

From: [Mark K. Branse](#)
To: [Elizabeth Burdick](#)
Subject: RE: 59 Kings Highway - Donco, LLC - affordable housing application
Date: Thursday, May 16, 2024 11:37:58 AM
Attachments: [image002.png](#)

Yes, Liz, and thanks for checking. If we get a denial and have to appeal, I want the record to show how Eric Treaster “fed” the Commission comments via the “staff memo” from Juliet that was sprung on us at the April 11 meeting.

I’m about to mail and email you a revised Affordability Plan that uses the new 2024 HUD median income figures and some other adjustments, plus written responses to Eric’s comments (since they are in the record). Pete Gardiner will be proving you with revised plans (sight lines for the driveways, and other minor refinements). That should go out by the end of the day in digital format and 4 copies by US Mail.

Let me know if there’s anything else that you need from us. I haven’t heard anything about Inland Wetlands, so I assume that we are on no agenda (we have no regulated activities); and that the PZC meeting for May 30 is a go. Correct?

Regards,

Mark

From: Elizabeth Burdick <planner@ledyardct.org>
Sent: Thursday, May 16, 2024 11:19 AM
To: Mark K. Branse <branse@halloransage.com>
Subject: RE: 59 Kings Highway - Donco, LLC - affordable housing application

Good morning, Mark, Did you intend for your below email to be a record item? Please advise. Thanks.

Regards,
Liz Burdick
Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215 ~ Email: planner@ledyardct.org
TOWN HALL HOURS: MON-THURS, 7:30AM – 4:45PM

From: Mark K. Branse <branse@halloransage.com>
Sent: Friday, May 10, 2024 12:15 PM
To: Peter Gardner <dieter.gardner@yahoo.com>; Elizabeth Burdick <planner@ledyardct.org>; mc5allyn <mc5allyn@aol.com>
Cc: Robert Avena <RAvena@sswbgg.com>
Subject: RE: 59 Kings Highway - Donco, LLC - affordable housing application

Hi, all,

Even without a formal public hearing, members of the public can submit comments to the Commission, and the Commission can consider them—as long as they are promptly disclosed to all parties and the applicant has the chance to respond to them *before deliberations commence*. With the meeting now postponed to later in May, we will have the opportunity to respond, thanks to Liz’s prompt disclosure.

What’s far more troubling here is that it’s now obvious that the “staff memo” ostensibly prepared by Juliet Hodge and dated April 11, 2024 was in fact based on this information which, when sent to Liz, was dated May 6. In some cases, Eric’s comments are copied verbatim and pasted into Juliet’s memo, demonstrating that she had access to this information almost a month before May 6 but failed to disclose it to the applicants or place it on the record. Liz has properly put these communications where they belong, which is in the light of day. To the extent that Juliet used Eric as some kind of secret researcher, and submitted his comments via her own memo without telling us as much, she has exposed the Town to a civil rights claim for deprivation of procedural due process. I wondered how Juliet could have prepared such a detailed analysis of Chapter 412. Now I know. Eric was essentially allowed to “testify” before the Commission using Juliet as his mouthpiece. This is seriously wrong and Rob, I hope you will do your best to compensate for Juliet’s unprofessional conduct. The Hodge/Treaster memo may have prejudiced the Commission so severely that we can never get a fair hearing on our application. If this goes to an appeal, I will absolutely file an 8-8(k) motion and subpoena both Juliet and Eric to testify under oath. I’m beginning to understand Juliet’s sudden departure from Ledyard.

For now, let’s do our best to ensure a fair process going forward and hope that is sufficient to avoid a lot of unpleasantness all around.

Have a great weekend.

Mark

From: Peter Gardner <dieter.gardner@yahoo.com>

Sent: Thursday, May 9, 2024 7:32 PM

To: Mark K. Branse <branse@halloransage.com>; Elizabeth Burdick <planner@ledyardct.org>; mc5allyn <mc5allyn@aol.com>

Cc: Robert Avena <RAvena@sswbgg.com>

Subject: Re: 59 Kings Highway - Donco, LLC - affordable housing application

We are not in public hearing process, should commission have allowed any of this to be in record

[Sent from Yahoo Mail for iPhone](#)

On Thursday, May 9, 2024, 5:32 PM, Mark K. Branse <branse@halloransage.com> wrote:

Thanks, Liz. Some of Eric's comments are already addressed in our supplemental materials and others just seek to run up the cost of the project so that it won't be feasible. It's an old trick. Mark, I'd like you to review Eric's comments about the Affordability Plan (frankly, I don't even understand some of them) and we can discuss them. Eric's deep concern for the welfare of our future residents is touching, but none of his issues have any relation to *substantial* adverse impacts on health and safety. For example, there are no sidewalks in the neighborhood where I live myself. Somehow, I've survived here for the past 53 years without injury and so has everyone else living here.

As to Chapter 412, we are not going to respond to any of those comments. The State Department of Consumer Protection administers and enforces Chapter 412, not municipal land use agencies. The PZC has no jurisdiction over any of these issues and they provide no basis for denial of our application or the imposition of any conditions related to Chapter 412. I'm copying Rob Avena on this email so that he can address this matter if he wishes.

I look forward to working with you on this application.

Regards,

Mark

From: Elizabeth Burdick <planner@ledyardct.org>
Sent: Thursday, May 9, 2024 2:27 PM
To: Mark K. Branse <branse@halloransage.com>; mc5allyn <mc5allyn@aol.com>; Peter Gardner <dieter.gardner@yahoo.com>

Subject: FW: 59 Kings Highway - Donco, LLC - affordable housing application

Good afternoon, All, I'm resending the Treaster comments submitted to me Tuesday for all to review. With regard to tonight's meeting, I have recommended to the Chairman that the application be postponed to allow me time to review the application materials thoroughly and he and the Town Attorney concur. Please give me a call should you wish to discuss further today. Have meetings scheduled all afternoon, but will check email in between. Thanks.

Regards,

Liz Burdick

Director of Land Use & Planning

Town of Ledyard

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215 ~ Email: planner@ledyardct.org

TOWN HALL HOURS: MON-THURS, 7:30AM – 4:45PM

From: Elizabeth Burdick
Sent: Tuesday, May 7, 2024 1:01 PM
To: Mark K. Branse <branse@halloransage.com>
Cc: Robert Avena <RAvena@sswbgg.com>
Subject: RE: 59 Kings Highway - Donco, LLC - affordable housing application

5/7/24 Good afternoon, Mark, Attached please find an email and attachments received by this office from Eric Treaster late yesterday regarding your above application. I would greatly appreciate it if you would contact me today at 860-464-3215 to discuss the 5/9/24 PZC meeting. Thanks.

From: Mark K. Branse <branse@halloransage.com>
Sent: Thursday, May 2, 2024 12:20 PM
To: Elizabeth Burdick <planner@ledyardct.org>
Cc: Robert Avena <RAvena@sswbgg.com>; Mark C. Coen
(mc5allyn@aol.com) <mc5allyn@aol.com>; Peter Gardner
<dieter.gardner@yahoo.com>
Subject: 59 Kings Highway - Donco, LLC - affordable housing application

You don't often get email from branse@halloransage.com. [Learn why this is important](#)

Hello, Liz,

Welcome to Ledyard! Attached is a package of documents indicating approval of the Donco septic systems by the Ledge Light Health District. I got these as 3 separate documents, and I can send them to you that way, but I thought it might be easier to have them as one single pdf document. I'm copying Rob Avena on this because he's been involved since the first PZC meeting and has some familiarity with the background.

Please add these documents to the record. Let me know if I can help you in getting up to speed on this application. Let me know when this will be a PZC agenda. Thanks.

Regards,

Mark



Mark K. Branse, Esq.

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