



TOWN OF LEDYARD

Department of Land Use and Planning

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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 09/29/25

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.
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. Must be submitted to Town Engineer for review & approval no later than 10/2/25.

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":

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:

1. Staff Comment #1&2: Application form shall be revised to include property addresses "8," "9" & "11" Colby Drive (i.e., not "Lots"); Colby Drive "Roadbed" and (easements only) 16 Highview Terrace, 5 Colby Drive (& 6 Colby Drive (easement only). **Staff Comment: Addressed.**
2. Staff Comment: For discussion purposes, a phasing plan may be important for purposes of certificates of zoning compliance for certificates of occupancy for individual homes. Comment: All drainage structures shall be completed prior to the issuances of CZCs for Cos for Phase 1 homes. Addressed in writing. Add note all drainage structures shall be completed prior to issuance of any CZCs for CO. **Staff Comment: Addressed. Note added to plan.**
- 3.. Staff Comment: *Provide copy of any written drainage easement, if any, for existing temporary Cul de sac at the end of Colby Drive. Staff will recommend as a condition of approval that all owners of 16 Highview Terrace, 5 Colby Drive & 6 Colby Drive shall be notified at least one week (7 days) prior to the start of any work on said properties. *NEW. **Staff comment: Addressed. Easement documents or map submitted.**

Development Narrative:

1. Staff Comment: Lot Layout and Density paragraph 1 should be revised to state "duplex" v. multi-family. Response says: "by others?" Please clarify this statement. **Staff Comment: Development Narrative Revised & Addressed.**
2. 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.**

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.**

Sheet 1(Cover Sheet):

1. Staff Comment #1: Revise Cover Sheet title (and title blocks on all sheets) to state "8, 9 & 11 Colby Drive & Colby Drive Roadbed, and 16 Highview Terrace, 5 Colby Drive and 6 Colby Drive (Easement areas only)." Parcel IDs have been noted on the left lower corner of the title sheet – revise to delete "lot" in front of 8, 9 & 11 Colby Drive. **Staff comment #2: Addressed.**

Sheet SV.01

1. Staff comment #1: Please advise where the limits of the flood zone are shown on the plan set. **Addressed. Flood Hazard Area shown on Sheet C3.0. There are no proposed structures in the Flood Hazard Zone.**

Sheets C-1.0, 1.1, 1.2 – ESC Plan:

1. Staff Comment #1: Town Engineer review received 9/17/25. Response: Separate letter.

Staff Comment: Waiting on final comments from Town Engineer.

Site plan Sheet C2.0:

1. Staff comment #1: 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. Staff Comment #2: Comment not addressed. Revise plan to show individual (1-car each) parking spaces. **Staff Comment #3: NOT ADDRESSED. Revise plan to show individual (1-car each) parking spaces in driveways in addition to showing the garage space, i.e., there appear to be two (2) outdoor parking spaces in some driveways and each should be called out to correspond to parking table. Please contact me for clarification.**
2. Staff Comment #1 - 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. **Staff Comment #2: Sightline plan pending on or before 10/2/25.**
3. Staff comment #1: Add note "No accessory apartment shall be approved in this development as an accessory to a ***single-family or duplex residence in this proposed multi-family residential development." **Staff comment #2: Addressed.**
4. Staff Comment #1 Advise how the existing business (Salty Heifer) and single-family residence located at 678 Colonel Ledyard Highway will be accessed during road construction. Please advise if the owners of said property have been contacted regarding same. Also note, property & business owners shall be notified at least seven (7) days prior to any work that may impact the property and the business. **Staff comment #2: Outstanding - Please advise if the owners of said property have been contacted regarding same.**

Existing Basin Rehabilitation Plan – Sheet C3.2: Staff Comment #1: Town Engineer review received 9/17/25. **Staff Comment #2: TE final report pending.**

Grading Plan – Sheet C3.3: Staff Comment #1: Town Engineer review comments received 09/17/25. Staff Comment #2: Areas of the project slope will exceed 3:1. I will defer to the Town Engineer regarding the viability of same. **Staff Comment #3: Plan showing exclusive use areas for each dwelling unit shall include areas of steep slopes. Please contact Planner to discuss further.**

Utility Plan – Sheet C4.0: Staff Comment #1: Town Engineer to review/comment. **Staff Comment #2: TE final report pending.**

Site Details – Sheets 6.0, 6.1, 6.2: Staff Comment #1: Town Engineer to review/comment. **Staff Comment #2: TE final report pending.**

ZR Section 9: Site Development Standards:

1. Staff Comment #1: 9.4 Parking Requirements – Revise plan to show internal and individual driveway surfaces as paved and provide detail. Staff Comment #2: Outstanding. No individual parking spaces are shown on the plan as requested. **Staff Comment #3: Outstanding. Please contact me for clarification.**

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 plan to be submitted. **Staff Comment #3: Please advise when Lighting plan will be submitted.**

Proposed staff condition of approval to date:

1. 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.

Staff Recommendation: Reserved.

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