

**RIVER SOUND DEVELOPMENT, LLC
MODIFICATION TO SPECIAL EXCEPTION APPLICATION
SUPPLEMENT TO RESPONSE TO REVIEW COMMENTS**

To: Old Saybrook Planning Commission
From: River Sound Development, LLC ("River Sound" or "Applicant" herein)
Date: January 5, 2011

River Sound is hereby supplementing its Response to Review Comments dated December 29, 2010 ("Response" and "Supplement").

Corrections and Additions to December 29, 2010 Response

1. The land Use Department Report requested that the Applicant "Calculate ratios for wetlands, uplands and steep slopes".

The Response stated that the ratios were provided in the Revised Plans. Rather, the ratios will be provided in table form.

2. The land Use Department Report requested that the Applicant "Provide 10% aggregate recreational open space"— The Response stated that total area of the three development pods is 106.57 acres and that the "Revised Plans provide over 10.66 acres (10%) of recreational open space. See Revised Plan Sheet RS-3. "

The Revised Plans actually show the total area of the three development pods as increasing to 114.47 acres, due to the addition of recreational open space. The Revised Plans provide 11.45 acres (10%) recreational open space. See Revised Plan Sheet RS-3.

3. The applicant has referred to the remaining undeveloped "forest core" in its proposed Modification and in its Response as consisting of 816 acres. By reason of the inclusion of recreational open space in this proposed Modification, the remaining undeveloped "forest core" consists of 811 acres.

4. In response to Comments concerning the Pianta Parcel roadway extending from Bokum Road, the Response identified the closest vernal pool to the roadway as vernal pool #31. The correct number is difficult to read on Sheet RS-5, but is clearly shown on Sheet RS-6 as vernal pool #37. Dr. Michael Klein has reconfirmed that vernal pool #37 was determined to be of extremely low productivity in 2004 by Dr. Michael Klemens, which findings were updated and confirmed by Dr. Michael Klein in 2010.

5. The Response made reference to the conditionally approved subdivision map for the "vacant" Piontkowski property on Bokum Road ("Saybrook Ridge" (Golinowski) Open Space Subdivision) approved 10/15/08. A portion of the conditionally approved map on file in the Old Saybrook Town Clerk's office is attached to this Supplement. This

is the portion abutting the River Sound property. A full copy will be submitted for the Record.

6. The land Use Department Report requested that the Applicant "Identify that this portion of the development [adjacent to Route 153 in Westbrook] is located within the Aquifer Protection Zone". The Aquifer Protection Zone line is shown on the map attached to this Supplement. A Revised Plan Sheet will show this line.

7. The Response states that the Applicant met with members of the Conservation Commission on December 6, 2010. The Applicant met with the Regional Planning Agency on December 6, 2010 and with members of the Conservation Commission on December 14, 2010.

Response to Fire Department and Police Commission letters 11/24/10 and 11/30/10

The Applicant met with the Police Commission on December 27, 2010. The Police Chief and the Fire Chief attended that meeting. The Applicant discussed the concerns of the Commission, the Police Chief and the Fire Chief at length, and how those concerns would be addressed. This specific written response will be submitted to and reviewed by the Police Chief and the Fire Chief for their additional comment.

Fire

River Sound will address Chief Dunn's comments by using the same enumeration as in his letter of November 24, 2010. The Applicant agreed that it would separate and distinguish responses to those items which are applicable to the development of the three identified pod areas from those relating to the development of the approximately 811 acre interior forest core.

- (1) River Sound agrees that as a condition of the Modification to the Special Exception an AutoTURN vehicle travel analysis will be made as part of the final subdivision plans for any roadways in the final subdivision plans.
- (2) River Sound agrees that as a condition of the Modification to the Special Exception, that prior to making application for final subdivision of any portion of the 925.82 River Sound property in the Town of Old Saybrook, the entire property will be tested by Motorola or the Fire Department for coverage under the recently installed Municipal and Public Safety Communications System. This testing information shall be provided to the Fire Department and to the Police Department. In the event enhanced communication infrastructure is required to serve any of the areas of the three identified pod developments, the final subdivision plans shall provide the required enhanced communication as part of the roadway system serving the residential units. This will be deemed part of the subdivision work so as to include such emergency communication enhancement facilities within the subdivision work subject to bonding.

- (3) River Sound agrees that as a condition of the Modification to the Special Exception, it acknowledges that if based upon the testing of the entire property, more extensive communication enhancements may be required at the time of the development of any of the interior forest core, provision for such enhancement will be included within final subdivision plans for such areas.
- (4) River Sound agrees that as a condition of the Modification to the Special Exception, the identified pod areas on Ingham Hill Road and on Bokum Road which do not have access to public water will have fire protection cisterns of a 30,000 gallon capacity installed in an appropriate location in or adjacent to the subdivision area, to be reviewed and approved by the Fire Department. River sound acknowledges and agrees that the cistern capacity does not exceed the minimum requirement for a 9 lot or 13 lot subdivision. In selecting the location for the cistern, the Fire Department may chose a location which also allows access to other properties not within the subdivision, provided such location does not reduce the number of approved lots or substantially increase the cistern installation costs.
- (5) River Sound agrees that as a condition of the Modification to the Special Exception, that the Applicant, at the time of the development of the interior forest core, will address in its final subdivision plans any risks that may be associated by placing the fire sub-station adjacent to facilities which store chemicals.
- (6) River Sound agrees that as a condition of the Modification to the Special Exception, that the specifications for the fire sub-station will be reviewed prior to the development of final subdivision plans, for the purpose of designing an appropriate facility for its location. River Sound will consider NFPA compliance sprinklers, particularly with respect to recreation, commercial, utility and multi-family residential structures. Such consideration, however, shall not be a condition of the Special Exception.
- (7) River Sound agrees that as a condition of the Modification to the Special Exception, that in final subdivision plans landscaping will take into account the Fire Department's need for access to buildings and around buildings for use of ground ladders and ladder apparatus. Although this condition is primarily applicable to the cluster development authorized for the interior of the property and the proposed PRD development of the westerly section of the property on the Old Saybrook-Westbrook town line, this condition is also applicable to street trees or other required subdivision work for the two other pod developments proposed along Ingham Hill Road and Bokum Road.
- (8) River Sound has been informed that the location of fire hydrants is within the jurisdiction of the Fire Chief. Fire hydrant locations will be reviewed with the Fire Chief prior to final plans.

- (9) Prior to development of the forest core interior, River Sound will consider the feasibility of connecting the public water supply to the water system at the north end of Bokum Road south of the railroad track. Such consideration, however, shall not be a condition of the Special Exception.
- (10) River Sound agrees that as a condition of the Modification to the Special Exception, the Fire Department will be provided prior notification of and the opportunity to meet with the developer prior to filing of final subdivision plans.
- (11) River Sound agrees that as a condition of the Modification to the Special Exception, prior to the filing of any final subdivision plans, a detailed set of those plans shall be provided to the Fire Department.
- (12) River Sound agrees that as a condition of the Modification to the Special Exception, any final subdivision plans that involve development of a trail system, such trails shall be clearly marked and maps shall be provided to the Fire Department of the trail system.
- (13) River Sound agrees that as a condition of the Modification to the Special Exception, that emergency vehicle access will be provided throughout the golf course to the extent feasible, and an emergency access map, specifying the type of vehicles for which access is available, shall be provided to the Fire Department.
- (14) River Sound agrees that as a condition of the Modification to the Special Exception, as-built plan required for completed infrastructure work shall be provided to the Land Use Office in electronic format for dissemination to Public Safety officials and agencies.
- (15) River Sound agrees that as a condition of the Modification to the Special Exception, all homes and buildings both on individual lots and in the clustered areas shall be clearly marked with the address numbers.

Police

River Sound will address the letter from Michael A. Spera, Chief of Police and Director of Emergency Management dated November 30, 2010 using his enumeration.

- (1) As requested, River Sound met with the Police Commission on December 27, 2010 and this Supplement results from that meeting.
- (2) The original Special Exception dated March 23, 2005 contains a Conditional H in connection with the traffic impacts of full development. This condition requires the Applicant at the time of final subdivision approval to submit plans

for off-site improvements *"that acknowledge and address the increased traffic burdens that the Preserve will create for these roads."* In its Response, River Sound has acknowledged and agreed that condition H still remains in effect and that it is River Sound's understanding that this agreement on its part would preclude it from contesting such a requirement in the future. River Sound also noted in its Response and repeats here *"that the issue of what specific off-site road improvements are required to 'address the increased traffic burdens that the Preserve will create for these roads' is not specified. The Special Exception does not attempt to identify the off-site improvements required but only that the Applicant will acknowledge and address them in the final plans."*

With respect to the proposed modification of the Special Exception to permit "stand-alone" development of 9 single family lots on Bokum Road and the development of 11 clustered residential dwellings in a PRD off Route 153 in Westbrook, River Sound believes that such development does not require a traffic study, or any likely off-site improvements beyond its frontage on these roadways, to comply with applicable final subdivision or PRD regulations. However, the Traffic Authority believes that the addition of an 11.45 acre recreational complex off the upper reaches of Ingham Hill Road does require a traffic study to determine the potential traffic implications of such a use and whether such traffic implications involve additional burdens which the Applicant will need to address in final subdivision plans. Accordingly, the Applicant agrees that as a condition of the Modification to the Special Exception, a traffic study will be provided as part of the final subdivision plan for the Ingham Hill Road pod area, to specifically address the traffic implications of the 13 additional lots and the 11.45 recreational area.

- (3) The response as to the Municipal and Public Safety Communications system is addressed under response number (2) above.
- (4) The Police Commission notes the existence of a fire substation but not a police substation in the original Special Exception. River Sound agrees that as a condition of the Modification to the Special Exception, that it will consider the possibility for also providing a police substation prior to submission of final subdivision plans. However, providing a sub-station shall not be a condition of the Special Exception.
- (5) As noted above, the Applicant will comply with house numbering requirements.
- (6) The Applicant is aware of problems created with the same or similar street names. River Sound agrees that as a condition of the Modification to the Special Exception, any street names in the overall development, including the separate pod developments, will not duplicate existing street names, and street

names will be reviewed with public safety leaders prior to the filing of final subdivision plans.

- (7) River Sound agrees that as a condition of the Modification to the Special Exception, emergency access to public buildings will be considered in the final plans for any development involving public buildings.
- (8) River Sound agrees that as a condition of the Modification to the Special Exception, providing defibrillation equipment in public buildings will be considered. However, providing a sub-station shall not be a condition of the Special Exception.
- (9) River Sound agrees that as a condition of the Modification to the Special Exception, copies of floor plans for all public buildings, a map of the golf course, an emergency access map for the golf course and trail systems shall be provided to the Land Use Office in electronic format for dissemination to Public Safety officials and agencies.
- (10) River Sound has addressed the AutoTURN vehicle travel analysis above, as well as issues relating to off-site improvements. River Sound agrees that as a condition of the Modification to the Special Exception, it will consult with the local traffic authority regarding traffic issues which are within the control of the Applicant.

Response to Old Saybrook Land Trust:

In its letter of December 29, 2010 the Old Saybrook Land Trust points out the environmental importance of the forested uplands of our town. The Trust also points out its successful partnering with the town to provide quality open space opportunities for the community.

In its Response to the Land Use Department Report and to the letter from the Conservation Commission, the Applicant pointed out that *"Section 56 allows a reduction of minimum lot sizes in an Open Space Subdivision in the Residence AAA District, but does NOT allow a reduction in the Residence C District! The Applicant believes this anomaly should be corrected and further believes any Motion for approval should recommend lot size reductions in final subdivision plans if the zoning regulations are amended to so permit such reductions advance the open space purposes of the regulations"*. The Applicant also notes that the subdivision regulations authorize conveyance of open space areas to the town or to a qualified entity such as a land trust. The Applicant did so recognizing the significant contribution the Land Trust has made not only in outright ownership of open space, but through "stewardship" agreements with the Town and the Conservation Commission.

River Sound welcomes the opportunity to discuss these matters with the Land Trust if and when development proceeds, whether that be full or partial development.

Response to Nathan L. Jacobson & Associates Memorandum-December 30, 2010.

The Applicant and its Engineer received a copy of the Jacobson Memorandum on January 3, 2011. Obviously, the Applicant was unable to address the Memorandum comments in its Response and Revised Plans dated December 29, 2010. Just as obviously, Jacobson & Associates did not have a set of the River Sound Response and Revised Plans.

In order to provide certain material or information requested in the Jacobson Memorandum, an extension of time for the completion of the public hearing will be required. The Applicant will so request.

The following constitutes a response to the extent the Applicant is able to do so now. In doing so the Applicant will use the lettering and enumeration as in the Memorandum.

A. Pianta Parcel - Conceptual Standard Plan

1. Roadway Layout

- a. The future roadway extensions have been clearly identified on the Revised Plans, Sheet RS-6.
- b. The roadway layout has not been changed from the original approval. Spot elevations will be provided as requested.
- c. Although the regulations do not so require, the Applicant will provide a schematic storm drainage system plan for its Conceptual Standard Plan.
- d. The Applicant has previously addressed the issues relating to the roadway location in proximity to vernal pool # 37. For the purposes of the Conceptual Standard Plan, the Applicants consider the roadway location to be appropriate. It should also be noted that in its Revised Plan, RS-6, the Applicant has extended the cul-de-sac as suggested in the Land Use Department Report, to avoid further encroachment into the 100 foot vernal pool envelope.

2. Individual Lots

- a. The issues regarding Lot #1 raised in this Memorandum were also raised in the Land Use Department Report and have been addressed in the Revised Plans, Sheets RS-5 and RS-6.
- b. The Revised Plans certify as to MABL compliance. However, the table will be provided demonstrating compliance.

- c. The issues relating to the vernal pools on the Pianta Parcel have been addressed in the Response to the Land Use Department Report and the Wetlands Commission report.
- d. The Applicant has relied upon soil testing for its lot yield rather than relying simply on soils delineations. Test pit data for all the lots on the Revised Plans has been provided and the Plans certify conformance to the MABL requirements. The Applicant's engineer, however, will provide any test pit data that has not previously been transmitted to Jacobson & Associates.

B. Pianta Parcel Preliminary Open Space Subdivision Plan (Modified)

As addressed elsewhere, the difficulty in providing a preliminary Open Space Subdivision Plan is the anomaly in the Regulation that requires a minimum of 60,000 square feet for lots, even in an Open Space Subdivision, if there is not public water. River Sound repeats its previous recommendation that the Modification to the Special Exception recommend further reduction in lot size if the regulations permit, and such reduction enhances the Open Space purposes of the Regulations.

In that context, River Sound addresses the Jacobson Report subsections as follow:

1. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
2. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
3. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
4. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The Applicant's Engineer has certified MABL compliance. However, a table will be provided on the Revised Plans as requested.
5. The Applicant will show a schematic stormwater detention basin on both its Conceptual and Preliminary Open Space Subdivision Plan on the Revised Plans.
6. It is apparent from the topography of the Pianta Parcel, the location of wetlands and vernal pools on the Parcel, that locating "individual lots in clusters off dead ends, or short private roads" as suggested in the Memorandum is difficult. River Sound suggests that such an objective could be included as a recommendation for consideration in the final subdivision plans, should the applicable zoning and subdivision regulations allow, or if a waiver of the

subdivision regulations is appropriate. The Applicant is desirous of obtaining the same objective, but must operate within the constraints of the applicable regulations.

7. The approved March 23, 2005 Special Exception Preliminary Open Space Subdivision Plan was a plan for the full development of the property. The clustering of dwelling units in the Central Village and East Village, the plan for ½ acre and ¾ acre individual lots and the inclusion of the golf course and other active recreation areas were dependent upon the provision of a public water supply and centralized wastewater collection treatment and disposal system.

The Applicant has attempted to make it quite clear that times have changed since March 23, 2005. Although the Jacobson Memorandum deems this proposal “inconsistent”, the Applicant considers that observation not only incorrect but inappropriate in an engineering review. If the Pianta Parcel is developed for 9 lots it simply means that the public water supply system and centralized wastewater collection treatment and disposal system will simply be serving 9 less residential dwellings separated from such facilities not only by a considerable distance, but by the Valley Railroad.

C. Ingham Hill Road Lots – Preliminary Open Space Subdivision Plan (Modified)

1. The comment concerning recreation areas relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
2. The comment concerning nature center parking relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
3. In its Revised Plans and in its Response to the Land Use Report and the Conservation Commission dated December 29, 2010, the Applicant has addressed this issue. Specifically, the Applicant proposes that two “Nature Centers” be provided. One in the proposed PRD Open Space and the second at the extension of Ingham Hill Road. Each will provide connection to that portion of the 1994 Conservation Plan trail system that utilizes the historic portion of Ingham Hill Road. The more extensive parking and pavilion shown on the original proposed Special Exception plan remain available for development if and when the 811 acre central forest core is developed according to the approved Special Exception Plan.
4. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.

5. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The Applicant's Engineer has certified MABL compliance. However, a table will be provided on the Revised Plans as requested.
6. The Applicant has provided test pit data and based upon such data has certified as to MABL compliance. The Applicant's Engineer will be sure that the test pit data is provided to Jacobson & Associates demonstrating MABL compliance.
7. The comment relates to the plans prior to their revision by the Applicant on December 29, 2010. The objection has been addressed.
8. The Applicant believes that the information provided regarding road grades are sufficient for the Preliminary Open Space Plan. However, the Applicant's Engineer will provide the spot elevations to demonstrate compliance.
9. Although not required for the Preliminary Open Space Plan, the Applicant will provide a schematic stormwater drainage system layout with detention measures.
10. River Sound respectfully suggests that this recommendation is only appropriate when final Subdivision Plans are submitted. Whether or not the access roadway is likely to be extended beyond the proposed cul-de-sac in the near future would be a factor in the decision making process regarding a temporary cul-de-sac and driveway access to proposed lots.
11. As noted previously, locating "individual lots in clusters off dead ends, or short private roads" as suggested in the Memorandum is difficult. River Sound suggests that such an objective could be included as a recommendation for consideration in the final subdivision plans, should the applicable zoning and subdivision regulations allow, or if a waiver of the subdivision regulations is appropriate. The Applicant is desirous of obtaining the same objective, but must operate within the constraints of the applicable regulations.
12. The Applicant has attempted to make it quite clear that times have changed since March 23, 2005. Although the Jacobson Memorandum again deems this development "inconsistent", the Applicant considers that observation not only incorrect but inappropriate in an engineering review. If the Ingham Hill Road area is developed for 13 lots it simply means that the public water supply system and centralized wastewater collection treatment and disposal system will simply be serving 13 less residential dwellings separated from such facilities by a considerable distance.

D. West PRD Preliminary Open Space Subdivision Plan

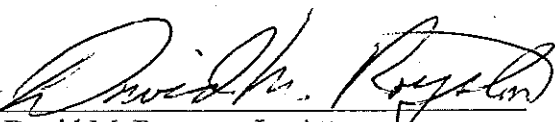
1. The Applicant will slightly reduce the length of the cul-de-sac to comply with the applicable regulation. The Land Use Report suggests that the Applicant seek a waiver to extend the roadway and cul-de-sac further to the east. The Applicant is prepared to seek such a waiver.
2. The PRD roadway location is the same as the previously proposed section of Road A at this location. Lot elevations will be provided to demonstrate that the proposed cul-de-sac will not exceed the maximum permitted 3% grade.
3. The Revised Plans will retain an undisturbed area around the plant identified as a Species of Special Concern (*Optunia Humifusa*). Such protection should be a condition of the Modification to the Special Exception.
4. The Applicant's Engineer has performed sufficient testing to represent that the dwellings shown on the Preliminary Open Space Subdivision Plan can comply with Public Health Code requirements. The Applicant will be required to demonstrate its ability to construct compliant subsurface sewage disposal system for each of the dwellings. Such demonstration is appropriate for the final review of the final Subdivision Plans for the lot and the final plans required for the PRD approval by the Zoning Commission.

E. General Comment – Preliminary Open Space Subdivision Plan (Modified).

The Applicant respectfully suggests that the general comment made in the Jacobson Report regarding the likelihood of development of the overall plan and the motivation of the applicant in seeking the limited perimeter "stand alone" development proposed by this Modification are both erroneous and inappropriate.

Respectfully submitted,

RIVER SOUND DEVELOPMENT, LLC

By 
David M. Royston, Its Attorney

(1,390,252 S.F. 31.85 AC)

EXISTING LIMIT
OF AQUIFER (TYR.)

TRAILHEAD

TOWN WESTBROOK
LINE OLD SAYBROOK

