

Opinion

Special Permits to Noise Ordinance Should be Banned

Vote on warrant article at Town Meeting 2020

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Tucker Mountain Road

This is a follow-up to my letter in the November issue of *The Andover Beacon* regarding the logging on Tucker Mountain and the Town noise ordinance. I concluded in my letter that it is my hope that our Town noise ordinance can be amended by voters to close the “loopholes” that allow for “special permits” to be granted by Town boards and administrators.

The current noise ordinance, voted into law by a majority vote in 2017, protects Andover citizens from loud, prolonged, and disturbing noise before 7 AM and after 10:30 PM. There are eight categories of activities which qualify to be exempted from the noise ordinance. Four of the categories have to do with emergency situations, two have to do with the public works department, one has to do with town celebrations – and then there is a category that states, “Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town.”

In the case that occurred on Tucker Mountain last September and October, three members of the Select Board and the Town Administrator exempted the logging operation from abiding by our Town noise ordinance because they determined that it was “temporary.” The Town granted the loggers a “special permit” without considering the negative impact this would have

– and did have – on Andover citizens.

What is “temporary”? It is a word that should not be used in the ordinance, because it has no set time. When it comes to noise – very loud and disruptive noise – 34 days is not temporary. Thirty-four days of noise beginning before 7 AM, sometimes before 5 AM, endangers our health and comfort. “Special permits” for exemption to the Town noise ordinance for private enterprises should not be allowed. Period. On so many levels, such an exemption is wrong.

First, it sets up a relationship between our Town officials and private enterprises that could lead to favors, partiality, and compromise that undermines the rights of Andover citizens. Secondly, private enterprise, whether it be construction, excavating, paving, farming, or any other industry, that functions outdoors has to deal with weather conditions, road conditions, operational difficulties, and any number of issues. It is the nature of the industry and not the responsibility of the Town to help them fix their problems.

Passing an amendment to the noise ordinance that would remove the category “of temporary duration” and Special Permit Exemptions would in essence restore and protect the intention of our Town noise ordinance.

There will be an article for amending the ordinance at Town Meeting 2020 on March 10. Please plan to attend. I encourage Andover citizens to read the Town noise ordinance online. You can find it on the Town of Andover website. 

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heroes and notables, and you will arrive at the gallery, which is open for viewing into Representatives Hall below.

After we observed all the introductory traditions, we began the day’s work. I was given the honor (and the chore) of presenting three speeches as the Science Technology and Energy committee’s spokesperson for three of the five energy bills deliberated and recommended by my committee.

If you can imagine yourself in this position, you will understand there’s a pretty strong incentive to research, write, edit, and practice your speech well in advance of the moment when the Speaker says to 400 people, “... and now the gentleman from Andover will speak in favor of the bill.” You pull a crisply folded paper from your pocket as you step up to the imposing lectern known as “the well.” I’ll admit that I carefully checked and double-checked that I didn’t pull the wrong speech out of my pocket!

All three bills passed by at least 70 votes. (Since somebody will surely ask what the bills were about: One bill was about commercial net metering, another was about how energy efficiency funds should be spent, and the third was about

setting new goals for renewable energy on the New Hampshire grid.)

I was certainly not the only speaker of the day. Twenty-three bills were discussed and voted on. Some passed quickly with just a voice vote, but most were roll call votes, a process that takes about 10 minutes. In addition, every bill up for a roll call (when each member’s vote is recorded) usually has at least four representatives speak about it. Those opposed to the bill speak first, followed by a speech recommending passage of the bill.

Then there are two “parliamentary inquiries” which are always asked in the following stuffy, formal way to ensure that any Representative not paying close attention is reminded what’s going on: “Mr. Speaker, if I know that Senate Bill 166 will correct a mistake in the language of the statute that has caused competitive electricity suppliers to refuse service to customer-generators, then would I not push the green button to vote “Yes” on the passage of this bill?”

The session ran until almost 5 PM, but the House finished all the items on its calendar. After sitting for most of seven hours, I was glad to be going home to Andover, and not driving all the way back to Coös County, as some of my colleagues do! 

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