

NEW HAVEN CITY PLAN COMMISSION INLAND WETLANDS REVIEW

RE: 141 OGDEN STREET. MBLU: 218 1075 01700. Inland Wetlands Application to construct a single-family residence in an RS-1 zone. (Owner/Applicant: Che Tiernan; Agent: John Paul Garcia)

REPORT: 1606-02

INLAND WETLANDS FINDING: Approval with Conditions

CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this Inland Wetland approval is valid for a period of five (5) years after the date of decision, to April 27, 2027. 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 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 for building permits. A digital copy of the recorded report shall be provided to staff (.pdf).
4. Upon approval by the City Plan Commission, provide compiled digital copies of all application materials, including drawing sets and reports, to staff for filing (.pdf files) prior to City Plan signoff for building permits.
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. 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.
8. Any activity within the public right-of-way will require separate permits.
9. Extreme care shall be taken in the protection and preservation of existing trees on the site.
10. Within 10 business days of City Plan Commission approval, the applicant shall submit a digital (.pdf) and hard copy of the final approved plan set (including all revisions) to the City Plan Department
11. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.
12. As-built survey 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.

Previous CPC Actions:

CPC 1395-12: Inland Wetland application for single family house.

CPC 1449-06: Inland Wetland application to construct 1 family residence approved.
CPC 1480-04: Inland Wetland application to construct 1 family residence; application withdrawn.
CPC 1489-01: Inland Wetlands Application to construct a single-family residence in an RS-1 zone; application approved.

Submission: INLAND WETLANDS Application Packet including DATA, WORKSHEET, SITE, SESC, and IW forms, including NARRATIVE. Application fee: \$200 received February 15, 2022.

- Letter of transmittal, 1 sheet, dated and received February 15, 2022
- Wetland Watercourses and Soil Report dated August 11, 2006
- Letter from Soil Science and Environmental Services Inc, 3 sheets, dated June 9, 2009
- Sketch map of inlands wetlands, 2 sheets, dated August 11, 2006
- Site plans, 3 sheets, dated December 1, 2009
- CPC Report #1489-01, 12 sheets, dated March 19, 2014
- Hydrograph report, 5 sheets, dated May 11, 2011
- Abutters list, 1 sheet
- Floor plans and elevations, 7 sheets, dated January 5, 2022
- Wetland Planting Plan, 1 sheet, dated March 17, 2022, received March 18, 2022
- Letter in Response to City Plan Review, 1 sheet, dated and received March 18, 2022

PROJECT SUMMARY:

Project:	Construction of 5 BR Residential structure	
Address:	141 Ogden Street	
Site Size:	15, 770 SF (.36 acres) including 2979 SF (.07 acres) Inland Wetlands	
Building Size:	2,384 SF footprint	
Zone:	RS-1	
Parking:	on-site, 4 spaces	
Owner/Applicant:	Che Tiernan	Phone: 904.874.1078
Site Engineer/Agent:	John Paul Garcia	Phone: 203.393.3306
Soil Scientist:	Thomas Peitras	Phone: 203.272.7837

BACKGROUND

In 2014, an Inland Wetlands Application to construct a single-family residence was approved for this site (CPC 1489-01). Upon review of the Declaration of Conservation Restriction filed on the land records as part of the application and referenced in the report, it is not legally enforceable by the City Plan Commission and will not be considered in this application.

Site/Existing Conditions: The existing site is a vacant lot in a residential neighborhood. Existing wetlands cross the site north to south in a strip approximately 30 feet wide.

Proposed activity: Applicant is seeking approval for the building of a proposed 2,384 SF house with an attached garage.

SITE PLAN REVIEW

Soil Erosion and Sediment Control Plan: The application states approximately 755 CY of soil will be removed and 25% of the site will be regraded. John Paul Garcia is 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. Once a contractor is chosen, an individual will be named as the individual responsible for monitoring soil erosion and sediment control measures on a daily

basis, and that name provided to the City Plan Department prior to signoff of final plans for permits. This individual will also be responsible for assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment during construction phases. Soil stockpiles if necessary 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*.

John Paul Garcia shall be responsible for determining the appropriate response, should unforeseen erosion or sedimentation problems arise. He is fully responsible for 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, John Paul Garcia is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

Stormwater Plan/Drainage Report/Compliance with Section 60 Stormwater Management Plans: Applicant is not required to comply with Section 60 due to the residential nature of the development. However, a number of stormwater management strategies are proposed.

A swale, berm and associated curtain drain is proposed to be installed along the entire length of the southern property line (the down-gradient side). The drain will tie into the existing storm sewer located within Ogden Street. Roof leaders along the rear (northeast) side of the house and garage will be connected to the solid 8" pipe in the curtain drain. The roof leader at the left front (southwest) house corner will be connected to a level spreader and will provide recharge to the wetland area. The remainder of the roof will connect around the house corner to the collection pipe picking up the front corners of the garage and will tie into the curtain drain system. The catchment area for the existing and created wetland areas is generally the extent of those areas alone, except for the small addition of water volume from the roof.

Compliance with Section 60.1 (Exterior Lighting): Not applicable.

Compliance with Section 60.2 (Reflective Heat Impact from hardscape or paved surfaces): Not applicable.

Site Circulation/Parking: Vehicles will enter the site via a drive off Ogden Street and will park either in the drive or the proposed garage.

Landscape Plan: A landscape plan has been provided proposing plantings of native shrubs, native groundcover, and preservation of existing trees.

Project Timetable: Construction is expected to commence in the spring of 2022 and be completed in ~6 months.

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 3, 4 and 5 of 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 wetland and watercourses system. This application was received by the Inland Wetland Commission at its meeting on April 27, 2022.

Proposed Regulated Activity: Applicant proposes activity in both the flagged wetland area and within the 50' wetland upland buffer. Activities within the flagged wetland include the grading and layout of the new driveway and the installation of part of the new curtain drain/berm system (discussed above). Activities within the 50' wetland setback include the establishment of a wetland mitigation area (1010 SF), the remainder of the driveway construction and the construction of the proposed house and garage. Total disturbance of the site includes 720 SF within the flagged wetland, and 6710 SF within the 50' wetland setback (including establishment of the wetland mitigation area).

Soil Science Report: Soil Science and Environmental Services Inc. investigated the property for Inland Wetlands on September 25, 2009. Thomas Pietras, SS&ES Soil Scientist performed the investigation and identified poorly drained Inland Wetland soil in the central portion of the property. The report states that wetland soil has been partially drained due to the surrounding residential development.

The wetland on the property is a very small, relic wetland that formed prior to the residential development in the neighborhood. According to the report, the area now provides very low wetland functions.

Mitigation for wetlands intrusion:

As remediation for the substantial work proposed within the regulated area, the applicant has proposed a mitigation area on site. It is proposed that approximately 24" of existing non-wetlands soils be removed from a 1,010 SF area adjacent to the western property line which abuts the wetlands flagged area, and the soils replaced with 8" of relocated wetlands soils being excavated from the area where the utilities and driveway will be located. This area will be topped with a layer (4") of topsoil and planted out with native shrubs and ground cover, as shown on the Wetlands Planting Plan; the area may take on the characteristics of the adjacent wetlands soils and mitigate any adverse effects the excavation and placement of utilities might conceivably cause. Additionally, the area to the northwest of the proposed house will be regraded slightly to direct water to flow to the west of the house towards the mitigation area. A portion of the roof runoff will be directly via splash pad to this area as well.

Conclusion:

Although an area of 141 Ogden Street was identified as containing wetland soil, there is little evidence of the wetland today. The property at 123 Edgehill Road has taken advantage of the seeping water channeling it into a garden pond. Overflow from the pond goes into a yard drain on that property and flows out to the storm sewer in Ogden Street. While a minimal amount of water may flow to a manhole on this property, its outlet to the Ogden Street storm sewer has been plugged with concrete. As a result, the wetlands on the subject property provide minimal functional wetlands value. The value is further diminished by its small size, presence of shallow fill and isolated location within a densely developed residential neighborhood. It is a wetland which pre-existed the residential development uphill of the site between Reservoir Street and Edgehill Road, as well as downhill toward Whitney Avenue, including the site of the house at 123

Ogden Street. If the wetlands boundaries were extended to the east, one likely would find that 123 Ogden and the houses further to the east were constructed within the same wetland soils.

Additionally, once it becomes established, the wetland mitigation area could eventually develop the characteristics of wetlands soils and become a flagged wetland itself adding to the remaining wetlands soils on the site.

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:

- Any evidence and testimony presented at a public hearing, should one be held.
- 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 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 applicant has made numerous technical changes to the site plan which have improved drainage, facilitated water absorption, and which may actually increase the size of the inland wetlands on site. The addition of a curtain drain along the east property line should assist in reducing seepage of water through the site and runoff from the additional roof and impervious surface area should be fully captured by the proposed drainage system and remediation area. The wetlands restoration plan of creating a slight depression adjacent to the west property line and adding wetlands soil and native plantings may create additional storage area for overland runoff. The project should result in little if any reduction in the natural capacity of the wetland, such as it is, to support desirable biological life, prevent flooding, supply water, facilitate drainage, and provide recreation and open space.

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.

The City Plan Commission approves the submitted Site Plans for Inland Wetlands review subject to these standards and to the standard conditions on Page 1.

ADOPTED: April 27, 2022
Leslie Radcliffe
Chair

ATTEST: 

Laura E. Brown
Executive Director