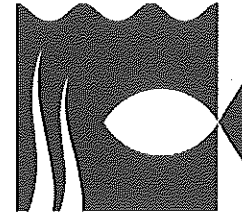


**Connecticut Fund
for the Environment**

**PLANNING
COMMISSION
EXHIBIT #29**



Save the Sound®
A program of
Connecticut Fund for the Environment

TOWN OF OLD SAYBROOK)	December 1, 2010
PLANNING COMMISSION)	
)	
Regarding Application for)	
Modification of)	
Preliminary Open Space Subdivision Plan by)	
River Sound Development, LLC)	

NOTICE OF INTERVENTION AND REQUEST FOR NOTICE OF MEETINGS

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 Modification of Preliminary Open Space Subdivision Plan as submitted by the applicant would specifically allow for the development of an 18-hole golf course and residential development on approximately 925.82 acres of currently undeveloped and largely undisturbed land known as the "Preserve".
4. CFE asserts that the Town of Old Saybrook has recognized the significance of the site by zoning it as a "Residence C Conservation District," mandating an "Open Space Subdivision." Section 56 of the Old Saybrook Zoning Regulations requires that at least 50% of the area covered by an application be preserved as open space and mandates consideration of a score of potential environmental impacts including, inter alia, the extent to which any proposed development:
 - a. Preserves and protects all floodplains, wetlands, and steep slopes from clearing, grading, filling or construction (except as may be approved by the commission for essential infrastructure or active or passive recreation amenities);
 - b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and wildlife corridors, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses;
 - c. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and watercourses;
 - d. Minimizes impacts on large woodlands (greater than five acres), especially those containing mature trees or a significant wildlife habitat;
 - e. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares;
 - f. Protects wildlife habitat areas of species listed as endangered, threatened or special concern by the EPA and/or DEP;
 - g. Provides open space that is reasonably contiguous.
5. CFE asserts that, while the developer has proposed some modifications to the Preliminary Open Space Subdivision Plan as conditionally approved on March 23, 2005, it has not proposed modifications to the majority of that plan.
6. CFE asserts that the Preliminary Open Space Subdivision plan as submitted with modifications would result in activities which have been found by the Old Saybrook

Inland Wetlands Commission to result in the pollution, impairment, or destruction of the public trust in the following natural resources of the state, as summarized below:

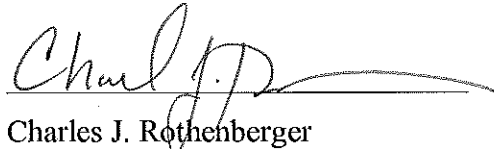
- a. The extensive blasting, grading, clearing and associated construction activities will result in substantial silt entering the wetlands, polluting the water and adversely impacting the chemical and biological character of the wetlands;
 - b. Construction activity and operation of the golf course and sewage treatment leaching field will result in the flow of nitrates, silt, chemicals and other pollutants into Pequot Swamp Pond;
 - c. The proximity of greens and fairways to wetlands will result in the leaching of chemical pesticides and herbicides into the wetlands, adversely and permanently impacting them;
 - d. The proposed layout of the golf course will result in the unacceptable fragmentation of open space and isolation of vernal pools which will substantially reduce the capacity of the wetlands and vernal pools to maintain the resident wood frog population. The resultant reduction of the wood frog population will adversely impact the vernal pools on the site by reducing nutrient and energy recycling within the wetlands;
7. CFE further asserts that the proposed modifications to the Preliminary Open Space Subdivision Plan may actually exacerbate those impacts found to result from the original proposal, particularly with respect to the issues of the quality and connectivity of the proposed open space areas and construction activities adjacent to wetland areas.
8. 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.
142 Temple Street, Suite 305
New Haven, CT 06510
(203) 787 0646/ext. 110
(203) 787 0246 (fax)
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
Juris No. 419533

Connecticut Fund for the Environment, Inc.
142 Temple Street, Suite 305
New Haven, CT 06510
(203) 787-0646

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Notice of Intervention was sent by first class mail this 1st day of December 2010 to:

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

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

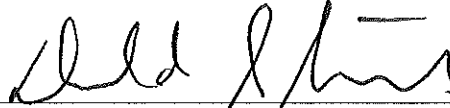
Mark K. Branse, Esq.
Branse, Willis & Knapp, LLC
148 Eastern Boulevard
Glastonbury, CT 06033

A handwritten signature in cursive script, reading "Charles J. Rothenberger", is written over a horizontal line.

Charles J. Rothenberger

VERIFICATION OF NOTICE OF INTERVENTION

I, DONALD S. STRAIT, Executive Director of Connecticut Fund for the Environment, 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.



DONALD S. STRAIT

Subscribed and sworn to before me
This 1st day of December, 2010



Commissioner of the Superior Court

CURTIS P. JOHNSON
JURIS. # 402216