

**NEW HAVEN CITY PLAN COMMISSION INLAND WETLANDS REVIEW
NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW
NEW HAVEN CITY PLAN COMMISSION DETAILED PLAN REVIEW
(Modification to PDD #85)**

RE: 1475 WHALLEY AVENUE. Inland Wetlands Review and Site Plan Review and minor modification to PDD #85. (Owner/Applicant: Melinda St. John for Liberty Bank; Agent: Joe Wren for Indigo Land Design)

REPORT: 1499-02

INLAND WETLANDS FINDING: Approval with Conditions

SITE PLAN ACTION: Approval with Conditions

CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this Inland Wetland and Site Plan approval is valid for a period of five (5) years after the date of decision, to March 18, 2020. 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.
2. 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. Comments under **Site Plan Review** shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
4. Signoff on final plans by the Greater New Haven Water Pollution Control Authority, Fire Marshall, City Engineer, Department of Transportation, Traffic and Parking and City Plan Department in that order shall be obtained prior to initiation of site work or issuance of building permit.
5. A Bond, or other financial instrument acceptable to the City's Corporation Counsel, in an amount of 2% of the certified overall estimated project cost, including grading, paving, fencing, storm drainage, soil erosion measures, landscaping and the like, shall be provided to the City Plan Department, with a copy to the City Engineer, prior to City Plan signoff on final plans for building permit.
6. The name of an individual responsible for monitoring the soil erosion and sediment control plan on a daily basis during the construction period shall be provided to the City Plan Department, prior to City Plan signoff on final Plans.
7. Any proposed work within City right-of-way will require separate permits.
8. Final determination of traffic markings, V-loc locations, signs and traffic controls on site and on the perimeter of the site will be subject to the approval of the Department of Transportation, Traffic and Parking.
9. Implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
10. Following completion of construction, any City catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.
11. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to issuance of Certificate of Occupancy. Site Plan shall be submitted in both mylar and digital format [.pdf file].

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and IW forms. NARRATIVE attached. Application fee: \$270. Received October 16, 2014.

- Email requesting extension of application period dated December 22, 2014. Received December 22, 2014.
- Property topographic survey dated July 16, 2014. Received October 21, 2014.
- Application drawings. 4 sheets received October 16, 2014.
 - SP-1 – Site Plan. Drawing date October 16, 2014. Revised February 23, 2015.
 - D-1 – Construction details. Drawing date October 16, 2014. Revised February 23, 2015.
 - A.2 – ATM canopy addition. Drawing date August 28, 2014. Revised October 20, 2014.
 - A.3 – ATM canopy addition. Drawing date August 28, 2014. Revised October 20, 2014.
- Dike easement to State of Connecticut dated September 9, 1987. Received October 21, 2014.
- Site assessment by Connecticut Ecosystems LLC dated November 10, 2014. Received February 24, 2015.
- Geotechnical investigation report by GeoInsight dated January 12, 2015. Received February 24, 2015.
- Letter from Connecticut Department of Energy and Environmental Protection acknowledging encroachment into State's easement and stating that DEEP Dam Construction permit is not required. Dated February 18, 2015. Received February 24, 2015.

PROJECT SUMMARY:

Project: Liberty Bank Drive-thru Addition
Address: 1475 Whalley Avenue
Site Size: 40,596 SF
Building size: 4,925 SF
Zone: PDD 85
Financing: Private
Parking: 22 spaces (1 HC van-accessible); decrease from 32 (2 HC) existing
Owner: Liberty Bank (c/o Melinda St. John) **Phone:** 860-344-7324
Applicant: Liberty Bank (c/o Melinda St. John) **Phone:** 860-344-7324
Agent: Joe Wren (Indigo Land Design, LLC) **Phone:** 860-202-0693
Site Engineer: Joe Wren (Indigo Land Design, LLC) **Phone:** 860-202-0693
City Lead: City Plan Department **Phone:** 203-946-6379

BACKGROUND

Previous CPC Actions:

CPC 1079-1: Application and general plans for PDD designation of a 20.6 acre tract known as the Pond Lily site for construction of 280 condominium and 54 rental units in RM-1, IL, and BA zones.

CPC 1079-2: Inland wetlands application to construct 334 residential condominium units in RM-1, IL, and BA zones according to application and general plans for PDD

CPC 1094-22: Pond Lily PDD, letter of concurrence with amendment approved by legislation committee

CPC 1151-11: Authority to place 20,000 CY of crushed stone and gravel on site.

CPC 1186-02: Application and general plans for amended Planned Development District (PDD) Designation of a 20.58 acre tract, known as the Pond Lily site, for Commercial Use to be known as Whalley Commons.

CPC 1189-08: Inland wetlands application for activity with 25' setback from West River for commercial development to be known as Whalley Commons PDD.

CPC 1195-07: SESC application for 40,000 SF commercial development.

CPC 1195-09: Detailed plan review for 40,000 SF commercial development and project signage

CPC 1197-10: Minor modification to conditions of approval

CPC 1199-12: Minor modification to site plan.

- CPC 1201-01:** Minor modification to building plans.
- CPC 1209-08:** Detailed plan review for Boston Market.
- CPC 1211-03:** Detailed plan review for Taco Bell restaurant; change in professional team.
- CPC 1226-02:** Minor modification to detailed plans for Taco Bell.
- CPC 1234-14:** Certificate of Completion.
- CPC 1238-04:** Minor modification to add automatic teller kiosk.
- CPC 1241-14:** Authorization for Director signoff on TCO.
- CPC 1313-20:** Confirmation of Class A by-right activity for stabilization measures adjacent to fishway at Pond Lily dam and West River.
- CPC 1309-13:** Minor Modification for Change in Tenancy from Boston Market to United States Postal Service for retail postal office facility (USPS).
- CPC 1329-04:** Minor Modification for Conversion of former fast food restaurant building to bank use.
- CPC 1411-34:** Signage for Subway restaurant.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for PDD 85.

Site Description/existing conditions: There is currently a Liberty Bank on site with a teller only drive-thru lane. Lily Pond is adjacent to the site and the State of Connecticut Department of Energy and Environmental Protection has a permanent easement to service and maintain the dike surrounding the pond.

Proposed Activity: Liberty Bank proposes to construct a canopy, second drive-thru lane, and escape lane in order to have a 24-hour drive-thru ATM. In order to construct this lane, the owners must pave an additional area extending into DEEP's easement. By changing circulation patterns and eliminating 10 parking spaces, the owners propose to decrease total impervious surface area by 1,714 SF (from 24,326 SF to 22,612 SF).

Circulation/Parking/Traffic: The site is accessed by motor vehicles on the eastern edge of the property through a connection to the common driveway to the Whalley Commons shopping center, which itself is accessed via a curb cut on Whalley Avenue. Cars access the drive-thru at the far eastern end of the site via a dedicated lane that loops behind and is separated from the parking lot by a median.

Pedestrian access to the site is provided via a crosswalk across the drive-thru's exit lane that connects to a sidewalk running along Whalley Avenue. A second crosswalk on the eastern portion of the site leads to a narrow sidewalk that connects to the rest of the Whalley Commons sidewalk network via an unmarked crosswalk across the shopping center driveway.

The parking lot contains 32 parking spaces, two of which are handicapped accessible. Zoning minimums require only 12 spaces and one handicapped spot, therefore the owner proposes to eliminate 10 parking spaces and convert one HC space into a standard space. Of the 10 spaces to be eliminated, seven on the eastern edge of the property will be converted to green space, while three will be removed in order to realign driveway access to the drive-thru lanes. The owners also propose to add a bike rack to the site.

Trash removal: There is an existing dumpster pad adjacent to the east side of the bank building that is accessed through the parking lot. A six-foot high solid vinyl enclosure with a double swing doors is proposed to be added to the pad.

Signage: A directional sign to guide customers to the correct drive-thru lane (drive-up teller or 24-hour ATM) is proposed for the drive-thru lanes entry. The handicapped parking sign placard will be replaced.

Any wayfinding or site signage must be approved by the City Plan Department prior to sign-off for permits;

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: 56

Start Date: As soon as permits are obtained. **Completion Date:** Three weeks

Once a contractor is chosen, an individual will be named as the individual responsible for monitoring soil erosion and sediment control measures on a daily basis, and that name provided to the City Plan Department prior to signoff of final plans for permits.

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 both during the demolition and construction phases;
- determining the appropriate response, should unforeseen erosion or sedimentation problems arise; and
- insuring 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*.

Sec. 60 Stormwater Management Plan: Not required.

Sec. 60.1 Exterior Lighting: Not required.

Sec. 60.2 Reflective Heat Impact: Not required.

Project Timetable: Construction shall commence as soon as all permits are obtained. Construction will last approximately three weeks.

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 except for the following issues, which must be addressed prior to sign-off for permits:

- Applicant must provide bound, conformed set of signed and sealed site plans;
- Any wayfinding or site signage must be approved by the City Plan Department prior to sign-off for permits;

- Crosswalks and related sidewalk changes as requested by TTP must be provided in the plans; and
- Three additional shade trees must be planted within the pavement removal area per staff recommendation of Inland Wetlands report.

INLAND WETLANDS REVIEW

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 and Proposed Regulated Activity:

Applicant proposes minor work within the regulated area including: relocation of an existing block wall and minor paving. Approximately 10 SF of new canopy structure will be constructed within the regulated area. Due to its connection to the existing teller windows at the existing bank, the canopy structure itself cannot be relocated outside the regulated area. In addition, approximately 500 SF (+/-) of existing bituminous and concrete pavement (and associated curbs) will be removed from the regulated area. These areas will be re-seeded and planted with trees.

Planting Plan:

As mentioned above, applicant proposes to topsoil re-seed the areas of full-depth pavement removal. One new pear tree will be planted. Staff recommends plantings of an additional three shade trees in the area of pavement removal to offset the disturbance and minimal structure within the regulated area.

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.
- Increased erosion problems resulting from changes in grades, ground cover, or drainage features.
- The extent of additional siltation or leaching and its effect on water quality and aquatic life.
- Changes in the volume, temperature, or course of a waterway and their resulting effects on plant, animal and aquatic life.
- Natural, historic, or economic features that might be destroyed, rendered inaccessible or otherwise affected by the proposed activity.
- Changes in suitability of the area for recreational and aesthetic enjoyment.
- Existing encroachment lines, flood plain and stream belt zoning and requirements for dam construction.
- Any change in the water affecting aquatic organisms or other wildlife, water supply and quality, or recreational and aesthetic enjoyment.
- The existing and desired quality and use of the water in and near the affected area.
- Reports from other City agencies and commissions not limited to the Environmental Advisory Council, Building Official, and City Engineer.
- 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.

The regulated area of this site will continue to absorb water, to even a greater rate than previous due to the removal of a significant portion of bituminous and concrete paving. Erosion is highly unlikely given the flat nature of the areas to be disturbed and the minimal amount of construction. No siltation or leaching is anticipated. No natural, historic, or economic feature will be disturbed, and there will be no changes in the suitability of the area for recreational or aesthetic enjoyment. An existing dam does lie adjacent to the site, but that dam is scheduled for demolition this spring. Water quality of the Lily Pond will not be disturbed. The disturbed regulated area will help recharge the existing groundwater supply as impervious surfaces are being converted back to pervious (planted) ones.

The Commission must consider the following **additional** criteria:

- Alternatives that might enhance environmental quality or have a less detrimental effect, without increasing basic project costs.
- Short- versus long-term impacts.
- Potential loss of irrevocable resources or property impairment.
- Suitability of action for area.
- Mitigation measures which may be imposed as conditions.

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;
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
3. 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.

INLAND WETLAND FINDING

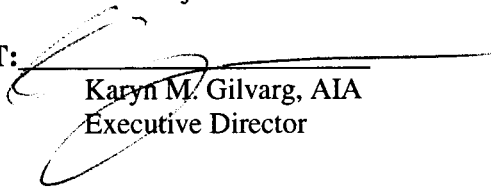
1. There is no preferable location on the subject parcel or no other available location could reasonably be required for the construction of the new canopy and drive-thru given its relationship to the existing building;
2. No further technical improvements in the plan or safeguards for its implementation are necessary beyond the planting of three additional shade trees, and
3. 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 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 ACTION

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

ADOPTED: March 18, 2015
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director