

**NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT
COASTAL SITE PLAN REVIEW**

RE: 67 BEECH STREET. MBLUS: 198 0604 01200; 198 0604 01201; 198 0604 01202. Coastal Site Plan Review and a Special Permit for construction of a two-family house with residential use on the first floor, in the BA Zone and Coastal Management Area. **Owner/Applicant:** Andrew Consiglio Jr. Trustee **Agent:** Benjamin Trachten.

REPORT: 1627-03

ACTION: Approval with conditions

Previous CPC Actions:
No previous CPC actions.

Submission: SP Application Packet including DATA, CSPR, AND SPECIAL PERMIT forms. Application fee: \$350, \$200. Received January 13, 2023.

- Stormwater Management Plan
- Civil Plans
- BZA Approval
- Narrative
- Drainage detail sheets

BACKGROUND

Per the City of New Haven zoning regulations Sections 42A2 and 64, Agent Benjamin Trachten of Trachten Law Firm LLC has applied for a Special Permit on behalf of Andrew Consiglio Jr. Trustee to construct a two family building and its associated parking on a vacant lot at 67 Beech Street, which is located in the BA Zone.

Current site conditions: The 8,767 SF site includes three vacant lot with I-91 to the south and mixed-use development to the north, east, and west. A structure previously located on the east lot has been demolished, leaving unpaved land with some vegetation. The site is located at the end of Beech Street, a small street running south off of State Street.

Proposed Activity: Construction of a two-family house, surface parking, and associated site improvements.

PUBLIC HEARING

A public hearing was held on February 15, 2023. A transcript of the meeting, 1627, is available from the City Plan Department.

One member of the public gave testimony.
Topics raised in public testimony included:

- Support for the special permit
- Precedent of the Commission in granting special permits for first floor residential
- Lack of any impact on coastal resources

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact

of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
<p>a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.</p>	<p><i>The applicant has demonstrated that all ordinance requirements are met.</i></p>
<p>b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.</p>	<p><i>The proposed use is consistent with the uses in the BA zone and the surrounding area which has a mixture of residential and other uses. BZA relief for side and rear lots was granted in September 2022 due to the irregular shape of the lot.</i></p>
<p>c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.</p>	<p><i>The City's Comprehensive Plan calls for mixed-use and medium-density residential development in the area.</i></p>
<p>d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.</p>	<p><i>No alterations of natural features are proposed. The site was previously occupied by a building which has been demolished, therefore limited natural features can be found on the parcel.</i></p>
<p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>	<p><i>As residential use is proposed, no detrimental impacts are anticipated.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>No existing structures or historic features on site. The site is in the Upper State Street National Historic District.</i></p>

<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	<p><i>The applicant has stated that, "The property will be developed with customary building materials and will meet drainage requirements and be in scale with the surrounding area." And that, "this property is on a stub of a street that forms at an irregular intersection with State Street and first floor residential, as opposed to Commercial use, is appropriate. If commercial use were required, there would be no visibility for such commercial use from State Street (the nearest main road)."</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The proposed changes of use are not anticipated to have a detrimental effect on surrounding property values--the residential-use building is replacing a vacant lot.</i></p>
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p><i>The applicant states that they, "do not foresee any impact on neighborhood traffic from the proposed use. In fact, in the BA zone, this parcel could have supported a far greater number of units without review, but the low density 2-family is a use that respects the fabric of the neighborhood while only requiring two parking spaces (which are provided plus more)."</i></p>

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:

None identified.

Coastal Program Criteria	Comments
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1. Potential adverse impacts on coastal resources and mitigation of such impacts	Potential adverse impacts could arise from soil/sediment erosion during the construction process if major rain/flooding events occur. Soil Erosion and Sediment Control measures should mitigate these impacts.
2. Potential beneficial impacts	Improved stormwater management will decrease runoff and peak flows from the site and reduce contaminated runoff entering the Mill River.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	No conflicts identified. The lot is located in a developed area and is not adjacent to the waterfront.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	N/A Not a waterfront property
5. Have efforts been made to preserve opportunities for future water-dependent development?	N/A Not a waterfront property
6. Is public access provided to the adjacent waterbody or watercourse?	N/A Not a waterfront property
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.

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.

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.

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42A2 of the New Haven Zoning Ordinance for residential units on the first floor in a BA Zone are as follows:

1. **Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).**
2. **The condition of the end of the sidewalk on Beech Street should be resolved with the Engineering and Transportation, Traffic, and Parking Departments prior to issuance of a building permit.**
3. **The applicant shall merge all lots through the appropriate legal instruments and file updated survey on the land records and inform the Tax Assessor of the same. Applicant shall provide City Plan with proof of such recording on the land records prior to issuance of building permit.**
4. **The applicant will pave to the property boundary with the State of Connecticut and provide evidence of this prior to issuance of a building permit.**

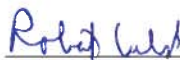
ADOPTED: February 15, 2023
Leslie Radcliffe
Chair

ATTEST: 
Laura 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: February 15, 2023

ATTEST: 
Robert Walsh
Building Official