

Regular Dorset Selectboard Meeting

Tuesday April 18, 2017

Present: H. Chandler, M. Thörn, J. Stannard, T. Smith, R. Gaiotti (Town Manager)

Absent: L. Ruffa

Others Present: Kevin O'Toole, Tuck Rawls, Kit Wallace, Bob Menson, Joan Menson, Luane Hardy, Ruth Tanenhaus, Ed Tanenhaus, Andrew McKeever (GNAT-TV), Jennifer Grigsby (GNAT-TV), Clarissa Lennox, Nancy Faesy, Lindy Bowden, Danny Pinsonault, Austin Chinn, Gillian Chinn, Ben Weiss, Jack Gilbert, Linda McGinnis, Rosalie Fox, Stephen Ludlam, Nany Ludlam

H. Chandler called the meeting to order at 7:00pm.

First order of business to approve Minutes of March 21st. M. Thörn moved and J. Stannard seconded to approve the March 21st minutes as presented. Motion passed 3-0.

Public Comment: None

Board Appointments: H. Chandler reviewed the board appointments for 2017, listing those that whose terms would be expiring, but would continue to serve on their respective board.

Kevin O'Toole, was in attendance for reappointment to the Zoning Board of Adjustment. H. Chandler asked how long he had served on the ZBA. K. O'Toole responded that he had served from 20 to 25 years and that he enjoys contributing to the Town to have a positive effect on the community.

Tuck Rawls was also in attendance for reappointment on the Zoning Board of Adjustment. Tuck has served for nearly 30 years and enjoys serving the community in this capacity. The board members thanked Tuck for his long tenured service to Dorset.

Kit Wallace, PC & DRB board member. Kit stated that it was a family tradition in the family to give back to the community through public service. Kit also has a background in Planning with a Master's Degree. She really enjoys working on Town issues and is happy that the PC has some younger members and they work diligently together. Kit is also Chair of the Design Review Board as well, and knows much about the Historic District.

Lindy Bowden, has served on the DRB for a number of years after being recruited by Bob Escher. She feels that she has learned much about the DRB and looks forward to working with the group as they move forward with the new criteria for the District. She also lives in the village and has a visual arts background.

Nancy Faesy, serves as the Bennington County Regional Representative for Dorset. She has been in Dorset for around 5 years and has learned much about the community through the regional commission. She stated that BCRC is a valuable tool for the community and has helped

with much more than planning. She wished that more people from the community and perhaps Board members would attend some of the meetings.

Appointments:

M. Thörn moved and T. Smith seconded to appointment Kit Wallace and Charlie Wise to the Planning Commission for four year terms. Motion passed 4-0.

M. Thörn moved and J. Stannard seconded to appoint Kevin O'Toole, Tuck Rawls, and Ruth Stewart to three year terms on the Zoning Board of Adjustment. Motion passed 4-0.

M. Thörn moved and T. Smith seconded to appoint Kit Wallace and Lindy Bowden to three year terms on the Design Review Board. Motion passed 4-0.

J. Stannard moved and M. Thörn seconded to appoint Nancy Faesy to a two year term as representative to the Bennington County Regional Commission. Motion passed 4-0

Fire District Agreement Update:

H. Chandler inquired with R. Gaiotti about an update with regard to the bookkeeping agreement and tax equalization agreements between the Town and Fire Districts. R. Gaiotti commented that both Districts have agreed informally to sign onto a new 3 year tax equalization contract. R. Gaiotti just needs to get a clean copy of the new contract around to the Boards. H. Chandler inquired with Ben Weiss about the memo received from the Dorset Fire District.

Ben Weiss gave a background of the Fire District water system challenges and all the work the Dorset Fire District has done to set the stage for major system improvements. The Fire District has concerns about the management for a large effort for water improvements. He gave the example of the DFD being similar to the Selectboard, but there is very little staff time available for the DFD. B. Weiss noted that the process for water system upgrades are rigorous and need staff to be present and available. There is an intense period for the water upgrades, mainly 3 years due to State requirements with regard to Construction Loans. B. Weiss felt that after 3 years it's likely that upon completion of the major upgrades the management of the system would become much simpler.

T. Smith noted that it's critical that the proper staff and engineer get put in place to allow for effective project management. Discussion ensued, about whether or not the Town Manager's Office has the bandwidth to supply the assistance for the Fire District. H. Chandler asked whether there was time or a willingness for the Town Manager to accomplish these items. J. Stannard noted that any large capital projects would be voted by the users of the system. Questions were posed about system upgrades, user fees etc. H. Chandler asked if having a contract in place by the start of the next fiscal year, July 1st. Ben Weiss stated that this would work very well.

T. Smith noted that he would like to see a draft contract at the May Selectboard Meeting, and that the Board could review and approve this new contract at the May Meeting. S. Ludlam noted that it makes sense for the Town to make sure that taxpayers understand that water system users will be paying for the large projects and any administrative assistance provided by the Town. T. Smith agreed that it was important that his distinction is made and that it is

reflected in this process. R. Gaiotti noted that the Town kept a log of time spent on Water/Fire items from Dorset Fire District and billed the work respectively.

Noise Ordinance Discussion:

H. Chandler noted that at the March meeting the Selectboard held a public hearing for the draft noise ordinance. He also noted that the Town had received a letter from Walt and Dana Gilbert outlining their concerns with regard to the Noise Ordinance and some of the issues surrounding it. H. Chandler read the letter into the minutes.

M. Thorn made notes about Truck engine brakes and speeding etc. T. Smith noted that speed limits and speed control could greatly help with traffic noise issues. Discussion ensued about things taken into consideration in other noise ordinances used in neighboring municipalities. M. Thorn noted that there are some other details that needed to be worked through with regard to specifics and definitions in the document.

H. Chandler commented about the possibility of creating an ordinance that would apply to the village areas where commercial and residential uses mix with each other. T. Smith agreed that this made sense, but he noted that much of the complaints are about music noise. He felt that any complaints other than music aren't there and that the Town could wait another year to see what transpires. T. Smith noted that he was willing to go along with the concept, but objected to getting the Town into a situation where the Town had an ordinance it could not manage.

H. Chandler noted two items: Is it Constitutional? Better definition of "objectionable noise". T. Smith stated that he thought that many of these items were issues that should be fixed between neighbors. M. Thorn re-stated that concern about a mixed use zoning district should be the focus, because many of the complaints have stemmed from these areas.

H. Chandler opened the floor up to public comment:

Linda McGinnis stated that she is driven out of her home for 5 hours during every wedding reception. She hoped that the Town would help protect neighbors from neighbors.

Clarissa Lennox questioned why the Town would have a noise ordinance that would only effect certain parts of Town. She mentioned that things like helicopters and other commercial machines could affect many residents. She mentioned that the words "immediate" should be removed from the document because noise can travel distances.

Ed Tanenhaus asked about whether vocal disturbance would be removed from the noise ordinance. Discussion ensued about "immediate" vicinity and his feeling that it should be included in any documents.

Austin Chinn noted that since last month the helicopter issue surfaced and he inquired about what the Town could do to regulate it. M. Thorn explained the legalities about how the Town could regulate the use of land where a helicopter would land. She noted that the Planning Commission has been asked to review and look into the issue with regard to what's appropriate for Dorset.

Mad Tom Road & Route 7 Update:

R. Gaiotti explained that the Town had received the speed study back and that two of the three requirements for placement of a permanent radar sign unit in East Dorset have been met. The Town will send a letter and permit application to AOT in Bennington for permission to place the fixed place unit on Route 7 in East Dorset to slow speeds.

R. Gaiotti reported that the Sheriff has focused heavily on this area and felt that the speed control is having a positive effect on slowing down traffic in all of Dorset. The Town is still waiting to hear from AOT on a safety review of Route 7 in East Dorset Village and the request to lower the speed at the Mad Tom/ Route 7 junction.

Finance Report:

R. Gaiotti reported that the Town is now 80%+ through the fiscal year. Salt and sand budgets have pretty much been maxed out, but spring is finally here. Other items to note are that clerk fees are still low (real estate indicator), and that the Town paid out the facility use fee to the School District. R. Gaiotti noted that the facility use fee may have to get reviewed given the school district merger situation.

Manager's Report:

R. Gaiotti reported on daily/weekly/monthly items that the TM office has been working on including: highway, Dorset Fire District finance and other assistance, website work, ordinance prep, Owls Head Town Forest work etc.

It was the consensus of the Selectboard to approve payroll and accounts payable for the week of April 18th.

Other Business:

The Selectboard signed the TA-60 highway form certifying eligibility for State highway aid. Also signed that annual certification of conformance with State Road & Bridge standards.

T. Smith moved and J. Stannard seconded to enter into executive session for the purpose of legal review. Motion passed 3-0.

The Selectboard exited executive session at 9:48pm with no action taken.

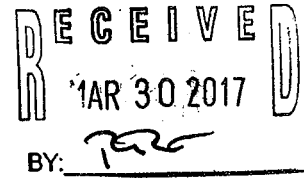
There being no further business to discuss the meeting stood adjourned at 9:49pm

Respectfully Submitted

Rob Gaiotti, Town Manager

2279 Dorset West Rd
Dorset, Vermont

March 29, 2017



TO: Town of Dorset, Vermont Select Board
Rob Gaiotti, Town Manager

We had an opportunity to review the proposed noise ordinance for the Town of Dorset, and attended the public hearing held on March 21, 2017, at the Town offices in East Dorset. We would like to make some observations and suggestions regarding this proposed ordinance.

Although such an ordinance may ultimately be needed to address some of the noise issues in Dorset, it seems that the proposed ordinance is a bit onerous and perhaps too far reaching. Although there are indeed some serious noise problems, it is hoped that they could be dealt with in a different and more amenable fashion.

Based on the evidence presented at the public hearing, it appears that there are three primary sources of noise that result in problems and complaints. Those three sources are the Barrows House, the Dorset Field Club, and the marble swimming quarry. The events at the Barrows House and the Dorset Field Club certainly can be a very serious problem, in large measure due to the use of amplifiers for the music. Our home on the West Road is about 1.5 miles from both of those locations, and we often hear the noise that is emanating from events at those locations. The noise is loud enough at our home to be an annoyance, so it is very understandable that residents in or near the village would be greatly offended by the noise. It's hard to believe that the music needs to be amplified as much as it is.

We're not aware of what other attempts have been made to address noise problems at the Barrows House and the Dorset Field Club, but we wonder if working with those two facilities in a non-regulatory manner might be worth a try. (Perhaps that has been done, but we are not aware of it.) If that fails, perhaps a noise ordinance of more limited scope could address those issues. That failing, perhaps the proposed ordinance could be pared down to limit its scope to the obvious problem issues.

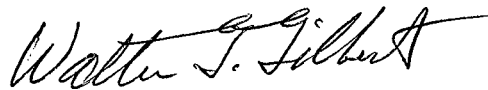
The marble quarry is another matter. The use of the swimming quarry has a long history, and in the early years its use presented very few annoyance issues. Unfortunately, its present popularity has created many problems, of which noise is only one. For us, the bottom line is that the quarry as a swimming "hole" seems to have only limited benefits for the residents of Dorset. If swimming in the quarry could be limited to Dorset residents, many of the problems would probably go away. But limiting such use is probably not likely or feasible, so we don't see any real solution other than to close the quarry to public use.

Our final concern is with the use of high-powered fireworks in Dorset, which occurs too often to be passed off as a traditional use for the 4th of July or New Year's Eve. We believe that the

majority of fireworks use is by second home owners, who may not be aware that such fireworks are illegal in Vermont, at least not without a permit. This use often happens several times a year, and involves some very high-powered and LOUD fireworks. It can be very annoying and upsetting, and can affect domestic pets and farm animals, as well as nearby residents. We encourage the town to publicize the illegal nature of such fireworks. In order to reach all property owners in Dorset, perhaps a notice could be included in the annual property tax bills.

Our intent with these comments and suggestions is to recognize that some serious noise problems do exist in Dorset, and to encourage the pursuit of solutions in a more rational and neighborly way. We also appreciate the efforts of the Select Board and the Town Staff in addressing a difficult set of problems.

Respectfully submitted -



Walt Gilbert



Dana Gilbert

DORSET SB MR 4/18/17

NAME ADDRESS TESTIFY

Tuck Rues 1543 Rt 30 Dorset Yes

JOAN MENSON 1131 RT 3 Dorset —

ROBERT MENSON 1131 RT 30 DORSET —

Ruth Tanenhaus 35 Barrows Heights Ln —

Ed Tanenhaus " " —

Luanne Hardy 26 Lane Rd. —

Nancy Jersey 3284 Rt 30 ?

Kevin M. O'Tole PO Box 766 Dist VT 05251 Yes

Danny Pincovault 1665 East Dorset VT —

Cherise Lannoy DORSET ?

Austin Chinn 104 KIRBY HOLLOW RD. YES

PILLIAN CHINN " " " —

Andrew McKeever 6301 Vt. Rt 7A Sunderland NO

LINDA McGINNIS P.O. Box 784 92 BARRROWS HEIGHTS LA. ?

Rosalie Fox PO Box 1011 ?

Nancy Ludlam 140 Mad Tom Rd, E. Dorset NO

Stephen Ludlam 140 Mad Tom Rd E. Dorset NO

BEN WEISS 312 SPRUCE LN. DORSET YES

Kit Wallace 2173 Upper Hollow Rd Dorset NO

Lindy Bowden 3092 Rt. 30, Dorset ?

JACK GILBERT 2827 West Rd, DORSET ?