

Acton Board of Health

August 1, 2011

Members Present: Mark Conoby, Chairman, William Taylor and Michael Kreuze.

Staff Present: Sheryl Ball and Isabel Roberts.

Others Present: Peg Mikkola, J.J. Supple, Janice Nevola, Katherine Baxter, Pat Jones, Joe and Mary Najjar, Jacqueline Friedman, Corrina Krueze, Rob Jones and Neil Bauer.

The meeting was called to order at 7:34 p.m.

**Robbins Brook – Noise Pollution Appeal**

The Health Department conducted a site visit at the request of Janice Nevola, 31 Hartland Way and found that the noise generated by air conditioning blowers that service the abutting building were deemed to be an extreme nuisance. An order letter was issued to the owners of the record to contract with a consultant to analyze the noise and to make recommendations as to how the noise levels could be reduced. Upon receipt of this notice, the property management company appealed the Health Department's order.

Janice Nevola stated that she has been complaining about the noise levels to the management company for approximately three (3) years. Ms. Nevola also stated that the noise is coming from the air conditioning unit located at 27 Hartland Way which is approximately 7-10' from her porch.

JJ Supple was present on behalf of Jeff Robinson, property manager, and presented the Board with the results of the sound monitoring that he conducted. Mr. Supple stated that the results were in excess of the D.E.P. regulations. Mr. Supple also stated that he used the lot line as a reference point but had difficulty determining where the lot line was and also questioned whose responsibility it was to reduce the noise. Mr. Conoby stated that the owner is responsible. The decibel levels recorded by JJ Supple were approximately 14 decibels over the ambient threshold. There was much discussion as to where the ambient were measured. Residents in the audience stated that ambient was recorded too close to other blowers located near 5 Tinsdale. Other neighbors in the audience expressed concern that when the sound monitoring was conducted not all blowers were running and monitoring should be conducted when all blowers are running in order to get levels at optimum capacity.

Mr. Supple indicated that it takes time to find solutions and would like additional time. The Pines is a condominium development on the same property and a hush house has been constructed over their blowers but stated that if something like this is purchased they take time to build. Mr. Supple further mentioned that permits were granted to build affordable homes with reduced setbacks and stated that Ms. Nevola’s home is too close to the blowers.

Neil Bauer stated that all units built on the property are considered one condominium group and are considered one legal entity.

Mr. Conoby instructed Mr. Supple to do further testing and look into sound reducing measures that can correct this problem. Mr. Conoby also stated that the professionals that conduct this monitoring should be the ones that establish where the testing is done and how the ambient is established.

On a motion made by Michael Krueze, seconded by William Taylor, the Board unanimously voted to continue this hearing until August 15, 2011 based on the evidence received tonight and to uphold the original order issued by the Health Department. The Board further instructed the owners to provide the following:

- 1. Timeline addressing all future actions.
- 2. Commitment to resolving this issue.
- 3. Propose interim measures during the time period.

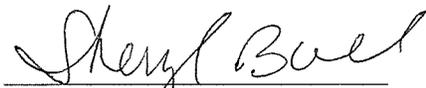
**Other Business**

- Mr. Conoby updated the Board regarding his meeting with the Selectmen. Mr. Conoby stated that IT will work on getting our information on the website in a timely manner. The process with the Volunteer Coordinating Committee will be changed allowing for more opportunity for volunteers.
- Mr. Conoby also asked that the Health department schedule Laura Ducharme for a visit before the Board.

**Adjournment**

On a motion made by Mr. Taylor, seconded by Mr. Krueze, the Board unanimously voted to adjourn at 8:57 PM.

Respectfully Submitted,

  
 \_\_\_\_\_  
 Sheryl Ball

Acton Board of Health



Mark Conoby, Chairman

Acton Board of Health