

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
INTEROFFICE CORRESPONDENCE

DATE: September 10, 2002  
TO: To Whom It May Concern  
FROM: Donald T. Rascoe, Development Manager  
Department of Permits and Development Management  
SUBJECT: **Development Management Policy Manual  
2002 Edition  
Correction to Noise Mitigation Policy**

It has been brought to my attention that the Noise Mitigation Policy, Policy X of the Development Management Policy Manual 2002 Edition, contains errors.

Attached are the replacement pages for the 2002 edition policy manual that correct the errors. Please insert these new pages and disregard the old ones.

The pages you are inserting reflect the Noise Mitigation Policy as it was adopted pursuant to Baltimore County Code.

If you have any questions regarding this matter please contact Walt Smith of this office on 3321.

DTR:WS:ws  
Attachment

## PDM – POLICY NO. X

### NOISE MITIGATION

- I. Authority and Short Title. These regulations, which shall be known and may be cited as the Baltimore County Noise Mitigation Regulations, are promulgated as administrative policies, rules, or regulations for implementing Sections 26-135 and 26-218, Baltimore County Code (BCC), and in accordance with Section 2-416, BCC, *et seq.*
- II. Purposes. These regulations are promulgated for the purposes of:
  - A. Protecting the public health and conserving the habitability and value of residential communities in the vicinity of high-volume highways, and
  - B. Assuring Baltimore County's eligibility for participation in the Type II noise barriers program under the "Sound Barrier Policy" issued by the State Highway Administration on May 11, 1998.
- III. Definitions. For the purposes of these regulations, the following terms have the meanings indicated:
  - A. "County Code" – The Baltimore County Code, 1988, as amended.
  - B. "Designated highway" – A limited-access highway which is designated as an interstate highway or as a freeway-expressway in the latest edition of the Federal Highway Functional Classification Map approved by the Federal Highway Administration and available for inspection in the Office of Planning.
  - C. "Noise assessment" – A study prepared by a professional engineer with competency in highway acoustical analysis and in accordance either with the Traffic Noise Model published by the Federal Highway Administration or with the Noise Assessment Guidelines published by the U.S. Department of Housing and Urban Development and including consideration of maximum noise-producing scenario, as well as based on current volumes.
  - D. "Residential development" – The construction or use of any type of buildings for human habitation, including single-family detached and attached dwellings, multifamily dwellings, housing for the elderly, assisted living or continuing care facilities, nursing homes, and group child care facilities, churches, hospitals and schools.
- IV. Applicability
  - A. These regulations shall apply to residential development for which a concept plan is filed with the Department of Permits and Development Management (PDM) after June 30, 1999.

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- B. For the development of property which is subject to approval by the hearing officer in accordance with Division 2, in Article V, Title 26, BCC, a noise assessment report shall be submitted in conjunction with the concept plan if the plan proposes construction on residential building lots which lie adjacent to and within 500 feet from the edge of paving of a designated highway.

#### **V. Requirements**

- A. If the noise assessment report shows that the day night exterior sound levels (Ldn), measured between the building line and the highway will reach or exceed 66 dBA, the report shall make proposals for the location and form of noise mitigation or attenuation to reduce Ldn noise levels to below 66 dBA, including the assignment of rights and responsibilities for access, use, repair and maintenance of structures, landscaping, or other mitigation features, which must be in perpetuity.
- B. If the noise assessment report proposes the use of a buffer to mitigate the impact of highway noise:
  - 1. The buffer may be provided as an easement on the individual lots or as part of open space owned and maintained by a homeowners association.
  - 2. PDM shall consult with the State Highway Administration for technical evaluation and advice regarding the noise attenuation features proposed in the report, and the department may recommend that the developer be required to install vegetation, berms, fencing, walls, or a combination thereof.
- C. The applicant must provide to PDM how the applicant has assigned the responsibilities for access, use, repair and maintenance of structures, landscaping, or other mitigating features. Such assignment shall include notice to all subsequent purchasers of lots within the residential development that Baltimore County will not be responsible for the repair and maintenance of structures, landscaping and any method of mitigation employed by the applicant to achieve the results required by these regulations. Such assignment must be approved by the director of PDM prior to the issuance of building permits.

#### **VI. Waivers**

- A. If the noise assessment report shows that it would be physically impossible, to reduce the exterior average day night sound levels (Ldn) to a level below 66dB or that the reduction would present an exceptional hardship, the hearing officer or the director of

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PDM, if a hearing is not required, may grant a waiver from the exterior sound standard, provided that:

1. The applicant submits a set of construction standards for the residential development that is the subject of the waiver request that will achieve average day night interior sound levels not exceeding 55 dBA; and
  2. A determination that the granting of a waiver will not cause an increase to the exterior average day night sound level, impact public safety, create nuisances, cause fraud or victimization of the public, incur public expense, or conflict with existing local and state laws and ordinances;
  3. There is a showing of good and sufficient cause;
  4. A determination that failure to grant a waiver would result in exceptional hardship (other than economic) to the applicant;
  5. The waiver action shall be the minimum necessary considering the construction standards submitted by the applicant; and
  6. PDM shall review all sets of construction standards and make recommendations to the hearing officer.
- B. If granted, the waiver must include a requirement that deed(s) to the property from the applicant to first time purchaser and in all subsequent deeds include a statement disclosing the facts and requirements of the waiver. The statement must be approved by the director of PDM prior to the issuance of permits.