

**CONSERVATION ADVISORY COUNCIL**  
**Meeting Minutes**  
**Tuesday, April 22, 2014**  
**Delancey Hall**

**Members Present:**           Lori Tripoli, Co-Chair  
                                  Pam Pooley, Co-Chair  
                                  Nancy Welo  
                                  Alan Towers

**Also Present:**               Janice Will, Secretary

Discussion of Noise Regulation

Alan Towers summarized his discussion with Police Chief Tom Howley. Mr. Towers said Chief Howley had not had a lot to say on the subject, but he did say that if the Town had a noise law the Police Department would enforce it. Chief Howley also didn't seem to see noise as a big problem in Town, at least not in terms of being brought to the attention of the Police Department.

Nancy Welo said that if there is a noise-related issue at night, the State Police would respond/not the North Salem Police.

Mr. Towers remarked that the State Police were rather circumspect in discussions about the subject because there is no noise law, although there is a law against disturbing the peace. If the Police visit someone they have received a complaint about and that person is difficult, the Police can change the complaint to disturbing the peace. Mr. Towers said Chief Howley told him the Department will go out and speak to people if they are called, and people usually agree to tone down the noise/be quiet.

Mr. Towers stated that he had found that there is regulation of noise in most towns but that most have wide exceptions that make the value of the laws questionable. He said only Rye and Millbrook have unrestricted regulations. He said that although most towns have general prohibitions against excessive noise at all times, they make exceptions for construction and grounds-maintenance. Mr. Towers said just about the only remaining issue would be a case of a neighbor making a lot of noise/having a big party late at night. He remarked that most problems with residential noise can be handled between neighbors or if the police are called, people will stop.

Mr. Towers remarked that he does not think a North Salem law with the standard restrictions would be very useful, but the Town is the only one he could find that allows construction on Sundays and the hours during which construction is permitted in North Salem are too vague and broad. Prohibiting construction noise on Sunday should be addressed along with permitted hours at other times.

Ms. Pooley said the CAC might want to think about suggesting something.

Ms. Tripoli commented that Sunday was traditionally a day reserved for religion in the past, and she did not think a law should be devised to accommodate religion. She noted that most people are off from their jobs on Saturday as well as Sunday, so why not ban construction noise on Saturday.

Mr. Towers said he thinks Sunday has just become a day for family gatherings, recreation and relief from the work week. He reminded the others that Bruce Thompson also feels the Town's construction noise laws are inadequate, and the description of the hours when construction noise is permitted is too vague as written in the local law. Mr. Thompson suggested 7 am to 6 pm (currently 8 am to sundown) on weekdays, perhaps 8 to 5 on Saturdays and no construction on Sundays at all.

Ms. Welo said she would like there to be no use of gas-powered equipment before 8 am, adding that there is plenty of other construction-related work that could be started without it.

Mr. Towers said Mr. Thompson had said that 8 am is too late for people working in construction. Mr. Towers agreed that he wouldn't want to hear the equipment at 7 am, but he didn't see how to limit it.

Ms. Welo said perhaps they could say no power equipment before 8 am.

Mr. Towers said he read Chapter 250-58 of the Town Ordinance and did not see it as being about construction but more as a general noise law. He asked Ms. Tripoli to read it over, and she said she will do that.

Ms. Tripoli said she thought it did relate to construction, but she did not remember for sure/she will look at it again.

Mr. Towers said he thinks the existing residential law is enough; going further would be tidy but unnecessary.

Ms. Tripoli asked if the CAC wants to pursue limits on construction hours, and everyone said they do. She asked the others what they want to do next.

Mr. Towers answered that they should consider making a recommendation to amend the existing law.

Ms. Welo commented that following Mr. Thompson's suggestion re hours was a good idea.

#### Other

Mr. Towers said he read in the tree-slashing ordinance that when a Town resident seeks a tree-removal permit there is a provision that the CAC is supposed to go and

look at the site. He remarked that he could not recall ever being asked to do that. Mr. Towers further stated that he doesn't think many people ask for these permits, because it is a very onerous process. He said he thinks it is a kind of law, the make-up of which increases the likelihood that people will not obey it. Mr. Towers asked the secretary how many tree-removal permits are issued.

The secretary responded that the permits are issued by the Planning Board. The Building Department gets phone calls sometimes from people checking to see if they need a permit to take down some trees; if it seems the caller would not need a permit, the Building Inspector goes to look at the site and then gives a go-ahead or not. The secretary added that there are a lot of instances where a permit is not required. Ms. Tripoli suggested they look at the Bedford law.

Mr. Towers commented that the North Salem law makes it too difficult for people, so they do not apply for tree-removal permits. He added that the penalties for slashing trees without a permit are severe (substantial fine and possible imprisonment).

Ms. Welo said that is meant to discourage people from pre-clearing land they may want to develop later.

Mr. Towers said he asked the Building Inspector when the last time was that anyone was prosecuted, and the response was never. Mr. Towers remarked that it is an odd situation, given the onerous permit application process and the fact that there is very little deterrence in the way of enforcement. He noted that theoretically the law is very punitive; but, in practice, the Planning Board will more likely demand remediation which can be expensive. He added that he does not know how often even that occurs. Mr. Towers said he thought public education about tree-removal would be very helpful as would enforcement of the law.

Ms. Welo suggested putting a link to the tree-removal law on the CAC Facebook page.

Ms. Pooley said she could do that.

Ms. Tripoli said she thinks it would only be possible to provide a link to the entire Code.

Ms. Pooley said they could put a one-line message about tree removal on the Facebook page to encourage people to call the Town before starting to cut down trees.

Ms. Welo joked that they could really draw attention with a statement to the effect that people would be risking a big fine and/or imprisonment if they cut trees without a permit.

Mr. Towers remarked that that sort of thing actually works best to change people's behavior.

It was noted that some people are truly not aware that they might need a permit to do something on their own property.

The secretary said there are also instances of people calling to try and get the Town to make a neighbor remove a tree that the caller fears will fall and damage his/her property.

Mr. Towers wondered how that is handled.

Ms. Welo said that if you have been made aware of a hazard and you do nothing, you are responsible/liable if something happens. She also recalled that when a tree on a neighbor's lot fell onto her fence, her insurance paid to replace the fence and remove the fallen tree from her property, and her neighbor's insurance paid to remove what remained of the tree from their lot.

Ms. Tripoli commented that the law is not always clear regarding responsibility when damage to one property comes from another property.

The group agreed that a statement on the Facebook page urging people to call the Building Department before taking down trees would be good.

Recommendation of an amendment to the noise ordinance will also be discussed further in May.

#### CAC Facebook Page

Ms. Tripoli thanked Ms. Pooley for her work. Commenting that managing the page could become a big job, she asked Ms. Pooley what she thinks the CAC should use it for.

Ms. Pooley said it does not take up too much time. She stated that she added the government invasive species website to the Facebook page and invited the others to e-mail suggestions to her.

Ms. Welo suggested inclusion of a link to the Improvement Society.

Ms. Pooley noted that Black Gold (fertilizer) is made available in the spring/she will include mention of that. She said that if she sees something of an environmental nature she will put it on the page, and she added that she may eventually include photographs she takes herself. She thought one goal for the Facebook page would be to show invasives, like multiflora rose and bamboo.

Mr. Towers described a big stand of bamboo on Peach Lake Road where Ms. Pooley might get a photograph.

#### Invasive Species

The group discussed trying to meet with Joe Bridges to seek his advice re criteria, perhaps when he is in Town for a site inspection.

Ms. Tripoli said she had a reply from the National Invasive Species Information Center to her inquiry about small removal projects. She was informed that they don't deal with that kind of thing, and it was suggested that people contact the Army Corps of Engineers. Ms. Tripoli said she was leaning toward recommending that people consult the Building Inspector, and she suggested putting together a question-and-answer session with Mr. Thompson that they could post on the Facebook page/something short and easy to understand.

Mr. Towers thought something about what people should know re laws/ordinances having to do with the environment would be a useful addition.

Ms. Tripoli said a short "Did you know ..." kind of thing could provide a tidbit of useful information that might lead people to read more.

Ms. Tripoli asked if they should ask Supervisor Lucas about meeting with Joe Bridges.

Ms. Welo thought it would be better to see when Dr. Bridges is going to be in Town and try to see him then.

Mr. Towers said that if there are no site visits coming up, they should not wait.

Ms. Pooley suggested contacting Dr. Bridges and asking what his fees are and if he would come to a meeting with the CAC.

Mr. Towers said he assumed they would need permission from someone to commit to spending money for a consultation like that.

The secretary explained that Dr. Bridges is an outside consultant who is paid much the way an attorney is/he is not a Town employee of any kind.

Ms. Pooley thought they should wait until Dr. Bridges is in Town. She went on to say that she spoke to him about invasives removal once, and he said it was important to consider the need for dense planting of native species after the invasives are weeded out.

Mr. Towers thought that sounded expensive.

Ms. Welo said the alternative is to cut down invasives twice a year instead of pulling them all out.

Ms. Pooley said even doing that in a wetland, requires some kind of approval from the Town.

Mr. Towers wondered why anyone would go to the trouble and/or expense of doing either of these things.

Ms. Welo explained that invasives crowd out native plant species/removing them helps maintain habitats for native birds and animals.

Mr. Towers agreed that that is desirable but did not think it would inspire a lot of people to go to all the trouble of trying to remove or cut back invasive plants.

Ms. Tripoli said the CAC isn't trying to sell people on removing invasives; they're trying to help people who want to do it.

Ms. Pooley explained the process for removing and replacing invasive species, admitting that the replacements do not always thrive/some of the invasives come back. She stated that public education is a good thing, and suggested the CAC consider giving a talk at the Library.

Mr. Towers asked if the Improvement Society hadn't just held some kind of event about invasive species.

Ms. Pooley said they had, and the talk was well-attended.

Ms. Tripoli wondered the CAC could collaborate on something with the Improvement Society, and Ms. Pooley said she would speak to her neighbor who is a member.

Ms. Tripoli said maybe someone from the Improvement Society would come to a CAC meeting to discuss things the 2 groups could do together.

Ms. Welo suggested finding out what the Improvement Society has planned for the year.

Ms. Pooley said she attended a talk in Lewisboro given by Douglas Tolumey called "Bringing Nature Home". When she volunteered that she is a landscaper, Lewisboro asked her to do native plantings at their Town offices. She thought it might be good to coordinate their efforts with neighboring towns in the future, adding that she will put something about the Lewisboro garden of native plants on the CAC Facebook page.

Ms. Pooley will get in touch with her neighbor re the Improvement Society, and the secretary will ask the Building Inspector if Dr. Bridges will be in Town any time soon.

Ms. Tripoli offered to ask Dr. Bridges about his availability to speak to them.

Ms. Welo suggested that even if he is coming down for business in Somers or another town, it would be helpful/less expensive.

#### Meetings Attended

There was nothing specific to report.

Specific Sites

The Homeland Towers/Bloomerside balloon test was postponed again.

WP14-01/Fogle wetlands permit application does not present any issues/it is for a fence.

There were no updates to report re Highgate Woodlands, the Commons at Purdys and Fuelco.

The Bloomerside wetlands permit (WP13-08) was issued months ago.

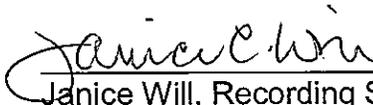
Next Meeting: May 20.

March Meeting Minutes: unanimously approved.

Ms. Pooley informed the others that a town on Long Island is actually banning the planting of bamboo.

The meeting was adjourned at approximately 6 pm.

Respectfully submitted,

  
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Janice Will, Recording Secretary