



City of Cambridge

O-35

IN CITY COUNCIL

July 29, 2002

VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to take necessary steps to have information added to the web site that lists the names and telephone numbers of city personnel whom the public should call with a noise complaint.

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". The signature is written in a cursive style.

D. Margaret Drury
City Clerk



City of Cambridge

O-36

IN CITY COUNCIL

July 29, 2002

VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to refer the subject of boom cars to the Police Department for comments and to conduct a public awareness campaign that the Noise Ordinance will be enforced as it relates to boom cars.

In City Council July 29, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk



City of Cambridge

O-37

IN CITY COUNCIL

July 29, 2002

VICE MAYOR DAVIS

- ORDERED: That the City Manager be and hereby is requested to instruct the appropriate city department that when complaints are received about noise issues on university property, the complaint should be referred from 911 to the License Commission to enforce the Noise Ordinance; and be it further
- ORDERED: That the City Manager be and hereby is requested to report on the type of noise complaint, the protocol and criteria used; and be it further
- ORDERED: That the noise ordinance be reviewed comprehensively to see that it covers the technical points related to nuisance noise and to assure that enforcement of the ordinance is practical.

In City Council July 29, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk

that measurement must be taken 100 feet from the lot line. The License Commission tries to get rid of the problem. Creative measures are taken to solve problems.

Vice Mayor Davis asked what is the Roof Top Mechanical Committee doing about noise. Ms. Farooq stated that the Roof Top Mechanical Committee made recommendations. The biotech industry felt the recommendations were unrealistic. More study and more work is being done with the biotech industry. The task force meets monthly and visual and acoustical issues are being discussed. The committee, however, does not have the expertise needed on acoustical issues. An acoustical expert will be hired. Nighttime noise caused by mechanicals that run all night is a concern. Ambient noise is above the threshold. Enforcement issues have surfaced. The Roof Top Mechanical Committee is working on more strategy for best practices such as screening, placement of equipment on rooftops, type of equipment and technology, rather than enforcement to reduce the problem. A scope is being prepared for a consultant on mechanicals. Vice Mayor Davis stated that it sounds as if the task force will address installation in new buildings. Enforcement and existing equipment is not their charge.

Mr. Barnes stated that the License Commission has a conundrum. He felt that there should be a review of the ordinance to reassess the measuring. It is an issue of safety. The biotech industry wants the License Commission to measure noise from HVAC from up in the air. Vice Mayor Davis asked if a consultant could be hired to measure "up in the air" noise complaints. Mr. Rossi responded in the affirmative. Vice Mayor Davis stated that this is a solution to short-term hard-to-measure situations. Mr. Schloming stated that the measurement should not be the same measurement from the window and the lot line.

Vice Mayor Davis discussed long-term solutions. The Roof Top Mechanical Task Force does not have long-term standards. She asked if the task force should look at the issue of enforcement. Mr. Bersani stated that if the city cannot measure noise by the standards in the ordinance how can the city expect a consultant to do the measurement. The city can ask developers to comply with the Noise Ordinance, but he is skeptical about enforcement. He wanted to be comfortable about the Noise Ordinance and then he will enforce. Mr. Rossi stated that sound experts are needed. The Roof Top Mechanical Task Force cannot make this any better. The Agassiz and Fitzgerald Schools and the Water Treatment Plan were designed by the standard of the Noise Ordinance, stated Mr. Rossi. Vice Mayor Davis stated that the issues are complicated. Mr. Barnes stated that mechanicals are the only equipment that is measured in the Noise Ordinance.

Vice Mayor Davis informed the committee of a situation where \$100,000 was allocated to study a disturbing rumble in Kokomo, Indiana. Mr. Rossi stated that technical assistance is needed to get sound pressure readings.

Vice Mayor Davis inquired about enforcement on roof top mechanicals. Mr. Rossi stated that the city needs to talk to experts and see what the experts recommend. He cautioned about causing problems on the other side of the issue. If the solution is too rigid it will fail and there are fines to consider. The License Commission uses compromise and most problems are solved. Vice Mayor Davis stated that she wants clarity of the problem, enforcement of the ordinance and clarity as to where the noise

measurement should be taken. The city needs an ordinance that it can use and enforce. She suggested contacting the Rutgers Noise Center to help write an ordinance. She gave the pertinent information to Mr. Rossi. Ms. Lenora Schloming stated that technology does exist to solve the problem. This problem will get worse if the city does not solve the issues of measurement and enforcement.

Vice Mayor Davis asked if the city has noise sensitive zones. Mr. Scali stated that the city does have a map that outlines noise sensitive zones for dumpsters. Mr. Bersani stated that there is a definition of a noise sensitive zone.

Mr. Barnes stated that the issue is enforcement versus agreement. The License Commission has been proactive in solving problems. In a city 6.2 square miles issues are solved everyday. The remaining complaints are only one percent. Mr. Rossi stated that trash companies would challenge the city. Vice Mayor Davis stated that noise sensitive zone powers lie with the License Commission. She felt there is a need to educate the community. Other communities have a web site listing who the public calls with a noise complaint. Vice Mayor Davis submitted the following motion:

ORDERED: That the City Manager be and hereby is requested to take necessary steps to have information added to the web site that lists the names and telephone numbers of city personnel who the public should call with a noise complaint.

The motion carried.

The committee now focused on med flight and aviation noise. Mr. Rossi stated that he spoke to the owner of the company who was defensive. He was told that in an emergency situation the company would get to the scene the best way it could.

Vice Mayor Davis told of complaints she has received about boom cars. Complaints have been received when cars are stopped at red lights and the sound systems in the cars are loud. Pearl and Brookline Streets are complaint areas. Vice Mayor Davis submitted the following motion:

ORDERED: That the City Manager be and hereby is requested to refer the subject of boom cars to the Police Department for comments and to conduct a public awareness campaign that the Noise Ordinance will be enforced as it relates to boom cars.

The motion carried.

Mr. Rossi stated that if the City Council amends the ordinance it might be easily enforced. Ms. Glowa added that language exists that allows the city to enforce the ordinance without an amendment. Mr. Rossi suggested public education on enforcement of the Noise Ordinance regarding boom cars. There will be problems if the city suddenly enforces the ordinance and issues citations for boom car noise. Vice Mayor Davis stated that problem areas should be declared as noise sensitive zones and radios should be turned down in the noise sensitive areas. The Police Department will be instructed to

give non-criminal disposition warning tickets for boom cars in intersections. Vice Mayor Davis stated that there is a campaign by Sony to encourage uncivilized behavior. Superintendent Degou stated that it is difficult to enforce the ordinance if a car window is down and music is loud.

The committee now discussed the issue of scooter noise. Vice Mayor Davis stated that scooter noise is similar to leaf blower noise. Sound needs to be measured on gas powered engines such as scooters and leaf blowers. Mr. Rossi stated that he believes complaints about leaf blowers may be caused by lawn mowers; it is the same noise. Vice Mayor Davis wants to know who can measure this noise. Mr. Scali stated non-measured noise, such as leaf blowers, is covered by the ordinance. Mr. Barnes stated that the Noise Ordinance should be reviewed. Vice Mayor Davis stated that the city needs standards that includes the type of equipment used, zones and times. Mr. Rossi stated that if leaf blowers are banned lawn mowers and hedge trimmers will make the same amount of noise. Vice Mayor Davis stated that if the issue is gas motorized tools then these tools need to be regulated. Mr. Rossi stated that he wants to discuss this issue with landscapers.

Vice Mayor Davis asked who enforces university noise, such as trash removal, landscaping and snowblowing, the city or the university. Mr. Barnes stated that if the public call 911 the call is referred to the License Commission and his department strives to resolve the complaint. Vice Mayor Davis submitted the following motion:

ORDERED: That the City Manager be and hereby is requested to instruct the appropriate city department that when complaints are received about noise issues on university property that the complaint be referred from 911 to the License Commission to enforce the Noise Ordinance; and be it further

ORDERED: That the City Manager be and hereby is requested to report on the type of noise complaint, the protocol and criteria used; and be it further

ORDERED: That the noise ordinance be reviewed comprehensively to see that it covers the technical points related to nuisance noise and to assure that enforcement of the ordinance is practical.

The motion carried.

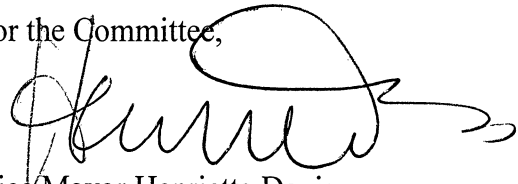
Mr. Barnes informed the committee that enforcement is the fine. The city does not have the authority to make the universities stop the noise, but the city can go to court to resolve the matter.

In conclusion Mr. Rossi stated that Cambridge does more than most other communities.

Vice Mayor Davis thanked all attendees.

The meeting adjourned at one o'clock and five minutes p. m.

For the Committee,

A handwritten signature in black ink, appearing to read 'Henrietta Davis', with a large, stylized loop at the end.

Vice Mayor Henrietta Davis
Chair

Summary of Key Points from June 18, 2002 Noise Hearing

1. The impact of noise on the quality of life in Cambridge.
 - a. Physical impact.
 - b. Psychological impact.
 - c. Stress.
2. Possible ban of leaf blowers and other gas powered equipment.
 - a. Outright ban of leaf blowers v. inclusion in the ordinance.
 - b. Are leaf blowers already covered in ordinance as “domestic power tools?”
 - c. Should gas powered equipment be added to the ordinance?
3. Rooftop mechanicals and the rooftop mechanicals task force.
 - a. Where are the measurements taken?
 - b. What are likely outcomes from the task force?
4. The need to reexamine the noise reading, assessment, and measurement.
5. Increased and consistent enforcement of the existing ordinance.
 - a. Have noise sensitive zones been clearly marked?
 - b. How should residents register a noise complaint? Noise hotline?
 - c. The role of the License Commission v. the Police Department.
6. Aviation noise and med flights.
7. What are other community approaches?
8. How can the city better educate the community about the noise ordinance and the impact that noise can have on people (web information similar to other communities)?
9. Boom cars: police suggestions.
10. Scooters: safety and noise concerns.
11. Noise ordinance and university enforcement.
12. Systematic review of the ordinance.

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

City of Cambridge

PUBLIC SAFETY

In City Council July 29, 2002

COMMITTEE MEMBERS

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

The Health and Environment and the Public Safety Committees conducted a joint public meeting on Thursday, June 27, 2002 at eleven o'clock and forty minutes a.m. in the Ackermann Room.

The purpose of the meeting was to discuss the comments made by the general public on nuisance noise with the administration and city departments.

Present at the meeting were Vice Mayor Henrietta Davis, Chair of the Health and Environment and the Public Safety Committees, Councillor Brian Murphy, Richard Rossi, Deputy City Manager, Julia Bowdoin, Assistant to the City Manager, Benjamin Barnes, License Commissioner, Richard Scali, Executive Director, License Commission, Nancy Glowa, First Assistant City Solicitor, Robert Bersani, Inspectional Services Commissioner, Dave Degou, Superintendent of Police, Garrett Simonsen, Assistant to the Mayor and Vice Mayor, Iram Farooq, Zoning and Land Use Project Planner, Community Development Department and Donna P. Lopez, Deputy City Clerk.

Vice Mayor Davis opened the meeting and stated that this meeting is an opportunity to allow city staff to respond to comments made by the general public at the meeting held on June 18, 2002. She had a summary of key points of the June 18, 2002 meeting that she would discuss **ATTACHMENT A**.

Councillor Murphy stated that he was impressed with the attendance at the June 18th meeting. He felt the need to review regulations from other communities. He wanted to know if there was a way to mitigate noise caused by leaf blowers.

Mr. Rossi cautioned that leaf blowers and lawn mowers need to be considered very carefully. A lot of people use and/or hire companies that use this equipment. These companies need to be brought to these meetings. He suggested that maybe a time range could be used. Equipment age is also a consideration. The equipment may need to be updated. Many elderly residents hire lawn care companies.

Vice Mayor Davis stated that she wanted a plan to consider key points on the summary list.

Mr. Rossi stated that there are more problems with air conditioners. Mr. Barnes stated that the License Commission mitigates and mediates the noise complaints on the HVAC units. He does not want a complete overhaul of the system that is now working. The License Commission, he said, tries to remove the personal aspect of the complaints. HVAC units are a problem. The License Commission has not used cherry pickers and does not hang out of windows in an effort to measure noise because the ordinance states

S-218

Committee Report #14

Committee Report from Vice Mayor Henrietta Davis, Chair of the Health and Environment and the Public Safety Committees, for a meeting held on June 27, 2002 to discuss the comments made by the general public on nuisance noise with the administration and city departments.

In City Council July 29, 2002

**REPORT ACCEPTED.
PLACED ON FILE.**

**THREE ORDERS ADOPTED.
SEE ORDERS #35, #36 AND
#37.**