

**Bylaw Review Committee Minutes by Zoom
October 25, 2022**

DATE: May 12, 2023
TIME: 8:37 AM

Members attending: Bob McGaw, Joe Hicks, Bob Schafer, Ellen O'Brien Cushman, new member Liz Goss who replaced Chair Charles Hamman who served for many years.

The Committee members welcomed Liz Goss to the Committee and **remarked on the dedication of former Chair Charles Hamman who served for decades on the Committee.**

7:30 PM the Committee convened.

7:34 PM Joe Hicks made a motion that Bob McGaw be elected new Chair of the Committee. Bob Schafer seconded.

Roll call vote Joe Hicks – Yes, Bob Schafer – Yes, Liz Goss – Yes, Bob McGaw – Yes, Ellen Cushman – Yes
Approved 5-0-0 Bob McGaw is new Chair.

Bob McGaw nominated Joe Hicks as Vice-chair, Liz Goss seconded. Roll call vote Joe Hicks – Yes, Bob Schafer – Yes, Liz Goss – Yes, Bob McGaw – Yes, Ellen Cushman – Yes
Approved 5-0-0 Joe Hicks is new Vice Chair.

Article Leaf Blower Control Bylaw

Roy Epstein, a member of the Select Board and sponsor of the proposed bylaw, explained that he and a couple of other residents have been meeting to develop a leaf blower control bylaw. The intention is to phase out use of combustion leaf blowers and their noise impact, ultimately allowing only electric leaf blowers, provide enforcement provisions and to have landscapers be encouraged to sign on to the Pledge list, committing to comply with the Bylaw.

There was discussion that also electric **leaf blowers** are noisy, it's really the climate impact of combustion engines the group is going after at this time.

A long discussion about the "owner" that is recorded by the Middlesex County South Registry of Deeds and how that person would be determined and extensive discussion of unit definition and how that could be incorporated.

§60-1200 Leaf Blower Control Bylaw

- A. Purpose. The reduction of noise and ~~the reduction of~~ air pollution ~~due to~~ ~~from~~ combustion of gasoline and oil-based fuels are the public purposes of this Leaf Blower Control By-Law.

B. Definitions. As used in this article, the following terms shall have the following meanings:
Assessors' Records
The Real Estate Records of Belmont real estate properties maintained by the Assessors. For the purposes of determining lot size, and classification of a Relevant Property, the Records are hereby authorized to be used and relied on in conjunction with this Article.

Combustion Leaf Blower

Any Leaf Blower powered in part by gasoline or oil.

Leaf Blower

Any powered machine used to blow leaves, dirt, and other debris by forced air for landscape maintenance, including, but not limited to, cleaning of downspouts and gutters.

Property Manager

Any person or entity in control of real property, including, but not limited to, a condominium association or a tenant in possession.

Property Owner

The legal owner or owners of record of real property as listed by the by the Middlesex County South District Registry of Deeds, tax assessor's records.

Relevant Property

Any real property, as identified by map number, block number, and lot number, with a property type classification of 013 or ~~between 101 through and 111~~ (all of which are primarily residential properties), all as determined by the ~~Assessors' Records~~. In addition, a Relevant Property may include a parcel of land containing units with zero lot size that have the same map number, block number and lot number.

SECTION 3: LIMITATIONS ON USE**C. Limitations on Use**

- 1) All lot sizes in this section shall be determined by the ~~Assessors~~. If there is a dispute as to the ownership, size or classification of a Relevant Property, the Property Owner or Property Manager may submit to the Assessors a request for a change together with appropriate evidence of the change (e.g., deeds, surveys, title records).
- 2) Up to two Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size greater than zero and less than or equal to 14,000 square feet, or any Relevant Property of more than 14,000 and less than 24,000 square feet that abuts two or more Relevant Properties each of which has a ~~with~~ lot size of greater than zero and less than or equal to 14,000 square feet.
- 3) Up to three Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of more than 14,000 square feet and less than 24,000 square feet that is not described in Section 3(b).
- 4) Up to four Leaf Blowers may be operated simultaneously on a Relevant Property with a lot size of 24,000 square feet or more.
- 5) Condominium and cooperative units are Relevant Properties assigned a lot size of zero. For Relevant Properties with a lot size of zero, the following limits shall apply:
 - a) Up to two Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number Relevant Property that contains three or fewer units ~~as determined by the assessors~~.
 - b) Up to four Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number Relevant Property that contains four more than to six units ~~as determined by the assessors~~.
 - c) Up to eight Leaf Blowers may be operated simultaneously on a parcel of land with the same map, block, and lot number Relevant Property that contains seven or more units ~~as determined by the assessors~~.
- 6) Effective January 1, 2023, no Combustion Leaf Blower shall be operated by a commercial landscaper or other commercial entity on any Relevant Property between May 15 and September 30, inclusive.
- 7) Effective January 1, 2023, the Town shall not purchase or acquire a Combustion Leaf Blower.
- 8) Effective January 1, 2026, the use of Combustion Leaf Blowers in the Town is prohibited.

D. Regulations and Administration

- 1) The ~~Director of Public Works Town~~ shall have the authority to promulgate regulations to implement the provisions of this ~~By-law Article~~, subject to the approval of the Select Board.
- 2) The Director of Public Works shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this ~~By-law Article~~ in order to aid in emergency operations or clean-up associated with storms. The Director of Public Works shall make good faith efforts to notify the public of any such waiver, including by posting a notice prominently on the Town's ~~internet home page website; h~~However, the validity of the waiver shall not be affected by the adequacy of those efforts.
- 3) The ~~Director of Public Works Town~~ shall maintain publicly-available list(s) of Relevant Properties and associated Leaf Blower limits. ~~Included in subsections 3(c), 3(d), and 3(e).~~ A ~~Property Owner~~ n owner of a Relevant Property or the ~~Property~~ Owner of an abutting Relevant Property thereto on the same street may request the Select Board to review whether such property ~~has been correctly listed. Belongs on any of those lists under the terms of this By-law~~ The Select Board shall respond to this request within 30 days.

~~The Town shall maintain, and post on its website, a list of landscapers and other commercial entities that have pledged to comply with this By-law.~~

- 4) The Town shall create and maintain an online self-service application for service providers to affirm their commitment to comply with the Leaf Blower provisions of this Article. A current list of such providers shall be made available to the public on the Town website. make available on the Town Clerk's webpage an online application form to be used by an entity that wishes to be included on the list.

E. Enforcement

- 1) "Enforcing Person" as used in this Article shall mean any Town employee designated by the Select Board as an enforcing person. This By-law may be enforced by any Enforcing Person as defined in Article §60-605 of the General Bylaws
- 2) Violations of this Article, or any rule or regulation adopted hereunder, shall be subject to the following penalties:
 - a. For the first offense in any calendar year, a written warning will be issued to the Property Owner or Property Manager.
 - b. For the second offense in the same calendar year, ~~The~~ the penalty shall be \$100 ~~for a second offense in the same calendar year~~ and \$300 for the third and each subsequent offense in the same calendar year.
 - c. Penalties shall be cumulative and each day on which a violation occurs shall constitute a separate offense. If, after written notice of a violation has issued under Section 6(c), another violation occurs the same day, that additional violation shall constitute a separate offense.
- 3) An Enforcing Person taking cognizance of a violation subject to subsection E (2)(b) 5(b)(ii) of this ~~Bylaw~~Article shall give the offending Property Owner or Property Manager a written notice to appear before the Clerk of the District Court having jurisdiction thereof for the noncriminal disposition thereof in accordance with the provision of General Laws c. 40, § 21D. The provisions of § 21D are incorporated by this reference.
- 4) Any Enforcing Person taking cognizance of a violation subject to subsection E(2)5(b) of this ~~Bylaw~~Article may give to the Town Administrator's Office the name of the ~~landscaper or other commercial entity service provider~~ who was working on the Relevant ~~Property to the Town~~

~~Administrator's Office.~~ If the service provider entity appears on the list described in subsection D(3), 4(d), the Select Board may remove the service provider entity from the list and give the service provider entity written notice of the removal. A service provider entity removed from the list may reapply for inclusion on the list in accordance with subsection 4(d)D(4) after three months have elapsed passed from since the date of its removal.

F. Severability.

The invalidity of any parts of this bylaw shall not affect the validity of the remaining parts.

Motion by Bob Schafer, seconded by Ellen to approve as to form and placement.

Joe Hicks – Yes, Bob Schafer – Yes, Liz Goss – Yes, Bob McGaw – Yes, Ellen Cushman – Yes

Approved 5-0-0 Bob McGaw is new Chair.

Motion by Ellen Cushman, seconded by Bob Schafer that the Committee disapprove the original text of the Article as submitted.

Joe Hicks – Yes, Bob Schafer – Yes, Liz Goss – Yes, Bob McGaw – Yes, Ellen Cushman – Yes

Approved 5-0-0 Bob McGaw is new Chair.

Bob Schafer moved that Ellen will check internal references, spacing, commas and section numbers Bob will assign/confirm numbers in conformance with General Bylaws and Ellen will pass the final version to both Roy Epstein (the sponsor) and the Town Counsel.

Meeting adjourned 10: 10 PM

Respectfully Submitted,

Ellen O'Brien Cushman
Town Clerk & Ex-officio Member