

**4****Petition**

**From:** DSchworer@aol.com [<mailto:DSchworer@aol.com>]  
**Sent:** Wednesday, May 21, 2003 9:02 AM  
**To:** Town Council  
**Subject:** Sunrise Road Development - Sunrise Coalition Noise Submission

**To:** Cal Horton, Roger Waldon, Mayor and Town Council Members  
**From:** Sunrise Coalition  
**Contact:** Doug Schworer [Dschworer@AOL.COM](mailto:Dschworer@AOL.COM), 919 401-3554  
**Date:** May 21, 2003

Item 5 of the draft guidelines for Sunrise Road included the requirement for an acoustical study. Specifically, "Retain Services of Acoustical Engineer: It would be highly desirable for Habitat to arrange for analysis of the impacts of I-40 noise by a noise expert, who can offer the applicant, the neighbors, and the Council analysis and recommendations. This analysis should be performed and presented as part of a "Concept Plan". At the request of Habitat, this was removed from the final draft. Reasoning for removing this item was based on the fact that; (1) other developers are not required to conduct noise studies and (2) stated but erroneous non-fact that the amount of property line on the I-40 Right-of-Way was only about 100 feet.

It was correctly stated at the May 12, 2003 Town Council meeting agenda item #6 that noise studies are not required, as a general condition. However, future noise due to the planned I-40 widening at the site is a special condition which is only applicable to properties immediately adjacent to I-40 and under development after the publication of NCDOT's Categorical Exclusion. At the Mayor's Committee meeting on May 5, 2003 and in a letter to the Town, the Habitat representative erroneously placed the 100 feet of Right-of-Way on the record, whereas the property line survey indicates the correct distance is 281.95 feet. The exposure to I-40 traffic noise is far greater than even this figure indicates since the property at the corner does not fall back from I-40 at right angles. The West ROW corner forms an approximate 156 degree angle and the East ROW corner forms an approximate 134 degree angle. The entire north property line of the developable area (approximately 700 lineal feet) will be subjected to noise impacts of between 67+ and 74 decibels after the widening is completed.

Based on studies conducted by the NCDOT relevant to future noise due to the widening of I-40, in the immediate area we believe it is the local authority's responsibility to review noise and prevent inappropriate development based on these studies. The responsibility clearly falls with the local authorities since they have jurisdiction over land use.

The most relevant information with respect to future I-40 noise at the Habitat site is the

NCDOT and FHWA "Categorical Exclusion; Interstate 40 Widening to six-lanes From I-85 to NC 147 (Buck Dean Freeway); Durham and Orange Counties," dated March 29, 2000, Federal-Aid project NHF-40-4(107)259, State Project 8.1501601, TIP Project Number I-3306. In it NCDOT predicts noise levels will rise 3-4 decibels when this work is completed.

Page 34 of the Categorical Exclusion contains "Table 11, FHWA Noise Abatement Criteria Summary." The table predicts that maximum noise levels in decibels (dBA) for the area, "From NC 86 to US 15-501, to be expected at various distances from the center of nearest travel lane (83.9 @ 15m, 79.8 @ 30m, and 73.5 @ 60m). It also predicts maximum noise distances from center of roadway for 72 dBA (82.0m), and for 67 dBA (126.4m). NCDOT states on page 34: "This information should assist local authorities in exercising land use control over the remaining undeveloped lands adjacent to the roadway within local jurisdictions. For example, with the proper information on noise, the local authorities can prevent further development of incompatible activities and land use with the predicted noise levels of an adjacent highway". We believe approximately one quarter of the developable acres of the site will be subject to noise levels over 67 dBA., and the remainder to slightly less. NCDOT Noise Abatement Criteria consider abatement must be considered for levels over 67 dBA.

NCDOT in widening the road is responsibly advising the local authorities that the noise will get worse, and we believe it is advising the local authorities to review the noise situation prior to any development. In this regard, it appears that the Town of Chapel Hill is responsible for an acoustical study and assuring that noise levels are considered in the development of the concept plan. In our opinion, this study should be conducted prior to any submission of the developer's concept plan. Given the predicted noise levels, is the site in whole, or in part, suitable for this project?

We as a community should be concerned about the safety and quality of life for all of our citizens. The Town has an obligation to determine whether or not noise levels along I-40 are within NCDOT guidelines prior to review or approval concept plans and other development proposals.

The Coalition is requesting a written response outlining the Town's position on this issue.