

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
BOARD OF SELECTMEN**



**TO THE
SPECIAL TOWN MEETING
WEDNESDAY, OCTOBER 10, 2012
8:00 P.M.**

ARTICLE 2

BYLAW AMENDMENT/LEAF BLOWERS (I)

VOTED: That the Town hereby establishes a committee to study and make recommendations to the 2013 Annual Town Meeting on whether and to what extent Article 12 (“Noise Abatement”) of Title V of the Town Bylaws, as amended by the vote of the 2012 Annual Town Meeting under Article 25 (the “Bylaw”), should be amended to modify, remove, or otherwise adjust restrictions on the use of gas-powered leaf blowers, said committee to consist of: (a) four members of the Arlington Landscape Association to be designated by that association; (b) four Town Meeting members as previously appointed by the Moderator to the committee earlier convened by the Board of Selectmen; (c) four Town citizens at large to be appointed by the Moderator; and (d) one member of the Board of Selectmen to be designated by that board, and said committee to begin its work by considering the following proposed amendment to the Bylaw:

“That Article 12 (‘Noise Abatement’) of Title V of the Town Bylaws, as amended by the vote of the 2012 Annual Town Meeting under Article 25, be and hereby is amended by: (1) deleting from the end of Section 2(J) the words, ‘other than leaf blowers used on private property’ and replacing them with the words, ‘other than gas-powered leaf blowers, which shall be subject to the restrictions set forth in Section 3(D), below.’; and (2) inserting the following Section 3(D) in place of any existing Section 3(D):

‘D. Use of Gas-Powered Leaf Blowers

1. For purposes of this section only, the term, “leaf blowers” shall mean “gas-powered leaf blowers.”
2. The use of leaf blowers is prohibited between June 15th and September 15th except in accordance with the following restrictions, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:
 - (a) The use of leaf blowers is prohibited on (i) Sundays and legal holidays except between the hours of 1:00 p.m. and 5:00 p.m.; (ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and (iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.
 - (b) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.
 - (c) Leaf blowers may be used for no more than 30 minutes at a time.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing yard clean-up and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 77 dB(A) at full throttle.”

(5-0)

COMMENT: The Board is concerned that the vote of the 2012 Annual Town Meeting to impose a seasonal ban on the use of gas-powered leaf blowers by amending the Noise Abatement Bylaw was opposed by a majority of voters voting in the July special election called on the topic. To address this divergence of opinion, the Board voted to convene a committee to assist the Chairman in proposing a compromise measure to 2013 Annual Town Meeting (or to a Special Town Meeting within that Annual Town Meeting). The following day, however, the petition calling for this Special Town Meeting was filed. The Board-created committee was able to meet only once. Following that meeting, the Board Chairman proposed for the Board’s consideration the restrictions stated above as a substitute for the seasonal leaf-blower ban voted in the spring. Given the shortness of time, the complexity of the issue, and the wide array of interests affected, the Board is not ready to propose a particular substitute measure at this time but feels the matter warrants further consideration. The Town Meeting committee proposed under this article would be able to study competing viewpoints carefully and make a well-thought-out proposal to Town Meeting in Spring 2013. Therefore, the Board urges Town Meeting to form this committee and to instruct it to begin its consideration of the matter where the Board-created committee left off.

ARTICLE 3

BYLAW AMENDMENT/LEAF BLOWERS (II)

VOTED: That no action be taken under Article 3.

(5-0)

COMMENT: As stated above, the Board feels this issue warrants further study and is not prepared at this time to urge a complete repeal of the vote of the 2012 Annual Town Meeting.



KEVIN F. GREELEY, CHAIRMAN
DANIEL J. DUNN, VICE-CHAIRMAN
DIANE M. MAHON
STEVEN M. BYRNE
JOSEPH A. CURRO, JR.