

ARTICLE 14 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT

To see if the Town will vote to amend the Town Bylaws to further prohibit construction as defined therein without reasonable use of mitigation measures to limit nuisance noise, including but not limited to, provision of noise reducing barriers where feasible on sites abutting residential properties, and limiting the use of noise generating equipment; and determine any fines for violations of said Bylaw Amendments; or take any action related thereto.

(Inserted at the request of the Town Manager and Residential Study Group)

**VOTED: That Title V, Article 12, Section 3.A. be and is hereby amended as follows:
Section 3.Daytime-Only Activities.**

The following acts are specifically prohibited:

A. Prohibited Times. Operating, or permitting the operation of any of the following devices or vehicles.;

- 1. before ~~8:00~~9:00 A.M. or after 5:00 p.m. on Saturday, Sunday or legal holiday**
- 2. before ~~7:00~~ 8:00 A.M. or after 6:00 P.M on all other days,~~or~~;**
- ~~3. after 8:00 P.M. on any day, in any zone in the Town;~~**

a. Heavy equipment (as defined in Section 1), and

b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.

(4-0) Mr. Greeley was absent.

COMMENT: As the final piece of the Residential Study Group's recommended Town Bylaw actions, this amendment proposes a simple adjustment to the existing noise abatement regulations on the permissible hours of certain construction activities. While disruptive noise is impossible to entirely extract from residential construction, and the bylaw as presently constructed or amended only applies to heavy equipment operation and other specific activities as listed in Section 2(b), this proposal would better reflect and protect the needs of residents during early morning and evening hours. Accordingly, with gratitude for the excellent and extensive work of the Study Group, the Board of Selectmen strongly urges favorable action on this matter.