

# Palmer Planning Board

## Planning Board Meeting Minutes

Monday, November 9, 2015

### **I Call to order**

Chairman Michael Marciniec called the meeting to order at 7:00PM on Monday, November 9, 2015 in the Police Station Meeting Room. Present were members, Norman Czech, Kathleen Burns and Thomas Skowyra. Andrew Golas was absent. Also present was Town Planner, Linda Leduc, and Nicole Parker, recording minutes.

### **II New Business**

This was a special meeting to review the Palmer Motorsports Park sound study. Present were applicants Fred Ferguson and Jonathan Fryer, and applicants' representative Carl Washburn. Present representing the Town was John Furman and Jason Ross of Vanasse, Hangin, and Brustlin, (VHB) and town Attorney Chris Heep. There were also several members of the public. Attached is a sign in sheet, and is also available [here](#).

A letter was received by the office on November 9, 2015, dated November 3, 2015 from The Centered Place in Warren stating that the noise is unbearable and their work cannot be adequately performed since it requires complete silence.

Motion was made to acknowledge receipt of letter by K.Burns. Seconded by N.Czech. Motion passed (4:0)

M.Marciniec reviewed the project for everyone and introduced VHB's report.

M.Marciniec reviewed the reason for the meeting, stating that a sound study that was performed was reviewed by Sound and Vibration Specialist, Jason Ross, and the only discussion was for the review.

Jason Ross stated that he had no fault with the report, other than looking for that additional tonal data that was not submitted. It was also stated that no mitigation was discussed due to the fact that VHB still had to conduct their review of the study.

Mr. Washburn stated that there was a concern in VHB's report regarding what percent of the time there would be a DbL of 54 at the measurement location, and the events went over the 10 DbL as allowed a certain percent of the time. He stated that for normal events that percent was 8. For the AER racing weekend, the loudest measured event, it was about 14%. It was also states that for the motorcycles it was about 4%.

It was stated that the tonal report was not submitted. Mr. Washburn stated that he should have included that. He stated that he could do it as an addendum if the Board wishes. He stated that considering the cars and motorcycles produce a tone that goes up and down rapidly, there wasn't a specific tone or hum that lasted long enough to meet the criteria for tonality for the DEP regulations. It was explained that tonal data can be measured when there is a tone or pitch that lasts several seconds or longer. He stated that this particular data does not provide that so the data does not come out as tonal.

The Board inquired as to whether the results would be accurate from the 2004 sound study given the changes in the location of equipment and the alteration of the track.

Jason Ross stated that estimated on current information the results would be very minimal.

M.Marciniec stated that the DEP offered to look at the study but has not heard a response back as of yet.

Jason Ross stated that the day the study was conducted, the anticipated level was approximately 40. It was also stated that there is a DEP allowance of up to 10 Db increase over ambient from an intrusive noise source. During the June 20 racing event, the high sound event, there were 30 vehicles on the track. Atmospheric conditions impacted the study. The measurement from the track to the receptor, the energy levels during the study were at 55 Db. This measurement was above the maximum anticipated data from 2007 study. In 2007, the sound levels were expected to be at 43Db. Over the extended period of time, it was 12 Db over the level, which Jason Ross stated is in violation of the Mass DEP regulation.

When the weather changed, and the wind went in an upwind fashion, the levels changed dramatically.

The level at the conductor dropped almost ten DbL and came much closer to ambient levels. It was pointed out that that was a good demonstration of how wind can be a major factor in certain circumstances.

It was stated that part of the study that was missing for the review was the pure tone conditions. He believed that this information was much more critical. Certain frequency bands can be significantly higher. Some examples were the effect of a whistle, a ringing bell, something with tonal characteristics. He also stated that the human ear is much more susceptible to hearing tones, which is described as a broadband hissing sound. Mr. Ross stated that this is part of the DEP regulations. He stated that the measurements were taken and can be provided.

It was stated that the placement of the track differs slightly from the original projection in 2007. It was estimated that the difference is approximately 2DbL from the original study. However, in relation to the atmospheric condition in changes, the placement of the track is not as important as conditions and number of vehicles on the track. The track has a self-imposed limit of 96 DbL. It is possible that when the levels were raised and exceeded the limit, it may have been just a few of the cars that were too loud at 50 feet. Enforcement procedures were questioned as to how they are ensuring sound levels are being kept at the acceptable level. It was also stated that actual vehicle sound levels would have been beneficial for the review.

Overall Mr. Ross stated that the study shows there is a failure to demonstrate conformance to the criteria, but it does not go as far to state that there is a noise impact that is an issue and needs to be addressed. Mr. Ross referred to the condition of approval which stated that noise mitigation SHALL be addressed as needed. The study shows the need for mitigation. Some examples of mitigation included reducing noise at the source, reduce noise in the path of sound, or noise reduction at the receptor, which could include berms or noise barriers surrounding the track.

Enforcement of noise limits that are being imposed is critical in keeping the noise at acceptable levels.

Mr. Ferguson responded to the comments. He stated that pure tone conditions were addressed in the final report by RSG, during the environmental impact report. He stated that he could provide a letter. He also stated that in regard to the event that exceeded the limit, monitoring is being conducted much more vigorously than in the past. He also stated that it was a continuous 9 hour event, which made the overall sound higher than if there were breaks in the activity. He also stated that there is a log of cars in violation. Mr. Ferguson stated that event that was over fell under the high sound event category. He stated that he is more than willing to look at mitigation and provide the Board with any information that the Board feels would be helpful.

The Board asked the applicant for a current copy of the sound regulations/recommendations from their parent company, Sports Car Club of America, (SCCA). The averaging of the 9 hour event was also reviewed. Mr. Ross stated that it was a very critical aspect when determining sound levels. Sound levels increase and decrease over time. It was stated that DEP regulates sound that is constant over time, such as generators, or other stationary sources that do not change as dramatically over time, as opposed to the race track, which has accelerations and decelerations as a constant. A very common metric that is used to assess overall sound exposure such as the race track, is called the LEQ, or energy average sound level. That was what was reported in the RSG study.

The attorney for the Board, Chris Heep, reviewed the Planning Board's authority and what jurisdiction the Board has over the matter.

Mr. Marciniac opened the comments to the public:

Paul Harper of Bacon Rd stated that he thought there were supposed to be 3 separate monitoring locations. He also asked if the 9 hour averaging took breaks into consideration, and also commented that when winds change, the sound is carried with it in that direction. Jason Ross stated that the condition of approval stated that monitoring devices must be placed in the same location as the original study and there was just one location in the original study. The 9 hours was an endurance race. Information from the study shows it to be a relatively constant noise.

Andrew Champagne from Ware referred to a letter that was sent to PMP by the Board and had conflicting information as to the study. The Board stated that the engineers would need to be consulted on those areas. Mr. Ross stated that some data could be available from the applicant from the study and has been requested by the Board.

Eric Lavalle of 266 Malbouth Rd in Ware stated questioned as to whether or not independent monitors can be installed. The applicant stated that it would have to be discussed.

Marc Nutter of 385 Rondeau Rd inquired as to whether or not the previous manager is to blame for the violation. The applicant stated he was fired and the monitoring is much more disciplined with the new manager.

Mike Swain of Rondeau Rd stated that his opinion is that all events should be monitored and that it's consistently getting busier.

The Board stated that they are going through the only process that is authorized under their jurisdiction. It wa also stated that the study needed to be done in 90 days and was. The Board is to determine what the infraction is and how to remedy the issues.

Rick Snertly of 329 Palmer Rd Ware stated that he believes that more data is necessary and that there should be continuous monitoring of sound and weather conditions from permanent data collectors that can be transmitted as not to be tampered with.

James Meegan of Bacon Rd in Ware stated that his quality of life has gone down.

Glen Wurthle stated that there is absolutely tonal noise and that the mitigation should have been submitted sooner.

Gary Mikus of 122 Bacon Rd stated that in his opinion the sound study does not show good statistics.

Bert Clark of 23 Town Farm Rd stated that his quality of life has gone down from the noise.

*8:17PM A.Golas joined meeting*

M.Marciniec asked the Board to enter into discussion for remediation between engineers and attorneys. It was stated that 30 days is necessary to understand the problem and devise a time frame for discussions.

Motion was made to allow 30 days to discuss a time frame by T. Skowyra. Seconded by N.Czech. Motion passed (5:0)

## **II Adjournment**

Motion was made to adjourn at 8:30PM by T.Skowyra. Seconded by N.Czech. Motion passed (5:0)

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Andrew M. Golas, Clerk