

MODERATOR'S COMMITTEE ON LEAF BLOWERS
September 21, 2016 Minutes

The Moderator's Committee on Leaf Blowers held a Public Hearing on September 21, 2016, 7:30pm - 9:15pm in the Community Room of the Public Safety building. Present were Committee members John Doggett, Dennis Doughty, Jonathan Margolis, Faith Michaels, and Maura Toomey; and many members of the public, including Andrew Fischer, Clint Richmond, Richard Nangle, Peter Gately, Robert Spielvogel, and Dennis de Witt. A sign-in sheet is attached to these minutes.

John Doggett presented a powerpoint presentation summarizing the work of the Committee thus far and outlining the major proposals embodied in Warrant Articles 23 and 24. John's presentation (also attached to these minutes) explained the methodology used by the Committee to assess the perceived noise and nuisance from various equipment, the results of the public survey, and other factors that led to the Committee's recommendations.

The committee then solicited questions and comments from the public. A summary of each comment follows:

Andrew Fischer:

What is the cost of the Code Enforcement Officer?

John Doggett (TMM-13, Advisory Committee):

Part-time; a good proxy for budgetary impact would be \$32,000 for .5 FTE.

Peter Gately (landscaper):

I am concerned about the proposal to shift the fall operating season by two weeks as there may be missed revenue opportunities for landscapers during that period.

Andrew Fischer (TMM-13):

I disagree with the idea that there are any other entities that are similar to the Town. The Town is special.

Dennis de Witt (Preservation Commission):

I support pushing back the operating season by two weeks. The proposal as written appears to exempt single-family homes that are larger than 2 acres. That is undesirable. I support the ban on more than two blowers per 7,500 sq. ft., although I'd prefer if the limit were 10,000.

Dennis de Witt:

Although I have noticed some decrease from the maddening noise levels of prior years, I will quote a friend of mine: "I had no idea what people were talking about until I started working from home." I'd also like to quote Ben Franco: "This is like the situation with the attempt to deal with the noisy parties in North Brookline. In that case they made the building owner as well as the parties responsible." That is a useful model. It seems to me that excluding the landscape contractors here is a really bad idea. Also, I'm concerned about pitting neighbor against

neighbor, especially given the provision which requires people to identify themselves and not remain anonymous. (This position was seconded by several members of the public.)

John Doggett:

Yes, our goal was admirable but the mechanism may be deficient. This [requiring self-identification] will be up for reconsideration.

Robert Spielvogel (landscaper):

How will the Code Enforcement Officer determine compliance of leaf blower decibel levels?

John Doggett:

DPW measurement or a manufacturer's sticker, just as today.

Robert Spielvogel:

But there are "compliant" machines that seem noisier than 67dB in my neighborhood right now.

Robert Ferre (landscaper):

The primary changes here are lot size and quantity of blowers. This seems doable.

Faith Michaels (TMM-5):

Yes, one of the things we are attempting to do is get "three guys with three blowers off a postage stamp lot."

Juvalio ??? (landscaper, worked 1.5 years in Brookline):

I know about the existing ban and try to respect it. I like the changes to make the homeowner responsible. It is the homeowner, after all, who is responsible for the terms of the contract. In my experience there are several homeowners who insist that the laborers use leaf blowers even if the contract says no; therefore fining the homeowners is a good remedy.

Robert Ferre (landscaper):

I've talked with some of my clients about cost, etc. Everyone wants to live in peace. We do try to be responsive to complaining neighbors and the impact is that it may cost the client more money.

Jon Margolis (TMM-7): Do you use more powerful machines in other communities?

Robert Ferre: Yes.

Rich Nangle (TMM-15): I've got a neighbor near me who has nine acres, residential. Your bylaw would make this legal. I finally got them to move to electric from gas after years of discussion. Finally things are quieter and we have a victory. But come September 15 I hear it again because they're using gas powered again. Your bylaw as written right now rolls this back and allows the major landowners in the town to make noise that the hoi polloi cannot.

John Doggett: What if we restored the residential restrictions on large lots?

Rich Nangle: Yeah, that would be great.

John Doggett took the opportunity to explain the concept of “standing” as described by the Police Department, and there was a discussion regarding the pros and cons of requiring people to live in the communities they report violations in.

Andrew Fischer:

It seems like we're missing one of the real points here. I recommend Naomi Klein's book “This Changes Everything.” There is a disproportionate contribution to climate change based on wealth. A variety of things contribute to global warming: yachts, private planes, etc.

John Doggett:

How is this relevant to Warrant Articles 23 and 24?

Andrew Fischer:

We haven't been talking about unnecessary emissions of carbon. We can't do without power plants. We can do without leaf blowers cleaning the sidewalk in the middle of the summer.

This led to a discussion of when leaf blower usage could be considered a “need,” with no real agreement among the participants.

Clint Richmond (TMM-6, co-chair Green Caucus):

My overall comment is that this committee was formed to restrict leaf blower usage but this committee is expanding leaf blower usage. I am concerned about the 5 acre to 2 acre change and this more than offsets dialing back the hours on weekends. I don't like the idea that leaf blowers can run on Christmas. I don't like fining the homeowner. I don't think there is a problem with the existing Police response. I think that enforcement of the gas restriction is simple. I don't like the idea of a Code Enforcement Officer. Noise is an environmental problem. Large sources of noise impact the entire habitat. Nature is normally quiet and we are not making it our goal to have a quieter Brookline. We can't legislate traffic very easily. There's noise that's controllable and there's noise that's not.

Jon Margolis:

The previous Warrant Article was going to go down to defeat; that's where this committee came from. We can all agree that we'd be better off if things were quiet. And some will say “what about weed-whackers.” The fact is that in Brookline — and remember that I was a co-sponsor of the original LB article that failed — there is not the political constituency to ban leaf blowers or to limit them more than they're limited now. It's a laudable goal but what needs to be educated is the community of Brookline. A large portion of the community wants their property groomed in a certain way. Look: I would like to be able to ban the use of leaf blowers for sweeping walks that aren't covered with leaves. I hate it when I see leaf blowers on Newbury Street. But as a practical matter it's really not possible to restrict use that way. We don't have the municipal resources or will. What we've been trying to do here is come up with practical ways to improve the situation. Education vs. enforcement, having regard to the political will in Brookline, and with a nod to the practical realities in the Town.

Richard Nangle:

It's not clear we were going to lose. 143-57 gave your board a mandate to make the bylaw stronger. You deserve to go to TMM and get something that will pass by acclimation.

John Doggett:

What do you suggest?

Richard Nangle:

Go back to 5+ commercial. Don't put the burden on landscapers. Don't do the anonymous thing.

Dennis de Witt:

And make sure that the enforcement officer can act proactively

Clint Richmond:

And fine both the homeowner and the landscaper.

Frank Wollana (landscaper):

We need the work and homeowners need our services. I send a letter to my clients at the beginning of the year. We try to educate our crews and our clients about the regulations. We haven't gotten any fines. We want to do the best for our clients, too.