

Peter & Karleen Werner
1426 High Pond Road
Brandon, VT 05733

April 9, 2021

Town of Brandon Select Board
49 Center Street
Brandon, VT 05733

Re: Noise Ordinance

Dear Members of the Select Board:

July 3rd will mark the 30th year we have lived and paid taxes in Brandon, specifically on High Pond Road. During that time the neighborhood has always been reflective of the "Vermont" we all know and love. Neighbors have all gotten along and, at times, collaborated on projects – helped each other out. We now find that our rural corner of Brandon is the epicenter of an otherwise mundane subject – a proposed noise ordinance. Our niece texted us on Sunday when she saw our small-town controversy appear in the *Boston Globe*. Why do you suppose the *Boston Globe* would pick up on this otherwise innocuous issue? We will come back to this.

After listening to and participating in the two Zoom meetings held by you, we decided to take some action to find where the truth lies. To that end, we decided to survey the residents of High Pond Road and enlisted the help of Derek & Liz Gregorek and Larry Forrest. We wanted to find out how many residents were frightened when recreational shooting occurs and how many feel a noise ordinance is needed. Enclosed are the results of our survey for your edification. Frankly, we were somewhat surprised by the results. We thought there would be some scattered support for an ordinance, but, as you can see, only one individual circled "Yes" for Question 2 out of a total of 35 respondents. This survey represents nearly all adults living in the High Pond neighborhood. There were two families who chose not to participate: one man is employed by the Town and felt he should abstain, and another couple enjoy benefits offered by the Shank residence and felt they were compromised. We were also unable to contact a third household after several attempts. That's it – everyone else is included!

Mr. Shank consistently talks about the Town having a responsibility to "do what the majority of citizens want." While we do not necessarily agree with this, our survey will convey to you what the "majority want."

Now, let's get back to the *Boston Globe*. We had never met Mr. Shank before this controversy erupted. Since then we personally reached out to him, invited him to our sugarhouse for a conversation and researched him as much as we could.

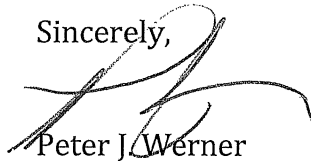
Anyone doing a limited amount of research would conclude two things: (1) Mr. Shank looks for opportunities to exploit things he doesn't agree with, and (2) Mr. Shank is a self-promoter. We speculate that the appearance of this otherwise bland controversy in the *Boston Globe* was no coincidence.

During the first Zoom call we provided some scientific evidence about how sound dissipates over distance. You will also find enclosed a spreadsheet that demonstrates how decibel levels diminish between Mr. Shank's house and Derek & Liz Gregorek's home and our home. I think you'll find this very informative.

As we have thought about this noise ordinance cloud hanging over our otherwise congenial community for the past few months, we came to the conclusion that this is analogous to when the pilgrims came to the new world. They arrived on the shores of North America and, of course, found the Native Americans. Immediately, they concluded that these "savages" needed to be "educated" and "enlightened" in the ways of proper Europe. Gentlemen, we on High Pond Road *are* those savages! Mr. Shank blows into town and finds these gun-toting, animal-killing, loud "savages" and feels he must "educate" us on the finer points of his definition of "idyllic Vermont." Well, we have told Mr. Shank that he, like us, could learn an awful lot from the local "savages" if he opens his mind.

Thank you for the opportunity to provide this information. We would be happy to answer any questions and/or make a presentation to the Select Board.

Sincerely,



Peter J. Werner



Karleen K. Werner

Encs - Survey Results

Decibel Chart

c: David Atherton, Town Manager

Derek & Liz Gregorek

Larry Forrest

Noise Ordinance Survey of High Pond Road Residents

The purpose of this survey is to establish a baseline of the actual level of concern High Pond Road residents have regarding the sound of gunfire. This is related to Allie Breyer's claim during the March 22nd Brandon Select Board hearing that the majority of her neighbors fear for their safety when legal recreational shooting occurs. The results of this survey will be submitted to the Brandon Town Select Board as evidence to the validity of her claim.

Question 1: Are you frightened when recreational shooting occurs in the vicinity of the High Pond Road neighborhood?

Question 2: Do you feel a noise ordinance is necessary in the Town of Brandon?

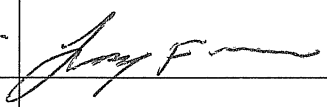



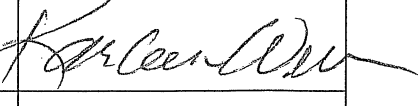
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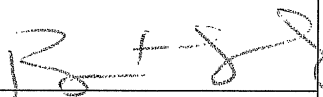

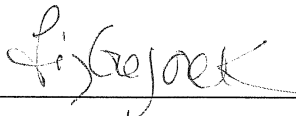



Question 1 Response	Question 2 Response	Address	Printed Name	Signature
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	BRANDON VT 999 HIGH POND RD	LARRY FORCES	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	977 High pond Rd BRANDON VT	Greg Colby	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1075 High Pond Brandon VT	Jeremy Mellette	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1426 High Pond Rd	Peter Werner	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1426 High Pond Rd	Karleen Werner	
YES / NO	YES / NO			
YES / NO	YES / NO			
YES / NO	YES / NO			
YES / NO	YES / NO			
YES / NO	YES / NO			

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YES / <input checked="" type="radio"/> NO	<input checked="" type="radio"/> YES / NO	10 High Pond Rd	Lisa Berry	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	818 High Pond Rd	^{Green} Bobbie Sue	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1154 High Pond Rd	Derek Gregorick	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1154 High Pond Rd	Cez Gregorick	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	504 High Pond Rd	Tracy Carrara	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	504 High Pond Rd	Ashley Carrara	
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1000 High Pond Rd.	Ann Kehoe	
YES / NO	YES / NO			
YES / NO	YES / NO			
YES / NO	YES / NO			

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YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	504 High Pond rd.	Matt Carrara	Matt Carrara
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1437 High Pond Rd.	Laurie Celik	Laurie Celik
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1437 High Pond Rd.	Daniel Celik	Daniel Celik
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1527 High Pond Rd	Curt McClain	Curt McClain
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1527 High Pond Rd	Sarah McClain	Sarah McClain
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1426 High Pond Rd	Kirsten Werner	Kirsten Werner
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1670 High Pond Rd	Jim Hogan	Jim Hogan
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1670 High Pond Rd	Pat Hogan	Pat Hogan
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1006 High Pond	Eric Sargent	Eric Sargent
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	1839 High Pond Rd	Kevin Birchmore	Kevin Birchmore

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YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	2891 UNION ST	WAYNE RAUSIENBERGER	Wayne Rausienberger
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	159 High Pond Rd	Roxanne Lafayette	Roxanne Lafayette
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	159 High Pond Rd	Jonathan Gracwar	Jonathan Gracwar
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	322 High Pond Rd	DAVID SCHAUWHECKER	David Schauhecker
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	345 High Pond Rd	Leah Champin	Leah Champin
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	345 High Pond Rd	Shane Wood	Shane Wood
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	Cobb Hill Rd,	DAVID LORLISS	D. B. Lorliss
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	438 Cobb Hill Rd Brandon	Joanne Olsen	Joanne Olsen
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	107 Cobb Hill Brandon	Debra Petty	Debra Petty
YES / <input checked="" type="radio"/> NO	YES / <input checked="" type="radio"/> NO	818 High Pond Rd	Eric Grenier	Eric Grenier

Decibel Level At Source	Gregorek's Home (Feet from Shank's Home)	Actual Decibel Level Heard at Shank House *
150 dB	2290 Feet	84.7 dB
140 dB	2290 Feet	74.7 dB
130 dB	2290 Feet	64.7 dB
120 dB	2290 Feet	54.7 dB
110 dB	2290 Feet	44.7 dB
100dB	2290 Feet	34.7 dB

Decibel level at Source	Werner's Home (Feet from Shank's Home)	Actual Decibel level Heard at Shank House *
150 dB	3056 Feet	82.2 dB
140 dB	3056 Feet	72.2 dB
130 dB	3056 Feet	62.2 dB
120 dB	3056 Feet	52.2 dB
110 dB	3056 Feet	42.2 dB
100 dB	3056 Feet	32.2 dB

* Note: This does not take into account further actual reductions resulting from trees, foliage, undulations in ground surface, etc

Permissible noise exposure per OSHA is 8 continuous hours at a level of 90 dB.