

DRAFT

Minutes of Meeting of the Greensboro Noise Ordinance Committee January 13, 2015

Present: Megan Rose, Lenny Schiavone, Susan Wood, Peter Romans, Tom Anastasio.

The meeting was opened at 7:05 p.m. by Peter.

Minutes of the December 16th meeting approved unanimously as written.

Tom presented data provided by Police Chief Cochran regarding noise complaints to the police in 2014. There were seven complaints from Greensboro and Greensboro Bend. The Committee noted that all of the complaints were late at night or very early in the morning and involved only a few locations. The data are attached to these minutes.

Tom also reported that Chief Cochran hopes the waiver process will include informing his Department when a waiver is granted so they can respond appropriately to any noise complaints. The Chief also noted that he supports Greensboro having a noise ordinance because it would clarify the parameters for dealing with such complaints.

Sue mentioned that she tried to contact the Donnellys (Lakeview Inn) to get their input on possible ordinances and to invite them to attend Committee meetings. No one answered the Inn phone (message was to “enter security code”). An email to them was not answered.

Two proposed ordinances (one from Megan dated 12/16/2014, the other from Lenny dated 1/4/2015) were discussed at length using a side-by-side analysis written by Tom (also attached to these minutes). The discussion centered on the following points:

- 1) Sue and others like Lenny's definition of “plainly audible” since it responds to Junior Salls' comments about hearing aids that he made at previous meetings.
- 2) Lenny's proposal would not allow waivers for commercial enterprises, Megan's would. Moreover, Lenny's proposal would allow only one waiver per petitioner per year, Megan's places no limit on the number. A majority of the Committee voted to allow waivers for commercial enterprises. Sue, in particular, noted that waivers for businesses would give the Selectboard more “clout” in regulating noise. The same majority of the Committee voted to not limit the number of waivers that can be issued to an individual petitioner. Sue noted that the Select Board members would certainly take into account the number of waivers being granted to any given petitioner when deciding whether to grant additional waivers for that petitioner.
- 3) Lenny's proposal put no time restrictions on prohibited noise, Megan's restricts noise between 9 p.m. and 6 a.m. Tom supports no time restrictions, stating, as an example, that an assault and battery law would certainly not state that you cannot hit your neighbor with a baseball bat during certain hours but it's ok at other hours. He likened excessive noise to a physical assault. Peter and Lenny agreed with this point of view. Megan stated that having hours (and duration of noise) as part of the ordinance

would make it more acceptable and therefore more likely to be enacted. This aspect of the two ordinances was identified as one of the few significant differences to be worked out in the next meeting.

4) Lenny's proposal seems to make the property owner responsible for any noise, Megan's shares the responsibility among the property owner and the event sponsor and/or facility renter. In support of her point of view, Megan noted that Article V, Section 2 of both proposed ordinances spells out in whom the responsibility rests for a noise violation. The Committee agreed that this issue seems to be resolved by Article V, Section 2 and that a legal review of the proposal would clarify it for the Select Board when/if they act on an ordinance.

5) An apparent difference between Megan's and Lenny's proposals involved noise made by building contractors. Lenny's would seem to include only construction noise from sites operating with a building permit. The Committee agreed that any and all construction activity during the hours of 6 a.m. and 9 p.m. would be covered by the ordinance.

The Committee recognized that Megan's proposal and Lenny's proposal are substantially in agreement. Lenny and Megan will work together to produce a single proposed ordinance in which any remaining differences are highlighted. They will share their joint proposal (with any differences highlighted) with all the Committee (by email) in time for discussion at the next meeting.

Next meeting: Monday, January 26, 2015 at 7:00 pm in the Collier Room.

Meeting adjourned at 8:40 pm

Respectfully submitted: Thomas Anastasio, Committee Secretary

Incident Search Results

Displaying all 8 incidents

Incident Number	Call Type	Call Date/Time	Officer	From	To	Address
14HW002153	Noise Disturbance	09/20/14 22:47	M204	09/20/14 22:47	09/20/14 22:47	295 Breezy Ave, Greensboro
14HW001616	Noise Disturbance	07/26/14 00:37	M208	07/26/14 00:37	07/26/14 00:37	1863 Lakeshore Rd, Greensboro
14HW001574	Noise Disturbance	07/19/14 23:01	M203	07/19/14 23:01	07/19/14 23:01	1863 Lakeshore Rd, Greensboro
14HW001518	Noise Disturbance	07/12/14 22:08	M208	07/12/14 22:08	07/12/14 22:08	295 Breezy Ave, Greensboro
14HW001417	Noise Disturbance	06/30/14 19:53	M203	06/30/14 19:53	06/30/14 19:53	1181 Craftsbury Rd, Greensboro
14HW001194	Noise Disturbance	06/03/14 03:41	M205	06/03/14 03:41	06/03/14 03:41	841 Main St #3, Greensboro
14HW000315	Noise Disturbance	02/12/14 18:41	M210	02/12/14 18:41	02/12/14 18:41	58 Lower Cherry St #6, Hardwick
14HW000281	Noise Disturbance	02/09/14 01:56	M206	02/09/14 01:56	02/09/14 01:56	1863 Lakeshore Rd, Greensboro

Iron
-- From Meadow Farm
FM Farm
Iron
Near Greens
Bend
FM farm

7 arrests in 2014

1/2/15
Chief Cochran should suggest no. With Hardwick had been concerned about noise. PD should get a copy of any relevant photos.

Brief Analysis of Two Proposed Noise Ordinances
 You must read the ordinances for a full understanding. This analysis only hits the high points in an abbreviated form
 Tom Anastasio January 11, 2015

	Megan (12/16/2014)	Lenny (1/4/2015)
Plainly Audible definition	Unaided hearing	Usual hearing faculties, <u>includes</u> hearing aids
Unreasonable Noise defn.	Same	Same
General Prohibitions	Vocal disturbances 10pm-6am Radios, TVs, etc louder than necessary for convenient hearing 9pm-6am AND more than 2 consecutive hours for a total of 4 hours 6am-9pm No specific mention of fireworks Person in charge of noise-producing event is responsible. Excludes absent property owner from responsibility?	Vocal disturbances - no time restrictions Radios, TVs with no time or duration limits No specific mention of fireworks Owners of noise-producing property are responsible whether present or not.
Exemptions	Waiver holders Snow removal Lawn/grounds maintenance 5am-10pm Construction 6:00am to 9:00pm Standard agricultural operations Bells, etc. at specific religious observances Safety, emergency situations Municipal, school or educational events Firearms when used in permitted way Recognized organized recreational events	Waiver holders Snow removal Lawn/grounds maintenance – no time limits Construction w. building permit - no limits Standard agricultural operations All religious observances at established sites Safety, emergency situations Local public school events Firearms when used for permitted hunting Community events 7am – 9:30pm
Waivers	No limits on number per year Commercial purposes eligible for waivers	Limited to one per year No waivers for commercial purposes
Penalties	Generally the same	Generally the same, slightly lower penalties