

Memorandum of Law in Opposition
Application #1120-06 Slate Upper School 5100 Ridge Road
Application to Conduct Regulated Activity and Site Plan Referral

The undersigned represents Gary de Simone and Elizabeth Knope, the owners of 5200 Ridge Road, North Haven, the property that is adjacent to, and just north of the applicant's property at 5100 Ridge Road. On behalf of de Simone and Knope, I respectfully submit that the Commission is required to deny the applicant's permit to conduct the regulated activity proposed for the property to develop the Slate Upper School 5100 Ridge Road.

I note that the Commission's inquiry should be focused on, and limited to, two issues:

1. Will the proposed development have a significant, adverse impact on wetlands resources?
 2. Is there a feasible and prudent alternative to the development?
- Connecticut General Statutes § 22a-41.

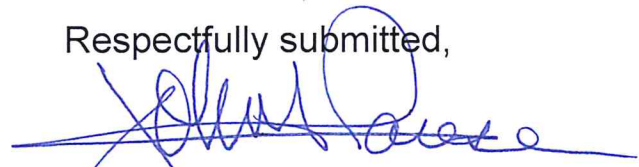
If the Commission finds that the answers to both of these questions is yes, the applicant is not entitled to the permit to conduct the proposed regulated activity. *River Sound Development, LLC v. Inland Wetlands and Watercourses Commission of the Town of Old Saybrook Et Al.*, 122 Conn.App. 644 (2010); *Grimes v. Conservation Commission of the Town of Litchfield*, 49 Conn.App. 95 (1998).

Clinton Brown of Loureiro Engineering will testify that the proposed construction activities will disturb the site extensively, impact the natural drainage and capacity of the property to absorb and meter the flow of storm water off-site, and into the wetlands and upland regulated areas. The septic system will increase the nitrates entering the aforementioned wetlands and upland regulated areas. George Logan of Rema Ecological Services will testify that the result of those disturbances and introduction of nitrates will irreparably alter those resources and impact the inland wetlands significantly and adversely ... both during construction and after the development is completed and in use. Therefore, I ask this Commission to find that the proposed development will have a significant and adverse impact on the wetlands.

Therefore this commission is required to analyze and determine whether there is a feasible and prudent alternative to the proposal contained in the application. There are at least two: First, the property can be used for that which is permitted as of right by the Zoning Regulations, a single-family home; second, the property can continue to be used for that which it has already been approved by both this Commission and the Planning and Zoning Commission, a modest house of worship.

The applicant's proposed development will have a significant, adverse impact on inland wetlands resources; and there is a feasible and prudent alternative to the development, therefore, this Commission should deny the permit to conduct regulated activity. Connecticut General Statutes § 22a-41; *River Sound Development, LLC v. Inland Wetlands and Watercourses Commission of the Town of Old Saybrook Et Al.*, 122 Conn.App. 644 (2010); *Grimes v. Conservation Commission of the Town of Litchfield*, 49 Conn.App. 95 (1998).

Respectfully submitted,



John A. Parese, attorney for
Gary de Simone and Elizabeth Knope