

To the Board of Selectmen
Brandon, Vermont

I am writing in support of the Board of Selectmen updating our town's noise ordinance to make it enforceable.

We moved to Vermont to farm, to live in a small town, and to have dark skies at night so we could see the stars and we sought peace and quiet. We both grew up in small towns, Jim in Vermont, I grew up in Massachusetts.

I have worked with the Vermont Farm Bureau for some years and was updated about Slate Ridge from the beginning. We all noted with alarm the situation of Slate Ridge as it developed in West Pawlet. Farmers and animals were being disturbed by noise. I would urge our Brandon Select Board to talk to the Select Board of West Pawlet. I believe the situation is reaching crisis proportions. It all began with gun shot complaints. Many landowners down there at first hoped things would settle down. When they finally decided to complain they were scared and often silenced, afraid of repercussions. Now they face falling property values, personal safety issues and some are choosing to move away from the problem including selling their farms.

Perhaps the select board in West Pawlet can be helpful to you on any noise and other regulations that would have been helpful in may have needed in preventing Slate Ridge.

Is noise from guns a problem here in Brandon? I have been approached by four different individuals in 2020 all complaining of gun noise, explosions and automatic gun fire that lasted for hours on a few individual days. They believed that these noises emanated from my property. As far as I could tell they did not. They wanted me to go to the police with their complaints. They refused to go to the Brandon Police themselves as they were afraid of repercussions from their neighbors. I did contact our police chief a few times about it

I have listened to Michael Shank's recordings and they are similar to what we hear here. In addition to his recordings, three times in 2020 I heard explosions at my house which sounded as if there was an artillery battle going on nearby. They are very startlingly loud and absolutely louder than even a car backfiring or a very loud motorcycle. I understand the current standard is seventy (70) decibels at the property line. I hear gunshots weekly from our house at least a half a mile away from where the guns are being shot. As more of us are working from home we are hearing these noises when before we might have been at work.

As for the explosions, don't we require permits for fireworks? blasting rocks with dynamite? Is there a reason that any explosives are exempt from regulations?

Brandon and the state of Vermont is doing a good job of making sure residents have access to ways to enjoy their outdoor hobbies like golf, tennis courts, an outdoor theatre, snowmobiling, atv trails, bike paths, walking paths, fishing access, hunting access, and dog parks. Is there a way Brandon can plan to acquire land suitable for a public shooting range for sportspeople?

There used to be gun and rifle clubs in towns where aficionados could go and socialize, have competitions and have access to all sorts of courses and experts. Syndicate road is often used as an informal shooting range. It is on track to being a large solar installation with chain link fencing, so that is going to end. Would Brandon consider working with the state to acquire land perhaps along route 7 where access is easy and noise not so problematic for a shooting range for townspeople? I'm also thinking that by having a public range it might lessen the interest in someone creating a private or for profit "school" like Slate Ridge.

On Mar 20, 2021, at 4:30 PM, Lou Faivre

<vtlouie@gmail.com <mailto:vtlouie@gmail.com> > wrote:

Hi Seth - I recently sent a lengthy email to you and other selectpersons (at the time) regarding noise (and a couple of other items connected: cars speeding with loud non-stock mufflers, junkyards, repairwork to cars being done in ag/residential area) and zoning admin not responding as well as BPD doing best they can. I trust this info will be presented at one of the two forums the town is having regarding "noise". If not, please advise.

I believe I've provided my feelings already.

Again: Don't create more rules if they are not going to be enforced.

Thanks Seth.

Lou Faivre

vtlouie@gmail.com <mailto:vtlouie@gmail.com>

----- Forwarded message -----

From: Lou Faivre <vtlouie@gmail.com <mailto:vtlouie@gmail.com> >

Date: Tue, Feb 9, 2021 at 1:43 PM

Subject: Noise Ordinance – Needed and Enforced!

To: <shopkins@townofbrandon.com <mailto:shopkins@townofbrandon.com> >

I am Lou Faivre, 194 Wood Lane, Brandon, Vermont. I have owned this property and occupied my dwelling here since 1968. Noise has never been an issue on this residential/agriculture zoned area UNTIL about 3 years

ago when the owner of 352 Wood Lane moved to Salisbury and rented 352 Wood Lane to her daughter and teenage son. Very soon after that location became a gathering place for young people to work on cars in the afternoon and evenings and on into the night. Cars began to accumulate on the property; cars waiting to be worked on. Thru the years

there have been over a dozen at times. This has been witnessed by 2 of

the present select

men. The noise from that location – from the start – has been excessive. The almost constant racing the engines, adjusting them to backfire at will

and changing mufflers from stock to loud, and testing the adjustments by driving at excessive speeds and backing off to cause backfiring up

and down Wood Lane and McConnell Road at all hours is annoying to all residents.

As the present second oldest resident (in time here) I receive regular phone calls asking why we can't stop it. I am unable to make phone contact with the owner (she works in Vegennes); I have had regular contact with her companion at his employment in Middlebury and he tells

me she thinks I am over-reacting. Several neighbors call me regularly. I

have had complaints

from folks on McConnell Road and Birch Hill Road as well. I have complained with email to our hired Zoning person and advised he has no sound meter and would have to stand at the property edge and measure decibels if he did have one. He suggested I have a conversation with the

group of noise makers and ask them to quiet down! I have confronted them, not with a noise complaint but to advise them to slow down before they kill someone walking along our road. (One time one of them almost hit a stopped school bus at 93 Wood Lane - it was witnessed) The noise

on the street and at the house has been reported by phone, email, and several visits with Chief Bicknell - as has the complaints of excessive

speed. The junkyard conditions have been reported to the State environmental folks. Nothing has been done about the noise, speeding, or junkyard. The Zoning Administrator has not done anything we are aware

of regarding his responsibilities to complaints from several

residents.

The speeding of cars, atv's, trailbikes and occasional motorcycles has continued for about 3 years. At times they are working on cars till 2:00

AM or later. They have installed a double spotlight on the garage that

shines across the street right on a neighbors house. Some people are upset and are concerned there might be retaliation if they complain.

All I ever got after I confronted one young man was the middle finger salute when he'd pass by.

If the Town would enforce the Zoning regulations (junkyard), the speed limit, and the question of a car "repair" operation in this residential/agricultural zoned area, I have to believe the congregating

of people who do not live at that address would cease and all problems would be solved.

Laws and ordinances work only when enforced.

Don't make any new ones if you are not going to enforce them.

Thanks for listening.

Seth, I will forward this email onto other board members. fyi

Lou Faivre

vtlouie@gmail.com <mailto:vtlouie@gmail.com> or
vtlouie@yahoo.com

<mailto:vtlouie@yahoo.com>

Begin forwarded message:

From: Derek Gregorek <dgegvt@gmail.com
<mailto:dgegvt@gmail.com>

>

Subject: Noise Ordinance Discussion

Date: March 24, 2021 at 6:34:40 PM EDT

To: dathherton@townofbrandon.com
<mailto:dathherton@townofbrandon.com>

Cc: Liz Gregorek <lizgregorek@gmail.com
<mailto:lizgregorek@gmail.com> >, Garrett Gregorek
<garrettgregorek@gmail.com <mailto:garrettgregorek@gmail.com> >, Tyler
Gregorek <tyleregorek@gmail.com <mailto:tyleregorek@gmail.com> >

Dave,

I find this push for a noise ordinance really interesting.

Is there really frequent loud noises both in town and outside

of

the downtown area that are a disruption?

Is there really enough noise that it constantly impairs the quality of life? I think not.

I cannot attest to any standard of noise in town as I have not lived there for 13 years. I am concerned that noise indigenous to a working economy would be construed as excessive.

Route 7 is the economic life line the region. If the proposed ordinance restricts commercial activity along this corridor, it s not good for the entire region.

What I find really intriguing is the push for a noise ordinance in the rural areas outside of the downtown, specifically along High Pond Road.

I enjoy recreational shooting, as do many of my neighbors. It s a safe and legal activity. Most of my shooting is done with 22 s, but there are some times when I do shoot larger calibers. It s not every day or every week. Sometimes it s once a month and sometimes we go months without shooting. It does happen more often when my son s are home and when we have guest visiting. We enjoy a friendly recreation shooting

competition.

My point is that it is not happening all the time as portrayed by others.

We moved to Brandon 30+ years ago. We settled in the community and adopted it s Vermont standards. We didn t want to or try to change it. It was why we moved here. We found jobs, bought a home, raised our sons and became part of the economic and social mix.

13 years ago we bought our land on High Pond and built a new home. One of the reasons we migrated out of the downtown was to enjoy more of the recreational activities we like.

13 Most of our neighbors shoot and we ve been shooting here for years. Why all of a sudden did shooting become an issue in the last couple years? What triggered the change?

It appears that there are external pressures, maybe call it external standards, as to what constitutes the Vermont life style. The cherry picking and rationalization of what s acceptable and the attempts to eliminate what people don t understand can quickly erode our social and economic diversity.

Thank you

Derek Gregorek

1154 High Pond Road

Brandon, Vermont 05733

802-282-6550

dgegvt@gmail.com <mailto:dgegvt@gmail.com>

Good morning!

Thank you all for taking time to participate in this on the first day of Spring.

I call this hearing to order. This is the first 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 today and on Monday 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 today and not taking any positions itself.

Folks who would like to get out and enjoy the sunshine can 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 morning, 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 morning.

Our Monday hearings are kept to one hour because they happen before the

selectboard meeting, and if possible to keep today's hearing to one hour, I think lots of folks would appreciate that. 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 than getting this done right now .

----- Forwarded message -----

From: Christi <christicurlyhair@gmail.com

<mailto:christicurlyhair@gmail.com> >

Date: Fri, Feb 12, 2021 at 12:30 PM

Subject: noise ordinance

To: <michael.john.shank@gmail.com
<mailto:michael.john.shank@gmail.com>

>

Hi Michael,

Thought I would take the easy way and just send this to you to share with the board.

I have lived in Brandon for about 25 years. The town has changed in so many ways and is a beautiful place to live.

Over the last few years there has been a neighbor who has developed less respect for everyone else. Garbage is left around as well as multiple junk vehicles, and noise. Noise that became more varied and louder when they were respectfully ask to quiet down after 10 pm. Not only did they get noisier but they got belligerent: flipping people the

bird, racing in and out of driveways, blocking the road with their vehicles.

I understand that people want to relax with friends, blast music,

shoot

off firecrackers and guns. I have even enjoyed nights of revelry myself.

However, I do not repeatedly make unseemly noise night after night or suddenly at 12:30 pm or 3:00 am. By unseemly noise I mean sounds that are explosive and repetitive. For example, neighbors sitting in their

driveway revving car engines that are tuned to backfire.

This neighborhood is such a problematic area that a house is sitting empty even though the market was booming last year. This neighborhood has used all it's resources including the police and contacting town officials. Nothing effective has been done. I was told by a neighbor that no one would or could sit with a sound level meter. Why is this the

barrier? Why is one neighbor allowed to hold all the others hostage to their disturbing behaviors? Why are we allowed to be repeatedly distressed? My fear is that if anyone in the neighborhood has an issue during the night no one would respond. Why should I be left in that position? Everyone in Brandon should be allowed to feel safe in their community.

Christi Koch

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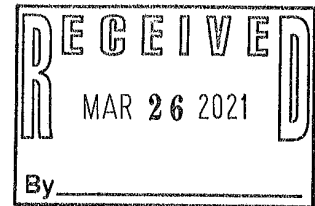
Michael Shank, Ph.D.

M: 802.989.9432

T: michael_shank

michaelshank.com <<http://michaelshank.com>>

BRANDON SELECTBOARD:



I "attended" the Monday night Zoom meeting concerning possible noise ordinances, but wanted to think about what was said before expressing my thoughts (I'm also still a rookie with Zoom). Thank you for the chance to add written thoughts and comments.

My issue is solely motor vehicles---cars, trucks and motorcycles. Living on Union Street, noise can be a given, but the cars with bad mufflers or increased muffler systems, the motorcycles, and any other vehicle accelerating up the hill from Church Street is deafening. I have seen cars accelerate down, turn around and accelerate back up the hill. There are now at least 5 children who live at the top of Union Street and run back and forth across the street to each other's houses. Not only is the noise deafening, but the actions are dangerous. For a long time I had assumed the noise was concentrated on Union, but I am now hearing similar accelerations with bad exhaust systems on Park Street and other places in town. It appears that any straight stretch of road, no matter the speed limit and population, is fair game for these individuals.

I live across from the Union Street Grocery. I am used to certain noises from that business and these are not the problem. However, vehicles accelerating out of their parking lot with bad mufflers is quite frequent. A few nights ago two vehicles raced each other from in front of the store. Also, the stereo systems in many cars are intensely loud and rattle my windows. Some cars choose to leave their engines running and the music very loud with windows open while they shop in the store, increasing the length of time the noise assaults the area. (I've wondered if they need to continue to listen while they are inside the store!)

One issue that was not mentioned during the hearing I attended was idling vehicles. Delivery trucks particularly have been known to idle in front of the store for a length of time. Cars with their music blaring often idle there. Even motorcycles that owners seem afraid to turn off idle there. I know some areas have limitations on idling vehicles.

A few years ago, I put a great deal of money into making a beautiful patio and backyard area where I love to sit and stare at the rock cliff. It is hard to invite others to join me when we cannot talk due to the noise. The store closes at 9 which is great. The road noise doesn't stop then.

I admit I have wondered about enforcement, but this has not deterred other towns. I would be interested in knowing how they do it. I hope Brandon is able to make a start in bringing "quiet enjoyment" back. Thank you for beginning to tackle this increasingly irritating issue.

A handwritten signature in black ink that reads "Shirley Markland". The signature is written in a cursive style with a large, sweeping initial "S".

Shirley Markland

15 Union Street

March 24, 2021

I do not believe that Brandon needs a Noise Ordinance, I think this is simply our Liberal/Progressive neighbors (vocal minority) trying to stir things up again.

Steve Pelletier

Begin forwarded message:

From: Jennifer Quenneville <gigijq018@gmail.com
<mailto:gigijq018@gmail.com> >

Subject: Noise Ordinance Meeting

Date: March 22, 2021 at 5:32:00 PM EDT

To: twyman@townofbrandon.com <mailto:twyman@townofbrandon.com>
,
mmarkowski@townofbrandon.com <mailto:mmarkowski@townofbrandon.com> ,
shopkins@townofbrandon.com <mailto:shopkins@townofbrandon.com> ,
tguiles@townofbrandon.com <mailto:tguiles@townofbrandon.com> ,
bcoolidge@townofbrandon.com <mailto:bcoolidge@townofbrandon.com>

Good evening everyone,

I cannot attend the Zoom meeting, so I would like to voice my opinion / concerns regarding the proposed Noise Ordinance for the Town of Brandon.

I am against this. It is my right, as a property owner, to be able to target shoot, play music or any other activity that may be

considered loud. Of course, this is within reason (example; not after 10pm at night let's say). Our town is rural....people hunt, target shoot

and have outdoor gatherings on their own property. There has never - to

my knowledge - been an issue with this being a problem in the past. IF

and when a problem does occur, I believe there is something called "disturbing the peace" that can be addressed by the police - although I

could be wrong, as I am not an expert on the law.

Rural areas are bound to have gunshots being heard periodically.

As far as I am aware, this has also never been a problem as most people

that live in this area are accustomed to that.

I feel this is really an unnecessary ordinance and I truly hope

it does not pass.

Thank you,

Jennifer Quenneville

Brandon VT

Kerrie,

Thank you for sending this to me. I think the Select Board is planning to get serious about this after Town Meeting.

Regards,

David J. Atherton,

Brandon Town Manager

Email: datherton@townofbrandon.com
<<mailto:datherton@townofbrandon.com>>

Phone: 802-247-3635 ext. 210

From: Kerrie Quinn [mailto:quinn1959@icloud.com]
Sent: Thursday, February 18, 2021 4:38 PM
To: David Atherton <datherton@townofbrandon.com>
Subject: Fwd: Noise Ordinance

Hi Dave,

Thought best to include you too!

Kerrie

Begin forwarded message:

From: Tim Guiles <tguiles@townofbrandon.com
<mailto:tguiles@townofbrandon.com> >
Date: February 18, 2021 at 4:35:25 PM EST
To: Kerrie Quinn <quinn1959@icloud.com
<mailto:quinn1959@icloud.com> >
Subject: Re: Noise Ordinance

^,Hello Kerrie,

Thanks for your note. I m looking forward to having some productive conversations at our upcoming select board meetings as we try to develop meaningful, enforceable standards for our community.

Respectfully,

Tim Guiles

Select board member

On Feb 18, 2021, at 4:33 PM, Kerrie Quinn
<quinn1959@icloud.com <mailto:quinn1959@icloud.com> > wrote:

^,To the Select Board:

I am writing in support of creating a noise ordinance for Brandon. It seems like a simple way to literally keep the peace in

our neighborhoods. One would hope that common sense might prevail when it comes to respecting a neighbors right to quiet enjoyment of their home/property, particularly in a residential area , yet from personal experience I can tell you it does not. Warm weather, usually a time to enjoy meals on the porch, be outside, yet we are frequently accosted with the loud engine noise of an ATV running up and down our property line—close enough to smell gas fumes. It is not pleasant. Perhaps if people knew that a noise ordinance existed it may prevent such actions and if it doesn't at least there would be something enforceable to fall back on.

A noise ordinance would be a good thing to have and not need rather than need it and not have it.

Sincerely,

Kerrie Quinn

kerrienoise ordinance

`Michael,

All good points.

I recently had a conversation with a Brandon resident that has a small farm, mostly horses, and they have a neighbor that occasionally likes to

shoot of fireworks. He said that his neighbor has always been respectful

of his animals and given him ample notice before lighting up the sky.

I don't know the relationship with your neighbors but it seems like it would be a good approach.

I do look forward continuing this conversation as I feel it will be the

most productive way to address issues and come up with solutions.

BTW, a rock concert would an awesome thing to have in the back yard.>ÿ>

Regards,

David Atherton

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Michael Shank <michael.john.shank@gmail.com>

Date: 2/25/21 9:53 AM (GMT-05:00)

To: David Atherton <datherton@townofbrandon.com>

Cc: Tim Guiles <tguiles@townofbrandon.com>, Seth Michael Hopkins

<shopkins@townofbrandon.com>, Brian Coolidge

<bcoolidge@townofbrandon.com>, Doug Bailey

<dbailey@townofbrandon.com>,

Tracy Wyman <twyman@townofbrandon.com>, "Brickell, Christopher"

<christopher.brickell@vermont.gov>, Bill Moore

<bmoore@townofbrandon.com>

Subject: Re: NYT re: AR15s

Hi Dave – Thanks for responding below. I pulled out a few themes here to respond to. Look forward to your thoughts on them.

1 – On equivalence... You mentioned Radios or ATVs (which average 90 decibels <<https://www.uofmhealth.org/health-library/tf4173>>). These examples aren't comparable in decibels to assault weapons (which average: 140–165 decibels

<<https://hearinghealthfoundation.org/decibel-levels>>). To put in context: Assault weapons are louder than a jet engine taking off

(which is 120-140 decibels <<https://www.asha.org/public/hearing/loud-noise-dangers/>>) and 50 decibels louder than a rock concert <<https://www.asha.org/public/hearing/loud-noise-dangers/>> (which is 110 decibels). With assault weapons and explosives we're talking about extreme repetitive noise. And all decibel charts indicate that they're not remotely in the class of the common neighbor noise mentioned below.

2 - On property rights... I too have equal property rights, in this case to quiet enjoyment, and there's legal support for it, thanks to the founders and the Constitution

<[https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution#legal-protection-for-](https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution#legal-protection-for-property-rights)

[property-rights](https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution#legal-protection-for-property-rights)> : "In a nutshell, the basic rights they recognized, beyond acquisition and disposal, were the right of sole dominion variously described as a right to exclude others, a right against trespass, or a right of quiet enjoyment, which all can exercise equally

at the same time and in the same respect and the right of active use,

at least to the point where such use violates the rights of others to quiet enjoyment." Which is why there's a long legacy of lawsuits

<<https://www.nonoise.org/news/law.htm>> along these lines.

3 - On talking w/ neighbors...We've tried (as the PD recommended the same). One neighbor who fires assault weapons and discharges explosives

over my horse barn is an ex-felon, often intoxicated and frequently threatening to his own family and to me. I've tried interventions via his family but to no avail. Talking with a neighbor regarding a radio noise? Yes. Talking with an ex-felon who is often drunk and discharging

weapons/explosives? Dangerous. That's why we have rules and regs. That's

why we have enforceable noise ordinances. We asked another neighbor if he'd be willing to text us when firing assault weapons and discharging explosives so that we could ensure no neighbor kids were riding our horses (which they used to do often in the summer). The response, verbatim, was "we'll shoot when we want to" and a refusal to assist us in this simple notification. I don't let kids ride horses here anymore as it's too dangerous.

4 - On logic and rationale...So here's a hypothetical: by this logic below, I could freely use my property rights to host the noise equivalent of a rock concert (which is only 110 decibels) regularly on weekends, for hours at a time and that'd be my right, yes? That's still

50 decibels less than assault weapons so it's quieter from a decibel perspective. Do you think neighbors would be okay with that? Using the

logic and rationale below, a town would need to be okay with my loud speaker use and noise.

For all these reasons, and more, this is why towns enact noise ordinances and why I sincerely hope Brandon does so, too.

Look forward to your thoughts.

Thanks for reading.

Michael

On Wed, Feb 24, 2021 at 9:07 AM David Atherton

<datherton@townofbrandon.com <mailto:datherton@townofbrandon.com> >

wrote:

Michael,

I do understand your concern as I live close to a couple gravel

pits that are occasionally used for shooting, sometimes fully automatic

rifles. However, I do understand that folks have the ability (and

rights) to use their property for their enjoyment. I also have a neighbor with a few dogs that like to bark at everything that moves. Also, I like to have my stereo on in the garage while I m washing the vehicles or doing lawn work. Last Thursday I had my snowblower running until 7:30 p.m. trying to clean up from the snow/rain/ice storm. Some people don t like fireworks around the 4th of July but a majority of the Town expect to have them. I could go on and on about what noises seem to be acceptable to some and not to others.

All of these situations make noise but we, as neighbors understand that noise is a part of having neighbors and sometimes we have deal with it.

But& at this point there has to be some type of noise ordinance put in place but I don t see it as an end all to noise during the daytime hours. I do understand that folks have the ability (and rights) to use their property for their use and enjoyment.

I also believe that many of these neighbor issues could be remedied by neighbors talking to each other. Sometimes folks have no idea that they are upsetting their neighbors. As a former Zoning Administrator in two towns I had way more positive results suggesting that neighbors try to resolve their issues between themselves first. I actually received more calls saying thank you than I did saying it didn't work out.

Michael, as a native VT'er I grew up around guns and ATVs. I don't own an ATV, I do still have my shotguns in hopes of bird hunting again and have never worn a pair of Carhart pants. But, this is life in Vermont for many people and for many generations.

I do hope that as we all move forward with some type of noise ordinance we all take into consideration that all of our neighbors make noise in many ways. And as good neighbors and as elected/appointed officials that are tasked with treating the Town as a whole we take all of this into account and create an ordinance for everyone.

Sincerely,

David J. Atherton,

Brandon Town Manager

Email: datherton@townofbrandon.com

<<mailto:datherton@townofbrandon.com>>

Phone: 802-247-3635 ext. 210

From: Michael Shank [<mailto:michael.john.shank@gmail.com>

<<mailto:michael.john.shank@gmail.com>>]

Sent: Tuesday, February 23, 2021 7:15 PM

To: Tim Guiles <tguiles@townofbrandon.com
<mailto:tguiles@townofbrandon.com> >; Seth Michael Hopkins
<shopkins@townofbrandon.com <mailto:shopkins@townofbrandon.com> >;
Brian
Coolidge <bcoolidge@townofbrandon.com
<mailto:bcoolidge@townofbrandon.com> >; Doug Bailey
<dbailey@townofbrandon.com <mailto:dbailey@townofbrandon.com> >; Tracy
Wyman <twyman@townofbrandon.com <mailto:twyman@townofbrandon.com> >;
David Atherton <datherton@townofbrandon.com
<mailto:datherton@townofbrandon.com> >; Brickell, Christopher
<christopher.brickell@vermont.gov
<mailto:christopher.brickell@vermont.gov> >

Subject: NYT re: AR15s

Hi Everyone – If you've not seen this damning NYT article re:
Pawlet, I highly recommend it. This is exactly what I'm hearing on
High
Pond Road, quite frequently, in fact. That's why early engagement and
standard setting is so essential. This kind of thing could happen in
Brandon too if we're not proactive.

All of a sudden, we hear ARs several ARs going off, all

at

the same time, over and over and over, she said, referring to variants

of the AR-15 line. Paul just said, What is going on around here? It sounds like Vietnam.

[https://www.nytimes.com/2021/02/23/us/vermont-gun-range-pawlet-zoning.ht](https://www.nytimes.com/2021/02/23/us/vermont-gun-range-pawlet-zoning.html)

ml

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T: michael_shank

michaelshank.com <<http://michaelshank.tv>>

Hi Everyone – Happy Monday morning to you all. Additional note as an addendum to the 8 member issue identified below. It'd be worth standardizing PC recruitment and selection given that Lindsey Berk applied to be a PC member on January 10 and the SB, noting due process, delayed action on her application for 2 months. She withdrew her application on March 8. The same week, the SB added 3 new PC members fairly efficiently, noting expediency. Again, to keep these volunteer boards welcoming and to encourage community engagement, a standardized approach here will be helpful in sending the right message. Writing to you all in my personal and democratic capacity. – Michael

On Mon, Mar 15, 2021 at 7:32 AM David Atherton

<datherton@townofbrandon.com <mailto:datherton@townofbrandon.com> >

wrote:

Good Morning All,

I appreciate Mr. Shanks email below to the PC, although I thought he had resigned from the Board?

There is no doubt in my mind that creating any noise regulations, whether it is in the BLUO or a stand alone ordinance, is going to be a delicate issue.

However, when an ordinance is drafted we tend to use our town attorney in the process, not a free legal for three hours (VLCT) or the RRPC, which assumes zero liability in any of the Town's decisions.

Yes, both entities are great resources to get information from when writing an ordinance, but the final decision on what is legal and binding is discussed with the Town's attorney, who's professionalism, guidance and interpretation of VT Statutes is really the one that matters.

I think that there are some very strong personal feelings that have festered around this very touchy topic. While totally understandable, I hope that we can all move forward with the process and attend these two public forums to hear the town as a whole and then determine what the best approach is with this matter.

Regards,

David Atherton

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Michael Shank <michael.john.shank@gmail.com
<mailto:michael.john.shank@gmail.com> >

Date: 3/13/21 12:03 PM (GMT-04:00)

To: Alexandra Breyer <allie.breyer@gmail.com
<mailto:allie.breyer@gmail.com> >, Allie Walter <alwalt10@gmail.com
<mailto:alwalt10@gmail.com> >, Lowell Rasmussen
<rasmuslc@morris.umn.edu
<mailto:rasmuslc@morris.umn.edu> >, RALPH ethier <rbenwp@hotmail.com
<mailto:rbenwp@hotmail.com> >, Bill Mills <wjfm@me.com
<mailto:wjfm@me.com> >, Seth Michael Hopkins
<shopkins@townofbrandon.com
<mailto:shopkins@townofbrandon.com> >, David Atherton
<datherton@townofbrandon.com <mailto:datherton@townofbrandon.com> >,
Jeff Biasuzzi <jbiasuzzi@townofbrandon.com
<mailto:jbiasuzzi@townofbrandon.com> >

Subject: PC authorities and ordinances

Hi Everyone -

I just wanted to clarify something again, given Seth's comment in the Rutland Herald this weekend regarding what the PC is authorized to do re: noise (appended below). As you'll see from VLCT's evaluation below and the RRPC's comment, there is, in fact, a role for the PC in handling noise. That is within the PC's authority, too, under state law.

As we all know now, the most enforceable route for a general noise ordinance (again, advised by VLCT below) is via the Select Board, which

is why our work on rewriting Section 608 (on Noise) in the Brandon Land

Use Ordinance led to Select Board involvement.

As I've mentioned publicly, I'm glad to see that the Select Board scheduled listening sessions and look forward to concrete steps to

implement a noise ordinance given the mounting noise-related complaints

submitted to the town already.

Given Garrett's comment about sample zoning bylaws, this may be

helpful: § 4325. Powers and duties of planning commissions

[\[ing-VermontStatutes.pdf\]\(https://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/CPR-Plann-VermontStatutes.pdf\) in case there's any question regarding PC authority to propose and administer bylaws.](https://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/CPR-Plann</p></div><div data-bbox=)

Last note, did the Select Board raise the PC numbers to eight?

They were at seven and now you've got eight members, which makes voting

trickier. Just a heads up there that you might want to fix that.

Thanks,

- Michael

"The Planning Commission did go down the road of writing a noise

ordinance, which is not something that they're authorized to do by state

law." – Seth Hopkins

"As for your questions, a standalone noise ordinance adopted by

the Selectboard would be the most direct and appropriate regulatory tool

for enforcing against noise violations. This would allow an enforcement

officer to issue a municipal ticket against a violator which is enforceable in the VT Judicial Bureau. With regard to your second question, noise ordinances more so fall under the authority of the Selectboard given their authority to regulate nuisances under 24 V.S.A.

§ 2291(14), but that's not to say that the regulation of noise has no place in zoning as they're often tied into performance standards. I'd also recommend reaching out to a senior planner at your respective Regional Planning Commission to inquire generally about how zoning can be used to regulate noise. They may have some additional thoughts as well as some sample zoning bylaws that neighboring communities have found useful." – Garrett Baxter, Garrett A. Baxter, Esq., Senior Staff Attorney, Municipal Assistance Center, Vermont League of Cities and Towns

"Any local land use permit can be conditioned with noise and

junk standards." – Ed Bove, Rutland Regional Planning Commission

Thanks.

Michael

--

Michael Shank, Ph.D.

M: 802.989.9432

T: michael_shank

michaelshank.com <<http://michaelshank.tv>>

--

Michael Shank, Ph.D.

M: 802.989.9432

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March 28, 2021

Lately it seems that the imposition of the proposed Brandon Noise Ordinance is a dream for the entitled and politically connected. There are already laws regarding excessive disturbing the peace, harassment, and hunting regulations/seasons.

The proposal is being promoted by nouveau property owners who apparently have a conflict with their neighbors. The proposal is demonstrating the ideals of a chosen few. A similar set of proposed guidelines have been discussed at the State level by these same individuals. Imposing your visions on others is not appropriate nor is it the Vermont way, it a bully in politically connected clothing, setting personal agendas. Using the town and it's citizens as a conflict resolution to a neighbor's complaint is an obvious objective in this proposal.

The lead proponent of this "noise ordinance" feels that, according to his Face Book page, "Vermont's tourism's latest attempt to reverse population decline? Invite America's guns to our great outdoors. This is an advertisement? Is this an attempt at satire of just false advertising?"

No assault weapon restrictions /No worries about domestic violence gun laws/No pesky child access prevention laws/No gun owner license needed/No waiting periods/No open carry regulations/No lost and stolen firearm reporting/No concealed permit carry needed/No restrictions on armed militia shooting ranges . <https://giffords.org/lawcenter/gun-laws/states/vermont>)

This sounds like New York City doesn't it? Is the "noise ordinance" a Trojan horse for gun control efforts by controlling firearm discharge through noise abatement?

Personally I find noises ordinances as offensive as the noises I put up with on a daily basis. Try living near a golf course on tournament day, that's co-existence Live and let live. Children squeal and cry, dogs bark, motor vehicles make mechanical noises. I find many noises annoying and there are many things I choose to ignore on my side of the property line

I would rather see a child, or adult for that matter, living. Enjoying the outdoors, participating in sports, hunting, fishing, practicing marksmanship, having picnics and parties, playing musical instruments, playing with their animals, gardening and other activities which don't involve sitting in front of a computer screen living a virtual life, enjoying life on life's terms.

To impose your values on others by creating laws and ordinances to benefit the agendas of a few is not American freedom. This modality uses power and control for personal purpose. Try discussing your objections to another person's behavior, it can and usually does work .Having that skill set can improve your relationship, that's the neighborly way. If your neighbor's behavior is so atrocious and unrelenting you may want to consider relocate to a place which accepts and supports your type of lifestyle. Community means everyone, not just a few entitled individuals looking for legal mechanism to impose their idealism of freedom on others. Sadly we are all seeing a lot of this type of "democracy" now where if you don't agree with my philosophies you are called derogatory names and then the tyrannical will use their power, affluence, resources and privilege to get what they gentrify and gain entitlement; to hell with you, your rights and your freedoms. Not everyone has the same views of a Vermont community. It takes all kinds of people to make a community with each and every voice carrying the same weight, regardless of resources, status, or affluence.

Conflict resolution is not rallying up a posse of “like minded” individuals to impose your wishes on others. The comments recently viewed in several publications viewed Brandon as “The Wild West”. And the comment on how it can become a thriving town show a narrow minded voice of this great town where most people care about the people of the community, they live and let live without personal imposition by law and governance.

There is a simple cure for this perception of a “noise problem”. iPhone headphones connected to a program with soothing nature sounds or the soporific melodic chant of Kumbaya, or possibly ear muffs (Tractor Supply has pairs for \$12.95 plus taxes, yes taxes). Call this what it is, a stinking is a spoiled egg in the larger carton.

I am asking the town officials not to buy into these personal vendettas by the bullies who wish to impose their personal desires upon the good and diverse people of Brandon.

Respectfully Submitted,

Karen Rhodes

Brandon, VT

Attached please find our letter in support of a noise ordinance for the

town of Brandon. Thank you.

Courtney Satz

Wood s Market Garden

93 Wood Lane " Brandon, VT 05733

802-247-6630

www.woodsmarketgarden.com <<http://www.woodsmarketgarden.com>>

courtney@woodsmarketgarden.com <<mailto:courtney@woodsmarketgarden.com>>

February 22, 2021

To the Brandon Select Board,

I am writing you to voice my support for the Board to consider adopting

a reasonable noise ordinance. This is something that can only help to support a quality of life for all residents of the Town of Brandon. As a

resident and business owner living along busy Rte. 7, I feel comfortable

in saying I have a relatively high tolerance for background noise. As a

resident on Wood Lane for the past few years this tolerance has been often exceeded& . not by vehicle traffic on Route 7 but by a group of

residents and friends at home a 1,000 feet from where I reside. Aside from several obvious issues of legality with an onsite junkyard and operating illegal vehicles on town and state roads, the prevalence of excessive noise is what I would hope the Board values as an undue impact on a neighborhood.

As I see it there is and should be a fair amount of freedom for any resident's actions on their own property. However, there needs to be some boundaries as to the amount of impact these freedoms have on adjacent property owners. This has not been a once a week or several times a year thing. This is a constant occurrence, and is repeated most nights as the weather warms up. The main source of noise is the work and operating of motor vehicles, many of which are not registered. Modifications of engines and exhausts to create effect are the most common result, to go along with driving said vehicles at excessive speeds along Wood Lane (along with McConnell and Rte. 7) at all hours of day and night. Our once quiet street has been turned into the homestretch of their buzzing, ear splitting, backfiring race track.

There is some basic language in VLCT's model ordinance that tries to define these issues (Article 3 paragraphs B and D). I think this model

ordinance has a clear intent on supporting a healthy environment for the

greater good of a town's residents and businesses. At the very least I

would ask the Select Board to consider placing a time frame (for example

7 am to 9 pm) outside of which excessive noise should be prohibited.

Respectfully submitted,

Jon Satz

Courtney Satz

93 Wood Lane

Brandon

"Hi Everyone – I teach grad school at NYU every Monday evening this semester and so I'll miss the Select Board meeting tonight. So I've recorded and published my comments for the record below, which include examples of some of the assault weapons noises that pervade my property.

I hope we as a town take seriously the process of adopting a noise ordinance similar to what myriad other VT towns have already done. Thank

you! – Michael

Why Vermont Towns Have Noise Ordinances

<https://www.youtube.com/watch?v=SxOSqmmFL7c>

Links that I've included in my YouTube post:

VLCT Model Noise Ordinance:

<https://www.michaelshank.tv/wp-content/uploads/2021/02/VLCT-Model-Ordinance.docx>

Noise Charts

<https://www.asha.org/public/hearing/loud-noise-dangers/>

<https://hearinghealthfoundation.org/decibel-levels>

Property Rights and the Constitution

<https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy->

ma

kers-8th-edition-2017/property-rights-constitution#legal-protection-for-

property-rights

In a nutshell, the basic rights they recognized, beyond acquisition and

disposal, were the right of sole dominion variously described as a right to exclude others, a right against trespass, or a right of quiet enjoyment, which all can exercise equally at the same time and in the same respect and the right of active use, at least to the point where

such use violates the rights of others to quiet enjoyment.

--

Michael Shank, Ph.D.

M: 802.989.9432

T: michael_shank

michaelshank.com <<http://michaelshank.tv>>

Begin forwarded message:

From: Front Porch Forum <brandon@frontporchforum.com
<mailto:brandon@frontporchforum.com> >

Subject: Brandon Front Porch Forum No. 1975

Date: March 18, 2021 at 4:55:51 PM EDT

Noise Ordinance Resources in Advance of Public Hearings

Announcement " Michael Shank, High Pond Road, Brandon
Noise Ordinance Resources in Advance of Public Hearings

Michael Shank " High Pond Road, Brandon

Hi Everyone – In preparation for the town's two public hearings on the
need for a noise ordinance (on March 20 and 22), I wanted to pass
along

resources that were considered and discussed within the town's
Planning

Commission.

Four resources below:

- 1) existing noise ordinances from other Vermont towns
- 2) a sample noise ordinance from Vermont League of Cities and Towns
- 3) decibel level charts (some town ordinances identify decibel ranges)
- 4) private property rights according to Constitution/founders

1) Many towns in Vermont already have noise ordinances. Here's just a sampling of some of the ordinances out there:

Castleton, Vermont

<https://www.castletonvermont.org/sites/g/files/vyhlif376/f/uploads/cast>

leton_noise_ord_adopted_0.pdf

<http://sp.frontporchforum.com/f/a/Pr9Kuxr4hvL2tHCaBr_-yA~/AAQuHwA~/RgR

iNkNXP0RkaHR0cHM6Ly93d3cuY2FzdGxldG9udmVybW9udC5vcmcvc2l0ZXMvZy9maWxlc
y9

2eWhsaWYzNzYvZi91cGxvYWRzL2Nhcn3RsZXRvbl9ub2lzZV9vcnRfYWRvcHRlZF8wLnBkZ
lc

Dc3Bj0gpgUle-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>

Williston, Vermont (decibel chart included)

[http://willistonvt.govoffice3.com/vertical/Sites/
%7BF506B13C-605B-4878-](http://willistonvt.govoffice3.com/vertical/Sites/%7BF506B13C-605B-4878-)

8062-87E5927E49F0%7D/uploads/%7B587D10F3-9B42-41CC-A577-
AB0DABBA1117%7D.

PDF

<http://sp.frontporchforum.com/f/a/szYsJ_kdg8ZgDIshhyMXrw~/AAQuHwA~/RgR

iNkNXP0SSaHR0cDovL3dpcGxpc3RvbnZ0Lmdvdm9mZmljZTMuY29tL3ZlcnpY2FsL1NpdGV

zLyU3QkY1MDZCMTNDLTYwNUItNDg3OC04MDYyLTg3RTU5MjdFNDlGMCU3RC91cGxvYWRzL

3QjU4N0QxMEYzLTlCNDItNDFDQy1BNTc3LUFCMERBQkJBMTExNyU3RC5QREZXA3NwY0IKYFJ

XvlnGmX7wbVIPb3NrYXJob3BAbWUuY29tWAQAAAAA>

Woodstock, Vermont

[https://townofwoodstock.org/government/village-ordinances/adopted-](https://townofwoodstock.org/government/village-ordinances/adopted-noise)

[noise-](https://townofwoodstock.org/government/village-ordinances/adopted-noise)

[-ordinance/](https://townofwoodstock.org/government/village-ordinances/adopted-noise)
<http://sp.frontporchforum.com/f/a/6bSUWKDoF6D7l_uIQX0Ihw~/AAQuHwA~/RgR

iNkNXP0RSaHR0cHM6Ly90b3dub2Z3b29kc3RvY2sub3JnL2dvdMvybm1lbnQvdm1sbGFnZS1

vcmRpbmFuY2VzL2Fkb3B0ZWQtbm9pc2Utb3JkaW5hbmNlL1cDc3BjQgpgUle-U2AzHvBtUg9

vc2thcmhvcEBtZS5jb21YBAAAAA~>

Wallingford, Vermont

<https://www.wallingfordvt.com/noise-ordinance/>

<http://sp.frontporchforum.com/f/a/UXDBtT9LM__Dzc03HK3CHg~/AAQuHwA~/RgR

iNkNXP0QuaHR0cHM6Ly93d3cud2FsbgLuZ2ZvcnR2dC5jb20vbm9pc2Utb3JkaW5hbmNlL1c

Dc3BjQgpgUle-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>

Vergennes, Vermont

[https://cms8.revize.com/revize/vergennes//Ordinances/Chapter%2013-](https://cms8.revize.com/revize/vergennes//Ordinances/Chapter%2013-%20NO)

[ISE%20CONTROL%20ORDINANCE.pdf](#)

<<http://sp.frontporchforum.com/f/a/7HKf78QyRSP0YzRlHl3PZA~/AAQuHwA~/RgR>

[iNkNXP0RkaHR0cHM6Ly9jbXM4LnJldml6ZS5jb20vcvV2aXpLL3Zlcmlm5lcy8vT3JkaW5](#)

[hbmNlcy9DaGFwdGVyJTIwMTMtJTIwTk9JU0UlmjBDT05UUk9MJTIwT1JESU5BTkNFlNBkZlc](#)

[Dc3BjQgpgUle-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>](#)

Essex Junction, Vermont

[https://www.essexjunction.org/fileadmin/files/Ordinances_Codes/](https://www.essexjunction.org/fileadmin/files/Ordinances_Codes/Municipa)

[l_Code/municode7.pdf](#)

<<http://sp.frontporchforum.com/f/a/c0PFnIl797w3rHmB4IY90g~/AAQuHwA~/RgR>

[iNkNXP0RbaHR0cHM6Ly93d3cuZXNzZXhqdW5jdGlvbi5vcvZmlsZWFKbWluL2ZpbGVzL09](#)

[yZGluYW5jZXNfQ29kZXMvTXVuaWNpcGFsX0NvZGUvbXVuaWNvZGU3LnBkZlcDc3BjQgpgUle](#)

[-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>](#)

2) Here's the Model Noise Ordinance from the Vermont League of Cities and Towns (that many of the aforementioned towns used as their baseline)

[https://www.michaelshank.tv/wp-content/uploads/2021/02/VLCT-Model-](https://www.michaelshank.tv/wp-content/uploads/2021/02/VLCT-Model-Ordina)

[nce.docx](#)

<<http://sp.frontporchforum.com/f/a/eNgilSfwCvLgWhcKvAduLw~/AAQuHwA~/RgR>

iNkNXP0RQaHR0cHM6Ly93d3cubWljaGF1bHN0YW5rLnR2L3dwLWNvbnR1bnQvdXBsb2Fkc
y8

yMDIxLzAyL1ZMQ1Q1tTW9kZWwtT3JkaW5hbmNlLmRvY3hXA3NwY0IKYFJXv1NgMx7wbVIPb
3N

rYXJob3BAbWUuY29tWAQAAAAA>

3) Here are a few decibel level charts to compare noise-making activities:

- <https://hearinghealthfoundation.org/decibel-levels>

<<http://sp.frontporchforum.com/f/a/fzD008ryoaMgCnTIxrx10w~/AAQuHwA~/RgR>

iNkNXP0QyaHR0cHM6Ly9oZWYyaW5naGVhbHRoZm91bmRhdGlubi5vcmcvZGVjaWJlbC1sZ
XZ

1bHNXA3NwY0IKYFJXv1NgMx7wbVIPb3NrYXJob3BAbWUuY29tWAQAAAAA>

- <https://www.asha.org/public/hearing/loud-noise-dangers/>

<http://sp.frontporchforum.com/f/a/-M3UJJyoEN9mrBXsqol5_A~/AAQuHwA~/RgR

iNkNXP0Q3aHR0cHM6Ly93d3cuYXNoYS5vcmcvchVibGljL2hlYXJpbmcbG91ZC1ub2lzM
S1

kYW5nZXJzL1cDc3BjQgpgUle-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>

4) Private property rights according to Constitution/founders (from libertarian think-tank CATO) regarding violations of the rights of others:

"The basic rights they recognized, beyond acquisition and disposal,

were the right of sole dominion variously described as a right to exclude others, a right against trespass, or a right of quiet enjoyment,

which all can exercise equally at the same time and in the same respect

and the right of active use, at least to the point where such use violates the rights of others to quiet enjoyment.

[https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-](https://www.cato.org/cato-handbook-policymakers/cato-handbook-policy-makers-8th-edition-2017/property-rights-constitution#legal-protection-for-property-rights)
ma

kers-8th-edition-2017/property-rights-constitution#legal-protection-for-

property-rights

<<http://sp.frontporchforum.com/f/a/1cGbDwV59k2SyDn0M0kXEw~/AAQuHwA~/RgR>

iNkNXP0SeaHR0cHM6Ly93d3cuY2F0by5vcmcvY2F0by1oYW5kYm9vay1wb2xpY3ltYWtlc
nM

vY2F0by1oYW5kYm9vay1wb2xpY3ktbWFrZXJzLTh0aC1lZGl0aW9uLTIwMTcvcHJvcGVyd
Hk

tcmInaHRzLWNvbnN0aXR1dGlvbInSZWdhbC1wcm90ZWNoaW9uLWZvc1wcm9wZXJ0eS1ya
Wd

odHNXA3NwY0IKYFJXvlnGmx7wbVIPb3NrYXJob3BAbWUuY29tWAQAAAAA>

Finally, the notice and zoom links for the public hearings on March 20 and 22:

[https://www.townofbrandon.com/wp-content/uploads/2021/03/Notice-of-](https://www.townofbrandon.com/wp-content/uploads/2021/03/Notice-of-Hear)
Hear

ing-Noise-Ordinance.pdf

<http://sp.frontporchforum.com/f/a/EdNEl_BFsZGIDnHVBSPagA~/AAQuHwA~/RgR

iNkNXP0ReaHR0cHM6Ly93d3cudG93bm9mYnJhbmRvbi5jb20vd3AtY29udGVudC91cGxvYWR

zLzIwMjEvMDMvTm90aWNlLW9mLUh1YXJpbmctTm9pc2UtT3JkaW5hbmNlLnBkZlcDc3BjQgp

gUle-U2AzHvBtUg9vc2thcmhvcEBtZS5jb21YBAAAAA~>

Thanks!

Michael

13 February 2021
907 Grove Street
Brandon, Vermont 05733

To the Brandon Select Board,

This letter addresses concerns I have over the mis-management of Estabrook Field and the up-coming debate over a noise ordinance for Brandon. For selectpersons who are newer residents of Brandon, I will start with a brief history of Estabrook Field. This field is approximately twelve acres acquired from the State of Vermont, and originally part of the old Brandon Training School. With grant money from the Land and Water Conservation Fund, through the Vermont Forest, Parks and Recreation Department, the town began development of Estabrook Field in the summer of 1983. It was built with grant money to develop a recreational field for athletic sports. It was named after, and dedicated to the memory of a local physician, Dr. Seeley Estabrook because of his great interest in sports. Until recently, it has always been used for this purpose, and has always been confined to daytime use, which has not presented any conflicts with the surrounding residential neighborhood.

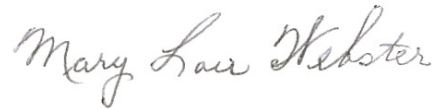
During this last year, the town began a series of new activities, primarily at night, which violated a series of town regulations. Since the field's inception, there has always been a posted sign alongside the drive way entrance stating the field hours as "7 am until Dusk." This sign has been moved to the field's northern boundary into the brush line where it is difficult to see. I assume that this was done to minimize its message in light of the nighttime activity last summer. Some of these functions were also of a commercial nature and required entrance fees or were profit-making ventures. The town has a sign posted along Route 7 at the field's entrance that clearly states, "Prohibited: overnight camping, abandoned vehicles, commercial enterprises." Apparently, the town feels that citizens should obey all town rules and regulations, but they are free to ignore them when it suits them. In past years, the town has also placed an extremely large, unsightly sign (small billboard) across the road from our home that when I measured its placement, was well within the state highway right-of-way and not on town road right-of-way or property. I could also find no permit on file for this sign at the town office. Again, the town ignored regulations to suit its own purposes.

Now the town of Brandon is going to debate the need for a noise ordinance, and that brings the issue of night activity in Estabrook Field into the discussion. This marks a substantial change in use of the field, and not one in harmony with a residential neighborhood. The noise down there last summer was highly disruptive. I followed this issue in the Brandon Reporter's Police Log and noted that I was not the only person who called in noise complaints to our police department. It was so bad during those opera nights, that even with all the windows and doors closed on a warm night, we still could not sleep. Operas, carnivals and rock concerts are not compatible with, and do not belong in peoples' neighborhoods. The Town of Brandon's current board seems to be resisting the need for a noise ordinance. Is this because they do not wish to be placed in the embarrassing position of having to conform to it themselves?

I have only good things to say about our police department. Whenever I have seen vehicles down in the field after dark, they have always responded to my calls if they were available. Ninety-nine percent

of the time, they have been there, and I thank them for their service. They work diligently to keep our neighborhoods safe. But they can only enforce the law and ordinances, not create them. A noise ordinance is a tool very sorely needed, both to maintain the peace in my neighborhood, but also with the many other noise issues that have arisen around our community. I am in firm agreement with the need for a noise ordinance for Brandon. I also want to see the posted hours sign returned to its original location along the inner driveway, and an end to nighttime use of Estabrook Field. Regardless of unusual circumstances, it is no justification for our town to ignore their own policies and laws.

Respectfully,

A handwritten signature in cursive script that reads "Mary Lou Webster". The ink is dark and the handwriting is fluid and legible.

Mary Lou Webster

Town of Brandon Noise Meeting 3/20/21 & 3/21/21

Dear Select Board Members: Thank you for addressing the issue of Noise in and around Brandon. It's a much needed topic to be discussed. I hope that these meetings are fruitful and that positive resolutions be implemented to promote a peaceful area where everyone can enjoy the comfort of their home.

Below are the issues I would like included in the discussion. Thank you.

A. Dog Barking in Early Morning, Late Afternoon to Early Evening

Current Section on Noise from the Town of Brandon.

Section 608. Noise - No Noise which exceeds 70 decibels during the daylight hours or 60 decibels at other times of the day at the property line shall be permitted.

Note: Decibel of ONE Barking Dog is approximately 80 dB to 110 dB, depending on type and size of dog.

1. Dog Owners must Control their dog's behavior. Dog Owners must be held accountable.
2. Homeowners are entitled to have peace and enjoyment of their premises.
3. There is Loud Barking between the hours of 6:30 a.m. - 8:30 a.m. usually happens on a daily basis, M-F.
4. There are several dogs that have been a constant nuisance for a very long time. I can plainly hear them in the early morning during winter with all windows closed, and louder in summer when windows are open.
5. Other dogs will start to join in from various homes on Deer Run and Spring Pond, once one dog begins to bark. There are a lot of dogs in this Development (30+?), as many have more than one dog per household.
6. Barking can be sporadic throughout the day from various homes in the development.
7. These dogs bark at anything when let outside. Question: Why are the dogs not socialized since they are in a Neighborhood? They Bark at cars, trucks, UPS, Fed Ex, Trash vehicles, people walking on the road, at other dogs being walked, or if they see you getting your mail, or when a car enters their driveway.
8. Loud barking from about 2-6:30 p.m. happens frequently. Most of these dogs are let out of their houses or are being walked on the road. Very irritating, to say the least, as it disrupts the peace and quiet when we are in our gardens or outside around our home, on our patio, etc.

NOTE: Noise has not been the only issue. I've had to pick-up dog poop off my lawn, around my mailbox in the summer and winter. Stepped in dog poop raking my lawn. Told people not to let their dogs pee on my mailbox or flowers while their dog is currently doing so. Bought "No Dog on Property" signs for my front lawns to keep from getting dog waste on my lawns (one sign was actually stolen and later found in the bushes on neighbor's property). Told people there is an Ordinance to pick-up dog poop. People walk their dogs at night without leashes (do they pick-up their dog's poop?).

Suggested for Barking Dogs - From Village of Essex Junction, VT Regulation of Dogs:

"No person shall keep a dog that becomes a public nuisance by excessive barking, howls, or any other manner. No person who owns a dog or is responsible for the keeping or control of a dog shall permit the dog to roam freely out of such person's control. "Control" is defined as being on the owner's property or being on a leash of the owner, agent or guardian of the dog. "

Suggestion: Fines for Barking: 1st Offense - \$50, 2nd Offense - \$100, 3rd Offense - \$200, and 4th Offense - Muzzle the Dog or Impound with Fine for Release.

Also from Village of Essex Junction, VT Regulation of Dogs:

"A person who owns a dog or is responsible for the keeping or control of a dog shall be responsible for cleaning up after the dog when the dog is off such person's property."

"A person whose dog defecates off the owner's property or in the public right-of-way shall be required to pick up any fecal matter and properly dispose of it in a trash container."

“Dogs accompanied by an owner, agent or guardian shall be permitted to be off-leash within the confines of the fenced-in dog park” [or within the confines of the owner’s property such that it cannot run out onto the Town roadway, impeding vehicular traffic or pedestrians walking on the road] - added language.

Suggestion: Fines for not Cleaning Up after your Dog: 1st Offense - \$50, 2nd Offense - \$75, 3rd Offense \$100, 4th Offense - \$125, Past the 4th Offense - Impound with a Fine for Release.

Suggestion: Fines for not Controlling your Dog (running at large, onto roadway or after pedestrians): 1st Offense - \$50, 2nd Offense - \$100, 3rd Offense \$200, Past the 4th Offense - Impound with a Fine for Release.

B. Gas Powered Leaf Blowers

1. Gas Powered Leaf Blowers are operated on a weekly basis (usually on weekends, some weekdays), by homeowners during the warm months of the year; and a few landscapers during the week.
2. Unfortunately, once one starts then others start. It becomes a very loud noise of leaf blowers for most of the day. The constant loud noise ruins anything you want to do outside, garden, BBQ, have people over, etc. The loud noise can be heard inside your home with all windows and doors closed.
3. The problem is that there is no consideration of the time of day a homeowner starts their leaf blower and the length of time it’s in operation.
4. The length of use I endured was 2 hours straight, every time it was used. It was an extreme amount of noise for way too long a time. It completely ruined my gardening outside. I went inside my house to get away from the noise and could still hear it with the doors, windows closed, music and fan on. Couldn’t even work on my computer.
5. It definitely passed the property boundary line. There was no peace either inside or outside my home.
6. Experiencing this level of noise for straight 2-hours is beyond irritating.

d. Suggestion: 1. Restrict the length of time for use of gas powered leaf blowers. A gas powered leaf blower may be operated to no more than 30 minutes straight during the daylight hours from 10:00 a.m. - 5:00 p.m. It is prohibited from 5:00 p.m. - 10:00 a.m. and on Sundays.

2. Educate homeowners on the value of electric leaf blowers that have decibel levels of 65 db and lower to relieve the noise pollution in the neighborhood when they are all in operation. If homeowners were to own electric leaf blowers then the noise could be drastically reduced and have a positive impact on the peace and quiet in the neighborhood.

C. Loud Exhausts, Mufflers, Idling, Revving Engines

(Note: There are vehicles with loud exhausts/mufflers operated early morning almost every day including weekends (about 6:45 a.m.) during the warm months of the year, revving, idling is also noted)

From Woodstock, VT Noise Ordinance:

“A motor vehicle, including a motorcycle, moped, snowmobile, all-terrain vehicle, or other vehicle equipped with and propelled by engine, whether operated on a public street or on private property, shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. A person shall not remove, destroy or damage any of the baffles contained in the muffler, nor shall a person use a muffler cutout, bypass or similar device upon any such vehicle. Such vehicle shall at all times be equipped with a properly operating exhaust system which shall include a tail pipe and a resonator on a vehicle where the original design included a tail pipe and a resonator.”

F. Other Noise Ordinances which should be Included in Brandon Noise Ordinance - From Vergennes, VT, Noise Ordinance:

“**a. Radios, Television sets, musical instruments, phonographs and similar devises.** The operation or permitting the use or operation of any musical instrument, radio, television, phonograph, or other devise for the production or reproduction of sound in such a manner so as to create unreasonable noise audible from another property, or from the street.

b. Motor vehicle sound equipment. The operation or permitting the use or operation of any radio, stereo, or other sound amplification equipment from a motor vehicle that is audible at twenty-five (25) feet from such vehicle so as to create unreasonable noise. The term motor vehicle shall mean any car, truck, or motor cycle.

c. Parties and other social events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a loud or offensive manner such that the noise interferes with the peace or health of members of the public or in such a manner so as to create unreasonable noise audible from another property or from the street. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at the event or resides on the premises involved and who has authorized the use of the premises for such event.

e. Loudspeakers. The use of loudspeakers or other noise amplification equipment upon public streets for the purpose of commercial advertising or attracting the attention of the public to any building or site.

f. Defect in vehicle or operation of vehicle. The operation of any automobile, motorcycle or other type of motor vehicle in such a manner as to create squealing of tires or loud and unnecessary grating, grinding, exploding, rattling or other types of noises.

g. Horns, signaling devises, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle, except as a danger warning, the creation by means of any other signaling devise or any unreasonably loud or harsh sound and the sounding of any device for unnecessary and/or unreasonable periods of time.”