



LIGHT AIR NOISE (LAN) Bylaw Committee

Meeting Minutes

2/26/19

Town Hall, Conference Room A

7:00 - 9:00 PM

In attendance: Margaret Scarsdale, chair; Pat Kenneally, Casey Campetti, Joe Radwich, Harvey Serreze, Mark Little, Tony Beattie, Tim Brothers, Sherrill Rosoff

Absent: Renee D'Argento, Max Gordon, Ronald Carr, Vince Premus

Guests: none

Meeting was called to order at 7:06 PM

The committee began reviewing the draft of the Lighting Bylaw.

Regarding:

First Paragraph 1. **Authority:** Discussion ensued as to whether the bylaw is being issued by the Board of Health or the Town of Pepperell. It was agreed that the bylaw is being issued by the Town of Pepperell but members also agreed that the committee should ask Town Counsel's advice on this point.

Second Paragraph 2. **Purpose:** Discussion ensued about specific language in this paragraph with the following edits:

~~" The Pepperell Board of Health declares excessive noise a nuisance and a potential health hazard.~~ Chronic or repeated exposure to excessive noise is recognized by public health experts (need a citation) as a hazard to human physical and mental health, as well as to the health of animals.

Recognizing that people have a right - and should be ensured - an environment free from excessive noise and vibration capable of jeopardizing their health, safety, or welfare - or of degrading their quality of life - this bylaw is enacted to protect, preserve, and promote the health, safety, welfare and quality of life for the citizens of Pepperell, Massachusetts, as well as minimize the adverse impacts to animals and the environment, through the reduction, control

and prevention of noise by establishing maximum noise levels and administrative means to resolve noise complaints.

- A. kept as is
- B. kept as is
- C. deleted
- D. kept as is
- E. kept as is

Third Paragraph 3. **Prohibition of Excessive or Unwarranted Noise.** Committee agreed to delete "Prohibition" to read "Excessive or Unwarranted Noise."

The next paragraph was discussed and edited as follows:

Construction/private service/maintenance power equipment. Motorized devices and equipment engaged in home construction, roof installation, building restoration, etc. and/or demolition shall be permitted for use **only** between the hours of 7:00 am and ~~8:00~~-pm 7:00 pm, or as ~~otherwise restricted~~ allowed by a Town of Pepperell permit.

The next paragraph regarding extreme weather conditions addresses an exemption to the above and was discussed for quite some time. The debate centered around whether there was a need to address extreme weather conditions that should prevent permitted work as described in the above paragraph. Two positions were apparent: that the paragraph was intended to address people who made their living working outside, unprotected from extreme heat (as the most notable "extreme" weather condition). Another position was that employers would determine whether extreme heat or other weather conditions presented unsafe working conditions. The discussion was unresolved and the committee decided to table the discussion and that Mark Little would undertake further edits.

Paragraph A: **Commercial trash collection** was edited to delete "only".

Paragraph C: **Commercial deliveries or pickups** was edited as follows:

Deletion of the word "only" and replacement of "make" for "may".

Note: Sherrill Rosoff will provide the committee at its next meeting with a zoning map of the town.

Note: Margaret will reach out to some local businesses regarding commercial deliveries as pertaining early morning start time.

Paragraph D was discussed and tabled for future discussion.

Paragraph E: no changes

Paragraph F: no changes

Section 3: **Exemptions** The committee decided not to review this section but turn its focus to Section 4: Measurement of Excessive or Unwarranted Noise.

Section 4: **Measurement of Excessive or Unwarranted Noise**

This section elicited the most discussion from among committee members. It was determined at the conclusion that the committee would like to hear Vince Premus discuss noise measurement; further, it was noted that Vince Premus might know a consultant who might be able to give the committee as consumer's point of view on noise measurement and abatement to assist with the language of this section.

Concerns were:

- i. should we have two standards: one set for weekday and another for weekend;
- ii. what kind of presentation - such as a table - would be helpful in the presentation of noise measurements;
- iii. what do relative changes in decibel levels really mean? This question arose when the committee discussed a relative versus absolute approach to decibel measurement.
- iv. the comment was made that the bylaw be crafted in such a way that it does not become "weaponized" - a means of pitting one neighbor against another. This comment led to a discussion of excessive noise as a public nuisance issue. Finally, the idea was floated that the bylaw should pertain to commercial and industrial activities rather than residential.

The meeting adjourned at 9:17 pm.