



## Legislation Text

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**File #:** RES PH 19-96, **Version:** 1

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Approving the request for sound level variances for Lametti & Sons Inc. to allow for multiple cure-in-place sewer liner projects at eleven locations, beginning May 1, 2019 through August 1, 2019. (Fairview between Shields and Feronia, Como between Kent and Topping, Minnehaha between Arcade and 7th, Old Maryland between Abell and Jackson, Dayton between Cretin and Finn, Feronia between Dewey and Fairview, Stanford between Cretin and Mount Curve, Macalester between Grand and Summit, Wellesley between Cretin and Mount Curve, Summit between Lexington and Oxford, and Summit between Chatsworth and Milton; with Fairview between Shields and Feronia beginning May 1, 2019 through July 1, 2019; all other locations beginning June 1, 2019 through August 1, 2019)

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Lametti and Sons, Inc., represented by Ross Larson, Project Manager, who has been designated as the responsible person on the application, has applied for eleven (11) sound level variances, at a requested sound level limit of 80 decibels (dBA) at 50 feet, for sewer construction work, with use of heavy trucks with internal generators and hydraulic pumps during the sewer lining projects beginning May 1, 2019 through July 1, 2019 for the Fairview between Shields and Feronia site; and June 1, 2019 through August 1, 2019 for all other sites. The project proposes to allow elevated sound levels during two nights, one for sewer cleaning and inspection, and one for sewer lining at each of the eleven sites, with a sewer liner curing process requiring 24 hours of continuous work. Applicant indicates the site set up to occur from 6:00 p.m. to 10:00 p.m., with use of equipment with back up alarms and hand held power tools. From 6:00 p.m. until 7:00 a.m. of the following day, the equipment to be used will be critically silenced pumps and truck mounted boiler, not to exceed 80 decibels (dBA) at 50 feet; and

WHEREAS, in order to meet required City of Saint Paul project completion and to minimize disruption to traffic, area businesses, the public, adjoining residents and property owners, the applicant is seeking a variance beginning Wednesday, May 1, 2019 through Monday, July 1, 2019 for one site and Saturday, June 1, 2019 through Thursday, August 1, 2019 for all other sites. The applicant is requesting two nights, one for sewer cleaning and inspection, and one for sewer lining at each of the eleven sites for continuous cured in place sewer lining work; and

WHEREAS, if applicant is not granted the variances, Lametti & Sons Inc. will not be able to operate general construction/demolition equipment and other repair and installation equipment and power tools needed to complete the rehabilitation of deteriorated and corroded damage to the sewer pipes projects: Fairview between Shields and Feronia; Como between Kent and Topping; Minnehaha between Arcade and 7th; Old Maryland between Abell and Jackson; Dayton between Cretin and Finn; Feronia between Dewey and Fairview; Stanford between Cretin and Mount Curve; Macalester between Grand and Summit; Wellesley between Cretin and Mount Curve; Summit between Lexington and Oxford and Summit between Chatsworth and Milton, beginning May 1, 2019 through July 1, 2019 for the Fairview between Shields and Feronia site and June 1, 2019 through August 1, 2019 for all other sites.

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a sound level variance to Lametti and Sons, Inc., subject to the following conditions:

1) The Variance will be for operating general construction/demolition equipment and other repair and installation equipment for replacement, set up and installation of a cured in place sewer pipe. Rehabilitation of the deteriorated and corroded damage to sewer pipes is required. Work is to take place at eleven (11) locations within the City of Saint Paul: Fairview between Shields and Feronia; Como between Kent and Topping; Minnehaha between Arcade and 7th; Old Maryland between Abell and Jackson; Dayton between Cretin and Finn; Feronia between Dewey and Fairview; Stanford between Cretin and Mount Curve; Macalester between Grand and Summit; Wellesley between Cretin and Mount Curve; Summit between Lexington and Oxford and Summit between Chatsworth and Milton; for the Fairview between Shields and Feronia site, beginning May 1, 2019 through July 1, 2019 and for all other sites, June 1, 2019 through August 1, 2019; and

1) The Variance will include two nights of overnight work, one for sewer cleaning and inspection, and one for sewer lining at each site, 6:00 p.m. to 7:00 a.m., with site set up from 6:00 p.m. until 10:00 p.m. for use of equipment with back up alarms and hand held power tools. From 6:00 p.m. until 7:00 a.m. of the following day, critically silenced pumps and truck mounted boiler equipment, both at 70 decibels (dBA) at fifty (50) feet or less will be used during the continuous work period at each of the eleven construction sites.

2) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.

3) If the Sound Level Variance is approved, Lametti & Sons Inc. will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.

If there is a need for additional overnight elevated noise shifts, Lametti & Sons Inc. must submit an Extended Work Request (EWR) to the Department of Safety and Inspections (DSI).

- A. Lametti & Sons Inc. must submit an EWR, in writing, to DSI a minimum of four (4) work days before the start date of additional overnight elevated noise shift.
- B. The request will include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources.
- C. The EWR shall also include the name and phone number of a specific contact person for the work being done.
- D. Within two (2) working days of receiving the request, DSI, in consultation with the appropriate councilmember, shall review and approve or deny the specific request and forward the determination to Lametti and Sons Inc.
- E. If the request is approved, Lametti and Sons Inc. will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight hours prior to the start of the work.
- F. When an EWR is approved, DSI will provide Lametti and Sons Inc. with a list of property owners/residents within 400 feet of the work location that are to be notified.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in

revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Lametti & Sons Inc., represented by Ross Larson, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for operating general construction/demolition equipment and other repair and installation equipment for replacement, set up and installation of a cured in place sewer pipe at eleven (11) locations. Rehabilitation of the deteriorated and corroded damage to the sewer pipes is required. Locations are Fairview between Shields and Feronia; Como between Kent and Topping; Minnehaha between Arcade and 7th; Old Maryland between Abell and Jackson; Dayton between Cretin and Finn; Feronia between Dewey and Fairview; Stanford between Cretin and Mount Curve; Macalester between Grand and Summit; Wellesley between Cretin and Mount Curve; Summit between Lexington and Oxford and Summit between Chatsworth and Milton; for Fairview between Shields and Feronia, between May 1, 2019 to July 1, 2019 and for all other sites, June 1, 2019 to August 1, 2019. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments