

TOWN OF OLD SAYBROOK
PLANNING COMMISSION

FILE COPY

**PLANNING
COMMISSION**

EXHIBIT #146

APPLICATION FOR SPECIAL EXCEPTION	:	FILE NO. 3029/04-276
PRELIMINARY OPEN SPACE SUBDIVISION	:	
PLAN BY RIVER SOUND DEVELOPMENT,	:	
LLC KNOWN AS THE "PRESERVE"	:	DECEMBER 30, 2004

**NOTICE OF INTERVENTION BY VERIFIED PLEADING PURSUANT
TO § 22a-19 OF THE CONNECTICUT GENERAL STATUTES**

1. The Town of Essex is a municipality within the meaning of § 7-148 of the General Statutes and possesses all of the powers granted in Chapter 98 of the General Statutes and is a political subdivision of the state within the meaning of § 22a-19 of the General Statutes.
2. The Town of Essex hereby intervenes as of right as a party in the above captioned proceeding before the Old Saybrook Planning Commission (the "Commission") pursuant to § 22a-19 of the General Statutes.
3. Section 22a-19 of the General Statutes provides, in part, that any political subdivision or other legal entity may intervene 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."
4. The above-captioned special exception application of River Sound Development LLC ("River Sound") pending before the Commission is an administrative or other proceeding within the meaning of § 22a-19.
5. River Sound's application provides for the development of an 18 hole golf course and club house facility combined with 248 units of dense cluster development and estate housing

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Notice of Intervention was delivered by first class mail this 30th day of December, 2004, to:

David M. Royston, Esq.
Dzialo, Pickett & Allen, PC
15 Elm Street
P. O. Box 779
Old Saybrook, CT 06475-0779

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

Mark K. Branse, Esq.
Branse & Willis, LLC
41-C New London Turnpike
Glastonbury, CT 06033-2038

Dwight H. Merriam, Esq.
Robinson & Cole, LLP
280 Trumbull Street
Hartford, CT 06103-3597

Charles Rothenberger
Connecticut Fund for the Environment
205 Whitney Avenue
First Floor
New Haven, CT 06511-3725


Matthew Ranelli

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on the approximately 967 acres of currently undeveloped and largely undisturbed land identified by the applicant as the "Preserve."

6. Section 56 of the Old Saybrook zoning regulations authorizes the Planning Commission to consider whether an open space subdivision plan (a) protects natural streams, ponds, water supply, natural drainage systems; (b) preserves areas of scenic beauty; and (c) conserves wetlands, soils, forests, wildlife, and other natural resources.

7. River Sound's proposed application 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, as further described below:

a. the proposed development and 18 hole golf course would unreasonably destroy significant portions of the forested area of the site including trees and other vegetation and fragment the remaining open space in a manner that would negatively impact the sensitive wildlife and wildlife habitat associated with the site;

b. the proposed plan will unreasonably pollute, degrade, or destroy high quality vernal pools, streams, and wetlands and interrupt and impair the inter-related ecological system on- and off-site, and specifically holes 1-5, 8, 11, 13, 15, and 16, individually and collectively, will unreasonably degrade or destroy such resources and their functions;

c. the proposed road network requires significant cutting and filling which will unreasonably impair the existing natural drainage systems and pollute the affected watersheds during and after construction;

d. the proposed golf course will require significant drawdown of groundwater wells which is reasonably likely to cause unreasonable negative impact to or pollution of groundwater supplies especially during drought periods;

e. the subject parcel is located in a coastal flyway for avian species as detailed in the avian survey of the site referenced by River Sound and is reasonably likely to cause unreasonable damage and destruction to these avian populations and their habitats during and after construction;

- f. the proposed plan is reasonably likely to create runoff which will unreasonably pollute or alter the Mud River Watershed during and after construction; and
- g. the proposed plan is reasonably likely to unreasonably impair the scenic and aesthetic beauty of the environment and the views associated with the site.
8. Feasible and prudent alternatives to the proposed conduct exist which are consistent with the reasonable requirements of the public health, safety, and welfare.

WHEREFORE, the Town of Essex, hereby intervenes as a party in this proceeding on the filing of this Verified Notice of Intervention and requests notice of hearings and meetings.

INTERVENING PARTY,
TOWN OF ESSEX

By _____

~~Matthew Ranelli~~
Matthew Ranelli
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919
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VERIFICATION OF NOTICE OF INTERVENTION

I, PHILIP J. MILLER, First Selectman of the Town of Essex, being duly sworn, depose and say that I have read the foregoing Notice of Intervention and the allegations contained therein are true and accurate to the best of my knowledge and belief.

Philip J. Miller
PHILIP J. MILLER

Subscribed and sworn to before me
this 30th day of December, 2004.

Frances D. Nolan

Notary Public

My Commission Expires:

MY COMMISSION EXPIRES
DECEMBER 31, 2008

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