

Supplemental Application Materials
Excavation Permit Extension
Special Permit (5 year renewal)
Windham Materials
Map 4 Lot 2 & Map 1 Lots 13, 14, 15, 16 & 17
Section IV
August 1, 2020

Section IV Permit History:

- Approved November 17, 2015 (PZC 15-09)
- Annual renewal October 18, 2016 (PZC 16-06)
- Annual renewal October 17, 2017 (PZC 17-10)
- Annual renewal October 16, 2018 (PZC 18-08)
- Annual renewal October 15, 2019 (PZC 19-05)

Property Permit History:

Excavation on this property was approved on December 17th, 2002 as Section I and was officially closed out by the PZC in July of 2008.

Section II Phases 1 through 5 was approved by the PZC on February 21, 2006. The Section II permit for Phases 1 through 5 was renewed by the PZC in July of 2008. Section II Phase VI was approved by the PZC on December 16, 2008. All phases of Section II have been fully closed.

Section III was laid out in 7 Phases and was approved (PZC 09-09) on October 26, 2009 and was closed by a vote of the Commission on October 17, 2017.

Section IV was laid out in 6 Phases and was approved (PZC 15-09) on November 17, 2015 and is by estimation 85% complete.

Activity Proposed:

Applicant: Windham Materials, LLC
Property Owner: Franklin Nasin, LLC
Location: Map 4 Lot 2 & Map 1 Lots 13, 14, 15, 16 & 17
Zoning District: R-120
Area of proposed excavation: 36.0 acres
Estimated Volume to be excavated: 846,500 cubic yards
(This is the original pre-excavation volume)

This application is a renewal of the application that was approved in 2015 (PZC 15-09) and which requires a Public Hearing in accordance with Section 10.4.F.a of the Franklin Zoning Regulations for further extensions.

Section IV was approved by the PZC on November 17, 2015 (PZC 15-09) and contained 36 acres in 6 phases with a total excavation volume of 846,500 cubic yards. Section IV is approximately 85% complete.

Restoration activities are ongoing in the completed areas of Section IV.

Traffic and Pedestrian Safety (Section 10.2.1):

In 2002, during the Application process for Section I, a detailed traffic study was prepared and testimony was provided to the Commission by David Spear, PE of DLS Traffic Engineering. Mr. Spear at that time indicated that it was his professional opinion that the proposed excavation activity would not create a traffic nuisance. In 2006, Mr. Spear updated his traffic analysis and we submitted to the Commission a supplemental report indicating that during the period of operations to that date that no traffic nuisance had arisen for the ongoing excavation activities.

Since the current Application for Section IV is a continuation of the activities previously permitted and there is no proposed increase in intensity of operations proposed and from our frequent observations of the traffic entering and leaving the site we have not noted, observed, or been made aware of any traffic issues; no additional investigation of this issue is proposed for this current Application.

Attached is data from the Connecticut Crash Data Repository for the period from **2015 to the present** for reported traffic incidents within 500 feet of the Mushroom Farm driveway intersection with Route 32. In that period there are 4 incidents reported in this area. Three are passenger type vehicle accidents and the fourth appears to be an incident where an object (stone?) came off of a trailer dump and struck the windshield of a car.

It should be noted that when Section I was permitted in 2002, the Mushroom Farm was in full production and now that element of the local traffic has been removed from the equation although there is now some limited activity with Pare Electric using a portion of the main Mushroom Farm building and Shrubbucket now operating out of the Spawn Plant.

Surrounding Property Values: (Section 10.2.2):

Likewise to the traffic issues, in 2002 testimony was presented to the Commission by Leslie Lewis, a Real Estate Consultant, indicating that the excavation would not have a negative effect on the property values of the surrounding properties. The former Franklin Farms, LLC property which is currently owned by K-Best USA is also partially being excavated under a permit granted by this Commission, the main mushroom plant area is being used as a material storage area by Pare

Electric and now has Shrubbucket operating out of the Spawn Plant. We would therefore postulate that the conclusions reached by Mr. Lewis in 2002 remain applicable.

Environmental Quality: (Section 10.2.3):

The proposed excavation is designed in a down cutting fashion as have the other sections and phases of this excavation and as a result there is no stormwater discharge occurring from the excavation area.

During our inspections of the area in **Section IV** no evidence of archaeological or cultural resources were observed prior to commencing excavation operations.

The completed and restored Sections I, II, and III have returned to grass lands and have been slow to naturally reforest although the first section is beginning to return to forest. These grass lands provide great habitat for a variety of animal and bird species.

There are no areas shown to contain any state or federally listed species as shown on the current DEEP Mapping (please see attached).

Development Potential of Surrounding Properties (Section 10.2.4):

Section IV is isolated and will have no impact on the development potential of any surrounding properties.

Public Utilities and Storm Water Drainage (Section 10.2.5):

No public utilities are necessary for the activities proposed under this application. The infrastructure necessary for this application including the access road and truck scale facilities are currently in place and in use. The access road across the K-Best property is well maintained. The site is gated and the gate is locked at the end of each day's operations.

The down cutting design of the excavation will contain the storm water fully within the excavation area where it will recharge into the undisturbed soil horizons which will remain.

Impact on Appropriate Use of Adjoining Properties (Section 10.2.6):

The Application area is a remote location with no impacts of the use of adjoining properties.

Bonding:

The original approval (PZC 15-09) and the subsequent renewals required a \$40,000.00 commercial surety bond which is valid to February 4, 2021 and an additional pass book account which when initially posted in 2002 or 2003 had an initial deposit of \$4000.00 that currently has a balance of \$4077.02.

Waiver Request:

This application is in effect a renewal of the project and plan set approved by the PZC on November 17, 2015 (PZC #15-09). No changes to the proposed plans are being proposed. The plans submitted for this application omit the 40 scale grading plans but include the 100 scale grading plan, the notes and detail sheet, and a mark-up (sheet 1 of 3) which depicts the existing conditions.

Conditions of Approval:

The following conditions of approval are offered for your consideration. These conditions of approval are essentially the same as were set by the PZC for Sections III and Section IV.

- 1. That the current commercial surety bond held by the Town in the amount of \$40,000.00 remain in place to ensure compliance with the approved site plan.*
- 2. That the additional 10% or \$4000.00 (plus accrued interest) remain posted with the Town in a pass book savings account held by the Town for any Erosion and Sedimentation issues that occur as the result of the proposed activity.*
- 3. The maximum excavation depth permitted be no more than one foot below the final proposed level.*
- 4. No topsoil shall be removed from the property until the entire section has been fully graded and restored in accordance with the approved plans.*