



Watertown Town Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

Caroline Bays
Councilor At Large

Anthony J. Donato,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Kenneth M. Woodland,
District D Councilor

SPECIAL TOWN COUNCIL MEETING TUESDAY, MARCH 30, 2021 AT 6:00 P.M. MEETING WILL ONLY HAVE REMOTE OPPORTUNITIES FOR PARTICIPATION WITH PUBLIC ACCESS MINUTES

In accordance with the provisions of Rule 2.6 of the Rules of the Town Council, and pursuant to the Call of the Council President, the members of the Town Council of the City known as the Town of Watertown are hereby notified of a Special Meeting of the Town Council to be held on Tuesday March 30, 2021 at 6:00 p.m., in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 COVID-19 emergency and to avoid group congregation, this meeting had only remote opportunities for participation with public access provided as follows:

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): <https://imd0mxanj2.execute-api.us-west-2.amazonaws.com/ssr/live/60195e83b9696d00075a2e67>
- B. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/92991331344>
- C. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344 #
- D. Public may comment through email: vpiccirilli@watertown-ma.gov

1. CALL TO ORDER

Council President Sideris called the meeting to order. Those present included Councilors Caroline Bays, Anthony J. Donato, Lisa J. Feltner, John G. Gannon, Angeline B. Kounelis, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., Kenneth M. Woodland, Council President Mark S. Sideris. Those also present were Michael Driscoll, Town Manager, Mr. Larry Ramdin, Director of the Board of Health, Captain Raymond Dupuis, Watertown Police Department, Attorney Mark Reich, Town Attorney, and Marilyn W. Pronovost, Council Clerk.

2. ROLL CALL

3. PUBLIC HEARING AND VOTE ON A PROPOSED UPDATED NOISE ORDINANCE

Related Documents:

- A. Current Ordinance: [Chapter 95](#) of the Watertown Code of Ordinances
- B. Proposed Noise Ordinance with [Last Revisions Completed by Legal Counsel](#) – February 26, 2020
- C. Proposed Noise [Ordinance with All Changes Accepted](#) of the February 26, 2020 Draft
- D. Minutes of Rules and Ordinances and Human Services Committee Meeting– [Acceptance of Final Draft](#) by Committees - August 11, 2020

Councilor Palomba, providing background on the Noise Ordinance, stated that the Joint Committees met 10 times and began their work on October 25, 2017. The referral was made in response to citizens' concerns regarding the current 1983 noise ordinance which was considered to be inadequate, outdated, and in some cases, contradictory. In August 2020 the Committees reviewed the proposed ordinance, which was reviewed by the Town Attorney, and accepted all of the Attorney's changes suggested.

Council President opened up the Public Hearing for comment:

Emma Galloway – 76 Capitol Street – She raised a concern regarding the standard for an air conditioning compressor and that it could violate the ordinance. She was concerned that this would prohibit air conditioning especially for people in need such as the elderly. Councilor Donato stated that it is possible under the conditions stated that the air conditioner would be in violation.

Sally Eyring – 16 Russell Avenue – She opposed the ordinance because it provides a blanket exception to religious organizations. In her experience, they are the major offenders, and this ordinance does not resolve the issue.

Bennett Smith – 137 Marshall Street – He raised a concern as to whether an economic impact analysis had been regarding the costs to both residents and commercial businesses if they must buy new lawn or air conditioning equipment.

Ellen Menounos – 44 Bartlett Street – Stated the commercial companies are damaging the quality of life in Watertown because their equipment is oversized and overpowered especially when several pieces of equipment are used at the same time. The volume becomes unbearable and needs updating; she felt the town would provide for a fair and realistic implementation of the ordinance.

Michael Frantz – 42 Buick Street – He asked for a definition of a tonal sound. He also raised concerns about the hours of operating equipment especially on the weekends for residential owners who work during the week. He felt the

hours should differ for residential owners and commercial operators. Councilor Donato provided a definition of Tonal Sound and stated that fans, compressors, motors, and transformers are examples of tonal sounds as they have moving parts that move or rotate at an audible frequency.

Susan Falkoff – 19 Oliver Street – She stated that the ordinance is complicated and neither favors nor opposes the ordinance. She felt audiological expertise would have helped in the creation of the Ordinance. She also contacted State Representative Steve Owens as to whether there were any pending state laws on noise control. She felt that state regulation would probably be the best area for pursuing changes.

John Airasian – Main Street – He felt the ordinance is too complicated. Some of the changes relate to people being comfortable outside and making their property presentable. He is for adjusting the hours.

Barbara Ruskin – She stated that she felt the underlying issue was the comfort, happiness and sanity of people trying to enjoy the outdoors. The hour restrictions will allow people to adjust their schedules and allow people to enjoy being outside. The concerns of all people need to be considered.

Len Holt – 44 Grenville Road – He stated that the ordinance is too complicated. This a case of pluses and minuses and he preferred well taken care of properties to noise. The ordinance is overly broad and not easily understood; how and who would enforce it. There is a remedy for loud noises at late hours – disturbing the peace.

Elodia Thomas – 67 Marion Road – She stated for those who live near parks the noise is a special problem when amplified music is played. Leaf blowers and lawn equipment are especially offensive when there are multiple machines operating at the same time in small property areas. The Town could have adopted the Newton ordinance which is straightforward; other communities such as Lexington and Belmont have similar ordinances. The ordinance needs to be reasonable, realistic, and clear; it should be able to be supervised and enforced; and it should provide a practical and economic way to solve the problem. People need to recognize that the community is changing with an increased population and more traffic. Proper signage is needed at parks. An arising issue is the noise coming from ventilators at bio-tech labs and what is the effect of what is being emitted.

Sally Eyring – 16 Russell Avenue – She stated that when she complained about noise in the past, she was told the equipment is expensive, that most do not know how to use it, and that it was out for calibration. She wanted to know if the Town had the equipment and if people were trained to use it. Mr. Ramdin, Director of Public Health, stated the Department has a piece of equipment that is required to be calibrated annually. The process takes two weeks to a month

because the equipment must be shipped out of state. When complaints are made, the Department does go out. Council President Sideris stated that in the future if the response is that the equipment is out, she should contact her Councilor and they will verify the matter.

Devan Scott – 462 Mount Auburn Street – She lives near the Church and the Youth Center and when there are events, it is often loud and disruptive. The religious exemption should not apply to events that are not part of the religious services. Often the only option is to call the police, which is an ineffective use of the police. She does feel the Ordinance is complicated and would be difficult to enforce.

Watertown Business Coalition – [A letter](#) was read by Councilor Piccirilli which stated that the ordinance might have unintended consequences for landscaping businesses, construction, and trades. New equipment may be needed at a heavy cost to bear and it would affect the normal commerce of trades. There was a feeling that leaf blowers are a concern, but this ordinance should be revisited to accommodate the noise of normal business.

William Liedner – In an email, he stated that the ordinance requires the obtaining of a permit for playing amplified music in a park. This seems draconian. Trucks for construction begin prior to 7 am and is difficult for neighbors. It appears that business is given more leniency than someone with music in a park. Postal couriers, such as UPS, make loud noises with their tonal devices and with their idling trucks. This ordinance should not be passed.

Anna Heller – 128 Lovell Road – There needs to be a decrease in use or a change in a person's ability to use the leaf blower all day. This decreases the quality of living. Appropriate changes need to be made.

Ellen Menounos – What recourse is there if this ordinance does not pass. Calling the police seems to be a waste of resources. This is a public health issue. Councilor Donato stated that there is a referral before the Rules and Ordinances Committee regarding leaf blowers. That has not yet been taken up; hearings were pending the outcome of the passage of the noise ordinance. If the ordinance does not pass, then the current noise ordinance would remain in effect.

Michael Frantz – He has a friend who is a contractor with a truck that beeps when backing up. Would he be in violation if he goes in reverse prior to 7:00 a.m.? Councilor Donato stated the beeping is an example of a tonal sound and if it were not excessive, it would most likely not be a problem; however, technically it might violate the ordinance. Councilor Palomba stated that there was a ten-minute limit of the tonal sound – just backing up would not violate the ordinance.

Devan Scott – She stated her concern with the religious exemption as it relates to events that last late into the evening; then it becomes difficult. Neighbors have been trying to address the issue for years without any success. If the noise is during the day, that is part of life in an urban area.

Elodia Thomas – Local landscapers also have business in Newton, Belmont, and Newton. Watertown can parallel the practices of surrounding communities. The equipment used by the Board of Health is not available on weekends and in the evenings. There are phone applications that can be used to determine the decibel level of noise and should be. Blasting music is inappropriate. No one is trying to upset normal activities or celebrations.

There being no other speakers; the public hearing was closed.

Councilor Piccirilli moved to adopt the Noise Ordinance as presented; Councilor Palomba seconded the motion.

Council President Sideris opened the discussion to the Councilors. The following matters were addressed:

- ◆ There are technical drafting errors with conflicting time periods in different sections of the ordinance creating illogical conditions for certain times of the day
- ◆ There are ambiguous and unrealistic limitations; there is a need to know what construction equipment is legal for this change
- ◆ There is an attempt to regulate leaf blowers even though it was not part of the noise ordinance with no way of measuring the decibel level
- ◆ The ordinance has an impractical method of measuring the ground noise as a piece of equipment may be moved and it is difficult to determine the point of noise. This will create confusion and be unenforceable.
- ◆ There is a lack of adequate transition time to implement the provisions of the ordinance.
- ◆ Did the Committees reach out to Law Enforcement in Newton and surrounding communities regarding their ability to enforce their ordinance? Councilor Palomba stated that the Committees did not reach out on the matter but had asked the Department of Community Development and Planning to look into the enforcement piece in other cities and towns. Councilor Donato added that the enforcement capacity was extended beyond the Police to such groups as DPW, Department of Health and others. He also was not sure what the effect would be on the Police as the number of complaints under the current ordinance was limited. Captain Dupuis stated it would be difficult to enforce especially the fine citations; however, he did recognize the legitimacy of people's concerns.
- ◆ The Town is only 4.17 square miles, and many lots are less than 4500 sq. ft. As a result of the congestion, noise levels may be high. It is important for neighbors to be respectful and apply common courtesy. Issues need to

be addressed as they come up. The current ordinance is outdated and needs revisions, but the proposed one creates upheaval.

- ◆ The reason for creating the numerical standard was to give enforcement regulators a measurable standard of demonstrating and determining that the ordinance was being violated. The current standards are very vague. Many of the issues already raised are misrepresented. Instead of measuring 50 ft away from a sound source, the measurement can be taken a foot or two away and a calculation can be applied to determine the noise level. Noise is one of the major complaints made by the populace to a councilor; it is not a minor complaint.
- ◆ There are some areas of concern with the ordinance. Some definitions need clarification. The section listing categories of pollution were taken from the Somerville ordinance and have created confusion among many people.
- ◆ The ordinance provides that measurements should be made by a sound level meter; however, the town only has one. Even if phone apps are available, there is a concern as to whether they all using the same standards of measurement. In areas where there are residences on small lots, the area does not provide room for sounds to dissipate. The ordinance seems harsh here.
- ◆ If one lives in a quieter part of town, lawn equipment could be effectively prohibited. The weekend hours of operation changed from 8 a.m. to 9 a.m., but there is no study of the potential impact of how this would affect contractors. Commercial entities are prohibited from working on Sundays or holidays without a legal permit.
- ◆ The religious entities exemption would not apply to non-church related events.
- ◆ Watertown is a community of 36,000 people within 4.17 sq. miles and is an urban town. Noise is a part of living in the community.
- ◆ Enforcement could be difficult, and police have other tools rather than just the noise ordinance to enforce noise levels. There is a concern that neighbors could use the ordinance to pit themselves against each other. Newton had a dramatic increase of complaints due to a small number of individuals complaining about neighbors.
- ◆ The issue of amending the noise ordinance did not arise because of one issue; it was a multitude of factors. It was a matter of trying to update a currently vague ordinance to address the issue of noise pollution which affects not only hearing but overall well-being. There is a need to update it because the Town cannot rely on just the good manners of people.
- ◆ Disappointment was registered that the ordinance was brought up at this time because it was not yet complete. Legal advice was requested for an easily understandable ordinance but that was not available. Staff was asked for information as well as an economic impact evaluation, but not all of it was provided. Definitions of noise pollution need clarification.
- ◆ This matter should not be dropped; the Committees should continue to work on a noise ordinance. It should be remembered that noise ordinances are

complicated by their very nature. The focus should be on creating an ordinance that reduces noise pollution.

- ◆ Noise is a problem even though some do not see this as one; it is a health and quality of life problem.
- ◆ The original ordinance is very light on standards, not very effective, and out of date as it was created in 1983. Watertown has changed since then, and a lot of residential and commercial development has occurred.
- ◆ This ordinance added definitions regarding noise which were not included in the current ordinance. The ordinances of surrounding towns were reviewed carefully, and the best parts of the ordinances were included in the proposed one. Standards were added to provide a way to measure noise, including differing noise zones; expanded enforcement agencies were added to allow for better enforcement; and penalties were included. Maximum allowable levels are being measured on both the time and the duration of the noise. The ordinance may be complicated, but the issue itself is complicated.
- ◆ Surrounding communities are able to enforce their ordinances; so, it not impossible for Watertown. The ordinance may require regulations for proper enforcement.
- ◆ There were robust discussions during the meeting. Many people participated. The intent of the ordinance is not to put anyone out of business; it may require owners to get new equipment. The ordinance does not prevent outside play or sporting activities.
- ◆ There can be changes made especially the inclusion of a transition period that the Committees failed to include. A hope was expressed to continue work on improving the ordinance. The contradictions should be identified and worked on.

Councilor Palomba asked if he could amend the motion to have the ordinance referred back to the Committees for further work. Council President Sideris stated that he would not entertain the request but that at some later session, he would request a referral back to the Committees to continue their work.

The motion failed to pass on a roll call vote of 1 Yes, 7 No and 1 Present. All Councilors voted No except for Councilor Bays who voted Yes and Councilor Palomba who voted Present.

4. ADJOURNMENT

Councilor Feltner moved to adjourn the meeting; Councilor Woodland seconded the motion. The motion was adopted unanimously on a roll vote. The meeting adjourned at 8:04 p.m.

ADDENDUM

I hereby certify that at a special meeting of the Town Council for which a quorum was present, the above minutes were adopted by a vote of _8_ for, _0_ against, _0_ present on April 27, 2021.

Mark S. Sideris, Council President
s:/MWP

**SPECIAL TOWN COUNCIL MEETING
TUESDAY, MARCH 30, 2021 AT 6:00 P.M.
MEETING HAD ONLY REMOTE OPPORTUNITIES
FOR PARTICIPATION WITH PUBLIC ACCESS
LIST OF DOCUMENTS**

1. Chapter 95 – Noise Regulations – Watertown Code
2. Draft Changes to Chapter 95: Noise Regulations as Completed by Legal Counsel
3. Draft of Noise Ordinance Approved by the Joint Committees of Human Services and Rules and Ordinances at Meeting on August 11, 2020
4. Minutes of Rules and Ordinances and Human Services Committee Meeting– Acceptance of Final Draft by Committees - August 11, 2020