

Date: May 27, 2020

To: Town of Freeport Ordinance Committee

From: Sarah Cronin, 14 Norton Farm Rd, sarahecronin@yahoo.com
Tammy Morrissey, 6 Norton Farm Rd, searching4seaglass@comcast.net

Re: Request #1 for amendment to Noise Ordinance Chapter 39 Section 103

We are writing this proposal to request an amendment to the Town of Freeport's Noise Ordinance, Chapter 39 Section 103 as it relates to the working hours allowed for construction activity.

Currently, the Ordinance allows for "daytime hours" of 6:00 a.m. to 9:00 p.m. Monday through Thursday; 6:00 a.m. to 10 p.m. Friday through Saturday and; 9:00 a.m. to 9:00 p.m. on Sunday. These time frames conflict with the Town's Street Regulation Ordinance which only allows construction equipment to operate from 7:00am to 6:00pm Monday through Friday and prohibits construction on the weekends and holidays. There are no defined construction hours in either the Zoning Ordinance or the Subdivision Ordinance. Since the Street Regulation Ordinance applies to public roads, the only Ordinance that applies to private roads and private subdivision construction is the Noise Ordinance.

By applying the current Noise Ordinance as it is written to **private** construction activity, the Town is allowing more extensive hours of construction noise to occur in **residential** neighborhoods – as early as 6:00am and as late as 10:00pm, with no restrictions for weekends or holidays. Yet work that is done on **public** roads is restricted to a 7:00am start time and a 6:00pm end time, with no weekends or holidays allowed.

It seems that the public road restrictions are there to mitigate public inconveniences. It is our belief that the private roads should be equally protected from noise and construction. Public road construction has only temporary inconveniences, such as one-lane road closures. Private road and subdivision construction, where we live and spend family time, affects our health and well-being.

We have experienced such construction noise during the course of the building of a subdivision adjacent to our backyards on weekends and holidays, at all hours. As we suspected from the planning stages of this project, it has affected the lives of our families and neighbors. While none of us could have predicted a stay at home order would force us to endure this disruption on a daily basis, it has made the lack of construction restrictions in the Ordinances all the more evident and problematic. More than half of our neighbors either work from home (regardless of the pandemic) or are retired, and now we have school children studying remotely from home. Our families cannot enjoy being out in our yards, not even to barbecue during a normal dinner hour. Once the pandemic is over, we cannot even feel comfortable about being able to host a family gathering on a weekend or holiday.

Freeport is experiencing a boom in subdivision construction. There are not adequate restrictions in place to protect residents who live in residential neighborhoods from the relentless noise and disruption of construction noise that can occur for up to 16 hours a day during the week and up to 12 hours per day on the weekends. Regular construction noise in residential neighborhoods should be carefully considered and **should not** be subject to the very lenient Noise Ordinance. We are requesting language be added to both the Zoning Ordinance and the Subdivision Ordinance that restricts normal construction activities to a shorter time frame. We are also requesting that these Ordinances be revised so they are consistent with the Town's Street Regulation Ordinance.

Attached is our proposal for the amendments to this Ordinance.

Thank you in advance for your consideration.

Amended 05/21/2019

**CHAPTER 39
LOITERING, CURFEW AND NOISE**

ARTICLE I LOITERING, CURFEW AND NOISE ORDINANCE

SECTION 39-103 NOISE

B. This ordinance shall not apply to noise emitted by or related to:

6. Timber harvesting (felling trees and removing logs from the woods) during ~~daytime hours~~ the following hours only: Mon-Fri 7:00am-6:00pm. Such work on the weekends and federal/state holidays is prohibited.

7. Noise generated by any ~~motorized, engine-powered~~ construction, ~~excavation~~ or demolition equipment (to include, but not limited to: excavators, dump trucks, bulldozers, loaders/backhoes, graders, well-drilling rigs, hydraulic hammers, rock processing and screening machines, blasting equipment) which is operated during ~~daytime hours~~ the following hours only: Mon-Fri 7:00am-6:00pm. Such work on the weekends and federal/state holidays is prohibited. Exceptions: Emergency construction or repair work by public utilities shall ~~also~~ be exempted. Construction during ~~non-daytime~~ hours outside of Mon-Fri 7:00am-6:00pm may be exempted from the provisions of this ordinance by order of the Chief of Police, if it is demonstrated that extenuating circumstances disallow construction during ~~daytime~~ the hours of Mon-Fri 7:00am-6:00pm.