

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: CITY OF NEW HAVEN / YALE UNIVERSITY, Amended and Restated Mutual License Agreement between the City of New Haven and Yale University for Chilled Water, Utility Lines and Related Actions (Yale University Office of New Haven and State Affairs)

REPORT: 1432-08

ADVICE: Approval with Conditions

BACKGROUND

Yale University maintains an extensive network of private utilities to supply campus buildings with steam, chilled water, electricity and telecommunications. Yale University has their own centralized power plants which allow for greater efficiency in providing heating and cooling to University buildings. The University's modernization of these plants has provided upgrades of the systems and reduced pollutant loads. Yale has established goals and policies for reduction of carbon emissions. The license agreement provides for the extension of the distribution system for chilled water, electric and data lines below grade.

The University's two power plants, one on Tower Parkway, and one off Congress Ave supply the bulk of the steam and chilled water. Demand for chilled water has increased significantly in both areas and the University has constructed a temporary chiller plant off of Mansfield Street (CPC 1426-02 & 1402-04) while a larger plant is constructed in Science Park CPC (1416-06 on 5/21/08) adjacent to the new garage at 276 Winchester Avenue. The need for this license springs from the need to connect that Science Park plant back to the main supply lines on Sachem Street.

The Board of Aldermen has previously approved an Order for a Mutual License Agreement and to deliver a Quitclaim Deed with Yale University in November of 2008, nearly a year ago. At that time the chiller lines were to use the Canal Street right of way. The Commission recommended Approval of that License (CPC Report 1420-08) with conditions that a site plan including logistics plan, maintenance and protection of Farmington Canal Greenway traffic during construction, and survey information be provided showing boundaries of the Canal Line and Canal Street right of way in relation to the clearly defined license area.

Since the License was approved there has been extensive investigation by the University and review by the City of the proposed route. The conclusion reached by both parties is that the number, age and location of the existing utilities in the Canal Street public right of way make it very difficult to safely locate the new chiller lines without significant disruption to the public and risk to the existing utility lines, particularly a brick sewer line dating from 1873. Prior to the Canal Street location the University had already extensively investigated alternate routes down Mansfield Street and Winchester Avenue. These routes would require the disruption of sewer, gas and water lines to virtually each and every abutting property and so they were previously rejected.

The solution reached by both parties is to allow the University's private utility lines to run in the Farmington Canal line Greenway, which is directly adjacent to and parallel to Canal Street. Yale University has therefore submitted an Amended and Restated License Agreement which covers this new alignment. Certain other provisions of the previous agreement have been amended; those that have not been changed are restated.

PLANNING CONSIDERATIONS

License agreement from City to Yale

The City has long permitted the University to run its utilities in the public rights of way, along with other utilities. Allowing disruption of both Scantlebury Park and the Farmington Canal Greenway come as a last resort, all other practical options having been exhausted. While these public open spaces are certainly much less encumbered by utility easements they are held in trust for future generations and the City must ensure that any utilities located within them cause minimal disruption over time.

Trust Fund Established

In recognition of the disruption to City facilities while the lines are constructed the University has agreed to establish a maintenance trust fund for the Farmington Canal Greenway and/or Dixwell area parks in the amount of \$100,000. When access to the lines is necessary after their completion, further disruption of the public rights of way will add \$500.00 per day to the maintenance trust fund, as well as restoring the disrupted areas to their former conditions. In addition the University will establish a temporary route for the Canal Line along Canal Street while the chiller lines are being installed.

License Agreement from Yale to the City

Yale is conveying a license agreement to the City for two separate parcels of their land which are needed to improve the geometry of the intersection of Bristol and Ashmun Street where additional radius was needed for turning between two narrow streets. The existing street width for Bristol Street is 20' and Ashmun Street is 30' wide. The second parcel is at the intersection Bristol and Canal where Bristol Street will become a cul-de-sac and additional land was needed to allow vehicles to turn around.

Quitclaim from the City to Yale

If it has not already done so, the City will quit claim a small parcel of land off of Sachem Street to the University. This quit claim was also in the previous license agreement.

Public Access to Farmington Canal Greenway owned by Yale

The University will allow public pedestrian and bicycle (non-motorized vehicle) access, as well as access for City Maintenance vehicles to the two blocks of the former Farmington Canal and Old railroad right of way that it owns between Temple and Prospect Streets. The University may close these sections of the Greenway for limited periods of time upon notice to the City.

Maintenance of Greenway

The License agreement contains some principles for sharing maintenance responsibilities for snow plowing, mowing and servicing of blue light emergency telephone system.

As the City property can accommodate these additional below grade facilities with minimal long term disruption to their use as a public multi-purpose trail, and as the burial of the electrical and data lines will keep them from being placed overhead, preventing additional clutter on poles, and as the upgrading and extension of the University's centralized heating and cooling systems in an energy efficient manner will allow for University growth with minimized impacts on the residents of New Haven, and as the University is willing to contribute to the maintenance of public open spaces in the surrounding neighborhood, and to allow public passage on the portions of the former Farmington Canal ROW that they now own, approval of this license is in the public interest.

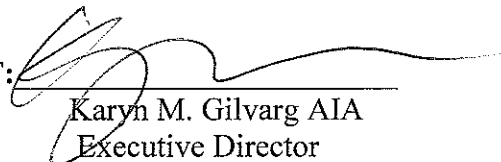
ADVICE

Approval with the following conditions:

1. The license is only for construction of the specific private utility lines described, and when complete the license area will be located and defined on an A-2 survey post construction, to the satisfaction of the City Engineer and to be recorded on the City's Land Records.
2. The License is subject and subordinate to all prior encumbrances of record affecting the area to be licensed to Yale University.
3. The City Plan Department will be notified immediately if historic features of the Farmington Canal Greenway such as stone walls or any canal or railroad artifacts or equipment are uncovered or discovered during excavation and construction. Such elements shall be documented to the satisfaction of the City, in accordance with generally accepted principles of documentation for historic artifacts. They will be left in place or removed as directed by the City.
4. A Site Plan application shall be filed for the chiller and other private utility lines including soil erosion and sediment control measures, street closing schedule and construction logistics plan, including detour routes, signage and haul routes.
5. A plan for maintenance and protection of pedestrian and non-motorized vehicle traffic on the Farmington Canal Line during the construction of the chiller lines shall be provided for City review along with the Site Plan. Through access along the Farmington Canal Greenway Trail shall remain unimpeded at all times, to the satisfaction of the City.
6. Plans for the post construction restoration of the Farmington Canal Greenway and Scantlebury Park shall be submitted for Site Plan Review by the City Plan Commission. The Farmington Canal Greenway Trail shall be restored and landscaped to the satisfaction of the City. Replacement trees will be of 3" caliper minimum, and at a ratio of 1 for 1 or greater.

ADOPTED: September 16, 2009
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg AIA
Executive Director