Town of Lexington
Motion
Special Town Meeting 2020-2

ARTICLE 3 AMEND GENERAL BYLAWS- NOISE CONTROL (Citizen Petition)

MOTION: That Chapter 80 of the Code of the Town of Lexington, *Noise Control* be amended by inserting the following as a new § 80-8 and renumbering the existing §§ 80-8 to 80-11 as §§ 80-9 to 80-12.

§ 80-8 Noise mitigation plan for construction

(i) A noise mitigation plan shall be required prior to the issuance of a building permit for construction projects in or adjacent to residentially zoned areas where:

1. the project entails rock removal with heavy machinery, including ledge removal, rock pounding, rock crushing, rock drilling or rock cutting (collectively defined as "Ledge Work"); and

2. Ledge Work activities are anticipated to take place on more than fifteen days over the course of the project.

(ii) A noise mitigation plan required under this § 80-8 shall, at a minimum, require portable sound barriers, designed to reduce sound levels outside the barriers by at least 10 dB(A), surrounding and installed as close as practicable to the source of the noise. These barriers must reduce construction noise to prevent noise injury to town residents. The objective of this amendment is to keep maximum noise levels under 85 dB(A) at the property line.

(iii) In the event that a building permit is issued under the assumption that none of the § 80-8 provisions apply, and it is discovered that such provisions do apply after the project begins, then no Ledge Work shall begin or continue until a noise mitigation plan is submitted and accepted in accordance with § 80-8 (ii).

(iv) In the event that the builder does not submit or follow a specified noise plan, whether by using inadequate barriers, poor barrier installation, poor maintenance, failure to move them to a new work area on site, or any other problem, then work must cease until the issue is corrected. and a penalty of $50 per day may be assessed in accordance with provisions of § 80-7 for any days that Ledge Work took place without a plan, or not in accordance with a submitted plan.

(v) In addition to the general enforcement provisions of Chapter 80, the Building Department in conjunction with the Public Health Department shall have the power to enforce this section.

(09/21/2020)