

Palmer Planning Board

Planning Board Meeting Minutes

Monday, October 5, 2015

I Call to order

Chairman Michael Marciniac called the meeting to order at 7:00PM on Monday, October 5, 2015 in the Police Station Meeting Room. Present were members Norman Czech, Kathleen Burns, Thomas Skowyra and Andrew Golas. Also present was Town Planner, Linda Leduc, and Nicole Parker, recording minutes.

II New Business

PMP Noise Study

Chairman Marciniac stated that this meeting was to review the sound study only.

Present was Fred Ferguson, manager and president of Palmer Motorsports Park. Present representing the Town were John Furman and Jason Ross, of Vanasse, Hangin & Brustlin.

M.Marciniac gave the floor to Fred Ferguson, who introduced himself as Principal and owner of Palmer Motorsports Park. HE went over the study that was conducted consisting of the three separate events; driving school event, high sound race event and motorcycle event. He stated that a report was completed and submitted to the Town of their engineer's review. This study was to be compared with the model that was done in 2007. In his opinion, the results reflect very closely to the model. He also stated that the model that was analyzed was off due to the fact that the track is in a slightly different location, which would amount to an approximate 2 Db. in his professional opinion.

John Furman, managing Director of the Springfield office, introduced a sound expert, Jason Ross, Director of sound and vibration.

Jason Ross then introduced himself with his background in mechanical engineering, and a Master's Degree in acoustics. He stated that he has extensive knowledge regarding sound. He conducted the review on the study from RSG. He stated that the equipment and methodology that was used was good practice. The sound data from the study seemed to provide an accurate account of the data. He stated that the placement of the equipment was slightly different than what was originally chosen, but given the topography conditions he felt it was a good practice and very similar to the noises that would have gotten had the development of the road not happened. Audibility received in the sound levels was key in understanding the energy average.

The event that was tested occurred on June 16, 2015 and was a club event consisting of 15-40 vehicles. He stated that the energy sound level was tested at 43DbL. Compared to anticipated maximum sound level

that would have occurred through the model was 40DbL. He stated that Massachusetts Department of Environmental Protection (Mass DEP) noise regulation states that an increase of 10DbL is allowed from an intrusive source such as the track.

The high noise racing event, on June 20, 2015, had 30 vehicles on the track. The wind that brought the measurement to the receptor, the average sound levels over that time was 55DbL. The levels that were taken in 2006 were 43 Db. which makes it over the ambient level, which allegedly constitutes a violation. At one point the wind changed direction from the receptor which changed the Db. significantly, to 45 DbL, only 2DbL over ambient, which he stated is an indication of how the wind is such an important factor in determining sound levels at this particular location in these particular circumstances.

It was noted that pure tone conditions were missing from the report. Mr. Ross felt this is an important aspect of the study. This is the noise that is likely the most bothersome to humans. Part of Mass DEP regulation requires that you look at pure tone conditions. He stated that the data was collected at that time and he believes pure tone conditions can be taken from that.

He stated there was a lack of actual on site measurements during the testing. During the time they were over the Mass DEP levels, it is possible that there were specific cars on the track that were higher than the self-imposed track levels, which is 96 DbL at 50 feet. Not knowing enforcement procedures the track is adhering to, if any vehicle was in violation of the level, possibly 100 DbL at 50 feet, then that could be the reason sound level were in exceedance. It was also noted that the cars could have been lower, at possibly 90 DbL but other conditions lent itself to this conclusion. In this sense, Mr. Ross felt that it was critical to have people on site for the testing.

Overall the study shows that there is an exceedance of the Mass DEP levels for noise. It does not go so far to state that there is a violation or a need for mitigation. It was noted that under the conditions of approval, which states that mitigation shall be implemented if needed. He stated that the exceedance of levels shows that mitigation is necessary.

When discussing measures to mitigate, there were suggestions made on reducing noise. It was noted that some option would be to reduce the noise at the source, in the path of the sound as it's transmitted from vehicles to the residential areas. Noise barriers or berms could be put into place to help stop the noise from entering residential homes. He stated that obvious mitigation could be done by ensuring the maximum level is not surpassed, so noise being generated at the source is not too high. A noise monitoring system is also recommended.

Mr. Ferguson addressed the review. He stated that the pure tone was addressed in the final EIR and can provide a letter with regards to the event that exceeded the sound level. He stated that they are rigorously testing. He told the Board that the previous track manager was not doing a good job. He stated that he has a running log of cars that have violated the max sound level.

He stated that the event that went over the allowable Db level was at 103 due to the allowed high sound event, with a track running for 9 continuous hours. He stated that they are measuring the sound in a much more vigorous fashion than had been originally. Mr. Ferguson stated that he is more than willing to look at some of the mitigation. He stated that the way you describe sound, in sound level metrics, which is a critical aspect of testing when testing for noise impact. Mass DEP regulations govern the constant noises, i.e. generators, stationary sources. Sounds from a race track where acceleration and deceleration, a common metric to assess the overall sound exposure emanating and correlates closely with human

annoyance is called LEQ, an energy average sound level. That was one of the metrics that was reported in the RSG study, which has shown that it exceeds the ambient levels by more than 10 Db

M.Marciniec asked if the Board had other questions. The Board was satisfied at that time. He inquired to Mr. Ross whether or not he knew how many vehicles were on the track at the time of the infraction. He stated that there were 30 cars on the track. M.Marciniec also inquired to whether or not the 40 car maximum was on the track if it would make the sound level rise. Mr. Ross stated that it would go up, but minimally, possibly 1 db.

Mr. Ross stated that the SCCA has a document for procedures that can be used to enforce the noise restrictions and monitor levels.

M.Marciniec stated that before opening up for comment to the public he asked that the Board's attorney Chris Heap speak on the Board's authority in this matter.

Mr. Heap noted that this meeting is an unusual circumstance. The Board is in a regular meeting to ponder a condition of approval from a permit issued many years ago. The scope of what the Board is to consider is narrow, and really just to review the information provided by the applicant.

M.Marciniec opened the discussion up to the public. Sign in Sheet attached to hard copy of these minutes and linked [here](#).

Paul Harper of Ware had 3 questions. He stated that he thought the receptors were supposed to be at 3 different locations. He also stated that averaging an entire race isn't a good indicator of the entire day racing due to the fact that there is a lunch hour, and break down time. It was stated that it was an endurance race, so vehicles were operating the entire day.

It was stated by the Board that since the applicant's engineer is not present, some questions that rely on the sound study cannot be answered.

The study only included one location, and the condition stated that the same location is necessary for the final study.

Andrew Champagne of Ware spoke next. June 4, 2015 the Planning Board issued a letter stating at least 2 locations should be included. Levels will be measured during the entire event. He stated only one location was chosen, and the study only represents a portion of the event. He also stated that the levels that needed to be measured were not measured in the study. Specifically, the L90, Lmax and octave band data, which was expressly stated that it was missing.

Mike Swain of Rondeau Rd Palmer spoke. He wanted to thank the Board for having the meeting. He stated that it has progressively gotten worse. He wanted to let the Board know he appreciates the meeting for public comment. His concerns are regarding future plans for the business and that it will grow larger. He stated that the noise is unbearable.

M.Marciniec stated that the Planning Board is working under their process.

Marc Nutter, of 385 Rondeau Rd spoke. He noted that there was a lunch during the endurance race.

Phil Hamel, President of the Veteran's Council in Ware spoke. He stated that ceremonies for veteran's on Memorial Day is very bothersome because all you can hear is the race track and cannot hear sermons or funerals.

Holly Harper, from Bacon Rd in Ware spoke. Events are too loud. She stated that she does not like noise. She purchased that house for the quiet.

Gary Mikas Bacon Rd. Ware spoke. He felt that rushing the study didn't accurately represent what was happening up there from the entire season. M.Marciniac stated that the permit required the study to be performed within 90 days.

Beverly Dudek of Rondeau Road spoke. She stated that she conducted her own sound study. She said she was very frustrated" Ran out of adjectives" regarding the racing. It was so loud she had to wear earplugs while walking her dog.

Judith Vadnais, of Chestnut Street in Ware spoke. She stated that the day of endurance racing, it was intolerable. She also stated that she would like to see the Planning Board more aware of the human side of this issue.

Henry Comosse, of Warren spoke. He stated that now that it has been brought to the Board's attention that there is a violation, what can be done other than mitigation. M.Marciniac stated that the only authority they have is to send letter to Zoning Enforcement Officer to request enforcement of the permit conditions. The Board will take the attorney's advice under advisement after all material is submitted and reviewed.

Bert and Monica Clark spoke regarding the noise, stating that it is very loud. Mrs. Clark also stated that her neighbor's children cannot play outside due to the noise.

Bobby Domnarski of Bacon Rd spoke. Will one study be done or will more be conducted. The Board stated that it is currently under review.

Mike Swain spoke again. He questioned whether or not they should call more. The Board stated that it isn't necessary.

The Board was asked if they have been up near the site? The Board stated yes, they have been all around at several different events.

Rick Paul from Ware spoke. He stated that his concern is the alignment of the track. It was supposed to be in a "bowl." It was stated that the all measurements will be considered for the current track position.

Andy Champagne spoke again. He inquired as to who's decision is it to send enforcement letter. The Board stated that it is the Board's decision, after consultation with the Town Council. He also referenced a document linked to 2007 Special Permit regarding the 5Db over ambient and why it wasn't abided by. It was stated that vehicles were allowed high sound events. It was also stated that a statement in a PowerPoint presentation isn't necessarily regarded as part of the permit.

A Palmer Town Councilor, Robert Lavoie , was removed from the room.

Mr. Ross stated that noise is very individualized, and irritation differs from person to person. What people hear are more pure tone conditions and need to be further analyzed. It was also stated that within the existing equipment used, pure tone data can be measured.

At 8:38PM, the discussion was continued to November 2, at 7PM, in the Police Station Meeting Room.

Waiver of site plan, 1140 Thorndike Street

Applicant, Dr. Gary Wolfe, was requesting a self-supporting structure for a 20' amateur radio antenna with new lighting for safety. It was relayed to the applicant the light should not shed onto abutters property.

Site Plan waiver was approved by N.Czech. Seconded by T.Skowyra. Motion passed (5:0)

II Adjournment 9:00PM

Motion was made to adjourn by T.Skowyra. Seconded by A.Golas. Motion passed (5:0)

Andrew M. Golas, Clerk