

**NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW
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RE: 2 ELLA GRASSO BOULEVARD/HARBOUR CLOSE, Site Plan Review and Coastal Site Plan Review for Modifications to previously approved Site Plan for a Residential Development known as Harbour Pointe, to include Addition of Clubhouse, Pool and Pool Deck; Modification to Condition of Approval regarding Public Access Walkway Connection in an RM-1 Zone (Owner/Applicant: Anthony Salce, Jr., Harbour Pointe LLC).

REPORT: 1434-01

ACTION: Approval with Conditions

CONDITIONS OF APPROVAL

1. Address comments under **Site Plan Review** on page 4 within 30 days of this approval.
2. Signoff on final plans for the clubhouse and pool by the City Engineer and City Plan Department in that order shall be obtained prior to initiation of site work or issuance of building permit.
3. 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 that the document has been so recorded (showing volume and page number) to the City Plan Department, prior to City Plan signoff on final plans for building permit.
4. A Flood Development Permit shall be required at the time of Building Permit.
5. The bond in an amount of \$68,000 (100% of the certified estimate of construction cost of the public walkway) shall be retained by the City Plan Department until the connection of the public access walkway to the walkway at the Harbour Landing Condominiums is complete and operable.
6. The public access walkway shall be completed and joined with the existing walkway, and continuous public access between South Water Street and E.T. Grasso Boulevard provided, prior to July 1, 2010.
7. Address(es) shall be assigned for the buildings by the City Engineer prior to issuance of first Certificates of Occupancy.
8. The applicant shall furnish proof (volume and page number of the recording) of filing of revised Condominium documents, acknowledging the owners' responsibility for maintenance of the private drive, trash pickup, snowplowing and maintenance in perpetuity of the continuous public access components, shall be provided to the City Plan Department, prior to issuance of Final Certificate of Occupancy.
9. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to issuance of Final Certificate of Occupancy for Buildings 1, 2 and the clubhouse. Site Plan shall be submitted in both mylar and digital format [(DWG file based on the State Plane Coordinates (NAD1983)].

Previous Relevant CPC Actions: PDD Amendment and General Plan Approval (860-7, 05/28/80); Change in Development Team (1345-02, 12/17/03); Site Plan Review and Coastal Site Plan Review: Denial without Prejudice (1367-01,05/18/05); Zone Change from PDD #38 to RM-1 (1385-02, 03/15/06); Zoning Variances and CSPR (1389-13, 05/17/06); SPR & CSPR for 53 Unit Condominium (1393-01, 08/30/06); Revised Utilities Plan and Stormwater Computations (1415-A, 05/21/08).

Submission: Development Permit application 10/20/09, Plan Set by Milone and MacBroom: Title Sheet with zoning table 10/20/09 rev. 11/05/09, Existing Conditions Plan, Landscape Plan, Grading Plan, Utilities Plan, Site Details. Addendum to Engineering Report, Revised Storm Drainage Computations revised 10/21/09 by Milone & MacBroom; Coastal Site Plan Review Report 04/05/06.
Architectural Plans by John Cruet, Jr. AIA 10/20/09: rendered elevation, Overall Plan of Clubhouse and Pool, Floor Plan for Clubhouse, Exterior Elevations, Building Section, of Clubhouse and Pool. Application fee of \$55.

PROJECT SUMMARY:

Project: 53 Unit Residential Condominium

Address: 2 Ella Grasso Boulevard.

Map 269, 270, 232/Block 2/ Parcel 24, 25.

Site Size: 5.04 acres
Buildable Lot area: 3.67 acres
Zone: RM-1, CAM, City Point Historic District (116 Sea Street)
Financing: Private
Parking: Phase I = 98; Phase II = 20
Units: 53 total: 3 buildings with 16 units each = 48 units; 5 1-family houses
Owner/Applicant: Anthony Salce, Jr., Harbour Pointe LLC, Stratford **Phone:** 203-378-1876
Contact: David Mase **Phone:** 203-521-2724
Civil Engineer: Milone & MacBroom Inc., Cheshire, CT (Ted Hart P.E.)
Agent: David Dickson, Project Manager **Phone:** 203-271-1773
Architect: Wiles Architects, Bridgeport, CT **Phone:** 203-366-6003
Architect (clubhouse): John Cruet, Jr. AIA, Guilford, CT **Phone:** 203-453-9802
City Lead: City Plan Dept. **Contact:** Karyn Gilvarg **Phone:** 203-946-6379

BACKGROUND

The residential development is located on a private drive known as Harbour Close, off of Ella T. Grasso Boulevard and Sea Street at City Point on New Haven Harbor, adjacent to an existing Planned development District known as Harbour Landing.

Christopher Companies was approved as the new developer by the Commission in 2003, and due to a court case which invalidated Section 65 of the Zoning Ordinance regarding Planned Developments, they sought a zone change to the underlying zone of RM-1 which was approved by the Board of Aldermen in 2005. (NB: the Appellate court case *Susan B. Campion v. Board of Aldermen* was overturned by the CT Supreme Court in favor of the City.)

Christopher Companies received approval of plans to proceed with a separate development to construct 53 new residential condominium units on two portions of the land on either side of Harbour Close, plus one parcel at 116 Sea Street owned by the condominium association. Submitted Plans showed 3 buildings for a total of 48 units on the west side of Harbour Close overlooking New Haven Harbor, with parking in garages on the ground level (to be constructed as Phase I), and 5 single-family dwellings facing Sea Street (to be constructed as Phase II). The plans showed access to the project from Harbour Close and also showed a public access walkway along the waterfront with access from Ella Grasso Boulevard, designed to connect with the existing walkway at Harbour Landing.

Construction on two of the three primary residential buildings (buildings 1 and 2) and the walkway component was initiated in June 2008 and is now nearing completion. Building 3 and the single family houses remain part of future development until the real estate market grows stronger.

Proposed activity: The Christopher Companies of New Haven LLC transferred its interest to Anthony Salce Jr., Harbour Pointe LLC, represented as the property owner on the application. In order to market its product, Harbour Pointe now proposes to construct amenities for the residents of the new community in the form of a community building/clubhouse and pool. (It was earlier intended there would be an agreement with Harbour Landing to share their clubhouse, but negotiations fell through). The location of the new communal facilities is proposed to be in an open space area central to the three building locations in an area currently planted as a lawn and gardens.

Proposed Clubhouse and Pool: The clubhouse of 2,500 SF is a traditional building of stick construction with a finished floor elevation of 14.25. The club house will have a common room with bathroom and kitchen facilities and fitness center. To the west of the clubhouse will be a patio, stepping down to a zero entry swimming pool with 4' as its maximum depth. The pool will be surrounded by a 4' fence matching the existing ornamental fencing on the property.

Exterior materials of the clubhouse will be similar to the residential buildings, using a fiber-cement siding and trim.

Minimal grading will occur as a result of the location activity. The clubhouse will be surrounded with plantings including some Japanese lilacs.

A loading space has been provided for the clubhouse to the east of building 2.

Proposed Stormwater Drainage: The original drainage system was designed using Best Management Practices (BMPs) to maintain water quality and to retain one inch of runoff from all impervious surfaces for infiltration into the ground water. The storm drainage computations have been revised to reflect the small increase in impervious surface. The site plan has been adjusted to add a small underground infiltration system to be located adjacent to the new clubhouse. Following the same design concept from the previous submissions, the new infiltration system will consist of 4'W x 8'L x 4'H concrete galleries to capture the first inch of rainfall over the new impervious area created by the new building and the surrounding paved walkways. The revised storm drainage computations show that the proposed drainage system has adequate capacity to meet the required 25 year storm event.

Soil Erosion and Sediment Control Review: As existing silt fence is still in place along the high tide line on the outside of the public walkway. Additional fencing will be placed around the project site and inlets will be protected using filter fabric. A temporary soil stockpile will be located to the east of the clubhouse site and will be protected by silt fencing. Bill Soucy of Materials Testing Inc. has been named as the individual responsible for monitoring the site to assure there is no soil or runoff entering City catch basins or the storm sewer system. Such individual is also responsible for assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment, during the construction phases. Soil stockpiles shall be protected from dust gravitation and soil erosion. 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*. The individual shall be responsible for determining the appropriate response, should unforeseen erosion or sedimentation problems arise. He is fully responsible for 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 contractor is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

Other Utilities: A new electric cable and telephone line and a new sanitary line will connect into existing facilities in Harbour Close. Gas and water service will connect into existing service lines to the west of the new facilities. These connections will all be underground.

Timetable: The amenities project is expected to be initiated in spring 2010 and to be complete by summer 2010. The DEP permit for the walkway connection is hopefully imminent and it is anticipated to be complete prior to July 1, 2010.

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance was conducted at the time of the initial Harbour Landing project and again at the time of the site plan review for the new development.

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

Coastal Flood Hazard Area: The project site is located in two flood zones: A6, an area between 100 and 500 year flood where the flood elevation has been determined at 11' and zone V7, an area of coastal flood with velocity where the elevation of 14' has been determined. The existing elevation of the site ranges in elevation from 17' at its highest point to the high tide mark. The finished floor elevation of the clubhouse will be 14.25, in conformance with the previously approved coastal site plan. A Flood Development Permit will be required at the time of building permit.

Tidal Wetlands: adjacent to the northwestern part of the site

Intertidal flats: adjacent to the site

Navigable waters: The New Haven Harbor and the Long Island Sound are navigable waters adjacent to the site.

Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts: A potential adverse impact would be run off of deposited materials during preparation of the site for construction. A Soil Erosion and Sediment Control Plan shows measures including filter fabric fencing which will control runoff from the site so there will be no introduction of runoff materials into the surrounding coastal resources.

Public Access Walkway: In its Planned Development and Coastal approval in 1980, the Board of Aldermen included the requirement that public access in the form of a continuous public walkway be provided in perpetuity for the Harbour Landing project. While this portion of the PDD has been reverted to the underlying

RM-1 zone, Harbour Pointe LLC has continued this commitment by building out the walkway as originally designed. In its approval of the new plans for Harbour Pointe, the Commission required as a condition of approval of the coastal site plan review that the walkway be constructed, including the connection to the Harbour Landing walkway, prior to issuance of a certificate of occupancy for any of the units within the project. Because the connection to the Harbour Landing walkway extended over tidal wetlands within the jurisdiction of the CTDEP, the developer submitted an application (#200701608-TS) in 2007 to the Department of Environmental Protection Long Island Sound Programs Division to make the connection, and to date the application has not been approved. The DEP permit analyst recently asked for changes in the design and additional information. The applicant responded with a slight redesign which is simpler and more practical, using a new cantilevered wingwall instead of a solid concrete stem wall to support the connection. The Commission concurs that the design is simpler and will minimize work in the tidal wetlands area, resulting in a lesser impact on coastal resources. While there is no indication of the DEP's timeframe in finalizing its review of the application, the Notice of Permit application has been allowed to be published.

COASTAL PLANNING CONSIDERATIONS

The Commission notes that Harbour Pointe LLC executed a Public Access Walkway Easement in December 2006 which has been recorded on the City's Land Records as required. This involves the granting of a perpetual easement to the City for the public use of a walkway. Harbour Pointe has pursued in good faith the connection of the walkway and has provided additionally requested information to DEP. With the applicant, the City is hopeful that the application to build the connection will be approved soon.

As the applicant may desire to occupy the building prior to an approved DEP permit and prior to construction of the walkway connection, the Commission agrees to modify its condition #13 of its report 1393-01 regarding completion of the walkway connection as stated in condition #6 of this report.

SITE PLAN REVIEW

Plans have been reviewed by the Site Plan Review team with representatives from City Plan, City Engineer, Livable City Initiative Building Division and Department of Traffic and Parking and have been found to meet the requirements of City ordinances, Regulations and standard details with the following comments:

- *In lieu of development of the vacant building site on Sea Street, provide plan for stabilization of the site including smoothing of the grade and seeding.*

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 minimal impact on coastal resources.

ACTION

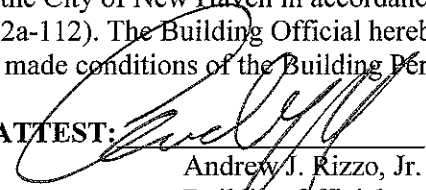
The City Plan Commission approves the submitted Site Plans subject to the conditions on Page 1.

ADOPTED: November 18, 2009
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.

DATE ADOPTED: 11/23/09

ATTEST: 
Andrew J. Rizzo, Jr.
Building Official