

**NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**  
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**RE:** 164 MIDDLETOWN AVENUE. Site Plan Review and Coastal Site Plan Review for construction of a diesel fueling station and accessory convenience store in an IH zone. (Owner: 164 Middletown Avenue, LLC; Applicant: Energy Depot, LLC; Agent: Richard Carella of Updike, Kelly, & Spacey, PC)

**REPORT:** 1529-10

**ACTION:** Approval with Conditions

See companion report CPC 1529-11 for CAL.

**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 May 17, 2022. 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 **ADDITIONAL CONDITIONS OF APPROVAL** 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; 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.
5. Construction Operations Plan/Site Logistics Plan, including any traffic lane/sidewalk closures, temporary walkways, detours, signage, haul routes to & from site, and construction worker parking plan shall be submitted to the Department of Transportation, Traffic and Parking for review and approval to prior to City Plan signoff on final plans for building permit.
6. A site bond will be required in conformity with Connecticut General Statutes Section 8-3(g). Bond, or other such financial instrument, shall be provided to the City Plan Department, in an amount equal to the estimated cost of implementation of erosion and sediment controls, plus 10 percent, prior to City Plan final sign-off on plans for building permit.
7. Flood elevation certificate [Flood Development Permit certifying finished floor elevation shall] accompany application for building permits.
8. Any proposed work within City right-of-way will require separate permits.
9. Any sidewalks or curbs on the perimeter of the project deemed to be in damaged condition shall be replaced or repaired in accord with City of New Haven standard details.
10. 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.
11. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
12. 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.
13. 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 paper, mylar, and digital PDF on CD or flash drive.

#### **ADDITIONAL CONDITIONS OF APPROVAL**

14. Recorded copy of zoning relief to be provided to City Plan prior to sign-off for building permits.
15. Easements for sewer line up Dump Road and to transfer station to be negotiated and recorded on land records prior to sign-off for Certificate of Occupancy.
16. Recorded notice of long-term lease (at least 20 years) for driveway entrance to site to be provided to City Plan prior to sign-off for building permits.
17. Recorded stormwater line easement across property to be provided to City Plan prior to sign-off for building permits.
18. Handicapped signage must be updated to meet current state standards.
19. Reconfiguration of lot lines to be recorded on land records and to be provided to City Plan prior to sign-off for building permits.
20. Applicant understands that City Plan Commission approval does not constitute approval by any other Board or Commission as necessary to complete the project, and specifically that the required sanitary sewer easement is not approved by virtue of this approval and must be pursued in a separate process. Any work taken prior to explicit approval by the Board of Alders of the required sanitary sewer easement is at the owner's risk.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms. NARRATIVE attached. Application fee: \$270. Received March 16, 2017.**

- Wetlands/Watercourses Delineation Report showing no inland wetlands on site dated January 27, 2017. Received March 16, 2017.
- Traffic review from Bubaris Traffic Associates dated March 15, 2017. Received March 16, 2017.
- Revised Hydrologic Report from CW International, LLP dated April 18, 2017. Received April 20, 2017.
- Proposed stormwater and sanitary sewer easements. Received May 4, 2017.
- Request for waiver of reflective heat index standards dated May 3, 2017. Received May 4, 2017.
- Elevation certificate certifying finished floor elevation prepared by land surveyor Adam Hoffman. Received May 4, 2017.
- Zoning relief for Special Exception and Coastal Site Plan Review for a fueling station in an IH zone granted by New Haven Board of Zoning Appeals on April 12, 2017. Received May 4, 2017.
- Photometric plan and lighting cut sheets. Received May 4, 2017.
- Application drawings. 13 sheets received March 16, revisions received April 17 and May 4 and 11, 2017.
  - Cover sheet. Revision date May 10, 2017.
  - Overall Property Survey. Revision date May 10, 2017.
  - EX-1: Existing Conditions Plan. Revision date May 10, 2017.
  - SP-1: Site Plan. Revision date May 10, 2017.
  - GU-1: Site Grading & Utility Plan. Revision date May 10, 2017.
  - PP-1: Plan & Profile. Revision date May 10, 2017.
  - CD-1-CD-3: Construction Details. Revision date May 10, 2017.
  - EC-1: E & S Control Plan. Revision date May 10, 2017.
  - EC-2: E & S Control Guideline. Revision date March 13, 2017.
  - TMP-1: Truck Maneuvering Plan. Revision date May 10, 2017.
  - BP-1: Building Plan. Revision date March 13, 2017.

#### **PROJECT SUMMARY:**

**Project:** Diesel fueling station and accessory convenience store

**Address:** 164 Middletown Avenue

**Site Size:** 40,452 SF (0.93 acres)

**Zone:** IH (Heavy industrial)

**Financing:** Private

**Parking:** 6 spaces (including 1 HC van-accessible)

**Owner:** 164 Middletown Avenue, LLC

**Phone:** 860-548-2681

**Applicant:** Energy Depot, LLC  
**Agent:** Richard Carella, Esq. of Updike, Kelly, & Spellacy, PC  
**Site Engineer:** George Cotter of CW International, LLP  
**City Lead:** City Plan Department

**Phone:** 860-548-2681

**Phone:** 203-272-8952

**Phone:** 203-946-6379

**BACKGROUND**

**Previous CPC Actions:**

None.

**Zoning:**

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IH zone, with the zoning relief granted for a Special Exception (17-34-S) and Coastal Site Plan Review (17-30-CAM) for a fueling station in an IH district on April 12, 2017. Although not required for site plan approval, an additional Special Exception to permit 24-hour operation (17-45-S) was granted on May 9, 2017.

**Site description/existing conditions:**

The site is located just off of Exit 8 of I-91, west of the highway and east of the Quinnipiac River. The parcel is fully developed, mostly covered with asphalt with an existing gas station dating from approximately 1975 in the southwestern portion of the site. The property is surrounded by other industrial uses, including a school bus depot to the west and south and an automotive service center to the north.

**Proposed activity:**

The remaining shell of the existing gas station will be razed. A new six-bay, three-pump fueling island will be built under a 27' x 90' canopy. A single new 20,000-gallon underground diesel fuel storage tank and a single new 4,000-gallon underground diesel exhaust fluid tank will be installed under a 20.5' x 55' concrete pad in the western portion of the site. A single new above ground 1,000-gallon propane storage tank and a new above ground 1,000-gallon kerosene storage tank will be installed in an enclosed fenced area on the western portion of the site for the retail sale and refilling of tanks.

A 1,500-SF retail building will be constructed in the southwest corner of the site and used as an accessory convenience store. A Special Exception to allow the fueling station and convenience store to operate 24 hours a day, seven days a week was granted by the Board of Zoning Appeals on May 9, 2017.

**Motor vehicle circulation/parking/traffic:**

All vehicles will enter the premises via a 57' paved common driveway accessed from Middletown Avenue. This will be on a neighboring property (166 Middletown Avenue), with an access easement provided to the applicant. All vehicles will exit via a driveway at the southeastern side of the site to Middletown Avenue. After conversations with the City Department of Transportation, Traffic, and Parking, it has been determined that a left turn lane is not required for vehicles entering from the south from Middletown Avenue onto Dump Road. Therefore, no changes to the existing roadways are planned.

**Bicycle parking:**

Two bike racks capable of parking two bikes each (four total) will be installed near the main entrance to the proposed convenience store.

**Trash removal:**

Side-by-side dumpsters will be located in an enclosed fenced area along the western side of the premises and will be emptied on a regular basis.

**Signage:**

Signage is not included in the application, but will be reviewed for zoning compliance prior to issuance of building permits.

**Sec. 58 Soil Erosion and Sediment 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: 540 CY

Start Date: Not listed

Completion Date: 12 weeks after project initiation

Responsible Party for Site Monitoring: Katherine Childs of Energy Depot, LLC

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
- 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*.

### Sec. 60 Stormwater Management Plan:

#### 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;
- Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination;
- Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment;
- Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil and litter;
- On-site infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible;
- Post-development runoff rates and volumes shall not exceed pre-development rates and volumes for various storm events. Stormwater runoff rates and volumes shall be controlled by infiltration and on-site detention systems designed by a professional engineer licensed in the state of Connecticut except where detaining such flow will affect upstream flow rates under various storm conditions;
- Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternately, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis; and
- Use of available BMPs to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

Note: Because the site is located at a low point in the City straddling the watersheds of the Mill and Quinnipiac Rivers and because the depth to groundwater is, on average, 2 feet or less, on-site infiltration is neither desirable nor feasible. In lieu of infiltration, the applicant proposes a combination of standard catchbasin structures and oil

water grit separators to treat run-off and mitigate for TSS requirements. The City Engineers find this solution acceptable as strict compliance with the ordinance is impossible.

**Sec. 60.1 Exterior Lighting: SUBMISSION MEETS REQUIREMENTS**

**REQUIRED DOCUMENTATION**

- Lighting Plan with location of all fixtures, type of fixture and mounting height of lights;
- Manufacturer specifications or cut-sheet for each fixture;
- Photometrics.

**STANDARDS**

- Prevent or minimize direct glare and light trespass;
- All parking area lighting shall be full cut-off type fixtures and shall not exceed twenty (20) feet in height from the ground to the highest point of the fixture;
- Up lighting and high pressure sodium light sources are prohibited. Externally lit signs, display building, and aesthetic lighting must be lit from the top and shine downward and not sideward or upward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above the horizontal plane;
- Where non-residential development is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above; and
- High pressure sodium and flickering or flashing lights are prohibited

**Sec. 60.2 Reflective Heat Impact: WAIVER REQUESTED**

The applicant has requested a waiver from meeting RHI standards. The site is currently completely covered with bituminous paving, pavement millings, and the remains of a structure with a black roof. The proposed development will include a planting strip, a new light-colored roof on the proposed building, and a white surface on the canopy over the pump islands. The canopy itself will provide shade over a portion of the site. The applicant estimates that this will provide 0.09 acres of shaded/reflective/non-hardscape area on the 0.93-acre site, which is a 10-percent reduction in highly-absorptive area as compared to existing conditions. Due to the requirements to have large areas of asphalt to provide adequate turning radii and stacking area for WB 67 size transport trucks entering the site, it is not feasible to provide more shade on site.

**Project Timetable:**

Once begun, the entire project is expected to be constructed in approximately 12 weeks.

**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 (Flood Zone):* The subject property lies within the Special Flood Hazard Area of the 100-year flood zone, with a base flood elevation of 9 feet.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	CCMA adverse impact 1: Degrading water quality through significant introduction into either coastal water or groundwater

	<p>supplies of suspended solids, nutrients, toxics, heavy metal or pathogens; or through the significant alteration of temperature, pH, dissolved oxygen, or salinity.</p> <p>Mitigation: Water quality will be protected during construction by instituting short-term erosion and sedimentation control measures that meet or exceed the standards established by the <i>Connecticut Guidelines for Soil and Erosion and Sediment Control</i>.</p> <p>CCMA adverse impact 5: Increasing the hazard of coastal flooding through significant alteration of shoreline configuration or bathymetry, particularly within high velocity flood zones.</p> <p>Mitigation: The shoreline and tidal wetlands will not be altered under the proposed project. Proposed grading will not affect shoreline configuration or bathymetry. All work is being conducted within existing developed portions of the site away from the shoreline. There will be no appreciable alteration of coastal flooding patterns. Grading and fill of approximately 540 CY will not negatively affect overall flood storage capacity.</p>
2. Potential beneficial impacts	None
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
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?	Site is not waterfront.
6. Is public access provided to the adjacent waterbody or watercourse?	Site is not waterfront.
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'.	No

**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.

**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.

**ACTION**

The City Plan Commission approves the submitted Site Plans subject to conditions on Pages 1 and 2.

**ADOPTED:** May 17, 2017  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director

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:** May 17, 2017

**ATTEST:**   
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James Turcio  
Building Official