

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** 201 MUNSON STREET. Special Permit for more than 500 square feet of outdoor storage in an IH zone. (Owner/Applicant: Douglas Gray for Double A Development Partners, LLC; Agent: David Sacco of TPA Design Group)

**REPORT:** 1532-09A1

**ACTION:** Approval with Conditions (see page 3)

**Note:** Companion CPC Report 1532-08 for the same site.

**Previous CPC Actions:** CPC 1425-01: Special Permit for Addition of new Equipment to Existing Telecommunications Facility in an IH Zone. **Approved February 18, 2009.**

**Submission:** SPECIAL PERMIT application sheet. Application fee: \$150. Received May 26, 2017. Proof of mailing of public hearing notice, received June 13, 2017. Remedial Action Plan (RAP) prepared by Vertex Companies dated June 26, 2017 and received July 13, 2017. Application drawings, 4 sheets received May 15, 2017. Revisions received May 26, June 12, and June 16, 2017.

### BACKGROUND

Per the City of New Haven zoning regulations Sections 42(T) and 64, Douglas Gray of Double A Development Partners, LLC has applied for a Special Permit (and Site Plan Review CPC Report 1532-08) to store 26,000 cubic yards of soil; this is well in excess of the 500 SF of outdoor storage that triggers the requirement for a Special Permit. The proposed stockpile would be clean soil trucked from the site of the Yale Science Building construction project approximately one mile away.

**Current site conditions:** The property is an unoccupied site that was formerly used by the Olin Chemical Company. The entire property is fenced off from public access. The eastern portion of the site borders the Farmington Canal Heritage Trail and contains a number of vacant buildings, while the western portion of the site is largely wooded and contains a large sunken pit. Much of the site is contaminated by former industrial use, and significant remediation will be required for any potential projects on-site. The site sits between the Science Park complex to the east (PDD #49) and a residential area to the south and west (zoned RM-2).

**Proposed Activity:** The proposed work is the stockpiling of clean soil material excavated from a construction site on Whitney Avenue to a portion of the former Olin facility known as Science Park Tract C. The material may ultimately be used to help accomplish remediation of the impacted property, although such remediation is not part of this application. The applicant has a Remedial Action Plan (RAP) that has been approved by the Connecticut Department of Energy and Environmental Protection (CT DEEP). The applicant has indicated that they have also applied for financing for the RAP.

Work will include preparing a portion of the site to serve as a stockpile area and providing appropriate soil erosion and sedimentation control measures to keep the stockpiles from negatively affecting their surroundings. The proposed stockpile will be constructed in the northwest corner of the property. The proposed stockpile will cover approximately 54,000 SF and be up to 30 feet tall.

### PUBLIC HEARING

A public hearing was held on June 21 and continued to July 19, 2017. A public hearing was held on October 16, 2019 to request an extension of time on the Condition of Approval regarding the depletion of removal of the stockpile by July 31, 2019. Transcripts of the hearings, CPC meetings 1532, 1553 and 1562, are available from the City Plan Department.

### SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

*Statement of purpose.* The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses*

and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

| Special Permit Criteria  | Comments  |
|--|---|
| <p>a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.</p>   | <p><i>The applicant has not given indication of review of any alternatives to stockpiling the soil at this location.</i></p>  |
| <p>b. <i>Ordinance compliance.</i> Proposed use shall comply with applicable regulations, including specific standards for proposed use set forth in this ordinance. Accessory use to a special permit must receive express authorization from the commission.</p>   | <p><i>The proposed use is a temporary use and is not consistent with the uses in the IH zone and all other standards of the New Haven Zoning Ordinance. The applicant proposes that the use is needed to effect the remediation of the property for future use.</i></p>   |
| <p>c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.</p>  | <p><i>The City's plan calls for industrial mixed use development of the area. The soil stockpile is not contemplated as a permanent use.</i></p>  |
| <p>d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.</p>   | <p><i>Although the site had previously been developed as a factory complex, the property has been abandoned for a number of years and there is significant vegetation and tree growth on the location of the proposed stockpile that would be removed to accommodate this project.</i></p>  |
| <p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>  | <p><i>All soil stockpiled on site will be clean and need no remediation; no hazardous materials will be stored on-site. No vibrations, fumes, odor, flooding, fire, or glare is expected. Limited noise, exhaust emissions, and dust will be generated by truck traffic during the 90-day period the stockpile is constructed and graded. The applicant has submitted a soil erosion and sedimentation control plan that is designed to limit dust, erosion, and sedimentation during construction. After the stockpile has been established, it will be stabilized.</i></p> <p><i>The applicant intends to use the stockpile on site within one year, pending approval for a proposed development. The RAP approved by DEEP details the process to deplete the stockpile as part of the remediation process.</i></p> |
| <p>f. <i>Historic preservation.</i></p>  | <p><i>There are several buildings on site, none of which will be modified as part of this application. One of the buildings is a contributing building in the Winchester National Register Historic District.</i></p>   |
| <p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building</p> | <p><i>There is no architectural design associated with this project. However, the landform will leave a significant visual impact on the area as it is proposed to be up to 30 feet high and 480 feet long. In addition, removal of some or all of the trees from the site will be a significant change in the area.</i></p>  |


|  |  |
|--|--|
| <p>orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>  |  |
| <p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>  | <p><i>The existing property values in the neighborhood have already taken into account the presence of a vacant industrial site that this project will occupy. While this project is only supposed to be an intermediate use until the site can be developed further, if this project is approved there is no guarantee that this stockpile, which will likely be visible from surrounding properties due to loss of trees and the pile's height, will ever be used or depleted.</i></p> |
| <p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p> | <p><i>There will be a total of approximately 2,500 truckloads of soil transported to the site over a 90-day (13-week) period. This would result in approximately 38 trucks traversing the haul route (Whitney-Edwards-Prospect-Hillside-Munson) each workday in this period.</i></p>   |

**CONDITIONS OF APPROVAL:**

The conditions of approval of the Special Permit under §64 and §42(T) of the New Haven Zoning Ordinance for outdoor storage in excess of 500 SF and up to 54,000 SF are as follows:

1. **Special Permit must be filed on the land records of the City of New Haven before issuance of building permits.**
2. **The applicant shall submit for approval by the City Plan Department and adhere to a dust control plan by August 11, 2017. While soil stockpile is being constructed, water shall be applied as a dust control measure at least weekly, and more frequently if needed.**
3. **Side slopes of the stockpile will be limited to a maximum 2:1 slope; height is limited to 30' from base. Temporary erosion control blankets must be affixed to non-active face of pile as it accumulates.**
4. **Stockpile must be stabilized within 30 days of completion with a permanent seed mixture established over 85% of the pile and/or a min 3" non-erosive material such as stone or a certified compost blanket. Permanent seed must be applied no later than Nov 1, 2017.**
5. **A double row of silt fence must be installed within 10 feet of the base of the stockpile; silt fences must be inspected daily and repaired as necessary.**
6. **A water diversion swale must be constructed at the base of the stockpile linked to a temporary sediment basin or sediment trap installed prior to outlet into City stormwater system.**
7. **The stockpile must be depleted or removed by July 1, 2020.**

AMENDED: October 16, 2019  
Edward Mattison  
Chair

ATTEST:   
Aicha Woods  
Executive Director, City Plan Department