

PLANNING  
COMMISSION  
EXHIBIT # 31

December 1, 2010

Statement of River Sound Development, LLC Owners' Representative Robert A. Levine

Good evening.

My name is Robert A. Levine. I am President and CEO of RAL Development Services LLC., a real estate planning and management firm with offices in New York City. I appear before you tonight as the owner's representative.

As you have been told previously, River Sound Development, LLC is a wholly owned subsidiary of Lehman Brothers Holdings, Inc., which entered into bankruptcy protection in September, 2008. River Sound, by virtue of the approximately 1000 acres it owns in this three town area is an asset in the bankruptcy. One of the first things the Trustees in the bankruptcy wished to do was to determine what was the potential value of this asset, its highest and best use.... and what should they try to do with it to realize the greatest value to its creditors.

By reason of my past association with Lehman Brothers on other projects, and by reason of my familiarity with the area, I agreed to act as the owner's representative with respect to this property.

The first thing which I did, which occurred more than a year ago, was to come up and walk the property. I was accompanied by Michael Klein an environmental expert previously engaged by River Sound, by David Royston, River Sound's local attorney, and my son a Harvard trained landscape architect

I knew from the background materials, as well as the litigation relating to this property, that it was considered to be environmentally sensitive. Had I not known that before I visited the property, I had no doubt after having walked the property. I am also trained as a Planner and Architect and have published works relating to Community Development and Land Analysis.

I am aware that this Planning Commission conducted site walks of the property in 2004 and 2005, when it was considering River Sound's Special Exception application for the full development of the property. River Sound's approach was that if this property is to be developed... as is the owner's right.....it must be developed in a responsible way, so as to preserve its environmental, ecological and historic value and resources.

I am fully aware that there was and remains disagreement as to whether River Sound's plans for full development of the property....that is, 221 housing units, a golf course/country club and associated infrastructure improvements..... adequately protect those resources. This is a balancing act and there is always going to be disagreement. This came to a head in the denial of the full development wetlands permit in 2006. I understand that was a lengthy and thorough review process, as well as a lengthy and

thorough decision making process. The result was a denial by a 4 to 3 vote. Close, but a denial nonetheless.

The litigation regarding the denial of that permit for the full development of the property has been concluded with the decision of the Wetlands Commission having been upheld by the courts. Another decision of the Wetlands Commission correcting a flawed bonding condition for an earlier golf course permit approval has also been upheld by the courts. The Connecticut Fund for the Environment and the Connecticut DEP have petitioned to the Supreme Court to rehear that case. That decision is still pending.

I want to emphasize, however, that both of those decisions relate to potential development of what I will call the "forest core" of the property consisting of approximately 816 undeveloped acres lying between Ingham Hill Road in Old Saybrook and the Valley Railroad.

What we are attempting to do with this proposed modification is to enable River Sound to proceed with some limited development of what I will call "pods" consisting of about 43 acres along Ingham Hill Road, about 31 acres adjacent to the Westbrook boundary and the Pianta parcel on Bokum Road, separated from the forest core by the Valley Railroad consisting of about 32 acres.

The modification proposal before you seeks no changes regarding the 816 acre forest core. River Sound wishes to defer to another time the decision as to what happens to the central forest core. There are many options available ranging from full development to no development. We are not trying to change that.

I am obviously aware of the interest of many, particularly environmental groups, to have the property acquired as open space. With all due respect to newspaper reports, let me say for the record here that River Sound has not set a price for purchase of its property nor is it ignoring the sentiment for preservation of the property as open space.

Since becoming the owner's representative I have reached out to Attorney General Blumenthal, to DEP Commissioner Marella and to representatives of the Connecticut Fund for the Environment, the Trust for Public Land and the Nature Conservancy to see if a way can be found for us not only to agree upon a reasonable price for this property, but also to determine the means and methods for the funding for such an acquisition, which currently include the pod developments to offset some of the aggregate cost of acquisition.

I have met with representatives of those agencies and organizations as recently as November 19, 2010. Those agencies and organizations are of course aware of this application before you. One or more of them may become involved in this application. I am sure other private citizens or organizations will become involved in this application. That is their right.

I am sure this application will be given a thorough review. However, I again emphasize that the purpose and intent of this application is to maintain all potential options with respect to the central forest core, from full development to no development.

We do not believe that any of the provisions of the limited development that we are seeking have any significant impact on the central forest core. We also believe that each of the three "pods", individually, and in the aggregate with the remainder of the preliminary plan, meet your Open Space Subdivision regulations. We are sure you will want to confirm this in your review. We are prepared to make such plan revisions as are necessary to meet the regulations.

I welcome this opportunity to state for the Record exactly what the intentions of River Sound are.

Thank you for your attention and I look forward to your favorable approval of this modification.