

July 12, 2023

To: Mr. Paul Goldstein, Moderator RTM

At the RTM Regular Meeting on October 4, 2021 following public comment and discussion The RTM voted unanimously to refer the review of the Noise Ordinance (Chapter 9.06 — Noise Control) to the Public Health Recreation & Environment Standing Committee of the RTM. The standing committee convened four times since receiving its charge. After considerable research and deliberation the consensus of the Public Health, Recreation and Environment standing committee of the RTM is that creating a more enforceable ordinance may be too restrictive to residents and businesses.

Residents expressed through counsel at the January 30, 2023 Public Health, Recreation and Environment Standing Committee meeting, that the remedy to their concern best be addressed through the Planning and Zoning Commission and not through ordinance. Thus, the Standing Committee recommends the RTM asks the Planning and Zoning Commission to review its process of issuing special permits to address the potential confluence of residential and commercial zones. Please see attached letter the Committee recommends for the RTM to forward to the Planning and Zoning Commission.

Sincerely,

Michael A. Bono
Chair Public Health, Recreation and Environment
District 4 - Representative Town Meeting

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PUBLIC HEALTH, RECREATION AND ENVIRONMENT STANDING COMMITTEE OF THE
RTM COMMITTEE REPORT

Review of the Noise Ordinance (Chapter 9.06 — Noise Control), rtc 10/4/2022

Background

At the RTM Regular Meeting on October 4, 2022 following public comment and discussion The RTM voted unanimously to refer the review of the Noise Ordinance (Chapter 9.06 — Noise Control) to the Public Health Recreation & Environment Standing Committee of the RTM

Summary

This committee met February 22, 2022, June 30, 2022, August 30, 2022, January 30, 2023 and July 12, 2023. The committee met to discuss goals and objectives at its February 22, 2022 meeting. The committee tasked the town attorney at its June 30, 2022 meeting with research related to those goals and objectives. The town attorney presented research to the committee at the August 30, 2022 meeting. At the January 30, 2023 meeting the committee heard input from the Town Attorney and the Chief of Police. The Committee decided that making the ordinance more enforceable may be too restrictive to residents and businesses. The committee then tasked the Chair with drafting a letter to be sent from the RTM to Planning and Zoning to address residents' concerns. On July 12, 2023 the committee reviewed and amended the Chair's letters for consideration of the body.

Recommendation

At the July 12, 2023 meeting the committee unanimously recommended the issue out of committee with no action taken to ordinance, but recommended the RTM forward the attached letter to Planning and Zoning.

Attachments

Minutes and supporting documents available online and/or by request.

Respectfully submitted,
Michael Bono
Committee Chair

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Proposed letter from RTM (through Moderator Paul Goldstein to P & Z Chair Gregory Massad)

Dear Chairman Massad:

I am writing on behalf of the Representative Town Meeting which voted at its August 6, 2023 meeting, per the recommendation of the Public Health, Recreation and Environment Standing Committee, to communicate to the Planning and Zoning Commission the RTM's request that the Commission consider revisiting the process under which special permits may be issued for outdoor accessory dining. The Standing Committee conducted a number of meetings in late 2022 and early 2023 to consider potential amendments and garnered input from many residents regarding potential strategies for mitigating the effects of music associated with outdoor dining emanating from commercial activities. Since the issuance of these special permits there have been public disturbances that have been communicated to the Public Health, Recreation and Environment Committee that the Town was unable to address. This is in part why we are asking you to review issuance of these special permits. The clear sentiment expressed to the Standing Committee was that the better approach to addressing this issue was potential revisions to the outdoor dining special permit process rather than amending our current noise ordinance.

The Standing Committee asked the full RTM to pass on this suggestion to your Commission while recognizing that such potential revisions to your regulations is fully within the purview of your Commission. On behalf of the RTM, we appreciate your consideration of this request. The Subcommittee report summarizing PHRE committee deliberations is attached.

Sincerely,

Paul Goldstein
Moderator RTM

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