

# Senate Energy and Natural Resources Committee

*Max Taylor 271-1403*

**HB 272**, exempting certain agricultural practices from municipal noise regulation.

**Hearing Date:** April 10, 2025

**Time Opened:** 9:17 a.m.

**Time Closed:** 9:22 a.m.

**Members of the Committee Present:** Senators Watters, Pearl, McConkey and Rosenwald

**Members of the Committee Absent :** Senator Watters

**Bill Analysis:** This bill removes "quiet hours" language, exempting certain agricultural practices from municipal noise regulation.

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**Sponsors:**

Rep. Comtois

Rep. J. Aron

Rep. Bixby

Rep. Kenny

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**Who supports the bill:** Representative Barbara Comtois (Belknap County District 7), Representative Peter Bixby (Strafford County District 13), Robert Johnson II (NH Farm Bureau)

**Who opposes the bill:**

**Who is neutral on the bill:**

**Summary of testimony presented in support:**

**Representative Barbara Comtois**

**Prime Sponsor, Belknap County District 7**

- Representative Comtois introduced HB 272, aimed at protecting agricultural operations from being unintentionally restricted by municipal noise ordinances, particularly those now enforced under “disturbance of the peace” laws.
- She explained HB 272 is a follow-up to a noise ordinance bill passed last term, which was originally intended to address town-imposed quiet hours that negatively impacted farming operations.

- After that law passed, some towns reportedly shifted from using quiet hours ordinances to disturbance of the peace ordinances, which still interfere with agricultural activities such as early-morning crop spraying.
- She stated HB 272 seeks to clarify and protect agricultural activities from local noise-based enforcement that could hinder necessary farming practices.
- Representative Comtois emphasized the importance of preserving New Hampshire’s agricultural heritage, particularly as residential development increases.
- Senator Rosenwald asked if the bill would only apply to agriculture, not to other activities such as construction.
  - Representative Comtois confirmed the bill would only apply to agriculture activities, as construction falls under a different statute.
- Senator Pearl asked if HB 272 supports and reinforces New Hampshire’s “Right to Farm” statute, RSA 432.
  - Representative Comtois stated that she believes does support “Right to Farm.” She explained that farming activities such as spraying must occur early in the morning, before quiet hour restrictions or disturbance ordinances begin, in order to avoid issues such as crop drift. She stated HB 272 ensures farmers are not penalized for necessary practices.

## **Robert Johnson II**

### **NH Farm Bureau**

- Mr. Johnson stated the NH Farm Bureau supports HB 272, describing it as a clarification of legislative intent following the passage of HB 252.
- He emphasized that agriculture is not a 9-to-5 job and is highly weather-dependent, particularly regarding activities such as spraying crop protectants, which must often be done in low-wind conditions typically occurring in the early morning or late evening.
- Mr. Johnson noted that farming operations such as feeding livestock, moving hay, or conducting sugaring activities often rely on ground conditions, such as frost, to avoid damage. He emphasized that the reasons make flexible operating hours a necessity.
- He explained HB 272 helps address what could otherwise be a loophole in noise ordinance enforcement that unintentionally restricts legitimate farming activities.
- He clarified that the bill applies only to production agriculture and explicitly excludes agritourism operations.
- Senator Rosenwald asked if farm equipment has become noisier over the past 20 years.

- Mr. Johnson stated he does not believe farm equipment has become noisier. He explained that modern equipment is now required to include suppression devices such as mufflers, while older equipment lacked such features.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

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Date Hearing Report completed: April 11, 2025