

TO: PLANNING AND ZONING COMMISSION

FROM: DORI WOLLEN

DATE: JANUARY 3, 2017

SUBJECT: SADDLE RIDGE

This is a follow up to my letter to you dated November 18, 2016 regarding the latest Saddle Ridge development proposal. As noted before, the Conservation/Inland Wetlands Agency ("Conservation") has yet to render an opinion due to the lack of receiving a formal application from the developers. The developers continue to claim that there is no new wetland impact and therefore the 2014 Conservation permit remains valid. However, until we know the extent of the regulated activities we cannot determine their impact. This issue was last discussed at our meeting on November 15, 2016 which prompted my letter referred to above.

Now, I am addressing you, members of the Planning and Zoning Commission, as a private citizen, the Conservation chair, and not as a spokesperson for the commission as we have not had a chance to review an application. While I understand the applicants' claim of not wanting to come in front of Conservation, I, as a chair and also as a private citizen, do NOT agree with this assertion. The permit in question consists of 30 separate conditions, with equal importance; and I would like to call your attention to the following ones:

1. The permit was issued on December 23, 2014 and stated that "Permit is not valid until this letter is filed by you, at your own cost, with the Town Clerk for recording on the Easton Land Records." The developers objected to several of the permit conditions and opted to an immediate litigation. Therefore the permit has yet to be filed. So how can the developer claim a valid permit? Yes, the permit was approved, but none of the activities can proceed until it is properly filed with the Town Clerk of Easton.
2. Next, the permit was "based on a wetland impact of 48 homes, 20 of which would include affordable housing units. No other use was considered". Now, the current application, as we have been told consists of 30 single family homes and 18 duplexes with two units each for a total of 66 units. On a unit basis this is a 38% increase, without any new wetland impact?
3. Further, "a cash construction bond will be required by the Conservation Commission prior to the start of the project in an amount to be determined by the Director of Public Works of the Town of Easton"
4. In addition, "a sediment and erosion control cash bond will be required for the duration of the project. The amount is to be determined by the Conservation Commission, with the advice and consent of the Director of Public Works for the Town of Easton." How will the Commission determine the size of either of the cash bonds if it does not have access to the current project details?
5. "The limit of disturbance on the approved plans shall be established on all of the lots prior to construction, in accordance with the limit of disturbance lines noted

on Map SE-1, dated August 4, 2014, and last revised October 30, 2014 with a distinct boundary material approved by the WEO...” By now, these maps are obsolete, there are more units proposed, so is the developer arbitrarily changing those lines without any input and/or confirmation of Conservation? Since when has the developer been authorized to act on behalf of Conservation?

Now, I had a chance to see LandTech’s report (engineering co hired by your commission) and noted several areas that would definitely need input from Conservation. Namely, erosion, sedimentation and storm water runoff as they relate to pollution; Further, it recommends to ask for a comparison of pollutant loading between the 21 lot subdivision plan (3acre zoning) and the current 48 lot plan with reduced zoning requirement. It also recommends additional erosion control measures among others – there is no need to include the entire report in this note.

The fact alone that additional erosion control measures have been recommended by LandTech tells you that the current plans are NOT the same as the ones approved in 2014, i.e. what prompted the need for additional erosion controls? . We all know that by statute you are expected to receive a report from Conservation which will require due consideration from your side. As is, the only report you now have is from 2014.

Further down the road, it is the Wetlands Enforcement Officer’s duty and responsibility to monitor this and any other approved development project in Town. Without the latest plans how will he be able to perform?

As a last point – members of my commission walk every site of every application. We know from experience that maps do not always represent what’s on site. The mere fact that there are duplexes proposed, indicate changes to the plans from 2014.

In conclusion, while I understand the developers’ assertion that the current proposal does not have new wetland impact, it is Conservation’s statutory responsibility to confirm the same.