

**TOWN OF FRANCONIA
BOARD OF SELECTMEN
BREACH OF PEACE ORDINANCE PUBLIC HEARING
SEPTEMBER 20, 2021 AT 7PM AT TOWN HALL**

Members Present: Jill Brewer, Eric Meth, Dan Walker

Others Present: Kim Cowles, Jenny Monahan, members of the public

The hearing was called to order at 7:01pm.

Town Administrator Cowles said the uptick in building and short term rentals in town has caused an increase in noise and other disruption that is prompting a reevaluation of some of the town's ordinances. She presented a draft of an updated Breach of Peace Ordinance that was provided by a resident who volunteered to research policies from other towns. The proposed ordinance was distributed to meeting attendees for review and the floor opened for discussion.

Chairman Brewer suggested changing the section of the proposed ordinance that addresses Animal Noises, so that it would cover all animal vocalizations rather than just dogs barking.

Chairman Brewer clarified that snow plowing and snow removal equipment would be exempt from the noise ordinance.

Fireworks were next discussed, with several residents lamenting the frequency and lateness of fireworks in their neighborhood. It was suggested that the cutoff be changed from 11pm to 10pm and that fireworks only be permitted on Friday and Saturday nights. Gene Young, who hosts events at his property, requested that the cut off for music and fireworks be increased from 10pm to 11pm on Friday and Saturday nights, as he does not think 11pm is late on the weekend for a wedding reception to have music and/or fireworks. It was mentioned that per the proposed ordinance, a permit could be applied for in that type of situation as well.

There was a discussion on whether or not fireworks should be only on Friday and Saturday nights or on any day, but only until 10pm.

It was proposed to change the ordinance from 10pm to 7am to 10pm to 6am, and discussed that perhaps it should be different for the different zones (ex. Commercial and residential). Construction noise was discussed and whether or not the proposed ordinance would affect productivity. Chairman Brewer suggested taking out the portion of the proposed ordinance that includes construction noise as it doesn't seem to be something that has been an issue in town in terms of noise complaints.

Dan Fowler suggested that there should be another hearing with an officer present to weigh in on the proposed ordinance. He also commented on garbage trucks picking up as early as 5:30am at a short-term rental location and it being a disturbance.

Town Administrator Cowles said another hearing could be scheduled and the sign ordinance and proposed solar ordinance could be discussed at the same time. She invited residents to email her with more suggestions and input on the noise ordinance.

Heather Oster said complaints can be made on the airbnb website and that they are anonymous and there can be repercussions for the property owner if there are multiple complaints.

Virginia Mike commented that taking out the Construction section of the proposed ordinance could be problematic in the long run and there should be a limit on that type of noise.

It was discussed that while the intent is to produce a complete ordinance that addresses most issues, things can be added to the ordinance at a later time if needed.

There was additional commentary on short-term rental properties causing increased traffic and noise issues, and that there are NH municipalities that are currently trying to regulate where and how short-term rentals can operate in their town.

Chairman Brewer thanked everyone for their input and said the ordinance could be discussed again at another hearing.

With no further discussion the meeting was adjourned at 7:59pm.

Respectfully submitted,

Jenny Monahan
Administrative Secretary

These minutes of the Town of Franconia Select Board have been recorded by its Secretary. Though believed to be accurate and correct they are subject to additions, deletions and corrections by the Select Board at its next meeting when the Board votes its final approval of the minutes. They are being made available at this time to conform to the requirements of New Hampshire RSA 91-A:2.

DRAFT