

Dudgeon Monroe Neighborhood Association opposition to the addition of lights to the field at Edgewood High School

DMNA's recent proposal to Edgewood

Since the Plan Commission's rejection of Edgewood's proposal in May, 2020, DMNA has met with Edgewood a number of times. We made the following proposal to Edgewood over the summer:

- 1) Edgewood and neighbors align on a way to measure the sound of day games;
- 2) sound from day games is measured, in order to form a baseline to research noise mitigation;
- 3) based on how loud the games are, research is done to determine a mitigation mechanism (e.g. noise barrier);
- 4) Edgewood incorporates it into a noise mitigation approach as part of a proposal.

Our proposal grew from a suggestion by Alder Rummel during the Plan Commission meeting. This approach seems reasonable, given that Edgewood failed to demonstrate that additional noise resulting from lights would not have negative impact on neighbors. Initially Edgewood seemed interested, and requested information about what level of sound neighbors might seek to achieve through mitigation. We provided a detailed response, the entirety of which is attached to this letter.

Unfortunately, Edgewood has rejected this path without suggesting a compromise that would do anything to mitigate the noise that has already proved to be so disruptive. This past week, Edgewood President Mike Elliott told us that he simply does not believe lighted events on Edgewood field – up to 40 a year, not including practices and playoffs, with crowds of 500 people – would be disruptive to neighbors.

Noise, and why it leads us to oppose lights

Nearby neighbors have already experienced disruptive noise during daylight hours, and their complaints are justified. The chief problem is the very close proximity of neighboring properties to the field. Even Edgewood's own professional sound study (Legistar file #53954, attachment 9) estimates that noise levels from games with as few as 150 spectators would exceed the City's noise ordinance limits. Unfortunately, the city's noise ordinance is not written in a way that applies to stadiums. This is why Edgewood has been able to claim that noise levels will comply with City regulations. But that oversight in the noise ordinance does nothing to mitigate the decibel levels that seriously impact the use, value, and enjoyment of adjacent properties.

Between 2016-2019, use of Edgewood's athletic field began to vastly increase not only for practice, but also for competition. Prior to resurfacing of the field, fewer than 10 games per year were played on a field that was primarily used for practice. During the Spring and Fall 2019 semesters alone, without lights, Edgewood hosted 77 games. To date, Edgewood has yet to acknowledge that their use of the field creates any adverse impacts on neighbors, despite numerous and increasing complaints to the school and the past three alders.

Allowing Edgewood to have lights will extend that disruption into the evening, and invite even larger crowds to nighttime events. This will increase harm to those closest to the stadium while extending noise to many more households in our neighborhood.

No protections if lights are granted

We have also talked to the City of Madison about what enforcement mechanisms are in place if we agree to certain limitations with Edgewood, and then Edgewood does not comply. In addition to no protections offered by the noise ordinance, the City also has told neighbors that no matter how loud or frequent usage gets, it is unlikely any action will be taken under the City's disturbing the peace ordinance, because responding police officers will consider all noise related to a sporting event reasonable for an athletic field. Beyond noise, City staff have indicated that they have no enforcement mechanism to stop Edgewood from playing more games than agreed upon, or when games are played, or to restrict use of the field to only Edgewood or other specific organizations, or to restrict the rental of the field to others. We have every reason to believe that Edgewood wishes to maximize use of its property.

We believe that neighboring property owners have every right to use their property as well. Last year, the City did not penalize or restrict Edgewood from playing games despite a zoning violation, even after the Zoning Board of Appeals affirmed the City's zoning interpretation.

It appears that denying Edgewood lights is the only reasonable way to ensure that neighbors' ability to use and enjoy their homes will not be further diminished by use of the field.

DMNA has found itself in a position where the negotiating partner does not follow their own rules, and the City has no way to enforce the rules. In this case, we can only reiterate that adding lights to Edgewood's field would damage the livability of the homes near the field, by extending the hours of use, inviting even larger crowds, and increasing the disruptiveness of competitive games.

Good Neighbors seek Compromise

Edgewood has repeatedly stated that they have been a good neighbor and have sought compromise. From our perspective, Edgewood's assertions are not only false but deliberately so. Edgewood has been attempting to steamroll neighbors and has used the institution's resources and influence to bolster their false narrative in ways that adjacent neighbors or a neighborhood association could not hope to match.

A recent example of the school's misrepresentation of working with us can be found in their current proposal's "timeline of events." Edgewood cites *dozens of meetings* in March-May 2019. In fact, Edgewood abruptly withdrew after eight meetings, even though we'd all agreed to ground rules stating precisely that neither party would walk away. At the time, Edgewood claimed to be withdrawing in order to prepare a modified proposal for neighborhood associations' review, but Edgewood never followed up. We next saw a proposal from the school when they sought their conditional use approval by the Plan Commission, nearly a year later.

As we have discussed lights with the school, two obstacles have prevented compromise. First, Edgewood believes they are entitled to use their field no matter how those uses impact other people. Second, they refuse to acknowledge what most people would accept as objective truth: that unmitigated use of an athletic field at night will be disruptive to people living 100 feet away from the field.

Instead, Edgewood has returned time and again with a "compromise" that focuses only on the number of games (not total uses, which remains unspecified). And they even propose the same number of games they put forth in 2017, 2018 and 2019 – in fact, in this case, more games than they originally proposed in 2017 (18-27 games).

It should be clear to the Common Council that Edgewood has no interest in compromising, and that instead of doing so, they plan to push and bully their way into getting what they want, even if that means suing the city. We hope you will listen to what the neighborhood has been saying all along – that lights will have a major impact on the use, value, and enjoyment of neighboring residences. Edgewood has done little to nothing to prove otherwise. For these reasons, we strongly urge the Common Council to not overturn the decision of the Plan Commission.

Attachment A: DMNA Proposal to Edgewood

November 18, 2020

Dear Mike, Steve, and Margaret,

As we have indicated previously, achieving adequate noise mitigation of Edgewood's athletic field would be a necessary step in determining whether we can support any proposal to expand usage of the field beyond daylight hours. While factors such as frequency of any evening use will also be a major factor for neighbors, daytime noise levels have proved sufficiently disruptive as to render it pointless to discuss any expanded usage unless Edgewood can find a way to address the problem. Accordingly, we proposed the following in August:

- 1) Edgewood and neighbors align on a way to measure the sound of day games;
- 2) sound from day games is measured, in order to form a baseline to research noise mitigation;
- 3) based on how loud the games are, research is done to determine a mitigation mechanism (e.g. noise barrier);
- 4) Edgewood incorporates it into a noise mitigation approach as part of a proposal.

As you requested, we have determined levels of noise that would be acceptable to neighbors. We consulted multiple sources to ascertain reasonable targets for residential properties, and believe the amounts we landed on strike the correct balance for our neighborhood. If what we have laid out in this document is acceptable to you as well, we should continue to proceed through the four steps above.

We have borrowed some language from Madison General Ordinance 24.08, so that we can move ahead (or decide not to) together without ambiguity around what would need to be measured and how.

Noise Levels DMNA could support as part of an Edgewood Stadium proposal

All sounds generated in association with athletic field activity shall comply with the following standards.

The sound emitted from any source shall not exceed the following limits at any point within a residentially-zoned receiving zone outside the property line of the source of the noise.

Maximum Sound Level: 60 dB. This standard is based on an A-weighted sound level with fast meter response (125 ms time constant)

Notes:

1. "Any point" is not limited to points on the ground, and specifically includes any point from the surface up to the height of the tallest dwelling.
2. "All sounds" includes all sounds, whether their source is stationary or moveable, and includes mechanically generated noise (e.g. portable PA system, whistles, sirens, musical instruments, gunshots) and human-generated noises (e.g. yelling by participants, coaches, or spectators).
3. Except as defined above, sound measurements shall be collected using the methods described in MGO 24.08.

Rationale

The 60 dBA fast threshold is based on the following reasoning. First, a 60 dB limit was the median limit found in a large study of community noise ordinances in the United States.¹ The study states:

"Hundreds of noise regulations were read to determine the most common regulatory tools and techniques. These were determined to include decibel-based standards, plainly audible standards, nuisance standards, quiet zones and restrictions based on zoning, setbacks, time-of-day regulations, and bans (prohibitions).

Decibel-based restrictions appeared in 268 of the regulations or 55%.

...Most decibel noise ordinances specify a specific instantaneous maximum value. A weighting is used in 253 ordinances; C-weighting, in 14 ordinances; and specific octave band limits appear in 28 ordinances.

...Fast time response is specified in 71 ordinances and slow response is specified in 149 ordinances.

...The daytime A-weighted residential noise limits ranged from 50 dBA to 85 dBA

... The median value is 60 dBA, and the mode is 55 dBA.

...The nighttime A-weighted residential noise limits range from 40 dBA to 80 dBA

... The median and mode are both 50 dBA."

This U.S. information is supported by World Health Organization guidelines, which indicate that levels in excess of 60 dBA, fast can cause sleep disturbance with open windows.² Our target also seems reasonable given a paper reporting expert-witness testimony during a sports-noise related lawsuit:³

¹ "Preliminary Results of an Analysis of 491 Community Noise Ordinances" by Leslie D. Blomberg. Published in the proceedings of Noise-Con 2016:

<https://nonoise.org/regulation/preliminary%20results.pdf>

² From "Guidelines for community noise" World Health Organization, Geneva, 1999. Summary and introduction: <https://www.who.int/docstore/peh/noise/Comnoise-1.pdf> Guideline Values:

<https://www.who.int/docstore/peh/noise/Comnoise-4.pdf>

³ "Community Annoyance with Sports Crowd Noise: A Case Study of the Facts in a Jury Decision", by Jack B. Evans, PE. Published in the Proceedings of Noise-Con 1990:

http://www.jeacoustics.com/library/Noise-Con_1990_Sports_Crowd_Noise.pdf

"Sound interference and distraction may occur with ambient sound levels between 60-70 dBA when speaker and listener are separated by 15-20 feet, as is very likely in the back yard of a residence."

...Continuous exposure to a varying and intermittent intrusive noise of 60-70 dBA, while not endangering health, can be annoying and cause stress.

...crowd voice noise, with nearly instantaneous increase and decrease in volume, also has an almost startling effect unlike the gradual rise and fall in volume of intermittent environmental sources such as aircraft flyover or railroad traffic."

We also note that the city's Conditional Use standards for review require that a proposed development meet the following conditions:

- "1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
- 3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*
- 4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district."*

It is clear that a noise level that prevents interference with communication and other enjoyment-impairing negative impacts is necessary.

The 60dBA limit therefore seems reasonable for us to agree upon, if you wish to attempt to mitigate field noise and gain neighborhood support for a conditional use proposal.