

**TOWN OF CONWAY  
MINUTES OF DELIBERATIVE PORTION OF TOWN MEETING  
MARCH 1, 2021**

The Deliberative Portion of the Annual Town Meeting to discuss and amend, if deemed appropriate, Articles 6 through 35 of the 2021 Warrant was called to order by the Moderator, Deborah Fauver, at 7:05 p.m. in the Peter Ames Gymnasium at Kennett High School, 409 Eagles Way, North Conway, New Hampshire. There were 60 voting residents present.

The Conway Police Department Color Guard posted colors and led the Pledge of Allegiance to the Flag.

Introductions of Town Officials and others were made as follows: Town Manager, Thomas Holmes; Selectmen C. David Weathers (Chair), Mary Carey Seavey (Vice Chair), Carl Thibodeau, John Colbath, and Steven Porter. Town Attorney, Peter Malia, Esq., Executive Secretary, Krista Day; Budget Committee members, Jim LeFebvre (Chair), Peter Donohoe (Vice Chair), Dave Jensen, Bob Drinkhall, Diane Ryan, Ellin Leonard, Eric Dziedzic, Mike Laracy, Bill Aughton (School Board Representative), John Edgerton (Center Conway Representative).

Also in attendance were Town Clerk, Louise M. Inkell; School Moderator, Doug Burnell; School Clerk, Michael King; Finance Director, Kathy Golding; Town Planner, Tom Irving; Public Works Director, Paul DegliAngeli; Police Commissioner Rodney King; Police Chief, Chris Mattei; Lieutenant Suzanne Kelley-Scott; Library Director, David Smolen.

The Moderator set forth the ground rules by which the meeting would be conducted; there were no objections raised.

The Moderator next reviewed that Article 1 is for the election of officers and Articles 2 through 5 are zoning articles; all will be placed on the ballot to be voted on April 13, 2021.

Ms. Fauver explained that they would be discussing articles 6 through 35.

**ARTICLE 2:** To see if the Town will vote to adopt amendment No.1 to Chapter 190 (Zoning) to include the following definition in §190-31 Definitions: "Short Term Rental: The rental of a dwelling unit for periods of less than thirty (30) days, rented or offered for rent for fifteen (15) or more days in a calendar year and where the dwelling unit is not associated with commercial activities such as a hotel, motel, or bed and breakfast. This is a non-residential use. A qualified short-term rental must have a business license in good standing from the Board of Selectmen."

**Proposed by the Board of Selectmen (5-0-0). Recommended by the Planning Board (7-0-0)**

**ARTICLE 3:** To see if the Town will vote to adopt amendment No. 2 to Chapter 190 (Zoning) to revise Attachment 2 - Permitted Use Table to include Short Term Rentals as a permitted use in all zones where single-family residences are currently permitted.

**Proposed by the Board of Selectmen (5-0-0). Recommended by the Planning Board (6-1-0)**

**ARTICLE 4:** To see if the Town will vote to adopt amendment No. 3 to Chapter 190 (Zoning) of the Municipal Code of Conway to revise §190-13.B.(4)(a) regarding the Special Exception for conversions of older homes to make it consistent with that provision in other applicable zoning districts including a short-term rental restriction, as follows: §190-13 B. Lot size and density.

4. Special exceptions.

- (a) In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same ~~conforming~~ lot, provided that:
2. Substantially all of the structure was constructed prior to 1930.
  3. ~~Modification of the interior does not exceed four units~~ **The total number of dwelling units on the site does not exceed four (4).**
  4. **No less than 5,000 square feet of land area must be provided on the parcel for each unit that exists or is to be constructed thereon.**
  5. ~~{3}~~ No significant changes to the exterior lines or architectural detail are made which would diminish the historical or architectural heritage of the structure.
  6. ~~{4}~~ Adequate area is available for parking ~~and sewage disposal~~ **outside the setback and buffer areas.**
  7. ~~{5}~~ Accessory structures must have at least 300 square feet of ~~living~~ **occupiable** space per unit suitable for conversion to a dwelling unit ~~and not conflict with the purpose and intent of this section.~~
  8. **All of the dwelling units shall be used for long-term residency; short-term transient occupancies of less than 30 consecutive days of any dwelling unit is prohibited.**
  9. **Scaled floor plans and a scaled site drawing must be submitted to the Zoning Board time of application to ensure compliance with the requirements for this special exception.**

**Proposed by the Planning Board. Recommended by the Planning Board (7-0-0)**

**ARTICLE 5:** To see if the Town will vote to adopt amendment No. 4 to Chapter 190 (Zoning) of the Municipal Code of Conway to revise the Special Exceptions for Accessory Dwelling Units (ADUs) by repealing the requirement that the owner shall be the full-time occupant of either the primary single-family dwelling or the accessory dwelling unit. The specific sections that are amended include: §190-13.B.(4)(b)[3], §190-14.B.(4)(b)[3], §190-15.B.(4)(b)[3], §190-16.B.(4)(b)[3], §190-17.C.(5)(b)[3], §190-18.B.(5)(b)[3], §190-19.B.(5)(b)[3], §190-20.B.(5)(b)[3] and §190-24.B.(4)(b)[3].

**Proposed by the Planning Board. Recommended by the Planning Board (7-0-0)**

**ARTICLE 6:** To see if the Town will vote to authorize the Board of Selectmen the powers to regulate Short Term Rentals under RSA 41:11-C and charge fees to license them under RSA 41:9-a.

**Recommended by the Board of Selectmen (5-0-0).**

The Moderator read Article 6 aloud.

There was no discussion.

The Moderator placed Article 6 on the ballot as written.

**ARTICLE 7 :** (Operating budget) Shall the Town raise and appropriate as an **OPERATING BUDGET**, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the Warrant for the purposes set forth therein, Twelve Million Eighty-Two Thousand Eight Hundred Thirty-One Dollars (\$12,082,831). Should this article be defeated the default budget shall be Eleven Million Eight Hundred Eighty Thousand Three Hundred Fifty-Three Dollars (\$11,880,353), which is the same as the last years, with certain adjustments required by previous action of the Town of Conway or by law, or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only. **NOTE:** This operating budget warrant article does not include appropriation contained in ANY other warrant article.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (9-3-0).**

The Moderator read aloud Article 7.

Julie Laracy, Library Trustee, stated that she would like to increase the operating budget by \$9,249 to increase the Library Budget Benefits line as they were in the process of hiring a new employee and would like that contingency in order to hire the most qualified candidate.

**Library Trustee Julie Laracy moved, seconded by Ms. Stacy Sand, to increase the Operating Budget by \$9,249 for a total Operating Budget of \$12,092,080. The amended article would read as follows:**

**ARTICLE 7 :** (Operating budget) Shall the Town raise and appropriate as an **OPERATING BUDGET**, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the Warrant for the purposes set forth therein, Twelve Million, Ninety-Two Thousand, Eighty Dollars (\$12,092,080). Should this article be defeated the default budget shall be Eleven Million, Eight Hundred, Eighty Thousand, Three Hundred, Fifty-Three Dollars (\$11,880,353), which is the same as the last years, with certain adjustments required by previous action of the Town of Conway or by law, or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI, to take up the issue of a revised operating budget only. **NOTE:** This operating budget warrant article does not include appropriation contained in ANY other warrant article.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (9-3-0).**

The motion carried.

**Resident Stacy Sand moved, seconded by Mr. Chris Meier, to increase the Operating Budget by \$16,000.**

Ms. Sand explained that she would like these funds added to the Recreation Maintenance Budget in order to pay someone to clean the bathrooms located at the Ski Museum.

Ms. Sand explained that the Board had exchanged a piece of land with the North Conway Community Center with a guarantee that the public could have access to the bathrooms. However, they never budgeted any money to service them. She believed that they could have someone clean them three times a day.

Town Manager Thomas Holmes stated that they had looked into the public records regarding that land swap and there is no mention of a guarantee to have access to those bathrooms. He added that he had called the Gibson Woodbury Foundation and they would require them to be cleaned after every use.

Ms. Sand stated again that they had discussed this deal during the land swap.

Mr. Holmes noted that they had looked through the Selectmen's minutes and had found no record of it.

**The motion failed.**

Resident Bill Marvel asked why the Chairman of the Budget Committee had spoken at their public hearing in regards to his preference to go with the default budget instead of the Town's proposed operating budget.

Chairman Jim LeFebvre explained that it would be less than a 2% decrease from the operating budget, and he believed that the Town could operate with the default budget.

Selectmen Colbath noted that the proposed default budget was \$11,880,353.

The Moderator instructed that Article 7 be placed on the ballot as amended.

**ARTICLE 8:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Five Hundred Thousand Dollars (\$500,000) to be placed in the **CAPITAL RESERVE FUND FOR INFRASTRUCTURE RECONSTRUCTION** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 8.

There was no discussion.

The Moderator instructed that Article 8 be placed on the ballot as written.

**ARTICLE 9:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Three Hundred Fifty Thousand Dollars (\$350,000) to be placed in the **CAPITAL RESERVE FUND FOR HIGHWAY EQUIPMENT** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 9.

There was no discussion.

The Moderator instructed that Article 9 be placed on the ballot as written.

**ARTICLE 10:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Two Hundred Twenty-Five Thousand (\$225,000) to be placed in the **CAPITAL RESERVE FUND FOR SOLID WASTE EQUIPMENT** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 10.

There was no discussion.

The Moderator instructed that Article 10 be placed on the ballot as written.

**ARTICLE 11:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand Dollars (\$100,000) to be placed in the **CAPITAL RESERVE FUND FOR LANDFILL EXPANSION** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 11.

There was no discussion.

The Moderator instructed that Article 11 be placed on the ballot as written.

**ARTICLE 12:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Two Hundred Seventy-Five Thousand Dollars (\$275,000) to be placed in the **CAPITAL RESERVE FUND FOR MAINTENANCE OF TOWN BUILDINGS AND FACILITIES** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 12.

There was no discussion.

The Moderator instructed that Article 12 be placed on the ballot as written.

**ARTICLE 13:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000) to be placed in the **CAPITAL RESERVE FUND FOR MAINTENANCE OF BUILDINGS AND FACILITIES LEASED BY THE TOWN** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 13.

There was no discussion.

The Moderator instructed that Article 13 be placed on the ballot as written.

**ARTICLE 14:** (Special - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) to be placed in the **CAPITAL RESERVE FUND FOR PARKS DEPARTMENT VEHICLES AND EQUIPMENT** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 14.

There was no discussion.

The Moderator instructed that Article 14 be placed on the ballot as written.

There was clarification by Mr. Holmes and School Moderator Doug Burnell that the amendment to Article 7 was an Operating Budget of \$12,092,080 with the additional \$9,249 for the Library Benefits.

**ARTICLE 15:** (Special - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Seventy Thousand Dollars (\$70,000) to be placed in the **CAPITAL RESERVE FUND FOR POLICE VEHICLES** to be used according to the purposes for which the fund was established.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 15.

There was no discussion.

The Moderator instructed that Article 15 be placed on the ballot as written.

**ARTICLE 16:** (Special - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of One Hundred, Ten Thousand Dollars (\$110,000) to be added to the **PUBLIC EDUCATIONAL/GOVERNMENT CABLE TELEVISION (PEG) TRUST FUND**, previously established to support the operations and equipment needs of Public Education and Government broadcasting services with said sum to come from cable franchise fees. No amount to come from general taxation.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 16

There was no discussion.

The Moderator instructed that Article 16 be placed on the ballot as written.

**ARTICLE 17:** (Individual - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Eighteen Thousand Dollars (\$18,000) for the purchase of ten (10) AED's (Automatic Electronic Defibrillators) for the **CONWAY POLICE DEPARTMENT** for use at the Police, District Court and on patrol.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 17.

**Mr. Colbath moved, seconded by Mr. Porter, to amend the article to include the word "station". It would read as follows:**

**ARTICLE 17:** (Individual - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Eighteen Thousand Dollars (\$18,000) for the purchase of ten (10) AED's (Automatic Electronic Defibrillators) for the **CONWAY POLICE DEPARTMENT** for use at the Police Station, District Court and on patrol.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The motion carried.

The Moderator instructed that Article 16 be placed on the ballot as amended.

**ARTICLE 18:** (Individual - not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Eight Thousand Five Hundred Dollars (\$8,500) for the purchase of a portable Radar Trailer for the **CONWAY POLICE DEPARTMENT** for the purpose of speed limit enforcement in Conway.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (11-1-0).**

The Moderator read aloud Article 18.

Ms. Sand asked about the reliability of this new unit. She explained that it seemed as if the old one was always broken.

Police Chief Chris Mattei explained that he was unsure of exactly how long they had the previous unit as it was retired shortly after he started working for the Department. However, he explained that the new trailer is on the smaller side and works off of solar energy. He believed that the warranty was at least four years.

The Moderator instructed that Article 18 be placed on the ballot as written.

**ARTICLE 19:** (Special – Not included in Budget Appropriation Article #7). To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) for the support of **EASTERN SLOPE REGIONAL AIRPORT**.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (11-1-0).**

The Moderator read aloud Article 19.

There was no discussion.

The Moderator instructed that Article 19 be placed on the ballot as written.

**ARTICLE 20:** (Non-Monetary) To see if the Town will vote to authorize the Selectmen to appoint two (2) volunteer representatives from the Town to serve on the **CARROLL COUNTY BROADBAND “COMMUNICATIONS DISTRICT PLANNING COMMITTEE”** for the purpose of drafting a “Communications District Agreement” under NH RSA Chapter 53-G:2 - Communications District Planning Committee; Formation and Responsibilities.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 20.

There was no discussion.

The Moderator instructed that Article 20 be placed on the ballot as written.

**ARTICLE 21:** (Non-Monetary) To see if the Town will **ESTABLISH A SHORT-TERM RENTAL EXPENDABLE TRUST FUND** per RSA 31:19-a for the purpose of regulating short term rentals and further to make the Board of Selectmen agents to expend from this fund.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 21.

Jim LeFebvre inquired as to how this was a non-monetary article.

Mr. Holmes explained that this was the establishment of the Trust Fund; and that contingent upon its passing, Article 22 was to place \$50,000 to begin the process of licensing short-term rentals.

Mr. Holmes stated that this was designed so that the short-term rental owners would be funding the efforts of the licensing and regulating of short-term rentals instead of having it funded by the local taxpayers.

The Moderator instructed that Article 21 be placed on the ballot as written.

**ARTICLE 22:** (Special-Not Included in Budget Appropriation Article #7) Contingent upon Article #23's passage, to see if the Town will vote to **FUND THE SHORT-TERM RENTAL EXPENDABLE TRUST FUND** in its initial year in the amount of Fifty Thousand Dollars (\$50,000) to be used to hire a short term rental management company for the purposes of address identification, compliance monitoring, complaint hotline and mobile permitting and fee collection and to authorize the Board of Selectmen as agents to expend said funds as necessary to offset the costs of regulating and licensing short term rentals in the Town of Conway. After the first year, the Short-Term Rental Expendable Trust Fund will be funded in whole or in part from Short-Term licensing fees and short-term rental fines.



**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read aloud Article 22.

It was determined that a clerical change needed to be made as they had re-ordered the warrant articles and it needed to read, "Contingent upon Article #21's passage".

**Mr. Colbath moved, seconded by Mr. LeFebvre, to amend the article to read as follows:**

**ARTICLE 22: (Special-Not Included in Budget Appropriation Article #7) Contingent upon Article #21's passage, to see if the Town will vote to FUND THE SHORT-TERM RENTAL EXPENDABLE TRUST FUND in its initial year in the amount of Fifty Thousand Dollars (\$50,000) to be used to hire a short term rental management company for the purposes of address identification, compliance monitoring, complaint hotline and mobile permitting and fee collection and to authorize the Board of Selectmen as agents to expend said funds as necessary to offset the costs of regulating and licensing short term rentals in the Town of Conway. After the first year, the Short-Term Rental Expendable Trust Fund will be funded in whole or in part from Short-Term licensing fees and short-term rental fines.**

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**The motion carried.**

Ms. Sand stated that she was not opposed to having a trust fund, but questioned why it was \$50,000 as they had already paid \$20,000 the previous year for the short-term rental inventory.

**Ms. Sand moved to amend the article to \$20,000. There was no second.**

The Moderator instructed that Article 22 be placed on the ballot as amended.

**ARTICLE 23: (Non-Monetary) To see if the Town will establish a **NOISE ORDINANCE** to assist regulatory officials and law enforcement when responding to noise complaints and help ensure that Conway residents are able to enjoy the quiet and peaceful enjoyment of their property. The full text of the ordinance is as follows:**

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

The Moderator read the section of Article 23 as noted above.

#### CHAPTER 97 NOISE

[HISTORY: Adopted by the Town of Conway April 13, 2021]

#### § 97-1 PURPOSE AND INTENT

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of Conway, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affect

public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town ordains it necessary and appropriate to enact the following provisions and prohibitions.

#### § 97-2 AUTHORITY

This chapter is enacted by the Town of Conway pursuant to the authority granted by the New Hampshire Legislature as stipulated in RSA 31:39, I. (n), as amended.

#### §97-3 VEHICLE NOISE

No person shall operate any vehicle on any street so as to make any loud, unusual or other unnecessary noise as hereinafter defined.

#### § 97-4 DEFINITIONS

As used in this Chapter, the following terms shall have the meanings indicated:

**ANNOY** - To disturb or irritate, especially by continued or repeated acts; to bother with unpleasant deeds; To do something to upset or anger someone.

**DISTURB** - the unsettling of proper order in a public space, or the unsettling of proper order heard from a private place, through one's actions. This can include creating loud noise by fighting or challenging to fight, disturbing others by loud and unreasonable noise, or using offensive words or insults likely to incite violence.

**LOUD, UNUSUAL OR OTHER UNNECESSARY NOISE** -- Includes any noise occasioned by any one (1) or more of the following actions of the operator of any vehicle:

A. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying down rubber" or "peeling rubber."

B. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.

C. Rapid acceleration by means of quick upshifting of transmission gears with either a clutch and manual transmission or an automatic transmission.

D. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission.

E. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection, whether the vehicle is either in motion or standing still.

F. The blowing of any horn except as a warning signal or the use of any other noisemaking device, whether the vehicle is either in motion or standing still.

**STREET** -- Includes a crosswalk, intersecting way or other public highway, all as defined by RSA Chapter 259, as amended.

**VEHICLE** -- Includes a bus, highway building equipment, motorcycle, motor truck, motor vehicle, semitrailer, sidecar, tractor, trailer or other vehicle, all as defined by RSA Chapter 259, as amended.

§ 97-5 VIOLATIONS and PENALTIES.

Any person found in violation of this chapter shall be guilty of a violation and may be fined in an amount set from time to time by the Board of Selectmen, with such fines not exceeding \$1,000 to inure to the general budget of the Town per RSA 31:39, III.

§ 97-6 OTHER NOISE

A. Noise Restricted.

In accordance with the concepts set forth below, it shall be unlawful for any person to make, continue or cause to be made or continued any excessive, unnecessarily loud noise or any noise which either annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace or safety of others within the town limits. For the purpose of this section, persons shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud or unreasonable noises that can be heard in a public or other private place or who fail to take the necessary steps and precautions to prevent guests or other persons on the property from engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing, or using of any audio equipment, sound amplifier or other device which reproduces or amplifies sound.

B. Prohibited Noise/Time Restrictions.

- (1) Between 10:00 p.m. and 6:00 a.m., created by loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects.
- (2) Between 10:00 p.m. and 7:00 a.m. created by:
  - (a) The operation or use of construction vehicles, to include but not be limited to bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front-end loaders and log skidders.
  - (b) The operation or use of tools or construction equipment, to include but not be limited to cement mixers, hammers, staple or nail guns, power tools (i.e., saws, drills, grinders and sanders), chain saws, lawn mowers, electric hedge trimmers, lawn edgers and jackhammers.
  - (c) The operation or use of agricultural equipment, to include but not be limited to tedders, balers and tractors.
- (3) Engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing, or using of any audio equipment, sound amplifier or other device which reproduces or amplifies sound.
- (4) Evidence of a specific complaint or complainant is not necessary to establish a violation of this ordinance.

§ 97-7 EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices and emergency pressure-relief valves.

B. Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.

C. Noises resulting from emergency maintenance work as performed by the town, by the state or by public utility companies, to include snow-removal operations.

D. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.

E. 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.

F. Vehicles, tools and equipment, except during time periods of their prohibited use.

G. Snowblowers and other types of private or commercial snow-removal operations.

H. Parades and public gatherings for which the Town of Conway has issued a permit.

I. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes or carillons that are presently installed and in use for any purpose.

#### § 97-8 APPLICATION.

Application for a permit for relief from the noise level designated in this Article on the basis of undue hardship may be made to the Town of Conway. Any permit granted by the Town shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

#### § 97-9 VALIDITY

If any section or part of a section or paragraph of this Ordinance is declared invalid or unconstitutional, said declaration shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Ordinance unless the purposes of this Ordinance cannot be accomplished in the absence of the invalidated provision.

#### § 97-10 EFFECTIVE DATE.

This Ordinance shall take effect upon its passage.

Ms. Amy Snow stated that she did not believe the entire text of the noise ordinance should be on the ballot.

Mr. Holmes stated that at a future Board of Selectmen meeting, they would be looking to remove the entire proposed ordinance from the ballot.

**Ms. Snow moved, seconded by Mr. Porter, to amend Article 23 to read as follows:**

**ARTICLE 23: (Non-Monetary) To see if the Town will establish a NOISE ORDINANCE to assist regulatory officials and law enforcement when responding to noise complaints and help ensure that Conway residents are able to enjoy the quiet and peaceful enjoyment of their**

**property. The full text of the ordinance is available at the Town offices and on the Town website.**

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**The motion carried.**

Resident Chris Meier stated that he would like to offer an amendment to the actual wording of the noise ordinance in order to make it consistent in terms of the definition of loud, unusual or unnecessary noise.

**Mr. Meier moved, seconded by Ben Colbath, to amend the noise ordinance to read as follows:**

**CHAPTER 97 NOISE**

**[HISTORY: Adopted by the Town of Conway April 13, 2021]**

**§ 97-1 PURPOSE AND INTENT**

**Because the creation and/or maintenance of loud, unusual or other unnecessary noise, or noises which will annoy and disturb within the Town of Conway, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affect public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town ordains it necessary and appropriate to enact the following provisions and prohibitions.**

**§ 97-2 AUTHORITY**

**This chapter is enacted by the Town of Conway pursuant to the authority granted by the New Hampshire Legislature as stipulated in RSA 31:39, I. (n), as amended.**

**§97-3 VEHICLE NOISE**

**No person shall operate any vehicle on any street so as to make any loud, unusual or other unnecessary noise as hereinafter defined.**

**§ 97-4 DEFINITIONS**

**As used in this Chapter, the following terms shall have the meanings indicated:**

**ANNOY - To disturb or irritate, especially by continued or repeated acts; to bother with unpleasant deeds; To do something to upset or anger someone.**

**DISTURB - the unsettling of proper order in a public space, or the unsettling of proper order heard from a private place, through one's actions. This can include creating loud noise by fighting or challenging to fight, disturbing others by loud and unreasonable noise, or using offensive words or insults likely to incite violence.**

**LOUD, UNUSUAL OR OTHER UNNECESSARY NOISE -- Includes any noise occasioned by any one (1) or more of the following actions of the operator of any vehicle:**

**A. Misuse of power exceeding tire traction limits in acceleration, sometimes known as "laying down rubber" or "peeling rubber."**

**B. Misuse of braking power exceeding tire traction limits in deceleration where there is no emergency.**

**C. Rapid acceleration by means of quick upshifting of transmission gears with either a clutch and manual transmission or an automatic transmission.**

**D. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission.**

**E. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection, whether the vehicle is either in motion or standing still.**

**F. The blowing of any horn except as a warning signal or the use of any other noisemaking device, whether the vehicle is either in motion or standing still.**

**STREET -- Includes a crosswalk, intersecting way or other public highway, all as defined by RSA Chapter 259, as amended.**

**VEHICLE -- Includes a bus, highway building equipment, motorcycle, motor truck, motor vehicle, semitrailer, sidecar, tractor, trailer or other vehicle, all as defined by RSA Chapter 259, as amended.**

**§ 97-5 VIOLATIONS and PENALTIES.**

**Any person found in violation of this chapter shall be guilty of a violation and may be fined in an amount set from time to time by the Board of Selectmen, with such fines not exceeding \$1,000 to inure to the general budget of the Town per RSA 31:39, III.**

**§ 97-6 OTHER NOISE**

**A. Noise Restricted.**

**In accordance with the concepts set forth below, it shall be unlawful for any person to make, continue or cause to be made or continued any excessive, or loud, unusual or other unnecessary noise, or any noise which either annoys, disturbs, injures or is likely to endanger the comfort, repose, health, peace or safety of others within the town limits. For the purpose of this section, persons shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud or unreasonable noises that can be heard in a public or other private place or who fail to take the necessary steps and precautions to prevent guests or other persons on the property from engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing, or using of any audio equipment, sound amplifier or other device which reproduces or amplifies sound.**

**B. Prohibited Noise/Time Restrictions.**

**(1) Between 10:00 p.m. and 6:00 a.m., created by loading, unloading, opening, closing or otherwise handling boxes, crates, containers, building materials, trash cans, dumpsters or similar objects.**

**(2) Between 10:00 p.m. and 7:00 a.m. created by:**

**(a) The operation or use of construction vehicles, to include but not be limited to bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front-end loaders and log skidders.**

**(b) The operation or use of tools or construction equipment, to include but not be limited to cement mixers, hammers, staple or nail guns, power tools (i.e., saws, drills, grinders and sanders), chain saws, lawn mowers, electric hedge trimmers, lawn edgers and jackhammers.**

**(c) The operation or use of agricultural equipment, to include but not be limited to tedders, balers and tractors.**

**(3) Engaging in conduct that creates loud and unreasonable noises including, but not limited to the operation, playing, or using of any audio equipment, sound amplifier or other device which reproduces or amplifies sound.**

**(4) Evidence of a specific complaint or complainant is not necessary to establish a violation of this ordinance.**

**§ 97-7 EXEMPTIONS**

**The following uses and activities shall be exempt from noise level regulations:**

- A. Noise of safety signals, warning devices and emergency pressure-relief valves.**
- B. Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.**
- C. Noises resulting from emergency maintenance work as performed by the town, by the state or by public utility companies, to include snow-removal operations.**
- D. Municipal maintenance work where the abutters to the work site have been given prior notice of the project.**
- E. 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.**
- F. Vehicles, tools and equipment, except during time periods of their prohibited use.**
- G. Snowblowers and other types of private or commercial snow-removal operations.**
- H. Parades and public gatherings for which the Town of Conway has issued a permit.**
- I. Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services and those bells, chimes or carillons that are presently installed and in use for any purpose.**

**§ 97-8 APPLICATION.**

**Application for a permit for relief from the noise level designated in this Article on the basis of undue hardship may be made to the Town of Conway. Any permit granted by the Town shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.**

**§ 97-9 VALIDITY**

**If any section or part of a section or paragraph of this Ordinance is declared invalid or unconstitutional, said declaration shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Ordinance unless the purposes of this Ordinance cannot be accomplished in the absence of the invalidated provision.**

**§ 97-10 EFFECTIVE DATE.**

**This Ordinance shall take effect upon its passage.**

Town Attorney Peter Malia stated that he believed the amendment should be allowed as it makes it consistent.

**The motion carried.**

The Moderator instructed that Article 23 be placed on the ballot as amended.

**ARTICLE 24: (Non-Monetary) To see if the Town will vote TO ACCEPT SOUTHVIEW LOOP AS A TOWN ROAD. Submitted by petition.**

**Recommended by the Board of Selectmen (0-5-0). Recommended by the Budget Committee (2-10-0).**

The Moderator read aloud Article 24.

**Mr. Colbath moved, seconded by Mr. Weathers, to amend the motion to read as follows:**

**ARTICLE 24: (Non-Monetary) To see if the Town will vote TO ACCEPT SOUTHVIEW LOOP AS A TOWN ROAD. Submitted by petition.**

**Not Recommended by the Board of Selectmen (0-5-0). Not Recommended by the Budget Committee (2-10-0).**

**The motion carried.**

Town Engineer Paul DegliAngeli explained why he was not recommending that the public vote in favor of this article. He stated that the Road is in two parts, and was built prior to the Town requiring that it be inspected to ensure it was built to Town road standards.

Mr. DegliAngeli noted that around 2006, they did not finish the top coat of pavement. Finally, according the Town's zoning ordinance, they were required to submit this request by October 1<sup>st</sup> in order to have it reviewed by the Town Engineer.

Mr. DegliAngeli noted that as they had not received the petition by that date, he would urge the Board to not recommend the warrant article, but for those who submitted the petition this year to try again next year by the deadline of October 1, 2021. However, he stated that he does not believe the Road in up to Town Specifications.

The Moderator placed Article 24 on the ballot as amended.

**Mr. Ben Colbath moved, seconded by Mrs. Wendy Holmes, to waive the reading of articles 25 through 34. The motion carried.**

There was no discussion.

The following articles were placed upon the ballot as written:

**ARTICLE 25: To see if the Town will vote to raise and appropriate the sum of Sixty-Five Thousand Dollars (\$65,000) said sum to be allocated to the **NORTH CONWAY COMMUNITY CENTER** for programs of the North Conway Community Center. Submitted by petition.**

**Recommended by the Board of Selectmen (3-1-1). Recommended by the Budget Committee (11-0-1).**

**ARTICLE 26: To see if the Town will vote to raise and appropriate the sum of Eleven Thousand Four Hundred Eighty Seven Dollars (\$11,487) said sum to be allocated to **STARTING POINT** providing advocacy and support to victims of domestic and sexual violence and their children. Submitted by petition.**

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**



**ARTICLE 27:** To see if the Town will vote to raise and appropriate the sum of Twenty Two Thousand Seven Hundred Fifty Dollars (\$22,750) for the operation of **TRI-COUNTY COMMUNITY ACTION PROGRAM, INC.** service programs in Conway: Transportation, Energy Assistance, Weatherization, Guardianship, Head Start, Homeless Intervention and Prevention, Tamworth Dental Center. Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**ARTICLE 28:** To see if the Town will vote to raise and appropriate the sum of Thirty Six Thousand Five Hundred Dollars (\$36,500) to support Conway home delivered meals (Meals on Wheels), congregate meals, transportation and program services provided by the **GIBSON CENTER FOR SENIOR SERVICES, INC.** Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (11-1-0).**

**ARTICLE 29:** To see if the Town will vote to raise and appropriate the sum of Fourteen Thousand Dollars (\$14,000) for the Family Resource Center at **CHILDREN UNLIMITED, INC.** Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (10-2-0).**

**ARTICLE 30:** To see if the Town will vote to raise and appropriate the sum of Seventeen Thousand Dollars (\$17,000) for **VAUGHAN COMMUNITY SERVICE, INC.** Submitted by petition.

**Recommended by the Board of Selectmen (4-0-1). Recommended by the Budget Committee (11-0-1).**

**ARTICLE 31:** To see if the Town will vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000) for **VAUGHAN LEARNING CENTER.** Submitted by petition.

**Recommended by the Board of Selectmen (4-0-1). Recommended by the Budget Committee (10-1-1).**

**ARTICLE 32:** To see if the Town will vote to raise and appropriate the sum of Thirty Five Thousand Six Hundred Dollars (\$35,600) for the support of **WHITE MOUNTAIN COMMUNITY HEALTH CENTER** to help meet the healthcare needs of the uninsured and underinsured residents of the Town of Conway. Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**ARTICLE 33:** To see if the Town will vote to raise and appropriate the sum of Ten Thousand One Hundred Fifteen Dollars (\$10,115) for medical care at the **NORTHERN HUMAN SERVICES** Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**ARTICLE 34:** To see if the Town will vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000) for medical care at the **CONWAY AREA HUMANE SOCIETY.** Submitted by petition.

**Recommended by the Board of Selectmen (5-0-0). Recommended by the Budget Committee (12-0-0).**

**ARTICLE 35:** To act upon any other business that may legally come before said meeting. Given under our hands and seal at Center Conway, New Hampshire, this 17<sup>th</sup> day of February, 2021.

The Moderator read Article 35 aloud.

There was no other business.

Mr. Colbath presented Ms. Fauver with flowers as it was her last Deliberative Town Meeting as Moderator. Ms. Fauver received a standing ovation.

**At 8:00 pm, the Moderator called to recess until April 13, 2021, the Town's Election Day.**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Louise M. Inkell".

Louise M. Inkell

Town Clerk