

Minutes Meeting of January 21, 2004 – Washington Green

Members Present: Stuart Schulman, Chase Duffy, Bob Cadle, Mark Mulligan, Dave Gandle

Atty. Lyons, agent for applicant, submitted four documents into record.

Mr. Gandle said that he would be out of town for six months after 2/15/04.

Doug Bell, of Cavanaugh Engineering, noise engineer for the applicant, noted that this is a multi-faceted process. He said that there are significant land contours and noted that he made sound measurements across the site. He said that he focused on noises produced at the substation, which can be described as a hum. He said that the levels range from 35 dbs, to down to 28 dbs behind the hill and then go up to 40 and 44 dbs where the elevation is the same or higher than the substation. He said that some earth contours are negated by the height of buildings and noted that some of the 2nd floor windows are level with substation site. He said that there are no criteria as to what is acceptable for sound of this nature; he said that everyone's nuisance factor varies. He said that a 35 dbs level could be annoying to someone with open windows. He then referenced Plywall, a wood wall that creates a sound barrier. He said that the wall should be 14 feet tall to break the line of site to the rear units most affected. He said that the minimum height is 10 feet, and the wall may go higher to protect the units. He noted that they might lower the foundations of some units to lower the window height.

Atty. Lyons said that the wall goes at least three feet higher than any 2nd story window.

Mr. Bell said that the wall performs better on rear properties in reducing sound because it is closer to units and transformers. He said that they estimate the noise level to be 32 to 35 dbas at the 2nd story windows. He said that the rest of property, He said that the 2nd stories should be about 25 dbs and not heard. He noted that the wall is a plywood composite sandwiched on stud framing and supported by Para lamb posts, which are substantial. He said that the wall is designed by skilled engineers and can reach 35 feet.

Discussion ensued regarding how close the fence will be to buildings. Mr. Bell said that locating it on the highest land contour without crowding the buildings is ideal.

The Chairman asked whether the wall could be built on GELD land.

Mr. Bell said that is a good point. He said that by putting the fence on site and building it up by ten feet could be even more effective. He said that the wall also provides for break up of line of site.

Discussion ensued regarding how far away the wall should be. Dresser said that with minimum exceptions, the wall would be at least 30 feet away.

Atty. Lyons said that most properties would have trees between dwellings and the wall.

Discussion ensued regarding the sound barrier quality of trees.

The Chairman asked about the substation potentially being louder in summer because of the running of air conditioners.

Mr. Bell said that in a worse case scenario, the noise level would only be 2 to 3 dbs louder. He said that it could actually get quieter because it is running more efficiently.

Ms. Chojnowski, GELD, questioned the presumption that town hall sound is louder than substation. She said that the substation hum can be really loud, and noted that the station is only running at 50% capacity.

Mr. Bell said that the fan noise may raise but the hum should only raise about 2 – 3 dbs. He noted that close to the substation is up to 60 dbs.

Ms. Chojnowski said that adding transformers to the rear, which is already loud, would only make it louder.

Discussion ensued regarding the noise vs. quality of transformers, cost, etc.

Mr. Bell said that a more expensive transfer is quieter and more efficient.

Mrs. Duffy asked why the town should pay for more expensive transformers so that this project can be built.

The Chairman asked whether GELD is buying another transformer.

Mrs. Chojnowski said that another transfer would be needed in about 7 years given the Town's current growth.

Mr. Bell said that the noise level will only go up 1.5 levels.

Mrs. Chojnowski cautioned against putting up a wood fence around the perimeter due to the potential fire hazard. She suggested a concrete fence.

Mr. Dresser said that only oil would flow onto Lowell Rd.

Mrs. Chojnowski said that her Board would not let a wood fence on the property because of threat of fire.

Mr. Bell said that it could be a composite of metal, etc. if the fence is on GELD property.

Mrs. Chojnowski said that it is up to the board but she said she would consider a concrete fence on the property.

Mr. Bell said that a metal composite is more likely.

Atty. Lyons asked whether they should be talking about a major fence on the property.

Mrs. Duffy noted concern regarding granting a permit when the town is ultimately responsible and which makes the issues GELD's problem.

Mrs. Chojnowski said that she doubts that the board will agree to a fence on the property.

Discussion ensued central airconditioning, keeping windows shut and thus reducing the audible range.

The Chairman read the Sandy Brock email into record.

Atty. Lyons noted that Mr. Bell was recommended by Atty. Bobrowski. He said that he thinks the Board should consider the information provided as pertinent and relevant.

Mr. Gandle felt that sound quality is subjective could affect sales.

Discussion ensued regarding quality of sound, quality of life, etc. and the increasing of transformers.

Mr. Bell said the he does not have summer transformer noise figures but said they should not be substantially greater.

Mr. Cadle said that he is confused regarding the difference between hums vs. fans.

Discussion ensued regarding tonal differences and hums vs. fans, etc. Mr. Bell said that fans would be noisiest on the hottest days of summer.

Mrs. Chojnowski asked whether the units are centrally air-conditioned.

Atty. Lyons said that all units would be constructed with central ac. Dresser- shut windows lower.

Discussion ensued regarding HUD requirements for noise reduction, ie. barriers, fencing, etc.

Mrs. Chojnowski asked about the affordable units being able to pay for whole house air-conditioning electric bills, etc.

Peter Valberg, environmental health engineer, noted that electrical fields are produced by voltages on lines, and with higher currents, there are higher electric fields. He said that the current could change depending on electricity demand. He said that he used two instruments, and the readings outside the fence field had low levels. He noted that any motorized appliance use 100 to 150 mitigals. He concluded that the levels where the houses would be located are quite low. He said that any additional rates would be difficult to detect if the houses were already built, and noted that once houses have been built field survey measures are confounded by inner electricity.

Atty. Lyons presented information from GELD as a letter.

Discussion ensued about the David Maxim report. Of note: both reports agreed that the levels are much lower than what is allowed.

Mrs. Chojnowski noted that this is a much different science. She said that outside of the station they got 25 milligrams at the fence abutting of an project. She said that these emf levels are not a moot issue; child leukemia shows up with 4 milligoots. She noted that there is much inconclusive information available. She said that GELD is concerned that should the emf level raise and/or a child contracts leukemia, the town would be looking at law suit.

Mr. Vahlberg noted that when child leukemia issues have been raised, studies have been done regarding possible scientific issues. He said that all lab experiments have been negative and noted that there are only minimal statistical findings. He stressed that no emf lawsuits have prevailed.

Discussion ensued regarding whether a housing development should be near a substation.

Mr. Mulligan asked whether an indemnification clause could be signed.

Atty. Lyons suggested that the original owners should be asked to read Mr. Valhbergs findings and sign off on them.

Mr. Dresser said that protection for the town could be set up, particularly because emf levels have been measured before the project was built.

Mrs. Duffy asked about the possibility that when new transformers are built, the emf levels could go up.

Mr. Dresser said that they cannot deal with “what ifs”, and the Board should not deal with denying housing.

Mrs. Duffy said that the applicant should not build housing against the substation.

The Chairman noted that this issue is not germane now.

Mrs. Duffy noted that this issue is important and shouldn't be brushed under the rug.

The Chairman noted that the perception problem is important.

Mrs. Chojnowski said that even if GELD wins the suit, it would be expensive for the town to defend.

Discussion ensued regarding the levels of potential law-suits, etc.

Mrs. Chohnowski said that the applicant is maximizing the use of the land and thus magnifying the risk potential.

Atty. Lyons said that they could build 108 units. He said that they are not trying to shove the project down the town's throat or going for maximum profit.

The Chairman noted that any profit is limited.

Discussion ensued regarding standard and vs. continuous exposure to emf levels and where various measurements were taken.

Of note: an emf report can be obtained on line.

The Chairman said that there is a statistical correlation between childhood leukemia and emf levels and noted his concerned about it.

Mr. Vahlberg said that there is only correlation and not cause.

The Chairman noted that if the numbers are correct and seem ridiculously low then there should be no danger. He said that the levels appear normal. He then read David Maxim's peer review into the record. He noted that Town liability issues have come up with cell towers.

Mrs. Chojnowski said that the town will be liable and noted that the town should be indemnified.

Atty. Lyons noted that indemnification is opening a can of worms, and could open up the town for more lawsuits.

Mr. Dresser noted that they could build a conventional development and have buildings closer to the sideline.

Mrs. Chojnowski said that environmental issues do not have a tort cap. She said that it is easy to break and noted that the Board should not rely on a tort cap for the town.

The Board noted that this is a hard issue, which could be cumulative.

Of note: get an opinion from Atty. Bobrowski regarding indemnification.

Discussion ensued regarding how future meetings are going to go and what the content would be. Atty. Lyons said that March is soil testing time. He said that he wants to hear from the Board that layout, traffic, etc. are acceptable.

Atty. Lyons said that he the application could be wrapped up on the 2nd of Feb.

The Chairman asked about a pro forma.

Atty. Lyon said that this could happen. He reiterated that he wants to know about concerns the board has about houses, layouts, etc.

Mr. Gandle noted concern regarding pro forma numbers.

Atty. Lyons said that the cost of the fence changes the pro forma.

Mr. Cadle said that he wants the culdesac pushed away from the fence.

Mrs. Duffy said that she wants to keep children away from the substation.

Discussion ensued regarding moving the culdesac, etc. and whether it is possible.

Mrs. Duffy felt that it would be difficult to site buildings without soil testing.

Atty. Lyons noted that they have done a lot of soil testing and will be doing deep hole testing in March.

Mr. Dresser said that they are flexible with septic systems.

Atty. Lyons said that he would require any decision filing when the Zoning Assistant is away.

Mr. Cadle asked about the play area and entranceway.

Discussion ensued regarding the difference between a playground vs. a play area, etc.

Atty. Lyons said that some structures will look like three stories from the front because of the exposed cellar. He said that the height is slightly over 30 ft.

Mrs. Duffy said that the project would look big with 14 buildings.

Atty. Lyons said that his client has talked about angling the building in front differently.

The Board moved to continue the hearing to 2/2/04 at 7:00 pm. The motion was seconded and passed unanimously.

The meeting adjourned at 10:30 pm.