

OUTDOOR LIGHTING ORDINANCE TASK FORCE MEETING NOVEMBER 4, 2015 – 4:00-6:30 PM

Task Force Members in Attendance:

Carol Lynn Alpert
Chris Basler
Andrea Boyer
Peter Calkins
Steve Lenkauskas
Ranjit Singanayagam
Charles Teague
Bob Woodbury

City Staff in Attendance:

Lisa Hemmerle
Tracey Joyce
Lt. Chris Towski
Will Durbin

Consultants:

Jeffrey Berg
Paul Lutkevich

Members of Public in Attendance:

Kelly Beatty
John Greenup
Glenn Heinmiller
Dan Hogan
Kenneth Taylor
Marilyn Wellons
Quinton Zondervan

Tenth meeting of Lighting Ordinance Task Force was held in the 4th Floor Conference Room of the City Hall Annex, 344 Broadway, Cambridge, Massachusetts.

MEETING NOTES:

Lisa Hemmerle welcomed everyone to the 10th meeting and pointed out the handouts to the Task Force Members (TFMs), including a copy of the revised draft of the proposed outdoor lighting ordinance with comments from Task Force members from the previous meeting and a copy of the Model Lighting Ordinance's Residential Prescriptive Standard Table.

Lisa continued with the meeting and mentioned that a variety a few different drafts of the proposed ordinance were circulating and comments from TFMs and the public at large continued to be submitted leading up to this date. The latest draft of the proposed ordinance that was sent to TFMs just prior to the meeting consolidated most of the revisions and included most of the comments so TFMs could get an opportunity for a quick review before going through the details of the ordinance at the meeting. Lisa also explained that some of the language that was proposed for the definitions was noted and will be reviewed with the Law Department but wanted to focus this meeting on the revisions to the proposed standards.

Points of discussion included:

- add a duty for property owners to “maintain” lighting;
TFMs requested that “maintain” be included in definitions and standards, where appropriate, to require property owners to maintain light fixtures that are new, replacement, or existing on the property. There was no objection to this inclusion.
- list the zoning districts for each Lighting Zone proposed in the ordinance;
zoning districts were moved and listed under the definition of Lighting Zones.
- expanding the timeframe for seasonal lighting;
Peter proposed that the timeframe for seasonal lighting be extended from 4 to 6 weeks. However, this would conflict with the Zoning Ordinance so this revision was removed. Additional review of the season lighting definition and the implication of “consecutive weeks” will be clarified.
- definition of “substantial rehabilitation” was included;
There was no objection stated after the initial review.
- clarification on temporary lighting;
The inclusion of “temporary” for construction and theatrical lighting in the list of exemptions was removed. Charlie was also concerned that “Temporary Lighting” was included since it can’t be defined in detail but only indicates lighting that has not received a permit. He proposed that “temporary lighting” be removed from the ordinance since ISD would make the determination if lighting needs a permit. There were no objections but will review with the Law Department.
- clarification of how this ordinance works in conjunction with the zoning code;
It was restated that this proposed municipal ordinance would work in conjunction with the existing references to lighting in the zoning ordinance. A suggestion was made to include language that required the use of whichever ordinance was more stringent for each case. Objections to that insertion were raised since each ordinance stands on its own merit and won’t be superseded by the other.
- the expectation for property owners after the proposed 5-year phase-in period;
TFMs discussed how the proposed ordinance would be implemented after the 5-year phase-in period. It was stated that property owners are expected to be aware of the ordinance and if a complaint is made that ISD would review the existing conditions to determine if the complaint is valid. If the outdoor lighting is not in compliance then ISD will inform the property owner what must be done to bring it into compliance and resolve the complaint.

- compliance trigger based on the replacement of a portion of a building's outdoor fixtures;

A proposal was made that if 25% of existing fixtures are getting replaced then all fixtures must be brought into compliance. Objections were made that this would cause an undue burden on those that are following the Prescriptive Standard since only the existing fixtures that receive complaints will be reviewed for compliance. All new and replacement fixtures will be reviewed during the permitting process for compliance but the addition of this 25% trigger would add expense and confusion to the permitting process and dissuade compliance with the new standards. Charlie still had a concern that some percentage of replacement fixtures should require compliance for all fixtures and the trigger should be 50%-75% but there was no consensus on this proposal at any percentage.
- addition of lux limits to the Prescriptive Standard;

Concerns from TFMs and the Consultants were raised about including a lux limit "backstop" to the Prescriptive Standard. Issues with this proposal included that it would complicate the standard so that most property owners would not be able to determine if their lights were compliant with the ordinance until after the permit was approved and the light fixtures installed. The primary reason for the Prescriptive Standard is to provide an easy-to-follow procedure for the property owner that does not or cannot engage a lighting professional to create a sophisticated lighting plan. It was agreed to remove this lux limit proposal but Carol Lynn wanted to see additional language that provided more protection to the abutter than currently under the proposed prescriptive table and suggested that all light fixtures be installed in a way that "prevents" light pollution and light trespass. However, it was pointed out that "prevent" sets a zero-lux limit and is more stringent. The existing language of "must be fully shielded or directed away from all properties that are abutting or located directly across a street" seems to provide sufficient protection but a consensus was not reached.
- addition of spatial requirement for lighting fixtures in the Prescriptive Standard;

The addition of the minimum distance of 4 feet between fixtures was proposed to address the concern that there is not a limit on the number of light fixtures that can be installed within an area. There was no objection to this proposal.
- addition of detailed uses within categories and inclusion of a landscape and architectural lighting category to the Prescriptive Standard table;

TFMs proposed the addition of a Landscape and Architectural Lighting category to the Prescriptive Standard that would limit this type of lighting to fully shielded or directional shielded fixtures and raise the lumen limit to 1,260. Also, more detailed uses for lighting were included in each category. However, the inclusion of these details would limit the uses of lighting and eliminate most typical and inoffensive low-voltage landscape fixtures. Also, it was pointed out that the Prescriptive Standard in the MLO did not detail how the lighting could be used, only provided limits on the amount of light that could be produced based on the design.

of the fixture. The Consultants will take a look at additional language for architectural and landscape lighting so the TFMs can remove the detailed uses from the table.

- addition of a Performance Standard requirement with new construction or significant rehabilitation based on the size of a building;
This item was briefly discussed but was tabled for further review until the next meeting.
- addition of the language from the LEED Light Pollution Reduction Credit into the proposed ordinance;
This was the first attempt at including the language of the Light Pollution Reduction Credit directly into the ordinance as it would be applied in Cambridge. However, it was proposed that the ordinance refer to the specific LEED version of this credit and not include it in the ordinance. This was not discussed by the TFMs but will be reviewed by the Law Department.
- clarification of the impact of lighting on abutters and how it will be considered during the review process of a request for an Administrative Exemptions;
This was not discussed by the TFMs but will be included in the next meeting.
- and inclusion of notification to abutters about applications for Administrative Exemptions.
This was not discussed by the TFMs but will be included in the next meeting.

Lisa opened the meeting to Public Comment by the audience members.

PUBLIC COMMENT

Comments and concerns raised by members of the public attending include:

- 1) Kelly Beatty, lighting professional.
 - Pointed out that the Noise Ordinance has standards that can't be measured by the public but are still included in rules. The proposed lux limit in the Prescriptive Standard would be the same way.
 - Wanted the Task Force to be careful about allowing exemptions for architectural lighting and encouraged standards.
 - Applauded Salem, MA for accepting a 3000 kelvin color temperature limit in their lighting ordinance.
- 2) Glen Heinmiller, resident and lighting professional.
 - Warned against detailing uses in the Prescriptive Standard since that will discourage compliance and pointed out that the noise ordinance doesn't dictate what makes noise; it only limits the amount of noise created.

- Warned against the inclusion of “Prevent” in the Prescriptive Standard since that creates a zero-lux limit at the property boundary, which would be impossible to meet in Cambridge.
- 3) Dan Hogan, resident and Cambridge business owner.
- He owns and operates the Cambridge Skating Club in Harvard Square and would like to see an exemption or different set of reasonable standards for sports facility and fields since this type of ordinance could not be applied to those activities without completely stopping the business after sunset.
- 4) Marilyn Wellons, resident.
- Neighbors of commercial zoning districts need special protection from a variety of 24-hour consequences (light, noise, inappropriate activities).
 - This is a Public Health issue that needs to be recognized by the Task Force and City.
 - Changes in grade and slope between properties is a big issue that isn’t considered under the current draft.
 - Would like to see indoor lighting spilling out of windows included in the ordinance.
- 5) Ken Taylor, resident and lighting professional.
- Would like to see a consistent color temperate be required for new and replacement bulbs so lighting appearance is consistent across the City.
 - Concerned that the proposed minimum distance (4 ft.) between fixtures is not enough and pointed out that higher light levels need a greater distance between fixtures.
 - Suggested that the proposed architectural lighting category in the Prescriptive Standard does not address appropriate architectural lighting and should be deleted since it might be abused rather than helpful.
 - Pointed out his concern that the façade lighting exemption in LEED is only in LZ-3 and does not effectively address appropriate architectural lighting.

Lisa thanked everyone for their time and the meeting was adjourned.