

Harwich Ad Hoc Noise Containment Committee Meeting Minutes October 8, 2019

Members present: Angel McNamara, Bob Cohn, Cyndi Williams, Frances Rich, Sarah Powell, Walter Mason.

Others present: Police Chief David Guillemette.

The room was full, no seats available.

Angela called meeting to order at 5:00 pm and gave ground rules: meeting was to be 1 hour long; time left at end for public comments.

OLD BUSINESS:

Minutes from Oct. 1 meeting were approved.

NEW BUSINESS:

Cyndi read three emails from residents. Bob read five additional emails from residents. Sarah read a letter from a guest at the Grey Gull.

Bob said that there are two sides with significant issues at stake. Angela said we should keep emotions in check.

Angela suggested tabling agenda items reviewing location of noise complaints—waiting for information from Deputy Chief Considine.

Town Planning map overlay was reviewed.

Agenda item about information and/or questionnaires at Harwich Chamber: Fran said we were premature on this and it was agreed to hold this until later. Angela mentioned that it would be good to have it ready by the Christmas stroll, and gave this as homework to committee members.

PUBLIC COMMENTS:

Meeting was opened to public comment.

Peggy Nye mentioned that tourists aren't here at time of Christmas stroll for information/questionnaire discussed earlier. She made positive comments about entertainment in Harwich Port. Sales were up this year. Walter asked if she'd noticed anyone moving out because of noise. Ms. Nye replied that she hadn't.

Cyndi talked about Wednesday evening strolls, which run from 5 to 9.

Mike Heffernan said he lives 800 feet from Ember but music is often loud enough that he can sing along. It wasn't that he didn't like the music—in fact he enjoys going to the venues—but the volume is often excessive and just needs to be toned down. He also likes a nice happy sleepy town. He suggested that business establishments should do walk-around to determine how loud things are.

James Hudson said that music is too loud when he just goes through town and that it's out of character with the town's history.

Michael Hershey said that the throb of music is with you all the time and asked why it's difficult to observe the town's bylaws. He further said that music is too loud and volume needs to be reduced. He also mentioned that it's not just music, but machine noise, such as from compressors and generators.

Fran suggested that we consider taking up these last issues at a future time.

Chief Guillemette gave a review of how the police department handles noise complaints for venues. If the PD gets a complaint outside of 150 ft limit, officer will go to establishment then to complainant location, and then back to establishment.

Becca Ahrensfield asked what happens after 10:00 pm.

Consensus was that this is not a particular problem.

Bob asked Chief Guillemette if the Police Department ever uses community service volunteers. Chief Guillemette explained why they don't.

Walter and Cyndi talked about warnings and violations for noise disturbances.

Mr. Heffernan asked how long it takes to process hearings about violations. Chief Guillemette replied that it could vary, but was roughly a month.

Bob Piantedosi said that complaints in June might not get resolved until July or August.

Fran said that she'd been to a recent public hearing for noise violations earlier in the year, and the outcome was still unresolved.

Peg Trowbridge asked if the volume could just be turned down a little.

Sarah said that she walks the perimeter of Perks every night.

Angela asked the room whether the problem was volume; consensus was that volume is indeed the main issue.

Bob Nickerson said that he and his neighbors are supportive of local businesses, that that was not an issue, and that discussion of residents being anti-business should be set aside.

He went on to quote the 'plainly audible' definition in the bylaw and said that the license terms were very similar. He discussed some of the positives of the current noise situation—that there's been some small improvements at Ember, and that they're very good at observing the 10pm limit. He also discussed some of the negatives: that it often gets louder in the last half hour when police can't respond in time; and that crowd noise continues after 10pm until closing. He said that residents are trying to be tolerant.

Cyndi asked Chief Guillemette whether crowd noise was addressed by the entertainment license. Chief Guillemette replied that it is not covered in the entertainment license, but is addressed by the liquor license, in situations when the venue becomes a focus for police attention.

Cyndi said that people should keep in mind that there were 170 noise complaints in the last year for private disturbances, but only 47 from the venues.

Mr. Nickerson said that people often don't call the police, which was confirmed by a show of hands.

Chief Guillemette was asked whether decibel meters would work. Chief Guillemette explained that he had contacted police chiefs across Massachusetts, and that those who had used them had had little success. He also mentioned that Nantucket is one of the few places where outdoor entertainment is found in the state and that they are also having difficulties similar to Harwich's.

Bob mentioned that decibel monitors, such as those found on Amazon, are relatively inexpensive and could help venues self-regulate and manage volumes on their own.

When asked about this, Chief Guillemette explained that such monitors would not be used for enforcement, but only to guide the venues.

Mary Moody asked whether businesses had gotten together to discuss how to manage noise.

Mr. Plantedosi said that people come to Harwich Port because of quality of restaurants, that entertainment is a piece of it, and is now taking the lead. He went on to say that the noise level from Ember is off the charts.

Sue Carpenter asked Cyndi whether she got complaints for Wednesday strolls?

Patricia O'Neill said that the stroll is a community event.

Walter asked if she'd been to Perks. Ms. O'Neill replied that the stroll is a free event.

Fran asked whether the number of nights of entertainment was an issue.

Michael Beloin said he doesn't care if it's seven nights a week, so long as it's not too loud.

The next meeting is scheduled for October 29th at 5:00 PM, in the Selectmen's Library.
Meeting was adjourned.

LETTER FROM BEVERLY JONES

----- Forwarded message -----

From: **berry jones** <berrymensing@gmail.com>

Date: Tue, Oct 8, 2019 at 2:10 PM

Subject: Ember

To: <cyndi@harwichcc.com>

Please read the following letter at the meeting tonight

I'll love the music at Ember.

I live closer than anyone else. All that separates me from the music is the parking lot. I live at 77 Bank St.

I often walk the dog around the corner just to hear it better.

Everyone at the restaurant is having fun. It brings tourists to town. It's a mini Stroll. Obviously the town supports the Wednesday Stroll and ought to support the music at Ember. The many shops and restaurants in town rely on the tourist season.

The few people the music bothers ought to just turn up their TVs or their air conditioners and be grateful that we have such a special place to live.

Beverly Jones

LETTER FROM MARTI AND GENE TERRENZI

----- Forwarded message -----

From: **marty Terrenzi** <tafterrenzi.m@gmail.com>

Date: Fri, Oct 4, 2019 at 9:21 AM

Subject: Music

To: <cyndi@harwichcc.com>

Hi Cyndi

I fully support music in Harwichport restaurants.

Thank you

Marti + Gene Terrenzi

6 Sterling rd

LETTER FROM MAUREEN S. DAVIS

Hi Cindi,

I would appreciate your reading my email at the meeting on Tuesday, October 8th of the committee regarding noise in Harwichport.

I have been coming to Harwichport for decades ,have been a home owner since 1978 and a year round resident since 2013. I have participated and witnessed many positive changes in this town.

The music at the restaurants in the center of Harwichport certainly adds a positive vibe to the town. It is most enjoyable!

It attracts all..residents and visitors who love relaxing and being entertained in Harwichport. It certainly helps all our businesses and adds significantly to our tax base. We should be very grateful for these businesses.

I think the rule about noise in town should be consistent. Why limit just restaurants? The town sanctions all noise from the strolls, the town bands, music at the cultural center etc. with no distance limit.

I support music at the restaurants in Harwichport!

Yours truly,
Maureen S.Davis
Harwichport resident

LETTER FROM SALLY URBANO

October 4th, 2019

Members of the Harwich Noise Containment Committee

Greetings to you.

As you begin your work to tackle this important problem I salute you. As Harwich grows, noise pollution will grow exponentially. Your task will not be easy balancing needs of the tax payers with those who feel music adds to their bottom line. Music that you have not chosen for yourself, that escapes into the privacy of your own home, is noise pollution. Peace, sleep, contentment will be impacted and that's not right. We know also that sleep disturbance over time leads to depression .

Living fairly close to the Irish Pub on Rt 28 I have experienced loud music. In its hey day there was no relief and those who experienced this with the old Claddaugh Inn were driven to hire a sound engineer. In our corridor sound is magnified because of the river and the rt. 28 corridor. As a result the only noise you get is the base beat pounding in your head. You can't drown it out, you can't ignore it and you can't sleep. This year the amount of times the Irish pub was open were relatively few. I won't call the police on this matter so this year I called the Pub directly, but the person on the other end literally could not hear me. Because we want business to succeed, I want to give them a chance, but placing the responsibility on residents to report the issue rather than having the business be responsible to operate within the guidelines seems wrong. A responsible business owner would be monitoring for these things as well as maintaining respect for the residents. Clear rules, serious fines for infractions and withdrawal of the liquor and entertainment license would go a long way to creating a responsible business owner. One man's music is another man's hell.

Thank you

Sally Urbano

LETTER FROM WILLIAM VRANOS

October 3, 2019

To the noise committee:

I will be unable to attend the next meeting so I hope that this letter can be entered into the record.

I live at 43 Sea Street and am a direct abutter to The Port and Perks. I have many thoughts about the noise problems in the neighborhood but I think initially, in this letter, I would like to express to the committee the problems created for myself and my family due to excess noise from these establishments.

To keep this in context, I believe the committee should understand that when I purchased my home the Port was a four star restaurant with only side walk seating and Perks did not exist in his current form. It is upsetting to hear people suggest that I should have to tolerate excess noise because of the location of my house.

Also I believe the community should understand that I am not anti music or anti business. I am anti excessive noise.

Since these establishments have been allowed to employ outside entertainment, the lives of me and my family has changed dramatically. We have been forced to put window unit air conditioners and fans in all the rooms so that "white noise " can drown out the noise from these businesses. I did not buy a 2nd home near the ocean with the expectation that I would not be able to open the windows in the summer.

Many evenings, we have been forced indoors from cook outs and other social activities because of the noise. When we have guests with small children who go to bed early or on evenings when I will commute from work from this house and need to go to bed before 10 o'clock, sleep is disrupted. Due to this, we have spent less time at our home the past couple of summers. Sometimes it is just not relaxing to be there. Think about that. We feel forced from our own home.

I have, quite frankly, given up on calling the police. The officers are either so confused about the ordinance or show up when things have quieted down, that the call is ineffective. It is a tremendously frustrating situation for me and I believe for the officers.

There are evenings, when the entertainer is high quality and the noise level is low, that it can be pleasant have music played next door. Other evenings, it seems poor quality entertainers make up for their lack of talent by being loud and exhorting the crowd to make noise as well. One even handed out cowbells. As a starting point, I think we can all agree that this type of entertainment is not suitable for a mixed commercial/residential area.

I think a large part of the problem is the current wording of the noise ordinance. I do believe that the businesses have capitalized on the confusion. "Plainly audible" at 150 feet is confusing at times (although not so confusing that it should not be enforced when there is clear violation). For instance how does a cowbell get factored in and what good is it if the officer shows up once the cowbells are done being played? Also, I once asked an officer where he thought 150 feet was and he walked me down the road to a spot that was almost 150 yards away. Furthermore, where someone lives distance wise, should not affect the

officer's response. If it is too loud for a reasonable person to be able to enjoy his own property, the noise ordinance should protect that person. Laws and ordinances are designed to protect individuals' privacy and safety. Because patrons like loud noise and the town likes tax collection, does not mean that the rights of individuals can be abused.

It seems to me, that with properly written, easily understood, and thus enforceable ordinance, which sets a reasonable noise level, everyone can be happy. I understand that I may have to put up with some background noise but the establishment should understand that the entertainers they hirer and crowds need to stay within certain boundaries as well. These are not large venues; it seems solvable.

Sincerely,

William Vranos

LETTER FROM PATRICIA O'NEILL

To the Noise Containment Committee:

I hope to attend your meetings, but 5:00 is a difficult time. Please enter my letter into the public record.

I do not want more than most people. I just want to enjoy my home. I want to sit on my back porch in the Summer. I would like to open windows and feel the breeze. I want to have friends over. Have a barbecue and listen to our music.

But I cannot depend on any of these things because I live 550 feet from Embers and every year their outdoor music has become louder and louder. I appreciate that Google Earth is not considered the most reliable, so you are welcome to round that down to 450 feet.

My parents bought our home on Bayview RD in 1977. I have spent Summers here and also been a year-round resident. My parents are buried in Harwich. I never thought I would want to leave it. These days it crosses my mind.

Since Embers started having outdoor music it is not possible to enjoy our home as we once did because the music can be so loud. In the evening it is not just music. It can also be the roar of the crowd; screaming, hooting, hollering. There is sometimes music in the afternoon as well.

Can you imagine 7 days a week, sometimes most of the day having someone else's music pour over you? I love music. I even started guitar lessons, who knows I might find a job in town someday. But when I am at home, I want to choose my music and sometimes I like quiet.

And if you try to drown out the music then you just add to the noise pollution and bother someone else. So, you call the business, but they do not care. Then you are forced to bother the police. It is an awful, stressful way to live.

I just want the businesses to follow the rules. Maybe a little self-policing and common sense. This never should have gotten so bad, but the bars pushed the envelope. If the business owners act responsibly; monitor their performers; respect the town; its laws and their neighbors then life could be much more pleasant for everybody.

Thank you,

Patricia O'Neill

LETTER FROM LISA AND GARY SAWIN

As much as we would love to be there on Tuesday at 5PM the day/time is problematic for us due to work commitments, but nonetheless we would love to share our experience living next door to a strictly outside venue.

First and foremost we purchased our guest house in 1982 living next door to a Leather Shop and private residence where Perks is now located. Since Perks started serving alcohol and having live entertainment in their driveway we have been unable to rent rooms- because let's face it you rent a room to sleep!

We are unable to remove our storm windows on that side of the house due to the music/noise, our porch on that side which has become unusable.

We have been threatened by patrons for using a weed whacker at 6PM while music was playing. The owner has also threatened us for calling the police.

Every night we shut all of our windows and doors and hunker down in the middle of our house where the music/noise is somewhat muffled but still audible. The music is so loud that the patrons talk over it. Our animals are also frightened by the loud sounds.

After 10PM when the music stops there is still no reprieve from it all- Perks becomes a frat party/gong show audition till 1AM. That's when corn hole and Large Jenga games start, loud singing from patrons, people cheering each other on while game playing, cow bells are ringing, yelling up the driveway to people passing by etc. At 1AM people start yelling on their way out of the driveway and this continues down the street.

Family members have changed bedrooms to be on other sides of the house but it can still be heard even on the other side. There's no going to bed early in our house down there!

We actually have 2 buildings on our property- our back building has become totally unusable due to the music/noise from Perks. You can actually hear every conversation that takes place at the bar from many of the rooms.

Every time we come down we are so excited to open our windows and enjoy the peace and quiet while inhaling the sea air- the only time we were able to enjoy that this year was Easter and one day in August when it rained in the evening.

Visiting for a week is one thing but 7 nights a week during the summer is absurd to those who live around it.

There has never been any attempt by the owner of Perks to keep the music/noise at a reasonable level that would be considerate to his neighbors. We believe that the first permit given out years ago stated "Acoustic Music" what has changed?

Lisa and Gary Sawin

LETTER FROM JOHN AND CAROLYN FLETCHER

To The Harwich Noise Committee:

We write to express our grave concern and dismay over the increasingly problematic noise pollution in Harwich Port. We live 600 feet (well beyond the 150 foot maximum noise limit), away from Ember and farther from Perks, but over the past few years we have been assaulted by excessively loud music from both locations, and by the ensuing wild and raucous behavior that accompanies the music.

We are unable to keep our windows open, unable to enjoy a tranquil dinner outside, and we are often unable to go to sleep at night, due to the loud partying that goes hand-in-hand with the blasting music and which lasts long after the music stops. Late night vehicle noise and occasional fights and altercations often accompany the music. As well, in the early morning we find our yard is strewn with refuse from Ember..

We feel that assault by unnecessarily loud music into the night is an infringement of our civil rights. The nightly assault is relentless and grows worse as the summers progress. If we were to step out on our back porch at 4:30 every morning and play the trumpet for five hours, we would be stopped, either by neighbors, by the police, or if necessary by a civil action. No one has a right to disturb the peace of an entire neighborhood. Businesses that callously and intentionally disturb the peace of many neighborhoods are unworthy of our trust and patronage. It also puts the police in a difficult position: Too much time spent dealing with non-compliant businesses depletes essential manpower.

Harwich is now known as "the underage drinking town," and may soon become a town that families and vacationers avoid, as its loud and unruly reputation spreads. Ironically, it will be the offending businesses that suffer most when the town loses its charm and quality of life.

If town leaders refuse to address concerns and bring about a reasonable restitution of civil rights, then townspeople must act. We can start a social media campaign that encourages people to boycott offending businesses, we can involve the courts (there are precedents for such actions), or engage in a combination of these things. As well, Selectmen who do not respect their constituents must be voted out of office.

We have owned our home in Harwich for over 35 years. We love the town and have made dear friends and associations in Harwich. We have watched with dismay the acid tone and tenor of our increasingly contentious town leadership, the brash business owners who carelessly disregard their neighbors, and the unnecessary suffering of tax-paying citizens who have lost their civil rights in Harwich. We urge you to take the matter of noise pollution as seriously as we do. It will be better for everyone in the long run if we curtail this grievous breach of civil rights now.

Harwich residents who owned their homes for many years before Ember and Perks blasted loud music into the night, are no longer able to enjoy their homes. This is a violation by the restaurant owners of citizens' civil rights and the by-laws of the town. It must stop, or be stopped.

John and Carolyn Fletcher
24 Bayview Road, Harwichport

LETTER FROM MICHAEL AND LAUREL BELOIN

October 8, 2019

A letter from Michael and Laurel Beloin, homeowners on Main Street Route 28, Harwich Port.

We bought our house in January 2015, excited about the fact that we could easily walk to the Harwich Port Village shops and restaurants as well as multiple beaches. At that time, Perks was a great breakfast place with coffee and sandwiches and The Port was an upscale indoor restaurant and bar.

Over the course of the last five summers, we have witnessed the increasing focus of both these establishments on outdoor entertainment. First Perks and then The Port were granted outdoor entertainment licenses. Even during the first few years, this change in focus had a negative impact on their neighbors. For the last two years, as these two establishments have become known outdoor entertainment destinations, the volume and impact of each businesses' competing live entertainment on the surrounding neighborhoods has increased significantly. For this reason, we feel the creation of this Noise Committee is a good first step to address this noise issue.

Even with all the negative impacts we have had regarding noise since Perks and The Port started outdoor live entertainment, we do not have an issue with the existing limits in the current regulations regarding live entertainment start and end times, or which days of the week live entertainment is allowed. Our issue is the volume of the noise this live entertainment generates. The lack of an enforceable definition of "plainly audible" noise in the regulations needs to be addressed. A clear, concise definition of plainly audible noise should allow business owners to effectively self-regulate, and when they don't, allow for consistent enforcement by the Harwich Police Department and the Board of Selectmen when violations occur.

We would also not support any recommendation to completely eliminate outdoor entertainment. Elimination of outdoor entertainment licenses for these establishments would remove the same option for our family that it would for all other Harwich homeowners and visitors to the Village; the ability to leave our home, travel to these establishments to enjoy a drink and some live music, then return home to enjoy a quiet and restful rest of the evening.

Thank you in advance for all your time and effort spent creating a recommendation to the Board that benefits all impacted parties.

LETTER FROM DANNY O'CONNOR

From: Perks Coffee Shop perkscoffeeandcafe@gmail.com
Subject: Fwd: noise music
Date: October 8, 2019 at 9:26 AM
To: My Woman capobianco.s@gmail.com

Sent from my iPhone

Begin forwarded message:

From: Daniel O'Connor <scrappydanny@hotmail.com>
Date: November 30, 2016 at 3:00:18 PM EST
To: "perkscoffeeandcafe@gmail.com" <perkscoffeeandcafe@gmail.com>
Subject: noise music

Hey Taylor,

Sorry to hear about the noise/music issues in Harwich port.
I wanted to write and let you know, I spent the entire summer
in the front room of the Grey Gull Guest House this past summer.

My window was always open and faced the cafe. I have to say
I was never disturbed by the acoustic music or evening strollers.

As you know I get up early and go to bed early, I never lost a
night's sleep and never had to close my window!

I hope you are able to resolve the issue, the cafe was a great
meeting spot and the Greek salad!! Oh I miss it!!

best
Danny O'Connor

413 281 8479

PUBLIC COMMENT SIGN-IN SHEET

Peggy Nye	William Raveis, 551 Main St
Mike Heffernan	20 Freeman St.
James Hudson	1 mile away
Michael Hershey	13 Woodland Rd
Becca Ahrensfield	
Peg Trowbridge	18 Bay View Rd
Bob Piantedosi	89 Bank St.
Bob Nickerson	
Stephen Trowbridge	18 Bay View Rd
Mary Moody	Bank St.
Sue Carpenter	Baker Dr.
Michael Beloin	Main St. Rte 28
Trish O'Neill	Bayview Rd

<u>Name</u>	<u>Address</u>
Peggy Nye	William Raveis - 551 Main St
Mike Heffernan	20 Freeman St.
JAMES HUDSON	1 Mile away
Michael Hershey	13 Woodland Rd
Becca Ahrensfield	
PEG TROWBRIDGE	18 Bay View Rd
Bob Piantedosi	89 Bank St
Bob Nickerson	
Stephen Trowbridge	18 Bay View Rd
Mary Moody	Bank St
Sue Carpenter	Baker Dr.
MICHAEL BELOIN	MAIN ST RTE 28
Trish O'Neill	Bayview Rd