

MODERATOR'S COMMITTEE ON LEAF BLOWERS  
February 29, 2016 Minutes

The Moderator's Committee on Leaf Blowers held a Public Hearing on 29 February 2016, from 7:30pm - 9:30pm in the Selectman's Hearing Room. In attendance were committee members John Doggett, Dennis Doughty, Neil Gordon, Benedicte Hallowell, Jonathan Margolis, Faith Michaels, and Maura Toomey; Lt. Phil Harrington; and many members of the public. Copies of the sign-in sheet are attached to these minutes.

John Doggett began the Hearing by reviewing the Committee's charge and history.

Lt. Phil Harrington summarized the current state of the leaf blower bylaws and their enforcement status. There were 123 actual leaf blower calls reported in calendar year 2015; 88 of them were off-season calls. Lt. Harrington anticipates more calls this summer due to stepped up education and enforcement. According to Lt. Harrington, Chief O'Leary is not opposed to imposing a registration requirement for landscapers, but he doesn't think we need to collect their client lists. There are definitely "hot zones" where a number of complaints are received.

In response to questioning, Lt. Harrington commented that only 11 tickets or fines were issued in 2015, typically for a landscaper who had received multiple complaints. The majority of the complaints are not for the same addresses. In addition, there are some people who submit a large number of the reports.

Pressed with concerns that the police do not take leaf blower complaints seriously, Lt. Harrington said that it is department policy to respond quickly to all complaints and revealed that an officer was cited last year for responding slowly (10+ minutes) to a leaf blower call. Many members of the public provided anecdotes indicating that they have seen the police fail to respond to their complaints. Lt. Harrington said that officers will be pro-actively ticketing this summer.

Lt. Harrington acknowledged that the police sometimes make mistakes and also pointed out that some situations which might seem to a member of the public to be a violation (for example, two leaf blowers being operated close together) are actually allowed under the current by-laws.

The committee then solicited comments from the public. A summary of each comment follows:

Christie Dustman (landscaper):

Using a leaf blower that meets the required decibel level allows me to not experience unjustified tedium given modern tools. If I have to do all of this by hand there just simply is not a reliable, ready, or able labor pool to do the work. What continues to mystify me about this whole issue is that we're zeroing in on one particular machine that has been demonized which seems extreme given that many other tools make more noise or emissions than leaf blowers.

Joe Caruso (landscaper out of Newton with Brookline customers):

Opposed to banning LBs in Brookline especially if the Town exempts itself. Take a lesson from the Town of Arlington; reduce the # of blowers per square footage. Says that if leaf blowers were really as dangerous as claimed there would have been a lot of dead and deceased landscapers over the years.

Rob Daves (TMM-5):

There are significant non-leaf-blower sources of noise. Noise isn't that bad. The rules we have now are fine; they just need more enforcement.

Dennis De Witt (TMM-5, Preservation Commission):

I don't have a problem with the law as it stands; I have a problem with the lack of enforcement against FLAGRANT violations. We need an education process and at \$200/pop there would be an education process. Argues that LB are worse noise than any other piece of equipment. I have to run around closing windows in the summer. There are scofflaws and this is a quality of life issue; please get the police to properly enforce it.

Chuck Schwarz (TMM-9):

Originally supported the original comprehensive ban. Has been disturbed by illegal blowers operated by knowing landscapers in deliberate violation of the law. Wanted to just ban them altogether but was impressed by Faith's presentation at Town Meeting so now wants enforcement during the banned periods. Also wants property owners to be held responsible, to have guidelines about proper usage (i.e., direction that leaves can be blown), and restrictions on the number of leaf blowers on a given property.

Saralynn Allaire (TMM-16):

Supports education, enforcement of existing bylaws, and supports removing the exemption for the Town.

George White (TMM-9)

There are far too many leaves in Brookline to be handled without leaf blowers. Life is noisy.

Pete Gately (contractor, landscaper):

Surprised that no one has [yet] opposed the use of leaf blowers. Suggests extending the legal period by a week in the Fall and a week in the Spring to allow landscapers more time to do cleanup.

Nancy O'Connor (Parks & Recreation Commission):

Please explore Towns that are similar to Brookline in terms of density. Also please note that if there is a leaf blower ban the cost of landscaping services will go up.

Mike Leaders (landscaper):

There is a state requirement to remove fertilizer after it has been used. Only leaf blowers seem to be able to satisfy the requirement. Proposes regulating the length of time a blower can be used rather than specific dates and times.

Angelo Caruso (Waltham landscaper with Brookline customers):  
Most of our customers are people who aren't home during the day. We don't want to have to raise our prices or not do a good job as we used to.

Jonathan Fine (TMM-13):  
Supports adding weeks in the Spring and Fall.

Lea Cohen (Advisory Committee Member):  
I'm happy to speak for a total ban if no one else will. I can't work from home when the leaf blowers start because my 5 abutters all use different companies at different times. Asks for consideration of a staggered "leaf blowers are legal on different days in different parts of the Town" system.

Marty Rosenthal (TMM-9):  
Does not believe that the current bylaws are enforceable in practice. The amount of enforcement is disproportionately low compared to the violations. Leaf blowers are not a necessity of life. Use rakes, everyone.

Michael Kaplan (landscaper):  
Supports education to help people to use these tools in a more quiet fashion.

Pete Gately (landscaper):  
This is a rule that seems focused only on the landscape industry. There are other industries that make more noise and dust. Insulation, roofers, carpet cleaners, jackhammers? How many noise complaints are filed against these people. This industry seems to be targeted unfairly. We're just doing our job and moving on. We aren't interested in making anyone's life miserable.

Richard Nangle (TMM-15):  
The issue here is decibels. During the time that leaf blowers are allowed it is rare to find ones that meet the standards. If we can get the volume down to 67 dB or less, this issue will go away.

Pat Torcaso (contractor):  
The police have got to have better things to do than give me tickets for out of season blowing.

George White (TMM-9):  
Leaf blowers are essential to resolve safety issues with slipping; this is not just an aesthetic issue.

Nancy O'Connor (Parks & Recreation Commission):  
Kevin Johnson said that the Town needs to remove leaves because they are a slipping hazard. Landscapers have the same issue.

George White (TMM-9):  
The bylaws are enforceable. We should issue tickets at \$200 per violation and word will get around.

Pete Gately (landscaper):

Homeowners should be held accountable along with their landscapers. And the Town should not be exempt from the restrictions

Richard Nangle (TMM-15):

The Town's leaf blowers are loud and the Town is a frequent violator.

At the end of the hearing, the committee asked the audience how well the 65 or 67 dB machines work in the cleanups? The few landscapers who answered reported that they don't work as well as the 80 dB machines operating (even when operating at lower power, which may be quieter).