

NEW HAVEN CITY PLAN COMMISSION INLAND WETLANDS REVIEW AND SITE PLAN REVIEW

RE: 400 Blake Street

REPORT: 1490-02

INLAND WETLANDS FINDING: No significant impact

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 19, 2019. 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. Signoff on final site plans by the Fire Department, City Engineer, Transportation Department and City Plan Department in that order shall be obtained prior to issuance of building permit or initiation of site work.
3. The applicant shall record on the City land records an original copy of this Inland Wetlands and 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 a building permit or initiation of site work.
4. 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 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.
5. An individual who will monitor the Soil Erosion and Sediment Control Plan on a day-to-day basis shall be named, and such name and contact information shall be provided to the City Plan Department, prior to City Plan sign off on final plans for a building permit or initiation of site work.
6. Any activity within the public right-of-way will require separate permits.
7. 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 [.TIFF file based on the State Plane Coordinates (NAD1983)]. Note version of AutoCAD.

Previous CPC Actions: none

Submission: IW/SPR Application Packet including DATA, IW, and SITE forms. Narrative included. Application fee:\$270. Received February 20, 2014.

- Bound Application with Drawings and Reports dated February 18, 2014.
- Sediment Removal Drawing, dated February 19, 2014 and received February 20, 2014.

PROJECT SUMMARY:

Project: Sediment Removal in Wintergreen Brook and West River adjacent to Wintergreen of Westville Property
Address: 400 Blake Street
Site Size: n/a within West River and Wintergreen Brook
Zone: BA/PDD103
Financing TBD

Project Cost: TBD
Parking: not applicable
Land Owner: Wintergreen of Westville LLC
Applicant: same
Agent: John B. Lust
Soil Scientist: William Kenny Associates

Phone: 646.539.3710
Phone: same
Phone: 203.488.8091
Phone: 203-366-0588

BACKGROUND

Site/Existing Conditions: PDD 103: Wintergreen of Westville development sits between branches of the West River and Wintergreen Brook. The PDD is a full-realized residential development.

Proposed activity: The section of the West River and Wintergreen Brook located between the Blake Street and Whalley Avenue bridges make up an engineered flood damage reduction system. The system was designed by the Army Corps of Engineers (ACOE) with construction completed in March of 1993. With this flood control system came maintenance responsibility and regular inspections by ACOE. The City of New Haven originally inherited this responsibility. However, in May 2006, this responsibility was legally transferred to the Metropolitan Development at Wintergreen LLC, the developers of what is now known as Westville Village located at 400 Blake Street.

The last two inspections of the flood control system performed by the ACOE have called for the excavation of accumulated sediments and debris. Survey has shown that approximately 505 CY of sediment has accumulated over an area of approximately 6000 SF over the past 9 years. (The City of New Haven Parks Department last excavated accumulated sediment in 2005.) Most of this area is above MHW elevation of 2.7' in NAVD-88 datum. The exception is an approximate 1900 SF area of the West River adjacent to the Whalley Avenue Bridge where approximately 162 CY of accumulated sediment and debris have accumulated and must be removed.

The current owner of Westville Village, Wintergreen of Westville LLC is responsible for this maintenance and is pursuing the necessary permits, including a General Permit from CT DEEP and a permit from ACOE.

SITE PLAN REVIEW

Soil Erosion and Sediment Control Plan: n/a

Stormwater Plan/Drainage Report/Compliance with Section 60 Stormwater Management Plans: n/a

Compliance with Section 60.1 (Exterior Lighting): n/a

Compliance with Section 60.2 (Reflective Heat Impact from hardscape or paved surfaces): n/a

Site Circulation/Parking: n/a

Landscape Plan: n/a

Project Timetable: Applicant hopes to begin and complete work at times of low water levels, schedule being dependent upon approval of permits by ACOE and CT DEEP.

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

- **Hauling work must be completed in off-peak hours in order to not interfere with traffic flows;**
- **Access to the river bed must be coordinated with the Parks Department; and**
- **The Fire Department must be notified if a crane will be used in operations.**

Other Permits Required: CT DEEP General Permit (in progress) and ACOE General Registration Permit (in progress).

INLAND WETLANDS REVIEW

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: The Commission has reviewed the options for classification, as stated in Sections 4 and 5 of the Regulations and has determined that the wetlands application qualifies as a Class B Application on March 19, 2014.

Proposed Regulated Activity: The applicant proposes to remove approximately 505 CY of accumulated sediment and debris, over an area of 6000 SF as ordered by the ACOE as part of the engineered flood damage reduction system in the West River and Wintergreen Brook.

Soil Science Report: Soil Scientist Megan Raymond of William Kenney Associates investigated the site and flagged the wetlands and watercourses on December 9, 2013. The report is attached as part of the application.

Vegetation: n/a

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 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.

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 Commission has reviewed the application, plans and materials in context with the evaluation criteria and Class B required findings and believes that there is no preferable location of the proposed activity on the site, nor are there further technical improvements required in the plans. The proposed activity will not reduce the ability of the site and the capacity of the wetland and buffer areas to support desirable biological life, prevent flooding, supply water, facilitate drainage, and provide recreation and open space. **The proposed activity will in fact increase the capacity of the wetlands and buffer areas to do these functions.**

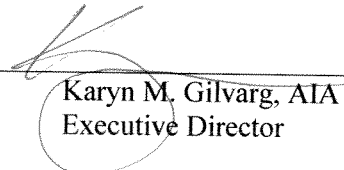
The Commission believes that the required findings for a Class B application have been satisfied. The Inland Wetland application is hereby approved, in accord with the submitted plans and the Conditions as stated on page 1.

SITE PLAN ACTION

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

ADOPTED: March 19, 2014
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director