



TOWN OF LEDYARD

Department of Land Use and Planning

Elizabeth J. Burdick, Director

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MEMORANDUM FOR THE RECORD

APPLICATION PZ#25-4SITE

REGULAR/SPECIAL MEETING – THURSDAY, OCTOBER 9, 2025

Prepared by *Liz Burdick*, Director of Land Use & Planning on 10/08/25

Property Address(es): 8 Colby Drive (Parcel ID: 68/520/8), 9 Colby Drive (Parcel ID: 68/520/9), 11 Colby Drive (Parcel ID: 68/520/11), Colby Drive (Parcel ID: 68/530/680) and (easements only) 16 Highview Terrace (Parcel ID: 68/960/16), 5 Colby Drive and 6 Colby Drive (revised since original submittal).

Application: PZ#25-4SITE

Applicant(s): Norm Eccleston, Habitat for Humanity

Applicant Address(es): 377 Broad Street, New London, CT 06320

Property Owner(s): Same as Applicant.

Owner Address(es): Same as Applicant.

Attorney: N/A.

Land Surveyor: David A. Caricchio, P.L.S., Alfred Benesh & Company

Engineer: William G. Walter, P.E., Alfred Benesh & Company

Lot Size: Total 16.23 +/- acres (707,022.36SF +/-) as follows: 8 Colby Drive – 3.837-acres (167,141SF), 9 Colby Drive – 2.815-acres (122,612SF), 11 Colby Drive – 8.329-acres (362,821SF), Colby Drive Parcel ID: 68/530/680 – 1.25-acres +/- (54,450+/-).

Lot Frontage: Lots will have frontage on future Town Road Colby Drive

Zoning District: Multi-Family Development District (MFDD).

Wetlands/Watercourses: Yes.

Flood Hazard Zone: Yes. Per survey sheet SV.01, "A portion of the property lies within the "Special Flood hazard Areas (SHAs) subject to inundation by the 1% annual chance Flood – "Zone A" – no base elevation determined and "Other Areas" Zone X areas determined to be outside of the 0.2% annual chance of floodplain per the FEMA Flood Insurance Rate Map New London County, CT (All Jurisdictions) Panel 359 of 554 Map Number 09011C0359G, Effective Date: July 18, 2011."

CAM Zone: No.

Utilities: Public Water & Sewer proposed to service the proposed development.

Public Water Supply Watershed: No.

Proposed Public Improvements: Yes. Completion of (town road) Colby Drive and associated drainage improvements.

Legal: Submitted 5/20/2025, Date of Receipt 6/12/25, Tabled to 7/10/25 & 8/14/25, Orig. DRD 8/16/25, Tabled to 9/11/25 w 26-day Ext. Time, Tabled to 10/9/25 w 28-day Ext. Time. New DRD 10/09/25.

EXISTING CONDITIONS: Vacant land and commenced, but unfinished, infrastructure, (Colby Drive).

PROPOSAL: Construction of 27 multi-family structures for 38 dwelling units as follows: (eleven (11) duplex units with 3 bedrooms/2.5 baths each with garages - total of 22 dwelling units; six (6) 2-bedroom/1.5bath single-family dwelling units without garages; six (6) 3-bedroom/2.5 bath single-family dwelling units without garages; four (4) 4-bedroom/2.5 bath single-family dwelling units with garages).

TOWN ENGINEER: Referred 05/29/25. See Comments dated 09/17/25 & 10/1/25 that states, "The applicant has satisfactorily addressed the comments from my 9/16/25 memo."

FIRE MARSHAL: Referred 05/29/25. No comments returned.

BUILDING DEPT.: Referred 05/29/25. No comments returned.

ASSESSOR: Referred 05/29/25. No comments returned.

LLHD: Referred 05/29/25. No comments returned.

STCT DPH: N/A.

WPCA: Letter from WPCA to Habitat for Humanity dated 12/19/24 was received on 5/14/25.

SCWA: N/A.

IWWC: The Ledyard IWWC, at its regular meeting, approved regulated activities associated with the project.

BOND: SESC Bond & Road Bond estimates pending. Bond Estimates were submitted to the Land Use Dept. on Wednesday, 10/8/25 and forwarded to the Town Engineer for review & approval. On same day, the Town Engineer approved the estimates with modifications. Said modifications shall be added as a condition to any favorable approval.

LAND USE DIRECTOR COMMENTS: Please be advised of the following comments with regard to my review of the application, supporting documents and a plan set entitled "Habitat for Humanity, Multi-Family Residential Affordable Housing Development Per C.G.S. §8-30g, Lots 8,9 & 11 Colby Drive, Ledyard, CT, Prepared for Habitat for Humanity, Prepared by Alfred Benesch & Company, Dated May 19, 2025, revised to 9/29/25":

C.G.S. §8-30 Review:

The application is being submitted as a multi-family residential affordable housing development under C.G.S. §8-30g. Chapter18 (Affordable Housing) (copy attached) of "What's Legally Required?" authored by Attorney Michael A. Ziska states, in part, "*The real power of the AHAA [Affordable Housing Appeals Act] arises from two key points: (1) the Act changes the burden of proof on an appeal from the denial of the application, or from an approval with conditions that would have a substantially adverse impact on the viability of the proposed development; and (2) it greatly restricts the criteria under which a commission may lawfully deny or condition approval of an application.*" Further, it states, in relevant part, "*The AHAA ... eliminates the deferential review standard. Whenever an applicant files an appeal under the AHAA, the commission, not the applicant, has the burden to prove (a) that the decision and the reasons given for the decision are supported by sufficient evidence in the record; (b) that the decision is necessary to protect substantial public interests in health, safety, or other matters that the commission may legally consider; (c) that those interests clearly outweigh the need for affordable housing; and (d) that those interests cannot be protected by reasonable changes to the affordable housing development*" and "*the criteria listed in the preceding paragraph are*

the only reasons will support a denial or an approval with financially burdensome conditions. The fact that a proposed development does not comply with the applicable zoning or subdivision regulations, including minimum lot size, setback or similar dimensional standards is not, in and of itself, a sufficient basis to deny or severely condition and affordable housing application. Likewise the failure of an applicant to conform to municipal ordinances will not be sufficient basis for denial unless that failure would meet the criteria listed in the preceding paragraph." Also, it states, in part, "Essentially, to deny an affordable housing application, there must be evidence in the record from a qualified expert or other source that the proposed development would pose an unavoidable safety or environmental hazard or other serious consequence."

Affordability Plan:

The Applicant submitted a document entitled, "Affordability Plan for Lots 8, 9 & 11 Colby Drive, Development of Colby Village of Habitat for Humanity of Eastern Connecticut, Inc., June 2025, Submitted by Habitat for Humanity of Eastern Connecticut, Inc. to the Ledyard Planning and Zoning Commission, Prepared by Heller, Heller & McCoy, 736 Norwich-New London Turnpike, Uncasville, CT 06382 [hereinafter AHP]."

The proposed 38 single-family dwelling units will all be designated as affordable housing. Seven (7) of the units will be sold to persons or families whose income does not exceed 50% of Median Income as described in C.G.S. 8-30g; nine (9) of the units will be sold to persons or families whose income does not exceed 60% of Median Income as described in C.G.S. 8-30g; and 22 of the units will be sold to persons or families whose income does not exceed 80% of Median Income as described in C.G.S. 8-30g. Details have been provided in the 40-page AHP identified as File Document #9.

At the top of page 5 of the AHP, there is a chart stating which of the homes shown on the plan will be for those persons or families at 40-50% AMI, 51-60% AMI or 61-80% AMI.

General Comments:

The application is for proposed construction of 27 multi-family structures for 38 dwelling units as follows: eleven (11) duplex units with 3 bedrooms/2.5 baths each with garages - total of 22 dwelling units; six (6) 2-bedroom/1.5bath single-family dwelling units without garages; six (6) 3-bedroom/2.5 bath single-family dwelling units without garages; four (4) 4-bedroom/2.5 bath single-family dwelling units with garages - total of 16 dwelling units.

Of the units stated above, each lot is proposed to contain the following number of dwelling units: 8 Colby Drive – 14 structures (10 single-family dwelling units & 4 duplex units/18 dwelling units); 9 Colby Drive – 2 structures (2 duplex units/4 dwelling units) single family housing units; and 11 Colby Drive – 11 structures (6 single-family dwelling units & 5 duplex units/16 housing units). Total dwelling units – 38 housing units.

The parcel known as Colby Drive "Roadbed" (Parcel ID: 68/530/680) will be improved as an extension of Town Road Colby Drive. The site will be serviced by future public water and sewer connections. A "Water and Sewer Main Extension Agreement between the Town of Ledyard and Habitat for Humanity of Eastern, CT Inc., dated 12/21/24 has been submitted for the record as File Document #11. An existing drainage easement onto 16 Highview Terrace is proposed to

be improved and temporary cul-de-sacs on 5 & 6 Colby Drive will be removed to complete future Town Road Colby Drive and the properties to be restored with loam and seed by the Applicant.

Application/Plan Review Comments:

Development Narrative:

1. Staff Comment: Lot Layout and Density paragraph 2 states "Zone AA" and referenced two zones. Note that the projects properties are all located in the MFDD zone and this should be clarified/revised. Response says: "by others?" Please clarify this statement. Staff Comment: Revised Development Narrative no longer has a paragraph 2 under Lot Layout and Density. Please advise if this was intentional or accidentally eliminated. **A revised Development Narrative received by the Land Use Dept. addresses this comment.**

Stormwater Management Plan and Public Improvements:

1. Staff Comment #1: SESC Bond and Public Improvement Bond estimates shall be submitted for review and approval of Town Engineer. Response: To be submitted by 10/2. Staff Comment#2: Needs to be submitted on or before 10/2/25. **A stormwater management plan revised to 9/29/25 was submitted to the Land Use office and referred to Town Engineer Steve Masalin who advised me on 10/8/25 it addressed all of his comments.**

Sheet 1(Cover Sheet):

Site plan Sheet C2.0:

1. Staff comment: ZR Section 7.4 (Residential Driveways) internal private roadways to access individual driveways for dwelling units must comply with the Town's standards for road construction. **Condition of any favorable approval.**
 2. Staff Comment: - Sightline distances should be provided from internal private roadway to proposed Town Road. Response: Sightline Distances will be provided under separate cover. Sightline plan shall be submitted no later than 10/2/25 for review & approval by Town Staff. **On Wed., 10/8/25 the requested sightline plan was submitted to the Land Use Dept. and forwarded to the Town Engineer for review & approval. On same day, the Town Engineer approved said plan.**
 3. Staff Comment: **Condition of Approval. All property & business owners impacted by the construction of the new road shall be notified at least seven (7) days prior to any work that may impact the property and access to said properties shall be maintained.**
 4. Staff Comment: Areas of the project slope are proposed to exceed 3:1 and are proposed to be stabilized with vegetative cover. **After the start of construction, the grading plan may need to be modified to add retaining walls or other stabilization methods to better serve the construction of the homes. Condition of Approval - Changes to the approved grading shall be submitted to the Director of Land Use & Planning and reviewed & approved by the Town Engineer.**
2. Staff Comment #1 9.10 – Lighting – revise plan to show any lighting locations and details for internal private roadways. Staff Comment #2: No Lighting Plan or detail is found on this plan set. Please advise sheet no. Applicant Response 9/29/25: Lighting is to be provided on site.

Lighting locations are shown on Planting Sheet 3.0. Details have been provided for public street lights will be provided prior to the meeting. Individual home outdoor lights shall be submitted with individual zoning permits for review & approval by staff.

Staff Recommendation: APPROVE WITH CONDITIONS.

- *If the Commission is inclined to approve the application, the following MOTION is suggested for any favorable approval:*

I make a MOTION to APPROVE PZ#25-4SITE - 8, 9 & 11 Colby Drive (Parcel IDs: 68-520-8, 68-520-9, 68-520-11); Colby Drive (Parcel ID: 68/530/680); and (Easement Only) 16 Highview Terrace (Parcel ID: 68/960/16), 5 Colby Drive (Parcel ID: 68-520-5) & 6 Colby Drive (Parcel ID: 68-520-6), Ledyard, CT, - Applicant/Agent, Norm Eccleston - Owner, Habitat for Humanity of Eastern CT for approval of regulated activities for construction of 27 multi-family structures for 38 dwelling units and associated site improvements, inc. completion of Colby Drive, inc. utilities, drainage structures, and detention pond, in that the application, supporting documents and plans entitled "Habitat for Humanity, Multi-Family Residential Affordable Housing Development Per C.G.S. §8-30g, Lots 8,9 & 11 Colby Drive, Ledyard, CT, Prepared for Habitat for Humanity, Prepared by Alfred Benesch & Company, Dated May 19, 2025, revised to 9/29/25"; "Site plan Sheet C2.0, Revised to 10/2/25;" Sight Line Distance Plan Sheet SD1.0 Revised to 10/01/25;" and "Exclusive Use Area Plan Revised to 10/06/25" comply with all applicable sections of the Ledyard Zoning Regulations, with the following conditions:

1. The final Affordability Plan shall be revised to reference the latest plan set shall be submitted to the Director of Land Use & Planning for review and for approval by the Town Attorney and shall be filed on the Land Records in the Office of the Town Clerk at the time of the filing of the final site plan set.
2. Applicant shall file Common Interest Community documents for the development on the Land Records in the Office of the Ledyard Town Clerk at the time of the filing of the AHP and any approved site plan.
3. All drainage/stormwater structures shall be maintained in accordance with the approved plan set and the Stormwater Management Plan Revised to 9/29/25.
4. Internal private roadways to access individual driveways for dwelling units must comply with the Town's standards for road construction ZR Section 7.4.
5. Any changes to the approved grading plan after the start of construction, shall be submitted to the Director of Land Use & Planning and reviewed & approved by the Town Engineer.
6. Detail for outdoor lights installed on individual homes shall be submitted with individual zoning permits for review & approval by staff.
7. All property & business owners impacted by the construction of the new road shall be notified at least seven (7) days prior to any work that may impact the property and access to said properties shall be maintained.
9. Prior to the issuance of a zoning permit to start site work, a SESC Bond in the amount of \$79,303.50 shall be submitted to the Town of Ledyard in a form approved by the Finance Director.
10. Prior to the issuance of a zoning permit to start site work, a Road Bond in the amount of \$1,214,343.62 shall be submitted to the Town of Ledyard in a form approved by the Finance Director.

11. The Exclusive Use Area Plan dated 10/6/25 shall be revised to align with the latest plan set revised to 9/29/25
 12. Final complete revised plan sets, along with a digital copy of the final plan, shall be submitted to the Land Use Dept. & shall be signed and sealed with original signatures by P.E., LS & Soil Scientist.
 13. The final approved site plan set, following endorsement, shall be filed on the Land Records in the Office of the Town Clerk within 90-days following its approval. No zoning permit to start work shall be issued until filed. Proof of said filing shall be submitted to the Land Use Dept.
 14. An approved Zoning Permit is required prior to the start of any work.
 15. Permits for individual homes shall be reviewed & approved by LLHD, as needed, the Zoning Official and the Ledyard Building Official.
 16. The Zoning Official must be contacted and a pre-construction meeting shall be held at least one week prior to the start of any work.
 17. Soil Erosion and Sediment Controls shall be installed in accordance with the approved plans and inspected by the Zoning Officer and/or Town Engineer prior to the start of any work.
 18. After work has commenced, any substantive changes to the approved site plan require review and approval by the Land Use Director, Town Engineer and/or the Planning & Zoning Commission.
 19. A final As-Built plan showing all site improvements per the approved plan, including finished grades, shall be submitted to the Zoning Official for review and approval prior to issuance of any certificate of zoning compliance.
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- ***If the Commission is inclined to deny the application, the reasons for said denial shall be stated for the record.***

Please contact me at the Planning Dept. at Town Hall at (860) 464-7455 with any questions.
Thank you.