

**METROPOLITAN DISTRICT COMMISSION
SPECIAL MEETING
WATER BUREAU
MONDAY, DECEMBER 10, 2018
4:30 P.M.**

Location

Board Room
District Headquarters
555 Main Street, Hartford

Commissioners

Adil
Buell
Camilliere
Charron
DiBella (Ex-Officio)
Fitzgerald
Gardow
Hall
Holloway

Ionno
Kowalyszyn
LeBeau
Pane
Salemi
Sweezy
Taylor
Special Representative
Carrier

Quorum: 8

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENTS RELATIVE TO AGENDA ITEMS**
- 3. APPROVAL OF PUBLIC HEARING MINUTES AND MEETING MINUTES OF NOVEMBER 28, 2018**
- 4. CONSIDERATION AND POTENTIAL ACTION RE: RAW WATER TRANSMISSION MAIN ENCROACHMENT AGREEMENT - FISHER DRIVE AND BICKFORD DRIVE, AVON**
- 5. OPPORTUNITY FOR GENERAL PUBLIC COMMENTS**
- 6. COMMISSIONER COMMENTS AND QUESTIONS**
- 7. ADJOURNMENT**

**ENCROACHMENT AGREEMENT
CHERRY BROOK - RESERVOIR 6 SECTION II PIPELINE RIGHT-OF-WAY
REALIGNMENT OF FISHER DRIVE AND BICKFORD DRIVE, AVON**

To: Water Bureau for consideration on December 10, 2018

On August 21, 2018, the Metropolitan District received a request from Ronald Bomengen of Fuss & O'Neill, on behalf of the Carpionato Group, LLC, and Avon Town Center, LLC, developer and owner, to permanently encroach upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot right-of-way, containing an existing 48-inch RCP raw water transmission main, located across Fisher Drive, Bickford Drive and private lands, west of Route 10 in Avon (the "right-of-way"). This encroachment will provide access for the realignment of the intersection of Fisher Drive and Bickford Drive, Stage 1 of the Avon Village Center mixed use development project, as shown on the accompanying map.

The raw water pipeline right-of-way across the parcel was conveyed to the Metropolitan District by the Ensign-Bickford Company on December 27, 1961 in conjunction with the construction of the Cherry Brook – Reservoir 6 Section II Pipeline, and is recorded in the Town of Avon land records: Volume 45 Page 79. Item 6 of the easement document states that the Grantor "shall have the right to build public roads across any portion of said rights-of-way subject to approval of the Grantee herein in writing and provided such roads, including surfacing and grading, shall not interfere with the rights herein granted."

As stated previously, the purpose of this encroachment is to allow for the realignment of the intersection of Fisher Drive and Bickford Drive, to include placement of water mains, storm drains, gas mains, sanitary sewer pipe, concrete sidewalks, granite curbing, light poles, rip rap, a concrete culvert end, a bituminous concrete path and grading within the right-of-way (hereinafter collectively referred to as the "Improvements").

The Owner has agreed to the following conditions, in order to satisfy the District's concerns for protection of the existing 48-inch raw water transmission main located within the subject right-of-way and the District's accessibility along the length of the right-of-way:

1. No additional permanent structures, other than the proposed Improvements shall be located within the District's right-of-way.
2. Pipes crossing over or under the District's pipelines shall maintain a minimum eighteen (18") inch vertical clearance.
3. Grading shall be such that the surface of the right-of-way shall maintain not less than three (3) feet nor more than ten (10) feet of cover over the raw water pipeline.

4. The Metropolitan District shall not be held liable for any damage caused to any structure listed above located within or adjacent to the right-of-way in the event of an emergency raw water transmission main repair. The Metropolitan District will make every effort feasible to minimize damage to these structures; however, the cost for repairs to such structures shall be the responsibility of the Owner.
5. The District reserves the right to remove any improvements within the right-of-way at any time if so required for maintenance or repair of the raw water transmission main. The Owner shall bear any additional maintenance or repair costs necessitated by the presence of any improvements upon the right-of-way.
6. Care must be taken during construction not to disturb the existing raw water transmission main. All heavy construction equipment must be located outside the limits of the right-of-way when not in use. Any earth moving equipment that will be utilized on the site over and adjacent to the water main shall be reviewed and approved by District staff prior to mobilization to the site. Any damage to the existing raw water transmission main caused by any construction within the right-of-way shall be the responsibility of the Owner.
7. An MDC inspector must be on the job site whenever work is being performed by or on behalf of Owner to construct, maintain or repair any Improvements within the right-of-way. Any construction, maintenance or repair of the Improvements shall conform to District standards and 48-hours advance notice must be given to the District prior to any such construction, maintenance or repair within the right-of-way.

Staff has reviewed the proposed construction plans and determined that there will be no negative impact on District property or infrastructure.


It is therefore RECOMMENDED that it be

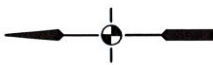
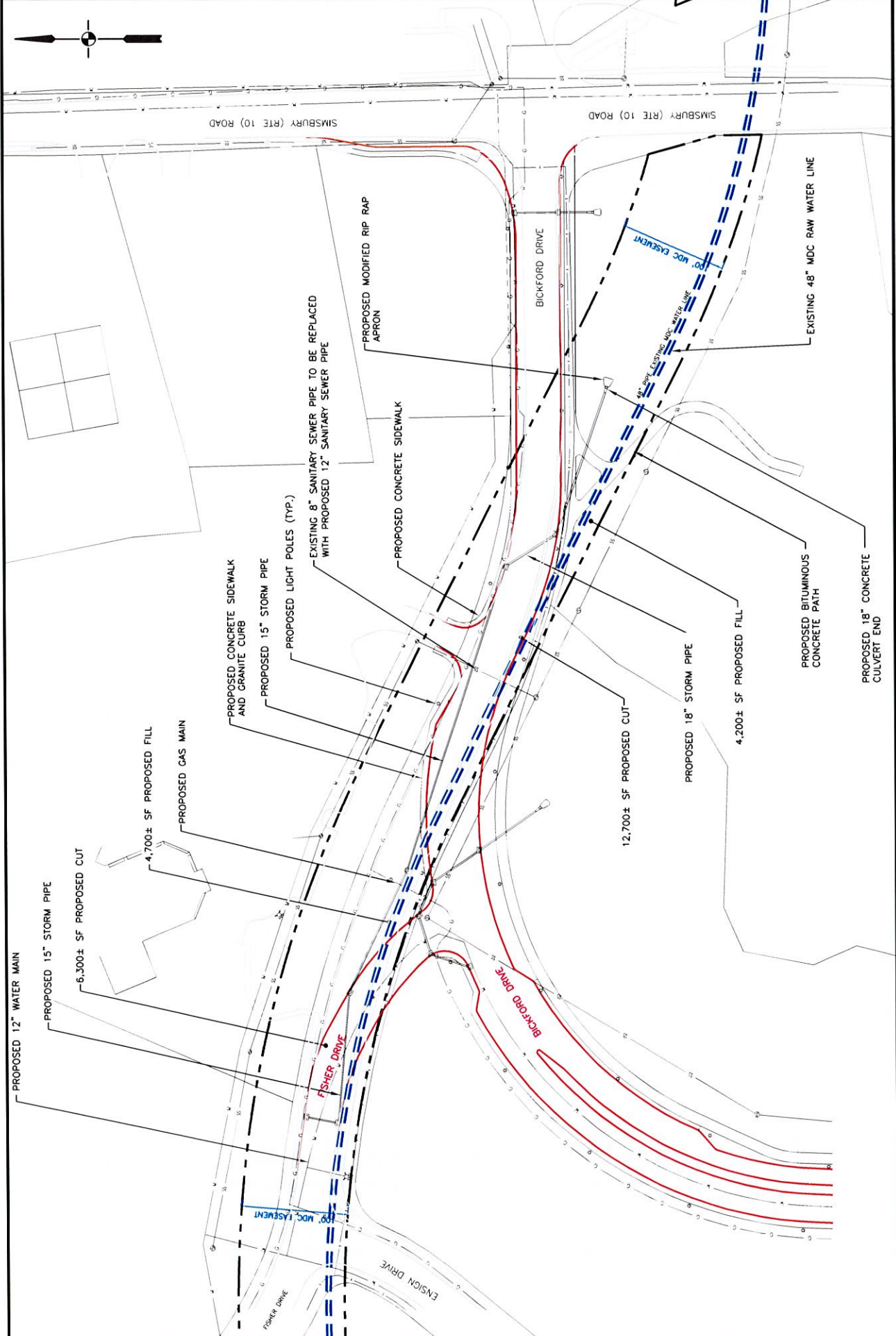
VOTED: That the Water Bureau recommends to the District Board passage of the following resolution:

RESOLVED: That the Chairman or Vice Chairman of the District Board be authorized to execute an agreement, subject to approval as to form and content by District Counsel, granting permission to Avon Town Center, LLC to encroach upon the Cherry Brook – Reservoir 6 Section II Pipeline 100-foot raw water right-of-way located across Fisher Drive, Bickford Drive and private lands, west of Route 10 in Avon, for the purpose of installing water mains, storm drains, gas mains, sanitary sewer pipe, concrete sidewalks, granite curbing, light poles, rip rap, a concrete culvert end, a bituminous concrete path and grading for the intersection realignment of Fisher Drive and Bickford Drive, Avon, provided that the District shall not be held liable for any costs or damages of any kind which may result during initial construction or in the following years with respect to any

subsequent construction, maintenance or repair as a result of such encroachment.

Respectfully Submitted,


Scott W. Jellison
Chief Executive Officer



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 Latest Revision: 9/5/18

AVON VILLAGE CENTER PHASE I AVON

TO ILLUSTRATE 100'
 EASEMENT ENCROACHMENT



FUSS & O'NEILL

August 21, 2018

Mr. Michael Curley, Manager of Technical Services
The Metropolitan District
Engineering & Planning
555 Main Street
P.O. Box 800
Hartford, CT 06142-0800

RE: Avon Village Center Encroachment Permit Request
Avon, CT
Fuss & O'Neill Reference No. 2014 0986.S10

Dear Mr. Curley:

On the behalf of the Carpiato Group, LLC, I would like to request an encroachment permit for Stage 1 of the Avon Village Center (AVC), a mixed-use development. The proposed project is located on approximately 100 acres of land north of Route 44 and west of Route 10/202. The portion of the project that will require an encroachment permit from The MDC is located near the intersection of Fisher Drive and Route 10/202.

The AVC development will be constructed in multiple phases beginning with Stage 1 in the fall of 2018. Stage 1 of construction includes the realignment of Bickford Drive and Fisher Drive near the intersection of Route 10/202. A portion of a 100 foot MDC easement is within the Stage 1 area. Construction activities within the MDC easement will include:

- Clearing and grubbing
- Earth moving (excavation and fill)
- Removal of existing roadway
- Removal of existing utility and stormwater system infrastructure
- Installation of utility and stormwater system infrastructure
- Installation of bituminous concrete roadways, concrete walkways, granite curbs, bituminous concrete trails, and Farmington Valley Greenway Trail
- Installation of light poles

146 Hartford Road
Manchester, CT
06040
t 860.646.2469
800.286.2469
f 860.533.5143

www.fando.com

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Detailed plans for all proposed construction within the MDC easement are enclosed with this letter.

Please consider this a formal request for a permanent encroachment permit to develop the AVC Stage 1 improvements within the MDC easement.



FUSS & O'NEILL

Michael Curley
August 21, 2018
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If you have any questions, please don't hesitate to call me at (860) 646-2469, ext. 5253.

Sincerely,

Ronald E. Bomengen, PE, LEED AP
Associate/Department Manager

Enclosures: Plans Entitled: "Avon Village Center – Phase 1, Stage 1, MDC Encroachment Permits"
Sheets MDC-01-03, dated 08/03/2018

c: Jennifer Ottalagana