

**TOWN OF FRANKLIN                      7 Meetinghouse Hill Rd., Franklin, CT 06254**  
**PLANNING & ZONING COMMISSION APPLICATION**

APPLICATION NO. # 21-04 (Assigned by Admin upon receipt of application fees)                      DATE: \_\_\_\_\_

TOTAL APPLICATION FEES PAID \$ \_\_\_\_\_ (all "fees" determined by Zoning Enforcement Officer (see below))

APPLICANT: Windham Materials, LLC      APPLICANT STATUS (circle): OWNER / AGENT OF OWNER / POTENTIAL BUYER

ADDRESS OF APPLICANT: P.O. Box 346 Willimantic, CT 06226      Mineral rights holder

E-MAIL ADDRESS OF APPLICANT: hhopkins@bce-wm.com                      TELEPHONE NO.: 860-456-4111

PROPERTY LOCATION: Pleasure Hill Road

ASSESSOR'S MAP# 2                      LOT # 2                      ZONE DISTRICT: R-120

PROPERTY OWNER: Land & Sea Resources, LLC

ADDRESS OF PROPERTY OWNER P.O. Box 183, North Windham, CT 06256

E-MAIL ADDRESS OF OWNER: c/o jboucher@towneengineeringinc.com TELEPHONE NO.: 860-423-6371

EXISTING USE OF PROPERTY: Vacant - wooded but recently logged

DESCRIPTION OF PROPOSED ACTIVITY: Proposed earth excavation

**QUESTIONS**

1. IS PROPERTY LOCATED W/ 500 FT OF ADJOINING MUNICIPALITY? Yes TOWNS: Windham
2. DOES YOUR ACTIVITY (DEFINED BELOW) REQUIRE CONTACTING ABUTTING PROPERTY OWNERS WITHIN 500 FEET? Yes  
 (Please verify w/ Zoning Enforcement Officer)
3. ARE ALL PROPERTY TAXES PAID TO DATE ON THIS PROPERTY?: Yes

**ACTIVITY & FEES**

**THE TOWN OF FRANKLIN RECOMMENDS APPLICANT REQUEST PRE-APPLICATION MEETING**

- |                                     |  |                        |  |
|-------------------------------------|--|------------------------|--|
| <input type="checkbox"/>            | Pre-application Meeting with Town Staff (Town Planner and Town Engineer or Zoning Enforcement Officer) | \$100 per hour         | (1 <sup>st</sup> hour no charge)                     |
| <input type="checkbox"/>            | Public Hearing: (may be required and determined at a later date)                                       | \$250                  |  |
| <input type="checkbox"/>            | Zone Change Request:   | \$425                  | (includes public hearing)                            |
| <input type="checkbox"/>            | Regulation / Text Change Request:  | \$425                  | (includes public hearing)                            |
| <input type="checkbox"/>            | New Subdivision Plans, without roads, plus Public Hearing  | \$200                  | per proposed lot                                     |
| <input type="checkbox"/>            | Re-Subdivision Plans, without roads, plus Public Hearing   | \$200                  | per proposed lot                                     |
| <input type="checkbox"/>            | New Subdivision Plans, with new roads, plus Public Hearing   | \$200                  | per proposed lot + \$2.00 per linear foot of road    |
| <input type="checkbox"/>            | Revised Subdivision Plans, with new roads, plus Public Hearing   | \$200                  | per proposed lot + \$2.00 per linear foot of road    |
| <input type="checkbox"/>            | Revised Subdivision Plans and/or Re-Subdivision with Public Improvements, with or without roads *      | \$200                  | per lot  |
| <input checked="" type="checkbox"/> | New Commercial Site Plan, Special Permit, or Special   | \$500 + \$100 per page | (4 pages)  |
| <input type="checkbox"/>            | New Residential Site Plan, Special Permit or Special   | \$100                  | per page   |
| <input type="checkbox"/>            | Revised Commercial Site Plan, Special Permit or Special  | \$100                  | per page   |
| <input type="checkbox"/>            | Revised Residential site Plan, Special Permit or Special   | \$100                  | per page   |
| <input type="checkbox"/>            | Renewals or Extensions (not requiring plan review):  | \$25                   |  |
| <input checked="" type="checkbox"/> | ADD Town Administrative fee  | <u>\$ 10.00</u>        | With Application                                     |
|                                     | <b>TOWN APPLICATION FEE</b>  | <b>\$ 910.00</b>       |  |
| <input checked="" type="checkbox"/> | ADD State Administrative fee   | <u>\$ 60.00</u>        | With Application                                     |
|                                     | <b>TOTAL APPLICATION FEE</b>   | <b>\$ 970.00</b>       | (enter "TOTAL FEES PAID" at top of page)      OVER → |

**NOTES TO APPLICANT**

1. Provide **SIX (6)** copies of application & supporting materials (including site plans)
2. Provide **COMPLETED** site plan checklist (attached)
3. Send PDF FILES of "FINAL" approved plans to: [franklinzeo@99main.com](mailto:franklinzeo@99main.com) & [franlinlanduse@99main.com](mailto:franlinlanduse@99main.com)
4. Approval of this application by the Planning & Zoning Commission indicates approval of the site plan **ONLY** and does not act as permission to proceed with construction. The Applicant must first obtain a Zoning Permit from the Zoning Enforcement Officer followed by a building permit from the Building Inspector **PRIOR** to the start of any construction.
5. Applicant is required to **FILE/RECORD** the approved Site Plan (Mylar) with the Town Clerk's Office within 90 days after the expiration of the appeal period.

**PER TOWN ORDINANCE FOR PROCESSING APPLICATIONS – Administrative Staff Fees:**

**Cost to Review:** In the event the cost to review, evaluate, and process an application/site plans exceeds applicable fees set forth in the Town of Franklin Fee Ordinance, the applicant shall pay all reasonable additional costs incurred by the Town upon notification of such additional costs. Until additional costs are paid, the Town or agency or officer, thereof, may withhold the issuance of permits, the endorsement of maps or plans, and/or the release of any bond held.

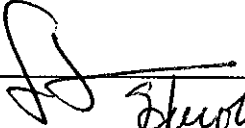
**Checks:** Payable to "The Town of Franklin": **\*APPLICATION FEES ARE NON-REFUNDABLE\*** (Includes State, Town, & App Fees)

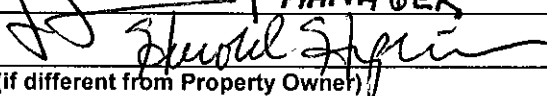
**PER TOWN ORDINANCE FOR PROCESSING APPLICATION – Advertising & Consulting Fees:**

**Advertising:** The Town reserves the right to charge the applicant for advertising costs where the costs exceed the application fee that is normally used to pay for advertising.

**Consulting Services – (Site Inspections/E&S/Drainage Etc):** In accordance with the Town of Franklin Fee Ordinance on Processing Applications where it has been determined by the Agent or Commission that it must consult with experts to analyze, review, and report on areas requiring a detailed, technical peer review in order to assist the Agent or Commission in evaluating the effect of a proposal on the Town, the Agent or Commission may require the Applicant pay these costs. These fees will be paid to the Town for the Agent or Commission's use prior to proceeding on the application based on a preliminary estimate from such experts, multiplied by 150%. Upon completion of technical review & a full accounting of the charges owed or paid, any excess funds will be refunded to the applicant.

**\*STATE FEES:** Per Connecticut General Statute-Section 22a-27j, an additional fee is to be added to all application fees for the Environmental Quality Fund.

PROPERTY OWNER SIGNATURE:  **MANAGER** Date: 4/26/21

APPLICANT SIGNATURE:  Date: 4/26/21  
 (if different from Property Owner)

**COMMISSION USE ONLY**

Date of Commission Receipt: \_\_\_\_\_ Hearing Required: YES / NO Hearing Start Date: \_\_\_\_\_

Date of Commission's Action: \_\_\_\_\_ **APPROVED / DENIED**

Conditions of Approval, if any: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reason for Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF FRANKLIN**  
7 Meetinghouse Hill Road  
Franklin, CT 06254  
**PLANNING & ZONING COMMISSION**

**SITE PLAN / SUB-DIVISION APPLICATION CHECKLIST**

The following items provide a listing for the Applicant, Zoning Enforcement Officer, Town Planner, and Planning & Zoning Commission of requirements of a site plan.

Check each item as applicable to ensure required information is completed.

**SITE PLANS NOT CONTAINING REQUIREMENTS ON CHECKLIST MAY BE DEEMED "INCOMPLETE" BY COMMISSION**

- Site Plan Application Form fully completed
- Written Statement of Use
- Application Fee (Paid in Full)
- Six (6) copies of all maps, plans, and profiles conforming to Class A-2 Standards for surveys and Maps in the State of Connecticut. The Site Plan Map shall be drawn at a scale of more than one inch equals 50 feet, showing the following:
  - The name of the site plan and the words "Franklin, Connecticut"
  - North arrow, scale, date of survey and legend with description of symbols and abbreviations
  - Designation of zoning district
  - Zoning compliance table
  - Locational key map at a scale no smaller than one inch equals 2000 feet
  - Approval block for the Franklin Planning & Zoning Commission
  - Approval block for the Franklin Board of Selectmen (where applicable)
  - Approval block for the Franklin Inland and Wetlands Commission (where applicable)
  - Approval block for "date of Completion of all Work:"
- A statement subscribed by the site plan preparer that such preparer has read the Franklin Zoning Regulations, and that a site plan, in the preparer's opinion, meets requirements of these regulations
- Name of record owner
- Name of site plan applicant (if different from record owner)
- Licensed Professional Engineer and/or Licensed Land Surveyor with seal, signature, and registration number
- Soil scientist report and signature (where applicable)
- Property boundaries, dimensions, angles, bearings, and area (acres and square footage)
- Existing and proposed buildings (with dimensions)
- Building set-back lines based on appropriate zoning designation

- Driveways and sight lines demonstrations (including surface type and slope)
- Parking areas
- Wetlands and watercourses
- Tree lines and limits of clearing
- Stone walls
- Walkways and sidewalks
- Landscaping
- Buffer strips
- Water supply location
- Sewage disposal facilities
- Drainage features and structures
- Signs and lighting
- Existing and proposed grades. Contour lines at two foot intervals for sites 80,000 square feet or larger
- Flood zone limit
- Erosion and sediment control plan
- Footing drain for each proposed building
- Construction details for public improvements
- Impervious area coverage (commercial and industrial zoned parcels)

**The following written statement shall accompany the site plan application**

- Approval letter from Uncas Health District or their Designee that the proposed improvement is acceptable
- For a site plan fronting on Franklin roads, evidence that the applicant has submitted the proposed site plan to the Franklin Board of Selectmen for their review and comment
- For a site plan fronting on a State Highway, evidence that the applicant has submitted the proposed site plan to the Connecticut Department of Transportation, District II Office in Norwich for their review and comment
- Two copies of all storm drainage computations and supporting maps and charts
- Bond estimate for erosion control measures
- For a special exception on a list of all property owners within 500 feet of the area of the application

Supplemental Application Materials  
Excavation Permit  
**Windham Materials, LLC**  
**Property of**  
**Land & Sea Resources, LLC**  
Map 2; Lot 2  
April 30, 2021

**Activity Proposed:**

Applicant: Windham Materials, LLC  
P.O. Box 346  
Willimantic, CT 06226  
Property Owner: Land & Sea Resources, LLC  
P.O. Box 183  
North Windham, CT 06256  
Location: Map 2; Lot 2  
Zoning District: R-120  
Area of proposed excavation: 12.2 acres  
Estimated Volume to be excavated: 505,000 cubic yards

The proposed activity is for the excavation of sand and gravel materials from the Property of Land & Sea Resources, LLC Windham Materials, LLC. The current application encompasses 12.2 acres of the 75.50 acre parcel.

**Property Owners within 500 feet of proposed excavation:**

Franklin Nasin, LLC.  
567 Vauxhall Street, Extension, Suite 330  
Waterford, CT 06385

**Traffic and Pedestrian Safety (Section 10.2.1):**

This Applicant in 2002, during the Application process for Section I on the Franklin Nasin, LLC property provided a detailed traffic study that was prepared by David Spear, PE of DLS Traffic Engineering and testimony was given. 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 the Applicant 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.

This applicant has up until recently has been excavating on both the Franklin Nasin property and the former Franklin Mushroom Farms property. The excavation activities on the Franklin Mushroom Farm property have been concluded. The excavation on the Land & Sea Resources property will in essence replace the volume that was previously excavated from the Franklin Mushroom Farm property and as a result the traffic observed will not change.

The current Application proposes no increase in intensity of operations that have been occurring since 2002. 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 driveway intersection with Route 32. In that period there are 2 incidents reported in this area. One is a passenger type vehicle accidents and the other 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 Par 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 locus of the current Application is such that the only abutting property within 500 feet is owned by Franklin Nasin, LLC. who has had 5 previously approved excavation permits which were successfully undertaken by this Applicant. The former Franklin Farms, LLC property which is currently owned by K-Best USA is used as a material storage area by Par 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):**

Our Soil Scientist, John P. Ianni, Professional Soil Scientist, of Highland Soils has inspected the site and determined that there are no Wetlands Regulated Soils in the proposed excavation area or within 50 feet of any proposed activity. A copy of a letter from Mr. Ianni is attached. The proposed excavation is designed in a

down cutting fashion and as a result there is no stormwater discharge from the proposed excavation. This section was part of the area identified as the potential ash landfill by CRRA in approximately 2008. We have the benefit of the borings done by CRRA in determining the ground water and ledge elevations. Unfortunately the CRRA wells were removed a few years ago so we can't take current deep readings of the groundwater table.

During our inspections of the proposed excavation no evidence of archaeological or cultural resources were observed.

There are no areas shown to contain any state or federally listed species as shown on the current DEEP Mapping dated December 2020.

**Development Potential of Surrounding Properties (Section 10.2.4):**

This parcel is isolated and on the easterly, northerly, and westerly sides are land of Franklin Nasin, LLC. This proposed excavation will have no impact on the development potential of any surrounding properties, at some point the hope is that the owners and regulations will allow excavation of the common property lines.

**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 is currently in place and in use. The access road across the K-Best USA and Franklin Nasin properties is well maintained. The section of the access road near what has been known as the tray field has sufficient by-pass pull-outs so there are no conflicts. Almost 100% of the traffic on the haul road are the tri-axle trucks being used for this excavation.

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:**

Erosion & Sediment Control Construction cost estimate  
(based on 2018 R S Means Heavy Construction Cost Data, 32<sup>nd</sup> Edition)

	Unit	Unit Price	Quantity	Amount
1. Silt fence	LF	\$1.88	1,500	\$ 2,820
2. Spread topsoil from stockpile	CY	\$0.97	13,000	\$12,610
3. Mulch, seed, & fertilizer (hydroseed)	MSF	\$68.00	531.4	<u>\$36,137</u>
Subtotal				\$51,567
10% contingency				<u>\$ 5,157</u>
Total				\$56,724
Proposed bond				\$60,000

**Conditions of Approval:**

The following conditions of approval are offered for your consideration.

1. *That a commercial surety bond in the amount of \$60,000.00 be presented to ensure compliance with the approved site plan.*
2. *The maximum excavation depth permitted be no more than one foot below the final proposed level.*
3. *No topsoil shall be removed from the property until the entire excavation has been fully graded and restored in accordance with the approved plans.*



# HIGHLAND SOILS, LLC

May 3, 2021

Joe Boucher  
Towne Engineering, Inc.  
P.O. Box 162  
South Windham, CT 06266

**RE: WINDHAM MATERIALS, LLC  
PROPERTY OF LAND & SEA RESOURCES  
PLEASURE HILL ROAD  
FRANKLIN, CT**

Dear Joe:

On April 29, 2021 I conducted a soil survey on the above-referenced property. As a result of my on-site survey, I have concluded that the property does not contain regulated wetlands or watercourses. No wetland areas were observed within proximity to the property lines.

If you have any questions, or require additional information, please call me at (860) 742-5868.

Very truly yours,

*John P. Ianni*  
John P. Ianni M.S.  
Professional Soil Scientist

# Connecticut Crash Data Repository

[Add Summary](#)  
 [Add Route Histogram](#)  
 [Export To CSV](#)  
 [Save Query](#)  
 [New Query](#)  
 [Edit Query](#)

**Search Criteria:**

Dataset: mmucc  
 Latitude: 41.65349000  
 Longitude: -72.15879000  
 Tolerance: 500.00000000

**Search Summary**

Crashes Records: 2  
 Vehicles Records: 4  
 Persons Records: 5  
 Trailers Records: 2

[View Crashes on Map](#)

[View Crashes on Map With Criteria](#)

*Map tool is optimized for usage with Firefox and Google Chrome. Some functionalities are not compatible with Internet Explorer.*

[Crashes](#)  
 [Vehicles](#)  
 [Persons](#)  
 [Trailers](#)

**Records:** 1 - 2 of 2  
**Records Per Page:**  
**Page:** 1 of 1

[Visible Columns](#)

*Click on the pencil to display the data in human readable text (if available).*  
*Click on the column names in order to sort by that column. (Sorting by a column may require more time to load the results.)*

Record	CrashId	Diagram	Location	Town Name	Date Of Crash	Time of Crash	Crash Severity	Most Severe I
1	483467	<a href="#">View</a>	<a href="#">View On Map</a>	Franklin	2018-01-09	11:40:00	Property Damage Only	No Apparent In
2	675011	<a href="#">View</a>	<a href="#">View On Map</a>	Franklin	2019-08-14	10:45:00	Property Damage Only	No Apparent In

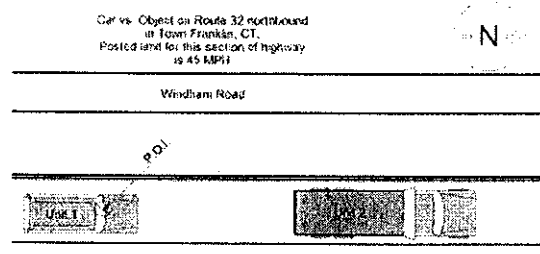
This web site is exempt from discovery or admission under 23 U.S.C. 409.

[Connecticut Crash Data Repository](#) - 
 [User Guide](#)  
 [Contact Us](#)

**Search Criteria:**  
 Dataset: mmucc  
 Latitude: 41.65349000  
 Longitude: -72.15879000  
 Tolerance: 500.00000000

View Crashes on Map  
 Map tool is optimized for usage w

**Diagrams of the Current Page of Results**



Crashes Vehicles Person  
 Records: 1 - 2 of 2  
 Records Per Page: 25  
 Page: 1 of 1

Click on the pencil to display  
 Click on the column names in

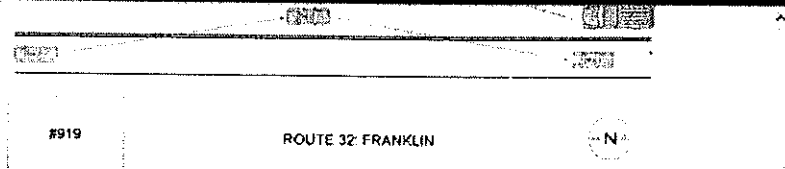
Record	CrashId	Diagram
1	483467	<a href="#">View</a>
2	675011	<a href="#">View</a>

**CrashID:** 675011  
**Town Name:** Franklin  
**Date Of Crash:** 2019-08-14  
**Time of Crash:** 10:45:00  
**Crash Severity:** Property Damage Only  
**Most Severe Injury:** No Apparent Injury (O)  
**Route Class:** State  
**Road Description:** 32-N  
**Roadway Name:** 32-N  
**Intersecting Roadway Name:** unknown  
**First Harmful Event:** Other Non-Collision  
**Manner of Crash / Collision Impact:** Not Applicable  
**Weather Condition:** Clear  
**Weather 2:** Not Applicable  
**Light Condition:** Daylight

[Previous Crash](#) [Next Crash](#)

**Search Criteria:**  
 Dataset: mmucc  
 Latitude: 41.65349000  
 Longitude: -72.15879000  
 Tolerance: 500.00000000

**Diagrams of the Current Page of Results**



View Crashes on Map  
 Map tool is optimized for usage w

Crashes	Vehicles	Perso
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Records: 1 - 2 of 2  
 Records Per Page: 25  
 Page: 1 of 1

Click on the pencil to display  
 Click on the column names in

Record	CrashId	Diagram
1	483467	View
2	675011	View

**CrashID:** 483467  
**Town Name:** Franklin  
**Date Of Crash:** 2018-01-09  
**Time of Crash:** 11:40:00  
**Crash Severity:** Property Damage Only  
**Most Severe Injury:** No Apparent Injury (O)  
**Route Class:** State  
**Road Description:** 32-N  
**Roadway Name:** 32-N  
**Intersecting Roadway Name:** unknown  
**First Harmful Event:** Other Post, Pole or Support  
**Manner of Crash / Collision:** Not Applicable  
**Impact:** Not Applicable  
**Weather Condition:** Clear  
**Weather 2:** Not Applicable  
**Light Condition:** Daylight  
**Road Surface Condition:** Dry  
**Average Daily Traffic:** 11000  
**Functional Classification:** PRINCIPAL ARTERIAL - OTHER - NEW  
**Rural or Urban:** HPMS  
 null




Previous Crash Next Crash

# Natural Diversity Data Base

## Areas

FRANKLIN, CT

December 2020

-  State and Federal Listed Species
-  Critical Habitat
-  Town Boundary

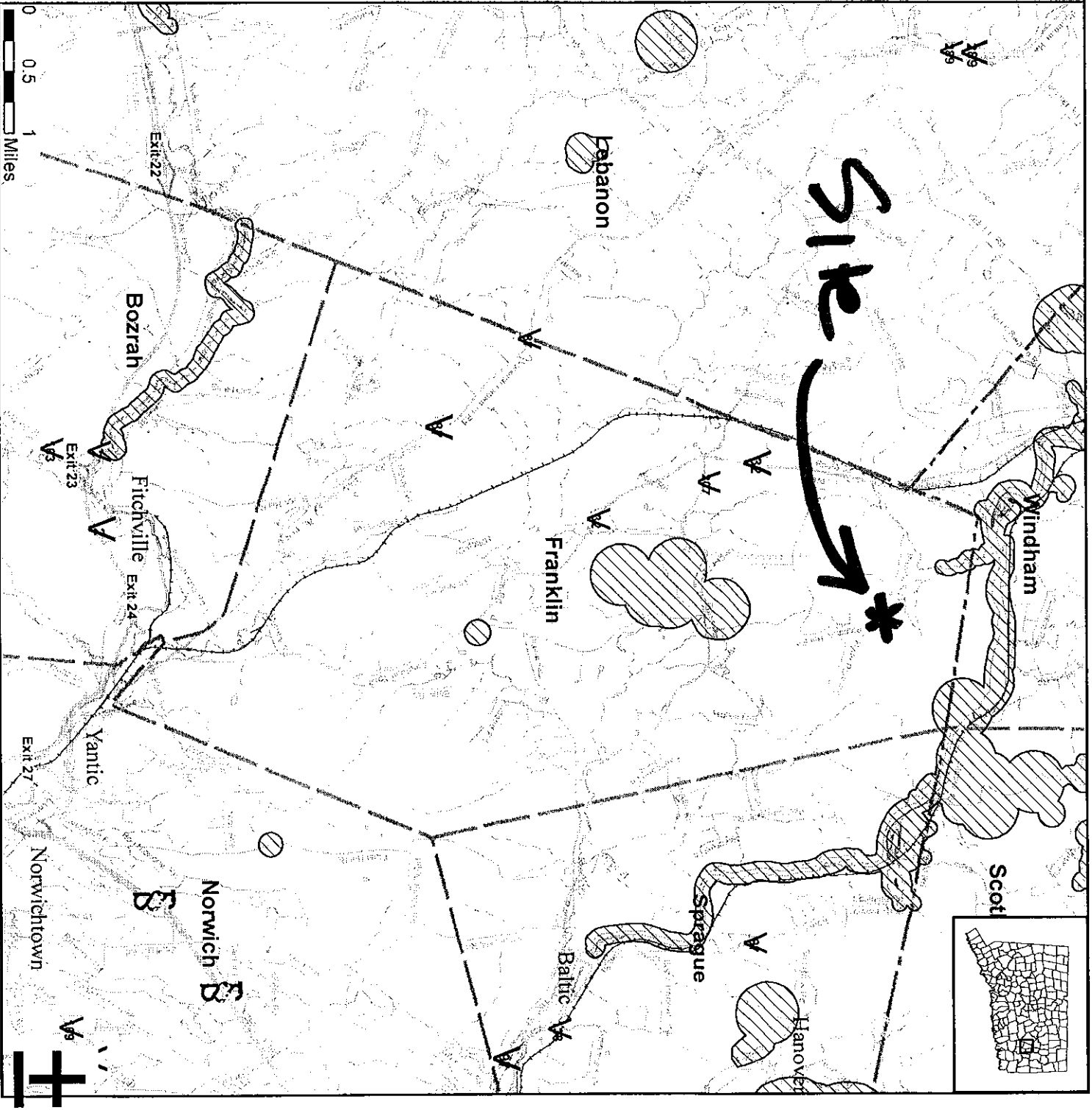
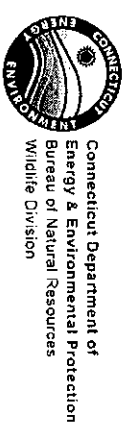
**NOTE:** This map shows general locations of State and Federal Listed Species and Critical Habitats. Information on listed species is collected and compiled by the Natural Diversity Data Base (NDDB) from a variety of data sources. Exact locations of species have been buffered to produce the generalized locations.

This map is intended for use as a preliminary screening tool for conducting a Natural Diversity Data Base Review Request. To use the map, locate the project boundaries and any additional affected areas. If the project is within a hatched area there may be a potential conflict with a listed species. For more information, complete a Request for Natural Diversity Data Base State Listed Species Review form (DEP-APP-007), and submit it to the NDDB along with the required maps and information. More detailed instructions are provided with the request form on our website.

[www.ct.gov/deep/nddbrequest](http://www.ct.gov/deep/nddbrequest)

Use the CTECO Interactive Map Viewers at <http://cteco.uconn.edu> to more precisely search for and locate a site and to view aerial imagery with NDDB Areas.

**QUESTIONS:** Department of Energy and Environmental Protection (DEEP)  
79 Elm St, Hartford, CT 06106  
email: [deep.nddbrequest@ct.gov](mailto:deep.nddbrequest@ct.gov)  
Phone: (860) 424-3011





# Town of Franklin



0 BILL(S) - \$0.00

Account info last updated on Feb 23, 2021

Home Shopping Cart Checkout

## TAX BILLS

SEARCH BY

Enter the search criteria below:

NAME

land & sea

Search

Enter Last Name then space then 1<sup>st</sup> Initial (example SMITH J) or Business Name (No comma, & or -)

See Example All Due Now Balance Due IRS Payment Records for Year 2020

- 01 - REAL ESTATE
- 02 - PERSONAL PROPERTY
- 03 - MOTOR VEHICLE
- 04 - MOTOR VEHICLE SUPP

BILL #	NAME/ADDRESS	PROPERTY/VEHICLE	TOTAL TAX	PAID	OUTSTANDING	OPTIONS	REGISTER ONLY	PAY
2019-01-0001060 B1001600	LAND & SEA RESOURCES LLC P O BOX 185 (REAL ESTATE )	PLEASURE HILL RD 2 1	\$16.25	\$16.25	\$0.00			
2019-01-0001061 W1002700	LAND & SEA RESOURCES LLC PO BOX 185 (REAL ESTATE )	PLEASURE HILL RD 2 2 ORTH WINDHAM CT	\$294.44	\$294.44	\$0.00			

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