

**Brandon Select Board Hearing**  
**Noise Ordinance**  
**March 22, 2021**

**Board Members Present:** Tim Guiles, Seth Hopkins, Tracy Wyman, Brian Coolidge, Mike Markowski

**Others Present:** Dave Atherton, Bill Moore, Michael Shank, Neil Silins, Brent Buehler, Marielle Blaise, Matthew Orchards, Annie Stratton, Betsy Quigley, Peter Werner, Greg & Jon Gearwar, Christopher Brickell, Amanda Swain, Kerri Quinn, Allie Breyer, Ralph Ethier, Lee Kahrs, Doug Bailey, Claire Astone, Derek Gregorik, Courtney Satz, Sara and Larry Stevens, Lindsey Berk, Shirley Markland, Trish Welch, Tanya Carmichael, Tom Kilpeck, Tracy Carrara, Susan Gage, Jan Coolidge, Natalie Steen

**1. Call to order**

Seth Hopkins, Chair, opened the hearing at 6:00PM.

**2. Public Comments**

Seth Hopkins read the following:

*“Good evening!*

*Thank you all for taking time to participate in this on such a spectacular Spring evening.*

*I call this hearing to order. This is the second of two intentional listening sessions for the Brandon selectboard to hear from the residents of Brandon about the possibility of regulating noise within our Town through an ordinance. Today is the first step in a process discussed and adopted by the board in February.*

*This is not a debate and it’s not a Q&A with the board, it’s just an orderly and legal way for you to let the selectboard know your thoughts on regulating noise. The hearing tonight and this past Saturday morning go beyond what is required by Vermont law, and the board is happy to make these additional efforts because we are committed to gaining the true sense of the town.*

*The board is listening tonight and not taking any positions itself.*

*Folks who would like to may submit written comments by emailing those to our town manager David Atherton at [datherton@townofbrandon.com](mailto:datherton@townofbrandon.com) for distribution to the board or mail your written comments to the town office at 49 Center St, or drop off your written comments in the payment box on the sidewalk outside the front door there.*

*If the board determines to draft a noise ordinance, the process we will follow in Brandon will further exceed the requirements of Vermont law, and will include board deliberation in open session with public comment, as well as an additional hearing for public input on any draft ordinance before board action on it.*

*This evening, I'd simply ask you to be respectful of everyone and their time. Please identify yourself with your name for the record and verify that you are a Brandon resident by so stating. Please keep your comments brief in consideration of others. If you have lengthy comments, you might serve your goals well by offering a concise summary aloud and submitting the body of your comments in writing. We want to make sure everyone who wants to has a chance to contribute this evening.*

*Our Monday hearings are kept to one hour because they happen before the selectboard meeting, so this hearing will finish at or before 7PM. We can always schedule additional hearings if there is more interest in contributions. The board is working with an eye to getting this done "right" rather getting this done "right now."*

Seth Hopkins opened the floor to comments and noted the only rule is everyone gets a first chance before others get a second chance to speak.

Marielle Blaise read the following statement she received from a friend who moved away from Brandon:

*"In 2016 I complained to a Brandon cop about my neighbor who shot his gun at night close to my home. I indicated I didn't feel safe. He told me it was my neighbor's right to shoot guns up until 10PM. Angry, I said, "you've just lost a good Brandon resident." I moved in July within a year of talking to the cop. In retrospect, I think the cops were fearful of this young outlaw."*

Allie Breyer stated this is challenging and read the following statement about her experiences living on High Pond Road:

*"I want to talk about my experience with noise living on High Pond Road. We have one neighbor who shoots Tannerite and assault weapons regularly. The assault weapons ricochet across our valley, shaking buildings and our home. Literally. We also have a neighbor that shoots assault weapons at all hours of the day – which is not just a noise issue. It is also a safety issue. Every time it is sudden. Every time it is unexpected. So we never know when it is going to happen. And trust us – we have tried countless times to have conversations with these neighbors to no avail. I know many people who are terrified to speak up on our road because assault weapon owners inherently have the upper hand in these situations.*

*I am highly sensitive to noises. It is why I don't go to fireworks. I feel reticent to share this story in a public forum but it feels important for people with trauma to have their voices heard too. Loud noises for me, especially unexpected loud noises, causes immediate stress in my body, elevated heart rate, adrenaline, blood pressures, anxiousness, and increased sleeplessness. It usually lasts hours, if not longer.*

*And I want to be clear. My story is not unique. And it is not just the assault weapons at all hours of day and night and Tannerite causing this stress. It is the ATVS circling for hours and hours at a time. The music blaring until midnight. The vehicles that have been tricked out to be as loud as possible. What it ISN'T is pre-planned public events. It is not playing music at a reasonable volume. It is not having a couple friends over. It is not the person who plays drums and lets their neighbors know. **What it IS is the people who make the excessive, unreasonable, constant, overwhelming noise at all hours of day and night with no regard for their neighbors.***

*And it comes down to this. People keep saying that this is what you should expect when you live in Vermont. But despite beliefs in town, this could not be any further from the truth. Looking up the top ten towns in Vermont for best economies, lowest unemployment, best schools, best median home values, cost of rent --- guess what they all have in common? They all have a noise ordinance. I don't want to say that correlation equals causation, but let's not pretend that "you get what you deserve by living rurally."*

*And so, maybe if we go in this direction and continue to not have a noise ordinance then maybe we should stop falsely advertising what Brandon is and what it isn't. We should let people know EXACTLY what they are getting into before they get here. The town should be telling people before they move here that it is unwelcoming to those with PTSD, with trauma, and with anyone who wishes to have their property rights respected. Perhaps we should use unhurried, unspoiled, and unconsiderate of our neighbors who enjoy quiet enjoyment on their land.*

*I deeply hope the town chooses to protect all of our property rights and not just the property rights of the few. And if not, I hope they consider advertising the town for what it is."*

Claire Astone thanked the Board for the opportunity to talk about neighbors and neighborhoods between everyone's rights and to do what interests them. We all have feelings and terrors from the past and it is important that we are able to live together and have harmony. This is not a Second Amendment issue but being respectful of people being able to sleep and not having guns going off or other noise. She is blessed to be on a quiet street. We have to find a way to live together in a community that has a shared and common denominator of safety, in getting sleep and being able to walk down your street without recourse for speaking out. This is not about taking people's guns and she is tired of that excuse for having this discussion. This is about safety. We need to be aware of safety and we should not assume that people who own property are above the law. This is a difficult subject and she likes to think we can work through this. No one wants anyone's guns.

Larry Stevens stated everyone is saying that they associate this noise issue with an assault weapon, however, they are no louder than any other weapon. This is the first step of control in regulating the use and then the type of gun and the number of guns you own. He shoots and his neighbors shoot and there is safety. Noise and safety have nothing to do with each other and he feels that this is a government takeover to regulate everything we do for the people who move to this town. We have been doing this for generations and if they want a Woodstock, he is sure that there are houses available there. We live here because we like to do these things. Mr. Stevens asked where there has been danger. He stated this is going too far and the Town is getting to the point of regulating everything. Sara Stevens asked where the proposed ordinance can be viewed.

Seth Hopkins advised there is currently not a proposed ordinance. The hearings are to assist the Select Board with creating an ordinance. There was a Planning Commission draft but because it is a Select Board duty, the Select Board is in the process of gathering information.

Courtney Satz felt this issue affects everyone and is now a Brandon town issue. They live on Woods Lane and are accustomed to noise on Route 7, but they have neighbors with extremely loud cars. This also needs to address barking dogs and fireworks and she would like the discussion to move from a gun issue. She sees this as a quality of life issue and would like to believe the Town values the importance of citizens who have peacefully tried to work with neighbors on issues. There are courteous neighbors and she applauds them, but there are neighbors that are not willing to work and flat out refuse. She thinks it is time for the Town to adopt a noise ordinance.

Annie Stratton stated she has lived in Brandon for almost 20 years and is the most urban area she has lived in, and also the noisiest. She was happy when she moved here but is deeply disappointed in some things that are not right. Talking about a few people controlling the lives of a lot of people is what is going on right now. This last year has been fairly quiet due to COVID, but as soon as the weather has turned, the noise has come back, but not just guns. She does hear target shooting on Carver Street, but she has a neighbor who turns their radio on loudly and she can feel the vibration on her windows. She, like Ms. Breyer, has PTSD and neurological issues aggravated by COVID. There are cars that go by with bad mufflers and people who put on fireworks displays for any excuse. She noted she is still shaky from this afternoon from the loud radio next door. It is not about guns and she does not want to see someone make it about guns. There are probably guns that play a role, but this is about quality of life and her ability to sit in her living room and listen to the music that she wants to hear. Set the gun thing aside as it is irrelevant in this context. There was previously a noise discussion in Town due to the large trucks, bad mufflers, and motorcycles. The fireworks and loud parties at night diminishes what Brandon is and she sometimes has to shut her windows and doors on hot days because it is so noisy.

Kerri Quinn thanked the Select Board for conducting this hearing. She had provided a letter two weeks ago and wanted to elaborate on it. She stated there may be differences between more dense and rural areas, but she lives in a dense area and could use a noise ordinance there. She would rather not have to use it but would like to have it in place. It has come to a point where we are growing as a community and she wonders if neighbors do not understand living in a residential area and suggested that perhaps it could be clarified in a public way.

Tim Kingston asked what an acceptable threshold would be for everyone. He is an avid shooter and business owner. He is not anti-sports or having fun but there needs to be a decent medium of where things will be respectable and he does not know who will be determining that. We have a state noise ordinance that kicks in at 10PM.

Doug Bailey stated it is interesting listening to everyone and he feels there are those who have valid concerns about noise. Where he lives, he probably makes a lot of noise and his neighbors make a lot of noise but they are able to self-regulate and he thinks that is the best way. His biggest concern is enforcement of this ordinance and sees the Police Department being called out

numerous times a day and this could be an enforcement nightmare. There are a lot of shooters in his area all of the time and he finds them to be cordial people. He would complain more about dirt bikes and 4-wheelers and he thinks there are regulations in place that indicate they need to be on their own land. There is already some regulation in place for that and yet it is an area that we can't seem to enforce. Putting a policy in place would be silly if it cannot be enforced.

Derek Gregorik of High Pond Road is a recreational shooter as many of his neighbors are and stated there are times that he shoots larger calibers, outside of 22s. It does not happen all of the time as it is being portrayed by others. They moved to the High Pond area 13 years ago to enjoy riding ATVs and shooting guns. The shooting noise is being blown out of proportion and it does not happen all of the time.

Neil Silins agreed with Doug Bailey that enforcement of any noise ordinance is going to be difficult. Without carrying the firearms too far, if you create a lot of unwanted noise, it is really an assault on that person. It is an assault combined with a lack of understanding and compassion.

Jan Coolidge stated it is being considerate and respectful of your neighbors. You should be able to talk with your neighbors and you shouldn't need a policy.

Tanya Carmichael also lives on High Pond and her husband is a gun owner and shoots. She agreed you should be able to shoot on your own property. He does occasional shooting and she thinks that people should just respect their neighbors.

Lindsey Berk stated people are not listening to what people have said. They have tried to have discussions with their neighbors but they don't want to listen. We need to have some sort of policy so that we all can have our property rights protected, as she does not think going to talk to your neighbor can be a solution. They are getting hostility when talking to their neighbors and people need to listen to each other.

Natalie Steen wrote: *"I fully support a noise ordinance. Not all neighbors are respectful unfortunately. Noise is a sense of place and aesthetics issue as well. Noise can be incorporated in the zoning regulations so that it is tailored to each district, and I highly recommend this approach. It doesn't have to be a one size fits all approach."*

Sara Stevens stated it is unfortunate for some individuals that are experiencing some frustrations, regardless of the noise. She is pleased that they have courteous neighbors. She does not have an answer for those situations where people have gone to their neighbors to ask for a change, but we need to be careful as a community as there is a fine line to be cautious of. We don't need a law based on a few individuals in town that are rude, disrespectful, and loud. It is not fair for her neighborhood to be punished based on others' actions.

Annie Stratton stated years ago when this was an issue she did research in looking at a town ordinance and there are some things that relate to noise. One had to do with the decibel level of noise and for a while the police were checking serious situations. There were some people that were well over the decibel level. About the same time the DMV issued a statewide memo that automobiles with bad mufflers were part of the law enforcement officials' duty to check vehicles

to assure they met the requirements of the DMV. There are things like that scattered throughout the laws that are there to protect the citizens of Brandon and Vermont. For a while things did improve, but because it is scattered in the laws it has diminished. The advantage of having an ordinance lays out a common sense of responsibility. We know that most neighbors are very quiet and friendly. What we get by having an ordinance is working together, sharing, talking, and having a common sense of what is acceptable and expected, and what everyone's responsibilities are towards one another. This is why we have this process so that we can find areas of agreement and areas where there is resistance and maybe think to what degree is your right that hinges on someone else's' quality of life. Ms. Stratton thought an ordinance is needed due to the fact the issue has come up again, and it is not about guns. All the other things are part and parcel about living together as neighbors so that we have that common understanding. We should not have to address our neighbors.

Jessica Doos wrote: *“One neighbors right to make noise does not trump another's to enjoy some quiet. If neighbors cannot come to agreement, we need ordinance town can enforce on the books.”*

Allie Breyer stated it would be her dream to have this done in a neighborly way and not have the neighbor shoot assault weapons at night. She is not against guns. She is asking if we can't be neighborly, the Town should be able to step in. When our property abuts another property and there is gun shooting in the middle of the night, it is a safety issue as we could be walking on our property. If the neighborly thing is not working, there is a need for an ordinance and this is far beyond guns when there are other huge noise issues that are plaguing other people in town.

Tim Kingston agreed it is a slippery slope when having a fast and hard policy. They have tried to talk with their neighbors but it does not register though unfortunate. It has started to affect their business when riding at their facility as people cannot hear clear instructions. This is not a gun thing as he is a gun owner but is about common sense language that everyone can agree to.

Neil Silins stated with regard to enforcement, he pictures police cars having sound levels on their cars which he has a really hard time with. If the ordinance is made into law, it would not affect everyone all the time, only serious violations and would impact someone who is making noise. Most of the time it would not be an ordinance that would affect everybody, only in the case of a lack of consideration to others.

Greg and John Gearwar wrote: *“As a resident on High Pond Road, I own an ATV and am an avid hunter. I have permission from the landowners to either hunt or ride and I respect my neighbors. I feel this noise ordinance will not benefit everyone. A handful of disrespectful people can ruin a lot. There are a lot more respectful people than disrespectful people.”*

Natalie Steen wrote: *If a person is being respectful, has permission, talks to their neighbors, etc, a noise ordinance would have no affect on that person.*

Lindsey Berk stated in regard to enforcement, there are many towns in Vermont that have a noise ordinance and it should not be an issue.

Claire Astone stated people that own property are blessed to have it. Unless you live on an island, we all have to figure out how to live together and the more neighbors you have, there are more considerations to be made. She thinks it is nice she has neighbors and there is someone with a lung issue in the vicinity of their home and she can't have a fire pit, but so be it. We have to accommodate each other.

Annie Stratton thanked the Select Board for recognizing that people care about this and for making this a forum to feel comfortable about talking about their concerns. she appreciated it very much.

Allie Breyer wrote: *"Yes, thank you for listening."*

Seth Hopkins stated the Select Board will take all comments that have come in during the hearings and all comments submitted in writing will be compiled by the Town Manager and distributed to the Select Board and will be available as a public document. There will be no board action at the Select Board meeting following the hearing. The Board will review all comments and will have a future discussion at the next regularly scheduled meeting on April 12<sup>th</sup>. The Board very much appreciated everyone's contributions on this subject.

The hearing closed at 7:00PM.

Respectfully submitted,

Charlene Bryant  
Recording Secretary