

MEMORANDUM

TO Maggie Oldfield
FROM Robert Connick (Acentech)
DATE September 18, 2015
PROJECT Thayer Nursery Noise Measurements
SUBJECT Follow up to Comments on Previous Acentech Report
PROJECT NO 626238
CC Robert Berens, Jonah Sacks (Acentech)

Dear Mrs. Oldfield,

CTA's comments on Acentech's letter of 6/12/15 must be put in the context of their acknowledgement that:

"It appears that the scope of services requested of and provided by Acentech was principally to demonstrate that the potential construction of sound barrier walls at specific locations identified in the report would result in a reduction in sound levels transmitted from specific equipment and specific equipment locations, to specific locations on adjacent residential properties identified in the report."

The remainder of the CTA report focuses on what was *not* addressed in Acentech's report. Much of what CTA states is irrefutably true, including comments related to the conditions under which Acentech made its measurements, a test specifically designed to assess the degree of noise reduction likely to be provided by the erection of the proposed noise barrier walls. No attempt was made by Acentech to address compliance or non-compliance with any local state or federal regulatory requirements, or to evaluate the applicability of any such requirements to the situation at hand.

The CTA document specifically refers to Thayer's compliance with MassDEP noise limits. However, the MassDEP Noise Policy information, included as Appendix A in CTA's critique, states that "For complaints about specific noise sources, call the Board of Health for the municipality in which the noise source is located." The Department has given the local Boards of Health the authority to interpret and apply DEP's "noise policy" to a specific local situation as they see fit. Thus, ultimately it is the Milton Board of Health's responsibility to assess whether and how the MassDEP policy applies to this case.

It should be noted that some of the Thayer Nursery noise emissions alluded to by CTA are from sources specifically exempt from local and state regulation – local and state regulation of noise from in-use trucks, for example, has been preempted by federal rules against interference with interstate commerce, and back-up alarms and beepers on mobile equipment are legally mandated by OSHA.

It is Acentech's assessment that the erection of the noise barriers proposed by Thayer Nursery will unequivocally result in lower overall sound levels at abutting residence, to a degree largely dependent on the acoustical characteristics of the noise source(s) and the instantaneous geometrical relationship among the operating source(s) and offsite receiver(s). No claim has been made that offsite noise levels will be anything

but quieter than if the barrier were not constructed. Whether the operation of Thayer Nursery produces noise levels that exceed what the Town considers reasonable is up to the Town to decide.

*** End of Memorandum ***