

NEW HAVEN INLAND WETLANDS COMMISSION REPORT

RE: 428-434 BURR STREET, Request for Class A Inland Wetlands classification for Maintenance Work & FAA required tree cutting on Airport property (Owner/Applicant: Airport Authority).

REPORT: 1461-06

INLAND WETLANDS CLASSIFICATION: Class A; No significant impact on Inland Wetlands or Watercourses

Submission: Letter from Tim Larson, Airport Manager, dated and received 01/19/12, Attachment 1: Wetland Regulatory Consultation Report by Antonio Federici, Dewberry 01/17/12 including tree inventory, Wetland and watercourse delineation by William Kenny Associates 01/16/12 incl. wetland & watercourse map. Attachment 2: Partial Part 77 View showing FAR Part 77 Surfaces for Tweed New Haven Regional Airport rev. 2005.

Previous relevant CPC Actions: Ordinance Amendment amending Sections 4-1 – 4-9 (CPC 1370-13, 06/15/05).

Applicant's Request: Before the Inland Wetlands Commission is a request for a Class A permit for work in and near inland wetlands and watercourses on the properties at #428 and #434 Burr Street, properties owned by the City of New Haven and managed by the Tweed New Haven Airport Authority (hereinafter "Airport"). On behalf of the City, the Airport wishes to perform maintenance work to a storm water drainage system on the properties and to protect the public safety by trimming or cutting to 3' above grade certain trees that penetrate the FAA-regulated Part 77 imaginary surfaces around the Airport.

BACKGROUND: As a bit of background, in 1983 the Board of Aldermen (advised by the City Plan Commission in Report No. 922-01) approved a Planned Development District for the Raynham Hill Condominium off Townsend Avenue. Among the planning considerations underlying the Commission's approval was a storm water drainage system connecting to an existing culvert and stream bed via Burr Street, discharging into Morris Creek. The storm water drainage system is comprised of a rip-rap gully downhill from the Raynham Hill property across #428 Burr Street leading to a detention pond, a culvert on #434 Burr Street and one or more drains under Burr Street. Both the watercourse and associated wetlands are considered manmade.

To the best of the Airport's knowledge, no easement was given to the Raynham Hill Condominium Association to maintain the storm drainage system and no maintenance has occurred since construction. A number of fallen trees and debris lie overtop the watercourse and the detention pond has accumulated sediment, soil and vegetative growth, primarily trees and vines.

At the time of construction in 1986, the management of inland wetlands and watercourses was not yet within the jurisdiction of the City. Whether or not this storm drainage system constituted an inland wetland in 1986, a recent site investigation conducted by a soils scientist indicates that the storm drainage is currently associated with regulated inland wetland and watercourse systems.

Proposed activity: The Airport proposes to remove downed trees on the slope which impede the flow of water in and into the watercourse and also to remove miscellaneous debris on the site. In addition, the Airport will trim unsightly brush and weeds along the Burr Street frontage and, if funding allows, replace the rusted fence.

In addition to maintenance work on the properties, this request will allow the Airport to maintain public safety by eliminating obstructions on the site which penetrate protected air space. The Airport is concluding a multi-year program to remove obstructions within protected air space both north and south of the main runway. At present, approximately 66 trees are located within the delineated wetland/watercourse and a 50' buffer area. Many of these trees (and others on the properties outside the wetland/watercourse area) are in violation of Section 4-3 and 4-4 of the Code of Ordinances of the City of New Haven, under which an owner may not allow trees or other obstructions to penetrate the Part 77 imaginary surfaces. Other trees which penetrate the Part 77 imaginary surfaces outside of the wetlands area and buffer area will receive the same treatment.

The Part 77 imaginary surfaces are portrayed in the Obstruction Study incorporated into the Code of Ordinances and including the properties at #428 and #434 Burr Street. The Airport proposes to cut trees which penetrate the Part 77 imaginary surfaces to approximately 3-5' above grade. All tree stumps and lower vegetation (up to 15' high) will remain in place, preventing soil erosion on the site. Care will be taken to avoid harm to the wetland and watercourse by implementing Tree Removal Best Management Recommendations as set forth in Attachment 1 of the permit request.

INLAND WETLANDS REVIEW

Determination of Classification: As stated in the Inland Wetland Regulations Section 3.5.2, the Commission must rule that the proposed use is a Class A (permitted) use or classify it as a Class B or C (regulated activity). In reviewing the options, the Commission has determined that the wetlands application qualifies as a Class A Application in that the proposed activity will have no significant effect on wetlands or watercourses.

Project Timetable: The project is expected to take approximately 5 weeks and will be performed upon this classification of a Class A permit. The project must be performed prior to the trees and brush leafing out as the work becomes much more difficult and costly.

Best Management Practices: The Commission concurs with the applicant's Wetlands Scientist that using best management practices for tree removal is the prudent manner in which to handle this job:

- Cutting trees by hand with a chain saw;
- Removing material from the wetlands/watercourses by means of a winched cable and when this is not possible by limited use of a small bobcat bucket loader;
- Leaving stumps in place so that soil is not disturbed;

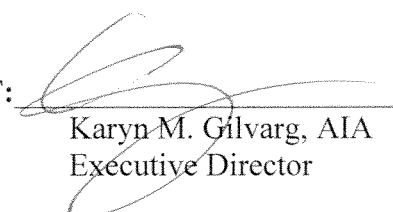
- Minimizing work to the extent practicable to avoid earth/ground disturbance.

Additionally, the Commission recommends that a seed mix of native grasses be considered as an additional measure to spread on any areas outside of the regulated area which may become slightly disturbed during the wood and brush removal process.

Site Access: The Commission is informed that airport personnel have communicated with neighboring property owners as many also own off airport parcels with Part 77 penetrations of the imaginary surfaces regulated by the FAA. Trees are being cut from these properties accordingly. Several property owners on Burr Street and Laura Lane have offered access to 428 and 434 Burr Street to facilitate the proposed project.

ACTION: The proposed project is classified as a Class A Activity and therefore is permitted as of right as it will have no significant impact on the wetlands, watercourse, or buffer area.

ADOPTED: February 15, 2012
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director