

38. To see if the town will vote to approve the following ordinance:

REGULATION OF NOISY EQUIPMENT,

- A. No construction equipment, woods/earthmoving operation equipment, general construction equipment or other noise-producing equipment such as power saws, drills, lawn mowers, leaf blowers or similar devices shall be operated within the town of Carroll prior to 7:00 AM Monday thru Saturday and 8:00 AM on Sunday, unless an Early Start permit/permission for such operation is obtained from the board of selectman.
- B. The restriction in Paragraph A shall not apply if there are no dwellings, hotels or other structures containing sleeping quarters within 500 feet of the place of such operation, or if the only such structure within 500 feet is a single-family dwelling of which the equipment operator is a resident, or a dwelling whose owner has granted express written permission for such operation.
- C. The procedure for obtaining an Early Start permit/permission consideration by the Select Board is as follows:

1. The Applicant shall request the secretary of the select Board to add the request for an "early start permit/permission request" to the agenda for the next Select Board meeting. The Applicant must provide the details with this request to the select board secretary **prior** to the Select Board meeting. Sufficient information shall be submitted to allow the board to evaluate the request, including requested start time, type of operation and type of equipment such as chain saws, gravel separators, trucks, etc. The Select Board may request additional information needed from the applicant at this initial Select Board meeting. The applicant is also responsible to provide to the Select Board secretary an accurate abutters list based on the Town of Carroll records located at the Carroll Town Building. At the applicant's expense, all abutters will be notified via certified mail of the upcoming Select Board meeting date and time for a public hearing to hear abutters concerns, objections or acceptance of the early start request permit/permission. The Select Board secretary will notify the abutters per the list provided by the applicant. If the abutters list provided by the applicant is not accurate based on the current Town of Carroll records located at the Carroll Town Building, the early start permit/permission will not be considered.

Note to Applicant, early start permit/permission will be **NOT** be approved on the initial Select Board Meeting.

2. At the noticed public hearing, the Select Board shall hear the request for an early start permit/permission and shall allow abutters and others who can demonstrate that their property may be affected by the request to present testimony favoring or opposing the Early Start permit/permission. The Select Board shall evaluate the request in light of all such testimony, and shall vote to approve or reject the early start permit/permission no later than 14 days following the public hearing.

3. There shall be an appeals board for purposes of this ordinance, which is hereby designated to be the existing Zoning Board of Adjustment. The applicant or abutters or any parties with standing may appeal the decision of the Select Board to the Zoning Board of Adjustment for reconsideration. The request for hearing to the ZBA must be made to the ZBA within 30 calendar days from the date of posted decision from the Select Board.

Any person violating this ordinance shall be subject to a \$250. *fine*