

Minutes of the Noise Bylaw Committee  
Room 111, Brookline Town Hall  
June 24, 2015 7:00 PM

At 7:10 PM Selectman Ben Franco, serving as chair, called the meeting to order.

Mr. Franco briefly stated the two goals of the meeting – to approve the minutes of the committee’s last meeting and to review (and possibly approve) the committee’s draft final report.

Mr. Franco announced that committee member Beth Shuman has resigned from the committee due to other personal commitments.

Mr. Franco asked committee members if they were comfortable approving the proposed minutes of the committee’s May 18 meeting. Several members proposed amendments. The minutes were approved 6-0-1, as amended.

Mr. Franco opened discussion of the draft report that was circulated to committee members prior to the meeting. Mr. Franco explained that the report was drafted based on the conversation at the group’s last meeting about the content and structure of the final report and recommendations. Mr. Franco invited general comments about the report. There was satisfaction with the report as it was written.

Mr. Franco then asked if committee members had particular edits to the draft report. Committee members expressed a desire to see slight changes made. Mr. Franco then elected to go through the report section-by-section and invite comments and edits.

Mr. Gordon expressed a desire to see the charge of the committee discussed in the Executive Summary section of the report. There was agreement that this change should be made.

Mr. Gordon recommended that a phrase similar to “To the extent recommendations in this report go beyond the charge laid out by the Selectmen, it is the result of comments the committee received during its hearing process” should be added to the Introduction section of the report. There was agreement that this was a good addition.

Mr. Gordon objected to the wording of the first bullet in the Fact Base section. He believes it misrepresents what the committee heard (or did not hear). He noted that no one came to the committee to express dissatisfaction with the regulation of noise, and that is different than what is implied in the bullet as it was written. (Mr. Gordon felt as though the bullet as drafted implied people came to the committee and proactively expressed satisfaction with the regulation of noise.) The committee agreed to rephrase the first bullet as follows:

The committee did not hear testimony from residents about noise generated from sources other than lawn care equipment. This led the committee to conclude that there is no

general dissatisfaction with the regulation of noise in Town except in the area of noise generated by lawn care equipment. Some residents believe too much noise is being generated when lawn care is performed.

Ms. Scharf suggested adding clarifying phrases to various Fact Base bullets. The committee agreed to the additional language.

Several committee members expressed a desire to remove the last bullet in the Fact Base section because it was more of a recommendation than a fact. The committee agreed, noting that the issue of the Town's use of leaf blowers was already addressed in the recommendation section of the report.

Mr. Fishman recommended removing the word "paid" from the phrase "A paid advertisement in the TAB" under the final sub-bullet in Immediately Implementable Recommendation 2. The committee agreed.

Ms. Scharf felt that the phrase "non-residential" in the committee's amended version of 8.31.2(5) was still confusing and moved that "non-residential" be replaced with the words "commercial or industrial". The committee discussed the proposal at length and concluded that the proposal was sound. Some members wondered if the entire proposed 8.31.2(5) should be rewritten to improve its clarity, but it was ultimately decided that further edits would represent substantive changes and, therefore, could not be made.

Ms. Scharf objected to Recommendation 6 in the Immediately Implementable section as it was drafted. Ms. Scharf did not believe the recommendation said anything meaningful as officers are currently expected to use discretion when enforcing Articles 8.15 and 8.31. The committee discussed Ms. Scharf's objection and agreed that the police department should not be encouraged to solely write citations or warnings. The committee also agreed that the objective of enforcement is to control noise, not to issue warnings and/or citations. Having agreed on these two points, the committee amended Recommendation 6 to read as follows:

"Encourage the police department to feel empowered to issue citations for violations of Articles 8.15 and 8.31 of the Town's Bylaws when it is appropriate. The objective of enforcement should be to control noise and the department and its officers should feel comfortable using both warnings and citations to achieve this goal."

Mr. Nangle felt as though an additional recommendation should be included in the committee's report. He felt the committee should recommend exploration of citing both property owners and contractors for violations of Articles 8.15 and 8.31 (when contractors are the offenders). Mr. Nangle argued that the committee heard at its last meeting that contractors are sometimes pressured by their clients to violate Articles 8.15 and 8.31. Implementing a penalty for property owners, in addition to contractors, could decrease property owner pressure on contractors to violate the articles. The citing of both the property owner and the offender has precedent in Brookline's Nuisance Control Bylaw.

Mr. Franco said that recommendation would be included in the Additional Process Required Recommendations section if there was a desire on the committee to make the recommendation Mr. Nangle was requesting. There was will on the committee to make the recommendation, and the committee voted to include it as Recommendation 4 in the Additional Process Required Recommendations section of the report.

Having gone through the entire report, Mr. Franco then put the recommendations to a vote individually. The following are the results of the votes:

#### Immediately Implementable Recommendations Section

Recommendation #1 – 7-0  
Recommendation #2 – 7-0  
Recommendation #3 – 7-0  
Recommendation #4 – 7-0  
Recommendation #5 – 7-0  
Recommendation #6 – 7-0  
Recommendation #7 – 7-0  
Recommendation #8 – 7-0

#### Additional Process Required Recommendations Section

Recommendation #1 – 7-0  
Recommendation #2 – 7-0  
Recommendation #3 – 7-0  
Recommendation #4 – 7-0

Mr. Franco then put the draft report, as amended, to a vote. The report was accepted 7-0, thereby making it the final report of the committee.

Mr. Franco said he would circulate the amended report shortly to ensure he had captured all the edits and changes discussed at the meeting, but said that no further substantive changes could be made.

Mr. Franco also said he would circulate the minutes of the meeting by email, and requested a vote authorizing their approval via email. The committee voted 7-0 to provide authorization.

Mr. Franco thanked the committee members for their service and said that he expected the committee would be asked to summarize its report for the Selectmen at an upcoming Board meeting. He would welcome their attendance and would be in touch when he knew more about the scheduling of the presentation.

The committee then voted 7-0 to adjourn sine die. The meeting was closed at 8:40 PM.

**Members Present:**

Ben Franco  
Daniel Fishman  
Judy Meyers  
Maura Toomey  
Richard Nangle  
Neil Gordon  
Irene Scharf

**Members Not Present:**

None

**Members of the Public Present:**

None

**Materials Reviewed:**

Draft report of the committee