

TOWN OF OLD SAYBROOK  
Planning Commission

**Executive Board**  
*Robert J. McIntyre, Chairman*  
*Janis L. Esty, Vice Chairman*  
*Salvatore V. Aresco, Secretary*

302 Main Street • Old Saybrook, Connecticut 06475-1741  
Telephone (860) 395-3131 • FAX (860) 395-3125

**Members**  
*Robert D. Missel*  
*Donald J. Ranaudo*

**Alternate Members**  
*Cathryn M. Flanagan*  
*Cameron M. Evangelisti*  
*Richard L. Sullivan, Jr.*

PLANNING  
COMMISSION  
EXHIBIT #36

MINUTES

Wednesday, December 1, 2010 at 7:30 P.M.

Scheduled: 1st Floor Conference Room, Town Hall 302 Main Street

Moved: Old Saybrook Middle School Auditorium 60 Sheffield Street

I. CALL TO ORDER

Chairman, Robert McIntyre, called the regular meeting to order at 7:50 P.M.

II. ROLL CALL

Members Present

Robert McIntyre, Chairman  
Janis Esty, Vice Chairman  
Donald Ranaudo, Regular Member  
Salvatore Aresco, Regular Member  
Robert Missel, Regular Member  
Richard Sullivan, Jr., Alternate Member  
Cathryn Flanagan, Alternate Member

Members Absent

Cameron Evangelisti, Alternate Member

Staff Present

Christine Nelson, Town Planner  
Attorney Mark Branse, Commission Attorney  
Bruce Hillson, Traffic Consultant  
Joanne Rynecki, Planning Clerk  
Debrah Veroni, Transcriber

**MOTION** to amend the Agenda to move Item III Regular Business to Item VI;  
**MADE** by R. McIntyre; **SECONDED** by R. McIntyre; **VOTED IN FAVOR:** R.  
McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none;  
**ABSTAINED:** none; **APPROVED:** 5-0-0.

**III. PUBLIC HEARING**

**A. "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan for 226 total dwelling units (925.82 total ac.) & Open Space (556.83 total ac.)**

Ingham Hill & Bokum Roads (M55/L3, M56/L6, M61/L15, 17&18)

*Residence Conservation C District, Aquifer Protection Area*

Applicant: River Sound Dev. LLC, Owner Agent: David M. Royston, Esq.

Chairman McIntyre opened the public hearing at 7:55P.M. and informed the members of the commission and the audience that the public hearing will run until approximately 10:30 P.M. tonight. The applicant's attorney will have 1 hour to present the application, followed by any interveners, then questions from staff and commission members, and then the hearing will be open to public comments.

Attorney David Royston asked the Commission to allow the intervener to present their notice prior to his presentation.

Charles J. Rothenberger of the Connecticut Fund for the Environment, Inc. submitted the Notice of Intervention and Request for Notice of Meetings.

Attorney Royston explained that River Sound Development, LLC is a wholly-owned subsidiary of Lehman Brothers Holdings, Inc., and The Preserve is the sole asset of River Sound Development, LLC. Robert Levine of RAL Development Services is the Trustee/Owner's representative. Lehman Brothers Holdings, Inc. entered into bankruptcy protection in 2008. River Sound Development, LLC owns approximately 1,000 acres: 925 acres in Old Saybrook (893 acres plus the 32 acre Pianta parcel), 70 acres in Essex and 5 acres in Westbrook. Attorney Royston acknowledge receipt of the various reports from the technical and municipal consultants for the Planning Commission. In order to thoroughly review these reports Attorney Royston requested the commission continue the public hearing until the first regularly scheduled meeting of January, January 5, 2011.

Attorney Royston referred to Map RS-1 prepared by Doane-Collins Engineering Associates, LLC, dated 10/7/10, which shows the entire property owned by River Sound Development, LLC. The areas that are part of this modification are highlighted in green. Attorney Royston distributed copies of a report from Dennis Goderre, ASLS, AICP and former project manager of BL Companies. Mr. Goderre's letter, dated 12/1/10, states his findings that Map RS-1 substantially depicts the conditions of the 2005 approval by this Commission. Attorney Royston added that the two exceptions would be made part of any final subdivision plan.

Mr. Aresco asked for clarification on the location of the Ingham homestead, and Mr. Doane pointed it out to him on Map RS-1.

Attorney Royston continued that River Sound Development would need IWWC approval for development in any regulated areas. The 2001 IWWC approval for the golf course is currently being appealed to the Supreme Court with no answer to date.

Attorney Branse asked Attorney Royston if the golf course plan approved by the IWWC in 2001 is the same as what is shown on these plans tonight. Attorney Royston responded, no, this golf course plan is smaller, but the core, including the golf course, is not part of this modification application.

Attorney Royston handed the floor to Robert Levine, President and CEO of RAL Development Services, LLC to read a statement that will be entered into the record. (Exhibit #31) Mr. Levine stated that his task is to find the highest and best use of the property to realize the greatest value to the creditors while developing the property in a responsible way. This modification attempts to create limited development with 3 subdivisions while maintaining the 816-acre forest core, but leaving the options for full to no development of the forest core in the future.

Robert Doane of Doane-Collins Engineering Consultants, LLC continued the review of the parcels. Mr. Doane stated that each of the 3 areas are proposed to be stand-alone parcels and meet the open space requirements of the Open Space Subdivision Regulations. Mr. Doane referred to Map RE-3, revised to 11/29/10, for the Ingham Road parcel (or "pod") containing 43 acres with 13 proposed lots (8 on the Eastern side of Ingham Hill Road and 5 on the Western Side of Ingham Hill Road). Conservation easements were created to meet the minimum lot area for parcels with well water. Mr. Doane submitted a Soil Test Data report dated 12/1/2010, to the Commission. Mr. Doane continued with Map RS-4, dated 10/7/10, the Westbrook "pod" a planned residential development with 11 detached single-family units on approximately 31 acres utilizing public water. Mr. Doane added that Map RS-5, dated 10/7/10, the Pianta "pod" on Bokum Road contains 10 lots, and Map RS-6, dated 10/7/10, shows the Pianta "pod" as 9 lots as an open space subdivision.

Michael Kline, biologist and soil scientist, introduced himself stating that he has been involved with the development of the plans for the property since 2003. Mr. Kline stated that the lots on the Ingham Hill Road parcel, Map RS-3, have no direct impact on watercourses. There are vernal pools to the north and south of the parcel. He recommends using low impact development designs for the roadway system, and changes will be made to the plans to conform to his recommendations. Mr. Kline reviewed Map RS-4, dated 10/7/10, the Westbrook parcel and found no direct impact to the wetlands and no vernal pools. There is a critical habitat for vernal pools and a Box

Turtle habitat near the utility easement. Mr. Kline recommends continuing the open space into the critical areas. Mr. Kline found that Map RS-5 & 6, dated 10/7/10, the Pianta property located between Bokum Road and the Valley Railroad has several vernal pools. Vernal pool #37 is a very shallow vernal pool that is very close to the proposed roadway. Mr. Kline feels any alternative placement of the roadway would be more detrimental to other vernal pools nearby than to #37.

Chairman McIntyre requested a short recess.

Chairman called the meeting back to order at 9:25P.M.

Charles Rothenburger, CT Fund for the Environment, intervener, said that the previous IWWC applications had detailed plans and reports that show the reported impacts of the development on the wetlands and the environment. Mr. Rothenburger stated that although this is not the IWWC the PC should look at the impacts to the environment. Also, Mr. Rothenburger said that even though the core is not part of the modification, the Commission should consider that the core will be developed in the future, and the Commission should look at this development as a whole.

Chairman McIntyre opened up the public hearing for comments from the public.

Robert Fish, Chairman Conservation Commission – formally submitted the report from the Conservation Commission about the “Greenway Loop” established in the 1994 Conservation Plan for the northwest corner of the town. The Greenway Loop overlaps portions of the Great Cedars Conservation Area including Town Park. Mr. Fish stated that The Preserve plans should maintain the 500-plus acres of open space on the property will contribute to the northern half of the Greenway Loop.

Danny Redack, Waterbury Avenue – Stated that he would like to know if the developer has a purchase price because it should to be bought.

Barbara Maynard, Ingham Hill Road – Take into consideration the narrow, windy roadway on Ingham Hill Road. Last year there were 3 incidents that closed the road to traffic making it difficult for families to get to or from their homes. Ingham Hill Road is dangerous for bike riders and pedestrians. This dangerous traffic situation and will be come more dangerous with more development.

James Henderson, 183 Ingham Hill Road - Agrees with what was said by Mrs. Maynard and added that it is very dangerous to ride a bike or jog on Ingham Hill Road. He asked whether there are any details in the plans for sidewalks or bike paths?

Matthew Morin, 169 Bokum Road – He spoke of the narrow and winding Bokum Road and the difficulty that construction vehicles would have traveling on the road, he referred to Map RS-5. He stated that on one occasion, he had to slow down to let a large vehicle pass, and on another occasion he was forced off the road, which caused a flat tire, when a truck traveling the opposite direction took up half of his lane. He is also concerned with the impact of storm water runoff from new roads on the quality of well water.

Wendy Gesick, 13 Barley Hill Road – Asked if the maps used tonight are on-line. Ms. Nelson, Town Planner, advised her that the application material is on file at the Land Use Department at the Town Hall, 2<sup>nd</sup> Floor.

Diana McMahon, 19 Barley Hill Road - She feels the construction traffic on Ingham Hill Road would be difficult and that the community is too small to sustain a project of this size. She asked if anyone is going to pick up the pipes left over from the percolation testing on the site.

Charles McSorley, 9 Fox Hill Road – He referred to Attorney Royston’s comment regarding the sole asset of an investment company, and stated that the Town should not be responsible for their bad investment.

Michael Spera, Chief, Police Services Department, stated that he is an abutting property owner so the report is formally submitting is on behalf of the Police Commission listing 10 points or concerns.

Sue Ellen Kozy-McCuin, 24 Ingham Hill Road, Essex - Asked if the developer will be submitting a traffic detail report for the subdivision, because it would be helpful for her. Chairman McIntyre responded that traffic studies were done in previous applications. Attorney Royston added that the Applicant will address any traffic issues, but no traffic study is required at this level: the Commission may require it as part of subsequent application for the subdivision. Attorney Branse cautioned the Commission that traffic can no longer be addressed at the subdivision stage, so it is to be done it must be addressed here. He reminded the Commission that the last study done was based on interconnected roads throughout the proposed development.

Larry Fortier, 98 Ingham Hill Road, Essex – Feels one way to look at increased traffic volume effects would be to look at the blind spots on Ingham Hill Road.

Sara Keaney, President, OSLT – will be reading a letter from her organization at the next meeting.

Jim Henderson, 183 Ingham Hill Road – He feels members should walk or drive Ingham Hill Road to look at the bad areas like Old Ingham Hill Road

and Elm Street, Goose Pond Lane, 176 Ingham Hill Road, Barley Hill Road and Ingham Hill Road, and Pheasant Hill Road and Ingham Hill Road.

Chris Cryder, 6 Crowley Drive – Asked when copies of the reports discussed tonight will be available, specifically, the soil scientist report. Will the report give a productivity estimate before the subdivision is started and what is estimated after it is complete? What will be the blasting impacts on the ground water? He would like the Commission to hire a soil scientist to review the soil reports submitted by the Applicant. He is concerned with the tree canopy being destroyed. He added that birds nest in the northern woodland areas. He would like the oak “wolf trees” and the stonewalls preserved.

Danny Redack, Waterbury Avenue – not good for the people and animals

Chairman McIntyre closed the public comment portion of the Public Hearing and asked for questions from the Commission Members.

Mr. Aresco – asked what the habitat range is for the box turtle. Mr. Klein stated that turtle surveys are not done this time of the year, but feels their range is relatively small. He will provide data on the habitat range.

Ms. Esty – Would like to do a site walk for all 3 areas that are subject of the proposal and Ingham Hill Road. Attorney Branse stated that the Commission members could drive Ingham Hill road on their own since it is a public place. Ms. Nelson suggested that the Commission might join the Parks and Recreation Commission site walk scheduled for December 12, 2010.

Chairman McIntyre said it would be treated as a special meeting beginning with the Parks and Recreation Commission at the Ingham Hill Road “pod” and then continuing to the Westbrook “pod” and finally the Bokum road “pod”.

Attorney Branse asked if Mr. Goderre had reviewed his report and whether there were more than 2 exceptions that were omitted from the 2005 plans? Attorney Royston responded that Mr. Goderre did not review any of the reports to the Commission, but he did review the 2005 motion for Approval of the original special exception, which is part of the application packet, as well as reviewed the plans previously prepared by BL Companies.

Attorney Branse asked Mr. Doane to clarify his statement all 3 parcels are stand-alone parcels, and he asked about the septic.

Attorney Branse asked Charles Rothenburger if the issues he brought up were included in the IWWC report. If not, then how can an intervener introduce issues that the IWWC itself did not? Mr. Rothenburger responded that if the IWWC is only looking at 3 parcels, then they aren't looking at the whole property.

**MOTION** to continue the public hearing of "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan to a site walk on Sunday, December 12, 2010 at 10:00 A.M. commencing on Ingham Hill Road at the proposed entrance to the Ingham Hill subdivision; **MADE** by S. Aresco; **SECONDED** by J. Esty; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

IV. OLD BUSINESS

V. NEW BUSINESS

VI. REGULAR BUSINESS

A. Minutes

**MOTION** to approve the minutes of November 17, 2009 as written; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

- B. **Correspondence:** The following bills were presented for approval: Nathan L. Jacobson & Associates, Inc. #73222 in the amount of \$669.30 and #73237 in the amount of \$611.10. Branse, Willis & Knapp #26402 in the amount of \$652.50, #26403 in the amount of \$87.00 and #26401 in the amount of \$87.00.

**MOTION** to approve payment to Nathan L. Jacobson & Associates, Inc. #73222 in the amount of \$669.30 and #73237 in the amount of \$611.10. Branse, Willis & Knapp #26402 in the amount of \$652.50, #26403 in the amount of \$87.00 and #26401 in the amount of \$87.00; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

- C. **Committee, Representative & Staff Reports - none**

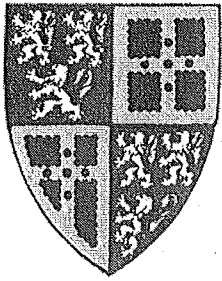
**VII. ADJOURNMENT**

**MOTION** to adjourn the meeting at 10:55 P.M. until the Special Meeting on December 12, 2010 at 10:00 A.M. on Ingham Hill Road at the entrance of the proposed roadway for the Ingham Hill parcel. The next Regularly Scheduled Meeting of the Planning Commission is scheduled Wednesday, January 5, 2011 at the Old Saybrook Middle School, auditorium, 60 Sheffield Street; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

Respectfully Submitted,

Joanne Rynecki  
Planning Clerk





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*Richard L. Sullivan, Jr.*

**MOTIONS**

**Wednesday, December 1, 2010 at 7:30 P.M.**

Scheduled at Old Saybrook Town Hall 1<sup>st</sup> Floor Conference Room  
302 Main Street  
Moved to the Old Saybrook Middle School Auditorium  
60 Sheffield Street

**I. CALL TO ORDER**

Chairman, Robert McIntyre, called the regular meeting to order at 7:55 P.M.

**II. ROLL CALL**

Members Present

Robert McIntyre, Chairman  
Janis Esty, Vice Chairman  
Donald Ranaudo, Regular Member  
Salvatore Aresco, Regular Member  
Robert Missel, Regular Member  
Richard Sullivan, Jr., Alternate Member  
Cathryn Flanagan, Alternate Member

Members Absent

Cameron Evangelisti, Alternate Member

Staff Present

Christine Nelson, Town Planner  
Attorney Mark Branse, Commission Attorney  
Bruce Hillson, Traffic Consultant  
Joanne Rynecki, Planning Clerk  
Debra Veroni, Transcriber

**MOTION** to amend the Agenda to move Item III Regular Business to Item VI;  
**MADE** by R. McIntyre; **SECONDED** by R. McIntyre; **VOTED IN FAVOR:** R.  
McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none;  
**ABSTAINED:** none; **APPROVED:** 5-0-0.

III. PUBLIC HEARING

- A. "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan for 226 total dwelling units (925.82 total ac.) & Open Space (556.83 total ac.)  
 Ingham Hill & Bokum Roads (M55/L3, M56/L6, M61/L15, 17&18)  
 Residence Conservation C District, Aquifer Protection Area  
 Applicant: River Sound Dev. LLC, Owner Agent: David M. Royston, Esq.  
**ACTION:** *Open public hearing and continue or close by 12/15/2010 (NLT) 1/4/2011; act.*

**MOTION** to continue the public hearing of "The Preserve" modification of the special exception for Open Space Subdivision to a site walk on Sunday, December 12, 2010 at 10:00 A.M. commencing on Ingham Hill Road at the proposed entrance to the Ingham Hill subdivision; **MADE** by S. Aresco; **SECONDED** by J. Esty; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

IV. OLD BUSINESS

V. NEW BUSINESS

VI. REGULAR BUSINESS

- A. Minutes

**MOTION** to approve the minutes of November 17, 2009 as written; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

- B. **Correspondence:** The following bills were presented for approval: Nathan L. Jacobson & Associates, Inc. #73222 in the amount of \$669.30 and #73237 in the amount of \$611.10. Branse, Willis & Knapp #26402 in the amount of \$652.50, #26403 in the amount of \$87.00 and #26401 in the amount of \$87.00.

**MOTION** to approve the bills for payment, as presented; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

- C. Committee, Representative & Staff Reports - none

VII. ADJOURNMENT

**MOTION** to adjourn the meeting at 10:55 P.M. until the Special Meeting on December 12, 2010 at 10:00 A.M. on Ingham Hill Road at the entrance of the proposed roadway for the Ingham Hill parcel. The next Regularly Scheduled Meeting of the Planning Commission scheduled is Wednesday, December 15, 2010 in the 1<sup>st</sup> Floor Conference Room, Town Hall, 302 Main Street; **MADE** by S. Aresco; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

Respectfully Submitted,



Joanne Rynecki  
Planning Clerk