

Dear Committee Members,

Reading over the attached documentation listed in the Public Record for your discussion today on drafting a new Noise Ordinance for Ledyard, I would like to draw your attention to - and caution against - the document titled **Noise Ordinance Draft from 2018-07-05 -Council-Admin-PC**. This draft represents a horrible way to formulate a Noise Ordinance, and (I assume) was rightly rejected at that time.

From the 2018 draft:

Section 4 Noise Levels

Firstly, one needs to remember that when citing CT-state limitations in dB for noise levels (or using them as the basis for setting municipal limits), those very same state regulations are clear that **compliance with said limitations does not preclude a noise from being considered a nuisance**:

- **CT Dept of Environmental Protections Regulation**

- Sec. 22a-69-1.5. Compliance with regulations no defense to nuisance claim**

- Nothing in any portion of these Regulations shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance of a source with these Regulations is not a bar to a claim of nuisance by any person.*

- https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_22aSubtitle_22a-69Section_22a-69-1.5/

- I would point out that there was a recent intense public debate concerning an application denied by the Ledyard P&Z Commission (PZ#24-8SUP & PZ#24-9CAM) that involved noise emissions and its effects on neighboring properties. For that application, the Town of Ledyard hired its own independent consultant to advise the Commission on noise emissions. The resulting report (EX#132 24-8SUP24-9CAM HMMHPeerReview GFI Revised 111024) is in the public record. It states that:

- Ambient traffic noise of Rt 12 was measured at between 44-47 dBA.
 - "When sound levels exceed 5 dBA above the background L90, the noise will be clearly audible. When sound levels exceed 10 dBA above the background, they will be very audible and are likely to be considered intrusive by many residents."

- Draft Section 4 tries to define what measure of allowable noise at the property line is considered a nuisance. It includes a table showing allowable noise levels (55 dB or 45 db). But if we take into account the aforementioned report, the values in this table would be completely ineffective (ie. **the baseline definition for allowable noise being used throughout Ledyard would already be considered intrusive by many residents**). The

danger here is that one sets up the false argument that compliance precludes being a nuisance. Therefore the very premise of draft Section 4 is flawed.

- The one line of this draft section that should be seriously considered is "It shall be unlawful for any noise to be emitted beyond the property boundary [sic]."

Section 5 Exclusions

- Warning devices, such as those required by OSHA on vehicles, when heard in continual use, can be extremely annoying. Such noise should not be excluded out of hand. Any such device that requires continuous use over extended periods of operation should be limited by the new ordinance.
- It is unclear whether "fanning noises" is a spelling error for "farming noises", or whether fan noises from say, a data mining center are to be specifically excluded from this ordinance?
- In any case, this draft as written would exclude the very type of noise emission that forms the basis for the complaint currently before this Committee! What is the point of drafting an ordinance that exempts the noise being complained about, when the town's Police Department themselves already state such an ordinance is unnecessary?

Section 6 Exemptions

- The premise that noise generated by construction equipment during nighttime hours should be exempt, at any level, is preposterous.
- I would submit that the clause exempting blasting "provided that a permit for such blasting is obtained from local authorities" is an end-around tactic both to enable quarry blasting and to whitewash it as an annoyance.

Please consider the above arguments as you discuss the adoption of a new Noise Ordinance for Ledyard. Thank You.

Sincerely,
Milton Schroeder
290 Whalehead Road

Excerpt from:
EX #132¹¹ 24-85UP24-9CAM HMMH Peer Review
GFI Revised 11/10/24¹¹
Concerning RSG Sound Study

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MEMORANDUM

To: Elizabeth Burdick
Town of Ledyard
From: Scott R. Noel
Michael McCarter
Date: November 10, 2024
Subject: Peer Review of Noise and Air Quality Analyses for Gales Ferry Intermodal Facility
Reference: HMMH Project No. 24-0268A

Harris Miller Miller & Hanson Inc. (HMMH) has completed our peer review of the noise, air quality, and toxicology analyses performed for the proposed Gales Ferry Intermodal Facility on Route 12 in Ledyard, Connecticut. HMMH reviewed the following materials, which were provided to the Town of Ledyard (Town):

- "Cashman Gales Ferry Intermodal, LLC Industrial Regrading Sound Study" – Report prepared by RSG and dated September 2024 (RSG Study; Section 1 below).
- "Gales Ferry Project Vibration Impact Analysis" – Report prepared by Sauls Seismic and dated October 1, 2024 (Sauls Seismic Study; Section 2 below).
- "Analysis of Rock Blasting Adjacent to WCPA Water Main and Eversource Transmission Line Supports at the Gales Ferry Industrial Site" – Report prepared by Aimone-Martin Associates, LLC and dated September 11, 2024 (Aimone-Martin Associates Study; Section 2 below).
- "Air Emissions Modeling Results, Gales Ferry Intermodal" – Report prepared by Verdantas and dated September 30, 2024 (Verdantas Study; Section 3 below).
- "Planning and Zoning Hearing 10-24-24" – Letter from Mr. Phil Fiore, dated October 24, 2024 (Fiore Letter; Section 4 below)

HMMH conducted a site visit to the property and surrounding communities on September 5, 2024, during which we reviewed the areas on the project site where materials would be removed and the processes that would be used for the excavation and removal. We also toured the surrounding residential communities in the Town of Ledyard to review land uses, proximity, and terrain in the area.

1. RSG Study

HMMH has found the RSG Study to be comprehensively and largely conservatively prepared, addressing all pertinent state noise regulations. The ambient background noise monitoring program was conducted adequately, including 9 to 14 days of continuous noise monitoring at four sites along the project's property line in different directions. The noise prediction model and the modeling approach were sufficiently detailed; they appear to account for all significant noise sources in the different phases of the excavation project and the sound propagation paths to the surrounding homes that could be potentially impacted by noise.

However, the report states that no residential properties would exceed the Connecticut state noise limit of 61 A-weighted decibels (dBA), and Figure 17, representing Phase 5 of the project, shows the 61 dBA noise contour on the residential parcel with condominiums on Pheasant Run across Route 12 from the project's active area. The contour also comes very close to the adjacent parcels off

Thames View Pentway. Predicted noise levels are very near the noise limit and in close proximity to the residential areas leave no margin for error in the modeling or variability in the noise emissions of the equipment actually used on site. Therefore, HMMH suggests that additional noise mitigation be included to prevent these potential exceedances of the Connecticut noise limits. We suggest that noise predictions in residential areas should be no more than 56 dBA to ensure compliance.

Additionally, the report confusingly labels the noise monitoring locations with different names in different places. On Figure 2, they are labeled North, South, East, and West. But in the text and tables, they are labeled Entrance, House, River and Woods. Those names should replace the directional names shown in Figure 2.

Audibility of the Excavation in Residential Areas

The existing noise monitoring locations were conducted at the Gales Ferry property lines and not in the affected residential communities. The East/Entrance location is located very close to Route 12 and therefore captured higher sound levels than Thames View Pentway homes, most of which are set farther back from Route 12. The Pheasant Run Condominiums are best represented by the South/Woods location, which showed a daytime average L90 value of 44 dBA. The North/House and South/Woods sites are likely to best represent the background sound levels for most of the Thames View Pentway homes, with daytime average L90 values of 44 and 47 dBA.

When project sound levels exceed 5 dBA above the background L90, the noise will be clearly audible. When project sound levels exceed 10 dBA above the background, they will be very audible and are likely to be considered intrusive by many residents. The Pheasant Run Condominium community is at an elevation more than 130 feet above the developed part of the project site, so the area will have clear sound paths from the operation to the homes during much of the excavation process. Many of the homes on Thames View Pentway are also elevated and will also have clear sound paths to the much of the excavation operations.

The noise contours shown during most of the phases of the excavation operation range from 50 to 60 dBA, with many of the phases showing levels in the 55 dBA range. With background levels in the mid-40s dBA, the excavation noise at many of the nearby homes will be continuously audible for most of the duration of the project and will very intrusive for considerable periods of time.

Given the extended duration of this project, HMMH strongly suggests that modifications to the project's plans be implemented to reduce the projected noise levels at the nearby homes to be no more than 5 dBA above the background L90s for the entire duration of the project. Predictions of 50 dBA or less in the communities mentioned above would largely accomplish this objective.

2. Sauls Seismic Study and Aimon-Martin Associates Study

HMMH has found the Sauls Seismic Study and the Aimon-Martin Associates Study to be comprehensively prepared including most of the applicable regulatory criteria and guidelines. We agree with the findings in the Aimon-Martin Associates study that blasting would not cause issues for the utility infrastructure, specifically the transmission line and water main.

The Sauls Seismic Study indicates that there would be no exceedances of the applicable regulatory criteria and guidelines identified in the study. HMMH agrees with this finding for general construction using heavy equipment such as compactors; however, for blast vibration we suggest that consideration be made to more conservative damage criteria, such as those provided in the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (FTA 2018). These thresholds identify that structural damage may occur when vibration levels are as low

