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

RE: **BURWELL STREET.** MBLU: 073 0983 00100. Site Plan Review, Coastal Site Plan Review, and Inland Wetlands Review for construction of a 540 SF utility building in the IH Zone and Coastal Management Area, with activity in the Inland Wetlands Regulated Area. (Owner/Applicant: New Haven Terminal, Inc.; Agent: Stephen Benben)

REPORT: 1623-03
INLAND WETLANDS FINDING: Approval with Conditions
COASTAL SITE PLAN ACTION: Approval with Conditions
SITE PLAN ACTION: Approval with Conditions

STANDARD CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this site plan and soil erosion and sediment control plan approval is valid for a period of five (5) years following the date of decision, until December 15, 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. 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).
3. 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.
4. Signoff on final plans by the Engineer; Department of Transportation, Traffic, and Parking; City Plan Department; and Fire Marshal in that order shall be obtained prior to initiation of site work or issuance of building permit.
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. Flood elevation certificate and Flood Development Permit certifying finished floor elevation shall accompany application for building permits.
8. Any proposed work within City right-of-way will require separate permits.
9. Prior to applying for Building Permit, street address(es) shall be assigned by the City Engineer.
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 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 mylar and digital form (.pdf).

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, CSPR, and IW forms. NARRATIVE attached. Application fee: $810. Received September 22, 2022.

Site Plan Application, submitted September 22, 2022, revised October 26, 2022, November 21, 2022, December 2, 2022, and December 8, 2022:

- Executive Summary, 6 sheets, n.d.
- Wetland Delineation Report, 5 sheets, dated August 2, 2022
- List of Abutters, 1 sheet, n.d.
- A-2 Survey, 1 sheet, dated August 19, 2022
- Site Location map, 1 sheet, n.d.
- Overall existing conditions plan, 1 sheet, dated September 20, 2022
- Layout Plan, 1 sheet, dated September 20, 2022
- FEMA Flood Panel, 1 sheet, dated October, 2020

Received October 26, 2022:

- Floodplain Development Permit

Received December 2, 2022:

- Waiver Request, 3 sheets, dated December 2, 2022, revised December 8, 2022
- Stormwater Management Plan, 68 sheets, dated December 2022, revised December 1, 2022, and December 9, 2022

PROJECT SUMMARY:
Project: Burwell Street utility building
Address: Burwell Street
MBLU: 073 0983 00100
Site Size: 16.4 acres
Zone: IH
Parking: N/A
Owner/Applicant: New Haven Terminal, Inc **Phone:** 203-314-7727
Agent: Stephen Benben, Triton Environmental, Inc **Phone:** 203-458-7200

BACKGROUND
Previous CPC Actions:
None.

Zoning:
The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the IH zone.

Site description/existing conditions:
The site sits on the New Haven/East Haven border, with 16.4 acres located in New Haven. The majority of the site is a paved tank farm, with access roads around the perimeter of the site. There is also a forested portion. Portions of the site are located in the FEMA 'A' Zone, therefore the entire site is considered to be in a floodzone and the Coastal Management Area. The site is accessed off of North Frontage Road (Route 1) in East Haven. Tuttle Brook runs along the southern edge of the parcel. The site is located approximately one-quarter mile north of Interstate 95 and approximately one mile east of New Haven Harbor. It is bordered by Peat Meadow Park to the southwest and additional property owned by NHT to the east, north, and west.

Proposed activity:
The Applicant is proposing to construct an electrical utility shed and transformer at the southeast corner of the parcel. The purpose of the utility shed is to house upgraded electrical components necessary to operate product transfer pumps at the existing Facility. The shed will be a steel structure with a slab foundation. The footprint is

30'x18' with a maximum height of 17'-9". The shed will be serviced from a nearby utility pole located north of the existing access road to the facility, within 50 feet of Tuttle Brook (Inland Wetlands Regulated Area). The underground utility electrical conduit will service a new UI-owned transformer that will service the new structure.

Motor vehicle circulation/parking/traffic: No change to existing. The site is accessed via an easement connecting vehicles from North Frontage Road to the site. There are unpaved access roads around the perimeter of the site. Installation of the utility structure will not alter parking requirements or traffic impact.

Bicycle parking: No change to existing conditions.

Trash removal: No change to existing conditions.

Signage: No new signage proposed at this time. All signage must meet zoning ordinance requirements.

Sec. 58 Soil Erosion and Sedimentation Control:
☒ **Class A** (minimal impact)
☐ **Class B** (significant impact)
☐ **Class C** (significant public effect, hearing required)
Cubic Yards (cy) of soil to be moved, removed or added: 93 CY
Start Date: Winter 2022 Completion Date: Winter 2022
Responsible Party for Site Monitoring: Anthony Richardi, AEC, Inc. Anthony@arichardi.com 203-467-3360

This individual is responsible for monitoring the site to assure there is no soil or runoff entering City catch basins or the storm sewer system. Other responsibilities include:

- monitoring soil erosion and sediment control measures on a daily basis;
- assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment and by soil stockpiles during the construction phases;
- determining the appropriate response, should unforeseen erosion or sedimentation problems arise; and
- 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, the named party is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

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*.

Note: Because the project is between 1 and 5 acres ("small construction"), the applicant is not required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction from CT DEEP as long as the applicant has adhered to the erosion and sediment control regulations of the municipality in which the construction activity, in this case, the City of New Haven.

Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS
REQUIRED DOCUMENTATION
☒ Soil characteristics of site;
☒ Location of closest surface water bodies and depth to groundwater;
☒ DEEP ground and surface water classification of water bodies;
☒ Identification of water bodies that do not meet DEEP water quality standards;
☒ Proposed operations and maintenance manual and schedule;

☒ Location and description of all proposed BMPs;
☒ Calculations for stormwater runoff rates, suspended solids removal rates, and soil infiltration rates;
☒ Hydrologic study of pre-development conditions commensurate with conditions.

STANDARDS
☒ Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited;
☒No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity;
☒Design and planning for the site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible;
☒Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination;
☒Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment;
☒Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil and litter;
☒On-site infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible;
☒Post-development runoff rates and volumes shall not exceed pre-development rates and volumes for various storm events. Stormwater runoff rates and volumes shall be controlled by infiltration and on-site detention systems designed by a professional engineer licensed in the state of Connecticut except where detaining such flow will affect upstream flow rates under various storm conditions;
☒Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternately, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis; and
☒Use of available BMPs to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

Sec. 60.1 Exterior Lighting: No new exterior lighting proposed.

Sec. 60.2 Reflective Heat Impact: SUBMISSION MEETS REQUIREMENTS
STANDARDS
☒ 50% of all on-site non-roof hardscape or paved areas will be either:
- ☐ shaded AND/OR
- ☒ constructed of a material with a solar reflectance index of at least 29.

TOTAL SF of non-roof hardscape: 604 SF
50% of non-roof hardscape: 302 SF

Shaded (average)	-
SRI > 29	**604 SF**
Cement	604 SF
Parking striping	-
StreetBond coating	-
TOTAL PROPOSED SHADED/HIGH SRI AREA	**604 SF**
% SHADED/HIGH SRI PROPOSED	**100%**

Note: There is no bituminous paving on the parcel. There are some existing concrete pads and product piping painted white, with SRI>29. The applicant proposes an additional 604 SF of concrete paving and proposes removal of an existing concrete pad.

Sec. 50. Inclusionary Zoning: DOES NOT APPLY

Project Timetable: Project will commence upon receipt of permits and is expected to be completed by the end of the year, weather permitting.

SITE PLAN REVIEW
Plans have been reviewed by the Site Plan Review team with representatives from the Departments of City Plan, City Engineer, Building, Disabilities Services and Transportation, Traffic and Parking and have been found to meet the requirements of City ordinances, Regulations, and standard details.

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 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 December 15, 2022.

Proposed regulated activity:
Activities within 50' of Tuttle Brook include trenching for electrical conduits from an existing utility pole located within an unvegetated (compacted gravel) portion of the 50' wetland buffer area. The conduits will connect to a proposed transformer and structure located outside of the Regulated Area.

Wetland/watercourse area altered:
Wetlands: 0 acres open water body: 0 acres stream: 0 linear feet

Upland area altered:
<0.01 acres

Soil science report: Eric Davidson, of Davison Environmental, conducted an inspection on the property on August 1, 2022, as depicted on the *Wetland Delineation Sketch Map*. The purpose of the inspection was to delineate Connecticut jurisdictional wetlands and watercourses. The inspection was conducted by a soil scientist according to the requirements of the Connecticut Inland Wetlands and Watercourses Act (P.A. 155). Wetlands were delineated by examining the upper 20" of the soil profile with a spade and auger. Those areas meeting the requirements noted above were marked with pink flagging tape and numbered. The delineated

wetland is a permanently flooded emergent marsh. The dominant vegetation is common reed (*Phragmites australis*). The wetland boundary along its entirety consists of a manmade earthen embankment (i.e., fill slope) bordering the edge of the fuel storage yard. Several culvert outlets carry flow under the storage yard, discharging to the wetland. The wetland is large in size, continuing in all directions from the delineation limits, and draining to Tuttle Brook.

Vegetation: The dominant vegetation is common reed (*Phragmites australis*).

Planting plan: No planting is proposed. While inland wetlands are present within 50' of a small portion of the proposed activity, the area of work is an unvegetated, hard packed gravel road and developed area of the property. The only disturbance anticipated in the reghulated area will be a narrow trench through the gravel area for the purpose of connecting the transformers to the main trunk of the existing electrical service. Because NHT will be trenching in an unvegetated, gravel area, no impact to the wetland resources is anticipated and planting any new vegetation is not feasible in this location. However, the applicant proposes the removal of a concrete pad currently located in the Regulated Area and infill of this area with compacted granular fill. This will restore infiltration capacity of this portion of the Regulated Area and will serve as a restoration measure to make up for the minor distrurbance created by the proposed trenching.

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 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 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.

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Applications for development on waterfront parcels shall additionally consider protection of the shoreline where there is erosion or the development is likely to cause erosion; degree of water dependency; preservation of significant natural vistas and points or avenues of views of the waterfront; provision of meaningful public access; and insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location.

The Commission will also consider whether the proposed application is consistent with the City's Municipal Coastal Program.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Freshwater Wetlands-See Inland Wetlands portion of the report.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	Potential adverse impacts include soil/sediment erosion during construction, which should be mitigated by soil erosion and sediment control measures.
2. Potential beneficial impacts	None identified.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None identified.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	No—not a waterfront site. Will not preclude water dependent uses adjacent to the site.
5. Have efforts been made to preserve opportunities for future water-dependent development?	N/A—not a waterfront site. Will not preclude water dependent uses adjacent to the site.
6. Is public access provided to the adjacent waterbody or watercourse?	N/a—not a waterfront site.

7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No.
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6'.	No.

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

ADOPTED: December 15, 2022
Leslie Radcliffe
Chair

ATTEST: _____
Laura E Brown
Executive Director, City Plan Department

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 no impact on coastal resources and approval for a coastal permit to be issued.

ADOPTED: December 15, 2022

ATTEST: _____
James Turcio
Building Official