



LIGHT AIR NOISE (LAN) Bylaw Committee

Meeting Minutes

Date: 7/16/2019

Time: 7:00-9:00 PM

Location: Conference Room A, Town Hall

Attending: Harvey Serreze, Joe Radwich, Mark Little, Vince Premus, Tony Beattie, Margaret Scarsdale, Sherrill Rosoff

Absent: Ron Karr, Casey Campetti, Renee D'Argento, Pat Keneally, Tim Brothers

Meeting came to order at 7:04 PM.

Minutes of 5/7/19 and 6/11/19 approved.

Working Meeting:

Margaret gave the committee a clarification from the Town Administrator regarding approval of meeting minutes. Only those members attending a given meeting may vote to approve minutes.

Vince Premus reported out that he had met with Lisa Davis, the town planner, regarding the noise bylaw draft. He stated that Lisa Davis was not in favor of a general bylaw but felt that the committee's work was better as a site plan requirement or as a regulation than a bylaw. A meeting was scheduled for July 22, 2019 in which Lisa Davis, Kalene Gendron (Nashoba Board of Health), Brynn Montisanti, Andrew McLean, Margaret Scarsdale, and Casey Campetti would meet to discuss Board of Health concerns.

Harvey Serreze indicated he thought that Marge LaFleur (Chair, BOH) was more on board with the idea of a noise bylaw by the end of our meeting with her. Sherrill Rosoff mentioned that Marge LaFleur had indicated she wanted to wait until the new Board of Health member was on board and had had time to digest the noise bylaw draft before meeting with the LAN committee again. Margaret Scarsdale said she had not heard back from Marge LaFleur on that point. Tony Beattie reminded the committee we had discussed reaching out to the Nashoba Board of Health

regarding that Board's scope of services and how our noise bylaw draft fits into Kalene Gendron's (the Nashoba representative for Pepperell) scope of work.

Margaret informed the committee she had met with Town Counsel regarding the noise bylaw. She said Counsel was non-committal as to whether we should pursue a zoning as against a general bylaw. Counsel recommended simplifying the draft as the more restrictive the language, the more concern we might be inviting law suits. Counsel also suggested we could tighten existing town bylaw - the current noise nuisance bylaw is about dogs? Margaret also commented that the Building Inspector was of the opinion that the noise bylaw draft shouldn't be more restrictive than the state's building codes.

Mark Little commented that complaints regarding noise nuisances were rare events - mostly around July 4th celebrations in town. The idea is to protect the quiet that we have now.

Vince Premus said that he likes the draft as it is now but perhaps we could provide an excerpt that could fit into the current noise regulation used by the BOH as a preliminary step. That would at least ensure that we have some measure of protection going forward.

Mark Little asked whether there are reservations which Margaret has heard that town administration would not support the noise bylaw draft? Margaret responded that the Town Administrator would not stand in the way but he was wondering if there was a compromise, and that she thought the Board of Selectmen would take their cue from him. She reminded the committee of the timeline for public discussion prior to placing a bylaw on town warrant.

Tony Beattie asked if Margaret had some sense of how important the Board of Health, Town Administrator, Town Counsel thought noise, light, air bylaws are? If little importance is placed on this work, none will tolerate detail. Harvey Serene responded by reminding the committee as to its original intent of why we were doing this work - to address a future invasive, disruptive event that could impact the quality of life in town. Vince Premus questioned whether a paragraph tacked on to an existing nuisance section of the town's bylaw would do this?

He also suggested that writing abstracts of each bylaw that we draft would be a good idea. Joe Radwich agreed. Joe Radwich also stated that he supports adding to Section 5521 of the town's bylaws (industrial/commercial/municipal) to strengthen noise nuisance language but that he was against expanding noise language to include residential. He feels similarly about the Outdoor Lighting Bylaw draft; his argument is that we should address the "large offending things" first and then residential can follow.

Tony Beattie asked why leave residential out? Joe Radwich responded that it the town should lead by example and that improving municipal, commercial and industrial lighting will make a big difference.

Margaret Scarsdale said that Town Counsel thought that the Outdoor Light bylaw draft was too long @ 13 pages. Vince Premus noted that Tim Brothers did eliminate the five year compliance window in his last draft.

Margaret Scarsdael has not heard from the Planning Board regarding the noise bylaw draft. She will reach out to Casey Campetti.

The meeting concluded with the following action items:

1. We will approach the Board of Health to get on their meeting agenda, 8/6/19. Vince Premus said that he would not be available to attend the BOH on that date.

2. The following people will meet with Lisa Davis, Kalene Gendron, Andrew McLean and Brynn Montisanti on 7/22/19: Margaret Scarsdale, Harvey Serreze, Sherrill Rosoff, Vince Premus, Tony Beattie. Scheduled for 2 PM.

3. Vince Premus will draft a summary of the noise bylaw

4. Tony Beattie will talk to Kalene about reaching out to Nashoba Board of Health regarding any implementation issues /concerns with the noise bylaw draft.

5. Margaret Scarsdale will check to see if August 14th is the 45 day deadline.

The next meeting of the LAN committee will be 8/8/19.

Meeting adjourned at 8:35 PM.