

VERBATIM PROCEEDINGS

OLD SAYBROOK PLANNING COMMISSION

PUBLIC HEARING

"THE PRESERVE"

JANUARY 5, 2011

OLD SAYBROOK MIDDLE SCHOOL  
60 SHEFFIELD STREET  
OLD SAYBROOK, CONNECTICUT

POST REPORTING SERVICE  
HAMDEN, CT (800) 262-4102

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 . . .Continued verbatim proceedings of a  
2 hearing before the Old Saybrook Planning Commission, in  
3 the matter of "The Preserve," held at the Old Saybrook  
4 Middle School Auditorium, 60 Sheffield Street, Old  
5 Saybrook, Connecticut on January 5, 2011 at 7:30 p.m. . .  
6 .

7  
8  
9  
10 CHAIRMAN ROBERT MCINTYRE: Good evening,  
11 ladies and gentlemen. We need to open up the regularly-  
12 scheduled meeting, Wednesday, January 5, 2011 at 7:30 at  
13 the Old Saybrook Middle School.

14 The first order of business is the call to  
15 order, and then second is roll call. Tonight, all voting  
16 members are here, members of the Planning Commission.  
17 There will be no need to seat any alternates at this time.

18 The first thing like to do is move regular  
19 business, item number three, down below item number four,  
20 so we can get right into the public hearing. Can I get a  
21 motion for that?

22 MR. DONALD RANAUDO: I'll make a motion.

23 CHAIRMAN MCINTYRE: Motion is made by Don.

24 MR. ROBERT MISSEL: I'll second it.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 CHAIRMAN McINTYRE: Seconded by Bob. Any  
2 discussion? Hearing none, all in favor?

3 VOICES: None.

4 CHAIRMAN McINTYRE: Opposed? Can everybody  
5 out there hear me? I can't hear myself tonight.

6 The next order of business is number four,  
7 Public Hearing, "The Preserve" Modification to Approved  
8 Special Exception for Preliminary Open Space Subdivision  
9 Plan for 226 total dwelling units 925.82 acres and Open  
10 Space of 556.83 total acres, Ingham Hill & Bokum Roads,  
11 M55/L3, M56/L6, M61/L15, 17 & 18.

12 Residence Conservation C District, Aquifer  
13 Protection Area. Applicant, River Sound Development, LLC,  
14 Owner, Agent, David M. Royston, Esquire. Tonight, we are  
15 continuing the public hearing.

16 Christine, do you have anything for  
17 tonight?

18 MS. CHRISTINE NELSON: In your packets, you  
19 received more exhibits. They're marked, and you have an  
20 exhibit list that's up-to-date as of tonight. And,  
21 Joanne, do you have some exhibits to distribute?

22 MS. JOANNE RYNECKI: I did it.

23 MS. NELSON: Oh, you did it already? Okay.

24 Thank you.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 CHAIRMAN McINTYRE: For those of you who  
2 couldn't get it, Christine was just advising us that we  
3 got additional information in our packets when we picked  
4 them up from Town Hall, and that's all she was talking  
5 about.

6 Just so everybody understands, some of you  
7 may have not been here last month, the first thing in the  
8 public hearing how we run it is that the Applicant will  
9 get up, and he'll address any of the concerns from last  
10 month.

11 He'll give you a summary, then I will open  
12 up the floor to the public for the public portion of the  
13 public hearing, and then we'll close that portion, and  
14 then the Board will be able to ask the Applicant questions  
15 as they see fit.

16 Once again, anyone who has a cell phone on,  
17 please turn them off. If you need to talk to somebody,  
18 please go outside in the hallway. And, as you did see,  
19 the staff of the, custodial staff has asked that nobody  
20 bring food or drink into the cafeteria, I mean into the  
21 auditorium here.

22 Okay. Attorney Royston? You've got to  
23 turn it on.

24 MR. DAVID ROYSTON: David Royston. I'm the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 attorney for the applicant, River Sound Development, LLC.

2

3 CHAIRMAN MCINTYRE: Just so everyone  
4 understands, let me explain what the microphones are for.  
5 The microphones that we see in front of us on the table  
6 and the additional ones are for recording. We have the  
7 electronic recording device there, and it will not  
8 transmit over the PA system.

9 The only two mikes that will play over the  
10 PA system is this one here and one that Attorney Royston  
11 has that you'll be using to express your -- thank you.

12 MR. ROYSTON: I'll try not to screw up the  
13 acoustics. Again, David Royston. I'm the attorney for  
14 the Applicant, River Sound Development, LLC. Consistent  
15 with the ground rules that were originally set, we will  
16 try to simply respond and supplement the material that we  
17 had provided to the Commission.

18 As you recall, we made a relatively brief  
19 presentation at the meeting on December 1, 2010, and, in  
20 that presentation, we gave you background information with  
21 respect to who the Applicant was, what it had acquired by  
22 a special exception in 2005, what actions had occurred  
23 after 2005 with respect to proceeding with the special  
24 exception that you granted.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   Also, describing the litigation and  
2 particularly relating to the wetlands aspect of the  
3 original special exception what we were trying to do.

4                   We had received some of the review comments  
5 from our application by the approximately the 23rd of  
6 November, and what we said to the Commission at that point  
7 is that we would attempt to address those comments and  
8 review statements and the like in an organized fashion by  
9 providing you with a written statement, as to what issues  
10 that we were prepared to address by plan revisions, or by  
11 conditions, or modification proposal, what part of those  
12 comments we would address and plan changes, a six-sheet  
13 set of plans that you received with the application.

14                  And we would attempt to advise you, as to  
15 those items that we were not addressing, specifically, by  
16 agreeing to as conditions or incorporating into our plan,  
17 and to provide you the reason why not.

18                  After the meeting of December 1, 2010, we  
19 received additional comments. We also, the Applicant, had  
20 the opportunity to meet with a number of the agencies, who  
21 had made comments, but with whom we have not had any  
22 dialogue or any opportunity to tell them what we were  
23 doing, what we were not doing, which I think is important  
24 to understand in this application.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   After the meeting on December 1st, we met  
2                   with the Regional Planning Agency. We met with the  
3                   Conservation Commission. We met with the Police  
4                   Commission.

5                   Those meetings were helpful and productive.  
6                   We also had the opportunity for further dialogue with the  
7                   Parks and Recreation Commission. Again, those meetings  
8                   and dialogue were extremely helpful in developing the  
9                   plan, developing what we are asking for as a modification  
10                  to the special exception.

11                  I don't know whether I'm still acoustically  
12                  --

13                  CHAIRMAN McINTYRE: You're still on, but  
14                  just turn it down, I think. You need to hold it closer to  
15                  your mouth.

16                  MR. ROYSTON: Thank you, Mr. Chairman. I  
17                  will always abide by your instructions in this regard.

18                  So, as a result of these meetings, we did  
19                  wait as long as possible to try to respond, so that we  
20                  would have an opportunity to receive all the comments, and  
21                  we did, as was requested by the Land Use Department,  
22                  provide 20 sets of our, 18 sets of our response, our  
23                  specific written response to reviewer comments, as well as  
24                  18 sets of a revised plan. Those revised plans, again,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 were for the purpose of addressing specific comments.

2 The plans of mice and men often go awry,  
3 and, in this case, similarly, we received comments after  
4 we had provided you with our written response.

5 We received a response from the Regional  
6 Planning Agency, which we're basically prepared to address  
7 here orally, but, most significantly, we received a report  
8 from Nathan Jacobson and Associates, Jeff Jacobson's firm,  
9 which was dated December 30th, and I did not receive it,  
10 and I don't think Bob Doane received that until January  
11 3rd.

12 Clearly, because a lot of his comments were  
13 technical in nature, it would be impossible to attempt to  
14 provide them in a plan set for revisions for the plan.

15 Also, it was obvious that Mr. Jacobson had  
16 not had the opportunity to revise a plan set, dated  
17 December 29, 2010. That was the revised plan set that was  
18 submitted to the Land Use Office on that date. His  
19 letter, comment letter memorandum was dated December 30th,  
20 so, obviously, he didn't have an opportunity to see those  
21 plans, which we believe address a substantial number of  
22 his comments, but not all of them were addressed.

23 I'm not sure how is the best way to handle  
24 this, Mr. Chairman. I want to submit some items for the



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 record, and, so, what I'll do is I will, if I may, just  
2 approach you and your clerk and just provide you with  
3 those copies, and I'm hoping it will be picked up on your  
4 microphone.

5 CHAIRMAN McINTYRE: Sure.

6 MR. ROYSTON: First, one of the items that  
7 I mentioned to you on December 31st, when I went through  
8 the litigation and I said there was one last bit of  
9 litigation, which, as of December 1st, I did not have any  
10 information with respect to, and that was an appeal by the  
11 CFE and Robert Lorenz to the Supreme Court of Connecticut  
12 to attempt to have them re-hear an Appellate Court  
13 decision, which upheld a modified wetland permit for a  
14 golf course on The Preserve property.

15 That was a permit issued in 2000, an  
16 approval by the Wetlands Commission in the year 2000,  
17 which went through up and down litigation.

18 As it turns out, on December 2nd, we  
19 received notification from the Supreme Court that the CFE  
20 petition had been denied, so I just want to submit that  
21 for the record here.

22 Its significance, as to this application,  
23 is limited. It is limited, because just as the litigation  
24 regarding another golf course layout in The Preserve

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 property has been concluded.

2 What we're attempting to do is change  
3 nothing regarding the central core of the property. We  
4 are attempting to do nothing to affect the special  
5 exception requirement regarding that central core.

6 We are seeking to modify the special  
7 exception, but not in that regard.

8 CHAIRMAN McINTYRE: For the record, that  
9 was Exhibit No. 53.

10 MR. ROYSTON: Also, the reason why it does  
11 have any significance is because under the zoning  
12 regulation that you're operating, that is the zoning  
13 regulation section 56, which provides that this Commission  
14 may require an applicant to file a special exception for  
15 an open space subdivision, so we have 50 percent open  
16 space.

17 The Zoning Commission says you hear the  
18 special exception. You are the one that deals primarily  
19 with the situation on the ground, so the Zoning Commission  
20 says you grant the special exception. You did that in  
21 2005.

22 The regulation now says that the final  
23 plans under your preliminary approval have to be filed  
24 within three years of the date of termination of any

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 litigation, which would prevent a filing of those plans,  
2 or March 23, 2015, whichever is later.

3 That being the case, this would mean that,  
4 unless there is additional litigation, and our hope is  
5 there will not be, if there is no further litigation, then  
6 the outside date would be December 2, 2014, approximately  
7 three years. That would be the final date for submission  
8 of the final plans for the subdivision approval.

9 The second item I'd like to provide you now  
10 is a supplement to the responses that we provided to you  
11 on December 29th.

12 CHAIRMAN McINTYRE: Is that Exhibit 43  
13 you're referring to, your original letter?

14 MR. ROYSTON: The original letter, December  
15 29th, has been marked as Exhibit 43. That's correct. So  
16 that's as of the 29th, and in that response we indicated  
17 that we were meeting with the Police Commission.

18 We had met with the Police Commission on  
19 the 27th of December, and, as a result of that meeting,  
20 that we were going to try to address the Fire and the  
21 Police Department comments in their letters that you have  
22 already received.

23 And, so, we did that, and, so, part of that  
24 is a supplement. The supplement also makes a couple of

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 corrections to sort of disconnect between the plans and  
2 the statement and the response that we provided to you,  
3 and I'll just go over one of those.

4 In responding to the recommendation, that  
5 we provide 10 acres of recreational area in the Ingham  
6 Hill Road side of this particular development.

7 In complying with that recommendation, we  
8 increase the area of open space under this application, so  
9 if you take a look at that new map, you will see that  
10 instead of involving 43 acres on Ingham Hill Road, we are  
11 involving 50 acres on Ingham Hill Road.

12 The additional seven is a result of the  
13 addition of recreation areas. And if you wonder why it  
14 only was seven, it's because we reduced lot areas by three  
15 acres, in order to accommodate 10 acres of recreational  
16 land.

17 CHAIRMAN McINTYRE: Is that all Ingham  
18 Hill?

19 MR. ROYSTON: All on Ingham Hill.

20 CHAIRMAN McINTYRE: Okay.

21 MR. ROYSTON: So it's only on the Ingham  
22 Hill area that it was reduced by that amount. There was a  
23 slight increase in the area of the PRD on the west to  
24 allow for parking at a trailhead, but there was pretty

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 much an offset on that particular area.

2 The bottom line is that we had referred to  
3 the central core of the property. That is the area line  
4 to the east and northeast of Ingham Hill Road all the way  
5 to the Valley Railroad and Westbrook town line of the  
6 northwest and the Great Cedars to the south.

7 We refer to that as 816 acres. Actually,  
8 it's 811 acres. All of this is now, if you do the  
9 calculations on the map.

10 I have a number of these amendment  
11 supplements for the Commission.

12 CHAIRMAN McINTYRE: This will be Exhibit  
13 No. 54.

14 MR. ROYSTON: Just a minor item, which I'll  
15 do quickly. In our response, we referred to a  
16 conditionally approved subdivision for property on Bokum  
17 Road, which is adjacent to the property owned by River  
18 Sound, and there were recommendations with respect to  
19 bringing our roadway to the boundary line of that  
20 property, which is, although a conditionally approved  
21 subdivision, is vacant, and probably just telling you  
22 there is that land doesn't do you too much help, so we're  
23 providing for your record a copy of that subdivision map.

24 CHAIRMAN McINTYRE: Exhibit No. 55.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ROYSTON: And I'll just let you know  
2 that in the response that we've provided to the  
3 Commission, that supplement, dated January 5th, attached  
4 to it is a section of that map, but it's only the section  
5 immediately adjacent to our property, so the whole map is  
6 in the record.

7 And the last item relates to our need to be  
8 able to respond more fully to Mr. Jacobson's comments.  
9 There were certain items that he had requested, such as  
10 spot elevations along certain of the roadway, certain test  
11 pit data, which we submitted the test pit data on December  
12 1st.

13 I believe test pit data was also  
14 transmitted to Mr. Jacobson's office, but it appears that  
15 he may not have had received all the test pit data. At  
16 any rate, we're prepared to -- we wanted to make sure he  
17 had it. There's also other information that is required,  
18 we believe required of that.

19 We also are aware that your foresight as  
20 the Town Planner has reserved this room for this facility  
21 for your meeting on January 19th, and, so, we are going to  
22 request an extension of time and consent to an extension  
23 for continuation of the public hearing until your regular  
24 meeting on January 19, 2011.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 CHAIRMAN McINTYRE: That will be Exhibit  
2 56.

3 MR. MARK BRANSE: What is 56?

4 CHAIRMAN McINTYRE: Fifty-six.

5 MR. BRANSE: Is the what?

6 CHAIRMAN McINTYRE: It's the extension.

7 You all set, Mark?

8 MR. BRANSE: Yes, thank you.

9 MR. ROYSTON: Those are the only exhibits  
10 for the record that I want to present at this time, so,  
11 with your permission, I will return to my place.

12 CHAIRMAN McINTYRE: Attorney Royston, is  
13 there any reason we didn't get copies for everyone on this  
14 one, the map?

15 MR. ROYSTON: The map, itself, was  
16 referenced in our response of December 29th. We indicated  
17 that the Land Use Department report requested that we  
18 extend the boundary, extend the proposed roadway in our  
19 Bokum Road subdivision to the boundary line of that  
20 Ponkowski(phonetic) property, and, in our response, we  
21 said we had done so and referenced the map number,  
22 indicating, however, that you had all lots adjacent to the  
23 River Sound property, and, for this reason, we were  
24 bringing our roadway to the boundary line of that property

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 at what we felt was the most appropriate location.

2                   However, without having a copy of the map,  
3 itself, we thought that our observation or comments might  
4 not be clear to the Commission, so that's the reason why  
5 we provided the map.

6                   As I indicated, we feel the need that we  
7 will have to address Mr. Jacobson's comments more  
8 specifically, and, for that reason, I've requested an  
9 extension of time for the completion of the public  
10 hearing.

11                   Similarly, there may be other materials,  
12 which are submitted for the record this evening, which,  
13 obviously, we would want to have an opportunity to respond  
14 to.

15                   I'm going to very quickly, if I can,  
16 specifically go over a very, very general statement, as to  
17 what our modifications to the plans are, and the  
18 modifications to the plans essentially incorporate the  
19 recommendations that have been made, particularly by the  
20 Conservation Commission and the Land Use Department, that  
21 we reduce any proposed building lots to the minimum size  
22 allowed in an open space subdivision and residency  
23 district. That is 60,000 square feet. Some of our lots  
24 exceeded that in our original plan that we followed.



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1           The purpose of doing that was to take all  
2           that land, which was incorporated into lots, but was under  
3           conservation restriction, and to place that in ownership  
4           of an independent entity, either being the Town or such  
5           other entity as you might designate under your  
6           regulations.

7           So all the lots in our open space  
8           subdivision plan on Bokum Road and Ingham Hill Road have  
9           been reduced to the memo.

10          The second aspect of that reduction is  
11          that, and I think your Town Planner may be able to shed  
12          any light on this aspect of it, the section 56 open space  
13          subdivision regulation has a provision, which says, in the  
14          residency district, if you do not have public water, your  
15          lot still has to be 60,000 square feet in an open space  
16          subdivision in a residency district. That's where we are.

17          The same section says you don't have to  
18          have 60,000 square feet in the Triple A district, provided  
19          you show that you can reasonably accommodate septic and  
20          well.

21          And it's an anomaly in the regulations,  
22          it's a section, which I believe is probably  
23          unconstitutional, because I'm not sure how you can say to  
24          someone we're going to require you to go from 10 percent

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 open space to 50 percent open space in an open space  
2 subdivision, but, as a practical matter, you don't get any  
3 lot reduction if you don't have public water.

4 There's no need to argue that. I think  
5 that, I would hope that it would be a modification to the  
6 regulations before final plans were filed, which would  
7 correct that discrepancy.

8 That would allow greater reduction in lot  
9 sizes and an increase in the amount of open space, subject  
10 to the requirements A. You still need to provide  
11 appropriate separating distances and compliance with  
12 health codes for water and septic, and, B, the additional  
13 land area should support and enhance the open space  
14 objectives of the regulations.

15 And River Sound has indicated its support  
16 of such a regulation change, which reduces lot size. And  
17 you may say, well, of course, sure, why not? Think about  
18 it. Our plan right now gives us a maximum number of lots  
19 that we are going to be able to obtain on these locations.

20 And even if your open space regulations  
21 allow a reduction in those lot areas, River Sound does not  
22 get any additional building lots. It simply gets smaller  
23 lots, lots, which may be less valuable, but it provides  
24 additional open space.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   It provides that additional open space,  
2                   which the regulation was intended to produce. That is  
3                   part of the major change in the plan set to reduce all  
4                   those areas.

5                   The second area modification in the plans  
6                   is simply to dot the Is and cross the Ts with respect to  
7                   those issues raised by developers, by reviewers, not by  
8                   developers, but by reviewers. Developers might have a  
9                   different point of view, as to what changes might be made.

10                  And we have attempted, strenuously, to meet  
11                  those requirements that can be made under your  
12                  regulations, and to the extent we cannot meet those  
13                  requirements, we have suggested that if a waiver of the  
14                  subdivision regulations, as appropriate, and the Planning  
15                  Commission thinks that we ought to be applying for one,  
16                  this special exception can require that we apply for one.

17                  And the third area of what we attempted to  
18                  do in writing and on the plans by notes and the like is to  
19                  clearly indicate that what we are doing fits into the  
20                  special exception that you originally granted, which  
21                  remains in effect, except as modified by our application.

22                  This becomes extremely important when we  
23                  get to issues related to whether or not offsite  
24                  improvements are required, and that is offsite

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 improvements under current subdivision law applicable to  
2 areas beyond your own property's road frontage.

3 Again, I think you will need to consult  
4 with your counsel, but our written documentation indicates  
5 that we acknowledge that the special exception requires  
6 us, River Sound, or any other developer, to consider and  
7 address the added traffic burdens that full development,  
8 full development of the property will impose upon Ingham  
9 Hill Road and Bokum Road, in particular.

10 And by full development, that is that  
11 authorized by your original special exception in 2005, 221  
12 housing units, a golf course country club, a fire  
13 substation, infrastructure for a water tower, a  
14 maintenance facility, all those things. What traffic  
15 burdens are they going to impose that this needs to be  
16 acknowledged and addressed, as to what offsite  
17 improvements are required.

18 And I want to emphasize to acknowledge that  
19 these need to be addressed does not agree to any specific  
20 suggestion or recommendation that has been made by any  
21 reviewing agency.

22 A comment has been made regarding the  
23 change in the intersection of Bokum Road and 154. That  
24 intersection, obviously, is far removed from this

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 property, however, to say that this will be acknowledged  
2 and addressed does not mean that the applicant agrees that  
3 it is going to reconfigure that intersection.

4 That decision will need to be made to a  
5 later day, based upon what evidence is provided to the  
6 Planning Commission by its consultants, by the applicant's  
7 consultants, so we want to be forthright, and I believe we  
8 have been in all our documentations, that, yes, that  
9 condition still exists under the special exception,  
10 although no specific offsite improvements have been, at  
11 this point, at this preliminary stage, agreed to.

12 Having said more than you probably want to  
13 hear from me, I will conclude by turning this proceeding,  
14 the Applicant's presentation, over to Bob Doane to show  
15 you, specifically, the changes that have been made in the  
16 plans.

17 You have the plans, and he's prepared to  
18 basically describe and show you those. I also I'm going  
19 to ask Michael Kline, who is here again this evening, to  
20 speak specifically about two things.

21 One is the environmental impact of the  
22 changes that we have made. I think, hopefully, you will  
23 confirm they're for the better.

24 Most importantly, with respect to vernal

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 pool number 37, located on the (indiscernible) parcel,  
2 which is adjacent to the roadway that was proposed and  
3 approved in 2005, the roadway that is part of the wetlands  
4 application in late 2005, that was decided in 2006, I  
5 think it's appropriate that he comment about that road,  
6 particularly in relationship to the vernal pool.

7 Thank you very much, and I'm going to turn  
8 it over to Bob.

9 MR. ROBERT DOANE: Good evening. I'm Bob  
10 Doane, Professional Engineer and licensed Land Surveyor,  
11 here on behalf of River Sound.

12 I have six boards that have the plans that  
13 you have in front of you, and they are numbered the same,  
14 RS-1 through RS-6, and the first plan I have indicated  
15 that is (papers on microphone) to include additional  
16 approval conditions.

17 What this is, this is the original -- that  
18 is the original special exception plan, and there was a  
19 section of walkway that was missing.

20 CHAIRMAN McINTYRE: Bob, can you address  
21 which map you're speaking to?

22 MR. DOANE: Yes. I'm pointing to RS-1.  
23 Let me try to move this closer. The revision date is  
24 12/29/10 in the upper right-hand corner.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 CHAIRMAN McINTYRE: Thank you.

2 MR. DOANE: Okay and we have added a line  
3 that was missing on one of the layers, and now this plan -  
4 -

5 CHAIRMAN McINTYRE: Mr. Doane, what line  
6 was missing?

7 MR. DOANE: It was a walkway from the  
8 center core down to Ingham Hill. That was pointed out  
9 that that was missing on the previous sheet, but that has  
10 been added, and it's reflected in the revision date.

11 The second sheet, RS-2, was revised to  
12 reflect a pod layout.

13 COURT REPORTER: One moment, please.

14 MR. DOANE: Was revised to reflect our pod  
15 layouts, which I'll get into the details of each of those  
16 revisions. Also on this sheet, we have added the aquifer  
17 protection zone.

18 CHAIRMAN McINTYRE: Can I interrupt you for  
19 just one minute? Just so that we can understand it, we  
20 keep calling the little pods different names.

21 MR. DOANE: Yes.

22 CHAIRMAN McINTYRE: So if we can try to  
23 come to an agreement, that like the pod was the Bokum pod,  
24 the Ingham pod and the Westbrook pod?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. DOANE: Okay.

2 CHAIRMAN McINTYRE: Thank you.

3 MR. DOANE: Near the Westbrook pod, we have  
4 shown the aquifer protection zone, and on sheet RS-3,  
5 which is the Ingham Hill Road section, we have reduced all  
6 the lot sizes to 60,000 square feet, have combined the  
7 conservation easements that we originally proposed for the  
8 conservation descriptions. We have combined those with  
9 the open space, and we have modified lots one, 11 and 12,  
10 so that the edge of the lots are outside of the 100-foot  
11 regulated area.

12 Those are the significant changes on the  
13 plan. There were some other minor changes. We have  
14 indicated the open space area associated with the athletic  
15 field as being 11.45 acres. It would be on the western  
16 side of the Ingham Hill Road pod.

17 There were other minor changes, but those  
18 are the significant changes on that plan. Again, the  
19 revision date in the upper right-hand corner is 12/29/10.

20 RS-4 is the Westbrook section. This has  
21 been modified to show the future access roadway, and on  
22 the eastern edge of that access, we have shown a staging  
23 area and a proposed trailhead staging area, I mean parking  
24 area, excuse me, and a proposed trailhead.



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   We have also added a zoning table, and I  
2                   failed to mention that on the RS-3 we also added the  
3                   zoning table to that to demonstrate the compliance with  
4                   the zones for each of the proposed lots.

5                   While I'm on this sheet, we have added five  
6                   notes on the plans, and they're typical to all the sets.  
7                   We added a 10-foot pedestrian easement on the Ingham Hill  
8                   Road to connecting around the adjoining property.

9                   We have indicated that the final  
10                  subdivision plan for Ingham Hill Road will represent the  
11                  divide with the conveyance to the Town of Old Saybrook.  
12                  The area required to widening Ingham Hill Road, we're not  
13                  proposing that at this time, but we will in the final plan  
14                  provide for that area.

15                  Number three, final subdivision plan shall  
16                  provide for a stonewall reconstruction along boundary line  
17                  where appropriate, per section 4.4.8.

18                  Number four, section 5.1.2D of the  
19                  subdivision regulations require retention and protection  
20                  of large isolated trees, which would include Wolf trees. I  
21                  know this was a topic of conversation when we had our site  
22                  walk on these items.

23                  The fifth note, which refers to the ball  
24                  field, the final location of the ball field shall be

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 determined after consultation with the Park and Rec  
2 Commission and shall include to demonstrate feasibility to  
3 pedestrian and vehicular access to playing fields at  
4 different levels.

5 The plan shall provide that the developer  
6 shall have the obligation to do the clearing, rough  
7 grading and stabilization. Those are the reference notes  
8 on that RS-4.

9 On RS-5, this is the (indiscernible) piece  
10 of the Bokum Road section, and this is our conventional  
11 (papers on microphone) conceptual standard plan, which  
12 demonstrates the potential mock-field for the site. With  
13 this plan, we have a modified plan, particularly lot one.  
14 I had pulled the property line between lot one and two,  
15 again, to the south to fit the 200-foot-square and allowed  
16 moving the naval area.

17 This was a comment that was in Jeff  
18 Jacobson's letter and, also, the staff report, that the  
19 naval area had some wetlands in it, so we pulled that out.

20 And when we do a town road along the edge  
21 of the property, the existing house no longer complies  
22 with zoning, so in the standard conceptual plan, the house  
23 would be removed, because it wouldn't comply with the 50-  
24 foot setback requirement of C zone.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   We have also added, again, on this sheet, a  
2                   zoning table that shows the typical requirements for a C  
3                   zone.

4                   CHAIRMAN McINTYRE: What is the revision of  
5                   that?

6                   MR. DOANE: The revision is 12/29/10.

7                   CHAIRMAN McINTYRE: That's each map?

8                   MR. DOANE: RS-5.

9                   CHAIRMAN McINTYRE: Our RS-5 is different  
10                  than yours.

11                  MR. DOANE: I enlarged this, so that I  
12                  could see it for my presentation.

13                  CHAIRMAN McINTYRE: Okay.

14                  MR. DOANE: I'm sorry. It's the same  
15                  zoning table that you have. I just beefed it up, so I  
16                  could see it.

17                  CHAIRMAN McINTYRE: Okay.

18                  MR. DOANE: Easily. On RS-6 is the open  
19                  space layout for the Bokum Road property, and,  
20                  essentially, what we did was reduce all the lot sizes down  
21                  to 60,000 square feet. We took away the conservation  
22                  easements by combining the open space land with the open  
23                  space, the bulk of the open space, and we extended the  
24                  cul-de-sac.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   And the reason we extended the cul-de-sac,  
2                   because we were asked in the staff review letter to extend  
3                   it and allow a connection to the Ponkowski parcel, so we  
4                   essentially extended the road, so we could wrap around and  
5                   tie into the eastern, excuse me, western side of the  
6                   Ponkowski property from the eastern side of River Sound  
7                   property.

8                   If the Ponkowski property gets developed as  
9                   the approved plan or the plan that's on file now, this  
10                  connection wouldn't happen, because it would be to the  
11                  back of the lots, so, in that instance, we'd probably pull  
12                  the cul-de-sac back and do an offset cul-de-sac, as  
13                  recommended by your engineer, probably in a similar spot  
14                  to the conceptual standard plan.

15                  There are some issues that were brought up  
16                  in Jeff Jacobson's letter that I will respond to as  
17                  quickly as I can, but it will take more time than I had  
18                  before tonight's meeting.

19                  And, with that, I'll stop talking and hand  
20                  over the mike.

21                  MR. BRANSE: For the record, Mark Branse.  
22                  Just a question. I wasn't sure what Mr. Royston was  
23                  saying that Mr. Kline would be addressing. Is the road  
24                  location on the (indiscernible) parcel, is this the parcel

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 he's addressing?

2 MR. ROYSTON: Yes.

3 MR. BRANSE: Okay. Is that road in a  
4 different location than it was in the currently approved  
5 special exception?

6 MR. ROYSTON: No, it was not.

7 MR. BRANSE: Mr. Chairman, my concern here  
8 is that this hearing is not to reopen things that have  
9 already been approved. Now I know that there was a  
10 comment about the location of this road, and I know that  
11 the applicant naturally wants to respond to all comments,  
12 and I respect that, but I would say that to the extent  
13 that the road is in the same place as the approved special  
14 exception, we shouldn't go there, because we're going to  
15 end up reopening every issue with the special exception.

16 Things that are being modified are what we  
17 should be addressing tonight. That would be my  
18 recommendation.

19 CHAIRMAN McINTYRE: I agree totally with  
20 you.

21 MR. ROYSTON: I, likewise, agree. The only  
22 reason to -- Mr. Kline say anything, and he'll be brief,  
23 is that in the original plan in 2006, there was a full  
24 roadway access, so there was no cul-de-sac in that plan,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 and, so, one of the aspects that is pertinent to this  
2 particular consideration is the temporary or permanent  
3 cul-de-sac, as the case may be, so I'm going to just ask  
4 Mr. Kline to restrict his comments with respect to that  
5 aspect of the Bokum Road parcel. Thank you.

6 MR. MICHAEL KLINE: Mr. Chairman, members  
7 of the Commission, my name is Michael Kline. I'm a  
8 biologist and a soil scientist. My office is in West  
9 Hartford.

10 The first thing I want to do is address a  
11 question that was put to me by Mr. Aresco at the last  
12 hearing. The question that Mr. Aresco posed there were  
13 two prongs to it, but it's about the data and the  
14 requirements of the Eastern Box Turtle, which is a special  
15 concern species that's been -- that he identified at the  
16 site prior to our survey. I'm not sure.

17 Anyway, we identified at the site of  
18 several locations, and Mr. Aresco asked me to show those  
19 and to also describe the typical home range, in terms of  
20 size of that species.

21 And this information was contained, and,  
22 so, I'm just going to reference the documentation, the  
23 written documentation that was presented on October 27,  
24 2005 in the Inland Wetlands and Watercourses Application

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Public Hearing, which now tells me why Mr. Aresco might  
2 not have remembered it, because that wasn't this  
3 Commission.

4 The Eastern Box Turtle was identified at  
5 three, four locations on the entire property. One of them  
6 isn't really relevant to this discussion.

7 One location, referring to RS-1, is at the  
8 approximate location where the Northeast Utilities right  
9 of way crosses the town line between Old Saybrook and  
10 Westbrook, and this, therefore, is in the vicinity of the  
11 Westbrook pod, and I'm pointing to that with my finger or  
12 with my pen. That's the approximate location where the  
13 utility right of way crosses that town boundary.

14 CHAIRMAN MCINTYRE: Mr. Kline, what map are  
15 you addressing?

16 MR. KLINE: I'm addressing RS-1, revised  
17 through 12/29/2010. There's another location that is in  
18 the Ingham Hill Road pod. It is on the east side of  
19 Ingham Hill Road, south of the wetland that contains  
20 vernal pool number 31. That's in the approximate lower  
21 center of RS-1.

22 The other observation, which is in the  
23 general vicinity of the proposed modifications, although  
24 not specifically within that land mass, is in Essex, and

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 it is about 400 feet north of the Essex/Old Saybrook town  
2 line in the middle, upper middle portion of this sheet for  
3 RS-1.

4 There's an additional location in the --  
5 west of Pequot Swamp Pond in the area that's not part of  
6 our discussions tonight. It's substantially removed from  
7 any of the proposed changes. So that identifies the  
8 locations.

9 In terms of the home range size, generally  
10 reported to be about 15 acres, ranging from about 10 to  
11 maybe 16 and 17 acres.

12 MR. SALVATORE ARESCO: Fifteen acres?

13 MR. KLINE: About 15 acres, is the home  
14 range for a typical Box Turtle.

15 MR. BRANSE: Say that one more time?

16 MR. KLINE: Fifteen, 1-5 acres.

17 MR. ARESCO: May I ask questions?

18 CHAIRMAN McINTYRE: Just for clarification.

19 If you didn't understand something he said, yes, but we  
20 don't want to get into any specifics at this time.

21 MR. ARESCO: Well I did have a question on  
22 the survey of these.

23 CHAIRMAN McINTYRE: Wait until we get our  
24 question and answer period. Let the Applicant continue.



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ARESCO: Okay.

2 MR. KLINE: With respect to the location of  
3 the proposed cul-de-sac on the Bokum Road pod, and I will  
4 refer to drawing RS-6, revised through 12/29/2010, what  
5 comment I want to make on this is that although the  
6 proposed cul-de-sac location takes that land disturbance  
7 further away from the wetland and vernal pool, or vernal  
8 pool number 37, which is in the approximate center of the  
9 Bokum Road pod, that has no real benefit from a vernal  
10 pool protection standpoint, because this feature of  
11 wetland and vernal pool, known as 37, was in the  
12 2004/2005, the lowest productivity vernal pool on the  
13 entire 1,000-acre piece.

14 Only two egg masses observed there, and  
15 then, in 2010, when we went back and looked at these areas  
16 again to confirm the prior, we found no egg masses in that  
17 pool, so to say it's marginal is probably an  
18 overstatement. It's clearly the lowest of the 38 pools  
19 that were identified on the property.

20 So the fact that this cul-de-sac is away  
21 from that pool is irrelevant from the standpoint of  
22 environmental protection or protection of the vernal pool  
23 species.

24 In fact, the extension would require a

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 substantial amount of additional forest removal, earth and  
2 rock excavation (papers on microphone) impacts to the  
3 deciduous forest and the organisms that use that forest,  
4 including the reptiles and amphibians.

5 MR. ARESCO: I have a question. Can you  
6 please help me find that pool 36?

7 MR. KLINE: Oh, sure.

8 MR. ARESCO: I can't see that far.

9 MR. KLINE: Okay.

10 MR. ARESCO: I'll let you mark it right  
11 here, so I could see where it is.

12 MR. KLINE: Do you want me to mark it on  
13 your copy?

14 MR. ARESCO: Yeah, just wherever it is. I  
15 have terrible eyesight. Thank you very much. I  
16 appreciate it.

17 MR. KLINE: And I guess, for the record, I  
18 merely colored in the wetland area that could be named lot  
19 number seven. I colored it in for Mr. Aresco, the wetland  
20 area, which contains a vernal pool that's located  
21 immediately east of station seven plus zero, zero on the  
22 proposed road alignment shown on sheet RS-6.

23 The other comments that I'd like to make  
24 tonight will be brief, and they will address the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 modifications that were made in this 12/29 plan set.

2 First, I'll refer you to RS-4, the  
3 Westbrook pod. The Commissioners may remember that  
4 although there were no vernal pools within this pod, we  
5 did have the Box Turtle associated with this pod, and to  
6 locate it approximately (papers on microphone) line  
7 intersects the town boundary I'll be pointing to with my  
8 finger in the upper center portion of this drawing.

9 My recommendation was that the open space  
10 be expanded to include that area, the Box Turtle habitat.  
11 Although it's not threatened or endangered, it is a state  
12 listed special concern species, and utility rights of way  
13 are very commonly used by Box Turtles, and, in fact,  
14 that's what we found here in the site, so I recommended  
15 that the utility right of way be put in the open space,  
16 and, in fact, it has been.

17 I have an outlined utility right of way, as  
18 it references this piece. This is the town line, and, so,  
19 that siting is in this general area here, and the plans  
20 have been modified, so that this entire strip is now part  
21 of the dedicated open space.

22 CHAIRMAN McINTYRE: Mr. Kline, can you  
23 detail what you meant by strip?

24 MR. KLINE: Yes. For the purposes of the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 record, what I just did was color on Mr. Aresco's plan set  
2 the area that has been added to the open space, and that  
3 corresponds to the utility right of way that runs more or  
4 less parallel to the property line between River Sound and  
5 Phillips(phonetic) at the northern portion of the  
6 Westbrook pod.

7 It has an angle point between here and the  
8 town boundary, and then -- it has an angle point near the  
9 town boundary, and then extends almost due west to the  
10 property line. Is that parcel C? There's a C in the  
11 middle of this area here.

12 So that area that I just described at the  
13 northern limit, if you will, of the Westbrook pod has been  
14 added to the open space, and the open space also has been  
15 enlarged in several other locations in line with the  
16 recommendations that I made orally at the last meeting.

17 We've already addressed the Bokum Road pod,  
18 and now, looking at RS-3, Ingham Hill Road pod, I also  
19 gave some recommendations at the last meeting to reduce  
20 the lot sizes, and, again, I'm referring to RS-3, the  
21 12/29/2010 revision, the recommendation to reduce the lot  
22 sizes, so that there will be no areas within 100 feet of  
23 the two vernal pools in this area that were privately  
24 owned, if you will, and that recommendation has been

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 implemented.

2 Made other recommendations to minimize the  
3 amount of land in the lots and maximize the amount of land  
4 in the open space. As you heard, all the lots have been  
5 reduced to the minimum size allowed under the zone, and  
6 there's a change that could be reduced even further, so  
7 those recommendations that I made at the last meeting have  
8 been incorporated into the plans.

9 MR. ARESCO: Michael Kline, I do have  
10 another question. Could you mark the, on the Ingham  
11 parcel, while we're at it, can I have that now, where you  
12 found those Box Turtles? That would be helpful to me.

13 MR. KLINE: I will do that.

14 MR. ARESCO: It's up in here somewhere.

15 MR. KLINE: Mr. Chairman, what I'd like to  
16 do is take a minute to make sure I identify the correct  
17 location of the scales on the maps and so forth, and then  
18 after public comments are done provide the information.

19 CHAIRMAN McINTYRE: All right.

20 MR. KLINE: Thank you. I think that's all  
21 I need to address.

22 MR. DOANE: Mr. Chairman, I have just two  
23 small matters I did indicate that we would address -- the  
24 report of the Regional Planning Agency, dated January 4,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 2011. I'm not sure what exhibit number is attached to it.

2 The brief explanation is that I indicated  
3 that this particular development does not raise the  
4 traffic implications that (indiscernible) we raised. They  
5 did indicate that the Town of Essex has a Bokum Road  
6 study, which should be available in the spring.

7 I note that the esteemed First Selectman of  
8 the Town of Essex is here (coughing) he knows that that  
9 date is accurate. Obviously, we'd be happy to take a look  
10 at the implications of that report.

11 Second, they also indicated that on the  
12 Ingham Hill pod there potentially could not be traffic  
13 implications, but water implications relating to storm  
14 water drainage, and, again, this is something -- these are  
15 things that clearly would need to be identified in final  
16 subdivision plans.

17 The last item is (papers on microphone)  
18 talked about species of special concern, and Mr. Jacobson  
19 in his report mentioned that, also, another species of  
20 special concern that was located within the PRD, itself,  
21 and on a previous plan it showed a protection area for  
22 that.

23 And, again, that is an appropriate comment.  
24 We appreciate that. And as should be so noted,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 specifically, that that area of protection will also be  
2 provided in our plan.

3 Thank you very much. That concludes our  
4 formal presentation, and, obviously (papers on microphone)  
5 and, at some point, we presume the Commission will address  
6 our request for a consent to an extension of time for a  
7 continuation of the public hearing, which may avoid the  
8 necessity of further responses at this time. Thank you  
9 very much, Mr. Chairman.

10 CHAIRMAN McINTYRE: At this time, I'd like  
11 to open it up to -- Attorney Rothenberger? At the end of  
12 Attorney Rothenberger's presentation, we're going to take  
13 a recess, about a 10-minute recess.

14 MR. CHARLES ROTHENBERGER: Thank you, Mr.  
15 Chairman. Can you indulge me for a minute while I  
16 organize everything up here?

17 CHAIRMAN McINTYRE: Take your time.

18 MR. ROTHENBERGER: For the record, Charles  
19 Rothenberger. I'm a staff attorney with the intervening  
20 party, Connecticut Fund for the Environment.

21 For the record, Charles Rothenberger with  
22 Connecticut Fund for the Environment. I had prepared some  
23 comments that really dealt with two themes this evening,  
24 the first touching on why the action of the Inland

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Wetlands and Watercourses Commission in denying a wetlands  
2 permit has voted to this proceeding, notwithstanding the  
3 fact that no actions proposed for the central core of the  
4 property, and the second discussion of the specific  
5 adverse impacts resulting from the proposed modifications  
6 to the special exception in the three development pods.

7 I think I'm going to leave the second  
8 portion of that to our expert, Sigrun Gadwa, ecological  
9 services, and my portion of the presentation really  
10 focuses on the first theme, why it's important to really  
11 underscore the relevance of the wetlands denial.

12 And the importance of that denial is not to  
13 use this proceeding as a reason to revoke the previously  
14 approved special exception.

15 That special exception was approved. It  
16 remains valid, as has been pointed out. The purpose is to  
17 underscore the fact that the plan you see on maps RS-1 and  
18 RS-2 will have to change. It cannot be built as  
19 represented, based upon the action of the Wetlands  
20 Commission.

21 And that inevitably means moving pieces  
22 around the chess board of this property in an effort to  
23 satisfy subsequent review by the Wetlands Commission and  
24 other agencies.



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Our concern is really that by locking in  
2 development in these three pods, as it has been proposed  
3 by the Applicant, it's going to limit the options for the  
4 Applicant meet concerns raised by subsequent permit  
5 reviews.

6 According to the plan of action outlined by  
7 the Applicant, as I understand it, they propose to really  
8 move forward with site plans and development of those  
9 three individual pods prior to making any determination on  
10 the rest of the property.

11 We certainly don't know what's going to  
12 happen with that central core with approximately 115  
13 acres. Obviously, we certainly hope that it can be  
14 preserved in its entirety, however, we have to be prepared  
15 for the eventuality that it will be developed.

16 If development does go forth, it's critical  
17 to insure that it meets the goals of the conservation C  
18 district, including protection of natural resources.

19 CFE doesn't think that it's unreasonable to  
20 request, even in the preliminary plan, that the Applicant  
21 provide some assurance that development of the pods, as  
22 currently proposed, does not and will not lock the  
23 development of the rest of the site into an ecologically  
24 disastrous pattern.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   We agree with the Applicant, in its  
2                   response to Attorney Branse's comments, that if  
3                   development of the central core moves forward, it will  
4                   move forward as an open space development. Absent any  
5                   waiver from this Commission, they don't have any choice,  
6                   however, as we've seen with the current special exception,  
7                   even an open space design is no guarantee of ecological  
8                   sensitivity.

9                   Indeed, they can produce quite significant  
10                  adverse environmental impacts, so we would ask that the  
11                  Planning Commission require effort on the part of the  
12                  Applicant to show that their current proposal, that the  
13                  modifications that are proposed, that's what we're talking  
14                  about, will not preclude them from at least attempting to  
15                  meet objections raised by the Wetlands Commission in its  
16                  denial and potentially future reviews.

17                  We recognize that any site plan will have  
18                  to go before the Wetlands Commission for review and meet  
19                  the critical scrutiny of that body, however, it's  
20                  conceivable that prior development of these pods will  
21                  limit the feasible alternatives both into the Applicant to  
22                  meet concerns at that stage, and that such a situation  
23                  could result in an approval of the design that might  
24                  otherwise have been rejected.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   Reading this line, we believe that any  
2                   application to modify the special exception and permit  
3                   development of the three pods would have any attempt to  
4                   address necessary changes of the physical location of the  
5                   proposed development within the central core should be  
6                   deemed incomplete, because it does not (coughing) provide  
7                   information necessary to make an informed decision  
8                   regarding approval of development within the pods,  
9                   themselves.

10                   I will leave off at that point, and, with  
11                   that, refer to Sigrun Gadwa, who will provide our  
12                   testimony regarding the potential adverse impacts to the  
13                   natural resources on the site relating to the proposed  
14                   development of these three pods.

15                   MR. ARESCO: Can I ask a question for  
16                   clarification?

17                   CHAIRMAN McINTYRE: Yes.

18                   MR. ARESCO: On your comments, when you say  
19                   that the modification could limit the access in the  
20                   central core, could you give us an example of something  
21                   that, a modification that could have an effect in the  
22                   central core to try to understand exactly what that means?

23                   Is that a fair question?

24                   MR. ROTHENBERGER: Sure. I mean,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 essentially, you have to, for example, if it was found  
2 that a particular goal pole(phonetic) needed to be moved  
3 further away from a particular wetland, things are  
4 arranged pretty tightly on that piece, so if you move one  
5 particular aspect of the plan, you inevitably have to move  
6 other things, and locking up portions of the property with  
7 development that's on the ground, already built, really  
8 precludes a number of options, in terms of redesigning the  
9 entire parcel in a way to meet concerns.

10 That may not be such a concern with respect  
11 to the (indiscernible) parcel, which really wasn't part of  
12 the original plan, but certainly with respect to the  
13 Westbrook and the Ingham Hill portions. It really does,  
14 as it were, take that acreage out of the equation as the  
15 Applicant and subsequent reviewing Commissions try to find  
16 an arrangement of the various development elements that  
17 satisfy the various criteria.

18 MR. BRANSE: Let me just see if I can make  
19 the record more (indiscernible). I think what I'm hearing  
20 is (indiscernible) when there is work on the ground. Are  
21 you referring to the fact that this application proposes  
22 to allow the construction, the actual construction of  
23 these three pods prior to the development of that forest  
24 core to final design of that forest core (indiscernible).

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ROTHENBERGER: Yes. If everything were  
2 to recede concurrently or simultaneously, that wouldn't be  
3 such an issue, because the entire acreage would still be  
4 available to sort of move those pieces around the chess  
5 board.

6 That's what the Applicant does propose to  
7 actually construct in phases, although I don't like that  
8 phrase, it does raise that concern.

9 MR. BRANSE: Okay, thank you.

10 MR. ROTHENBERGER: Sigrun?

11 A MALE VOICE: That was a prepared  
12 statement that you had?

13 MR. ROTHENBERGER: It was.

14 A MALE VOICE: If you can get a copy, not  
15 tonight, but that will be helpful.

16 MR. ROTHENBERGER: I will.

17 MS. SIGRUN GADWA: I'm here for REMA  
18 Ecological Services, retained by CFE. My name is Sigrun  
19 Gadwa. I'm an ecologist and, also, a biologist, and,  
20 also, a soil scientist.

21 I do have my C.V., which would be put in  
22 the record afterwards. I won't go into detail, but I have  
23 my Master's in Ecology from Storrs and my B.A. in Biology  
24 from Brown University. I've been working about 25 years

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 now.

2 COURT REPORTER: One moment, please.

3 MS. GADWA: We reviewed the proposed  
4 modifications, the three pods, in particular. We were  
5 struck by the fact that information was missing that had  
6 been present in the initial decision making process for  
7 the initial modification.

8 Also, even though there was baseline  
9 information on the Ingham Hill Road collected beforehand,  
10 the intent was that that entire area of the open space, so  
11 it wasn't scrutinized, in terms of potential impacts to  
12 wetland resources and the sedimentation erosion impacts  
13 from cuts and steep slopes.

14 The most important, all three of these pods  
15 are proposed to be built with septic systems, and the  
16 intent of the entire project beforehand was to use  
17 community septic systems, so that there wouldn't be the  
18 issue of individual septic (coughing) from the original  
19 septic systems impacting adjacent wetlands.

20 We did go through the test pit data, the  
21 soils data, as did the Jacobson review, which was on the -  
22 - I guess it was dated December 30th, and made excellent  
23 points, which we underscored in our review.

24 There are a number of areas, for example,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 portions of the Westbrook pod, where there just simply is  
2 not the data currently indicating that the soils can  
3 support septic systems.

4           There's a lot of shallow ledge. There are  
5 areas with high water tables. Even areas with high water  
6 tables, even if they're not up -- even if they're about at  
7 the 18-inch threshold, mean that there's going to be  
8 septicallly changed. It's going to flow downslope, over  
9 the bedrock, into groundwater discharge wetlands, with  
10 potential for raising nutrient levels and adversely  
11 impacting those levels, even though these systems, you  
12 know, may be within -- pass the health code, so those are  
13 the kinds of analyses that need to be done.

14           The extent of problematic soils and high  
15 ledge in, actually, in all of these three pods, you know,  
16 really makes impression, as to whether they're appropriate  
17 in the first place for whether they should all be open  
18 space, rather than have multiple lots, small lots within  
19 them.

20           The other focus, and this relates  
21 especially to missing information, is adverse -- the  
22 rugged topography, bedrock outcrops, glacial erratics are  
23 found in areas, which are often unsuitable for farming in  
24 the past, which may have really intact ecological plan

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 communities, because of the steep slopes, because people  
2 didn't get in there to find (coughing), and they're  
3 typically -- well, you know, we haven't seen these  
4 firsthand, so we don't know, but a mapping of actual red  
5 rock outcrops and glacial erratics is very helpful to  
6 assess whether the recreational value, the aesthetic value  
7 of portions of the site that have very rugged topography  
8 is a natural resource that the Planning Commission really  
9 should take seriously into account and set aside the area  
10 as a recreational area.

11 This was initially done for the Ingham Hill  
12 portion, and I know the intent is that the community  
13 clusters in the center of the site that has access for  
14 hiking to the Ingham Hill Road parcel area, and it's also  
15 across from other open space, off site open space, meaning  
16 south of Ingham Hill Road.

17 There hasn't been an analysis of whether  
18 changing the original, the former plan, modifying it to  
19 have a subdivision here and lots of little isolated  
20 portions of open space interlaced with houses would be an  
21 adverse impact on the recreational aesthetic resources of  
22 the town.

23 Now my report goes into obvious factors,  
24 which are discussed with more detail. In the Jacobson



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 review, just the deep cuts, septic systems, which may have  
2 to be located on steep slopes, because the soils are  
3 unsatisfactory, more gentle slope, meaning that those deep  
4 forest slopes would have to be cut, significant forest  
5 cuts on them, and erosion.

6 I think I should give you some lot numbers  
7 here. I think it was lot 10 and -- lots 10 and 12, as my  
8 report goes into, were both situations, where it looked  
9 very likely that there would be a lot of clear cutting on  
10 extremely steep slopes, in order to manage to fit in a  
11 septic system.

12 You may be aware that the five communities  
13 associated with shallow bedrock areas and different  
14 outcrops are much more likely to have uncommon, rare  
15 species than just a typical hardwood forest.

16 Indeed, the prickly pear that was found in  
17 the Westbrook pod, is one of those species that what's  
18 needed is consideration, not just species-by-species, but  
19 evaluation of the different knolls, which ones seemed to  
20 have interesting, diverse, complex pod communities that  
21 are resources that should be preserved, and that hasn't  
22 been done here.

23 With the original (something hit  
24 microphone) it was all being saved on Ingham Hill Road,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 and nobody had considered Bokum Hill Road either, so  
2 nobody had done that kind of assessment.

3 Unfortunately, it's not the best time of  
4 year for it now, but I would recommend mapping actual  
5 outcrops, bedrock outcrops, and mapping the high-quality,  
6 non-forested ledge communities as a way, you know, even if  
7 this is to become a residential area, one can find the  
8 locations of the lots.

9 It's all very well to have smaller lots,  
10 but they're just plopped down on the map, without careful  
11 consideration of exactly what the best position would be  
12 for that small lot, so as to minimize impacts to the  
13 ecological communities around there, and these are  
14 sensitive areas, these rocky areas.

15 The impacts to the pools and the Bokum  
16 Road, I'm sure they're all very well understood by the  
17 potential impacts, but when there are multiple vernal  
18 pools that have activities within 100 feet, there's going  
19 to be disruption of migration by juveniles and breeding  
20 animals, and there's going to be the potential runoff from  
21 lawn runoff getting into these pools.

22 The point was there are -- I think it's  
23 vernal pool 34 has multiple areas that are to be developed  
24 that are draining into that particular pool.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   And you need to remember that it's not just  
2                   the salamanders and the fish and the amphibians, but  
3                   vernal pools support a variety of interbreeds that their  
4                   value, even if they have no amphibians, or no  
5                   (indiscernible) amphibians, they shouldn't be receiving  
6                   runoff from a residential development.

7                   The Commission should remember that craggy  
8                   areas, with a pile of rocks, are often den sites for  
9                   wildlife, bobcat, the things that there's nesting by  
10                  ravens, cliff faces in secluded areas, and, also, there is  
11                  a variety of snakes, some of them very uncommon now, that  
12                  like to bask in sunny areas on outcrops and live in the  
13                  crevices.

14                  Snakes and hikers co-exist very well.  
15                  Snakes and residential areas do not co-exist well. So  
16                  these are all things for you to consider.

17                  But the most important is just to get a  
18                  better handle, a better characterization of, aside from  
19                  steep slopes and shallow bedrock, which you can see from  
20                  the soils data and the topo maps, you know, what, in fact,  
21                  do we have here, and what is its potential as open space,  
22                  what are the risks to the associated wetlands from  
23                  residential development, where you've had these shallow  
24                  soils and difficult construction conditions?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   Now I would expect the fact that the  
2                   portion of the Westbrook pod that had the -- I'll point to  
3                   you the printing here. That whole area was probably not  
4                   proposed to be initially developed, because it was a high-  
5                   quality plant habitat, and that is probably part of the  
6                   initial planning process, and that's been changed, and we  
7                   don't have -- we have an assurance that around the actual  
8                   plans there will be protections laid, but we don't have a  
9                   description of the community that they're part of.

10                   So, you know, based on the limited  
11                   information that we do have, it does seem that the  
12                   proposed changes are reasonably likely to cause adverse  
13                   impacts to multiple wetlands, scenic resources, ecological  
14                   communities, and I refer you to my report for more  
15                   specifics.

16                   I'd recommend that this -- I'd actually  
17                   recommend that this whole proceedings be delayed to allow  
18                   a proper assessment, a more higher-intensity assessment of  
19                   the potential, the pods, during the active growing season.

20                   CHAIRMAN McINTYRE: Thank you, Ms. Gadwa.

21                   MR. ARESCO: Mr. Chairman?

22                   CHAIRMAN McINTYRE: Yes?

23                   MR. ARESCO: Can I ask?

24                   CHAIRMAN McINTYRE: I just need to just

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 take care of one thing.

2 MR. ARESCO: Sure.

3 CHAIRMAN McINTYRE: Ms. Gadwa gave us a  
4 letter, dated January 5, 2011. She referenced the  
5 preserve proposed preliminary open space subdivision plan  
6 modification, and that is Exhibit No. 57.

7 You have a question for clarification?

8 MR. ARESCO: I hope this one is okay. You  
9 asked many questions that we should be considering. Are  
10 those questions included in this?

11 MS. GADWA: The categories of information  
12 that would be helpful, yes.

13 MR. ARESCO: To help us to the types of  
14 questions to get us going, as to what are some of the  
15 things we need to be looking at here.

16 MS. GADWA: Yes. That's all included in  
17 there.

18 MR. ARESCO: It's in there?

19 MS. GADWA: Um-hum.

20 MR. ARESCO: Okay, thank you.

21 MR. KLINE: Mr. Chairman, does Ms. Gadwa  
22 have a copy of her report for the other parties,  
23 particularly the Applicant?

24 MS. GADWA: I put copies out there. I

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 presume there's one more extra for you.

2 CHAIRMAN McINTYRE: Just so everyone  
3 understands, Ms. Gadwa's presentation was quite in depth,  
4 and I just want to assure the public and all parties  
5 involved that this Commission right now is in the process  
6 of doing a preliminary open space review.

7 Many of the things that she spoke about  
8 within this letter will definitely be addressed, even if  
9 there is a final application, so not all of these areas of  
10 her concern should be addressed at this level, and I'm  
11 sure Attorney Royston at some point in time will address  
12 this issue.

13 Okay. We're going to take a 10-minute  
14 recess.

15 (Off the record)

16 CHAIRMAN McINTYRE: We're going to  
17 reconvene the meeting at this time. At this time, we're  
18 going to just give everybody a time frame we're looking at  
19 here.

20 More than likely, we're probably going to  
21 continue this to the 19th, so there will be more time for  
22 public comment after tonight. There's a lot of  
23 information we have to review that we have on our desk  
24 before us tonight.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   What I'm going to do now is I'm going to  
2                   open up the floor to the public for the public portion of  
3                   the hearing. As we heard before, that we need to keep our  
4                   comments addressed to the application, as presented to us,  
5                   and in reference to the preliminary plan.

6                   There's going to be a lot of people out  
7                   here tonight, who are going to want to speak, and I want  
8                   to get as many people as I can in. I'm hoping to try to  
9                   be out of here by 10:30-ish, or right around there. Of  
10                  course, the Commission has to ask some questions, also.

11                  At this time, remember when you speak to  
12                  state your name and come up to the podium up here and grab  
13                  the microphone and utilize the microphone so everyone can  
14                  hear you.

15                  So, at this time, is there anyone from the  
16                  public wishing to speak? Bill?

17                  COURT REPORTER: Your name, sir?

18                  MR. WILLIAM PEACE: It's William Peace, P-  
19                  E-A-C-E. My name is William Peace. I live at 45  
20                  Seabreeze Road, Old Saybrook. I've been the Selectman now  
21                  for 15 years, and I mention that, because that will be  
22                  part of my presentation, particularly concerns about  
23                  money.

24                  And the other part of my presentation we're

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 actually concerned about monies for our roads and that's  
2 what I'd like to address in particular with this  
3 application and what the previous one was with building  
4 off roads.

5 Part of my experience that will give me at  
6 least some credibility I worked for 38 years for the  
7 Department of Transportation as an engineer. I spent  
8 approximately 10 years, the first 10 years of my career in  
9 heavy construction, involved in the construction of  
10 Interstate 84 and Route 8, several million (indiscernible)  
11 excavation, drainage, and I'm trying to count how many  
12 bridges, but probably at least 15 bridges.

13 I'd like to talk first about what was  
14 originally approved and what Attorney Royston -- says  
15 basically they want to just leave intact what they're  
16 looking for is a modification or partial opening.

17 As I testified probably over five or six  
18 years ago to several Boards, right, and the world has  
19 changed, as they pointed out at the other hearing, the  
20 date of the other hearing, it changed a lot.

21 The town came for infrastructure  
22 improvements. They're almost into the point of financial  
23 insanity. Part of the plan (indiscernible) comment in  
24 which he took a quote from Alice in Wonderland, "any road



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 will get you there if you don't know where you're going".  
2 And, so, as part of the plan process, you have to consider  
3 heavily the town's ability to maintain infrastructure,  
4 which I'm telling you right now we can't do it.

5 Five miles of road is proposed. That might  
6 be a touch easier, but five bridges with one bridge, last  
7 I recall, was 140 feet long and 40 feet high. Right now,  
8 we only have one bridge, and that's the Baldwin bridge,  
9 which is 40 feet.

10 It is absolutely financially irresponsible  
11 to allow that approval to continue. As you've watched the  
12 world change in the last five years, you now know that to  
13 rebuild the New Haven interchange is almost like two  
14 billion dollars. The money is not there.

15 I can tell you as a Selectman there is  
16 absolutely no part of this community to raise taxes to the  
17 amount that would require to maintain even what we do  
18 have.

19 We have 80 miles of road that we have not  
20 yet paved, so to add another five miles for, what, 200 and  
21 some odd homes. If you just think of it, if ever there  
22 was a classic example of sprawl, this is it. As planners,  
23 this is -- the world has changed. You're not supposed to  
24 do sprawl anymore. Within a year and a little bit more,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 oil is going to be up to \$150 a gallon, and the world is  
2 going to change far more than what it is.

3 So what I'm asking you to do is for the  
4 first part basically, I think you have to modify the first  
5 part. We now know, very clearly, that what was proposed  
6 is unbuildable. For instance, they didn't own property  
7 that they proposed to build something on.

8 The State of Connecticut and DEP simply  
9 said, no, they will not get approval to build that, so  
10 they continue to perpetuate this myth that that is going  
11 happen.

12 I think you have to modify that, because  
13 another part of it is, in my experience, reviewing what  
14 they call major traffic generators, and I counted a few  
15 hundred of those for the State Traffic Commission, the  
16 total project abuts a state driveway, is over 100,000  
17 square feet, and, as such, it requires a certificate from  
18 the State Traffic that says, basically it will not imperil  
19 the safety of the traveling public.

20 As part of that analysis, right, it  
21 requires a traffic study, distributions. If you  
22 eliminated one where there are three legs, obviously all  
23 your analyses, if there was even any doubt, was faulty.

24 So as planners, I don't know how you can

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 proceed when you have something that was proposed, it's  
2 unbuildable, now predicated on faulty analysis. Not only  
3 is it financially irresponsible from a plan point and a  
4 town point of view, but there's no quantitative  
5 (indiscernible) there's no engineering justification for  
6 what should happen -- the developer is trying to hold onto  
7 this, literally asking you to go back and re-examine.

8 They should come in with a modified  
9 proposal on this whole piece and do the analysis required.

10  
11 The second thing, and this is, once again,  
12 is a problem I have, having been a Selectman now for 15  
13 plus years, we struggle every year about money, and one of  
14 the first projects that I got involved in was Schoolhouse  
15 Road, and I have a strong sense of what the people in this  
16 community -- that particular project --probably a nice guy  
17 and well meaning - invited to the town meeting, and the  
18 town told right -- long before I became a Selectman --  
19 they won't give him the money, and I had to rescope that  
20 project down to a 23rd foot wide the best we could do with  
21 these design restraints.

22 Bokum Road, which is (indiscernible) and  
23 I'm trying to remember how much, but we had to  
24 reclassified the town didn't have this kind of money and

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 where we would get that, you know, (indiscernible) 200,000  
2 or 300,000-dollar grant. I can't remember (indiscernible)  
3 we got state funding.

4 And that road is not designed to any  
5 particular design standard. It's simply the best you  
6 could do with what you had, considering the wetlands and  
7 all the design restraints as we went through there.

8 Bokum Road, what you see today, is what's  
9 going to be there 50, 75 years from now. There is no  
10 opportunity to do any further improvements to that, so I  
11 wanted to share that, because --

12 And the second - and another part would be,  
13 obviously, Ingham Hill Road. Now let's talk about Ingham  
14 Hill Road for a second. Ingham Hill Road is a classic  
15 example of sprawl.

16 Long ago, probably in but it was probably  
17 in the (indiscernible) I could check it out, but there was  
18 just a dirt path with cars going through there, and, then,  
19 slowly over time, like so many roads in this state, right,  
20 they evolve. You know the roads got a little bit wider,  
21 and, eventually, somewhere around the early 1900s, the  
22 town did a little gravel work, and, eventually, it was  
23 oiled and, finally, it was paved, but the road - I don't  
24 know how much of the road is totally bounded.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   So if we wanted to do something to that  
2 road, right, because the last hearing I was here I heard  
3 speaker, after speaker, after speaker talk about the  
4 perils of that road and their safety concerns, so I don't  
5 think I have to go back and repeat those, but if we were  
6 actually going to try to do something to that road, the  
7 first thing we would look at is the design speed.

8                   Having walked that road a few times now,  
9 right - the design speed is 45 miles an hour, because  
10 there's currently only one person that lives on that road  
11 that goes the speed limit, and that's George  
12 Mayor(phonetic), quite frankly.

13                   He goes the speed limit, and I will tell  
14 you that he shared with me from time-to-time somebody,  
15 when he pulls into his driveway, will wave to him with not  
16 all their fingers, right?

17                   So you would have to design that road for  
18 45 miles an hour, which absolutely creates an incredible  
19 site line requirements, horizontal and vertical curve  
20 requirements, right? And it's just simply not possible  
21 with the same design restraints we had on Bokum Road.

22                   Wetlands, you know, lack of property. We  
23 would actually have to, by eminent domain, probably take  
24 about an 80 or 90-foot swath through there, which it

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 simply doesn't happen in this stage.

2 So what we have (indiscernible) probably  
3 never give us the money anyway, so what we have is a road  
4 that what it is is what it is, and that road will be  
5 pretty much what you see for the next 50 plus years, like  
6 Bokum Road, with no opportunity to improve.

7 So, once again, it comes down to planning,  
8 right? If you -- certain things limit your ability to  
9 build, you know, water, how you're handling your septic,  
10 electricity and your road.

11 It's simply (indiscernible) straw if you  
12 approve further development on a road that, as a  
13 Selectman, they tell me we have no opportunity to make  
14 better. It just simply is not possible.

15 In fact, even the developer was willing to  
16 do the work. It was beyond their capacity to do it,  
17 because of the same design constraint.

18 Lastly, we'll just simply say that your  
19 attorney, Mark Branse, has been very clear on one thing,  
20 that you have no statutory authority to require any  
21 offsite improvements, which is interesting, because when I  
22 would review major traffic (indiscernible) when I was  
23 working 3 to 11, we would recommend to the State Traffic  
24 Commission requirements the developer had to do and they

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 had to be completed prior to taking a vote then, or we  
2 couldn't get a CO for whatever it was.

3 In this case, under the statutes, the  
4 attorney pointed this out the first time, we can't make a  
5 developer mitigate their impact, so you're being asked,  
6 basically, as planners to approve something that you know  
7 in your heart of hearts perils the safety of the traveling  
8 public.

9 If you look to the Board of Selectmen, or a  
10 legislative body (indiscernible) you guys, we have no  
11 ability or no -- we have no leg, right? We would be  
12 totally frustrated if we tried to mitigate that impact,  
13 right?

14 So I think that's another thing for you to  
15 have to weigh if you really believe in your heart of  
16 hearts from what the testimony you heard, that further  
17 development sprawl on this road, it's going to imperil the  
18 safety of the traveling public, and you can't require  
19 improvements, and improvements are not possible, you have  
20 to look into your heart whether that's a reasonable thing  
21 to continue to approve sprawl.

22 So we have a development that continues on,  
23 right, for I don't know how many years now, right, beyond  
24 this, you know? It's going to cost the town an obscene

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 amount of money to maintain it.

2 And I'll just finish with one comment,  
3 because I produced these numbers before, and I also  
4 produced them when I testified through the legislators and  
5 I actually base my numbers on a 2010 construction which I  
6 know this company long, but.

7 Having done enough bridge work, the first  
8 thing it's going to cost is a lot of money, and it's 40  
9 years out, superstructures deliver about 40 years.

10 Interestingly enough, bridges that I worked  
11 on, even those three-inch slopes at a time, six percent  
12 error (indiscernible) 40 years. Those decks have been  
13 superstructures in every place, and the problem with  
14 replacing superstructures is how do you replace a  
15 superstructure than it is with a whole damn bridge?

16 So my first guess is and in doing the math,  
17 right, is the first replacement is about 140 million  
18 dollars of unfunded liability.

19 So, in this day and age, we worry about  
20 pension plans, this sort of thing, and unfunded  
21 liabilities. If this plan is approved, you're burdening  
22 the town, I won't be here in 40 years, but, right, but  
23 some of you guys hopefully will, right, 40 years from now  
24 as much as 140 million dollars, and that doesn't even



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 include the ongoing maintenance that's required probably  
2 at about the 12 to 14-year mark for the first time out and  
3 all the other costs that come with it.

4 With that, I think I'll close my comments,  
5 basically, and go back to what Sal has said -- any road  
6 will get you there if you don't where you're going, and I  
7 think we now know where we want to go because the world  
8 has changed that much.

9 To many, this looks like a beautiful  
10 project and a beautiful thing, but it's a lot, it's a  
11 major economic burden to the community. Jumping on that,  
12 let me include the idea we went through, five or six years  
13 ago, we went through the save the firehouse substations,  
14 right? You drop a couple of pieces of apparatus -- fire  
15 trucks now go from 800,000 to 2.1 million in a heartbeat.

16 The roadway work will dwarf with that  
17 other, right, sprawl, sprawl is out there. The world has  
18 changed. Take care.

19 CHAIRMAN McINTYRE: Thank you, Bill.  
20 (Applause)

21 MR. BRANSE: For the record, Mark Branse. I  
22 just want to clarify one thing. What I've emphasized to  
23 the Commission is the case law is now clear that under the  
24 subdivision power you cannot require offsite improvements.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   No court has ruled, specifically. No  
2 Appellate level court has ruled on special exception,  
3 which is what is before you.

4                   The only other thing, I would never  
5 interrupt a Selectman, but I do want to emphasize, again,  
6 the focus of this evening is what's being changed. We are  
7 not reexamining the currently approved special exception,  
8 so whatever is not changed is really not on the table.

9                   CHAIRMAN McINTYRE: Thank you, Attorney  
10 Branse.

11                  LARRY: Larry (indiscernible), Ingham Hill  
12 Road. I just had a concern about the change from down to  
13 60,000 square foot lots on I believe it's Ingham Hill.  
14 That sounds good, because the developer was, I guess,  
15 going to give the excess back to open space, but, in  
16 actuality, I think this made a problem with that.

17                  If you're having the same amount of houses,  
18 or even if you decrease the amount of houses that will be  
19 on those lots, you're having an increased density of  
20 housing in a small area of land. So all that tells me,  
21 especially since you're going to have septic systems,  
22 those septic systems have to drain into a smaller volume  
23 of land, increased number of houses, small volume of land,  
24 even though the excess land has been donated apparently

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 for open space.

2 Now where is that septic system? Where is  
3 the drainage going to go? It's going to go someplace, and  
4 what I'm shocked about is I always thought that there was  
5 or there had been studies done to show where the rock  
6 ledge is, where the aquifers were, all those things, but  
7 from what the environmentalist said tonight, is it true  
8 that there's no studies that show how deep the land is or  
9 how deep the drainage areas are on those lots?

10 For example, you might have a lot that has  
11 hundreds of feet of sand and dirt and everything  
12 underneath the house, and, therefore, your cubic volume of  
13 drainage is good, but you might also have a rock ledge 10  
14 feet down underneath the house.

15 What's going to happen if that's the  
16 situation, and you have all these houses drain into a  
17 volume of a septic system or a leaching field, rather,  
18 that's inadequate?

19 It's going to be like having everything  
20 drain into Interstate 95, and that's all going to go down  
21 in one area, so the worry that I would have is that that's  
22 going to further affect the water that all of us  
23 surrounding this development are going to be drinking, it's  
24 going to further affect the environment, in terms of the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 natural habitat, and I think that until -- if it's not  
2 already done, I think it's almost criminal to allow and  
3 condone it to go out, go on, without having a documented  
4 fact of how deep the drainage fields are before you hit  
5 rock ledge.

6 I think we all living on the shoreline can  
7 view beachfront communities all along the coast here, and  
8 you know that most of those they all have septic systems  
9 there. Very few places have sewers.

10 So what happens in the summer, with all  
11 these people coming down to the beach, they're using small  
12 lots, they're flushing their toilets, you have too much  
13 water there.

14 I know that in beaches that I go to when I  
15 was a kid, there used to be crabs out in these little  
16 brooks -- you don't see that anymore.

17 You see it's been changed, because there's  
18 too many people, so I would recommend highly that before  
19 you approve a plan like this, I think that common sense is  
20 that we have to know how big the leaching fields are, how  
21 deep are the rock ledges and where they're going, because  
22 most of our biggest worry is our drinking water, and  
23 that's certainly going to be affected.

24 The other thing that I think is significant

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 is that I think the development's biologist made a comment  
2 that one of the vernal pools that was present a couple of  
3 years ago is now almost inactive.

4 I think that's an indication of how fragile  
5 these things are. If you're putting these many houses on  
6 these pods, it's going to affect everything in the area,  
7 not only just septic systems, but also things like runoff  
8 from streets, cars on streets, there's oil dripping from  
9 the cars, etcetera, salt on the streets for sanding. All  
10 those things are going to be affected.

11 That's all going to drain into the adjacent  
12 area. If one vernal pool is now eliminated, a lot of  
13 these others are, so I think it's a major, major problem  
14 that you have on your hands. Thank you.

15 CHAIRMAN McINTYRE: Thank you. Selectman  
16 Miller?

17 MR. PHILIP MILLER: Thank you. I have a  
18 brief statement to read in the record, but I'd like to  
19 briefly preface my remarks by saying --

20 CHAIRMAN McINTYRE: Name for the record?

21 MR. MILLER: Yes. Philip Miller. I live  
22 in the Ivoryton section of Essex, and I'm in my fourth  
23 term serving the people of Essex as their First Selectman.

24 It was suggested to me yesterday that I

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 should use caution in addressing a Land Use Commission of  
2 a neighboring town, that by appearing I could risk being  
3 resented by citizen Commissioners, and I would ask you, if  
4 you do see me as some kind of interloper, that you would  
5 see me as a polite and respectful interloper, if that.

6 And I would like the latitude, if I may, to  
7 address the specific concerns of tonight in a larger  
8 framework, with a little bit of history of what we've been  
9 through as intervenors and people with a lot of  
10 reservations about this longstanding plan over the past  
11 several years.

12 I'm presenting to you tonight, as you give  
13 a cursory review of this phase-one application pending for  
14 the development of the former Pionta(phonetic) property,  
15 this acreage is accessed through Bokum Road, just south of  
16 the Essex town line, and this first step involves a number  
17 of homes to be built between Bokum Road and the railroad  
18 tracks, which they originally wanted to build a large  
19 causeway over to get into the wet and rocky heart of the  
20 1,000 acres.

21 The earlier River Sound application sought  
22 to develop an 18-hole golf course, with 220 condominiums  
23 and dwellings.

24 After passing a similar review of the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Planning Commission, it was then the subject of lengthy  
2 Inland Wetlands and Watercourses hearings, which lasted  
3 for months and months.

4 The Town of Essex became a legal intervenor  
5 and joined forces with the grassroots Alliance for Sound  
6 Area Planning, also known as ASAP, comprised of hundreds  
7 of citizens of Old Saybrook, Essex and Westbrook, dozens  
8 of whom you see here tonight, as well as the Connecticut  
9 Fund for the Environment, State Representatives James  
10 Spallone, Marilyn Giuliano and Brian O'Connor, State  
11 Senators Eileen Daily and Andrea Stillman, and our  
12 Attorney General now U.S. Senator Richard Blumenthal.

13 What we objected to was that this 1,000-  
14 acre maritime forest, the last of its size and scope left  
15 in this state, is, in fact, a giant wet, rocky sponge.  
16 Over 100 of these acres are wetlands.

17 This is the source waters of three separate  
18 watersheds, the Oyster River, which flows entirely through  
19 Old Saybrook and into the sound right near Old Saybrook  
20 High School, just a few blocks from here, the Trout Brook  
21 watershed flows westward from this property through the  
22 Holbrook and Westbrook well fields, which is important  
23 public water supply for Westbrook, and into the Pachaug  
24 River, which also empties into the Sound, and then the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 third watershed is the Mud River, comprising 238 acres of  
2 the total flowing eastward into Essex and adjoining the  
3 Falls River and emptying into the Connecticut River.

4 The extensive engineering and blasting  
5 filling and moving of earth would be on a scale that has  
6 previously been unseen in this entire region.

7 After the Old Saybrook Inland Wetlands  
8 Commission courageously voted this project down, our  
9 coalition of CFE, ASAP, the DEP and the Town of Essex were  
10 joined by the Town of Old Saybrook, and we were upheld  
11 firmly in Superior Court by Judge Aurigemma.

12 Last year, we were upheld even more  
13 conclusively in Appellate Court, and, subsequently, the  
14 State Supreme Court refused to hear further appeals by  
15 River Sound.

16 So now these market hungry profiteers are  
17 putting forth another development scheme from the outer  
18 edges in, predicated on something, which never came to  
19 pass, which would have been River Sound winning in court.

20 The developer is simply trying to get a  
21 return for the disappointed investors, who should have  
22 never counted on being able to overwhelm the public and  
23 the astute volunteer Old Saybrook Citizens Commissioners  
24 in the first place. They are, no doubt, trying to get a



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 foot in the door, once again.

2                   There are some, who might suggest that for  
3 Essex citizens or Westbrook citizens to come here might  
4 cause some resentment, and not only have we always been  
5 highly respectful towards our friends in Old Saybrook, but  
6 I hope you all understand that, like Old Saybrook, for  
7 Essex, we have a huge stake in this.

8                   When we first objected to the impacts of  
9 these projects done in extensive wetlands and watersheds,  
10 our case was thought to be somewhat circumstantial by  
11 some, theoretical, but as each chapter has unfolded, with  
12 further court presence and appearances, we were able to  
13 conclusively prove, in totality, that the proposed  
14 activity would have considerable deleterious and negative  
15 impact on the ecosystem of this 1,000 acres, and these  
16 impacts have been proven real, not theoretical, and this  
17 has essentially become the law of this case.

18                   You would be totally justified in telling  
19 the Inland Wetlands Commission that you have serious  
20 reservations with this scheme.

21                   And, please, don't be lured by the offer of  
22 playing fields. In fact, when you mentioned playing  
23 fields, you are our best assurances that, in this case,  
24 there is, indeed, a level playing field.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   If you think about what 1,000 acres of  
2 permanently preserved land would mean to Old Saybrook,  
3 that would mean that roughly 30 percent of your total land  
4 mass would be permanently preserved.

5                   That would make Old Saybrook the leader in  
6 this region and this whole area of the state, I think a  
7 very fitting place for such a great town to be.

8                   Finally, the last thing I'd like to say is  
9 that this past year was the first year in my life that I  
10 have never seen a Box Turtle, this last year, in 2010. I  
11 did not see a Box Turtle for the first year in my life.

12                  What's more important, condominiums or Box  
13 Turtles? Which belongs in Old Saybrook? And, with that,  
14 I will thank you for giving me the privilege to speak to  
15 you, and I'll hand copies to your clerk. Thank you.

16                  CHAIRMAN McINTYRE: Thank you, Selectman  
17 Miller. (Applause) I have a couple comments before we  
18 have anybody else in the public speak.

19                  Obviously, a lot of the speakers before you  
20 have spoken about the history, the environmental  
21 importance of this area, however, tonight's meeting and  
22 trying to keep this, so that everyone in the public can  
23 speak, we need to stick to the facts of the application.

24                  I think, based on what the last three

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 speakers have spoken, we have a good history of the area,  
2 so I'm asking those individuals who speak this time  
3 forward to stick to the specifics of the application at  
4 hand and not long-term on environmental issues or septic  
5 issues that will be addressed at another hearing or by  
6 another Commission.

7 So is there anyone else wishing to speak?

8 Yes, ma'am?

9 MS. KATHY CONNELLY: My name is Kathy  
10 Connelly. I live at 60 North Cove Road here in Old  
11 Saybrook, and I'm Chair of the Old Saybrook Bikeways  
12 Committee.

13 My training and professional background are  
14 in land use planning and landscape design, and I'm  
15 speaking tonight on my own behalf, although I'd also like  
16 to make it clear that my suggestions are entirely  
17 consistent with suggestions that have come out of the --

18 (Off the record)

19 MS. CONNELLY: I'd like to bring up a  
20 concept that may seem a little bit out of my field, a  
21 little unusual, but I hope that you'll make it part of  
22 your consideration.

23 The discussion has to start with the fact  
24 that the neighborhoods on Schoolhouse Road and Ingham Hill

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Road are inaccessible to one another, except by the Post  
2 Road.

3 This forces anyone, who wishes to walk or  
4 ride a bike to and from those neighborhoods, to use the  
5 Post Road. For example, families in the Ingham Hill area  
6 that may be only one-half mile from the Schoolhouse Road  
7 ball fields at Town Park, that they are forced to drive  
8 several miles to take children back and forth to games at  
9 Town Park along the Post Road.

10 For another example, a high school student  
11 or middle school student, who wishes to ride a bicycle to  
12 school from Schoolhouse Road, faces the rigors of the Post  
13 Road.

14 And yet another example. A person, who  
15 might be willing to do his or her errands by bicycle from  
16 Schoolhouse faces the dangers of the Post Road.

17 According to specific input received by the  
18 Bikeways Committee, this is a great discouragement to  
19 bicycling and walking and encourages driving.

20 Now as a Planning Commission, and I am  
21 getting down to the proposal at hand, as a Planning  
22 Commission, you are charged with anticipated future  
23 conditions, not just the present, and you already know  
24 that you will never see 25-cent gasoline again.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   You also know that by 2012 there's five  
2                   dollar a gallon gasoline projected, so the people in this  
3                   town will increasingly demand safe alternatives to  
4                   gasoline.

5                   Ironically, one answer to this problem  
6                   might lie in The Preserve development. If I have  
7                   understood correctly, there is a ball park proposed on the  
8                   Ingham Hill cluster. A bike and pedestrian path going  
9                   west, not east, but west from that ball park area could  
10                  reach Schoolhouse Road in as little as 750 feet, about  
11                  one-seventh of a mile across both preserve and town  
12                  property.

13                  Now attached to this letter are two GIS  
14                  depictions. That's Geographic Information System  
15                  depictions of three possible access points and three  
16                  alternative paths.

17                  Any of these could allow school children  
18                  and adults to bypass the Post Road as you move back and  
19                  forth east/west from Schoolhouse to Ingham Hill.

20                  I know that this concept raises many, many  
21                  issues, and I'm not here tonight to talk about design  
22                  issues, but, rather, to raise a concept for your  
23                  consideration. Please consider this.

24                  For more than a decade, Old Saybrook Boards

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 and Commissions have listened to environmental arguments  
2 against development of The Preserve parcels. Now, as a  
3 Commission, you may conclude that the current proposal is  
4 acceptable, that remains to be seen, and the development  
5 may move one step closer to reality.

6 If this occurs, I hope you will also  
7 consider working with the developer around the concept of  
8 an east/west path that moves over towards Nutmeg Circle  
9 and Fox Hollow and the Schoolhouse Road area.

10 It would be one positive way to offset an  
11 environmental scorecard that has obviously been very  
12 troubling to a lot of people, including myself.

13 Indeed, there are many compelling reasons  
14 that any new development or road repair in Old Saybrook,  
15 not only The Preserve, should accommodate bicycles and  
16 pedestrians. Cyclists and pedestrians are legitimate road  
17 users with rights, whose needs have long been overshadowed  
18 by accommodations for the automobile.

19 We should not create anymore island  
20 neighborhoods in this town that can only be reached by  
21 motor.

22 Finally, on behalf of the Bikeways  
23 Committee, we do hope that the Commission will begin to  
24 employ the new bicycle and pedestrian standards that have

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1       been accepted by the State DOT as of January 2010.

2                       In closing, a copy of these, along with the  
3       GIS concept drawings, and I really thank you for your time  
4       and consideration.

5                       CHAIRMAN McINTYRE: Thank you very much.  
6       Anyone else wishing to speak?

7                       MR. RICHARD TIETJEN: Richard Tietjen. I'm  
8       a former member of this august body, and was here for the  
9       slaughter a few years ago, when the then plan for The  
10      Preserve, so-called, was approved by this Commission, and  
11      I voted for it.

12                      It was a great plan. The plan we have  
13      before us, a limited maybe pale version of it, and I'm no  
14      longer in a position that matters, but I sure as hell  
15      would not vote for it tonight.

16                      Let me read you a couple of little things  
17      that I'm concerned about. This is sort of random, but  
18      this format helps (coughing) from wandering. Some of you  
19      who were on the Commission in those days would appreciate  
20      that.

21                      I have a few questions, and, of course,  
22      some thoughts on this so-called Preserve. I realized that  
23      some of these things have been spoken about already, so  
24      I'm not saying anything new, I'm sure.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   One of the subjects would be trees. How  
2 heavily cut would this property be to make room for  
3 whatever the total is going to be, and this is a big if,  
4 say 250 houses, roughly?

5                   So how about the concerns that suggest for  
6 the effects of cutting, of biocides on forest trees, that  
7 is the poisons, which housing will generate inevitably,  
8 plus automobiles and so on?

9                   The integral trees, that ones that are  
10 already there, particularly, there's a forest that we're  
11 thinking about raping, pardon my French, is protective of  
12 the forest floor and all the life that goes on at the  
13 lower level of the bottom story of a forest.

14                  There's a lot of concerns. Nesting birds  
15 would be one. Lots of other animals and plants, which  
16 would be negatively affected by a development.

17                  The location of houses and/or parking needs  
18 has buffers to protect us humans against the effects of an  
19 ongoing pollution.

20                  Now I was on the Conservation Commission  
21 for a year, a million years it seems, and I became quite  
22 familiar with the notion of an ongoing pollution. In  
23 fact, we had kids running around town, hanging up signs  
24 over drainage openings on the public roads and so on. It



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 was a big issue, and it should still be.

2 The products of the automobile culture and  
3 the various machinery we use we think to improve on  
4 nature, that is a caveat there.

5 Pedestrian accommodations is another  
6 question. It isn't clear from what I heard about all  
7 this, nor did I find it quite satisfactory the first time  
8 around, but pedestrian accommodations are obviously  
9 related to building anything that's big, and this is a big  
10 one, a big thing. We think it is. We're not even sure of  
11 that, are we, are you, that we will get more than the  
12 first two or three chunks of it, then who knows what?

13 Getting from one place to another, from one  
14 house to another, from a house to town, or to the golf  
15 course, or just wandering around 850 acres, more or less,  
16 all these things are pedestrian matters, and I don't know  
17 what -- I don't have any sense, from what I've seen and  
18 heard, that there's any great concern for that, me, with  
19 my two feet. I have enough trouble keeping them going.

20 Also, downstream flooding, or erosion of  
21 areas cleared, but empty, this is always a possibility for  
22 the long-term as the immediate term, too, that there are  
23 going to be big empty spaces, which may or may not be cut  
24 and which maybe will be loaded with all kinds of discarded

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 infrastructure, all that sort of thing, which can be so  
2 messy.

3 I think that should be considered,  
4 especially in the question of what's going to happen  
5 downstream. There are communities downstream from this  
6 project. I'm sure you all know that. You've looked at  
7 the maps.

8 How about machinery and blasting, if there  
9 is a need for this? How about the infrastructure, a  
10 partial development? What happens to it if the project  
11 falters, or it goes through piecemeal, or even to  
12 completion? It doesn't take much imagination to envision  
13 what it could look like, and lacking some idea of what can  
14 be a rather raw scene.

15 In this case, I'm thinking of the project  
16 in Colchester. You should take a look at it. It is a raw  
17 scene. Now there are many houses that are nice houses and  
18 all that, but it looks like an ex-forest. There might  
19 have been one there, but it isn't there now, so that is  
20 something you might consider.

21 If you get photographs of it or something  
22 to go by, I urge you to consider that. That's a bit of  
23 realism, and I just want somebody to tell me how this  
24 proposed landscape, with the possibility of another Lehman

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Brother's failure, is not one that we in our very small,  
2 limited town should risk being saddled with.

3 I don't have to explain that, I hope, if  
4 you read the newspapers, or hear the television. Thank  
5 you.

6 CHAIRMAN McINTYRE: Thank you. Anyone else  
7 wishing to speak?

8 COURT REPORTER: Your name, sir?

9 MR. GLEN RICE: Glen Rice. Good evening.  
10 I'm Glen Rice, 192 Bokum Road. Just off of --

11 COURT REPORTER: I'm sorry, sir, but I need  
12 for you to --

13 MR. RICE: Oh, okay. Anyway, we're just  
14 about almost, well, we're diagonally across from the  
15 proposed Bokum Road entrance.

16 I will try to limit my comments to the  
17 existing proposal, but there are other topics that I feel,  
18 well, off topic, are relevant.

19 While most Commissions and Boards in any  
20 town must take the future into consideration, nobody of  
21 our town's government, other than this one, is charged  
22 solely with the future of the town and its land.

23 This application cannot be considered in a  
24 vacuum. It is not three isolated parcels applied for by a

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 developer, interested only in creating a small development  
2 of single-family dwellings, representing only a minor  
3 change to an existing neighborhood.

4 Attorney Royston frequently referred to the  
5 central acreage with the phrase that the Commission  
6 already approved. While previous members may indeed have  
7 approved the previous proposal, this application and the  
8 subsequent application should now be considered to be  
9 completely new, that the previous application did not  
10 include the development of the current acreage is reason  
11 enough to rescind approval of the plans to the central  
12 development. It should not be considered piecemeal.

13 This applicant is wrong to assume that  
14 because previous treatment in the entire acreage was  
15 approved, that a future application for the development in  
16 the central acreage is still approved. Things have  
17 changed, including their designs and their applications.  
18 Just tonight, the modifications to the central acreage,  
19 that includes that in this proposal.

20 I would urge the Commission to rescind  
21 permission on the central acreage as a condition for the  
22 approval of these peripheral parcels.

23 On a more philosophic note, the real estate  
24 bubble has burst. There is a housing glut, and do we

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 really need more housing in Old Saybrook?

2 Traffic considerations, initial reports  
3 available on this Commission's website seem intentionally  
4 vague regarding road and intersection improvements and  
5 location size impact on existing homes and driveways,  
6 lines of sight, etcetera, etcetera, and I'd like to thank  
7 Selectman Peace for his details and expert testimony on  
8 traffic implications and the costs involved. They are  
9 considerable, and they are in perpetuity.

10 How long before a wider road is requested?  
11 In their 2004 application, the Applicant's traffic expert  
12 stated, in general terms, the need for wider roads,  
13 traffic lights, straightened roads, and diversion of  
14 traffic flow to meet the needs of the development.

15 A quick trip to the proposed Bokum Road  
16 entrance will reinforce this need in sometimes terrifying  
17 detail. Just park your car at the Bokum Road entrance and  
18 watch what happens. I wouldn't suggest staying in the car  
19 when you do that.

20 When our family moved to town 30 years ago,  
21 it was with the intention of staying, and our girls were  
22 raised here, attended schools K through 12, and we're  
23 still here. Our granddaughter is now a third of the way  
24 through our schools now.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   The Applicant has a different goal that he  
2                   stated in his remarks in early December, and that is to  
3                   simply cut the losses of a bankrupt corporation.

4                   I would contend that it won't end with  
5                   that, but with the total development of all the acreage.  
6                   They will be leaving us with the necessity to take land  
7                   from existing homeowners, and I think all you have to do  
8                   is research Kelo versus New London to see what kind of a  
9                   liability you're setting us up for in that regard, and I'm  
10                  one of those homeowners, who would have to have land  
11                  condemned by eminent domain in order to straighten Bokum  
12                  Road to accommodate the traffic in and out of there,  
13                  leaving us with a necessity to take land from existing  
14                  homeowners, in order to widen and straighten the roads and  
15                  maintain them in perpetuity, all of this to relieve the  
16                  losses of an investment company that is anxious to put Old  
17                  Saybrook in its rearview mirror as soon as they can get  
18                  their way.

19                  While I can understand Attorney Royston's  
20                  desire to dot every I and cross every T, lengthy testimony  
21                  that was little to actually clarify, but, rather, to  
22                  obfuscate the issue, I'd like to cut through most of the  
23                  Newman Group super-duper, heavy-duty modified special  
24                  exception talk and clarify a few things.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   At every step for the last 10-plus years  
2                   that this has been doing on, one applicant after another  
3                   has come before our Boards and Commissions, asking for  
4                   exceptions.

5                   It's not that they couldn't have made money  
6                   or realized their development long ago if they had been  
7                   willing to work within the frameworks of the existing  
8                   plans from the Planning Commission, existing regulations  
9                   from the Zoning Board, and accepted standards of  
10                  development of the various environmental bodies they've  
11                  appeared before, but they wanted more.

12                  To maximize their profits, they solicited  
13                  exceptions to the rules, regulations and guidelines that  
14                  all of us have had to live with over the years.

15                  As I stated before the Zoning Board, there  
16                  is no obligation on this Commission to guarantee the  
17                  maximum profit for this corporation. Indeed, there is no  
18                  obligation on you or us to guarantee them a profit at all.

19                  As someone, who has had to ask permission  
20                  before the Boards and town officials, I resent the idea  
21                  that one applicant can come before these Boards, these  
22                  very Boards time and again, and expect all of those plans  
23                  and regulations to be thrown out the window to benefit  
24                  themselves.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   At the same time, someone, who wants to  
2                   build a non-regulation doghouse, or a non-conforming  
3                   driveway, is expected to live within the regulations  
4                   already in place.

5                   Frankly, I see very little need for  
6                   governmental bodies that won't do the will of its  
7                   citizens. There is no grass root support, no groundswell  
8                   of opinion in favor of this development.

9                   Look around. Look around at any of these  
10                  hearings and ask why these people come out, night after  
11                  night, to oppose this development and have at every turn  
12                  over the course of a decade plus.

13                  Thank you for your time and your service to  
14                  our community. I hope that we can count on you to uphold  
15                  the standards that you have developed and deny the  
16                  application.

17                  CHAIRMAN McINTYRE: Thank you. Anyone else  
18                  wishing to speak?

19                  MR. BRANSE: Mr. Chairman? For the record,  
20                  Mark Branse. Just a couple of clarifications for future  
21                  speakers. The term special exception is one that's not in  
22                  the statutes. It's not a variance. When any applicant  
23                  applies for a special exception, it is something that the  
24                  regulations do allow.



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   The Commission simply has discretion, a  
2                   greater level of discretion for other forums (coughing).  
3                   There was one other thing I was going to note, too, but I  
4                   think that's the main one.

5                   The Commission cannot -- it is not a  
6                   majority rules situation. A lot of people have trouble  
7                   understanding that. Property owners, all of you,  
8                   including the ones in the front rows have the legal rights  
9                   to use their property.

10                  If every man, woman, and child in Old  
11                  Saybrook votes that you can't, you, whoever you is, can't  
12                  use your property at all, that is not allowable, so it is  
13                  not a matter of the weight of public opinion. It's a  
14                  question of whether the criteria and regulation are met or  
15                  whether they are not, which I leave to you.

16                  I am attempting to correct you just a  
17                  little bit, because if you try to use your property and it  
18                  transgresses my rights, I think you and I would have to  
19                  have some sort of intermediary to decide who would be  
20                  right.

21                  So if your usage of your property  
22                  transgresses my rights and my property, I would think  
23                  you'd have to qualify your statement today.

24                  MR. PETER WALSH: My name is Peter Walsh,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 and I live at 4 Leada Woods Road, here in Old Saybrook,  
2 and an awful lot of you people look awfully familiar.

3 First of all, I'd like to say thank you for  
4 coming, for you guys. I was thinking of John  
5 Nadar(phonetic) before and how he gets worked up, and I  
6 must admit I get the same way.

7 I get worked up, because you guys -- hold  
8 on a minute. You've put in so much time on this project  
9 that, as a citizen, I can show my gratitude, but I do want  
10 to add a couple of thoughts that I think you should  
11 consider.

12 My background is engineering. I'm a  
13 chemical engineer. I've been working the finance  
14 community and most recently in commercial real estate, and  
15 this transaction reminds me of a bidding process, and I'll  
16 come back to it.

17 But more importantly is the role that you  
18 all are serving for all of us. If you were the Public  
19 Utilities Commission, you would have to throw these  
20 gentlemen out, and the reason why you would have to throw  
21 them out is because they didn't present to you a 50-year  
22 capital plan.

23 A 50-year capital plan is a very sobering  
24 thing, and the only reason why I know about it is because

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 I was acting as financial advisor to a local resident here  
2 in town, who owned a water company for one of the bungalow  
3 colonies over in Old Lyme about 15 years ago, and they  
4 were trying to decide what they were going to do, because  
5 they didn't know if they wanted to spend the money on the  
6 water system that they were responsible for for the summer  
7 residents.

8 So what they did was they went back and  
9 forth, and then we sat down, and we spent time with the  
10 PUC, and the PUC said, well, we have to treat you like  
11 every other utility. That means 50 years capital plans.  
12 How are you going to grow the system?

13 Now Bill got up and talked about the issue,  
14 but I'd like to be a bit more specific. Imagine yourself  
15 as a PUC, and think about that 50 years, because that's a  
16 very real consideration.

17 On Ingham Hill Road today, we just got our  
18 new stripe painted last month in the end of November. Now  
19 that stripe tells those of us that watch everybody go over  
20 the speed limit that you're not going to get hit until the  
21 stripe was on the road, but now we know what side of the  
22 road you're supposed to be on.

23 That stripe didn't show up until November  
24 this year. Now I certainly don't criticize Larry, the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 head of the Department of Highways around here, because  
2 he's a pretty busy guy, but it does tell you something  
3 about capital improvements in Old Saybrook, if you can't  
4 paint a new stripe on the road until November, and it took  
5 them about 18 months to get it done this year.

6 And I don't criticize him for that, because  
7 he does a lot of other things in town, but imagine if it's  
8 twice the width, or imagine all the other things that Bill  
9 was talking about, and that's part of the reality of what  
10 all of us are dealing with, is the fact that it's not  
11 today that's going to get you.

12 George Washington said don't pay me a  
13 salary. Just cover my expenses, right? Well that's  
14 exactly what we're being asked to do, is to cover their  
15 expenses, and I think that's a big deal, because I think  
16 that this whole thing, about handing things down to  
17 generations, is a big deal.

18 So I would like to leave with you only one  
19 thought, that all of us, who have been through a lot of  
20 things about commercial development, remember what's going  
21 on in this meeting.

22 Every meeting we have, the price that the  
23 State of Connecticut would have to pay River Sound for  
24 their property just went up, and, if you doubt me, look at

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 all the meetings we had, and look where their price was 10  
2 years ago and where it is today, that they say won't take.

3 I'd like you to remember, every time we  
4 have a meeting, what's happening is the price that we're  
5 going to have to pay for this property, assuming the  
6 project doesn't get built, is going to be X, but the price  
7 that we do pay if it does is going to multiple of that  
8 number.

9 I hate to think about things economically,  
10 because it's really kind of insulting, but, oh, by the  
11 way, I have nothing against all the issues about the Box  
12 Turtles, and I probably ran over one this summer on Ingham  
13 Hill, because we had so many of them, and you didn't get  
14 them all, by the way, because they're in my pod, and I can  
15 tell you right now, but I really do think you people have  
16 to think of yourselves as the PUC and think of that 50-  
17 year plan, because it's going to be a lot easier for you  
18 to really think about how unfair it is to proceed any  
19 further. Thank you very much.

20 CHAIRMAN McINTYRE: Thank you. One more  
21 speaker.

22 COURT REPORTER: Your name, please?

23 MR. SCOTT DEIDRICK: Scott Deidrick. I'm  
24 Scott Deidrick. I live at 14 Cricket Court in Old

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Saybrook. I also happen to be a member of the Parks and  
2 Recs Commission. I was part of the Commission a good  
3 number of years ago, when this original plan was  
4 presented, and asked for input.

5 During that question and answer process, we  
6 had requested 10 acres of flat land, so that we could put  
7 ball fields on it, in order to maintain or I guess  
8 continue to have as great a facility as we possibly could  
9 in this town.

10 In the special exception that was granted  
11 in 2005, that was all part of the plan. I met with, not I  
12 didn't meet, but the Parks and Recs Commission met with  
13 Mr. Doane and Attorney Royston recently, where we were  
14 presented with the technical drawings and a draft of the  
15 four proposed fields, what they might look like, and then  
16 we had some questions that went along with that.

17 Concerns that obviously arise are traffic  
18 concerns in and out of the facility, whether or not you  
19 could engineer and make those fields all playable.

20 We seemed to get assurances that evening  
21 that the fields, and we had elevations of 150 down to 100  
22 feet that were presented to us, so we were asking would it  
23 be able to be engineered, so you have flat 10 acres of  
24 land, so that we could put the ball fields on, as we had

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1       been promised, so to speak, in the original special  
2       exception that was granted?

3                       We requested a site walk. We were going to  
4       do the site walk, but we had horrible weather that one  
5       particular Sunday, so it was cancelled, and then the  
6       Planning Commission had another site walk that I was  
7       fortunate enough to attend, so we got an idea to see where  
8       the acres are and where those fields might be located.

9                       It does come to our attention, it did come  
10      to our attention after that evening that the 10 acres that  
11      are being discussed, and I think tonight at one point it  
12      was 11.4 that we're talking about, not every one of those  
13      acres are River Sound Development acres.

14                      At least three, maybe three and a half, and  
15      I don't have the specifics, you can get into that, are  
16      actually town owned property already, so, therefore, what  
17      we're giving is six, six and a half acres from River Sound  
18      that they have committed to, and I want to be on record  
19      for this, they committed to engineering them to be flat  
20      and playable.

21                      One of the questions I want to make sure is  
22      on the table that if, indeed, this would ever go forward,  
23      is that when you arrive at town property, are they still  
24      going to engineer those other three and a half acres,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1       okay, because we -- we're taking about those unfunded  
2       liabilities.

3                       If they engineer six and a half acres nice  
4       and flat and then we build from 120 feet down to 100 feet,  
5       who is engineering those other three and a half acres, so  
6       I want to make sure that, and I do feel as though the  
7       commitment is that they would also engineer those, as  
8       well, because we want to make sure that that's on the  
9       table and out there as one of our requests.

10                      I kind of think that's the gist of what I  
11       wanted to share with you. The roadway in and out,  
12       obviously, has been addressed. It's been spoken to  
13       whether it's safe or not safe. The feasibility of re-  
14       engineering Ingham Hill has been discussed by a whole  
15       number of individuals in this particular room this  
16       evening, so I think that's the gist of what I want to  
17       share this evening. Thank you.

18                      CHAIRMAN McINTYRE: Okay, thank you.  
19       Normally, we don't try to turn off the public from  
20       speaking in the portion of the public hearing, however,  
21       due to time restraints, we've got a lot of questions from  
22       the Board that have to be addressed to the Applicant  
23       (coughing) close the public portion.

24                      As I said before, we are going to be



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 reconvening on the 19th, and, so, if you have any other  
2 questions or concerns, they could be addressed at that  
3 point, however, if you can't attend the meeting, you can  
4 also send us a letter, and that will be entered into the  
5 record.

6 At this time, I'm closing the public  
7 portion of the public hearing. I'd like to address the  
8 Board. One of the questions we asked tonight should be  
9 addressed, the clarification of what you've read and  
10 reviewed in the letters, as far as the Applicant goes, and  
11 the changes.

12 If there's nothing that you're repressing,  
13 don't feel you have to ask a question. We'll have plenty  
14 of time. We've got a lot more reviewing to do, and we're  
15 going to have a lot more time next week for discussion  
16 with the Applicant after they come back with their  
17 changes.

18 At this time, Attorney Branse would like to  
19 address.

20 MR. BRANSE: Unless the Commission has  
21 something they want to do first.

22 CHAIRMAN McINTYRE: Okay. Does anybody on  
23 the Commission at this time have any questions?

24 MR. ARESCO: Yeah. I wanted to ask some.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Michael Kline, you're going to show me the -- I mean you  
2 don't have to do it tonight, but you were going to show me  
3 the location of that, and, also, I would be interested in  
4 all -- thank you.

5 I would be interested in the location of  
6 the vernal pool. You've got to turn it on? Does that  
7 work better? Michael Kline, what I wanted, if it's  
8 possible, the locations of -- it's kind of hard to read  
9 those little notations, as to where the vernal pools are,  
10 but I'd like to see all the vernal pools that are located  
11 in the modified areas, including any low-producing vernal  
12 pools that are in that area, if that's possible.

13 I know you have those little dotted things.  
14 I mean vernal pools, of course, interconnect, and I don't  
15 know if we should be excluding the ones that are located  
16 in and around the core. You don't want us talking about  
17 the core, but, you know, the nature of the system, it  
18 might not be a bad idea to just look at that.

19 I don't know if that's okay. I want to  
20 make sure it's okay with Attorney Branse.

21 CHAIRMAN MCINTYRE: I would think that what  
22 we're here, that we're sticking to the facts as they are  
23 within the pods that are being developed.

24 MR. ARESCO: Well we're assuming, then,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 that all the animals stay in those pods and don't go  
2 anywhere else.

3 CHAIRMAN McINTYRE: That is something that  
4 can be addressed on (coughing) entire level. Right now,  
5 we're not at that. I don't think we're at that level.

6 MR. ARESCO: Well if I'm going to be asked  
7 to make a decision, I need to know. I need information to  
8 make that decision.

9 CHAIRMAN McINTYRE: I agree.

10 MR. ARESCO: In our plan, in our Plan of  
11 Conservation and Development, it clearly talks about us  
12 preserving and conserving natural resources and so forth,  
13 so I need to have information, so that I can determine  
14 whether or not this particular development is in  
15 conformity with the Plan of Conservation and Development,  
16 so I need to know where the vernal pools are.

17 CHAIRMAN McINTYRE: Go ahead, Attorney  
18 Branse.

19 MR. BRANSE: For the record, Mark Branse.  
20 It says it's on.

21 CHAIRMAN McINTYRE: There's one up top,  
22 too.

23 MR. BRANSE: Here we go. There's two of  
24 them. I can't do two things at once. For the record,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Mark Branse. Correct me if I'm wrong, Commissioner  
2 Aresco, but I understand the thrust of your question of  
3 Mr. Kline to be, that you're looking to make it more  
4 visible, sort of by color or whatever, where the vernal  
5 pools are in these nodes, but, also, ones that are nearby  
6 that there may be connections.

7 I'm assuming you're not referring  
8 necessarily to physical connections, but connections in  
9 the sense that they interrelate from a habitat standpoint,  
10 so that you get a picture of how these modifications  
11 relate to the areas being modified and to ones that are  
12 related to them that may not be within the node, but are  
13 close enough that there could be a habitat connection. Is  
14 that the basic idea?

15 MR. ARESCO: I guess that's what I'm trying  
16 to say, yes.

17 MR. BRANSE: And I think that's a relevant  
18 question, because we do know that there's connectivity in  
19 systems. We just don't know what that connectivity is.

20 MR. ARESCO: I hope that's fair, Mark.  
21 Thank you.

22 CHAIRMAN MCINTYRE: Any other questions?

23 MS. JANIS ESTY: Will that information be  
24 available to all of us?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. BRANSE: Anything submitted will have  
2 to go to the whole Commission.

3 CHAIRMAN McINTYRE: Attorney Royston, in  
4 Jacobson's report, they were discussing -- I haven't had a  
5 chance to review all of it, so I just want to make sure to  
6 see if this has been addressed in there.

7 Jeff Jacobson addressed the issue of  
8 without having the spot elevations on the drawings, it's  
9 very hard to depict if, because one of the things we're  
10 trying to do here is we're trying to give the yield and  
11 that is the lot buildable? That's an important issue.

12 And he raised a very important question,  
13 that if in one of the things, like, you know, trying to  
14 build an extension basin up here, then the water has got  
15 to run uphill. It's the same way if your house is way  
16 down here. How are you going to build a driveway that  
17 goes at a 16 grade?

18 So are we going to see anything to address  
19 that issue?

20 MR. ROYSTON: Yes.

21 CHAIRMAN McINTYRE: Okay. Any other  
22 questions? Attorney Branse?

23 MR. BRANSE: Yes, thank you. I've got kind  
24 of a miscellaneous group of things here. I'll use my

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 little toy here to see if I can keep the same things.

2 I have some questions for Sigrun Gadwa.

3 Come on up. Let's see. We're short a mike, aren't we?

4 I'll hand it to you. It will pick up on tape, but it

5 won't amplify, so anyone who is in the back, please feel

6 free to move to the front. Oh, okay. Now we're all set.

7 Thank you.

8 There's just a couple of things I want to  
9 explore about your testimony. You've noted that you feel  
10 that certain information is missing, and I just want to  
11 note for the intervenor and for the Commission that the  
12 intervenor can't prove the allegations of their  
13 intervention by a lack of information.

14 The intervenor needs to provide affirmative  
15 information that is so-called substantial evidence, and  
16 Dr. Gadwa's testimony would be substantial evidence, as to  
17 prove those allegations on the record, so the lack of  
18 information alone is not sufficient, unless the  
19 intervenor's expert has an opinion about what is on the  
20 table, based on what she knows of the property.

21 And the other thing that is important about  
22 current law and substantial evidence is that it is not  
23 sufficient to prove in an intervention to say that there  
24 is the possibility, or the potential, or the risk of

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 something.

2 There has to be testimony that in the  
3 speaker's professional opinion this is something that is  
4 reasonably likely to happen, and, so, I sort of want to  
5 touch on a couple of things that you said.

6 You mentioned, for example, there are  
7 portions of the Westbrook pod, where the data does not  
8 support the viability of septic systems. You mentioned  
9 the groundwater levels, the percolation rates, the shallow  
10 depths, the ledge, and you indicated that that raised the  
11 potential for increased nutrient levels.

12 There is always the potential for anything,  
13 I suppose, and my question to you is you've obviously  
14 studied the property, at least I guess the question is  
15 have you viewed the property, or have you studied the  
16 reports, have you studied the available information, and  
17 do you have an opinion about whether or not there will, in  
18 fact, be increased nutrient levels in the wetlands?

19 MS. GADWA: When there are septic systems  
20 with confining layers, ledge at relevant shallow depths,  
21 even if it's somewhat deeper than 18 inches, than the 48  
22 inches --

23 MR. BRANSE: You're referring to the Health  
24 Code, the 40 inches of the Health Code?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MS. GADWA: Forty-eight inches of the  
2 Health Code. The septic leaching migrates downslope and  
3 discharges into wetlands. This is just a process, you  
4 know, widespread (coughing) process, and the  
5 concentrations of nitrates are increased.

6 The more septic systems, the greater the  
7 confining layer, the greater the extent that this happens,  
8 and it's a -- I've actually collected more quality data  
9 from several, from more than a dozen different headwaters  
10 wetlands, where there were septic systems up gradient, and  
11 we found increases well above baseline.

12 I also collected more quality data from  
13 headwater wetlands in pristine areas. This is actually a  
14 scientific interest of mine in collecting this data.

15 Very interested in the effects of septic  
16 system on headwaters wetlands, so I can state that it's a  
17 fact, it's a reasonable likelihood, that when you have a  
18 preponderance of shallow bedrock and septic systems, that  
19 there will be increases in the nutrient levels in the down  
20 gradient --

21 MR. BRANSE: Okay, thank you. You also  
22 mentioned that this type of topography, the shallow depth  
23 of bedrock, the glacial erratics and so on, you said these  
24 are areas that were often unsuitable for farming in the



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 past, and you said, so, these are areas where -- this  
2 isn't an exact thing that you said, but that you'd expect  
3 habitat communities. You said something about that.

4 COURT REPORTER: One moment.

5 MS. GADWA: Based on, you know, many years  
6 of experience in field work, I found a diverse intact farm  
7 communities, which are more sensitive to grazing and they  
8 tend to disappear in areas that have in the past, where  
9 you have pockets of very steep slopes and (indiscernible)  
10 that have discouraged farming.

11 It's a fact that plants are sheltered by  
12 irregular and steep topography -- unless grazed and  
13 eliminated.

14 MR. BRANSE: And, therefore, what does that  
15 --

16 MS. GADWA: Therefore --

17 MR. BRANSE: -- about this property?

18 MS. GADWA: Therefore, what I can say is  
19 that given the probability of finding diverse high-quality  
20 plant communities is substantially higher. There will be  
21 more such areas where you have steep and irregular  
22 quality.

23 MR. BRANSE: Now there was a site walk. I  
24 don't believe you were in attendance at that site walk?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MS. GADWA: No, I wasn't.

2 MR. BRANSE: Have you physically viewed  
3 this property?

4 MS. GADWA: I viewed very similar terrains  
5 on Ingham Hill Road. I spent a day walking there. That  
6 was years ago, but I've been so much right now. I know  
7 there are certain areas, where (coughing) and it's not  
8 universal that all areas of steep topography will always  
9 have diverse -- you know, there are going to be certain  
10 portions, which are more accessible -- but there will be  
11 enclaves of diversity, and those enclaves is what I was  
12 asking the Commission to consider identifying as part of -  
13 -

14 MR. BRANSE: The Commission only receives  
15 what the parties bring it.

16 MS. GADWA: No. I'm asking the Applicant  
17 identify.

18 MR. BRANSE: The Applicant or the  
19 Intervenor.

20 MS. GADWA: Yes.

21 MR. BRANSE: I mean the Intervenor could do  
22 that mapping, also.

23 MS. GADWA: We can't get on the property.

24 MR. BRANSE: I mean Wetlands had site

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 walks. This Commission had site walks. Your Commission I  
2 guess didn't have a site walk. There certainly have been  
3 public site walks on the property over the years.

4 MS. GADWA: The Commission can certainly  
5 request of the Applicant the information they need to make  
6 their decisions, as to the locations of the valuable  
7 resources.

8 MR. BRANSE: See, the problem is there's an  
9 intervention. An intervention triggers certain things  
10 that this Commission has to do, okay, and the Intervenor  
11 needs to provide evidence in support of that intervention,  
12 so that's what I'm probing in my questions to you.

13 MS. GADWA: Yeah. It's just a fact that  
14 inaccessible ability (indiscernible, coughing).  
15 Inaccessibility to plows means that there are -- there's  
16 higher diversity and more remnant uncommon species. That  
17 is a fact.

18 MR. BRANSE: Thank you. You also  
19 mentioned, I believe it was the Bokum Road area, I lost  
20 you at part of your comments, you mentioned a disruption  
21 of migration and the potential for runoff getting into  
22 these pools, and, again, I flagged to word potential.

23 I'm going to ask you the same question I've  
24 asked you on the other items. Do you have an opinion

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 about the reasonable probability of that happening?

2 MS. GADWA: I shouldn't have used the word  
3 potential. Whenever you have, especially when you have  
4 shallow bedrock, whenever you have a watershed, that the  
5 watershed and the vernal pool, that watershed includes  
6 lawn areas and roads, the more soluble constituents will  
7 runoff into the pool, at least when under saturated soil  
8 conditions.

9 If it's dry, the runoff may soak into the  
10 ground, but when either the ground is frozen or saturated  
11 and there's heavy rain, there will be runoff.

12 MR. BRANSE: Thank you. Those are my  
13 questions for you. Thank you very much.

14 MS. GADWA: Thank you.

15 MR. BRANSE: And then I had one question  
16 for Attorney Royston. I know you can't wait. Let's see  
17 here. Okay. Sorry. I'm going back to where that was.

18 MR. ROYSTON: This is one of the reasons  
19 why I didn't have a prepared statement, so you would not  
20 have any writing on that.

21 MR. BRANSE: I have almost every word you  
22 said in writing.

23 MR. ROYSTON: I'm sure you do.

24 MR. BRANSE: You were addressing the -- you

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 were addressing the report by Mr. Jacobson, and he noted  
2 in his report an additional -- noted in his report an  
3 additional species of special concern, opuntia humifusa,  
4 and I'm certainly mispronouncing that.

5 MR. ROYSTON: That's a prickly pear.

6 MR. BRANSE: Okay and he says, in order to  
7 protect this species, the approved preliminary open space  
8 subdivision plan retained an undisturbed area around this  
9 plant. We would recommend that the same protection be  
10 provided in the modified plan.

11 You said that you had noted that, and it  
12 would be addressed, and I was unclear what you meant,  
13 addressed and the plan would be revised in this  
14 proceeding?

15 MR. ROYSTON: In our revised preliminary  
16 open space plan in this proceeding.

17 MR. BRANSE: In this proceeding. Thank  
18 you. That was what I was hoping you would say. Let's see  
19 if I had anything else. I think that might have been my  
20 only question of you. Yeah, there we go. Okay. Sorry.  
21 Hang on. I'm sorry to keep you here. I skipped too  
22 quickly.

23 There was something about the open space  
24 that you said that I missed. There we go. In addressing

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 the intersection of I believe it was Bokum Road and 154 --  
2 was it 154? I wasn't sure which, either 154.

3 You said we are not agreeing to any  
4 specific improvements, but we are simply agreeing that we  
5 will address them at the appropriate time. And when would  
6 that be?

7 MR. ROYSTON: The appropriate time would be  
8 when there is an application for, in particular, for the  
9 full development of the property. That would be the time,  
10 I think, that substantial traffic impacts will be on Bokum  
11 Road.

12 Right at this point, it's my opinion that  
13 under the current regulation for a potential nine-lot  
14 subdivision on Bokum Road, a traffic study would not be  
15 required, nor would development of that limitation.

16 Nine lots require offsite improvements  
17 beyond the property frontage. The intersecting roadway  
18 might require a site line of provisions, things of that  
19 nature, but I do not believe that an additional nine  
20 residences on Bokum Road provides traffic impacts of a  
21 nature that would require us to have further offsite  
22 improvements, however, the Regional Planning Agency in its  
23 letter said that because of the study of Essex being done  
24 in the spring, about the Bokum Road intersection with 153,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 154 to the south, 153 to the north, that even the addition  
2 of nine additional lots could have an impact.

3 I don't know whether the impacts would  
4 require even a traffic study, but if they did, the next  
5 question would be what are those impacts and what burden  
6 should be shouldered by the developer?

7 That decision would be made at the time of  
8 the final subdivision plan for the nine-lot subdivision on  
9 Bokum Road were that to occur.

10 Even at that limited point, I believe under  
11 the subdivision regulations they can determine, even  
12 though the number of lots do not require (coughing) they  
13 may indicate that one is needed at that point.

14 That's when it would be addressed. Limited  
15 development, an application, full development when an  
16 application is made.

17 MR. BRANSE: This, I'm afraid, Attorney  
18 Royston, is where you are losing me, because there is  
19 currently a full build approved.

20 MR. ROYSTON: Yes.

21 MR. BRANSE: The current application is to  
22 retain that full build.

23 MR. ROYSTON: Correct.

24 MR. BRANSE: With, for example, the

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 additional nine lots being a component of the modified  
2 full build.

3 MR. ROYSTON: That's correct.

4 MR. BRANSE: And the full build had this  
5 Bokum Road pod connecting with both Ingham Hill Road and  
6 Route 153.

7 MR. ROYSTON: That's correct.

8 MR. BRANSE: But as presented now, it  
9 won't, at least it won't during the time that those nine  
10 lots are added, so what you're saying --

11 MR. ROYSTON: It may not.

12 MR. BRANSE: What you're saying to me is  
13 we're adding nine lots, and that won't affect the  
14 intersections, but you're also saying those lots, nine  
15 lots can proceed without the interconnections that are  
16 depicted on the approved special exception.

17 MR. ROYSTON: Yes.

18 MR. BRANSE: And I don't see how you can  
19 have it both ways.

20 MR. ROYSTON: I don't understand why you  
21 don't follow. Let me explain, again, that in the original  
22 special exception, one of the conditions was that the  
23 Applicant acknowledge and address at the time of final  
24 subdivision approval the impacts that the additional



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 traffic from this approved development, that is 221  
2 housing units, will impose upon the road systems.

3 That's what the condition is. That  
4 condition remains in effect.

5 MR. BRANSE: And that condition was the  
6 impact of 220 homes in the context of three interconnected  
7 points of access.

8 MR. ROYSTON: Correct.

9 MR. BRANSE: So the question, then, is if  
10 this modification were -- just suppose this application  
11 were approved, and the Commission were to say approved,  
12 provided you must provide those three interconnected  
13 points. You don't have to build a central core. You just  
14 have to build the road connections. Would that be  
15 satisfactory to the Applicant?

16 MR. ROYSTON: I think what we are saying is  
17 that under these three proposals, or under this proposal,  
18 the three areas are developments of the three road  
19 accesses.

20 MR. BRANSE: Yes.

21 MR. ROYSTON: What we have shown in our  
22 plan is that those roadway accesses still could be  
23 extended under a full development plan, so I don't think  
24 that --

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. BRANSE: If there were a condition that  
2 they be constructed as a condition of the three nodes,  
3 would that be acceptable to the Applicant?

4 MR. ROYSTON: It would not, because I don't  
5 think that condition makes any sense.

6 MR. BRANSE: Okay, so, it would not be  
7 acceptable?

8 MR. ROYSTON: It would not be acceptable  
9 that you have to construct the road connections. I think  
10 what is acceptable is that the roadway be constructed, be  
11 capable of meeting the requirements of the special  
12 exception.

13 Mr. Hillson raised a point, for example, on  
14 Bokum Road, because of that roadway layout and the  
15 original special exception, provides for a paved width of  
16 26 feet, because it's a collector road, and, so, I think  
17 you are faced with, okay, if the roadway you're going to  
18 build for the nine lots, which is just a portion of that  
19 roadway, same location, the same location coming in from  
20 Bokum Road, the same location, same road layout, until it  
21 gets approximately halfway into the property, but before  
22 it gets to the Valley Railroad, if we build that road as  
23 part of the Bokum Road nine-lot subdivision and stop it,  
24 but provide for an area of a future roadway connection,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 should we have to build that road to a paved width of 26  
2 feet?

3 That's a legitimate question, because that  
4 is the width that would be required if there were a full  
5 development. If that road were extended, that's the paved  
6 width that would be required for full development.

7 And I agree, that's absolutely an  
8 appropriate question.

9 MR. ARESCO: Well it will be paved with  
10 less than -- is this thing working? Will it be paved with  
11 less than 24 feet if it were just enacted on considering  
12 the nine?

13 MR. ROYSTON: It could be.

14 MR. ARESCO: Would it be?

15 MR. ROYSTON: That's your decision. In my  
16 response, if you'll take a look at that, what I indicate  
17 in our response, specifically, is that it is a decision of  
18 the Commission, as to whether it would require that  
19 roadway to be paved to a width of 26 feet.

20 You would decide that, yup, we think we  
21 need it paved 26 feet. Alternatively, you could decide it  
22 doesn't need to be paved to 26 feet to serve nine lots  
23 with a cul-de-sac ending at the approximately 1,000 feet  
24 into the property.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ARESCO: Well why would we do that if  
2 there's a potential of developing the core? Why would we  
3 improve it for less than what would be required for the  
4 core? Wouldn't we have to go back later on and --

5 MR. ROYSTON: Exactly. It's your decision.  
6 If you think it makes more sense to do the 26 feet now  
7 and not leave it as a condition, so that if a future final  
8 subdivision application was made to connect that to the  
9 core, central core of the property as a collector road,  
10 that we would have to go through increasing the pavement  
11 width within the right of way.

12 MR. ARESCO: Okay, so, we've got two issues  
13 here. We're talking about the improvements down on 154  
14 and Bokum, and then we're talking about the pavement width  
15 going in.

16 MR. ROYSTON: Absolutely.

17 MR. ARESCO: They're two different things.

18 MR. ROYSTON: They're two different things.

19 MR. ARESCO: What I'm having a hard time  
20 with is why would you not commit to saying that if we go  
21 ahead with this whole thing, we're going to make the  
22 improvements down there? Why would you not commit to  
23 that?

24 I mean we're not asking you to do anything

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 now.

2 MR. ROYSTON: That's exactly. How can you  
3 say, look, why don't you, right now, before we get to a  
4 final subdivision plan, before we have the traffic study,  
5 which says exactly what needs to be done, before we have a  
6 determination of what the impact of your traffic is at  
7 154, go ahead and agree --

8 MR. ARESCO: See, we don't know. We don't  
9 know what your commitments are.

10 MR. ROYSTON: You know exactly what our  
11 commitments are.

12 MR. ARESCO: No, I'm saying to the core.  
13 We don't know what you have in mind.

14 MR. ROYSTON: Nor do I.

15 MR. ARESCO: Pardon me?

16 MR. ROYSTON: Nor do I.

17 MR. BRANSE: For the record, Mark Branse  
18 again. And I guess that is the problem, is that you want  
19 to retain the current special exception approval for the  
20 core, but you don't want to commit -- you want the  
21 Commission to commit.

22 I mean we were asked tonight to rescind  
23 that approval, and, as you know, I said that's something  
24 the Commission cannot do, so you're asking the Commission,

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 as they must, to keep the core special exception valid,  
2 allowing you to build what it depicts, but you don't want  
3 to say if we build the core, we will make the traffic  
4 improvements that are required to do that. That seems  
5 like a very simple request.

6 MR. ROYSTON: That seems like a very simple  
7 request, but it is exactly -- we are agreeing that that  
8 condition of the original special exception remains in  
9 effect, and, Attorney Branse, as I indicated, I do not, at  
10 this point, I think I said without disagreeing or arguing,  
11 as to whether or not that condition can be imposed in a  
12 special exception, we have agreed that it will remain in  
13 effect.

14 That, I believe, is a substantial  
15 concession, because, under the Upjohn case, that is there  
16 is an Upjohn case, in which the Applicant, who has agreed  
17 to and taken advantage of a condition, which might not  
18 have been able to have been imposed, they can't contest it  
19 later.

20 So, in effect, what you're saying, you  
21 know, why don't you just agree to make those improvements,  
22 you know, 154? Just agree to make them. I have no idea  
23 what is the appropriate improvement to be made down there.

24 I believe at the time an application is

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 made, at that time, there's going to be a traffic study.  
2 There's going to be a determination of what the impacts  
3 are, how far down the road your traffic has those impacts,  
4 but this Applicant has agreed, look, we will have to  
5 address those offsite impacts.

6 Even if you couldn't impose it in a  
7 subdivision, we're going to have to do it in this  
8 subdivision, because it's part of our special exception.  
9 If we take advantage of that, then we've got to take a  
10 look at that.

11 We've got to take a look and do exactly  
12 what was said in the original special exception. You have  
13 got to acknowledge and address the traffic impacts from  
14 the development that has been approved.

15 And if it's 221, that's a big difference,  
16 but we still have to have those impacts looked at, because  
17 we've got to come back to this Commission for a final  
18 subdivision approval, whether it's 221 or whether it's  
19 nine. We have to come back to this Commission, and you're  
20 going to make a determination, as to what we have to do to  
21 address the traffic impacts associated with the traffic  
22 burden that we're providing.

23 I think this Applicant has gone beyond what  
24 needs to be done, by simply acknowledging and agreeing, as

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 part of this special exception, that that requirement  
2 still remains.

3 MR. BRUCE HILLSON: Attorney Royston? For  
4 the record, Bruce Hillson, Traffic Engineering Solutions.  
5 I'd like to take a step back and really a question  
6 relating to the connectivity of the three points of  
7 access.

8 As you're well aware, one of my concerns  
9 throughout the application, going back to 2005 or  
10 thereabouts, has been that the Ingham Hill Road  
11 development area is a very extensive dead end roadway  
12 network.

13 From the point where it has a second  
14 opportunity for access to the end, it is about a mile and  
15 a quarter in length, plus all the side streets that go off  
16 it.

17 One of the purposes of having the  
18 connectivity was to provide a second means of access to  
19 Ingham Hill Road for safety purposes, fire engines,  
20 police, ambulances, in case the river, for whatever  
21 reason, Ingham Hill Road became blocked.

22 Putting aside for a moment your indication,  
23 that the Applicant does not consider it appropriate to  
24 impose the burden of such secondary access to Ingham Hill



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 Road as a condition of this limited development, is there  
2 any particular reason or any reason why that connectivity  
3 could not be made?

4 MR. ROYSTON: If I understand you  
5 correctly, your question correctly, is there any reason  
6 why, under this proposal, if a standalone development were  
7 allowed at either end, Bokum Road and Ingham Hill Road, is  
8 there any reason why the interior connection could not be  
9 made in the future?

10 MR. HILLSON: That's correct, or at this  
11 point. At this time.

12 MR. ROYSTON: At this point, there are  
13 clearly a number of potential reasons why it could not.  
14 As I've indicated already, we have not revisited the whole  
15 issue of whether or not there's going to be an access to  
16 the railroad.

17 We have not gone through Westbrook. As  
18 we've indicated, there's no applications pending there.  
19 Particularly, as to Bokum Road, at this point, I can't say  
20 whether that connection will ever be built.

21 Approximately, three years from that and  
22 within that three years, a determination is going to be  
23 made, as to whether a plan will come before this  
24 Commission, which will provide that connection.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 I can't stand here and tell you whether  
2 that plan is going to be made tomorrow, six months, one  
3 year, two years, three years or whatever. I don't know.

4 MR. HILLSON: Going back several years  
5 again, this is after the original subdivision approval, we  
6 had several meetings with you and some of the engineers  
7 involved, looking at the development in the next days, or  
8 getting a subdivision approval, and during that process,  
9 there was some discussion about not making the connection  
10 directly from Westbrook or from anyplace else to Ingham  
11 Hill Road, but, rather, looking at a connection that would  
12 be for emergency purposes only.

13 MR. ROYSTON: That's correct.

14 MR. HILLSON: And I'm wondering if that has  
15 been explored any further, and if that is something that  
16 could be explored with this application to modify, in  
17 order to construct three, so that we would have the  
18 secondary point of access.

19 MR. ROYSTON: The discussions, which Mr.  
20 Hillson referred for the benefit of the Commission, is  
21 that these were discussions that were held when there was  
22 no applications pending, as to whether or not there would  
23 be a potential for alternative development of the forest  
24 core. Let's put it that way.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1                   Would there be other development  
2                   potentials? As I'm sure you're aware, River Sound has had  
3                   to look at the potential of developing this property  
4                   without a golf course, developing this property without  
5                   public water, developing this property without a community  
6                   sewage system and any other combination of all those  
7                   options.

8                   Looking at that, there were discussions  
9                   with Mr. Hillson, and I think appropriately indicated that  
10                  there's a strong desire on his part, as the Traffic  
11                  Engineer for the community, to find an emergency, some  
12                  second access to particularly to Ingham Hill Road.

13                  And this particular application provides  
14                  probably one benefit, which I have suggested should be  
15                  reviewed, but I don't think it's our, the Applicant's  
16                  responsibility to review it, but just as like Mrs.  
17                  Connelly said about the bike trail, potential bike trail  
18                  from the athletic field, we're moving closer with this  
19                  development to a potential emergency connection through  
20                  Park Memorial Field(phonetic), however, you know, the  
21                  topography of that area are something that we have not  
22                  looked at.

23                  MR. BRANSE: I think the question to you  
24                  was are you prepared to look at it?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ROYSTON: I think we're prepared to  
2 look at that, as I said, and I do believe that this is --  
3 correct. If you say, as part of the special exception,  
4 look at, because we've done an awful lot of looking  
5 already, that's acceptable, to look at it, to commit, to  
6 commit that we're going to provide that, and I've  
7 addressed that in my response.

8 How can you say that this Applicant for  
9 this minimum development at this point is going to have to  
10 provide some sort of secondary access to Ingham Hill Road?  
11

12 You know, 221 housing units in those three  
13 connections provided the connections to Ingham Hill Road.  
14 Ingham Hill Road used to be approved out of Essex, and it  
15 was part of his plan that because the environmental  
16 constraints of that.

17 That road wanted to be retained simply as a  
18 part of the trail system, not to be developed. Any of you  
19 who have walked, and I'm sure you have, understands why.

20 MR. BRANSE: But that was assuming that you  
21 had three points of interconnected access.

22 MR. ROYSTON: That's correct. That is  
23 correct, but if you want to revisit that, I think, in all  
24 due respect, the same answer would be given today. I

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 think the same answer would be given today.

2 MR. BRANSE: The same answer?

3 MR. ROYSTON: That it is not a reasonable  
4 solution to extend Ingham Hill Road in its old historic  
5 place to Essex.

6 MR. BRANSE: To Essex? Okay.

7 MR. ROYSTON: Yeah, it goes to Essex.

8 MR. BRANSE: Yes, I know.

9 MR. HILLSON: I guess, is my final thought,  
10 I'll go back to what the original thought is, and that is  
11 that I think it's very important that a second means of  
12 access of emergency vehicles at a minimum be provided, in  
13 order to serve the safety of the existing, as well as the  
14 future residents on Ingham Hill Road.

15 MR. ROYSTON: With all due respect, other  
16 than Ingham Hill Road, I'm aware of the issues with Ingham  
17 Hill Road, that it doesn't seem to me that at the time the  
18 subdivision was built that anybody was saying that, you  
19 know, you ought to provide an access to, second access to  
20 Ingham Hill Road, and all the development has proceeded,  
21 and it is a longstanding problem, as you had said.

22 If the whole proposal goes through, you've  
23 got the access. If what we're asking to modify and if  
24 only the modification goes through, you have an additional

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 13 lots on Ingham Hill Road.

2 MR. HILLSON: If the request to modify the  
3 open space subdivision is approved, three pods get filled,  
4 and the core then gets sold to whoever, say it gets sold  
5 to the state or the town and it's left as open space, the  
6 potential connectivity at that point in time will have  
7 disappeared, and that would leave Ingham Hill Road, with  
8 its mile and a third length, of only one point of access  
9 and the hundred or more homes left with only that one  
10 point of access.

11 In the case of emergency, that one access  
12 may not be adequate. I guess that's the only point I'm  
13 attempting to make tonight.

14 MR. BRANSE: For the record, again, Mark  
15 Branse. I guess I have a question for Mr. Hillson, and  
16 you don't have to answer it now. You can put it in a  
17 report later if you're more comfortable.

18 I think Attorney Royston has been very  
19 clear that the current proposal is to do the three pods  
20 now and address emergency access or interconnectivity in  
21 some subsequent development phase, though he doesn't want  
22 me to use the term phase.

23 Do you have a professional opinion about  
24 that?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. HILLSON: My professional opinion is  
2 that the length of the existing dead end facility, dead  
3 end roadway system, does present a safety issue of the  
4 people that presently live there, and the addition of 13  
5 more homes will just place the residents of those 13  
6 additional homes in the same precarious position as those  
7 people who presently live there.

8 MR. ROYSTON: If I could just add to that,  
9 I have attempted to address in my response in the  
10 materials you have, and Mr. Hillson has described this as  
11 a longstanding, lingering problem, and there's no doubt  
12 about the facts.

13 It's simply who are you going to place the  
14 burden upon to find that secondary access if the whole  
15 development doesn't go through? If the whole development  
16 comes through, you've got who are you going to put that  
17 burden on, and I submit that it shouldn't be put on A,  
18 even though I live over there. I shouldn't have a special  
19 tax put on me. I'm sure the other 125 homes that are on  
20 Ingham Hill Road feel the same way.

21 Why should this property owner for 13 lots  
22 --

23 MR. BRANSE: Mr. Royston, it's not 13 lots.  
24 The special exception you seek to retain is 220.

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MR. ROYSTON: And 221. And 221, if a final  
2 subdivision plan is brought to you in the next three  
3 years, that will have to have three access points, and  
4 Ingham Hill Road will be extended, and, believe me,  
5 believe me, you're going to have the Ingham Hill Road  
6 residents up here, and they're not going to be happy, just  
7 like they weren't happy in 2005.

8 MR. BRANSE: So what that says to me is  
9 that we could get the extra 13 lots and still never get  
10 the connection, even if the special exception goes  
11 forward? Is that what you're saying to me?

12 MR. ROYSTON: Before I answer that, you're  
13 going to have to repeat it. I think, if you're saying  
14 that is it possible that if we get, if River Sound gets 13  
15 lots, if they get 13 lots, does this mean that the three  
16 access points may never be built?

17 MR. BRANSE: That wasn't my question.

18 MR. ROYSTON: Okay, then, could you tell?

19 MR. BRANSE: You just said to me that you -  
20 - you just said that you thought there would be a great  
21 deal of opposition when that interconnection came about,  
22 and, so --

23 MR. ROYSTON: The final plans.

24 MR. BRANSE: Okay, so, what that says to me



HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 is that depending on how fierce that opposition is, we're  
2 going to be talking 13 more lots now on Ingham Hill Road  
3 and still no connection.

4 MR. ROYSTON: That is a potential, yes, it  
5 is.

6 MR. BRANSE: And I think we've just heard  
7 our Traffic Engineer tell us that would not be a good  
8 idea.

9 MR. ROYSTON: That's what you heard him  
10 say, but I think Mr. Hillson would also agree that the 13  
11 lots are not the cause of the problem, rather, it's just  
12 another 13 lots added to 125 residents, about a 10 percent  
13 increase in the number of a longstanding, lingering  
14 problem that has not been addressed.

15 MR. HILLSON: I do not disagree with your  
16 statement, however, it is a longstanding problem that  
17 hasn't been addressed to date, that now has an application  
18 in front of it, of this Commission, with the opportunity  
19 to resolve it, and I think it will be remiss on my part to  
20 not point that out to this Commission, that it is a  
21 longstanding issue, we have an opportunity to address it,  
22 and it should be considered.

23 MR. ROYSTON: I'm sure you are considering  
24 it. We stated our position. I understand Mr. Hillson's

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 viewpoint. You know I understand it, and I hope you  
2 understand mine.

3 MR. BRANSE: Mr. Chair, any other  
4 Commission questions? I have one more unrelated to  
5 traffic. I don't know if anyone else wants to follow-up  
6 on traffic.

7 MR. ARESCO: May I ask a question before  
8 you ask that? Can we ask other questions of the Applicant  
9 at another time, so we don't have to? It will be open to  
10 ask questions of the Applicant at another time.

11 MR. ROYSTON: If you vote to continue the  
12 public hearing, which I assume you will.

13 MR. BRANSE: Actually, I'll put mine in a  
14 memo. That will give you more time to react.

15 CHAIRMAN McINTYRE: Okay. Is there anybody  
16 on the Commission that has any questions of the Applicant  
17 at this time? I'm not seeing any.

18 At this time, I'd like to have a motion to  
19 continue the public hearing to January 19th.

20 MR. ARESCO: So moved.

21 CHAIRMAN McINTYRE: At this location at  
22 7:30 p.m.

23 MR. ARESCO: So moved.

24 CHAIRMAN McINTYRE: Is there a second?

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

1 MS. ESTY: Second.

2 CHAIRMAN McINTYRE: A motion has been made  
3 by Sal and seconded by Janis. Any discussion? Hearing  
4 none, all in favor?

5 VOICES: Aye.

6 CHAIRMAN McINTYRE: Opposed? Approved.  
7 Okay.

8 (Whereupon, the hearing adjourned at 11:25  
9 p.m.)

HEARING RE: OLD SAYBROOK PLANNING COMMISSION  
JANUARY 5, 2011

INDEX OF SPEAKERS	PAGE
DAVID ROYSTON	5
ROBERT DOANE	22
MICHAEL KLINE	30
CHARLES ROTHENBERGER	40
SIGRUN GADWA	46
WILLIAM PEACE	56
LARRY	67
PHILIP MILLER	70
KATHY CONNELLY	76
RICHARD TIETJEN	80
GLENN RICE	84
PETER WALSH	91
SCOTT DEIDRICK	95