

VERBATIM PROCEEDINGS

OLD SAYBROOK PLANNING COMMISSION

PUBLIC HEARING

"THE PRESERVE"

MARCH 8, 2011

OLD SAYBROOK TOWN HALL
302 MAIN STREET
OLD SAYBROOK, CONNECTICUT 06475

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HEARING RE: OLD SAYBROOK PLANNING COMMISSION
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1 . . . Continued verbatim proceedings of a
2 public hearing before the Old Saybrook Planning
3 Commission, in the matter of "The Preserve," held at the
4 Old Saybrook Town Hall, 302 Main Street, Old Saybrook,
5 Connecticut, on March 8, 2011, at 7:35 p.m. . . .

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10 CHAIRMAN ROBERT MCINTYRE: Okay, we're
11 going to call the meeting to order, please. If everybody
12 can take their seat? Alright. We're calling the special
13 meeting agenda for the Planning Commission, Tuesday,
14 March 8, 2011 at 7:30 at the Old Saybrook Town Hall,
15 first floor conference room, 302 main Street.

16 Tonight, we have myself, Bob McIntyre,
17 Chairman. Janis Esty to my left is Vice Chair. Don
18 Ranaudo is to my left, and then Cathryn Flanagan is here,
19 also. And they'll all be voting members. And Cathryn,
20 you'll be seated for Sal Riscoe.

21 MS. CATHRYN FLANAGAN: Okay.

22 CHAIRMAN MCINTYRE: Okay. Regular
23 business, first order of business is minutes. The
24 minutes we just received tonight, so we won't go over

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1 those. We'll go over those next meeting.
2 Correspondence, we did have -- we have one additional
3 piece of correspondence. A memorandum from Bruce Hilton
4 Traffic Engineers Solutions, PC, dated March 8th, 2011.
5 And Rose, you can read that as we go along. You --
6 Joanne, you have that for -- you have that -- you have a
7 copy of that, too?

8 MS. JOANNE RYNECKI: Uh-huh.

9 CHAIRMAN McINTYRE: Okay. Okay, next item
10 on the agenda is the committee representative and staff
11 reports. There are no committee reports tonight. I have
12 nothing from Wetlands. We haven't had a meeting.
13 Christine - where did she go?

14 MALE VOICE: She will try to call Bob.

15 CHAIRMAN McINTYRE: Okay. Alright. We'll
16 just wait for her to get back then, then -- then we'll go
17 right in to the public hearing.

18 COURT REPORTER: Do you want to go off the
19 record until she returns?

20 CHAIRMAN McINTYRE: Yeah.

21 (off the record)

22 CHAIRMAN McINTYRE: Okay. You can resume
23 the meeting. Just give her a staff report. Do you have
24 anything tonight?

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1 MS. CHRISTINE NELSON: No. Thank you.

2 CHAIRMAN McINTYRE: No? Alrighty. We're
3 going to now go into deliberation on the preserve
4 modifications to approve special exception for
5 preliminary open space subdivision plan for 226 total
6 dwelling units, 925.82 acres, a open space, 556.83 total
7 acres, Ingham Hill and Bokum roads, map M55/L3, M56/L6,
8 M61/L15, 17 & 18.

9 Residence Conservation C. District,
10 Aquifer Protection Area. Applicant, River Sound
11 Development, LLC is the owner. Agent, David M. Royston,
12 Esquire, and action is for us to consider and act by
13 4/22/2011. Okay. Last -- last meeting, we left off with
14 -- we finished up the first Pianta -- Pianta?

15 VOICE: Pianta.

16 CHAIRMAN McINTYRE: Pianta. The Pianta
17 parcel, and tonight, I'd like to, unless anyone has any
18 objection and you want to talk about it, I would like to
19 move on to the list of -- and I would like -- Geoff
20 Jacobson, our engineer, to -- basically we wanted to do
21 the same format as we used last week, where we're going
22 over Geoff's report.

23 And we'll talk about each item on Geoff's
24 report to see if we're in agreement with it. If there's

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1 any changes that we would like to make, in keeping note
2 of our -- publicly note of any of the conditions that we
3 want to impose, as we go along. Geoff, you have the
4 floor.

5 MR. GEOFF JACOBSON: Okay. Just to
6 refresh everyone's memory, my initial review letter was
7 dated the end of December. Then there was one the end of
8 January, and then the end of February. That's the one
9 that you're looking at now.

10 Hopefully, the end of February memorandum
11 was really the end of January's one where I struck out
12 items that had already been addressed, you know, through
13 the revised drawings. Left the plain text comments that
14 I thought I should just reiterate, just so you're aware
15 of them during your deliberations.

16 And then in bold text, supplemental
17 comments as a result of the revised drawings. On the
18 west PRD from an engineering standpoint, I would say that
19 they pretty much address most of the comments we had. To
20 back up a little bit, initially the layout didn't take
21 into account the prickly pear.

22 They had units in and about -- actually,
23 it would have required that to be cleared out. There
24 were some questions regarding the water -- the wastewater

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1 disposal systems. Probably the biggest comment was the
2 roadways.

3 The -- beginning with a 1,000 foot cul-de-
4 sac, then they were then extending within the proposed --
5 within the right of way, the proposed extended road, the
6 private access drive into the PRD units.

7 And that private access drive was not at
8 the same proposed elevations as the proposed extended
9 road, so when they went through the right-of-way and then
10 kind of hooked up to the units, if the road were extended
11 at the proposed grade, there was a huge elevation
12 difference, and you would have had to redo the whole
13 roadway up to the units. They've corrected that
14 deficiency really. So --

15 MR. MARK BRANSE: Geoff?

16 MR. JACOBSON: Yes?

17 MR. BRANSE: Has that been corrected in
18 that the plans have been revised, or simply because
19 they've eliminated that phasing element?

20 MR. JACOBSON: No, because the plan -- the
21 plans have been revised. The plans have been revised.
22 So, at this point in time, I guess the only thing that,
23 you know, I really should bring to your attention is
24 number one, there's a 1,000 foot cul-de-sac, which I

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1 guess would be elimination or withdrawal of that plot-
2 type development I guess it is not an issue anymore.

3 And then it had a 1,500 foot road beyond
4 that point to service the individual units again, with
5 the withdrawal made by the applicant, you know, for that
6 phase, the plot-type development. I suppose it amounts
7 to now nothing more than a access drive into the PRD
8 units that are being proposed in lieu of the half acre
9 lots in the original plan.

10 So, they're much -- they're quite a bit --
11 quite a number fewer of units. The only other thing that
12 I noted was that now they're proposing to have a public
13 water supply serve the PRD area, which would come off of
14 Route 153. They're not proposing to connect it to the
15 original on-site community waste water disposal system.

16 They're going to have individual septic
17 systems serving each of these individual units. So, I
18 guess the only thing I can tell you at this point,
19 they've addressed my prior engineering concerns, but I
20 just wanted to make you aware of those other deviations
21 from the original approved plan.

22 CHAIRMAN McINTYRE: Generally, does anyone
23 have any questions of Geoff at this time?

24 MR. BRANSE: I have a question. How many

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1 lots was -- is in that pod?

2 MR. JACOBSON: There, I believe, are 11
3 proposed units, if I remember correctly.

4 MR. BRANSE: And in the underlying -- in
5 the conventional underlying layout, did you conclude that
6 that was a realistic -- that 11 was realistic?

7 MR. JACOBSON: Well, that was part of the
8 original 221.

9 MR. BRANSE: Oh, I see. Okay, that was --
10 was that the number that was there originally, the same
11 number or did they change the number of that?

12 MR. JACOBSON: Well, the -- no, the 221
13 was part of the overall --

14 MR. BRANSE: Oh, 221 was everything.

15 MR. JACOBSON: Everything, yeah.

16 MR. BRANSE: In this area. We can either
17 decrease the reduction --

18 MR. JACOBSON: They're looking at the
19 decrease of proposed units. They had, I think, was it 28
20 -- 28? I can look it up.

21 MS. NELSON: Yeah, there are quite a few.
22 Twenty-eight, yeah.

23 MR. JACOBSON: Half-acre lots, and they're
24 now eliminating those, replacing them with 11 PRD units.

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1 And they're also redistributing some of that lot count
2 down on Ingham Hill Road.

3 MR. BRANSE: So, we'll just need -- I'll
4 just need a final yield number that --

5 MS. NELSON: You know, it's not a like for
6 a like. It's a reconfiguration of the lots.

7 MR. BRANSE: Oh, I know.

8 MS. NELSON: Okay.

9 MR. BRANSE: Yeah, but I'll still need it
10 to know that -- we had 221 before. I know there's now
11 nine more on Pianta.

12 MR. JACOBSON: But you're right. So, that
13 would add up to 230, but the applicant has only requested
14 224. So, I don't know --

15 MR. BRANSE: Alright, so 224. And so in
16 as far as this west PRD, you feel the 11 is a realistic
17 number?

18 MR. JACOBSON: Yes, I do. Yes.

19 MR. BRANSE: Okay. Thank you.

20 CHAIRMAN McINTYRE: Okay, anybody want to
21 -- the discussion that was just between Attorney Branse
22 and Geoff Jacobson, the yield? That was one of the
23 things we have to determine, that do we believe that
24 there is sufficient -- would this be the correct yield

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1 for this parcel of property? Does anybody disagree with
2 that?

3 Okay. Everybody on the Board has shown
4 that they acknowledge that 11 units would be a proper
5 density or total units for this -- for this area. Geoff,
6 I'm going to -- on your -- in paragraph two, you talked
7 about the maximum fill of a fracture five feet to the
8 roadway, you know -- you know, the cuts that you're
9 taking.

10 A lot of -- because of the reconfiguration
11 of the roadway, it was going to be a deeper cut. You
12 know, they were going to cut deeper, and they're going to
13 have to fill?

14 MR. JACOBSON: Yeah. The -- the road --
15 the profile of Road A, which is really that first 1,000
16 foot up to where they had proposed the cul-de-sac, is
17 identical to what it was in the original approved plan.

18 Where they started getting in to some
19 excessive cuts and fills, was that 1,500-foot extension,
20 which would have been a private access drive up in to the
21 PRD units. That's what they really ended up revising.
22 They revised the configuration of that PRD access drive,
23 number one, to be able to come off the extended roadway,
24 and number two, to eliminate some of those cuts and

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1 fills.

2 CHAIRMAN McINTYRE: Just -- just one
3 second, okay, but for the record, Bob Missel just
4 arrived. Bob, just to bring you up to speed real quick,
5 we haven't gotten very far.

6 MR. ROBERT MISSEL: Good.

7 CHAIRMAN McINTYRE: We just -- Geoff just
8 went over his report, to explain, you know, that -- you
9 know, all the things that the applicant has done to, you
10 know, that he likes and changes he requested were done,
11 and he is satisfied with them.

12 MR. MISSEL: Right.

13 CHAIRMAN McINTYRE: And then we went on to
14 determine that this -- this area, this PRD, the lot yield
15 would be 11 units.

16 MR. MISSEL: Okay.

17 CHAIRMAN McINTYRE: And we all -- the
18 fellow Board members, we all agreed that that would be a
19 good lot yield for this unit. I didn't know if you had a
20 different feeling on that.

21 MR. MISSEL: No. No, I think we had
22 pretty much discussed that the last time.

23 CHAIRMAN McINTYRE: Okay.

24 MR. JACOBSON: Could I just clarify one

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1 thing? It's not really a lot yield, because this was in
2 the area that previously included that overall 221 lot
3 yield. What they've done is just redistributed the
4 numbers and types of units. So, this area here
5 previously had -- and again, I'm not sure of the exact
6 number, but somewhere in the range of 28 half acre lots,
7 and they're just replacing that with eleven PRD units.

8 And some of those lots, they're
9 redistributing over to Ingham Hill. So, the lot count
10 was really -- the unit count was really determined back
11 in '05, through this area.

12 CHAIRMAN McINTYRE: Alright. Thank you.
13 Now, you'd mentioned in that paragraph, something about
14 the cut is going to be deeper, I think -- I think it was
15 of that nature, and there was -- now, do you feel that
16 that -- it's something very doable? I mean, is it --

17 MR. JACOBSON: Yes, it's not -- it's not
18 anything out of the ordinary. In fact, if you look at
19 the cross out and the bold, they were originally having a
20 fill of approximately 22 feet to get that PRD access
21 drive in, and that's been reduced down to six feet.

22 They had previously had a cut of seven
23 feet, and it appears to be approximately 16 feet, and I
24 said approximately because they didn't add the spot

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1 elevations on the revised -- the last set of revised
2 drawings, so I'm kind of making some assumptions as to
3 what logically the grades would be going at the roadway.

4 CHAIRMAN McINTYRE: Okay. And then
5 there's on the -- obviously they're still going to have
6 public water, and they're going to have individual septic
7 systems.

8 MR. JACOBSON: Correct.

9 CHAIRMAN McINTYRE: And does anyone on the
10 Board have any problems with that, as far as because the
11 original plan didn't call for public -- public systems.

12 Does everybody, based on the testimony
13 that we've heard during the hearings, it's my belief that
14 the units that are going to -- the septic systems that
15 are going to be in place, will function -- it will be
16 designed and function as any standard system would work,
17 and provide the protection that, you know -- I don't know
18 if it's equal to, because it's a totally different
19 system, but because I -- most of you weren't here for the
20 original thing.

21 But the -- what they call the effluent,
22 when it was coming out of a system, there's almost like
23 drinking water quality when it went through treatment.
24 Where now, versus that, what's going to be happening is

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1 the -- is that, you know, just in our own yards, where
2 septic is in the ground, it's going to go down into the
3 ground and be filtered through that system.

4 So, that's -- that's the big -- the
5 difference, and then -- and that's one thing we have to
6 be -- everybody has to be comfortable with. That's one
7 of the big changes, so I just want to make sure if
8 anybody is uncomfortable with that, we need to talk about
9 that.

10 Okay. How about the storm water run-off
11 on this property, in this development. Are there any
12 issues with that? I didn't really -- I know with Ingham
13 we had a few, but is there --

14 MR. JACOBSON: They really didn't -- I'm
15 not sure how to answer that. I don't think that they
16 showed much in the way of proposed storm water. I had --
17 I made the assumption that it would be very similar to
18 what was previously proposed.

19 CHAIRMAN McINTYRE: Okay. And that would
20 be something during the -- if they have a submittal or
21 something, you know, a resubmittal --

22 MR. JACOBSON: Correct.

23 CHAIRMAN McINTYRE: That that's something
24 we'll get in to more detail on another time. Okay.

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1 MR. JACOBSON: Right.

2 CHAIRMAN McINTYRE: Okay, does anyone have
3 any environmental issues that they feel need to be -- I
4 think the prickly pear, that's taken care of. They have
5 -- you know, they got it marked off. And I think that
6 was the only protected species in here. I don't think
7 there was any box turtles in this area.

8 MR. JACOBSON: Well, this was an area
9 where the box turtles were found. Let me see if I can
10 find that map. It was -- because I know they were
11 talking about the steep slopes. It was I believe down in
12 this area. Somewhere down in this area.

13 CHAIRMAN McINTYRE: Can you describe that
14 better for the record?

15 MR. JACOBSON: I'll tell you what. Let me
16 refer to the map that they provided, just so I can be
17 certain.

18 CHAIRMAN McINTYRE: Okay. Thanks.

19 MR. PRISLOE: Geoff, in the Clemens
20 report, from October 26th, '04, they found two box turtles
21 along a stream corridor in Westbrook, so it would be on
22 the Westbrook side up in through there.

23 MR. JACOBSON: So, it would have been down
24 in this -- I think it's that. Yeah, it was right -- the

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1 map I'm referring to was called Distribution Map 48.
2 Ecological type activity, vernal pole, stepping stones,
3 and two upland habitat. Yeah, it's the same one you have
4 there.

5 CHAIRMAN McINTYRE: It would be on this RS
6 dash 4, revision 2-11-11.

7 MR. JACOBSON: It would be right in here
8 at about the Old Saybrook Westbrook town line.

9 CHAIRMAN McINTYRE: Okay, so what you're
10 pointing to, for the record, Geoff Jacobson is pointing
11 to where the line on our maps that show the town of Old
12 Saybrook and the town - town line of Westbrook, Old
13 Saybrook.

14 You come down - okay, you come down that
15 line, and where it says in a suddenly southwest
16 direction, it says copper rivet found, a rivet found from
17 angle point. That's approximately where Geoff Jacobson
18 is pointing to on the map. Okay, we're clear on that?
19 Okay, and no one has any problem -- or any comments on
20 that? Good.

21 Anyone have any problems with access?
22 Okay. Alright, now what we get here down -- down the
23 road here, once we get down with Ingham Hill, I want to
24 talk -- I want to make a general statement on how I feel

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1 about what we should with the road width and all that, so
2 we'll worry about that pertaining to all three areas.

3 Okay. Geoff, do you have anything else?

4 MR. JACOBSON: Not on the West PRD.

5 CHAIRMAN McINTYRE: Okay.

6 MR. JACOBSON: Unless we have a new --

7 CHAIRMAN McINTYRE: Does anybody else have
8 any -- okay. I would say that the only thing that we
9 haven't determined were the number of units. The correct
10 number of units we feel is in parcel, which we have done.
11 Does anyone else have anything before we move on? Any
12 additions, or anything we would want to impose in this
13 area? Bob? Any --

14 MR. MISSEL: No.

15 CHAIRMAN McINTYRE: None. Having heard
16 none, so let's move on to Ingham Hill. Geoff, kind of --
17 do you -- do you want to kind of, like we did last time,
18 if there's anything that's going to be a little
19 different, if you wanted to take your map and set it up
20 here?

21 MR. JACOBSON: Yeah, unfortunately I
22 looked, my map is sprawled out on my desk, so I'll have
23 to use one of your maps.

24 CHAIRMAN McINTYRE: Which map do you want

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1 to use?

2 MR. JACOBSON: I think I should use the
3 one you have up here. Although you know what? Maybe,
4 Janis, if I could just refer to the original.

5 CHAIRMAN McINTYRE: If everybody can, you
6 know, come on over here, and stand up on the other side
7 there so we can see the map while Geoff is talking about
8 it. That worked out real good -- real well last week.

9 MR. JACOBSON: Initially to give you kind
10 of an overall context of what the changes are.
11 Originally, down in this -- I guess we'll refer to it as
12 the Ingham Hill Road pod, if you look at sheet RS1, which
13 is the original preliminary open space plan, there were
14 no residential lots proposed in this area.

15 This was all proposed to be either open
16 space or a recreational field complex of some sort. And
17 even if you look at the original -- the original open
18 space subdivision plan, I think that the location of the
19 recreational field was something that was actually worked
20 out during the Wetlands review process.

21 So, it was really after you had really
22 initially seen this plan. But the big change in terms of
23 recreation fields, they have the same elements, they have
24 the same two baseball fields, and a soccer field, and I

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1 can't remember what this field is, and basketball, and
2 associated parking.

3 But instead of being located in this area
4 here, they're located more up in the area of lots 3, 4,
5 and 5. Lots 3, 4, and 5 are -- have very general slopes,
6 where, you know, so they're really a lot more conducive
7 in terms of initial development of recreation -
8 recreational fields.

9 And they shifted those further to the
10 south to be able to accommodate development of these
11 lots, thus putting the recreational fields in an area of
12 steeper slopes that would require, you know, a lot more
13 earth work. And a lot more -- just a lot more earth
14 work, cuts in hills.

15 CHAIRMAN McINTYRE: And also in your --
16 and I think in your comments here, you talked about a
17 connection to additional land in Westbrook, owned by
18 Westbrook?

19 MR. JACOBSON: No.

20 CHAIRMAN McINTYRE: No?

21 MR. JACOBSON: No. What they are taking
22 advantage of here, and what they previously took
23 advantage of, is this is right adjacent to some existing
24 Old Saybrook property, so a portion of the recreational

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1 fields that they're proposing are located on the existing
2 Town of Old Saybrook property.

3 CHAIRMAN McINTYRE: Okay, so -- but
4 there's isn't any connection?

5 MR. JACOBSON: Yeah. But that's the way
6 it was previously proposed. Again, they're in a little
7 different location, but they also have previously
8 proposed utilizing some of the existing Old Saybrook open
9 space property.

10 So, that kind of gives you a context of
11 the overall change. Now, what they've done is changed
12 the development pattern. Originally, Ingham Hill Road --
13 or Ingham Hill Road currently comes around here, and this
14 was, I believe, Road H, which was going to go up this way
15 here, okay, towards the --

16 CHAIRMAN McINTYRE: Clubhouse, and all
17 that.

18 MR. JACOBSON: The Village area and the
19 clubhouse. They were originally proposing a short cul-
20 de-sac there to service two lots. It would have been on
21 a very deep cut. It would have required a lot of work to
22 get driveways up to those two lots.

23 They've since eliminated those two lots,
24 and are showing it as open space. So, that's a positive

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1 change as compared to the original recent submission that
2 they've made. They've still retained, which is a new
3 cul-de-sac, as compared to the old plan, is an extension
4 right off the curb of where Ingham Hill Road is extending
5 out.

6 Oh, boy, it looks like it's probably -- I
7 don't know, seven or eight hundred feet. And they're
8 proposing to develop basically lots 2 through 9 off this
9 new cul-de-sac roadway. Actually, probably lots 2
10 through 8 is probably -- yeah, probably 2 through 8 is, I
11 believe, a fairer assessment of what's proposed off that
12 cul-de-sac.

13 They're also proposing Lot 1, which is off
14 the southern end -- southern side of Ingham Hill Road
15 just before that big curb, and on the opposite side of
16 the street they're proposing lots 10 and 11. And
17 opposite of that is 9. So, really lots 1, 9, 10, and 11
18 would access off the existing portion of Ingham Hill
19 Road.

20 CHAIRMAN McINTYRE: And let me just see,
21 this is where the T intersection you talked about in your
22 report, would be right here.

23 MR. JACOBSON: Yeah. One of the things
24 they originally did was they didn't have a T intersection

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1 here, and they --

2 CHAIRMAN McINTYRE: Excuse me, so we're
3 talking again, for the record, the T intersection would
4 be located approximately the same location as the
5 existing road that's shown on map RS3, revision 2-11-11,
6 where lots 9 and 10 and 2 and 1 are all on the roadway
7 right in that section right there.

8 MR. JACOBSON: They're -- the original
9 approval called for some improvements along Ingham Hill
10 Road at this curve here. They're not showing anything
11 here now, but I think that's still going to be required.
12 They actually swung up a little bit here for a little bit
13 of a broader curve, and then back in.

14 It also -- the original plan included the
15 roadway actually going further to the northeast into Lot
16 10, which we pointed out in our initial review. What
17 they've opted to do is a T type of intersection in this
18 area here, to eliminate this tight curb right in here.

19 So, essentially, what you'd end up with
20 would be a three-way stop. People would come here and
21 stop, people that are coming off the end of the cul-de-
22 sac would stop, and presumably people coming off --
23 there's only a couple of houses off the end of Ingham
24 Hill Road, but essentially future road H would stop here.

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1 I had reviewed that initially with Bob
2 Doane, and he asked my opinion, and I thought it was a --
3 you know, an alternate solution to the blind curve that
4 they had there. I think Bruce Hillson subsequently
5 reviewed that, and basically came to the same conclusion
6 that, you know, it is certainly a viable alternative, you
7 know, subject to, you know, further review and possible
8 refinement based on the grades.

9 I did take a look at some initial profiles
10 that Bob Doane had prepared and it did show grades that
11 would conform to the new public improvement standards
12 that were recently adopted. So, it looks like it would
13 be a viable option to eliminate this curb.

14 CHAIRMAN McINTYRE: Okay, well in your
15 opinion, would the -- this is a sweeping curb, quite an
16 angle right there between lots 9 and 10. It seems to me,
17 and I want to know if you agree with this, that by having
18 the stop sign configuration versus the long sweeping
19 curb, what you've ended up doing is actually you've done
20 a traffic calming also, where it slows traffic down so
21 that it's not -- and so they won't be running as fast
22 through this area.

23 MR. JACOBSON: Yes. That would be a fair
24 -- a fair statement. I still think in the -- as shown in

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1 the original plan, that we -- okay, that we still need to
2 address this curb right here, as I originally proposed.

3 CHAIRMAN McINTYRE: That's right. CL&P,
4 2208, right, just north of that -- northwest of that.

5 MR. JACOBSON: Right. And that's -- it's
6 awfully hard to see on this.

7 MR. BRANSE: When you say address -- for
8 the record, Mark Branse, what?

9 MR. JACOBSON: Put a curb with a larger
10 radius in here. I think what they had originally
11 proposed, Mark, was to come up more and swing into here a
12 little bit, and then back down.

13 MR. BRANSE: And would that be feasible in
14 light of the lot layout now?

15 MR. JACOBSON: Yes. I mean, where it
16 would come in is an area that they're now proposing as
17 open space, and which was previously proposed as open
18 space.

19 CHAIRMAN McINTYRE: So, your only opinion
20 you would be doing if this -- this is wetlands here --

21 MR. JACOBSON: No, no. That's just slopes
22 that are greater than 20% percent.

23 CHAIRMAN McINTYRE: That's just -- there's
24 no wetlands there, okay.

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1 MR. BRANSE: And one other question for
2 you, Geoff. How do you describe this T intersection?
3 The T intersection of Ingham Hill Road and what?

4 MR. JACOBSON: They didn't really name --
5 you know, it's the proposed new cul-de-sac here.

6 CHAIRMAN McINTYRE: Well, this is Ingham
7 Hill, and you said this road here.

8 MR. JACOBSON: You know, I guess you could
9 say that the intersection of lots 1, 2, 9, and 10? You
10 know, if you wanted to pin it down? I don't know how
11 else -- they didn't give this a name.

12 MR. BRANSE: I know, I thought -- I was
13 afraid I'd missed it. It wasn't me. It doesn't have a
14 name.

15 MR. JACOBSON: No, it doesn't have a name.

16 MR. BRANSE: Alright, thanks. I'll take
17 it from there.

18 MR. JACOBSON: I mean, there'll be -- you
19 know, someone, you know, I guess probably Emergency
20 Services will have to deal with the road main issues
21 because, you know --

22 MR. BRANSE: Just for purposes of the
23 motion. That's -- I'm trying to describe the T
24 intersection that you're talking about, and I'm just

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1 trying to figure out how to describe where it is. So,
2 it's where -- it's where the proposed new road intersects
3 Ingham Hill Road.

4 MR. JACOBSON: Ingham Hill Road.

5 MR. BRANSE: Really, in the area of lots -
6 - between lots 2 and 9.

7 MR. JACOBSON: Correct.

8 MR. BRANSE: Two on this.

9 CHAIRMAN McINTYRE: Alright. So, going
10 down my list here, on item number 2, there was a
11 trailhead proposed over here. Originally it was not
12 located in an open space area. It was just located in
13 other lands. River Sound Development.

14 And also originally they had it backing
15 out in to the road, so they changed that now, so there's
16 a little parking area there. And they're proposing some
17 type of connection here for pedestrian use in and around.

18 You know, I did make a comment here that, you know, I
19 don't know how that fits into the Conservation
20 Commission's overall plan.

21 Whether they've built an appropriate
22 location or not. I don't know if we've received any
23 input from them into that regard, or not.

24 MS. NELSON: Yes. For the record, the

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1 Conservation Commission did -- I'm sorry. For the
2 record, Christine Nelson. The Conservation Commission
3 did review the plans. There have probably been some
4 modifications to the plans since they reviewed the
5 original plans, but this would be consistent with their
6 pattern for trailhead provision at open spaces.

7 CHAIRMAN McINTYRE: Geoff, just one
8 question for you. The -- that it's shown here on the
9 map, is the trailhead, how many -- you had questioned the
10 number of parking spaces. How many -- do you know how
11 many -- approximately how many cars is that, able to hold
12 that trailhead?

13 MR. JACOBSON: I think we just had, if I
14 remember right, it probably looks closer to eight. Four
15 on each side, is what it appears to be.

16 CHAIRMAN McINTYRE: Okay, now if the -- if
17 the Conservation Commission wanted to, say, during, the -
18 - you indicate that during the final stages when they
19 resubmit their application, would there be sufficient
20 land to expand that?

21 MR. JACOBSON: Yeah. It gets a little
22 steep the further to the north you could go. I imagine
23 they could angle it and provide a few additional spaces.
24 I guess my general question to them was, you know, is it

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1 at a location that fits into the overall scheme of
2 trails, and providing a trailhead.

3 At one point in time, the trailhead was
4 located, I believe, down in the general area of the rec
5 area. There's certainly sufficient room down in the rec
6 area to relocate the trailhead if they think that's a
7 better location, but it sounds like they're generally
8 satisfied, at least with the concept.

9 CHAIRMAN McINTYRE: From my opinion, it's
10 like we got two. Now we've got the best of both worlds
11 because you got another trail right up here, and
12 obviously, there's parking here. And a huge trailhead.
13 You can get into other areas of Westbrook - I mean of Old
14 Saybrook, that you can only access from down south.

15 MR. JACOBSON: Alright. Moving on on item
16 number 3, the comment I had made is that the original
17 approved open space subdivision plan included a nature
18 center pavilion. And actually, that was included, I
19 think, in the original statement of use, but it has been
20 deleted from the current statement of use.

21 And I know Attorney -- and I -- you
22 probably have to look back in the record, but I think
23 Attorney Royston had made some comment that the pavilion
24 was part of a negotiation process during the wetlands --

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1 subsequent wetlands application, in which I guess a
2 determination was made by Conservation that they wanted
3 something else.

4 Or that they didn't need a pavilion, but,
5 you know, it's probably something to check. I don't know
6 exactly what -- but it's something in that regards. But
7 they -- you know, if you compare it to the original
8 approval, the open space subdivision plan, there was a
9 pavilion, now there's not a pavilion. So, somewhere
10 between there something -- something happened.

11 MR. BRANSE: I guess a question for the
12 Commission would be -- it looks like it would be a
13 question for Christine would be, do you know anything
14 about how that pavilion got eliminated in the Wetlands
15 review?

16 MS. NELSON: No. It wasn't eliminated in
17 the Wetlands review.

18 MR. JACOBSON: I thought, and again, I --
19 you probably could listen to the tapes, but I thought he
20 mentioned something about that there was further
21 discussion regarding the pavilion with the Conservation
22 Commission during the more detailed Wetlands process.

23 MR. BRANSE: I remember him saying that
24 also. I also remember him saying that.

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1 MR. JACOBSON: Something happened in
2 there, and I didn't quite catch exactly what occurred. I
3 do remember, just vaguely recall back in 2005 that there
4 was some discussion with Vicky Duffy at the time, and I
5 don't -- regarding the pavilion, but I just don't recall
6 exactly what it was.

7 MR. BRANSE: I guess the question that I -
8 - the Commission is is this something that you want to
9 retain as part of this approval, or in -- we don't know
10 why -- why it got eliminated. Mr. Royston indicated that
11 it was further review, so I just don't know if it's
12 something if you want to address in this motion, one way
13 or the other.

14 CHAIRMAN McINTYRE: On this map, Geoff,
15 where would that location be, do you know?

16 MR. JACOBSON: Where was it originally
17 located?

18 CHAIRMAN McINTYRE: Yeah. It would be on
19 one of these maps?

20 MR. JACOBSON: I'd have to -- it was --
21 nature center was right here. It was by the rec area. I
22 would --

23 CHAIRMAN McINTYRE: You know, I -- from
24 the first -- the other applications I remember it being -

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1 - coming in off of --

2 MR. JACOBSON: It was associated with the
3 rec area, and I can see it right here. I'm just trying
4 to orient it to the --

5 CHAIRMAN McINTYRE: Wasn't there an Ingham
6 -- the Ingham Hill farm area - deeper in there was
7 another pavilion in there also? It seems like there --

8 MS. NELSON: No, I think you're thinking
9 of the Ingham homestead.

10 CHAIRMAN McINTYRE: The homestead, yeah.

11 MS. NELSON: Which is an archeological
12 site.

13 CHAIRMAN McINTYRE: Weren't they going to
14 put a pavilion in at this?

15 MS. NELSON: No. No. It was just
16 reserved in deeded open space.

17 CHAIRMAN McINTYRE: Okay. Because I
18 remember there was a pavilion. I just didn't - and
19 that's why, in my mind, I thought it was up in that area
20 somewhere.

21 MS. NELSON: Yeah. Off of 153.

22 CHAIRMAN McINTYRE: It was -- on the map,
23 RS1, revision 2-11-11, that it shows right alongside the
24 basketball court down in the recreation area.

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1 MR. JACOBSON: Yeah, it looks like it's
2 probably in the area of what is now Lot 3. See this --
3 this is what it is. This lot in here. And it's a line
4 that comes across something like that so it's -- it's --
5 I'm guessing it's probably somewhere -- somewhere in the
6 area that's now proposed to be lots 3 or lots 3 and 4.
7 Somewhere in that area.

8 CHAIRMAN McINTYRE: Now, we do have --
9 now, would there be in this recreational area that we
10 have right now -- how does everybody feel? I mean, it's
11 kind of something I think that we should do. If it could
12 be done, and it would be an improvement, and it was a
13 part of the original approval.

14 MALE VOICE: Right.

15 CHAIRMAN McINTYRE: I hate to give
16 something away that could be beneficial to the -- you
17 know, to the residents of Old Saybrook and other -- and
18 other guests of the town. Geoff, if we were to again,
19 then again, we'd have to deal with, you know, the
20 Conservation people, we may need a decision from the
21 Conservation Commission.

22 I would like to think that we can --
23 Attorney Branse, can we make a recommendation that a --
24 that the -- we don't agree with the removal of the

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1 pavilion? That it needs to be re-addressed if there's
2 going to be a further application?

3 MR. BRANSE: I think what you can say is
4 that you're -- in the preliminary approval, you're
5 retaining the requirement for the pavilion, pending
6 initial input at the time of subdivision from
7 Conservation Commission as to why it shouldn't be there.

8 CHAIRMAN McINTYRE: Okay.

9 MR. BRANSE: Because there may be
10 something we don't know about. There may be some problem
11 that -- I mean, that we're not -- that we're not --
12 because we just don't know.

13 So, I think that you could retain it but
14 leave open the possibility that it -- the more detailed
15 subdivision review, that you'll still reserve the ability
16 to -- you know, to eliminate it if there's a good reason
17 for it not to be there.

18 CHAIRMAN McINTYRE: Okay.

19 MR. BRANSE: Maybe there is.

20 CHAIRMAN McINTYRE: Is everyone on board
21 that there's a good reason -- a good condition that we
22 shouldn't --

23 MALE VOICE: Yeah.

24 CHAIRMAN McINTYRE: Okay. Everyone has

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1 nodded that they are in agreement with that.

2 MR. JACOBSON: Alrighty. Skip over to
3 lots 4 and 5, have been addressed, skip over to lot -- to
4 common number 6. That really was my review of the Mabel
5 on the 11 proposed lots.

6 And I had basically concluded that with
7 the exception of lots 6 and 8, everything, you know, I
8 met the Mabel, and they had test pits, but it's within
9 the area of the Mabel, even though they're not required
10 to do it at this stage, that indicated that they had met
11 those minimum criteria of at least 48 inches to ledge,
12 and greater than 18 inches to ground water.

13 COURT REPORTER: One moment, please.

14 (off the record)

15 MR. JACOBSON: All set? There weren't any
16 test pits on lot 6, but there were some test pits within
17 close proximity on Lot number 5, and the topography was
18 very similar, and that's in that really flat area. So, I
19 concluded that it was quite likely that the soils on Lot
20 6 would be similar to Lot 5.

21 And there just didn't seem to be any
22 apparent reason for concern, at least from my standpoint
23 on that. Particularly also given NRCS Sales
24 classifications.

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1 I was a little bit more concerned about
2 Lot number 8. Lot number 8 is a fairly steep lot.
3 They're showing a Mabel that, you know, doesn't have any
4 20% percent slopes on it, but virtually the entire rest
5 of the lot has 20% percent slopes. The end of the cul-
6 de-sac here isn't fill. The lot drops off fairly
7 sharply.

8 I couldn't say positively that it wouldn't
9 be developable, but it's certainly a tough lot.
10 Certainly a very tough lot.

11 CHAIRMAN McINTYRE: And when you mean by a
12 tough lot, do you mean by the development of a septic
13 system, water, or the topography?

14 MR. JACOBSON: Possibly a combination of -
15 - of -- of several of them. Number one, there are no
16 test pits within the neighboring area. Again, at this
17 stage, they don't have to do that. But there weren't any
18 test pits in the immediate area.

19 I mean, I looked at the NRCS Sales
20 classifications, and it's one of these classifications
21 that is certain percentage is made up of shallow depth of
22 bedrock rock. Shallow depth of the bedrock, and the
23 other percentage is located on, you know, soils that
24 would be capable of supporting a septic system. So, it's

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1 -- you know, again, I couldn't rule out and say that you
2 can't put a septic system there, but --

3 CHAIRMAN McINTYRE: Okay -

4 MR. JACOBSON: You know, it's something
5 that certainly would require further work in any
6 subsequent stages to prove that it's -- or demonstrate
7 that it's a suitable lot.

8 Also, the fact that this roadway wasn't
9 fill, you know, so it's above the grade, and then the
10 grade drops off sharply, you know, you'd be in a
11 situation where you'd have to bring the house up in order
12 to get a driveway in at a reasonable slope there. So,
13 it's -- it -- it has some limitations.

14 CHAIRMAN McINTYRE: Okay. Again, I'm
15 trying to make a point, so I'll just start with -- so, if
16 it had -- if it had -- if -- if it cleared for septic,
17 say if it did, and it has -- and it meets Mabel, it has
18 Mabel right now, okay --

19 MR. JACOBSON: Yes, there's no slopes
20 within that --

21 CHAIRMAN McINTYRE: Right, so that would
22 basically be a developable lot. However, if for any one
23 reason that, especially a septic system, and if that
24 septic system could not be put on to that property, that

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1 lot could not be developed then.

2 MR. JACOBSON: That's correct.

3 CHAIRMAN McINTYRE: Alright. So, they --
4 it actually would -- every one of these lots -- and I
5 think this is a good point, that every one of these lots,
6 you know, because this is not a detailed, you know,
7 drawings, and you know, it's very shallow detail to them,
8 that when we get in to -- if we get in to the -- the real
9 plans, if any one of these lots, if they cannot support a
10 septic system or anything, they're off the -- they're off
11 the table.

12 MR. JACOBSON: Right. They're off the
13 table.

14 CHAIRMAN McINTYRE: They're off the table.
15 So, having Lot 8 there, it's possible 8 development is
16 developable. It's not like Lot 4 on the Pianta property,
17 where we -- we had that big long driveway where we
18 thought that we would take that and say when you continue
19 the road, you can do it, I think.

20 In this case, that's Lot 8, based on --
21 this is a preliminary review, that there is a possibility
22 8 could be developed, but it's really on the developer,
23 and if he's asking for Lot 8 there, that he may not get
24 that.

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1 MR. JACOBSON: Right.

2 CHAIRMAN McINTYRE: Because of --

3 MR. MISSEL: He's got to prove it will
4 perk.

5 CHAIRMAN McINTYRE: Okay.

6 MR. JACOBSON: Okay. I went on and took a
7 look at driveway access to each of these individual lots.
8 Again, in the prior submission, they had a plan that
9 showed spot elevations which they had previously asked
10 for along the proposed roadway, as well as at the -- you
11 know, at the garage and along the driveway.

12 It shows they -- that they could develop
13 driveways that conform to town standards. That plan,
14 because of the revisions made to the lot layout, is
15 really no longer applicable. So, I had to kind of go
16 through it myself and figure out whether it had the
17 potential for supporting a driveway that conforms to the
18 regulations.

19 And I went in here and just, you know,
20 indicated that, you know, there's a number of assumptions
21 I had to make. Some of the lots, you know, drop off.
22 You know, if you assume that it's a walkout basement and,
23 you know, that's at grade, and you elevate the house
24 above that, and fill a little bit for the driveway, you

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1 know, it would appear to me that you could get driveways
2 that conform. But again, they're -- except for certainly
3 lots 3, 4, 5, 6, and maybe 7, they're not the easiest
4 lots because of the slope.

5 CHAIRMAN McINTYRE: Yeah, but the same
6 condition would stand whereas if -- if during the
7 submittal, if there was, you know, an additional
8 submittal of this later on, the plan would go deeper into
9 it, and any lot that couldn't support -- couldn't support
10 the roadway, this driveway would not be a lot.

11 MR. JACOBSON: Yeah, and you'd definitely
12 have to go deeper into this to really come up with some
13 type of, you know, conclusive opinion.

14 CHAIRMAN McINTYRE: Right, but from your -
15 - but from your preliminary review, it looks --

16 MR. JACOBSON: It would appear that it
17 would be possible to do some work, yeah.

18 CHAIRMAN McINTYRE: Okay.

19 MR. BRANSE: But for the record, Mark
20 Branse, I guess the key element here is there's two parts
21 to the analysis we're doing now. One is in the
22 underlying layout, whether the lots are feasible in terms
23 of providing a yield number, and then in the proposed
24 preliminary layout, which is what you're addressing now,

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1 correct, Geoff?

2 MR. JACOBSON: Yeah. Well, see, this was
3 -- this was in the area where they did the conventional
4 back in 2005, so it's part of the overall --

5 MR. BRANSE: The overall --

6 MR. JACOBSON: -- where they've already
7 determined the lot.

8 MR. BRANSE: Gotcha. So, the question is
9 whether there's anything here that would render the
10 preliminary plan not valid for review purposes of the
11 subdivision stage. The regulation anticipates that not
12 every lot will have test -- test pits, that we won't know
13 house type or exact driveway grades.

14 So, at this point, the regulation requires
15 that the final subdivision application be in substantial
16 conformance with the preliminary plan. So, as long as
17 this layout and general lot pattern appears feasible,
18 that at this point, that's all that you have to really
19 have to worry about.

20 And it sounds from what I'm hearing that
21 it looks -- if this -- at this broader level of detail,
22 it appears to be feasible subject to verification with
23 more detailed plans, correct?

24 MR. JACOBSON: Yeah.

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1 MR. BRANSE: Okay.

2 MR. JACOBSON: Okay. Getting into the
3 drainage aspect, what they are proposing is that the
4 retention basin that would be created by the roadway fill
5 as it goes through the gully that starts in Lot 9 and
6 extends to the south on Lot 2. So, the roadway fill
7 embankment here between lots 2 and 9 would create a
8 depression just to the south of Lot 9, between the Lot 9
9 and the roadway.

10 So, they're proposing to utilize that as a
11 detention area. Presumably the outlet would lead to the
12 south into Lot 2, and eventually into the wetland area,
13 the open space area to the south of Lot 2. That
14 detention basin is at a location where it could really
15 get the runoff from the improved section of Ingham Hill
16 Road to the North.

17 It contains the portion of the proposed
18 cul-de-sac from a high point, which is right in the
19 vicinity of -- somewhere in the vicinity of lots 3 and 4.

20 That would drain back to the detention basin, and that
21 entire -- the intersection would drain there.

22 The only concern I had about the drainage
23 was from a high point of the roadway going to the west to
24 the end of the cul-de-sac. That roadway slopes back off

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1 towards lots 7 and 8. They have proposed to discharge
2 that drainage with some type of low impact development,
3 unknown low impact development technique, with a
4 discharge into Lot number 8.

5 Lot number 8, as I said before, is very,
6 very steep to the west. You can see all the cross
7 hatched area here of slopes greater than 20% percent. I
8 certainly wouldn't want to see discharge on that type of
9 slope, so I indicated here that if they were to discharge
10 to the west, they would really need to extend the storm
11 drainage well beyond Lot 8 into some somewhat gentler
12 terrain, although it's probably more characterized as an
13 area of moderate slopes to where there's a wetland area
14 there.

15 But given that, I would indicate -- I had
16 indicated that I would like to see is much of this
17 roadway runoff captured and run back against grade to the
18 extent possible, back to this detention basin, to
19 minimize any discharge off the end of the cul-de-sac.
20 Because again, it's -- it's - it's quite steep down to
21 the wetlands, and that would be in an area that's other
22 lands in River Sound Development, so they were going to
23 have to extend an easement.

24 CHAIRMAN McINTYRE: Right, and so

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1 basically what you're suggesting is another rezone
2 alternative to storm water runoff by running up 8 and
3 running a storm drain there. Now, you did say there's a
4 lot of water coming down this way and this way, and
5 probably --

6 MR. JACOBSON: Actually, from this three-
7 way intersection it would come here, here. And so this
8 is a good location. Again, the concern that I have is
9 the -- from the high point of this proposed cul-de-sac
10 back towards lots 7 and 8, because it's so steep in this,
11 there's no --

12 CHAIRMAN McINTYRE: Okay, so you're
13 talking about point -- oh, I can't read that -- 7 from
14 routes 74 to what is this, 81? These markings on the
15 road developments.

16 MR. JACOBSON: About Station 7, is
17 possibly about - is probably about the high point.

18 CHAIRMAN McINTYRE: Okay, so from Station
19 7 back, you wanted to run to 8?

20 MR. JACOBSON: Well, what I wanted to do
21 is capture as much of that and run it back against grade.

22 CHAIRMAN McINTYRE: Right. Okay.

23 MR. JACOBSON: So we can get into that
24 catch basin to minimize the amount of water that's

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1 discharged further to the west of Lot 8.

2 CHAIRMAN McINTYRE: And do you feel that
3 this italicized writing in your report, would this be a
4 sufficient condition to meet that? What you proposed
5 there?

6 MR. JACOBSON: Yeah. I mean, it's
7 certainly -- it's the right direction to go.

8 CHAIRMAN McINTYRE: Okay.

9 MR. JACOBSON: There's still -- again,
10 they're still going to need - regardless, they're not
11 going to bring all the water from a catch basin back
12 here. It's just not possible grade-wise. Some of it is
13 going to have to go further to the west through Lot 8.

14 So, we're going to have to be very
15 careful. I don't know what they're proposing or how
16 feasible it is to use low impact development techniques
17 in this area.

18 CHAIRMAN McINTYRE: By low impact
19 development techniques, is that -- what is that -- what
20 site --

21 MR. JACOBSON: It could be infiltration,
22 you know, for road drainage. The logical there would be
23 infiltration. Some type of rain garden, bio-filtration
24 area.

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1 CHAIRMAN McINTYRE: Now, low impact
2 things, like is like running gutters down into the ground
3 from the houses so they're not running out into the road?

4 MR. JACOBSON: Taking care of impervious
5 surfaces on each individual lot so that you run the
6 gutters into a rain garden or try to drain water off
7 driveway surfaces into a rain garden. All that -- all
8 that would help.

9 MR. BRANSE: And on which lots would that
10 help?

11 MR. JACOBSON: Well, I think it would be
12 anything marked to the west of a high point at Station 7
13 in the proposed roadway. So, it would be, in particular,
14 lots 3, 4, and 5. And 3, 4, and 5 are the flatter lots,
15 so they'll probably have greater potential to utilize
16 those type of concept, as compared to lots 6, 7, and 8,
17 which are steeper, but they're beyond the end of a cul-
18 de-sac.

19 MR. BRANSE: And one other question, I
20 know you addressed this, but I missed the description.
21 In your memorandum, you referred to our -- let's see,
22 you're saying our first recommendation in this regard
23 would be to intercept as much of the runoff as possible
24 from this section of roadway. This section of roadway

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1 being?

2 MR. JACOBSON: The portion to the west of
3 Station 7 in this new cul-de-sac.

4 MR. BRANSE: Seven plus zero zero.

5 MR. JACOBSON: Seven plus zero zero,
6 right.

7 MR. BRANSE: Thank you.

8 MR. JACOBSON: To the west of Station 7,
9 plus zero zero.

10 MR. RINAUDO: Can I just ask a general
11 question?

12 CHAIRMAN McINTYRE: Yeah, anybody can ask
13 questions as we go along.

14 MR. RINAUDO: Geoff, in your opinion,
15 would this low impact, this rain gardens, the swales and
16 stuff like that, I know they're big down south. How do
17 you think they work north up here with, you know, frost,
18 freezing, and ground, you know?

19 MR. JACOBSON: They can be -- they can be
20 very effective, but a lot of it depends on the subsurface
21 conditions. I mean, there's areas where it's just not
22 practical to install, whether it's high groundwater or
23 shallow depth of ledge. So --

24 MR. RINAUDO: Are they materials that will

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1 get through our winters? I mean, what's, you know what
2 I'm trying to say is --

3 MR. JACOBSON: Yeah, because the rain
4 guards, I mean, typically the construction of those would
5 be taking out like a 30-inch depth of the natural soil,
6 putting a mix of sand and topsoil and leaf compost, you
7 know, with chips and the proper, you know, vegetation
8 above it. It really kind of acts like a sponge.

9 MR. RINAUDO: Okay.

10 MR. JACOBSON: You're not going to use
11 these type of measures in lieu of a detention basin. The
12 idea is to try to mimic the existing site hydrology, and
13 get it into the ground in little places all over the
14 place here, rather than, you know, collect it and come to
15 some centralized huge outlet structure and detention
16 basin.

17 So -- but again, it's dependent on the
18 soils and the subsurface conditions. In some areas, it's
19 practical, and in some areas, it's not.

20 MR. BRANSE: If I could just add one thing
21 to that. The other obstacle to these sorts of low impact
22 development measures on individual lots is it served an
23 educational/slash enforcement process with the lot owner.

24 I know that at Jordan Cove, which is sort

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1 of the pilot program for this, one of the things that
2 happened was people bought the house with the rain
3 garden, and the original owner often understood what was
4 going on.

5 Then the second owner buys it and says why
6 did these people create this little wet spot in the yard?
7 I'm going to fill it in and grade it off because they
8 didn't -- they don't know what it is and what it's
9 supposed to do.

10 East Haddam has developed a model covenant
11 restriction that they use on those lots that have these
12 kinds of low impact development features, rain gardens,
13 things like that, that hopefully will alert each
14 successive buyer, there's something on your lot that's
15 designed to handle storm water.

16 It's not an accident. It wasn't a
17 careless builder. It wasn't a foolish prior owner. It's
18 supposed to be there, and you have to be aware of its
19 care and feeding. So, I have that -- that form, and I
20 think it seems to be working pretty well in East Haddam.

21 But that is a big part of this. People
22 just -- they see this low spot in the yard and they don't
23 know why it's there. And you can't blame them. You
24 know, unless somebody tells them, they don't know what

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1 that thing is doing there.

2 MR. JACOBSON: Yeah, there's some states
3 that are way ahead of a curve on this as compared to
4 Connecticut, that you know, have developed, you know, in
5 laymen's language, you know, some -- some handouts,
6 simple handouts that you can give to a homeowner, that
7 really explains, you know, what the function is, the
8 importance of it, you know, what you need to do in terms
9 of maintenance.

10 It doesn't take a great deal of
11 maintenance, but, you know, it's like any -- any flower
12 garden or any garden that you have. You know, you pull
13 out the weeds and replace the chips, and that type of
14 stuff. Yeah.

15 CHAIRMAN McINTYRE: Thank you.

16 MR. JACOBSON: Okay. Most of the other
17 comments, you know, engineering comments I have, have
18 been addressed. I did go to point out again, as I have
19 in each of the other three pods, that, you know, the
20 location of some of these lots on what was considered a
21 main access road into and out of the preserve, was really
22 inconsistent with the original design concept, which was
23 to cluster these off the main roads.

24 MR. PRISLOE: Geoff?

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1 MR. JACOBSON: Yes?

2 MR. PRISLOE: That comment triggers a
3 question. Let's go back to the last review session last
4 week. It's hard for me to get my head around the fact
5 that what we're looking at are plans that represent
6 individual pod developments, as originally proposed.

7 Separate developments that can be
8 developed independently of the larger preserve. But now
9 we're looking at a proposal to modify the overall
10 development. These aren't standalone subdivisions
11 anymore.

12 And I was looking over your shoulder when
13 you were talking about this. I was specifically looking
14 at -- I'm trying to locate the vernal pool 31 you have
15 for box turtle. And in looking at this -- this map, it
16 suddenly occurs to me, just like it did last week, the
17 light bulb goes on. Does that map show the road going
18 into the preserve?

19 MR. JACOBSON: In this area here? No, it
20 doesn't.

21 MR. PRISLOE: So, that should be included
22 then, because this is --

23 MR. JACOBSON: Well --

24 MR. PRISLOE: Because this is a

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1 modification of the original --

2 MR. JACOBSON: Well, on the overall plan
3 it's shown, but not on this, I guess, enlarged, modified
4 -- modified section. Originally, they did have -- I
5 mean, they've made provisions for it here, in terms of --

6 CHAIRMAN McINTYRE: And here is --

7 MR. JACOBSON: -- property lines, I guess
8 would be --

9 CHAIRMAN McINTYRE: -- SNET 1, the SNET
10 mark, 1 of 1427.

11 MR. JACOBSON: Originally they did -- they
12 were starting with, if you remember, there's a very short
13 cul-de-sac a couple of hundred feet. That was on the
14 exact alignment of -- I think, again, that's Road H, if I
15 remember right.

16 MALE VOICE: I think you're right. Yeah.

17 MR. JACOBSON: But -- and it was at the
18 same grade, which was in a large cut. Like here, they're
19 proposing a short little cul-de-sac, you know, and the
20 lot is perched way up, you know, on top of these two
21 cuts, and it's just to me, was just, you know,
22 unnecessary disturbance. I'm not even sure it would be
23 economically feasible for those two lots. They've since
24 eliminated those, which is a positive thing, but -

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1 MR. PRISLOE: But Road H -- is Road H on
2 that plan?

3 MR. JACOBSON: Not on this enlarged plan.
4 It is on the modified overall preliminary open space,
5 though.

6 MR. PRISLOE: Okay. I'm just going back
7 to sort of the issue we had with the Pianta piece, showed
8 a cul-de-sac, and then we realized there really shouldn't
9 be a cul-de-sac. Just showing the road as it's going --
10 MALE VOICE: Well, what they continued is
11 the project --

12 MR. JACOBSON: Yeah, that -- that -- that
13 portion has been eliminated. The cul-de-sac that they're
14 showing now is an entirely new cul-de-sac with -- it has
15 really no relationship to any of the previously proposed
16 (indiscernible). It's a separate new little stuffed cul-
17 de-sac off of Ingham Hill Road.

18 MS. NELSON: But it effectively eliminates
19 the access road in this -- in this latest plan.

20 MR. JACOBSON: No.

21 MS. NELSON: No?

22 MR. JACOBSON: It eliminates what access
23 road?

24 MS. NELSON: The access road to the

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1 preserve on Ingham Hill Road.

2 MR. JACOBSON: No, because that road would
3 go up through here, where they're now -- they've now
4 eliminated those lots 12 and 13.

5 MR. BRANSE: In which a corridor exists.

6 MS. NELSON: Then is it --

7 MR. JACOBSON: The corridor has been
8 maintained for future access.

9 MS. NELSON: As approved in 2005?

10 MR. JACOBSON: Yes. Yes. That would go
11 through this area right in here. I did point --

12 MS. NELSON: Would it not be shown though
13 as it was originally approved?

14 MR. JACOBSON: That's a good question. I
15 --

16 MS. NELSON: I mean, it's a Commission --
17 a question for the Commissioner.

18 CHAIRMAN McINTYRE: Yeah, I was thinking
19 about it. It probably -- it would be, I think, that it
20 should be put on to the plans because it's -- you know,
21 it definitely shows anybody who is looking at these plans
22 in the future will know that that Road H went through
23 there. And if you just turned to here, you'd be going,
24 well, you know, looking at the drawing, you would have no

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1 idea that that slope was --

2 MR. MISSEL: Was ever intended.

3 CHAIRMAN McINTYRE: Intended. Right. I think, so we
4 need to make that a condition that those be -- that that
5 roadway be added to the driveway -- I mean, to the
6 drawing for clarification.

7 MR. JACOBSON: Right. And in that same
8 regard, as I also indicated here, they show what would be
9 the edge of the right-away for that proposed Road H, and
10 to the east of that they're showing an open space area,
11 but, you know, due to the cuts to create Road H, you
12 know, there's actually the grading within what they're
13 now proposing to be an open space area.

14 So there would either have to be some type
15 of sloping rights or some adjustment in the configuration
16 of that open space area that would allow for construction
17 of that roadway, the associated grading.

18 CHAIRMAN McINTYRE: Right, then -- and --
19 and I don't -- now the question is is there sufficient
20 room there still with the trailhead to make that road
21 there?

22 MR. JACOBSON: You know, again, that's
23 something I've indicated in here that they -- that they
24 really need to address because in addition to Road H

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1 going here, there was a reconfiguration at the end of
2 Ingham Hill Road, where it swung it up into this area,
3 creating another T intersection over here.

4 So, I guess to follow up with what you
5 just said, Sandy, it probably makes a lot of sense to
6 show that.

7 CHAIRMAN McINTYRE: Yeah, does everybody
8 on the Commission agree that that should be a condition?

9 MALE VOICE: Yeah, absolutely.

10 MS. ESTY: May I ask one question? This
11 was the proposed open space, and there's no differences
12 here. They would -- when they put this road through,
13 they would be taking back some of the open space they
14 gave?

15 MR. JACOBSON: What they've -- the
16 proposed roadway extension -- again, I believe it's Road
17 H, would extend to the northwest, and they've shown this
18 line right here, Janis, which would be, as best as I can
19 see, the same as the right of way line that was
20 previously proposed for that -- for that roadway to go
21 through here.

22 But, I mean, you can see this rises --
23 this is 10, 20, you know, close to a 30-foot rise in
24 elevation. It's quite steep, so they're going to have to

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1 cut the roadway in. Actually, they'll probably have some
2 cuts and arrange a 20 feet. You know, without a vertical
3 wall, you know, they're going to have to splay those
4 slopes back, so it's -- it would definitely extend into
5 the area that they're now showing as open space.

6 MS. ESTY: Then it's really not open space
7 in a sense because that road goes through it.

8 CHAIRMAN McINTYRE: Right, exactly. Well,
9 it wasn't originally. I think when one of the things,
10 that lots 2 and 3 were -- 1 and 2 were up here
11 originally.

12 MR. JACOBSON: Twelve and thirteen were up
13 in this area.

14 CHAIRMAN McINTYRE: Were up in this area,
15 so they probably, you know -- I think they just missed
16 this.

17 MS. ESTY: I don't know.

18 CHAIRMAN McINTYRE: But I think -- so this
19 isn't a true representation. That's why we want to put
20 that road there.

21 MS. ESTY: Well, that won't make a
22 difference in this even if it was there before if they're
23 giving -- if this is part of the open space they're
24 giving us now?

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1 MR. JACOBSON: Yes.

2 CHAIRMAN McINTYRE: Yes.

3 MS. ESTY: And -- but it's not really
4 going to be because they're going to have to take it
5 back, part of it?

6 MR. JACOBSON: Well, yeah, there would be
7 an area in here where you'd be grading back, so --

8 MS. ESTY: And actually it would be
9 counted as open space --

10 MR. JACOBSON: It wouldn't be natural.

11 CHAIRMAN McINTYRE: So that's why they
12 need to show it on -- you're absolutely right. That's
13 exactly why. Because without showing how much square
14 footage the -- or how much acreage the road takes, you'd
15 be adding that as counting toward open space, when in
16 reality, it's not.

17 MS. ESTY: When it's not.

18 CHAIRMAN McINTYRE: Exactly. Now, is this
19 the area that we -- when we go on sit walks and we're
20 entering the property?

21 MR. JACOBSON: Yes.

22 CHAIRMAN McINTYRE: Okay, so that's giving
23 everybody reference.

24 MR. JACOBSON: You've probably got a

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1 little bit there, but there's actually a little --

2 CHAIRMAN McINTYRE: Well, that's where we
3 start walking in on the site walks, is where this was at.

4 MS. ESTY: Yeah, and it's pretty steep
5 there.

6 CHAIRMAN McINTYRE: That's -- I think you
7 get a better perspective of what Geoff was saying when
8 you -- as we walk -- when we were always walking up.

9 MR. JACOBSON: Yeah. That's -- that was
10 my comment, 13B, Mark, if you're looking to reference
11 that.

12 CHAIRMAN McINTYRE: Yeah.

13 MR. BRANSE: Thirteen B is - I'm sorry,
14 13B.

15 MR. JACOBSON: Thirteen B in the Ingham
16 Hill Road --

17 MR. BRANSE: Ledge (indiscernible) for
18 realignment? Yeah.

19 MR. JACOBSON: And it should be reserved
20 for the realignment, right. Lot 13A is one we had
21 previously talked about, was the -- this area right in
22 here. Again, we were showing open space, but where on
23 the original plan they showed some improvements to Ingham
24 Hill Road, to make a curve with a larger radius.

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1 CHAIRMAN McINTYRE: Okay, to clarify where
2 Geoff Jacobson is talking about, on the map there's a --
3 right where the curve comes up, which says Road, is a
4 note that says capped iron pin set, and then he was
5 pointing to the northwest going up to TH116. Along that
6 line.

7 MR. JACOBSON: I guess the last
8 inconsistency that I pointed out, again, was similar to
9 the other modified areas, and that is this area has no
10 proposed connection to a public water supply or to a
11 centralized waste water collection, even a disposal
12 system, so that's another inconsistency. I think that's
13 pretty much it, from an engineering standpoint.

14 CHAIRMAN McINTYRE: Does anybody have any
15 other questions for Geoff Jacobson? Okay. One of the
16 other things that the intervenor brought up was the
17 location of lots 2 - 1 and 2 and 3.

18 And there was a lot of discussion during
19 the public hearing from both sides, that there was
20 nothing -- because of the level of review, you know,
21 there's been -- there wasn't a lot of hard, hard data.

22 There was some on both sides. It was, you
23 know, what they view from their professional opinion.
24 Myself, I didn't hear anything concrete that the -- the

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1 placing of lots 1, 2, and 3 would, in fact, any greater
2 or how great the impact would be on those areas.

3 And from what I've seen where the houses
4 are, and the type of -- there is going to be septic. You
5 know, it's my opinion that this is not going to have any
6 greater impact than, you know, previous building, even
7 though there was no building here before.

8 Based on what I heard, there was nothing
9 really concrete about that. So, what does everybody else
10 feel on that subject? And the question is basically do
11 you feel that there's going to be enough negative impact
12 from those three houses put there that, you know, I guess
13 the very worst case scenario that they'd be very
14 detrimental, and it would destroy the wetlands.

15 Or would there be marginal impact or would
16 there be, you know, little to no impact based on the
17 testimony that you heard.

18 MR. MISSEL: I'm not sure about that.

19 MS. ESTY: I'm not sure about the houses,
20 but I think if you got a detention basin on this it
21 wouldn't be draining into your wetlands, which is going
22 to be coming down through here. To me, that's going to
23 make a big deal of difference for quality of the wetlands
24 that are there.

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1 CHAIRMAN McINTYRE: Geoff, that retention
2 basin, how long will infiltration be before it reaches
3 that area of wetlands and stuff, do you know?

4 MR. JACOBSON: I don't know. This is
5 really not enough information.

6 CHAIRMAN McINTYRE: Not enough.

7 MR. JACOBSON: You know, detailed
8 information, to me.

9 CHAIRMAN McINTYRE: But in your
10 professional opinion, where it seems to be sufficient, is
11 this going to be enough area with the -- to - with the --
12 to the runoff where the overflow from this detention
13 basin, I assume it's going to go over top, and then drain
14 down across the ground down in --

15 MR. JACOBSON: No, I mean, I think what
16 they will probably do is have some type of outlet
17 structures. So, they'd have drainage pipes draining into
18 the detention basin, that would fill up like a bathtub,
19 and there would be some type of outlet structure with a
20 piped outlet that would go across the proposed roadway.

21 Unless the soils were extremely well
22 drained, and there was the opportunity for, you know, a
23 lot of infiltration. I'm not aware that there are soils
24 with those characteristics there.

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1 CHAIRMAN McINTYRE: Does the existing
2 roadway now drain to this wetlands or to the other side?

3 MR. JACOBSON: I'm not sure exactly where
4 it drains. I mean, obviously it's going to ultimately
5 drain into the wetlands.

6 CHAIRMAN McINTYRE: Because it's going to
7 run down to the detention basin.

8 MR. JACOBSON: Yeah, I'm not sure what the
9 drainage patterns are right now.

10 CHAIRMAN McINTYRE: Okay.

11 MR. BRANSE: For the record, Mark Branse.
12 Geoff, are the -- Commissioner Esty has mentioned the
13 side view, the effluent sort of flowing toward the
14 wetland. You said that the soils -- they would seem like
15 they would present an issue with that. Did I -- is that
16 --

17 MR. JACOBSON: No, I said that there's --

18 MR. BRANSE: And I don't want to
19 mischaracterize what you said.

20 MR. JACOBSON: Based on the soils test
21 data that they've provided so far, there would not appear
22 to be, to me, an area of well-drained soils, you know,
23 the depths that would be needed to eliminate an outfall
24 from the detention basin. I think the - I guess maybe we

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1 have this kind of a convoluted way of saying it, but I
2 don't -- I don't --

3 MR. JACOBSON: Based on the test - yeah,
4 based on the test pits I've seen, I don't see any soil
5 types there that would lend themselves well to an
6 infiltration type basin. I think any infiltration from
7 the basin would be very limited, and it would really just
8 be attenuated in the existing basin volume, and
9 eventually be litred out through a pipe, across the
10 street towards the wetlands.

11 MR. BRANSE: My question was different,
12 though. I --

13 CHAIRMAN McINTYRE: You were talking about
14 --

15 MR. BRANSE: I may have misunderstood what
16 -- I thought what Commissioner Esty was that you were
17 concerned that septic system in lieu of sewer could
18 impact wetlands, is that what you were saying?

19 MS. ESTY: No. I was talking about the
20 drainage from the roads going down in that retention
21 place, so bringing all of this oil and all of that stuff,
22 and then just flowing out, and that overflows right into
23 the wetlands.

24 MR. BRANSE: I misunderstood your original

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1 comment, that's why I misunderstood your response to it.

2 MR. JACOBSON: Yeah, but the drainage
3 presumably would all go in to the detention basin. You
4 know, you could require, you know, the next phase, some -
5 - there are structures that have capabilities of
6 retaining certain volumes of oil that float on the
7 surface, so you could take care of that.

8 But, you know, I suspect there's going to
9 be a pipe discharge from this basin to the opposite side
10 of the street. I guess it would be the south side of
11 that proposed subdivision road, that would drain towards
12 -- logically towards the existing outlying area.

13 MS. ESTY: And that answers my question.
14 I would like to see something to catch all that oil, if
15 possible, or --

16 CHAIRMAN McINTYRE: That would be in the
17 detailed plans. And maybe it could be -- the question is
18 could it be done.

19 MS. ESTY: Okay.

20 CHAIRMAN McINTYRE: Yeah. And Attorney
21 Branse, Mark, one of the other things I was going to
22 bring up is the -- the -- there was -- the soil tests for
23 these areas, they show that -- to the best of your
24 knowledge, Geoff, that they would be able to handle

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1 septic systems, and that the effluent from those septic
2 systems would not have a major, negative impact on the
3 wetlands?

4 MR. JACOBSON: Well, you know, the test
5 pit data I saw, you know, would indicate that they could
6 satisfy the basic requirements of the Public Health code.

7 CHAIRMAN McINTYRE: And then --

8 MR. JACOBSON: You know, in terms of
9 separation to ledge, separation to seasonal high ground
10 water, and had, you know, suitable perc rates within the
11 normally excepted ranges for public health. I just
12 looked at it in a very general broad sense.

13 CHAIRMAN McINTYRE: And if it was
14 warranted, then if any of these -- any one of these three
15 lots could not meet those standards, then they would not
16 be buildable lots, correct?

17 MR. JACOBSON: Right. I mean, they would
18 have to go through all the testing, and you know, review
19 through the health district. And they're either going to
20 meet the public health code or they're not.

21 CHAIRMAN McINTYRE: Okay. Any other
22 questions on lots 1 and 2 and 3, in relationship to the
23 adjacent wetlands to the south?

24 MR. BRANSE: And this detention plot 8, it

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1 would then basically, as with the one we're talking
2 about, the one in the area of lots 1, 2, and 3?

3 CHAIRMAN McINTYRE: Yes, it's across --

4 MR. JACOBSON: Yes, to the south of lots -
5 -

6 CHAIRMAN McINTYRE: -- between lots 9 and
7 2. Between Lot 9 and 2, south of Lot 9. And the
8 wetlands that we were speaking of is south of lots 1, 2,
9 and 3. A little closer to 3 and 2, but --

10 MR. BRANSE: The wetland that's located to
11 the south.

12 CHAIRMAN McINTYRE: Yeah, below Lot 2.

13 MR. BRANSE: Oh, lot 2.

14 CHAIRMAN McINTYRE: Southwest of Lot 2.

15 MR. BRANSE: Okay.

16 COURT REPORTER: One moment, please.

17 (off the record)

18 CHAIRMAN McINTYRE: Okay. Let's see.

19 Does anybody else have any questions, or any of the
20 staff, just any questions in general, anything that they
21 want to discuss? Do you see any what we would call the
22 "show stoppers"?

23 Because we're trying to get to a point
24 here is understanding what is being proposed, and saying

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1 that we agree that this is not -- it's a change from --
2 it's a modification, and it's a modification we accept.
3 And that there are no major negative impacts by the
4 change of development.

5 MS. FLANAGAN: I have a question about
6 Ingham Hill Road, in entirety being able to handle the
7 additional traffic during construction of the development
8 and how that would pose -- potentially pose a threat to
9 the traveling public on the road during construction, as
10 well as hereafter this project goes through.

11 CHAIRMAN McINTYRE: Well, I believe that
12 was discussed during -- and that was discussed heavily
13 during public hearing of the 2005 approval. And I'm not
14 -- Geoff, do you remember they were -- how they were
15 going to -- and that was a lot more traffic, because they
16 were doing the entire -- you know, they were doing --

17 MR. JACOBSON: I know that they were --
18 they were proposing some improvements, you know, on the
19 two curves at this end. I know -- I don't seem to
20 remember. Of course, I know we walked the road with
21 Selectman Peace, to look for some type of off road or --
22 you know, within the right of way or adjacent to the
23 right of way, some type of walking, biking trail, which -
24 -

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1 MS. NELSON: I think you're right.

2 MR. JACOBSON: Is that -- I can't remember
3 what that --

4 MS. NELSON: This is that Condition K of
5 the original approval that required a traffic study, and
6 this is also that circumstance where offsite improvements
7 were -- the provision of offsite improvements were being
8 considered, but put off until final subdivision.

9 And Mark, you can probably talk to this
10 better than I can, since then we've had the Butttermilk
11 decision, which - one, it's the Commission's ability to
12 consider offsite improvements associated with a proposed
13 subdivision, and so it's actually appropriate to talk
14 about now under this special exception.

15 MR. BRANSE: Absolutely. And so we do
16 want to retain that language from the original approval.
17 The applicant did not appeal it, so it is -- so it is --

18 MS. NELSON: Do you have it handy?

19 MR. BRANSE: I thought that I did, and -

20 CHAIRMAN McINTYRE: I know I have that
21 here somewhere.

22 MS. NELSON: Because -- I just happen to
23 know it's K because on the applicant's third response, K
24 was omitted.

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1 MR. BRANSE: Right.

2 MS. NELSON: And I said what happened to
3 K? We have to go back and find out what it was, and it
4 was -- it was the language regarding --

5 MR. BRANSE: Missing from 114, Exhibit
6 114, it doesn't have it, and I --

7 MS. NELSON: I can -- do you want me to
8 read it out loud or do you want to read it?

9 MR. BRANSE: That would be great.

10 MS. NELSON: Okay. Now, wait a minute, K
11 is actually -- it's underlined, so this is proposed --

12 MR. BRANSE: Yes. You see, this K, which
13 is from -- if you read it it says -- because I looked at
14 this when you sent it to me -- is all addressed -- this
15 from Exhibit 65, it is all addressed to the pod concept
16 that they've now withdrawn.

17 So, we need to put back the original K,
18 which talked about the off-site traffic improvements
19 reviews. All those features. I'm not sure where that
20 ended up, but it -- but we definitely need to put that
21 back in again.

22 CHAIRMAN McINTYRE: So, we're saying that
23 the pod phase-in that's going to curb the subdivision
24 stage really does not have best (indiscernible) on what

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1 we see now on how we should proceed now or --

2 VOICE: There are no pods anymore.

3 CHAIRMAN McINTYRE: I know, there aren't
4 any but -- right, so they have no bearing on what we're
5 going to make decisions on now.

6 MR. BRANSE: Correct. This is all one
7 plan now.

8 CHAIRMAN McINTYRE: Just one plan. All
9 that other stuff we got from two or three meetings.

10 MR. MISSEL: Right. That was my question
11 at the last meeting.

12 MR. JACOBSON: I guess if anybody -- I'll
13 try to answer your question.

14 MS. NELSON: Okay.

15 MR. JACOBSON: That was the subject of a
16 lot of discussion back in 2005. The unit count here is
17 increasing from 221 to 224. I did not revisit that
18 issue. The number of lots that they're proposing here,
19 which were redistributed from other areas of the site,
20 I'm not sure if it has a significant impact on the
21 decision that was previously made.

22 Not to say that there isn't going to be
23 the impact on Ingham Hill Road, because there was a lot
24 of discussion on that, and everyone knows what Ingham

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1 Hill Road is like. It's just a -- you know, it's a
2 windy, rural road -- roadway. But I didn't revisit that
3 since it had already been discussed, and a decision made
4 in that regard.

5 MR. BRANSE: And let me just read to you
6 what the language is from the original pool. It's
7 actually not K, it's H.

8 MS. NELSON: Okay.

9 MR. BRANSE: And what it says is the
10 applicant shall submit plans for improvements to Ingham
11 Hill Road and Bokum Road, and acknowledge and address the
12 increased traffic burdens that the preserve will create
13 for these roads.

14 Such improvements shall include both
15 vehicular safety improvements, and pedestrian and or
16 bicycle travel. So, that's already in the 2005, and is -
17 and is being retained. I think it is still used. It's
18 numbered. It has a different number in this -- 114.

19 MS. NELSON: And if it's a condition of
20 the special exception, then the Commission is not limited
21 by Buttermilk at the final subdivision phase.

22 MR. BRANSE: Well, no, especially because
23 it was not appealed by the applicant.

24 MS. NELSON: Okay.

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1 MR. BRANSE: The applicant -- there --
2 there is a question among attorneys today as to whether
3 the reasoning of Buttermilk would apply to special
4 exceptions. Subdivision is a planning power, special
5 exception is a zoning power.

6 So, the Buttermilk decision was based on
7 the language of the planning statutes, alright? It did
8 not comment on the zoning statutes at all. So, that is a
9 completely open issue. However, since the applicant did
10 not appeal that condition at the -- in 2005, it is - and
11 since the Commission isn't offering it, and the applicant
12 hasn't asked us -- hasn't asked you to alter it either.

13 I mean, the their credit, the applicant
14 hasn't even said that they're reneging on that -- on that
15 commitment. So, that remains in force.

16 MS. NELSON: So, to answer your question -
17 your questions about Ingham Hill Road and its ability to
18 handle offsite improvements, there's a requirement for
19 analysis at final subdivision.

20 MS. FLANAGAN: And so then based on that
21 analysis, a determination will be made in terms of
22 specific improvements that the applicant will be required
23 to make?

24 MR. BRANSE: Correct.

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1 MS. NELSON: Right.

2 MS. FLANAGAN: Okay.

3 CHAIRMAN McINTYRE: Good.

4 MR. MISSEL: Okay, let me -- for our
5 attorney, I raised the question at the last meeting that
6 you were not there, and I was confused because as we went
7 into this process of this special --

8 MR. BRANSE: Exception.

9 MR. MISSEL: -- exception, there was a
10 phasing issue.

11 MR. BRANSE: Correct.

12 MR. MISSEL: So, we had the three pods,
13 and so on. And then we arrive at a meeting on February
14 16th, and of course, there's been a lot of paperwork
15 flying back and forth, and when we get to the meeting
16 that night, we get a handout from Attorney Royston.
17 Essentially, this is dated the 16th, whereby he withdraws
18 the podding phase, if you will, and goes back to the
19 original plan.

20 MR. BRANSE: Correct.

21 MR. MISSEL: Okay? So, my question -- my
22 question was, I mean, in your original, I look forward to
23 your memos that you send out to us because --

24 MALE VOICE: They are never subtle.

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1 MR. MISSEL: -- they give us a lot of good
2 information, so I will refer back to your memo of
3 November the 23rd, 2010. I read it cover to cover. And
4 the main issue that you bring up is major change versus
5 minor change, which to me is still a question, because
6 now this ball is bouncing back and forth.

7 Phase, no phase, do we, when do we have to
8 deed the open space, do we have to do it in the
9 beginning? Because that was a big question.

10 MR. BRANSE: Yes.

11 MR. MISSEL: Or now we don't.

12 MR. BRANSE: I mean --

13 MR. MISSEL: So, you know, I'm kind of
14 still - I'm kind of still in the dark, you know, and I
15 was hoping that we could get some direction. You know,
16 does, with all of these changes, of all of this that's
17 happened, back and forth, and forth and back, do -- does
18 this, in your opinion, change -- is this a game changer?

19 Do -- do we still have the issue of major
20 versus minor? Is this -- are these changes that have
21 been back and forth, how does this -- how does this
22 legally impact us? In other words, do we need to reject
23 it based on the fact that the -- the legal aspects of it?

24 MR. BRANSE: No, you don't. With regard

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1 to the major versus minor change, it was my
2 recommendation from the outset that you treat this as a
3 major amendment to the special exception anyway, which
4 triggered a public hearing, an Ordinate 71 application
5 fee, all of the processes that you would use as if it
6 were a new application.

7 MR. MISSEL: Right.

8 MR. BRANSE: So -- and, I mean, one might
9 be able to argue that with the withdrawal of the phased
10 commitalment(phonetic), that it no longer was a major
11 amendment. But the applicant had already consented to
12 treating it that way. I don't think the applicant ever
13 disputed that. We can't un-public hear the public
14 hearings.

15 MR. MISSEL: And we're still treating it
16 hat way, are we not? Is it not a name change? I mean,
17 we're still not proposing to build the roads, and so on
18 and so forth, so, I mean, we're saying he pulled back
19 from that.

20 MR. BRANSE: That's right.

21 MR. MISSEL: So aren't we still handling
22 it the same way? Aren't we looking separately at these
23 individual areas of development first?

24 MR. BRANSE: We're looking at the

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1 individual areas because that's what's changed. However,
2 the applicant is seeking a lesser modification than the
3 one they put on the table initially. They have -- and
4 you're correct. That component, that phasing that they
5 didn't want to call phasing, created almost all of the
6 issues from me as your attorney, from your engineer, from
7 your traffic engineer, from your land use staff. And, by
8 the way, from the intervenors, as well.

9 And you heard a number of issues. I won't
10 review them all now, but there were a number of issues
11 that were triggered by, and questions that, in my
12 opinion, were never really answered. I would like to
13 think that at some point the applicant realized that they
14 were not answerable, and decided to remove that element
15 of the application.

16 I think it was very prudent, because that
17 was -- that was a very difficult thing to grasp. Now
18 that that's withdrawn and off the table, we have a much
19 simpler modification. Rearranging units, nine units on
20 Pianta as opposed to a conceptual 30.

21 Shifting units from the west PRD to Ingham
22 Hill. Shifting of the recreational part. And these are
23 the kinds of things you deal with on a regular basis
24 whenever you review a subdivision plan or a plan.

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1 So, those are things that are -- that are
2 typical of a planning commission review. That whole
3 component with the phasing was something that I just
4 never knew how we were going to handle. So, I'm glad to
5 have it gone. And it is -- and since it's a lesser
6 change than the one originally requested, it - we don't
7 have any legal notice issues there.

8 The Commission advertised a broader range
9 of possible changes than the ones that you're now
10 considering, because the applicant took one of the most
11 difficult of them off the table. So, we now have a much
12 -- a much more focused and much simpler easier review
13 process going on here.

14 MR. MISSEL: Okay. Good. However, going
15 back to the original plan --

16 MR. BRANSE: Correct.

17 MR. MISSEL: -- that we essentially
18 approved with some modifications.

19 MR. BRANSE: Correct.

20 MR. MISSEL: How does that impact the open
21 space, the roadways, the access, the egress and access?
22 I mean, in the original plan, that was part of the
23 development.

24 MR. BRANSE: It still is.

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1 MR. MISSEL: It still is?

2 MR. BRANSE: Yes. All the road
3 interconnections, the condition of approval that's on
4 this piece of paper, that isn't changing, is there must
5 be three points of inter-connective points of access.

6 MR. MISSEL: Okay, because I thought I was
7 missing something.

8 MR. BRANSE: No. I mean, the -- the
9 riddle that we had for the first several public hearings
10 was how do you leave that condition intact but build pods
11 that don't interconnect. And I never knew the answer to
12 that question. So, we don't have to ask that now. They
13 -- the --

14 MR. MISSEL: Because that's still part of
15 the original approval, and they're -- they're now saying
16 to us in many ways or interesting ways, that their
17 proposal -- that still will be done.

18 MR. BRANSE: Correct. And all the open
19 space, it's a single body of open space. It's not --
20 open space --

21 MR. MISSEL: And it's all going to be done
22 in the beginning as it was originally proposed to be
23 done.

24 MR. BRANSE: That is correct.

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1 CHAIRMAN McINTYRE: Except for the
2 modifications.

3 MR. BRANSE: Right, because the open space
4 will be --

5 MR. MISSEL: Except for the modifications.

6 MR. BRANSE: The open space is shifting.
7 I mean, the --

8 MR. MISSEL: It's shifting. We understand
9 it's shifting.

10 MR. BRANSE: Right. Yes, but -- but this
11 whole idea of what's a phase and what isn't a phase, and
12 what happens first, is off the table.

13 MR. MISSEL: Okay.

14 MR. BRANSE: And I'm grateful that it is.

15 MR. MISSEL: Right.

16 MR. BRANSE: Because I just -- I really
17 don't --

18 MR. MISSEL: So am I because I was
19 somewhat confused about it. You know --

20 MR. BRANSE: So was I.

21 MR. MISSEL: -- there's so much -- there's
22 so many volumes of memos that we've read back and forth,
23 and pleadings and so on, that it's -- you know, you -- it
24 does get confusing. So, that is all off the table. We

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1 don't have to deal with that. Just the present
2 modifications. Okay, thank you.

3 CHAIRMAN McINTYRE: Does anybody else have
4 any -- I would like to take a recess now, but I want to
5 make sure nobody has any burning questions before we do.

6 VOICE: I'm thinking of a question, but I
7 can wait.

8 CHAIRMAN McINTYRE: You can wait? Okay.
9 We'll just take a ten-minute recess. Thank you.

10 (off the record)

11 CHAIRMAN McINTYRE: Okay, everyone is
12 here? Okay, I want to call the meeting back to order.
13 Back into session. Okay. Bob, do you have any further
14 questions of Attorney Branse?

15 MR. MISSEL: No, not right -- not at this
16 moment, thank you.

17 CHAIRMAN McINTYRE: Okay. Does anybody --
18 this in the area of the baseball fields, the recreation
19 area, at one of the meetings, they talked about the
20 number of parking spaces. I had looked at them, and I
21 think they had sufficient, as proposed.

22 I think that the addition of the road
23 improvements, the two road improvements that Geoff
24 Jacobson talked about, the one that CL&P -- the capped

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1 iron pin set, and radius curve there needs to be, as far
2 as the conditions, I believe they are. And also the T
3 intersection, does anybody have any problem with the T
4 intersection?

5 MS. ESTY: I might.

6 MR. MISSEL: No.

7 MS. ESTY: The reason why I might is
8 because of the amount of traffic that's going to be
9 coming from these athletic fields alone. I think there's
10 going to be much more than people anticipate. And if all
11 of these are used, like they use the ones at Crystal
12 Lake, the kids playing soccer and baseball. I mean, they
13 go all day long, the parents coming and going. Is that
14 road going to be sufficient enough to hold all of that,
15 because we're not talking about one car dropping off
16 kids. We're talking about many cars, multitudinous times
17 during the day.

18 And I have concerns. Event though we've
19 talked about traffic safety, this is particularly for
20 this road going down to this T intersection. I think
21 there's going to be much more traffic on this road that
22 people anticipate.

23 CHAIRMAN McINTYRE: I'm not sure how to
24 answer that. You know, there was recreation area there

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1 before, and the same elements are there now. So,
2 presumably the traffic engineers took that into account
3 back in 2005. Certainly if I were a resident on that
4 cul-de-sac -- well, let's put it this way, I probably
5 wouldn't build a house there, because I agree with you.
6 I think on the weekends, there's going to be a lot of
7 traffic. Not only on weekends, but I guess weeknights
8 during the summertime. Yeah, there's going to be a lot
9 of people using that cul-de-sac, that also provides
10 access to a bunch of lots.

11 MS. ESTY: Well, on the first plan those
12 athletic fields weren't in that spot, though. They were
13 --

14 (Multiple Voices)

15 MR. JACOBSON: Yeah, they were in --

16 MS. ESTY: Four or five -- lower down --

17 MR. JACOBSON: They're pretty far -
18 they're lower down now. Before, they were further up
19 towards - this whole thing was here, but it was really
20 more up in this area here, in lots 3, 4, 5. This area
21 was up in to here. This thing was up in this area here.

22 And it had a separate standalone access to
23 the fields that didn't provide any access to those -- to
24 the lots. It was a designated access just for the

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1 athletic area before.

2 MS. ESTY: And it's different from what it
3 is now.

4 MR. JACOBSON: It's different than what it
5 is now. Now there's -- it also provides access to half a
6 dozen or more residential lots, as well.

7 CHAIRMAN McINTYRE: Would there be any
8 other alternative -- just throw it out there -- was there
9 any other alternative entrance where you were further
10 down the cul-de-sac, and you came in -- of this nature?
11 Was that ever discussed? You know, coming in from, say,
12 between Lot 2 and 3? And working your way behind 4 and
13 5?

14 MR. JACOBSON: You know, there was no
15 other alternates proposed. It's certainly something
16 that, you know, you could ask them to look at. I mean,
17 it would appear to me that it certainly would be
18 possible, just looking at the topography, to come in
19 between lots 3 and 4.

20 CHAIRMAN McINTYRE: And just shift
21 everything a little to the --

22 MR. JACOBSON: I think -- you see, right
23 now, you know, not only is there use of this, but they're
24 also using the common driveway that's serving lots 6 and

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1 7. See, this driveway is serving this lot, serving this
2 lot, and also coming to these two parking lots here.

3 I think it probably would be possible,
4 Janis, to come off of the end of this parking area here,
5 and probably swing it somewhere between 3 and 4, or in
6 lieu of that, you know, through Lot 3.

7 MS. ESTY: I think there should possibly
8 be some alternative way they can solve that.

9 CHAIRMAN McINTYRE: Well, it's -- yeah,
10 these -- yes, it -- I mean, that's -- we could propose
11 this. I mean, this could be a condition that they --
12 because it looks like it would be a separate one that, I
13 mean, the topography doesn't look like it would be
14 challenged.

15 The only thing that you have, I think, is
16 you're dealing with one stone wall. The stone wall would
17 probably -- and there were those little - these things
18 are right here, these --

19 MR. JACOBSON: You have the little
20 circles.

21 CHAIRMAN McINTYRE: Little circles with
22 lines in them, yeah. Those are stone walls. So, you may
23 have to relocate those stone walls.

24 MR. RANAUDO: What would that gain us

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1 though?

2 CHAIRMAN McINTYRE: What gains you is
3 you're not going through a residential area.

4 MR. RANAUDO: But you're still going to
5 some out at the same feet.

6 CHAIRMAN McINTYRE: Right. Come out at
7 the same feet, but you're not going to have all that -

8 MS. ESTY: You're going to have all that
9 traffic going down a driveway, basically. It's not even
10 going down a road. Plus, it's at different levels. I'm
11 not even sure --

12 CHAIRMAN McINTYRE: You know, if they can
13 make this here, they can do it here still. Do you know
14 what I mean? Because that way they might just have to
15 change a few minor things. Shift this a little bit. I
16 mean, it can be worked. We're talking about between lots
17 7 and 6 and 5, right here.

18 Here's the road that comes in. Geoff, we
19 talked about the intersection. You did that. That would
20 mean a bunch of traffic going this way through here, and
21 out to the stop sign.

22 MR. JACOBSON: Right.

23 CHAIRMAN McINTYRE: What Janis is
24 proposing is to say -- is to -- there should be an

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1 alternative. And I -- then I proposed well why don't we
2 run the driveway -- the access to the rec area somewhere
3 in there between lots 2 and 3 or 3 and 4. And just
4 basically you would be shifting -- well, you wouldn't be
5 able to shift, because you still need those driveways.

6 The driveway would be less -- it wouldn't
7 be as deep into the property. You lessen the driveway
8 there, you cut that off, and that could be, you know,
9 incorporated into Lot -- Lot 5. What is this here?

10 MR. JACOBSON: That's 5.

11 CHAIRMAN McINTYRE: That's a mable.

12 Okay.

13 MR. RENAUDO: Oh, yes, okay.

14 CHAIRMAN McINTYRE: Yeah, that's a mable.

15 So, this, in essence, this would become more - would,
16 again, become part of one of the lots. This part, the
17 road where it says 148.10 - 001, excuse me. 148.01,
18 right in that area. That's between lots 5 and 6. That
19 would probably become part of one of those lots.

20 And then the roadway could be
21 reconfigured. See how it comes down here? See we have
22 the parking spot at the 40 parking space is up to the
23 north here. And then you would run right along where
24 this stone wall is.

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1 MS. ESTY: Or even if they just
2 manipulated and gave it a direct line that is only for
3 the parking lot, and not for the other driveways.

4 CHAIRMAN McINTYRE: I think -- I think the
5 other -- I think it's better if they stay, because we
6 needed out of the residential areas. What is best to the
7 furthest point. Like, if you can only go past one lot,
8 versus one, two, three. One, two, three, four.

9 MS. ESTY: Yeah, but on our elevation, are
10 we going to be doing --

11 CHAIRMAN McINTYRE: Geoff said he thinks
12 it's possible they would come through here. The area
13 between 3 and 4. What about in between 2 and 3, if they
14 shifted something there?

15 MR. JACOBSON: Well, I don't think 2 and 3
16 is - it would be too steep there, and you're starting to
17 get closer to the wetlands. I think you'd have to come -
18 - you know, the furthest, I guess, east you could come
19 would be somewhere Lot 3.

20 CHAIRMAN McINTYRE: Okay.

21 MR. JACOBSON: Just looking at the
22 topography.

23 CHAIRMAN McINTYRE: Okay.

24 MR. JACOBSON: Once you get further beyond

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1 Lot 3 into Lot 2, I don't think it's -

2 CHAIRMAN McINTYRE: Okay. So, that's what
3 I would recommend then, that would be brought between
4 lots 3 and 4.

5 MR. MISSEL: And that's to get in to the
6 additional parking spaces.

7 CHAIRMAN McINTYRE: Right, that's access
8 to the --

9 MR. MISSEL: But the parking for the
10 ballfields and --

11 MS. ESTY: For both of these parking lots.
12 In other words, they wouldn't be coming up --

13 CHAIRMAN McINTYRE: To the end of the cul-
14 de-sac.

15 MS. ESTY: They would be coming in down
16 here.

17 MR. MISSEL: They would be coming down
18 lower.

19 MS. ESTY: And that was my main thing, is
20 you're -

21 CHAIRMAN McINTYRE: I think it would be
22 safer. Safer and -

23 MR. MISSEL: Because it's a dedicated --
24 it's a dedicated entry exit just for the parking

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1 facility, right?

2 MR. JACOBSON: Not the way it is now, Bob.

3 MR. MISSEL: Not the way it is now, but
4 what they're talking about.

5 MR. JACOBSON: The way Janis is proposing,
6 yes.

7 MR. MISSEL: Right. Right. Exactly.
8 That would just be for that parking area.

9 MR. JACOBSON: Correct.

10 MR. MISSEL: That might make more sense.

11 CHAIRMAN McINTYRE: How does the rest of
12 the Board feel about this?

13 MS. ESTY: I think it makes a lot of
14 sense.

15 CHAIRMAN McINTYRE: So let's make one of
16 the conditions that the applicant look to rearrange
17 access to the recreational area, to run -- to -- the
18 entry point would be somewhere in the vicinity of lots 3
19 and 4, further to the east as possible.

20 And then it would run down the lot line --
21 or somewhere along the lot line of 3 and 4, and basically
22 run along where the stone wall is, and they'd have to -
23 probably have to reconfigure the 40 parking spaces.
24 Shift here, shift there.

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1 And then they'd make their connection
2 where it says drill hole found. Where the -- you go down
3 to the 27 parking lot spaces. They should be able to
4 connect there. So, they'd make their connections just as
5 they do now. Okay, does everybody follow that? Does
6 everybody agree? Guys, did you have any problem with the
7 T intersection in itself?

8 MS. ESTY: I just think there's going to
9 be an awful lot of traffic coming down that road, whether
10 it's a T intersection or an S, I just think it's too many
11 people in too small a space, on too small a road.

12 CHAIRMAN McINTYRE: Okay. Anybody else
13 have anything about the road, you know, we can do
14 something with the road, versus the use -- because we
15 heard Geoff Jacobson say that he would believe that the -
16 - when the other -- we're talking about -- now, are you
17 talking about this portion?

18 Because this portion of Ingham Hill Road
19 is here and was here when - the portion that is there now
20 was going to be utilized before by the recreational. And
21 so that would have had to be taken into consideration by
22 the traffic engineers in their assessments, okay?

23 More than likely it shouldn't have to be
24 but more than likely would have been. And then it would

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1 have to be something that's going to be addressed if this
2 becomes a final application.

3 I think that this change is an
4 improvement, and I still like the three way stop. And I
5 don't think there's any more additional traffic going to
6 be added at this time, versus - and by this application,
7 this - excuse me, but this modification, compared to the
8 2005, approved. The same amount of traffic is going to
9 be going up and down Ingham Hill Road.

10 The only change is that small portion of
11 that residential area, and I think we addressed that
12 quite well. Does anybody have any other comments on
13 that? Janis?

14 MS. ESTY: No.

15 CHAIRMAN McINTYRE: Okay. So, does
16 everybody agree that should be a condition of approval?

17 ALL: Yes.

18 CHAIRMAN McINTYRE: Geoff?

19 MR. JACOBSON: I agree.

20 CHAIRMAN McINTYRE: Okay. So, all
21 Commission members show that they -- figure that this
22 should be a condition of approval, to have the road
23 configuration for access to the recreational area
24 redesigned and ran as we've just spoken, as we just

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1 demonstrated.

2 Okay. Were there any other things in this
3 area? Does anybody have anything else? We don't have to
4 go over lot yields, right, on this one, because of the --
5 it was already there.

6 MR. JACOBSON: They were included in the
7 original 2005.

8 CHAIRMAN McINTYRE: Original. Okay.
9 Okay. One other thing I want to bring up, if nobody has
10 any questions at the moment. The applicant had proposed
11 to build the roads to a lesser standard -- a narrower
12 standard than the original 2005 approval. I think that --
13 - my theory is that they should be built to that
14 standard.

15 I don't think going backwards, you know,
16 doing it later, if it expands, that that's a good thing.
17 Because, you know, as a property owner, and I'm looking
18 at it from, you know, property owner shift and the
19 changes that would be made.

20 Everybody gets comfortable where they have
21 their trees, their walls, their grass, and all this
22 stuff. And then in the middle of this, all of a sudden
23 somebody says we're going to rip it all up and add
24 another couple of feet here and there to the roadway.

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1 That can be quite disturbing. And I think that we have
2 road standards that we should follow.

3 MR. MISSEL: Yeah. What was the
4 difference in the dimension from what they're proposing
5 now and to what we were originally --

6 CHAIRMAN McINTYRE: Eight to twenty to
7 twenty-two?

8 MR. MISSEL: Twenty-four is the max?

9 MR. JACOBSON: You know, Bruce had looked
10 in to that and brought that up. I didn't --

11 CHAIRMAN McINTYRE: Yeah.

12 MR. JACOBSON: To me it seemed they were
13 proposing about the same width, although I know that
14 there was some discussion with Attorney Royston on the
15 Bokum Road section about why --

16 CHAIRMAN McINTYRE: Yeah, what happened
17 was in the original approval, we were still under the --
18 we had road approval in the subdivision regulation, and
19 then we had the alternative road standards that were
20 handled by the Selectman.

21 So, during the whole process, the width of
22 these roads were all -- really wasn't any standard,
23 really, to talk about, because it was the -- they
24 basically applied the alternative road standards, one for

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1 traffic common.

2 But -- so, you know, you could have built
3 -- there's several different sized roads you could have -
4 - we could have built. Big thoroughfares, and, you know,
5 a lot of the traffic can get through, or you can break it
6 down, narrow it down to traffic coning effects, so it
7 would maintain more of its country flair, and have a
8 country -- and I think that that's what the 2005 road
9 approval was about. So, whatever that width was on the
10 2005, we need to stick with.

11 MR. JACOBSON: There would be no reason to
12 change that.

13 CHAIRMAN McINTYRE: No, none.

14 MR. JACOBSON: No.

15 MR. BRANSE: I think the narrowing was
16 based on, again, the initial posture of the application
17 as a phase, and if we extend these cul-de-sacs, then
18 we'll widen them. And what Bruce Hillson's report was
19 telling you was that that's, you know, not a good
20 construction technique.

21 It's very disruptive, you know, to people
22 already living there, and now you want to widen the road
23 by two feet or four feet. That it just didn't make
24 sense, I think, was pretty much his stance.

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1 CHAIRMAN McINTYRE: I agree. It's
2 technically possible, but it's just not practical.

3 MS. ESTY: Right.

4 MR. MISSEL: Right. And then you also
5 have, you know, I mean, we're building these things for
6 emergency equipment as well, so why not hold the
7 standard.

8 CHAIRMAN McINTYRE: Yeah, because the land
9 is there. It isn't like the land hasn't been set aside
10 for it, so it can be built to those standards without any
11 change in the -- in the drawings, other than the width,
12 okay?

13 So, everybody believes that should be a
14 condition, that all three -- that all proposed roads that
15 are - that were previously on the 2005 approval, and any
16 new roads that are in the new plans, will be built to the
17 same standards as in 2005 approval?

18 ALL: Yes.

19 CHAIRMAN McINTYRE: Alright. Okay. And,
20 you know, might it be known that all the Board members
21 agree on this. Okay. Does anybody have anything else?
22 Okay. That leaves us where we have to give staff, and I
23 think they pretty much have a good feeling in which
24 direction we're going, they have to -- oh, what's the

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1 term again, the resolution.

2 We have to draft a resolution for next --
3 for the next meeting, to vote on, okay? And is everybody
4 leaning towards -- the thing is we need to know is then
5 would we include approval or disapproval. And this gives
6 the staff the right of resolution. And to incorporate
7 all of our comments, and what conditions that we wanted
8 to be addressed during deliberation.

9 So, this is -- so this -- right now, we're
10 at is a point where we're just about done with
11 deliberation. And that we -- the next motion that
12 probably would be made would be we recommend that the
13 staff draw up a favorable resolution, and then have that
14 the next meeting.

15 MR. MISSEL: Right. And I would make sure
16 that when we do that, that we have in all of the -- all
17 of the issues that were addressed by both police and
18 fire, you know, the cisterns for the fire department, and
19 all of those issues for traffic, and as far as the police
20 were concerned, and emergency equipment, so on and so
21 forth. I want to make sure that those items were in
22 there, and make sure they're addressed.

23 MR. BRANSE: And I just -- for the record,
24 Mark Branse. What I was planning on doing was to take

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1 the 2005 motion, and basically redline it to reflect the
2 2010 modification application and the discussions that
3 you've been having, and also your staff members, and the
4 comments from other public safety, you know, the town
5 staff people.

6 My thought to that is first of all, it
7 places the modification where it belongs, in the context
8 of the 2005 approval. Second of all, it makes sure we
9 don't miss anything in the 2005 approval. And third, it
10 means that there will be one motion, one piece of paper,
11 that governs the special exception.

12 You won't have to go look at the 2005
13 motion, and the 2011 motion. And it makes sure that they
14 match up. It will all be one single thing. And it's on
15 screen right now, of course.

16 So, some of you were here in 2005. Not
17 all. But as you go -- as you have these discussions,
18 alright, I'm drafting the motion now. So - so, I'll be
19 circulating into staff tomorrow, and make sure I haven't
20 missed anything, or, you know, missed the way I've
21 expressed things. But it exists right here.

22 CHAIRMAN MCINTYRE: Okay.

23 MR. MISSEL: So, we've discussed the
24 public safety is because remember, in our original

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1 proposal, it was going to be city water and city sewer.
2 So now we're talking cisterns for fire department, 30,000
3 gallon cisterns here, there, and wherever they're
4 required. So, that's an issue I want to make sure was
5 covered.

6 The other thing, too, you know, one other
7 -- if we had a game-changer in this whole thing, one of
8 the game-changers could be that originally, we're all on
9 sewer, and now we're all on septic. Just a point to
10 consider.

11 CHAIRMAN McINTYRE: Well, that's --

12 MR. JACOBSON: I think you're just on
13 septic in these three modified areas. The whole central
14 core area and the majority of the development, as I see
15 it, is still public water and, you know, in essence,
16 public sewer.

17 MR. MISSEL: Okay. Okay.

18 MR. JACOBSON: It's just these --

19 MS. NELSON: Central sewers.

20 MR. JACOBSON: Central sewers. Just these
21 three areas where they modified. Even then, the PRD is
22 still going to have public water, so --

23 MS. NELSON: And the estate lots, I think,
24 were on individual septic systems.

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1 MR. JACOBSON: Yeah, I can't remember.

2 MR. MISSEL: This -- just trying to run
3 that through my mind, you know, because there were
4 changes there.

5 MS. NELSON: There was actually a
6 combination of circumstances with both water and sewer.

7 CHAIRMAN McINTYRE: But then the core
8 area, I mean, it's so dense in that village area. I
9 mean, there's no other way to do it, other --

10 MR. BRANSE: Right, right, right, right.

11 MR. MISSEL: Assuming that that moves
12 forward, and they're now saying it will.

13 CHAIRMAN McINTYRE: So, in that -- I guess
14 the appropriate thing would be not to close deliberations
15 so that when we get the resolution, we can discuss and
16 make sure everything we want is in there.

17 And then we will -- at the next meeting,
18 we'll anticipate going over the resolution point by
19 point, and then anything we think needs to be added or
20 adjusted, we'll make those adjustments. We'll close
21 deliberations, and then we'll take a vote.

22 MR. MISSEL: Sounds like a plan.

23 MR. BRANSE: I was planning to be here
24 next week unless -- if -- I have it on the calendar. If

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1 after you get the motion, you decide you don't think
2 you'll need me, that's fine. But I have -- I have the
3 night reserved for you.

4 CHAIRMAN McINTYRE: Okay.

5 VOICE: I think we need it.

6 CHAIRMAN McINTYRE: How many board members
7 feel do we --

8 VOICE: Yeah, what's our -- what's the
9 meeting night next week? Because you know I screwed up
10 tonight. I thought it was tomorrow night.

11 CHAIRMAN McINTYRE: And so Wednesday
12 night. And so it's going to be our scheduled Wednesday
13 night meeting.

14 VOICE: Standard Wednesday night meeting.

15 CHAIRMAN McINTYRE: So, when the second
16 Wednesday -- the third.

17 MS. NELSON: It's the regularly scheduled
18 meeting?

19 CHAIRMAN McINTYRE: Right.

20 MS. NELSON: It's March 16th.

21 CHAIRMAN McINTYRE: Okay. Does anyone
22 else have any questions that they need answered tonight?
23 Okay, what we've done is we're going to have our staff
24 write up a favorable recommendation for resolution. Then

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1 we're going to go over it at the next meeting, and close
2 deliberation, and then there will be a vote held.

3 Okay. So, I make a motion that we
4 continue our deliberation into our next regularly
5 scheduled meeting Wednesday, March 16th, 2011, at 7:30
6 p.m., here in the first floor conference room in Old
7 Saybrook Town Hall. Any discussion? All in favor?

8 ALL: Right.

9 CHAIRMAN McINTYRE: Alright, close.
10 Alright. Is there a motion to adjourn?

11 MR. MISSEL: I'll make that motion.

12 CHAIRMAN McINTYRE: Okay.

13 MR. RANAUDO: I'll second it either way.

14 CHAIRMAN McINTYRE: Okay, Bob made the
15 motion, Ron seconded it. Any other discussion? Hearing
16 none, all in favor?

17 ALL: Aye.

18 CHAIRMAN McINTYRE: See you next week.

19 (Whereupon, the hearing adjourned at 9:50
20 p.m.)

21