

MORIARTY, PAETZOLD & SHERWOOD

ATTORNEYS AT LAW

2230 MAIN STREET • P.O. BOX 1420
GLASTONBURY, CONNECTICUT 06033-6620

DAVID F. SHERWOOD
dfsherwood@gmail.com

TELEPHONE: (860) 657-1010
TELECOPIER: (860) 657-1011

October 4, 2008

Members of the Continuing Legislative Committee
On State Planning and Development:

The Honorable Eric D. Coleman
The Honorable Art Feltman
The Honorable Jonathan A. Harris
The Honorable Leonard Fasano
The Honorable Craig A. Miner
The Honorable Joseph J. Crisco, Jr.
The Honorable Antonio Guerrero
The Honorable Jack Malone
The Honorable Richard Roy
Room 2100
Legislative Office Building
Hartford, CT 06106

Dear Senators and Representatives:

I am writing on behalf of Norwichtown Development LLC to oppose two requests to reconsider the Committee's decision on July 10, 2008 to grant our client's request for an interim change to the Locational Guide Map of the Conservation and Development Policies Plan for Connecticut, 2005-2010.

By letters dated September 18 and September 29, Representative Malone and Mayor Lathrop requested this Committee to reconsider the decision to approve a change to the Locational Map for Norwich for 40 acres of a 60 acre parcel located between Hansen and Scotland Roads from Rural to Neighborhood Conservation to allow public sewers and water to serve the site.

In reliance on the Committee's July 10, 2008 decision, our client has spent more than \$150,000 on engineering, traffic studies, site plans and application fees to bring the application forward through the Norwich land use process. An application for an inland wetlands permit has been filed, and the public hearing on the application was commenced on October 2, 2008.

Our clients have followed to the letter every procedure set forth in the statutes to revise the map. The City of Norwich was given the opportunity to have a public hearing on the Map change and formally waived that right. The Committee approved the request after much discussion and careful deliberation. The Office of Policy and Management has published a notice in the Connecticut Law Tribune as required, and has physically changed the Locational Map. The decision of the Committee is final and unappealable under the statutes.

It appears that, based on media reports and the text of the both Representative Malone's letter and Mayor Lathrop's letter, the impetus behind both requests is neighborhood opposition to the project itself and criticisms of these government officials for their handling or lack of handling of this matter. Despite being sent repeated notices, Representative Malone took no part in the Committee's deliberations, although the property in question is in his district, and the Mayor waived a public hearing available to the City based on very logical and appropriate advice from the City's Director of Planning & Neighborhood Services, as summarized in the memorandum attached to the Mayor's letter.

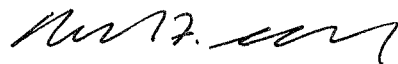
While it is certainly understandable that, during this election season, these elected officials are responding to the ire of constituents, this Committee should not re-consider its decision, unless it is willing to have the State assume the expenses our client has made in reliance on the July 10, 2008 decision. Our clients will avail themselves of all legal means of redress if the Committee wrongfully changes its decision in response to public pressure that has nothing to do with sewers and public water, and everything to do with local politics involving the active adult housing.

If the Committee re-considers its decision after our clients have invested huge sums in the local permitting process, it will undermine the entire legislative and regulatory scheme for Interim Changes. If re-consideration is allowed, when will an applicant ever know that the Committee's decision and OPM action are final?

Members of the Continuing Legislative Committee
on State Planning and Development
October 4, 2008
Page 3

If the Committee does intend to schedule this matter for a meeting, please advise the undersigned at once, as our client intends to be present and would like to address the Committee.

Very truly yours,

A handwritten signature in black ink, appearing to read "David F. Sherwood", written in a cursive style.

David F. Sherwood

cc: Norwichtown Development LLC
The Honorable Edith Prague
The Honorable Benjamin P. Lathrop
W. David LeVasseur, Under Secretary, Office of Policy and Management
William R. Hogan, Department of Environmental Protection
Allen Bergren, City Manager
Peter Davis, Director of Planning & Neighborhood Services
James S. Butler, Executive Director, Southeastern Connecticut Council of Governments