



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, AUGUST 14, 2025

Prepared by *Liz Burdick*, Director of Land Use & Planning on 07/21/25

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 16 Highview Terrace (Parcel ID: 68/960/16) (easement only).

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 to Land Use Department on 5/20/25. Date of Receipt 6/12/25. Tabled to the 7/10/25 meeting. Tabled to the 8/14/25 meeting. DRD 8/16/25.

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. Comments pending.
FIRE MARSHAL: Referred 05/29/25. Comments pending.
BUILDING DEPT.: Referred 05/29/25. Comments pending.
ASSESSOR: Referred 05/29/25. Comments pending.
LLHD: Referred 05/29/25. Comments pending.
STCT DPH: N/A.
WPCA: Please provide letter from Ledyard WPCA regarding provision of water & sewer for the development.
SCWA: N/A.
IWWC: The Ledyard IWWC, at its 7/1/25 regular meeting approved regulated activities associated with the project.
BOND: SESC Bond & Road Bond estimates pending.

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, its 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).

Of the units stated above, each lot is proposed to contain the following number of dwelling units: 8 Colby Drive – 18 single-family dwelling units; 9 Colby Drive - 4 single-family dwelling units; and 11 Colby Drive – 16 single-family dwelling units.

The parcel known as Colby Drive (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.

Application/Plan Review Comments:

1. Application form shall be revised to include addresses Colby Drive (Parcel ID: 68/530/680) and 16 Highview Terrace (Parcel ID: 68/960/16) (easement only).
2. Applicant needs to submit copies of deed(s) for all properties for this application.
3. For discussion purposes, a phasing plan may be important for purposes of certificates of zoning compliance for certificates of occupancy for individual homes.
4. Appendix B – Site Plan Checklist needs to be submitted and each item checked off or noted as n/a.

5. Provide copy of drainage easement from 11 Colby over 16 Highview Terrace.
6. Revise plan set to add a sheet showing the homes that correspond to the 41-50%, 51-60% & 61-80 AML chart at the top of page 5 of the AHP.

Development Narrative:

1. Lot Layout and Density paragraph 1 should be revised to state "duplex" v. multi-family.
2. 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.

Stormwater Management Plan and Public Improvements:

1. Town Engineer Comments Pending.
2. SESC Bond and Public Improvement Bond estimates shall be submitted for review and approval of Town Engineer.

Sheet 1(Cover Sheet):

1. Revise Cover Sheet title (and title blocks on all sheets) to state "8, 9 & 11 Colby Drive (Parcel IDs: 68/520/8, 9 & 11), Colby Drive (Parcel ID: 68/530/680), and 16 Highview Terrace (Parcel ID: 68/960/16) (Easement area only)."
2. Add to Cover Sheet only, approval blocks for PZC & IWWC, Plan Expiration Date and show the words "Erosion & Sediment Control Plan Approved by:" with space for the date and signature of the Chairman/Vice-Chairman of the Planning & Zoning Commission or its Agent.

Survey Sheets SV.01-SV.03:

1. Note 4 – Applicant shall provide deeds referenced in notes.
2. Note 5 – Revise to note properties are located in the MFDD (Multi-Family Development District) zoning district.
3. Revise plan to show subject and adjacent properties at Colby DRIVE (v. Road).
4. Revise plan to identify the parcel that will be the future extension of Colby Drive as "Colby Drive (Parcel ID: 68/530/680)" and add N/F Habitat for Humanity of Eastern CT Inc., vol/pg, and parcel area in acres & SF.
5. Revise plan to show pipe/drainage easement area location on 16 Highview Terrace.

Sheets C-1.0, 1.1, 1.2 – ESC Plan:

1. Town Engineer to review and comment.
2. Sheet C1.0 - Site Preparation Note 6 - Add "Any changes shall be approved by the Town Engineer and/or Director of Land Use."
3. E & S Control Notes:
 - a. Note 12: Add "or by Town of Ledyard staff."
 - b. Add Note 14: All SESC controls shall be properly installed and inspected by Town of Ledyard staff prior to the start of any work and shall be maintained in place in good working order until such time as the site is permanently stabilized with vegetative or other cover to the satisfaction of Town staff.
4. Suggested Construction Sequence - Note 1: Add "Town Engineer & Director of Land Use & Planning" as pre-construction meeting attendees.

Site plan Sheet C2.0:

1. Add Note to Zoning Compliance Table that sidewalks will be constructed within the Town right of way in accordance with Town of Ledyard Road Ordinances.

2. Revise Zoning Compliance Table to show actual proposed lot frontages & widths (v. >150) for lots 9 & 11 and revise to show addresses (i.e., 8 Colby v. Lot 8).
3. 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.
4. Sightline distances should be provided from internal private roadway to proposed Town Road.
5. Individual driveways – revise plan to show individual spaces and advise if parking will be allowed along the internal private roadway.
6. Add note regarding maintenance of internal private roadway and individual driveways.
7. Revise plan to show stop signs and stop bars at intersections of internal private roadways and future Colby Drive and add location and sign detail stating, "Private Roadway."
8. Revise plan to show area for community mailboxes (contact USPS for more info).
9. Add note "No accessory apartment shall be approved in this development as an accessory to a duplex residential or multi-family residential use."
10. Advise how the existing business (Salty Heifer) and single family residence located at 678 Colonel Ledyard Highway will be accessed during road construction.

Overall Grading & Drainage Plan – Sheet C3.0:

1. Add note 18 – Any changes to the approved plan require review & approval by the Town Engineer and/or Director of Land Use & Planning.

Drainage Plan – Sheet C3.1:

2. Add note 18 – Any changes to the approved plan require review & approval by the Town Engineer and/or Director of Land Use & Planning.

Existing Basin Rehabilitation Plan – Sheet C3.2: Town Engineer to review/comment.

Grading Plan – Sheet C3.3: Town Engineer to review/comment.

Utility Plan – Sheet C4.0: Town Engineer and/or WPCA to review/comment.

Planting Plan and Planting Details & Schedule – Sheets C5.0 & 5.1:

1. C5.0 Northern Red Oak shown to be planted at the north curve of the proposed street should be replaced with another street tree that does not have a history of heaving sidewalks with its roots. Also, the Redmond American Linden two trees away should be replaced with another street tree that does not have a history of clogging pipes with its roots. Further, multiple trees are being shown as being planted in areas of steep slopes that may not be stable to support trees. Clarify/revise as needed.
2. C5.1 – Plant Selection Schedule. Remove plantings not proposed in planting plan.

Site Details – Sheets 6.0, 6.1, 6.2: Town Engineer to review/comment.

ZR Section 9: Site Development Standards:

1. 9.2.A & B Sustainable Development – Add note to plan regarding compliance with these sections.
2. 9.2.C – Performance standards – address in writing.

3. 9.2.D – Infrastructure and utilities: Add note: All utilities shall be located underground.
4. 9.3.C.F – Add note to Landscaping Plan “All landscaping shown on the approved site plan shall be completed before issuance of a Certificate of Zoning Compliance prior for Certificate of Zoning Compliance unless the landowner provides surety in a form and amount satisfactory to the Commission, assuring completion within a specific time, not to exceed one year. Such surety shall be forfeited if the work shall not have been completed within such time limit.”
5. 9.4 Parking Requirements – Revise plan to show internal and individual driveway surfaces as paved and provide detail.
6. 9.9.3.A-F – Address in writing.
7. 9.10 – Lighting – revise plan to show any lighting locations and details for internal private roadways.

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.