NEW HAVEN CITY PLAN COMMISSION INLAND WETLANDS REVIEW NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW

RE:

740 WHALLEY AVENUE. Site Plan Review, Coastal Site Plan Review, and Inland Wetlands Review for expansion of Edgewood Park Coogan Pavilion Skate Park. (Owner/Applicant: Rebecca Bombero for Dept. of Parks, Recreation & Trees; Agent: David Moser for New Haven City Plan Department)

REPORT: 1540-01

INLAND WETLANDS FINDING: Approval with Conditions COASTAL SITE PLAN ACTION: Approval with Conditions

SITE PLAN ACTION: Approval with Conditions

STANDARD CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this site plan and soil erosion and sediment control plan approval is valid for a period of five (5) years following the date of decision, until <u>January 17, 2023</u>. Upon petition of the applicant, the Commission may, at its discretion, grant extensions totaling no more than an additional five (5) years to complete all work connected to the original approval.

 The applicant shall record on the City land records an original copy of this Site Plan Review report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number), prior to City Plan signoff on

final plans.

3. Signoff on final plans by the Greater New Haven Water Pollution Control Authority; City Engineer; Department of Transportation, Traffic, and Parking; City Plan Department; and Fire Marshal in that order shall be obtained prior to initiation of site work or issuance of building permit.

4. Flood elevation certificate [Flood Development Permit certifying finished floor elevation shall] accompany application for building permits. [Add this condition if property is within a flood zone.]

5. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.

6. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, <u>prior to issuance of Certificate of Occupancy</u>. Site Plan shall be submitted in paper, mylar, and digital PDF on CD or flash drive.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, CSPR, and IW forms. NARRATIVE attached. Received December 20, 2017.

- Wetland Delineation Report dated August 2017. Received December 20, 2017.
- Stormwater Management Plan dated December 26, 2017. Received January 3, 2018.
- Application drawings. 5 sheets received December 20, 2017.
 - o L-1. Project Information. Drawing date December 21, 2017. Received December 20, 2017.
 - L-2. Removals Plan and Site Photographs. Drawing date December 21, 2017. Received December 20, 2017.
 - L-3. Layout, Grading and Details. Drawing date December 21, 2017. Received December 20, 2017.
 - o L-4. Site Sections. Drawing date December 21, 2017. Received December 20, 2017.
 - L-5. Erosion and Sediment Control Plan and Planting Plan. Drawing date December 21, 2017.
 Received December 20, 2017.

PROJECT SUMMARY:

Project: Edgewood Skatepark Expansion

Address: 740 Whalley Avenue Site Size: 6,652 SF (0.15 acres)

Zone: Park

Financing: City - Parks Department capitol project funds

Project Cost: \$150,000 Parking: Not applicable

Owner/Applicant Rebecca Bombero of Department of Parks, Recreation and Trees

Agent: David Moser of New Haven City Parks Department

Phone: (203) 946-8027 Phone: (203) 946-6920

BACKGROUND

Previous CPC Actions:

Several actions have been taken within Edgewood Park in the past. However, no actions are on file for the Edgewood Skate Park specifically.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for Parks.

Site description/existing conditions:

Edgewood Skate Park is a 20-year-old public skate park that is located within a larger 68-acre parcel of parkland bounded by Edgewood Avenue to the south, West Park Avenue to the east, Whalley Avenue to the north, and Yale Avenue to the west. The existing skate park, which is situated in the northern portion of the parcel, east of the West River, is approximately 18,750 square feet (0.43 acres) and primarily consists of asphalt. Edgewood Skate Park is directly adjacent Coogan Pavilion, a building used by the Parks Department for recreation programs, classes, summer camps and community meetings. There is an access road from Whalley Avenue that leads to a parking lot and smaller asphalt walking paths that lead to the building and skate park. Other development within the parcel includes a basketball court, tennis courts, a dog park, and associated parking, access roads, and paths. The remainder of the park is a mix of managed parkland, woodlands, and river.

Proposed activity:

The proposed expansion of Edgewood Skate Park will convert 1,464 square feet asphalt to lawn and 6,562 square feet of mowed lawn into concrete pavement, increasing impervious surface in the area by 5,098 square feet. The application also includes the installation of concrete skate park features such as steps, ramps, and quarter pipes, to the added impervious surface.

The applicant also proposes to remove 1,656 square feet of asphalt from the existing skate park and replace it with concrete pavement, remove fencing along the eastern side of the existing skate park, and remove a few of the existing skate park features that are undesirable to the community. There will be no change to the square footage within the existing skate park footprint.

The applicant has indicated that the recreational value of the existing skate park will be enhanced by the addition of the new skate park elements and that the improvements will provide renovations, new features and sequences of movement that have been eagerly desired by the skate park community for many years. The project also proposes to incorporate revised landscaping areas to mitigate adverse impacts to the wetlands.

Motor vehicle circulation/parking/traffic: Not applicable.

Bicycle parking: Not applicable.

Trash removal: Not applicable.

Si	gn	ล	þ	e:

No additional signage has been proposed.

Sec. 58 Soil Erosion and Sedimentation Control:

Class A (minimal impact)

Class B (significant impact)

Class C (significant public effect, hearing required)

Cubic Yards (cy) of soil to be moved, removed or added: 592 CY

Start Date: April 1, 2018 Completion Date: October 15, 2018

Responsible Party for Site Monitoring: David Moser

This individual is responsible for monitoring the site to assure there is no soil or runoff entering City catch basins or the storm sewer system. Other responsibilities include:

- monitoring soil erosion and sediment control measures on a daily basis;
- assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment and by soil stockpiles during both the (demolition and) construction phases;
- · determining the appropriate response, should unforeseen erosion or sedimentation problems arise; and
- ensuring that SESC measures are properly installed, maintained and inspected according to the SESC Plan.

Should soil erosion problems develop (either by wind or water) following issuance of permits for site work, the named party is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

All SESC measures are required to be designed and constructed in accordance with the latest Standards and Specifications of the *Connecticut Guidelines for Soil Erosion and Sediment Control*.

Note: Because the project is between 1 and 5 acres ("small construction"), the applicant is not required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction from CT DEEP as long as the applicant has adhered to the erosion and sediment control regulations of the municipality in which the construction activity, in this case, the City of New Haven.

Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS REQUIRED DOCUMENTATION

Soil characteristics of site;

Location of closest surface water bodies and depth to groundwater:

DEEP ground and surface water classification of water bodies;

☐ Identification of water bodies that do not meet DEEP water quality standards;

Proposed operations and maintenance manual and schedule;

□ Location and description of all proposed BMPs;

Calculations for stormwater runoff rates, suspended solids removal rates, and soil infiltration rates;

Hydrologic study of pre-development conditions commensurate with conditions.

STANDARDS

Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited;

No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity;

Design and planning for the site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible;

CLASSIFICATION

Class N: Non-Regulated Uses Class A: Uses Permitted by Right

Class S: CTDEP Regulated Operations and Uses

Class B: Inland Wetlands Commission Regulated Operations and Uses Having a Minor Impact Class C: Inland Wetlands Commission Regulated Operations and Uses Having a Major Impact

Definition of Regulated activity - any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such wetlands or watercourses, and any earth moving, filling, construction, or clear-cutting of trees, or any such operation within fifty (50) feet of wetlands or watercourses.

Determination of classification: The staff has reviewed the options for classification, as stated in Sections 3 and 4 of the Regulations and, while the classification might appear as CLASS N because the project area is a public recreation site, it has been determined that the proposed activity will have minor impacts to the wetland as a result of the removal and deposition of material in the regulated area.

Based on this information, staff suggests to the Commission that this application be categorized as a CLASS B.

Proposed regulated activity:

The project proposes to convert 6,652 SF of lawn to concrete and 1,290 SF of lawn to sloped bank within the Regulated Area. Mitigation efforts include the removal of Japanese knotweed and mugwort and landscaping the regulated area with a mix of native ferns, shrubs, shade trees, and wetland seeds.

Wetland/watercourse area altered:

Wetlands: 0.16 acres open water body: 0 acres str

stream: 0 linear feet

Upland area altered:

0.076 acres

Soil science report:

The Wetland Delineation Report prepared by Milone & MacBroom, Inc. on August 9, 2017 categorizes two distinct types of soils on-site. In the wetlands area of the site, moderately well-drained Pootatuck fine sandy loam (102) is present. In the upland portion of the site, on-site soils include Udorthents-Urban land complex (306).

Vegetation:

Vegetative cover adjacent to the river consists of large stands of non-native vegetation dominated by Japanese knotweed. Scattered native canopy trees such as northern catalpa, American elm, and red maple exist in the riparian area as well. The area immediately adjacent to the existing skate park is comprised of manicured lawn.

Planting plan:

As described in the Planting Plan, after grading and construction is complete, disturbed areas within and adjacent to the regulated area will be landscaped with a mix of native ferns, shrubs, shade trees, and wetland seeds.

Application Evaluation Criteria: In reviewing a Class B or C Application, the Commission must consider the following environmental impact criteria in its evaluation, as stated in Sections 7.2 and 7.3 of the City's Inland Wetlands and Watercourses Regulations:

• The ability of the regulated area to continue to absorb, store or purify water or to prevent flooding.

While impervious surfaces in the subject parcel will increase, the regulated area's ability to absorb, store, purify, and prevent flooding will change minimally, if at all. The ability to of the area to absorb and store water will be maintained through the installation of rain gardens planted on either side of the proposed expansion and the installation of a processed aggregate base course and a layer of crushed stone on the graded expansion site. The proposed gardens are at natural low points and are sized to maintain pre-development flow rates. The proposed planting of native shrubs and shade trees will potentially increase the site's capacity to absorb and store water. The existing two to three foot high berm along the banks of the West River will further minimize the potential for flooding. The berm will not be changed or affected in any way by the proposed expansion.

Increased erosion problems resulting from changes in grades, ground cover, or drainage features.

While the proposed expansion requires grading and stripping of topsoil and subsoil, erosion problems are not expected to increase. The applicant has proposed to seed all exposed areas within five days of reaching the final finished grades. Temporary vegetative covers will be implemented if a disturbed area begins to show signs of erosion. The banks of West River are vegetated and provide bank stabilization to mitigate any potential effects of erosion.

The extent of additional siltation or leaching and its effect on water quality and aquatic life.

Additional siltation and leaching, if any, will be minimal. The applicant proposes to install hay bales or a silt fence if there is evidence of soil eroding from the soil stockpiles. Water and materials from the proposed activity cannot flow directly from the skate park to the West River. Runoff from the expansion

will flow through the existing and proposed vegetated areas, and settle out pollutants before any overflow occurs to the adjacent water body.

• Changes in the volume, temperature, or course of a waterway and their resulting effects on plant, animal and aquatic life.

There will not be any impact on the West River watercourse as a result of the proposed expansion. Water and materials from the proposed activity cannot flow directly from the skate park to the West River. An approximately 3' height existing flood control earth berm separates the West River and the wetland adjacent to the proposed expansion of the skate park. Wetland (lawn area) adjacent to the berm is quite level with slopes of 2% or less. Water accumulated in the two existing low areas as no outlet or place to drain because of the flat topography.

 Natural, historic, or economic features that might be destroyed, rendered inaccessible or otherwise affected by the proposed activity.

The proposed expansion will not destroy or render inaccessible natural, historic, or economic features on the site.

• Changes in suitability of the area for recreational and aesthetic enjoyment.

Expansion of the existing skate park will increase the recreational suitability and value of the property. There will be no impact on the Coogan Pavilion Building and the recreational value of the existing skate park will be enhanced by the addition of new skate park elements. The improvements will provide new features and renovations that the skate park community has requested for many years. The reach of the West River within the subject parcel does not present any particular aesthetic value and therefore, suitability for aesthetic enjoyment will not change. The existing flood control berm and the water level of the West River do not allow for any views of the water and providing/encouraging access to the river would create a hazard.

- Existing encroachment lines, flood plain and stream belt zoning and requirements for dam construction.

 N/A
- Any change in the water effecting aquatic organisms or other wildlife, water supply and quality, or recreational and aesthetic enjoyment.

No change in the water on site, upstream, nor downstream is anticipated as a result of the proposed activity and will, therefore, not affect aquatic organisms or other wildlife, water supply and quality, or recreational and aesthetic enjoyment. Recreation does not take place within the wetlands on the subject property. The minimal water accumulated on the site will flow through the adjacent proposed rain gardens and/or pond until it seeps back into the ground.

The existing and desired quality and use of the water in and near the affected area.

There will not be any impact on the West River watercourse, including the quality and use of water, as a result of the proposed expansion. Minimal pollutants are anticipated from the skate park surface. Pollutants, such as sediment, are controlled by the overland flow through grass areas and into two rain gardens designed to slow infiltrate storm water, and settle out pollutants before any overflow occurs to the adjacent waterbody.

 Reports from other City agencies and commissions not limited to the Environmental Advisory Council, Building Official, and City Engineer.

No additional reports are required.

The importance of the regulated area as a potential surface or ground water supply, a recharge area or purifier
or surface or ground waters, a part of the natural drainage system for the watershed, a natural wildlife feeding
or breeding area, its existing and potential use for recreational purposes, existence of rare or unusual
concentrations of botanical species, availability of other open spaces in the surrounding area, or its value for
flood control.

With high groundwater tables, existing topography, and existing vegetation, the site is limited in its potential for filtration and storage BMPs. It currently functions as a natural recharge area for the River, and that will not change. The regulated area, including nearby features such as dog park, Coogan Pavilion, and tennis courts, currently serves as an important and frequently used recreational area for people throughout the local community and region. There is limited availability of other open spaces in the surrounding area and park and no options within the park that are outside of the flood zone.

The Commission must consider the following additional criteria:

 Alternatives which might enhance environmental quality or have a less detrimental effect, without increasing basic project costs.

There are no known alternatives to the proposed site that would not increase basic project costs and/or require considering the installation of a new skate park elsewhere in the city.

Short versus long term impacts.

Considering that the subject parcel is six feet below the hundred year flood elevation and near the West River, flooding is highly likely. The site might need extensive clean up after a heavy rain storm. Structural failures are possible due to the characteristics of the soil. The City is well aware of these possible impacts and has decided to move forward in full knowledge of the risks.

Potential loss of irrevocable resources or property impairment.
 Severe damage to and/or or loss of skate park features is likely in the event of an extreme flood. It is not anticipated that structural loss of the skate park would impair the ecosystem; cracked concrete is highly unlikely to migrate.

Suitability of action for area.

The skate park is an existing use within city park land. The expansion will enhance an existing use, not create a new use.

Mitigation measures which may be imposed as conditions.

Mitigation measures, including the proposed planting plan and removal of invasive plant species are part of the proposed plans.

Required Findings for a Class B Application:

The Commission must make the following findings for a Class B Application:

1. There is no preferable location on the subject parcel or no other available location could reasonably be required;

There are no known alternatives to the proposed site that would not increase basic project costs and/or require considering the installation of a new skate park elsewhere in the city. With the adjacent pavilion, pedestrian path, dog park, and river, there are no other preferable locations on the subject parcel.

- 2. No further technical improvements in the plan or safeguards for its implementation are possible, or taking into account the resources of the applicant, could reasonably be required; and
- The activity and its conduct will result in little if any reduction of the natural capacity of the wetlands or watercourses to support desirable biological life, prevent flooding, supply water, facilitate drainage, and provide recreation and open space.

The natural capacity of the wetlands and watercourses to support desirable biological life, prevent flooding, supply water, facilitate drainage, and provide recreation will be reduced minimally, if at all, due to the proposed expansion of the skate park. Any impacts on the facilitation of drainage and prevention of flooding on site would be mitigated through the proposed implementation of two rain gardens and the planting of ferns, shrubs, and trees along the expansion's westward facing slope. Recreation opportunities will be enhanced and expanded following the development of the proposed expansion.

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Applications for development on waterfront parcels shall additionally consider protection of the shoreline where there is erosion or the development is likely to cause erosion; degree of water dependency; preservation of significant natural vistas and points or avenues of views of the waterfront; provision of meaningful public access; and insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location.

The Commission will also consider whether the proposed application is consistent with the City's Municipal Coastal Program.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Coastal Flood Hazard Area: The proposed skate park expansion footprint and wetlands are all within Special Flood Hazard Area (the area subject to inundation by the 1% annual chance flood (100 year flood)) Zone AE, as defined by FEMA Flood Insurance Rate Map (FIRM), New Haven County, CT, Map No. 09008C0429J, Panel 0429J).

Freshwater Wetlands and Watercourses: Inland wetlands soils and freshwater wetlands are located within and adjacent to the project site. The proposed site for the expansion of the skate park is located adjacent to the West River.

Recreational Feature: The project site is located adjacent to an existing skate park and Coogan Pavilion, a public recreation facility used by the Parks Department.

Coastal Program Criteria	
Potential adverse impacts on coastal resources and mitigation of such impacts	There will not be any impact on the West River watercourse. An approximately 3' height existing flood control earth berm separates the West River and the wetland (lawn area) adjacent to the proposed expansion of the skate park. Water cannot flow directly from the skate park to the West River. The wetland (lawn area) adjacent to the berm is quite level with slopes of 2% or less and surface water flows to two existing low lying areas. Water accumulated in the two low areas has no outlet or place to drain because of the flat topography; any water that accumulates, will pond until it seeps back into the ground or evaporates. The freshwater (inland) wetland will be adversely impacted by the proposed expansion of the skate park. The applicant proposes additional impervious surface through installation of concrete pavement. This new impervious surface is mitigated through the conversion of the western edge of the skate park to a sloped bank that will be planted with native ferns, shrubs and trees and the planting of wetland seed mix throughout low lying areas. The soil underlying the skate park expansion is subject to seasonal fluctuations in the water table. The applicant is addressing this by raising the finished grade and installing a processed aggregate base course and a layer of crushed stone under the base course.
2. Potential beneficial impacts	The general safety of the area and the adjacent dog park would potentially benefit from increased and expanded activity. The applicant proposes to convert area within two existing low areas from mowed lawn to native wetland plants and remove invasive vegetation to provide for the establishment of native plants.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	No.
5. Have efforts been made to preserve opportunities for future water-dependent development?	No.

Is public access provided to the adjacent waterbody or watercourse?	No. The project does not have a relationship with the West River. An existing flood control berm and the water level of the West River do not allow for any views of the water. Providing/encouraging access to the river would create a hazard/attractive nuisance because the bank down to the river's water level is very steep.	
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No.	
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6.	Though there is regrading within the project below elevation 4, the regrading is not at a coastal/tidal interface and is thus not technically at the CJL.	

Project Timetable:

Construction is expected to begin April 1, 2018 and be completed in October 15, 2018.

INLAND WETLAND FINDING

At 740 Whalley Avenue, the work proposed within the regulated area is limited to grading and installation of an impervious concrete surface. This work is necessary in order to properly construct the proposed expansion of the existing skate park. All disturbed areas within the regulated area will be landscaped with a mix of native ferns, shrubs, shade trees, and wetland seed, which will help stabilize the site. No significant impact to the wetlands or the West River watercourse is expected.

The Commission believes that the required findings for a Class B application have been satisfied. The Inland Wetland application is hereby approved, in accord with the submitted plans and the Conditions as stated on page 1.

SITE PLAN REVIEW

Plans have been reviewed by the Site Plan Review team with representatives from the Departments of City Plan, City Engineer, Building, Disabilities Services and Transportation, Traffic and Parking and have been found to meet the requirements of City ordinances, Regulations, and standard details.

ACTION

The City Plan Commission approves the submitted Site Plans subject to conditions on Page 1.

ADOPTED:

January 17, 2018

Edward Mattison

Chair

ATTEST:

Michael Piscitelli, AICP

Deputy Economic Development Administrator

COASTAL FINDING:

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted administratively without hearing by the City Plan Commission of the City of New Haven in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof are made conditions of the Building Permit.

ADOPTED: January 17, 2018

ATTEST:

James Turcio Building Official

