



# PORTLAND MAINE

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*Greg Mitchell - Acting Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

April 20, 2012

Metro Greater Portland Transit District  
114 Valley Street  
Portland, ME 04102  
Attn: David Redlefsen

RE: 114 Valley Street /91 St. John Street – 068-B-12 – I-Mb Zone

Dear Mr. Redlefsen,

I am in receipt of your determination request concerning the hours of operation in regards to the Compressed Natural Gas (CNG) Fueling Station located on your property. Your property is located in an I-Mb Moderate Industrial Zone.

My determination is based upon the report submitted which was prepared by Charles F. Wallace, Jr., P.E., President of Resource Systems Engineering, dated March 9, 2012. This report and testing indicates that the running of the CNG between the hours of 10:00 p.m. and 7:00 a.m. meets the maximum permissible sound level allowance of fifty-five (55) dBA as stated under the I-Mb zone, section 14-252(a). The submitted data shows that the expected sound levels would not exceed 50 dBA.

Based upon this current information, the original condition to limit the hours of operation of the CNG fueling station placed on your permit #05-1538 issued on 11/14/2005 is no longer required. The previous requirement to limit your hours of operation of the CNG fueling station is rescinded by this letter.

Please note that all other conditions of the #05-1538 permit are still in force. This office will still aggressively enforce any violation(s) of the I-Mb noise limits. This office still considers the CNG fueling station as an accessory use to the METRO buses.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

# METRO

Greater Portland Transit District

April 2, 2012

Ms. Marge Schmuckal  
City Of Portland Zoning Administrator  
Code Enforcement and Inspections  
389 Congress Street  
Portland, Maine 04101

Dear Ms. Schmuckal,

The purpose of my letter is to change the hours of operations for our Compressed Natural Gas (CNG) Fueling Station. In 2005, a permit was issued for the CNG Fueling Station that limit the hours of operation from 7:00 A.M. to 10:00 P.M. The reason for the restriction between the hours of 10:00 P.M. to 7:00 A.M. was due to the noise level that was generated by the two (2) CNG compressors and recorded by the sound engineers prior to issuing the original permit .

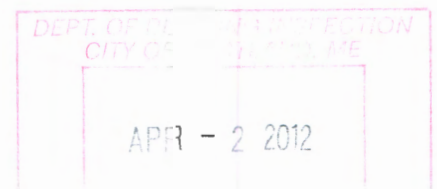
In accordance with sound testing that was performed in 2005, the dBA level generated by the two (2) compressors exceeded the acceptable level of 55 dBA for nighttime operations. Sound testing was performed at the property line on Valley Street adjacent to the two (2) CNG compressors. I agree that the readings taken at that time are correct. During my review of the City of Portland Code of Ordinances, I noted that the residential boundary is to be used when determining dBA. In conjunction with the original sound testing performed in 2005 and a preliminary sound test that was effectuated earlier this year, I directed a reputable engineering firm to conduct comprehensive sound testing at our property line and at the residential boundary line closest to our CNG Fueling Station. Resource Systems Engineering conducted an extensive series of sound testing and has reported back to me that the dBA recordings at the boundary line of the closest residential zone is well below the fifty-five (55) dBA level necessary for uninterrupted CNG fueling operations. I have attached their findings as part of my correspondence and want to also take this opportunity to thank City of Portland officials who were instrumental in helping the District through the process and allowing me the opportunity to deliver the necessary information for City of Portland officials to review.

Our Board Of Directors has recently approved District funding for new CNG buses if competitive federal grant dollars are forthcoming. With the high cost of foreign oil and the abundance of low cost natural gas in North America, the District is hoping to be at the forefront in taking advantage of an environmentally friendly natural resource.

I am available at your convenience to answer any of your questions.

Respectfully,

  
David Redlefsen  
General Manager





**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 05-1538	Date Applied For: 10/20/2005	CBL: 068 B012001
-----------------------	---------------------------------	---------------------

Location of Construction: 91 ST JOHN ST	Owner Name: GREATER PORTLAND TRANSIT	Owner Address: 89 ST JOHN ST	Phone:
Business Name:	Contractor Name: Swift Engineering	Contractor Address: 331 Main Street Norway	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Commercial	

Proposed Use: Greater Portland Transit Parking/ Create a CNG refueling Station/ Vehicular Natural Gas fueling System	Proposed Project Description: Create a CNG refueling Station/ Vehicular Natural Gas fueling System
--	--

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 11/09/2005

**Note:** 11/7/05- I don't have an approved, stamped site plan - asked planning for one - the dBA readings for the hour: **Ok to Issue:**   
of 10:00 pm to 7:00 am are 68 dBAs instead of the 55 dBAs maximum allowed - contacted Steve Kirby by e-mail  
11/9/05 received a notarized statement saying that the compressor and operations will be shut down at 10:00

- 1) This office has received a notarized statement that the compressor and fueling operations will be shut down at 10 pm nightly because of the noise requirements of the zoning ordinance. This office will aggressively enforce any violations of the ordinance.
- 2) Separate permits shall be required for any new signage.
- 3) This use for the natural gas refueling station is being approved as an accessory use to the METRO busses. It is understood that a very small amount of private cars may also use this refueling station. Because this use can only be allowed as accessory, there may come a future time when the outside use grows beyond what was approved. At that time it will be necessary to contact the City to gain full, open use to any and all vehicles under a rezoning agreement.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Mike Nugent      **Approval Date:** 11/14/2005

**Note:** **Ok to Issue:**

- 1) The statement of S/I must be signed by the owner of the project or authorized rep. Prior to commencement of construction.

**Dept:** Fire      **Status:** Approved      **Reviewer:** Cptn Greg Cass      **Approval Date:**

**Note:** **Ok to Issue:**

**Dept:** Engineering      **Status:** Open      **Reviewer:** Tony      **Approval Date:**

**Note:** PUBLIC WORKS ENGINEERING REVIEW..11/13/02      **Ok to Issue:**

I have reviewed the plans and application dated 10/15/02 and offer the following comments:

1. Sheet 2 of 5, I assume is intended to be the "site plan" for this development proposal. This drawing is extremely deficient and gives not evidence as to what existing physical features will be impacted both on and off the site. THIS SUBMITTAL IS INCOMPLETE AND PUBLIC WORKS CAN NOT PROVIDE AN APPROPRIATE AND THOROUGH WITHOUT MORE WRITTEN AS WELL AS PLAN INFORMATION.

**Dept:** Fire      **Status:** Approved with Conditions      **Reviewer:** Lt. McDougall      **Approval Date:** 10/30/2002

**Note:** **Ok to Issue:**

- 1) applicant shall meet the requirements of NFPA 52 standards
- 2) Application requires State Fire Marshal approval.

**CNG STATION**

<b>Location of Construction:</b> 91 ST JOHN ST	<b>Owner Name:</b> GREATER PORTLAND TRANSIT	<b>Owner Address:</b> 89 ST JOHN ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Swift Engineering	<b>Contractor Address:</b> 331 Main Street Norway	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Additions - Commercial	

**Dept:** Planning      **Status:** Approved      **Reviewer:** Jonathan Spence      **Approval Date:** 04/04/2003  
**Note:**      **Ok to Issue:**

**Comments:**  
12/14/2005-ldobson: Put statement of special insp. On PW desk. LJD

duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ<sub>1</sub>).

3. *Maximum permissible sound levels:* The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:

- a. Seventy (70) dBA between the hours of 7:00 a.m. and 10:00 p.m.
- b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

4. *Exemptions:*

- a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (d)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed fifty (50) dBA.
- b. The following uses and activities shall also be exempt from the requirements of subsection (d)3 of this section:

**David Redlefsen**

---

**From:** "Charles Wallace" <RSE@RSEMaine.com>  
**To:** "David Redlefsen" <dredlef@gpmetrobus.com>  
**Cc:** "Steve Kirby" <skirby@gpmetrobus.com>; "Bill Plouffe" <wplouffe@dwmlaw.com>  
**Sent:** Friday, March 09, 2012 5:03 PM  
**Attach:** METRO\_Model.pdf  
**Subject:** METRO Noise Prediction Model

Hi Dave –

RSE File #111227/2.5.52

**DRAFT: CLIENT CONFIDENTIAL; ATTORNEY CLIENT****PRIVELEDGED INFORMATION**

Based on measurements of ambient and operations nighttime sound levels, observations during measurements, analyses of measured data and results of sound level modeling using a computerized, three-dimensional sound level prediction model, RSE concludes METRO's compressors are not expected to exceed 50 dBA at the nearest residential zone, R4, on Western Promenade. We have previously provided and reviewed the sound level measurements and associated analyses. The sound level model output is presented on the attached .pdf file. Receiver R1 represents the R4 residential zone. The applicable nighttime sound level limit is 55 dBA  $L_{Aeq, 1-hr}$ . Compliance with the City of Portland's nighttime hourly equivalent noise Limit of 55 dBA is demonstrated through a combination of measurements, observations, data analyses and 3D Sound Modeling.

If, after your review, you have any questions or wish further clarification please call or email us.

With this delivery, the results contained herein concludes our Work on this phase of the project. We look forward to assisting METRO with the next steps.

*Best Regards**Charlie -*

Charles F. Wallace, Jr., P.E.  
President  
Resource Systems Engineering  
P. O. Box K  
30 Parkers Way  
Brunswick, Maine 04011  
phone: (207) 725-7896  
fax: (207) 729-6245  
[www.resourcesystemsengineering.com](http://www.resourcesystemsengineering.com)



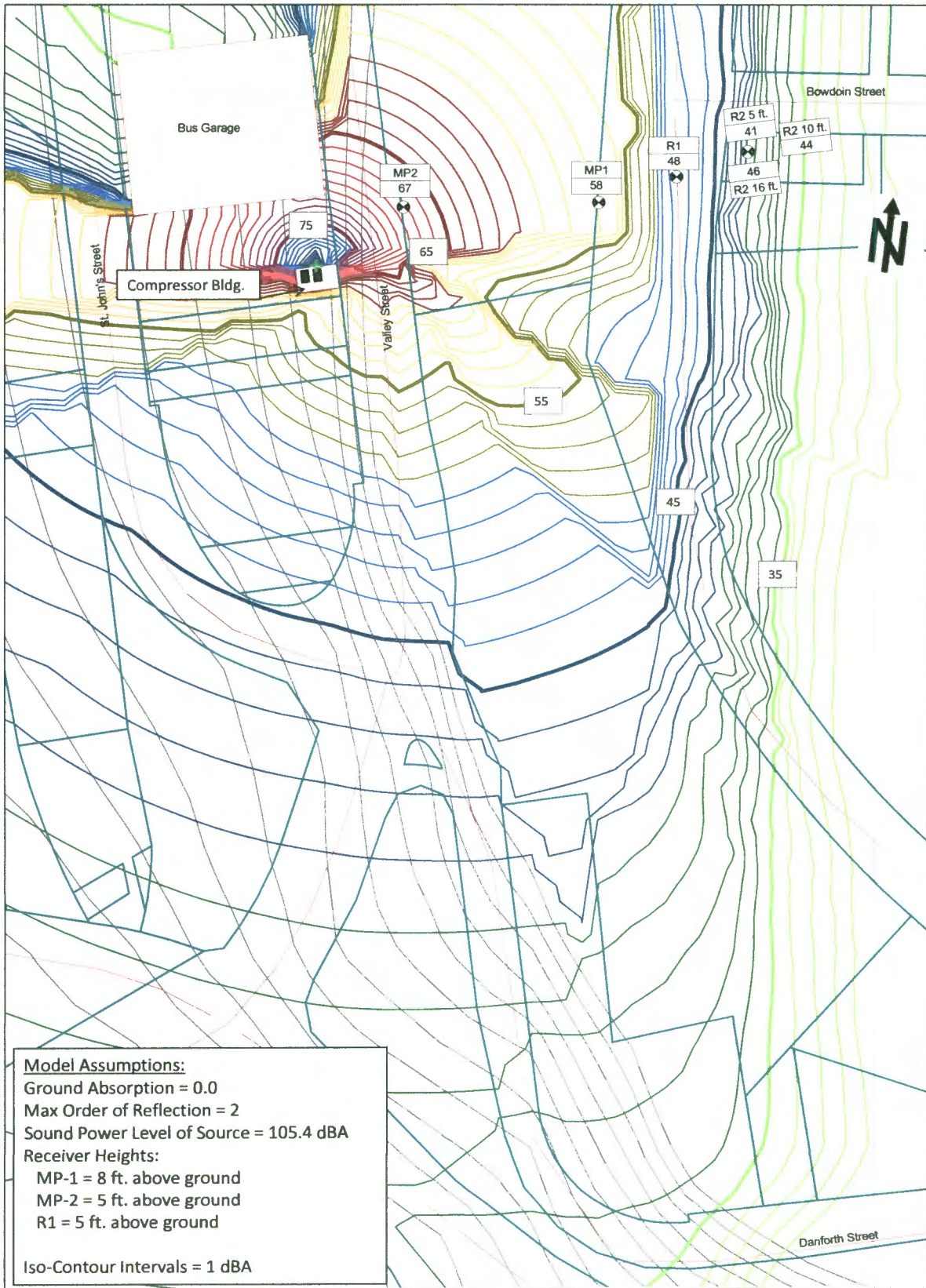
Figure 1. RSE Meter Positions



Imagery Date: 1/18/2012

January 25, 2012





**Model Assumptions:**  
 Ground Absorption = 0.0  
 Max Order of Reflection = 2  
 Sound Power Level of Source = 105.4 dBA  
**Receiver Heights:**  
 MP-1 = 8 ft. above ground  
 MP-2 = 5 ft. above ground  
 R1 = 5 ft. above ground  
 Iso-Contour Intervals = 1 dBA

- > 30.0 dB (A)
- > 35.0 dB (A)
- > 40.0 dB (A)
- > 45.0 dB (A)
- > 50.0 dB (A)
- > 55.0 dB (A)
- > 60.0 dB (A)
- > 65.0 dB (A)
- > 70.0 dB (A)
- > 75.0 dB (A)
- > 80.0 dB (A)
- > 85.0 dB (A)

**Legend**

- + Point Source (2 compressors)
- Roads
- ▭ Buildings
- ▭ Compressors
- Contour Lines
- ⊗ Receivers
- ▭ Parcel Boundaries



Resource Systems Engineering  
 P O Box K – 30 Parkers Way  
 Brunswick, Maine 04011  
 Ph (207)725-7896  
 Fax (207) 729-6245  
[rse@rsemaine.com](mailto:rse@rsemaine.com)  
[www.resourcesystemsenineering.com](http://www.resourcesystemsenineering.com)  
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VENDOR:

000034

GREATER PORTLAND TRANSIT DISTRICT

CHECK NO.

056642

VOUCHER NO.

INVOICE NO.

INVOICE DATE

INVOICE AMOUNT

AMOUNT PAID

DISCOUNT TAKEN

NET CHECK AMOUNT

Zoning fee

4-02-12

150.00

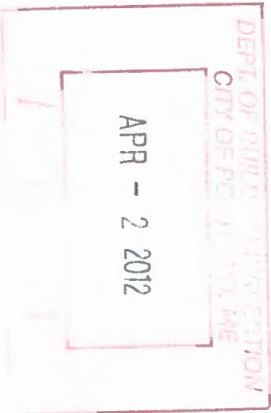
150.00

.00

150.00

Check total:

150.00





# PORTLAND MAINE

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## Receipts Details:

**Tender Information:** Check , Check Number: 56642

**Tender Amount:** 150.00

## Receipt Header:

**Cashier Id:** bsaucier

**Receipt Date:** 4/2/2012

**Receipt Number:** 42444

## Receipt Details:

Referance ID:	366	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
<b>Additional Comments:</b> METRO Determination			

Thank You for your Payment!





074 A004 139932

074 A009

073 A005

073 A003

068 D000

108

068 D006

482

068 B012

070 B005

068 E001

070 C001

070 B002



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Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 1 | (207) 874-8486

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 [Employees](#) | 
 [Contact Us](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**CBL** 068 B012001  
**Land Use Type** GOVERNMENTAL  
**Property Location** 91 ST JOHN ST  
**Owner Information** GREATER PORTLAND TRANSIT DISTRICT  
 114 VALLEY ST  
 PORTLAND ME 04102  
**Book and Page**  
**Legal Description** 68-B-12 ST JOHN ST  
 91-141 & VALLEY ST  
 70-11B 131513SF  
**Acres** 3.019

*Zmb*

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	11084	<b>OWNER OF RECORD AS OF APRIL 2011</b>
		GREATER PORTLAND TRANSIT DISTRICT
		89 ST JOHN ST
		PORTLAND ME 04102
<b>LAND VALUE</b>	\$892,400.00	
<b>BUILDING VALUE</b>	\$6,312,000.00	
<b>MUNICIPAL TYPE</b>	(\$7,204,400.00)	
<b>NET TAXABLE - REAL ESTATE</b>	\$0.00	
<b>TAX AMOUNT</b>	\$0.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**Building Information:**

**Building 1**  
**Year Built** 1983  
**Style/Structure Type** RAIL/BUS/AIR TERMINAL  
**# Units** 1  
**Square Feet** 63280

[View Sketch](#)     [View Map](#)     [View Picture](#)



**Exterior/Interior Information:**

**Building 1**  
**Levels** 01/01  
**Size** 32832  
**Use** WAREHOUSE  
**Height** 35  
**Walls** CONC. BLOCK  
**Heating** UNIT HEAT  
**A/C** NONE

**Building 1**  
**Levels** 01/01  
**Size** 30448  
**Use** MULTI-USE OFFICE  
**Height** 10  
**Walls** CONC. BLOCK  
**Heating** HOT AIR  
**A/C** CENTRAL

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**Marge Schmuckal - Re: GREATER PORTLAND TRANSIT DISTRICT: CNG Station**

**From:** Marge Schmuckal  
**To:** David Redlefsen  
**Date:** 9/27/2011 4:21 PM  
**Subject:** Re: GREATER PORTLAND TRANSIT DISTRICT: CNG Station  
**CC:** Barbara Barhydt ; Molly Casto; steve kirby

1A St, John St - 068-B-2  
 I-Mb  
 Site Plan #2002-0232

Hi David,

You would need to apply for a new building permit from Inspection Services and a site plan amendment (I believe) from Planning.

Previously you were showing that the sound levels of this operation would generate 65-68 dBAs. The I-Mb zone limits the amount of noise generated on site. I states that from 7:00 am to 10:00 pm, the maximum noise allowed is 70 dBAs and from 10:00 pm to 7:00 am the maximum allowed is 55 dBAs.

If you want to extend your hours of operation, you must mitigate the sound by some sort of dampening measures so that you will not generate more than 55 dBAs during the later evening hours and early morning hours.

I do not encourage you to appeal this issue. The Western Promenade Association will be very concerned with any excessive noise generated.

I hope this answers your questions,  
 Marge Schmuckal  
 Zoning Administrator

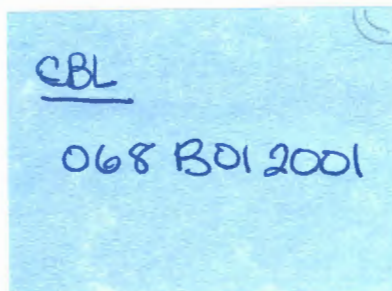
>>> "David Redlefsen" <dredlef@gpmetrobus.com> 9/26/2011 11:49 AM >>>

Marge,

I was advised to contact you regarding process/procedure in an effort to amend the terms and conditions of the current permit to operate our Compressed Natural Gas (CNG) Station. There may be an opportunity to take advantage of federal funding (90%) for the purchase of 12 new CNG vehicles and the savings could be in the millions of dollars. Our current permit ( #05 -1538 ) restricts the hours of CNG fueling between 7:00 A.M.-10:00 P.M. because of the noise requirements of the zoning ordinance. At the time when the original permit was issued, the District was satisfied with the terms and conditions of the permit because there was only 13 CNG vehicles to fuel. If the District is fortunate enough to be awarded another 12 CNG vehicles, CNG fueling operations would have to expanded to "around the clock."

For guidance purpose, can you help me with the steps that I would have to take ?

Regards,  
 Dave Redlefsen  
 General Manager  
 (207) 774 -0351



<b>Location of Construction:</b> 91 ST JOHN ST	<b>Owner Name:</b> GREATER PORTLAND TRANSIT D	<b>Owner Address:</b> 89 ST JOHN ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Swift Engineering	<b>Contractor Address:</b> 331 Main Street Norway	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Additions - Commercial	<b>Zone:</b>

<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 11/09/2005
<b>Note:</b> 11/7/05- I don't have an approved, stamped site plan - asked planning for one - the dBA readings for the hour of 10:00 pm to 7:00 am are 68 dBAs instead of the 55 dBAs maximum allowed - contacted Steve Kirby by e-mail 11/9/05 received a notarized statement saying that the compressor and operations will be shut down at 10:00			
<p>1) Separate permits shall be required for any new signage.</p> <p>2) This office has received a notarized statement that the compressor and fueling operations will be shut down at 10 pm nightly because of the noise requirements of the zoning ordinance. This office will aggressively enforce any violations of the ordinance.</p> <p>3) This use for the natural gas refueling station is being approved as an accessory use to the METRO busses. It is understood that a very small amount of private cars may also use this refueling station. Because this use can only be allowed as accessory, there may come a future time when the outside use grows beyond what was approved. At that time it will be necessary to contact the City to gain full, open use to any and all vehicles under a rezoning agreement.</p>			
<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Mike Nugent	<b>Approval Date:</b> 11/14/2005
<b>Note:</b> <span style="float: right;"><b>Ok to Issue:</b> <input checked="" type="checkbox"/></span>			
<b>Dept:</b> Fire	<b>Status:</b> Pending	<b>Reviewer:</b> Cptn Greg Cass	<b>Approval Date:</b>
<b>Note:</b> <span style="float: right;"><b>Ok to Issue:</b> <input type="checkbox"/></span>			

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICAN	ADDRESS	DATE	PHO
RESPONSIBLE PERSON IN CHARGE OF WORK, TIT		DATE	PHO





Voted one of  
"The 10 Most Improved  
Transit Systems" in  
North America  
- METRO Magazine,  
April 2005

November 9, 2005

Marge Schmuckal, Zoning Administrator  
City Of Portland  
389 Congress Street  
Portland, ME 04101

RE: 91 St. John Street

Dear Marge:

This letter is to inform you that I will direct the staff of the Greater Portland Transit District to program the CNG compressor equipment to shut down at 10 pm nightly, until such time that certified sound readings are taken and a sound level map prepared and forwarded to your office to verify City Code compliance.

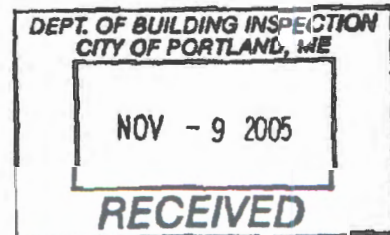
We have been instructed by the equipment manufacturer that this can be accomplished and will prevent any accidental operation after the agreed upon time.

Please call me should you have any questions or concerns.

Sincerely,

Peter J. Cavanaugh  
Acting General Manager

Before me 11/9/05



BRENDA A. COOK  
Notary Public, Maine  
My Commission Expires October 16, 2009

GREATER PORTLAND TRANSIT DISTRICT  
114 Valley Street • Portland, Maine 04102 • TEL (207)774-0351 • FAX (207)774-6241  
METRO@gpmetrobus.com

Applicant: METRO

Date: 11/4/05

Address: 114 Valley St / 91 St John St

C-B-L: 68-B-012

CHECK-LIST AGAINST ZONING ORDINANCE

Date - ~~EXIST~~

# 05-1538

Issued 11/14/2005

Zone Location - I Mb

Interior or corner lot -

Conditions →

Proposed Use/Work - use CAN only be Accessory at this time for Alternative energy - NATURAL GAS Fueling for buses

Sevage Disposal - City

Lot Street Frontage - 60' min - 60' + shown

Front Yard - None Req.

Rear Yard - None Req.

Side Yard - None Required

Projections -

Width of Lot - N/A

Height - 75' MAX - 14' shown

Lot Area - 131,513 sq ft per assessors

Lot Coverage/ Impervious Surface - 100% Allowed

Area per Family - N/A

Off-street Parking - N/A

Loading Bays - N/A

Site Plan - minor # 2002-0232

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 13 - Zone C

→ NOISE: 14-252 - 55 dBA 10:00 pm → 7:00 Am  
68-65 dBA 7:00 Am → 10:00 pm



characterized by brief excursions of sound pressure, each with a duration of less than one (1) second.

- b. **Measurement:** Sound levels shall be measured with a sound level meter with a frequency weighting network manufactured according to standards prescribed by the American National Standards Institute (ANSI) or its successor body. Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ<sub>1</sub>).
- c. **Maximum permissible sound levels:** The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows:
- i. Seventy (70) dBA between the hours of 7:00 a.m. and 10:00 p.m.
  - ii. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.

- d. **Exemptions:**

**From:** Marge Schmuckal  
**To:** Steve Kirby  
**Date:** 11/7/2005 4:07:56 PM  
**Subject:** Re: Just checking the status

Steve,  
I have reviewed this project and have two complications.

A. I have requested a stamped approved site plan from the planning division. They are supposed to give me a copy when they sign off on a project. I have not received that yet.

B. Your sound data shows that at the property line off Valley Street you will have a decibel reading of 68 dBA. Section 14-252 states that the noise levels shall not exceed:

55 dBA from 10:00 pm thru 7:00 am, and  
70 dBA from 7:00 am thru 10 pm.

Will this station be used past 10:00 pm? If so, you will need to show me revised measures to better dampen the decibel readings with a revised submittal showing what those measures resulted in. If Metro will not be using this station after 10:00 pm, I will want notarized statements that affirm that decision from Metro management. This site is just under an active neighborhood who resents any late noises. I want to assure that the ordinance is being met.

You can call me at 874-8685 to further discuss these matters.

Thank you,  
Marge

>>> "Steve Kirby" <skirby@gpmetrobus.com> 11/7/2005 10:49:33 AM >>>  
Good morning Marge:

Could you please let me know the status of our project listed as 91 St. John Street and if it has progressed to Capt. Cass for review? Some time today is fine.

Although I didn't know him personally I have spoken to Kevin Markee on occasion. How sad for his family and everyone at City Hall.

Thank you and regards,

Steve

cc: Mike Ninent

**From:** Marge Schmuckal  
**To:** Steve Kirby  
**Date:** 11/8/2005 12:09:06 PM  
**Subject:** Re: Query

Steve,

It really doesn't help the bottom line. Sound does funny things. Very often it can be louder up at the top of the W. Promenade. I will be very honest and tell you that several councilors and ex-councilors live up there and are very active in what noises and smells happen on St. John Street and Valley Street. I would like to avoid a problem before it happens. I don't want to get those phone calls. I am hoping that this makes sense to you.

Marge

>>> "Steve Kirby" <skirby@gpmetrobus.com> 11/8/2005 11:13:25 AM >>>

Good morning Marge:

I've been waiting to hear from our consultant in order to determine what we will be doing based on the options. During this time I have been in touch with Steve Linnell and Dick Nye, two folks involved in this project. We have noticed the following:

The ordinance Sec. 14-252 paragraph 3b. indicates the measurements are "as measured at or within the boundaries of any residential zone." I also called up the "zonesouth" file. It shows that between the Metro property line and the Western Prom there is a large section for recreational open space. Much of this space is now the dog park and the rest of it is the hillside leading up to the Western Prom area.

Next in looking at the sound level sheet, it shows that the noise will be at or about 55dba, at worst, on the opposite Valley Street side from us, after which it falls off to somewhere between 50 - 43 dbA only part way into the dog run. It would seem that the noise level would be hardly noticeable at the Western Prom which is zoned "residential" and of course buffered by the large expanse of ROS zoned property.

The Metro remains very conscious and considerate of the needs of our neighbors and especially the residential area on the hill. We certainly don't want to be bad neighbors.

Is this any help?

Thanks,





