

16 April 2002

Dear Fort Point Place Unit Owner-

Thank you again for your patience and support as we work to bring the sound issue to full and final resolution. Although the settlement question has been resolved, there are a number of related issues that remain which we address below. We thank you in advance for your cooperation and look forward to addressing other important building issues. Please feel free to follow up with Denise or with any member of the Board if you have questions or comments.

### **Rug Rule Specification**

As stated in our prior letter, the master deed has been amended to include a requirement that 70% of the floor area of each unit be covered by rugs. A copy of the relevant section of that letter (dated 3/19/2002) is attached. As indicated, owners must comply with the rule within 30 days of receiving this specification. Essentially, all rugs must be laid on top of a rug pad of eight pound weight or greater. Denise has a sample of this padding for your review. ***Rugs laid directly onto the bare wood floor do not constitute compliance.*** If your neighbor above has not complied with the rule and is not receptive to discussing the matter with you, please contact Denise.

### **"Quiet Hours" Policy**

The Trustees have adopted a "quiet hours" policy in effect from 11 p.m. to 7 a.m. Monday through Friday and 1a.m. to 11 a.m. Saturday and Sunday. During the designated quiet hours, you should be particularly mindful of the sound emanating from your unit. As such, we request that you lower television and stereo volumes; refrain from loud conversations; conclude parties or other noisy gatherings; and refrain from house cleaning, rough play and other activities that are likely to generate noise and impacts that will be heard in adjoining units.

In the event that a resident violates the quiet hours policy, the first approach is to speak with that person directly to see if the problem may be resolved. If the problem is not resolved satisfactorily, ***it is critical that Management be notified as this is the only way that the Trustees may enforce the "quiet hours" policy.*** Management will respond to the complaint by addressing the offending owner directly. In addition, residents are encouraged to call Boston Police in the event of egregious and consistent violations of the policy. Owners who consistently violate the "quiet hours" policy will be fined for every violation until the behavior changes.

### **Sound Remediation Specification**

A number of contractors are performing sound remediation work at Fort Point Place and the Trustees want to ensure that such work complies with accepted standards. The attached specifications, developed by our acoustical engineer, describe the construction methods and materials necessary to achieve a significant degree of sound attenuation. The use of resilient channels (for between-the-beams option) or resilient hangers (for below-the-beams options) is especially critical. Owners are strongly encouraged to determine if their designated contractor has the requisite experience with such methods and to require them to follow these specifications. To the Trustees knowledge, at least one contractor, Doucette Construction, has performed installations in the Building complying with these specifications

### **Expanded Construction Hours**

In order to accommodate sound attenuation and other construction work, the Trustees will allow construction to take place during the hours of 10 a.m. to 3 p.m. on Saturdays only. This extension of the construction hours will be in effect for six months from the date of this letter. Owners are reminded that they are responsible for the actions of their contractors. In particular, please note that ***contractors must completely remove all construction debris from the premises and may not use the Fort Point Place trash room to dispose of this waste.***

### **Common Area Sound Remediation**

The Board is obtaining estimates to perform the common area sound remediation work recommended by our sound engineer. Once those estimates are in hand, we will prioritize the work based on construction logistics and proceed forthwith to implement the recommended solutions in common areas.

### **Board Vacancy**

The Trustees regret to announce the resignation of Rhiannon Hayes from the Board. Rhiannon made a major contribution to resolving the sound issue and she is owed a debt of gratitude by both the Trustees and the owners of Fort Point Place. This vacancy must be filled, and you will receive a letter in the near future that announces the election process. Anyone interested in running for the empty seat should contact Denise or any current member of the Board.

Please feel free to contact Denise or any member of the Board if you have questions regarding this letter.

Sincerely,

Trustees of Fort Point Place

*From letter to owners dated 3/19/2002*

### **The Rug Rule**

As mentioned previously, the rug rule is intended to shield residents from impacts from the unit above. While ceiling insulation may reduce the sound of ambient noise from other units, i.e., televisions, stereos, conversation, etc., it is not very effective at blocking the sound of a hard object hitting the floor above. Owners are expected to comply with the rug rule within 30 days of receiving the rug rule specification, which will be mailed shortly. This specification will provide guidelines regarding the carpet types and carpet pads necessary to achieve the sound insulation performance outlined in the master deed. The Board is attempting to negotiate special Fort Point Place discounts with local carpet retailers and will provide you with information about such discounts in the near future.

### Defining 70%

When determining how to comply with the rug rule, it is important to understand the area to which the rule applies. As mentioned in the master deed amendment, bathrooms and utility rooms are not included in the requirement. This means that the rule applies to 70% of the remaining floor area, after the bathroom has been excluded. As a practical matter, floor area that is covered by sofas, book cases and other objects that effectively prevent impacts should not be considered. In essence, rugs are required on 70% of the exposed floor area where impacts are possible and the Board will administer the rule in that manner. Thus, the floors of closets where shoes are often dropped are subject to the rug rule. The area underneath beds may be subject to the rule, depending upon whether that area is actually accessible. Kitchen floors are included in the 70% zone, but may be covered with rubber matting or some other sound dampening material.

### How to Comply

The best way to address the rug rule is to establish good communication with your neighbor below. As has been stated on previous occasions, the Board has no intention of proactively inspecting every unit to verify compliance with the rug rule. Rather, we intend to respond to complaints. Thus, if you establish communication with your neighbor below and determine where impact noises are generated from your unit, you may address these problem areas only and wind up covering less than 70% of the floor area with rugs. If no communication is established and you fail to install rugs, then the neighbor below may complain to the management company. If such a complaint is lodged:

1. Management will contact you to discuss the situation.
2. Management will make an appointment to inspect your unit to verify the state of compliance.
3. You will be notified in writing if you are not in compliance with the rule. If you are in compliance, the other unit owner will be notified and the matter will be concluded.
4. You will have one week to comply with the rule unless the Board grants a longer period for good cause.
5. Management will make an appointment to verify compliance after this period.
6. Owners who remain out of compliance after this period will be fined \$50 per day until compliance is achieved.

We want to reiterate that inspecting units and forcing compliance is the last thing the Board wants to do. However, the master deed has been amended to require 70% coverage as a means of significantly reducing impact noises. If neighbors cannot reach a private agreement regarding impacts, then the Board will enforce the rule as outlined above.