



March 23, 2026

Michael Woodman  
MassDEP – Bureau of Air and Waste  
100 Cambridge Street  
Boston, MA 02114

**Re: Comments on Proposed Revisions to MassDEP Noise Policy**

Dear Mr. Woodman:

I appreciate the opportunity to submit comments regarding MassDEP's proposed revisions to its Noise Policy interpreting the noise provisions of 310 CMR 7.10. The Devens Enterprise Commission is the regulatory authority overseeing the redevelopment of former Fort Devens. While the Devens Enterprise Commission (DEC) would not be directly affected by these revisions, given that we administer our own Industrial Performance Standards (IPS) addressing sound and vibration, we would like to bring to your attention the following:

1. Long-Term Planning and Preservation of Acoustic Capacity

If the DEC had allowed initial sources within mixed-use development areas to operate up to a 40 dBA level, we would have quickly approached the maximum allowable sound levels necessary to protect adjacent residential uses. At the outset of redevelopment, some industrial operators expressed concern that the low ambient baseline and corresponding incremental limits were overly restrictive. We recognize that, in certain early-stage areas, a higher initial threshold such as 40 dBA may have appeared beneficial. However, by maintaining strict limits from the beginning, including incremental allowances applied not only to individual facilities but also across shared lots and campus-style developments, we have successfully managed cumulative sound levels over time. As a result, residential areas integrated within our redevelopment have been able to maintain a true neighborhood character, rather than being dominated by continuous industrial noise. This outcome would not have been achievable had higher initial sound levels been permitted.

2. Importance of the Lowest L90 Ambient Methodology

Many years ago, the DEC adopted the MassDEP approach of collecting one week of ambient sound data and defining the ambient condition based on the lowest hourly L90. Similar to the concerns raised regarding incremental limits, early developers objected to this methodology due to the constraints it imposed. However, the DEC consistently applied its IPS requirements, and over time these concerns diminished as the park developed. In hindsight, maintaining this conservative approach was critical. Had we instead relied on averaged L90 values or less conservative metrics, we would not have preserved sufficient acoustic capacity to accommodate future growth.

The DEC does allow flexibility within this framework. Developers may propose site-specific monitoring protocols and, where appropriate, provide technical justification for excluding anomalous data points. In such cases, additional data collection is typically required to support a revised ambient condition that remains representative of a reasonable worst-case scenario. We note that one of the data examples presented in the MassDEP discussion materials reflects such a situation at Devens. In that case, a single unusually low reading was excluded; however, this exclusion was supported by additional data collection and analysis, resulting in an agreed-upon ambient level that was higher than the lowest measured value, yet still conservative and representative. This process underscores that the current methodology already allows for appropriate, case-by-case adjustments without abandoning its protective foundation.

If the DEC had adopted either a 40 dBA ceiling limit for initial sources or an averaging approach to ambient sound during the permitting process, the cumulative sound environment within Devens would be significantly higher than it is today. More importantly, we would have far less flexibility to accommodate future tenants and expansion as the area

continues to develop. For these reasons, we encourage MassDEP to retain its existing framework, which has proven effective in managing cumulative impacts while supporting long-term growth and mixed-use development.

**Thank you for the opportunity to comment.** Should you have any questions, feel free to contact me at 978.772.8831.

Sincerely,



Neil Angus, FAICP, LEED AP  
Director

cc: Devens Enterprise Commission  
Town of Ayer



Town of Harvard  
Town of Shirley  
MassDevelopment Finance Agency

**DEVENS ENTERPRISE COMMISSION**

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