



Noise Variance

Applicant Agent: VCC Construction, by John Edminson, General Superintendent

Location: 100-101 North Water Street (The SoNo Collection Mall construction site)

Activity requested: Concrete pouring activities, including the placement of concrete for slab on grade, elevated slabs, and flat work at the project site during nighttime hours.

Date and time of activity requested: 4 am – 7 am and 8 pm – 10 pm, Monday - Friday, September 1, 2018 – November 16, 2018.

Additional Information: Applicant notes:

- The Norwalk Health Department formally issued the same variance (with conditions) to Norwalk Land Development, LLC in 2017, set to expire on August 31, 2018.
- Applicant resubmitted Terracon's Community Noise Assessment report dated July 23, 2017 articulating that noise associated with the intended activity will not exceed site background noise. Applicant noted that Terracon Consultants Inc. (Stamford, CT) concluded that community noise levels were not significantly impacted by concrete pouring activities, particularly due to high background noise in the area surrounding the site, including I-95 and train traffic.
- Applicant notes that Terracon will continue to monitor noise throughout the variance to determine whether noise intensity remains at anticipated levels.

Application for the above has been reviewed by the Director of Health at a public hearing held on August 8, 2018 at 5:30 pm, at which one member of the public spoke and submitted comments including concerns about the noise and the impact on quality of life of residents in nearby neighborhoods. One member of the public submitted a letter in support of the Proposed Activity.

A variance for the Permitted Activity is hereby approved with the following conditions:

- A. The variance of the applicable noise ordinance shall cover a total of 5 hours (4 am - 7 am and 8 pm – 10 pm), 5 days per week (Monday, Tuesday, Wednesday, Thursday, and Friday) from September 1, 2018 to November 16, 2018). If weather conditions or other circumstances require date changes, the applicant will notify the Director of Health and the Norwalk Police Department immediately. The Director of Health is hereby reserving

its right to allow for date changes if weather conditions or other circumstances require such changes. Any date changes shall be posted on the site along North Water Street and West Avenue and on the informational webpage (see below). Schedule changes may require further review and approval from the Director of Health. This variance shall expire on November 16, 2018 (the "Expiration Date"). The applicant may apply for a variance in November 2018 to extend the Expiration Date, if necessary.

- B. Within 7 days hereof, the Applicant will provide a notice with an anticipated schedule of work activity permitted by this variance and the nature of the work to all abutters of record, property owners within 200 feet of the activity, and all individuals or property owners that request same. The notice will include:
 - a. A contact person and phone number designating a staff person from the Applicant agency to respond to complaints within 12 hours.
 - b. Instructions for filing complaints with the City of Norwalk through the Norwalk Police Department (203-854-3000), Customer Service (203-854-3200), or the Norwalk Health Department (203-854-7776 or healthdept@norwalkct.org).
 - c. Address for the informational webpage (see below) and instructions for signing up for email notifications.
- C. The Applicant, Norwalk Land Development, LLC, or its affiliate GGPLP Real Estate Inc. shall establish a webpage that will allow interested parties to sign up for e-mail notifications of permitted activity and schedule changes. The webpage shall also post the most current information regarding the scheduled activity, data from the sound study (see below), and other appropriate updates on the activity. The activity schedule must be updated daily to the extent changes to the scheduled activity are requested and approved by the Health Director.
- D. The Applicant will attempt to minimize truck back-ups on the site during the permitted activity to minimize reversal alarms to the maximum extent practicable, consistent with site safety.
- E. For the duration of any activities conducted during nighttime hours, all lights will be directed based off a logistics plan away from adjacent residential areas.
- F. The Applicant will attempt to limit the number of idling vehicles on site at any given time to the greatest extent possible so as to reduce the potential disturbance to surrounding properties.
- G. The Applicant will maintain an accurate complaint log and send complaint reports detailing the complaint and actions taken to resolve the complaint to the Norwalk Health Department. The logs will include the name and address of the person making the complaint, as well as the date and time of the complaint, and make reference to the corresponding complaint report. These logs and complaint reports will be emailed to healthdept@norwalkct.org within 12 hours of each instance of permitted activity.
- H. The variance may be reviewed regularly and upon receipt of complaints. The Director of Health may modify or rescind the variance by written notice to the Applicant (which may occur by e-mail), as needed, to resolve community noise disturbances while balancing the health and safety issues that are being addressed by the variance for the Permitted Activity.
- I. The applicant will retain the services of a sound consultant (currently Terracon Consultants Inc., Stamford, CT) to monitor noise levels during the permitted activity as well as at least 1 hour before and after the permitted activity. If permitted by the private

property owners, the Applicant shall monitor the noise levels from the private property(ies) from which a noise complaint originated. Results will be provided to the Norwalk Health Department regularly or upon request to investigate complaints.

- J. The Applicant shall be prepared to develop a noise mitigation plan with the Health Department should complaints arise. Methods to resolve a complaint may include, but are not limited to, the following: additional noise monitoring, strategically placed barriers, prohibiting the activity, or providing individual mitigation to complainant (e.g., ear plugs silicone, white noise machine, window treatment, or a hotel room). Failure to provide an acceptable noise mitigation plan to the Health Department will result in this variance being rescinded.
- K. Each of these conditions is an integral part of the approval and should any of said conditions be violated or stricken, this variance shall be null and void.

To the Applicant:

- 1. Carry this document with you during the activity. This is not a permit to make more noise than is minimally necessary for your needs.
- 2. Violation of the conditions of this variance constitutes grounds for revocation of the variance, and denial of future applications, and may also result in the issuance of citation(s) for violations of City Code.
- 3. If a Police Officer or Health Department official should appear, his/her instructions will supersede this variance and take precedence.



Deanna D'Amore, MPH
Director of Health

8/9/18

Date