provided by the modifications and conditions
17 set forth in this motion.]

18 And I think everybody can agree on that.

19 MR. HANES: Right.

20 MS. GALLICCHIO: Um-hum.

21 CHAIRMAN MCINTYRE: Okay. Everyone is agreeing
22 on that.

23 56.2.3: The open space subdivision plan
24 provides for the protection of soils wetlands. There
25 are no tidal marshes or beaches on the property. And

1 as with the previous finding, the commission finds
2 that this plan does not protect each and every
3 fragile natural resource on the site, but the
4 commission does not interpret Section 56.2.3 as
5 requiring that. [The commission also finds that
6 additional conservation of soils and wetlands is
7 possible and is provided by the modifications and
8 conditions set forth in this motion.] Yes?

9 MR. HANES: Yes.

10 MS. GALLICCHIO: Yes.

11 MS. ESTY: Yes.

12 CHAIRMAN MCINTYRE: Dick, is that a yes for you?

13 MR. TIETJEN: (Nods head)

14 CHAIRMAN MCINTYRE: Everyone said yes to 50 --
15 yes.

16 56.2.4: The open space subdivision plan
17 protects natural drainage systems and provides
18 assurance of safety from flooding which is consistent
19 with development of the property. The plan is
20 preliminary but, at this level of detail, employs
21 best management practices for storm water management,
22 and those measures can be refined in the final
23 subdivision application.

24 And that's the point. They can be refined
25 without specifics. We can't do anything at this

1 point. We are going to rely on Geoff. Everybody
2 agree on that one?

3 CHAIRMAN MCINTYRE: Yes. All yes, okay.

4 56.2.5: The open space subdivision plan
5 protects sites and areas of scenic beauty and
6 historic interest, other than the Ingham Hill
7 Homestead, which should and can be protected.

8 Is everybody in agreement with that?

9 MS. GALLICCHIO: Well, that's where I question
10 it.

11 CHAIRMAN MCINTYRE: So it's a question with the
12 roadway.

13 MS. GALLICCHIO: Um-hum.

14 CHAIRMAN MCINTYRE: Okay. I mean I guess what
15 we are talking about historic and the scenic beauty I
16 guess is different things. By open space alone we
17 are doing that.

18 56.2.6: The open space subdivision plan
19 provides for conservation for forest, wildlife, and
20 other natural resources to the extent consistent with
21 development of the property. As with other findings
22 this plan does not protect each and every fragile
23 natural resource on the site, but the commission does
24 not interpret Section 56.2.6 as requiring that. [The
25 commission also finds that additional natural

1 resource protection is possible and is provided by
2 the modifications and conditions set forth in this
3 motion.] There are no agricultural resources on this
4 site.

5 Everybody in agreement with that?

6 MS. GALLICCHIO: Yes.

7 MR. TIETJEN: Yeah. Why do we have that?

8 CHAIRMAN MCINTYRE: What?

9 MR. TIETJEN: Why did he put that in here?

10 MS. GALLICCHIO: About agriculture.

11 MS. NELSON: These are the criteria for open
12 space.

13 CHAIRMAN MCINTYRE: What we are saying is we
14 have looked at these and as we looked at the plans --

15 MR. TIETJEN: I think it's good.

16 CHAIRMAN MCINTYRE: And at the end the
17 modifications come into being to show what we did to
18 provide this.

19 Section 56.6: 56.6.1: Acreage. The parcel is
20 over 25 acres.

21 Everybody agrees on that, okay.

22 Number of Lots. The plan, as modified by this
23 motion, is in accordance with the findings below as
24 to the lot yield made in accordance with Section
25 56.5. Okay.

1 56.6.3: Lot Area, Shape, and Frontage. The
2 bulk requirements of this section appear to be met
3 based on these preliminary plans, subject to more
4 detailed plans at the final stage -- final
5 subdivision stage.

6 Everybody agree on that and lot numbers? Yes.
7 Okay.

8 Open Space Land: The open space subdivision
9 plan complies with, or is capable of complying with,
10 the standards of this section. Because this
11 development will have residential -- residents of all
12 ages, additional active recreation opportunities are
13 needed, including expansion of the bicycle path. The
14 commission recognizes that the details of open space
15 disposition, management, and documentation, and use
16 will be addressed in the final subdivision
17 applications.

18 And I think we've already addressed some of
19 those, like Road H. We want to continue the bicycle
20 path down Road H, things of that nature that will be
21 in the modifications.

22 Permitted Uses: This -- 56.6.7: Permitted
23 Uses: The plan indicates uses that are consistent
24 with those permitted.

25 Yes. Okay.

1 56.6.8 Sections: The applicant has provided a
2 preliminary plan for the Pianta -- is that how you
3 say it? Pianta parcel and is not included -- but has
4 not included it in this application. This is in
5 compliance with Section 56.6.8.

6 Anyone have any problem with that? Okay.
7 That's all right.

8 Section 56.6.9: Conflicting Provisions. No
9 conflicts have been identified. Okay.

10 The commission finds that the application is
11 complete, subject to the conditions of this
12 modification. [See below for reaccess issues for
13 Bokum Road and 153.] Okay.

14 II, it says, Yield Plan, Total Number of Lots.
15 Golf Course: The commission construes its
16 regulations as not allowing the applicant to double
17 count land in the underlying conventional design for
18 both residential density and a private country
19 club/golf course. As indicated in the staff reports,
20 the country club/golf course includes parking lots,
21 buildings, tennis courts, fairways, greens, et cetera
22 that constitute a separate use of land. The open
23 space subdivision plan is supposed to allocate land
24 between two uses: Residential lots and development
25 and open space. The applicant has inserted a third

1 use, a country club/golf course, which uses -- which
2 use occupies land which would otherwise be available
3 for either residential uses or open space. The
4 desirability of such a use is not relevant. The
5 issue is one of density.

6 The only evidence that the commission has before
7 it from which it can determine the yield of a
8 conventional subdivision plan with a golf course is
9 the plan submitted by the applicant and entitled,
10 Conceptual Standard Open Space Plan With Golf Course,
11 Sheet Number OS-A and dated 9/01/04 (the plan -- the
12 Yield Plan with Golf Course.) Despite repeated
13 requests for such a plan and its apparent existent
14 since September, it was only provided to the
15 commission for its public hearing as of January 12,
16 2004. This precluded -- this precludes the
17 commission from considering whether the 15 lots
18 eliminated from this plan might have been eliminated
19 for other reasons in the previous staff reviews. The
20 commission therefore finds that the starting point of
21 its yield analysis shall be the 278 lots depicted on
22 the Yield Plan with Golf Course, rather than the 293
23 in the initial conventional subdivision submission
24 plan.

25 And I think everybody is in agreement with that.

1 MS. GALLICCHIO: Yes.

2 MS. GOODFRIEND: Mr. Chairman, there might be an
3 error, because it says conceptual open space golf
4 course, OSA, was it not? The conceptual standard
5 plan, not open space.

6 CHAIRMAN MCINTYRE: Oh, okay.

7 MS. GOODFRIEND: Just to -- right?

8 CHAIRMAN MCINTYRE: Thank you.

9 MS. GOODFRIEND: You're welcome. That can be
10 confusing down the road.

11 MR. TIETJEN: This desirability issue is not
12 relevant to what, the yield?

13 CHAIRMAN MCINTYRE: Well --

14 MR. TIETJEN: The middle of the paragraph.

15 CHAIRMAN MCINTYRE: Right. What he's saying is
16 the applicant has inserted a third use, a country
17 club/golf course which use occupies land which would
18 otherwise be available for either residential use or
19 open space. The desirability of such a use is not
20 relevant. In other words, he's saying that it's
21 not -- that basically we took the point that it is
22 relevant that the golf course is there. He was
23 taking the point that relevance of the golf course
24 being there, he didn't take that into consideration
25 on his lot yield.

1 MR. TIETJEN: Desirability.

2 CHAIRMAN MCINTYRE: We did. With desirability
3 we desired that it be counted against his lot yield.

4 MR. TIETJEN: Okay. That it be counted.

5 CHAIRMAN MCINTYRE: That it be counted.

6 MR. TIETJEN: Okay. Then maybe we should put
7 something in there about that so somebody else
8 wouldn't have to ask that question.

9 MS. NELSON: How about a semi colon.

10 MR. TIETJEN: Not relevant to the yield or
11 relevant to the lot count. It could sound as if this
12 was a vote for a golf course.

13 CHAIRMAN MCINTYRE: You know, it was written by
14 a lawyer, you know. What can I tell you.

15 MR. TIETJEN: Well, they aren't perfect.

16 CHAIRMAN MCINTYRE: It probably means something
17 to them. But I mean when I read it I understand the
18 intent. I think the intent is to show that we didn't
19 agree with the applicant and that --

20 MS. GALLICCHIO: Or maybe the planning
21 commission finds that the desirability of such use is
22 not relevant.

23 CHAIRMAN MCINTYRE: Okay.

24 MR. TIETJEN: To the count. That's all that I
25 care about.

1 MS. NELSON: It was an exercise in yields. You
2 weren't talking about desirability of a golf course.

3 CHAIRMAN MCINTYRE: Okay.

4 MR. TIETJEN: Well, think of a way to say it,
5 okay.

6 CHAIRMAN MCINTYRE: The Other Factors. The
7 commission has received reports from its traffic
8 engineering consultant; its biological -- biology
9 consultant; its soils scientist; its town engineer;
10 its town planner; the Connecticut River Estuary
11 Regional Planning Agency; the Zoning Enforcement
12 Officer; and numerous witnesses for intervenors and
13 the applicant. Commission members have individually
14 and collectively reviewed these reports and have
15 given the weight to each report and all the testimony
16 as may be appropriate in their individual and
17 collective discretion. While all commission members
18 may not have assigned the same weight to the same
19 reports, the collective finding of the commission,
20 after exhaustive review, is that 57 lots should be
21 eliminated from the yield plan based on the reports
22 and testimony received. When deducted from the 278
23 lots of the yield plan with golf course, the
24 resulting total is 221.

25 MS. GALLICCHIO: Yes.

1 MR. HANES: Right.

2 CHAIRMAN MCINTYRE: Yes. And that first
3 paragraph buildup is just a buildup to how we got to
4 where we got.

5 The Preliminary Open Space Plan; Compliance with
6 Standards. The commission finds that the following
7 aspects of the preliminary open space subdivision
8 plan do or do not conform with the standards and
9 criteria of its regulations.

10 A. The Golf Course as an Element of the Plan.
11 The commission finds that the golf course is a
12 recreational use that could be included in the final
13 plan if properly designed. The commission is not --

14 MS. GALLICCHIO: That should be designed.

15 CHAIRMAN MCINTYRE: Okay. The commission is not
16 persuaded that the golf course must be -- must or
17 inevitably will produce adverse impacts on
18 groundwater, wildlife habitat, or other natural
19 resources. The fact that some golf courses may have
20 produced adverse impacts does not necessarily mean
21 that any golf course will have such impacts. In any
22 event, the commission finds that the golf course
23 would generally have less impact than --

24 MR. HANES: Than.

25 CHAIRMAN MCINTYRE: Less impact than

1 conventional subdivision lots in the same area, and a
2 golf course does create some new wildlife habitat for
3 certain species.

4 Is everybody comfortable with that? That's
5 pretty much what we had said. All right.

6 B. The Golf --

7 MS. GALLICCHIO: I don't know if we reached a
8 consensus on that. I think that was an issue that
9 Dick and Janis had.

10 CHAIRMAN MCINTYRE: Right. It was three to two.

11 MS. GALLICCHIO: Right. Well, that's not
12 consensus.

13 MS. GOODFRIEND: Majority.

14 MS. GALLICCHIO: Thank you, majority.

15 CHAIRMAN MCINTYRE: Majority consensus.

16 MS. GALLICCHIO: Well, consensus means everybody
17 agrees. I wanted to bring that out that that was an
18 issue for them.

19 CHAIRMAN MCINTYRE: B. The Golf Course Design
20 Considers in Light of -- Golf Course Design
21 Considered in Light of the Goals of an Open Space
22 Subdivision. Despite the general desirability of a
23 golf course as an element of this open space plan,
24 the commission finds that there are serious
25 deficiencies in the design as submitted. In

1 particular, the commission concludes that: There is
2 inadequate buffering for the Pequot Swamp, especially
3 along the east side.

4 The recommendation -- recommended 100-foot
5 nondisturbance buffers are not maintained for vernal
6 pools, and particularly for vernal pool 18, and the
7 area of intact wooded uplands between this pool and
8 the large Red Maple Swamp to the west must be
9 preserved.

10 The current plan involves -- and everybody
11 remembers talking about that. Everybody in
12 agreement? Okay.

13 And Pequot Swamp, Judy brought that one up.

14 MS. GALLICCHIO: Yes.

15 CHAIRMAN MCINTYRE: And then it goes on the
16 current plan involves excessive fragmentation of
17 habitat areas. While some fragmentation may be
18 unavoidable in any form of development, this design
19 can and should be modified to reduce that
20 fragmentation. The design of the golf course must be
21 driven by the goals of Section 56 and not the other
22 way around.

23 MS. HOEY: Hold on for one second.

24 (Tape is changed.)

25 CHAIRMAN MCINTYRE: It required fairways -- it

1 requires fairways to cross significant wetlands
2 areas, including Pequot Swamp. This involves having
3 golf balls flying over, and inevitably into, fragile
4 wetlands and watercourses (e.g., hole number 11).

5 The golf course plan does not adequately address
6 the safety of adjoining dwellings or the wildlife
7 that exists along the fringes of the golf course.
8 Golfers will naturally seek out errant golf balls in
9 the wetland rough areas and creating foot traffic and
10 disturbance for those sensitive areas.

11 The only thing that was that last paragraph.
12 That I don't know -- I don't remember really talking
13 about that too much, where that came from. But --
14 because I know just from --

15 MR. TIETJEN: Good point, though.

16 CHAIRMAN MCINTYRE: Yes and no. Because I don't
17 know how many people golf here, but if you go out on
18 a golf course, there will be -- there's areas of
19 sensitive nature that they get posted as such and
20 there's -- when you have -- you can't -- if you go
21 into those areas and you're in a private country
22 club, they don't normally -- people go wandering,
23 tromping, looking for balls in those areas, because
24 it's out of bounds. And if somebody goes by and sees
25 you doing that, you get in trouble. It's not like a

1 public course, everybody comes and grabs balls.

2 MS. GOODFRIEND: Is it appropriate to switch the
3 word will to could?

4 CHAIRMAN MCINTYRE: It should be saying could.
5 That means some people would and some people won't.
6 All sensitive areas should be marked to make it
7 evident people are not going into these areas and to
8 be marked by the country club rules of behavior on
9 the golf course.

10 MS. GOODFRIEND: So that would be in your
11 modification.

12 CHAIRMAN MCINTYRE: Yes. There should be some
13 very specific writing about that. And obviously at
14 most golf courses there's penalties for going where
15 you're not supposed to go, which could include loss
16 of membership.

17 MS. GALLICCHIO: The other part of that, the
18 safety of adjoining dwellings, I think it was
19 appropriate what Mr. Branse had in his report. And
20 I'm only mentioning this because we are on the topic.
21 I'll find it. But in terms of using the guidelines
22 that had been presented by the applicant for golf
23 course association I think are appropriate, and I
24 think that that should come into play as well.

25 CHAIRMAN MCINTYRE: But I think another thing to

1 take into consideration also is that obviously when
2 you buy into -- if anybody buying into any of these
3 houses knows what they are buying into, they are
4 buying -- they buy them to be by the golf course and
5 with that comes inherent additional frequent --

6 MR. HANES: Free golf balls.

7 CHAIRMAN MCINTYRE: Free golf balls. I've seen
8 golf courses where, you know, that the houses are
9 right on top. There's been -- you know, you hear
10 judges and everything talking to people trying to sue
11 the golf course because they broke their windows, but
12 hey, you bought on a golf course, so buyer beware.

13 MS. GALLICCHIO: I'm thinking, too, depending if
14 we have -- what roads are -- end up being private and
15 which are public, we want to make sure people driving
16 in their cars aren't going to get hit with golf
17 balls. So it's not just people in their homes.

18 CHAIRMAN MCINTYRE: You want to make sure it's
19 protected.

20 MS. GALLICCHIO: It's as safe as a golf course
21 can be, but I think it needs to be safer than a
22 typical golf course, because you have roadways
23 abutting it and walkers walking near it as well as
24 neighbors. It's not just out in its own entirety.

25 CHAIRMAN MCINTYRE: But what you're just saying

1 there's many golf courses that you have those things;
2 part of them do. So it's part of the golf course,
3 roads. But I mean I'm not saying we shouldn't try to
4 protect them, but it's something that happens at most
5 golf courses is golf carts, that you drive your carts
6 across roads.

7 MS. GALLICCHIO: But not if we are talking about
8 public roads, a town road.

9 CHAIRMAN MCINTYRE: Oh, yeah.

10 MS. GALLICCHIO: I'm saying I don't think
11 it's --

12 CHAIRMAN MCINTYRE: I mean I'm just saying it is
13 down --

14 MS. GALLICCHIO: It's not appropriate to have
15 golf carts running across town roads, especially a
16 feeder road and things like that.

17 CHAIRMAN MCINTYRE: Not a feeder road.

18 MR. HANES: Have you ever been up Route 10,
19 Farmington golf course? The golf carts go right
20 across Route 10, but it's not the safest thing.

21 CHAIRMAN MCINTYRE: Everything has to be done
22 safely. What we want to do is express in our
23 modifications that every consideration for safety of
24 the public on the roads and the screening should be
25 provided. I think that's what you're getting at.

1 MS. GALLICCHIO: Yeah. And I'm getting at the
2 things. Here's what I was talking about. From golf
3 course holes to landing area, ULI recommends a
4 minimum of 210 feet and minimum of 100 feet
5 separation between any hole or landing area and a
6 road right-of-way. Those kind of things I think are
7 appropriate, and that came from the applicant's own
8 information. And 185 feet from the centerline of
9 areas other than landing and green areas, you know.
10 So I think those things are important that we
11 include, and those are things that were presented by
12 the applicant as recommendations and --

13 CHAIRMAN MCINTYRE: So you wanted to just hold
14 them to it.

15 MS. GALLICCHIO: Yeah. I think it's
16 appropriate. We didn't hear anything to the contrary
17 from anyone else.

18 MR. TIETJEN: Well, we talked in terms of this
19 when we were discussing the proximity of the --

20 MS. GALLICCHIO: Driveway.

21 MR. TIETJEN: -- those first few holes - I don't
22 remember the numbers - right under the village.

23 MS. GALLICCHIO: Right.

24 MR. TIETJEN: Within what?

25 CHAIRMAN MCINTYRE: Eight and ten, nine and ten.

1 MS. ESTY: Pequot Swamp, ten and 18.

2 CHAIRMAN MCINTYRE: Yeah.

3 MR. TIETJEN: So that's part of the rationale of
4 what Judy's talking about. Now what do we do here?
5 Do we put up -- put a caveat in here saying --

6 CHAIRMAN MCINTYRE: We want them to hold to
7 standard golf course design they presented at the
8 public hearing, right?

9 MS. NELSON: Don't forget that the applicant
10 will have to obtain a special exception for private
11 country club, which has a whole bunch of standards to
12 which the golf course needs to be designed. And the
13 zoning commission will look at very detailed plans of
14 the golf course itself.

15 MR. TIETJEN: So we are just beating our gums
16 here or what?

17 MS. GALLICCHIO: Well, roads is appropriate for
18 us to discuss.

19 MS. NELSON: Absolutely. I'm not shutting you
20 down. I'm just saying --

21 CHAIRMAN MCINTYRE: I think what would happen is
22 if -- when it goes to special exception to zoning,
23 then it will come back to us for review. And these
24 things would be -- we should mention it now so then
25 when -- nobody's surprised when they come back

1 through zoning and we bring them up again.

2 MS. NELSON: Sure.

3 MS. GALLICCHIO: Right, right.

4 CHAIRMAN MCINTYRE: So we'll have a say-so in
5 this.

6 MR. TIETJEN: So we are just going to leave it
7 to somebody else to worry about this.

8 CHAIRMAN MCINTYRE: No, no, no, no. Nobody else
9 to worry. We are worrying about as much as we are
10 required to worry about it. We can only worry so
11 much.

12 MR. TIETJEN: My buddy used to say when we are
13 worrying about everything, well, somebody has to do
14 it.

15 CHAIRMAN MCINTYRE: Well, that's why we have
16 zoning. They can worry, too.

17 MR. TIETJEN: Okay.

18 CHAIRMAN MCINTYRE: Anybody else anything? On
19 pretty much all those things that were just mentioned
20 everybody is in concurrence with.

21 MS. ESTY: We were going to have an opportunity
22 to go back and discuss our opinions on this golf
23 course or do you want to do it now?

24 CHAIRMAN MCINTYRE: Well, we kind of concluded
25 the concept of the golf course. Let me just see what

1 else we have here. We have road patterns.

2 MS. ESTY: Because I'm not opposed to A, because
3 it says it may be not necessarily so or could be.

4 CHAIRMAN MCINTYRE: What are you talking about?

5 MS. ESTY: When you go back to --

6 CHAIRMAN MCINTYRE: A, yes, golf course as an
7 element of the plan. Could be.

8 MS. ESTY: Maybe.

9 CHAIRMAN MCINTYRE: Well, what this is saying we
10 have this meeting and we have -- by the end of this
11 meeting, we should pretty much be wrapped up to be
12 able to give the town planner and our attorney
13 guidance on how we want to wrap this up.

14 MS. ESTY: Well, I have concerns about portions
15 of this golf course, but I don't -- you know, if we
16 want to go through this entire thing to get those
17 things down that we have consensus with, I don't mind
18 doing that and holding off until we go all the way
19 through. That will probably make sense as soon as --

20 CHAIRMAN MCINTYRE: We come back to it.

21 MS. ESTY: I can express my --

22 CHAIRMAN MCINTYRE: Yes, Janis, we will.

23 MR. HANES: Before we go any further, though,
24 the first paragraph under Section B says, the
25 commission finds that there are serious deficiencies

1 in the design as submitted.

2 CHAIRMAN MCINTYRE: Right.

3 MR. HANES: And that pretty much says that we've
4 got problems with it and --

5 MS. NELSON: These are modifications. In
6 Section III there's actually specific modifications
7 and conditions listed. And there is a section
8 regarding golf course design, and that is a great
9 opportunity for you to talk about some of your
10 specific concerns.

11 CHAIRMAN MCINTYRE: Right.

12 MR. HANES: What section that --

13 CHAIRMAN MCINTYRE: In the back.

14 MS. ESTY: In the back.

15 MS. NELSON: Section III C.

16 MS. ESTY: I know I saw it in here somewhere.

17 CHAIRMAN MCINTYRE: They don't even have as many
18 as he has here.

19 MS. NELSON: Right now we are talking about how
20 it complies with standards in general.

21 CHAIRMAN MCINTYRE: This seems like a good place
22 to take a break. Five-minute recess.

23 (Recess)

24 CHAIRMAN MCINTYRE: I want to reconvene the
25 meeting. Next section is Section C, Road Pattern;

1 Traffic and Off-site Improvements. Road A should be
2 a public road as proposed by the applicant. I think
3 everybody agreed on that.

4 Road H should also be public (the application
5 materials are unclear as to the applicant's proposed
6 status for this road) and designed to public road
7 specifications. Yes.

8 Road G is not visible as a -- viable - maybe I
9 need eyes - as a cul-de-sac design. Turning radii
10 for the fire apparatus and other large vehicles is
11 not adequate. We all agree on that.

12 MS. GALLICCHIO: Yes.

13 MR. HANES: Right, yes.

14 CHAIRMAN MCINTYRE: The commission finds that
15 there was not --

16 MR. TIETJEN: Intended to be.

17 CHAIRMAN MCINTYRE: There was not intended to be
18 and requires that there not be access to land of
19 others via the corridor at the end of Road B
20 (depicted as wetlands on the plan).

21 What was that all about? I don't remember that.

22 MS. GALLICCHIO: Oh, that's the land that's just
23 north of 153 access.

24 CHAIRMAN MCINTYRE: Oh, okay, right.

25 MR. TIETJEN: We couldn't figure out what it

1 was.

2 CHAIRMAN MCINTYRE: Yes, okay.

3 MS. GALLICCHIO: That was not intended to be an
4 access.

5 CHAIRMAN MCINTYRE: Okay. There should be full
6 access to Ingham Hill Road via Road H, not just an
7 emergency access, as recommended by the commission's
8 traffic engineering consultant (memo of December 2,
9 2004). This not only provides improved access for
10 residents of The Preserve, but also provides a second
11 means of egress for existing residents on Ingham Hill
12 Road in the event of an emergency, such as the
13 flooding observed near the ice house in 1982. The
14 existing Ingham Hill Road shall be realigned at the
15 north end across lots 73 and 79 as shown on the
16 conventional subdivision plan to eliminate the sharp
17 curve on Ingham Hill Road, also as recommended by
18 Mr. Hillson. The applicant should also address
19 improvements to Ingham Hill Road to accommodate any
20 additional traffic produced by this connection,
21 including improved pedestrian movement.

22 Everybody agree on those statements?

23 MR. HANES: Yes.

24 MS. GALLICCHIO: Yes. And I would like us to
25 add in there that in the beginning where it says

1 recommended by the commission's traffic engineering
2 section, it was also recommended by the town planner.

3 CHAIRMAN MCINTYRE: Are you in agreement with
4 that, town planner?

5 MS. GALLICCHIO: It was in her report.

6 MS. NELSON: Yes. Thank you. I'm flattered.

7 MS. GALLICCHIO: We read your report.

8 CHAIRMAN MCINTYRE: Next is off-site
9 improvements to Bokum Road must be investigated and
10 proposed to accommodate the additional traffic that
11 will be generated by this development. The
12 commission's counsel requested this information from
13 the earliest reviews and the applicant has failed to
14 respond. There is a clear nexus between the traffic
15 generated by this development and a need for
16 improvements on Ingham Hill Road and Bokum Road, and
17 the safety of these future residents requires that
18 both vehicular and pedestrian traffic passage to and
19 from this development be safe, convenient, and
20 inviting. Yes.

21 MS. GALLICCHIO: Yes.

22 MR. HANES: Yes.

23 MS. GALLICCHIO: Resounding yes.

24 CHAIRMAN MCINTYRE: This next one is a question
25 mark it starts off with. [The commission is not

1 prepared to approve the two bridge spans for Road H
2 as now depicted in the western portion of the
3 property. The applicant shall return with an
4 alternative design utilizing box culverts instead of
5 a span and a comparison of the pros and cons of box
6 culverts versus a bridge span.]

7 I think when I talked to you at the last meeting
8 about that there would be less disturbance with the
9 span than there would be -- you would have just as
10 much disturbance, if not more, with the box culvert.

11 MR. JACOBSON: The box culvert would require
12 disturbance of anything underneath it with --

13 CHAIRMAN MCINTYRE: There's a consensus of staff
14 that it's better to leave them as bridges; is that
15 correct?

16 MS. GOODFRIEND: I believe so.

17 MR. JACOBSON: We talked about the span type of
18 structures, which is what I think they are proposing
19 based on the meeting that we had with the board of
20 selectmen, but more of the U-shaped.

21 MS. GALLICCHIO: I think the item should be just
22 removed.

23 CHAIRMAN MCINTYRE: Right. I think that we feel
24 that the bridges are okay.

25 MS. GALLICCHIO: Right.

1 CHAIRMAN MCINTYRE: I just brought that up,
2 because I dealt with that before. And it seemed
3 that's the way everybody was doing it, and I didn't
4 understand why they weren't doing it that way.

5 MR. TIETJEN: Weren't we talking about a
6 culvert, half of a culvert, not a bridge but a
7 U-shape?

8 MR. JACOBSON: The U-shape, right.

9 MR. TIETJEN: Weren't we talking about that?
10 Didn't we come down on that side?

11 MR. JACOBSON: Yes.

12 MR. TIETJEN: That's called a bridge.

13 MS. GALLICCHIO: That's what was --

14 MR. JACOBSON: Yes. It's a precast bridge
15 structure.

16 CHAIRMAN MCINTYRE: They just lower it with a
17 crane and sits on its footings.

18 MR. TIETJEN: I understand what it is. I'm all
19 for it.

20 CHAIRMAN MCINTYRE: Last meeting -- because I
21 had experience with these box culverts everybody
22 always talk about.

23 MR. TIETJEN: I agree.

24 CHAIRMAN MCINTYRE: But then I asked Geoff,
25 well, would a box culvert be better --

1 MR. TIETJEN: No.

2 CHAIRMAN MCINTYRE: -- than the span, and he
3 says -- he told me no, because there's more
4 disturbance of the bed.

5 MR. TIETJEN: You have to prepare the bed.

6 CHAIRMAN MCINTYRE: So I kind of withdrew what I
7 said to say bridges are fine.

8 MS. NELSON: Did you also consider the
9 maintenance of it, of the two, one versus the other?
10 That's the board of selectmen's concern.

11 CHAIRMAN MCINTYRE: I think the two of them --
12 well, the only other way they --

13 MS. NELSON: Are they comparable?

14 MR. JACOBSON: In terms of maintenance?

15 MS. NELSON: Yes, or life span.

16 MR. JACOBSON: I don't think there's a huge
17 difference. I mean they are both precast within a
18 plant. One has a bottom; one doesn't have a bottom.
19 That's basically the difference.

20 MR. TIETJEN: So we are going to settle for
21 that, I assume.

22 CHAIRMAN MCINTYRE: We are going to remove that.

23 MS. GALLICCHIO: We are going to what was
24 originally proposed. We are removing that section.

25 MR. TIETJEN: Let's do it.

1 CHAIRMAN MCINTYRE: D. Clustering in the Estate
2 Lots Area. The commission finds that the estate lots
3 are contrary to the fundamental design philosophy
4 that underpins the conservation zone and Section 54
5 of the regulations. Additional clustering in this
6 area would allow for more open space, less
7 disturbance of the natural topography, less
8 infrastructure and impervious surface area, and
9 flexibility in the design of the golf course, the
10 village multi-family units, and the road pattern.
11 This finding does not mean that the houses in the
12 estate lots are -- needed to be smaller, but only
13 that the lots need to be smaller.

14 MS. GALLICCHIO: Can I jump in here, because I
15 was the one that was --

16 CHAIRMAN MCINTYRE: You're the architect of this
17 one.

18 MS. GALLICCHIO: I was the one that brought this
19 up. And over the last two weeks I reviewed the plans
20 and discovered that I made a large error, and that is
21 that I was talking about the estate lots as being
22 four acres and they are no longer four acres in this
23 plan. They are two plus and minus. You know, around
24 two acres.

25 CHAIRMAN MCINTYRE: Okay.

1 MS. GALLICCHIO: They were originally four acres
2 and that's -- my brain stayed at four acres for some
3 reason. I still have some concerns that we are
4 talking about an area which is a Conservation C
5 District, which requires -- does not require but
6 recommends clustering. And the idea of having estate
7 lots even at two acres seems inconsistent with the
8 purpose of the Conservation C District. However, in
9 looking at it one thing that might be appropriate,
10 one of the things that the applicant said during
11 public hearing in response to my concerns about the
12 estate lot size was that there are conservation
13 easements. And in looking at it there are in fact
14 conservation easements on some of the estate lots.
15 There are a number of the lots that do not have
16 conservation easements on them, and particularly lots
17 56, 61, and 67 where the conservation easement looks
18 like it ought to go and kind of stops.

19 And it's because of the nature of the -- those
20 properties that on one it's where a house would --
21 you would expect to put a house because of the
22 topography and because there's only a small area
23 where they have the MABL. And that's I think lot 56.
24 The other two lots, 61 and 67, could be -- have
25 conservation easements on them and I don't think was

1 much of a problem.

2 My point is that I think it would be possible to
3 have larger conservation easements. People could
4 still have two-acre lots and the feel of a two-acre
5 property if say half of that one acre of it could be
6 used for their buildings, house, any accompanying
7 structures, septic systems, et cetera and the other
8 acre being conservation easements. It would provide
9 contiguous open space without them really having to
10 do more clustering. Because I know that one of the
11 positives of the estate lots is that it provides a
12 variety or adds to the variety of housing options,
13 and that's something we are always looking for as
14 well. So my thought would be that it would be
15 consistent with the Conservation C District if we
16 could provide the contiguous open space through
17 conservation easements than is presently provided on
18 those lots. And the conservation easement going on
19 the -- on some of them on the south side and some on
20 the north, depending on their locations, but so that
21 it abutts the other open space. And I can show
22 people on the map if you want to see what I'm talking
23 about.

24 CHAIRMAN MCINTYRE: I would just say this,
25 rather than getting into the detail of it, that I

1 would say let's make that a -- maybe a modification,
2 that they need to look at that and present each lot
3 with these 56, 61, 67, because -- just like any other
4 application.

5 MS. GALLICCHIO: Well, there actually are more.

6 CHAIRMAN MCINTYRE: But in general what we
7 should be saying is that you think that there's more
8 conservation easements needed within the estate lots,
9 and that during the time of the review -- because
10 just because the MABL sits where the MABL sits
11 doesn't mean that's where the house sits. So it's
12 not a true -- basically, you know, we got
13 conservation easement.

14 We also should be concerned with buffering each
15 house from each other. I mean that may be part of
16 it. So what we should be saying to the applicant, I
17 think, is that we want to look at increased
18 conservation easement and buffering within the estate
19 lots so that when we review them that option is left
20 open for us.

21 MS. GALLICCHIO: I don't know if that's
22 sufficient for us to commit a larger -- I mean larger
23 can be just a tiny amount larger.

24 CHAIRMAN MCINTYRE: You just said you want an
25 acre or --

1 MS. GALLICCHIO: I'm thinking like an acre -- an
2 acre for a housing lot and another acre for
3 conservation in just round figures, because that's
4 something that you can determine easily.

5 MS. NELSON: Do you want to say 50 percent?

6 MS. GALLICCHIO: I don't know if my figuring is
7 accurate. I mean I had the 100 scale, so --

8 MS. NELSON: Right.

9 MS. GALLICCHIO: -- I'm reluctant to say
10 50 percent if that only leaves two-thirds of an acre
11 for somebody to do what they want. You know, I think
12 most people it would be sufficient for a house, and
13 septic, and a barn or whatever, but some people it
14 might not. This is another world for me. This is
15 not my lifestyle, so I'm not quite sure.

16 CHAIRMAN MCINTYRE: Give me a quarter acre.

17 MS. GALLICCHIO: I don't want to be too
18 stringent on it. On the other hand, I see it as an
19 issue in terms of clustering versus not clustering,
20 and this is my thought of accommodating that.

21 CHAIRMAN MCINTYRE: When we do a regular
22 subdivision -- and I go back to when we go into the
23 final plans even, always during that final plan we
24 always have that option to talk about conservation,
25 additional buffering, and conservation easement area,

1 but we are not --

2 MS. GALLICCHIO: We can't require it typically
3 to the extent that I'm talking, 50 percent of the
4 property. I don't recall us ever doing that and I
5 don't know under what we could do that other than in
6 the overall subdivision layout.

7 CHAIRMAN MCINTYRE: Well, I'm just wondering if
8 you -- rather than doing it all in one property, if
9 you're looking at additional space, if all along the
10 edges of the property you joined those two combined
11 lots, either side of the property line you had some
12 sort of easement there.

13 MS. GALLICCHIO: But what I'm thinking again is
14 the contiguous open space. And that's my difficulty
15 with the estate lots is that you've got the typical
16 kind of subdivision. I mean that area is
17 one-and-a-half-acre zoning if they use septic and
18 well water, right? They are not using well water, so
19 they get away with smaller. But in that kind of a
20 subdivision, typically it was conventional, you have
21 the house, and all the infrastructure, and a long
22 driveway and people -- that can have an awful -- I
23 mean grass growing and mowed right down to the edge
24 of their property.

25 CHAIRMAN MCINTYRE: That's not what we are

1 looking for.

2 MS. GALLICCHIO: That's not what we are looking
3 for in a Conservation C District in an open space
4 subdivision, and that's where we've got teeth now.
5 Whereas, I don't know if we have it strongly when we
6 get to the final decision making, and that's my
7 concern.

8 MS. NELSON: You do have more discretionary
9 power under special exception than you do under
10 subdivision, which is administrative.

11 CHAIRMAN MCINTYRE: Can we say something like we
12 may require up to 50 percent of the estate lots to be
13 placed in the conservation easements?

14 MS. NELSON: Of each lot?

15 CHAIRMAN MCINTYRE: Yes.

16 MS. NELSON: You could say no more than any lot
17 shall be -- the building envelope of each lot shall
18 be no greater than an acre, acre-and-a-half, whatever
19 you find palatable for what you're talking about in
20 terms of disturbed area; the remainder will be in
21 conservation easement.

22 MS. GALLICCHIO: And contiguous with other open
23 space, not just around each building, because that's
24 not what we are talking about. We are talking about
25 having it on the edge of the properties.

1 MS. NELSON: Right.

2 MS. ESTY: Aren't you saying the same thing by
3 having the same number of houses on a smaller lot?
4 They are not going to use the other half acre.

5 CHAIRMAN MCINTYRE: What Judy's point is the
6 word contiguous was to make sure she has --

7 MS. ESTY: You can get contiguous if you have
8 on -- the same house on a smaller lot and have them
9 more clustered, you would have more contiguous open
10 space. And you're basically saying the same thing on
11 the easement. I would rather have a smaller lot and
12 have more teeth in the --

13 MR. TIETJEN: More public space.

14 MS. GALLICCHIO: My point is we could go with
15 something like that, and that was my first thought.
16 But in providing a variety of housing styles and
17 housing desires for people, we've always talked about
18 this in applications and in this area. And when we
19 were first coming up with the Conservation C
20 District, we talked about that there could be
21 condo-type buildings, and single-family dwellings,
22 and cluster single-family dwellings. And, you know,
23 we talked about the variety of different kinds.

24 MS. ESTY: I agree. I'm still wondering if they
25 still had an acre of -- two-and-a-half acres, and

1 that's still large compared to -- so they would still
2 have it.

3 MS. GALLICCHIO: I thought you were saying go
4 with like half-acre lots.

5 MS. ESTY: No. Just make them smaller lots.

6 CHAIRMAN MCINTYRE: To what size smaller do you
7 mean?

8 MS. ESTY: Well, if they are two-and-a-half
9 acres now, approximately --

10 MS. GALLICCHIO: Around two acres. I would say
11 some are a little bit under; some are a little over.

12 MS. ESTY: -- an acre. They are still larger
13 than the ones that are half acre.

14 CHAIRMAN MCINTYRE: That's the diversity.

15 MS. ESTY: And they would still be large. I
16 mean the houses themselves would be large.

17 CHAIRMAN MCINTYRE: Right. And that's --

18 MS. GALLICCHIO: That's another way to handle
19 it. I think I prefer the conservation idea, because
20 I think it provides a little more in terms of
21 flexibility for the developer, but I don't know what
22 other people think.

23 CHAIRMAN MCINTYRE: I agree with what you're
24 saying.

25 MR. HANES: Janis, you're saying just make the

1 lots smaller.

2 MS. ESTY: That way you would be able to cluster
3 them a little closer together, so you would have more
4 open contiguous space.

5 MS. GALLICCHIO: So you're saying like one-acre
6 parcels.

7 MS. ESTY: Yes.

8 MR. HANES: One acre.

9 MS. ESTY: One-acre parcel. And they can
10 maneuver them any way they want, but they would be
11 more clustered together so you would have a larger
12 contiguous open space in this area.

13 MR. HANES: Would that not open it up to having
14 more houses? I mean if you have it as a conservation
15 area, then your density remains the same. But if you
16 make smaller lots, wouldn't that open it up to be
17 able to build more houses there?

18 MS. GALLICCHIO: Well, and that's another
19 thought is that there's a maximum number of units
20 that they can have. Yeah, there could be more in
21 that area then and fewer in another area perhaps.

22 MR. TIETJEN: Since we have a set number of
23 lots.

24 CHAIRMAN MCINTYRE: Dwellings. I think Judy
25 kind of put it the diversity is the issue, diversity

1 of housing. And the way to achieve that is by -- one
2 is by conservation, allowing the property -- the
3 owner to own a large, you know, a two-acre parcel of
4 land, which part of that two acres would be
5 50 percent may be under conservation easement;
6 whereas, Janis is saying we have an acre lot, and the
7 rest of that is owned and open space.

8 But the problem with that I find, and we would
9 have to ask somebody, we only require so much open
10 space. If we now -- if we take and keep moving these
11 lots smaller and smaller, how much -- our ratio of
12 open space to developable land changes. And I don't
13 want to -- I mean I think we got a good balance right
14 now as far as what the developer is calling the
15 development. We're getting quite a bit of open space
16 with the golf course and the open space itself. So
17 now we are going to start -- basically what you're
18 doing is chipping away and adding more open space.

19 MS. ESTY: My problem is I don't understand why
20 someone would want to own property they couldn't use.

21 MS. GALLICCHIO: Because it gives the impression
22 that they have no neighbors, you know. It gives you
23 the illusion that you're on a two-acre parcel with
24 trees all around you in essence.

25 CHAIRMAN MCINTYRE: They can use that land.

1 MS. GALLICCHIO: As opposed to seeing your
2 neighbors, which it would be in a one-acre parcel.

3 CHAIRMAN MCINTYRE: They could use it for
4 passive recreation. You could walk in it, but no one
5 else can pass upon your property.

6 MS. GALLICCHIO: It wouldn't be accessible to
7 the public necessarily.

8 MS. ESTY: Could you build on it?

9 CHAIRMAN MCINTYRE: No.

10 MS. GALLICCHIO: No.

11 MS. ESTY: But can you build on it?

12 MS. NELSON: Outside of the conservation
13 easement you could build your house, and your
14 driveway, and your lawns.

15 MS. ESTY: That concept of having something and
16 just having it there so that I could have more sort
17 of --

18 CHAIRMAN MCINTYRE: Privacy.

19 MS. GALLICCHIO: Privacy.

20 CHAIRMAN MCINTYRE: Some people like privacy
21 more than others. Some people like apartment living;
22 some people like trees. That's the diversity in
23 housing.

24 MS. NELSON: I've met quite a few people, when
25 you go visit them, look out their back window and say

1 we own all of that. It's under conservation
2 easement. And they are proud, you know, because they
3 own something that they value. They own it, but even
4 though they can't touch it.

5 CHAIRMAN MCINTYRE: The flip side of that
6 everybody is saying - you look out their window one
7 day - what are they doing out there? You know,
8 somebody is building out there. I didn't know they
9 could do that. And you end up with the opposite
10 where people don't know what they have, so you end up
11 with a conservation easement. People are happy with
12 it.

13 MR. TIETJEN: Well, what could you do with a
14 conservation easement? First, could you have a
15 paddock or a horse? Could you have a garden or is it
16 strictly going to be the way we usually do the
17 conservation easements? It's undisturbed typically.

18 CHAIRMAN MCINTYRE: You have things like you're
19 not allowed to park motor homes, do any of that, you
20 know. No clearing without permission of the zoning
21 enforcement officer. I guess that would be a zoning
22 issue.

23 MS. NELSON: Usually the planning commission.
24 You can take out dead brush, and dead trees, and so
25 forth.

1 CHAIRMAN MCINTYRE: There are some things you
2 can do and other things you can't. You can't park
3 vehicles in there.

4 MS. NELSON: We do have a standard conservation
5 easement that we could take a look at it when this
6 comes up for subdivision approval and tinker with it
7 to make sure that it meets your concerns that it
8 protects you.

9 MR. TIETJEN: You can fill up an acre pretty
10 fast I found. Just stick a big barn in there.

11 MS. GALLICCHIO: You can. That's why I was a
12 little concerned about the phrasing.

13 CHAIRMAN MCINTYRE: They have to conform to
14 zoning regulations. So if they don't have the
15 setbacks and things, if you're only restricted --
16 you're limited to one acre of building, then they
17 have to meet the setbacks and everything for that.

18 MR. TIETJEN: But if you have a nice big house,
19 a big trophy house here and then you have -- you
20 can't have a paddock for horses but maybe have a
21 kennel over here and a barn over there on an acre,
22 you can eat up an acre pretty fast.

23 CHAIRMAN MCINTYRE: I don't think Saybrook
24 allows kennels.

25 MS. NELSON: You can have a kennel, but you have

1 to have a minimum amount of land in certain
2 districts.

3 CHAIRMAN MCINTYRE: You're talking about
4 individual dog kennel or a business-type kennel?

5 MR. TIETJEN: No. Personal/private. You got a
6 bunch of dalmatians running around. You could have a
7 lot of dogs there.

8 CHAIRMAN MCINTYRE: Put up an electronic fence
9 and let them run around the whole two acres.

10 MS. HOEY: Hold on one second.

11 (Tape is changed.)

12 MR. TIETJEN: We had a pointer.

13 CHAIRMAN MCINTYRE: Shush, shush.

14 MR. TIETJEN: It's not relevant anyway.

15 MS. HOEY: Okay.

16 MR. HANES: Judy, getting back to your thought,
17 this area of estate homes is all in one area.

18 MS. GALLICCHIO: It is.

19 MR. HANES: And you're saying that you could
20 have a conservation area in say the back of all of
21 these, so it would be contiguous.

22 MS. GALLICCHIO: The back of some go into the
23 CL&P --

24 MR. HANES: Right-of-way.

25 MS. GALLICCHIO: -- right-of-way and the others

1 it goes into the town or what would be town-owned
2 open space, so it would connect with open space.

3 MR. HANES: How about on the other side of the
4 street. Are there estate homes on the other side of
5 the street that would not be contiguous with any kind
6 of --

7 MS. GALLICCHIO: No. It all would be contiguous
8 with open space.

9 MR. HANES: Contiguous with open space that we
10 have now.

11 MS. GALLICCHIO: And on most of them -- or I
12 shouldn't say most. About half of them there are
13 conservation easements proposed, but they're about a
14 third of the property on some of them, if that, and
15 it's not consistent. It is on some. It will be like
16 going along two properties, and then one will kind of
17 jut through them and not have conservation, then
18 another few. And that's why I say it looks like it
19 just ought to be there because of the way it was
20 proposed. It's like the line was stopped.

21 MR. HANES: Is it possible because of the
22 terrain or --

23 MS. GALLICCHIO: I think it probably was so you
24 can get a house on there properly or get a house
25 maybe sited on the top of the hill overlooking a golf

1 course. I'm not exactly sure.

2 MR. HANES: It sounds promising.

3 CHAIRMAN MCINTYRE: When we go through the final
4 application, this is things that we do all the time.
5 It's always these conservation buffers and it's based
6 on each lot normally. I mean normally we look at
7 each lot. It's not a bad idea we have that in front
8 of us, to think of it as a continual band which
9 would, you know, increase the preservation of the
10 land. And it buffers -- and what it also does, it
11 also buffers our open space from the property owner.

12 MS. GALLICCHIO: Right.

13 CHAIRMAN MCINTYRE: So they don't build right up
14 to the open space, which is a nice thing. And that's
15 things we've always done in all of our subdivisions.
16 We've always tried to buffer our -- the natural
17 resources with conservation easements. Okay.

18 MS. GALLICCHIO: Do you want to look at the map
19 or no? Do you want to just go on to the next?

20 CHAIRMAN MCINTYRE: Let's look at the map.

21 MS. GALLICCHIO: I have to find the map with the
22 conservation easement.

23 CHAIRMAN MCINTYRE: I stole somebody's map last
24 time.

25 MS. GALLICCHIO: Chris, you've got mine. It's

1 number nine.

2 MR. HANES: Number nine.

3 MS. GALLICCHIO: This is what I'm talking about.
4 Most of it is in this.

5 CHAIRMAN MCINTYRE: Somebody wrote on that.

6 MS. GALLICCHIO: This is what I'm talking about.

7 MS. GOODFRIEND: This is Christine's writing.

8 CHAIRMAN MCINTYRE: I stole your map last week.

9 MS. GALLICCHIO: You can see here it goes around
10 and then it cuts in, then sticks out here and this
11 one.

12 MS. NELSON: It's a copy of an exhibit.

13 MR. HANES: That's the easement all through
14 there.

15 MS. GALLICCHIO: This is easement and then it
16 stops and then --

17 CHAIRMAN MCINTYRE: It may go.

18 MS. GALLICCHIO: It's not in this lot at all.
19 It's not in this lot or these lots. It starts over
20 here. There's a little bit, and then there's none on
21 67, then 66 and 65 have a substantial amount, and
22 then it continues on the back of 64 and 63, and 61
23 has none, and then 60 has a little bit at the bottom,
24 but it's kind of -- it's just weird the way it's
25 configured. This is open space and this is open

1 space.

2 CHAIRMAN MCINTYRE: But I think you hit on
3 something earlier about the topography. If you look
4 at the topographical, this is a steeper slope than up
5 here. That's why they decided -- if you look where
6 that's all slope.

7 MS. GALLICCHIO: Right.

8 CHAIRMAN MCINTYRE: So basically what I think
9 what happened, you hit on that. The reason the house
10 is going here, because that's the best way to put the
11 house. So if we were to say cart blanch we want
12 everything beyond here to be -- you would have to be
13 siting this house.

14 MS. GALLICCHIO: I think you would lose this
15 lot. I think that lot would not be able to sustain a
16 house.

17 CHAIRMAN MCINTYRE: Or you would put the
18 conservation easement through here and it would still
19 be contiguous except for the roadway. You would be
20 able to put a conservation through here.

21 MS. GALLICCHIO: Then it's not connecting with
22 this open space. That's my point.

23 CHAIRMAN MCINTYRE: It would. It would be a
24 corridor here. You could do it. You could have a
25 continual line of open space.

1 MS. GALLICCHIO: And then 67 they've got a MABL
2 here, but you can see it is -- this whole area is
3 slopy.

4 CHAIRMAN MCINTYRE: Well, this is slopier
5 because of the distance. The slope increases.

6 MS. GOODFRIEND: Can I make one comment on the
7 MABL? Maybe Geoff can point this out. They haven't
8 proven their MABL, because they haven't done the
9 soils testing. So it's all up in the air, correct?

10 Where they show the houses is where they think
11 they can go, but they haven't shown the soil testing
12 so you don't know.

13 CHAIRMAN MCINTYRE: There may be some adjustment
14 yet to be made.

15 MS. GOODFRIEND: Yes.

16 CHAIRMAN MCINTYRE: That's when we would apply
17 the conservation easements.

18 MS. GOODFRIEND: I think Christine had some nice
19 language about more than one acre of a building
20 envelope, with the remainder to be conservation
21 easement. And you could say to be as contiguous as
22 practicable with the remainder of the open space or
23 something, and that gives a little bit of wiggle.

24 CHAIRMAN MCINTYRE: Think about it.

25 MS. GALLICCHIO: I'm throwing this out for

1 people today so I understand, but I think it was
2 important to see the map.

3 MS. NELSON: You can also do a percentage, you
4 know. No more of it to be buildable as a percentage,
5 which gives a little bit more wiggle room.

6 CHAIRMAN MCINTYRE: You can work on some wordage
7 for that verbiage.

8 MS. GOODFRIEND: They could readjust the lot
9 size to make them bigger again and you might not
10 notice, and then --

11 MS. NELSON: Less clustered, more sprawled.

12 MS. GOODFRIEND: Unless you said a maximum lot
13 size, which sounds like you don't want to do. If you
14 said only 50 percent could be developed and they
15 could grow their lot sizes a little bit.

16 MS. NELSON: I think Wendy said it perfectly.
17 Can you repeat it.

18 MS. GOODFRIEND: I said something like no more
19 than one acre. You said it. The building envelope
20 shall be no more than one acre, with the remainder of
21 the lot to be in a permanent conservation easement,
22 as contiguous as possible, with adjacent open space
23 or conserved land or something like that.

24 MS. NELSON: Something to think about.

25 CHAIRMAN MCINTYRE: Okay. Thank you, Wendy.

1 MR. TIETJEN: I think part of the problem is
2 that this thing has all these 500-yard driveways, and
3 I think that's -- we talked about this last time.
4 That was one of the things that I thought was -- sort
5 of got stuck on. Their plan is stuck on. This is
6 quite different from the kind of clustering that Art
7 has in his books or book where houses really are.

8 MS. GALLICCHIO: That isn't clustered. This
9 section is not clustered, and that was my point.

10 MR. TIETJEN: But it could be.

11 MS. GALLICCHIO: It could be.

12 CHAIRMAN MCINTYRE: It could be, but is that --
13 you know, I'm comfortable with it the way it is.
14 That's the point, who's comfortable, who's not.

15 MR. TIETJEN: It will appeal to the vanity of
16 the people coming up from Fairfield County, that's
17 for sure.

18 CHAIRMAN MCINTYRE: Diversification of housing.
19 It's getting late. So are you comfortable with what
20 we have got so far?

21 MS. GALLICCHIO: Yes.

22 CHAIRMAN MCINTYRE: Next area is E, Design of
23 the Village Areas. No discussion yet.

24 Well, do you want to leave that for -- let's go
25 through the rest of them and then we can go back to

1 that, along with the golf course.

2 MR. TIETJEN: So we are leaving D open then.

3 CHAIRMAN MCINTYRE: I just want to get through
4 as much as we can. Next one is F, Active Recreation
5 Facilities for the Public. The applicant has not
6 proposed that The Preserve be an age-restricted
7 community and that the commission has no desire to
8 impose such a requirement. The applicant expects
9 that many units will be purchased by empty nesters,
10 but has presented no evidence to support this claim.
11 Even if most purchasers do not have children, the
12 fact remains that the development design has provided
13 no recreational opportunities of any kind for any age
14 group, other than the restricted membership, for-fee
15 country club/golf course facility. Even a community
16 of middle-aged residents has requirements for active
17 recreation, such as soccer fields, basketball courts,
18 softball fields, bicycle paths, jogging trails, and
19 the like.

20 And we addressed that, that we wanted to see
21 some -- I think it was 11 -- seven acres.

22 MR. HANES: Ten.

23 MS. GALLICCHIO: Parks and rec said that they
24 needed seven for a ball field and accompanying
25 parking, and I think you had said ten.

1 MR. HANES: Yes.

2 MS. ESTY: I think it was ten.

3 CHAIRMAN MCINTYRE: Okay, ten acres set aside
4 for that. So that's one of the modifications that we
5 will want to make is that the present plan doesn't
6 show any of this type of recreational activity. We
7 want ten acres set aside for active recreation to be
8 now --

9 MR. TIETJEN: At least ten acres.

10 MS. GALLICCHIO: There is a small area set
11 aside, I believe.

12 CHAIRMAN MCINTYRE: It's a green in the middle
13 of the village.

14 MS. GALLICCHIO: I think there was another area
15 set aside, also, if I'm not mistaken.

16 MR. HANES: We located an area that we said --

17 MS. GALLICCHIO: I mean on the applicant's plan.

18 CHAIRMAN MCINTYRE: That wasn't the open space,
19 though. That was through the yield, wasn't it, we
20 found that? Because we haven't looked at the open
21 space.

22 MS. GALLICCHIO: I know, but I'm saying I
23 believe when I was reviewing - I didn't bring it with
24 me - response number four, I thought there was one
25 that was -- I don't have my response number four with

1 me.

2 CHAIRMAN MCINTYRE: There was no --

3 MS. ESTY: I think they said that they could
4 turn --

5 CHAIRMAN MCINTYRE: That's not the type of thing
6 we are looking for. I mean I think the village
7 district, those little open area parks are important
8 and not to be -- but to throw a baseball field into
9 those would not be what I was talking about. I was
10 thinking in a separate location.

11 MR. HANES: Flat land.

12 CHAIRMAN MCINTYRE: You may have to do some
13 fill, some things, you know. Once again, you allot
14 221 houses, whatever you're down to. Two hundred
15 twenty-one houses leaves more opportunity to provide
16 that type of an active recreational area. And I'm
17 not, you know -- the neighborhood playground.
18 There's no ball field. That's a playground, not a
19 ball field. And that's what we are looking for. If
20 you look here, I think --

21 MS. GALLICCHIO: Does it show on there?

22 CHAIRMAN MCINTYRE: They show here.

23 MS. GALLICCHIO: Oh, okay.

24 CHAIRMAN MCINTYRE: They are playgrounds. They
25 are not ball fields.

1 MS. GALLICCHIO: Do we have anything more
2 specific on those?

3 CHAIRMAN MCINTYRE: No.

4 MS. NELSON: That can come in under the planned
5 residential development details for those.

6 CHAIRMAN MCINTYRE: I would think you should
7 have a little play. There's a difference between a
8 playground and a ballpark.

9 MS. NELSON: There is, but both of their intent
10 is active recreation. So if this is not -- and
11 different age groups have different needs. Different
12 ages of kids have to stretch their legs differently,
13 and as they get older they have more social needs.
14 They get back to the playground.

15 CHAIRMAN MCINTYRE: I think it's important that
16 these -- especially the villages, for the village
17 concept, that they be like green areas here. You
18 have this green here, the village center, and then
19 they have -- where was the other place? There it is.
20 Neighborhood playground right on top of the driving
21 range. So I don't know what that's about. So
22 that --

23 MS. NELSON: Well, it's just a big black dot as
24 far as we can tell right now.

25 CHAIRMAN MCINTYRE: It's not relevant. It's

1 like somebody arbitrarily put a black dot there
2 without looking at what they were sticking the black
3 dot on. That's just something to demonstrate that
4 they could do that.

5 MS. NELSON: Maybe you want to talk about your
6 preferences for active recreation.

7 CHAIRMAN MCINTYRE: Well, what I would say that
8 we want the land -- my idea is that it's -- something
9 that the planning commission should decide is that we
10 should be setting the land aside for the park and rec
11 provision, to make that determination of what's
12 needed. But we need to have the land set aside for
13 that, for -- either for the growth that's there now
14 or for what potential development or for future --
15 you know, what holds in the future, that we just
16 don't want to -- I don't know what we want to put up
17 there.

18 MS. NELSON: Well, it sounds as though you would
19 like to have playing fields.

20 CHAIRMAN MCINTYRE: Well, yeah. You have
21 ten acres. You're going to have to have flat enough
22 land for soccer fields, playing fields, and I don't
23 know what. But then again that's more I think a park
24 and rec -- we are saying -- and this has happened
25 before. We just recently set aside some property.

1 One of the planning commissions before us set aside
2 some land that somebody found, said, hey, planning,
3 once again Chris found you some land and we had it
4 set aside. And now all of a sudden park and rec said
5 we have this land. Let's utilize it. And we are
6 saying here; let's get at least the land set aside,
7 that there is designated land of ten acres for this
8 use and discussed in through the town engineer, and
9 the developer, and the park and rec division. That
10 should give direction to the developer what we would
11 need, and they would have to find it.

12 MS. NELSON: So park and rec gave you some of
13 their preferences in terms of acreage, right?

14 CHAIRMAN MCINTYRE: Right.

15 MS. NELSON: They didn't say anything about
16 location, but proximity to a road.

17 CHAIRMAN MCINTYRE: That would be important.

18 MS. NELSON: Flat topography, those kind of
19 things.

20 CHAIRMAN MCINTYRE: Obviously in that area
21 anything like that -- there isn't really any flat
22 land up there, so you're going to have to fill to
23 some degree. There will be some filling required.

24 MS. NELSON: So you want to say --

25 CHAIRMAN MCINTYRE: Or where he may find out

1 there really isn't any land that's suitable for it.
2 And if there isn't without, who knows what we would
3 have to do to it to make it -- if it entails major
4 blasting, that's not something that we would support.

5 MS. NELSON: There's also the open space option.

6 CHAIRMAN MCINTYRE: The applicant needs to prove
7 to us that there isn't a spot and then Geoff show
8 them where it is.

9 MS. ESTY: Could you put a fee in lieu of open
10 space when they just gave us the open space?

11 MS. NELSON: It determines what you believe to
12 be the appropriate function of the open space for the
13 development.

14 MS. ESTY: My concern is it was an open space
15 development. Then we are taking a fee in lieu of
16 open space, but we have the open space. So you're
17 saying there are different types of open space. So
18 we could get a fee for playground, because --

19 MS. NELSON: I hear what you're saying. It
20 seems as though we've got hundreds of acres of open
21 space. We should be able to find --

22 MS. ESTY: Not necessarily find it. I was just
23 surprised that you could get a fee even if there
24 wasn't any because of the amount of open space we are
25 receiving.

1 MS. NELSON: Well, the state statute provides
2 for the ability to exact open space for parks, and
3 playgrounds, and other open spaces.

4 MS. ESTY: That's great.

5 MS. NELSON: That's the original intent.
6 Natural resource preservation is --

7 MR. TIETJEN: Passive recreation.

8 MS. NELSON: -- is a function of the open space
9 subdivision design, but the commission may also
10 determine that the increase in the number of
11 residential units requires some incremental increase
12 in the opportunity for recreation.

13 MS. ESTY: And if there was we haven't -- we
14 could get the fee.

15 MS. NELSON: To locate that for the new
16 residents.

17 CHAIRMAN MCINTYRE: The ideal thing would be
18 to -- anytime you want to cluster, because you don't
19 want, you know, families with two or three kids. You
20 want to try and keep the ball parks and things as
21 close together as possible, because moms and dads are
22 jumping from game to game, things of that nature.

23 MS. ESTY: I agree with all of that. I'm
24 surprised you can get an additional fee without
25 having --

1 MS. NELSON: We can authorize the applicant to
2 offer it. That's what -- how the statute is actually
3 read. It's a little awkward if you really want it.

4 MS. ESTY: We are not going to make -- you give
5 it to me, but give it to me.

6 MS. GALLICCHIO: I found one of the neighborhood
7 playgrounds. It's 75 feet by 75 feet, approximately,
8 so really small. So I'm assuming that the other ones
9 are about that size.

10 CHAIRMAN MCINTYRE: Jungle gyms.

11 MS. GALLICCHIO: Yes.

12 MR. HANES: Sand box.

13 CHAIRMAN MCINTYRE: Thank you.

14 MS. GALLICCHIO: You're welcome.

15 MS. NELSON: So this letter asks for active
16 recreation, even if most purchasers do not have
17 children. The fact remains that the deferralment
18 design has provided no recreational facilities for
19 any kind of -- for any age group. Maybe you would
20 like to say has provided some recreational
21 opportunities, but --

22 CHAIRMAN MCINTYRE: When looking at that -- even
23 if you were looking at that, if it's going to be
24 older people, you know, fewer kids and more adults,
25 the idea of a basketball court that can be turned

1 into a skating rink during the winter would probably
2 be more desirable than ball fields, but that would
3 be -- I think it's something I would entertain, but I
4 would like to have park and rec's input on it as
5 being that that's their area of expertise.

6 MS. NELSON: Later in the draft modification --
7 draft resolution under modifications there's some
8 discussion of a modification that would address --
9 specifically address the deficiencies that is
10 identified in this paragraph.

11 CHAIRMAN MCINTYRE: Okay. So in other words,
12 push on. Anybody else have anything else on the
13 active recreation facility for the public? Everybody
14 is in agreement with that?

15 (No response)

16 CHAIRMAN MCINTYRE: G, Location of Maintenance
17 Facility. The maintenance facility has been placed
18 directly upgradient from a high-value --

19 MS. GALLICCHIO: It should say vernal.

20 CHAIRMAN MCINTYRE: -- vernal pool. The
21 maintenance facility will, of necessity, involve the
22 storage of chemicals for the golf course and the
23 storage, maintenance, and possible fueling for
24 service vehicles. This facility should be located in
25 a less sensitive location.

1 Anybody have any problems with that?

2 MS. GALLICCHIO: No.

3 CHAIRMAN MCINTYRE: Okay. Preservation of
4 Ingham Homestead. In addition to the lack of active
5 recreational opportunities in The Preserve, there is
6 a failure to address how the historic Ingham
7 Homestead and its setting will be protected and
8 preserved.

9 It does show that on one map that it will be,
10 but to what extent we don't know. We have to look
11 and see if that field and everything is incorporated
12 and make it known that we do want that field to be at
13 least considered.

14 The Preliminary Open Space Plan: Modifications
15 and Conditions. The commission recognizes that it
16 has the option of modifying or conditioning the
17 application in order to address the deficiencies
18 above, and the commission concludes that they can be
19 remedied by conditions and modifications based on the
20 information and arguments now contained in the
21 record, and that such conditions and modifications do
22 not substantively alter the application to the extent
23 that any parties are deprived of their rights to be
24 heard. These conditions and modifications are drawn
25 directly from the testimony and evidence received

1 during the public hearing and are intent -- intended
2 to be -- excuse me. Public hearing and are intended
3 to be responsive to them.

4 The following conditions and modifications are
5 integral to this approval and not severable from it.
6 But for these conditions and modifications, the
7 commission would have denied the application without
8 prejudice so that the -- so that an acceptance plan
9 could be designed -- acceptable plan could be
10 designed and submitted. Therefore, the special
11 exception is granted subject to the following
12 conditions and modifications.

13 MS. NELSON: Just note down below that the
14 commission's attorney says, the commission has not
15 reached this conclusion. He's just drafting it this
16 way should you conclude that the modifications and
17 conditions can satisfy your list of deficiencies.
18 But if they are so significant that they can't be
19 remedied by these statements, that those concerns
20 that have been listed thus far are grounds for
21 denial.

22 CHAIRMAN MCINTYRE: And just for the record,
23 that was number seven in that paragraph I just read.
24 I just missed that.

25 MR. TIETJEN: Footnote number seven.

1 CHAIRMAN MCINTYRE: Footnote number seven.

2 Okay. A -- therefore, the special exception is
3 granted subject to the following conditions and
4 modifications:

5 Access, Ingham Hill Road. As noted above the
6 access from Road H road to Ingham Hill Road shall be
7 a full public roadway. The existing Ingham Hill Road
8 shall be realigned at the north end across lots 73
9 and 79 as shown on the conventional subdivision plan
10 to eliminate -- now it says the conventional
11 subdivision plan.

12 MS. GOODFRIEND: That's correct.

13 MS. GALLICCHIO: That's correct.

14 CHAIRMAN MCINTYRE: Okay. To eliminate the
15 sharp curve on Ingham Hill Road, also as recommended
16 by Mr. Hillson.

17 B. Bike Path -- is everybody in agreement with
18 that?

19 MR. HANES: Right.

20 MS. ESTY: Footnote.

21 MS. GALLICCHIO: I'm reading the footnote.

22 MR. HANES: Footnote eight.

23 CHAIRMAN MCINTYRE: At the end, eight. Okay.
24 The footnote is please discuss the last sentence to
25 see if you concur with Mr. Hillson's recommendation.

1 The commission talked about connecting Road H to
2 Ingham Hill Road but did not discuss where that
3 connection should occur, which was addressed in
4 Mr. Hillson's recommendations.

5 I thought we discussed that.

6 MS. GALLICCHIO: I did, too.

7 CHAIRMAN MCINTYRE: Right. Where it showed
8 where the corner was.

9 MS. NELSON: We looked at it in the conventional
10 plan, because those lots were eliminated when we were
11 doing the lot count.

12 CHAIRMAN MCINTYRE: But isn't the coming off the
13 Ingham Hill Road when the applicant made it as a --
14 on an open space subdivision, wouldn't that be the
15 same road standards as a regular road so that
16 wherever that is, that should be the point of exit
17 and entrance?

18 MS. NELSON: Yes. In the conventional plan Road
19 H was depicted as being a public road.

20 CHAIRMAN MCINTYRE: No, private road.

21 MS. NELSON: No. In the conventional plan the
22 public road was one of the access points. In this
23 open space subdivision plan it's proposed to be
24 private, although the commission so far has consensus
25 that it should be public and should be open. So if

1 you -- since the layout of the road is the same in
2 the two plans, you would probably make the same
3 consideration that lot 73 and 79, that the road would
4 be realigned in the same manner as was considered in
5 the conventional.

6 CHAIRMAN MCINTYRE: Okay.

7 MS. GALLICCHIO: Say out loud what you're doing.

8 CHAIRMAN MCINTYRE: No secrets.

9 MS. NELSON: I was whispering, because I don't
10 know the difference.

11 CHAIRMAN MCINTYRE: We have a map. We are
12 looking at map RKM-1, and it shows the village with
13 the road coming into Ingham Hill Road. They don't
14 show any lot numbers; however, this is the road here,
15 Road H, coming down. It's almost like a T.

16 MS. NELSON: This plan that we are looking at
17 does show the relocated Road H, because in the
18 previous plan didn't it come up right next to this?

19 MS. GOODFRIEND: I believe that Geoff should
20 reflect, but I believe this S curve here that
21 Mr. Hillson was talking about --

22 CHAIRMAN MCINTYRE: Reroute this.

23 MS. GOODFRIEND: Maybe Geoff will remember that.
24 Big L is what I thought.

25 CHAIRMAN MCINTYRE: We are looking at square 13,

1 and where it says hill here, too, is this what
2 Hillson was talking about, straightening this out?

3 MR. JACOBSON: That was my understanding, but I
4 don't know. Someone at the last meeting mentioned
5 they thought it was this area right in here.

6 CHAIRMAN MCINTYRE: We didn't know.

7 MR. JACOBSON: Do we have --

8 CHAIRMAN MCINTYRE: From an engineering
9 standpoint was there any concern? This is a T
10 intersection, correct?

11 MR. JACOBSON: Yes.

12 CHAIRMAN MCINTYRE: Basically, when you review
13 this in the regular application, you will review this
14 for safety considerations. And if it isn't then
15 you'll make --

16 MR. JACOBSON: He may have to curve that in, I
17 know. Only recollection from the plan back four,
18 five years ago, whatever it was, this is one of the
19 things that we were looking to --

20 CHAIRMAN MCINTYRE: Straighten out.

21 MR. JACOBSON: -- straighten out.

22 CHAIRMAN MCINTYRE: So this is one of the
23 off-site modifications.

24 MR. JACOBSON: Correct.

25 MS. GALLICCHIO: Do you have -- are you looking

1 for the conventional one?

2 MR. JACOBSON: Yes.

3 MS. GALLICCHIO: I don't know if this is the
4 best one, but this is what I've got.

5 MR. JACOBSON: I don't see any lot numbers.

6 MS. GALLICCHIO: This is too small.

7 MS. NELSON: See these three X's, those are lots
8 that were eliminated. And one is 73 and one is 79.

9 MR. JACOBSON: That's the curve that we were
10 talking about.

11 CHAIRMAN MCINTYRE: They are not talking about
12 the entrance area. They are talking about this
13 curve. So that's an off-site improvement.

14 MR. JACOBSON: Yep.

15 CHAIRMAN MCINTYRE: Okay.

16 MR. JACOBSON: This is a frontage.

17 CHAIRMAN MCINTYRE: That's their frontage.

18 MR. JACOBSON: Because they own right out to
19 here.

20 CHAIRMAN MCINTYRE: This is the existing Ingham
21 Hill Road.

22 MR. JACOBSON: Correct.

23 CHAIRMAN MCINTYRE: Janis, what map do you have
24 now?

25 MS. ESTY: An old one. So --

1 CHAIRMAN MCINTYRE: Basically, what they are
2 saying is they own this property, and Mr. Hillson is
3 suggesting that they go across here and straighten
4 the bend out that's on this map, whatever map you're
5 looking at here. RKM-1, same thing. Oh, Volume I
6 revised. Okay. So we have three X's by 39 that show
7 where the road might possibly go, that it's doable.

8 MR. JACOBSON: I don't think he really got into
9 the specifics. It could also be done by putting a
10 larger radius curve on. It doesn't necessarily have
11 to cut right across.

12 CHAIRMAN MCINTYRE: What we are talking about is
13 basically we are not talking about this entranceway.
14 We are talking about down here, off-site improvements
15 that we are probably going to make modification that
16 the applicant look at the improvements.

17 MR. JACOBSON: It's not off site, because they
18 own this property.

19 CHAIRMAN MCINTYRE: It's on site, so we want to
20 recommend that they straighten that out as
21 Mr. Hillson says.

22 MR. HANES: What does that do to the existing
23 homes?

24 MR. JACOBSON: Nothing, really.

25 MR. HANES: You're blocking --

1 MR. JACOBSON: It really doesn't do anything,
2 because --

3 MS. GALLICCHIO: Because that part of the road
4 would stay there. Do you mean the people that are on
5 the road currently?

6 MR. HANES: Yes.

7 MR. JACOBSON: They own on both sides here,
8 don't they?

9 MS. GALLICCHIO: Over here are some homes.

10 MR. HANES: These houses.

11 MR. JACOBSON: It wouldn't affect them at all.

12 MR. HANES: This road goes directly across.

13 MR. JACOBSON: Not necessarily. Quite honestly,
14 from a practical standpoint, probably make this a
15 larger radius to make it a little safer. I mean
16 ideally it might be nice to go through, but I don't
17 think that's practical.

18 MR. HANES: You're not planning on changing this
19 T box.

20 MR. JACOBSON: It's possible during the final
21 design.

22 CHAIRMAN MCINTYRE: But this right now is
23 something you want the applicant to look at,
24 straightening that part of the road out using his
25 property.

1 MS. GALLICCHIO: That's correct.

2 CHAIRMAN MCINTYRE: Okay. So as it comes to --
3 we are in concurrence that the existing Ingham Hill
4 Road realigned at the north end across lot 73 and 79
5 as shown on the conventional subdivision plan to
6 limit the sharp curve on Ingham Hill Road as
7 suggested by Mr. Hillson. We support that.

8 MS. GALLICCHIO: Yes.

9 MR. HANES: Yes.

10 CHAIRMAN MCINTYRE: All right. Bike Path
11 Extension. A bike path shall be extended from the
12 one along Road A, along Road H, and alongside Ingham
13 Hill Road to [designate point of terminus.] [No
14 discussion yet about the bike path extensions
15 elsewhere, only Ingham Hill Road.]

16 MR. TIETJEN: That's wrong.

17 CHAIRMAN MCINTYRE: I would not think that
18 because of the existing conditions on Ingham Hill
19 Road wetlands, that you could actually really build a
20 bike path on Ingham Hill Road that would be safe.
21 You're going to have a hard enough time putting
22 cars -- not hard enough. You could design the cars
23 to make it safe for vehicle traffic, but pedestrian
24 traffic and bicycle paths I don't know. I think
25 it's --

1 MR. TIETJEN: How about -- weren't we going to
2 do that on 153? Weren't they going to do that on
3 153?

4 CHAIRMAN MCINTYRE: Who?

5 MR. TIETJEN: Have the -- I remember something
6 about going all the way to Route 95.

7 CHAIRMAN MCINTYRE: They were talking about
8 going from Road A and Road H will have bicycle paths
9 on them, built into them.

10 MR. TIETJEN: But not going down.

11 CHAIRMAN MCINTYRE: Not going down. I'm not
12 saying that. That's the question.

13 A bike path shall be extended from the one along
14 Road A, along Road H, and alongside Ingham Hill Road
15 to [designate point of terminus]. [No discussion yet
16 about bike path extensions elsewhere, only on Ingham
17 Hill Road.]

18 So somebody I guess during one of our
19 discussions talked about extending the bike path down
20 Ingham Hill Road.

21 MR. HANES: All the way.

22 CHAIRMAN MCINTYRE: And I questioned the sanity
23 in that, you know.

24 MS. GALLICCHIO: Well, I think no question it
25 would be difficult. It wouldn't necessarily have to

1 be right up against the road. I don't know how much
2 right-of-way is there, but it could be further in
3 separated from the road. But I think it would be
4 very difficult.

5 CHAIRMAN MCINTYRE: Very difficult.

6 MS. ESTY: Designated as a bike route, but you
7 don't need a path so much as you have signs to warn
8 cars it's a bike route. There's bikers on the road.
9 That is so tricky a road.

10 MS. GALLICCHIO: Did you say it's part of a bike
11 path?

12 MS. ESTY: No. They have signs saying bike
13 route, meaning bikers may be on the road.

14 MR. TIETJEN: Cyclists.

15 MS. ESTY: If you have Road H coming down and a
16 bike path is coming, I doubt people bike Ingham Hill
17 Road.

18 CHAIRMAN MCINTYRE: They bike everywhere.

19 MS. ESTY: I'm not saying you should put a bike
20 path there.

21 MS. GALLICCHIO: I really don't think we should
22 be encouraging biking on the road unless there is a
23 bike path at this point. I think it's a dangerous
24 road to bike on.

25 MS. ESTY: Bring it down. Where do they go if

1 they are biking? They are either going to go up
2 through there or come down there, unless it's just
3 for the residents that live in that area to bike
4 around that area.

5 CHAIRMAN MCINTYRE: People that are traversing
6 that area from Ingham Hill Road will have a safer
7 path once they get there.

8 MS. ESTY: If they survive the route up.

9 CHAIRMAN MCINTYRE: They do. I mean we see
10 bicyclists. You see them on Bokum; you see them on
11 West Palm Meadow; you see them all over different
12 roads. They take their lives in their hands.

13 MR. TIETJEN: Yeah, cyclists are like that. But
14 the thing was I thought the only thing the developer
15 has responsibility for is a bike path, if he has any,
16 to wherever, an intersection with Ingham Hill Road.
17 I don't think it's fair to ask him/them to make a
18 bike path all the way down Ingham Hill Road. Where
19 would you stop? Where would it be logical?

20 CHAIRMAN MCINTYRE: The only reason Mark wrote
21 this, because someone had mentioned that and
22 listening to the tapes and stuff. So I think what we
23 are defining now is that we are really not in
24 concurrence -- that we think it's good to put it
25 along A and H, but let's terminate it at the end of

1 H.

2 MR. TIETJEN: At Ingham Hill Road.

3 CHAIRMAN MCINTYRE: At Ingham Hill Road.

4 MR. JACOBSON: That was an issue that was
5 discussed at the board of selectmen's meeting about
6 the possibilities of continuing along Ingham Hill
7 Road.

8 MS. GALLICCHIO: That was in their report I
9 think, too.

10 CHAIRMAN MCINTYRE: Right. I mean if they could
11 do it safely, I would support it. I would have to
12 see some pretty good plans before I would support it,
13 plus I know the fact that other things we tried to do
14 along Ingham Hill Road wetlands get involved. You
15 are talking a lot of wetlands, and so --

16 MS. GALLICCHIO: There are a lot of stone walls
17 and a lot of curves.

18 CHAIRMAN MCINTYRE: It is a scenic road, so --

19 MR. TIETJEN: All the reason to bike.

20 CHAIRMAN MCINTYRE: That's why the cars -- you
21 make yourself a scenic road and one of the things,
22 when you become a scenic road, is you expect more
23 traffic, because it's on traffic -- because it says
24 hey, I'm a scenic road; come see me. So you expect
25 more traffic.

1 The Village Layout -- anyway, so everybody is in
2 agreement that the bike path should end at Road H
3 where it connects with Ingham Hill.

4 MR. TIETJEN: And at Road H?

5 CHAIRMAN MCINTYRE: End, E-N-D.

6 MR. TIETJEN: I thought you said Ingham Hill
7 Road.

8 CHAIRMAN MCINTYRE: Ending at the junction of
9 Road H and Ingham Hill Road.

10 MR. TIETJEN: That's not clear the way it's
11 stated here, but okay.

12 CHAIRMAN MCINTYRE: Chris, are you taking notes?

13 MS. NELSON: No, but Debbie is.

14 CHAIRMAN MCINTYRE: Okay. The Village Layout.
15 The commission finds the preliminary open space plan
16 [not discussed as yet, except Road H and the bike
17 path].

18 As far as the layout of the -- let's talk about
19 the village layout while we are here, because we are
20 going to go to a golf course. And that's going to
21 take a little bit of time if there's anything,
22 because we haven't discussed it at all. Does anybody
23 have real concerns about the village layouts?

24 MS. GALLICCHIO: I have a --

25 MR. TIETJEN: Yes.

1 MS. GALLICCHIO: -- question about -- this goes
2 to the private road in there. I don't really have a
3 problem with road I is it? Yeah, Road I. The
4 internal road of the village being private. I think
5 that people have access via Road H in that area. I'm
6 referring to the selectmen's thing of every road
7 being public. I don't really know if that's
8 necessary.

9 CHAIRMAN MCINTYRE: What I got out of that is
10 that the reason that the selectmen wanted every road
11 to be public is so that they have control of things
12 such as fire apparatus issues and school bus issues,
13 you know, picking up the kids that are going to be
14 going to school up there. So if you say -- if you
15 make this a private road, any private road, guess
16 what. School bus can't go up it. They don't go up
17 private roads. So --

18 MS. GALLICCHIO: Although, you know, they do in
19 Old Lyme.

20 MS. NELSON: That's the bus company's policy.

21 MS. GALLICCHIO: And there's postal service on
22 private roads in Old Lyme. So it's one of those
23 bizarre things.

24 MS. NELSON: The other consideration about
25 making roads private or public is access to

1 trailheads that are proposed.

2 MS. GALLICCHIO: That's a good point.

3 CHAIRMAN MCINTYRE: My opinion - and we might as
4 well address this now, too, being that's the first
5 thing we discussed in the context of the villages -
6 is if -- normally we don't make all roads public,
7 because we think -- the board of selectmen think they
8 don't want them public, because they don't want to
9 take on the responsibility of them, where in this
10 case they are saying yes, we want all the roads in
11 The Preserve to be made public.

12 MS. HOEY: Hold on a second.

13 (Tape is changed.)

14 MS. GALLICCHIO: That's what they said.

15 MS. HOEY: Okay.

16 CHAIRMAN MCINTYRE: Answer to Chris's question
17 the board of selectmen said they want all roads to be
18 made public in the letter from Mike Pace to me on
19 February 28 in the ownership, the board of selectmen,
20 and that's on page two. The board of selectmen
21 recommend that all roads be public roads to allow for
22 the ease and rights of all citizens who travel said
23 development.

24 From other meetings you attended did you think
25 that's not a totally true statement?

1 MS. NELSON: I remember the board of selectmen
2 certainly speaking about the through roads being
3 public. I think that's just consistent with other
4 subdivisions that we have approved before, that there
5 could be further consideration in making some of the
6 secondary roads that only serves residences and are
7 not, you know, part of a circulation system as
8 private.

9 CHAIRMAN MCINTYRE: Right. I don't want to try
10 and second guess him, so why don't we do this. I
11 have no problem with turning them all public, if
12 that's what the selectmen want to do. Why don't you
13 address this with the selectmen, Chris, to get
14 clarification on this.

15 MS. NELSON: The other thing is that -- not that
16 we should leave everything up to when we get a final
17 subdivision plan, but it's something that could be
18 looked at a little bit more closely in terms of the
19 circulation system when you get a subdivision plan.

20 CHAIRMAN MCINTYRE: Okay.

21 MS. GALLICCHIO: Because like H and I, but --

22 CHAIRMAN MCINTYRE: That's the back alley.

23 MS. GALLICCHIO: Back alleys.

24 CHAIRMAN MCINTYRE: They are alleys.

25 MS. GALLICCHIO: And then there's a one-way

1 street. These are kind of like glorified driveways,
2 really.

3 CHAIRMAN MCINTYRE: Yes. That was the intent,
4 not to have the parking on the street.

5 MS. GALLICCHIO: So that's why I say it seems
6 like certainly H, possibly I, but I don't think the
7 ones in between the buildings.

8 MR. JACOBSON: They aren't even identified as
9 roads on the road map.

10 CHAIRMAN MCINTYRE: I was just handed by Chris
11 Road Map RD, Road One Design Plan. On this plan it
12 shows that Road A is blue. The public roads are
13 blue. All the roads that are blue are public roads,
14 which the only time you run into private roads is
15 when you got into the village district, the villages.
16 The village roads remain private. And then there's
17 some green. I guess that's green. I think there was
18 one little green one over here somewhere.

19 MS. NELSON: But this is a dead end, a
20 cul-de-sac. So these might similarly be considered.

21 CHAIRMAN MCINTYRE: We questioned why this --
22 remember we did question why this was not blue.
23 Also, I think we wanted Road A to be blue because of
24 the radius. Remember the radius of the --

25 MS. NELSON: That or the width of that road was

1 absolutely minimum. I think it was 20.

2 CHAIRMAN MCINTYRE: Is that what the issue was?

3 MS. NELSON: Road B, the first one that comes
4 up.

5 MR. JACOBSON: In fact, I think it may have even
6 been 18 and the selectmen adjusted it to 20.

7 CHAIRMAN MCINTYRE: This could be something that
8 could be addressed without a doubt. We know we want
9 Road H to be public as a commission.

10 MS. NELSON: A and H.

11 CHAIRMAN MCINTYRE: What you're telling us is
12 later on during the other process the Road I and
13 Road --

14 MR. TIETJEN: Road I, yes.

15 CHAIRMAN MCINTYRE: What's that one?

16 MS. GALLICCHIO: I have to look at it.

17 CHAIRMAN MCINTYRE: The northernmost -- the
18 village district in the north.

19 MS. GALLICCHIO: I think it's L.

20 CHAIRMAN MCINTYRE: Road L.

21 MS. GALLICCHIO: No, D. D.

22 CHAIRMAN MCINTYRE: Road D in the village
23 district, in the northeast corner of the property,
24 that's all red in there, also.

25 MS. NELSON: It's a question of minimizing the

1 responsibility of the town.

2 CHAIRMAN MCINTYRE: So I think this ownership
3 statement is in error on this letter.

4 MS. NELSON: I think it's just not specific. It
5 meaning --

6 CHAIRMAN MCINTYRE: All means all.

7 MS. NELSON: Right. You're right. I take that
8 back.

9 CHAIRMAN MCINTYRE: All means all. So the
10 selectmen --

11 MS. NELSON: That's pretty specific.

12 CHAIRMAN MCINTYRE: So I think they need to --
13 if you know --

14 MS. GALLICCHIO: Clarify it.

15 CHAIRMAN MCINTYRE: Clarify it. If they want
16 them all, I have no problem with that, if that's what
17 they want.

18 MS. NELSON: All means all.

19 MR. HANES: I don't think they mean it.

20 CHAIRMAN MCINTYRE: I don't think they mean it.

21 MR. HANES: Back alleys.

22 MR. TIETJEN: We'll find out.

23 CHAIRMAN MCINTYRE: See the road map. See those
24 alleys are not considered. You notice that the roads
25 that run there are little roads.

1 MS. NELSON: I rather not refer it back to the
2 board of selectmen now that the public hearing is
3 closed. We had to go through so much rigmarole
4 getting their report by attorneys and redacted in the
5 past week or two.

6 CHAIRMAN MCINTYRE: I think it's permissible,
7 when you have a letter like this, to ask for
8 clarification. Ask Mark.

9 MS. GALLICCHIO: Check with the attorney.

10 CHAIRMAN MCINTYRE: Check with Mark. If he
11 doesn't think it's a big deal, do it. If he does --

12 MS. NELSON: If I ask for clarification, when
13 you say all which roads did you not mean?

14 CHAIRMAN MCINTYRE: They have to be specific to
15 us which roads you want.

16 MS. GALLICCHIO: Did you mean all, even the
17 unidentified or unlabeled roads?

18 MS. NELSON: What I'm saying I don't know that
19 you need to designate all that in this application.

20 CHAIRMAN MCINTYRE: This part.

21 MS. NELSON: Right.

22 CHAIRMAN MCINTYRE: We agree that where the
23 roads are are fine, but we don't have to agree that
24 they are public or private at this time other than
25 the one, Road H.

1 MS. NELSON: And A.

2 CHAIRMAN MCINTYRE: We want to make Road A and H
3 right now. And according to this road map, the other
4 ones are Road J and Road K are already public.

5 MS. NELSON: Right.

6 CHAIRMAN MCINTYRE: And Road E and Road D. So
7 we want -- so what do we say? Until we hear
8 otherwise from the board of selectmen, that we go
9 with what RD-0 states in that, other than the
10 exception of Road H?

11 MR. TIETJEN: I think I should be public. We
12 should note that somehow.

13 CHAIRMAN MCINTYRE: I don't know.

14 MR. HANES: Where is that?

15 MR. TIETJEN: Whether they agree with that or
16 not, that's too bad.

17 MS. GALLICCHIO: I would question -- also, I
18 think we need to think about the other part of Road D
19 that connects here with Road A just again for
20 circulation reasons. But that's -- you know, I'm
21 hoping that's something we can do in more detail.

22 CHAIRMAN MCINTYRE: That's what we are being
23 told, right, Chris, right now, that this is a
24 decision or something that can be discussed more in
25 the final application? It can be adjusted in the

1 final application.

2 MS. NELSON: Yes, for subdivision.

3 CHAIRMAN MCINTYRE: We are just giving specific
4 guidance to the developer right now that we do want
5 Road H as a public road and other things can change
6 later on. Because the road standards are going to
7 change or not, depending on how everything goes.

8 Whose map is this?

9 MR. JACOBSON: Mine.

10 MR. TIETJEN: Why not Road H -- I mean Road I?
11 I don't get it.

12 CHAIRMAN MCINTYRE: Because I myself --

13 MR. TIETJEN: We are talking about circulation I
14 thought.

15 CHAIRMAN MCINTYRE: All I'm saying is in the
16 selectmen's letter they said all roads. Prior to
17 receipt of this letter the commission looked at the
18 roads earlier, and we said that we wanted Road H as
19 a --

20 MS. GALLICCHIO: Connector road.

21 CHAIRMAN MCINTYRE: -- as a public road, and I'm
22 happy with that.

23 MR. TIETJEN: You're happy with it. I'm not.
24 So why not I? What's wrong with I that it
25 shouldn't --

1 CHAIRMAN MCINTYRE: The reason that --

2 MR. TIETJEN: It is a circulation road.

3 CHAIRMAN MCINTYRE: The reason I was in favor of
4 H being a public road is to give public access all
5 the way through the --

6 MR. HANES: Village.

7 CHAIRMAN MCINTYRE: The edge of the village. So
8 in other words, you have a complete T. It wasn't
9 like this road was shut off and the townspeople can't
10 have access through the whole village. It would be a
11 private road. Now we have the public can traverse
12 the entire subdivision. It's just like anywhere
13 else. The roads have private areas that come off of
14 public roads. This is a private road, cuts
15 everything off from everything else, including Ingham
16 Hill Road.

17 MR. TIETJEN: That still doesn't answer my
18 question about I, which seems to me to have the same
19 kind of validity, that it connects with A and also
20 would connect with -- look at it.

21 MS. GALLICCHIO: I had the same concern with the
22 section D that goes through a portion of the other
23 village, and Christine has said that that would be
24 appropriate for us to discuss further when we get
25 into the subdivision.

1 MR. TIETJEN: That's a lot of traffic. There
2 are a lot of houses there.

3 CHAIRMAN MCINTYRE: Right. But like I said, the
4 selectmen said all. We had that road map, but we are
5 going to make the decision during the final
6 decisions, other than Road H, during the -- if there
7 is a final application.

8 MR. TIETJEN: You're ruling out making any kind
9 of recommendation now about Road I.

10 CHAIRMAN MCINTYRE: You can make that
11 recommendation.

12 MR. TIETJEN: What?

13 CHAIRMAN MCINTYRE: You can make that
14 recommendation if -- but I don't know if you would
15 have to get consensus.

16 MR. TIETJEN: Presumably somebody is going to be
17 looking at this, meaning the selectmen, before the
18 application is finalized. I thought this was part of
19 the exercise here. We are discussing something that
20 they are interested in, the selectmen.

21 CHAIRMAN MCINTYRE: Right. You said before what
22 happens is once this application -- once we finish
23 with this process say -- I'm just going to throw this
24 out. Say there is approval, okay, then the only
25 thing that happens between now and the next time this

1 thing reconvenes is we are looking at the next
2 subdivision plans. And there will probably be
3 meetings between the developers and the engineers to
4 find behind the scenes stuff we don't know anything
5 about.

6 MR. TIETJEN: That's all right. You don't
7 understand. Forget it.

8 MR. HANES: If we get this word all defined,
9 there may not even be a question here. This might
10 be --

11 CHAIRMAN MCINTYRE: Could turn into all roads
12 are public.

13 MR. HANES: All roads could be public.

14 MR. TIETJEN: I expect that's going to happen
15 anyway. But if we are making a recommendation, why
16 not that other major road? But if that's -- if
17 you're not interested the hell with it. I'll just
18 wait.

19 CHAIRMAN MCINTYRE: You can and it will work
20 later. We can work on that later.

21 MR. TIETJEN: Okay.

22 CHAIRMAN MCINTYRE: Now, where are we at?

23 MS. GALLICCHIO: Village layout.

24 CHAIRMAN MCINTYRE: All right. It's 20 of 11.
25 How late does everybody want to go?

1 MS. GALLICCHIO: We have to go more.

2 MR. HANES: How much more do we have?

3 MS. NELSON: You're on page 13 of 15.

4 MS. GALLICCHIO: Then we have other issues that
5 people might want to bring up. I think we have to go
6 another hour.

7 CHAIRMAN MCINTYRE: Oh, boy. Let's see what we
8 can do. Normally we stop at 10:30. Nobody has any
9 problems continuing, correct?

10 MR. TIETJEN: No.

11 CHAIRMAN MCINTYRE: Okay.

12 MR. TIETJEN: You said we were going to talk
13 about the village layout.

14 CHAIRMAN MCINTYRE: We got off on roads, because
15 the roads would be an issue and were part of the
16 village. And I thought that would clarify things if
17 all -- be able to define them.

18 Anybody have other problems with layout of the
19 village as far as the issues of how the public land,
20 the public areas are laid out; how the people -- the
21 concept of how they are accessing their garages?
22 Rather than being out on the street, the cars,
23 everybody comes from the backside. All the garages
24 are on the backside of the houses.

25 MR. TIETJEN: Good.

1 CHAIRMAN MCINTYRE: So there's no real parking
2 on the main street other than for visitors.

3 MS. ESTY: I was going to say is that visitor
4 parking going to appear that it's a public street?

5 CHAIRMAN MCINTYRE: What?

6 MS. ESTY: They were going to have their public
7 parking, visitor parking on the public street.

8 MS. GALLICCHIO: Right.

9 CHAIRMAN MCINTYRE: Right.

10 MS. ESTY: Is that going to create a problem?

11 CHAIRMAN MCINTYRE: No more than on any other
12 public street. It's admissible to park on public
13 streets.

14 MS. ESTY: In other words, is the road going to
15 have to be wider?

16 CHAIRMAN MCINTYRE: I think --

17 MS. NELSON: It is.

18 CHAIRMAN MCINTYRE: The only thing the
19 difference would be that --

20 MS. ESTY: These little bump-out things.

21 MS. NELSON: Yes.

22 CHAIRMAN MCINTYRE: The difference between
23 public versus private is that on the public road we
24 have a say-so what happens on it. On the private
25 road the -- what do they call them, the --

1 MR. HANES: Association.

2 CHAIRMAN MCINTYRE: Associations have a say-so
3 on what they could say. No parking on the road after
4 ten o'clock.

5 MS. ESTY: I just wanted to make sure that
6 there's room to park.

7 CHAIRMAN MCINTYRE: I assume. I think the road
8 standards -- even the private road would have to meet
9 certain road standards being the development wants a
10 specific distance that you need, and it will be met
11 through engineering.

12 MR. TIETJEN: Having the alleys and so on.

13 MS. ESTY: There's bump-outs for parking.

14 CHAIRMAN MCINTYRE: Which bump-outs are you
15 talking about?

16 MS. ESTY: The ones on Road A across from the
17 village.

18 MS. GALLICCHIO: Here.

19 CHAIRMAN MCINTYRE: Okay.

20 MS. GALLICCHIO: It's all parking.

21 CHAIRMAN MCINTYRE: I didn't know that. Okay.
22 So does anybody have any other major problems with
23 the layout of the village?

24 MR. TIETJEN: Yes. It's too tight.

25 CHAIRMAN MCINTYRE: What?

1 MR. TIETJEN: Too tight. It's too crowded.
2 People haven't got enough room to breathe in that
3 place.

4 CHAIRMAN MCINTYRE: Diversity of housing.

5 MR. TIETJEN: What?

6 CHAIRMAN MCINTYRE: Diversity of housing. Some
7 people love to live like this. All I'm saying, Dick,
8 when the developer presented it to us, that was his
9 statement. This is the type of housing people are
10 looking for; these three distinct type of houses.
11 The estate, the small lots, and this clustering.

12 MR. TIETJEN: You don't have to defend them.

13 CHAIRMAN MCINTYRE: I'm not defending them. The
14 whole idea of this clustering -- this is the truest
15 form of clustering, and that's what we are looking
16 for.

17 MR. TIETJEN: It's not the only form of
18 clustering.

19 MS. GALLICCHIO: No. This is much more compact
20 than others in order to provide --

21 MR. TIETJEN: My reservations about it are --
22 reservation is that it is too compact. And
23 somebody -- maybe everybody in this building thinks
24 it's okay.

25 CHAIRMAN MCINTYRE: I won't live there.

1 MR. TIETJEN: I don't --

2 CHAIRMAN MCINTYRE: I'd never live there.

3 MR. TIETJEN: I know I'm spoiled. I live on a
4 yard where there's room for a garden and all of that
5 sort of stuff, and trees, and you name it. So I
6 think we are crowding people, and this is not a
7 commendable activity. I don't think that we have to
8 make it quite so tight. And not we, but the
9 developer, obviously. So that is my reservation
10 about this. You asked me and that's it.

11 CHAIRMAN MCINTYRE: I would say my opinion on
12 that is yes, we do want them, this type, because that
13 gives us more open space.

14 MR. TIETJEN: Not the type that I'm talking
15 about.

16 CHAIRMAN MCINTYRE: No.

17 MR. TIETJEN: I want it that tight to get more
18 open space. You want it tight --

19 CHAIRMAN MCINTYRE: If the developer's willing
20 to do this and he thinks it's marketable, I have no
21 problem with that.

22 MR. TIETJEN: Well, it's the planning
23 commission's function, seems to me, to criticize
24 things like this, and I'm doing it.

25 CHAIRMAN MCINTYRE: Right.

1 MR. TIETJEN: We are the planning commission,
2 not the developer. How many times have I had to say
3 that. But I'm -- that's my feeling about it. Now,
4 just take it or not. It's up to you.

5 CHAIRMAN MCINTYRE: All right. Any other
6 discussion about the village district?

7 MR. HANES: Yeah. My comment about parking. Is
8 there adequate parking behind those homes?

9 MS. GALLICCHIO: Two-car garage and a spot
10 behind each one.

11 MR. HANES: So you could get four cars per house
12 parking behind there.

13 MS. GALLICCHIO: Yes.

14 CHAIRMAN MCINTYRE: If you filled your garage
15 up, you could still park behind your house with junk.

16 MR. HANES: In other words, your driveway is a
17 car length. So you've got two cars in the garage and
18 two cars out in front.

19 MS. GALLICCHIO: That's how I read it.

20 CHAIRMAN MCINTYRE: Do you have your ruler? If
21 it's over 18-foot, we are all set; is that correct?

22 MR. JACOBSON: Eighteen-foot is the standard
23 stall length.

24 MS. GALLICCHIO: Unless they have your truck.

25 CHAIRMAN MCINTYRE: This little square right

1 here is your --

2 MS. GALLICCHIO: It's so tiny.

3 CHAIRMAN MCINTYRE: Geoff.

4 MS. GALLICCHIO: It's about 18.

5 CHAIRMAN MCINTYRE: Let Geoff verify that for

6 us.

7 MS. GALLICCHIO: If I'm looking at the wrong

8 scale, don't say it out loud.

9 CHAIRMAN MCINTYRE: One of those squares.

10 MR. JACOBSON: Where is the scale of the

11 drawing?

12 MS. GALLICCHIO: Hundred.

13 MR. JACOBSON: You have the right scale.

14 CHAIRMAN MCINTYRE: Say it out loud, please.

15 MR. JACOBSON: Judy has the right scale. It's

16 right about 18 feet, as close as you can square that.

17 CHAIRMAN MCINTYRE: Eighteen feet. So you have

18 four.

19 MR. HANES: They are all two-car garages.

20 MR. JACOBSON: It appears that way.

21 MS. GALLICCHIO: I'm sure that's what I read

22 today.

23 MR. JACOBSON: That's the way it scales.

24 MR. HANES: Overflow parking has room on the

25 front street where they could park.

1 MR. JACOBSON: The intent is where these
2 bump-outs are, that's parallel parking.

3 MR. TIETJEN: You have the alleys.

4 MR. JACOBSON: I'm not sure. You wouldn't be
5 able to park in the alleys. They are too narrow.

6 CHAIRMAN MCINTYRE: They never mentioned that,
7 just the driveway. Just the route to -- they are
8 actually driveways. I mean I don't know if they are
9 driveways.

10 MS. GALLICCHIO: I was going to say you
11 assume -- let's say two to three cars per family. So
12 you're going to have one space extra behind you
13 unless people fill up their garage with stuff for a
14 visitor, also.

15 CHAIRMAN MCINTYRE: Right. And there's going to
16 be rules and regulations about -- there would
17 definitely be no parking in here, and there would
18 probably be some issues there in the association's
19 language. And I don't know what this is. I don't
20 see any parking on this. Is this I?

21 MS. GALLICCHIO: That's I.

22 CHAIRMAN MCINTYRE: I don't see any parking
23 there. I would have -- they showed all these main
24 roads had parking; at least the depictions of it
25 showed that there would be.

1 MS. GALLICCHIO: Cars parking.

2 CHAIRMAN MCINTYRE: When we asked about it,
3 would there be cars, everybody was saying yeah. Not
4 on this road here.

5 MR. JACOBSON: I was just looking to see what
6 this shaded line was.

7 CHAIRMAN MCINTYRE: They also have it here, too,
8 whatever that is, okay.

9 MR. TIETJEN: Question for the engineer. Is
10 that -- do you have any idea from the scale of this
11 whether there's going to be a reasonably comfortable
12 turning radius for somebody getting into his garage
13 or parking his car? Off the main street of course.

14 MR. JACOBSON: I mean that's something typically
15 we would check at the next level. This is really
16 schematic, but that is stuff that we will check at
17 the next level, yeah.

18 MR. TIETJEN: Large cars with a turning radius
19 of 45 feet or something. That's why I wondered about
20 how much wiggle room there is there with somebody
21 with a car. That's the virtue of this system of
22 arranging garages and so forth. But if you can't get
23 into them --

24 MR. JACOBSON: Absolutely.

25 MR. TIETJEN: It would be pretty difficult,

1 especially if you own a truck like some people. It
2 might be tough. Some future city dweller.

3 MR. JACOBSON: Again, that's something we'll
4 have to look at at the next level of design. And
5 maybe what you state is --

6 MR. TIETJEN: You can't tell from this.

7 MR. JACOBSON: In addition to the -- a two-car
8 garage, there shall be sufficient room to park
9 vehicles in front of each garage bay without
10 encroaching into the travelway or whatever. I mean
11 it appears that that's what they have attempted to do
12 here, but you can't really verify turning movements
13 with a 100-scale drawing very easily.

14 CHAIRMAN MCINTYRE: Okay. All right. Any other
15 issues on the village district that we have to --

16 MR. TIETJEN: I can't think of one, another one.

17 CHAIRMAN MCINTYRE: Like I said, we had the
18 parking issue; the green areas for the public. I
19 like the village district. I have no problem with
20 it.

21 MS. GALLICCHIO: No, I don't.

22 MR. HANES: I would go along with it.

23 CHAIRMAN MCINTYRE: Let's move out of that then.
24 Let's go for the golf course. That's next on the
25 list. Golf Course Design. The commission declines

1 to dictate particular changes that are to be made in
2 the golf course design and instead to focus on
3 performance standards and require that a revised
4 design must -- revised design must meet. These
5 include the following:

6 Hole number 11 shall be rerouted so that it does
7 not cross any portion of Pequot Swamp and all of
8 Pequot Swamp shall be included in publicly-owned open
9 space.

10 Eleven holes -- number two. Holes 10 and 18
11 must be reconfigured to create a 100-foot undisturbed
12 buffer on the east side of Pequot Swamp.

13 Okay. And that's the two that we discussed last
14 time. Those are the two major ones.

15 MR. TIETJEN: I thought we talked in terms of
16 moving that part of the golf course elsewhere.

17 MS. GALLICCHIO: Right.

18 CHAIRMAN MCINTYRE: We discussed it.

19 MS. GALLICCHIO: Reconfigured, rerouted.

20 CHAIRMAN MCINTYRE: But these are the things
21 that we came up with as definite ideas that the
22 applicant can act upon.

23 And now going back -- let's go back to the page
24 where it says the preliminary open space plan.

25 B. The Golf Course Design Considered in Light

1 of the Goals of an Open Space Subdivision. It
2 recommends buffers for 18. The current plan involves
3 extensive (sic) fragmentation of habitat areas.
4 While some fragmentation may be unavoidable in any
5 form of development, this design can and should be
6 modified to reduce that fragmentation.

7 So we want to tell them to add that to the
8 design, which I think they tried to do. The design
9 of the golf course must be driven by the goals of
10 Section 56 and not the other way around. It requires
11 fairways to cross significant wetland areas,
12 including Pequot Swamp. That's why hole 11 was
13 mentioned.

14 And the next one was: The golf course plan does
15 not adequately address the safety of adjoining
16 dwellings or the wildlife that exists along the
17 fringes of the golf course.

18 You know what we can do is basically tell them
19 to address those issues, because until you have a
20 design -- tell them we are not overly happy with the
21 golf course design. We don't have a problem with the
22 golf course; it's the design.

23 MR. TIETJEN: One of the questions is safety.

24 CHAIRMAN MCINTYRE: Without having a specific
25 plan, we tell them that we want some layouts. Get

1 away from hole 18 and whatever the other hole is.

2 MS. GOODFRIEND: Mr. Chairman, could I interject
3 three points for the commission to discuss --

4 CHAIRMAN MCINTYRE: Sure.

5 MS. GOODFRIEND: -- relative to the findings
6 that Attorney Branse wrote and then how those
7 findings relate to the final review letter by Rich
8 Snarski, myself, and Mr. Jacobson, which just to
9 remind you that this was a summary of our previous
10 review letters. So if you wanted more information
11 about what's in this review, there's no new
12 information. It's all summary from previous letters.

13 But the three points I discovered -- Rich and I
14 discovered for your discussion would be, in addition
15 to one and two, would be preserving additional open
16 space on the west side of Pequot Swamp, which is a
17 large number of holes, but specifically 14, 15, 13,
18 and 12. The second would be looking at vernal pool
19 18 and golf hole number seven, which is on the far
20 east side of the property. Preserving connectivity
21 of the swamp and 100-foot undisturbed buffer.

22 And then lastly, the issue of clearing in and
23 over vernal pools. Do you want an undisturbed
24 100-foot buffer as we recommended? Do you want them
25 not to clear over vernal pools for the golf course?

1 So Mr. Branse picked up on two of the items. I
2 identified three more that really are consistent with
3 his findings but not expressed in the modifications.
4 And you had a good one, which is the signage, which I
5 don't think anyone else thought of, which should be
6 added. There should be signs.

7 CHAIRMAN MCINTYRE: My problem with the golf
8 course and the wetlands issue is that I believe the
9 golf course and the wetlands issue should be left at
10 the wetlands commission. A lot of things that we
11 discussed and were saying here that we are applying
12 to the application goal above. And I don't
13 understand what I would think that the wetlands
14 commission would actually require of the applicant.
15 There are certain things that do make a lot of good
16 sense about Pequot Swamp, hole 11, not shooting golf
17 balls directly over it, west side having -- I think
18 it was part of Judy --

19 MS. GALLICCHIO: East side.

20 CHAIRMAN MCINTYRE: West side, too.

21 MS. GOODFRIEND: You had the discussion about
22 both the east side and the west side.

23 CHAIRMAN MCINTYRE: Right. Because it is the
24 Pequot Swamp. You would want an additional 100-foot
25 all the way around it; is that what you're saying?

1 Basically from the east side to the west side.

2 MS. GOODFRIEND: We were.

3 MR. TIETJEN: Yes.

4 MS. GOODFRIEND: Commission evaluates whether as
5 open space not necessarily for protection of
6 wetlands, but as valuable contiguous open space. You
7 would like to see additional contiguous open space on
8 the west side attaching to Pequot Swamp. We feel
9 this is a hot area for natural resource protection as
10 well as -- and Rich can speak to this. This vernal
11 pool 18 is an incredible resource.

12 This one last point is some of the things you're
13 doing is going to ask the golf course to reconfigure.
14 And so I think if you wanted to protect vernal pool
15 18, you should state it now so that the applicant
16 doesn't reconfigure, come back to you and then you
17 say well, yeah, but you put it back to vernal pool
18 18. We care about that.

19 MS. ESTY: That basically was a lot of my
20 concern. Maple Swamp, they call it White Oak Swamp.

21 CHAIRMAN MCINTYRE: Eighteen.

22 MS. GOODFRIEND: Vernal pool 18 is here and the
23 west side of the swamp is there.

24 MS. ESTY: When you look at Red Maple Swamp,
25 this is rounded by the golf course right on top of

1 it, seven, and vernal pool 18.

2 CHAIRMAN MCINTYRE: But is this the vernal pool
3 18? I don't see -- if there's this 100-foot, what's
4 the distance right here between the edge of the
5 fairway and the edge of the vernal pool?

6 MS. GOODFRIEND: I believe that this dotted
7 line -- we are looking at graphic plate two that came
8 with our final report. I believe that this dotted
9 line is the 100-foot buffer.

10 CHAIRMAN MCINTYRE: So this right here goes
11 right along the edge right there like that.

12 MS. GOODFRIEND: Correct.

13 CHAIRMAN MCINTYRE: I don't know what made this
14 go this way.

15 MS. GOODFRIEND: Because this is interconnected,
16 I believe, unless there's a trail. We have to look
17 on a different map. I think that's a stream
18 connector between the two.

19 MR. SNARSKI: The vernal pool -- focus on that a
20 lot, vernal pool 18. I've never seen a vernal pool
21 that highly productive, so many egg masses in there
22 and information provided at the hearings. Some very
23 recent research had just come out that was presented.

24 CHAIRMAN MCINTYRE: It was presented at the
25 public hearing.

1 MR. SNARSKI: Yes. From one of the -- Logan.
2 We looked up the recent article, and it was the first
3 scientific evidence that showed that amphibians have
4 a problem crossing pastures and open fairways. So
5 since this is such a hot resource, such a highly
6 productive vernal pool, putting -- clearing land that
7 close to it, amphibians, wood frogs need that swamp.
8 They have to cross over that fairway to get to the
9 swamp. Just felt with a highly productive resource
10 right there, there shouldn't be a fairway separating
11 it from that swamp. The amphibians have to try to
12 cross that fairway, when there's information out
13 there that that is going to impede them from the
14 testimony that was presented.

15 CHAIRMAN MCINTYRE: So what you're basically
16 saying is that if -- I'm just looking. If you were
17 to reconfigure hole -- is this seven? I guess it's
18 seven. Rather than have it run parallel with the Red
19 Maple Swamp, if you ran it in this area right here,
20 what's over here, anything of value?

21 MR. SNARSKI: We weren't trying to get into
22 reconfiguring, but if you cross over possibly before
23 that White Neck Swamp is a possibility, but we didn't
24 want to be golf course architects.

25 CHAIRMAN MCINTYRE: Neither do I. The thing is

1 we got to keep --

2 MR. SNARSKI: There was a possibility of
3 crossing it, bring this hole up here and coming
4 across here in one of their previous review letters.

5 CHAIRMAN MCINTYRE: What's this land over here?

6 MR. SNARSKI: That's the conservation.

7 MS. GOODFRIEND: It could be reworked.

8 CHAIRMAN MCINTYRE: If this hole was swung into
9 here, this open area here, what you're talking about
10 is this little space right here.

11 MR. SNARSKI: Yes.

12 MS. GOODFRIEND: But there has to be -- and this
13 is where it gets difficult. There has to be an
14 appropriate width of a buffer. It can't just be
15 25-foot of forest.

16 CHAIRMAN MCINTYRE: What I'm asking you if I
17 took -- I'm the architect, okay. I'm going to pop
18 this footprint out, pull it out of there. I'm going
19 to take it, turn it, and run it this way.

20 MS. GOODFRIEND: It would be our opinion that
21 that would better protect that vernal pool as long as
22 it remains outside of the 100-foot buffer,
23 100-foot --

24 CHAIRMAN MCINTYRE: Right, right.

25 MS. GOODFRIEND: -- 100-foot vernal pool

1 envelope. If a cleared area was not between that
2 vernal pool and the Maple Swamp, it would better
3 protect the natural resources.

4 CHAIRMAN MCINTYRE: Okay. I would be in favor
5 of it -- you know, to take these one at a time, that
6 when we make a recommendation that the applicant look
7 at reconfiguring hole number seven so that it does
8 not in any way intrude between the vernal pool number
9 18 and the Red Maple Swamp, and that they could
10 possibly look at a location further to the --

11 MS. GOODFRIEND: North.

12 CHAIRMAN MCINTYRE: -- northeast and realign
13 that hole further to the northeast. There's a frog
14 migration.

15 MS. GOODFRIEND: Amphibian passage.

16 CHAIRMAN MCINTYRE: Amphibian passage.

17 MS. GOODFRIEND: And it's really connectivity
18 importance.

19 CHAIRMAN MCINTYRE: What's the next one that you
20 had?

21 MS. GOODFRIEND: Let's see. The next issue
22 that's in one location would be the commission had
23 active discussion on the preserving additional open
24 space on the west side of Pequot Swamp. There are a
25 large number of holes kind of wrapping around that

1 side of Pequot Swamp. And there's some really highly
2 productive vernal pools in that whole corridor;
3 species like ribbon snake were identified as using
4 that area. So we feel that's more valuable open
5 space than potentially somewhere else. We are not
6 saying that it has to be added to the open space, but
7 I would see it -- I think Rich and I both see it as
8 more valuable open space than some other areas on the
9 property. We're not asking them for more, just
10 saying that that might be a higher value.

11 CHAIRMAN MCINTYRE: What do you think about
12 this, if there was giving more -- the dynamics of
13 this development include the golf course. And we
14 made conclusions that it's -- the commission has --
15 that this golf course in itself is somewhat more --
16 it's a better ability to regulate the use of the land
17 by being an ownership of the golf course versus that
18 of individual private dwellings being down in there.
19 So it's imperative that we shift the golf course --
20 don't make it impractical to build a golf course. So
21 my question to you is that would saying providing a
22 100-foot buffer of nonconstruction all the way around
23 Pequot Swamp, and I think you could say -- I think
24 that's what a ribbon snake is, too.

25 MS. GOODFRIEND: The 100-foot buffer will

1 preserve the water quality -- most likely preserve
2 most of the water quality for Pequot Swamp so that
3 construction wouldn't impact the swamp with sediments
4 from erosion, which happens no matter how good you
5 are on site. It would help preserve some of the
6 thermal impacts of clearing and et cetera, if there's
7 tall trees around the swamp, so it would do that.
8 But what the 100-foot buffer won't do is connect that
9 swamp to any significant real contiguous uncleared,
10 undisturbed area. So it would protect the swamp
11 maybe in its isolation, but it won't really make --
12 give you a real lasting effect on that ecosystem at
13 the higher level of just the swamp itself --

14 CHAIRMAN MCINTYRE: Right.

15 MS. GOODFRIEND: -- which I think is important.
16 I would hope that there could be a trade somewhere;
17 an open space of lower natural resource value for
18 this area that I think is of higher natural resource
19 value. And I can't tell the applicant where that is.
20 It's up to them to push and shove.

21 CHAIRMAN MCINTYRE: That's the problem I'm
22 having.

23 MS. GOODFRIEND: Right. And we had made a
24 recommendation that -- we picked a number of 100
25 feet. And it was somewhat arbitrary, but the concept

1 was just to get you to start thinking about having
2 some amount of undisturbed land.

3 CHAIRMAN MCINTYRE: So basically, the further
4 west we could move these particular holes -- we made
5 a recommendation to the Bapkin (phonetically) review
6 their golf course setting and move it as far west as
7 possible with a minimum of 100-foot buffer.

8 MR. SNARSKI: The 100-foot buffer is the most
9 important around.

10 CHAIRMAN MCINTYRE: Anything after that is
11 gravy.

12 MR. SNARSKI: Yes. Some open space.

13 CHAIRMAN MCINTYRE: Well --

14 MR. SNARSKI: If Pequot Swamp was just ringed
15 with a 100-foot buffer clearing, it would ruin the
16 wildlife.

17 CHAIRMAN MCINTYRE: I understand.

18 MR. SNARSKI: What you do beyond -- I understand
19 the predicament, but a 100-foot buffer is needed
20 around the Pequot Swamp.

21 CHAIRMAN MCINTYRE: That would be your minimum
22 suggestion and maximum is to move it at least 400
23 feet away.

24 MS. GOODFRIEND: Just made sense with the lay of
25 the land, that's all.

1 CHAIRMAN MCINTYRE: Gives the applicant
2 something to shoot at, you know.

3 MS. GOODFRIEND: The distance we were trying --

4 MR. SNARSKI: Eastern side was going to be
5 developed with the houses. We were trying to
6 preserve some woodland habitat on the western side.
7 And once you're beyond the 100 feet, whether 400,
8 600 feet, it's a hard thing to qualify when it comes
9 down to wildlife aspect. But preserving some is
10 good, but unfortunately, you know, you can't really
11 come out and say exact distance beyond the 100. I'm
12 sorry.

13 CHAIRMAN MCINTYRE: Okay. Janis.

14 MS. ESTY: I think there should definitely be a
15 100-foot buffer.

16 CHAIRMAN MCINTYRE: So do we want to make a
17 recommendation that there be -- around the entire
18 Pequot Swamp there be at least a 100-foot buffer
19 around the entire without -- of undisturbed land and
20 have the applicant address the issue of the holes
21 that are west of Pequot Swamp, to move them further
22 west as possible and be --

23 MR. TIETJEN: Yes.

24 MS. GOODFRIEND: And I think you could add that
25 on or Mark could add on the Pequot Swamp is in the

1 open space and the buffer is in the open space.

2 CHAIRMAN MCINTYRE: Being there are compromises
3 most of us have to do in our daily life, one of the
4 things we are pushing -- once again, it's one of
5 these envelope things that we keep doing is that if
6 you look to the west of the golf course now, that's
7 Old Ingham Hill. That's the Ingham Hill Homestead.
8 So that may be a limiting factor in the movement of
9 that; the golf course to the west. If it is then
10 maybe -- what I'm saying all these holes would have
11 to go this way. So you may end up with an issue with
12 Ingham Hill or -- I don't remember what this is all
13 out here, but I'll leave it to the applicant to do
14 that. We highly recommend that everything be moved
15 to the west to the best of their abilities, and
16 they'll have to convince us that they did during the
17 actual application. If we are not convinced that
18 they did every effort that they can do, we can
19 request them to do it better, correct?

20 MS. NELSON: Yeah. I have some concerns about
21 this is -- these are modifications of the conceptual
22 plan rather than postponement of construction details
23 and standards that would come in under a subdivision
24 plan. This is like real basic where do you preserve
25 and where do you develop. And it's really the

1 subject of the application that's in front of you.

2 So there's a point at which you're asking the
3 applicant to -- you're conditioning your approval on
4 them meeting -- you know how lots of times with
5 subdivisions we say fix that to the satisfaction of
6 the town planner or the town engineer, and it's very
7 limited in scope. You're -- in a lot of ways you're
8 asking the applicant to come back with modifications
9 of the whole plan. And so this is something that you
10 might actually -- this is a line at which you might
11 say that the application is deficient in meeting the
12 purposes of conservation.

13 I think these are very significant
14 modifications. I'm not saying they are not valid,
15 but I'm saying you're treading on -- you're walking a
16 fine line between simple, defined modifications and
17 really, you know, asking the applicant to come back
18 with a different plan.

19 MR. TIETJEN: With a what?

20 MS. NELSON: With a different plan.

21 MR. TIETJEN: That's sort of different if it
22 isn't the same map.

23 CHAIRMAN MCINTYRE: If we went ahead and just
24 said 100-foot around Pequot Swamp, that might not be
25 an issue -- bigger issue, say move everything to the

1 west as far as you can.

2 MS. NELSON: There's only so much --

3 MS. HOEY: Hang on a second.

4 MS. NELSON: Go ahead.

5 (Tape is changed.)

6 MS. NELSON: There's only so much you want to
7 condition your approval on, because it's out of your
8 hands. You're not -- you can't have discussion with
9 the applicant. They are guessing at what you want.
10 You don't have a back and forth. You can't route it
11 through staff, because that's not fair to the
12 intervenors and the public and it's not really fair
13 to you either, because at 11:00 at night you're
14 making your one crack at what you want the applicant
15 to satisfy after approval. And they need very
16 specific direction to bring back an application that
17 meets the conditions of your approval.

18 So I think postponing some subdivision
19 improvements for when application is made later for
20 subdivision is fine, but these are really basic
21 concepts of conservation and development that are
22 inherent to the application for special exception for
23 open space subdivision.

24 MS. GOODFRIEND: So is it fair to say, from what
25 Christine said, if you would say we would like you to

1 move your golf course to the far west, you're
2 actually asking the applicant to do a little bit of
3 your work, which is to decide where to conserve might
4 be better, just to say we want to conserve this land.

5 CHAIRMAN MCINTYRE: I think what Christine is
6 saying is that if -- when you get too -- if you get
7 too aggressive in what you want to change, there
8 comes a point where there's modifications and there's
9 excessive modifications. Once you get to -- if you
10 have -- you can have 25 little major modifications or
11 one big modification, which would mean that -- like
12 she's saying you don't know if the developer could do
13 that. We are saying we make a modification, saying
14 we want you to move it to the west, but if they can't
15 then what happens?

16 MS. NELSON: What you're trying to do is be very
17 general, because you're trying to accommodate the
18 applicant's vision and the fact that there are all
19 kinds of design constraints that you don't know
20 about.

21 CHAIRMAN MCINTYRE: Right.

22 MS. NELSON: You've got all the zoning
23 regulations that they have attempted to meet, because
24 they have all kinds of applications down the line.
25 There are all kinds of setbacks in the regulations

1 for private country club. There are, you know, other
2 wetlands laws and so forth. And it would be
3 impossible to get what all those constraints are,
4 that they have found a balance in in this particular
5 configuration.

6 CHAIRMAN MCINTYRE: Right.

7 MS. NELSON: You're looking at it from an
8 environmental perspective, but you don't know
9 necessarily what led them to this exact layout. We
10 can't guess.

11 MS. GALLICCHIO: But I think that's what we were
12 talking about at the last two weeks ago meeting, that
13 rather than be able to look at one part of it and say
14 yes and another part and say no, we really need to
15 look at the whole thing step by step and then stand
16 back and say now what does this show us? Is it
17 doable or is it not doable? Do we have so many
18 modifications that it makes it inappropriate to
19 accept something with that many modifications,
20 because it's in essence destroying the integrity of
21 the plan or are the modifications things that are --
22 I don't mean to say small enough, because that's not
23 the right word, but minimally invasive in terms of
24 the plan so that it can still function?

25 CHAIRMAN MCINTYRE: Because I'm looking right

1 now -- I just eyeballed that 100-foot. You have very
2 little of the golf course. Actually, there's a
3 little bit. This is hole 11, which now hole 11 --

4 MR. JACOBSON: That's the one going over the
5 swamp that you said to relocate.

6 CHAIRMAN MCINTYRE: The changing of one hole is
7 not that significant as changing ten holes or five
8 holes.

9 MS. NELSON: It depends. We don't know all the
10 elements of golf course design. There might be a
11 minimum width, you know, at a certain angle, at a
12 particular grade that --

13 MS. GALLICCHIO: But I think there needs -- I
14 think we need to look at conservation. We have said
15 it has to be the driving force in a Conservation C
16 District in an open space subdivision. That's got to
17 be the most important thing we look at. And I think
18 we are kind of hearing some of this now that we
19 should have really focused more on two weeks ago, but
20 we got off into other tangents. And I know I was
21 probably the worst culprit, but I think we need to
22 hear all of the recommendations and more focusing on
23 kind of the policy behind the -- you know, if we
24 could say things like that there's got -- there ought
25 to be X amount of space between this and this to be

1 consistent. I don't know. Maybe -- I don't know if
2 that would help.

3 CHAIRMAN MCINTYRE: I understand what both
4 party -- what Christine is saying and what Wendy is
5 saying and -- but, you know, my -- the way I'm
6 looking at this yes, conservation is important.
7 That's why we did this. But conservation isn't the
8 only force.

9 MS. GALLICCHIO: Right.

10 CHAIRMAN MCINTYRE: Right. That I think -- I
11 don't ever remember saying that conserve -- just
12 because there's a Conservation C District, that
13 conservation is the most important part. I would
14 have thought that everything is of equal value.
15 That's always the way I've thought, that everything
16 should be considered equal value. You know, what
17 this brings to the table for the town, what it -- as
18 far as housing and all that. All that's important,
19 too. And I keep getting onto this thing about
20 knowing about this golf course that -- like leaving
21 it to the wetlands to make decisions on it. That's
22 not right, because now during the final stages the
23 wetlands commission will have review of the golf
24 course, correct? We will have no say-so in the golf
25 course whatever.

1 MS. GOODFRIEND: Let me remind you that the
2 wetlands jurisdiction, as you well know, is over
3 impact to wetlands or wetlands -- certain species in
4 the wetlands. So they can say I have this huge
5 resource, Pequot Swamp. Seven has a lot of wildlife
6 that uses it. So now I need to protect a lot of
7 undisturbed open space around it. They don't have
8 that kind of jurisdiction.

9 CHAIRMAN MCINTYRE: But what gives us that much
10 authority that we can?

11 MS. NELSON: Because you're the planning
12 commission.

13 CHAIRMAN MCINTYRE: All right.

14 MS. GALLICCHIO: Because the purpose of the
15 Conservation C District --

16 MS. NELSON: You're the big picture people.

17 CHAIRMAN MCINTYRE: I wanted to make sure when
18 we are doing this that everyone fully understands why
19 we are doing what we are doing and that the -- but
20 what -- our decision is going to weigh heavily on
21 what happens here as far as deferralment or not --

22 MS. NELSON: Yes.

23 CHAIRMAN MCINTYRE: -- or it comes back. And we
24 have had some major concerns about why the golf
25 course would be better than other things. I mean

1 that's part of it why it's located in this position.
2 We know that the upland is more favorable to housing,
3 and I would rather have the housing on the upland
4 than the housing down in here.

5 MS. ESTY: Maybe if we look at this we are not
6 gaining that much. If you look at the open space
7 concept without the golf course in it, you're only
8 losing a small percentage more with the more houses,
9 but you would have more continuity in your open
10 space, is less fragmented without the golf course.

11 CHAIRMAN MCINTYRE: But the reality of the thing
12 is without this golf course you're not going to
13 have -- the development would change totally, be
14 it -- you know, don't forget our subdivision
15 regulations call for 50 acres and things can be
16 broken up. I'm just saying when you're looking at
17 this, that the concept of this not being -- being
18 left as undisturbed is not totally on the plate.

19 MS. ESTY: I was looking at -- even with those
20 additional houses that they proposed without the golf
21 course, you still have more connectivity in your open
22 space than you do with the golf course.

23 CHAIRMAN MCINTYRE: I don't know if I agree with
24 that.

25 MS. GOODFRIEND: The large exhibit books have

1 areas of disturbance with and without a golf course.
2 It does actually. You could look and see.

3 CHAIRMAN MCINTYRE: But nobody's going to build
4 that.

5 MS. GOODFRIEND: I don't know. It was an
6 alternative presented by the applicant.

7 CHAIRMAN MCINTYRE: Because we had to see that
8 as a design review.

9 MS. GOODFRIEND: But it was a review in our
10 opinion has more contiguous open space.

11 CHAIRMAN MCINTYRE: But it was a conventional
12 subdivision.

13 MS. GOODFRIEND: No. It was open space without
14 a golf course. It was January 9 or --

15 CHAIRMAN MCINTYRE: Every one of them has houses
16 on the back of Pequot Swamp.

17 MS. NELSON: Are you sure you're not talking
18 about the Connecticut Fund for the Environment?

19 MS. GOODFRIEND: Yes. I'm not talking about it.
20 So I'm looking at open space subdivision, half acre
21 minimum lot size. It's in the January 6, 2005
22 presentation of exhibits. And it does show a very
23 large area of contiguous open space to the west of
24 Pequot Swamp. But it does show houses onto the west
25 of Pequot Swamp with a village setting, but it is an

1 alternative provided by the applicant that shows more
2 continuity of open space. Yes, there are some
3 trade-offs. The east side of the property has more
4 impact, but the west side of the property around
5 Pequot Swamp has a very large tract of conserved
6 contiguous forest in this plan. So it's always a
7 trade-off, but it is an alternative that --

8 CHAIRMAN MCINTYRE: Okay. Now that we have all
9 of that on our plate.

10 MS. GOODFRIEND: I still like the signs if you
11 have a golf course.

12 CHAIRMAN MCINTYRE: You spoke your piece and
13 that was great.

14 MS. GALLICCHIO: You laughed when I said another
15 hour.

16 CHAIRMAN MCINTYRE: I knew you were right, Judy,
17 but I didn't want you to be.

18 I don't know. I like the design with the golf
19 course and I don't want to see that not happen. I
20 prefer it with the golf course. I think that within
21 the basic regulation that, as is in these statements
22 that we have taken into consideration, that we know
23 that we are not going to have -- we are not going to
24 be able to save everything in a development, in any
25 development. I guess as Mark puts it the commission

1 finds that the applicant does not protect, but the
2 commission does not in Section 56.2.3 as requiring
3 that, which everyone would have to agree on. And
4 that's what Wendy is putting on the table, that they
5 have some concerns about that area. Now we have to
6 make some decisions. We only have tonight and next
7 week.

8 MS. ESTY: But our proposed changes you said
9 earlier may be too dramatic for this.

10 CHAIRMAN MCINTYRE: Chris has alluded that if in
11 fact we make these major changes, that it would be
12 probably that you would have to deny the application
13 and tell them to come back with another application.

14 MS. NELSON: Why don't you list all the
15 modifications that you could think of that would
16 address your concerns and then ask Mark to give you
17 some guidance in how far is --

18 MR. TIETJEN: What's the tipping point.

19 MS. NELSON: Yes.

20 CHAIRMAN MCINTYRE: My main modification is that
21 100-foot buffer all around Pequot Swamp, and then
22 the -- you know, they would have to adjust the holes
23 according to that.

24 MR. HANES: What about the comments regarding
25 the vernal pool 12, is that a serious consideration?

1 MR. JACOBSON: It was 18.

2 CHAIRMAN MCINTYRE: It's impacted, but now
3 vernal pool 18, what's the relationship between
4 vernal pool 18 and vernal pool 12 as far as
5 productivity?

6 MS. GOODFRIEND: Hold on.

7 MR. SNARSKI: Vernal pool 18.

8 CHAIRMAN MCINTYRE: That's the one you said with
9 the frogs.

10 MR. SNARSKI: That's the most productive.

11 CHAIRMAN MCINTYRE: What's vernal pool 12?

12 MR. SNARSKI: Vernal pool 12 is not nearly as
13 productive.

14 CHAIRMAN MCINTYRE: It's still got the 100-foot
15 buffer. Basically, you got just one part of 11 into
16 the 100-foot and then that's about it.

17 MR. HANES: I guess my reason for bringing that
18 up is because you're going to have to move all your
19 golf course further over, and I'm wondering if you're
20 going to impact that, if that's a major
21 consideration.

22 CHAIRMAN MCINTYRE: I think you could probably
23 cut back on your golf -- the areas -- if you look at
24 the map and you see around -- 100-foot around other
25 than hole number -- is this a hole 17? Yeah. And I

1 can't really tell where that -- because it gets
2 green. This looks like 17 comes almost right up to
3 the -- here's 100-foot line and then I lose it. It
4 goes way up here. Actually, you get a vernal pool
5 here again and it kind of goes back into it. Right
6 now I'm not in favor of any major changes to that
7 area then, other than maybe, you know -- I think
8 Chris has kind of hit it on the -- nail on the head.
9 Every time we move something we are going to affect
10 something else. So either we like this or we don't.

11 MS. GALLICCHIO: Well, I don't think it's that
12 black and white. We have modifications.

13 CHAIRMAN MCINTYRE: But what I'm saying is if
14 you go too far -- like to me everybody has always
15 said everybody agreed that no development is the best
16 thing, but that's not what we are faced with.

17 MS. GALLICCHIO: No.

18 CHAIRMAN MCINTYRE: We are faced with this plan
19 right here in front of us. And for various reasons
20 that were given by the applicant and the opponents,
21 the intervenors of this project, there's different
22 things that we are taking into consideration. So if
23 you like this plan, then you've got to make sure you
24 don't make any -- you know, in general I guess you
25 got to make sure you don't make so many adjustments

1 to it.

2 MR. TIETJEN: You destroy it.

3 CHAIRMAN MCINTYRE: It's a total redesign. But
4 if you don't like it and you think a total redesign
5 is needed, that's what needs to happen. Right now
6 this is the make or break thing that either right
7 now, because we could spend another -- there's
8 nothing else that we need to discuss other than to
9 get over this hump. If we don't get over this hump,
10 then the whole thing is dead.

11 MR. HANES: Why don't we go with the
12 recommendations that Mark came up with for the golf
13 course design and add one further one is the 100-foot
14 undisturbed buffer on the west side of Pequot Swamp.
15 He's got the hole 11 being rerouted so it does not
16 cross any portion of Pequot Swamp. Holes 10 and 18
17 must be reconfigured to create the 100-foot
18 undisturbed buffer on the east side of Pequot Swamp,
19 and I guess the other one we want is vernal pool 18.

20 CHAIRMAN MCINTYRE: I think hole number seven be
21 reconfigured.

22 MR. HANES: Why not go with those four, which
23 seems to be the major drawback here.

24 CHAIRMAN MCINTYRE: And get a reading on that.

25 MR. HANES: And see if we can move on.

1 MS. ESTY: By that you're thinking about -- see
2 if those are major considerations, to change this
3 hole by looking at that first.

4 CHAIRMAN MCINTYRE: The bottom line is
5 eventually we are going to have to come down and vote
6 on this, if not now.

7 MS. ESTY: I know. What I'm asking is what
8 Stuart was doing was by listing what Mark Branse and
9 what we added to determine whether that was going to
10 alter this significantly enough that there would have
11 to be --

12 CHAIRMAN MCINTYRE: It would trigger another
13 application.

14 MR. HANES: That would be up to the applicant to
15 decide whether these are major or --

16 MS. ESTY: It's not up to the applicant.

17 MS. NELSON: They can either meet the
18 modifications or they can't.

19 MR. HANES: Right.

20 MS. ESTY: I'm confused. Earlier you said there
21 may be things that if you even moved one hole may be
22 major enough so they would have to submit a whole new
23 application. Who would determine that?

24 MS. NELSON: The applicant.

25 MR. HANES: The applicant.

1 CHAIRMAN MCINTYRE: So --

2 MS. NELSON: If they can't live with the
3 modifications as they are written, then they would
4 either -- they would need to reapply.

5 MR. TIETJEN: What happens to the east side of
6 the swamp?

7 MR. HANES: One hundred-foot.

8 MR. TIETJEN: Just the 100-foot.

9 MR. HANES: Well, we mentioned right here.

10 MR. TIETJEN: What does that leave?

11 MR. HANES: Hole 11. You've got right here hole
12 11 be rerouted, then we've got holes 10 and 18 must
13 be reconfigured to create 100-foot undisturbed
14 buffer.

15 MR. TIETJEN: But I'm a little puzzled. I was
16 all for the -- for changing it like Judy. We were
17 going to reconfigure this thing so we had to worry
18 about where else to put things.

19 MS. GALLICCHIO: No.

20 MR. HANES: I'm not worried about that.

21 MR. TIETJEN: That's why I asked the question,
22 though, because this reconfiguring 10 and 18 to make
23 100-foot undisturbed buffer, what's that going to
24 leave for a golf course? Is it going to be a very
25 narrow thing there?

1 It doesn't address the safety of the flying golf
2 balls and stuff towards the village, that
3 relationship. Just one of those things that bothers
4 me. So I want to know what this means, reconfiguring
5 10 and 11.

6 MS. GALLICCHIO: We're not saying that we are
7 going to reconfigure it.

8 MR. TIETJEN: Well --

9 MS. GALLICCHIO: But we're saying that that is
10 one of the modifications that they would need to be
11 reconfigured in order that there be a 100-foot buffer
12 all around Pequot Swamp.

13 MR. TIETJEN: But do you think that that's
14 possible?

15 MS. GALLICCHIO: Actually, we don't have to tell
16 them to reconfigure holes. It's a matter of just
17 saying there needs to be a 100-foot buffer around
18 Pequot Swamp, but in essence that would require the
19 reconfiguring.

20 MR. TIETJEN: We were thinking about --

21 MS. GALLICCHIO: That's not something that we
22 need to do.

23 MR. TIETJEN: Pardon?

24 MS. GALLICCHIO: That's not something we would
25 need to do.

1 MR. TIETJEN: I understand that. We have been
2 over that. But what we were looking for, we were
3 looking for here was this kind of protection that we
4 have just been talking about.

5 CHAIRMAN MCINTYRE: Two things.

6 MR. TIETJEN: The question is we were looking
7 for tipping points I gathered and would this be an
8 acceptable thing. If we have to second guess them,
9 we better do it now.

10 CHAIRMAN MCINTYRE: I think what you're saying
11 here, Dick, is that if you go with the 100-foot
12 buffer, you would narrow down the area between the
13 housing and the fairways.

14 MR. TIETJEN: Yes.

15 CHAIRMAN MCINTYRE: Then what happens is if in
16 fact the applicant cannot --

17 MR. TIETJEN: Accommodate.

18 CHAIRMAN MCINTYRE: -- accommodate?

19 Because now the second twist is the idea of the
20 golf balls. As we push -- what you're doing is
21 you're pushing -- you could be pushing this further
22 towards the housing and come up with no, you can't do
23 that now, because you're going to be shooting golf
24 balls closer to the houses. Well, you asked us to
25 move it out and we did. It's one of these back and

1 forth things.

2 MS. GALLICCHIO: We need to come up with a set
3 of modifications that we can live with that lists all
4 the concerns that we have and need to be addressed
5 and then look at it and say okay, is this reasonable
6 to request the applicant to do or are we saying no,
7 that ruins the whole application so we better deny
8 it?

9 CHAIRMAN MCINTYRE: Right. That's the main
10 thing, that if you vote yes on something that you
11 want to be done, that you have to understand fully
12 that just one thing, just one thing could be a show
13 stopper for the whole show. One lousy thing.

14 MS. GALLICCHIO: Yeah.

15 CHAIRMAN MCINTYRE: So you've got to take that
16 very seriously. I know you are.

17 MS. GALLICCHIO: Yes.

18 MR. TIETJEN: I understand that.

19 MS. GALLICCHIO: But, you know, when you're
20 saying that -- and, yeah, and I'm thinking of my
21 Ingham Hill, and that really pales in comparison to
22 the conservation concerns that I have. I'm very
23 historically oriented, but when push comes to shove,
24 the conservation's got to be more important. It's
25 more important to me and protection of people.

1 MR. TIETJEN: That's what we are talking about.

2 CHAIRMAN MCINTYRE: What I saw that -- from
3 the -- what the applicant provided us with
4 information that -- about the wetlands and
5 everything, that everything that was going to be
6 within that -- wasn't there a statement that
7 everything within the 100-foot buffer area was going
8 to be left in its natural condition? Anybody
9 remember that?

10 MS. GOODFRIEND: That's not a fair statement,
11 because there's clearing over vernal pools. So if
12 it's the intention of this commission to preserve an
13 intact vernal pool envelope, 100-foot buffer, then it
14 should be stated clearly in your modifications,
15 because there is clearing for golf course over vernal
16 pools.

17 CHAIRMAN MCINTYRE: Right. And I think the
18 applicant said that, that there is going to be some
19 vernal pools that would be affected, but they looked
20 at it and were trying to protect the most valuable
21 ones.

22 MS. GOODFRIEND: Just for the record, 3, 9, 12,
23 21, 27 are the vernal pools that will have some
24 clearing over or directly adjacent to that was in our
25 report.

1 CHAIRMAN MCINTYRE: What was it again?

2 MS. GOODFRIEND: Three, nine, 12, 21, and 27.

3 CHAIRMAN MCINTYRE: Twelve is going to have some
4 clearing.

5 MS. GOODFRIEND: That's what we saw in the first
6 plans.

7 CHAIRMAN MCINTYRE: Cart paths.

8 MS. GOODFRIEND: Cart paths, clearing for
9 flyways, whatever. I don't golf. Cutting, lowering
10 of the vegetation and some pathways, depending on
11 which pool.

12 CHAIRMAN MCINTYRE: I'm trying to envision that.

13 MS. GOODFRIEND: At this hour I don't remember,
14 but we did look at 40 scales.

15 CHAIRMAN MCINTYRE: And I believe you.

16 MS. GOODFRIEND: That's five vernal pools.

17 CHAIRMAN MCINTYRE: Why don't we real quick
18 write down the ones we have concerns today. Do we
19 have anybody getting these things down?

20 MS. NELSON: The transcript. I'm taking notes.

21 CHAIRMAN MCINTYRE: I want to get them defined.
22 So basically the ones we talked about, okay, the
23 possibility -- these are just possible things that we
24 may want to look at, and then we have to take
25 consideration is it going to be -- is this going to

1 jeopardize what we envision here is the show stopper
2 or not? The vernal pool number eight and the
3 migration of the frogs across 18.

4 MR. TIETJEN: Eighteen.

5 CHAIRMAN MCINTYRE: Seven -- hole seven, vernal
6 pool 18, across the fairway of seven into the Red
7 Maple Swamp. That's one issue.

8 MS. NELSON: Hole number seven must be relocated
9 further to the northeast.

10 CHAIRMAN MCINTYRE: I don't want to say that
11 anymore.

12 MS. NELSON: You don't.

13 CHAIRMAN MCINTYRE: The issue is do we think
14 that the protection of these frogs is -- outweighs
15 the location of the hole?

16 MS. GALLICCHIO: I think Bob's idea, although
17 either -- not all frogs. His concept is correct in
18 that I don't think we can tell someone what direction
19 something should go in, because the whole golf
20 course, if -- let's say we came up with five major
21 modifications. The whole golf course might have to
22 be reconfigured in an entirely different way.

23 MS. NELSON: So you're articulating your
24 conservation policies.

25 MS. GALLICCHIO: I think the policies are more

1 important than the location of where we want things
2 put, yes. What we want to protect and how we can
3 protect it. What we need to do --

4 MS. GOODFRIEND: Degree of protection.

5 MS. GALLICCHIO: Degree of protection.

6 CHAIRMAN MCINTYRE: Because I know when the
7 applicant's scientist talked about -- and what was
8 his name, the amphibian guy?

9 MS. GOODFRIEND: Dr. Klemens.

10 CHAIRMAN MCINTYRE: Dr. Klemens, he said that
11 yes, it would be harder for them to get across that
12 fairway, but not this late at night.

13 MS. GOODFRIEND: He did not present any
14 scientific evidence to support that conclusion, and
15 there is a paper now published.

16 CHAIRMAN MCINTYRE: But --

17 MS. GOODFRIEND: Yes. Submitted by the
18 intervenors.

19 CHAIRMAN MCINTYRE: I wanted to make sure before
20 you said it.

21 MS. GOODFRIEND: References to a published
22 paper. They did not submit the published paper, so I
23 don't know if that --

24 CHAIRMAN MCINTYRE: If it hasn't been
25 submitted --

1 MS. GOODFRIEND: It was a reference to the paper
2 stating the findings in the paper.

3 CHAIRMAN MCINTYRE: By whom?

4 MS. GOODFRIEND: By the intervenors.

5 MR. SNARSKI: They referenced the meat of it
6 during the public hearing.

7 CHAIRMAN MCINTYRE: As long as it's referenced.
8 I've just got to make sure.

9 MS. GOODFRIEND: It was.

10 CHAIRMAN MCINTYRE: I don't want to get tainted.

11 MS. GOODFRIEND: I know. Stating that there is
12 evidence that juvenile salamanders can't orient
13 themselves to cross fairways or they did on pasture
14 which replicates a fairway situation, because it's
15 grass, short grass.

16 CHAIRMAN MCINTYRE: So that's one issue on hole
17 18 -- or vernal pool 18 and the amphibian population.
18 The other one was hole number 11 where the crossing
19 of the T boxes being on the east side of Pequot
20 Swamp, and the landing area and the fairway is on the
21 west side. You have to drive golf balls directly
22 over Pequot Swamp, which would mean, depending on the
23 quality of the golfers, would depend how many golf
24 balls fly in that water. And as you can see there
25 are several different T boxes. There's one, two,

1 three, four, five T boxes.

2 MS. GOODFRIEND: Good golfers only.

3 CHAIRMAN MCINTYRE: So that's an issue we have
4 to address. The idea of a 100-foot buffer around
5 Pequot Swamp is another issue.

6 MR. TIETJEN: Well, that would take care of the
7 crossing. They would have to hit the balls at a
8 slightly different direction to get around to the
9 other side. So that's not for us to worry about.
10 Let the golfers worry about that. You probably see
11 this stuff on the television once in awhile, guys out
12 there at Pebble Beach and stuff, they are arcing
13 these balls over half of the Pacific Ocean it looks
14 like.

15 CHAIRMAN MCINTYRE: So the fish take it better.

16 MR. TIETJEN: And they always land smack on the
17 green.

18 CHAIRMAN MCINTYRE: Let's take this point in
19 consideration, also, too, that I don't know how much
20 of an impact, you know, golf balls normally they
21 impact in the swamp. You never see them again. They
22 just get sucked up into -- I've lost enough balls.
23 They get sucked up into it. I don't know. I don't
24 think -- golf balls aren't biodegradable, I guess.

25 MS. GALLICCHIO: I don't think so.

1 MS. NELSON: I think they can be. I think they
2 can be, because wasn't there some controversy about
3 golfers on cruise ships?

4 MS. ESTY: But those might have been special
5 biodegradable balls. These are covered in hard
6 plastic.

7 CHAIRMAN MCINTYRE: I'm just saying I don't know
8 what the condition of these golf balls flying into
9 the mud and just getting stuck there and sitting
10 there is really going to have, how much of an adverse
11 effect it's going to have on the swamp. Is it huge?
12 You know, if golf balls gave off all these toxic
13 things when they sat in water, I don't know. Things
14 we don't know. But I mean that's what we are
15 weighing here when we say we prefer not to see the
16 golf balls going over the Pequot Swamp.

17 Now, the alternative to that is that if in fact
18 that -- does that weigh heavily enough to the fact
19 that the balls not going over the Pequot Swamp to
20 that -- if they cannot reconfigure this hole, that it
21 kills the whole project?

22 MS. GALLICCHIO: But I think the issue of the
23 100-foot buffer is much more important and it really
24 kind of precludes any concern about the golf balls,
25 because the 100-foot buffer is really important, from

1 what I've read, for the waters of the whole area.

2 CHAIRMAN MCINTYRE: But what I'm saying --
3 that's what I'm getting at. Even if you pull back --
4 say they got one, two, three, four, five T boxes. So
5 if you pulled your T boxes back or reconfigured, you
6 can put them outside, get them outside the 100-foot
7 area. You can still have your T boxes here, all
8 right. And you could still have your landing area
9 over here. But --

10 MS. ESTY: I think we are reconfiguring the golf
11 course again.

12 CHAIRMAN MCINTYRE: No, no, no. That's what I'm
13 saying. It's the weight of what we are doing. If
14 you say you want to remove that from hole 11 out of
15 there --

16 MS. ESTY: But it would be a moot point with a
17 100-foot buffer.

18 MS. GALLICCHIO: You're saying it wouldn't be
19 100-foot on either side.

20 CHAIRMAN MCINTYRE: You could --

21 MS. ESTY: If it fell within the 100-foot buffer
22 was the only reason to move the golf course.

23 CHAIRMAN MCINTYRE: To begin with.

24 MS. ESTY: The balls fall into the water. You
25 have a problem all the way over Red Maple Swamp with

1 balls falling into the water and you could lay the
2 same claim.

3 MR. TIETJEN: Well, that's --

4 CHAIRMAN MCINTYRE: But the only reason it stuck
5 out is that this is a flyover rather than --
6 obviously, yes, there probably would be some golf
7 balls that would go into the Red Maple Swamp, but
8 they are weren't flying directly over the top of hole
9 11.

10 MS. ESTY: Hole eight is flying over the top of
11 Maple Swamp.

12 MR. TIETJEN: Yep, that's right.

13 MS. ESTY: And four, whatever, this tributary.

14 CHAIRMAN MCINTYRE: That's wetlands.

15 MS. ESTY: There's that big gray area.

16 CHAIRMAN MCINTYRE: Just a little bit of area.

17 MS. ESTY: If you look at this map, it looks
18 like --

19 CHAIRMAN MCINTYRE: Red Maple Swamp is right
20 here. That's eight.

21 MS. ESTY: Is that wet as here? That looks like
22 a pond of some kind, and you have -- I mean my point
23 was you could have golf balls --

24 CHAIRMAN MCINTYRE: Right. But the point was,
25 when this was brought up, that we were looking at the

1 Pequot Swamp as being a more vital resource than this
2 edge of this wetlands right here.

3 MS. ESTY: Didn't that have some sort of -- I
4 remember seeing checkerboards on the bottom of this
5 for some amphibians.

6 MS. GOODFRIEND: Which one?

7 MS. ESTY: The end of Pequot Swamp there were
8 colored diamonds and dots on one of these things.

9 MS. GOODFRIEND: Species of special concern.

10 MR. SNARSKI: Southwest side.

11 MS. GOODFRIEND: Lower side.

12 MS. ESTY: By hole 11.

13 MS. GALLICCHIO: I think it's in this one, too.

14 MR. SNARSKI: I don't have it with me.

15 MS. GOODFRIEND: There's been an observation.

16 CHAIRMAN MCINTYRE: I think it might have been
17 water quality.

18 MS. ESTY: Right where they are putting this
19 golf course crossing. I thought it was where it was.

20 MS. GOODFRIEND: It would be in the big -- the
21 first one.

22 MS. NELSON: Right.

23 MS. GOODFRIEND: December, November. The first
24 large format exhibit. From the walking map that we
25 had I think it is. Might be in there.

1 CHAIRMAN MCINTYRE: What are we looking to find
2 now?

3 MS. GALLICCHIO: Janis, this has --

4 MS. ESTY: Well, they were colored dots on the
5 other.

6 MS. NELSON: Can I see your zone bound book that
7 you were looking at?

8 MS. GOODFRIEND: If that's January. It's in the
9 first one.

10 CHAIRMAN MCINTYRE: What are we trying to do
11 here now?

12 MS. GALLICCHIO: Janis was talking about maybe
13 endangered species?

14 MS. GOODFRIEND: Species of special concern.
15 Those were -- I think they had avian, all their
16 sightings for birds and mammals. They had the
17 triangles, all the different colors representing all
18 the different observations.

19 MS. ESTY: They could be. I just realized they
20 were down by hole 11.

21 MS. GOODFRIEND: There was the ribbon snake
22 observation on the southwest side of Pequot Swamp.
23 It's our recollection no species of special concern
24 were in that area.

25 CHAIRMAN MCINTYRE: Okay. So right now we've

1 got -- how many things do we have down?

2 MS. GALLICCHIO: Vernal pool number 18 and
3 Pequot Swamp.

4 CHAIRMAN MCINTYRE: Basic general amphibian
5 concerns and vernal pool concerns.

6 MS. NELSON: So you've talked about the same
7 three, four concerns in different ways of wording it.
8 Why don't you let Mark put it in a format.

9 CHAIRMAN MCINTYRE: That's where I was heading,
10 because I'm done talking about this tonight.

11 MS. GOODFRIEND: It's almost not tonight.

12 CHAIRMAN MCINTYRE: I'm hoping to get home
13 before midnight.

14 MR. JACOBSON: Not going to happen.

15 CHAIRMAN MCINTYRE: It's not going to happen.

16 So anyway, so that's -- everyone has to look at
17 this and just keep in mind that, like I said,
18 decisions that we make are important and that they
19 could have a dramatic effect on which way this
20 application goes. And make sure -- I want everybody
21 to be fully cognizant of what they are voting on and
22 what they do so that we know the full impact of it.

23 So that leaves us -- let's get off the golf
24 course for a second here and just look at what we've
25 got left. We have the clustering of estate lots,

1 formalize a little bit. I forget the wording.
2 Motion to adjourn the special meeting, The Preserve
3 Special Exception for Open Space Subdivision,
4 934 acres total and open space 542.2 acres. Ingham
5 Hill and Bokum Roads, Map 55, 56, and 61; Lots 6, 3,
6 15, 17, 18. Residence Conservation C District,
7 Aquifer Protection Area. Applicant: River Sound
8 Development, LLC. Agent: Robert A. Landino, P.E.
9 To our next regular scheduled meeting.

10 CHAIRMAN MCINTYRE: Special meeting?
11 Twenty-third.

12 MS. GALLICCHIO: Twenty-third. To another
13 special meeting Wednesday, March 23rd, 2005, 7:30
14 p.m., Town Hall, 302 Main Street, first floor
15 conference room.

16 MR. HANES: Second.

17 CHAIRMAN MCINTYRE: Motion was made by Judy,
18 second by Stuart. Any discussion?

19 (No response)

20 CHAIRMAN MCINTYRE: All in favor, aye.

21 (Affirmative response given by all.)

22 CHAIRMAN MCINTYRE: Okay, meeting adjourned.

23 (Whereupon, the meeting was adjourned at
24 11:55 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 1-202 are a true and accurate transcription of my steno notes taken at the Deliberation Hearing held by the Old Saybrook Planning Commission on the 9th 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 18th day of March, 2005.

Debrah Veroni, RPR, LSR

