

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** 500 WATERFRONT STREET Special Exception and Coastal Site Plan Review for the removal and installation of above ground fuel tanks. Zone: IH. (Owner: Gulf Oil, LP. Applicant: Christopher Gill.)

**REPORT:** 1556-12

**ADVICE:** Coastal Site Plan: Approve

### PRINCIPAL APPLICABLE REGULATIONS

**Section 42:** Table 3: Use Table for Commercial Zones:

In IH zones, outdoor storage of fuels, chemicals and building materials (whether in tanks or other containers) [or expansion of such a use], except as incidental to other activities is permitted by Special Exception.

**Section 55:**

A written Coastal Site Plan Review (CSPR) shall be conducted for all buildings, uses, or activities located within the Coastal Management District. The review shall determine that potential adverse impacts of the proposed use on both coastal resources and future water-dependent development activities are acceptable within the meaning of the Connecticut Coastal Management Act (CCMA), as amended.

#### Previous BZA Actions:

71-74-S. Special Exception to establish a petroleum storage tank of 24,170 barrels for distillate, replacing 15,000-barrel tank.

93-14-CAM Coastal Site Plan Review for installation of a temporary storage shed. Approved, June 8, 1993.

17-28-S, 17-29-CAM- Special Exception and Coastal Site Plan Review for 8,000-gallon fuel tank. Approved, April 11, 2017

17-86-S, 17-87-CAM. Special Exception and Coastal Site Plan Review for removal/installation of above ground fuel tanks in an IH zone. Approved, 12/12/2017

#### Prior CPC Actions:

1163-11: Coastal Site Plan Review for installation of a temporary storage shed. Approved, June 16, 1993.

1387-02: Site Plan Review including CSPR for new fueling rack in an IH zone. Denied without Prejudice, August 17, 2005.

1389-05: Site Plan Review including CSPR for construction of new office building and related improvements in an IH zone. Approved, June 21, 2006.

### BACKGROUND

The applicant is requesting a Special Exception to permit removal of five existing fuel storage tanks with a total capacity of around 2 million gallons and replacing them with a new approximately 7 million gallon AST, the installation of an 8,000 gallon additive AST, along with associated piping in the same area within a ±12 acre gasoline storage tank farm located on the east shore of New Haven Harbor immediately south of the Pearl Harbor Memorial ("Q") Bridge and the Tomlinson Bridge. The application notes that the proposed tank will be located on top of a concrete pad and will measure 140ft in diameter and 56 feet in height. The AST will be installed within an existing secondary containment area that contains existing bulk storage tanks with capacities up to approximately 4 million gallons. Because the property lies within the area of the Coastal Area Management District a Coastal Site Plan Review is required. This property is located with direct waterfront access to the Quinnipiac River in the New Haven Harbor area.

## APRIL 9 PUBLIC HEARING

The engineer for the project (Steve Benben) explained the location of the site and noted that a similar application was approved in the recent past with the main difference being that the proposed tank is larger than before in terms of storage but does not differ in height. All the tanks are located with dykes to mitigate any erosion. The location of the proposed tanks are away from the street and activity on site. The site is heavily regulated by DEEP and the site has been historically compliant. There is also a floating roof on the tanks to eliminate air leaking along with fire retardant measures.

No members of the public spoke in either support or opposition of this application.

## PLANNING CONSIDERATIONS: SPECIAL EXCEPTION CONSIDERATIONS

The addition of a slightly over 5 million gallons of storage capacity within this existing facility, while the type of incremental change that can be anticipated in most industrial operations in response to changing environmental regulations, market conditions and production technology, is of considerable significance.

While not appearing to have any negative impact on traffic or environmental conditions for the surrounding properties or the general welfare of the city above the present impacts associated with current operations.

It is worth noting that the IH zone is the only zone that permits this type of use and that the use of the property for fuel storage has been in place for over 85 years. The property is completely surrounded by other heavy industrial uses and the waterfront and is buffered from any residential uses by New Haven Harbor on one side and by the "Q" Bridge/I-95 superstructure on the other. It is located over 1,000 feet from any residentially zoned properties, with the nearest residential use located at 227 Forbes Avenue near the intersection of Forbes Avenue and Laura Street. With the approval of a Special Exception for the use, the project will also be subject to Coastal Site Plan Review by the City Plan Commission.

## COASTAL SITE PLAN REVIEW

The Board'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.

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

**Coastal Flood Hazard Area (Flood Zone):** The property is within Flood Zone AE Areas (Elevation of 12ft) determined to be within the 1% annual chance (100-year) floodplain. Map# 09009C0442J (July 8, 2013).

**Nearshore Waters:** The site abuts New Haven Harbor to the west.

Coastal Program Criteria	Comments
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1. Potential adverse impacts on coastal resources and mitigation of such impacts	The site consists of a bulk petroleum terminal and contains bulk storage tanks that store petroleum, ethanol products, and additives surrounded by a single secondary containment structure. Since fuel and chemical spills constitute a severe risk to coastal resources, they are mitigated with secondary containment structures, such as concrete walls, asphalt coated earthen dike, and concrete dike, encompassing the entirety of the site. Because the entire property is paved or cleared of vegetation (in various areas of the property), there is no natural vegetation and no terrestrial animal habitats are known to be located at or near the specific project site.
2. Potential beneficial impacts	There do not appear to be any beneficial effects for the coastal zone due to the nature of the proposed project and the absence of natural resources and public access to the waterfront at this property.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	The project is consistent with the goals and policies stated in §22a-92, C.G.S. since the project site is already fully developed. There will be no expansion of impervious surfaces or other construction activities other than the installation of an above-ground storage tank over a one-month construction period requiring the excavation of approximately 8 cubic yards of existing soil material to be relocated within the secondary containment area.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	The property is a water-dependent use with a multi-vessel docking area.
5. Have efforts been made to preserve opportunities for future water-dependent development?	N/A. See number 4 and 6.
6. Is public access provided to the adjacent waterbody or watercourse?	Public access is inconsistent with state and federal regulations concerning the security and public safety requirements of the petroleum storage facility.
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)?	The tank will be installed within a secondary containment area with other bulk storage tanks and secured in place on top a concrete pad.
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'.	The site is located off of New Haven Harbor within a marine terminal area. The site and abutting properties receive shipment of goods (i.e. petroleum products) from barges and ships. While the property is located at the shorefront, the specific proposed activity is not at the shoreline edge and will not result in any change to navigable waters or shipping traffic.


### Sec. 60 Stormwater Management Plan:

The applicant submitted a Stormwater Management Plan as part of this application. This plan indicates that the proposal will result in approximately 7,500sf of additional impervious surface on the 12-acre site with the project disturbance being approximately 20,000sf. The applicant is not proposing any changes to the existing stormwater management system citing the fact that there will be no net increase in peak rate of discharge or volume of stormwater run, the high groundwater level on site as well as the need to maintain an impervious containment system.

**FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception to be essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety and general welfare will be served, and substantial justice done by its approval.

**ADOPTED:** April 17, 2019  
Leslie Radcliffe  
Vice Chair

**ATTEST:**   
Aicha Woods  
Director, City Plan Department