



Legislation Text

File #: 19-1407, **Version:** 1

Subject:

Discussion on mulch processing and the mulch yard and the Police Department's desire to obtain a conditional use permit for 440 Beulah Road NE and the mulch yard property.

BACKGROUND SUMMARY :

The Police Department and Planning and Zoning would like to discuss the combining of 440 and 442 Beulah Road NE and obtaining a conditional use permit to allow for limited police operations and storage during the construction of a new police facility.

Public Works would like to have a discussion on the mulch yard and the Town's overall mulching operations.

OVERVIEW :

When construction begins on the new police facility in the fall of 2020 the Police Department will need to move off-site to allow for the most efficient way to complete the project. The Police Department would like to move the administration function and dispatch into the basement of Town Hall, where investigations currently is located. Patrol and investigations would be operated out of 440 Beulah Road NE. Working with Planning and Zoning, the plan is to combine the mulch yard lot and the house lot and obtain a conditional use permit to operate in the house and have limited storage on the mulch yard portion of the lot.

Public works would like to discuss the following.

Over the past few years the Town has received complaints from a single property owner regarding the noise from the mulch yard located on Beulah Road NE. The noise described to staff was 'constant and ear-piercing' beeping from the vehicles operating in the yard. In response DPW hired a consultant to perform a noise study to investigate this complaint as well as verify that the existing noise barriers are still functioning as originally designed.

On January 18, 2018 sound levels were measured at eight locations during leaf mulching operations. Four inside the sound barriers and four outside the sound barriers. The findings from the sound level observations were provided to the Town in a February 2018 (revised August 2019 with minor text changes) report by Whitman, Requardt and Associates (WRA). See attached Acoustic Monitoring Study and excerpt below:

In 2004, Miller, Beam & Paganelli, Inc. performed an acoustical analysis for potential noise impacts from leaf mulching operations at the Beulah Road Mulch Site on the surrounding community. Based on this report, a proposed 12-foot high noise barrier was predicted to reduce noise from the grinder by more than 5 dB(A) at the surrounding properties, roughly reducing **projected noise levels** without a barrier in the 60-65 dB(A) range **to the 55-60 dB(A) range with a barrier**. The report concluded that the installation of the proposed barrier around the work area would provide a noticeable

reduction in noise from the leaf grinder, mulch trucks, and loaders. The sound coating, enclosures, and silencers would further reduce noise from the grinder, which was determined to be the loudest of the noise sources. The combination of these noise reduction procedures would achieve the desired goal of reducing the noise in the community surrounding the Beulah Road property to a reasonable level while still allowing use of the leaf grinder.

The WRA Noise Report confirmed through modeling activities and operations at the mulch site, that predicted noise levels would range from 51-59 dB(A) at the residential property lines, immediately adjacent to the mulch site. As such these predicted results are very consistent with the previous analysis.

WRA has determined that the activities and operations at the mulch site do not violate or cause an exceedance of the Town of Vienna's Noise Ordinance because they do not create or maintain "excessive, unnecessary or unusual loud noises, unusual and unnatural in their time and place and which disturb the usual peace, quietude, tranquility and normal enjoyable use of any residential area; are detrimental to the public health, safety, convenience, welfare and prosperity of the residents of the Town of Vienna, and constitute a public nuisance," as outlined in Section 10-20.1(c) of the Noise Ordinance. All activities and operations occur within normal time of day restrictions, and therefore do not constitute a public nuisance, consistent with the Town of Vienna's Noise Ordinance.

Even though the noise is not considered excessive from an engineering stand-point, the citizen insists that the town find alternate means and methods to operate the leaf mulch activities to eliminate or significantly reduce the beeping. Using different equipment like a stationary crane was suggested by the citizen to be included in the CIP. A rough estimate for a stationary piece of equipment is about \$725,000.00. This citizen has met with DPW staff, the Town Manager and the Mayor on multiple occasions over the past couple of years and most recently indicating to the Director the willingness to organize a neighborhood petition. While staff has re-oriented operations to focus most beeping away from the direction of the complaint (located on Glyndon Street NE), the noise has not been reduced to a satisfactory amount. The beeping associated with the operations is the OSHA - required safety back-up alarm on dump trucks and loader; these cannot be muffled or eliminated.

DPW investigated options for performing leaf operations differently or even eliminating leaf mulching operations. In addition to leaf collection service for all residential customers, the town has made an average of over 800 deliveries to over 400 town residences on average for the last 14 years. Preliminary estimates indicate that eliminating leaf collection and picking up bagged leaves only could cost the Town over \$200,000 in extra hauling and disposal fees. Options for performing operations differently can be investigated once direction on how to proceed is given.

SUMMARY/STAFF IMPRESSIONS :

Staff feels the combining of the lots and requesting the conditional use permit will allow for the continued police operations during the construction of a new facility.

DPW is seeking Council direction on the mulch operation so that options can be investigated.

RECOMMENDATION :

The purpose of this item is to seek Council input on combining the Beulah Road NE lots, seeking a conditional use permit and the overall mulch operations.