

From: [Mark K. Branse](#)
To: [Elizabeth Burdick](#); [Robert Avena](#)
Cc: [Mark C. Coen \(mc5allyn@aol.com\)](#); [Peter Gardner](#)
Subject: FW: Donco, LLC - Responses to Staff Memos #1 and #2
Date: Tuesday, June 11, 2024 9:05:54 AM
Attachments: [image002.png](#)

Liz,

This is the email that I was referencing earlier. And note that I copied the Town Engineer on this email on *April 24*. It's frustrating to get this requirement only days before the final meeting. Be that as it may, if Pete thinks we can resolve the under issues, we will.

Mark

From: Mark K. Branse
Sent: Wednesday, April 24, 2024 12:22 PM
To: Juliet Hodge <planner@ledyardct.org>
Cc: Robert Avena <RAvena@sswbgg.com>; public.works.director@ledyardct.org; Mark C. Coen (mc5allyn@aol.com) <mc5allyn@aol.com>; Peter Gardner <dieter.gardner@yahoo.com>
Subject: RE: Donco, LLC - Responses to Staff Memos #1 and #2

Hi, Juliet,

I agree that the application is subject to Commission review. CGS 8-30g doesn't deprive the Commission of its authority to review and act on the application and I didn't mean to imply otherwise. That is why we have amended the plans and other documents where appropriate to respond to your points when they are legitimate.

However, this application is not being reviewed under the Zoning Regulations, so Section 11.2.1G doesn't apply. Section 11.2.1K doesn't apply. *None* of the regulations apply. The Town Engineer can review "whether the systems proposed are adequate to handle the run-off etc. and not cause any health or safety issues." LID is now the preferred method of stormwater management and that's exactly what we're doing. We are talking about 10 homes having a footprint of 877.8 SF each and 10 sheds having a footprint of 48 SF, for a total impervious coverage 9,258 SF; plus gravel driveways (except for the aprons). That's roughly the coverage for a couple of typical houses. That runoff is being discharged into 10 individual subsurface structures in soils that generally have a perc rate of less than 2 minutes per inch, and never higher than 13 minutes per inch for about one third of the test holes. Why do you speculate that this could present any health or safety issue, especially if we have approval from the Health District for both effluent and stormwater discharges as shown on the plans?

I am copying the Town Engineer on this email because I have been told that he is professional who adheres to the strictest ethical standards. If he wants more information, we will provide it

—with or without the ordinance. We have nothing to hide but we aren't going to follow you through all 55 titles in the General Statutes, the Ledyard Code of Ordinances, the Zoning Regulations, the Subdivision Regulations, the Inland Wetlands and Watercourses Regulations, and any other regulatory standard in which you are searching for grounds, no matter how tenuous, to deny this application. The Affordable Housing Act exists precisely to prevent such pretextual obstruction of affordable housing applications.

Regards,

Mark

From: Juliet Hodge <planner@ledyardct.org>
Sent: Tuesday, April 23, 2024 4:52 PM
To: Mark K. Branse <branse@halloransage.com>
Cc: Robert Avena <RAvena@swwbgg.com>
Subject: RE: Donco, LLC - Responses to Staff Memos #1 and #2

Mark,

The application is subject to Site Plan review – by the commission. As we do not have a category for Mobile Home Park in the regulations, it is being treated as “commercial” in that it is not a Single-family or duplex development that would be residential developments reviewed by staff and it does not fit the definition of Multi-family in our regulations. Section 11.2.1G would apply – meaning the stormwater ordinance applies. The Commission can also ask for any additional information they deem necessary to make a reasonable review of the Application per 11.2.1K. In order to determine whether the systems proposed are adequate to handle the run-off etc. and not cause any health or safety issue, compliance with the ordinance must be demonstrated.... In my opinion. I will copy Attorney Avena here as well.

Juliet

From: Mark K. Branse <branse@halloransage.com>
Sent: Tuesday, April 23, 2024 3:52 PM
To: Juliet Hodge <planner@ledyardct.org>
Cc: Steve Masalin <pwd@ledyardct.org>; Robert Avena <RAvena@swwbgg.com>; Mark C. Coen (mc5allyn@aol.com) <mc5allyn@aol.com>; Peter Gardner <dieter.gardner@yahoo.com>
Subject: Donco, LLC - Responses to Staff Memos #1 and #2

Dear Juliet,

Attached please find two Memos from me. The first one responds to your staff memo #1, with numerous attachments, including a revised Affordability Plan that address your concerns. Also attached is a reply Memo to your staff memo #2. I am sending eight (8) copies of these documents to you today so that you have plenty of time to distribute them to the Commission. I had to reduce the size of my memo #1 because it was such a large file, but it should be

legible.

As you will see from my response to memo #2, we do consent to a Commission site walk of the Donco, LLC property, provided that the requirements of the Freedom of Information Act are met. Please let me know some dates that would work for you and the Commission.

Lastly, Pete Gardner will be delivering revised site plans which respond to your comments. I will also forward you an email from Pete with digital versions of the revised plans.

If you have any comments or questions, it would be helpful to have them prior to the next meeting of the Commission so that we can arrive prepared and not waste the Commission's time. Thank you for your assistance.

Mark



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