



## LIGHT AIR NOISE (LAN) Bylaw Committee

### Meeting Minutes

Date: 6/11/2019

Time: 6:00-8:00 PM

Location: Conference Room A, Town Hall

Attending: Margaret Scarsdale, Ron Karr, Harvey Serreze, Vince Premus, Renee D'Argento, Sherrill Rosoff, Tony Beattie, Casey Campetti

Absent: Mark Little, Joe Radwich, Pat Kenneally

Guest: Margie LaFleur, Pepperell Board of Health

The meeting was called to order at 6:12 PM.

Ms. LaFleur opened her comments by distributing a letter which she had written on behalf of the Board of Health regarding the Noise bylaw draft. Margaret Scarsdale said that she had not received the letter and so the committee took time to read it. Letter stated that the Noise bylaw was unnecessary given current State and Federal guidelines.

Ms. LaFleur understood what the committee was attempting to do but questioned upsetting the current balance, and gave as an example motor cyclists driving through town.

Renee D'Argento pointed out that the committee is concerned about levels of persistent noise and that motor cyclists driving through town would not qualify.

Ms. LaFleur wanted clarification about what constituted persistent noise and is there much persistent noise in town?

Vince Premus responded by saying that the committee is trying to anticipate a worse case scenario rather than address occasional complaints. In the last five to ten years there's been some potential disruptive uses proposed that could have had some serious consequences to our peace and rural character. When we had the pipeline issue and the possibility of a compressor station arose, - that would have been disruptive. Noise is one component of transient activities that could happen. A noise bylaw would put into place some local roadblocks to protect ourselves against some uses that might come to town. Doesn't fit our vision of our town. The town of Maynard, for example, had redevelopment of a mill property previously occupied by Digital. There were existing neighborhoods surrounding the mill as well as new housing development. When Digital went away a new company came in, put industrial scale air handlers on the roof, and the quality of life was transformed for the surrounding neighborhoods. Maynard had no noise

abatement bylaw in place. We would like our town to have measures in place to guard against such a scenario but without interfering with recreational, or business activities that already exist. And we wanted guidelines that mean you don't have to be an engineer to understand the standards. We tied noise levels to relative measures so that we're looking at excursions way above ambient background noise.

Renee D'Argento added that builders and businesses like to know the guidelines in place and can plan for them.

Vince Premus: Because of the town's building permit process which routes applications around town hall for approvals, the application checklist could be modified so that the Board of Health has an opportunity to check noise levels and determine whether an applicant had done his/her diligence regarding noise levels.

Ms. La Fleur: As far as Kalene Gendron (Nashoba Board of Health agent working with the Pepperell BOH) is concerned, she doesn't want to be the person to do the noise testing; she uses the DEP and their laws regarding noise pollution.

Vince Premus: We're adopting pretty much the same standards as the DEP, but we collectively feel it is better to have a local bylaw that is proactive rather than after the fact and then we have to deal with the State.

Ms. LaFleur: The State DEP would be the final authority for any noise pollution so Kalene would have to reach out to them in any event.

Vince Premus: One of the other things we wrote into the draft is that if you felt it necessary to go out and hire a consultant to advise the Board of Health it's within your right to do that. If a new applicant might have noise issues, the Board of Health could get additional data to review mitigation efforts going forward. The applicant would pay for it. Our idea was to put a framework in place but it does add to the Board of Health's span of responsibility and it might increase it's - and Kalene's - workload.

Tony Beattie: Obviously, Margie, you feel the State and local enforcement already provides enough so that a town bylaw isn't necessary. What's your concern with this?

Ms. LaFleur: Persistent noise is a problem - people can tune out persistent noise. If you live next to a highway, you begin not to hear the sound.

Renee D'Argento: But if its new in town you would be much more sensitive to higher noise levels.

Margaret Scarsdale: The first line of defense would still be the police officer if there's a persistent noise issue. And Maynard could not find relief under existing state laws with the new company (roof air handlers).

Ms. LaFleur: I wouldn't want the bylaw to become a source of constant irritation between neighbors.

Margaret Scarsdale: She spoke to the police and usually its around holidays that we might see neighbors being annoyed about noises in their neighborhood.

Harvey Serreze: Going back to Vince Premus' example regarding the pipeline - we want to minimize things happening in the future that would significantly impact the rural nature of the town.

Ms.LaFleur said that Kalene is only part-time and she has great concern about taking this on. Harvey Serreze asked Ms. LaFleur whether other towns that Kalene worked with have noise bylaws? Ms. LaFleur didn't know.

Vince Premus: We're on the leading edge of municipalities trying to deal with this, so what are some things we could do that would address Kalene's concerns? She shouldn't have to be the only one out there measuring noise - we could ask Andrew MacLean for any ideas, at least as far as data collection, but the BOH would have to interpret the data - that would still be part of its duties.

Casey Campetti: Our committee was charged with crafting a general bylaw so we wouldn't get into zoning issues. Our noise bylaw is not about whether you can have only a certain sort of business but that you have to mitigate persistent noise - it's not about restricting activities, just noise - so its different from a zoning bylaw.

Ms LaFleur: We have a new member now so perhaps the best thing to do is allow more input from the new member; we'll put that on our agenda.

Vince Premus: We want to make your committee's review of this bylaw as convenient for you as possible so we'll work around your schedule. There are probably implementation details we can't address, though. We can think about how Kaleen's responsibilities are impacted but the Town Administrator must address the "how to" of implementation. Data collection and interpretation could be an area where we might be able to help the BOH.

Ms LAFleur: We don't have to vote on the Noise bylaw, but just have a conversation again with members of the committee.

Margaret Scarsdale: We'll try to get clarification from Andrew as to where the holes are at the state level that the bylaw addresses. Chief Scott has signed off on it; we're waiting to hear from the building inspector. We're really trying to do due diligence. Casey Campettie is reaching out to the Planning Board, and we're trying to reach out to the Pepperell Business Association.

Harvey Serreze: Wasn't there an attempt to draft a noise bylaw a few years ago? Renee said she was involved in it back then.

Ron Karr: Yes, we knew a lot of towns thought that the DEP guidelines were not adequate, so we drew upon other towns' bylaws to fill gaps in the DEP guidelines.

Renee D'Argento: Our other worry was noise creep - not just impacts from big projects. After a few years, the creep irrevocably changes a town and there's nothing that can be done. So this is another aspect of the problem. Businesses on the edge of residential neighborhoods could create noise creep.

Ms. LaFleur said she understands what the LAN committee wants to do. She would like to have feedback from all her members and then hammer things out from there.

After Ms. LaFleur left, the committee talked about takeaways and action items for the committee.

a. Should we consider going through the bylaw to identify terms that need definitions, such as "persistent" noise? While the committee expressed some concern about making the bylaw unwieldy trying to define everything in the bylaw, it was suggested that perhaps we can rely on past precedent by finding some examples of persistent noise. Is there a municipal standard as to what is persistent? Can Chief Scott shed some light here by providing some examples? This bylaw is intended to address future circumstances, so if the bylaw is a

reasonable attempt any business wanting to come to town knows we have a bylaw in place so they have the option to mitigate noise or go somewhere else. The bylaw is not intended to straighten out neighbor disputes. (It was noted that the police receive around 25 complaints a year and most occur around the Fourth of July. None are persistent.)

b. Kalene may have some personal safety concerns if she's going out to do noise measurements and doing this alone. We might want to think about this and figure out how to address any personal safety concerns.

c. We don't want the Board of Health to believe this bylaw is burdensome and complicated; if we thought that the Noise bylaw would be the easiest of the three, perhaps we're finding out that none of them will be a slam dunk. So that makes the way we're going about this process of gaining input and support even more important.

d. It did appear that Margie LaFleur was more in tune with the bylaw's intent after our conversation with her, but she couldn't speak for Kalene and the new Board member. It would be important to have Kalene present at the next working meeting with the Board of Health.

e. Margaret Scarsdale will check in with Joe Radwicz regarding status with the Pepperell Business Association.

The meeting adjourned at 7:48 PM.