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HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike

Uncasville, Connecticut 06382

Sidney F. Heller (1903-1986)

Harry B. Heller (hheller@hellermccoy.com)

William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonai@hellermccoy.com)

Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248

Facsimile: (860) 848-4003

January 9, 2023

Ledyard Planning and Zoning Commission
Attn: Mr. J. Anthony Capon, Jr., Chairman
741 Colonel Ledyard Highway
Ledyard, CT 06339

RECEIVED
2023
LAND USE DEPARTMENT

Re: Resubdivision Application of Avery Brook Homes, LLC
94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Mr. Capon:

As you are aware, a proposed resubdivision of the above referenced property, submitted by Avery Brook Homes, LLC pursuant to the provisions of Connecticut General Statutes §8-30g, is currently in the public hearing process before the Town of Ledyard Planning and Zoning Commission. The public hearing on this application was opened by the Ledyard Planning and Zoning Commission on October 13, 2022. Pursuant to Connecticut General Statutes §8-7d, a municipal planning commission is required to close a public hearing within thirty-five (35) days subsequent to its opening. The statute further provides that the applicant may grant up to sixty-five (65) days of extension within which to conclude the public hearing. The statute does not authorize any further extensions. Therefore, the public hearing on this application must be closed by January 31, 2023.

The applicant is currently in the public hearing process with respect to this project before the Ledyard municipal Wetlands Commission. The public hearing on the application before the Wetlands Commission has been continued to February 7, 2023. Therefore, any statutorily mandated report with respect to this project submitted by the municipal Wetlands Commission could not be commented on by the applicant in the public hearing process before the Planning and Zoning Commission.

Unfortunately, the applicant has been placed in this quandary due to the fact that the Ledyard Wetlands Commission did not schedule a public hearing on the wetland application until its October, 2022 meeting with a public hearing originally scheduled for November 1, 2022. However, that meeting was cancelled due to illnesses on the Commission. The public hearing was

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Town of Ledyard Planning and Zoning Commission

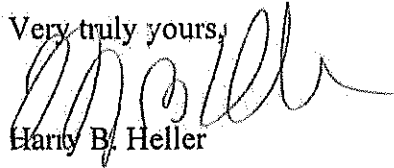
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rescheduled to open at the December 6, 2022 meeting of the Wetlands Commission. Unlike the wetlands application, in which the decision to hold a public hearing was discretionary based upon the statutory criteria contained in the Inland Wetlands and Watercourses Commission Act, a public hearing on the resubdivision application is mandated by both statute and Ledyard's subdivision regulations. Due to the delay in the public hearing process before the Wetlands Commission, the applicant has been prejudiced in its ability to present relevant information to the Planning and Zoning Commission in the resubdivision process¹.

Therefore, in order to protect its rights in this administrative proceeding, the applicant hereby withdraws the pending resubdivision application with the express intent to resubmit the same after the wetland proceeding has been concluded. Pursuant to the Ledyard Subdivision Regulations, an application fee in the amount of \$1,960.00 was paid to the Town of Ledyard at the time of filing of the resubdivision application. In conjunction with the withdrawal of the currently pending resubdivision application, we hereby request that the application fee paid to date be credited towards the application fee required by any subsequent resubmission of this project for consideration by the Ledyard Planning and Zoning Commission which occurs subsequent to the rendering of a final decision by the municipal Wetlands Commission.

Very truly yours,



Harry B. Heller

HBH/rmb

Enclosures

Cc: Avery Brook Homes, LLC
Stephen W. Studer, Esquire (via e-mail)
Peter Gelderman, Esquire (via e-mail)

¹ There will be information obtained through the public hearing process before the Wetland Commission which will be pertinent to considerations of the Planning and Zoning Commission in acting upon the resubdivision application.