

ADVISORY COMMITTEE OF NONVOTING TAXPAYERS
Minutes of Public meeting 10 A.M., SATURDAY, August 3, 2024 in person (Trailer Room A and via Zoom)

1. Attending members: Kathy Baird, Lou Bassano, Gary Beller, Gene Briskman, Michael Cody, Patti Deuster, Lynn Filipski, Bill Gardner, Don Green, Peter Halle, Peter Kahn, Donna Martino, Steve Perelman, Pam Suan and Scott Ulm.
2. Chair Peter Halle convened the meeting at 10:00 am and read the Virtual Meeting Script confirming a quorum was present.
3. The Agenda for today's meeting was moved for approval, seconded and passed unanimously.
4. Approval of the minutes from the July 13, 2024 meeting was moved, seconded and passed unanimously.
5. Peter H. introduced Guest Speaker and Town Manager, Libby Gibson who provided an overview of Annual Town Meeting 2024 articles and results as well as what is up for consideration at the fall Special Town Meeting (STM). She noted recent town focus on the proposed large vessel speed restrictions to protect the right whale and the follow up from the Vineyard Wind blade failure. Hiring of town workers and several department heads has been a focus along with transportation projects, PFAS remediation, Our Island Home replacement planning, Solid Waste Facility next steps, the Town Council Study Committee (TCSC), Coastal Resilience activities, Communications/Community Outreach and implementation of AI and Cybersecurity. Questions from attendees were asked and answered. When asked how ACNVT could help, Libby responded that gathering information and conducting research to help the town make decisions would be valuable on topics such as: 'Why is there more traffic?'
6. Donna Martino reported that the ACNVT suggestion for TCSC charter changes were not currently well-received and next steps or alternatives need to be considered such as an ACNVT position in town government, more active appointments of NVTs to relevant town committees as well as supporting the study and analysis of specific issues. Members agreed that convincing voters of the value of our participation is supported by the wide range of expertise our members and other NVTs can offer to the town. Peter H. will send a communication to Libby regarding possible areas/issues for NVT participation and research.
7. Peter K. has been participating with members of the Short Term Rental (STR) Subcommittee who are focused on passing compromise STR Article 1 at STM. They are reaching out to other constituencies like Nantucket Together to gather support and feedback. Peter K. will be the ACNVT representative to STM.
8. Peter H. has written a summary of Nantucket's and other town's current noise bylaws regarding daytime amplified bylaws (Attachment 1). The intent is to curb amplified sound during the day where it is a nuisance beyond a certain perimeter in public places as well as on private property. There is a possibility to work with the NCL to collaborate on their and our issues to see if the town would sponsor an amendment. Pam Suan emphasized the importance of reasonable noise restrictions and enforcement sharing her experience with early morning noise violations by the Sankaty Golf Club it adopted 5 am pre-dawn mowing practices.

9. New member Michael Cody introduced himself as a graduate of Nantucket High School who left the island to pursue his career and is now back on island as a part-time resident, looking to give back to our community. He was warmly welcomed.
10. Lynn Filipski reported that she has spoken to the Fire Chief and there is a preliminary plan to re-furbish and re-open the fire station in Sconset and a new fire truck may be stationed there.
11. The next ACNVT meeting will be held via Hybrid/Zoom in the Meeting Trailer (131 Pleasant Street) at 10am Saturday August 24, where Police Chief Jody Kasper will be our confirmed speaker.
12. Motion to adjourn was seconded and passed unanimously at 12:15 pm.

The following link represents the recording of this meeting located on the Town of Nantucket YouTube website. [ACNVT Meeting recording for August 3, 2024](#)

Respectfully submitted,

Kathy Baird, Secretary

Attachment 1 – The Nantucket Amplified Noise Bylaw is in need of Revision

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Dear All: Here is the current state of the Nantucket Noise Bylaw with respect to amplified noise (boom boxes, etc.). The first part of this contains the Marlborough Mass Bylaw covering amplified daytime noise. The second part is the Nantucket Bylaw that in my view would benefit from modest amendment to regulate what apparently is a growing, uncontrolled, nuisance. I thought this might focus our discussion Saturday.

Peter

A number of Massachusetts jurisdictions have daytime noise ordinances that regulate amplified sound so as to maintain a reasonably quiet environment in residential neighborhoods. The Marlborough Noise Bylaw is an example. The purpose of the Bylaw is to permit amplified noise to the extent that it does not unreasonably intrude into the peace and quiet to disturb neighboring inhabitants. The Marlborough Bylaw has exceptions so that open-air events may be authorized and licensed for the purposes of public assembly. I highlight in red important restrictions in the Marlborough example that are missing in Nantucket.

For reference, Marlborough Bylaw **Section 431-10**

It shall be unlawful for any person owning or having the care, custody or possession of any musical instrument, radio set, phonograph, Victrola, television or other machine or device for producing or reproducing sound to operate or use, or permit to be operated or used, such machine or device in such manner as to disturb the peace and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room or chamber or vehicle in which such machine or device is operated and who is voluntarily listening thereto.

B. Restrictions on operations. *The operation of any such machine or device **at any time of the day or night** in such manner as to be **plainly audible at a distance of 25 feet** from the building, structure or vehicle in which said machine or device is located or, in the case of a portable sound-producing device, being carried or transported and operated in a public way so as to be heard more than 25 feet from the machine or device, such described operation shall be prima facie evidence of a violation of this chapter, whether or not such operation conforms to the noise standard(s) elsewhere provided and set forth in this chapter.*

C. Exceptions. *Nothing contained in this section shall be construed to prohibit playing by a band or orchestra or use of a public-address system or a sound-production machine in a hall or building or at an open-air event duly **authorized and/or licensed for the purposes of public assembly.***

Unfortunately, the Existing Nantucket Noise Bylaw does not cover daytime noise pollution/nuisance from amplified noise. *But, it does cover amplified sound in the evening.* Modest amendments are all that are necessary for light-handed regulation of amplified noise during daytime hours. That will require extending the hours during the day of the existing Bylaw and tightening a few of the standards to define the amount of

noise permitted from the operation or playing of any electronic sound-producing device that could reasonable cause a nuisance during the day to others in the vicinity of the amplification. I highlight in red the provisions in the existing Nantucket Bylaw in need of amendment, and the proposed amendment.

The Nantucket Noise Bylaw – Proposed Revision (as indicated, below)

§ 101-1 General prohibitions; exemptions; relief.

A. Prohibited noises. It shall be unlawful for any person or persons to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by taking any of the following actions:

* * * * *

(2) To operate, play or permit the operation or playing of any electronic sound-producing device, radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound where the noise is plainly audible at a distance of 25 feet from the source of the noise or the property line of the building, structure, vehicle, vessel, or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of **25 feet** from the property line of the building, structure, vehicle, vessel or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section.

B. Exemptions. The following uses and activities shall be exempt from Subsection **A** of this section:

(4) Noises resulting from activities of a temporary duration:

- (a) Of less than 5 consecutive minutes in an hour; or
- (b) permitted by a permit issued in accordance with this bylaw, but only to the extent such activities and the resulting noises are within the scope of such license or permit.

C. Permit for relief.

(1) Upon written application, the Select Board, or its designee, may issue a permit authorizing an activity which is likely to result in noise that would otherwise be prohibited by § **101-1A** of this bylaw.

(2) The application shall be in writing, and shall contain the following information:

- (a) The name, address, email address and phone number of the proponent of the activity;
- (b) The specified dates and times of the proposed activity;

(c) The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is to originate;

(d) Proof of ownership or the right to use the property in question; and

(e) The type of noise: i.e., amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or construction work, other.

(3) The Board or its designee will issue a decision on the application within seven days of receipt thereof, unless the applicant demonstrates a need for the permit in a lesser period of time; provided, however, that a timely decision cannot be guaranteed if less than 48 hours' notice is required.

(4) The Board or its designee may grant the permit subject to reasonable time, place and manner restrictions to protect public health, safety and welfare so as to advance the purposes of this bylaw to the greatest extent possible.

(5) The Board or its designee may deny the application if the activity conflicts with another activity previously permitted, if the activity presents a threat to public health or safety or welfare, or if the activity is prohibited by the laws of the commonwealth or the Town of Nantucket. If the application is denied, the Board or its designee shall provide the applicant with a statement of reasons.

(6) The Select Board may enact regulations to effectuate the purposes of this bylaw.

(7) The issuance of a permit pursuant to this bylaw shall not relieve the applicant of the requirements of any other applicable laws concerning the activity at issue.