

Watertown Town Council

Joint Meeting of the Committee on Human Services & Rules and Ordinances

June 25, 2018, 6:00 PM

Report Read: August 10, 2018

In attendance were: Councilor Palomba, Chair of Human Services, Anthony Donato, Chair of Rules and Ordinances (R&O), Ken Woodland, R&O Vice Chair, Caroline Bays, Human Services Vice Chair, Susan Falkoff, Human Services Secretary, Lisa Feltner, R&O Secretary, Town Attorney March Reich, Town Council President Mark Sideris, Recreation Director Peter Centola, Health Department staff Deborah Rosati (Director), and Kristel Bennett, Captain DuPuis of the Police Department, Leo Martin, Conservation Commission Chair, Steve Magoon, Director of Community Development and planning and Assistant Town Manager, and members of the public as listed on the attached sign-in sheet.

The purpose of the meeting was to review a draft noise ordinance that had been crafted by Attorney Reich and Ms. Rosati using input from the last meeting of the joint committees. Councilor Donato distributed this document. Councilor Palomba chaired the meeting. There was some discussion about what version of the ordinance was being distributed. Councilor Palomba apologized for not making this revision available before the meeting. It was not a redlined document so the committees couldn't tell what had been added or revised since the last version. Councilor Palomba said that we would go through the document noting all changes.

95.01 There were two changes to the definitions section: the addition of Amplified Sound and Tonal Sound. There was little disagreement on these definitions but there was lengthy discussion of the Noise Pollution standard of 10 decibel (db) or more above background. Some members of the audience favored an "absolute" standard. Daniel Isenberg said that is the case in other towns. Elodia Thomas pointed out that the state statute states 3, not 5 db above background constitutes noise pollution for tonal sounds. Ms. Thomas also pointed out that other communities look at the duration of a sound in conjunction with its db level and she provided the committee with copies of a Noise Level Chart (attached) that gives the db level for various kinds of noise. Gary Shaw pointed out that if the standard is 10 db above background, the level will escalate over time as Watertown becomes more built up. Leo Martin said that at construction sites, noise level is measured at peak and also as an average over 90 minutes.

The committees voted unanimously to recommend that the next draft of the ordinance change 5 to 3 in the Noise pollution definition, to conform with the state statute.

The committees voted 4-1 to and to ask the Health Department to provide more information to the committee on the issue of absolute vs relative noise standards and how other communities weigh hours/db level/duration of noise. Councilor Woodland voted No and Councilor Bays was not present for the vote.

95.02 Prohibition of Noise Pollution

Councilor Woodland proposed changing the start time for allowable noise pollution on weekends from 10 am to 9am. Various other changes in the hours were proposed. At this point in the meeting, Attorney Reich startled the councilors and the audience by clarifying that ***the noise restrictions are only applicable during the hours when noise pollution is prohibited. During the hours when noise pollution is permitted, there is no limit as to the permissible level of noise beyond any state statutes.*** Councilor

Feltner stated “We have a problem with noise pollution and it needs to be addressed.” Several comments were made to assess the effect of hour restrictions on companies needing to make noise in the course of doing business. Several people noted that the first 3 restrictions fit into that pattern but amplification was something different, a matter of personal choice perhaps, and wondered why this provision, which was not present in the previous draft, was inserted. Ms. Rosati and Atty Reich said it was added at the request of the committee. Councilor Woodland said he would like more data on how frequently noise complaints are made. Ms. Rosati said that the Health Department gets 6-8 calls per year, usually related to HVAC systems. Captain DuPuis said there are 4-6 calls per week, usually related to radios and pool parties in the summer. Councilor Woodland stated he believes this small number of complaints shows that no changes are needed to the ordinance. Councilor Palomba summarized the issue as, “We want to have a way to restrict noise but allow companies to do business.”

Councilors Feltner and Woodland requested more data on the usual business hours for various types of business. Attorney Reich said that he believes the intent of this referral was only to clarify and improve the current ordinance. He noted that if we make it a lot more complicated, the law will be harder to enforce and have more impact on business. Councilor Palomba stated that problems with enforcing should not be used as a reason not to make reasonable restrictions.

The committee made the following requests of town staff:

- **Provide more information on industry standards for normal work hours for the businesses identified in 95.02**
- **Provide a red-lined and a clean copy of the draft ordinance for our next meeting.**

Councilor Palomba made a motion to delete #4 from section 95.02 since it did not seem comparable to the other three. It was noted that the committee had requested this and that the request stemmed from an incident of a church using a loud-speaker and not as a result of Recreation Department activities. Mr. Magoon stated that he wanted the public to know that Mr. Centola had nothing to do with adding #4 to the document.

The committee voted 5-0 to recommend that item #4 not be included in Section 95.02 of the noise ordinance.

Councilor Palomba ended the meeting by recognizing that this is Ms. Rosati’s last week working for the Town of Watertown and he thanked her for her hard work and her many contributions to the community.

The meeting adjourned at approximately 8:25 pm.

Respectfully submitted,
Susan Falkoff, Human Services Secretary

Attachments: Attendance list
Draft Changes to Chapter 95: Noise Regulation
Noise Level chart

Next meeting date: July 16 at 6 PM.

**ELECTED
OFFICIALS:**

Watertown Town Council

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

**JOINT MEETING OF THE COMMITTEES ON HUMAN SERVICES
AND RULES AND ORDINANCES
MONDAY, JUNE 25, 2018, 6:00 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING**

Mark S. Sideris,
Council President

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

Caroline Bays Councilor At Large

**Michael F. Dattoli,
Councilor At Large**

**Anthony J. Donato,
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**

SIGN IN SHEET

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DRAFT CHANGES TO CHAPTER 95: NOISE REGULATIONS

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§ 95.01 DEFINITIONS

Ambient or Background Noise Level: the Noise measured in the absence of the Noise under investigation. It shall be calculated using the average lowest sound pressure level measured over a period of not less than five minutes using a sound pressure level meter set for slow response on the “A” weighting filter in a specific area of the town under investigation.

Amplified sound: sound generated by loudspeakers and public address systems, radios, televisions, musical instruments, phonographs, musical instruments, sound amplifiers, or similar devices which produce, reproduce, or amplify sound.

Construction and Demolition: Any site preparation, assembly erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.

Commercial enterprise: an activity providing goods and services involving financial and commercial and industrial aspects, including operations undertaken pursuant to a building or other operational permit or license.

Decibel (dB): a logarithmic unit used to describe a ratio of sound pressure, loudness, power, and voltage.

Decibel “A” weighted scale (dBA): the most widely used sound level filter is the “A” weighted scale. This filter simulates the average human hearing profile. Using the “A” weighted scale, the meter is less sensitive to very low and high frequencies.

Emergencies: any occurrence or set of circumstances necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

Noise: sound of sufficient intensity and/or duration as to cause a condition of noise pollution.

Noise Pollution: a noise source which increases noise levels 10 dB or more above the background noise level. If the noise level is judged by ear to have a tonal sound, an increase of 5 dB above background noise level is sufficient to cause noise pollution.

Tonal Sound: Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum, or buzz.

§ 95.02 PROHIBITION OF NOISE POLLUTION.

(A) No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow or permit unnecessary emissions from said source of sound that may cause noise pollution.

DRAFT CHANGES TO CHAPTER 95: NOISE REGULATIONS

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(B) Section 95.02(A) shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.

(C) Audible devices or activities resulting in a condition of noise pollution shall be limited as follows:

1. construction or demolition and home improvement work undertaken by a commercial enterprise:
7:00 a.m. to 8:00 p.m. Monday through Friday;
10:00 a.m. to 6:00 p.m. Saturday
2. loading and unloading, deliveries, truck/vehicle idling:
7:00 a.m. to 8:00 p.m. Monday through Friday;
10:00 a.m. to 6:00 p.m. Saturdays and Sundays
3. power equipment, ground maintenance equipment used by residents or commercial enterprises such as lawn mowers, leaf blowers, and power saws
7:00 a.m. to 8:00 p.m. Monday through Friday;
10:00 a.m. to 6:00 p.m. Saturdays and Sundays
4. amplified sound:
7:00 a.m. to 8:00 p.m. Monday through Friday;
10:00 a.m. to 6:00 p.m. Saturdays and Sundays

(D) Activities undertaken within the hours specified herein shall be exempt from the limitation of noise contained within Section 95.03(C) except as otherwise provided herein.

(E) No commercial enterprise shall conduct any construction or demolition activity on Sundays or recognized State/Federal Holidays, unless a permit has been issued for such work by the Building Inspector, Superintendent of Public Works, or the Chief of Police in accordance with MGLA 136 § 15.

(Ord. 6, passed 9-13-1983; Am. Ord. 14, passed 3-12-1996) Penalty, see § 95.99

§ 95.03 MEASUREMENTS OF NOISE.

(A) The Town hereby incorporates into and makes a part of this chapter the provisions of 310 CMR 7.00, entitled Air Pollution Control Regulations, sec. 7.10 U Noise (<https://www.mass.gov/files/documents/2018/04/18/310cmr07.pdf>); [Massachusetts DEP Noise Pollution Policy Interpretation](#); and [DEQE \(DEP\) Division of Air Quality Control Policy 90-001](#), dated February 1, 1990; all as may be amended.

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(B) These regulations shall govern the definitions, measurement and restriction of sources of noise emission.

(C) For the purposes of this chapter, a CONDITION OF NOISE POLLUTION shall be a noise source which causes noise pollution as defined herein, as measured both at the property line and at the nearest inhabited residence.

§ 95.04 DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS.

(A) All Town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this chapter.

(B) All Town departments and agencies shall comply with Federal and State laws and regulations and the provisions and intent of this ordinance respecting the control and abatement of noise to the same extent that any person is subject to such laws and regulations. *(Ord. 6, passed 9-13-1983)*

§ 95.05 EXCEPTIONS.

This chapter shall apply to the control of all sound originating within the limits of the Town of Watertown except the following:

(A) The emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities.

(B) Any program or activity supervised by the parks and recreation department of the Town. The parks and recreation department shall make reasonable efforts to reduce noise in residential areas at night.

(C) Equipment used for emergency work performed by the Department of Public Works or its subcontractor including jack hammers, pavement breakers, pile drivers, rock drills, or such other equipment as the DPW deems necessary. The DPW shall make reasonable efforts to reduce noise in residential areas at night.

(D) Day and nighttime operations by the Department of Public Works for routine maintenance including but not limited to snow removal, street cleaning, litter control, and graffiti removal.

§ 95.06 ENFORCEMENT.

(A) The Board of Health shall be the primary enforcement agency of the terms of this chapter. In addition, any police department or fire department official, Superintendent of Public Works

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or their designee, or Code Enforcement Officer or their designee, acting within their jurisdictional area is authorized to enforce this chapter. (*Ord. 6, passed 9-13-1983*)

(B) This Ordinance and any resulting Rules and Regulations may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition in accordance with the provisions of G.L. c. 40, §21D pursuant to Chapter 35, Section 35.05 of the Town Code

§ 95.07 PENALTY.

(A) Any person who violates any provision of this chapter, if convicted, shall be fined \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third and subsequent offenses.

(B) Each subsequent day or part thereof of violation of this chapter, whether the violation be continuous or intermittent, shall be construed as a separate and succeeding offense. (*Ord. 6, passed 9-13-1983*)

Noise Level Chart

dBA	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
...			
194	sound waves become shock waves		