



**Housatonic Valley Association**

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May 5, 2015

Mr. Norman Fontaine, Chairman  
Amenia Planning Board  
Town of Amenia, New York  
4988 Route 22, P.O. Box 126  
Amenia, New York 12501

**RE: Silo Ridge Resort Community**

Dear Mr. Fontaine and Planning Board Members:

The Housatonic Valley Association (HVA), founded in 1941, is one of the oldest non-profit watershed conservation organizations in the nation, and is dedicated to preserving and protecting the natural character and environmental health of the Housatonic River and its 1,948 mile watershed, includes nearly 2,000 square miles within western Massachusetts, western Connecticut and eastern New York. We care for, and about the Housatonic River and have studied and continue to monitor the water quality of the Ten Mile River and its tributaries.

We reviewed the application and have several overall concerns, particularly about the management of stormwater and the siting of residential units on steep slopes. HVA believes the Planning Board should require the applicant to redesign specific portions of the plan that are inconsistent with local ordinances enacted to protect the community's water resources.

**Specific Concerns**

**1. The applicant must be required to comply with the Town Code and redesign the project rather than request waivers from local and state regulations.**

In the time period between the previous public hearing in September, 2014 and today the applicant has made few changes in the project design to conform to requirements in the Town Code. Instead, the applicant is seeking multiple waivers to exempt the project from many ordinances, including the minimum required buildable area and maximum slope of buildable area; numerous requirements for the construction of roads; intersections, driveway minimum sight distance, grade, and maximum slope; provision of parks, playgrounds or other public recreation open spaces, paved common driveways and driveway aprons, and road trees and treatment of buffer areas; and other landscaping; and cul-de-sac design.

Of particular concern is the request for waivers that would permit residential units on slopes steeper than 30 percent. Studies have shown that development in general can and may lead to increased levels of total suspended solids, phosphates, chemical oxygen demand, heavy metals, salt and other pollutants that often cause harmful effects. The presence of steep slopes multiplies the risks.

The Town of Amenia has enacted good, common-sense road and building ordinances that protect the property interests of landowners, achieve the community's goals as expressed in the Town's Comprehensive Plan and provide an approval process that is predictable, efficient and fair. *If this applicant is granted these waivers a precedent will be set that will encourage future applicants to avoid complying with the Town Code with similar requests.*

**2. The Planning Board must require the applicant to remove the estate houses and vineyard cottages that would be sited on slopes greater than what is permitted under Town Code §105-21.A(1).**

The Board's own consultants identified these problems in their analyses of this project. Development in the absence of sufficient stormwater controls, *especially when undertaken on steep slopes*, is known to increase transport of pollutants into wetlands, ground water and surface waters. Nearly all stormwater management systems cannot function when roads, driveways and lawns are frozen or snow-covered. During winter any houses or other structures constructed on steep slopes may send polluted runoff downgrade to the waterbodies and streams both on and off the property.

**3. The Planning Board must require the applicant to hire an independent inspector to make post-construction inspections to ensure that buffers are respected, stormwater management functions properly and other environmental requirements in the zoning are enforced.**

This is a complex and complicated project with many structures, buffers and waterbodies designed to prevent adverse environmental impacts to the maximum extent practicable. Monitoring this development and its environmental compliance will be a difficult challenge for Town staff with many tasks and responsibilities. An independent inspector would monitor the property on a timetable worked out by the Town and applicant and ensure that any problems that might arise will be discovered and remedied in a timely manner.

**4. We expect the Planning Board and the applicant to follow the Dutchess Land Conservancy's recommendations to improve the project from a conservation standpoint and help protect the character of the Town of Amenia.**

We commend the Town and the applicant for their shared commitment to conserving a significant portion of the property in its natural state. This is an opportunity for both parties to protect the natural and scenic character of the community. In order to ensure that the protections remain in place in perpetuity, granting a conservation easement to the local, accredited land trust is of paramount importance. The Dutchess Land Conservancy (DLC) has the capacity and local presence needed to observe and monitor the property and can respond quickly to any situation that might degrade the conservation values of the property.

The DLC has submitted comments from the perspective of a potential easement holder and with extensive and specialized expertise in conservation and open space. As a land trust accredited by the Land Trust Accreditation Commission of the Land Trust Alliance, the DLC has met the highest national standards of excellence and will uphold the public trust and ensure that conservation efforts are permanent.

We urge the Planning Board and applicant to implement the DLC's recommendations that will protect 80 percent of the property by a conservation easement of contiguous land that will be preserved for environmental protection and scenic enjoyment, such as woodlands, wetlands and viewsheds. The 80 percent of the property to be protected should not include structures or other improvements that do not meet the DLC's conservation criteria.

### **Conclusion**

We ask the Planning Board to carefully consider all relevant facts and evidence in making its decision on this application and minimize the environmental impact of the proposed project, including the effects on the wetlands' and watercourses' capacities to facilitate drainage, prevent flooding, supply and protect surface and ground waters and support fish and wildlife.

Thank you for this opportunity to provide our comments.

Elaine E. LaBella  
Director of Land Protection