

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

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

### MINUTES

Wednesday, February 16, 2011 at 7:30 P.M.  
Old Saybrook Middle School Auditorium  
60 Sheffield Street

**PLANNING  
COMMISSION  
EXHIBIT 127**

#### 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

##### Members Absent

Cameron Evangelisti, Alternate Member  
Richard Sullivan, Jr., 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  
Dale Gregoriades, Transcriber

### 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 described the order in which the public hearing would proceed. This is the 4th public hearing for this Application. Chairman McIntyre opened the public portion of the public hearing.

Peter Lynch of 37 Riverside Avenue would like to know how our town will be able to support 221 new houses without raising taxes.

Barbara Maynard of Ingham Hill Road referred to the Old Saybrook Plan of Conservation and Open Space as she reviewed the town plan for the Northwest uplands and Oyster River. Ms. Maynard is against the development of the property due to the increased cost burden to the town to maintain the new infrastructure. Mrs. Maynard submitted her letter and 2004 OS Plan of Conservation and Open Space as Exhibit 118.

Walter Hirsch of 10 Leada Woods Road submitted a map of Coulter Woods subdivision (Exhibit 104) where he lives "among the rocks and the wetlands". He is concerned with water runoff and feels developing the area is not a good idea. A copy of his letter was submitted as Exhibit 104a.

John Ogren of 21 Briarwood Drive feels several studies and surveys should be done at different times of the year to capture accurate results.

Yon Van Eck a school bus driver in town spoke of the problems the bus companies have finding and training new bus drivers. He would like the commission to consider this in their decision to approve or disapprove any new subdivisions in town.

Daniel Walden of 40 Pepperidge Trail feels the proposal may seem minor, but it is not. The town will have to carry the cost to maintain any new developments. His letter was submitted as Exhibit 111.

Kathy Poulin of 88 Bull Hill Road in Essex feels the Commission should take a close look at how these developments will affect our environment.

Suellen Kozey McCuin of 24 Ingham Hill Road in Essex and the Alliance for Sound Area Planning provided written material to the commission as Exhibit 105 & 106. In the exhibits she explains that since the 2005 approval, the railroad

crossing approval to enter the Bokum Road parcel has not been obtained from the DEP. She also feels the newly proposed Ingham Hill Road development needs to have more reporting done pertaining to increased traffic and the increased cost of maintaining the new infrastructure.

Attorney Janet Brooks for the Alliance for Sound Area Planning states that the change in facts since the original approval can allow the Commission to change its position. Attorney Brooks referred to the issue of access over the DEP property from Bokum Road. Originally, obtaining the approval of the DEP was stated as probable, but since then the DEP has submitted a written statement that they will not allow access across the property. She feels the commission should not approve based upon this new information. She entered her letter as Exhibit 107.

Diane Mortalie lives at the end of Dwayne Road and feels that the blasting and runoff from the new development would harm the properties of residents that live there now.

Danny Redack of 15 Waterbury Ave feels this is the last untouched, pristine land between New York and Boston.

Susan Howard of Ivoryton submitted a letter to the Commission as Exhibit 108.

Patricia O'Donnell of 4 Pheasant Hill Lane is worried about the blasting and the affects it will have on the adjacent properties.

Chris Cryder of 70 Chalker Beach Road urged all members to walk the property and closely read all the reports submitted, both new and old. He feels there will be a reduction of egg masses and vernal pool activity from the development. He presented the commission with copies of a map of the Preserve from 2005 as Exhibit 109 showing the vernal pools and the range of the amphibians. He feels more roads and homes will be harmful to the remaining vernal pools and asks that the commission deny the modification. Additional material was presented to the Commission as Exhibit 110 & 120.

At 9:01 P.M. Chairman McIntyre closed the public portion of the public hearing and called a brief recess.

At 9:18 P.M. Chairman McIntyre resumed the public hearing. Salvatore Aresco was excused from the meeting at 9:19 P.M. and Cathryn Flanagan was seated.

Kermit Hua Traffic Consultant for Sound Area Planning submitted a report dated 2/16/2011 as Exhibit 112. Mr. Hua recommends that all improvements should be put into place prior to development of the pods. He reviewed traffic figures for surrounding roadways and encouraged the commission to require that the roadways are improved.

Attorney David Royston distributed new maps RS-1 thru RS-6 revised to 2/11/2011 (Exhibits 102-102e). These maps were submitted on 2/14/2011 to the town and the Intervener along with several other documents (Exhibits 97-101). The plans show changes made as a result of comments from consultants. Attorney Royston submitted an Amended Proposed Conditions of Applicant dated 2/16/2011 from Riversound Development, LLC and a Modification to Special Exception Application Third Supplemental to Response dated 2/16/2011 for the record as Exhibit 114 & 115. Attorney Royston explained that the Applicant is withdrawing their request for independent stand-alone pods as well as their request for a deferral of roadway improvements. Attorney Royston urged the Commission members to review the amended proposed conditions submitted by the Applicant dated 2/16/2011. The Amendment details the proposed changes. The Bokum Road parcel will contain 9 lots, the Applicant will place 30,000 gallon cisterns in each developed area for fire protection. Attorney Royston also referred to Sue Ellen Cozy and Attorney Janet Brooks issue regarding the DEP crossing. In the 2005 approval, the commission found that at the preliminary stage of review, final state approval of the crossing is not required, but will be obtained prior to final development approval. The Applicant is willing to assume the risk to obtain DEP approval. Attorney Royston reminded the commission that the applicant has acknowledged ongoing discussions regarding the purchase of the property which may make the crossing a moot point.

Michael Kline, Soil Scientist for the Applicant submitted a letter to the commission dated 2/14/2011 as Exhibit 98 in response to comments along with Open Space Map D-2 submitted as Exhibit 103. Mr. Kline feels many comments made by the Intervener and their consultants are inaccurate and explained why.

Robert Doane, Engineer for the Applicant reviewed Maps RS-1 through RS-6 revised to 2/11/2011 submitted to the members and his memorandum, dated 2/14/2011 as Exhibit 101 to address issues raised by the Intervener and the Town's Engineer. Two significant changes are an alternate "T" intersection from the Ingham Hill Road development shown on Exhibit 121 and the elimination of lots 12 & 13. The detention basin has been moved to the other side of the roadway for the Ingham Hill Road pod and a snow storage area added at the end of the cul-de-sac. Grading for the recreational ball fields is shown on Exhibit 122. Driveway and roadway adjustments, grading, changes to the usable area on lots and a snow storage area are shown on the revised maps for the Bokum Road pod. Mr. Doan also discussed a letter from Darcey Collins, P.E. of Doane-Collins to the PC dated 2/14/2011 (Exhibit 100) rejecting claims made by REMA that adverse nutrient impacts will occur from the development of these pods with individual septic systems.

Mark Branse asked if the open nature center pavilion was intentionally removed from the plan. Attorney Royston explained that the pavilion is not part of the plan but a trail head and kiosk is proposed for the PRD-West.

Dr. Michael Klemens report, dated 2/12/2011, was submitted to the Commission as Exhibit 97. Dr. Klemens, spoke to clarify the issues about vernal pools. Dr. Klemens prepared reports for the Applicant in 2004 and 2005 after over 600 hours of vernal pool analysis and characterization. Dr. Klemens stated that vernal pools are "optimally" conserved at 25% development and a disturbance up to 50% will sustain the vernal pool. The term "Non-conserved" vernal pool does not mean they will cease to function. In his views, the majority of the vernal pools for this project will be conserved at 25% except for one that will be 28-30% with the development of the pods.

Chairman McIntyre called a recess at 11:37 P.M. and resumed the public hearing at 11:44 P.M.

Charles Rothenberger, Attorney for CT Fund for the Environment commented on the amount of material presented to the commission and the decision the commission must make regarding whether to allow "non-conserved" vernal pools and the adverse impact. He feels it is the Commission's job to decide whether an adverse impact is acceptable.

Sigrun Gadwa, REMA Ecological Services argued several points and submitted a letter dated 2/16/2011 (Exhibit 124) detailing her findings.

George Logan, REMA Ecological Services would like to see the data from the 2010 study done by Mr. Kline on the Bokum Road property. Even without the data, it is his professional opinion that there will be a reasonable likelihood of impacts from these developments.

Chairman McIntyre reopened the public portion of the public hearing.

Sue Ellen Cozy submitting a petition signed by residents as Exhibit 126.

Charles McSorley of 9 Fox Hill Road is concerned with the deer and coyote population being pushed out of their habitat with new development and the well problems which can occur from blasting.

Rob Hernandez of 46 Deep River Road in Centerbrook feels there will be impacts from this development and does not want to see this property developed.

At 12:22 P.M. Chairman McIntyre closed the public portion of the public hearing and opened the public hearing to Commission Member comments.

Chairman McIntyre asked Dr. Klemens if he ever saw a vernal pool increase due to development. Dr. Klemens has not seen it happen, but it is acceptable to protect the area 100-750 ft around vernal pools and limit disturbance within those areas to 25%.

Kathryn Flanagan asked for clarification on the amended road improvements condition of this modification. Attorney Royston said the Applicant is not agreeing to road improvements that will provide secondary access because that is not a requirement of the original approval.

Ms. Esty asked for more information regarding the affects on the wetlands from the filling, blasting and soil removal to level the athletic fields. Mr. Doane said the area adjacent to the wetlands will be graded and vegetation will be planted. Blasting will be 750 feet away from any vernal pools. Fill material will be coming from the cuts made above the embankment. Additional fill may be required, however it hasn't been determined how much fill is required.

Mr. Ranaudo asked how the neighbors will be protected from damage from blasting. Attorney Royston said that the blasting company must carry insurance and a survey must be done on the potentially impacted area prior to blasting. Attorney Branse added that the blasting business is heavily regulated and a pre-blast survey is done with the local Fire Marshall to ensure the safety of the area properties.

Robert McIntyre verified with Mr. Jacobson and Mr. Hillson that the Applicant has addressed their concerns.

Attorney Royston gave his closing statement and emphasized that the Applicant is not pursuing a phased development.

**MOTION** to close the public hearing of "The Preserve" Modification to Approved Special Exception for Preliminary Open Space Subdivision Plan and begin deliberations at the next regular meeting scheduled for Wednesday, March 2, 2011 at 7:30 P.M. at Old Saybrook Middle School Auditorium, 60 Sheffield Street; **MADE** by D. Ranaudo; **SECONDED** by J. Esty; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, K. Flanagan, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

#### IV. OLD BUSINESS

#### V. NEW BUSINESS

#### VI. REGULAR BUSINESS

- A. Minutes
- B. Correspondence

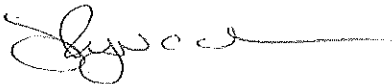
**MOTION** to approve payment to Nathan L. Jacobson & Associates #73415 in the amount of \$2,534.53, #73397 in the amount of \$116.40; **MADE** by D. Ranaudo; **SECONDED** by J. Esty; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, S. Aresco, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

- C. Committee, Representative & Staff Reports - none

## VII. ADJOURNMENT

**MOTION** to adjourn the meeting at 1:04 A.M. until the next Regular Scheduled Meeting of the Planning Commission on March 2, 2011 at 7:30 P.M. at the Old Saybrook Middle School Auditorium, 60 Sheffield Street; **MADE** by R. McIntyre; **SECONDED** by D. Ranaudo; **VOTED IN FAVOR:** R. McIntyre, J. Esty, D. Ranaudo, K. Flanagan, R. Missel; **OPPOSED:** none; **ABSTAINED:** none; **APPROVED:** 5-0-0.

Respectfully Submitted,



Joanne Rynecki  
Planning Clerk