

NEW HAVEN CITY PLAN COMMISSION INLAND WETLANDS REVIEW

RE: 781 WHALLEY AVENUE a/k/a 50 FITCH STREET. Class C Inland Wetlands Review for construction of a mixed-use building with 245 residential units in the BA-2 Zone and Coastal Management Area. (Owner/Applicant: 50 Fitch LLC, Agent: Carolyn Kone).

REPORT: 1611-03
Companion report: 1611-02 781 WHALLEY AVENUE SPR&CSPR

INLAND WETLANDS FINDING: No significant impact

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, CSPR, INCLUSIONARY ZONING, and IW forms. NARRATIVE attached. Application fees: \$410, \$200. Received April 21, 2022.

Received April 21, 2022

- Civil plans, 52 sheets, dated April 21, 2022, revised May 4, 2022, May 12, 2022, July 15, 2022, and July 20, 2022
- Engineering Report, 282 sheets, dated April 21, 2022, revised May 12, 2022 and July 15, 2022
- Traffic Impact Study, 832 sheets, n.d., revised May 12, 2022

Dated and received April 27, 0222

- Memo re meeting with the Fire Marshall, 3 sheets

Dated and received April 28, 0222

- Memo re Accessibility Route to the River Walk, 3 sheets

Dated and received May 9, 0222

- Memo re Public Access, 18 sheets

Received June 1, 2022

- Memo re Inland Wetlands delineation
- Revised Landscape Drawings
- Tree Removals Plan

Received July 6, 2022

- Revised easement plan, 1 sheet, dated July 6, 2022
- Soil Scientist Report, 37 sheets, dated June 30, 2022, revised July, 2022 with addendum
- Tree removal and landscape plans, 5 sheets, dated July 6, 2022

Received July 15, 2022

- Memo re: Inland Wetlands, 3 sheets
- Proposed Coastal Easement

Received July 20, 2022

- Resume of Soil Scientist

Certification of mailing of Abutters Notices for Class C IW Public Hearing

- June 6, 2022
- July 7, 2022

PROJECT SUMMARY:

Project: 781 Whalley Avenue mixed-use building
Address: 781 Whalley Avenue a/k/a 50 Fitch Street
Site Size: 3.62 acres
Zone: BA-2
Parking: 219 spaces
Owner/Applicant: 50 Fitch LLC
Agent: Carolyn Kone
Site Engineer: Joseph Canas
Soil Scientist: Robert Russo, CLA Engineers Inc

Phone: 203-981-0123
Phone: 203-772-2600
Phone: 203-712-1109
Phone: 860-886-1966

BACKGROUND

Previous CPC Actions:

None.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA-2 zone.

Site description/existing conditions:

The site is located at the corner of Whalley Avenue and Fitch Street in the Westville neighborhood. The site is currently occupied by two buildings. One of the buildings fronts Whalley Avenue and is vacant. The second building is a two-story masonry structure with frontage on Fitch Street with a mix of commercial uses and a large surface parking lot. The site is bound on the west from the West River and to the north by Wintergreen Brook and there are associated wetlands along the northwestern portion of the site.

Inland Wetlands Regulated Area Existing Conditions:

This site has primarily impervious surfaces such as buildings and pavement. There is a narrow band of vegetation along Wintergreen Brook and the West River, however traces of past development and use of the site are still evident here in the form of foundations, footings, and rubble. The site has gentle slopes except for steep banks along the streams. On the north side, the upland drains into Wintergreen Brook. This stream flows west into the West River, which also receives the runoff from the remainder of the site. The paved portion of the site is separated from the vegetated stream banks by a concrete wall as shown on the plans. 1.562 acres of Inland Wetlands Regulated Area is present on the site. 0.672 acres of the Regulated Area is currently disturbed, and a total of 1.077 acres is proposed to be disturbed (0.405 acres in addition to the currently disturbed area).

Proposed activity:

The applicant proposed to construct a 357,312 SF mixed-use building that will contain 245 dwelling units. The building will have a mix of three-bedroom townhouses, studios, and one, two, and three-bedroom apartments. Ten percent of the units (not including the townhouses) will be accessible, with accessible units distributed among unit type. Additionally, in accordance with Section 50-Inclusionary Zoning, 5 percent of the units will be 'IZ Affordable Units' as defined by Section 50.

The building will also include a 2,300 SF retail space on the ground floor fronting Whalley Avenue and Fitch Street and a parking garage located at the ground level with 203 spaces. Sixteen spaces will be provided in a surface lot. The building will also include a variety of amenity spaces for tenants.

The applicant also proposes an accessible Riverwalk Trail along Wintergreen Brook and the West River, accessible to the public via an entrance off Fitch Street.

See below for proposed Inland Wetlands Regulated Activity.

**INLAND WETLANDS REVIEW
CLASSIFICATION**

- Class N: Non-Regulated Uses
- Class A: Uses Permitted by Right
- Class S: CTDEP Regulated Operations and Uses
- Class B: Inland Wetlands Commission Regulated Operations and Uses Having a Minor Impact
- Class C: Inland Wetlands Commission Regulated Operations and Uses Having a Major Impact

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 Inland Wetlands Agent recommends a "Class C" classification on the basis of the total area of Regulated Area proposed to be disturbed (>1 acre), the proximity to the West River and Wintergreen Brook and disturbance of the riparian buffer, and the nature of work (extensive tree removal, bank stabilization, and building demolition and construction within the Regulated Area).

Proposed regulated activity:

Regulated activity includes grading related to connecting the proposed riprap protected outfall swale to the existing channel downstream of the existing outfall and construction of riprap bank stabilization and plantings above the coastal jurisdiction line.

Additional regulated activity includes the demolition of the existing buildings and flood walls, removal of existing debris, construction of the new building and pedestrian pathway, and associated pedestrian amenities, removal of invasive species including trees, and new plantings.

Wetland/watercourse area disturbed:

Wetlands: 0.067 acres open water body: 0 acres stream: 0 linear feet

Regulated Area disturbed:

1.077 acres

Soil science report:

Robert C. Russo, of CLA Engineers, identified wetland soils and their boundaries, which were located by Bennett & Smilas Surveying Associates, Inc on the Property and Topographic survey dated August 4, 2021. The wetlands on the site were delineated per Section 22a of the Connecticut general statues using a handheld auger. The work was performed in August of 2021 and included several soil borings between the existing developed surfaces and the river to determine which areas met the statutory definition of wetlands and watercourses. In several locations there were physical boundaries such as concrete and stone retaining walls.

Vegetation:

Thirty-nine (39) of the existing trees in the regulated area are proposed to be retained. Fifty-two (52) trees are proposed to be removed. A four-year invasive species removal plan is proposed to remove invasive species on site and allow native plantings to establish themselves. Invasive removal will be conducted by cutting invasives to ground level and spot application of herbicide for four (4) consecutive years with annual reporting to the City Plan Department.

The following additional steps will be taken regarding herbicide use for invasive species control:

1. The licensed applicator will spot apply herbicide to only the cut stems of the plants identified as invasive. Herbicide will not be broadcast.
2. Herbicide will applied only at limited times after plants have been cut in the late summer or early fall.
3. To the extent practical, herbicide specific to the species being controlled for will be selected.

The Commission recommends extreme care be taken with application of herbicide in the regulated area, with alternate methods used whenever possible.

Planting plan:

Proposed plantings throughout the Regulated Area include 19 new native trees and 147 native and wetlands-appropriate shrubs, as shown on the Planting Plan. Additional plantings include native and wetlands-appropriate groundcover such as Swamp Aster, Joe Pye Weed, and Pennsylvania Sedge.

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.

Required Findings for a Class C Application:

The Commission must make the following findings for a Class C Application:

1. No feasible and prudent alternative exists.
2. No preferable location on the subject parcel or elsewhere can reasonably be required;
3. No further modification of the proposed activity can reasonably be required taking into account the resources of the applicant, to further reduce any adverse environmental impacts; and
4. The public benefit of the proposed activity justifies any possible degradation of the regulated area.

INLAND WETLAND FINDING

The Regulated Area on the Subject Site includes a large portion of already-disturbed Regulated Area, including paved and built surfaces, construction debris along the riverbank, and invasive species. The current state of the Regulated Area and considerable untreated stormwater runoff into the river and brook has contributed to the impaired state of these waterbodies. The proposed activities aim to reduce contaminated runoff into the Regulated Area and water bodies through the Stormwater Management Plan, replace invasive plants with native, wetlands-appropriate planting, through a four-year phased invasives control plan, and strives to prevent any destabilization of the riverbank through retention of trees and robust new plantings. The Coastal Access Easement proposed with the Coastal Site Plan for the project (CPC companion Report #1611-02) will provide benefits to the public, who will have access on an accessible pathway to walk along and enjoy the river and vegetated wetlands area. A detailed, four-phase Soil Erosion and Sediment Control plan is proposed, to prevent any negative impact on the water bodies and Regulated area during demolition and construction. Additionally, an additional condition of approval has been added to the Site Plan report (CPC companion Report #1611-02), requiring weekly updates to the Commission on the status of Soil Erosion and Sediment Control during the project.

Based on the above, the Commission makes the following findings:

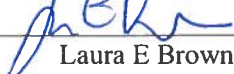
1. That no feasible and prudent alternative exists.
2. That no preferable location on the subject parcel or elsewhere can reasonably be required.
3. That no further modification of the proposed activity can reasonably be required taking into account the resources of the applicant, to further reduce any adverse environmental impacts.
4. That the public benefit of the proposed activity justifies any possible degradation of the regulated area.

The Commission believes that the required findings for a Class C application have been satisfied. The Inland Wetland application is hereby approved, in accord with the submitted plans and the Conditions as stated on pages 1-2 of Report 1611-02.

ACTION

The City Plan Commission approves the submitted Site Plans subject to conditions in the Site Plan staff report, Report #1611-02.

ADOPTED: July 20, 2022
Leslie Radcliffe
Chair

ATTEST: 

Laura E Brown
Executive Director, City Plan Department