

TOWN OF OLD SAYBROOK )  
PLANNING COMMISSION )  
 )  
Regarding Application for )  
Special Exception Use and )  
Preliminary Open Space Subdivision Plan by )  
River Sound Development, LLC )  
 )  
 )  
 )

November 3, 2004

**PLANNING  
COMMISSION  
EXHIBIT #47**

NOTICE OF INTERVENTION AND REQUEST FOR NOTICE OF MEETINGS

The Connecticut Fund for the Environment, Inc., on behalf of its members hereby intervenes as of right as a party in the above captioned proceeding pursuant to Section 22a-19(a) of the Connecticut General Statutes (CGS) and states that:

1. The Connecticut Fund for the Environment, Inc., (CFE) is a non-profit corporation dedicated to the protection and preservation of the natural resources of the State of Connecticut.
2. The Connecticut Environmental Protection Act of 1971 provides, in part, that any person, corporation, association, organization, or other legal entity may intervene as of right as a party in any administrative, licensing, or other proceeding upon the filing of a verified pleading which asserts that the proceeding "involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the state." CGS § 22a-19(a).
3. CFE asserts that the proposed application for Special Exception use and Open Space Subdivision approval as submitted by the applicant would specifically allow for the development of an 18 hole golf course combined with dense, cluster development and estate housing on the approximately 1,000 acres of currently undeveloped and largely undisturbed land identified by the applicant as the "Preserve". The developer has submitted in this proceeding a lay-out

for the dense, cluster housing, estate housing and associated golf course (hereafter referred to as the "Cluster and Associated Development") that this Special Exception is designed to allow.

4. CFE asserts that the Cluster and Associated Development as proposed by the applicant would result in activities which are reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the following natural resources of the state, as further described below:
  - a. A large, unfragmented forest and wetland complex supporting species of conservation concern. As suburban sprawl continues to fragment Connecticut's forests, the large, approximately 1,000-acre "Preserve" property is an example of an increasingly scarce and important continuous tract of habitat for a diverse assemblage of wildlife. Species of conservation concern that can be expected to occupy and depend on large tracts of continuous habitat on the Preserve property include, but are not limited to neotropical migrant birds that require large tracts of forest for successful breeding and mammalian predators that have large home ranges. In addition, herpetological surveys completed on the Preserve property indicate that the property contains a diverse, high quality system of wetlands and watercourses and some of the amphibians identified on the site generally only persist in unfragmented habitats. The proposed special exception is designed by the applicant to allow for the Cluster and Associated Development. This development would necessitate that hundreds of acres of the existing forest of the site be replaced by the roads, cluster development, golf course and estate homes, and will fragment the remaining forest into much smaller habitat areas. The wildlife species of conservation concern that rely on continuous forest are reasonably likely to be drastically reduced in abundance and diversity due to the extensive fragmentation of forest habitat caused by the Cluster and Associated Development.
  - b. Excellent existing water quality and high quality streams on the Preserve property. All of the Preserve property's streams and waterbodies are

classified as Class "A" surface water bodies, which means that overall they possess excellent water quality. Most of these streams flow into the Oyster River, a good quality coastal stream. CFE asserts that this special exception, specifically designed to allow the Cluster and Associated Development, is reasonably likely to impair or pollute these existing excellent quality streams and water bodies due to the individual and/or cumulative impact from: (a) reasonably likely pollution from erosion and sedimentation due to the extent of site clearing necessary for the development of the golf course and associated cluster and estate housing, within a total development area of more than 400 acres, (b) reasonably likely impairment to the current hydrological characteristics of the high quality stream systems on the site due to a combination of replacing forest cover with golf course or lawn turf, and construction of roadways and impervious surfaces as contemplated by the applicant's proposed Cluster and Associated Development; (c) impacts on water quality from polluted stormwater runoff from roads, parking lots, and pesticide and fertilizer applications to lawns and the golf course as will be associated with the Cluster and Associated Development; and (d) the reasonably likely addition of fecal pollution to surface water bodies from nuisance Canada Geese, whose population can be expected to increase dramatically on the site after the extensive conversion of existing forest cover to turf conditions, a habitat alteration associated with the cluster housing, estate housing and golf course incorporated in the Cluster and Associated Development.

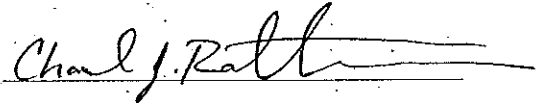
5. Pursuant to CGS Section 1-21c, CFE requests that it be given written notice by mail of all hearings and meetings to be held in connection with the proceedings as well as all negotiations pertaining to the above captioned petition. Such notice shall be sent to CFE at the following address:

Charles J. Rothenberger  
Connecticut Fund for the Environment, Inc.  
205 Whitney Avenue, First Floor  
New Haven, CT 06511  
(203) 787-0646/ext. 110  
(203) 787-0246 (fax)  
[crothenberger@cfenv.org](mailto:crothenberger@cfenv.org) (email)

WHEREFORE, the Connecticut Fund for the Environment, Inc., hereby intervenes as a party in this proceeding on the filing of the Verified Notice of Intervention and requests notice of meetings.

THE INTERVENING PARTY,  
CONNECTICUT FUND FOR THE  
ENVIRONMENT, INC.

BY:



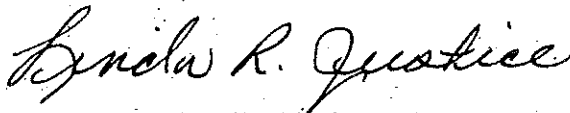
Charles J. Rothenberger  
Connecticut Fund for the Environment, Inc.  
205 Whitney Avenue  
New Haven, CT 06511  
(203) 787-0646

VERIFICATION OF NOTICE OF INTERVENTION

I, Curtis P. Johnson, being duly sworn, depose and say that I have read the foregoing Notice of Intervention and the allegations contained therein are true to the best of my knowledge.



Curtis P. Johnson  
Program Director  
Connecticut Fund for the Environment, Inc.



Sworn and Subscribed before me  
This 3<sup>RD</sup> day of November, 2004

My Commission Exp. Mar. 31, 2007

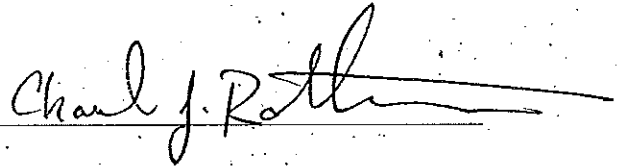
**Certificate of Service**

I hereby certify that on November 3, 2004 a copy of the attached Notice of Intervention and request for Notice of Meetings was delivered by facsimile and was mailed first class, postage pre-paid, to the parties below.

River Sound Development, LLC  
David M. Royston, Esq.  
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Old Saybrook, CT 06475

Town of Old Saybrook  
Planning Commission  
302 Main Street  
Old Saybrook, CT 06475-1741

Mark K. Branse, Esq.  
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Glen Lochen East  
Glastonbury, CT 06033-2038



Charles J. Rothenberger  
Connecticut Fund for the Environment