



ARCHITECTURE  
ENGINEERING  
PLANNING

January 24, 2001  
Project No. 20092

Marge Schmuckal, Zoning Administrator  
City Hall  
389 Congress Street  
Portland, Maine 04101

Re: CommTel Emergency Generator Installation  
Zoning Interpretation

Dear Ms. Schmuckal:

032 L 002

On behalf of CommTel, I had met with Bill Needelman, Senior Planner, regarding the rejection of an Application for Site Plan Exemption for the installation of an emergency generator at [REDACTED]. There were three key reasons for the rejection, but we are confident we can successfully mitigate all but one issue, that being noise. However, I believe that the regulations may very well not apply to this situation and we therefore request from you an interpretation of the noise regulations in the B-3 as they related to this type of use.

CommTel, a successful Maine business with offices in Portland and Winthrop, is a communications firm dedicated to providing its customers the tools and services needed for today's high-tech communications environment. Locally owned and operated, CommTel is the largest Internet Service and Data provider in Maine., offering a high speed, redundant data transport backbone with high capacity routers.

**The goal:** To install an emergency generator in a "mechanical equipment court" adjacent to a public space at One City Center. The generator is to be enclosed by a sound attenuating, metal enclosure. The specifications for this generator, with the sound attenuating enclosure, suggest that the noise levels while exercising would be 67 dB(A) at 50 feet; 74 dB(A) at 23 feet; and 84 dB(A) at 3 feet.

**The regulation** (B-3 Zone, Sec. 14-221.1. External effects. (2) Noise): According to this Section, "the level of sound, ... inherently and recurrently within the B-3 ... zone shall not exceed ... sixty (60) decibels ... between 7:00 am and 9:00 pm at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from ... temporary activities...."

**The Neighborhood:** Based on a drive and walk through the vicinity and discussions with a key property manager in the area, the buildings in the vicinity of One City Center are utilized as offices and businesses. It appears the nearest residential use is in the Old Port area or up Congress Street.

144 Fore Street  
PO Box 618  
Portland, Maine 04104

☎ 207 772-3846  
☎ 207 772-1070

2051 Main Street  
Sarasota, Florida 34237

☎ 941 955-9883  
☎ 941 955-9893

[www.smrting.com](http://www.smrting.com)

AAC002168

**Our interpretation:** This generator is for emergency purposes only, to be used only in the event of a power failure, and therefore is “non-recurring” and “temporary.” However, in order to ensure that it will start on demand, and as is the case with any emergency generator, it must be exercised periodically. In this case, based upon the recommendations of the supplier, the generator will be run for only **about 10 minutes, once a week.** This exercising could happen at any time the City feels is the least intrusive. We believe it is reasonable to consider this a non-recurrent use relative to the intent of these regulations, given that, although periodic, its occurrences are separated by such long time spans relative to its operational duration.

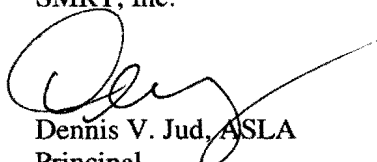
As a matter of comparison, the projected sound levels for the proposed generator at 3 feet away are the same as (outdoor) “noisy urban daytime” or (indoor) a food blender at 3 ft. At 23 feet it is comparable to (outdoor) a gas lawnmower at 100 ft. or (indoor) a vacuum cleaner at 10 ft. At 50 feet away, the sound level compares to (outdoor) heavy traffic at 300 ft. or (indoor) normal speech at 3 ft.. Depending on what time of day or night it might be exercised, it would likely not even increase the decibel level of the din of ambient noise already present.

Since the decibel level decreases by about 6 with the doubling of distance, the decibel level is likely to drop to below 60 dB(A) at just over 100 feet from the source. At 400 feet (still nearer than residential occupancies), the sound level would drop to under 50 dB(A).

Please review the above and provide us with your interpretation of the applicability of these regulations in this circumstance. We hope you find that this use is not considered “recurrent,” but rather “temporary” within the spirit and intent of the noise regulations.

Thank you very much.

Sincerely,  
SMRT, Inc.



Dennis V. Jud, ASLA  
Principal

cc: Nicole Boutet, CommTel  
RAB, DJT, File 20092/22

