

PLANNING BOARD

NOVEMBER 10, 2020

MEMORIAL BUILDING

7:00 P.M.

WORK SESSION – NOISE REGULATIONS

The following are to be considered draft minutes until approved by the Board.

Present in the meeting room: Ken Jacques, Darrin Patten, Mike Howard, George McCusker, and Dan Saulnier.

Present via ZOOM: Peter Keene and Tim Bray.

Others present via ZOOM: Whit Smith, B. Manning, and Andy D'Amico.

Members Kevin Lee and Bryan O'Day were absent.

The meeting began about 7:10 p.m. Peter Keene Chaired the meeting in Kevin's absence.

A memo from Mike Howard had been sent to all Board members reporting on his discussions with others over the last couple of weeks relative to the noise regulations. Mike Hummel and Dick Hendl had also sent letters weighing in with their comments and concerns.

Peter asked the Board to consider how they want to see the ordinance progress.

Mike Howard reported he has met and listened to a bunch of different people since the last Planning Board meeting. The concerns that he is hearing were how to go to a straight up decibel system of evaluating noise in the town, it is potentially very expensive because anyone can have a decibel meter on their phone and just be complaining about their neighbors all the time and anytime the town gets into a situation where they are in a position of enforcing this, they need to get a more comprehensive decibel meter which could become expensive. Mike researched three companies; and the cost can vary a lot. A good study that would stand up in court would cost about \$5,000 to \$6,000. Alternatively, the Town could buy an instrument between \$2,500 and \$5,000, keeping it current and certified every year, and someone in town would have to be trained to use it.

He has talked to Peter Stanley, who used to be the code officer for New London, and now is in Sutton. They spoke of the different ways, and Whit said the same thing, is the reasonable person standard of determining and obnoxious sound is something used widely and defensible in court. The problem in town right now with the business with noise issues, any ordinance made now cannot retroactively be applied to that business. Peter Stanley suggested including decibel standards in the Site Plan Review process to go over that with any perspective business and the Board make an approval, setting decibel limits deemed appropriate for the town. Peter stated that, with a combination of strict hours of operation would be a good way to eliminate the problem the town is facing with Kennebec and the kennel for any business that start up in the future.

Mike spoke with a noise consultant, who is also the Chairman of the Keene Planning Board. He said they do not have that in their site plan but agreed that was a good way to go about noise for businesses. One of the problems in town with Kennebec is the noise is constant. The entities that would create that kind of noise would be a production facility. They would fall under the net of the site plan review process. Mike thought Peter's suggestion was good. He also warned putting decibel limits in a town-wide ordinance would be a mistake.

Dick Hendl, B. Manning, and Ken Jacques had all raised similar concerns with the noise regulations.

Mike stated regulations that you put around the way you decide to measure and judge what is obnoxious noise is really what is going to make the regulations due, the things to keep the town reasonably quiet, and not get in the way of the ordinary activities of the town.

Peter stated that seemed to be a reasonable way to try to balance those needs of not making it too cumbersome and financially burdensome to the town yet have some way of establishing a limit.

Mike stated he is willing to do more research with other noise ordinances and how to go about. The noise consultants have a noise pollution clearinghouse with ordinances from all over to use as a resource if the board feels this is worth looking into.

Ken stated the Board has been trying to craft an ordinance that will not fix the two issues that have currently been ongoing in the town, and the ordinance is not going to deal with those two issues. Mike stated it will help to forestall that sort of thing from happening again. It may never have to be used, but to have it and never use it is an ideal situation.

The Board spent a considerable amount of time discussing the dual approach by updating the site plan review regulations and changes in the Zoning Ordinance. Many different scenarios were discussed and how to best cover them in the proper documentation.

Board members weighed in on this option of a dual approach. The focus of the noise regulations was not to put a burden on neighborhoods or interfere with existing businesses, but it was to learn from the past and put prevention measures in place. Focusing on the dual approach and dealing with commercial activities through the site plan review process. All board members agreed the dual approach is a good option to pursue. A lot of things need to be looked at in taking this approach. Mike Howard proposed he work with Tim and Dan to draft language. Mike stated when he met with Peter Stanley, Pete felt there were two separate paths to take. The Site Plan would be more scientific and quantitative, and the one for the town as a whole, would be more qualitative. Mike stated that a lot of what happens in the town is "impulse" noise, which is a very loud noise for a noticeably short period of time. Tim stated it was a struggle defining the intermittent noise versus the continuous prolonged noise, dealing with both issues of commercial and residential in the draft regulations. It is difficult to do in one document.

Peter asked the board members for their thoughts on this approach. The Board agreed it was worthwhile to work through the details and support the “hybrid” approach. The Board also agreed noise regulations would not be ready for March Town Meeting, and they will take this next year to work on the dual approach.

The Board listened to comments and concerns from Andy D’Amico, and B. Manning.

Tim and Dan agreed to work with Mike to do more work and pursue the two-track approach. Dan stated he feels bad something will not be available for town meeting and the two-part approach resulting in a better product. Mike stated they could plan to give a report at every other Planning Board meeting as they work through the process. It might be possible to adopt decibel levels in the Site Plan Review without having to include it in the Zoning Ordinance. Mike stated he feels better if changes and new regulations go through the town.

Peter stated the Board appreciates all the work that Tim and Dan have done, and Mike as well, and appreciate the next step they are willing to take with this.

Mike, Tim, and Dan will coordinate work sessions among themselves and report back to the Board. Mike will continue to reach out to members of the public.

The meeting adjourned at 8:40 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant