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Town of Lexington

Noise Advisory Committee (NAC)

Minutes of Meeting May 5, 2022

A meeting of the Noise Advisory Committee (“NAC”) was held via Zoom videoconference on Thursday May 5, 2022, at 7:00 PM. A quorum of three members was present.

NAC Members Present: Dan Koretz (Chair), Vicki Blier, Stewart Smith, Joe Campbell

Absent: Nick Afshartous

Others Present: Mark Sandeen (Select Board), Lawrence Copley (Acoustic Engineer and consultant to Lexington)

1. Introductory Remarks

Dan convened the meeting at 7:00 pm and took the roll of NAC members in attendance. He noted April had left the Committee and that Nick had submitted his resignation but has agreed to stay on the Committee until his replacement is identified by the Select Board. Joe Campbell was welcomed to the Committee as a new member following his approval by the Select Board.

Dan also noted the need for Committee members to give some thought to suitable candidates to put forward. Several individuals were discussed.

After calling the meeting to order, he referred to the posted agenda for the meeting.

Approval of Minutes

The Committee reviewed Minutes from the November 22, 2021, meeting of the NAC which had been posted on Slack in draft form. Dan moved that the Minutes be approved, and the motion was seconded by Stewart. Following a roll-call vote, the motion was carried unanimously.

2. Committee Business

Dan summarized a list of issues for the Committee to consider as potential action items. The Committee considered each item and made the following decisions:

- a) *Contribute to the creation of a system for the tracking and handling of noise-related complaints in Lexington.*
 - Dan noted that several years ago the Lexington Health Department was supportive of participating in the development of a town-wide ticketing system to track complaints. It is unclear whether the current composition of the Department remains interested.

- Several members of the Committee queried how the NAC could become involved in the creation of a town-wide ticketing system for complaints when there were many other Town participants involved. Mark noted that from the Select Board's perspective, it would be helpful for the NAC to consider and advise the SB on how a ticketing system would work specifically for noise complaints (i.e. what steps and considerations are required in tracking and handling a noise complaint). The Committee will consider this matter further during forthcoming meetings.

b) Review and suggest changes/revisions to the current Noise Bylaw

- Dan noted that a number of senior Town officials have, over several years, suggested that the NAC consider a revision of the current bylaw. The Town Counsel has noted that the current bylaw is difficult to enforce and full of exceptions.
- Mark indicated that, on behalf of the SB, he felt the bylaw needed to be updated. He noted that the current provisions related to increases in noise above ambient levels would only result in progressively louder noise as ambient levels increased over time.
- The Belmont Noise bylaw was discussed and it was noted that Belmont had created two distinct zones within the Town, each having an absolute level of noise. Joe indicated that he had previously reviewed the Belmont bylaw and concluded that it was not technically sound. Lawrence also noted that a new bylaw would need to be easy to enforce.
- The Committee agreed to look into model Noise bylaws and ordinances from other municipalities with a view to determining a better approach to Lexington's pending re-draft. Responsibilities for various geographic communities were divided up between NAC members. Vicki agreed to create a drop box location for members to deposit the results of their research so that all members could review the materials.

c) Recent complaints from neighbors related to Pickleball noise in Town Parks

- Dan briefed the NAC on the complaints received from neighbors abutting the Town's pickleball courts. He noted that the Recreation Committee was involved in the matter. Committee members considered whether the NAC should or could become involved in the dispute.
- Mark noted that the Charter for the Committee permitted the NAC to investigate and report back to the SB on any noise related matter. The Committee considered that it did have a mandate to investigate the pickleball noise complaints.
- The Committee determined that more detailed sound measurement equipment may be required to capture the noise levels during pickleball and the effect on adjacent homeowners. However, at this stage it was agreed that several NAC members would, at various times, visit the site and, using rudimentary noise tracking devices (e.g. iPhone Apps) determine whether, in fact, a noise problem exists at the property lines of adjacent

homeowners. This rudimentary data would then be considered at the next meeting and a decision could be taken to involve more sophisticated equipment and analysis to document a violation of the noise bylaw.

d) Complaints related to off-hours street repair activities

e) Neighbor complaints related to the use of loud music played at athletic events in Town parks

- It was noted that several of these complaints had been resolved. However, it will remain a matter for the NAC to consider.

f) Complaints related to general construction activity taking place outside of permitted hours in the Noise Bylaw.

- Dan noted that he had been in communication with the police department regarding these complaints and the police had advised to send the complaints to the department for enforcement.

g) Complaints related to the use of heavy equipment by Arlex Oil Company after 7 am.

- Dan noted that this noise was likely not a violation of the bylaw as there is an exemption for delivery activities.

Next Meeting

The Committee agreed that the next meeting of the NAC take place via Zoom at 7:00 pm on June 1, 2022.

3. Adjournment

There being no further business, Stewart made a motion, seconded by Vicki, that the meeting be adjourned. The motion carried unanimously, and the meeting was adjourned at 9:00 pm.