

**Noise and Dust Background  
Ordinance Committee Meeting  
September 17, 2020**

**Noise Background**

Falmouth, like many communities, does not currently have specific regulations that address noise related to typical activities customarily associated with construction. Falmouth's ordinance Section 12-1, excerpted below in italics, is similar to provisions commonly found in other communities and relates more to non-construction related nuisance noise.

*No person shall make, continue or cause to be made or continued any loud, boisterous, unnecessary or unusual noises which shall either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. The sounding of any horn or signalling device except as a danger warning; the playing of any radio, musical instrument, phonograph or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants and passersby; the use of any loudspeaker or amplifier for the purpose of commercial advertising or attraction of the public to a specific building, location or business; yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises and a violation of this section but such enumeration shall not be deemed exclusive.*

**Construction-related time restrictions**

Some communities regulate the times of day when construction activities are allowed to occur. Below, are some examples of time restrictions related to construction activity found in other area communities. The times indicated represent the times when activity is allowed:

<u>York, ME</u>	7 am to 8 pm (Everyday)
<u>Saco, ME</u>	Monday-Saturday 7:00 am to 9:00 pm Sunday 10:00 am to 7:00pm
<u>Scarborough</u>	Monday-Thursday 7:00 am to 9:00 pm Friday-Saturday 7:00 am to 10 pm Sunday 9:00 am to 9:00 pm
<u>Standish</u>	Monday-Saturday 7:00 am and 7:00 pm Sunday 9:00 am to 4:00 pm
<u>Gorham</u>	7am to 7pm (Everyday)
<u>Cape Elizabeth</u>	7am to 10pm (Everyday)
<u>Kennebunk</u>	Monday-Saturday 7:00 am to 10:00 pm Sunday 9:00 am to 10:00 pm

## **Dust Background**

Provisions in Falmouth's Code of Ordinances that address dust are excerpted below. Generally speaking, these provisions address dust considerations on a case-by-case, project-specific basis in a way that takes into account the specific nature, size, and location of a given project.

### **Site Plan Review (Sec. 19-158)**

*"The site area should be regularly sprayed to control dust from construction activity."*

### **Light Manufacturing (Definition)**

*"All operations shall be carried on indoors and in such a manner as to confine smoke, fumes, dust, odors, and noise to the premises..."*

### **Home Occupations (Sec. 19-54)**

*"Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted."*

### **Conditional Uses (Sec.19-119)**

*"will not have a significant detrimental effect on the use and peaceful enjoyment of abutting property as a result of noise, vibrations, fumes, odor, dust, light or glare."*

### **Erosion and Sedimentation Control (Sec.19-72)**

This section of the ordinance references best management practices for dust control published and used by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District. (The one-page excerpts from those two reference documents are attached for reference. Exhibit 1 is from the MDEP manual. Exhibit 2 is from the CCSWCD manual.) These provisions are applicable to all projects requiring Planning Board approval, as well as to fill permits, Shoreland Zone permits, phosphorous control permits, and building permits.

Erosion and sedimentation control plans for Planning Board subdivision or site plan projects require peer review by a qualified third party professional unless the Planning Board waives the peer review based on a finding that the project is deemed to pose little risk to natural resources due to factors such as the project's size, simplicity, and location. These peer reviews are most often completed by the Cumberland County Soil and Water Conservation District. Failure to comply with these ordinance provisions can result in issuance of a stop work order, revocation of permits, and/or fines of between \$100 and \$2,500 per day.

# Exhibit 1

## DUST CONTROL

Dusty conditions occur when a disturbed site or road surface has dried out; and dust from wind erosion becomes an environmental or public concern. Note that a gravel surface without fines results in wash-boarding.



**Stabilize** all laydown areas and all unpaved surfaces with a base gravel or coarse gravel as soon as possible. Use traffic control to restrict speed and route.

**Water Application** with frequent reapplication during warm sunny days will mitigate dust. The distribution of water should not cause turbid runoff.



**Sweep and Vacuum** paved road surface when dry. Sweep from the center line to the edge of the travel way. Do not sweep into a waterbody or wetland. The public roadway may also require sweeping.

### **Calcium Chloride**

applications are more cost-effective on larger sites (30% calcium chloride is recommended for most gravel surfaces or follow the supplier's guidance).

**Soil Binders** may require pre-wetting, a 24-hour curing time and minimum temperatures for use. Asphalt or oil-based binders are not allowed.

## 17.0 DUST CONTROL

### 17.1 DEFINITION

The control of dust on construction sites and roads.

### 17.2 PURPOSE

- To prevent blowing and movement of dust from exposed soil surfaces, and reduce the presence of dust which may cause off-site damage, be a health hazard to humans, wildlife and plant life, or become a traffic safety hazard.

### 17.3 APPLICABILITY

- To areas subject to dust blowing and soil movement where on-site and off-site damage is likely to occur if preventive measures are not taken.

### 17.4 ENVIRONMENTAL CONSIDERATIONS

- Air-borne soil particles can be a source of pollution as well as a nuisance factor.

### 17.5 PLANNING CONSIDERATIONS

Use traffic control to restrict traffic to predetermined routes. Maintain as much natural vegetation as is practicable. Use phasing of construction to reduce the area of land disturbed at any one time. The use of temporary mulching, permanent mulching, temporary vegetative cover, permanent vegetative cover, or sodding will reduce the need for dust control. Use mechanical sweepers on paved surfaces where necessary to prevent dust buildup. Stationary sources of dust, i.e., rock crushers, should utilize fine water sprays to control dust.

### 17.6 SPECIFICATIONS

#### 17.6.1 Materials

(a) **Water:** The exposed soil surface should be moistened periodically with adequate water to control dust.

(b) **Calcium Chloride:** Shall be either loose dry granules or flakes fine enough to feed through a spreader at a rate that will keep surface moist but not cause pollution or plant damage. Liquid calcium chloride can also be used. To reduce potential for environmental degradation, use only when other methods are not practical.

(c) **Stone:** Cover surface with crushed stone or coarse gravel. In areas adjacent to waterways, use chemically stable aggregate.

### 17.7 MAINTENANCE

When temporary dust control measure are used, repetitive treatment shall be applied as needed to accomplish control.

DUST