

OUTDOOR LIGHTING ORDINANCE TASK FORCE MEETING DECEMBER 3, 2015 – 4:00-6:20 PM

Task Force Members in Attendance:

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

City Staff in Attendance:

Lisa Hemmerle
Tracey Joyce

Consultants:

Jeffrey Berg
Paul Lutkevich

Members of Public in Attendance:

John Greenup
Glenn Heinmiller
Dan Hogan
Carol O'Hare
Kenneth Taylor
Marilyn Wellons

Eleventh 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 11th meeting and pointed out the handouts to the Task Force Members (TFMs), including a copy of the redlined draft of the proposed outdoor lighting ordinance with comments from Task Force members from the previous meeting and a clean copy of the revised draft; along with a revised draft submitted by Carol Lynn Alpert prior to the meeting.

Comments continued to be submitted by TFMs and the public at large leading up to the meeting. The latest draft of the proposed ordinance that was sent to TFMs the prior week included the revisions discussed at the November meeting but not the comments submitted after that meeting. It was decided to continue with the meeting by comparing the draft sent to the TFMs and Carol Lynn's draft since she proposed to simplify the lighting ordinance requirements.

Points of the primary discussion between the two proposed drafts included:

- **Lighting Plan Definition** – Page 2 – Carol Lynn proposed to include “property boundaries” in the definition. This was changed by the Task Force to “lighting

boundaries” since that is referenced in the LEED Light Pollution Reduction Credit.

- Definition of Public Way – the Law Department will include a definition of Public Way, if necessary, after the Task Force has submitted a more finalized version.
- Seasonal Lighting Definition – Page 4 – Since the Cambridge Zoning Ordinance’s rules for seasonal lighting will still be in effect and separate from the proposed municipal ordinance, Carol Lynn suggested that the specific language referencing the zoning restrictions for seasonal lighting be removed from the municipal ordinance definition. The rest of the TFMs agreed with this suggestion.
- Shielded Directional Light Fixture – page 4 – based on changes to the Prescriptive Standard Table, the Task Force agreed to change the definition to mean “a fixed light fixture or an adjustable light fixture that also contains a shield, hood, cowl, louver, or baffle to reduce direct view of the lamp.’
- Substantial Rehabilitation Definition – Page 4 – Carol Lynn proposed that we change “rehabilitation” to “renovation”. The TFMs agreed with this proposal as long as long as the Law Department approves.

Carol Lynn also suggested that “50% of the exterior envelope of a building” be included in the definition so that substantial work on the exterior would trigger compliance with the ordinance. Concerns were raised by some TFMs that some minor exterior work, like painting, siding, or roofing activities, would trigger the requirement that all light fixtures would need to be brought into compliance, regardless of a complaint. Alternative language by David Chilinski was proposed to revise the addition to “50% of the gross façade area” so that this removed the roof area from the definition. Additional review will be needed.

- Conformance with all Applicable Codes – Page 4 – Carol Lynn suggested that specific language from the Zoning Ordinance be removed but a stipulation be made that the more stringent of the lighting restrictions will apply. It was agreed that the specific language from the Zoning Ordinance be removed but each ordinance stands on its own merit and a stipulation to which is more stringent cannot be included.
- Replacement of Light Fixtures and Light Bulbs – Page 5 – Carol Lynn proposed that the “Prescriptive Standards and Light Color Standards” be included as the guidelines to follow when replacing light fixtures or light bulbs within the 5-year phase-in period. Lisa proposed that “Performance Standard” also be included since the property owner has the right to choose which standard to follow, which was agreed upon by the Task Force. Paul Lutkevich raised a concern that the Light Color restriction of 3500 Kelvin may conflict with the LEED Light Pollution Reduction Credit does not include a color temperature limit. This will need further review.

Charlie Teague requested that the replacement of a percentage of light fixtures (50% or

as high as 75%) would trigger a requirement that all outdoor light fixtures on the building be brought into compliance. This did not receive support from the other TFMs.

- Substantial Renovation under the Prescriptive Standard – Page 5 – Carol Lynn proposed that a substantial renovation of an existing building trigger compliance with the new ordinance but that the requirement be simplified to allow property owners to choose between the Prescriptive Standard or the Performance Standard. Chris Basler pointed out that minor renovations, like replacing carpet or painting the exterior, might meet the definition of “substantial renovation” and require the building to be brought into compliance, regardless of the 5-year phase-in period or complaint-driven enforcement process. Further review with ISD to determine what types of work would be considered a “substantial renovation” is needed. Lisa pointed out that she wasn’t comfortable including a trigger that would require property owners to replace working light fixtures that haven’t received a complaint and would ultimately end up in a landfill.
- Prescriptive Standard – Page 6-7:
 - Carol Lynn proposed that the landscape lighting and architectural lighting categories be deleted and included in the original locations. The other TFMs did not have a concern with that deletion at this time.
 - Carol Lynn proposed to limit the number of unshielded light fixture to 2 at a main entry with a limit of 630 lumens per fixture. The other TFMs did not have a concern with that change at this time.
 - Carol Lynn proposed a change in the requirements for shielding and direction from “greatly minimize light pollution” to “prevent light pollution”. The Consultant and some TFMs were concerned that “prevent” equated to zero light trespass and was impossible to achieve. However, the Task Force agreed to include “prevent direct and greatly minimize reflective” as stronger language.
 - Carol Lynn proposed to eliminate “fully shielded” from the Prescriptive Standard and include “fully shielded” as part of the “Shielded Directional Light Fixture”. This change was accepted by the TFMs.
- Substantial Renovation under the Performance Standard – Page 7 – Carol Lynn proposed that a substantial renovation of an existing building trigger compliance with the new ordinance but that the requirement be simplified to allow property owners to choose between the Prescriptive Standard or the Performance Standard. The same concerns about the definition of “substantial renovation” were raised and will be reviewed with ISD.
- Light Trespass Limitations under the Performance Standard – Page 7-8 - Carol Lynn proposed that property owners that follow the Performance Standard must also include the light trespass limitations prescribed in the LEED Light Pollution Reduction Credit. TFMs and the Consultants pointed out that the LEED Light Pollution Reduction Credit allowed for adopters to follow either the BUG rating method or the calculation method

for Uplight and Light Trespass categories and that it wouldn't be possible to follow both.

- Exemptions from Applicability – Pages 8-9
 - The TFMs discussed the exemption for lighting of public parks or public art. It was agreed to include “accessible to the general public” earlier in the sentence to indicate the types of parks and art.
 - Carol Lynn raised a concern about lighting of public monuments, statuary, or the national flag and proposed additional restrictions to limit unnecessary light trespass and sky glow. Further information will be gathered about the protection to light a flag.
 - A question about color temperature was raised about the exemption for lighting that receives a Certificate of Appropriateness from the Cambridge Historical Commission. Additional information is needed about this.
 - A concern was raised by Charlie about the exemption for hospital emergency departments, including associated helipads. Additional information will be gathered from the hospitals with Emergency Rooms in Cambridge.
 - A concern was raised that a complete exemption for lighting sports facilities was too much leeway. The individuals representing private and City recreational facilities provided information about the times the facilities close and it was determined that a curfew would be proposed based on those times. Additional information will be needed to include any stricter limitations.

- Administrative Exemption – page 9 – a conversation by the Task Force Members centered on the finality of an Administrative Exemption. Concerns were raised that if an Exemption was received then it would be held in perpetuity. Carol Lynn also raised a concern that it is easier and faster to get an exemption than hiring an electrician to replace a light fixture. Lisa pointed out that a committee of citizens does not have legal standing to review requests for variances from the municipal ordinance and that it needs to be administered by the Commissioner of ISD. Also, the applicant must prove that it is an unreasonable hardship or that it is necessary to protect the public health, safety or welfare.

TFMs continued the discussion and a suggestion was made that it be considered an Administrative Deferral and that a path to compliance be included for the applicant, if appropriate. Also, the exemption can be reviewed by the Commissioner of ISD in 2 years to determine if it is still applicable. This review could be instituted with a complaint or if the circumstances associated with the non-compliant fixtures have changed. The Commissioner of ISD has the authority to repeal the exemption if it is found to be appropriate.

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) Caroline O’Hare, resident and lawyer.
 - Has experience with the signage complaints and thinks that the rules governing an Administrative Exemption are loose and unenforceable.
 - She feels that the applicant has more leverage than the public when seeking an exemption and it should give specific criteria.
 - The Law Department needs direction from the Task Force on how rigorously this proposed ordinance will be enforced.
 - There are several ordinance on the books that don’t get enforced properly due to lack of resources allocated to the process.

- 2) Marilyn Wellons, resident.
 - This issue needs to be considered a Public Health concern.
 - City is more concerned about impeding the progress of development at the expense of the public.
 - 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.

- 3) John Greenup, resident and Cambridge business owner.
 - He is concerned about the definition of substantial renovation and would like to know what that includes.
 - Concerned about the use of “prevent” and a zero-tolerance approach to light trespass in an urban environment. There needs to be a reasonable standard at the property boundary.
 - Exemptions should not include subjective standards and points to the legislation that enables the Historical Commission review process.
 - Prescriptive exemptions should only apply to existing uses, not new construction.

- 4) Glen Heinmiller, resident and lighting professional.
 - Concerned that replacement of a few fixtures will trigger a requirement to replace inoffensive fixtures and create waste.
 - Warned that the color temperature restriction should not apply to the Performance Standard. The LEED Light Pollution Reduction Credit addresses the primary concerns and there are many small light installations that are over the color temperature limit but meet the Performance Standard.

- 5) Ken Taylor, resident and lighting professional.
 - Did not have any additional concerns to raise but thanked the Task Force for their continued efforts.

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

The next meeting will be Wednesday, December 16th, 4:00-6:00 PM in the 4th Floor Conference Room at 344 Broadway.