



City of Cambridge

O-31

IN CITY COUNCIL

July 29, 2002

VICE MAYOR DAVIS

ORDERED: That the meeting on noise be continued to hear from the city staff on this issue.

In City Council July 29, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk



City of Cambridge

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ORDERED: That the City Manager be and hereby is requested to instruct the appropriate departments to secure copies of regulations concerning noise from other communities.

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City Clerk

alarms. It is useful to know how many times the Fire Department has responded to these false alarms.

Dr. Hermes C. Grillo, 20 Lilac Court, complained about foul water being pumped into the storm drain from a delivery dock on Cardinal Medeiros Avenue. The trucks begin every morning between 3:30-4:00 a.m. His statement is attached as **ATTACHMENT A.**

Megan Brook, 103 Inman Street, read a prepared statement **ATTACHMENT B.** She complained about the lack of a noise reading being taken. The owners of 100 Inman Street have been given years to comply with the ordinance and have never been fined by the License Commission. She urged the License Commission to fine violators to the highest extent covered by the noise ordinance.

John Garrity, 36 Linnaean Street, stated that he did not understand why something could not be done about leaf blower noise.

Lenora Schloming, 102-104 Inman Street, complained about the noise caused by air conditioners at 100 Inman Street. She expressed a complaint with the License Commission about the measurement taken at the window of the house. The decible level measures 75 at the lot line, higher than the measurement taken by the License Commission. A sketch outlining her concern is attached **ATTACHMENT C.** Skip Schloming stated that the lot line is the right standard to measure. He requested that the noise ordinance be enforced as it is written.

Alice Crane Kovler, 18 Centre Street, complained that the leaf blower and other gas powered equipment used by the Cambridge Landscaping Company is very loud. It is so loud that she cannot make a telephone call in her home. The noise inhibits her from performing her profession of writing. The equipment she stated is antiquated. Hearing unwanted noise is the issue, she said. She distributed two documents on noise **ATTACHMENT D & E.**

Peter Bruckner, 3 William Street, stated that now commercial areas contain housing and this creates issues with mechanical devices. He suggested that the commercial residents be notified to change their equipment because it is old or noisy. There are also visual and acoustical issues. Acoustical experts will outline what is reasonable and feasible.

Pat Curran, 7 Broadway Terrace, stated that she lives in a noise torture zone. She lives across from the Longfellow School. The acoustics are such that she can hear people plainly and clearly in Longfellow Court. A noise measurement was taken from her porch when the ordinance states that noise should be measured from the lot line. The decible level does not tell you the destruction caused by the noise, she said. Unnecessary noises are unnecessary and can be dealt with through design and enforcement.

Ed Abrams, 80 Wendell Street, stated that it is not just noise but the frustration caused by noise. Leaf blowers, idling trucks, unmuffled motorcycles, car alarms, house alarms and air conditioner noise cause negative emotions. Immediate action is needed, he said. He urged enforcement of the noise ordinance and banning leaf blowers.

Elizabeth H. Bohlen, 111 Chestnut Street, added helicopters, blimps, advertising and tourist planes and firecrackers to the list of objects creating noise. She would like a clear separation over nuisance noise and noise related to work. Medflight is the worst offender and should be regulated. The new airport runway will affect Cambridge directly, she said. Vibration from large trucks and the helicopters she feels is bad for the general public.

Chris Young, 56 Concord Avenue, stated that the helicopter noise at night is mind-boggling. New England Helicopter and Vice Mayor Davis have worked hard on this issue, however, there are an average of 4-5 flights each night. Flight path agreements must be enforced. There is a huge amount of background noise and noise from ventilation systems. The ventilation system at St. Peter's has a low rumble, he said.

Carol Bellew, 257 Charles Street, stated that she served on the roof top mechanical committee. Measurement, she said, is done in the wrong place. The residential and industrial areas are rubbing up against each other. If the city does not keep enforcement clear and make every effort to keep the noise level down noise will get worse. She urged compliance and noise measurements and steps that the violators can take to become compliant. Accountability is vital, she said.

Peter Vitros, 905 Main Street, stated that snowblowers wake up about fifty people in his apartment at 5:00-6:00 a.m. If an economic analysis is done it is not an economic win. Noise can be reduced at an economic loss. Enforcement can be covered in the cost and produce revenue for the city. Noise interferes with MIT students studying, he said.

Skip Schloming spoke on remedies. The noise ordinance states that if violation is found the owner is to correct the violation. Solutions should be made available to violators.

Vice Mayor Davis stated that motorized scooters and boom-car complaints have been received by the committee.

Councillor Toomey agreed with the noise caused by leaf blowers. People are concerned with noise in the city. He informed the public that he had filed a City Council Order to ban leaf blowers.

Councillor Maher stated that the City Council is pledging to work with the city staff to resolve this issue.

Councillor Murphy stated that the noise ordinance needs to be reviewed to see if it needs updating. He suggested reviewing the noise regulations of other communities.

At the conclusion of the meeting Vice Mayor Davis made the following motions:

ORDERED: That the meeting on noise be continued to hear from the city staff on this issue.

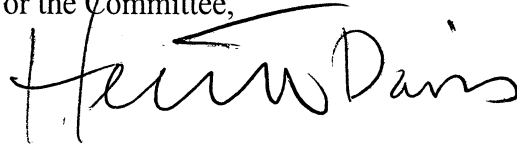
ORDERED: That the City Manager be and hereby is requested to instruct the appropriate departments to secure copies of regulations concerning noise from other communities.

Both motions carried on a voice vote.

Vice Mayor Davis thanked all attendees.

On motion of Councillor Toomey the meeting adjourned at eight o'clock and five minutes p.m.

For the Committee,

A handwritten signature in black ink that reads "Henrietta Davis". The signature is written in a cursive style with a large, sweeping initial "H".

Vice Mayor Henrietta Davis,
Chair

* Copies sent to
1. Michael Sullivan

ATTACHMENT

2. Robert Healey
3. Harrietta Davis
4. Barbara Lucas
5. Susan Clippinger
6. Timothy Toomey
7. Kenneth Miller

20 Lilac Court
Cambridge, MA 02141

May 20, 2002

Mayor William J. Mauro, Jr., President
Metropolitan Area Planning Council
Committee on Regional Truck Issues
60 Temple Place
Boston, MA 02111

Re: Regional Truck Study, Massachusetts Highway Dept.

Dear Mayor Mauro:

I direct this letter to you as President of the Metropolitan Area Planning Council. I shall also send copies to a number of others, since I am not certain who actually has the ability, authority, and willingness to do something about implementing the plans described below.

I live facing Cardinal Medeiros Avenue in Cambridge, a principally residential street demonstrated to be progressively over-used by heavy trucks at all hours, beginning as early as 3:30 a.m. Noise, vibration, and air pollution have made the street almost unlivable. There is an established alternate truck route which is slightly longer and a touch less convenient, but it is not used for these reasons at present.

On September 18, 2000, the Cambridge City Council ordered a ban on nighttime truck traffic on Medeiros--at least a partial solution to the problem. However, agreement with Mass Highway, in response to concerns of surrounding communities, placed this and other such orders on hold until a regional study and recommendations could be made. A reasonable approach.

Following a technical report on June 18, 2001, which reviewed all regional problems in great detail, Final Recommendations were issued on June 27, 2001. Among the recommendations were a ban on truck traffic on Cardinal Medeiros Avenue at all hours. All participants in the study were in agreement on this and other major recommendations which affect many other citizens.

May 20, 2002
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At informational meeting in Cambridge on July 25, 2001, we were informed that Massachusetts Highway would act soon on these recommendations and that the City of Cambridge could then proceed with necessary local implementation.

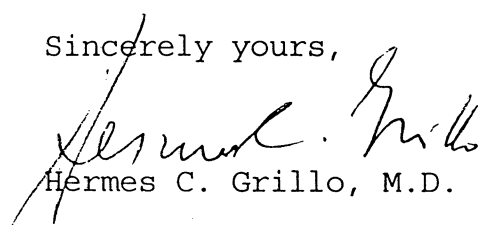
In early 2002, in answer to my queries, I was told that action was hoped for by March. In March, it was deferred to April. In April, it was deferred to May. June now approaches, and there is still no word of activity, none of action, and not even an estimate of a date of action.

Since it is now approaching two years since our original complaints and one year since completion of the study, I think it is reasonable to ask why no action has been reported, or apparently, taken. We should like to know when this is likely to occur, and indeed if it will occur.

If you are not indeed in a position of responsibility in regard to this study, will you please let me know to whom these queries should be directed. Passing a baton from one to the other is no solution. What we should appreciate is some follow-up on all of these expensively collected words. There seems to be little responsiveness of either municipal or state government or agencies to the pressing needs of many citizens which were addressed in the Final Recommendations of the Truck Study.

I shall await your early reply with great interest and anticipation. Thank you for your hoped-for attention.

Sincerely yours,



Hermes C. Grillo, M.D.

ATTACHMENT B

June 18, 2002

Wayne Barron and I, and our neighbors Skip and Lenore Schlooming, have been asking the Cambridge License Commission to require 100 Inman St., a former factory building now used for research, to comply with the Noise Ordinance, since 1997.

In fairness to the License Commission, I wish to say that it has held several hearings on the case, during which Chairman Barnes has treated us with unflinching courtesy; it has voted to fine the owners of 100 Inman St. unless certain conditions were met; and it has defended the Noise Ordinance in court, against a legal challenge from 100 Inman St.

Five years on, however, we feel that the Commission has fallen short in acting to protect us and our neighborhood from a very considerable level of noise in a timely fashion. It has resorted to the following tactics which appear to be its usual modus operandi, and which indicate a lack of zeal for noise control on its part.

- 1) The investigator asserted, upon arriving at our house, that she could "just tell" that there was no noise violation, without taking a reading; I had to persuade her to take one anyway, upon which it turned out that she was mistaken. In fact, the reading showed a violation.
- 2) The investigator insisted upon taking readings only at so-called "points of discomfort", i.e. within apartments, disregarding the possibility that noise levels might be far higher outdoors, where many people, including us, spend time on their properties.
- 3) The Executive Director seems to believe that the court decision arising from our case supports the Commission's policy of taking most readings at the "point of discomfort", whereas we believe it clearly mandates readings at the lot line and its vertical extension.
- 4) The Commission has given 100 Inman St. years in which to attempt compliance, while we suffered, despite the far more limited

the periods provided for by the Ordinance, and despite the evident temporizing of the owners.

5) The Director, in a phone conversation, asserted to me that no violation existed at our address, although the only readings ever taken there showed a 24-hour-violation level of noise, and we have informed the Commission repeatedly that the noisy equipment has operated after hours and on Sundays and holidays very frequently. Essentially, the Director called me a liar, on the basis of no first-hand information whatsoever.

6) The investigator alerted 100 Inman St. as to the date and hour of her follow-up reading, allowing the owner to manipulate the equipment to produce a lower reading at one "point of discomfort" only, in order, apparently, to try to close the case without having solved the problem. She then refused to take readings anywhere else. Skip Schloming's unofficial readings subsequently showed violation-level noise all over the lot.

7) According to a statement made by the investigator at the outset of the case, the License Commission had never fined anyone in the course of enforcing the Noise Ordinance. Perhaps this is no longer true; but as far as we know, it has never yet fined 100 Inman St., although it did vote to do so at one point.

To us, this last point is quite significant. We do not doubt the Commission is understaffed; but we believe that its investigators would be more effective, and burdened with fewer long-running cases, if only the Director would resolve to make an example of a few of the more egregious scofflaws, by fining them to the fullest extent the Ordinance permits. In the case of commercial landlords like the owners of 100 Inman St., perhaps the fines allowed are

not high enough; but the License Commission refuses even to try.

* Even its threatened fine against 100 Inman St. was only \$300.00 total, after years of constant noise during warm weather, when the Ordinance permits fines up to \$300.00 per day.

This has been our experience with the License Commission but anecdotes we have heard lead us to suspect that our experience is only too typical. Perhaps, recognizing the invasive nature of noise, and the dependence of residents of Cambridge upon City authorities for protection against it, the City could direct the Commission to take noise problems more seriously; or, it could hand over enforcement to some other agency more inclined to act decisively in defense of the right of the populace to a quieter environment. Thank you.

Megan Brook
103 Inman St.

* A review of the documents show this is incorrect. One letter refers to a fine of "\$300.00"; another says "\$300.00" per day.

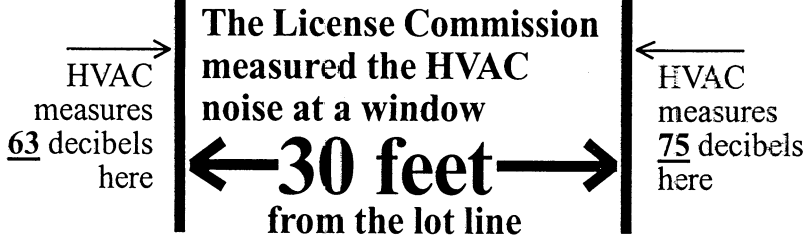
MB

ATTACHMENT C



This 20-year-old HVAC equipment is set just **3 feet** back from the lot line, on this balcony. (It's hidden behind plywood bolted to it.)

This 30,000-sq.-ft. commercial building is built smack to the lot line here (and on all sides). It is the only commercial building in a mid-Cambridge residential neighborhood.



Cambridge Noise Ordinance:

Maximum Daytime noise level: **60** decibels “measured at the lot line”

Maximum Evening, Weekend, Holidays noise level: **50** decibels “measured at the lot line”

The Cambridge License Commission refuses to follow the Ordinance. The Commission measures noise levels at the windows of affected properties. Since maximum noise levels in the Ordinance are based on lot-line measurements, the License Commission measurements permit substantially higher noise levels to intrude into the outdoor and interior spaces of neighboring properties than the Ordinance, properly enforced, would allow.

The Ordinance says “measured at the lot line” five times! The Ordinance defines “real property boundary” as “an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.”

A Superior Court judge recently ruled that “lot line” and “real property boundary” are the same thing. The judge also said that if the noise cannot be heard as loudly at ground level (as in this case of HVAC equipment on top of a wall built on the lot line), then the noise level must be measured at the vertical extension of the lot line where it is actually heard the loudest.

The Superior Court judge always used the terms “lot line” or “real property boundary” to define the required measurement location.

View of same HVAC equipment from window of the adjacent property. Window is 30 feet from lot line.

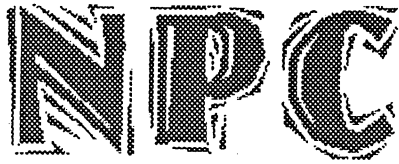


Submitted by
Alice Crane Kovler

ACKLOVE @ AHBZ.COM

6/18/02 6:14 PM

ATTACHMENT D



Noise Pollution Clearinghouse

Noise is unwanted sound; it is derived from the Latin word "nausea," meaning seasickness. Noise is among the most pervasive pollutants today. Noise from road traffic, jet planes, jet skis, garbage trucks, construction equipment, manufacturing processes, lawnmowers, leaf blowers, and boom boxes, to name a few, are among the unwanted sounds that are routinely broadcast into the air.

The problem with noise is not only that it is unwanted, but also that it negatively affects human health and well-being. Problems related to noise include hearing loss, stress, high blood pressure, sleep loss, distraction and lost productivity, and a general reduction in the quality of life and opportunities for tranquility.

We experience noise in a number of ways. On some occasions, we can be both the cause and the victim of noise, such as when we are operating noisy appliances or equipment. There are also instances when we experience noise generated by others just as people experience second-hand smoke. While in both instances, noises are equally damaging, second-hand noise is more troubling because it has negative impacts on us but is put into the environment by others, without our consent.

The air into which second-hand noise is emitted and on which it travels is a "commons," a public good. It belongs to no one person or group, but to everyone. People, businesses, and organizations, therefore, do not have unlimited rights to broadcast noise as they please, as if the effects of noise were limited only to their private property. On the contrary, they have an obligation to use the commons in ways that are compatible with or do not detract from other uses.

People, businesses, and organizations that disregard the obligation to not interfere with others' use and enjoyment of the commons by producing noise pollution are, in many ways, acting like a bully in a school yard. Although perhaps unknowingly, they nevertheless disregard the rights of others and claim for themselves rights that are not theirs.

We have organized to raise awareness of noise pollution and help communities take back the commons from those acting like bullies. Our efforts include building a library of resources and tools concerning noise pollution, establishing links to other groups that have similar collections, establishing networks among local noise activists, assisting communities and activists who are working to reduce noise pollution, and monitoring and advocating for stronger noise controls.

[Home Top](#)

Submitted by
 Alice C. Kovler
 ACKLOVE@AHHI.COM

ATTACHMENT E.

How can noisy machines help clean the world, when noise itself is a form of filth?--Ashleigh Brilliant, BLAST
 "leader by default"

On the evening of the Santa Barbara municipal elections, self-described BLAST "leader by default" Ashleigh Brilliant paraded about the election station. Brilliant was armed with a push broom and a victory statement reinforcing Santa Barbara's disgust for "the noise, dirt, and pollution of a device which should never have been permitted in our city in the first place." Finally, three tries at a referendum and fifteen years of work to ban leafblowers won out for Brilliant and his coalition. According to Brilliant, leafblowers are "...the least justifiable and most obnoxious technological monstrosity I can think of. And it's not really a leaf blower, it's a dirt blower. I mean, how many fallen leaves do we have to deal with?"

"A ban is a very easy law to understand", he says. "You just can't do it at all with that machine." Before the ban was in effect, Brilliant resorted to self-help measures, once physically removing the leafblower from a nearby gardener's back. One year later, Brilliant grabbed the leafblower from the gardener and repeatedly smashed it to the ground, but only after begging the gardener on bended knee to stop using the blower.

It is no surprise that forty cities in California alone, and over three hundred cities nationwide, have banned leafblowers. There are as many ways to describe the noise that leafblowers emit as there are people who are disturbed by them. From fifty feet, gas-powered leafblowers create up to 70 decibels of noise. Most would identify with the high grinding whine we know so well, not to mention other environmental hazards created by leafblowers such as exhaust fumes and swirling clouds of airborne debris.

Leafblowers grew in popularity since the 1970's. Santa Barbara has "regulated" leafblowers for the past ten years, but the city still suffered with lack of enforcement and regulations that were not restrictive enough. At one time the city tightened existing regulations, but to no avail. BLAST was formed in February 1997, and fifty unpaid volunteers collected more than nine thousand signatures asking to put the issue on the ballot in November of 1997. In early November, 54.5 percent of voters elected to place a total ban on all leafblowers within the Santa Barbara city limits.

Some of the resources that BLAST used to quiet the neighborhoods include an official "ballot argument" stating BLAST's position, bumper sticker, an "initiative measure" containing the ordinance purpose, summary and language; and the "notice of intent" to circulate the initiative petition, containing a statement of the reasons for the ban. To view these items, click on the links from each phrase.

BLAST's pre-election opposition came in the form of the City Parks and Recreation Department, professional gardeners and landscapers, garden supply shops, and one of the nation's leading leafblower manufacturers. They formed a coalition to oppose the ban called CORE: Citizens Opposed To Radical Enactments. These parties claim that irresponsible leafblower users are the problem, and recent market innovations include leafblowers that are half as loud as the former machines. They raised more than \$10,000 to further their opposition, while BLAST's campaign was so low-budget that they did not reach the threshold requiring that they report their spending. CORE members claimed that owners of commercial and office buildings will be hit hardest, where leafblowers are used on a grand scale to clean parking lots and walkways.

Money is also a consideration, with leafblower advocates claiming that leafblowers save a great deal of time and

labor and contribute to the appearance of the city. Brilliant counters this by stating that if all gardeners have to compete under the same restrictive regulations, nobody will have a competitive advantage. Also, "cleanliness" has gotten out of control-- what about the need for a natural setting? Brilliant believes that it is not a matter of right and wrong: "Our opponents are just as interested in a beautiful city as we are. It's just that they have a more narrow vision of that beauty."

The ban takes effect in February of 1998, although the City Parks and Recreation Department stopped using the machines shortly after the election, beginning a process of major change for the City of Santa Barbara.

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HEALTH AND ENVIRONMENT

Vice Mayor Henrietta Davis, Chair
Councillor Anthony D. Galluccio
Councillor Brian Murphy

City of Cambridge**PUBLIC SAFETY****COMMITTEE MEMBERS**

Vice Mayor Henrietta Davis, Chair
Councillor David P. Maher
Councillor Timothy J. Toomey

In City Council July 29, 2002

The Health and Environment and the Public Safety Committees held a joint public meeting on Tuesday, June 18, 2002 at six o'clock and thirty minutes p.m. in the Sullivan Chamber.

The purpose of this meeting was to discuss noise related to boom-cars, leaf blowers, mechanical devices on buildings and any other nuisance noise.

Present at the meeting were: Vice Mayor Henrietta Davis, Chair of the Committee, Councillor David Maher, Councillor Timothy J. Toomey, Jr., Councillor Brian Murphy, Richard Rossi, Deputy City Manager, Nancy Glowa, First Assistant City Solicitor, Arthur Goldberg, Supervising Legal Counsel, Law Department, Benjamin Barnes, License Commissioner, Robert Bersani, Inspectional Services Commissioner, George Fosque, Director of Emergency Communications and Donna P. Lopez, Deputy City Clerk.

Vice Mayor Davis opened the meeting and stated the purpose.

Mr. Rossi outlined to the committee how the city responds to noise complaints.

Vice Mayor Davis opened the meeting to the public.

Joanne Solet, 15 Berkeley Street, stated that she is a member of the Historical Commission and a member of the Public Health Alliance. Noise is damaging the quality of life. The World Health Organization has related noise to violence, circulatory problems and the ability to read. Noise can also interfere with sleep. Frequency of noise, noise source and time of noise are also problematic. Leaf blowers, paper and mulch shredders, vacuum trucks and air conditioning units are the newest objects that create noise, she said. Isn't serenity as important as clean air, she asked.

Lloyd Aiello, 2 1/2 Berkeley Street, spoke about the legality and measurement of noise. He was concerned with the frequency of noise. Deaf people, he said, can become tense due to the level of noise. He explained the impact of the frequency of hertz, which is the cycles per second of noise.

Sue Robinson, 20 Lilac Court, told the committee of leaf blowers used within a closed space of a loading dock. The debris is blown into the street. She is concerned with what is in the dust caused by this action. She also expressed her concern with noise caused by alarms in buildings. The Fire Department has responded to various false

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Committee Report #5

Committee Report from Vice Mayor Henrietta Davis, Chair of the Health and Environment and the Public Safety Committees, for a meeting held on June 18, 2002 to discuss noise related to boom-cars, leaf blowers, mechanical devices on buildings and any other nuisance noise.

In City Council July 29, 2002

**REPORT ACCEPTED.
PLACED ON FILE.
ORDERS ADOPTED.
SEE ORDERS #31 AND #32.**