

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 #88

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

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

MINUTES

Wednesday, January 19, 2011 at 7:30 P.M.  
Old Saybrook High School Auditorium  
1111 Boston Post Road

I. CALL TO ORDER

Chairman, Robert McIntyre, called the regular meeting to order at 7:35 P.M. Five members were seated to vote.

II. ROLL CALL

Members Present

Robert McIntyre, Chairman  
Janis Esty, Vice Chairman  
Donald Ranaudo, Regular Member  
Salvatore Aresco, Regular Member  
Robert Missel, Regular Member  
Cathryn Flanagan, Alternate Member  
Richard Sullivan, Jr., Alternate Member *arrived at 7:45 P.M. and was seated in the audience*

Members Absent

Cameron Evangelisti, Alternate Member

Staff Present

Christine Nelson, Town Planner  
Attorney Mark Branse, Commission Attorney  
Bruce Hillson, Traffic Consultant  
Geoffrey Jacobson, Consulting Civil Engineer  
Joanne Rynecki, Planning Clerk  
Roderic Ross, Transcriber

**MOTION** to amend the Agenda to move Item III Regular Business to Item IV;  
**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.

### 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 7:37 P.M. and described the order in which the public hearing would proceed. This is the 3<sup>rd</sup> public hearing for this Application.

Attorney Royston, representing the Applicant, distributed a new set of plans to the Commission, revised as of 1/13/2011 (Exhibit 69-69e), along with a Second Supplement Response from River Sound Development, dated 1/19/2011 (Exhibit 70).

Attorney Royston discussed issues from the Land Use report dated 1/14/2011. He addressed the question as to whether stand-alone development of each of the three pods will be considered a phase of the entire development. The Applicant does not feel the interpretation of Section 56.6.8 of Zoning Regulations regarding open space dedication within phased developments prohibits stand-alone development. Attorney Royston does not dispute the history of the regulation, and if the ultimate conclusion were a phased development, the Applicant would grant open space at time of first phase of subdivision plan. The Land Use report also raised concern about the number of lots for the Bokum Road parcel. Attorney Royston stated that his Applicant is not seeking to determine the number of lots for a conventional subdivision, and they are not testing soils at this point. He feels his Applicant has gone much further than what is required under the regulations for this point in the process. He would like the Commission to remember that the 100-foot wetland upland review area is not a prohibited area. Attorney Royston addressed the Land Use report suggestion to continue road extensions, and he clarified that the plans are marked similarly to previous subdivisions in town to say "land to be conveyed to the town". Attorney Royston handed out copies of a subdivision map and deed to the Chairman (Exhibit 73 & 74) for Brenda Lane to show how maps and deeds are marked for town future roadway access. Attorney Royston added that if and when the adjacent property is developed, then the new developer is responsible for the road connection. He also submitted an example of the Kitteridge Hill map and deed (Exhibit 71 & 72) as additional examples of how developers notate bringing the roadways to the property line for future development of abutting properties. The Land Use report talks about widening Ingham Hill Road. The Applicant recommends adding a T intersection at the end of the proposed cul-de-sac to eliminate the curve on Ingham Hill Road as a reasonable potential

alternative to widening the road. Finally, with respect to the Land Use report on access to trails and open space for the Route 153 phase, the Applicant will provide parking and a trailhead with a pedestrian easement to "Historic" Ingham Hill Road that will connect to open space. The easement will become part of the interconnected open space and, if required, will be conveyed upon beginning the first phase.

Attorney Royston clarified for Attorney Branse that if the Commission makes the conveyance of inter-connected open space a condition of the approval of this modification, then it would be a condition that the Applicant is required to accept.

Attorney Royston pointed out that the existing neighborhoods off Ingham Hill Road were not required to dedicate open space land because the remaining Lyons Property would one day provide for all previous development. He continued that there are no known septic system failures in the developments along Ingham Hill Road. The lot sizes of existing properties on Ingham Hill road are 40,000 square feet and can sustain a septic system. He feels the Applicant's proposed 60,000 square foot lots should not be an issue with respect to the proposed septic systems.

With respect to the offsite improvements, Attorney Royston would like the Commission to read the Applicant's Supplemental Response, dated 1/13/2011, to understand what the Applicant has agreed to with respect to offsite improvements. Attorney Royston suggested that perhaps Mr. Hillson's concern regarding the reverse curve on Ingham Hill Road could be addressed by a T intersection on Ingham Hill Road as well as an alternative connection, researched by the Applicant, off Ingham Hill Road from the end of Dwayne Road to a right-of-way in favor of Old Saybrook that extends to a Kitteridge Hill Road ending owned by the Town of Old Saybrook (Exhibits 75-79). Attorney Royston does not feel the burden to connect these roadways should be placed on the Applicant.

He could agree with the town engineer's concern on Lot 12 and Lot 13 on RS-3 concern due to a cut for extension on Ingham Hill road, but does not agree with the other comments.

Mr. Aresco asked Attorney Royston what the mission is of the bankruptcy trustee as an owner's representative. Attorney Royston responded that it is to obtain the best economic value for the creditors of the bankruptcy estate. In addition, he added, the ownership of a property should not matter. He asked again that the applicant continue to be treated fairly without subtle expression about the motives and intentions.

Chairman called a recess at 9:00 PM.

Chairman called meeting back to order at 9:12 PM.

Robert Doane, civil engineer for the applicant, presented the revised plans, dated 1/13/2010, for sheets RS-2 thru RS-6; RS-1 was not revised. RS-2 was revised to reflect lot changes for the Westbrook pod. RS-3, -5 & -6 were revised to add a MABL. Mr. Doane will provide new soil test logs to coincide with the relocation of the lots. He explained the "T" intersection off the west side of Ingham Hill road with a straight through roadway with a right angle and a 3-way stop to eliminate the sight line issue. Spot grade exhibits were given to the Chairman on 11"x17" paper showing that they meet all the slope requirements for roadways and driveways (Exhibit 80). RS-4 for the Route 153 pod shows the relocation of buildings 8 and 9 in the area of the prickly pear for a designated open space protected area. The sanitary systems for the units shown were sized with soil test data submitted to the Commission in Exhibit 80 to demonstrate in schematic layouts that the sanitary systems will support the 11 units. RS-5 shows the conventional subdivision plan for Bokum Road with the conservation easement on Lot 2 and 3 where vernal pool 37 is located. RS-6 shows the preliminary open space plan for Bokum Road at which is moved the MABL area to locate them outside the 100-foot review areas. Lots 2 and 3 are shown using the 100-ft square for the house. Vernal pool is now in open space. Spot grades were included in Exhibit 80. Detention basin area near lot #9 is larger than originally approval for storm water management.

Mr. Kline, Biologist and Soil Scientist, has been involved in environmental inventories of the site for the past 6 years. He was most recently at the site in the spring of 2010 to ensure there were no changes at the site since the 2004/2005 reviews. Mr. Kline focused on the letter and testimony by REMA Ecological. Mr. Kline feels that the proposed modification does not have any environmental impact and stated the following: the pods were planned with the core in mind; REMA's statement that the Bokum Hill Road area was not analyzed in 2005 is not true – all areas were tested; REMA's statement that no detailed wild life data was reviewed is not true – wild life data is available, and it has been verified and is unchanged; REMA did point out the Prickly Pear Cactus that was missed, and the plans have been modified to address that species. Mr. Kline pointed out that the houses shown in the upland review area are preliminary plans, not final, and the presence of a upland review area does not necessarily mean adverse impact will be done to the wetlands if building is done in that area. He stated that if wetlands were a concern, then it would be addressed at the final stage of the process along with cuts and fills. He stated that neither the letter from REMA nor its verbal testimony provides any evidence, facts, or reasoning to back up their statements. He stated that REMA conducted no site visit done prior to issuing its report.

Attorney Rothenburger, CT Fund for the Environment, submitted documents to the record. A letter dated 1/5/2011, and 1/19/2011, a Herpetological and Vernal Pool Study from 10/26/2004, a copy of the motion to deny the Preserve application from IWWC, and the Appellate Court's decision to uphold that decision (Exhibit 82-82d). Attorney Rothenburger provided information from the IWWC because he feels this Commission is charged with looking at natural

resource protection, and he might agree with Mr. Kline that the evidence is the same as was provided 6 years ago. He spoke about lot lines pulled adjacent to upland review areas and activities outside of the upland review area that may cause impacts to the wetlands. He feels the commission should look at the whole parcel and that the Planning Commission has a greater duty to review the project on a larger scale. He is concerned about the zoning requirement that open space for the entire development needs to be dedicated upon approval of the first phase of the subdivision process because the applicant may be giving up options for alternatives to move things around if the open space is no longer available. He stated that protection of wetlands is completely within the Commission's power, and the actions taken here will have impacts later on.

Mr. George Logan, Certified Soil and Wetland Scientists for REMA, provided a report dated 1/19/2011 (Exhibit 83). Mr. Logan feels that the proposed open space is what is left-over, and that people like to have open space that is flat, not rugged terrain as is proposed. Mr. Logan feels Mr. Kline's 5-7 year old information is considered outdated from an ecological perspective. He feels the roads should be aligned for existing topography and important natural features that have not been addressed. Headwater systems are unique where water is extremely clean with crystalline rock where the nitrogen is very low. It is his opinion that the septic effluent from the proposed homes will cause nitrogen to seep into the headwater system with these shallow soils and steep slopes. Mr. Logan recommends the reconfiguration of the lots on Ingham Hill Road to prevent impairments or destruction of natural resources.

The Chairman opened the Public Hearing for public comment:

Kermit Hua, Traffic Engineer for KWH Enterprises, presented a copy of a memorandum to Alliance for Sound Area Planning (Exhibit 84) dated 1/19/2011 was submitted to the Chairman. Mr. Hua commented on offsite improvements. He feels it is reasonable to look at the project as a whole, not just the 3 pods. He feels the related offsite improvements for Ingham Hill and Bokum Road should be done as stated in the conditions of the 2005 approval. He feels the two roads are narrow and windy with limited access to the highways. He referred to a traffic study from 2004 that projected increased traffic for the Route 153/Bokum Road intersection without even adding The Preserve project. His professional opinion is that traffic from the Bokum Road and Ingham Hill Road will worsen for area drivers with a significant treat to safety as well. Mr. Hillson, from Traffic Engineering Solutions asked if Mr. Hua had information on the peak hour trips for each of the 3 pods. Mr. Hua did not have the actual numbers, but feels it will be at least a 10% increase in traffic.

Belina Murano, 1 Barley Hill Road, presented a letter for the record, dated 1/3/2011 (Exhibit 85), stating that she feels residents ought to see the plans for the proposed road improvements to provide feedback.

Larry Fortier, 98 Ingham Hill, feels that a larger lot size will not prevent adverse effects of a septic system on the environment.

Kate Cryder, Crowley Drive, feels there has not been enough testing done on advanced treatment septic systems and would be against using such a product in any of these developments.

Suellen McCuin, Alliance for Sound Area Planning, asked the Commission to consider continuing the public hearing so that the public can have more opportunity to speak.

Chairman McIntyre closed the public portion of the Public Hearing at 11:20 P.M.

Attorney Royston said he will consent to the extension of the public hearing until February 2, 2011.

Ms. Flanagan asked if the proposed roadway infringed on vernal pool #37 on the Bokum Road pod. Robert Doane responded that the end of the cul-de-sac is within the 100 ft upland review area of vernal pool #37. Sal Aresco asked Mr. Kline for information requested in the last 2 meetings, specifically the box turtle. He would like to identify where they were located within the context of the plan. Mr. Aresco also wanted to know where the vernal pools were located, not only in the pods but also in adjacent areas and referred the Herpetological Report from 2004. Mr. Kline said he will provide maps with the turtle radius, but their habitat is not necessarily circular.

Ms. Nelson asked Bob Doane to point out the 10-foot pedestrian easement from the proposed parking area on map RS-3. Attorney Royston referred her to maps RS-1 and RS-2 that shows the historic Ingham Hill Road and the easement to connect Ingham Hill Road to the PRD West.

Attorney Branse asked Mr. Kline, based upon his knowledge of the site and plans, if there will be any unreasonable adverse effects on the wetlands from the plans. Mr. Kline responded that there will be effects, but he needs time to consider that because there are no detail plans for grading and house plans.

Attorney Royston presented the Chairman with a letter requesting the extension of the Public Hearing to February 2, 2011 (Exhibit 86).

Chairman McIntyre adjourned the Public Hearing at 12:01 AM until the next regular meeting on February 2, 2011 at 7:30 PM at the Old Saybrook High School.

<p><b>MOTION</b> to continue the public hearing of "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan to</p>
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Wednesday, February 2, 2011 at 7:30 P.M. at Old Saybrook High School Auditorium, 1111 Boston Post Road; **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 January 5, 2011; **MADE** by R. Missel; **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.

B. Correspondence

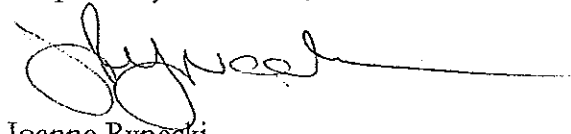
**MOTION** to approve payment to Branse, Willis & Knapp #26799 in the amount of \$275.50, #26604 in the amount of \$29.00; **MADE** by D. Ranaudo; **SECONDED** by J. Esty; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

C. Committee, Representative & Staff Reports - none

VII. ADJOURNMENT

**MOTION** to adjourn the meeting at 12:05 A.M. until the next Regular Scheduled Meeting of the Planning Commission on February 2, 2011 at 7:30 P.M. at the Old Saybrook High School Auditorium, 1111 Boston Post Road; **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.

Respectfully Submitted,



Joanne Rynecki  
Planning Clerk

