



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20222605
Lead Investigator: Ekstrom, Gretchen
Case Type/Sub-Type: Noise - Residential - El. Amplification Equip.
Date Opened - Date Closed: 2022/12/29 - 2023/02/16

Description:

Amplified music with no permit. This happens every night they are open. From :10 pm TO :Still going

Contacts:

Contact Type	Contact Name	Company	Contact Info	Address
CaseLocation				4501 Olney Laytonsville Rd. , Brookeville -20833
Contactors	Mclaren, Kevin	U. S. Lawn Services, Inc.	(301)570-1408	16613 NORBECK FARM DR P.O. Box #, OLNEY - 20832
Contactors	Scott, Brad	Olney Boys and Girls Club Inc.	301-570-7049	4501 Olney Laytonsville Rd , OLNEY -20832
Contactors	Smith, Leonard		(301)717-8240	4112 Brookeville Rd. , Brookeville -20833
Contactors	Smith, Taylor Smith		(301)775-1422	4112 Brookeville Rd. , Brookeville -20833
Investigator	Ekstrom, Gretchen	MC DEP	240-777-7750	2425 Reedie Drive Fourth Flo, SILVER SPRING -20902

History:

Action	Investigator	Action Date
Close Case	EKSTRG01	2/16/2023 4:17:53 PM

Description

I issued Olney Boys and Girls Club a Notice of Violation for creating a noise disturbance during their Winter Lights Festival. They submitted a Compliance Plan.

Contact Communication	EKSTRG01	2/16/2023 4:14:00 PM
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Description

Email from complainant:

From: Taylor Smith <anothersmithfam@gmail.com>
Sent: Thursday, February 16, 2023 4:14 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Cc: Lensmithcp@gmail.com
Subject: Re: OBGC events - noise (20222605)

[EXTERNAL EMAIL]

Thank you very much, we really appreciate the efforts and 9 pm is much more reasonable. I have bcc'd several neighbors who were affected as well.

Thanks again,
Taylor Smith

Exhibit 70 - S2385



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20222605

Action	Investigator	Action Date
Contact Communication	EKSTRG01	2/16/2023 3:58:00 PM

Description

Email to complainants:

Good Afternoon,

Based on your two party noise complaint on December 28, 2022, I issued OBGC a Notice of Violation for creating a noise disturbance. They investigated the source of the noise and have taken steps to mitigate the noise. They submitted the attached plan as a result of the Notice of Violation. I am closing my case.

Please contact me if there are issues in the fall.

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

Contact Communication	EKSTRG01	2/16/2023 3:46:00 PM
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Description

Email to OBGC:

Kevin,

On behalf of DEP, I accept the Compliance Plan submitted by OBGC.

I am closing my case. I will touch base with you in the fall if I receive any complaints.

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

Issue Case Document	EKSTRG01	2/16/2023 3:43:13 PM
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Description

Document Type: Documents Received

Contact Communication	EKSTRG01	2/13/2023 6:44:00 PM
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Description



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20222605

Action	Investigator	Action Date
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Email with Compliance Plan:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Monday, February 13, 2023 6:44 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Cc: Ken Bradford <director@obgc.com>
Subject: RE: Notice of Violation to OBGC (20222605)
Importance: High

[EXTERNAL EMAIL]
Hi Gretchen,

Happy New Year! Hope all is well.

Please see the attached plan & let me know if there is anything else that you need.

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

Contact Communication	EKSTRG01	2/13/2023 6:58:00 AM
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Description

Email to OBGC:

Kevin,

I issued Olney Boys and Girls Club a Notice of Violation on January 3, 2023. The Plan for Compliance is due on Friday, February 17, 2023. The steps listed in the Plan for Compliance do not have to be completed but a timeline for completion must be included.

Please contact me if you have any question.

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

Issue Case Document	EKSTRG01	1/18/2023 9:46:42 AM
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Description

Document Type: Documents Received

Contact Communication	EKSTRG01	1/18/2023 9:45:00 AM
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Description

Green card returned for OBGC NOV. Signed by Pam Ryan on January 9, 2023.

Contact Communication	EKSTRG01	1/17/2023 10:36:00 AM
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Description



Montgomery County Department of Environmental
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Case Number: 20222605

Action	Investigator	Action Date
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Ekstrom checked USPS tracking:
Tracking number 70201810000153605380
Delivered

January 09, 11:43AM
Olney, MD

Issue Case Document	EKSTRG01	1/9/2023 7:01:33 AM
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Description

Document Type: Maps

Contact Communication	EKSTRG01	1/5/2023 11:52:00 PM
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Description

Email with property map from Kevin:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Thursday, January 05, 2023 11:52 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: OBGC site maps

[EXTERNAL EMAIL]
Gretchen,

The site maps with dimensions.

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

Contact Communication	EKSTRG01	1/5/2023 4:36:00 PM
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Description

Email with NOV to Kevin McLaren:

Kevin,

Thank you for speaking with me. Attached is the Notice of Violation.

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

Contact Communication	EKSTRG01	1/5/2023 4:09:00 PM
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Description



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Action	Investigator	Action Date
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Kevin McLaren called. When the music plays, he is getting a reading of 47-50 dBA. When the show occurs with the light display, the noise level increase to 57-58 dBA. The property line is 75 ft from the speaker. There is a louder routine that goes up to 65 dBA. I will send him a copy of the NOV. They are proposing a screen next to the speaker, heightening the berm, and adding evergreens.

The Winter City Lights festival takes place at the northeast property line. The fire ring in the open space is the location of the tree.

Contact Communication	EKSTRG01	1/5/2023 9:21:00 AM
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Description

Email from Mr. McLaren:

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Thursday, January 05, 2023 9:21 AM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: RE: OGBC Noise Complaint

[EXTERNAL EMAIL]
just read it, thank you, very informative

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

Contact Communication	EKSTRG01	1/5/2023 8:37:00 AM
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Description

Email from Kevin McLaren and my response:

Good Morning,

Thank you for the email. There is no "rule of thumb" calculation for noise reduction from building/planting a sound barrier. There are too many variables. I have attached an article that gives you a better idea of the science behind building/planting barriers.

In order to get a 5-10 dBA reduction in the noise level, one must plant 20 feet (wide) of dense foliage. Since sound is measured in a logarithmic scale, there is a 6 decibel reduction each time the distance is doubled.

There are products on the market such as AcoustiBlok and QuietFiber that I have seen used to reduce noise levels.

I am willing to come out on the weekend to take noise measurements with a properly calibrated sound level meter.

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

From: Kevin McLaren <kmclaren@greeneearthinc.com>
Sent: Wednesday, January 04, 2023 11:49 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

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Subject: OGBC Noise Complaint
Importance: High

[EXTERNAL EMAIL]
Gretchen,

Speaking with you was very informative, thank you for taking the time to chat.

We are still investigating the sound that the Winter City Lights event emits to the adjacent property. We plan to use the NIOSH Sound Meter application to test the dBA levels. I am also trying to better understand the best abatement options so if we exceed the 55 dBA I can recommend to OBGC the best abatement solution. Our goal is to ensure the complaint is completely resolved with no future issues. Thank you in advance for answering the following questions.

- You mentioned that for trees to provide a sound barrier they needed to be at least 20 ft tall.
 - o Is there a “rule of thumb” about the number of decibels a tree or bush screen will provide?
- How effective is an earthen berm in abating sound?
 - o Is there a “rule of thumb” about the number of decibels a berm will abate?
- How effective is a solid fence in abating sound?
 - o Is there a “rule of thumb” about the number of decibels a fence will abate?
- What about dense bushes or a solid fence on the crest of an earthen berm?
- I have confirmed that speakers for the event are facing away from the property line of the neighbor that complained.
 - o Would a baffle of some type installed behind the speakers provide any abatement?
 - o Is there a preferred material to use for the baffle? Wood? Foam board? Wood & foam board?, etc.

I did some google research and found the following information. Do you agree with the statements made below on the level of abatement?

I also read this blog info <https://www.soundfighter.com/landscaping-for-privacy-and-noise-reduction/>

(He added a few blog posts about barriers that didn't copy)

Best Regards,
Kevin J. McLaren, President
Green Earth, Inc.
16121 Batson Road, Spencerville, MD 20868
Cell - (301) 252-1289 | Snow - (301) 858-6258
Office - (301) 570-1408 | Fax - (301) 570-0432

Contact Communication	EKSTRG01	1/3/2023 4:45:00 PM
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Description

McLaren and I had a text message conversation about the NIOSH app. I directed him to the manual. He was surprised that the meter didn't read zero dBA in a quiet room.

Update Contact Description	EKSTRG01	1/3/2023 2:38:50 PM
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Description

Contact Description updated from : to helps with events at OBGC

Add Contact to Case	EKSTRG01	1/3/2023 2:38:28 PM
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Description

Contact McLaren, Kevin - U. S. Lawn Services, Inc. Added to the Case

Contact Communication	EKSTRG01	1/3/2023 2:20:00 PM
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Description



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Action	Investigator	Action Date
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Kevin McLaren, 301-252-1289, called. He works for the company that puts on the events at OBGC. He also volunteers at OBGC. He has been working with OBGC for 7 years to correct any county deficiencies. I explained the complaint and the Noise Ordinance. He is familiar with the complainants. He stated that the speaker is at the base of the tree and can't be heard by the complainants since there is a hill between them. He stated that there was an issue with the volume one night at the beginning of the event but it was corrected. He mentioned that the sound guy used a cell phone app to measure the noise and it was OK. Mr. McLaren didn't know what the decibel readings were or the application used. I suggested the NIOSH SLM app. I told him that I had issued an NOV and OBGC would have to submit a compliance plan. We discussed mitigation. He asked about planting trees. I stated that it takes 20' of dense trees to reduce the sound level by 6-10 dBA. I texted him my email address.

Add Contact to Case	EKSTRG01	1/3/2023 1:42:17 PM
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Description

Contact Scott,Brad -Olney Boys and Girls Club Inc. Added to the Case

Contact Communication	EKSTRG01	1/3/2023 1:42:00 PM
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Description

Ekstrom called Mr. Scott, 301-570-7049, and left a message that DEP had received a complaint concerning the Winter City Lights event that I would like to discuss. I left my name and cell phone number.

Issue Case Document	EKSTRG01	1/3/2023 1:39:22 PM
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Description

Document Type: Notice of Violation (NOV)

Contact Communication	EKSTRG01	1/3/2023 1:36:00 PM
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Description

Ekstrom issued OBGC Inc an NOV for a noise disturbance on Dec 28, 2022.

The original was sent certified mail, 7020 1810 0001 5360 5380

A copy was sent to 4501 Olney Laytonsville Rd.

Contact Communication	EKSTRG01	12/29/2022 5:03:00 PM
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Description



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

CASE SUMMARY REPORT

Case Number: 20222605

Action	Investigator	Action Date
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Email response from complainants:

From: Taylor Smith <anotherstsmithfam@gmail.com>
Sent: Thursday, December 29, 2022 5:03 PM
To: Ekstrom, Gretchen <Gretchen.Ekstrom@montgomerycountymd.gov>
Subject: Re: Winter City Lights, 4501 Olney-Laytonsville Rd - noise (20222605)

[EXTERNAL EMAIL]

Hi Gretchen, thank you so much for the email. I'm sorry I didn't get a chance to call today!

Yes, this has been an on-going issue for years. We love OBGC but the now four months of incessant loud events with no break has gotten really hard. We have reached out time and time again about trash, the smoke from the fires, and the noise. Brad Scott, OBGC director, is responsive in word but not in follow-through.

We very much value the sports association but the loudness of the amusement-style events are very challenging. The loudspeakers are only feet from our property line; we own the open field and the noise carries. Screams is actually worse than Winter City but we've been trying for years to be neighborly and avoid complaining, but it's so hard to get our little ones to settle in bed with the noise night after night for months on end.

We will take the recordings and let you know. My understanding from zoning was that the event was unpermitted.

Thank you,
Taylor Smith

Contact Communication	EKSTRG01	12/29/2022 3:41:00 PM
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Description

Email to complainants:

Good Afternoon,

I received your two party noise complaint concerning the Winter City Lights event at 4501 Olney-Laytonsville Rd. I see that the last two nights of the event are today and tomorrow. The event is not required to obtain a permit from the Department of Environmental Protection. However, they must comply with the Montgomery County Noise Control Law, Chapter 31B. Specifically, the noise level must not exceed 55 dBA at your property line after 9:00pm. With the open field between you and the event and the cold nights, the sound will be audible. You can check the noise level on a smart phone. If you have an iPhone, I have found the NIOSH SLM app to be reliable. Do to technology differences, the application is only available for iOS devices.

Have you spoken with anyone associated with the event about the music level? Did you experience the same issues with the haunted forest event?

I will probably not be able help you with this seasons event due to the timing. I can speak with them about the noise level about future events.

Regards,

Gretchen F Ekstrom, REHS/RS
Environmental Health Specialist
Energy, Climate and Compliance Division
Montgomery County Dept. of Environmental Protection
office: 240.777.7750
mobile: 240.832.8010

Office Research	EKSTRG01	12/29/2022 9:33:00 AM
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Description



Montgomery County Department of Environmental
Protection Division of Environmental Policy and Compliance

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Case Number: 20222605

Action	Investigator	Action Date
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SDAT Property:
District - 08 Account Number - 03087577
Owner Information
Owner Name: OLNEY BOYS & GIRLS CLUB INC
Mailing Address: PO BOX 2
OLNEY MD 20830-0002
Location & Structure Information
Premises Address: 4501 OLNEY LAYTONSVILLE RD
OLNEY 20832-0000

Internet Search:
<https://obgc.com/>
OBGC Community Park Address:
4501 Olney-Laytonsville Rd.
Olney, MD 20832

OBGC Mailing Address:
PO Box 2
Olney, MD 20830

?OBGC TAX ID#: 23-7008610

Contact Us
Director: 301-570-7049
Registrar: 301-570-3990
Weather Hotline: 301-260-9004

<https://wintercitylights.com/attractions/>
The Boys and Girls Club is currently hosting a winter lights festival. The website mentions music and stays open until the last guest leaves. December 29 and 30 are the last two nights of the event.

<https://wintercitylights.com/contact-us/>
Winter City Lights
4501 Olney-Laytonsville Road
Olney MD, 20832
Phone: (888) 720-1112
E-mail: info@wintercitylights.com

SDAT Business:

Department ID Number: D00283259
Business Name: OLNEY BOYS AND GIRLS COMMUNITY SPORTS ASSOCIATION, INC.
Principal Office: 4501 OLNEY LAYTONSVILLE ROAD
OLNEY MD 20832
Resident Agent: BRAD SCOTT
4501 OLNEY-LAYTONSVILLE ROAD
OLNEY MD 20832
Status: REVIVED

Contact Communication	EKSTRG01	12/29/2022 9:31:00 AM
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Description

Ekstrom called Taylor Smith, 301-775-1422, and left a message. I received her two party noise complaint and would like a call back. I left my name and phone number.

Issue Case Document	EKSTRG01	12/29/2022 9:30:50 AM
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Description

Document Type: Two Party Complaint Form (Noise)



CASE SUMMARY REPORT

Case Number: 20222605

Action	Investigator	Action Date
Add Contact to Case	EKSTRG01	12/29/2022 9:24:41 AM

Description

107772 Added to the 20222605

Add Contact to Case	EKSTRG01	12/29/2022 9:24:40 AM
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Description

107771 Added to the 20222605

Add Contact to Case	EKSTRG01	12/29/2022 9:24:40 AM
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Description

107770 Added to the 20222605

Assign Lead Investigator	EKSTRG01	12/29/2022 9:24:40 AM
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Description

Assign Lead Investigator

Open Case	EKSTRG01	12/29/2022 9:24:40 AM
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Description

Automatically generated when case first added to database.

Open Date	Close Date	Reason	Case Length	Work Hours	Fiscal Year
2022/12/29	2023/02/16	Induced Compliance	49	0:00	2023