



TOWN OF ANDOVER

Health Division
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To: Jacki Byerley
Planner

From: Thomas G. Carbone
Director of Public Health

RECEIVED

AUG 28 2025

Date: August 27, 2025

Re: 1320 South St.
New Leaf Energy, Inc.

PLANNING DIVISION

New Leaf Energy has returned to the Planning Board for a modification of its Special Permit for this site, reducing the number of battery units while also reducing noise abatement structures with the removal of its proposed wall between the battery farm and nearby residences.

As part of this modification, the applicant has submitted a Sound Level Modeling Report dated November 18, 2024, prepared by Epsilon Associates, Inc.

The report provides both daytime and nighttime short-term ambient measurements, showing the L90 sound measurements to be consistent at midday and in the overnight hours (page 5-5). I will note that the measurements occurred on October 3 and 4, 2024, while leaves would still be on the trees.

The report concludes that “the Project will increase the ambient sound level by no more than 6 dBA at any residential property line.” (Page 8-1) The state’s Noise Policy states that an exceedance of 10 dBA or greater above background levels would be a violation of the Policy, and the applicant states that because this increase in sound levels is within that range, it is allowable (Page 8-1); it should be noted that this is POLICY and not law.

The Report, on page 3-1, states that a “5 dBA increase or decrease as a **clearly noticeable change** in sound level” (bold added), indicating that the anticipated level of 6 dBA above ambient will be noticed by the neighbors. This is an issue that must be addressed, and I am recommending that the Planning Board require sound mitigation that is modeled to reflect an increase in ambient sound as close to zero as is feasible.

I recommend that the Planning Board require the following:

1. The Sound Level Modeling Report requires a peer review, funded by the applicant.
2. The applicant is required to implement sound mitigation strategies that will result in an increase in ambient noise as close to zero as is feasible.
3. Any approvals shall be limited to the specified 8 battery units with a size of 5 MW/20 MWh; a change in devices or system capacity will result in the matter returning to the Planning Board.

4. Prior to beginning any site work, the applicant shall submit to the Town a construction plan that is subject to the approval of the Planning Director or his designee, the Inspector of Buildings, the Director of Public Health, the Fire Chief or his designee, and the Director of Public Works or his designee. Said construction plan shall include the following information:
 - a. A traffic control plan that includes details as to where trucks and equipment will be staged prior to offloading.
 - b. A plan to address the off-hour arrival of equipment.
 - c. Names and contact information of persons who will be responsible for addressing any complaints during construction; that list shall be at least four names deep.
 - d. How any noise complaints will be investigated and resolved.
 - e. A proposed construction timeline, through the expected startup date.
5. The Planning Board requires that funds be deposited with the Town to be used for post construction sound monitoring and review of the data being submitted by the applicant. The amount should be \$30,000.00, and should remain in the town's control until 12 months following 100% operation.
6. Upon complaint from a neighbor or the Town of Andover or Tewksbury concerning noise, the construction company will deploy a handheld sound meter to ensure compliance with applicable state regulations and guidelines.
7. Sound monitoring equipment shall be in place prior to the commencement of commercial operation, and shall continue for 14 days following the start of commercial operation. Raw sound data shall be submitted to the town on a weekly basis.
8. A sound monitoring report generated by the applicant or its successors must be submitted to the Town of Andover within 14 days of completion of the startup monitoring. If at any time it is noted that allowable levels are exceeded, operations will be stopped until such time as it is determined that the violation has been corrected.

Finally, I will note that this project could be regulated by the Board of Health as a Noisome Trade under M.G.L.c. 111, § 143, requiring a Site Assignment from the Board of Health. The Board of Health reserves the right to regulate this project in this way in the future.