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

RE: **261, 280-324 EASTERN STREET, 133, 136 HEMINGWAY STREET,** Inland Wetlands and Watercourses Application and Coastal Site Plan Review to perform maintenance work in Hemingway Creek including culverts beneath Eastern and Hemingway Streets (Property Owners: City of New Haven, Housing Authority of New Haven, and 136 Hemingway Condominium Association; Applicant: City Engineer).

REPORT: 1433-06

INLAND WETLAND FINDING: Approval

COASTAL FINDING: Minimal impact

BACKGROUND:

Submission: Application form, dated 9/28/09 prepared by Dewberry, Site Plan, Details, Check dam detail, Wetlands Description, Narrative, CTDEP General Permit for Utilities and drainage. Fee waived.

Proposed Activity: The City Engineer proposes to perform maintenance work in Hemingway Creek in the Fair Haven Heights section of the City. Hemingway Creek naturally drains the area east of Eastern Street and flows under Eastern Street and Hemingway Street through twin box culverts which have become silted in. The approaches to the culverts and the stream bed between them are congested with silt and debris which are impeding flow. The work will consist of installation of a three tier silt fence check dam (with tiers 6 feet apart) downstream of the Hemingway Street culvert, and then removal and disposal of all materials to provide an unimpeded flow through the culverts and the creek in between. Materials to be removed will include dirt, silt, boulders, wood, fallen trees, and any other debris impeding the areas of flow or natural slope of the channel and box culverts.
First, four catch basins and their sumps on Hemingway Street will be cleaned. The storm piping from the catch basins that discharge into the box culvert will be power jet flushed clean, followed by flushing or dredging the shape of the channel and the two twin 6' wide x 3' high culverts carrying Hemingway Creek flows under Eastern Street and Hemingway Street to the cross section and depth shown on the contract drawings. Culverts will be cleaned of all debris and silt. The limit of activity will be 25 feet upstream and downstream of the culverts. Cleaning work in the channel between the culverts will be limited to 10 inches below the culvert inverts, down to the existing riprap and no further. The channel will be shaped to be approximately 14 feet wide with 2 on 1 side slopes up to grade. The total length of the area to be cleaned including the culverts is 346 feet.

Access to the work site will occur from both Hemingway and Eastern Streets. It will be part of the contractor's responsibility to use the least invasive manner of access and to restore any area disturbed by operations and to limit the work to the specific contract area.

Other Permits Required: CTDEP General Permit for Utilities and Drainage filed September 2009.

Project Timetable: Cleaning of the creek and culverts will commence once permits are secured before the end of 2009. Cleaning will take approximately 3 days to complete.

Determination of Inland Wetland Classification: The Commission has reviewed the options for classification, as stated in the Regulations and has determined that the wetlands application qualifies as a Class B Application. The activity proposed will not have substantial adverse effect on the regulated area or any other part of the inland wetlands and watercourses system. The current Inland Wetland

application is deemed complete and formally received by the Commission at its meeting of October 21, 2009.

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

- Alternatives which 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.

INLAND WETLAND PLANNING CONSIDERATIONS

Hemingway Creek as it flows through this area has been subject to siltation for a number of years which has caused flooding of the roadways and surrounding area due to diminution of stormwater storage capacity. While minor clearing of the culverts has occurred in the past, this is the first full scale clearing of the channel since the culverts were installed. The Commission has considered all criteria and believes that execution of the project will not adversely impact the regulated area, but will improve the flow of water, reduce flooding and restore hydraulic drainage capacity of the culverts for drainage of the area.

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

The City Plan Commission, acting as the Inland Wetlands Commission, finds that there is no preferable location of the proposed activity on the site, nor are there further technical improvements required in the plans, nor are there mitigation measures to be imposed as conditions. The proposed construction will increase the natural capacity of the watercourse to support desirable biological life, prevent flooding, supply water, and facilitate drainage. All of the required findings have been satisfied. An Inland Wetland Permit may be issued.

COASTAL SITE PLAN REVIEW

The site is within in the coastal zone due to its inclusion in Flood Zones A4, an area of 100 year flood where the base flood elevation has been determined at 11, Zone and B, an area of 100 to 500 year flood, according to Flood Map 090084-0003 C, revised 05/02/83. The freshwater wetlands are a coastal resource as is some of the vegetation growing along the bank of the creek. Vegetation includes Japanese knotweed, common reed (pfragmites), and multiflora rose, jewelweed and mugwort. No other coastal resources exist at or adjacent to the site.

Beneficial impacts: The proposed activities will reduce or eliminate the flooding events as capacity for stormwater storage areas will be increased.

Potential adverse impacts: One potential adverse impact would be disturbance of the creek during the flushing process. The erosion control measures and the silt fence check dam should mitigate this potential adverse impact.

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 and approval for a coastal permit to be issued.

ADOPTED: October 21, 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: 10/23/09

ATTEST: _____
Andrew J. Rizzo, Jr.
Building Official