

John D. Miller

**Burgess
Commissioners**

Richard L. Dietrick
Jennifer J. Falcinelli
Christopher I. Goodman
Larry K. Bussard
Kevin E. Stottlemeyer

Middletown
Founded in 1767



Brad Ahalt
Senior Project Manager
Frederick County Public School System
191 South East Street
Frederick, MD 21701
(240) 586-8455

February 18, 2025

Town of Middletown
Planning Commission
31 West Main Street
Middletown, MD 21769


Mr. Ahalt:

The Planning Commission for the town of Middletown is writing to inform you of complaints that we have been receiving from town residents regarding potential noise associated with the proposed co-located elementary/middle school. The Middletown Planning Commission is forwarding the complainants' request for an acoustical study to the Frederick County Board of Education for your consideration.

Please provide a written acknowledgment of this correspondence and provide a response to each comment made by the Woodmere Circle neighbors concurrent with or prior to submission of the Improvement Plans for the proposed co-located elementary/middle school.

Thank you for taking the time to hear the complainants' request in this case.

Sincerely,


Mark Carney
Chairperson
Middletown Planning Commission

Cc: Burgess and Commissioners
Woodmere Circle Neighbors

Attachments (5)

From: [JUDITH WEGNER](#)
To: [JJ Hartner](#); [John Miller](#); [Jennifer Falcinelli](#); [Kevin Stottlemeyer](#); [Chris Goodman](#); [Larry Bussard](#); [Rick Dietrick](#)
Cc: [Paul Mantello](#); [PlanningCommission](#)
Subject: RE: Public Comment - Acoustic study for ES/MS
Date: Wednesday, February 12, 2025 6:32:46 AM
Attachments: [image001.png](#)

JJ,

After listening to the recording of the meeting again, you are correct that you did not say that FCPS asked the Burgess and Commissioners give the FCPS plan a good once over before going to the PC. Rather, you said FCPS asked that **we** give it a good once over. I misunderstood the "we" in your statement to be the audience you were speaking to, the Burgess and Commissioners. I apologize for the honest misunderstanding. Thank you for clarifying your statement.

Judy

On 02/11/2025 10:28 AM EST JJ Hartner <jhartner@ci.middleton.md.us> wrote:

During the Town meeting on 2/7/24, I stated that FCPS's engineer requested that **TOWN STAFF** review the plan and provide him with feedback that he can address prior to taking the plan to the Planning Commission for review. At no time did I state or insinuate that the plan would go to the Burgess and Commissioners for comment before being reviewed by Town Staff and/or the Planning Commission.

To be crystal clear the following statement in the forwarded email, "During the Town meeting on 2/7/24, JJ Hartner stated that he had spoken to FCPS and was told they would return by March with an improvement plan. He went on to say that FCPS has requested that the Burgess and commissioners, "Give it a good once over before sending it on to the Planning Commission so we have a decent plan for them to review."," is false, and if there was any misunderstanding, please allow this email to clarify my statements during that meeting.

Thank you.

JJ Hartner (he/him/his)

Staff Planner | Town of Middletown

301-371-6171 | jhartner@ci.middleton.md.us

31 West Main Street, Middletown, MD 21769 | [website](#)



From: JUDITH WEGNER <judithwegner@comcast.net>
Sent: Monday, February 10, 2025 8:29 AM
To: John Miller <John.Miller@ci.middleton.md.us>; Jennifer Falcinelli <jfalcinelli@ci.middleton.md.us>; Kevin Stottlemeyer <kstottlemeyer@ci.middleton.md.us>; Chris Goodman <cgoodman@ci.middleton.md.us>; Larry Bussard <lbussard@ci.middleton.md.us>; Rick Dietrick <rdietrick@ci.middleton.md.us>
Cc: Paul Mantello <PMantello@ci.middleton.md.us>; PlanningCommission <PlanningCommission@ci.middleton.md.us>
Subject: Public Comment - Acoustic study for ES/MS

Dear Burgess & Commissioners,

Regarding your response to our request for a corrected acoustic study for the new ES/MS, we understand that the Town does not own the property; however, as our elected Town officials, is it not your responsibility to protect existing residential neighborhoods from developers? What is the reason Town can not advocate on our behalf to FCPS and/or the BOE? At the meeting with FCPS on 9/11/23, Town officials had no problem asking and advocating for four "criteria" for the new school. Tragically, these criteria did not include requiring FCPS to minimize the negative impact on our existing residential neighborhood. You have given us the impression you are indifferent to our well being and concerns. Even if this is true, it does not relieve the Town of its responsibility to represent us, advocate for us and protect us.

Perhaps the you are convinced we are fearing the worst and that the noise and other nuisances won't be as bad as we anticipate? Know that we can hear and see the headlights from the cars, trucks, and buses now. This is not a complaint, just a fact. No imagination is required for us to recognize the negative impact awaiting us when the massive school is directly behind our homes. In addition to the lights and noise, we dread the

vibrations and fumes from idling cars, diesel trucks and buses. After observing the bus pick up many times now, on average only 1 out of 4 buses turn off their engine. The rest idle for 30 minutes generating toxic fumes which will flow directly into yards. In addition to the noise, fumes and headlights, there will be vibrations. We have been told by Middletown Glen homeowners, these vibrations will rattle our windows.

We have and will continue to advocate for ourselves but we are asking for and expect your help. If you will not conduct a corrected acoustic study then you must care enough to advocate for one. As the Town's elected officials, you and the commissioners have power and influence that we do not have. During the Town meeting on 2/7/24, JJ Hartner stated that he had spoken to FCPS and was told they would return by March with an improvement plan. He went on to say that FCPS has requested that the Burgess and commissioners, "Give it a good once over before sending it on to the Planning Commission so we have a decent plan for them to review". **Please take this opportunity to tell FCPS they must correct for the flaws in the acoustic study to accurately predict if the school will exceed the 65 dB limit.** We agree a sound attenuation study is an excellent idea and should be performed at the same time.

Two things can be true at once. A new school will be built and the adjoining residential neighborhood will be protected. It is not unreasonable for us to expect that everything possible be done to mitigate the noise and other nuisances our neighborhood will be forced to endure forevermore. Correcting the acoustic study to accurately predict ALL noise at the property line is a necessary, reasonable and important step towards ensuring the Woodmere neighborhood is protected.

Thank your consideration of this important matter.

Respectfully,

The Woodmere Neighborhood

From: [JUDITH WEGNER](#)
To: [PlanningCommission](#)
Subject: Flawed ES/MS Acoustic Study
Date: Tuesday, February 4, 2025 4:43:23 PM

Dear Planning Commission Members:

The Woodmere neighborhood continues to have **grave concerns** over the noise, lights, vibrations, privacy and fumes which landscaping will not sufficiently mitigate. We have been made aware that the Frederick county planning commission would not accept evergreens to mitigate the noise because it would **ineffective and only reduce the noise by 2-3 decibels**. We contend that this will be true at the new school as well. The landscaping is welcome but does not resolve the inevitable massive nuisances that we fear and have pointed out time and time again.

FCPS conducted an acoustic study which concluded that 2 lanes of average cars would not exceed the 65 decibel noise level at our property line. Although we pointed out many times, in emails and public statements, that this study was flawed and asked for it to be corrected, it was not. We respectfully are asking again.

The FCPS acoustic study flaws are:

1. It did not account for the very loud engine noise generated by the **buses** for two school populations, it only took into account the noise of an average car. A typical school bus produces 85 decibels of noise. This noise level increases when accelerating or revving the engine.

Currently, the noise from the buses as they drive by at the Middle school measured an average of 82 dBs, from a distance of 55 feet.

2. It did not account for the fact that approximately 1/3 of the vehicles picking up students are **diesel trucks**. The standard diesel engine produces 100 dB of noise.

3. It did not account for the correct number of lanes with vehicles which is **4 lanes**. They only calculated the noise for 2 lanes.

4. It did not account for the noise from the **engine fans**.

5. It did not account for the noise from **engines accelerating**.

6. It did not account for the noise from the **PA system**.

7. It did not account for the noise from **car doors slamming shut, squeaky brakes, horns beeping, back up beeping, bad mufflers, snow plowing or children and radios blaring**.

8. It used 50-60 dB in their calculations for the noise produced by an average car. However, the average car makes between **70-90 bB** and will increase when the car is accelerating or revving the engine.

9. It did not take the **topography** of the area into account.

10. **Most importantly, it did not account for reflected noise.** The sound waves from all these noise sources listed above will hit the massive 57 foot brick building and bounce back towards our homes. We consulted with a company which performs acoustic studies, Phoenix Noise & Vibration, and they agreed that reflected noise will be significant, should have been included and were surprised it was not.

The nuisance noise ordinance requires All combined noise generated from the school must be below 65 decibels at our property line. It is a false and unproven claim that FCPS roads are public roads and therefore excluded from the nuisance ordinance.

1. The paved areas surrounding the school are **private**, not public. Our attorney has

researched FCPS roads, Land Records and County GIS and found nothing that indicates that the roads or parking lots on any FCPS school campus are public. They are privately owned and maintained by FCPS.

2. Frederick county BOE has recently ruled that FCPS roads are **private not public.**

3. The paved areas surrounding the school are **parking lots, not roads.** Parking lots are not considered public but private property, even if it is accessible to the public; meaning traffic laws may apply within the lot, but it is not part of the public road system.

In addition, there is no longer any provision in the ordinance for the subjective exclusion of necessary and reasonable noise.

We are requesting that the Planning Commission have an independent acoustic study done, which corrects all the above stated flaws, to accurately predict the noise at the property line. Doing so is a necessary, reasonable and important step towards ensuring the Woodmere neighborhood is protected.

Regardless of zoning, we have the right to peacefully enjoy our properties.

Respectfully,

The Woodmere Neighborhood

Note: A similar email was sent to the BOE and Brad Ahalt.

The coursey of a response would be greatly appreciated.