

**REGULAR CALENDAR**

**January 31, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Environment and  
Agriculture to which was referred HB 252,**

**AN ACT exempting agricultural operations from certain  
municipal noise ordinances. Having considered the  
same, report the same with the following amendment,  
and the recommendation that the bill OUGHT TO PASS  
WITH AMENDMENT.**

**Rep. Barbara Comtois**

**FOR THE MAJORITY OF THE COMMITTEE**

## **MAJORITY COMMITTEE REPORT**

Committee:	<b>Environment and Agriculture</b>
Bill Number:	<b>HB 252</b>
Title:	<b>exempting agricultural operations from certain municipal noise ordinances.</b>
Date:	<b>January 31, 2023</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2023-0186H</b>

### **STATEMENT OF INTENT**

As amended, this bill is all about protecting our farmers and their activities so that they can do their work and earn a living. If we do not protect agriculture from municipal noise ordinances, they may be prohibited from doing work that needs to be done at specific times of the day or night as part of their farming activities. Some feel that we need to restrict the activities of farmers engaging in agritourism because of noise that may result from those activities. This places our agritourism industry at the whim of elected officials in our towns/cities who may not approve of local agritourism activities and who may try to shut them down. Agritourism means more than just weddings. It is many things, including but not limited to full moon walks with bonfires, caroling, fundraisers, etc. Agritourism is an important activity which supplements the incomes of farms that are already struggling to get by. The majority felt strongly that we must not put further barriers in the path of our farmers, as well as those farmers who employ agritourism activities to supplement their income. Agriculture is not a 9 to 5 job Monday to Friday. It is a 24-hour, 7 day a week job. New Hampshire agriculture needs all the resources available to keep land open and increase our food security, especially in lean years. Our farmers need all the support we can give them to succeed.

Vote 12-8.

Rep. Barbara Comtois  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Environment and Agriculture

**HB 252**, exempting agricultural operations from certain municipal noise ordinances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for the **Majority** of Environment and Agriculture. As amended, this bill is all about protecting our farmers and their activities so that they can do their work and earn a living. If we do not protect agriculture from municipal noise ordinances, they may be prohibited from doing work that needs to be done at specific times of the day or night as part of their farming activities. Some feel that we need to restrict the activities of farmers engaging in agritourism because of noise that may result from those activities. This places our agritourism industry at the whim of elected officials in our towns/cities who may not approve of local agritourism activities and who may try to shut them down. Agritourism means more than just weddings. It is many things, including but not limited to full moon walks with bonfires, caroling, fundraisers, etc. Agritourism is an important activity which supplements the incomes of farms that are already struggling to get by. The majority felt strongly that we must not put further barriers in the path of our farmers, as well as those farmers who employ agritourism activities to supplement their income. Agriculture is not a 9 to 5 job Monday to Friday. It is a 24-hour, 7 day a week job. New Hampshire agriculture needs all the resources available to keep land open and increase our food security, especially in lean years. Our farmers need all the support we can give them to succeed. **Vote 12-8.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**January 31, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Environment and Agriculture to which was referred HB 252,**

**AN ACT exempting agricultural operations from certain municipal noise ordinances. Having considered the same, and being unable to agree with the Majority, report with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Allison Knab**

**FOR THE MINORITY OF THE COMMITTEE**

## **MINORITY COMMITTEE REPORT**

Committee:	<b>Environment and Agriculture</b>
Bill Number:	<b>HB 252</b>
Title:	<b>exempting agricultural operations from certain municipal noise ordinances.</b>
Date:	<b>January 31, 2023</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2023-0178H</b>

### **STATEMENT OF INTENT**

The minority believes this bill, which would exempt agricultural operations from municipal noise ordinances, is overly broad as written. The language in RSA 21:34-a gives an expansive definition of farm, agriculture, and farming to include growers of any size as well as personal residences on their land. An amendment supported by the minority would have removed agritourism, such as the use of farms as wedding venues, from this exemption.

Rep. Allison Knab  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Environment and Agriculture

**HB 252**, exempting agricultural operations from certain municipal noise ordinances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Allison Knab for the **Minority** of Environment and Agriculture. The minority believes this bill, which would exempt agricultural operations from municipal noise ordinances, is overly broad as written. The language in RSA 21:34-a gives an expansive definition of farm, agriculture, and farming to include growers of any size as well as personal residences on their land. An amendment supported by the minority would have removed agritourism, such as the use of farms as wedding venues, from this exemption.

Amendment to HB 252

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT exempting certain agricultural operations from certain municipal noise ordinances.

4

5 Amend the bill by replacing sections 1-2 with the following:

6

7 1 Purpose and Powers of Towns; Noise Ordinances; Agricultural Activities Exempt. Amend RSA  
8 31:39, I(n) to read as follows:

9 (n) Regulating noise, ***except that no "quiet hours" ordinance or bylaw that***  
10 ***attempts to regulate noise from activities related to farms, agriculture, and farming as***  
11 ***defined in RSA 21:34-a, with the exception of agritourism, shall be enforceable within a***  
12 ***town.***

13 2 New Paragraph: Powers of City Councils; Bylaws and Ordinances; Agricultural Activities  
14 Exempt. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

15 XX. No "quiet hours" ordinance or bylaw that attempts to regulate noise from activities  
16 related to farms, agriculture, and farming as defined in RSA 21:34-a, with the exception of  
17 agritourism, shall be enforceable within a city.

**Amendment to HB 252**  
**- Page 2 -**

2023-0178h

AMENDED ANALYSIS

This bill exempts farming and agricultural operations, excluding agritourism activities, from municipal noise ordinances.



Rep. Comtois, Belk. 7  
January 30, 2023  
2023-0186h  
08/07

Amendment to HB 252

1 Amend the bill by replacing section 2 with the following:

2

3 2 New Paragraph: Powers of City Councils; Bylaws and Ordinances; Agricultural Activities

4 Exempt. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

5 XX. No "quiet hours" ordinance or bylaw that attempts to regulate noise from activities  
6 related to farms, agriculture, and farming as defined in RSA 21:34-a shall be enforceable within a  
7 city.





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Environment and Agriculture

Bill #: HB252 Motion: Adopt AM #: \_\_\_\_\_ Exec Session Date: 2023-01-18 H

Members	YEAS	Nays	NV
Aron, Judy F. Chairman		✓	
Creighton, Jim L. Vice Chairman		✓	
Comtois, Barbara Clerk		✓	
Verville, Kevin G.		✓	
Davis, Arnold G.		✓	
Brouillard, Jacob		✓	
Coulon, Matthew		✓	
Kenny, Catherine M		✓	
Potenza, Kelley L		✓	
Smart, Lisa A		✓	
Bixby, Peter W.	✓		
Sofikitis, Catherine M.		✓	
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne	✓		
Vogt, Robin	✓		
<b>TOTAL VOTE:</b>	<b>9</b>	<b>11</b>	



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Environment and Agriculture

Bill #: HB228 Motion: OTPA AM #: 018617 Exec Session Date: 1-31-23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L	✓		
Smart, Lisa A	✓		
Bixby, Peter W.		✓	
Sofikitis, Catherine M.	✓		
Dutzy, Sherry		✓	
Murray, Megan A.		✓	
Germana, Nicholas A		✓	
Haskins, Linda J		✓	
Howard, Molly C	✓		
Knab, Allison		✓	
Morse, Corinne		✓	
Vogt, Robin		✓	
<b>TOTAL VOTE:</b>	<b>12</b>	<b>8</b>	



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/9/2023 12:02:26 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Environment and Agriculture

Bill #: HB252 Motion: Adopt AM #: 2023 Offert Exec Session Date: 1-31-23

Members	YEAS	Nays	NV
Aron, Judy F. Chairman	✓		
Creighton, Jim L. Vice Chairman	✓		
Comtois, Barbara Clerk	✓		
Verville, Kevin G.	✓		
Davis, Arnold G.	✓		
Brouillard, Jacob	✓		
Coulon, Matthew	✓		
Kenny, Catherine M	✓		
Potenza, Kelley L	✓		
Smart, Lisa A	✓		
Bixby, Peter W.	✓		
Sofikitis, Catherine M.	✓		
Dutzy, Sherry	✓		
Murray, Megan A.	✓		
Germana, Nicholas A	✓		
Haskins, Linda J	✓		
Howard, Molly C	✓		
Knab, Allison	✓		
Morse, Corinne	✓		
Vogt, Robin	✓		
<b>TOTAL VOTE:</b>	<u>20</u>	<u>0</u>	

**HOUSE COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

**PUBLIC HEARING ON HB 252**

**BILL TITLE:** AN ACT exempting agricultural operations from certain municipal noise ordinances.

**DATE:** January 17, 2023

**ROOM:** 301

**Time Public Hearing Called to Order:** 1:50\_p.m.  
**Time Adjourned:** 2:23p.m.

(please circle if present)

**Committee Members:** Reps. Aron, Creighton, Comtois, Verville, Davis, Brouillard, Coulon, Kenny, Potenza, Smart, Bixby, Sofikitis, Dutzy, Murray, Germana, Haskins, Howard, Knab, Morse, and Vogt

**Bill Sponsors:** Rep. Comtois, Belk. 7; Rep. Bixby, Straf. 13; Rep. Aron, Sull. 4

**TESTIMONY**

**252 opens at 1:50 pm**

**Rep. Comtois presents the bill. Bill is seeking to address negative impacts to farms in regard to noise ordinances. The bill outlines needs and will require an amendment exempting Agri-tourism. The need stems from a farmer spraying per best practice use of sprays, and the tractor noise posed concerns in a community. Farming noises were due to the required considerations for best practice. What is the balance between municipalities and farming. Only able to feed 6% of our population currently in NH.**

**Rep. Knab asks about exceptions for farming at the municipal level.**

**Rep. Comtois unsure of how many exceptions there are out there but notes the adverse effects on farming.**

**Chair Aron, asks about line 7: bylaws and ordinances amend RSA47 – she thinks it may be RSA 47:17 – would like to check the section of where there 21:34:a**

**Rep. Bixby asks about powers of municipalities and home rule, or does that power need to be given to them by the state?**

**Rep. Comtois – believes that the state has delegated that power.**

**Rep. Morse – is there anything about the size of the farm or does a person with 3 chickens qualify? Does urbanity vs. rural nature come into play?**

**Rep. Comtois - Farm – refers to the definition of farming per the RSA States that there is a clear distinction between homeowners having a few chickens, but**

**Rep. Murray asks about Homesteads included in farming.**

**Rep. Comtois says that there is possibly an intersection of these things.**

**Rep. Knab asks if logging is included  
Rep. Comtois says, yes it does.**

**Natch Grays, NH Municipal Assn – does OPPOSE the legislation. Speaks to 47:17 agreeing this should be the correct area of law. Says farming is a broad def. Says that municipalities do have the authority to use noise ordinances about decibels and decibel levels. Open to debate at town meetings, robust conversations based on what your town does.**

**Does note there is training to NH Municipal Members.**

**Rep. Bixby asks about exclusions to Agri-tourism and would that make it more palatable to the NH Municipal Assn?**

**Mr. Grays: our position it to protect local municipalities.**

**Rob Johnson, NH Farm Bureau – passes out definition of Farming (RSA 21:34-a) Speaks to membership composition. Has been a bureau for nearly 100 years. SUPPORTS HB 252. Has heard of complaints based on a myriad of issues relative to farming activities, but speaks to the flexible nature of the farming industry and weather related issues or other needs.**

**Agri-tourism is included in this area.**

**Rep. Knab, shares concerns about the broad nature –  
Mr. Johnson does note that it is broad.**

**Rep. Knab asks about equine being included in farming.  
Mr. Johnson says, yes, equestrian facilities are included in farming.**

**Rep. Aron – asks about penalties, implications of intrusion in farming.  
Mr. Johnson states that it runs the spectrum of penalties imposed. Speaks to the various types of member concerns that have been brought to his attention. Feels that this presents stresses to farmers in their communities. Feels like we need to set some parameters.**

**Rep. Bixby – right to farm statute in our RSAs in our statutes and how it intersects.  
Mr. Johnson says that does intersect with this legislation and notes that he is going to bring that info to the committee.**

**Mr. Johnson notes that it is RSA 432: 32-35 – Nuisance Liability of Agricultural Operations**

**Notes online support and blue sheet.**

**Hearing closes at 2:23pm**

**\* Use asterisk if written testimony and/or amendments are submitted.**

# House Remote Testify

## Environment and Agriculture Committee Testify List for Bill HB252 on 2023-01-17

Support: 6 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/13/2023 10:58 AM
Holstein, Susanne	Bedford, NH srholstein@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/14/2023 1:55 PM
Creem, Jeffrey	Nashua, NH jeff@thecreems.com	A Member of the Public	Myself	Support	No	No	1/14/2023 3:38 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/16/2023 11:32 AM
SAWTELLE, ERICK	LEE, NH esawtelles@aol.com	A Member of the Public	Myself	Support	No	No	1/17/2023 7:29 AM
Richardson, Diane	springfield, NH workingclasscanine@msn.com	A Member of the Public	Myself	Support	No	No	1/17/2023 11:30 AM
Ferrari, Angela	Mont Vernon, NH angelaFerrari84@gmail.com	A Member of the Public	Dog Owners of the Granite State	Support	No	No	1/17/2023 2:01 PM





Daniel Richardson

Successful farming needs operations access to all hours as required. Machine operation and fielding animals can be noisy. Encroachment of developers on farmland has been a huge problem of incompetent housing purchasers complaining about the abutting situation they bought into.

Susanne Holstein

This bill undoes environmental protections and overrides local control.

Patricia Anastasia

HB 252 - AS INTRODUCED

2023 SESSION

23-0358

08/04

HOUSE BILL            **252**

AN ACT                exempting agricultural operations from certain municipal noise ordinances.

SPONSORS:            Rep. Comtois, Belk. 7; Rep. Bixby, Straf. 13; Rep. Aron, Sull. 4

COMMITTEE:          Environment and Agriculture

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ANALYSIS

This bill exempts farming and agricultural operations from municipal noise ordinances.

.....

Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    exempting agricultural operations from certain municipal noise ordinances.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Purpose and Powers of Towns; Noise Ordinances; Agricultural Activities Exempt. Amend RSA  
2 31:39, I(n) to read as follows:

3                    (n) Regulating noise, ***except that no "quiet hours" ordinance or bylaw that***  
4 ***attempts to regulate noise from activities related to farms, agriculture, and farming as***  
5 ***defined in RSA 21:34-a shall be enforceable within a town.***

6            2 New Paragraph: Powers of City Councils; Bylaws and Ordinances; Agricultural Activities  
7 Exempt. Amend RSA 47 by inserting after paragraph XIX the following new paragraph:

8                    XX. No "quiet hours" ordinance or bylaw that attempts to regulate noise from activities  
9 related to farms, agriculture, and farming as defined in RSA 21:34-a shall be enforceable within a  
10 city.

11            3 Effective Date. This act shall take effect 60 days after its passage.