EXH 315

HALLORAN SAGE

Mark K. Branse
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RECEIVED
DEC 19 2024
Land Use Department

May 28, 2024

Anthony Capon, Chairman
Ledyard Planning and Zoning Commission
741 Colonel Ledyard Highway
Ledyard, CT 06339

By mail and email: C/O Elizabeth Burdick, planner@ledyardct.org

Re: Application of Donco, LLC for Affordable Housing – 59 Kings Highway, Ledyard

Dear Chairman Capon:

This firm filed a Freedom of Information Request on May 14, 2024, after learning of the departure of former Town Planner Juliet Hodge. In that request, we sought any communications to or from Ms. Hodge concerning my client's pending application. Under standard professional conduct, the applicant or its representatives should have been copied or otherwise informed of any communications concerning its own application, but we thought it prudent to be sure. Ms. Hodge's replacement, Elizabeth Burdick, assembled the documents as quickly as possible under the circumstances of being thrust into the Town Planner's role, and we obtained the first round of documents on Friday, May 24, 2024.

The results produced some surprises for the applicant and call into question whether the communications that we have obtained indicate violations of the standards of fundamental fairness that are required in all administrative proceedings. For example, in Exhibit A attached to this letter, we see that on April 1, 2024 (before we had even appeared before the Commission), Ms. Hodge was contacted by a private citizen, Eric Treaster, who provided *pages* of comments on our application which Ms. Hodge then largely cut and pasted into her "staff" memorandum of April 11. Mr. Treaster was effectively allowed to testify through Ms. Hodge without any disclosure to the applicant or the public.

Exhibit B shows that Ms. Hodge contacted third parties about our application, actively soliciting a letter from Justin DeBrodt, the chairman of the Ledyard Inlands Wetlands and Watercourses Commission, that would compel us to appear before that Commission, which email was copied to you, Mr. Chairman. This *ex parte* email was sent before we had even presented our application, and before we had submitted our wetlands impact report from Ian Cole. Again, we only learned of this when we received the FOIA disclosures almost three weeks after the email was written. Exhibit C shows the response of Chairman DeBrodt asking for Inland Wetlands review because our application "may impact or affect the wetlands." Leaving aside that speculation is not evidence, this communication was made before all the facts were even presented to Town agencies, and before Chairman DeBrodt was provided with the wetlands

impact report from Ian Cole. These *ex parte* communications have tainted any proceeding before the wetlands agency if we were to appear there.

But it got worse. Apparently not satisfied with communicating through Ms. Hodge, Mr. Treaster proceeded to contact you *directly* Mr. Chaiman, emailing you his comments on April 10, 2024—again, before we had even presented our application. See Exhibit D. This was a clear example of *ex parte* communication and violates our client's procedural due process rights, constituting a civil rights violation. Exhibit E demonstrates that you received and reviewed Mr. Treaster's comments, all without any notice to the applicant. We also note the familiar tone of this email exchange. The pattern continued (Exhibit F) with Mr. Treaster recommending that Ms. Hodge require six-foot vinyl fence and landscaping saying that "mobile home parks composed of 'single-section' homes are, by nature, 'unattractive.'" Mr. Treaster ignores the fact that he himself owns a mobile home park composed of single-section homes which has no six-foot fence around it, and that his views about what is "attractive" do not constitute substantial interests in health or safety. He even speculates that the Commission can get away with such illegal conditions because "what is being imposed will cost less than an appeal."

We have no idea what other communications may have been made to you or other Commission members since Ms. Burdick hasn't had the time to locate additional documents, and some of these communications may not have been transmitted through the Town's email server.

Based on the foregoing, Donco, LLC has been deprived of procedural due process and the rules of fundamental fairness that must apply in administrative proceedings. While it is now impossible for us to get a fair hearing before the Commission, we nevertheless demand that you recuse yourself from any further participation in this application. You have received and been influenced by *ex parte* communication from both Mr. Treaster and Ms. Hodge of which we only learned four (4) business days before the final meeting on our application. If any other Commission members have been contacted in this way, they should promptly disclose such communications and recuse themselves from this application.

We know that affordable housing is never popular with towns that need it, but we still have the right to expect a fair and transparent decision-making process. In this case, we are not getting one. Prior to May 30, we will provide the Commission with a list of conditions of approval to which we will agree, even if they don't constitute substantial interests in health or safety. When legitimate points have been raised, we have responded constructively.

Very truly yours,

Mark K. Branse

cc: Robert Avena, Esq., Town Attorney

EXHIBIT A

Elizabeth Burdick

From: Juliet Hodge
Sent: Tuesday, April 2, 2024 9:41 AM
To: Eric
Subject: RE: Second Try - 59 Kings Highway 8-30g Review

I have it. Great review Eric!!!!! Thank you. There were many things I hadn't thought of in there. It also raises so many issues with the enforcement of the statute itself. I really want CCM or OPM to examine the enforcement and administration issues because there are some serious flaws!
Juliet

From: Eric <bsaofnl-eric@yahoo.com>
Sent: Monday, April 1, 2024 9:51 PM
To: Juliet Hodge <planner@ledyardct.org>
Subject: Second Try - 59 Kings Highway 8-30g Review

Juliet,

Good morning.

The review I sent you earlier for the soon-to-be proposed 59 Kings Highway 8-30g 10-site MHP contained minor errors.

The errors were corrected. Please discard the prior version.

The attached review is improved and is ready for your use as you see fit.

I am curious if 8-30g takes precedence over Chapter 412 in the event of conflicts.

Please confirm receipt.

Thanks,

Eric

EXHIBIT B

Elizabeth Burdick

From: Juliet Hodge
Sent: Thursday, April 4, 2024 3:07 PM
To: Debrodt, Justin T CTR USN COMREGSUPPGRU GTN CT (USA)
Subject: FW: Saddle Ridge Developers v. Easton PZC
Attachments: Saddle Ridge Developers, LLC v. Easton Planning & Zoning Commission.pdf

Take a look at this case.
I will need to know if you feel that the Commission should review the new Avery Brook Application AND the proposed 10 Mobile Homes on 59 King's Highway. There are wetlands on the property- a small one- but no "activity" is proposed within the buffer – though I believe the whole site drains in the direction of that wetland.
PZ#24-1SITE - 59 Kings Hwy - Application.pdf

Let me know what you want to do. If you feel they should go before IWWC, I would need you to submit a letter to PZC (by 4/11) stating that you want to review it.
Thanks.
Juliet

From: Capon, J Anthony <tcapon@pitt.edu>
Sent: Thursday, April 4, 2024 2:00 PM
To: Juliet Hodge <planner@ledyardct.org>
Subject: Saddle Ridge Developers v. Easton PZC

I attached this court decision. It seems to be almost exactly on point regarding Peter's revised Stoddards Wharf application.

EXHIBIT C

DOHCC, cc

Elizabeth Burdick

From: Juliet Hodge
Sent: Monday, April 8, 2024 8:24 AM
To: Tony Capon (tcapon@pitt.edu); Robert Avena; jb@attorneyjanetbrooks.com
Cc: Makenna Perry
Subject: Re: IWWC Review of pending PZC Applications
Attachments: Application.pdf; Plan Set.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,
The email below indicates that the IWWC would like to review the two 8-30g applications that the PZC will be considering (59 King's Hwy – new mobile home park and Stoddards Wharf Rd. – the revised configuration for the subdivision that was denied).
How is this done given the fact that the Applicant (and his Attorney) do not feel IWWC has jurisdiction in either? Do we state at the PZC meeting that the applications need to be reviewed by IWWC first? Please let me know before the meeting on Thursday. Thank you.
Juliet

Avery Brooks attached above. King's Hwy link below.
PZ#24-1SITE - 59 Kings Hwy - Application.pdf

Juliet,

I think the IWWC should review the new Avery Brook Application.

IWWC Regulations Section 1: Title and Authority and CT State Statute Section 22a-36 state "Protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order the forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn." Groundwater, wetlands, and water courses on and adjacent to the proposed development are linked in an interconnected system and thus must all be considered when analyzing the effects of the proposed development. The proposed intense development of 18 homes on 5.62 acres adjacent to the Billings-Avery Reservoir and contributing wetlands and water course may pose a risk of pollution to the potable fresh water supply utilized for safe local and regional drinking water by nearby residents, anticipated future residents of developed land and customers served from the Billings-Avery Reservoir.

A Regulated Activity is defined in Section 2: Terms and Definitions as "any operation within or use of a wetland or water course involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or water courses or any other activity which may impact or effect the wetlands." Although the proposed activity occurs outside the Upland Review Area (defined as "the 100' area extending from the limits of a wetland or water course within which activities may be regulated."), the proposed activity may still pollute or otherwise impact or effect the Billings-Avery Reservoir and contributing wetlands and watercourse.

For these reasons, IWWC Regulations and enforcement are applicable to the entirety of the proposed activity and not limited to only those activities within a wetland or water course or the Upland Review Area.

I also think the IWWC should review the 59 Kings Highway application as a significant portion of the site drains in the direction of the wetland and the proposed activity may impact or affect the wetlands.

I will be on vacation all next week and away from a computer. If you have any questions or concerns about my input, please call or text me.

r/

Justin DeBrodt
(860)8611-2937

EXHIBIT D

Elizabeth Burdick

From:	Eric <bsaofnl-eric@yahoo.com>
Sent:	Wednesday, April 10, 2024 2:49 PM
To:	Capon, J Anthony
Cc:	Juliet Hodge
Subject:	Technical Issues Regarding Proposed MHP at 59 Kings Highway
Attachments:	59 Kings Highway Site Plan Design Issues.pdf; 59 Kings Highway Chapter 412 Conflicts.pdf; 59 Kings Highway Affordability Plan Issues.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

Tony,

My understanding is that a site plan review on the application for the §8-30g 10-site MHP at 59 Kings Highway is scheduled for tomorrow evening.

I prepared the three attachments to document what I believe are deficiencies in the proposal. It is, in my opinion, an unusually complex and challenging application.

(I provided a preliminary version of the attachments to Juliet on April 2)

You and Juliet are welcome to use the updated attachments as you see fit.

Hope all is well.

Thanks,

Eric

A Review of the Proposed 8-30g "Site Plan"
For Application #24-"I Site"
For a 10-Site Mobile Manufactured Home Park at 59 Kings Highway

Eric Treaster
10 April 2024

1. The site plan shows the property is 2.18 acres, but the property card and zoning map show 1.64 acres. Which is correct? How was the difference determined?

2. §5.6 of the *Ledyard Subdivision Regulations* requires any development in the GFDD *to have a sidewalk* along the right-of-way. The site plan does not show sidewalks, even though the parcel has frontage on two busy intersecting roads. The sidewalk will be necessary for children to *safely access* the play area without trespassing on other sites. A sidewalk should also be required for the residents of four (of the ten) sites to safely access their mailboxes without trespassing on other sites.

3. Where will the park license be posted? It must be in a *conspicuous* location, per CGS §21-65a-(a).

4. Where will the park rules be posted? They must be in a *conspicuous* location per CGS §21-80-(a)-(2).

5. The park should have a "*park identification sign*," preferably with its street number (#59). The site plan should show the location, name, and design of the park sign, which must not interfere with sight lines. It should also show if the sign is lighted.

6. Where will the dumpsters be located, if any?

7. According to the site plan, the shared driveway on the east end of the property is too narrow for a garbage truck or propane delivery truck to make a "U" turn. How will a garbage truck, which can only pick up refuse on its right side, pick up garbage on the opposite side without making a "U" turn *or activating its "backup alarm"* in the early morning and waking everyone?

8. It will be difficult for a refuse or propane truck to back down *the curved driveway* that services sites #6, #7, #8, #9, and #10. A refuse or propane truck will also have to back out onto King's Highway, which will be unsafe. The site plan should be improved to ensure the safe egress of refuse and propane delivery trucks.

9. CGS §21-82-(13) (in Chapter 412) requires "*adequate parking*" for two cars for each lot (site). However, parking for Site #3 is in the front yard of Site #2, which is not a good design. More importantly, parking for Sites #9 & #10 is only about 14' deep, which is "*not adequate.*"

10. To exit, residents of Sites #1 and #4 will have to back up onto King's Highway, which will be unsafe considering the traffic and traffic speed on the road (and the likely age and health of the residents).

A Review of the Proposed 8-30g "Affordability Plan"
For Application #24-"I Site"
For a 10-Site Mobile Manufactured Home Park at 59 Kings Highway

Eric Treaster
April 10, 2024

1. *If the Application is approved, will the Applicant submit a separate request to amend his permit to waive CGS §8-30g requirements (deed restrictions, income limits, sales price limits, administrator requirements, marketing requirements, monitoring requirements, and reporting requirements), based on the fact that the market value for non-deed restricted (market rate) single-section mobile homes in a mobile home park will be "affordable" for purchasers earning 60% and 80% of the area median income without its constraints? The Applicant should answer this question.*

2. CGS §8-30g-(b) requires (1) Any person filing an affordable housing application with a commission shall submit, as part of the Application, an Affordability Plan which shall include ... *and "(E) draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units."*

   The Affordability Plan is incomplete because it does not include:

a.	A section titled:	*Draft zoning regulations*
b.	A section titled:	*Conditions of approvals*
c.	A section titled:	*Restrictive covenants or lease provisions governing the affordable dwelling units*

   The Applicant should include a site lease and a copy of the park's rules and regulations (or restrictive covenants) as part of the Affordability Plan. *The lease and proposed rules and regulations (or restrictive covenants) must comply with Chapter 412 requirements for mobile home parks.*

3. CGS §8-30g-(b) requires "... (1) Any person filing an affordable housing application with a commission shall submit, as part of the application, an affordability plan which *shall include* ... " [the] (A) Designation of the *person, entity or agency* that *will be responsible for the duration* [40 years] *of any affordability restrictions*, for the *administration of the affordability plan* and *its compliance with the income limits and sale price* or rental restrictions of this chapter."

   Section V of the Affordability Plan states that "*This Plan will be administered by the Developer or its designees, successors and assigns ("Administrator").*"

   However, the Developer is an LLC, and an LLC is not a "*person, entity,* or *agency*" that necessarily knows how to administer an "*Affordability Plan.*" In addition, the Application does not indicate that "*Donco, LLC*" has the experience and qualifications to administer the Plan.

   The Plan should designate the person, entity, or agency *by name* responsible for its 40-year administration.

   The Plan should also describe the training or experience required to be the "administrator" or a successor "administrator."

much more than the $170 shown on page 6 and page 7 in the affordability plan and does not include the propane used for heating, which will add another $50 - $90/month (on average). The utility numbers shown on pages 6 and 7 are not credible. As proposed, they make the "*maximum sale price*" at the bottom of page 6 and the bottom of page 7 meaningless. ***The differences (errors?) should be explained or corrected.***

7. Assume a resident's income is 60% of the area median income, and he paid $112,300 for his "*deed-restricted designated affordable*" home." Also, assume that, in five years, the resident decides to sell his home, which will have a *market value* of $200,000. However, due to increases in taxes, site rent, interest rates, utilities, and insurance costs, he is only allowed to sell his home for $95,000 due to the deed restriction, which *is less than the amount he paid for the home.*

   Without the possibility of a profit from the sale of his home, what incentives will the homeowner have to maintain and care for his home? *The Plan should address how the park owner would prevent the deed-restricted "affordable" mobile homes from deteriorating and reducing the overall desirability of his community.* What entity is responsible for the resident's loss?

8. CGS §8-30g requires that "designated affordable" and "market-rate" homes *be comparable throughout a development*.

   The Affordability Plan's page 12 states, "*SEE NEXT PAGE FOR "HUD CODE" SPECIFICATION FOR 2024 AND NEWER HOMES.*"

   However, *the standard "features" on the "next page" (page 13) have nothing to do with the "HUD CODE."*

   For example, the HUD code does not require "flat ceilings," dishwashers, ceramic backsplashes, black faucets, black door knobs, black hinges, or black cabinet pulls, as shown on page 13. *Page 13 should be corrected or clarified.*

9. ¶IV states, "*The actual model, size, and floor plan of the Market-Rate Homes and the Affordable Homes shall be comparable in size, quality, and appearance to each Market-Rate Home.*"

   However, "*model, size, and floor plan*" *have nothing to do* with the ***quality*** or the ***appearance*** of a mobile manufactured home."

   If a market-rate home has "options," such as picture windows, skylights, architectural shingles, extra shutters, additional insulation, upgraded countertops, lighted mirrors, or a sliding glass door, it would *not be comparable in quality and appearance* to a designated *affordable home and would conflict with the comparability requirement in CGS §8-30g.*

   The Affordability Plan should clarify the differences between the three deed-restricted affordable mobile homes and the seven market-rate mobile homes and *why those differences, if any, are allowed* under the *comparability requirement* in §8-30g.

10. The Plan should clearly state that the park would be licensed as required under Chapter 412. (Chapter 412 requires that *the park must be licensed before any mobile home can be installed, sold, or a site rented.)*

11. Page 9 of the "Affordability Plan" is intended to be signed by a Member of Donco LLC. *What is the significance of the Member's signature on the Affordability Plan?*

19. Section V shows that the "role of [the] Administrator *may be assigned* to another entity, and the Commission [PZC] will have a written notice of the assignment *within 30 days of the change*. The Affordability Plan should clarify the following:

    a. Does "assignment" mean there is a new Administrator?
    b. Or does it mean the *duties* of the Administrator are assigned, but the original Administrator remains responsible?
    c. Why is the Commission notified of the assignment, but not the ZEO?
    d. Does the Commission or the ZEO have a voice in the selection or assignment of the Administrator? If yes, why is the *notification* made *after* the change instead of before the change?
    e. Who provides written notice to the Commission (PZC) in the event of an assignment of the Administrator's role?

20. Section V (first sentence) shows that the Developer or its designees, successors, and assigns will administer the [*Affordability*] Plan. However, the last sentence of the first paragraph shows that the "*Developer*" will be responsible for advertising and marketing requirements for the *initial sales.* The Affordability Plan should clarify the following:

    a. Who has the statutory duty to *enforce the income limits and sales price restrictions*?
    b. Who receives a copy of the "*Status Report*"?
    c. What happens if the Administrator does not submit the "Status Report"?

21. Page 9 is the signature page for the Affordability Plan. However, the signature*'s meaning needs to be clarifie*d.

    For example, will "*Donco LLC*" be *liable* if the "Affordability Plan" is breached, such as if a deed restriction is not filed, a home buyer rents out his home (or sublets the site), or a home buyer fails to use his home as his principal residence? If not, who is liable - the Town, the Zoning Enforcement Official, the homeowner, or the "Administrator"?

22. Page 24 ¶5 states, "*A violation of the Restrictions shall not result in a forfeiture of title, but the Ledyard Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance of said property with the affordable housing regulations, and all terms of the Affordability Plan, including without limitation, Article V.*

    The Plan should clarify the following:

    a. Is the Town or its Zoning Commission (or its agent) responsible for enforcing the Affordability Plan and CGS §8-30g provisions?
    b. What is the "sequence of events" if the Administrator is unavailable or *does not open the books?*
    c. Is it a violation of the law if a resident sells his designated "affordable" home for an amount equal to its market value, and that *value is less than the deed-restricted value,* to someone who is not qualified because his *household income is higher than 60% or 80% of the area median income?*
    d. Who pays the Administrator for his services in case of a violation?
    e. Is the "Administrator" an "Agent" who can *bind* the property owner?

27. 24 CFR Part 3280 (the HUD code) regulates the wheels, hitch, brakes, and tires and requires that they safely handle the mobile home's size and weight.

By definition, a mobile home is not "*mobile*" per CGS §21-64-(1) if it is not compliant with the Federal Manufactured Home Construction and Safety Standards (24 CFR Part 3280), which requires the wheels, hitch, brakes, and tires to be *capable of safely handling the mobile home's size, dimensions, and weight.*

Homes in a mobile home park must be *"intrinsically mobile."* The Affordability Plan should discuss how the Developer will ensure the homes are "*intrinsically mobile*" after installation. Mobility in a mobile home park is essential – mobile homes must be "*intrinsically mobile*" in the event of resident evictions (e.g., nonpayment of site rent, rule violations), military reassignments, tornado damage, fire damage, or if the park owner converts the park to a conforming commercial use and the homes must be relocated.

Will the wheels, hitch, brakes, wheels, and tires used to transport a mobile home from the factory to its site remain attached, stored under the home, or removed from the site? The Affordability Plan should clarify this.

EXHIBIT E

Elizabeth Burdick

From: Capon, J Anthony <tcapon@pitt.edu>
Sent: Wednesday, April 10, 2024 8:05 PM
To: Juliet Hodge
Cc: Eric
Subject: Re: Technical Issues Regarding Proposed MHP at 59 Kings Highway

Eric,

As always, thanks!

Tony

Sent from my iPhone

On Apr 10, 2024, at 2:58 PM, Juliet Hodge <planner@ledyardct.org> wrote:

Hi,
I have also prepared a Plan review that incorporates nearly all the issues Eric raised. The Attorney has that document and is reviewing it. Hopefully he will attend the meeting tomorrow as well. Bottom line is that there are many deficiencies, not the least of which is that it needs to be reviewed by IWWC. I will explain that process tomorrow at the meeting or discuss with Tony prior. As this is not a public hearing, there are no "documents" from the public that are "entered into the record" so I will look at the attachments and provide to the Attorney if Tony agrees with that. Then Tony and I and/or the Attorney can raise the issues at the meeting as we see fit. I think it is fine to provide documents to the Chair for him to consider- but it is much cleaner if it comes through me first as the items you sent could be considered correspondence to the Commission and would therefore have to be disclosed I think.
Juliet

From: Eric <bsaofnl-eric@yahoo.com>
Sent: Wednesday, April 10, 2024 2:49 PM
To: Capon, J Anthony <tcapon@pitt.edu>
Cc: Juliet Hodge <planner@ledyardct.org>
Subject: Technical Issues Regarding Proposed MHP at 59 Kings Highway

Tony,
My understanding is that a site plan review on the application for the §8-30g 10-site MHP at 59 Kings Highway is scheduled for tomorrow evening.
I prepared the three attachments to document what I believe are deficiencies in the proposal. It is, in my opinion, an unusually complex and challenging application.
(I provided a preliminary version of the attachments to Juliet on April 2)
You and Juliet are welcome to use the updated attachments as you see fit.
Hope all is well.
Thanks,
Eric

EXHIBIT F

Elizabeth Burdick

From: Eric <bsaofnl-eric@yahoo.com>
Sent: Friday, April 12, 2024 10:48 AM
To: Juliet Hodge
Subject: Paved Driveway and parking areas as a condition of approval for 59 Kings Hwy MHP

Follow Up Flag: Follow up
Flag Status: Flagged

Juliet,

Mark Branse reported that the driveways and parking areas would be stone(?) or gravel(?), and not paved.

When my wife and I purchased our home in 1976, it came with a sloped stone driveway. It was impossible to remove the snow without picking up the stones, and it was impossible to get up the driveway unless the snow was removed. As a result, our first significant home improvement, *after our first winter*, was to pave our driveway!

Snow plowing, snow shoveling, and snow blowing are not compatible with stone or gravel driveways and parking areas.

In order to provide "safe" access and egress, the driveways and parking areas must be paved.

Perhaps the Commission should impose paved driveways and parking areas as a condition of approval. (There may be a reg somewhere that mandates paved parking and paved roadways for multi-family developments, or for any development in the GFDD that can be imposed on a MHP.)

Also, as previously suggested, a 6' solid fence (vinyl would be best) should be installed on the King's Hwy and Christy Hill property lines to help screen the park from the road. (It you drive south on 117 into Groton, on the right hand side is a high density older mobile home park that is partially screened from the road. The fence makes a big difference in the appearance of the community. (It is almost impossible to make a MHP composed of single-section homes to be "attractive."). And the park "sign" and street address numbers for the homes accessed via each curbcut could be on the fence.

Just a thought.

Thanks,

Eric

Elizabeth Burdick

From: Eric <bsaofnl-eric@yahoo.com>
Sent: Thursday, April 11, 2024 8:57 PM
To: Juliet Hodge
Subject: Additional Information for Atty Avena
Attachments: 59 Kings Highway Chapter 412 Conflicts.pdf; 59 Kings Highway Affordability Plan Issues.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Juliet,

After the Thursday meeting, you asked me if I thought Attorney Avena should be provided a copy of the (3) updated (4/10) review(s) I prepared.

I expect he will concentrate on the conflicts between Chapter 412 and CGS 8-30g. As such, the updated review concentrating on those conflicts should be provided to him.

The April 10 review of deficiencies in the Affordability Plan should also be provided to him.

A copy of both (but without my name) is attached. (Some items from the earlier 4/2 submittals were removed to reduce redundancy.)

In my opinion, the refuse issue is not settled. A ten-unit apartment building is a commercial development that would contract with a private refuse service company. Why should a 10-site mobile home park with rented sites, which is a "state licensed" commercial business, have "free" municipal refuse service? The "refuse service" cost should be included in the monthly site rent, the same as for an apartment complex or a condo association. The law (below) is specific. It should be a condition of approval.

CGS §21-82-(a)-(12) requires the mobile home *park owner* to *"Arrange for the removal from waste receptacles of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit."*

Mobile home parks composed of "single-section" homes are, by nature, "unattractive." As a condition of approval, a six-foot solid light-brown vinyl fence should be built on the Kings Highway and part of the Christy Hill property lines, and that screening should be planted on the lease lines. Mark will likely agree provided what is being imposed will cost less than an appeal.

Just my thoughts.

Eric