

# Ad-hoc Committee for the creation of a Light, Air, and Noise by-law

## Minutes

**Meeting:** #2, January 29, 2019

**Members Present:** Tony Beattie, Tim Brothers,\*\* Casey Campetti, Renee D'Argento, Max Gordon, Ronald Karr,\* Patricia Kenneally, Mark Little, Vince Premus, Joe Radwich, Sherrill Rosoff, Margaret Scarsdale, Harvey Serreze

**Members Absent:** \*Ronald arrived at ~8 p.m.; Tim had to leave at ~8:30 p.m.

**Guests:** None

**Clerk's Comments:** Votes appear in boldface

MOT = Motion; 2nd = seconded;

The meeting convened by Margaret Scarsdale at 7:01 p.m. The meeting was being recorded (y/n) and live broadcast on local cable (y/n).

### 1. Introductions

**Tim Brothers**—Pepperell resident 5 years. BS Physics and Astronomy. Interest/experience: light pollution (including health impact), Astrophysical Observatory Site Manager at MIT. VP International Dark Sky Association. Medical device experience.

**Sherrill Rosoff**—Retired. MA Education. Former teacher, realtor, director of healthcare at Wharton School of Finance, UPenn. Started/owned Restored Homestead (old house rehab). Current member Master Planning Advisory Committee.

**Vince Premus**—PhD EE from Duke (acoustics). VP/scientist Ocean Acoustical Services and Instrumentation Systems. Interest/experience: acoustics, including health impacts. Former member of ZBA.

**Renee D'Argento**—Interest/experience in health/environment/climate/energy policy. BA PhysEd, graduate work in public health management, realtor for 10 years. Current member Master Planning Advisory Committee. Interest/experience: policy.

**Margaret Scarsdale**—BA American studies, freelance writer, former middle school teacher. Former member/grant writer for Ayer Sign and Façade Committee, former Pepperell Cultural Council.

**Harvey Serreze**—Pepperell resident since 1995. PhD EE. Works part-time for Spire Solar (Netherlands company) "creating sunlight." Former member of Conservation Committee; still manages a trail.

**Tony Beattie**—MPsych mental health/counseling (two sisters also in mental health field). Farmer (Robinwood Farm). Interest/experience: social justice, group dynamics.

**Pat Kenneally**—Co-owner of Maple Dene and Moppet School (preschool, Kindergarten, after-school programs, camp) for 34 years. Interest/experience: familiarity with state regulations. Half of musical duo Cooper & Kenneally.

**Casey Campetti**—Resident 1 year. MA Archaeology, MBA. Senior archaeologist AECOM (civil engineering). “Technical expert in making noise.” Interest/experience: archaeology, cultural resources, Historical Commission. Current Associate Member of Planning Board.

**Max Gordon**—Master’s in writing/publishing. Former MarCom manager in tech, former MarCom-agency owner. Lifetime freelance writer/editor/graphic designer. Interest/experience: writing, research. Former member of Atkinson, NH, Historic Commission.

**Mark Little**—Resident since 1995. Degree in EE; principal engineer Draper Laboratories. Spearheaded last summer’s work on Pepperell noise ordinance that produced draft.

**Joe Radwich**—Resident for 41 years. Associate’s in EE, with a focus on electronics design and sound analysis. Now owns Radwich Land Clearing. First town committee.

**Ron Karr** (not present at this point) will give his bio at Meeting #3.

## 2. Procedural Tasks

- Margaret reminded the group to complete the ethics training and turn in certificates to the town clerk.
- Casey explained that there would be a scheduling conflict with Room A (another committee meets there every other week) if we continued to hold our meetings on Tuesdays. Thursdays would be available, but that did not work for Sherrill and Renee. Other locations were discussed; deemed not ideal because of recording, room size, conflicts. Casey will try to reserve Room A for 7 p.m. on Tuesdays alternating with Thursdays, beginning with next week (first Tuesday conflict).

**Motion to hold Meeting #3 at 7 p.m., Thursday, February 7, Room A**

**Carried**

Motion by Margaret. 2nd by Casey.

Y=12 | N=0 | 1=absent\*

## 3. Framework discussion

**Casey:** We should establish a set of goals with dates for drafts, expert input, baseline measurements, etc.

**Harvey:** We need to decide whether will focus more on hitting the (town meeting) deadlines or on getting it right. (He leans toward getting it right.)

**Tim:** Getting it done sooner is more important than getting it perfect. People’s time is valuable.

**Margaret:** The draft noise ordinance was not rejected; there was just no time or committee to complete it fully.

**Vince:** We need to proceed with a prudent, judicious use of people’s time. It shouldn’t be too difficult to determine what elements are essential. I’m afraid that relaxing our sense of urgency might lead to lower quality.

**Harvey:** (asks about state documents) Tim, where are you with the light component?

**Tim:** I have a model ordinance that has gotten some buy-in in several towns. Several towns (e.g., Townsend, Rockland) have cut-and-pasted from our material to enact by-laws governing light. When it comes to air, we could focus on the most egregious problems.

**Renee:** I've been reading about cell-phone apps for monitoring noise and how, even though they are not necessarily calibrated, they produce valuable information because they provide so many data points—multiple people, multiple seasons, multiple times of the day.

**Vince:** Joe asked me about examples of noise issues, worst cases, and I keep coming back to the pipeline because I am so familiar with it. If Pepperell had ended up with a compressor station that had transient methane blow-offs, the noise from that would be audible a half-mile away....We may need some sort of "permission slip" process whenever a new [entity: business, industry, etc.] wants to locate in Pepperell....I have a problem with using uncalibrated data.

**Joe:** When it comes to measuring, calibrating, purchasing devices, who pays? There is nothing in the budget.

**Casey:** I'm in favor of getting something done sooner rather than later. When things like this [pipeline compressor station, "Nashua Road project"] occur, they remind us that there are gaps in our protections—deficiencies in our current by-laws that could allow rapid changes that diminish our quality of life here in Pepperell.

**Max:** Some of us are playing catch-up here. A framework should cover the same basic points for light, air, and noise—standards, measures, enforcement, extremes—so we should determine how much of that information we have for all three already. Maybe we need subcommittees, or point people—like, Tim is Mr. Light—to gather that basic data.

**Tony:** All groups go through these storming—norming—performing stages of group development. It's all necessary for teams to get comfortable. Eventually they settle down and tackle problems, find solutions, plan work, and deliver results.

**[Ron arrived somewhere around here]**

**Mark:** Can we decide what we mean by "framework"? I don't see how we can develop it before we define it.

**Harvey:** We have a draft on noise from before.

**Tony:** Tim has a lot on light; we could do that first. I worry that with noise, by mentioning the Nashua Road project, we are opening ourselves up to being sued by [presumably the Nashua Road people, whoever they are].

**Vince:** As long as we proceed objectively, we can get something done in time for the Town Meeting and we are committed not to do spot zoning.

**Margaret:** Until we get these by-laws in place, we have no protection [against significant noise, air, light violators].

**Pat:** It sounds as though light is already there; it only needs to be tailored to Pepperell.

**Tony:** The Nashua Road project has already been mentioned here 3 or 4 times, so we could get a lot of pushback for the appearance of spot zoning.

**Casey:** "Spot zoning" is not responding to a general problem that we've just now begun to pay attention to because of something that is or could happen. "Spot zoning" is targeting a specific business or example. When we become aware of the gaps in our town's protections, and we then move to address those gaps, that just using potential problems as a jumping-off point.

**Tim:** We need to be reasonable and general or we run the risk of nothing being passed. It can't be so granular that it can't be tested [with our resources]. But there are already things happening here in

town [“things” not specified, to my knowledge, but I believe I heard “development downtown” and—Clerk] that suggest we should move forward quickly.

**Vince:** Tim, can you produce a lighting draft in one week?

**Tim:** If you don’t mind it being very rough. I already have something. [Tim will send a draft to Margaret asap.]

**Sherrill:** As Casey said earlier, we need to look at a calendar and see what we’re up against. Our real deadline in March 20 if want something for the Town Meeting. We need to have drafts, then reviews by other committees, many with slow turnaround, which means we will quickly run out of time. With the Master Planning committee, we’ve done some face-to-face draft reviews. I suggest these, as they move more quickly. They are informal.

**[Tim had to leave at 8:31 p.m.]**

**Joe:** We have some mention of noise on the books, although it’s not strong enough. But there’s no budget. Do we know if the Planning Board has talked about a major overhaul of its by-laws?

**Casey:** I’m not sure. I think they lightly touched on funding for a revamp, but there was nothing specific.

**Ron:** Going back to Tony’s concern [about any appearance of spot zoning], I have some experience with this. We are just an advisory committee. We can’t make judgments about anything. That’s up to different boards and town votes. I don’t think the courts would consider us at fault for advising the town on general guidelines.

**Tony:** Our town is being watched very closely [by Nashua Road project] for any evidence of wrongdoing.

**Margaret:** We will be respectful of the town’s best interests. Our work concern is what is in the best interests of the entire town, not in targeting against specific people, businesses, or projects.

**Sherrill:** I think we should agree to review the various noise ordinances and the Pepperell draft by next week.

**Renee:** I move that we should start with noise, unless Tim gets us something by next week, in which case...

**general crosstalk about what constitutes a motion:** must be simple yes/no, not conditional

**Sherill:**

**Review Pepperell and sample noise ordinances by next meeting**

**Carried**

MOT by Sherrill Rosoff. 2nd by Ronald Karr.

Y=12 | N=0 | 1=absent\*\*

**Tony:** I would like to consider what Europe has done on light, air, and noise. European countries are usually way ahead of us in these kinds of things.

**general agreement that Tony will do some Europe research**

**Casey:** Do we need baseline data now? I think we can collect it as we go.

**Margaret:** FYI, I’ve put together a comparison spreadsheet of other towns’ ordinances.

**[Margaret hands out spreadsheet comparison. “Packet” also handed out: other towns’ ordinances (Spencer, Lexington, Billerica, Watertown), town comments on old Pepperell noise ordinance draft, DEP noise regulations]**

**Casey:** We need to make sure we aren’t all doing the same research, retracing each others’ steps.

**Renee:** When I look at these documents, I'm looking at the structure, the table of contents, to see what they all have in common.

**Margaret:** That's what I put in my spreadsheet.

**Max:** Those are the shared elements I talked about, like standards, measures, enforcement, extremes...

**Sherill:** So, we will put Pepperell's working draft ordinance on the town server and we'll all add comments using Word with Track Changes?

**[general discussion about separate edited versions vs. live version update with a laptop at the next meeting—general agreement that we will all bring our edited versions of the draft noise ordinance, whether printed or electronic, to Meeting #3 next week. We will discuss these section by section and note which edits to keep/reject. This may or may not be done live on a laptop. (I will bring my laptop, just in case—Clerk)]**

**Max:** Can I suggest that before we go, we at least approve the minutes from the last meeting so they don't pile up?

<b>3. Approval of minutes from Meeting #1, January 22, 2019</b>	<b>Carried</b>
MOT to approve by Max Gordon. 2nd by Vince Premus.	Y=12   N=0   1=absent**
<b>4. Motion to adjourn</b>	<b>Carried</b>
MOT by Joe Radwich. 2nd by Casey Campetti.	Y=12   N=0   1=absent**