

## CITY COUNCIL PUBLIC FORUM

### CITYWIDE NOISE ISSUE

October 2, 2014 – 6:30 p.m.

Eileen Dondero Foley Council Chambers

---

City Councilors Present: Mayor Lister, Assistant Mayor Splaine, Councilors Shaheen, Lown, Dwyer, Morgan, Spear and Thorsen.

Councilors Absent: Councilor Kennedy

Staff Present: City Manager John Bohenko, City Attorney Robert Sullivan

---

Mayor Lister called the Public Forum to order at 6:40 p.m.

City Attorney Sullivan gave a brief presentation and explanation of the City Noise Ordinance and what the Police Department are able to enforce. He explained that it is a quasi-criminal law and we cannot compel testimony if it goes to court. He further explained that noise is also addressed in the Zoning Ordinance as to what types of noise can or can't lawfully be made on the land and the decibel levels. He stated the biggest advantage of the Zoning Ordinance is that it covers all portions of the city in some way and it is civil so that city can compel testimony. Finally he stated that there are no "noise police" in any city or town and no one is driving around measuring decibel levels. He stated that police respond to complaints and anyone who has an issue needs to lodge a complaint.

Mayor Lister thanked Attorney Sullivan and explained the public forum would allow 3 minutes for each speaker and asked that any groups be represented by one spokesperson and that everyone be respectful of the speakers and the process. He stated that Portsmouth residents will be called up to speak first and then business owners and clarified that this is a listening session only and there will be not dialogue with the Council.

Mayor Lister called for the first speaker and asked that everyone state their name and address for the record:

Cathy Baker – stated she has always enjoyed the Prescott Parks Arts Festival but over the last 2 years it has become louder and she feels it is because of the new sound system. She stated that she is not looking to close the festival but would like the volume to be turned down on the speakers and/or redirect them.

Beth Margeson –stated she feels there are several steps that can be taken to alleviate the noise issue with Prescott Park including having an independent noise consultant review the problem, have the speakers redirected and start performances earlier so that they let out earlier as well.

Nancy Pierson – Art Speak – stated that not all noises are created equally and recommends separating the categories and hold separate work sessions on the various issues i.e., industrial noise, Arts and Culture, etc. She stated she hopes the city embraces the opportunity to work with various groups.

Gloria Goyette – stated that many people in the South end support the arts and she has never heard anyone say to "Close Prescott Park". She continued that the new speakers are part of the problem and there should be a decibel level established as well as limiting the hours, the number of concerts and size of the crowd for the venue. She also suggested having the start and end dates of the season coincide with the School calendar in consideration of school children in the neighborhood.

Ralph Dibernardo - stated that Portsmouth is a great place to visit and it's a great place to live but the residential neighborhoods have a right to expect to enjoy their homes. He stated the noise issues diminish the quality of life and feels that limits should be set and enforced.

Brian Kelley - stated he is a performer and has experienced a noise ordinance in Newport Rhode Island which did not work. He urged that everyone work together towards a solution.

Claudette Baker, President of the Prescott Parks Arts Festival resident of south end - stated that this is a beautiful venue and has been positive event for many years. She stated she and the other members of the PPAF will be listening to everyone's comments with the idea of compromise.

Dennett Page - discussed helicopter noise which she stated flies over her house 17 times on weekends. She stated that she has several noise concerns that impair the quality of life in the neighborhood including helicopters, motorcycles and development. Also, the decibel levels of the events at PPAF need to be lowered.

Alan Warden – stated he used to live near the park and did not move because of the noise, but agrees that the helicopters have become disruptive and that the decibel levels at the Park need to be addressed.

Jason Wells- stated he travels all around the world and has spoken highly of Portsmouth even convincing people to visit Portsmouth themselves and feels that people who live close to the city portion need to understand there is noise involved. He stated that we should not spend tax dollars on a study of this issue.

Sarah Lachance – stated there are various types of noises and feels that we need to step back and decide what type of City we want to be and understand that everyone has a contribution to the City.

Teri Nulph – stated she is one of the non-complainers and loves the noise and the Prescott Park activities. She stated she does not live near the city, but does live near Pease and understands that there is going to be noise associated with that location and is a part of living in society.

Hank Boucher – stated there have been some valid points made today but feels that these noise issues i.e., helicopters and PPAF are part of growth. He suggested that the speakers at the PPAF could be dropped down and would alleviate the problem but reminded everyone that the season of Memorial Day through Labor Day is a short time for business to make money.

Valerie Fagin – stated she has lived in other parts of the City over the years and it was her dream to move to her current location on the South end. She stated she believes it is a partnership between the neighbors and the Park to coexist and find a compromise. She concluded that she is not happy with the motorcycle and helicopter noise.

Walter Hamilton – stated he is a season ticket holder to the Prescott Parks Arts Festival and feels that the volume this season was off the charts because of the sound engineers and not the speakers.

Shaun Rafferty – stated he has no first hand knowledge of the noise as he does not live in the area but he feels that the community must continue to engage in civil conversations to address the problem. He stated he doesn't feel that anyone is suggesting discontinuing the Arts Festival and agrees with the Keep Portsmouth Loud group's mission statement to promote active and open dialogue.

Dan Corcoran – stated he has watched the Prescott Parks Arts Festival grow over the years and supports it but feels this last season it seemed they wanted to entertain the people in Kittery as the sound went well above what was needed for the audience in the Park. He stated that no one is asking to shut it off, just turn it down.

Barbara Massar, Executive Director of Pro Portsmouth – stated although she has been out of town for several months, she has been reading about the noise issue in the paper. She stated she feels that communication, negotiation, compromise and resolution are the 4 steps required in dealing with this problem.

Brenna Jennings – stated she does a lot of travelling but always likes Portsmouth better and she urged the Council to be thoughtful going forward.

Timothy Montminy – suggested that UNH students be recruited to conduct a study of the decibel levels so that an effective policy can be implemented.

Sharon Imhoff – stated that the attempts to quiet our city is just another in a long list of issues meant to be careful and feels that there needs to be a balance. She stated that this is just another step towards this area becoming a "gated community".

Michael Dater – stated that the helicopter noise is particularly annoying and feels it should not be allowed directly over the city.

Tasha Kostantacos – stated that she also feels the helicopter noise is disruptive and feels that the FAA is not going to do anything about it nor is the helicopter company coming to the table. She stated that helicopter tourism is under fire all over the country and the FAA is going to be pressured to address it.

John Stevenson – stated he does not have a problem with the one particular "red helicopter" company but with the loudness of helicopters hovering overhead. He stated that motorcycle noise is loud but passes by quickly, whereas the helicopters hover and is more consistent.

Russ Grazier Jr. – stated he has been here since 1968 and remembers the first Market Square Day and the first PPAF event and everyone was encouraging noise to be made. He stated now, Ben Anderson, who has done a fabulous job with the Prescott Park Arts Festival, has been put on the defensive. He feels that the Police Department has done a good job deciding what is reasonable and unreasonable in regards to the complaints.

Devin Parker – discussed the issue of noisy trucks with the air compression brakes on Route 1 and would like that issue looked into as well.

Julie Moebus – stated she moved here from Arizona 4 years ago and feels she is one of the many unheard voices who enjoy the services provided by the City and the events and agrees with Keep Portsmouth Loud as we don't want it to turn into an overprotected community.

Mary Lou McElwain – stated she understands that the helicopter businesses are just beginning but feels that there needs to be a way to compromise and regulate them as they are currently very annoying and disconcerting.

Carrie Barron – discussed the noise issue with the Gaslight stating she is not anti-noise but feels that because they conduct 60 more concerts a year than the Hampton Club Casino, there needs to be some reasonable levels set. She stated there are 5 other bars on Ceres Street that receive no noise complaints. She stated she feels there is an opportunity to collaborate with the neighbors to arrive at a compromise.

Jim Desharnais – speaking on behalf of Kittery residents who come to Portsmouth to spend money stated that a decibel meter is not the answer to the problem but working out a compromise.

Primo Tosi – stated his house is in the direct flight path of the helicopter and he isn't looking to put them out of business but would like the flight path changed.

Susan Black – stated she has lived at her address for over 42 years and used to love her neighborhood but because of the helicopters she is sad and disheartened.

Tony Lane – stated that this issue comes down to being a good neighbor and no one is asking to shut down business or the Arts Festival just to turn it down. He then discussed the helicopter noise stating that they annoy everyone that they fly over and it is only for the benefit of a couple of people at a time.

Herb Lloyd – stated that he hasn't heard anything that the owners of the helicopter business have come forward to work with the City and feels that they should work with the City and suggested varying flight paths, flying higher, etc.

Dan Bolia – stated he works in NYC 4-5 days a week as part of a Shakespeare Company and always speaks highly of the City of Portsmouth. He stated we have a very bright future ahead and we need to continue to talk to each other with respect.

Mason Johnson – agrees that we have to communicate and compromise.

Dianne Dubois – stated she was here when we used to have to persuade people to come to Portsmouth and it didn't happen overnight. She continued that it is an ever-evolving City and we need to continue to communicate and decide what we want Portsmouth to be. She stated we don't want to shut down businesses and measure decibel levels and asked that cooler heads prevail.

Jasmine Hunter – stated she moved to Portsmouth in 2002 and was concerned that it would be too small of a city for her but it has grown and continues to grow. She stated that there are all types of different noises at all different times i.e., leaf blowing, fireworks, car horns, etc. and they are all above the current decibel levels in the ordinance. Finally regarding the Gaslight, she wonders if soundproofing regulations would be a better way to regulate it.

Joe Almeida – stated he is proud to be a part of an intelligent community and feels that everyone loves the City and the arts. He stated the issue with the Gaslight is that the volume should be turned down. He stated he takes exception to the term "gated community" in reference to the South end as thousands of visitors are invited to our community every year.

Aaron Garganta – stated he lives in the “gated community” at the west end of Portsmouth literally as there are the fences of Pease Air base and I-95. He stated that issue in relation to the Arts is a socially redeeming noise and can be dealt with through compromise. He stated the helicopters are a different issue and he is dismayed that the Pease Development Authority has no recourse. He then discussed the noise of the I-95 corridor and thanked the City Council for their recent letter submitted to the Governor and wonders if they ever got a response.

Dick Bagley – stated he moved to Portsmouth to stay “young” and he is glad to see all of the young people speaking and becoming involved. He stated that there are 3 separate issues PPAF, Gaslight and helicopters and feels that all can be addressed with constructive dialogue and compromise.

Mark Adams – stated he has worked downtown for 20 years and he doesn’t want to see the Arts scene end the way the music scene did and if we continue down this road it will be lost. He stated that with the variety of visitors that come to Portsmouth we need to do and entertain them, which keeps our economy going and businesses thriving. He stated that people need to do more research when moving somewhere and not expect everything to be changed to accommodate them after the fact.

Eleanor Bradshaw – stated that the helicopter noise fills a lot of silence and has disturbed her kayaking and gardening activities and cause the birds in her yard to disperse every time they fly overhead. She stated when they repeatedly disperse it disrupts their feeding and harms them.

Bill Lemire – currently lives in Exeter but is relocating to Portsmouth because of the vibrant scene and doesn’t want to see it become another town where nothing happens after 8:00 p.m.

Ben Anderson – Executive Director of Prescott Parks Arts Festival – stated the room is filled with everyone who supports the organization and the tradition of the Festival in the city. He stated they have listened to everyone’s comments and feels that we can work together.


Judith Matthews – stated she loves to stay in Portsmouth on the weekends because of the events and doesn’t feel the sounds levels were unreasonable as an audience member but cannot speak for the neighbors.

Joseph Folerio – stated he has a background in noise engineering and discussed the issue providing various details on decibel levels and regulations.

Mayor Lister closed the public forum and thanked everyone for their civility and the willingness to partner with the City to solve these issues.

Mayor Lister closed the Public Forum at 8:55 p.m.

Respectfully submitted by:



Valerie A. French,  
Deputy City Clerk