



CAMBRIDGE LICENSE COMMISSION CITY OF CAMBRIDGE

831 MASSACHUSETTS AVE., 1ST FLOOR, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 499-6140

JAMES THADDEUS McDAVITT
Commission Chairman

ANTHONY G. PAOLILLO
Chief-of-Police Department
Commission Member

THOMAS V. SCOTT
Chief-of-Fire Department
Commission Member

RICHARD V. SCALI
Commission Executive Officer

TO: Robert W. Healy, City Manager

FROM: James T. McDavitt, License Commission Chair

RE: City Council Orders of September 11, 1989, Relative to Control of Noise
from Air Conditioning Compressors, And of October 16, 1989 relative to
Noise at Porter Square Star Market

DATE: February 26, 1990

Please be advised that Chief Licensing Investigator Marlene Knights, following a request from either the Police Chief, Inspectional Services Commissioner, or the City Manager's Office, is authorized to use the License Commission's sound level meter to monitor noise levels from air conditioning compressors and HVAC (Heating, Ventilating, Air Conditioning) units. This is the procedure used when the noise source emanates from premises not required to be licensed. If the annoying unit is on licensed premises, Ms. Knights on her own initiative monitors the noise with the sound level meter.

If in a particular case Ms. Knights requires assistance from other departments, the Police Department assigns a police officer to work with her and the Inspectional Services Department (ISD) similarly assigns an inspector. The police officer, the ISD inspector and Ms. Knights then approach the particular problem as a small task force. Interdepartmental cooperation in these noise cases is excellent.

The scheme for allowable noise limits is set by ordinance and is attached to this report. If the noise levels are found to be in violation, the offender is given a reasonable time (up to eight weeks in practice) to hire a sound engineer and a contractor to abate the noise nuisance.

If the offender is uncooperative, the solution is to seek a criminal complaint in the matter. However, if the offender is a licensee, a disciplinary hearing on the offender's license will be held instead of going to court.

There is in the Noise Ordinance a provision which allows the ISD to grant a variance from the terms of the Noise Ordinance, but Inspectional Services Commissioner Joseph Cellucci has advised me that such a variance has never been granted: neither to the Porter Square Star Market nor to anyone else.

Robert W. Healy
February 26, 1990
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The Inspectional Services Commissioner also advised me that he is currently working on a policy and procedure which would incorporate the protections of the Noise Ordinance into the building permit process, whenever a HVAC or similar unit is to be installed. Commissioner Cellucci also said the new policy and procedure must be consistent with the terms of the State Building Code, so that careful deliberation is required.

I have also conferred with Police Chief Anthony Paolillo, who told me the continued use of Ms. Knights for these matters is advisable, especially on weekend nights when the police have a high number of priority calls.

In terms of complaint procedure, a complaint about noise may be made to the Police Department at any time. If the alleged source of annoying noise is a site regulated by the License Commission, a call may be made to the License Commission during regular working hours. This call to the Commission may be in addition to or in lieu of the call to the Police Department.

As a final matter, I also enclose a copy of an article from last week's TAB concerning Ms. Knights' monitoring of noise levels.

Please advise if there are questions or comments.

cc: Anthony Paolillo, Chief of Police
Joseph Cellucci, Inspectional Services Commissioner

City of Cambridge

C. NOISE IN BUSINESS, OFFICE ZONING DISTRICTS.

No person shall create or cause to be emitted from or by any source subject to Regulation V any noise which causes or results in a noise level, measured at any lot line of any lot in any Business Zoning District other than a lot in residential use in conformance with the Cambridge Zoning Ordinance, in excess of any level of the "Business District Noise Standard", Regulation VI. E. Noise emitted from construction sites shall be excepted from this regulation.

D. NOISE IN INDUSTRIAL ZONING DISTRICTS.

No person shall create or cause to be emitted from or by any source subject to Regulation VI, any noise which causes or results in a noise level, measured at any lot line of any lot in recreational or business use in any Industrial Zoning District in conformance with the Cambridge Zoning Ordinance, in excess of any level of "Industrial District Noise Standard", Regulation VI. E. Noise emitted from construction sites shall be excepted from this regulation.

E. ZONING DISTRICT NOISE STANDARDS.

Noise standards referred to in these Regulations for the several zoning districts of the City of Cambridge, as defined in and established pursuant to the Cambridge Zoning Ordinance are as established by the following Table.

TABLE OF ZONING DISTRICT NOISE STANDARDS

Maximum Allowable Octave Band Sound Pressure Levels

Octave Band Center Frequency of Measurement (Hz)	Residential		Residential in Industrial		Office Business	Industry
	Daytime	All other times	Daytime	All other times	Anytime	Anytime
31.5	76	68	79	72	79	83
63	75	67	78	71	78	82
125	69	61	73	65	73	77
250	62	52	68	57	68	73
500	56	46	62	51	62	67
1000	50	40	56	45	56	61
2000	45	33	51	39	51	57
4000	40	28	47	34	47	53
8000	38	26	44	32	44	50
Equivalent Number- (dB(A))	60	50	65	55	65	70

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OFFICE OF THE CITY MANAGER



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 12, 1990

To The Honorable, The City Council:

In response to Awaiting Report Item No. 5, dated 10/16/89, relative to Noise at Porter Square Star Market, and Awaiting Report Item No. 15, dated 9/11/89, relative to types of controls the city has to regulate air conditioning units, attached please find a response from James T. McDavitt, License Commission Chair, concerning these matters.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 7

5-251

Awaiting Report Item Number 5 and 15 regarding noise at Porter Square and regulations regarding air conditioning units.

In City Council,

March 12, 1990

*Referred back
to the City Manager
for more information
Copies sent to City Manager
3/15/90 (aw)*