

TOWN OF OLD SAYBROOK  
Planning Commission

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

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PLANNING  
COMMISSION  
EXHIBIT #63

Members  
Robert D. Missel  
Donald J. Ranaudo

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

MINUTES

Wednesday, January 5, 2011 at 7:30 P.M.  
Old Saybrook Middle School Auditorium  
60 Sheffield Street

I. CALL TO ORDER

Chairman, Robert McIntyre, called the regular meeting to order at 7:30 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  
Geoffrey Jacobson, Engineer  
Joanne Rynecki, Planning Clerk  
Gail Gregoriades, Transcriber

**MOTION** to amend the Agenda to move Item III Regular Business to Item VI;  
**MADE** by D. Ranaudo; **SECONDED** by R. Missel; **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 7:32 P.M.

Attorney Royston, agent for the Applicant, responded to supplemental material provided to the Commission through November 23, 2010 in a response letter dated December 29, 2010 (Exhibit 43) and revised plans with a revision date of December 29, 2010 (Exhibit 44-49). Attorney Royston submitted copies of Supreme Court’s denial to hear Robert Lorenz et al v. IWWC petition, notice dated 12/1/2010 (Exhibit #53), a supplement to the Applicant’s response dated January 5, 2011 (Exhibit 54), map #2799 (Exhibit #55) and a request for an extension of the Public Hearing to January 19, 2011 (Exhibit #56).

Attorney Royston reviewed the following changes to the plans: the addition of 7 acres for recreation, open space will be increased from 43 acres to 50 acres, the Westbrook POD includes an increased area for parking and a trail head, the original 816 acres remaining in the core will now be 811 acres, the lot sizes will be reduced to a minimum of 60,000 sf to designate more land as contiguous open space, and traffic issues will be addressed as part of the full development of the parcel as required under the original 2005 Planning Commission approval. Attorney Royston would like to see a text change to allow for smaller lots with the excess land designated as open space.

Robert Doane, Engineer for the Applicant, reviewed specific changes to the plans as follows: (RS-1 revised to 12/29/2010) a walkway from the central core to Ingham Hill Road was added; (RS-2 revised to 12/29/2010) Bokum Road POD layout was modified and an aquifer protection zone added to the Westbrook POD; (RS-3 revised to 12/29/2010) The Ingham Hill Road POS, a zoning table was added, lot sizes were reduced to 60,000 and the conservation easements were combined with the open space. Lots 1, 11 & 12 were modified so that the lots are out of the 100 foot wetland review area., 11.25 of recreation fields; (RS-4) Westbrook POD modified to show the future access roadway, parking area and proposed trailhead, zoning table added, and notes for a 10 ft pedestrian easement for Ingham Hill, conveyance of land to widen road to the town, stone wall reconstruction along boundary lines, protection of trees, and ball field locations as determined by Parks & Recreation; (RS-5 revised to 12/29/2010) Bokum Road POD showing potential lot yield, property line for lot 1 and 2 moved to the south, house removed, zoning table added ; (RS-6 revised to 12/29/2010) Bokum Road POD open space layout, lot sizes

reduced to 60,000 sf, removed conservation easements and replaced with open space, future roadway to Piontkowski property, if developed.

Attorney Mark Branse recommended that the Commission only listen to or discuss matters that are proposed changes to the original approval and are part of this modification application.

Michael Kline, soil scientist for the Applicant, reviewed the environmental changes that were made. He noted that roadway location on the Bokum Road POD, adjacent to vernal pool #37, is in the same location as was approved in 2005 by the Planning Commission and 2006 by the Inland Wetlands Commission. Mr. Kline feels the relocation of the roadway away from this vernal pool, which has the lowest in productivity in the entire parcel, will negatively impact the forest. Mr. Kline identified 3 box turtle locations on the parcel, one on the Westbrook POD near the utility easement, plans now show an expansion of the open space in this area, one on the Ingham Hill Road POD and one in Essex, 400 ft north of the Essex/Old Saybrook town line. The typical box turtle range is 15 acres.

Attorney Royston added that traffic was not an issue for one POD on Ingham Hill Road, per CRERPA report, water was an issue that would be addressed in the final subdivision plans, and maintain an undisturbed area around the plant species *Optunia Humifusa* or commonly known as the prickly pear.

Attorney Rothenberger, Intervener, CT Fund for the Environment, feels that the development of the 3 parcels prior to development of the core will effect the future development options of the core.

Sigrun Gadwa, Ecologist, Wetland and Soil Scientist, feels that not enough information is available and more studies need to be done before a decision is made. She specifically noted issues with the depth to water and ledge for septic systems in the Westbrook POD, rare species found in rock outcroppings, issues with runoff, and migration of species in the vernal pools.

Chairman McIntyre called a recess at 9:15 P.M.

Chairman McIntyre resumed the Public Hearing at 9:30 P.M.

Chairman McIntyre opened the Public Hearing for Public Comment.

William Peace, 45 Sea Breeze Road, currently an Old Saybrook Selectman – previously worked as an engineer with the Dept. of Transportation. He feels the town cannot afford to maintain the infrastructure improvements planned for this project. The cost to maintain road and bridges is very expensive. Increasing the sprawl will be a major burden to this community. Mr. Peace

reminded the Commission that Attorney Branse said that the town cannot require a subdivision to perform off site improvements as part of the approval.

Larry Fortier, 98 Ingham Hill Road – Is worried about the impact of smaller lots and the overall impact of development on the drinking water and the environment.

Philip Miller, Essex 1<sup>st</sup> Selectman – read a prewritten statement in opposition of the development and the impacts to the 3 watersheds in this 1,000 acre property. (Ex # 58)

Kathy Connolly, 60 North Cove Road, Chairman of the Bikeways Committee, submitted a letter on her own behalf. Would like to see access for bikes and pedestrians between the Ingham Hill and Schoolhouse neighborhoods improved as part of this project (Ex #59), Map (Ex. #60), and Statewide Bicycle and Pedestrian Plan (Ex. #61).

Richard Tietjen, 69 Cromwell Place - Would like the Commission to think about how the clearing of trees will effect downstream flooding and ensure accommodations are made for pedestrians.

Glen Rice, 192 Bokum Road – Lives diagonally across from the proposed Bokum Road POD entrance and feels the road cannot accommodate the increased traffic from a new development. He is tired of the developer getting these exceptions to the rules. No one wants this. He is opposed to the project.

Attorney Branse made a clarification for future speakers. A “special exception” is allowed under CT law and the Zoning Regulations. Property owners have legal rights to use their property. It is not a matter of public opinion, but rather certain criteria must be met.

Peter Walsh, 4 Leada Woods Road – agrees that the future cost of maintaining these road improvements should be considered.

Scott Giegrich, 14 Cricket Court, member of the Parks & Recreation Commission -- he understands the developer will engineer 10 acres of playing fields and grade them, but would like confirmation that it will be regardless of whether it is on the development or the portion proposed to be on Town-owned land.

Chairman McIntyre adjourned the public portion of the public hearing at 10:30 P.M.

Sal Aresco asked Michael Kline to determine how the development of the 3 PODS may affect the vernal pools within the entire 1,000 acre site.

Chairman McIntyre told Attorney Royston that it is difficult to determine if the lots are buildable with missing spot elevations.

Attorney Branse explained to Sigrun Gadwa that an Intervener cannot argue based on a lack of information, but rather substantial evidence must be presented to support the intervention. A specialist may have an opinion and he asked her to clarify her opinion on the groundwater and outcroppings. She said it is a fact that shallow ground to rock levels increases nitrates in the water and it is a fact that the migration of species between the vernal pools may be disrupted by development and runoff.

Attorney Branse asked Attorney Royston whether the recommendation from Mr. Jacobson regarding the prickly pear plant protection will be revised on the plan. Attorney Royston said it will be revised in the preliminary plan in this proceeding.

Attorney Branse asked Attorney Royston to clarify the appropriate time when the impact studies on the intersection of Bokum Road and Route 154 will be done. Attorney Royston indicated that when there is an application for the full development of the property. Attorney Branse argued that you either have to treat this application as the whole parcel or individual POD developments. The Applicant can't go back and forth to what suits him at the time. In the original approval the roads were interconnected and in this modification the roadways will not be interconnect. The applicants want to maintain the current exception for the core, but you don't want to commit to traffic requirements. Attorney Royston reminded that road improvements were a condition of the approval and were not appealed. The Applicants will do it, but not until the full development is done.

Bruce Hillson, Traffic Engineer, asked Attorney Royston to explain why the 3 points of access cannot be connected now. Attorney Royston replied that the railroad crossing on the Bokum Road POD and the Westbrook access to Route 153 have not been approved and he can't say whether that connection will ever be built. Mr. Hillson asked Attorney Royston what has been done to address roads for emergency purposes. Attorney Royston said the Ingham Hill Road development will move us closer to Clark fields on Schoolhouse Road and the Applicant is prepared to look at that, but it is not reasonable to require the Applicant to do the work. Bruce Hillson feels a second means of access for emergency vehicles is necessary on Ingham Hill Road because the length of the existing dead end road presents a safety issue now and will continue be an issue with the new 13 proposed homes.

**MOTION** to continue the public hearing of "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan to Wednesday, January 19, 2011 at 7:30 P.M. at Old Saybrook Middle School Auditorium 60 Sheffield Street; **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 December 1, 2010 with a correction in the Motion in Item II to "SECONDED by J.Esty", and the Motion in Item VI to "November 17, 2010"; **MADE** by R. McIntyre; **SECONDED** by S. Aresco; **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: Branse, Willis & Knapp #26604 in the amount of \$29.00 and #26603 in the amount of \$478.50.


**MOTION** to approve payment to Branse, Willis & Knapp #26603 in the amount of \$478.50, #26604 in the amount of \$29.00; **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.

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

#### VII. ADJOURNMENT

**MOTION** to adjourn the meeting at 11:32 P.M. until the next Regular Scheduled Meeting of the Planning Commission on January 19, 2010 at 7:30 P.M. 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,

A handwritten signature in cursive script, appearing to read "Joanne Rynecki".

Joanne Rynecki  
Planning Clerk