

COPY

Town of Old Saybrook  
Planning Commission

PLANNING  
COMMISSION  
EXHIBIT #Z

THE PRESERVE SPECIAL EXCEPTION  
FOR OPEN SPACE SUBDIVISION

**Wednesday, February 9, 2005**

DELIBERATIONS CONTINUED

Old Saybrook Town Hall  
First Floor Conference Room  
305 Main Street  
Old Saybrook, Connecticut

PLANNING COMMISSION MEMBERS PRESENT:

Robert J. McIntyre, Chairman  
H. Stuart Hanes, Secretary  
Judith S. Gallicchio, Regular Member  
Richard S. Tietjen, Regular Member  
Janis L. Esty, Acting Regular Member  
Salvatore Aresco, Alternate Member

ATTENDING STAFF:

Christine Nelson, Town Planner  
Mark Branse, Branse & Willis, LLC, Legal Counsel  
Kim McKeown, Recording Clerk  
Wendy Goodfriend, Conservation Specialist  
Geoff Jacobson, Town Engineer  
Richard Snarski, Wetland Specialist

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CHAIRMAN McINTYRE: Okay. I'd like to call to order the special meeting -- is everybody ready? Okay.

Special Meeting, Wednesday, February 9th, 2005, at 7:30 p.m., Town Hall, first floor conference room, 302 Main Street, Old Saybrook.

Tonight we have Judy Gallicchio -- Attorney Mark Branse and Judy Gallicchio, Regular Member. And we have Janis Esty, Alternate, who will be seated tonight. Then we have myself, Bob McIntyre, Chairman; Stewart Hanes, Secretary; Dick Tietjen, Regular Member; and Christine Nelson, Town Planner; and way over there is Kim, the Clerk. How come she's sitting way over there tonight?

MS. NELSON: We may get a few more people -- staff members.

CHAIRMAN McINTYRE: Okay. I don't want anyone to think we're trying to be mean to our clerk. Okay.

All right. Next order of business is old business, A, the Preserve Special Exception for Open Space Subdivision, 934 acres total in open space of 542.2 acres. Ingham Hill and Bokum Hill Roads (Map 55, 56, and 61/Lots 6, 3, 15, 17, and 18), Residence Conservation C District, Aquifer Protection Area.

1 Applicant, River Sound Development, LLC. Agent,  
2 Robert A. Landino, P.E. Action, deliberate and act  
3 by 3/16/05. Regular meeting no later than 3/17/05.

4 Okay. Last meeting we were working on the --  
5 figuring out the yield. We had gone over Christine  
6 Nelson's report she wrote. I guess everyone got that  
7 in their packet?

8 MS. GALLICCHIO: Mmm-Hmm.

9 CHAIRMAN McINTYRE: Okay. That's a report we  
10 went over last week and we talked about several  
11 eliminations -- possible eliminations and then we  
12 kind of went through and I asked everybody to take a  
13 look at, you know, what lots they would consider  
14 elimination based on the soil types and any of the  
15 other reports given to us by our staff during public  
16 hearing.

17 Christine has taken a map and one of problems we  
18 were having during the last deliberation was, you  
19 know, kind of getting all this in our heads. It's a  
20 big -- a lot of lots, a lot of area. Everybody was  
21 trying to kind of, you know, visualize where we were  
22 talking about and Christine has brought this map in  
23 tonight. It basically summarizes all -- and I'm  
24 going to let her talk more on this but it basically  
25 summarizes all of the staff comments and reports that

1 were given during public hearing and then some that  
2 have been ongoing in relationship to our discussions.

3 So, Christine.

4 MS. NELSON: Mr. Chairman, for your meeting  
5 Wendy Goodfriend and I -- Dr. Goodfriend's the  
6 Natural Resource Specialist from the Soil/Water  
7 Conservation District -- got together and reviewed  
8 the latest reports that had been issued and put this  
9 map together as well as updated a lot-by-lot analysis  
10 that Mark had -- Mark Branse, Legal Counsel to the  
11 Commission, had been keeping. And we just went  
12 through the reports in a process of elimination and  
13 we started with cultural and historical resources  
14 that had been identified in my report, environmental  
15 lots that had been eliminated for environmental  
16 resources, from Wendy Goodfriend and Rich Snarski,  
17 our soil scientist's, report, recommendations for  
18 elimination of lots from our traffic -- consulting  
19 traffic engineer, Bruce Hillson. Those are in pink.  
20 And then, lastly, we hit on soils and we took the  
21 list of lots that were recommended for elimination --  
22 sorry. We took the list of lots that were listed as  
23 eligible for elimination by our civil engineer.

24 CHAIRMAN McINTYRE: Right. That's that report  
25 dated 27 January 2005.

1 MS. NELSON: Mmm-Hmm. Based on soil types that  
2 were not appropriate or not capable of handling  
3 onsite sewage disposal. And from those two soil  
4 types we eliminated lots that had been eliminated for  
5 cultural or environmental or traffic reasons so that  
6 we weren't double counting and then looked for  
7 groupings of soils so that we were -- so that we  
8 could in making a recommendation to eliminate lots do  
9 it in a way that we would be eliminating associated  
10 infrastructure that would be necessary to support  
11 those lots. And we also in doing that looked for as  
12 flat an area as possible so that the lots that were  
13 eliminated solely for soil considerations were --  
14 would be eligible for a secondary use as a recreation  
15 area, which is what you had asked for at the last  
16 meeting.

17 And we were able to find two areas. Lots 100  
18 through 116 were identified by Jacobson's January  
19 27th report as having soils in the CRC type which  
20 were of a pretty flat topography. Also or  
21 alternatively Lots 81 through 94. And Wendy and I  
22 went ahead and made -- identified on the map Lots 100  
23 through 116 which was about 15 acres. I think you'd  
24 asked for at least eleven acres at the last meeting.  
25 It was a little difficult to tell how much -- how

1 many acres they were but those two groupings are --  
2 here's 100 through 116 and here is 81 through 94.  
3 And we chose this grouping because it was the  
4 furthest away from existing infrastructure on either  
5 side, so we thought roads could be shortened if that  
6 was -- because it's the furthest away from any of the  
7 other circulation patterns.

8 So I would say you can approach this one of two  
9 ways; lot by lot or by element of design as we  
10 started last week.

11 CHAIRMAN McINTYRE: Mmm-Hmm.

12 MS. NELSON: And just, you know, build consensus  
13 among the board members about the lots that are  
14 recommended for elimination.

15 CHAIRMAN McINTYRE: Okay.

16 MS. NELSON: And everything in yellow is what  
17 was remaining.

18 MR. TIETJEN: Was what?

19 MS. NELSON: What would remain --

20 MR. TIETJEN: I see. Okay.

21 MS. NELSON: -- which would be your yield.

22 CHAIRMAN McINTYRE: Okay. The road with the  
23 blue on it, Road Number 2 between Road Number 1 and  
24 Road Number 3, you have it outlined in blue. What  
25 does that blue signify?

1 MS. NELSON: The blue are -- that's soil lots  
2 that --

3 CHAIRMAN McINTYRE: This -- what -- the road  
4 colored blue. What does that signify?

5 MS. NELSON: It's surrounded by lots that are  
6 recommended for elimination due to soil  
7 considerations.

8 CHAIRMAN McINTYRE: Okay. And that does not  
9 mean elimination of the road, however?

10 MS. NELSON: It could.

11 MR. HANES: But it could.

12 CHAIRMAN McINTYRE: It could. Understood. I'm  
13 trying to get the gist of why everything is blue. I  
14 understand that Lot --

15 MS. NELSON: Similarly, the roads that are  
16 colored in green are surrounded by lots that were  
17 recommended for elimination due to environmental  
18 constraints. The Road Number 10 is colored pink or  
19 red, that is surrounded by lots that have traffic  
20 constraints, recommended for traffic. Orange was for  
21 cultural or historical constraints.

22 MR. HANES: So that if we did recommend these  
23 blue lots elimination --

24 MS. NELSON: Mmm-Hmm.

25 MR. HANES: -- and we were proposing an outdoor

1 recreational area there, we would want to make sure  
2 that there was access to it via the road there, so  
3 you would continue that road?

4 MS. NELSON: You could.

5 MR. HANES: Or at least from one side or the  
6 other.

7 MS. NELSON: Right.

8 CHAIRMAN McINTYRE: Or you could have parking at  
9 both ends and the park in the middle.

10 MR. HANES: Whatever.

11 MS. NELSON: And just keep in mind the exercise  
12 is to determine yield.

13 CHAIRMAN McINTYRE: Right. Okay. Chris has  
14 laid on the table that we can either go lot by lot  
15 which I was thinking would be a little cumbersome.  
16 And if we went by soil type, we've kind of got a big  
17 outline here and basically we would look at this by  
18 elimination of soil types rather than each lot but,  
19 you know, basically you are doing lot-by-lot  
20 comparison because there was a lot of lots last time  
21 that had doubles and triples of -- some of them had,  
22 you know, more than one hit against it versus the  
23 ones that only have one.

24 Chris, you got a -- you just handed me a copy of  
25 the report which you have circled or highlighted.



1 MS. NELSON: That's the Jacobson report.

2 CHAIRMAN McINTYRE: The Jacobson report.

3 MS. NELSON: I color coded it because the soils  
4 were a percentage -- the lots to be eliminated were a  
5 percentage of those within certain soil types. Of  
6 the two soil types we identified lots that were  
7 eliminated for other reasons so that we wouldn't  
8 double count and then met the recommended elimination  
9 percentage with the difference.

10 CHAIRMAN McINTYRE: Okay. And I'm looking at my  
11 -- my same document from last week which I circled  
12 and it also shows that many of the -- all of the lots  
13 which we circled last week are also highlighted by  
14 Christine's soil -- removed from soil sp -- and that  
15 probably influenced some of the reason why those lots  
16 were removed also.

17 MS. NELSON: Mmm-Hmm.

18 CHAIRMAN McINTYRE: Okay. I'll just pass it  
19 around so everybody can take a look at it clearly, so  
20 they can see it.

21 MR. HANES: One question I've got.

22 CHAIRMAN McINTYRE: Sure.

23 MR. HANES: Christine, when you color coded  
24 these lots that are soil -- present soil problems,  
25 did you come up with the same count as they

1 recommended here of the two that --

2 MS. NELSON: Yes.

3 MR. HANES: In other words, you've got 51 lots  
4 that appear in that blue or the --

5 MS. NELSON: I believe it was 55.

6 MR. HANES: Well, 51 based on the 40 percent and  
7 30 percent and then we had --

8 MS. NELSON: Oh, and then the report recommended  
9 the three.

10 MR. HANES: Yeah, then the report recommended  
11 specific three others, yes, 55 total. So that would  
12 come up to that number?

13 MS. NELSON: Yes.

14 CHAIRMAN McINTYRE: Okay. I would like to get a  
15 feel from the Board how they'd like to proceed.  
16 Myself, I'm comfortable with taking a look at what we  
17 removed last week, confirming -- see if it's in  
18 Christine's soil types and --

19 MS. GALLICCHIO: I have a question.

20 CHAIRMAN McINTYRE: Yes.

21 MS. GALLICCHIO: Christine, did you take into  
22 account the two that had already been removed by the  
23 applicant that we discovered last time --

24 MS. NELSON: Yes.

25 MS. GALLICCHIO: 130 and 131?

1 MS. NELSON: Yes.

2 MS. GALLICCHIO: Okay. I think one of them is  
3 unhighlighted.

4 MS. NELSON: A few -- actually, a couple of  
5 those lots were moved.

6 MS. GALLICCHIO: Oh.

7 MS. NELSON: The applicant moved lots, what, I  
8 believe it was one --

9 CHAIRMAN McINTYRE: 130, 131?

10 MS. NELSON: Yes, 130 and 131, to other  
11 locations on the site.

12 MS. GALLICCHIO: Okay. So that resolved our  
13 question of last time if they still were concerns of  
14 Mr. Jacobson's based on soil types.

15 MS. NELSON: Mmm-Hmm.

16 CHAIRMAN McINTYRE: So that -- so this report is  
17 written with that where the 130 and 131 are presently  
18 situated --

19 MS. NELSON: Yes.

20 CHAIRMAN McINTYRE: -- on the map?

21 MS. NELSON: Yes.

22 CHAIRMAN McINTYRE: Okay.

23 MR. HANES: Christine, Mr. Hillson gives a  
24 letter of January 27th where he recommended Road 10  
25 be eliminated. Does that show up on your --

1 MS. NELSON: Map?

2 MR. HANES: Yeah.

3 MS. NELSON: Yes.

4 MR. HANES: Road 10 with six lots, 212 through  
5 214.

6 MS. NELSON: Yes, it's identified on the map,  
7 it's colored as pink, and the corresponding lots are  
8 dotted with pink dots.

9 MR. HANES: And how about Road 1 to be extended  
10 and realigned across Lots 73 and 79?

11 MS. NELSON: I believe so. Yes, that's --  
12 that's at the intersection with Ingham Hill Road and  
13 those two lots were eliminated by the applicant.

14 MR. HANES: Oh, okay.

15 CHAIRMAN McINTYRE: Before we go any further, I  
16 don't think we identified what map we keep referring  
17 to.

18 MS. NELSON: Okay.

19 CHAIRMAN McINTYRE: For the record, we're  
20 looking at the conventional plan, natural resources  
21 overlay CN-4, Volume I. Is that referred --

22 MS. GALLICCHIO: Revised. And the revision date  
23 is 12/23/04.

24 CHAIRMAN McINTYRE: Okay. That way that's  
25 clarified for the record. Okay. Go ahead, Stewart.

1 I'm sorry.

2 MR. HANES: No, that's all right. I just -- I  
3 got my answers.

4 CHAIRMAN McINTYRE: Okay. Dick, do you have any  
5 questions as far as -- or any -- pretty much do you  
6 have any additional -- I think what we should look at  
7 based on Chris' analysis along with staff, I think  
8 what we're looking at here. Does anybody have any  
9 additional recommendations for any other lots to be  
10 eliminated?

11 MR. HANES: One possibility. I think we should  
12 -- Attorney Branse in his memorandum to the Board of  
13 January 25th presented the question of should the  
14 land to be occupied by the golf course be counted  
15 toward residential density.

16 CHAIRMAN McINTYRE: Mmm-Hmm.

17 MR. HANES: And I guess my question is should we  
18 superimpose the golf course on here and see how many  
19 lots actually would be encompassed within that golf  
20 course?

21 CHAIRMAN McINTYRE: Yeah, I think I've stated  
22 for the record that I don't have any need for that.  
23 You know, I feel comfortable doing it the way -- you  
24 know, this way but speak freely.

25 MS. GALLICCHIO: I have a question for Ms.

1 Nelson and Attorney Branse and that is if we reach  
2 consensus that we do want to remove the amount of  
3 land that would be covered by a golf course and not  
4 count that in our numbers, what approaches -- what  
5 alternatives do we have in terms of determining that?

6 MR. BRANSE: I think that's hard to do. I guess  
7 that's why I had raised it a couple of times during  
8 the public hearing but I do believe that the  
9 applicant did provide a conventional plan with a golf  
10 course, did they not?

11 MS. GALLICCHIO: They did.

12 MR. BRANSE: So that you could certainly use  
13 that. I thought that in the response that had come  
14 that that was one of the ones that they did provide  
15 to you.

16 MS. NELSON: I've got a large print of it that I  
17 can get.

18 (Pause.)

19 CHAIRMAN McINTYRE: Rich can sit there and we'll  
20 get --

21 (Whereupon, Rich Snarski and Wendy Goodfriend  
22 joined the deliberation table.)

23 CHAIRMAN McINTYRE: While Christine is in  
24 getting the plans, we're just making sure we have an  
25 additional chair for one of the members that's going

1 to show up late tonight.

2 (Pause.)

3 CHAIRMAN McINTYRE: Do you have anything else to  
4 say -- anything you want to say about the golf course  
5 or anything? Any other comments? I mean, we don't  
6 need Chris here to continue the debate -- you know,  
7 the conversation.

8 MS. GALLICCHIO: About the golf course or about  
9 anything?

10 CHAIRMAN McINTYRE: Or anything. I mean --  
11 yeah.

12 MS. GALLICCHIO: In the -- I'd like us to  
13 discuss the trails at some point and whether or not  
14 we feel it's appropriate to keep those or remove  
15 them.

16 CHAIRMAN McINTYRE: In relation to density and  
17 yield?

18 MS. GALLICCHIO: Yes.

19 CHAIRMAN McINTYRE: Okay.

20 MS. GALLICCHIO: And Christine -- I thought this  
21 was both Christine and Dr. Goodfriend. Did you do  
22 this report with Christine or am I mistaken?

23 MS. GOODFRIEND: No, I just helped her create  
24 this.

25 MS. GALLICCHIO: Oh, okay. Christine's report

1 on page 2, the first bulleted item talks about the  
2 prevalent trails and I think we need to reach  
3 consensus on whether --

4 CHAIRMAN McINTYRE: And which one? Is that the  
5 one she sent to us in --

6 MS. GALLICCHIO: Yes, the most recent one,

7 CHAIRMAN McINTYRE: What's the date on that?

8 MS. GALLICCHIO: February 7th.

9 CHAIRMAN McINTYRE: Okay. Here it is. And  
10 which bullet was that?

11 MS. GALLICCHIO: The first one on page 2, the  
12 first bullet, second paragraph.

13 CHAIRMAN McINTYRE: I believe when Christine and  
14 Wendy -- when you were working on this map with  
15 Christine, did you guys address trail issues also or  
16 look at trail issues?

17 MS. GOODFRIEND: Yeah. Yes.

18 CHAIRMAN McINTYRE: Okay. So we'll wait for  
19 Chris to get back and she can address that.

20 MS. GALLICCHIO: Because my question is I don't  
21 feel we should eliminate lots based on that but I  
22 don't know how the others on the Commission feel and  
23 I think it's important that we discuss that.

24 CHAIRMAN McINTYRE: Sure. Now, that was --  
25 let's take a look at that right now then. So that





1 MS. GALLICCHIO: My concern with this is if we  
2 use this plan then I think it is incumbent upon our  
3 staff to review this plan and deduct lots that we  
4 would not think would be appropriate or at least to  
5 give us some guidance on that because just off the  
6 top of my head there are two golf course -- are they  
7 called holes? The whole large area.

8 CHAIRMAN McINTYRE: Yeah, you can call them  
9 that.

10 MR. HANES: Fairways.

11 MS. GALLICCHIO: Including the fairway. I  
12 didn't want to get the wrong term. But Number 13 and  
13 Number 9 which are abutting wetlands and vernal  
14 pools.

15 CHAIRMAN McINTYRE: Uh-huh.

16 MS. GALLICCHIO: And those, as I say, are ones I  
17 just off the top of my head said gee, we wouldn't  
18 approve those there, it seems to me, on this plan. I  
19 don't think we can accept this plan as a given is  
20 what I'm saying.

21 CHAIRMAN McINTYRE: I would say that if in fact  
22 this plan was -- and I can't make any assumptions and  
23 I don't know how we would find this out -- that if  
24 these plans are actually -- if there's certain  
25 regulations from wetlands and it says that you have

1 to be this many feet, that many feet, this far from  
2 this, that far from this, these plans get designed  
3 with that in mind.

4 MS. GALLICCHIO: Are you saying --

5 CHAIRMAN McINTYRE: It's feasible.

6 MS. GALLICCHIO: -- that we're going to assume  
7 that the applicant --

8 CHAIRMAN McINTYRE: No, no. I said that I can't  
9 do that and I don't know how to do that. But, you  
10 know, you have to want to kind of think that it was  
11 based on some fact that they could be there, they  
12 would not -- you know, they wouldn't arbitrarily just  
13 throw a hole on top of something that couldn't or  
14 wouldn't ever be approved but then again they could.

15 MS. GALLICCHIO: I guess I'd like some  
16 reinforcement on that idea from our staff and maybe  
17 they have it now that they could share with us.

18 MS. NELSON: I would say that if there was  
19 consensus on the Board that this -- that the  
20 Commission would include the golf course or exclude  
21 the area of the subject property that would be taken  
22 up by a golf course as being eligible for lots which  
23 would then yield the yield, if there was consensus to  
24 that effect then we could certainly go through a  
25 similar exercise that we did with these lots with the

1 conventional plan that doesn't show the golf course.

2 CHAIRMAN McINTYRE: But I was just looking at  
3 the number of lot yields on this one. You know, on  
4 this one, what's the number of lot yields on CN-4?

5 MS. GALLICCHIO: You mean that the applicant  
6 came up with originally?

7 CHAIRMAN McINTYRE: Yeah, on this one here.

8 MS. NELSON: That was the 293.

9 CHAIRMAN McINTYRE: 293? Okay. And this one  
10 without a golf course is 293 and with the golf course  
11 it's 278.

12 MS. GALLICCHIO: Mmm-Hmm.

13 CHAIRMAN McINTYRE: Okay. So I was just --

14 MR. HANES: They did the work for us.

15 MS. GALLICCHIO: I don't think that's terribly  
16 meaningful if we can't affirm. If we -- maybe  
17 we're jumping the gun too because maybe there is not  
18 consensus to remove that so I don't want to put us  
19 through an exercise that may be meaningless.

20 CHAIRMAN McINTYRE: I'm happy -- for the record,  
21 I'm happy with what we're doing on this particular --  
22 on map CN-4.

23 MR. TIETJEN: I'm always blind on some of this  
24 stuff but it seems to me I remember a pretty powerful  
25 edict from Attorney Branse about counting something

1 as possible -- possibly developed for -- to be  
2 developed for living -- for housing. You referred to  
3 it -- you compared the golf course to a church or a  
4 hospital or some other laudable social hunk of the  
5 subdivision had you felt that the golf course  
6 couldn't be counted in any of this under any  
7 circumstances. Now, is that too old a memo or is it  
8 --

9 MR. BRANSE: Yes, yes. It was -- this question  
10 was raised by Regional Planning Agency review, it was  
11 raised by your zoning enforcement officer, it was  
12 also raised by me but I do think it is the  
13 Commission's interpretation of the reg. I think that  
14 it's -- you have a certain amount of discretion in  
15 applying and interpreting your regulations. So I  
16 have raised that issue, I've raised as a question for  
17 you, but I would not go so far as to say that I have  
18 rendered an opinion that that's what you must do.  
19 It's something I want you to consider. I've given  
20 you, you know, the thoughts to consider but the  
21 ultimate decision on applying that is yours. I would  
22 not say that that's the conclusion that you must  
23 reach. That is not correct.

24 MR. TIETJEN: Okay. I have another -- this is  
25 jumping around a little bit but I have a suggestion;

1 that is, if you're going to have this looked at by  
2 the staff, one of the first things they ought to do  
3 is look at the contour lines. The amount of space  
4 between the village, which is something that is a  
5 given, is --

6 CHAIRMAN McINTYRE: There is no village on this.

7 MR. TIETJEN: It's not there at all?

8 CHAIRMAN McINTYRE: No, because these are  
9 individual houses.

10 MR. TIETJEN: But it's there. It's not on the  
11 other one.

12 CHAIRMAN McINTYRE: No.

13 MR. HANES: This is a conventional --

14 CHAIRMAN McINTYRE: These all --

15 MR. TIETJEN: That's the conventional one there,  
16 right?

17 MR. HANES: Not with the village though.

18 CHAIRMAN McINTYRE: We are not looking at

19 MR. TIETJEN: Okay.

20 CHAIRMAN McINTYRE: -- we are not looking at any  
21 -- we have -- there are no open space subdivisions  
22 presented on the table right now. Everything that  
23 we're determining yield from is from the conventional  
24 subdivision.

25 MR. TIETJEN: So that excludes the idea of the

1 village -- villages, right?

2 CHAIRMAN McINTYRE: Right. If it isn't  
3 represented on these maps then it isn't what we're  
4 considering.

5 MR. TIETJEN: Okay. Sorry.

6 MR. BRANSE: The yield plan has to be a  
7 single-family subdivision and that's what they have  
8 presented.

9 MR. TIETJEN: Okay. But it still looks like a  
10 pretty tight squeeze. I don't know. You know, the  
11 neclivity there below the upper plan whether the  
12 nonexistent village would go in another plan is  
13 extreme. Where would you fit houses in there ?

14 CHAIRMAN McINTYRE: Well, correct me if I'm  
15 wrong here, Chris, but what's depicted here and what  
16 we're looking at with this conventional subdivision  
17 is -- what we're determining on CN-4 is we're looking  
18 at a subdivision that has been presented by the  
19 applicant with written and made up within our  
20 subdivision regulations and all our standards and  
21 what we're doing now is we're looking at this  
22 subdivision and saying, okay, he -- as in any other  
23 application that we ever get, there's always  
24 interpretation by the application and then the Board  
25 reviews it to see what we interpret it as and, as of

1 present, what you see in front of us right here and  
2 what has been presented by staff and all the  
3 questions we've spoken to today has eliminated many  
4 many lots or has a potential for eliminating a lot of  
5 lots and that's in the vain of finding yield.

6 MR. TIETJEN: Sure and I understand that.

7 CHAIRMAN McINTYRE: And so --

8 MR. TIETJEN: You could also interpret it as a  
9 ploy, right, to raise the number of lots in one plan  
10 versus the one that they really want --

11 CHAIRMAN McINTYRE: Well, that's what --

12 MR. TIETJEN: What they think we want.

13 CHAIRMAN McINTYRE: That's what I was getting at  
14 when I was asking about -- you know, and I was  
15 thinking not as -- the word ploy didn't come to my  
16 mind.

17 MR. TIETJEN: Well, you're polite.

18 CHAIRMAN McINTYRE: It was -- no, I don't think  
19 -- I mean, the applicant was asked to provide us with  
20 maps based on what he thought was the right thing to  
21 do as far as presenting a golf course with, you know,  
22 a conventional subdivision, conventional subdivision  
23 without golf course. And I was looking at the  
24 numbers, that the numbers aren't really that far off  
25 as far as what -- if you had -- if they had put the



1 golf course in here and they got 278; is that what  
2 that says?

3 MR. HANES: Yeah, I believe it's 278.

4 CHAIRMAN McINTYRE: 278. And this one was 2

5 MS. NELSON: 293.

6 CHAIRMAN McINTYRE: Well, this -- yeah, without  
7 the golf course 293, so this starts at 278 which is  
8 lower than the original, so he even took out lots and  
9 put the golf course in. So the question being -- you  
10 know, I think what in my opinion if we did that I  
11 think we probably pretty much come up with the same  
12 amount of numbers looking at -- if we're starting at  
13 278 and started pulling things apart. Because I have  
14 a hard time trying to say that something couldn't be  
15 -- a golf course couldn't be there.

16 MS. GALLICCHIO: That's not -- what I'm  
17 suggesting is not that it shouldn't be there or  
18 couldn't be there --

19 CHAIRMAN McINTYRE: No, no. Right.

20 MS. GALLICCHIO: -- but that we've had a number  
21 of reports from the Zoning Enforcement Officer, the  
22 Town of Essex, CFE, and the Zoning Commission that  
23 have all recommended that we not count the golf  
24 course lots in the yield plan and I'm in agreement  
25 with that. I don't think it would be appropriate to

1 count that in the yield plan.

2 CHAIRMAN McINTYRE: Mmm-Hmm.

3 MS. GALLICCHIO: Not to say that they shouldn't  
4 have a golf course in their final plan.

5 CHAIRMAN McINTYRE: Right, right.

6 MR. TIETJEN: I agree with that. That was  
7 really my point.

8 MR. HANES: So what you're

9 MR. TIETJEN: But you're fast.

10 MR. HANES: What you're saying then, Judy, is  
11 our starting point should be the 278 house lots on a  
12 conventional plan without a golf course.

13 MS. GALLICCHIO: If we're --

14 CHAIRMAN McINTYRE: No.

15 MS. GALLICCHIO: If we reach a consensus about  
16 that, yes.

17 MR. TIETJEN: That should be --

18 MS. GALLICCHIO: I think if they are suggesting  
19 this plan with a golf course deducted in essence or  
20 with the golf course put on there, that that would be  
21 the starting point or another alternative would be to  
22 think of how much land the golf -- a golf course  
23 typically would take up and remove that from this  
24 plan. It gets tricky and that's what I was asking  
25 for suggestions from our staff because golf course

1 land can be physically on land that wouldn't  
2 necessarily be house buildable, so it gets confusing  
3 with that. We did get out -- I did mention the  
4 CRIPPA report that I mentioned last time where  
5 Torrance Downs mentions using a percentage in  
6 essence.

7 CHAIRMAN McINTYRE: Okay.

8 MS. GALLICCHIO: So I'm up for suggestions as to  
9 how we do it. I don't know what the most efficient  
10 way would be. I don't want to belabor the point.

11 CHAIRMAN McINTYRE: I don't think there's --

12 MS. GALLICCHIO: I don't want our staff to have  
13 to go through hoops for this.

14 MR. BRANSE: When I wrote my memo, I tried to  
15 figure out a way of -- and I knew that just  
16 overlaying the golf course over their conventional  
17 plan was not fair for just the reasons you mentioned,  
18 that they could rearrange it, and I think that  
19 probably the best thing that you have to go on is the  
20 applicant's representation of a conventional yield  
21 subdivision with a golf course. And, I mean, whether  
22 or not -- as Commission Tietjen has said, whether  
23 some of those lots would run afoul of the soils and  
24 other -- you know, it gets very difficult because  
25 it's a whole new plan, it's a whole different plan --

1 MS. GALLICCHIO: Right.

2 MR. BRANSE: -- and I think to some extent as  
3 far as the number of acres that a golf course  
4 occupies, you have that because the applicant has  
5 told you how many acres this golf course occupies.  
6 So you have that number. You don't have to worry  
7 about a typical golf course, they've give you this  
8 golf course. I forget that acreage but I know it's  
9 on the materials. But I think to some extent because  
10 they -- I mean, that map was -- that map showing that  
11 -- I mean, the point was raised like in October and  
12 that plan was submitted at like the last public  
13 hearing, so it's a little -- after the close of  
14 hearing neither Christine or I feel comfortable now  
15 doing a whole nother set of memos on that plan as to  
16 what lots create problems with soils or  
17 transportation or engineering or habitat and so on.  
18 So I think to some extent the Commission is going to  
19 have to sort of look at it maybe a little more  
20 broadly and try to figure it out.

21 CHAIRMAN McINTYRE: That's why -- and one of the  
22 things I was trying to get it, looking at that number  
23 and everything, that -- I understand your point  
24 about, you know, looking at it that way but I'm  
25 really looking at this -- and then if you took the

1 soils and all that, I don't really think that you  
2 probably would come up with a much different count at  
3 the end. I mean, it may be a few houses here and  
4 there but basically you would end up pretty much the  
5 same I would think.

6 MS. GALLICCHIO: The same as --

7 CHAIRMAN McINTYRE: Within that ballpark of that  
8 one or ballpark of this one. You'd probably end up  
9 with about the same amount of houses once you used --  
10 you applied the same criteria. That's my opinion  
11 and, you know --

12 MS. GALLICCHIO: I think the problem comes into,  
13 as Mr. Branse stated, the reluctance of staff to go  
14 through this plan which was dated September which we  
15 didn't see until January.

16 CHAIRMAN McINTYRE: Right.

17 MR. BRANSE: I missed that. It's dated  
18 September?

19 MS. GALLICCHIO: September. I believe. Didn't  
20 I just read September on there?

21 CHAIRMAN McINTYRE: Let me look at it. It says  
22 date --

23 MS. ESTY: 9/1/04.

24 MS. GALLICCHIO: And there's a revision so  
25 September 1st of '04. If we're in a quandary on this

1 it's certainly not of our making.

2 MR. TIETJEN: That was made in September. The  
3 other one I was referring to was October 12th.

4 MS. GALLICCHIO: I'm talking about this map --

5 MR. TIETJEN: This --

6 MS. GALLICCHIO: -- that we received in the  
7 packet of number four review.

8 CHAIRMAN McINTYRE: And you raise a ques--

9 MR. TIETJEN: We've just seen it but it  
10 annotates Mr. --

11 MS. GALLICCHIO: Oh, sure.

12 CHAIRMAN McINTYRE: And this is basically what  
13 you requested at that meeting.

14 MS. GALLICCHIO: Actually, I didn't, Stewart  
15 did. Stewart asked at, I believe, two different  
16 meetings for an overlay or something to show the golf  
17 course over their development.

18 MR. TIETJEN: Yes, that's right.

19 CHAIRMAN McINTYRE: Well, was it like this,  
20 Stewart, or like over that one?

21 MR. HANES: Well, it was basically to see where  
22 the golf course would fit in here and what I  
23 attempted to do on a conventional layout was  
24 superimpose it on the same map and I actually then  
25 saw where it interfered with certain --

1 CHAIRMAN McINTYRE: Houses.

2 MR. HANES: -- houses -- lots.

3 CHAIRMAN McINTYRE: Lots, yes.

4 MR. HANES: That's what I was looking for,  
5 something like this, that would give us and you see  
6 the difference in the total number of lots. It's a  
7 reduced number, 278 versus the 298.

8 CHAIRMAN McINTYRE: So 20 lots.

9 MR. HANES: What are we talking, 15 lots?

10 CHAIRMAN McINTYRE: 20.

11 MR. HANES: 293.

12 MS. GALLICCHIO: 20 or so lots but remember this  
13 has not been evaluated --

14 CHAIRMAN McINTYRE: Right.

15 MR. HANES: Right.

16 MS. GALLICCHIO: -- by our planner, by Dr.  
17 Goodfriend, by our engineer, by our traffic  
18 consultant, so that that would be the starting point  
19 as 293 was the starting point on this map -- on this  
20 plan. So this plan, how many were removed from the  
21 293?

22 MS. NELSON: Without having confirmation that  
23 you -- right?

24 MS. GALLICCHIO: Yes.

25 MS. NELSON: Okay. 63 lots.

1 MS. GALLICCHIO: So 63 lots from 270.

2 CHAIRMAN McINTYRE: Is --

3 MS. NELSON: 278.

4 MR. HANES: Yeah, 278.

5 MR. TIETJEN: Yeah, that's carried over.

6 MS. GALLICCHIO: From 278 is 215 lots.

7 CHAIRMAN McINTYRE: Okay. And the other one  
8 would be, what? 40 -- 42.

9 MS. NELSON: 260.

10 CHAIRMAN McINTYRE: No, what would be the total  
11 lot yield be on this?

12 MS. NELSON: 260 -- oh, 230.

13 CHAIRMAN McINTYRE: 230. And what was the other  
14 one?

15 MS. GALLICCHIO: 215.

16 CHAIRMAN McINTYRE: So it's a difference of 15,  
17 so it's in the ballpark.

18 MS. GALLICCHIO: In the ballpark.

19 CHAIRMAN McINTYRE: Yeah, in the ballpark, so  
20 it's pretty close. The question is is it worth -- I  
21 mean, you know, what does the Board want to do?  
22 That's what you guys have to decide. Do you want to  
23 stick with this subdi-- because, you know, if we're  
24 not going to stick with that subdivision, I mean,  
25 everything has got to stop as far as density yield



1 and have this thing evaluated and then --

2 MR. BRANSE: The problem is, as I said before,  
3 with the hearing closed I would worry about you  
4 getting new reports on soils, etc., etc. So I think  
5 the way you're going at it right now is fine. You're  
6 using the data you have already as best you can, you  
7 know. You have a map that shows a conventional  
8 layout with a golf course and a certain number of  
9 lots. As best you can, you have to try to correlate  
10 that with the ones that have been reduced on other  
11 grounds and that's really the best you can do. I'm  
12 afraid that by bringing in new analyses after the  
13 closing -- after the hearing is closed when the  
14 parties can't comment is depriving them of their fair  
15 hearing rights.

16 It's the applicant's duty to give you  
17 information that allows you to reach the conclusions  
18 you need to reach. The information you have is what  
19 you have and I think you'll just have to wrestle with  
20 it.

21 MS. GALLICCHIO: I would be comfortable starting  
22 with the 278 and then when we reach consensus in  
23 essence on this plan and the things that we feel are  
24 important, deduct that number from the figure that  
25 they've given us of 278.

1 CHAIRMAN McINTYRE: Okay.

2 MR. HANES: Sounds reasonable but I think some  
3 of the lots are in different spots.

4 CHAIRMAN McINTYRE: Well, that's okay.

5 MS. GALLICCHIO: They are but, you know, there's  
6 no way.

7 CHAIRMAN McINTYRE: Right. What I think Judy is  
8 trying to say here is that you have a plan here that  
9 was presented to us in our fourth review. There was  
10 questions asked by you about this particular map  
11 being made -- presented to us during the public  
12 hearing. It was made at a very end and this thing is  
13 dated in September. September -- 9/01/04 and it's  
14 sheet OS-A and now we're just seeing it. So if  
15 they're saying that with a golf course in there that  
16 the best they could do on that lot is 278 and they're  
17 throwing a golf course in, I don't really any problem  
18 with 278 being the starting number.

19 MR. HANES: No, I agree.

20 CHAIRMAN McINTYRE: So, I mean, that's where I  
21 think Judy is going. I shouldn't say I feel, I  
22 think that's where Judy's --

23 MS. GALLICCHIO: That's what I'm saying.

24 CHAIRMAN McINTYRE: That's what Judy is saying  
25 and that's what Judy is presenting to the Board. How

1 do we feel about starting at 278 and then we can get  
2 back to if we go -- and I have a feeling Judy means  
3 if we go with 278, we're going to work off of this  
4 plan.

5 MS. GALLICCHIO: We work off of --

6 CHAIRMAN McINTYRE: Of CN-4.

7 MS. GALLICCHIO: Yes, of CN-4 and in essence  
8 extrapolate it to the other plan, 278. Use the  
9 information from CN-4 and the difficulties with the  
10 lots on that and subtract them from the 278.

11 MR. TIETJEN: We've been reminded by our  
12 attorney that whatever we come up with is going to  
13 carry over to the other plan, right?

14 CHAIRMAN McINTYRE: That's the whole purpose,  
15 yes.

16 MR. TIETJEN: To the other plan. Pardon?

17 CHAIRMAN McINTYRE: That's the whole purpose.

18 MR. TIETJEN: Yeah. So that's why I took a  
19 shine to the idea that Judy -- I think we have the  
20 soil information, we don't have to reinvent the wheel  
21 to do this, and we should be able to go ahead and get  
22 the staff to do its thing.

23 CHAIRMAN McINTYRE: We'd like the staff to  
24 comment on that. Is that a reasonable -- is that a  
25 reasonable assumption that we can make, that starting

1 at 278 with a golf course? That's just our  
2 justification.

3 MR. BRANSE: I think that's reasonable. That's  
4 a plan the applicant provided to you.

5 CHAIRMAN McINTYRE: And we can -- but we can  
6 apply this plan, the numbers off of this plan to this  
7 other conventional subdivision as our starting point  
8 and that's what we're -- that's what we want to do.

9 MR. BRANSE: Well, I think --

10 CHAIRMAN McINTYRE: That's the consensus I think  
11 so far.

12 MR. BRANSE: I think that you can do that  
13 because it's probably the best that you can do with  
14 the information that you have. Your alternative is  
15 to conclude that the application is incomplete and  
16 deny it. Now, whether that's any better for the  
17 applicant I don't know but, I mean, those are your  
18 two choices. Your choices are to use the information  
19 you have and this is as reasonable approach as any or  
20 your other option is to say we asked for this  
21 repeatedly, they had it in September, they gave it to  
22 us in January, we're going to deny it and they can  
23 start over.

24 I'm not suggesting that, I'm just telling you  
25 that those are your two options.

1                   CHAIRMAN McINTYRE: Right. Okay. How does the  
2 Board want to proceed? Okay.

3                   MS. GALLICCHIO: Well, you've said that you are  
4 in favor of not deducting golf course --

5                   CHAIRMAN McINTYRE: Yes, but --

6                   MS. GALLICCHIO: -- acres from the yield.

7                   CHAIRMAN McINTYRE: But I'm not -- if -- right.  
8 I did say that, however, with this -- with how you  
9 have presented this information, it makes logical  
10 sense -- I mean, that's the difference. I mean, you  
11 know, just to arbitrarily lay that -- say to take the  
12 golf course out -- you know, out of this and then all  
13 of a sudden we have -- I had forgot about this one  
14 with the golf course in it which raises some  
15 interesting aspects, that you had something that  
16 showed if you have a conventional subdivision with a  
17 golf course it is as few -- 20 or so less houses --  
18 lots -- not houses but lots with the conventional  
19 subdivision as shown on CN-4. So to me it makes  
20 sense that if you were going to -- if you're going to  
21 have realistic representation of -- and this all  
22 depends on we all went with an open space  
23 subdivision. Now the other question is that if in  
24 fact we are going we're kind of assuming that the  
25 open space subdivision --

1 THE CLERK: Mr. Chairman, may I turn the tape?

2 CHAIRMAN McINTYRE: I don't think I have any  
3 choice. Thank you.

4 (Pause.)

5 CHAIRMAN McINTYRE: Okay. That the open space  
6 subdivision that we are going to look at, you know,  
7 has the golf course in it also so --

8 MS. GALLICCHIO: Right.

9 CHAIRMAN McINTYRE: -- at this time --

10 MS. GALLICCHIO: Yes.

11 CHAIRMAN McINTYRE: -- so it seems logical that  
12 now that we have something that's showing a golf  
13 course and that the end result of what we're looking  
14 at is going to have a golf course in it also, now the  
15 question arises if in fact when you get to the  
16 question of the golf course, does -- and if all of a  
17 sudden everybody says, well, we don't want the golf  
18 course, then do we have to go back and do yield  
19 again?

20 MR. HANES: I don't think that's our decision, I  
21 think that's a zoning.

22 CHAIRMAN McINTYRE: No, no.

23 MR. HANES: On the golf course.

24 CHAIRMAN McINTYRE: It's one of our -- the golf  
25 course. Do we feel the golf course is appropriate

1 for the subdivision is one of the questions.

2 MR. BRANSE: Part of what you'll be doing is  
3 reviewing the preliminary plan, which in this case  
4 includes a golf course, and determining whether you  
5 concur with that preliminary plan. You could reach  
6 conclusions that you like it better with, without,  
7 reconfiguring the golf course. There's a whole range  
8 of options out there. So, yeah, the presence of a  
9 golf course is part of your evaluation of the  
10 preliminary plan.

11 And, again, as I've -- I know this has been  
12 confusing during the public hearing as I've tried to  
13 point out to the public not the layout of the greens  
14 and each trail and the water quality and the  
15 fertilizing they will use; that's the zoning  
16 commission --

17 CHAIRMAN McINTYRE: Wetlands.

18 MR. BRANSE: -- or wetlands, right. Not  
19 irrigation water and how they will irrigate and all  
20 those things but it is in general, looking at the  
21 fact that golf courses do involve chemicals and do  
22 involve irrigation water just in general those are  
23 things that go with golf courses, you certainly have  
24 plenty of evidence on that. And looking at this  
25 layout how you feel about a golf course as part of

1           this plan and this particular design of golf courses,  
2           I mean, those are things that are all within your  
3           purview in looking at this preliminary plan because  
4           the plan includes a golf course as presented to you  
5           now.

6           MR. TIETJEN: I still --

7           CHAIRMAN McINTYRE: Let me interrupt, Dick.

8           MR. TIETJEN: Sorry.

9           CHAIRMAN McINTYRE: That's my -- you know, my  
10          cautionary thing is that if we -- you know, if we go  
11          with -- if we make consensus and go with saying that  
12          we're going to start at 278 that, you know, if we may  
13          -- if we go to something different later on, do we  
14          end up changing yield back, you know, having to  
15          readdress the yield? Would that be something we  
16          would have to do?

17          MR. BRANSE: Let me think about that one.

18          CHAIRMAN McINTYRE: Okay. Let's move on with  
19          the question of -- Dick, you had something you wanted  
20          to put forth?

21          MR. TIETJEN: I've already put it really. I'm  
22          still, as I said, hung up on this memo about fairly  
23          extraneous piece of real estate, the golf course, to  
24          the problem of locating housing and so on. This says  
25          this is like building a hospital or whatever, a



1 schoolhouse, a firehouse, whatever. It is absolutely  
2 -- it's taken out of the -- should be taken out of  
3 any calculations that will involve --

4 CHAIRMAN McINTYRE: Well, but basically --

5 MR. TIETJEN: -- number of lots --

6 CHAIRMAN McINTYRE: We just -- we just --

7 MR. TIETJEN: -- is that true?

8 CHAIRMAN McINTYRE: No. We just -- I think what  
9 we're trying to do is we're trying to put it back in.  
10 If we go with 278, we're basically --

11 MR. BRANSE: That's what you just did.

12 CHAIRMAN McINTYRE: We're just trying to say --

13 MR. BRANSE: What you're saying should happen is  
14 what they just did.

15 MS. ESTY: I thought we were agreeing

16 MR. TIETJEN: Of course, this has to do with  
17 open space as well calculations. Okay. If you've  
18 got it -- I mean, if you have --

19 CHAIRMAN McINTYRE: Well, it's not me.

20 MR. TIETJEN: You have much more experience with  
21 this stuff than I have and so does Judy, so I'm not  
22 trying to make trouble but it's -- I want to be  
23 reassured that we're not losing some advantage that  
24 we might have had.

25 CHAIRMAN McINTYRE: We have just -- okay, I

1 guess the best way I can put it to you, Dick, we've  
2 just now changed direction a little bit.

3 MR. TIETJEN: Okay.

4 CHAIRMAN McINTYRE: All right. We are now  
5 saying we are going to take into consideration the  
6 fact that we have an open space -- not an open space,  
7 a conventional subdivision map with a golf course on  
8 it.

9 MR. TIETJEN: Mmm-Hmm.

10 CHAIRMAN McINTYRE: Because we've gone so far  
11 with soil types on another map, we're saying that  
12 we're just going to take the number 278 as a starting  
13 point, okay --

14 MR. TIETJEN: Okay.

15 CHAIRMAN McINTYRE: -- and apply it to the  
16 conventional map CN-4 and that -- that so far I think  
17 everybody on the Board -- I haven't had Janis say  
18 anything one way or the other yet.

19 MS. ESTY: I am.

20 CHAIRMAN McINTYRE: She's comfortable with that  
21 but I think everybody on the Board is comfortable  
22 with that as the starting point rather than that 293.  
23 This one's 293; am I right?

24 MS. NELSON: Mmm-Hmm. Yes.

25 CHAIRMAN McINTYRE: 293, this is 278.

1 MR. TIETJEN: Right.

2 CHAIRMAN McINTYRE: Going to take 278 stick it  
3 onto this map and go from there and that takes into  
4 consideration the golf course.

5 MR. TIETJEN: Yeah, okay. I'll take an aspirin  
6 but I'm comfortable otherwise.

7 CHAIRMAN McINTYRE: I mean, I think I've  
8 wrestled with that for a long time about the golf  
9 course. You know, how do you lay it over there and  
10 do -- make it justified but now that you've brought  
11 this up I can see the logic behind it, so that's how  
12 we're going to proceed.

13 MR. HANES: Good. Now we go lot by lot?

14 CHAIRMAN McINTYRE: No -- well, lot by lot.

15 MS. NELSON: Well, Mr. Chairman, you have a lot  
16 of recommendations for elimination of lots for  
17 different reasons which may still apply in looking at  
18 the conceptual standard plan with the golf course.

19 CHAIRMAN McINTYRE: That's OS-A.

20 MS. NELSON: And so if --

21 MS. GALLICCHIO: We're going to assume that the  
22 same things apply.

23 CHAIRMAN McINTYRE: We're not going to -- we're  
24 going to go with this. We're just changing -- we're  
25 just saying that we believe that the starting point

1 for lot yield is actually 278.

2 MS. NELSON: Right. But all these reports --  
3 this plan just represents -- reflects recommendations  
4 we need to at the staff level know whether or not you  
5 agree with those recommendations.

6 CHAIRMAN McINTYRE: Right. Now, your  
7 recommendations to us is that you believe -- after  
8 your analysis of the project, that you believe that  
9 the lot yield of this lot is 2-- based -- see, we're  
10 going to have to do some math here.

11 MS. NELSON: I brought my calculator. We found  
12 63 lots that would be eligible for elimination due to  
13 typical elements of design in a reasonable  
14 subdivision.

15 CHAIRMAN McINTYRE: Okay. And we're saying  
16 right now where the original map -- the map CN-4 you  
17 had put 230 on there which it started at 293, now  
18 we're starting at 278, so 63 minus 278.

19 MS. NELSON: The only thing is that you have to  
20 be very careful of double counting.

21 CHAIRMAN McINTYRE: Okay.

22 MS. NELSON: That's something that if you look  
23 at the lots that are represented on this, what are we  
24 calling this, CN-4, you'll see that several of them  
25 have several dots. They have been eliminated for

1 more than one reason.

2 CHAIRMAN McINTYRE: Oh, that's -- that gives you

3 --

4 MS. NELSON: We only counted those once.

5 CHAIRMAN McINTYRE: Right. Well, that's okay.

6 MS. GALLICCHIO: Right.

7 MS. NELSON: But one of these lots -- we could  
8 choose another color and say that, okay, here's a lot  
9 that's also been eliminated because if the golf  
10 course was overlaid on it it would be eliminated but  
11 it's already been eliminated due to other reasons.  
12 So we would -- what we need to hear is whether or not  
13 you agree with these things and then we can report to  
14 you at your next meeting what lots would further be  
15 reduced by the golf course or vice versa.

16 CHAIRMAN McINTYRE: No, I don't think we need  
17 that. No, we don't.

18 MS. GALLICCHIO: I thought we were saying don't  
19 do that.

20 CHAIRMAN McINTYRE: Yeah.

21 MS. NELSON: Well, of the --

22 MS. GALLICCHIO: That we're just going to --

23 MS. NELSON: I forgot the number. Of the --

24 MR. HANES: 278.

25 MS. NELSON: Yeah, how many lots were

1 eliminated? What's the difference? It would be 15  
2 lots less.

3 MS. GALLICCHIO: 15.

4 CHAIRMAN McINTYRE: Yeah.

5 MS. NELSON: Of the 15 lots that are less on  
6 there, they may have already been eliminated for  
7 other reasons from here.

8 MS. GALLICCHIO: But how would they have been  
9 eliminated? That map is from September.

10 MS. NELSON: But they could be -- the lots  
11 eliminated for golf course reasons might also be  
12 eligible for elimination because of soils reasons.

13 MS. GALLICCHIO: I don't know what you're --

14 CHAIRMAN McINTYRE: Yeah, I don't think --

15 MR. BRANSE: I understand. If you took that  
16 golf course plan, okay, and if you reviewed it the  
17 same way that you did here, you might find that some  
18 of the 15 -- was it 20 lots were lost in that?

19 MS. GALLICCHIO: 15.

20 MR. BRANSE: 15. That some of those 15 lots  
21 might have been eliminated anyway based on soils or  
22 historic.

23 MS. NELSON: They may not exist anymore.

24 MS. BRANSE: So instead of 15 plus 63, it might  
25 be that -- it might be that it's something less.

1                   CHAIRMAN McINTYRE: So we could say that  
2                   basically in reality it really could be that after --  
3                   even after review of this -- is this what you're  
4                   trying to say: Even after review of this, we may  
5                   find out that we could find out with 230 on this map  
6                   also?

7                   MS. NELSON: You could.

8                   CHAIRMAN McINTYRE: Is that what you're trying  
9                   to tell us?

10                  MR. BRANSE: Possible.

11                  MS. NELSON: Possible.

12                  MS. GALLICCHIO: But I think we are in agreement  
13                  that we -- from -- with Mr. Branse's recommendation  
14                  of not going through soils and the specificity that  
15                  you did on CN-4 in your review, the only way I think  
16                  that we can do it is assuming that we would start  
17                  with the 278 and just deduct, even if they have  
18                  nothing to do with the plan with the golf course on  
19                  it. That's the only way I can think of that we can  
20                  do it --

21                  CHAIRMAN McINTYRE: Right. I understand that --

22                  MS. GALLICCHIO: -- at all reasonable.

23                  CHAIRMAN McINTYRE: I know. And what I -- now,  
24                  the question that I would have to ask myself, you  
25                  know, as looking at this plan and knowing that at a

1 certain point in time, you know, is this something  
2 that we want to have, you know, this plan to go  
3 through now If we cut the number of houses down to  
4 such a large number that it makes, you know, it makes  
5 no -- there's reasons why I would like to see, there  
6 may be reasons and other board members would like to  
7 see this plan succeed? All right. And you could --  
8 basically you could make it so it could not succeed  
9 by reducing -- far reducing the number of lots. You  
10 know, we started at 293, we're down to 230 which I'm  
11 comfortable with, and now we're going to go down to  
12 215.

13 MS. GALLICCHIO: Possibly 215 --

14 CHAIRMAN McINTYRE: 215.

15 MS. GALLICCHIO: -- if we go along with the --

16 CHAIRMAN McINTYRE: Possibly 215 or we could go  
17 somewhere between 215 and 230.

18 MS. GALLICCHIO: Right.

19 CHAIRMAN McINTYRE: I mean, it's all arbitrary I  
20 really think at this point. We've used some sound --  
21 I am just saying we've used some really sound  
22 decision-making policies on why we're going to  
23 eliminate lots. Now it comes to the point in time  
24 where there is some gray area, some fuzziness, and  
25 you have to kinda think, you know, what do you really



1 think this thing could yield.

2 MR. BRANSE: And it becomes a matter -- just you  
3 mentioned arbitrary. I think what you mean it's a  
4 matter of discretion, their discretion.

5 CHAIRMAN McINTYRE: Okay. Discretion.

6 MR. BRANSE: Of applying your discretion to the  
7 evidence that you have in front of you.

8 CHAIRMAN McINTYRE: Thank you. So that's where  
9 we sitting at right now.

10 MR. HANES: I think we should take these  
11 eliminations and -- in other words, have Christine  
12 explain why she happened to pick these certain areas  
13 and --

14 CHAIRMAN McINTYRE: Okay.

15 MR. HANES: -- then if we agree that, yes, that  
16 makes sense because of the soil types she's picked  
17 them all in one little area there where they're the  
18 same soil types and that appears there would be  
19 difficulty in septic tanks there, so she has found an  
20 area that is relatively flat that would lend itself  
21 to recreation purposes. And if we agree that that is  
22 one area that should count as eliminated and then if  
23 we agree with all of those then I guess the question  
24 is do we go to 278 minus those and come up with our  
25 bottom line?

1                   CHAIRMAN McINTYRE: Yeah. Well, that's what I  
2 was getting at. I think we have come to a consensus  
3 that the starting point is going to be 278. Is  
4 everyone in agreement with that?

5                   MS. GALLICCHIO: Yes.

6                   MR. HANES: Yes.

7                   CHAIRMAN McINTYRE: Okay. Dick, 278?

8                   MR. TIETJEN: Yes.

9                   CHAIRMAN McINTYRE: Okay. That's a given. So  
10 that's where we're going to --

11                   MS. NELSON: We have --

12                   CHAIRMAN McINTYRE: You've got to apply Board  
13 logic, not staff logic.

14                   MS. NELSON: I know. There's a little --  
15 there's some -- I'm glad Jeff's here. There's some  
16 difficulty in reviewing that map, the 40 scale map,  
17 from the prospective --

18                   CHAIRMAN McINTYRE: You're never going to review  
19 that map.

20                   MS. NELSON: Okay.

21                   CHAIRMAN McINTYRE: We're not going to ask that  
22 of you.

23                   MS. NELSON: Okay.

24                   CHAIRMAN McINTYRE: We're making a decision as a  
25 board that we've determined that we're making it

1 based on the map -- having the map as evidence in  
2 hand that we feel more comfortable starting off at  
3 278 rather than the 293 as depicted on the standard  
4 -- the subdivision -- conventional subdivision as  
5 depicted on CN-4. And we are saying we are now going  
6 to take all the -- your conventional subdivision,  
7 we're going to use all the criteria that you used on  
8 this because it would apply for that golf course  
9 subdivision also. Soil types are there, all the  
10 other things are there.

11 MS. GALLICCHIO: Not in exactly the same  
12 configuration but we're willing to take that chance  
13 that it's an intelligent way to do it.

14 CHAIRMAN McINTYRE: Right. That's what you're  
15 saying.

16 MS. GALLICCHIO: Although it will not be  
17 perfect.

18 MS. NELSON: Well, I'll tell you what. We'll  
19 run through as you're asking and why don't we have  
20 both plans open at once and you can see how it would  
21 or wouldn't apply.

22 CHAIRMAN McINTYRE: I don't think we need to do  
23 -- I really don't think we need to do that.

24 MS. NELSON: All right.

25 MS. GALLICCHIO: What is your point?

1 MS. NELSON: That lots that are identified on  
2 this plan for elimination might not -- for instance,  
3 for traffic considerations, those considerations  
4 might not exist, those concerns might not exist on  
5 the second -- on the conventional plan with the golf  
6 course, so to eliminate -- to count these lots that  
7 are eliminated for traffic concerns from one plan  
8 might not necessarily be applicable for elimination  
9 on the second plan.

10 MS. GALLICCHIO: But might there also be things  
11 on the second plan with the golf course that are not  
12 shown at all on this plan as being problem areas --  
13 that would be problems and we're saying --

14 MS. NELSON: We can't give you an opinion on  
15 that.

16 CHAIRMAN McINTYRE: We're not asking for that.

17 MS. GALLICCHIO: We're saying we're willing to  
18 use that as our best information even though it is  
19 not accurate on a lot-by-lot viewing because we don't  
20 have the information.

21 CHAIRMAN McINTYRE: Because we want it to be  
22 quantitative.

23 MR. BRANSE: It may be that it can't be  
24 quantitative. It may be you'll have to just use your  
25 best judgment based on what you have.

1 MS. NELSON: I can give you my opinion as it  
2 applies to this plan.

3 CHAIRMAN McINTYRE: That's what we're asking.

4 MS. NELSON: Okay.

5 CHAIRMAN McINTYRE: That's all we want now and  
6 then we'll be happy.

7 MS. NELSON: Okay. Happy to do it. You guys  
8 are easy. Okay.

9 MS. GALLICCHIO: Do we need to fill in Mr.  
10 Jacobson a little bit as to what we're talking about?  
11 I think he can catch on as we're going.

12 CHAIRMAN McINTYRE: You want me to give you a  
13 quick synopsis?

14 MS. GALLICCHIO: I don't want him to be in the  
15 dark with this.

16 MR. JACOBSON: Well, sure.

17 CHAIRMAN McINTYRE: Okay. Judy brought up a map  
18 that shows the golf course -- opened the golf course.  
19 It's a subdivision open space -- a conventional  
20 subdivision with the golf course in it.

21 MS. GALLICCHIO: With the golf course.

22 CHAIRMAN McINTYRE: In that golf course it shows  
23 only 278 housing -- lots. Now, there was an issue of  
24 bringing up more -- doing more reports, if we were  
25 going to evaluate that we'd have to go back through

1 the whole process. We've come to the consensus as a  
2 Board that we're going to take -- rather than using  
3 the number 293 as this map CN-4 dictates, we're going  
4 to use a starting number as 278 and go from there and  
5 just -- and then use this map to eliminate the -- you  
6 know, come down with our yield, to figure our yield  
7 of the lot because we have reports, we know the soil  
8 types, and it's based on our best information  
9 available at the time.

10 Our other alternative is to just say that we  
11 don't have enough information and, you know, deny the  
12 application and we feel more prudent going through  
13 with the way we're going through to continue the  
14 process and that's where we're at.

15 MR. JACOBSON: Okay.

16 MS. NELSON: Would you like to start with the  
17 traffic considerations? environmental? cultural?

18 CHAIRMAN McINTYRE: Whichever you feel more  
19 comfortable.

20 MS. NELSON: Traffic is really straightforward.  
21 If you take out or if you happen to have memo from  
22 Traffic Engineering Solutions dated January 27th,  
23 2005, the second paragraph --

24 MR. TIETJEN: I have an old one.

25 MS. NELSON: Well, here's the new one. We can

1 share.

2 MR. TIETJEN: Okay.

3 MS. NELSON: The second paragraph recommends  
4 that Road 10 be eliminated along with Lots 212  
5 through 217, six lots, and they're identified on this  
6 CN-4 in pink and --

7 MS. GALLICCHIO: In the middle?

8 MR. TIETJEN: Right in the middle there, yes.

9 CHAIRMAN McINTYRE: There you go. Road 10.

10 MS. NELSON: The reasoning is Mr. Hillson states  
11 that Road 10 is still not perpendicular for a  
12 distance of 100 feet per subdivision regulation  
13 6.4.3. No revised grades were provided for review to  
14 determine if a vertical curve has been added. And  
15 that was his recommendation.

16 CHAIRMAN McINTYRE: Okay. Now is that all --  
17 you want us to look at these -- I think the best  
18 route is to look this each individually and assume we  
19 all concur with what's being said. And that being  
20 said, I just want to -- even though if we would come  
21 up with a hard number, okay, I think -- still think  
22 we have to just, you know, say the hard number is --  
23 comes out one way or the other and you're not  
24 comfortable with it for one reason or another, we  
25 have the discretionary power to go either way, higher

1 or lower. I mean, because there's so many --  
2 everybody is using their own discretion making these  
3 determinations that by looking at it we don't have to  
4 follow all of these recommendations, it's our to  
5 chose whether or not to. So eventually, even if we  
6 come up with, you know, a solid number, we can --  
7 there's some wiggle room at the end, decision-making  
8 latitude that we're going to have. So I --

9 MR. BRANSE: Well, I think the latitude is that  
10 you can give different weight to different -- there's  
11 a lot -- you're being asked to consider the  
12 elimination lots on a number of different grounds and  
13 you've heard testimony from the applicant as well as  
14 from others that has expressed different viewpoints  
15 about that, so you may each -- you may each arrive at  
16 the same number by a different route. For one of you  
17 it may be soils information that was decisive for  
18 you; for another it may be the cultural and  
19 historical factors may be a greater factor; for  
20 another of one of you it may be elimination of the  
21 golf course land for your consideration. So that  
22 because there are so many factors that you could be  
23 weighing and giving weight differently to, each one  
24 of you may arrive at the same destination by a  
25 different route and that's okay.



1 CHAIRMAN McINTYRE: Or different numbers.

2 MR. BRANSE: Or different numbers. Correct.

3 But I'm saying if you reach consensus on a number you  
4 don't all have to have reached it by giving the same  
5 weight to the same data.

6 CHAIRMAN McINTYRE: Mmm-Hmm.

7 MR. BRANSE: You may have reached the number  
8 different ways.

9 CHAIRMAN McINTYRE: And if we get to the point  
10 that there's one number being proposed and someone  
11 feel that the number should be higher or lower, if  
12 someone can justify the reasoning and everyone agrees  
13 then we can go that route.

14 MR. BRANSE: If you have the information -- the  
15 evidence before you that suggests that the number is  
16 wrong for some reason.

17 CHAIRMAN McINTYRE: All right. Okay, Chris.

18 MS. NELSON: My question is do you agree with  
19 the recommendation of your traffic consultant?

20 CHAIRMAN McINTYRE: Which one was that? Which  
21 paragraph is that again?

22 MR. HANES: Second paragraph.

23 MS. NELSON: The second paragraph on the --  
24 right above the middle.

25 MR. HANES: I feel that he's more in the know

1 than we are on the subject and he's got good reason  
2 for eliminating that particular road.

3 MS. GALLICCHIO: I agree.

4 (Pause.)

5 CHAIRMAN McINTYRE: Okay. So the traffic  
6 engineer is just saying that because the numbers  
7 weren't given to him that he feels this road wouldn't  
8 be built but then again, if the numbers were given to  
9 him --

10 MS. GALLICCHIO: No, he says it's not  
11 perpendicular --

12 CHAIRMAN McINTYRE: Not perpendicular.

13 MS. GALLICCHIO: -- for a distance of 100 feet  
14 which is our regulations, 6.4.3.

15 CHAIRMAN McINTYRE: Okay. Dick.

16 MR. TIETJEN: I'd go with the staff.

17 CHAIRMAN McINTYRE: Stewart.

18 MR. HANES: Yes, definitely

19 CHAIRMAN McINTYRE: Judy.

20 MS. GALLICCHIO: Yes.

21 MS. ESTY: I agree.

22 CHAIRMAN McINTYRE: I'll go along with you.  
23 All right. So, yes. So that would be Lots -- what  
24 lots is that again? That would be --

25 MR. HANES: 212 through 217.

1 CHAIRMAN McINTYRE: 212 through 217. You have  
2 these all on your pages?

3 MS. NELSON: Yes.

4 CHAIRMAN McINTYRE: Okay.

5 MS. GALLICCHIO: There's more in that report.

6 CHAIRMAN McINTYRE: Right. There's about the  
7 intersection. Road 1. Did you want to go over that  
8 now?

9 MS. NELSON: At the end of the paragraph Mr.  
10 Hillson recommends that Road 1 be extended and  
11 realigned across Lots 73 and 79 to eliminate the  
12 sharp curve on Ingham Hill Road. That would  
13 eliminate Lots 73 and 79 as building lots which the  
14 applicant has already eliminated in this CN-4.

15 CHAIRMAN McINTYRE: I just -- there was just one  
16 thing that we've been doing before we move on when  
17 you say the road isn't perpendicular but we've kind  
18 of been looking at -- you know, it was like when we  
19 were doing the end of the road for the Ingham Hill  
20 Homestead, you know, we kind of -- once again, I want  
21 to make sure we weigh everything equally. We did  
22 take into consideration and left some lots because  
23 you would have/could have type things where the road  
24 could go that far and it would be -- would still be  
25 legal. Now could some of those lots, say that one

1 lot, this lot right here -- I can't read it -- Lot  
2 207 -- 217 could be -- it could be a lot on its own  
3 unless it's on the hit -- okay. It's a soil lot.  
4 Okay. What I was saying, if you look at that, at  
5 217, rather than it having to be, you could just get  
6 rid of that road, attach it to, you know, adjacent to  
7 Lot Number -- can you read that number right there,  
8 91 or 81 or --

9 MS. NELSON: 61.

10 CHAIRMAN McINTYRE: 61. You know, you could  
11 actually take the roadway and that other lot and  
12 leave it and have that lot run and have a drive --  
13 you know, have a driveway just off of that main road  
14 rather than saying eliminating it. You know, once  
15 you cut off the road there's still --

16 MS. GALLICCHIO: But that's one --

17 CHAIRMAN McINTYRE: But then again I'm just  
18 saying this is what I want to make sure that we're --

19 MS. GALLICCHIO: 30 percent.

20 CHAIRMAN McINTYRE: But, again, this one also is  
21 on -- Lot 217 which is the lot I'm talking about, is  
22 also a lot which is in poor soil conditions CRC, so  
23 that would eliminate that lot. I just want to make  
24 sure we're doing it the same way we did last time,  
25 you know, taking all considerations, not just -- you

1 know, just because something stops, that we remove  
2 something, doesn't mean that there isn't a  
3 possibility of a lot remaining there. And last time  
4 we pretty much went with the thought that, you know,  
5 if it was on the soils, it would --

6 MS. NELSON: You know, at the staff level when  
7 we were preparing this we saved the soils for last  
8 because it was a percentage and we didn't want to  
9 double count.

10 CHAIRMAN McINTYRE: Okay.

11 MS. NELSON: At the last meeting you identified  
12 that one.

13 CHAIRMAN McINTYRE: But it was on the  
14 elimination of the CRC soil types.

15 MS. NELSON: Yes.

16 CHAIRMAN McINTYRE: So, again, on the last time  
17 it was a double whammy. If you had two hits or one  
18 hit you could be eliminated.

19 MR. TIETJEN: Two strikes and you're out.

20 CHAIRMAN McINTYRE: Well, no, one strike you  
21 could be out.

22 Okay. So everybody's in agreement that 212-217  
23 are -- we don't believe are buildable lots.

24 MS. GALLICCHIO: They should be eliminated.

25 CHAIRMAN McINTYRE: Should be eliminated.

1           Should be eliminated. Okay.

2                   And now, go ahead, Chris. I'm sorry to  
3 interrupt you.

4           MS. NELSON: All right.

5           MS. GALLICCHIO: Oh, and you said already 73 and  
6 79 were eliminated, so we don't need to discuss that  
7 part of the recommendation.

8           MS. NELSON: Right.

9           CHAIRMAN McINTYRE: Okay. Next area.

10           MS. NELSON: In your report from Nathan L.  
11 Jacobson & Associates dated January 27th, 2005, you  
12 have recommendations for lots to be eliminated for  
13 environmental reasons.

14           CHAIRMAN McINTYRE: That's all for traffic?

15           MS. NELSON: Yeah. I'm sorry.

16           CHAIRMAN McINTYRE: Okay. So we're going to  
17 move on to the Jacobson report. Okay. And that was  
18 dated 27 January letter?

19           MS. NELSON: Yes.

20           CHAIRMAN McINTYRE: Okay.

21           MS. NELSON: And there were attachments to it as  
22 well, two maps.

23           CHAIRMAN McINTYRE: Right here.

24           MS. NELSON: In the report -- do you want to do  
25 this one?

1 MS. GOODFRIEND: Mmm-Mmm.

2 MS. NELSON: Okay. There's a recommendation to  
3 eliminate Lots 98-R and 99-R which are identified on  
4 the color-coded map CN-4 in green and in life by the  
5 Reese's peanut butter cup.

6 CHAIRMAN McINTYRE: I feeling like we're  
7 planning a major war here.

8 MS. NELSON: Does feel like strategic --  
9 Stratego.

10 And the reasons behind it were due to the 650  
11 foot long shared, common driveway that is located  
12 within 50 feet of Vernal Pool 10, ten feet from  
13 Vernal Pool 11, and disturbs the conductivity between  
14 these vernal pools and Vernal Pool 9 which is located  
15 approximately 100 feet from the shared, common  
16 driveway.

17 CHAIRMAN McINTYRE: What number would it be  
18 again? I can't see that.

19 MS. NELSON: Of the vernal pools?

20 CHAIRMAN McINTYRE: No, number of lots.

21 MR. HANES: 98-R and 99.

22 CHAIRMAN McINTYRE: All right. We already had  
23 those eliminated last time --

24 MS. GALLICCHIO: We discussed that at our last  
25 meeting.

1 CHAIRMAN McINTYRE: -- last meeting.

2 MS. NELSON: Okay.

3 CHAIRMAN McINTYRE: Are you just going to go  
4 over everything for --

5 MS. NELSON: I'm talking about environmental  
6 recommendations if that's all right to do it that  
7 way.

8 CHAIRMAN McINTYRE: What I'm saying is we just  
9 --

10 MS. GALLICCHIO: We reviewed that.

11 CHAIRMAN McINTYRE: And we eliminated those lots  
12 last time.

13 MS. NELSON: Because of environmental reasons?

14 CHAIRMAN McINTYRE: Right, because of  
15 environmental reasons.

16 MS. NELSON: All right. Moving on, Lot 209-R,  
17 was that previously eliminated?

18 CHAIRMAN McINTYRE: Not on my records.

19 MS. NELSON: All right. It's recommended in the  
20 report that 209-R be eliminated due to its proximity  
21 to Vernal Pool 27.

22 MS. GALLICCHIO: I'm sorry, where is that one?  
23 On what page -- no, I mean, in the report?

24 CHAIRMAN McINTYRE: Page 4.

25 MS. NELSON: Page 4 of 5.



1 MS. GALLICCHIO: So we're skipping the bottom  
2 ones on page 2 where it says terminate Road Number 6  
3 and Number 7 serving the eight lots.

4 MS. NELSON: I just haven't gotten there yet.

5 MS. GALLICCHIO: Okay. You're jumping -- okay.  
6 All right. That's all right. I'm confused.

7 CHAIRMAN McINTYRE: This is what you do, by the  
8 time you get done on all the lots on your back side  
9 -- on your page --

10 MS. GALLICCHIO: Right. Oh, I see.

11 CHAIRMAN McINTYRE: That's what you're doing.  
12 Okay. You're going to discuss all those lots.

13 MS. NELSON: All right. Where's 209-R?

14 MR. JACOBSON: That's that small little vernal  
15 pool.

16 MS. NELSON: Oh, right.

17 MS. GOODFRIEND: Right there.

18 CHAIRMAN McINTYRE: Okay. How many feet from  
19 the dwelling would that be in relation to that map?  
20 You want a ruler?

21 MS. NELSON: How many feet from a vernal pool?

22 CHAIRMAN McINTYRE: Yeah. Where's the vernal  
23 pool in Lot 27?

24 MS. NELSON: No, it's Lot 209-R --

25 CHAIRMAN McINTYRE: 209. 209, excuse me.

1 MS. NELSON: -- and the 27 refers to the vernal  
2 pool which is located on the back of the lot on a  
3 portion of the lot.

4 CHAIRMAN McINTYRE: Right. But is it -- is  
5 there a 50 foot or 100 foot -- it's a 50 foot zone  
6 with 100 foot review zone. Is the house that's  
7 depicted on the map within that 100 foot --

8 MS. NELSON: No.

9 CHAIRMAN McINTYRE: -- or within 50 foot of the  
10 vernal pool?

11 MS. GOODFRIEND: Yes. It's --

12 MS. NELSON: Within 50 feet of the vernal pool?

13 MR. JACOBSON: 100 feet.

14 MS. GOODFRIEND: The house is within the -- is  
15 right on the 100 foot.

16 CHAIRMAN McINTYRE: It's right on the 100 foot.  
17 So that's --

18 MR. JACOBSON: I think if I recall when we were  
19 looking at the lot the question was when you take  
20 that 100 foot setback, and correct me if I'm wrong,  
21 and then you take the various different building  
22 setbacks and you look at what was left to actually  
23 site a house on there, that it was, you know,  
24 extremely limited.

25 CHAIRMAN McINTYRE: Well -- but --

1 MR. JACOBSON: To the point where you'd question  
2 whether it's realistic or not. Obviously it's a  
3 decision you have to make but I think that was the --

4 CHAIRMAN McINTYRE: Right. And based on a  
5 wetlands perspective, you know, the 50 foot is the  
6 big number and the 100 foot is the zone -- is a  
7 review zone. So there doesn't seem -- I mean, you  
8 could put a shed within that 100 feet review zone or  
9 anything, so I'm not -- from a wetlands perspective,  
10 I don't -- I think that that lot may be doable.

11 MS. GOODFRIEND: Mr. Chairman, from the staff's  
12 perspective the way we reviewed these plans for  
13 environmental issues was to look at the impacts to  
14 wetlands and then the vernal pools in a two-tier  
15 system, that the impacts for vernal pools we looked  
16 within the first 100 feet, which is the active zone  
17 that you could consider for amphibians that live in  
18 the vernal pools, and it was -- there are other lots  
19 that aren't in quite close proximity to that vernal  
20 pool and our recommendation would want to completely  
21 protect that pool but to recommend elimination  
22 because that lot appeared to us on the 40 scales to  
23 be very unrealistic.

24 CHAIRMAN McINTYRE: But it could be within the  
25 town's regulations?

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MS. GOODFRIEND: Yes.

CHAIRMAN McINTYRE: Okay.

MS. GALLICCHIO: I think we should eliminate it.

CHAIRMAN McINTYRE: Myself I don't because everything -- I mean, pretty much we've been basing everything else on regulation and I really -- you know, being I sit on the wetlands board, I feel that this may be a doable lot.

MR. HANES: I'd go along with the environmental impact that it would have. I think it should be eliminated.

CHAIRMAN McINTYRE: Okay. That's two.

MS. ESTY: I agree. I think it should be eliminated.

CHAIRMAN McINTYRE: Okay. Jake.

MR. TIETJEN: (Nodding in the affirmative.)

CHAIRMAN McINTYRE: Okay. Elimination.

MR. TIETJEN: Think of the ultimate consumer. That's probably not fair, is it?

MR. BRANSE: Well, you're allowed to -- your regulation contains a standard that the open space subdivision plan should enhance wildlife habitat, drainage, ponds, water courses. Those standards are in Section 56 as the things that you should be considering in evaluating the plan, so it's relevant

1 for you to consider them. However you come down  
2 isn't what's important, the discussion you're having  
3 is the discussion that's dictated by the criteria in  
4 your regulation.

5 CHAIRMAN McINTYRE: Right. In a conventional  
6 subdivision you're doing the same thing but in a  
7 smaller scale. For -- open spaces is different than  
8 a conventional subdivision in that is isn't an open  
9 space subdivision. You're able to accomplish more in  
10 the open --

11 MS. GALLICCHIO: But I know --

12 CHAIRMAN McINTYRE: I know. It's already  
13 eliminated?

14 MS. GALLICCHIO: I think with the information  
15 that we've gained and the knowledge that we've gained  
16 from all the experts and others that have testified,  
17 I don't -- I think the 100 foot envelope is important  
18 for a vernal pool.

19 CHAIRMAN McINTYRE: Okay. But -- I understand  
20 what you're saying but then again if that vernal  
21 pool, if we went by what the -- was presented to us  
22 during the public hearing, if you look at Lot 27, you  
23 do not have the -- because of that -- if you were  
24 going with the true statement about a vernal pool  
25 what is what it's going to do, that vernal pool based

1 on testimony is going -- not to be a -- is going to  
2 be a vernal pool that is not going to maybe be  
3 productive in that subdivision because of -- because  
4 you don't have -- all your upland is gone, you're  
5 three -- what, your 750 feet is gone.

6 MS. GOODFRIEND: Can -- may I comment on that,  
7 Mr. Chairman?

8 CHAIRMAN McINTYRE: Yeah. Go ahead.

9 MS. GOODFRIEND: We've discovered through our  
10 analysis and presentation to you and the last report  
11 that we gave that the calculation of the critical  
12 terrestrial habitat remaining for residential areas  
13 is considering only the clearing for the house, the  
14 driveway, and the yard. Therefore, if we did the  
15 calculation on that vernal pool considering the  
16 elimination of the small cul-de-sac, you may actually  
17 have 75 percent or 50 percent or a large number of  
18 the critical terrestrial habitat preserved. That's  
19 not the way, in my professional opinion, you should  
20 choose to look at preservation of critical  
21 terrestrial habitat but that is the way the applicant  
22 has done it because that considers spaces between  
23 houses and roads and parking areas and driveways to  
24 the be habitat that's counted towards that 75  
25 percent. I disagree with that method but it's the

1 method they used. And I also -- I believe all of us  
2 strongly disagree that without the critical  
3 terrestrial habitat, the vernal pool is now a  
4 wetlands and should be discounted as a vernal pool.  
5 So those are just thoughts that may or may not weigh  
6 into your decision on this single house lot.

7 CHAIRMAN McINTYRE: Well, we just -- I think  
8 we've already made our decision.

9 MS. GOODFRIEND: Okay.

10 CHAIRMAN McINTYRE: I think we're just kind of  
11 mulling it over.

12 MS. GOODFRIEND: But that is information to  
13 consider --

14 CHAIRMAN McINTYRE: For any other ones that pop  
15 up.

16 MS. GOODFRIEND: As you go along and I think it  
17 will help clarify our report as well.

18 CHAIRMAN McINTYRE: Yeah, and from my  
19 perspective from sitting on wetlands I -- you know, I  
20 know what's been done and how everything is applied  
21 on all other subdivisions within town and, like  
22 I said, you know, I'm not going to disagree with my  
23 -- I'll go along with my board members but still  
24 stand that I would think that that -- if that a sub--  
25 if that was a lot somewhere else within this town,

1           that would be a buildable lot but the decision has  
2           been made.

3           Okay. Go ahead. Lot 11, I think that's where  
4           you're heading.

5           MS. NELSON: Mmm-Hmm. There's a recommendation  
6           in the same report to eliminate Lot 11 due to the  
7           location of native cactus, a species of special  
8           concern, along the limit of the proposed clearing  
9           required for development of this lot.

10          MR. HANES: Someone has seen this?

11          MS. NELSON: The applicant has represented on  
12          the plans that they found it in their natural  
13          inventory of the property.

14          CHAIRMAN McINTYRE: Okay. So what -- you know,  
15          obviously we've never really -- I don't think we've  
16          ever dealt with eliminating anything for vegetation  
17          reasons or -- what is the state -- somebody jump in  
18          here from staff. What is the state guidelines as far  
19          as -- like wetlands, we have certain regulations, you  
20          know, the DEP has regulations. What regulations  
21          govern the protection of this plant?

22          MR. SNARSKI: On private ownership there's no  
23          protection for any state listed species whatsoever,  
24          whether it's endangered, threatened, or a species of  
25          concern. Plants go with the ownership of the land



1 not like wildlife. You can have the rarest plant  
2 there is in the New England or United States and if  
3 it's on your land you can destroy it, there's no  
4 protection. If you own the land, you can do what you  
5 want with the plants. So that's why reviewing open  
6 space regulations protection of the species that are  
7 listed, that the cactus is listed as a species of  
8 concern so we felt it should be incorporated into the  
9 open space because if somebody doesn't own it, they  
10 don't like it, they don't have a right to just go out  
11 and take it and destroy it. They would if they don't  
12 like it they can clear the land around and do  
13 something that would destroy its habitat and it could  
14 go away, so we felt that it should be protected.

15 CHAIRMAN McINTYRE: Is that the Reese's cup  
16 right there?

17 MS. NELSON: Yeah.

18 CHAIRMAN McINTYRE: Okay. My only question  
19 would be on that -- okay. And I think, Mr. Snarski,  
20 that, you know, what you've said is well taken that I  
21 think what you're trying to say is at this point in  
22 time is the only time if we were going to protect  
23 that you could but I think in this case to eliminate  
24 that lot for that reason, okay, we'd have to -- I  
25 would have to look at the conventional sub -- I mean,

1 the open space subdivision that's being presented and  
2 if in fact there was no lot there then I maybe say go  
3 along with that but if there's a lot there on their  
4 open space subdivision then we're eliminating a lot  
5 for no reason at all.

6 MS. GOODFRIEND: I believe, Mr. Chairman, the  
7 species of special concern, the plant species are  
8 included in the open space. It's my recollection  
9 they're including the open --

10 CHAIRMAN McINTYRE: Right there?

11 MS. GOODFRIEND: Yes. There's two incidences of  
12 cactus.

13 CHAIRMAN McINTYRE: That's what I just want to  
14 verify and then I'd feel a lot more comfortable --

15 MS. GOODFRIEND: I believe.

16 CHAIRMAN McINTYRE: -- going with that.

17 MS. GOODFRIEND: One other comments, since I'm  
18 sitting the closest, this lies -- also potentially  
19 could be eliminated for soil, so it has two reasons.

20 CHAIRMAN McINTYRE: Okay. What number is that,  
21 again? 11?

22 MS. GOODFRIEND: 11.

23 MS. GALLICCHIO: 11.

24 CHAIRMAN McINTYRE: Okay.

25 MS. NELSON: Number 11.

1 CHAIRMAN McINTYRE: Number 11. Okay. Number  
2 one, it's got a double hit on it for some reason. Is  
3 that the reason Number 11 is highlighted is because  
4 of the plant life and the soil types?

5 MS. GOODFRIEND: Yes.

6 CHAIRMAN McINTYRE: Okay.

7 (Pause.)

8 CHAIRMAN McINTYRE: Where's the -- is that the  
9 entrance right there? Is that 32? What's 32, is  
10 that the entrance?

11 MS. NELSON: 153?

12 CHAIRMAN McINTYRE: Yeah, 153. That's 153. So  
13 it does look like there is -- one of the road. Oh,  
14 thank you. I thought this day would never come. I  
15 can't even tell on this. It's Road L I guess or C?

16 MS. GALLICCHIO: You're talking about the --  
17 yeah. This is easier to look at. That came --

18 CHAIRMAN McINTYRE: Yeah, I've got it right  
19 here.

20 MS. GALLICCHIO: -- with Mr. Jacobson's report.  
21 I think it's a little easier to see.

22 CHAIRMAN McINTYRE: And it looks like --

23 MS. GALLICCHIO: Yeah.

24 CHAIRMAN McINTYRE: -- from my -- from what I  
25 can see, there is a development -- there are lots

1 that are planned to be developed on that lot right  
2 there. I mean, is that what you guys see?

3 MS. NELSON: No.

4 MS. GALLICCHIO: No, it's marked. There's a  
5 little star.

6 CHAIRMAN McINTYRE: Oh, there it is right there.  
7 Okay. All right. So it's out of it -- just on the  
8 very edge of it.

9 MS. GALLICCHIO: Are we voting on that one?

10 CHAIRMAN McINTYRE: Well, we will. I just don't  
11 -- if there's anybody else that has any other  
12 questions about it, I just had those concerns making  
13 sure we weren't eliminating a lot that -- just for  
14 that reason if it wasn't going to be built on anyway.

15 THE CLERK: Mr. Chairman, can we stop there for  
16 a minute?

17 (Pause.)

18 THE CLERK: Thank you.

19 CHAIRMAN McINTYRE: Go ahead, Mr. Snarski.

20 MR. SNARSKI: This issue can come up again and  
21 just if the Commission wants to have an understanding  
22 of what the current --

23 CHAIRMAN McINTYRE: Sure.

24 MR. SNARSKI: -- statutes are -- not statutes  
25 but what means a plant is endangered, threatened, or

1 a species of concern. Just for your information so  
2 you can, you know, get a feeling of how much weight  
3 you should put to something of how a plant is  
4 weighted in your deliberations; do you have a -- do  
5 you understand that or --

6 CHAIRMAN McINTYRE: We do. I think we got  
7 enough testimony during the -- I do.

8 MR. SNARSKI: Okay. What a species of concern  
9 means, in other words, how often --

10 CHAIRMAN McINTYRE: It looks like -- in this  
11 case it looks like the applicant took that into  
12 consideration also.

13 MR. SNARSKI: Okay.

14 MR. JACOBSON: I don't understand what relevance  
15 that has in determining the lot count though, the  
16 fact that it's not being built on in the open space  
17 plan. I mean, there's development all throughout  
18 here that's not being developed in the open space.

19 CHAIRMAN McINTYRE: Yeah, but you're going to  
20 eliminate a lot for a reason of -- it's getting  
21 eliminated for one other reason, because of the type  
22 of soil, you know. It's on the hit list because of  
23 the soil type but to just eliminate it because, as  
24 you said, if there was -- somebody owned that, the  
25 landowner owns that right now and it is his right to

1 do whatever he wants there. And in this case they  
2 did -- in the open space, they go around it and  
3 they're not going to put a lot there, so that says a  
4 lot; no pun intended. So that's what I was looking  
5 at that is that if you had -- if you eliminate a lot,  
6 you know how -- the reason why that it applies to the  
7 other part of the subdivision too, the open space.

8 You all set?

9 CHAIRMAN McINTYRE: Did I answer your question?

10 MR. JACOBSON: No, not really but that's okay.

11 MS. NELSON: Do we have consensus on Lot 11?

12 CHAIRMAN McINTYRE: How does everybody feel  
13 about Lot 11? Don't forget Lot 11 also shows -- just  
14 so everybody knows, it's -- I think it's on soils --  
15 it's on soils.

16 MS. GALLICCHIO: CN-4.

17 MR. HANES: But you recommended eliminating that  
18 strictly because of the cactus, that's not part of  
19 your soils.

20 CHAIRMAN McINTYRE: Yes, it's right here.

21 MR. HANES: Well, I know it's on there but when  
22 she added up the number of lots that you're going to  
23 eliminate due to the soil conditions, that's not in  
24 the count of the soils that you've eliminated  
25 individual lots, is it? It's not part of your 51?

1 MS. NELSON: Yes. It is, yes

2 MR. JACOBSON: None of the lots were double  
3 counted in terms of our memorandum.

4 MR. HANES: Oh, okay.

5 MS. GOODFRIEND: Right. So this lot counts as  
6 one -- a reduction of one for the soils as well.

7 MR. HANES: Right.

8 MS. GOODFRIEND: So if we need to eliminate 26  
9 lots, this counts towards one of those 26 for soils,  
10 so lots were not double counted.

11 MR. BRANSE: Some lots were eliminated in three  
12 or four different memos --

13 CHAIRMAN McINTYRE: Right.

14 MR. BRANSE: -- and what -- I know that what we  
15 worked together on was to make sure that we weren't  
16 totaling those, you know, we weren't stacking them  
17 up, all right. We went through all of the reports by  
18 lot numbers to make sure that although one lot might  
19 have had four reports, it still was counted as just  
20 one lot.

21 CHAIRMAN McINTYRE: So the question is how does  
22 the Commission feel about Lot 11?

23 MS. ESTY: Save the cactus. Eliminate Lot 11.

24 CHAIRMAN McINTYRE: The cactus was saved.

25 MS. GALLICCHIO: I agree.

1 MR. HANES: Okay.

2 CHAIRMAN McINTYRE: All right. Lot 11 is -- I'm  
3 on the fence, so we'll go with Lot 11 as being  
4 eliminated by consensus.

5 Dick, how did you feel about it? I didn't get  
6 your opinion on Lot 11.

7 MR. TIETJEN: On 9/11?

8 CHAIRMAN McINTYRE: Lot 11.

9 MR. TIETJEN: Throw it out.

10 CHAIRMAN McINTYRE: Okay. All right. Okay.

11 MR. TIETJEN: You scared me there for a minute.  
12 I thought you were --

13 CHAIRMAN McINTYRE: Another false broadcast  
14 going on here.

15 MS. NELSON: Attached to the Jacobson report of  
16 January 27th were two small site plans which show  
17 parts of the road system that would be eliminated and  
18 associated lots for an environmental reasons. If you  
19 take a look at Road 6. Where's Road 6?

20 CHAIRMAN McINTYRE: It's got to be in the green.

21 MS. NELSON: It's actually blue.

22 CHAIRMAN McINTYRE: Blue? Okay.

23 MS. NELSON: Oh, terminating Road 6 at Lot 144,  
24 right here. I'm reading from page 2 of 5 in that  
25 report, the last paragraph.



1 MS. GALLICCHIO: Where are you?

2 MS. NELSON: Page 2 --

3 MS. GALLICCHIO: Okay.

4 MS. NELSON: -- of 5, the last paragraph. I'll  
5 read it: "In addition, we recommend terminating Road  
6 at Lot 144 and eliminating" -- this is Road 6 --  
7 "and eliminating Road 7 serving eight lots," 134  
8 through 141, which are shown on the plan with green  
9 dots, "Lots 142 and 143 would then be reached from  
10 Road 4. Also we recommended eliminating 700 feet of  
11 Road Number 4 and all of Road Number 5 serving Lots  
12 129, 132, and 133. These recommendations are  
13 consistent with the Old Saybrook Subdivision  
14 Regulations Statement of Purpose, preservation of  
15 character of land and valuable natural resources for  
16 future generation, and Section 5 Design Requirements,  
17 Subsections 5.1.2b, c, and d; 5.2.1b, and 5.8a(b).

18 CHAIRMAN McINTYRE: Okay. Before we have any  
19 discussion on this, that was Lot 130, 131, and 132?

20 MS. NELSON: 129 and 132 and 133.

21 CHAIRMAN McINTYRE: Okay. All right. Because  
22 the last week when we discussed this we thought Lot  
23 130, 131, and 132 were eliminated for -- based on  
24 that discussion and I, you know --

25 MS. GOODFRIEND: Mr. Chairman, Lots 130 and 131

1 have been moved; is that correct? 130 has been moved  
2 away from this area and now -- just so you get your  
3 numbers right --

4 CHAIRMAN McINTYRE: Okay. That's the ones we  
5 saw on that earlier.

6 MS. GOODFRIEND: -- and placed here.

7 CHAIRMAN McINTYRE: Okay.

8 MS. GOODFRIEND: And I think 131 is down there.  
9 So these numbers internal to this plan are reflected  
10 in our report. It gets confusing because a couple  
11 lots were moved yet their numbers remain on the plan.

12 CHAIRMAN McINTYRE: Okay. So --

13 MS. GALLICCHIO: So then Numbers 130 and 131  
14 that we discussed last time are in different  
15 locations and are current numbers?

16 CHAIRMAN McINTYRE: But they do fall in -- as  
17 represented on this chart, I mean, on this page 5 of  
18 5 on the report, they are in CRC soil types?

19 MS. GOODFRIEND: Correct.

20 CHAIRMAN McINTYRE: Okay. And that's over  
21 there.

22 MS. GOODFRIEND: Well, 130 has been moved to  
23 this location right here, which is not in this center  
24 section any longer, and I believe Lot 131 is down  
25 somewhere in the -- they'd be moved out of the

1 central section of the plan.

2 CHAIRMAN McINTYRE: Okay. All right. So --

3 MS. GOODFRIEND: If it's got an orange dot on  
4 it, I believe.

5 MR. HANES: Question; when they were moved, were  
6 they moved to the same type of soil?

7 CHAIRMAN McINTYRE: . No, the evaluation of the  
8 lots were based on their location on this map as  
9 depicted --

10 MR. HANES: Oh, okay.

11 CHAIRMAN McINTYRE: -- not on as what we got  
12 here.

13 MR. HANES: Right. As long as they stayed in  
14 the same type of soil.

15 CHAIRMAN McINTYRE: Well, they never -- they  
16 were only evaluated in that soil.

17 MS. GOODFRIEND: They -- the lots that have been  
18 shifted on this plan, that -- we evaluated them on  
19 the 40 scales to determine what soil type they now  
20 reside on as reflected on this plan.

21 MR. HANES: Right, and they're CRC.

22 MS. GOODFRIEND: They reside on the soil types  
23 as reflected on our report.

24 CHAIRMAN McINTYRE: Okay. So run that by me  
25 again what we're getting -- we're getting rid of Road

1 6?

2 MS. NELSON: Yup, and Road 7. It's green.

3 CHAIRMAN McINTYRE: Yeah, I see, but what lots  
4 do you want to get rid of?

5 MS. NELSON: They have green dots on this. Can  
6 you see them from where you're sitting? I can push  
7 this forward.

8 CHAIRMAN McINTYRE: Well, but didn't we have  
9 discussion last week about keeping some of those?

10 MS. NELSON: We hadn't spoken from them from an  
11 environmental perspective I don't believe, did we?

12 MR. HANES: We talked about keeping these  
13 because you're going to access from the other road.

14 CHAIRMAN McINTYRE: Right, from the other road.  
15 We talked about keeping --

16 MS. GALLICCHIO: One or the other --

17 CHAIRMAN McINTYRE: 143 -- was there a road or a  
18 path?

19 MS. GALLICCHIO: Road onto Bokum Road.

20 CHAIRMAN McINTYRE: We got rid of 142 and 143,  
21 we kept -- I have Road Number 7. Where did Road  
22 Number 7 go?

23 MS. ESTY: They were eliminated because of the  
24 trails.

25 CHAIRMAN McINTYRE: Oh, 143 moved to re-site

1 with driveway on front road, so 142 should stay. We  
2 decided to re-site and make it go on -- with the  
3 driveway on the front road -- I think Road Number 4.

4 MS. NELSON: Those are -- those are -- right now  
5 this report recommends that they remain and be  
6 accessed from this road over here.

7 CHAIRMAN McINTYRE: Okay. That's what we came  
8 up with last time.

9 MS. NELSON: Okay.

10 CHAIRMAN McINTYRE: All right. So everybody's  
11 staying consistent. Okay. And then so that's where  
12 we get rid of that cul-de-sac there. Is that orange?

13 MS. NELSON: We're talking about the green  
14 considerations right now.

15 CHAIRMAN McINTYRE: Okay. We're still in the  
16 greens. Now, this is the Ingham Homestead that we  
17 talked about last time and that we did some fancy  
18 maneuvering down there I think. 132 -- I have  
19 written down 132, Ingham Farm site, and that's way  
20 down here. That's way down the end of your green.  
21 And we didn't recommend -- what are the environmental  
22 reasons for removing these other lots that we thought  
23 we were keeping last week?

24 MS. NELSON: Generally the --

25 CHAIRMAN McINTYRE: I should say -- say lots.

1 Lots 129 and 133 --

2 MR. JACOBSON: Well, I think that there were --  
3 and I'm not sure I'm the one who should be speaking  
4 on this but I think there were a variety of reasons.  
5 You know, number one, Pequot Swamp is a unique  
6 natural resource on this site and the conventional  
7 layout as shown pretty much rings at least  
8 three-quarters Pequot Swamp with some type of  
9 development. We also were looking for some type of  
10 protection of the wetlands in the vernal pool system  
11 on that side of Pequot Swamp and when you look at the  
12 ratio of the number of lots to the length of roadway,  
13 it seemed disproportionate. And probably the biggest  
14 reason is illustrated on that drawing that we gave  
15 you, that if you eliminate that length of road and  
16 the relatively few number of lots, it serves, you  
17 know, as compared to the length, you'll end up with a  
18 large, undisturbed open space area associated with  
19 Pequot Swamp, whereas, otherwise it would be  
20 fragmented by development.

21 CHAIRMAN McINTYRE: Okay. But --

22 MR. JACOBSON: I think that's the general --

23 CHAIRMAN McINTYRE: Okay. But in turn -- Okay.  
24 And I understand and from a planning and wetlands  
25 perspective I've seen many times those things being

1 taken into consideration but it was always based on  
2 the lot size and then those lots would be  
3 reconfigured elsewhere, you know, in a regular  
4 conventional subdivision. So if they're not -- you  
5 know, my feeling is that if they're not -- if they're  
6 in a real conventional subdivision if -- say if that  
7 was the land that was presented, get rid of the rest  
8 of all the whole -- this whole thing and this -- the  
9 property only owned this little portion of this and  
10 he wanted to develop that area is -- are those -- as  
11 the applicant in this case has placed his houses, are  
12 they in violation of any of our wetlands or  
13 subdivision regulations?

14 MS. GOODFRIEND: It was -- when Christine and I  
15 went through this exercise of lot elimination based  
16 on the four or five reports that you have in front of  
17 you, some of the decision-making process was to look  
18 for areas that had double or triple reasons for  
19 elimination.

20 CHAIRMAN McINTYRE: Mmm-Hmm.

21 MS. GOODFRIEND: So while I understand your  
22 concern that you're voicing that potentially  
23 eliminating those lots for environmental reasons  
24 alone may not be strong enough, I think what you can  
25 see from the plan is that most of these lots could

1 also be eliminated based soils or cultural reasons  
2 and it gives them a double reason. And from an  
3 environmental prospective there's a -- if this was  
4 the plan before you to consider, that would give you  
5 enormous benefit to eliminate that long length of  
6 road and those few lots.

7 CHAIRMAN McINTYRE: Right.

8 MS. GOODFRIEND: So as we go through this report  
9 by report that is an easy way to go through it but  
10 you have to also look at these lots having a number  
11 of reasons for elimination.

12 CHAIRMAN McINTYRE: Okay. Did you when you were  
13 going -- but you didn't -- but is my assessment of  
14 that if this was a standalone subdivision that this  
15 would have to be -- you know, that they wouldn't be  
16 eliminated just because of those reasons, that you  
17 would have a different prospective on that?

18 MR. SNARSKI: May I say something?

19 CHAIRMAN McINTYRE: Sure. That's why you're  
20 here.

21 MR. SNARSKI: We don't look at it as a  
22 standalone subdivision. You're looking at a 1,000  
23 acres of land with a conventional subdivision. That  
24 --

25 CHAIRMAN McINTYRE: Right.



1 MR. SNARSKI: -- standpoint that you could take  
2 it as, if there was a single lot with a vernal pool  
3 on it, would you allow somebody to build on a two  
4 acre lot right on top of a vernal pool?

5 CHAIRMAN McINTYRE: Not on top but within the  
6 town regulations.

7 MR. SNARSKI: Yes. I guess the point is you're  
8 looking at 1,000 acre subdivision or you can't look  
9 at it as if somebody just had 20 acres of land which  
10 is right there, would you allow this, you've got to  
11 look at the whole picture on -- here's a whole  
12 subdivision planned out with the resources that we  
13 know about on the property, the environmental  
14 resources. So you develop the land in the areas less  
15 sensitive from the wetlands standpoint and water  
16 quality and so on and so on. And then in this area  
17 here, we saw an area that's very hot on vernal pools  
18 and we saw a lot of road being put in for a few lots  
19 and that's why we had concern about that. Do we  
20 don't look at it from the standpoint that you just  
21 take this 20 acres and say if this was just presented  
22 in front of the Commission, how would you look at it?  
23 I don't really look at it that that is really the  
24 issue there. You've got to look at --

25 CHAIRMAN McINTYRE: Well yeah. But the way I'm

1 looking -- I understand what you're saying, Rich, you  
2 know, but what I'm looking at it and saying, okay,  
3 I'm going to eliminate a lot that in any other  
4 subdivision, you know, most of these other -- you  
5 know, we do do because of soil type or are we doing  
6 it --

7 MS. ESTY: They're also --

8 MS. GALLICCHIO: These are also in the soil type  
9 list.

10 CHAIRMAN McINTYRE: Okay. But I'm just -- but  
11 now we're discussing right now eliminating because of  
12 the environmental reasons.

13 MS. GALLICCHIO: Well, the combination of the  
14 two.

15 CHAIRMAN McINTYRE: But right now we're doing --

16 MS. GALLICCHIO: Okay.

17 CHAIRMAN McINTYRE: -- soils. I mean, that's  
18 what's been presented -- being presented to us and I  
19 don't know if that's enough to -- you know, what I'm  
20 -- there's a couple things. Soil type alone in any  
21 single lot would not eliminate it from being a --  
22 from potential development; correct?

23 MS. GOODFRIEND: Yes, based on our report.

24 CHAIRMAN McINTYRE: Just in general if that CR--  
25 are there houses built on CRC soils and HEP soils

1 with engineered septic systems?

2 MR. SNARSKI: Well, some CRC is buildable and  
3 some isn't. Unless you have a testing and we did a  
4 percentage weigh on it, we didn't have any test hole  
5 information so we used the soil survey --

6 CHAIRMAN McINTYRE: Right.

7 MR. SNARSKI: -- and they gave a percentage on  
8 how much could be ledge and how much could be other  
9 factors, so we went on the soil survey, the best  
10 information that was given to us --

11 CHAIRMAN McINTYRE: You were you're doing what  
12 we're doing, yeah, the best information given to  
13 you.

14 MR. SNARSKI: So unless --

15 CHAIRMAN McINTYRE: Okay.

16 MR. JACOBSON: I was just going to say to answer  
17 your question, yes. I mean, there have been houses  
18 in Saybrook and in other towns that are located on  
19 CRC and HEP soils that have been developed. There's  
20 also lots that haven't been developed in these towns  
21 on those soils types. o u know, actually -- you  
22 know, like Rich says, it depends on what the actual  
23 testing is.

24 CHAIRMAN McINTYRE: Because, you know, I've been  
25 on this board about -- well, for four or five years

1 now. Judy, four or five years?

2 MS. GALLICCHIO: I don't know, a long time.

3 CHAIRMAN McINTYRE: It's a long time. And I  
4 don't ever remember denying a subdivision or a lot  
5 because of soil types. You know --

6 MS. GALLICCHIO: They always have to meet the  
7 MABL.

8 CHAIRMAN McINTYRE: Meet the MABL but, yeah --

9 MR. JACOBSON: I don't think you've ever had to  
10 do -- to make that decision without soil testing  
11 either.

12 CHAIRMAN McINTYRE: Okay. That's the big --  
13 that's a big thing.

14 MR. SNARSKI: And then also we're doing  
15 evaluations on --

16 MR. BRANSE: This is new. Section 56 is new

17 CHAIRMAN McINTYRE: Right.

18 MR. BRANSE: -- so it is a little different.

19 MR. JACOBSON: But, you know, Bob, there are  
20 lots HP lot-- I mean, there are lots in here where  
21 they have provided some soil testing that were in  
22 this report that are HPB soil types where they've  
23 demonstrated in fact that they could meet the MABL.

24 CHAIRMAN McINTYRE: Right.

25 MR. JACOBSON: And there's also some lots where

1 they've shown from soil testing that they can't.

2 CHAIRMAN McINTYRE: And they didn't put houses  
3 there I assume. We don't know.

4 MR. TIETJEN: Well, what about the proximity to  
5 the swamp? Does -- does any other subdivision have a  
6 similar set of circumstances?

7 CHAIRMAN McINTYRE: Yeah. Oh, yeah. They're  
8 all over the place.

9 MR. TIETJEN: Right next to a swamp the size of  
10 that?

11 CHAIRMAN McINTYRE: There's lawns going right  
12 down to swamps in this town.

13 MS. GOODFRIEND: I would -- I would point out  
14 for the Commission though that it -- there is -- you  
15 do have reports in front of you both from the  
16 applicant and staff that that is a large and unique  
17 swamp that probably does not exist in this town, a  
18 resource like this does not exist in this town nor in  
19 probably, you know, surrounding towns. So while it  
20 is true you have a lot of activity near your wetlands  
21 and coastal areas, this is -- and we'll go back to  
22 this in the FDCR report -- it's a very unique, large,  
23 and should be protected resource zone.

24 CHAIRMAN McINTYRE: Well, and, I mean, no one's  
25 in disagreement with that and the degree of

1 protection is what's -- is what would be in  
2 question.

3 MR. TIETJEN: But this is a little different I  
4 think. This is a -- this is a big project.

5 CHAIRMAN McINTYRE: I don't -- yeah. You know,  
6 I just feel more comfortable, you know, when we're  
7 doing this that if there's -- knowing that -- is that  
8 a buildable lot under normal -- as it stands on the  
9 standards. Without knowing the test holes, you  
10 know, that throws a twist in there, the test holes  
11 and not really have anything, that's why I'm not --  
12 that's why I'm not jumping to get rid of all the lots  
13 all at -- you know, all at once but I wanted to  
14 discuss it more.

15 MS. GALLICCHIO: But remember, Bob, with the  
16 system that we're using or that our staff is  
17 recommending that we use in terms of determining  
18 whether lots would probably meet the MABL or not, one  
19 of the things that they're using is in the HP soils  
20 types, 40 percent of those totals would not probably  
21 meet the MABL.

22 CHAIRMAN McINTYRE: Right. Mmm-Hmm.

23 MS. GALLICCHIO: But I believe what Christine  
24 said was that when this group discussed which ones of  
25 those lots, of the 40 percent of the 65 total lots

1 that were within that soil type, they took out or  
2 gave first priority of removal to the ones that also  
3 had another issue. So 40 percent would have been  
4 removed anyway. Those are just part -- these that  
5 we're talking about now are just part of that 40  
6 percent.

7 CHAIRMAN McINTYRE: Okay.

8 MS. GALLICCHIO: So, you know, I think it's kind  
9 of confirmed.

10 (Recess taken.)

11 CHAIRMAN McINTYRE: Could everybody please take  
12 your seats. The meeting will come back to order.

13 Okay. I'd like to reconvene the meeting. Okay.  
14 We were just discussing lots -- Chris, what were you  
15 discussing, the elimination of which lots? We need  
16 to take a vote on it.

17 MS. NELSON: There's a grouping of Lots 134  
18 through 141.

19 CHAIRMAN McINTYRE: 134 through 141?

20 MS. NELSON: Yes.

21 CHAIRMAN McINTYRE: Okay. What's the Board's  
22 feeling on elimination of Lots 134 and 141.

23 MR. TIETJEN: I got 130 and 131 from last time.

24 CHAIRMAN McINTYRE: I believe it's --

25 MR. TIETJEN: Are they in a different place?

1 MS. NELSON: Correct.

2 CHAIRMAN McINTYRE: To 141, so you've got all  
3 these lots here on Road 7, everything on Road 7 and  
4 Road 5.

5 MR. TIETJEN: Okay.

6 MS. GOODFRIEND: That's a total of eight lots.

7 MS. TIETJEN: Oh, here they are. Thank you.

8 CHAIRMAN McINTYRE: Okay. Which -- all right.  
9 Which lots are they, the green ones?

10 MS. NELSON: Yeah.

11 CHAIRMAN McINTYRE: There's one, two, three  
12 (counting) eleven. I count eleven green dots.

13 MR. TIETJEN: You counted one twice I think.

14 MS. GOODFRIEND: No, it is eleven.

15 MR. TIETJEN: Oh, I'm sorry.

16 MS. GALLICCHIO: They have it broken up into two  
17 sections.

18 CHAIRMAN McINTYRE: Two sections? Okay. All  
19 right. You've got it in two sections so just --  
20 where is 131?

21 MS. GOODFRIEND: 131 is a lot that's been moved.

22 CHAIRMAN McINTYRE: Moved? Okay. Excuse me,  
23 not 130, 134. 134 Starts right there. There's 134,  
24 135, 136, 137, 138, 139, 140, and 141. So it's this  
25 cluster of housing we're talking about right here on



1 Road Number 7. Those are the lots we're talking  
2 about right here.

3 MS. NELSON: And associated infrastructure.

4 CHAIRMAN McINTYRE: And associated  
5 infrastructure. Okay.

6 MR. HANES: And all those houses are from --

7 CHAIRMAN McINTYRE: And they are from Reese's  
8 cup to Reese's cup.

9 MR. HANES: They're all the soil types that are  
10 --

11 CHAIRMAN McINTYRE: Right now we're eliminating  
12 on environmental reasons.

13 MR. TIETJEN: All right. Right there.

14 CHAIRMAN McINTYRE: What's the Board's feeling?  
15 Do we support staff on this effort or no?

16 MS. ESTY: I agree that they should be removed  
17 for environmental reasons.

18 CHAIRMAN McINTYRE: Okay.

19 MS. GALLICCHIO: I would say if we were looking  
20 at this as a typical subdivision that I'm quite  
21 confident we would remove 134, 35, 36, and 37. I'm  
22 not convinced that we would remove the upper ones.

23 CHAIRMAN McINTYRE: Okay. That would be 141,  
24 140, 138, and 139?

25 MS. GALLICCHIO: 38, 39, 40, 41.

1 CHAIRMAN McINTYRE: Right. You want to put the  
2 Reese's cup on it? There you go.

3 MR. HANES: But why wouldn't those be eliminated  
4 because of soil conditions?

5 MS. GALLICCHIO: They would. Bob said he wanted  
6 us to stick with conservation. I'm comfortable  
7 removing them all because they --

8 MR. HANES: Right. Because of the two --

9 CHAIRMAN McINTYRE: Well, let's consider that  
10 now, let's just throw that into the mix so we can  
11 find out whether -- so that we don't have to go back  
12 to them.

13 MS. GALLICCHIO: Okay.

14 CHAIRMAN McINTYRE: Okay. If based on soil  
15 conditions, if soil conditions is one of the -- it is  
16 one of the reasons that staff has recommended the  
17 removal of those, would everyone recommend the  
18 removal all eight of these lots?

19 MS. GALLICCHIO: Yes.

20 MS. ESTY: Yes.

21 MR. HANES: Yes.

22 MR. TIETJEN: (Nodding in the affirmative.)

23 CHAIRMAN McINTYRE: Okay. Removal. It's agreed  
24 upon by the Board consensus to remove Lots 134  
25 through 141.

1 Continue, Chris.

2 MS. NELSON: Okay. There's another cluster off  
3 of Road 5 which was 129, 132 and 133, all of which  
4 also have been identified as eligible for elimination  
5 due to soil concerns.

6 CHAIRMAN McINTYRE: Okay. There we go.  
7 Everyone knows where those are at.

8 MR. HANES: And by eliminating those, we also  
9 get rid of quite a bit of infrastructure. The road  
10 there.

11 MS. GALLICCHIO: Roadway.

12 CHAIRMAN McINTYRE: Okay. And plus you're  
13 looking at -- those are 132, 133, and 129 and which  
14 they are also. 129 does -- yes, it is. It's on  
15 HPE-1 and soil type 133 is on HPE and we'd already --  
16 last week we talked about eliminating that site and  
17 132 we talked about last week, we eliminated -- we  
18 agreed to eliminate that site and this is just  
19 further evidence of why we would want to eliminate  
20 those sites.

21 So is everyone in agreement to remove Lots 129,  
22 133, and 132 and its infrastructure?

23 MS. GALLICCHIO: Yes.

24 MR. HANES: Yes.

25 MR. TIETJEN: Yes.

1 CHAIRMAN McINTYRE: Okay. 132.

2 All right. Chris.

3 MS. NELSON: All righty. That's all of the  
4 environmental concerns, I did traffic. Now cultural  
5 concerns. In the town planner's report --

6 MR. HANES: What was the date on here? Do you  
7 have it?

8 MS. NELSON: I didn't bring mine with me.

9 MS. GALLICCHIO: February 7th. Do you have  
10 yours?

11 CHAIRMAN McINTYRE: That's the one we just got  
12 in our packet.

13 MS. NELSON: No, it's, you know -- what's today?

14 CHAIRMAN McINTYRE: Well, the one you discussed  
15 last week.

16 MR. HANES: Today is the 9th.

17 MS. NELSON: The 9th, right.

18 CHAIRMAN McINTYRE: Right here. Is that the  
19 February 8th letter?

20 MS. NELSON: You know, everybody's letter might  
21 be dated different if you took it off of when I  
22 transmitted via e-mail because there's a date code so  
23 I should have taken it off but it was issued Monday  
24 which was the 7th.

25 MR. TIETJEN: You sent that via e-mail?

1 MS. NELSON: I did and there should have been  
2 copies --

3 CHAIRMAN McINTYRE: I thought this came in our  
4 packet.

5 MS. NELSON: In the packet -- well, no I sent it  
6 Monday.

7 MR. TIETJEN: I didn't get it.

8 MS. NELSON: Well, I'm gonna go through it right  
9 now.

10 MR. TIETJEN: All right. Never mind.

11 MS. NELSON: Okay. All right.

12 CHAIRMAN McINTYRE: I don't know if this is it  
13 or not. Is that it?

14 MS. NELSON: Yes.

15 CHAIRMAN McINTYRE: Okay.

16 MS. NELSON: You got it. All righty.

17 CHAIRMAN McINTYRE: All right.

18 MS. GALLICCHIO: Christine's got mine. I'll  
19 look on.

20 MS. NELSON: Okay. The first lot recommended  
21 for elimination is Lot Number 26, which is located  
22 off of Road Number 12, also identified as having  
23 soils of concern for septic reasons. In the revised  
24 conceptual standard plan the applicant provides a 25  
25 foot right-of-way which is almost entirely in fee

1           except for an access easement over Lot 26 without any  
2           additional conservation easements on adjacent lots to  
3           provide visual buffering from residential  
4           improvements. The applicant addressed my concerns to  
5           modify or eliminate lots adjacent to or interrupting  
6           the historical travel way for Old Ingham Hill Road,  
7           however, this trail over all others would most likely  
8           receive more buffering than that offered were this an  
9           actual application for subdivision improvements.

10           CHAIRMAN McINTYRE: Okay.

11           MS. NELSON: And had we identified this last --

12           CHAIRMAN McINTYRE: 26 -- we removed 26 for that  
13           exact reason, because of soil type and the trail  
14           issue. That's already given, that one is already  
15           taken care of.

16           MS. NELSON: Okay. The revised conceptual plan  
17           accommodates some of the more prevalent trails that  
18           exist on the property or reasonable connections to  
19           them but the Commission should decide which trails  
20           would most reasonably be preserved as a part of a  
21           conventional subdivision plan with recommendations to  
22           eliminate several lots, which we could go in order.  
23           The ones that are in bold are -- have soils or other  
24           concerns.

25           And, Janis, could you pull out that exhibit.

1 This is Planning Exhibit Number B, which is the index  
2 plan to the conventional IP-2 from Volume 1B, and on  
3 this plan I highlighted in light orange the trail  
4 systems. And the first lot recommended for  
5 elimination is Lot 96 which is located on the  
6 southernmost part of the property off of Road Number

7 --

8 MR. HANES: 2?

9 MS. NELSON: Is that an 8?

10 CHAIRMAN McINTYRE: Yeah, that looks like an 8.

11 MS. NELSON: Road 8.

12 CHAIRMAN McINTYRE: Where Reuben's snake was  
13 observed, that's where the -- that's the area that  
14 we're talking about on --

15 MS. NELSON: So -- the scales are different  
16 which makes it a little difficult but this is the  
17 trail system, this lot.

18 CHAIRMAN McINTYRE: You're going to superimpose?  
19 I'll move.

20 MS. NELSON: It is right here.

21 CHAIRMAN McINTYRE: What about superimposing  
22 what you have on there on this map so we can see  
23 where you think that trail is on -- in relationship  
24 to that?

25 MS. NELSON: I don't think I can do it from

1 here.

2 CHAIRMAN McINTYRE: For this portion of it, just  
3 this little lot? I mean, how much -- is it going  
4 right though the center of the lot, is it going to  
5 the west, east, north?

6 MS. NELSON: I -- honestly I can't tell from  
7 here with all these contours and coloring. It's --

8 CHAIRMAN McINTYRE: Where are you talking about?  
9 Let's see what this map says. Okay. So it's -- so  
10 this is here, that's coming down, that's that right  
11 there, Road 2, coming down. That's that other lot  
12 going up that way. It might be down right there.

13 MS. GALLICCHIO: Because you can see the  
14 wetlands here.

15 MS. NELSON: No, I just highlighted here.

16 CHAIRMAN McINTYRE: Where?

17 MS. NELSON: Right there.

18 CHAIRMAN McINTYRE: That one right there?

19 MS. NELSON: Mmm-Hmm. So if you look at that  
20 trail system, it --

21 CHAIRMAN McINTYRE: That's not Lot --

22 MS. GALLICCHIO: No, here.

23 CHAIRMAN McINTYRE: Yeah, but this one she  
24 highlighted is over here on this side of the road and  
25 that one's on that side of the road. Here's the



1 road, so you've got 96 over here. The road's not in  
2 the same place on these maps.

3 MS. NELSON: Oh, okay.

4 CHAIRMAN McINTYRE: See, you've got --

5 MS. NELSON: Right.

6 CHAIRMAN McINTYRE: -- Lot 96 over here, Lot 94,  
7 you've got lot 96 to the south of Road 8 and then on  
8 this map, on CN-4, it's on the north.

9 MS. NELSON: Well, then that lot doesn't look  
10 like it's threatening any trails.

11 CHAIRMAN McINTYRE: Okay.

12 MS. NELSON: Why don't you just keep going.

13 CHAIRMAN McINTYRE: All right. So Lot -- what  
14 is it, Lot 96, stays?

15 MS. NELSON: Mmm-Hmm.

16 CHAIRMAN McINTYRE: All right.

17 MS. NELSON: You're going to need to keep that  
18 open.

19 CHAIRMAN McINTYRE: Okay.

20 MS. NELSON: Okay. Lots 101 --

21 CHAIRMAN McINTYRE: Judy, what's the date on  
22 that map?

23 MS. GALLICCHIO: 12/23/04.

24 CHAIRMAN McINTYRE: Okay. And this one -- the  
25 map that we're looking at for the -- for the trails

1 is IP-2. It's the index plan conservation dated  
2 9/01/04.

3 MS. NELSON: All right. Well -- yeah, that's  
4 the one.

5 (Pause.)

6 MS. NELSON: I recommended -- oh, Lots 101 and  
7 106 be eliminated, and these were previously  
8 eliminated I believe by the -- did we --

9 CHAIRMAN McINTYRE: No, 101 and 106 were not.

10 MS. NELSON: Okay. So -- and these have also  
11 soil considerations. This is a trail that would run  
12 from Old Ingham Hill Road back to this neighborhood.

13 CHAIRMAN McINTYRE: Right. And which is a  
14 neighborhood that if -- I think eventually we're  
15 going to get to that is slated for elimination of  
16 those lots, the blue lots?

17 MS. NELSON: Mmm-Hmm.

18 CHAIRMAN McINTYRE: Okay. So --

19 MS. NELSON: For soils.

20 CHAIRMAN McINTYRE: For soils and -- for soils.  
21 Okay. And the blue indicated where you want -- you  
22 had said that it's possible for semi-recreation area.  
23 All right. Okay. Now, just on this -- running  
24 through something that is slated to be discussed for  
25 elimination so should we just discuss that -- take a

1 break -- you know, switch gears and just take a break  
2 -- not a break but a gear change and start discussing  
3 this as a --

4 MS. NELSON: For soils?

5 CHAIRMAN McINTYRE: Well, not only soils but  
6 there also is elimination so that we can have -- we  
7 said -- one of the things we said we wanted to have  
8 some park area.

9 MS. NELSON: Right. This --

10 CHAIRMAN McINTYRE: And so that -- so all these  
11 lots are -- that this trail goes through are really  
12 slated to -- for -- to be park area?

13 MS. NELSON: These lots that -- Lots 101 and 106  
14 are also identified with blue dots due to concerns  
15 about soil suitability for onsite septic systems and  
16 they're in a cluster of those sites.

17 CHAIRMAN McINTYRE: Okay. Let me read off the  
18 sites so everybody -- so 116, 114, 113, 112, 111,  
19 110, 109, 104, 103, 100-R. What's this -- 101 is  
20 already orange. That was for the trail?

21 MS. NELSON: Mmm-Hmm.

22 CHAIRMAN McINTYRE: Okay. And 105 has been  
23 marked in blue, all the previous ones I've mentioned  
24 were marked in blue except for 101 is marked in  
25 orange to stipulate the trail. 108, 115, and 107 and

1 then 105 is also in the trail system. So those are  
2 all the ones you're talking about?

3 MS. NELSON: Mmm-Hmm.

4 MS. GOODFRIEND: It does run sequentially from  
5 100 to 116 --

6 CHAIRMAN McINTYRE: Okay.

7 MS. GOODFRIEND: -- with no skips --

8 CHAIRMAN McINTYRE: Okay. I thought we were  
9 just kind of skipping around --

10 MS. GOODFRIEND: -- fortunately.

11 CHAIRMAN McINTYRE: What was it again, 100 --

12 MS. GOODFRIEND: 100 through 116.

13 CHAIRMAN McINTYRE: Which are also showed as  
14 soil types?

15 MS. NELSON: Yeah.

16 CHAIRMAN McINTYRE: Okay. And then that was  
17 considered that that would be a good location for a  
18 possible park and rec. type --

19 MS. NELSON: Active recreation.

20 CHAIRMAN McINTYRE: Active recreation. Well,  
21 how does the Board feel about eliminating lots 100  
22 through 116 based on the fact that there's a trail  
23 system that was slated to go through there, also that  
24 the soil types are not conducive to the septic  
25 system, and they're in the actually the CRC soil

1 types? How about the infrastructure? Were you  
2 looking for elimination of the infrastructure too?

3 MS. NELSON: Yes.

4 CHAIRMAN McINTYRE: And elimination of the  
5 infrastructure. That would be Road 8 starting at the  
6 end of Road 3 -- starting from Road 3 -- how do you  
7 -- oh, Road 2.

8 MS. NELSON: It's -- I believe it's Road 2 and  
9 Road 8.

10 CHAIRMAN McINTYRE: So we just -- so it just  
11 kind -- okay. On the map CN-4 we were talking about  
12 eliminating the infrastructure from Road Number 3, it  
13 comes down Road Number 2, so actually we're  
14 eliminating Road Number 2 after it goes southeast of  
15 Road Number 3 proceeding in an easterly fashion, we  
16 get rid of Road -- all that section of Road 2 to  
17 include the cul-de-sac and down to the cul-de-sac of  
18 Road 1 -- up to the cul-de-sac of 117 -- not 117,  
19 Road Number 17. So Road 17 would remain and Route 8  
20 would terminate there because it looks like according  
21 to this map that Road 2 and Road 8 collide somewhere  
22 in the middle here by the ribbon snake that was  
23 observed on the map. So that would be --

24 MR. HANES: I have one question.

25 CHAIRMAN McINTYRE: Yes.

1 MR. HANES: If this is going to be a park or  
2 recreational area, will you need some roadway to get  
3 there or would that be left for the future?

4 CHAIRMAN McINTYRE: I think we can leave that to  
5 -- you know, depending on what was determined --  
6 let's look and see the feasibility of how that would  
7 affect lots -- these other lots that were not to be  
8 -- these lots are accessible from --

9 MR. HANES: Separately.

10 CHAIRMAN McINTYRE: Yeah, they would be -- the  
11 lots -- oh, you're leaving that on there? Okay. The  
12 Ingham Hill Road entrance to Road 8 would allow  
13 access to all the lots -- no, you got -- you can't  
14 eliminate this.

15 MS. NELSON: I'm not eliminating it, I'm  
16 coloring it in as counting it.

17 CHAIRMAN McINTYRE: No, no, no, no, no. The  
18 road's got to go back up here because this driveway  
19 is right here on this road. Up to the -- okay.  
20 Eliminate -- I guess you'd put a cul-de-sac in here.  
21 You'd have to add a cul-de-sac on Road 8 on the  
22 southern portion of -- what would that be? There's  
23 north, so it would be the southeast portion or --  
24 northeast portion of Road 8 as it comes off of Ingham  
25 Hill Road as it goes down cul-de-sac Road 17 the road

1 would terminate with a cul-de-sac at -- somewhere  
2 beyond Lot Number 96 and 94. All right. I mean your  
3 blue shows all the way up to there.

4 MS. NELSON: It doesn't matter because it  
5 doesn't eliminate any of the lots.

6 CHAIRMAN McINTYRE: Okay. So that's what we'd  
7 be eliminating for infrastructure and lots. How does  
8 the Board feel?

9 MS. GALLICCHIO: Yes.

10 MS. ESTY: I agree.

11 MR. HANES: Yes.

12 MR. TIETJEN: (Nodding in the affirmative.)

13 CHAIRMAN McINTYRE: Okay. Elimination of Lots  
14 100 to 116, infrastructure of the road that exists  
15 there as depicted as I spoke earlier, would be  
16 eliminated. Okay.

17 MS. NELSON: Okay. Lot 126 right here. Let's  
18 see -- okay. Oh, actually there's a trail.

19 CHAIRMAN McINTYRE: Oh, it's a trail issue.

20 MS. NELSON: Yeah, these are all trails.  
21 There's just all these trails all over the place.

22 CHAIRMAN McINTYRE: Yeah, that's what I'm  
23 saying. Do you need that many trails?

24 MS. NELSON: That's what I'm asking you. I'm  
25 just saying that if --

1 CHAIRMAN McINTYRE: I think Lot 26 is safe. I  
2 believe it is. It just -- it looks like it just --  
3 if you did have trail system there it's just cutting  
4 across a little bit of --

5 MS. NELSON: Actually, this is one of the  
6 connectors from Road 1 to -- an existing connecting  
7 trail from Road 1 all the way to Old Ingham Hill  
8 Road.

9 CHAIRMAN McINTYRE: Right, but it's just -- it's  
10 not part of the original Ingham Hill Road, it's just  
11 a trail that's been made sometime during -- it that  
12 what it is? It's a road that was just -- some trail  
13 that was made either because of logging efforts or --

14 MS. NELSON: We don't know that.

15 CHAIRMAN McINTYRE: I mean, we don't know  
16 logging but we know Ingham is -- what it attaches to  
17 has been the historical Ingham Hill Road.

18 MS. NELSON: Right.

19 CHAIRMAN McINTYRE: Right, but all these other  
20 trails are just shoot offs from over the years.  
21 When, we don't know --

22 MS. NELSON: Right.

23 CHAIRMAN McINTYRE: -- it could have been  
24 logging efforts or could have been --

25 MS. GALLICCHIO: Lot 26 is also a soils issue I



1 think; isn't it?

2 CHAIRMAN McINTYRE: No.

3 MS. NELSON: No. You know, the recommendation  
4 that would be made in review of a typical subdivision  
5 would be that the trail systems would be maintained  
6 if possible for passive recreation rather than  
7 creating passive recreation somewhere else.

8 CHAIRMAN McINTYRE: Right. But, I mean, I just  
9 saying it's just a little tiny bit going through  
10 there so I don't think I would consider that --

11 MS. GALLICCHIO: Also I was looking at the bold,  
12 that's why I was asking about soils, it's also in the  
13 next one with stone walls.

14 CHAIRMAN McINTYRE: Yeah.

15 MS. GALLICCHIO: So we might want to look at  
16 both issues at one time.

17 CHAIRMAN McINTYRE: Okay. 106 is a combination  
18 of -- is it 106 or 126?

19 MS. GALLICCHIO: 126.

20 MS. NELSON: 126.

21 CHAIRMAN McINTYRE: 126 is a combination of --  
22 there is an existing trail that goes through that lot  
23 to the northeast. Okay.

24 MS. GALLICCHIO: Which one is 126?

25 CHAIRMAN McINTYRE: And the road -- yeah, but

1 the house depicted on there doesn't interfere with  
2 either or so the stone wall could stay there by  
3 conservation easement or whatever and then the trail  
4 could just run through that corner lot to another  
5 easement in reality, right?

6 MS. NELSON: Mmm-Hmm.

7 CHAIRMAN McINTYRE: I don't see it has that much  
8 of an adverse effect on that lot.

9 THE CLERK: Can we stop for a moment?

10 CHAIRMAN McINTYRE: Yes. Changing tape.

11 (Pause.)

12 THE CLERK: Thank you.

13 MS. NELSON: Okay.

14 CHAIRMAN McINTYRE: We haven't made consensus  
15 yet. How does everybody feel that Lot 126 should  
16 stay? It looks -- you know, from what I see, the  
17 wall -- stone wall would be -- could be saved intact  
18 and that the trail only cuts through a small portion  
19 of it and you could get those through easements and  
20 it's not on any soil types. So 126 stays?

21 MS. GALLICCHIO: Yes.

22 CHAIRMAN McINTYRE: Okay. 126 stays.

23 MR. TIETJEN: Leave it lay. What about  
24 easements though?

25 CHAIRMAN McINTYRE: No, no, no. That's just a

1 hypothetical.

2 MR. TIETJEN: What would you do if it were not  
3 hypothetical? Would you put that in the approval or  
4 if we were --

5 CHAIRMAN McINTYRE: Well, in reality you could.  
6 That's what I'm saying, you could use -- you could  
7 protect those two resources and still have the house  
8 there and neither would interfere with the other.

9 MR. TIETJEN: Okay.

10 MS. NELSON: Okay. Moving on.

11 CHAIRMAN McINTYRE: Yup.

12 MS. NELSON: Lots 142 and 143.

13 CHAIRMAN McINTYRE: Okay. 143 has already been  
14 eliminated for other reasons, soil types.

15 MS. NELSON: Okay.

16 MS. GALLICCHIO: 142 is what, Bokum Road?

17 MS. NELSON: No, that's 192.

18 MS. GALLICCHIO: Oh.

19 CHAIRMAN McINTYRE: That's the one we kept those  
20 lots.

21 MS. NELSON: You kept both of them?

22 CHAIRMAN McINTYRE: No, we got rid of 143 and  
23 took the old one at the --

24 MS. NELSON: The last meeting.

25 CHAIRMAN McINTYRE: -- last meeting. We got rid

1 of 143 last meeting and 142 stayed. It's going to  
2 access the road off of Road 9 --

3 MS. NELSON: Okay.

4 CHAIRMAN McINTYRE: -- and Road Number 4.

5 MS. NELSON: Right. And that was for cultural  
6 reasons?

7 CHAIRMAN McINTYRE: No. I wrote 142 moved to  
8 re-site within driveway at Frontage Road, which is  
9 Road Number 4, and we removed 143 and Road 7. The  
10 reason we got rid of Road 7 --

11 MS. NELSON: Okay.

12 CHAIRMAN McINTYRE: -- and we did 143 and we got  
13 rid of --

14 MS. GALLICCHIO: I think you're asking about a  
15 different thing than we discussed at the last  
16 meeting. The trails we didn't discuss.

17 MS. NELSON: There's a trail system that runs  
18 through here and --

19 CHAIRMAN McINTYRE: But it looks like there's  
20 plenty of land.

21 MS. NELSON: Yeah, you could probably -- I would  
22 definitely acknowledge that you could just move the  
23 lot --

24 CHAIRMAN McINTYRE: Right, move the lot closer  
25 to the road.

1 MR. TIETJEN: Essentially this one was  
2 eliminated.

3 CHAIRMAN McINTYRE: Okay. So 143 is eliminated  
4 and 142 remains as it's -- as agreed to at the last  
5 meeting.

6 MS. NELSON: All right. 153, what does that  
7 mean?

8 MR. HANES: 153 is a soil type.

9 CHAIRMAN McINTYRE: Right now we're doing  
10 trails. She's trying to do trails so there's going  
11 to be -- probably we have to see how many --

12 MS. NELSON: So this lot had a trail coming down  
13 across an adjacent town-owned piece of property and  
14 has possible connection from Road 12, just a  
15 pedestrian connection.

16 CHAIRMAN McINTYRE: But it looks like if we  
17 don't -- it looks like we could alter it -- over one  
18 -- just move over a little bit and have the trail --  
19 where Number 1 is -- is that a seven or a one?

20 MS. NELSON: Right here?

21 CHAIRMAN McINTYRE: Yeah.

22 MS. NELSON: Mmm-Hmm.

23 CHAIRMAN McINTYRE: What is that?

24 MS. NELSON: That's a one.

25 CHAIRMAN McINTYRE: Yeah, but what is it?

1 MS. NELSON: It's a vernal pool.

2 CHAIRMAN McINTYRE: It's a vernal pool or --

3 MS. NELSON: That's a wetland.

4 CHAIRMAN McINTYRE: That's a wetland? Okay.

5 MS. NELSON: All right. There's lots also  
6 identified as having soil concerns.

7 CHAIRMAN McINTYRE: What lot is it?

8 MS. GOODFRIEND: 153.

9 CHAIRMAN McINTYRE: 153 -- oh, there it is.  
10 Okay. So we have -- basically if you were to  
11 continue that trail system through the town property  
12 and across the road without going through it, that's  
13 the only way to get around the wetlands without going  
14 through them; correct?

15 MS. NELSON: Mmm-Hmm, yes.

16 CHAIRMAN McINTYRE: And that was Lot 153. How  
17 does everybody feel about 153?

18 MS. ESTY: Eliminate it.

19 CHAIRMAN McINTYRE: Dick.

20 MR. TIETJEN: I've already written it off.

21 MS. GALLICCHIO: Eliminate.

22 CHAIRMAN McINTYRE: All right. Eliminate Lot  
23 153. Okay.

24 MS. NELSON: Okay. 162 -- 161 and 162 are on  
25 Road 11 and there's this little trail loop right here

1 at the end of Road Number 11 that crosses those two  
2 lots and it's --

3 CHAIRMAN McINTYRE: What were the numbers again?

4 MR. HANES: 161 and 162.

5 MS. NELSON: 161 and 162 and there's also a new  
6 22.

7 CHAIRMAN McINTYRE: Okay. So they're not on  
8 this, so the only thing they have that is interfering  
9 is the trail.

10 THE CLERK: I'm sorry. Can you stop for a  
11 second?

12 CHAIRMAN McINTYRE: Okay.

13 (Pause.)

14 THE CLERK: Thank you.

15 CHAIRMAN McINTYRE: Ready? Okay, so we're back  
16 on 162.

17 MS. NELSON: This would be a connection at the  
18 end of Road Number 11 into this perimeter trail that  
19 runs along the CL&P power lines.

20 CHAIRMAN McINTYRE: Right. But that trail could  
21 be on the outside of that cul-de-sac there because if  
22 you actually eliminate -- if you eliminate those two  
23 lots, in reality you'd have to move the cul-de-sac  
24 and in turn you'd probably end up removing more lots.

25 MS. NELSON: Right.

1 CHAIRMAN McINTYRE: So I think those two should  
2 stay.

3 MR. HANES: Leave them.

4 CHAIRMAN McINTYRE: Leave them.

5 MS. NELSON: So leave all three and new 22.

6 CHAIRMAN McINTYRE: new 22.

7 MS. GALLICCHIO: Where is new 22?

8 CHAIRMAN McINTYRE: It's just one of the lots  
9 straight down Bokum.

10 MS. GALLICCHIO: I know, but that wasn't on the  
11 list, right?

12 CHAIRMAN McINTYRE: Right.

13 MS. NELSON: No.

14 CHAIRMAN McINTYRE: It's not on this.

15 MR. TIETJEN: 122?

16 MS. GALLICCHIO: New 22.

17 MR. TIETJEN: Oh.

18 MS. GALLICCHIO: New Number 22.

19 CHAIRMAN McINTYRE: Save. Save.

20 MS. NELSON: Okay. One last one. Number 287,  
21 which is, well, all the way on the other side.

22 MS. GOODFRIEND: Is it on this one maybe?

23 CHAIRMAN McINTYRE: It's right there. 287,  
24 right? Is that the one we're going after? All  
25 right. What's the problem there?



1 MS. NELSON: That is part of a trail system that  
2 connects the perimeter trail back to Wild Apple Lane.

3 CHAIRMAN McINTYRE: Okay. What is this hatched

4 --

5 MS. NELSON: That's an easement that the  
6 applicant has proposed around the wetland.

7 CHAIRMAN McINTYRE: Okay.

8 MS. NELSON: So the trail system comes down and  
9 here's Wild Apple Lane and I had proposed that it was  
10 really only -- the best way to connect across.

11 CHAIRMAN McINTYRE: Couldn't you just go right  
12 through the easement?

13 MS. NELSON: I don't -- would that be reasonably  
14 approved by the Wetlands Commission?

15 CHAIRMAN McINTYRE: Well, this is just wetlands?  
16 How many feet is that?

17 MS. GALLICCHIO: Just the wetlands?

18 CHAIRMAN McINTYRE: Well --

19 MS. NELSON: There would be 100 foot -- 100 foot

20 --

21 CHAIRMAN McINTYRE: That's really, Judy, how  
22 productive they are because of what status they get.

23 MS. NELSON: It would be within the 100 foot  
24 upland review area.

25 CHAIRMAN McINTYRE: All right. You could put it

1 through the 100 -- you could put it through a 100  
2 foot upland, you just have to ask.

3 MS. NELSON: Oh, and it's also --

4 CHAIRMAN McINTYRE: Soils?

5 MR. HANES: Soils.

6 MS. NELSON: -- a soil concern

7 CHAIRMAN McINTYRE: Oh, okay.

8 MR. HANES: CRC.

9 CHAIRMAN McINTYRE: Okay. What's everybody's  
10 favor on 287?

11 MS. GALLICCHIO: Eliminate.

12 CHAIRMAN McINTYRE: All right.

13 MR. HANES: Yup.

14 CHAIRMAN McINTYRE: Dick, 287? Eliminate?  
15 Janis.

16 MR. ESTY: Me too.

17 CHAIRMAN McINTYRE: All right. Eliminate 287.

18 Okay. Keep going. Don't stop now. We're on a  
19 roll.

20 MS. NELSON: Okay. The revised conceptual plan  
21 does away with or fails to protect several stone  
22 walls that should be preserved. Eliminate Lots 101

23 --

24 MS. GALLICCHIO: They're already eliminated.

25 MS. NELSON: 106.

1 MS. GALLICCHIO: We eliminated it.

2 MS. NELSON: 126.

3 MS. GALLICCHIO: So far we're keeping it.

4 CHAIRMAN McINTYRE: Right. 126 was --

5 MS. NELSON: I show there's a stone wall.

6 MS. GALLICCHIO: The conservation easement.

7 CHAIRMAN McINTYRE: Yeah, you showed us a stone  
8 wall that goes through that.

9 MS. NELSON: So that one we'll keep. Keep 126.  
10 132.

11 CHAIRMAN McINTYRE: Eliminated.

12 MS. NELSON: It's been eliminated? And 133.

13 MS. GALLICCHIO: Eliminated.

14 CHAIRMAN McINTYRE: Eliminated. Up on the HPE.

15 MS. NELSON: 132 -- oh, they have been? Okay.  
16 For environmental.

17 Okay. The revised conceptual plan now  
18 acknowledges the need to set aside open space plan  
19 for the foundation of Old Ingham Homestead by  
20 eliminating or moving lots but should be expanded to  
21 buffer the stone fence to the adjacent garden or  
22 animal pen. Eliminate 132.

23 CHAIRMAN McINTYRE: It's done.

24 MS. GALLICCHIO: We already eliminated it.

25 MS. NELSON: I'm not there yet. I'm sorry.

1 MS. GOODFRIEND: 132.

2 MS. NELSON: I can't keep track of what we've  
3 eliminated. Okay. The next bullet talks about  
4 eliminating lots for active creation, which we've  
5 done.

6 CHAIRMAN McINTYRE: Okay. We've already done  
7 that.

8 MS. NELSON: And the last is the revised  
9 conceptual plan should provide access to Bokum Road  
10 as does the open space plan, eliminate Lot Number  
11 192.

12 CHAIRMAN McINTYRE: What is 192? 192, eliminate  
13 roadway.

14 MS. NELSON: And that was -- we spoke about this  
15 last meeting.

16 MS. GALLICCHIO: I think we decided that, didn't  
17 we, last meeting?

18 CHAIRMAN McINTYRE: I wrote 192, eliminate  
19 roadway, whatever that meant.

20 MR. HANES: That's so you could put the roadway  
21 through there I believe.

22 CHAIRMAN McINTYRE: Oh, eliminate for the  
23 roadway -- for the roadway.

24 MS. GALLICCHIO: Yeah. We already decided to  
25 eliminate it for the Bokum access and soils.

1 MS. NELSON: That's it.

2 CHAIRMAN McINTYRE: Okay. Now, we have the  
3 soils -- probably soils alone.

4 MS. NELSON: So then -- right, soils. We could  
5 talk -- I don't know if you want to talk about  
6 methodology at all.

7 CHAIRMAN McINTYRE: I think we've got a good --  
8 well, Judy gave a real good synopsis and --

9 MS. NELSON: If you're all -- if you're set with  
10 the method that the staff has used then --

11 CHAIRMAN McINTYRE: Right.

12 MS. GALLICCHIO: Stewart brought up something  
13 last time and we were hoping that Jeff would be here  
14 this time about if you're talking about a total --  
15 I'm talking about the HPE soils and if you're saying  
16 40 percent of the 65 total and then if some of those  
17 65 are removed.

18 MR. HANES: Right. If we identify those as  
19 being removed for other reasons, do we then take the  
20 remainder, in other words, reduce our total lots and  
21 then take 40 percent of what remains in that  
22 population?

23 MR. JACOBSON: No, I think -- I'm not exactly  
24 sure but in our -- in a memo that Wendy and Rich and  
25 I wrote, what we did is if there were reasons that we

1           felt lots should be eliminated for environmental  
2           reasons, we didn't double count them again in our  
3           soils analysis but I think in terms of -- and I think  
4           maybe Chris and Wendy can maybe -- Chris and Wendy?

5           MS. NELSON: Yes, sorry

6           MS. GOODFRIEND: Yes.

7           MR. JACOBSON: Maybe they can a little bit  
8           better but I think what they did is we had 65 lots  
9           there that we said 40 percent should be eliminated,  
10          you know, then the question becomes which of those 65  
11          lots constitutes the 40 percent. And I believe what  
12          Wendy and Chris did was they looked at lots that  
13          would also be eliminated for other reasons, okay? So  
14          if there were lots that were going to be eliminated  
15          for environmental or cultural reasons and they were  
16          also lots that were identified to be eliminated for  
17          soils reasons, they said well, that's a double reason  
18          for eliminating that lot. So -- but I don't think  
19          probably it's fair to apply that 40 percent to the  
20          lots that are remaining after you eliminate it for  
21          other reasons. I mean, that's really not the way my  
22          analysis was worked.

23          MR. HANES: Okay. It wouldn't make a big  
24          difference. I mean, it would be one or two.

25          MR. JACOBSON: I don't know what difference it

1 would make but, you know, again, it's -- you know,  
2 with the way the soils analysis was done, you can't  
3 get lot specific, you can just say, you know, as a  
4 group, 40 percent of these lots most likely would  
5 have this limiting factor with respect to the, you  
6 know, potential development for sewage disposal  
7 systems. You know, then it's just which of those  
8 lots would you pull out and I think, you know, again,  
9 what they tried to do and -- you know, it's probably  
10 -- if anything, it's probably in favor of the  
11 applicant. You know, there are other reasons to  
12 eliminate lots as well and I think it was a  
13 reasonable approach to take. I think it would be  
14 unreasonable if you took the environmental ones out,  
15 the cultural, and then reduce that, you know, and  
16 then took 40 percent. I don't think that would be a  
17 fair way of approaching it --

18 MR. HANES: All right. Now --

19 MR. JACOBSON: -- or really fit into the way I  
20 did my analysis.

21 MR. HANES: Christine, when you've identified  
22 these blue dots, those are all soil type. Now, do  
23 those equate to the 51 that represent the 40 and the  
24 30 percent of the different soil types?

25 MS. NELSON: Yes.

1 MR. HANES: So that you've counted those and so  
2 now there are no more to be eliminated for soil  
3 conditions?

4 MS. NELSON: Right. As a matter of fact, we  
5 have to give one back.

6 MR. HANES: You've got to give one back.

7 MS. NELSON: So from the --

8 MS. GOODFRIEND: So in the total when we came to  
9 the end of our assessment of all the other reports  
10 and looked at the soils just on soils alone we  
11 eliminated 13 lots from HPE soil type and 10 lots --  
12 or no, 15 lots from the CRC soil type. So there's 51  
13 lots on this plan with a blue dot because it has soil  
14 concerns. Of those, only 28 are soils alone. That  
15 make sense?

16 MR. HANES: Yeah.

17 MS. GOODFRIEND: Only 28 have a single concern  
18 of soils --

19 MR. JACOBSON: So the balance of the 51 were  
20 eliminated for multiple reasons other than --

21 MS. GOODFRIEND: Correct.

22 MR. HANES: That seems reasonable. So what is  
23 our bottom line now?

24 CHAIRMAN McINTYRE: Well, that's what I'm  
25 looking at just making sure. It looks to me as if



1 the only one -- the only roads -- lots that are  
2 addition to the soils, okay -- and I think that, you  
3 know, we're saying that there's -- you know, pretty  
4 much we have to include -- is everybody in favor that  
5 all the lots listed on the soils for the 26 and the  
6 25 lots, 26 for HPE and 25 for CRC, is everyone in  
7 agreement that they should be removed from the count  
8 or eliminated from the lots?

9 MS. GALLICCHIO: Yes.

10 CHAIRMAN McINTYRE: Okay. So that those numbers  
11 -- now, during this process we've come up with a few  
12 extras.

13 MS. GALLICCHIO: A few that --

14 CHAIRMAN McINTYRE: Right. That didn't -- but  
15 I'm just saying above and beyond. So you've got 25  
16 and 26 so you know those are solid numbers, okay?  
17 All right. And then --

18 MS. GOODFRIEND: You've identified six lots to  
19 keep that did not have soil concerns that only had  
20 cultural -- potential cultural issues based on my  
21 count.

22 CHAIRMAN McINTYRE: Okay. I also have Lots 212  
23 and 216 which I don't see on the soils. Okay. We  
24 are we eliminating those? Are those eliminating  
25 ones, 212 and 216? That's what I'm writing down here

1 that we talked about.

2 MS. GOODFRIEND: 212 through 216 were eliminated  
3 for traffic reasons.

4 CHAIRMAN McINTYRE: Right, right. They were  
5 eliminated so what you've got is you've got 12, 13,  
6 14, 15, 16, so you've got five more to add to 25 and  
7 26.

8 MS. NELSON: No. The way we did it was we said  
9 of the 26 lots that are to be eliminated from the HPE  
10 soils, 13 of those are already eliminated due to  
11 other reasons --

12 CHAIRMAN McINTYRE: Right.

13 MS. NELSON: -- and that leaves 13 to be  
14 eliminated for soils only.

15 CHAIRMAN McINTYRE: Okay.

16 MS. NELSON: Of the 25 lots to be eliminated  
17 from areas containing the CRC soils, 10 were  
18 eliminated already for other reasons, leaving 15 to  
19 be eliminated for soils concerns.

20 CHAIRMAN McINTYRE: So what's your total?

21 MS. GOODFRIEND: We now have a total of the lots  
22 to be eliminated was to be 63, you've determined to  
23 keep 6, so that is 57.

24 CHAIRMAN McINTYRE: 57. Okay. 57 minus --

25 MS. GOODFRIEND: 278.

1 CHAIRMAN McINTYRE: -- off of 278, what would  
2 that give us?

3 MS. GOODFRIEND: I don't know.

4 MS. NELSON: 221.

5 CHAIRMAN McINTYRE: 221.

6 MR. JACOBSON: You're subtracting that from what  
7 number, 278?

8 CHAIRMAN McINTYRE: Yeah. You missed that.  
9 That's the part I told you about when you got here.  
10 Because of the golf course layout, we'd rather start  
11 at this -- and this is where I think that we need to  
12 use some of our -- this is where discretion comes in  
13 to determine whether we think that would be -- give  
14 and take everything that we know, that we put it --  
15 that 221 would be a fair lot yield for this -- for  
16 this land.

17 MR. BRANSE: Chairman, you're at 221?

18 MS. NELSON: Yes.

19 CHAIRMAN McINTYRE: That's -- for the staff,  
20 we're at 221.

21 MR. BRANSE: And how many were eliminated then?

22 MR. JACOBSON: 57.

23 MS. NELSON: 57.

24 CHAIRMAN McINTYRE: 57. Right. And when I  
25 looked at this, my original feeling was I was

1 comfortable with 230 -- you know, the number 230 when  
2 I looked at it. When I was doing all my figuring on  
3 my own and everything, I figured this land, taking  
4 into consideration all of the -- all of the give and  
5 take that, you know, that staff considered, you know,  
6 what we considered ourselves and things that I know,  
7 that possibly that maybe some of these lots could be  
8 built on, some of them may not be able to. And being  
9 that you had a conventional layout of two ninety --

10 MR. JACOBSON: 293.

11 CHAIRMAN McINTYRE: 293 to start off with and  
12 then we threw the golf course into the mesh which  
13 gave us a little lower total count to start with. I  
14 think that, you know, to be -- I think that -- you  
15 know, I think 230 -- my -- in general just my feeling  
16 in looking at how we came to this conclusion that 230  
17 would be -- would be a good figure for me or if  
18 anybody wanted to suggest -- you know, if anybody  
19 wants to suggest lower or higher, it's up to them.  
20 Right now through our analysis we came up with 221.

21 MR. HANES: I think we should go with the 221.

22 CHAIRMAN McINTYRE: Okay.

23 MS. GALLICCHIO: I'm comfortable with it.

24 MR. HANES: We have the reasoning behind, we've  
25 gone through all of it.

1           CHAIRMAN McINTYRE: Right. Well, yeah, I  
2 understand. But I'm trying to apply just a little  
3 bit more looking at it discretion.

4           MS. GALLICCHIO: Discretion.

5           CHAIRMAN McINTYRE: Discretion and realistic  
6 viewpoint that, you know when we say this, we're  
7 using a lot of ifs and a lot -- you know, both ways.  
8 It's not just going one way; we're giving a benefit  
9 of the doubt to the applicant, a benefit of the doubt  
10 to us, both ways. And I think in reality for a --  
11 you know for 1,000 acres it's, you know, 221 is a low  
12 count and I think 240 or 250 is too high of a count  
13 and I'm just saying that 230 seems more realistic for  
14 the land mass but just based on -- it's all  
15 speculative except for the test holes that we did  
16 have.

17           MR. TIETJEN: I'm sorry, what are you -- what's  
18 speculative?

19           CHAIRMAN McINTYRE: Pretty much everybody --  
20 everybody took things that their analysis was all  
21 based on their opinions and they came up with a  
22 formula to come up with -- to be able to express to  
23 us how they came to their conclusions.

24           MR. TIETJEN: That's why we have experts, right?

25           CHAIRMAN McINTYRE: Right.

1 MR. TIETJEN: So I'm figured a round number of  
2 maybe 220. You like round numbers? That's good.

3 CHAIRMAN McINTYRE: So that's not how I came to  
4 my conclusion, I'm just saying knowing all the  
5 speculative -- and it was all based on a lot of, you  
6 know, sound thoughts. I mean, everybody did a good  
7 job I think on figuring out how to show us how you  
8 came to your conclusions and now it's the Board's  
9 decision to -- as any other time that staff has given  
10 us their opinion on what they think and then we're  
11 here to take everything that we heard in the public  
12 hearing or all our thoughts through review to make a  
13 determination what we think is the correct number.

14 MS. GALLICCHIO: I think 221 is --

15 CHAIRMAN McINTYRE: Okay.

16 MS. GALLICCHIO: -- about as close as we're  
17 going to get and I -- I really wish we had had that  
18 other plan earlier because it would have been -- it  
19 would have been nice to be more precise with it but I  
20 have a suspicion that we would have gotten even less  
21 than 221 if our staff looked at it as carefully as  
22 they did the conservation plan without the golf  
23 course. So I'm comfortable with the 221.

24 CHAIRMAN McINTYRE: Janis.

25 MS. ESTY: I'm inclined to agree. I think we

1 would come up with less than 221 and I'm comfortable  
2 with this.

3 MR. HANES: 221. I think we've got the details,  
4 we've done a lot of work.

5 MR. TIETJEN: I'll compromise and say 221.

6 CHAIRMAN McINTYRE: Okay. The consensus has it  
7 that the lot yield should be 221. I will go with the  
8 Board, 221 as the consensus of lot yield. I guess  
9 we'll need a motion to --

10 MR. BRANSE: You actually don't need a motion  
11 yet because this will be wrapped into the total  
12 motion on the total application --

13 CHAIRMAN McINTYRE: at the end.

14 MR. BRANSE: -- at the end. However, just so  
15 you don't think I've been playing video games over  
16 here, let me just read something to you and we can  
17 print this out for your next meeting but I'll just  
18 read it to you for now. Afterwards if there's  
19 something particular you need to hear again or  
20 change, we can.

21 Yield plan total lots -- this is a piece of a  
22 longer motion which has also been growing as I hear  
23 you talk.

24 A, golf course; The Commission construes its  
25 regulations as not allowing the applicant to "double

1 count" land in the underlying conventional design,  
2 so-called yield plan, for both residential density  
3 and a private country club/golf course. As indicated  
4 in staff reports, the country club/golf course  
5 includes parking lots, buildings, tennis courts,  
6 fairways, greens, etc. that constitute a separate use  
7 of land. The open space subdivision plan is supposed  
8 to allocate the land between two uses, residential  
9 lots development and open space. The applicant has  
10 inserted a third use, a country club/golf course  
11 which use occupies land which would otherwise be  
12 available for either residential uses or open space.  
13 The desirability of such use is not relevant. The  
14 issue is one of density. The only evidence that the  
15 Commission has before it for which it can determine a  
16 yield of a conventional plan with a golf course is  
17 the plan submitted by the applicant and entitled --  
18 and I have the map title.

19 Despite repeated requests for such a plan in and  
20 its apparent existence since September, it was only  
21 provided to the Commission for its public hearing of  
22 January 12th, 2004. This precludes the Commission  
23 from considering whether the 15 lots eliminated from  
24 this plan might have been eliminated for other  
25 reasons in previous staff reviews. The Commission



1 therefore finds that the starting point of its yield  
2 analysis should be the 278 lots depicted in the yield  
3 plan with golf course rather than the 293 in the  
4 initial conventional subdivision submission plan.

5 B, other factors; the Commission has received  
6 report from its traffic engineering consultant, its  
7 biology consultant, its soil biology -- is that --  
8 Wendy, is that right?

9 MS. GOODFRIEND: That's fine.

10 MR. BRANSE: -- its soil scientist, its town  
11 engineer, its town planner, the Connecticut River  
12 Estuary Regional Plannings Agency, the Zoning  
13 Enforcement Officer, and numerous witnesses for  
14 interveners and the applicant. Commission members  
15 have individually and collectively reviewed these  
16 reports and have given the weight to each report and  
17 all the testimony as may be appropriate in their  
18 individual and collective discretion.

19 While all Commission members may not have  
20 assigned the same weight to the same reports, the  
21 collective finding of the Commission after exhaustive  
22 review is that 57 lots should be eliminated from the  
23 yield plan based on the reports and testimony  
24 received. When deducted from the 278 lots the yield  
25 plan with golf course, the resulting total is 221.

1 Anything there that jumps out? I'll give this  
2 to you in hard copy but anything that jumps out to  
3 you as not anything that you said?

4 CHAIRMAN McINTYRE: I'm amazed that you could  
5 get all that from what we just went through.

6 MR. BRANSE: That's just what I love doing.

7 MS. NELSON: Makes us look smooth.

8 CHAIRMAN McINTYRE: Okay. It's now 10:30. I'd  
9 like to, you know, kind of wind things up now. The  
10 -- I'd like to thank the staff for helping us make  
11 our decisions easy. You, you know, gave us some  
12 really good direction and everything and I know you  
13 -- and the whole Board knows that everyone on the  
14 staff worked very very hard, you know, on coming to  
15 the conclusions that you did and they sounded like  
16 they were sound and valid reasons and it was very  
17 well done.

18 Our next hurdle would be for next week or two --  
19 we're gonna go -- who's got a calendar? We have to  
20 determine when we're going to reconvene.

21 MS. NELSON: There's a calendar right behind  
22 you, actually. And it's February 23rd.

23 CHAIRMAN McINTYRE: Okay. Does anyone have any  
24 problem reconvening on February 23rd? We have a  
25 meeting on the 16th, regular scheduled meeting.

1 MS. ESTY: Reminder, we have a sidewalk --

2 CHAIRMAN McINTYRE: And sidewalk on the 12th  
3 about 10 o'clock? What was that?

4 MS. GALLICCHIO: Anderson, College Point.

5 CHAIRMAN McINTYRE: College Point. So everybody  
6 -- are you going to send out a little memo on that?

7 MS. NELSON: I e-mailed you your agendas.

8 CHAIRMAN McINTYRE: Did you? Okay.

9 MS. TIETJEN: College Point is the 15th you  
10 said?

11 MS. GALLICCHIO: Well, it's Saturday.

12 CHAIRMAN McINTYRE: Saturday at 10 o'clock.

13 MR. TIETJEN: No, I mean the meeting.

14 MS. GALLICCHIO: Oh, yes.

15 CHAIRMAN McINTYRE: Yeah, that would be the  
16 meeting, yes. The next meeting we will discuss that  
17 will be the 16th. And then what we're trying to  
18 determine now is is it okay for everyone that we  
19 reconvene on the 23rd to continue deliberation of the  
20 Preserve? Okay. And can I get a motion?

21 MR. BRANSE: Mr. Chairman, before you make that  
22 motion, which is your support staff do you think  
23 you'll need? The next -- it's a done deal. The next  
24 step now is going to be evaluation of the preliminary  
25 plan. Which of your staff do you think you'll want?

1 I'm available.

2 CHAIRMAN McINTYRE: Not Jeff because he gave me  
3 a hard time.

4 MS. NELSON: Gee, I'm going to give you a hard  
5 time.

6 CHAIRMAN McINTYRE: Just a joke, Jeff. The hour  
7 is late. All right. Where's the little list of  
8 things to do next? Does anybody --

9 MS. GALLICCHIO: There.

10 CHAIRMAN McINTYRE: Okay. So we did -- we  
11 decided it's going to be open space --

12 MS. GALLICCHIO: Where the circled red is right  
13 below that is I think where we need to start.

14 CHAIRMAN McINTYRE: Point 3; once the yield  
15 numbers are determined should the proposed  
16 preliminary be approved as submitted or should it be  
17 modified, conditioned, or approved. So that's where  
18 we should be headed, that's what everybody should  
19 reviewing for the meeting on the 23rd. And that's  
20 Point Number 3 on Attorney Branse's letter dated  
21 January 25th, 2005, it's addressed to me, referencing  
22 the Old Saybrook Planning Commission, The Preserve  
23 R.S. Open Space Subdivision Special Exception and  
24 Application. And I think there was -- yes, those  
25 were marked. Okay. So everyone knows where we're

1 heading?

2 MS. GALLICCHIO: I have a question.

3 CHAIRMAN McINTYRE: Sure.

4 MS. GALLICCHIO: Did you answer who you wanted  
5 to be there for staff?

6 CHAIRMAN McINTYRE: No, not yet. We've got --  
7 we have to figure out -- with that in mind, we have  
8 to figure out who's going to -- who we're going to  
9 need for staff. And basically -- what plan will that  
10 be that we'll be looking at the next time? The open  
11 space one?

12 MS. GALLICCHIO: Open space, right.

13 MR. BRANSE: You'll be looking at the open space  
14 plan --

15 CHAIRMAN McINTYRE: Okay.

16 MR. BRANSE: -- and you also know that you'll be  
17 looking at it for 221 lots, whereas it shows 248.

18 CHAIRMAN McINTYRE: 248.

19 MR. BRANSE: 248. Okay. So that's something  
20 you know going in and think I would outline the other  
21 issue --

22 CHAIRMAN McINTYRE: That was the question that I  
23 had. Now that we made a lot yield determination, now  
24 is it up to us to determine which one of the 248 go  
25 by the wayside or is that up to the applicant once

1 the --

2 MR. BRANSE: It could be either way. You could  
3 -- in reviewing the preliminary plan you could  
4 identify individual lots, areas, you could say goals,  
5 for example you could say lots shall be eliminated to  
6 protect the following resources or to achieve the  
7 following objectives, or you could just say the  
8 applicant -- the plan shall be revised at this many  
9 lots. You could also say, for example, which types  
10 of units you wanted reduced, whether you wanted  
11 estate lots versus very small lots versus the village  
12 lots -- village units. So you have a lot of latitude  
13 there in it. It certainly would be --

14 CHAIRMAN McINTYRE: I didn't want to hear that.

15 MR. BRANSE: -- allowable for you to say -- to  
16 just say come back with 221, we don't care how you do  
17 it but probably the applicant would like at least  
18 guidance on where you want that to happen so they  
19 have a feeling for that.

20 CHAIRMAN McINTYRE: Okay. And so the questions  
21 are then we're going -- on Number 3, the questions  
22 are the golf course safety that's -- are there  
23 portions of the golf course -- the questions are all  
24 mainly about the golf course and should the roadway  
25 connect. So when we talk about golf courses and

1 roadway obviously Jeff should be here I would think  
2 and Mark and I don't think we would need both Wendy  
3 and Mr. Snarski. And what's the feeling who -- would  
4 Rich or Wendy be needed for that first meeting?

5 MS. GALLICCHIO: That's what I was going to ask.  
6 I'm assuming we'll go past just one more meeting,  
7 right?

8 CHAIRMAN McINTYRE: Oh, yeah.

9 MS. GALLICCHIO: Okay.

10 CHAIRMAN McINTYRE: We have until the 16th.

11 MS. GALLICCHIO: So if we have questions that  
12 arise --

13 CHAIRMAN McINTYRE: Right.

14 MS. GALLICCHIO: -- we can --

15 MS. NELSON: Could I make one recommendation?

16 CHAIRMAN McINTYRE: Actually, I think we're way  
17 ahead of schedule now.

18 MS. NELSON: Can I make a recommendation that  
19 you consider environmental constraints first because  
20 conservation is the driving force in design in both  
21 the conservation subdivision and the residency  
22 conservation district and those are if not building  
23 constraints then the conservation opportunities, that  
24 through a process of elimination you decide where do  
25 you want conservation first and then where do you

1 want to decide -- I mean, where do you want to  
2 develop.

3 CHAIRMAN McINTYRE: Based on the plan presented.

4 MS. NELSON: Mmm-Hmm.

5 CHAIRMAN McINTYRE: So does that throw Rich out  
6 the window? I mean, not Rich, Jeff out the window?

7 MR. BRANSE: You'll need him.

8 CHAIRMAN McINTYRE: Yeah, I think we're going to  
9 need him. I'm just --

10 MS. GALLICCHIO: I think it's important to have  
11 him. I think it's important to have Wendy there  
12 also.

13 CHAIRMAN McINTYRE: Right. What about Rich?

14 MS. GALLICCHIO: Well, I don't know.

15 MR. JACOBSON: They kind of worked as a team  
16 together.

17 MS. GOODFRIEND: I can speak for myself, we done  
18 more I think because worked on this together we both  
19 have different strengths. We feel more comfortable

20 --

21 CHAIRMAN McINTYRE: Are you guys available?

22 MS. GOODFRIEND: Yes. I mean, I am.

23 CHAIRMAN McINTYRE: So are you going to be  
24 available?

25 MR. SNARSKI: On the 23rd, yes.



1 CHAIRMAN McINTYRE: All right. So we would like  
2 to have -- All right, Chris, you can come. All right  
3 So this same group will reconvene.

4 MS. NELSON: Okay.

5 MS. GALLICCHIO: Before we have any motions to  
6 continue, I just have a question about something that  
7 came in our packet and that was a memo from  
8 Wright-Miriam (phonetic) to Robert Landino dated  
9 January 7th, 2005. Why was that in our packet?

10 MS. NELSON: It was submitted on the last night  
11 of public hearings and I didn't have copies that  
12 night.

13 CHAIRMAN McINTYRE: I was sitting at home going,  
14 what is Christine doing to us?

15 MS. NELSON: Yeah, it didn't make it into the  
16 last packet for this meeting or for the meeting  
17 before -- well, for the meeting before.

18 CHAIRMAN McINTYRE: I didn't read it because of  
19 that. I didn't want to taint myself.

20 MS. NELSON: Right.

21 MR. BRANSE: It was received during the --

22 MS. NELSON: It was received during the public  
23 hearing.

24 CHAIRMAN McINTYRE: No one has read it, right?

25 MR. TIETJEN: No.

1 CHAIRMAN McINTYRE: Now we can read it because  
2 now we know where it came from. All right. Okay. I  
3 think we need a motion to continue.

4 MR. HANES: I'll make a motion that we continue  
5 under old business, the Preserve Special Exception  
6 for Open Space Subdivision, 934 acres total of open  
7 space, 542.2 acres. Ingham Hill and Bokum Roads (Map  
8 55, 56, and 61/Lots 3, 6, 15, 17, and 18) The  
9 Residence Conservation C District, Aquifer Protection  
10 Area. Applicant, River Sound Development, LLC.  
11 Agent, A. Landino, P.E. Continued to our special  
12 meeting on Wednesday, February 23rd at 7:30 p.m. town  
13 hall first floor conference room, 302 Main Street.

14 MS. GALLICCHIO: I'll second the motion.

15 CHAIRMAN McINTYRE: Okay. The motion was made  
16 by Stewart to continue the meeting to the 23rd,  
17 seconded by Judy. Any discussion?

18 (No audible response.)

19 CHAIRMAN McINTYRE: All in favor?

20 MS. GALLICCHIO: Aye.

21 MR. TIETJEN: Aye.

22 CHAIRMAN McINTYRE: Opposed?

23 (No audible response.)

24 CHAIRMAN McINTYRE: Okay. Motion to adjourn.

25 MS. GALLICCHIO: Second.

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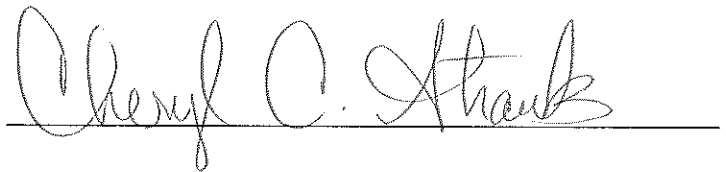
CHAIRMAN McINTYRE: Okay.

\* \* \* \* \*

C E R T I F I C A T I O N

I, Cheryl C. Straub, Certified Court Reporter, do hereby certify that the within and foregoing 147 pages are a true and accurate transcription of my stenographic notes taken at the special meeting in deliberations held by the Town of Old Saybrook Planning Commission on the 9<sup>th</sup> day of February, 2005, at the Old Saybrook Town Hall first floor conference room, 305 Main Street, Old Saybrook, Connecticut, in the matter of The Preserve Special Exception for Open Space Subdivision.

Certified this 23<sup>rd</sup> day of May, 2005.

A handwritten signature in cursive script, reading "Cheryl C. Straub", is written over a horizontal line.

Cheryl C. Straub, CCR