



TOWN OF LEDYARD
Department of Land Use and Planning
Juliet Hodge, Director

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3215

Email: planner@ledyardct.org

MEMORANDUM FOR THE RECORD

April 11, 2024 PZC Meeting

Property Address: 59 King's Highway, Gales Ferry, CT (MBL 92/1160/59)
Application: #PZ24-1SITE – Site plan Approval for new 10 unit Mobile Home park under CGS 8-30g.
Applicant/Owner Applicant Peter Gardner: Owner Donco, LLC
Lot Size: 1.64 acres per deed/property card; 2.18 per Survey submitted
Lot Frontage: Approx. 585ft on King's Highway and approx. 531ft on Christy Hill
Zoning District: GFDD
Public Water/Sewer: Public Water - SCWA
Wetlands/Watercourses: Wetlands occur on the site. DEEP Wetlands Layer does not match Site Plan provided. So signature of Soil Scientist or further information provided.
Flood Hazard Zone: No.
CAM Zone: No.
Public Water Supply Watershed: No.
Proposed Public Improvements: No.

Legal: #PZ24-01SITE Submitted to Land Use Office on 3/26/24. Received by PZC on 4/11/24.

EXISTING CONDITIONS and HISTORY:

The lot is currently vacant with the exception of a “utility structure” of some kind (not described in application), and a paved apron leading to a concrete block parking area (which is not described further). The property is in the Gales Ferry Development District.

There are overhead power lines (CL&P?) that cross over the property that do not serve the property. It is unclear if there is an easement relating to the power line. There is a SNET easement identified on the Plan and several leak-offs and catch basins that appear to drain onto the Site and a drainage easement in favor of the Town of Ledyard identified on the plan.

There are wetlands identified on the site, however the Town's Wetland Map does not match the wetlands shown on the plan. This would necessitate an amendment to the Wetlands map. There is no information provided about the wetland – nor is there the signature of a Soil Scientist. Unsure when the Wetlands was flagged and by whom. The applicant did not submit an application to the Inland Wetlands and Watercourses Commission.

PROPOSED ACTIVITY:

The Applicant is proposing a new Mobil Home Park consisting of ten (10) 13'4" x 66' mobile homes to be served by city water and individual septic systems. As the town does not permit new Mobile Home Parks, the application is being submitted under CGS 8-30g. The affordability plan submitted in accordance with CGS 8-30g indicates that the units will be sold and not rented. The units are on leased land versus individual lots.

Each unit will have its own septic system and will be serviced by city water provided by SCWA. Each unit will have a Storm-Tech system to manage run-off from gutters.

Four curb cuts are proposed. All but two of the units will be accessed via common driveways. One of the common driveways will serve two units and the other will serve six units.

A very small "Recreation Area" is provided on the easterly property line between units 8 and 9 with no designated access from the other units – there are no sidewalks proposed or other internal "pathways."

Based on my initial review of the site plan and application materials provided, I offer the following comments and questions.

The Application for the 10-site mobile home park at 59 Kings Highway is incomplete and contains errors. (a) Site Plan does not contain required elements necessary to evaluate "health and safety" aspects of the project; (b) its Affordability Plan is generic and intended for a traditional subdivision development and not for a land-lease mobile home park with resident-owned homes; (c) the Affordability Plan contains multiple inconsistencies, and (d) the Affordability Plan conflicts with requirements in CGS Chapter 412 for mobile home parks.

Some issues include the omission of the required sidewalk on Kings Highway, which will be necessary for children on the west end of the community to safely access the small playground on the east end without trespassing on other sites in the community; the proximity of 10 septic dispersal fields to the wetlands; the adequacy of the septic systems on such a small odd-shaped parcel for as many as 40 residents (@2/bedrooms/home); and the lack of adequate guest parking.

Questions/comments related to the Affordability Plan:

1. 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."*
2. The Affordability Plan is incomplete because it does not include:
 - A section titled: *Draft zoning regulations*
 - A section titled: *Conditions of approvals*
 - 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 (restrictive covenants) as part of the Affordability Plan. The lease and draft rules and regulations should comply with Chapter 412.

3. CGS §8-30g-(b)-(1)-(D) requires the affordability plan to include a "... a description of the *projected sequence* in which, within a set-aside development, the affordable dwelling units will be built and *offered for occupancy* and the *general location of such units* within the proposed development."
4. Section III (Pro-Rata Construction) in the *Affordability Plan* does not describe the "sequence" in which the deed-restricted mobile homes will be installed and offered for occupancy. For example, will Site #1, #6, #10, or other sites be first, second, and third? In addition, under Chapter 412, *the park must be licensed before any mobile home can be installed, sold, or a site rented.*
5. The "*maximum sale price*" of \$126,638 is shown on page 6 of the Affordability Plan for a family earning less than 60% of the median income, and the "*maximum sale price*" of \$218,509 is shown on page 7 of the Affordability Plan for a family earning less than 80% of the median income, are more than the "*market value*" in 2024 for any 880' single-section mobile home. Due to the "*market*," all proposed mobile homes, including the three designated affordable homes, will sell for under \$100,000.
6. Because the market price of a mobile home in a mobile home park is less than the maximum permitted sales prices specified in §8-30g, the §8-30g "restrictions" only reduce the pool of purchasers of the designated affordable homes, which makes them more challenging to sell than the market-rate homes at the same price. There is no financial benefit to anyone. What would motivate a buyer to purchase a deed restricted unit? Should they decide to sell in the future they would incur the cost of having the "Administrator" ensure compliance with the Affordability Plan and that potential buyers are income qualified.
7. Page 12 of the Affordability Plan states, "*SEE NEXT PAGE FOR "HUD CODE" SPECIFICATION FOR 2024 AND NEWER HOMES.*" However, the following page (page 13) only lists *standard "features"* of a particular mobile home model built in a specific factory. *The standard "features" on page 13 are unrelated to 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. As a result, the Affordability Plan does not clarify whether the *Developer will limit the standard "features"* on page 13 to only the three designated affordable homes or *whether the listed features* will be in all homes.
8. Schedule C (page 12) is titled "MINIMUM SPECIFICATIONS OF MARKET-RATE AND AFFORDABLE HOMES." The word "minimum" implies some mobile homes could exceed the "*minimum specifications.*" However, ¶IV in the Affordability Plan 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.*" "Model, size, and floor plan" have nothing to do with the *quality* or the *appearance* of a mobile home." If a market-rate home has picture windows, skylights, architectural shingles, extra shutters, additional insulation, and a covered porch, it would **not be comparable in quality and appearance** to an affordable home, which would conflict with the comparability requirement in CGS §8-30g.

9. Pages 6 and 7 in the Affordability Plan show \$170/month in real estate taxes. However, assuming the tax assessor agrees the "affordable unit" has a "market value" of \$123,638.37, as shown at the bottom of page 6, its assessed value would be \$86,546.86 (70% of market value), but its annual taxes, at ≈34 mills, would be \$2,942.59, which would be \$245.22 per month. \$245.22/month is much more than the \$170 per month shown on page 6 and page 7. The difference has a material impact on the *maximum sales price* and should be explained or corrected.
10. Similarly, on pages 6 and 7, the Affordability Plan estimates the monthly utilities at \$121 and \$122, respectively. The Plan should indicate whether water would be metered or included in the site rent. If metered, the average person in the United States uses about 12,000 gallons per month, and a four-person household could use about 48,000 gallons, which, in Ledyard, would cost about \$338 per month.
11. In addition, the average household consumes about 850 KW hours of electricity per month. At ≈21 cents per kilowatt-hour in Ledyard, it would be about \$178 or more if a home has electric cooking, electrically heated water, and an electric dryer. The combination of electricity and water costs is 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 should be explained or corrected.
12. 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.*"
13. 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 the "*Affordability Plan.*" In addition, there is no information in the Application that "Donco, LLC" has the experience and qualifications to administer the Plan.
14. **What entity becomes the Administrator if the park owner intends to discontinue the park and its residents purchase it under CGS §70-(f)-(3)?**

Issues and Questions Associated with CGS Chapter 412

1. Will the property be developed, licensed, and operated as a *mobile home park* in conformance with the requirements in CGS Chapter 412? If yes, are waivers necessary to any requirements in Chapter 412? The waivers should be listed in the Application.
2. In Ledyard, less than 10% of housing is deemed affordable, and CGS §8-30g takes precedence over most conflicting Zoning and Subdivision Regulations. Does §30-g also take precedence over conflicting provisions in Chapter 412 for mobile home parks? It is not clear in CGS §8-30g. (The answer should reference the source of its justification.)

3. CGS §21-67a-(C) (in Chapter 412) shows that the *conveyance of the title* of a *mobile manufactured home* is achieved with a "*Conveyance of Title of A Mobile/Manufactured Home.*" There are no "deeds" for mobile homes in mobile home parks. The Applicant should address the "deed restriction" requirements of CGS §8-30g that conflict with CGS §21-67a-(C).
4. GGS §21-68 (in Chapter 412) provides that new mobile home parks *shall conform* to the requirements of *local ordinances or planning or zoning regulations*. The Ledyard Zoning Regulations *do not allow mobile home parks*. How will the Applicant comply with the CGS §21-68 requirement that the park comply with local land use regulations?
5. What are the "*aesthetic standards*" for the mobile homes in the proposed development (See CGS §21-79-(c))? They are essential to prevent a mobile home park from deteriorating and becoming blighted. The "*aesthetic standards*" should be included in the Application.
6. Will the *Park Rules* address constraints imposed by CGS §8-30g regarding the resale of the three designated affordable mobile homes? Will the *site leases* address the CGS §8-30g affordability requirements? The Applicant should include a copy of his proposed Rules and Site Lease for the mobile home park in the Application, showing how residents of the affordable units are constrained in the resale of their homes.
7. CGS §21-80-(b)-(5) requires site rents to be *consistent* with rents for *comparable lots* in the same park, and although the law allows for different site rents based on the size or desirability of a lot, it does not allow for differences in lot rents based on the size, quality, or characteristics a home that may be on the lot.
8. XII-6 (Pages 6 and 7) of the Affordability Plan shows that the lot rent will be \$499 per month for the lots with designated Affordable Homes. Will the rent for these lots be the same as those for market-rate homes? The Application should address lot rents and the impact of lot rent changes on the maximum sales price on pages 6 and 7 of the Affordability Plan.
9. CGS §21-79-(d) requires that "*Any purchaser of a mobile home sold by a resident may become a resident of the mobile manufactured home park provided he meets the entry requirements for said park and such requirements **are equally applied** by the owner **to all purchasers and prospective residents** ...*" However, CGS §8-30g limits the purchaser's income and the maximum sales price of the designated affordable homes, which means their owners and purchasers are subject to entry requirements that *are not applied equally* to the owners and purchasers of market-rate homes. This conflict between CGS §8-30g and CGS §21-79-(d) must be resolved before the Application can be approved.
10. 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 size, dimensions, and weight of the mobile home*. 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.

How will compliance with the requirement that 30% of the units be deed restricted be impacted should the owners of the deed restricted units “move out” taking their deed-restricted homes with them – or be foreclosed upon etc.. In this application, the trailers are not on individual lots, and are certainly not permanently located on the pad provided. The property is not “deed restricted” as in a typical 8-30g set-aside development for individual, detached homes. ONLY the individual trailer is deed-restricted. Should all three deed-restricted trailers be removed and relocated to another park or property by the owner, and the “pads” for the designated deed-restricted units remain vacant, the development would not be in compliance with the requirements of 8-30g or the Affordability Plan. The Application should address this potential scenario.

IN ADDITION TO ADDRESSING THE QUESTIONS AND CONCERNS RAISED ABOVE, THE APPLICANT MUST REVISE HIS APPLICATION AND SITE PLAN FOR THE COMMISSION TO MAKE AN INFORMED DECISION. IT SHOULD INCLUDE THE FOLLOWING:

1. The deed for the property.

Note: GIS map and property card say that the lot is 1.64 acres. Site Plan submitted shows 2.18 acres. The ½ acre discrepancy is not accounted for. Deeds on file also indicate that the lot is 1.64 acres. The property monuments are not identified in legend or labeled on the plan with the exception of one labeled “eye bolt in boulder.” Given the acreage discrepancy, locating the actual points would seem important.

2. Site lease lines (lot lines) and limits of clearing.

3. Zoning Compliance chart including % impervious surface

4. Location of wetlands as flagged and certified by a soil scientist

A live signature of the soil scientist is a required element of the Site Plan. Indicate who flagged the wetlands and when they were flagged per Section 11.2.1(E). Wetlands shown on the plan do not correspond to the DEEP or Town Wetlands map. Map Amendment should be submitted and reviewed by IWWC.

Plan should be reviewed by the IWWC to determine the actual location of the wetlands and whether they will be impacted.

See Aaron v. Conservation Commission, [183 Conn. 532, 542, 441 A.2d 30 (1981)], wherein “[a]n examination of the act reveals that one of its major considerations is the environmental impact of proposed activity on wetlands and water courses, which may, in some instances, come from outside the physical boundaries of a wetland or water course.’ In Aaron, it was held that activity that occurs in non-wetlands areas, but that affects wetlands areas, falls within the scope of regulated activity.

5. Driveway detail (grade and material) and Sightline distances.

Indicate capability for H2O loading and the ability for a fire truck to access all units and be able to turn around.

“Common” or “shared” driveways should be identified on the site plan. Will the park owner be responsible for snow removal on the “shared” driveways? Where will snow from the “shared” driveways be “banked” after a significant storm?

6. Location of Guest parking. If none, where do guests park? Is this a safety issue?

7. **Location of Park Name identification sign** preferably with its street number (#59). The site plan should show the location and size of the park sign, which must not interfere with sight lines.

Where will the park license and park rules be posted – it must be in a conspicuous location per CGS §21-65a-(a)). The site plan should show the location.

8. **Mailbox location(s):**

Can residents access their mailboxes safely without trespassing on other sites? Can the mailboxes be reached safely by residents who use wheelchairs? Who is responsible for clearing snow to provide access to the mailboxes? Do the mailboxes and parking for mailbox access comply with ADA requirements? The Post Office will likely require a centralized mail area. Will sight lines be impacted?

9. **Dumpster location and screening or locations for individual trash bin storage and pick-up.**

How will the park owner comply with the CGS §21-82-(a)-(12) requirement regarding refuse removal? CGS §47-7-(5) requires apartment landlords to "... provide and maintain appropriate receptacles for the removal of ashes, garbage, rubbish and other waste incidental to the occupancy of the dwelling unit and arrange for their removal." Similarly, CGS §21-82-(a)-(12) requires mobile home park owners to "Arrange for the removal from waste receptacles of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit."

If there are no dumpsters, where are the individual garbage cans and recycle containers stored on non-pickup days? Where will they be placed on pickup days? According to the site plan, the shared driveway on the east end of the property is too narrow for a garbage 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? Will the residents of a site be allowed to place their refuse containers on the site of another resident? This subject should be addressed in the park rules or park site lease.

10. **Location of Fire hydrants.**

11. **Location of electric utilities servicing the site and individual units**, including Electric meter boards and screening, water lines and location of water meters (meter boxes) and water system distribution valves.

Per Section 11.2.1(H), a utility plan is required. None was provided. ALL utility connections, including water and electric from the source to each unit must be shown on the Plan. Applicant must demonstrate that there is an adequate water supply available for consumption ***and*** fire protection prior to approval. If SCWA will be supplying the water, a letter indicating that there is adequate capacity to provide water to each unit ***and*** fire protection must be provided.

How will the increase in impervious cover and the use of the 10 individual Stormtech system impact the wetland on the site which is used as a stormwater collection area (others with rights to drain)?

Are the Stormtech systems connected to an existing stormwater system? If so where and how? No detail for the Stormtech systems or drainage calculations were provided.

12. **Identify the utility structure that you have labeled as a "concrete block parking area.**

Is there a utility easement in place on the property as well? Power lines bisect the property – is there an easement in place related to these? Was CL&P notified?

13. **A copy of the drainage easements or the volume and page of all easements impacting the property must be provided and proof that the "owners" of these easements have been made aware of the proposed development.**

There appears to be some activity in the area identified as the Town drainage easement area.

14. **§5.6 of the Ledyard Subdivision Regulations requires new Gales Ferry Development District (GFDD) developments to have a sidewalk along their 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 in the development to safely access the play area without trespassing on other sites. Will the Applicant comply with the sidewalk requirement imposed (indirectly) by CGS §21-68? If yes, it should be added to the site plan. If not, why?