



TOWN OF LEDYARD

Department of Land Use and Planning

Elizabeth J. Burdick, Director

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MEMORANDUM FOR THE RECORD

APPLICATION PZ#24-1SITE/AHD

REGULAR MEETING – THURSDAY, June 13, 2024

Prepared by *Liz Burdick*, Director of Land Use & Planning on 5/29/24

Property Address(es): 59 Kings Highway (Parcel ID: 92-1160-59), Gales Ferry, CT
Application: PZ#24-1SITE/AFD – 10-Lot Mobile Manufactured Home Park/Affordable Housing Development in accordance with CGS §8-30g
Applicant(s): Donco, LLC
Property Owner(s): Donco, LLC
Owner Address(es): 5 Library Lane, Gales Ferry, CT 06335
Attorney: Mark Branse, Esq., Halloran & Sage
Land Surveyor: Peter Gardner, LS, Dieter & Gardner
Engineer: John R. Martucci, P.E., LBM Engineering, LLC
Lot Size: 2.18-acres (95,178SF).
Lot Frontage: 624.79-Feet on Kings Highway and 487.27-Feet on Christy Hill Road
Zoning District: Gales Ferry Development District (GFDD)
Wetlands/Watercourses: Yes. No regulated activities proposed.
Flood Hazard Zone: No. The site is located in Zone FILL IN INFO
CAM Zone: No.
Utilities: Public Water SCWA & individual on-site septic systems.
Public Water Supply Watershed: No.
Proposed Public Improvements: No.
Legal: Submitted to Land Use Department on March 26, 2024. Date of Receipt 4/11/24, Tabled from the May 9, 2024 & May 30, 2024 meetings, DRD 6/14/24.

EXISTING CONDITIONS: Undeveloped land containing an existing drainage basin identified as a wetlands area, utility structures with easement and overhead electric wires.

PROPOSAL: Application is for a 10-Lot Mobile Manufactured Home Park/Affordable Housing Development in accordance with CGS §8-30g.

TOWN ENGINEER: See comments dated 06-10-24
FIRE MARSHAL: Referred – no comments received.
BUILDING DEPT.: Referred – no comments received.
LPD: See comments dated 4/8/24 regarding law backing into public streets.
LLHD: See comments dated 5/2/24 – Approved with Conditions.
STCT DPH: N/A.
GPU: N/A.

SCWA: Letter dated 03-27-24 from SCWA states adequate water supply for the development.

IWWC: IWWC, at its June 4, 2024 meeting, voted that the project did not require an application to the Commission as there are no proposed regulated activities.

Gales Ferry Fire Dept.: Letter dated 4-11-24 states GFFD responsible for fire protection. See updated letter dated 4/11/24 stating adequate access to the site for fire protection.

Town Attorney: Affordability Plan and its schedules was sent to the Town Attorney for review and comment.

BOND: SESC Bond estimate in the amount of \$8,400 submitted on 6/11/24. Approved by Town Engineer on 6/11/24

LAND USE DIRECTOR COMMENTS: I have reviewed all file documents as well as reviewed the video of the 4/11/24 PZC meeting. Note that "staff" unless specifically stated otherwise is the current Director of Land Use & Planning, Liz Burdick. Please be advised of my comments with regard to the application, supporting documents and plan set entitled "Plan Showing Mobile Manufactured Home Park Development/Affordable Housing Development per C.G.S. §8-30g, Donco, LLC, Applicant/Owner, 59 Kings Highway and Christy Hill Road, Parcel ID#92-1160-59, Dated March 2024, Revised to 6/10/24:"

DISCLAIMER: Please be advised that I hold the position of Chairman and Town Planner for the State of CT Mobile Manufactured Home Advisory Council ("Council"). The purpose of the Commission per CGS Chapter 412 §21-84a(b) is as follows: "(b) The advisory council shall: Monitor the implementation of statutes and regulations affecting mobile manufactured homes, promote mobile manufactured homes in the state, conduct a public education program to improve public perception and local acceptance of mobile manufactured homes and promote them as affordable, decent, safe and sanitary housing, and study additional issues related to mobile manufactured homes."

Irrespective of my position on the Council, as a land use professional, I am obligated, and will fairly review all record documents and present comments to the Planning & Zoning Commission without bias.

4/11/24 PZC VIDEO REVIEW COMMENTS:

- Garbage bin pickup area. Plan has been revised to address.
- Discussion of deed restricted homes. Attorney Avena states he is reviewing the Affordability Plan and will review with Town Planner. See comments below.
- Ability of utility company to access site for maintenance of overhead wires. There is no known access easement. It appears the wires are accessible from the roadway as with any property.
- Discussion of the procedures for which mobile homes that are purchased by a homeowner on a leased lot and are subject to an affordable housing deed description, et al. Affordability Plan and/or Model Park Lease have been revised as follows:
- Specifies that affordable units may not be removed from the property but must be sold "in place" to a qualified purchaser at the restricted price.
- Addresses the issue of using the term "deed" to be substituted as "document of conveyance."

- Indicates that the sheds will be provided by and maintained by the park owner, and that they will be either on the lease site or adjacent to it (since in some cases, they aren't on the lease site).
- Adds that the septic systems, stormwater management systems, and common water lines shall be maintained by the park owner. Note: "common water lines" to exclude individual laterals or internal plumbing which might be disturbed when units are replaced by the unit owner).
- Former Director of Land Use Juliet Hodge comments dated April 11, 2024 staff report submitted at the 4/11/23 PZC meeting. Attorney Branse provided responses to said comments and additional responses to JH comments dated 4/18/24.
- Japanese knotweed. Donco, LLC in consultation with its soil scientist Ian Cole states the knotweed is in the area of the drainage basin and should be left in its natural state and not disturbed by the Applicant. The Town of Ledyard has historically mowed this area as basin maintenance.

APPLICATION:

1. It should be noted that the proposed development per Attorney Mark Branse letter dated April 23, 2024, the proposal for a mobile manufactured home development will comply with local ordinances and regulations because, under the Affordable Housing Act, the Commission is required to approve it unless it unless the Commission is able to establish "based upon the evidence in the record complied before such commission, that (1)(A) the decision is necessary to protect the public interests in health, safety and other matters which the commission can legally consider; (B) such public interests clearly outweigh the need for affordable housing; and (C) such public interests cannot be protected by reasonable changes to the affordable housing development."
2. All homes will be 13'4" by 66' and located on concrete pad sites.
3. Staff requests/recommends the following with regard to the 4/23/24 Attorney Branse letter in response to Juliet Hodge staff report dated 4/11/24:

Page 4 – Proposed Activity - Staff recommends gravel paths for internal pedestrian movement v. wood-chip paths for a more stable pathway or removal of the path. Plans have been revised to remove wood chip paths. The 20' x 15' recreation area is now being proposed as a passive recreation area with picnic tables that will be accessed by a gravel & stone dust surface path from the end of the driveways for home sites 6,7,8,9 & 10. In the alternative, the applicant states it will remove the area from the proposal.

4. A soil erosion and sediment control bond shall be submitted for review and approval of the Town Engineer. SESC bond estimate submitted and approved by the Town Engineer 6/11/24.

TOWN ENGINEER COMMENTS DATED 06-11-24:

- FD#38 – Applicant states it has addressed the issue of stormwater management in an email sent to J Hodge on April 24, 2024, copied to Masalin at said time. A copy of the email which was sent prior to staff change has been added to the file.

PLAN REVIEW COMMENTS:

Cover Sheet 1:

1. Revise title block to show "Plan Showing Mobile Manufactured Home Park Development/Affordable Housing Development per C.G.S. §8-30g" and show Donco, LLC as Applicant and Owner. Addressed.
2. Revise title block to add "Parcel ID: 92-1160-59" after street addresses. Addressed.
3. Revise note 4 to state "on-site sanitary septic systems" and clarify the words "units by underground utilities (?)." To be added & clarified.
4. Add note: "The property is located in the Gales Ferry Development District (GFDD)." Addressed.
5. Add note: "There are inland wetland located on the site. No regulated activities are proposed as part of this development. The Ledyard IWWC, at its June 4, 2024 meeting, determined no IWWC review required." Addressed.
6. Add note: The site is located in Flood Zone *ADD FLOOD ZONE INFO, ZONE, PANEL NUMBER, ETC.* Addressed.
7. Add Note: The site is not located in a public water supply watershed. Addressed.
8. Add note: The site is not located in a coastal area management zone. Addressed.
9. Revise title block for Planning & Zoning Commission only to be added to Sheet 1 as follows:

"Approved by the Ledyard Planning and Zoning Commission on:_____.

By Chairman or Secretary of the Commission _____

Date _____

Expiration Date: _____.

Soil Erosion & Sediment Control Plan certified by the affirmative vote of the Commission. "Addressed.

10. Add zoning table for *existing conditions*, i.e., lot size frontage, etc. on cover sheet. Addressed.

11. Revise legend to show IP/CM found or to be set. Addressed.

12. Revise plan to show N/F abutting property owners. Addressed Sheet 1.

13. Add note there are no easements of record for power lines over the property. (Or add note if there is anything regarding power lines). Addressed.

14. Revise plan to clearly identify 100' URA on Sheet 2. Addressed.

15. Final plans shall be signed and sealed by L.S., P.E. and signed by C.S.S.

17. Due to the discrepancy in the lot size as shown on Assessor records a survey of the property, signed and sealed by a licensed land surveyor, shall be filed on said land records prior to the issuance of any zoning permit to start work. Donco, LLC states it will file the survey sheet on the land records.

Sheet 2:

1. Add note: All driveway aprons shall be constructed in accordance with the Ledyard Road Ordinances and require a permit from the Ledyard Dept. of Public Works. Addressed.
2. Storage sheds and individual septic and "Storm Tech infiltration systems are outside of exclusive use areas shown on plan. Addressed.
3. Revise plans to show stairs and landings and paths from parking areas to steps. Steps will be located within the concrete pad site.
4. Revise plan to show locations of two parking spaces for each housing unit as proposed in the application. Addressed.

5. Discussion of possible modifications to driveways and parking areas. Revised plan submitted showing reconfigured driveways that eliminate backing onto public street.
6. Add dimensions recreation area shown on plan. Addressed.
7. Revise plan to show gravel/stone dust surface pathways v. wood chips in area of homes and wood chip pathways only on proposed walking trail & identify proposed wood chip walking path/trail. Plan revised to eliminate wood chip paths & show small gravel & stone dust surface path to be added to picnic table area. Addressed.
8. Show limits of clearing northeast most and southeast most portions of site. Addressed.
9. Note on sheet 2 regarding aprons, parking areas and drives. Revise to show that aprons will be constructed of bituminous concrete for 15-feet from Kings Highway as approved by the Director of Public Works. Parking areas and internal drives will be constructed with gravel as shown on detail. Add details for parking areas and drives. Addressed.
10. Revise plan to show area at street line near shared driveway for locations of trash/recycle bins for housing units 5-10. Addressed.
11. Add note to Sheet 4: All freestanding and building mounted lighting shall be full cutoff lighting and no light shall be shed onto any adjacent property. Addressed.
12. Revise plan to show park bulletin board showing license and rules. Addressed.

Sheet 3:

1. Revise plan to add maintenance schedule for stormwater infiltration system. Addressed.
2. Revise Soil Erosion and Sediment Control plan to add note that the SESC's shall be in accordance with the State of Connecticut Guidelines for Erosion & Sediment Controls dated March 2024. Addressed.

STAFF RECOMMENDATION. APPROVE WITH CONDITIONS PENDING REVIEW & APPROVAL OF THE TOWN ATTORNEY.

RECOMMENDED CONDITIONS OF ANY FAVORABLE APPROVAL:

1. The final Affordability Plan shall be approved by the Town Attorney and shall be filed on the land records prior to the issuance of any zoning permit to start work
2. The following shall be included in the Affordability Plan and/or Model Lease as appropriate:
 - a. The affordable units shall be sold proportionate to the market rate units (roughly 3 to 1). No more than 3 market rate units shall be sold until at least one affordable unit is sold, then no more than 3 more market units. A second unit designed at 60% of median income shall not be the last affordable unit sold and shall be part of the first or second group of markets.
 - b. The affordable units may not be removed from the property but must be sold "in place" to a qualified purchaser at the restricted price.
 - c. The sheds will be provided by and maintained by the park owner, and that they will be either on the lease site or adjacent to it.
 - d. The septic systems, stormwater management systems, and common water lines shall be maintained by the park owner. Note: "common water lines" to exclude individual laterals or internal plumbing which might be disturbed when units are replaced by the unit owner).

3. Any changes to the Affordability plan shall be submitted in writing to the Ledyard Zoning Official, Director of Land Use & Planning and/or Town Attorney for review/approval.
4. Final design and location of mailboxes shall conform to the requirements of the U.S. Postal Service.
5. Utility connections will be underground and in compliance with the requirements of the providers.
6. Foundation covering (skirting) shall be the same design, materials and colors for all homes
7. Permits for individual homes shall be reviewed & approved by LLHD and Ledyard Building Official.
8. Stormwater infiltration system shall be maintained by the property owner in accordance with the maintenance schedule shown on the approved plan.
9. Prior to issuance of a zoning permit to start work, a soil erosion & sediment control bond shall be posted by the Applicant in the amount of \$8,400 in a form acceptable to the Town of Ledyard Treasurer.
10. Final 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 as required prior to the issuance of a zoning permit to start work.
11. An approved Zoning Permit is required prior to the start of any work.
12. 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.
13. Soil Erosion and Sediment Controls shall be installed in accordance with the approved plans and inspected by the Zoning Officer prior to the start of any work.
14. After work has commenced, any substantive changes to the approved site plan require review and approval by the Land Use Director and/or the Planning & Zoning Commission.
15. 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 a certificate of zoning compliance.

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