

## Site Plan Approval Requirements Summary - North Avenue Water Storage Tanks

63-67 North Avenue, Westport, CT

Updated May 15, 2020

The information below is an excerpt that includes the requirements for the North Avenue Water Storage Tank project related to the Connecticut Public Utilities Regulatory (PURA) ruling in Docket No. 17-10-34 and requirements from the Town of Westport Zoning Commission. A copy of the full document is attached for reference

### Condition # 1

Conformance to Site Plans, prepared by AECOM, dated 6/21/17, revised 8/25/17, received by P&Z 8/28/17 (Sheet C-101, revised 8/29/17) and the Environmental Land Solutions, LLC's Landscape Plan, revision 7, dated November 8, 2018, filed with the Connecticut Public Utilities Regulatory Authority (PURA) in PURA Docket No. 17-10-34, to be further revised to:

- A. Show the proposed 31.85-foot and 37.75-foot height dimensions for each tank as measured from average grade. Aquarion shall be allowed to construct the Tanks with a dome height that is less than that shown on the referenced Site Plans, subject to administrative approval only by Commission staff or the Zoning Officer.
- B. The Tanks shall be light green in color. Aquarion shall submit at least three (3) color choices to the Commission staff or Zoning Officer for prior approval.
- C. The Landscape Plan shall be revised to:
  - i. Include details on how to "deer-proof" the proposed plantings; and
  - ii. To replace the proposed White Pine with White Spruce, as agreed to by the applicant and as agreed to by the Town Tree Warden.

### Response # 1

Aquarion submitted updated plans including items addressed in A and C above to the Town of Westport Planning and Zoning staff on May 5, 2020 and has received confirmation that the plans are received.

The color samples for the tank will be submitted to the Commission staff or Zoning Officer in August 2020 for review.

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### Condition # 2

Within 120 days of a final Decision in Docket No. 17-10-34, Aquarion shall assess the sound and light emissions from the existing North Avenue Pump Station, complete any necessary remedial measures, and submit to the Commission a report certified by a Connecticut licensed professional engineer demonstrating compliance with applicable regulations.

#### Response #2

Aquarion completed the installation of sound dampening equipment at the site to reduce the noise levels related to operation of the emergency generator on March 24, 2020. Work consisted of modifying the intake and exhaust louvers to install sound baffles. The installation resulted in a reduced in noise levels of 31% (71 to 54 decibel reduction) at the closest property line. A copy of the report filed with PURA is attached for reference.

The pump station security light, which had been staying on continuously, was modified on June 20, 2018 to insure it only turns on upon motion activation.

### Conditions # 3

The applicant shall not exceed the restrictions of the Noise Ordinance listed in §42-22, of the Town Code (as listed below), and the applicant has further agreed NOT to work on Sundays and legal holidays in response to neighbor's concerns.

From §42-22, of the Westport Town Code:

*"Except in cases of emergency, construction or repair work that is accompanied by noise shall be prohibited within the Town between the hours of 8:00p.m. and 7:00 a.m. on weekdays, and between the hours of 8:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays."*

#### Response #3

Aquarion will comply with the Noise Ordinance listed above in Condition # 2

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### Condition #4

The Commission recommends the applicant submit to the Board of Selectman, acting as the Traffic Authority, plans when developed after contractors are secured, for bringing equipment and materials to the site, so as to minimize adverse impacts to surrounding residential property owners and schools. The Commission further recommends U.S. Route 1 be utilized to the greatest extent possible (rather than Local Streets).

#### Response #4

Aquarion submitted a Material, Equipment and Deliverable Route Plan to the office of the First Selectman and Town Engineering for review on May 11, 2020.

### Condition # 5

The applicant and the Town of Westport acting through the Tree Warden as it's Agent shall evaluate the growth and maturity of the proposed trees at intervals following the issuance of the final Zoning Certificate of Compliance (ZCC) Including at 3 years and 5 years from the date of the final ZCC to monitor whether the walls of the tanks are screened from view as intended as represented by Charles V. Firlotte, President and CEO of Aquarion in his letter to the Planning and Zoning Commission Chair dated 8/23/17. The applicant has agreed to replace any dead trees and/or fill in any gaps found during these inspections.

#### Response #5

Aquarion will work with the Town of Westport to evaluate the growth and maturity of the trees at 3 years and 5 years from the completion of the project.

### Condition #6

Prior to the issuance of a Zoning Permit, the applicant shall submit the following documents to the office:

- a) Administrative approval from the Conservation Department;
- b) Final signoff from the Engineering Department;
- c) Emergency contact information for Aquarion personnel and Town of Westport Operations Director should neighboring residential property owners need to make contact.

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- d) Proof of filing the resolution of approval on the land records.

### Response #6

Aquarion submitted construction plans to the Conservation Department and the Engineering Department on May 5, 2020. The Conservation Department has issued its administrative approval on May 11, 2020. The final sign-off from the Engineering Department will be made as part of the regular issuance of a Zoning Permit, planned in May.

Emergency contact information was provided to the Town of Westport on May 11, 2020 for Aquarion's Project Manager, Mark Fois.

The Planning & Zoning resolution was filed on the land records on October 17, 2017 and proof of filing is attached. The Public Utility Rate Authority Decision dated December 18, 2019 amends the previous approval and has been submitted to the Town of Westport for recording on the land records.

### **Condition #7**

All work approved pursuant to this Special Permit/Site Plan shall be completed within 5 years of the date of approval. On April 16, 2020 the Town has agreed that the 5year term shall commence as amended by PURA on December 18, 2019. Once construction commences at the Property, construction shall be completed within two (2) years, unless otherwise extended by the Commission. Landscaping shall be completed in the first planting season after completion of construction of the Tanks.

### Response #7

Aquarion will comply with the schedule requirements noted in Condition # 7.

A general schedule for the work is expected to be as follows:

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<u>Work Activity</u>	<u>Estimated Time Period</u>
Mobilization	May 2020
Soil and Erosion Controls and Installation of Fencing and Tree Clearing	May and June 2020
Construction of Tank # 1 – Northern Tank	August 2020 through December 2020
Demolition of Existing Steel Tank	March and April 2021
Construction of Tank # 2 – Southern Tank	May 2021 – November 2021
Final Grading, Loam and Seeding and Landscaping	April/May 2022

The above schedule is subject to change based on weather conditions and overall progress of the project.

**Condition# 8**

The replacement and/or repair of any stone wall greater than 4 feet in height shall require the issuance of building permit.

Response # 8

While Aquarion does not plan to repair or replace any stone walls during the project, it would comply with this requirement.

**Condition#9**

Prior to issuance of a Zoning Certificate of Compliance, the applicant shall submit a final "As-Built" survey.

Response #9

Aquarion will comply with the above requirements.

**Condition #10**

All plantings shown on an approved Site Plan shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical

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condition throughout the duration of the use. Existing native plants, and newly installed native salt tolerant plants located in the vegetative buffer in particular, must be maintained. Plants, fences or walls not so maintained shall be replaced with new materials no later than the beginning of the next immediately following growing season.

### Response #10

Aquarion will comply with the above requirements.

### **Condition #11**

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

### Response #11

No response required.

### **Condition #12**

Aquarion shall expend up to \$225,000 for the Landscape Fund to provide additional landscaping and/or fencing for adjacent property owners who have direct views of the Tanks after the landscaping of the Property is complete. The Landscape Fund shall be administered by an independent administrator chosen by two thirds of the households abutting the tank who are present to vote. The reasonable expenses of the independent administrator shall be paid by the Company.

### Response #12

Aquarion will work with adjacent property owners and the independent administrator to meet this requirement.

### **Condition #13**

The Landscape Review Team shall meet to review the landscape plan to evaluate whether modest changes to the number and height of trees can be made to the landscape plan. An individual selected by the neighbor group will be permitted to participate and to ask questions of, and provide comments to, the Landscape Review Team. However, the Landscape Review Team may not recommend changes to the landscape plan that would require further review by or approval of the Commission.

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### Response #13

Aquarion will schedule and review the Landscaping Plan with the Landscape Review Team. The first meeting is expected to be in June 2020.

### **Condition # 14**

Aquarion shall provide a 10-year \$25,000 bond to the Town for the continued maintenance of the landscaped screening.

### Response #14

Aquarion will comply with the above requirements. The bond will be provided at the completion of construction.

### **Condition #15**

If allowed by the permission of the respective owners, the Company shall perform pre-construction building assessments on properties within 250 feet of the Property to establish baseline conditions in the event of a property damage claim resulting from the construction, including but not limited to blasting or drilling.

### Response #15

Aquarion will contact the neighbors in May 2020 to begin to arrange for pre-construction building assessments.

### **Condition #16**

Aquarion shall identify and pay for a single point of contact (Ombudsman) during construction to serve as a liaison with the community. The Ombudsman shall be chosen by the Town, subject to approval of Aquarion and two thirds of the households whose property is within 250 feet of the Property and are present to vote. The Ombudsman and appropriate Aquarion personnel shall meet with the school superintendent and police department to minimize the construction impact on traffic on North Avenue in the vicinity of Staples High School, particularly during school drop off and pick up times.

### Response #16

The Town has selected Gail Kelly, who served as Assistant Town Attorney to be the Ombudsman for the project. Aquarion has agreed to the selection by the Town. The

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Town and the Company shared this information with Neighbor Representative Banks who indicated that she expects the Neighbors to vote on selection of the Ombudsman on May 14, 2020.

A meeting with the school superintendent and the police department on is being planned in May 2020.

### Condition #17

The Ombudsman shall establish an email list-serve and provide weekly email project updates to the list-serve of construction activities. Aquarion shall provide more frequent communications during significant events such as excavation, blasting, removal or disturbance of bedrock or other heavy construction activities.

#### Response #17

The frequency of the communications with the community, neighbors and residents will meet the above requirements. To date the following documents have been sent out:

- Letter to Neighbors dated May 15,2020
- Press Release – planned by the end of May 2020

This section will be updated as information is sent out. The Ombudsman request for email addresses went out with the letter to neighbors.

### Condition # 18

Aquarion shall submit construction plans to and consult in advance with the Town Building Official to coordinate site activities with the Town.

#### Response #18

Construction plans were submitted to the Town Building Official on May 8, 2020 for coordination.

### Condition #19

Aquarion shall retain and pay for an independent site monitor, subject to the Town's reasonable approval. The monitor shall visit the site at reasonable intervals and provide reports to the Commission as to compliance with the Special Permit.

#### Response #19



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Aquarion selected Redniss & Mead as an independent monitor for the project. The Town of Westport Engineering and Planning & Zoning Director approved the selection on April 23, 2020.

**Condition #20**

Aquarion shall not propose or support the installation of radio frequency transmission facilities, including cellular communication antennas, at the Property.

Response #20

No response required.

**Condition #21**

To improve fire flows at a number of nodes, Aquarion will accelerate the replacement of certain water mains in Westport from its planned 8-10 years to approximately 5 years, subject to the Authority's review and approval.

Response #21

The water main projects have been submitted to PURA for approval and the work will be completed in approximately 5 years from the PURA decision on December 18, 2019.