



The Alliance for Sound area Planning (ASaP) is a broad-based, grassroots coalition that is made up of hundreds of concerned citizens from among others, the towns of Old Saybrook, Westbrook and Essex who work together to: (1) provide residents and land use decision makers with educational and informational resources; (2) and to promote fiscally, socially and environmentally sound land use decisions on the proposed development of the 1,000-acre forest

Robert McIntyre, Chairman
& Old Saybrook Planning Commission Members
302 Main Street
Old Saybrook, CT 06475

Dear Chairman McIntyre and members of the Old Saybrook Planning Commission:

On behalf of the Alliance for Sound area Planning (ASaP) we urge you to deny River Sounds application before you based upon a myriad of issues that would allow you to do so, including but not limited to:

1. DEP denying access to River Sound over Valley Railroad;
2. Critical natural resource information that is lacking for the Bokum Road and new access point on Ingham Hill (a site which was previously designated as open space due to its valuable natural resources – this is critical information that is needed in order to assist you in making an informed decision;
3. Public Safety issues that have not been considered and further that many believe cannot adequately be resolved due to the lack of viable options to restructure residential roadways;
4. An infrastructure system that is an unfunded mandate on the town of Old Saybrook and its residents in the neighborhood of \$1.5 million in the next few decades.

Lehman Brothers and its subsidiary have been coming before the volunteer commissions of Old Saybrook, Essex and Westbrook for 12 years and have received denial after denial. Yet, because of money that they somehow are able to keep drawing from, they keep coming back, in the same manner that they have done so for years – with applications that are not incomplete and applications that are not ready for commissioners to be able to make informed decisions on behalf of their communities, yet they expect leniency. ENOUGH IS ENOUGH!

Once again with this application, there has been an unprecedented amount of information received in opposition to this application and time and time again, it is clear that the applicant does not have ample information before you to make an informed decision.

Specifically, per a letter that I am submitting with this letter, from Tavano McCuin, and from a letter and testimony that you will hear tonight from Attorney Janet Brooks, both giving an attorney's review of DEP's denial letter dated Feb 10, 2006, whereby DEP denied River Sound access over the Valley Railroad into the core of the property. You will see by their testimony, **the emperor has no clothes**. The applicant claims that this is something that can be worked out with DEP. DEP is not a regulatory agent in this case. In this case they are a property owner no different than you or I. The testimony I refer to goes into further detail about this issue clarifying the developer no longer has standing and you have case law backing to deny.

There has also been a flagrant flip-flopping of how this development relates to the original approval. For example, in the original proposal, the south side of Ingham Hill was to be set aside as open space because of it being identified as a significant natural resource area and a perfect area to connect with other open spaces in Old Saybrook, and now the applicant is proposing ball-fields and homes, without a natural resource inventory or significant water flow information ever being done. Again they expect leniency. I recall an instance in Old Saybrook whereby a resident was denied extending a deck off their house 10-feet because they encroached within 50 feet of wetlands, and yet, this applicant has gone back and forth as they wish saying this is not a phase-in (where DEP crossing matters) and they don't need to meet extra fire-safety requirements for cul-de-sacs because they have the inside core road ultimately.

River Sound's proposal for an 18-hole private, championship style golf course and 221 densely packed residential units plan will ultimately lead to degradation of a 1,000-acre coastal wetland forest complex. This 1,000-acre wetland forest has been identified as the last and largest forest of its kind along the Connecticut coast, within such close proximity to Long Island Sound.

Water drains from the property through the Mud River that flows into the lower Connecticut River, as well as directly into Long Island Sound through the headwaters of the Class A Oyster River and the Patchogue River.

The land is home to many native plant and tree species, some of which are rare, and provides a life saving stopover for a number of migratory song birds in their spring and fall migrations along the Atlantic Seaboard.

This last of its kind forest is also home to a large cattail and grassy marsh "Pequot Swamp", an Atlantic White Cedar Swamp, as well as over 38 high priority vernal pools (more than 53% of which will not be conserved per the developer's testimony). The 1,000-acre forest is also home to the most productive vernal pool ever found by the developer's hired expert Dr. Micheal Klemons.

This unique forest is also comprised of steep slopes, rock outcrops, shallow bedrock, a shallow water table, highly productive wetlands, and a diversity of wildlife including, among others,

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RE: Letter - Feb 14, 2006 DEP Land Acquisition denial decision for Preserve RR crossing

Wednesday, January 5, 2011 7:44 AM

"Brothers, Elizabeth" <Elizabeth.Brothers@ct.gov>

"Suellen Kozey McCuin" <s.kozeymccuin@att.net>

Hi Suellen: I'm doing well. Good talking with you recently. Had a great Christmas. There has been no change relating to the denial of access to Lehman/River Sound's request for a crossing. Hope to see you soon.

Beth

-----Original Message-----

From: Suellen Kozey McCuin [mailto:s.kozeymccuin@att.net]

Sent: Tuesday, January 04, 2011 4:51 PM

To: Brothers, Elizabeth

Subject: Letter - Feb 14, 2006 DEP Land Acquisition denial decision for Preserve RR crossing

Hi Beth-

Hope this email finds you well and hope you had a nice holiday season...

I have heard of none, but wanted to double-check - has there been any change relative to DEP's position of denying access to Lehman/RiverSound's request for crossing the Valley Railroad State Park?

Thank you and take care.
Suellen McCuin

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