

Annual Town Meeting

*Article 27: Proposal to amend bylaws to further restrict
hours and days of construction projects*

Submitted by the Noise Advisory Committee

Background

- This article would revise the Noise Bylaw (§80-4A) to restrict further the days and hours of construction projects
- Would impose no other additional constraints on construction activity
- Requested by Select Board in response to numerous complaints

Approach

- Surveyed bylaws in 21 other MA towns
- Found that Lexington's bylaw is least restrictive
- Selected and adapted existing provisions from other towns that appeared most practical and useful

Abutting towns included in survey

- Arlington
- Belmont
- Bedford
- Burlington
- Lincoln
- Winchester
- Waltham

Current Lexington bylaw: §80-4A

“Motorized devices and equipment engaged in construction shall be prohibited from use between the hours of 8:00 p.m. and 7:00 a.m., or as otherwise restricted by a Town of Lexington permit.”

Concerns:

- Lenient restrictions: Activity permitted from 7:00 AM to 8:00 PM, 7 days/week
- No distinction between contractors and residents
- No distinction between pile drivers, rock-crushing equipment (e.g., pneumatic jackhammers), blasting, etc. [“non-routine equipment”] and other equipment used in routine construction

Provisions of warrant article

- Constrains only activities “such that this operation creates noise across a real property boundary that would disturb a reasonably prudent person”
- Allows longer hours for residents working on their own homes
- Imposes stricter limits for “nonroutine” equipment

Proposed restrictions (current: 7:00 AM – 8:00 PM)

(i)	Contractors, other than (iii)	Weekdays Saturdays Sundays, holidays	7:00 AM - 5:00 PM 9:00 AM - 5:00 PM None
(ii)	Residents, other than (iii)	Weekdays Saturdays Sundays, holidays	7:00 AM - 9:00 PM 9:00 AM - 5:00 PM 9:00 AM - 5:00 PM
(iii)	“Nonroutine” equipment	Weekdays Saturdays Sundays, holidays	9:00 AM - 5:00 PM None None

Summary

This article would revise the Noise Bylaw to better protect residents from noise pollution from construction projects by further limiting hours and days of these projects.