

March 9, Friends of the Field Testimony in Opposition  
BZA Application # 20643

Transcribed Notes as part of Powerpoint Evidence.  
NOISE

My name is Martin J Beam, Principal at Miller, Beam & Paganelli, Inc.

1. While non-commercial unamplified speech is exempt from the maximum dB levels contained in the code, since Maret is proposing to generate income from renting the fields then this should be considered a commercial form of speech and thus subject to the maximum limits in the code.

2. Even if the unamplified speech in this case is considered non-commercial speech and thus exempt from the maximum noise levels in the code it would still be in violation of the the Noise Disturbance portion of the code in that the sound impacting the neighbors will be "loud and raucous... and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities..."

3. the sound impact of crowd noise was estimated by Maret's acoustic consultant, Phoenix, by assuming 1 person was yelling at a level of 90-95 when measured at a 5' distance. Phoenix then applied the reduction in sound from a point source (1 person) to the residents. Of course there will often be more than 1 person yelling at a time which will increase the noise level at the residents. Even with this likely underestimate of the true noise impact of the crowd noise on the residents, Phoenix's report estimates noise levels of 76 - 81 dBA at the nearest residents. This is more than twice as loud as typical levels of conversation (as noted in the Phoenix report) which would disrupt any normal conversation.

4. The fields will be using referee's whistles intermittently throughout the day which typically range in level from 113 dBA up to 127 dBA at a distance of 6 ft from the whistle. This will impact the nearest neighbors (which according to the Maret acoustical consultant, Phoenix) are 25' from the fields at a level between 100 dBA for the quietest whistle up to 115 dBA for the loudest whistles. These levels violate the noise code maximum levels.

5. The noise impact of the whistles at the furthest residents (85' according to Phoenix) will result in noise levels of 90 dBA for the quietest whistles and 104 dBA for the loudest whistles.

6. Whistles are not exempt from the maximum noise level limits and thus their use would represent an ongoing, unpredictable, and extremely alerting noise violation and noise disturbance to the residents. Consider that whistles are designed to be alerting and extremely loud.

7. Similarly, the air horns used for the shot clocks are not exempt from the noise code maximum levels and are also extremely loud, 129 dBA according to the CDC which warns against their use due to the likelihood of hearing damage.

8. In addition, aluminum baseball bats create highly tonal and impulsive noise levels of approximately 124 dBA.

9. Tonal and impulsive sounds are more disturbing to people than bland, steady sound and all 3 of these sources: whistles, air horns, and baseball bats hitting balls are highly tonal and impulsive that will exceed the maximum noise levels allowed by the code at the neighbors residences.