

# Music, noise and the creative economy

By Will Pirone/ Sitting in

Fri Mar 13, 2009, 04:41 PM EDT

Salem - In 1978 I was working in the old Salem Jail. It was the noisiest place in Salem and had the highest population density of any half acre in the city. I can remember walking during my lunch hour past the recently closed Almy's department store where CinemaSalem is now located. The new Essex Street Pedestrian Mall was mostly empty stores. Salem was full of deteriorating vacant brick buildings. It was all very quiet. There seemed to be little future for a young man here. I soon moved west.

Twenty-five years and many visits later I retired to a city with a vibrant downtown full of busy shops and restaurants. The old brick buildings now house condominiums and apartments inhabited by childless couples and single professionals who put money, but not children, into the school system. Most commute to Boston and see Salem as a hip urban oasis with a lively art and music scene that they patronize and support.

Some, however, see it as a distasteful step on their way to suburban bourgeois bliss. They move across from a bar, or upstairs from one, or across from Artists Row, or beside a fire station, and start complaining about the noise. They have become vociferous enough to cause general concern among the local art and music community.

State law defines noise as a form of air pollution, and regulates it through the Department of Environmental Protection. While no specific decibel levels are in the law, the general criteria apply to sounds that exceed the ambient noise level of the area as measured at the property line. The city of Salem regulates noise through the Code of Ordinances, Article 1, section 22, which is consistent with state law. One useful definition is "annoys or disturbs a reasonable person of normal sensitivities." The hours from 11 p.m. to 7 a.m. should be musically quiet and contained, "except for activities open to the public and for which a permit has been issued by an appropriate authority of the city."

At a certain level of population density, noise becomes a function of price. A zoning map is frequently also a chart of ambient noise levels. The expectations in an R-1 single-family district like the willows or gallows hill should be different from a B-5 mixed use district such as the downtown development area. Those who move to Derby Square or the Essex Street Mall or the Derby Street B-1 commercial district and start to complain about the noise from well-established clubs are essentially asking for something for which they did not pay.

It does not come for free. Every time a club is forced to curtail the music, musicians and club owners lose income. Patrons take their money out of town. Tourism suffers when there are fewer evening diversions. The city loses tax revenue. It is happening in an environment where the failing economy is already causing clubs to reduce the number of nights of live music to less than their licenses permit. Some have stopped all music or have gone out of business.

This is not being done by the Salem Licensing Board, which is the governing authority. If there are nightly fights requiring police intervention, the board will act. They may quietly suggest to another venue that patrons be asked to smoke out front on the commercial street, and not out back on the residential side street. If someone files a hundred complaints including nights when there is no music or the restaurant is closed, they tend to be politely unresponsive. They will take strong action when a club's pattern of underage drinking makes it to Facebook.com, or where the help lies to police officers about what the

police officers have just seen with their own eyes. But even in these cases, they are not looking to drive anyone out of business, and certainly not over random noise complaints.

Frequently the issue ends up in the hands of landlords and developers. Some have written leases for residential tenants that contradict the terms of their contracts with business clients. Some are stuck with lots of vacancies or momentum projects that are underperforming. The former case belongs in court and before the Board of Realtors ethics committee. The later case is a matter of business and politics, and major landlords have been willing to work with the clubs as well as their residential tenants. The addition of a new 200-seat sports bar at the corner of Washington and New Derby speaks volumes about the actual intended direction of the city.

We have heard a lot lately about the “creative economy.” The Enterprise Center at Salem State has been active for several years in defining and quantifying it. They estimate that the broader creative economy produces three billion dollars in sales and employs 20,000 people on the North Shore. Salem has more than 200 businesses that fit their definition.

The music scene in Salem is central to this enterprise. The clubs are its living room. We are long past the point where rock stars emerge self taught from the housing tracts of Los Angeles. Most of the hundred or more local players are as well educated and mature as their business degreed patrons. Many are Berklee College of Music or conservatory educated musicians who stayed in the area after graduation and were drawn to Salem.

Some are full time musicians who also teach privately. A large percentage of local players work during the day in other professions and are otherwise indistinguishable from their patrons.

We also have musicians who live here, but tour nationally. One sells out concerts in Japan. Another was Liza Minelli’s concert master on Broadway. A third is as often found playing classical harp in New York. Salem State’s Theater Department and new state-of-the-art music studio have also drawn technical talent into the local scene.

They are part of the hundreds of regular patrons of the music and art venues who live downtown, around the commons, and along Derby Street. This group also includes many of the designers, architects, engineers, painters and craftspeople who comprise the broader creative economy. Hundreds more are occasional participants.

At a statewide conference in 2006 on the creative economy hosted by the city and sponsored by the Salem Partnership, the Enterprise Center and the Massachusetts Cultural Council, Mayor Driscoll stated: “Part of the challenge of being a community leader is to help people understand what the Creative Economy is and how it makes a difference.”

The mayor and the city have demonstrated their commitment through support of the Salem Jazz and Soul Festival, the Salem Film Fest and the increased activities on Artists Row and the newly invigorated Salem Arts Association. It is time that we are all seen as vital and significant participants in the rebirth of Salem. It is also time that we are recognized as a stronger, more positive and better organized constituency than a few whining malcontents.

—