

"Federation Corner" column  
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### **Bring in da noise, bring in da smart growth**

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What a difference a year makes. Around this time last year the Montgomery County Civic Federation was celebrating its 85th anniversary. We were in the throes of campaign season for county elections. And the realities of the serious fiscal crisis were sinking in with the various entities of county government, a process which, unfortunately, has continued this year.

One year ago, the Parks Department had quietly given the order to have portable toilets removed from county parks. They then decided to charge a permit fee for dogs to use the county's dog parks, and to issue collar tags to pooches who paid to play. Fortunately, both these decisions were quickly reversed.

In July of 2010, I wrote a Federation Corner column entitled "You'll have to speak up..." in which I described the noise associated with bash-n-builds (the term used to describe the demolishing of existing homes and replacement with McMansions, a process taking place with some frequency in older neighborhoods). In that column I noted that seven "residential infill projects" (the genteel term for a bash-n-build) had occurred within a block of my Bethesda home in the past ten years. Since I penned that piece, four more have been built or are being built in my neighborhood, and the noise from construction continues unabated from 7 a.m. to 7 p.m., seven days a week.

Now there is another aural assault looming on the horizon: the attack on our eardrums posed by a legislative proposal to raise the allowable noise levels in Montgomery County's urban areas. Bill 16-11 was introduced in the County Council on May 18 of this year at the request of County Executive Isiah "Ike" Leggett, and it would raise the allowable noise level for outdoor arts and entertainment activities in our urban areas.

The bill proposes allowing a noise level from 11 a.m. to 11 p.m. of up to 75 dBA, as measured at the boundaries of the county's three urban districts of Wheaton, Bethesda and Silver Spring, or at the edge of an "urban noise area" designated by the County Executive by regulation published in the County Register.

For the audio-uninformed, a noise level of 75 dBA is equivalent to "an un-silenced wood shredder at 10 meters distance" (from a chart of dBA Equivalents of Everyday Sounds, on the sengpielaudio.com website). As a side note for those paying attention to the numbers, the literature states that at 65 dBA "bad risk of heart circulation disease at constant impact is possible."

For the audiophiles in the audience, the "A" in dBA denotes that the level is not a decibel measurement of all sound present in an environment. In this case an A-contour filter is used to screen out "inaudible low frequencies," such as the "nasty hum components" generated by some audio equipment, which some believe are inaudible to the human ear. In their Audio Specifications document, however, the Rane Corporation disputes this claim and offers the opinion that the argument is false "that the ear is not sensitive to low frequencies at low levels."

In the definitions section of Bill 16-11, an outdoor arts and entertainment activity is defined as "an arts or entertainment activity that is conducted outdoors, or, if it is conducted indoors, is broadcast onto a public space, including a public or private road, that is intended or used for outdoor performance or assembly." Sound like a pretty vague definition? (no pun intended) This definition would apply not only to the

infrequent live music concerts held on the plaza in front of the new Silver Spring Civic Building or at the fountain further down Ellsworth Drive, or the music at the annual Taste of Bethesda festival held in the Woodmont Triangle or at the Taste of Wheaton in that community, but to the speakers blasting music on an outdoor patio of a bar or to the tables of a cafe's sidewalk seating area.

Another concern about setting a new higher allowed noise level for outdoor arts and entertainment activities in urban areas is that there is difficulty in enforcing it. The officers of the Montgomery County Police Department have no capability to measure sound levels, and could only act to stop an outdoor arts or entertainment activity from generating sound outside the hours of 11 a.m. to 11 p.m. The "sound police" in the county, to coin a phrase, are staffers in the Department of Environmental Protection; and one must make an appointment during normal working hours to have someone from DEP staff respond to a complaint and measure sound dBA levels in an area.

The County Council hearing on Bill 16-11 was held on Tuesday, June 14. While the Civic Federation presented our members' concerns with the legislation, representatives from the Chambers of Commerce in Bethesda and Silver Spring testified in favor of passage of the bill. One pro-business witness who testified at the hearing even went so far as to claim that "smart growth levels of sound" contribute to the vibrancy of our urban areas, and that many people are drawn to live in these areas because they enjoy the hustle and bustle.

The members of the Civic Federation are of the opinion that everyone, no matter where they live, has a right to feel that their home is a haven, a refuge in which they can escape the drum beat of everyday life. And that's not possible if the pictures on the walls of your "new urbanist" abode are bouncing around in response to the bass line booming from the sound speakers at a bar down the street. If you feel the same way, you can insert your comments into the hearing record by sending an email before 5 p.m. on Friday, June 17, to [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov)

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-100 word column for consideration, send as an email attachment to [theelms518@earthlink.net](mailto:theelms518@earthlink.net)*