

TOWN OF CANTERBURY
PLANNING & ZONING COMMISSION

APPLICATION FOR ZONING AMENDMENT
(As per Section 8-3, Connecticut General Statutes)

APPLICATION NUMBER: P2 15-12-TEXT
RECEIVED BY: MJP
DATE: 6/11/15
FEE PAID: 460

Any person seeking an amendment to the Zoning Regulations or Official Zoning Map must submit this application, the required fee, and any accompanying information which may be required as outlined in Article XIII (13.1) of the Zoning Regulations no later than ten (10) days prior to the next regular meeting of the Commission. Regular meetings are held the second Thursday of each month.

1. Application is made for Amendment to Zoning Regulations Map Check appropriate box
2. Name of Applicant: Strategic Commercial Realty, Inc.
3. Address: 6 Kennedy Drive, Putnam, CT 06260 Telephone: (860)963-6584
4. For amendments to the Zoning Regulations, please attach two (2) copies of the proposal with all applicable Section references along with a statement as to why the amendment is sought.
5. For amendments to the Zoning Map, please submit a map showing the property and the area surrounding it with existing and proposed zoning districts (the Assessor's map may be used for this purpose), along with a list of the names and addresses of all abutting property owners, including those across any streets. Also, please provide the following:
 - a. Name of property owner: _____
 - b. Address: _____ Telephone: _____
 - c. If applicant is not the owner, applicant's interest in land: _____

 - d. Location of property: _____
 - e. Assessor's information: Map: _____ Block: _____ Lot: _____
Map: _____ Block: _____ Lot: _____
 - f. Zoning district: _____ Area: _____ [SF] [Acres]
 - g. Proposed zoning district: _____
 - h. Reason(s) for requesting Zoning Map Amendment: _____

The information provided in this application and the accompanying materials is true and accurate to the best of my knowledge. I am aware of the penalties for obtaining an approval through deception or inaccurate or misleading information.
Strategic Commercial Realty, Inc.

By Ernest J. Cotnoir _____
Signature of Applicant Ernest J. Cotnoir, Its Attorney
Signature of Owner _____
(if applicant is not the owner)

**TOWN OF CANTERBURY
BEFORE THE PLANNING & ZONING COMMISSION**

In the Matter of:

Strategic Commercial Realty, Inc.

Application for Text Amendment

APPLICATION NARRATIVE

Strategic Commercial Realty, Inc., a Connecticut corporation having an address of 6 Kennedy Drive, Putnam, Connecticut hereby applies for an amendment to the text of the Canterbury Zoning Regulations.

1. Proposed amendment

Section 18.7.11 of the Regulations currently reads as follows, in relevant part:

No permit shall be approved under this section for any operation having its main entrance on a Town road. This may be waived via a two-thirds majority of the voting members if it can be shown by the applicant that . . .

The applicant proposes that said Regulation be amended to read as follows:

No permit shall be approved under this section unless it is shown by the applicant that . . .

2. Reason for proposal

The Regulations as currently adopted prohibit issuance of a special exception for a gravel operation having its main entrance on a town road unless the applicant demonstrates compliance with specified criteria related to traffic. The mechanism to achieve this regulation is the commission's right to waive the prohibition if the criteria are satisfied.


Recent case law suggests that issuance of a waiver in this context may be beyond the commission's authority to issue. This leaves the commission and the town's residents with the anomalous result that certain special exceptions may not be legally issuable for uses on town roads situated in

zones where they are specifically authorized. This situation also raises possible legal issues.

The purpose behind the proposed amendment is to address this issue by allowing the commission to issue a permit as long as the applicant satisfies the criteria set out in the regulation. This eliminates the need for the commission to issue a "waiver" but retains the commission's authority to consider the criteria.

Dated at Putnam, Connecticut this 11th day of June, 2015.

Respectfully submitted for
Strategic Commercial Realty, Inc.

By 
Ernest J. Cotnoir
Its Attorney

TOWN OF CANTERBURY

1 Municipal Drive, Canterbury 06331

APPLICATION # PZ 15-13-SE

Planning & Zoning Application for:
(check only one)

FOR OFFICE USE

Application Rcv'd: 6-11-15
Application Date: 6-11-15
Application Fee: \$560-

- Subdivision
- Resubdivision
- Modification of Approved Subdivision
- Site Plan Review
- Special Exception
- Home Occupation
- Permit Extension

Name of Applicant(s): LaFramboise Sand & Stone, Inc.

Mailing Address: PO Box 467, Brooklyn, CT 06234

Home Phone #: _____ Business Phone #: (860)546-9771

If different than above information, please give:

Name of Property Owner(s): See application narrative attached

Location of Property involved in application: See application narrative attached

Map#: _____ Lot#: _____ Vol#: _____ Pg#: _____

Please describe the proposed activity: Gravel excavation, please see application narrative attached

Briefly list any accompanying materials submitted with the application (such as maps, soil testing, NDDH reports and/or reviews, etc.):

Application Narrative; List of Abutters; and Maps/Plans

The applicant guarantees that all the applicable requirements of these Zoning Regulations will be met and that the applicant will comply with any terms, conditions, or restrictions which the Planning & Zoning Commission places on this special exception. This applicant is required to pay all costs incurred for engineering review of plans and site inspections/supervision as per the Land Use Fee Schedules.

LaFramboise Sand & Stone, Inc.

By Ernest J. Cotnoir
Applicant Signature Ernest J. Cotnoir, Its Attorney

6/11/2015
Date

FOR COMMISSION USE:

Date of Application Action: _____ Date Notice of Action Published: _____

Application Approved Application Denied Date: _____

Chairman Signature _____

**TOWN OF CANTERBURY
BEFORE THE PLANNING & ZONING COMMISSION**

In the Matter of:

LaFramboise Sand & Stone, Inc.

Application for Special Exception

APPLICATION NARRATIVE

Pursuant to Canterbury Zoning Regulations § 18 et seq. LaFramboise Sand & Stone, Inc., a Connecticut corporation having an address of 189 Wauregan Road, Canterbury, Connecticut hereby applies for a special exception for the removal or filling of soil, loam, sand or gravel and the processing of the same.

1. Location of property and name of owners

The application encompasses four separate but contiguous parcels of property more specifically identified as follows:

<i>Owner</i>	<i>Map</i>	<i>Lot</i>	<i>Vol.</i>	<i>Page</i>
LaFramboise Sand & Stone, Inc.	66	1	126	279
LaFramboise Sand & Stone, Inc.	66	3	126	279
LaFramboise Sand & Stone, Inc.	65	5	165	503
LaFramboise Sand & Stone, LLC	66	2	231	203

The property contains approximately 270 acres total and has frontage on Wauregan Road.

2. Description of proposed activity

2.1 *Overview.* The property has been the site of a gravel processing and excavation operation for almost 30 years, having been first permitted in 1989. The applicant wishes to import materials from Strategic Commercial Realty, Inc. (Rawson Materials) for processing and sale to Rawson's customers. Material would be imported by trucks owned and operated by the applicant and Rawson Materials and material sold would be removed from the site primarily by trucks owned and operated by the purchaser of the material. In addition, applicant proposes to process and sell material to its own customers; such material leaving the site either in the applicant's trucks or its

customers' trucks. In connection with the latter activity, the applicant seeks authority to conduct limited excavation of its own materials from the permit site. Materials imported from Rawson Materials would be either from Rawson's facility in Brooklyn or its gravel pit on Wauregan Road.

2.2 *Machinery and trucks; hours of operation.* On-site processing proposed is consistent with processing done at this site historically, specifically, crushing, screening and washing of material imported from off-site or excavated on site. Equipment used in operation of the site includes: 5 wheel loaders; 3 large excavators; 1 large bulldozer; 1 medium bulldozer; a scale; and 5 tri-axle haul trucks. Hours of operation shall be in accordance with § 18.6.5 of the Zoning Regulations, to wit: Monday through Friday from 7:00 a.m. E.S.T. or D.S.T. to 4:30 p.m., E.S.T. or D.S.T. and Saturdays from 8:00 a.m. E.S.T. or D.S.T. to 1:00 p.m. E.S.T. or D.S.T. No operations shall be conducted on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

2.3.1 *Haul pattern.* All commercial traffic entering or exiting the site shall use the proposed truck route delineated on the application plans. Accordingly, no commercial traffic shall enter or exit this site directly to or from a public road or highway. The amount of material proposed to be excavated from the site is 50,000 tons per year. Excavation of this material will generate a maximum of 8 truck movements (16 trip ends)¹ per day.

2.3.2 *Import hauling.* In addition, material will be imported for processing from Rawson Materials' site in Brooklyn or its site at Wauregan Road. The amount to be imported shall be approximately 300,000 tons per year. In addition, 202,500 tons per year will be back-hauled in separate trucks for a total average of 74 truck movements (148 trip ends) per day.


2.3.3 *Truck totals.* It is therefore proposed that a total of 82 trucks per day on average (164 trip ends) will enter or exit the permit site. This is inclusive of all material being imported and exported, including material excavated from

¹ For purposes of this application a truck movement refers generally to a load while a trip end refers to any time a truck enters or leaves the permit site. For example a truck leaving with a load would be one trip end and same truck's return would be a second trip end, regardless of whether the truck was loaded or empty on its return.

the permit site itself. In addition, this is a total count regardless of whether trucks are loaded or empty or where they originate from or terminate.

Dated at Putnam, Connecticut this 11th day of June, 2015.

Respectfully submitted for
LaFramboise Sand & Stone, Inc.

By 
Ernest J. Cotnoir
Its Attorney

**TOWN OF CANTERBURY
BEFORE THE PLANNING & ZONING COMMISSION**

In the Matter of:

LaFramboise Sand & Stone, Inc.

Application for Special Exception

LIST OF ABUTTERS

Pursuant to Canterbury Zoning Regulations the following is a list of the names and addresses of record owners of property within 100 feet of the property that is the subject of the above captioned application.

Daniel W. LaFramboise
107 Wauregan Road
Canterbury, CT 06331

Frederick C. Green
Linda D. Green
122 Wauregan Road
Canterbury, CT 06331-1227

Casey Barron
Ignacio Barron
186 Wauregan Road
Canterbury, CT 06331

Strategic Commercial Realty, Inc.
6 Kennedy Drive
Putnam, CT 06260

David Bunning
PO Box 37
Canterbury, CT 06331

Kyle A. Green
Donna J. Green
144 Wauregan Road
Canterbury, CT 06331

Erick R. Anderson
A. Lee Anderson
67 May Brook Road
Woodstock, CT 06281

Luke Hawkins
Jennifer M. Hawkins
579 Ekonk Hill Road
Moosup, CT 06354

Canterbury Sand & Gravel LLC
524 Wauregan Road
Brooklyn, CT 06234

Troy Sposato
Meghan Sposato
192 Wauregan Road
Canterbury, CT 06331

John L. LaBossiere
PO Box 84
Danielson, CT 06239

State of Connecticut
165 Capitol Avenue, Room 102
Hartford, CT 06106


Wayne LaFramboise
465 North Canterbury Road
Canterbury, CT 06331

Michael C. Sherman
112 Wauregan Road
Canterbury, CT 06331

Konstantinos G. Plitsas
PO Box 211
Wauregan, CT 06387

Dated at Putnam, Connecticut this 11th day of June, 2015.

Respectfully submitted for
LaFramboise Sand & Stone, Inc.

By 
Ernest J. Cotnoir
Its Attorney

TOWN OF CANTERBURY

1 Municipal Drive, Canterbury 06331

APPLICATION # P2 15-14-SE

Planning & Zoning Application for:
(check only one)

FOR OFFICE USE
Application Rcv'd: <u>6-11-15</u>
Application Date: <u>6-11-15</u>
Application Fee: <u>\$560-</u>

- Subdivision
- Resubdivision
- Modification of Approved Subdivision
- Site Plan Review
- Special Exception
- Home Occupation
- Permit Extension

Name of Applicant(s): Strategic Commercial Realty, Inc., doing business as Rawson Materials

Mailing Address: 6 Kennedy Drive, Putnam, CT 06260

Home Phone #: _____ Business Phone #: (860)963-6584

If different than above information, please give:

Name of Property Owner(s): See application narrative attached

Location of Property involved in application: See application narrative attached

Map#: _____ Lot#: _____ Vol#: _____ Pg#: _____

Please describe the proposed activity: Gravel excavation, please see application narrative attached

Briefly list any accompanying materials submitted with the application (such as maps, soil testing, NDDH reports and/or reviews, etc.):

Application Narrative; List of Abutters; and Maps/Plans

The applicant guarantees that all the applicable requirements of these Zoning Regulations will be met and that the applicant will comply with any terms, conditions, or restrictions which the Planning & Zoning Commission places on this special exception. This applicant is required to pay all costs incurred for engineering review of plans and site inspections/supervision as per the Land Use Fee Schedules.

Strategic Commercial Realty, Inc.

By Ernest J. Cotnoir
Applicant Signature Ernest J. Cotnoir, Its Attorney

6/11/2015
Date

FOR COMMISSION USE:

Date of Application Action: _____ Date Notice of Action Published: _____

Application Approved Application Denied Date: _____

Chairman Signature

**TOWN OF CANTERBURY
BEFORE THE PLANNING & ZONING COMMISSION**

In the Matter of:

Strategic Commercial Realty, Inc.,
doing business as Rawson Materials

Application for Special Exception

APPLICATION NARRATIVE

Pursuant to Canterbury Zoning Regulations § 18 et seq. Strategic Commercial Realty, Inc., a Connecticut corporation doing business under the trade name Rawson Materials and having an address of 6 Kennedy Drive, Putnam, Connecticut hereby applies for a special exception for the maintenance of a road for the hauling of gravel and other related products.

1. Location of property and name of owners

The proposed activity encompasses three separate but contiguous parcels of property located in Canterbury and more specifically identified as follows:

<i>Owner</i>	<i>Map</i>	<i>Lot</i>	<i>Vol.</i>	<i>Page</i>
River Junction Estates, LLC	67	17	200	214
River Junction Estates, LLC	66	6	165	132
Strategic Commercial Realty, Inc.	67	13	198	168

The property contains approximately 165 acres total and has frontage on Wauregan Road; however, only a narrow strip of land is intended to be used in connection with the application. In addition, the proposed access road will continue north across the town line into Brooklyn and ultimately to Route 169. The applicant acknowledges that approval of the same must also be sought and obtained from the town of Brooklyn.

2. Description of proposed activity

2.1 *Overview.* The property identified as Map 67, Lot 13 has been the subject of special exceptions for gravel removal and associated activities in the past. The current application, however, does not call for excavation on this site, or on the other parcels included herein. Rather, the activity sought is

the creation and maintenance of a haul road to be situated, in part, on each of the parcels connecting a sand and gravel operation abutting Lot 13 to the west (LaFramboise) at one end and Route 169 at the other end.

2.2 *Machinery and trucks; hours of operation.* All trucks using the haul road would be traveling to or from other permitted sites or to an end-user; accordingly, hours of operation would be regulated by the terms of the applicable permits. The installation of the road itself is already completed, the same having been used previously for, among other things, access to fields in the town of Canterbury. Construction was according to the specifications shown in the accompanying plans and the road would be used primarily by tri-axle dump trucks.

2.3 *Route.* As shown in the plans, the access road would commence on Lot 13 where it crosses into the LaFramboise pit and then proceed generally north to Wauregan Road. The road would then continue north across Wauregan Road onto Lot 17 and then jog west onto lot 6. From lot 6, the road would cross the town line into Brooklyn. Once in Brooklyn the road would continue on private property until eventually reaching Rukstella Road, Beecher Road and Route 169, all in Brooklyn.

2.4 *Zoning compliance.* Although the route of the haul road in Canterbury is not particularly long, three specific issues of zoning compliance need to be addressed.

2.4.1 *Site lines.* The only connection the haul road would have with public streets in Canterbury would be crossing Wauregan Road or, on a very limited bases, turning left off of Wauregan Road.¹ The plans show the proposed crossing with site lines in either direction that conform to CONNDOT standards. Improvement of these site lines is possible because the applicant has arranged to purchase two properties on the north side of Wauregan Road, one on either side of the proposed haul road.

2.4.2 *Location near residence.* Section 18.17.12 of the Regulations prohibits location of an access or haul road within 400 feet of any residence not owned by the applicant. There is a small number of residences within 400 feet of the haul road. The closest are located at 198 Wauregan Road and 192 Wauregan Road but these are the properties referenced in § 2.4.1 upon which the

¹ Twenty trucks a day are permitted to use Wauregan Road to access the LaFramboise facility from Rawson's pit on Wauregan Road.

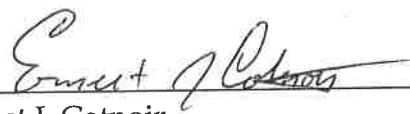
applicant has options to purchase. Accordingly, the applicant acknowledges it will become the owner of both parcels prior to operation of the haul road.

2.4.3 *Location of main entrance.* Section 18.7.11 of the Regulations prohibits approval of a special exception for any operation having "its main entrance on a Town road" unless waived by the commission. Recent case law has found that this type of waiver provision may be beyond the authority of a zoning commission which would lead, in the present case, to a situation where a permit could not issue for any operation having its main entrance on a town road; this, too, might lead to legal issues. The applicant proposes this matter be addressed with regard to this application in either of two ways. First, the applicant would respectfully request that since lot 67-13 was already the subject of a prior permit, issued before the current regulation was adopted, its use is non-conforming and may be continued. In the alternative, the applicant would propose an amended to the text of the regulation allowing the commission to approve a permit for an operation having its main entrance on a Town road provided it found that all criteria specified in §§ 18.7.11.1-5 (the waiver criteria) are met.

2.5 *Estimated use.* It is proposed that virtually all truck traffic associated with the LaFramboise and Rawson gravel operations on Wauregan Road and off Rukstella Road in Brooklyn will use the haul road. It is therefore proposed that a total of 82 trucks (164 trip ends)² per day on average will use the road; this is inclusive of all material being imported and exported over the road.

Dated at Putnam, Connecticut this 11th day of June, 2015.

Respectfully submitted for
Strategic Commercial Realty, Inc.

By 
Ernest J. Cotnoir
Its Attorney

² For purposes of this application a trip end refers to any time a truck enters or leaves the road at either end. For example a truck leaving with a load from the gravel operation in Brooklyn would be one trip end and the same truck's return would be a second trip end, regardless of whether the truck was loaded or empty on its return.

**TOWN OF CANTERBURY
BEFORE THE PLANNING & ZONING COMMISSION**

In the Matter of:

Strategic Commercial Realty, Inc.,
doing business as Rawson Materials

Application for Special Exception

LIST OF ABUTTERS

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Mary Ellen Green
140 Wauregan Road
Canterbury, CT 06331

Frederick C. Green
Linda D. Green
122 Wauregan Road
Canterbury, CT 06331-1227

Casey Barron
Ignacio Barron
186 Wauregan Road
Canterbury, CT 06331

Scott E. Dombkowski
Jennifer A. Dombkowski
40 Kerr Road
Canterbury, CT 06331

David Bunning
PO Box 37
Canterbury, CT 06331

Kyle A. Green
Donna J. Green
144 Wauregan Road
Canterbury, CT 06331

Erick R. Anderson
A. Lee Anderson
67 May Brook Road
Woodstock, CT 06281

Joan M. Greene
41 Kerr Road
Canterbury, CT 06331

Canterbury Sand & Gravel LLC
524 Wauregan Road
Brooklyn, CT 06234

Troy Sposato
Meghan Sposato
192 Wauregan Road
Canterbury, CT 06331

Dean Davis
32 Kerr Road
Canterbury, CT 06331

State of Connecticut
165 Capitol Avenue, Room 102
Hartford, CT 06106

Michael V. Santos
198 Wauregan Road
Canterbury, CT 06331

Peter A. Rukstela, Jr.
283 Chirstian Hill Road
Brooklyn, CT 06234

Anna Tuttle
216 Wauregan Road
Canterbury, CT 06331

LaFramboise Sand & Stone, Inc.
465 North Canterbury Road
Canterbury, CT 06331

Ernest H. Lewis, IV
215 Wauregan Road
Canterbury, CT 06331

Frederick G. Maguder
211 Wauregan Road
Canterbury, CT 06331

Thomas L. Fish
210 Wauregan Road
Canterbury, CT 06331

Strategic Commercial Realty, Inc.
6 Kennedy Drive
Putnam, CT 06260

Town of Canterbury
1 Municipal Drive
Canterbury, CT 06331

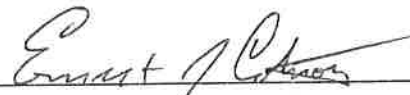
State of Connecticut
Care of Canterbury Town Hall
1 Municipal Drive
Canterbury, CT 06331

LaFramboise Sand & Stone, LLC
189 Wauregan Road
Canterbury, CT 06331

James F. Doyle
Kathryn M. Doyle
206 Wauregan Road
Canterbury, CT 06331

Dated at Putnam, Connecticut this 11th day of June, 2015.

Respectfully submitted for
Strategic Commercial Realty, Inc.

By 
Ernest J. Cotnoir
Its Attorney