

## MEMORANDUM

TO: BOARD OF SELECTMEN  
CC: PLANNING AND ZONING COMMISSION  
FROM: USE OF PUBLICLY OWNED PROPERTY COMMISSION  
RE: 10-14 MERRITT AVENUE OPEN SPACE RECOMMENDATION  
DATE: February 2, 2023

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Pursuant to its role as defined in the Town of Woodbridge Charter, the Use of Publicly Owned Property Commission ("CUPOP") analyzed the proposed open space offered by the developer of the 10-14 Merritt Avenue subdivision, to determine whether the proposed land would provide a beneficial use for the town of Woodbridge ("Town").

As presented to the Planning and Zoning Commission ("TPZ"), the developer proposed a "trail corridor along the east bank of the West River to be deeded to the town in fee simple to provide a location for a trail from the New Haven town line to Merritt Avenue" (APPENDIX A and B) to comply with Chapter VIII of the TPZ Subdivision Regulations For the Town of Woodbridge. In CUPOP's January 23, 2023 meeting, CUPOP unanimously passed a motion to recommend to TPZ to REJECT the proposed land for open space because the proposed land does not provide a beneficial usage for the Town for the reasons listed below.

### **Federally regulated flood zone**

The proposed land is located in a federally regulated high risk flood zone (APPENDIX C). As indicated in the West River Watershed Management Plan (August 2015, page 7, APPENDIX D) there is a long history of flooding along the West River located in the "Woodbridge Flats" due to storm drain systems being over capacity during rain storms, coupled with significant and frequent riverine flooding.

### **The proposed land is not a viable place for existing or future trails.**

The proposed land does not attach and is not located near any existing trail system within The Woodbridge Greenway (APPENDIX E), nor the Connecticut Greenway (APPENDIX F). The proposed land does not offer a viable link to the Connecticut Greenway, due to its distance from its existing trails. There is an existing trail that allows for the contiguity of the Connecticut Greenway (APPENDIX F) which crosses over the Wilbur Cross Parkway above the West Rock/Heroes Bridge. The West River Coalition has created walking paths along the West River on the New Haven side; however contiguity of the walking trails to Woodbridge is impossible due to the Wilbur Cross/Rte 15 corridor.

**The proposed land does not provide a recreational purpose.**

The proposed land is not easily accessible from the east, due to overgrown vegetation and wet marshy land (APPENDIX G ); the north due to its location close to the Merritt Avenue bridge and overgrown vegetation (APPENDIX H); the south due to the Wilbur Cross Parkway (APPENDIX H and I); nor the west due to the West River (APPENDIX H).The characteristics and access limitations may pose a liability for the town should anyone attempt access under current conditions. In addition, the West River in this location, "is not supporting for recreation or aquatic life" as detailed in the West River Watershed Plan's Figure 1-4: Water Quality Impairments in the West River Watershed (APPENDIX J), limiting any potential recreational use such as water play or fishing.

**Accepting the proposed land would decrease tax revenue.**

Accepting the land would decrease tax revenue for the Town. Although an estimate of revenue derived solely from the proposed open space property is difficult to ascertain, as of January 12, 2023, the Town's Assessor Office provided CUPOP with the following information: The assessment for 2021 on 10 Merritt Avenue, which was split for construction as of 10/21/22, was \$439,880, with an under construction assessment for 2022 of \$317,900, and 14 Merritt Avenue at \$264,220. The 2021 mill rate is 43.77, and the 2022 mill rate will be set the end of May 2023. An estimate of tax revenue on the 2022 grand list for both parcels is \$25,479 ( $\$317,900 + \$264,200 = \$582,120 \times .04377 = \$25,479$ ). Once construction is complete, the 2022 grand list will be adjusted to add the difference from the date of completion to September 2023. Although wetlands/ open space has a different valuation, the mill rate remains the same (APPENDIX K); accepting the open space will reduce tax revenue from the subdivision.

**There are current protections in place that adequately protect the proposed open space.**

The Town does not have to view ownership of the proposed land as an only recourse to ensure protection of the West River; there are adequate current protections in place. The Connecticut Department of Energy and Environmental Protection has designated the entire West River watershed as an official Connecticut Greenway which created a corridor of open space to protect resources ([www.portal.ct.gov/DEEP](http://www.portal.ct.gov/DEEP)). The West River Coalition protects the waterway, by addressing pollution in order to provide clean water, healthy plants and good habitat for birds, fish, and animals while creating learning opportunities, and developing community stewards to care for the river ([www.westriverwatershed.org](http://www.westriverwatershed.org)). State and Town wetland regulations offer additional protection for this area.

**Miscellaneous**

In addition to the proposal made by the developer, CUPOP assessed Conservation Commission's ("WCC") recommendation to TPZ to acquire open space in the area of lots 13 and 14. CUPOP unanimously concluded that open space within lots 13 and 14 do not provide a benefit to the town. The area proposed is located behind other units to the west, a fence to the north and east, and the Wilbur Cross Parkway/Rte15 to the south (APPENDIX L). The location of this property, and the limited access to it, would only benefit those who reside within the subdivision, and not the Town as a whole.

**Community input**

Tim Austin, Chair of WCC and ex officio member of CUPOP, was invited to provide CUPOP with WCC's position at the January 23, 2023 meeting, however Mr Austin was not able to attend, and did not send an alternate; therefore WCC's position is not reflected within this report. We received no additional community input.

We hope that this memorandum is helpful to both the Board of Selectman and TPZ regarding the open space proposal for the 10-14 Merritt Avenue subdivision. Should you need any additional information, please do not hesitate to contact Chair Nicole Donzello at [nicole.donzello@sbcglobal.net](mailto:nicole.donzello@sbcglobal.net).

## **APPENDIX A**

# JPGA

October 31, 2022

Mr. Robert Klee, Chairman  
Town of Woodbridge  
Planning and Zoning Commission  
7 Meetinghouse Lane  
Woodbridge, Ct. 06525

Reference: Subdivision of property of 10 and 14 Merritt Avenue.

Subject: natural features on and adjacent to the site.

Dear Chairman Klee:

The site is approximately 3.59 acres east of Litchfield Turnpike bounded by the Merritt Parkway on the south and Merritt Avenue on the north. The West River bisects the parcel north to south. There are small pockets of inland wetlands soils along the south boundary adjacent to the State Row.

We are proposing to provide a trail corridor along the east bank of the West River to be deeded to the town in fee simple to provide a location for a trail from the New Haven town line to Merritt Avenue.

There are no other significant natural features on the site.

Very truly yours,



John Paul Garcia, P.E.L.S.  
JPG/sp  
M:\allprojects\4055 letter re natural features.doc

## JOHN PAUL GARCIA AND ASSOCIATES, P.C.

190 FAIRWOOD ROAD, BETHANY, CONNECTICUT 06524

TELEPHONE (203) 393-3306 FAX (203) 393-3941

CIVIL AND STRUCTURAL ENGINEERING SURVEYING SITE PLANNING INVESTIGATIONS

## **APPENDIX B**



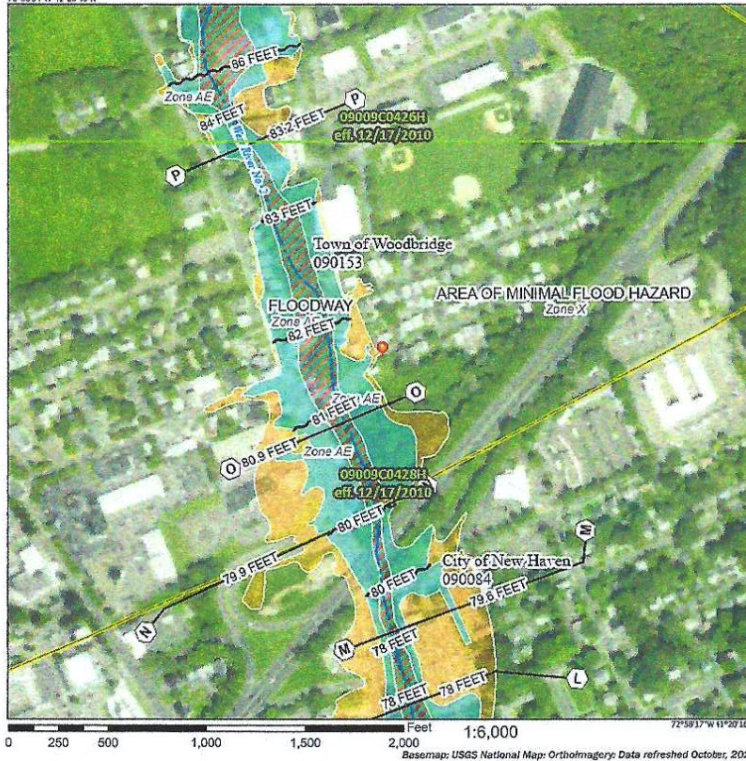
## **APPENDIX C**



# National Flood Hazard Layer FIRMette



72°58'54"W 41°20'43"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE) Zone A, X, or Z
  - With BFE or Depth Zone A, X, or Z
  - Regulatory Floodway
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
  - Future Conditions 1% Annual Chance Flood Hazard Zone X
- OTHER AREAS OF FLOOD HAZARD**
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
  - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
- Area of Minimal Flood Hazard Zone X
  - Effective LOMRs
  - Area of Undetermined Flood Hazard Zone D
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- OTHER FEATURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
  - Coastal Transect
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary
  - Coastal Transect Baseline
  - Profile Baseline
  - Hydrographic Feature
- MAP PANELS**
- Digital Data Available
  - No Digital Data Available
  - Unmapped
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/10/2022 at 10:49 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoderated areas cannot be used for regulatory purposes.

## **APPENDIX D**

Urban stormwater runoff is a significant source of pollutants and a leading cause of water quality impairments in the West River. Stormwater runoff from developed areas and other nonpoint sources of pollution in the watershed are major contributors of bacteria, sediment, and nutrients. Stormwater runoff collected by the combined sanitary and storm sewer system in the City of New Haven also contributes to Combined Sewer Overflow (CSO) discharges to the West River during periods of heavy rainfall, when the combined sewer system becomes overwhelmed and untreated sewage is discharged directly to the river.

The Greater New Haven Water Pollution Control Authority (GNHWPCA) is in the process of implementing a long-term plan to reduce CSOs to the West River, which includes traditional gray infrastructure and green infrastructure<sup>2</sup> approaches. In addition to GNHWPCA, the City of New Haven, private development, and other groups are implementing green infrastructure in the West River watershed, which will reduce CSO discharges, runoff volumes, and wet weather pollutant loads.

### *Loss of Habitat*

Historical development in the watershed and other factors are also responsible for loss of important habitats including inland wetlands, tidal marsh, natural vegetation along stream corridors, aquatic habitat, and forests. The West River and its tributaries were once important habitat for anadromous<sup>3</sup> fish species, although urban development and flood control projects have diminished the quality and extent of fisheries in the watershed. The lower portions of the West River (e.g., West River Memorial Park and Edgewood Park) have been the focus of efforts by various groups over the past decade to restore lost or degraded habitat.

### *Limited River Access*

Access to many portions of the West River is limited due to development along the river and the presence of major roads that cut-off the river from the surrounding neighborhoods (e.g., Ella T. Grasso Boulevard). Improved access to the West River and its tributaries is needed to enhance recreational opportunities as well as public appreciation and stewardship of the river.

### *Flooding*

Portions of the West River and its tributaries have a long history of flooding as a result of historical development in the watershed. The U.S. Army Corps of Engineers spent much of the 1900s redirecting the West River to suit industrial and flood control needs. Urban flooding is common in some of the more urbanized areas of the watershed where storm drainage systems are over-capacity during some storms. Riverine flooding is also a significant and frequent problem in some areas, particularly near Blake Street, the Woodbridge Flats area, and along Wilnot Brook (also known locally as Farm Brook).

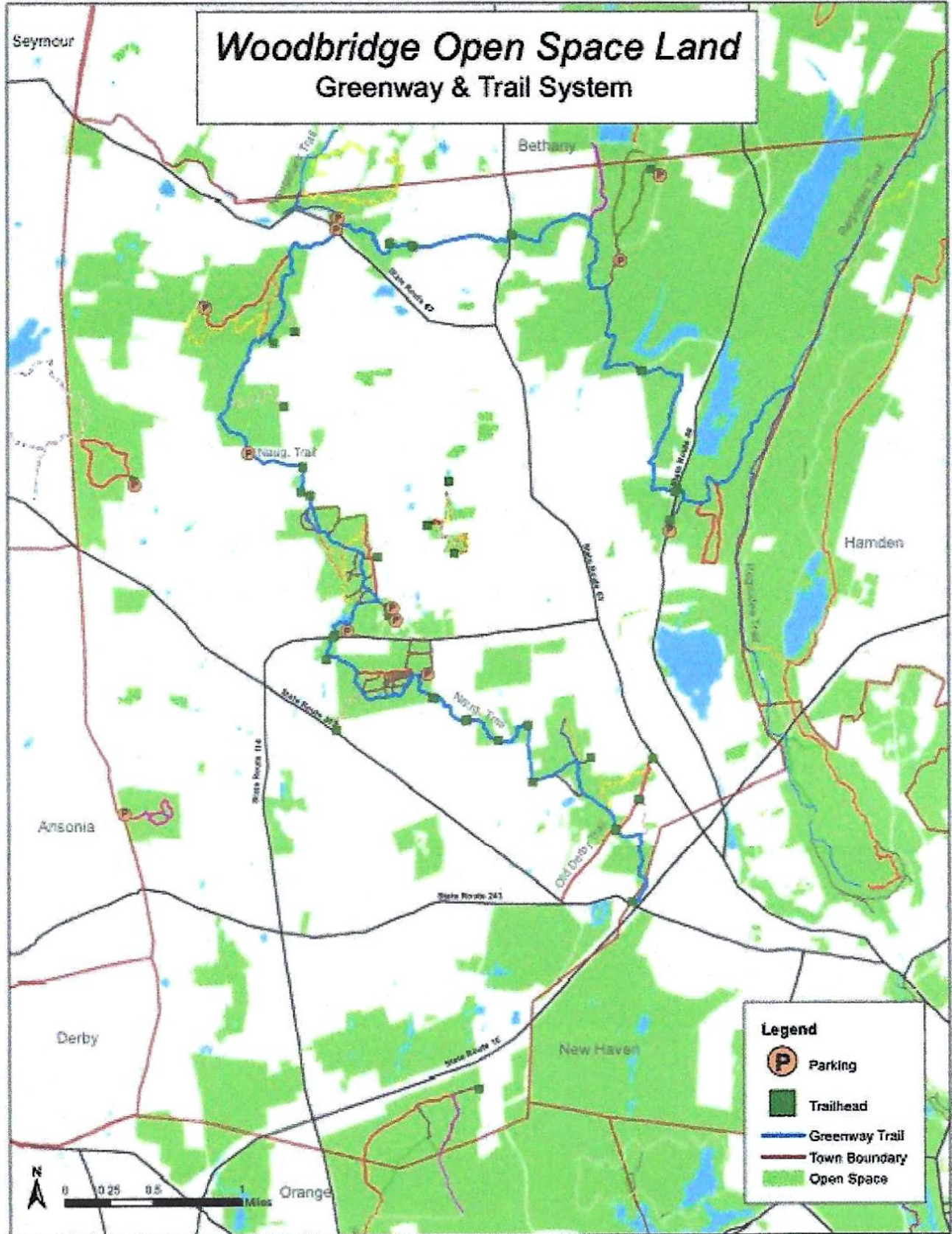
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<sup>2</sup> Green infrastructure refers to systems and practices that reduce runoff through the use of vegetation, soils, and natural processes to manage water and create healthier urban and suburban environments (EPA, 2014). When applied to sites or neighborhoods, green infrastructure includes stormwater management practices such as rain gardens, permeable pavement, green and blue roofs, green streets, infiltration planters, trees and tree boxes, and rainwater harvesting. These practices capture, manage, and/or reuse rainfall close to where it falls, thereby reducing stormwater runoff and keeping it out of receiving waters.

<sup>3</sup> Anadromous fish begin life in freshwater, migrate to the sea to reach maturity, and return to freshwater to spawn.

## **APPENDIX E**

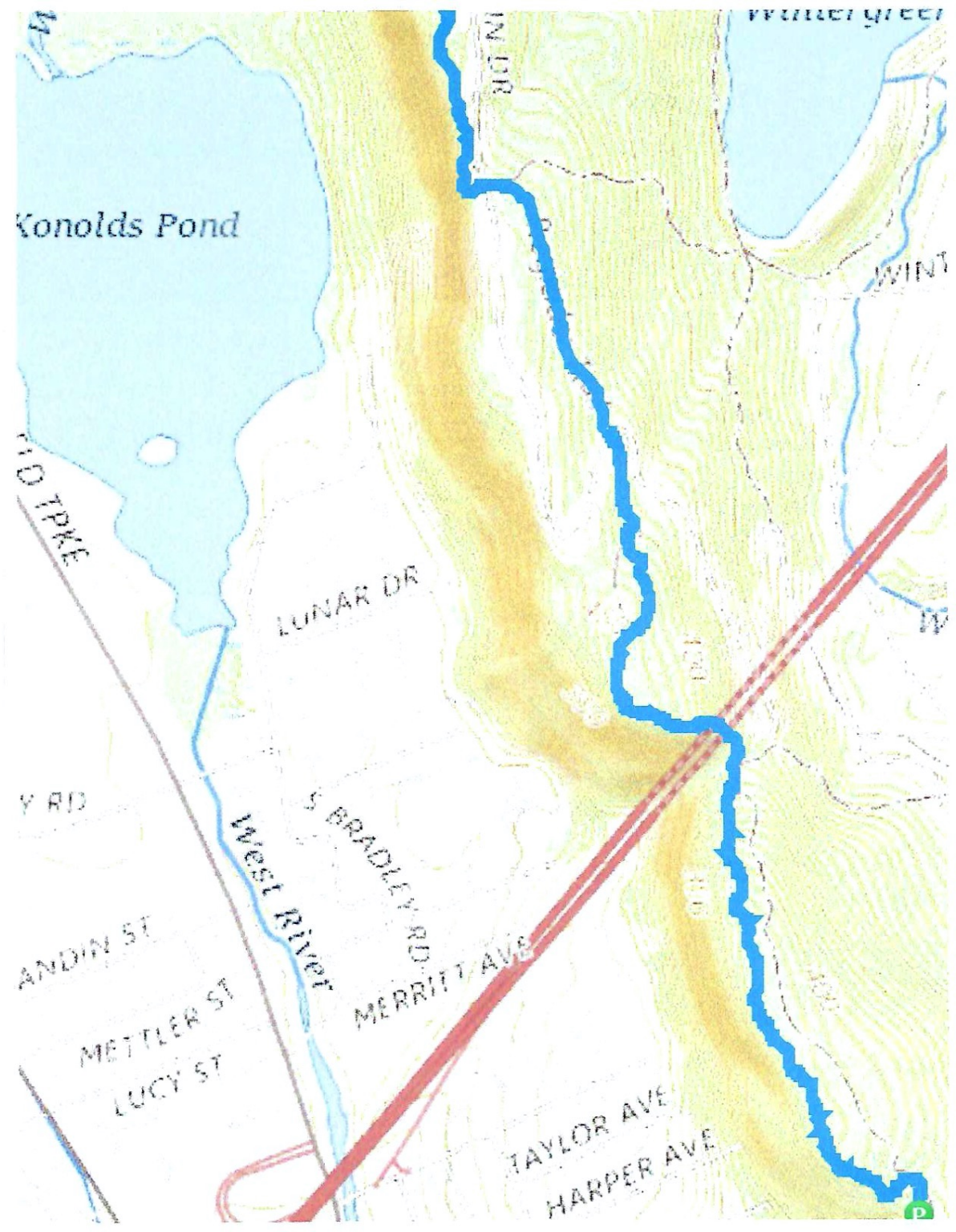
# Woodbridge Open Space Land Greenway & Trail System



Open Space Land owned by Avangrid, Eversource, Regional Water Authority, Private Landowners, State of CT, Town of Woodbridge, Woodbridge Land Trust, & Woodbridge Park Association

Created by SCRCOG, November 2022  
Data Sources: SCRCOG Open Space Inventory (2018); SCRCOG Regional Recreational Trails

## **APPENDIX F**



Konolds Pond

OLD TRKE

Y RD

ANDIN ST

METTLER ST

LUCY ST

LUNAR DR

West River

S BRADLEY RD

MERRITT AVE

TAYLOR AVE

HARPER AVE

IN DR

WINTER GREEN

WINT

W



## **APPENDIX G**





## **APPENDIX H**



## **APPENDIX I**



## **APPENDIX J**

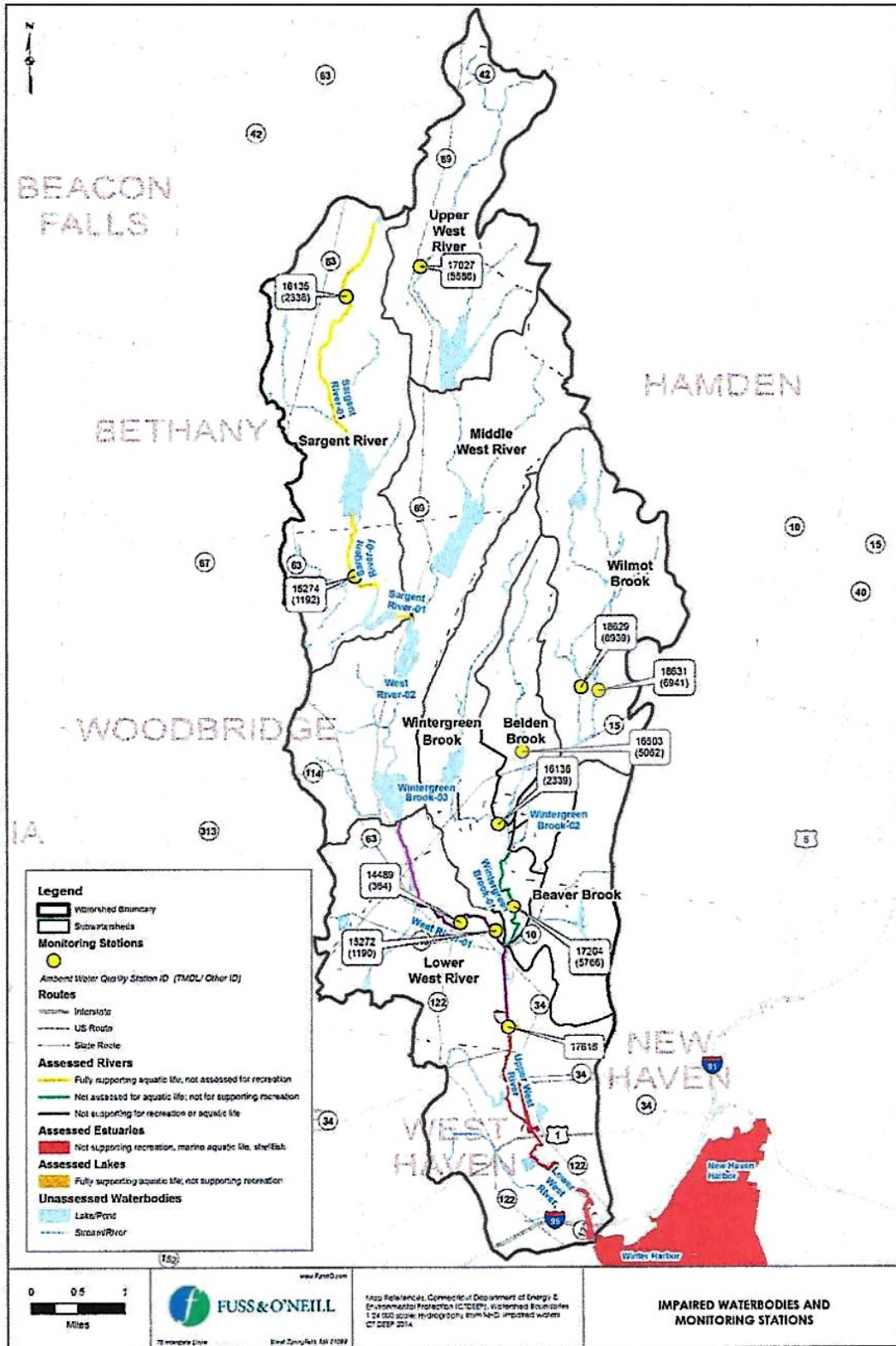


Figure 1-4. Water Quality Impairments in the West River Watershed

## **APPENDIX K**



From: Marsha Benno <mbenno@woodbridgect.org>  
Subject: RE: EXTERNALRe: EXTERNALRe: Public Property  
Date: January 12, 2023 at 3:33:53 PM EST  
To: Javier Aviles <javyisu@gmail.com>

Hi Javier,

10 Merritt was a split and under construction as of 10/1/2022. The assessment for 2021 was 439,880 and the under-construction assessment on 10 Merritt for 2022 is 317,900 and 14 Merritt for 264,220. The 2021 mill rate is 43.77 and the 2022 mill rate will be set by the end of May. An estimate of tax on 2022 grand list for both parcels is \$25,479 ( $317,900 + 264,200 = 582,120 \times .04377 = \$25,479$ ).

Once the construction is complete the 2022 grand list will be adjusted to add the difference from date of completion to Sept 2023.

There is not a different mill rate for wetland/open space. There is a different valuation. The property cards online will show the assessments, but the 2022 will not be finalized and up until January 31, 2023.

Marsha

## **APPENDIX L**

