

Town of Ferrisburgh 2015 Grievance Hearings – Stearns’ Cannon Issue
Thursday, May 28, 2015 from 1:00 pm to 4:00 pm
Minutes and Results

APPROVED

Grievance Hearings opened on Thursday, May 28, 2015 at 1:10 p.m.
Carl made a motion to open the Hearings; seconded by Charlene, and so moved.

Time	Name(s)	Parcel ID(s)	Notes	Old Value 2015	New Value 2015 Grievance
1:10 pm	Charles & Linda Piasecki	22/20/06	<p>Met w/Mr. & Mrs. Piasecki. He explained that it is a confusing situation regarding group representation and Justus explained that Peter Mazeine was representing some of the people together as a group and that other people were representing themselves. He then said that he was grieving his assessment due to the noise last summer from the propane cannon used by Mr. Wayne Stearns last year to protect his sweet corn. The understanding is that he will be doing the same this year. The noise is constant and it makes it very difficult to listen to day after day. He feels that it could be harder to sell his property although he has no plans to sell at this time. Mr. & Mrs. Piasecki would like the Selectboard to establish a noise ordinance. The timing of the noise is variable but constant and harder to deal with as the days go on. And this happens at the height of the summer season. Carl explains that by law the Lister’s need concrete proof that the noise is affecting sales and there is currently no sales data. Mr. Piasecki explained that they don’t want to cause financial hardship for the town but since the Selectboard did not create a noise ordinance they felt that a change in their assessment was necessary. Charlene suggested that they proceed with a civil suit since changing their assessment will not take care of the problem. Carl then asked if the modified cannon was acceptable and Mr. Piasecki remarked that is was a little better but it only ran a couple of days that way.</p>		

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1:34 pm	Thomas & Arlene Jackman and Patricia Kellogg	19/20/13 & 67 and 22/20/03	Mr. with Mr. & Mrs. Jackman and Mrs. Kellogg. They are concerned with the extreme noise caused by the propane cannon used by Mr. Wayne Stearns to protect his sweet corn. It might be a little better is it was facing away from the lake. They feel that the cannon is not effective after a few days and that there are other ways to keep the birds out of the corn. Mr. Jackman remarks that they are not trying to reduce their taxes but need to show what the loss of tax revenue would be to the town if the Selectboard is unwilling to do anything to resolve this. They want the Selectboard to put a noise ordinance in place. The cannon ran from 6:00 a.m. to dusk. Charlene mentions that there is something in our zoning regulations regarding noise, however agriculture is exempt.		
1:58 pm	William and Marcia Mazeine	19/20/60	They have lived in the property year round since 2000 and use no services so they aren't a burden on the town. Because of the issue with the propane cannon being used by Mr. Stearns there is no longer the typical quiet enjoyment during the 6-8 week period at the height of the summer season. Mrs. Mazeine states that it is also very difficult to take her daily walk and she is unable to play tennis at her son's home, which is also impacted by this noise issue. Mr. Mazeine feels there should be a tax break for the 2 months that this cannon is going off (2 divided by 12 months). The Selectboard must implement a noise ordinance that bans propane cannons. He feels that the amount of real estate taxes paid by the lake shore residents demands respect.		

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2:15 pm	Peter Mazeine <i>* Representing property owners below via conference call.</i>	19/20/20.1 & 19/20/24	Peter Mazeine spoke via conference call, representing himself and the people and properties listed below. Mr. Mazeine asked how the Lister’s will be handling the situation with the propane cannon being used by Mr. Wayne Stearns to protect his corn crop. Carl is not sure how and has no opinion on how to proceed. Charlene says that the data Mr. Mazeine sent is excellent. Carl notes that we would have to do our own study which would take time and we would need to hire someone to do the study. By law we must make our decision in a few days. Mr. Mazeine noted that the noise issue must be disclosed when selling and we need regulations that are enforceable. Carl remarks that this will need to be dealt with in a geographic area, whether the person grieved or not. Justus says that it will be hard to do without sales data. Mr. Mazeine feels that this is not a reasonable agricultural practice. He does not believe that the buyers of the Nancy Cannon property were aware of the noise issue. Justus remarks that the Lister’s take this very seriously. He also stated that there is no retroactive appeal right allowed in the appeal statutes. Mr. Tim Ryan remarks that if an adjustment is based on distance the farmer could move it each year or add one every 5 acres. He also spoke with Chuck Ross, Secretary of Agriculture and Mr. Ross felt that the Selectboard should do a noise ordinance that could then be enforced. There was general discussion and the call ended at 3:12 p.m.		

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	Walter Bardenwerper *	19/20/52 & 53	Represented by Peter Mazeine.		
	Patricia Connelly (Reardon/Beers) *	19/20/63	Represented by Peter Mazeine.		
	B Alleman *	19/20/61	Represented by Peter Mazeine.		
	Sally Dean/ Christine Turner *	19/20/16	Represented by Peter Mazeine.		
	Brian & Martha DeGucz-Huber *	19/20/38	Represented by Peter Mazeine.		
	Donald Foss *	19/20/35	Represented by Peter Mazeine.		
	John Jackman *	08/01/20	Represented by Peter Mazeine.		
	Clarke Keenan *	19/20/17.1 & 17.3H	Represented by Peter Mazeine.		
	Paul & Andrea Kerin *	22/20/11	Represented by Peter Mazeine.		
	Barry & Barbi McDonald *	19/20/43	Represented by Peter Mazeine.		
	Charles Cowap & Elizabeth Price *	19/20/12	Represented by Peter Mazeine.		
	Timothy & Lizbeth Ryan *	19/20/55	Represented by Peter Mazeine.		
	Ed & Diane Stein *	19/20/34	Represented by Peter Mazeine.		
	Lee Weisman & Toby Goldsmith *	19/20/25	Represented by Peter Mazeine.		
	Bonnie Weiss *	19/20/15	Represented by Peter Mazeine.		
	Derick Willson *	19/20/19	Represented by Peter Mazeine.		
	Susan Carter	19/20/23	Represented by Peter Mazeine.		
	Peter Welch	19/20/49	Represented by Peter Mazeine.		

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3:20 pm			Justus distributed a letter from Rena Diana to the listers. There was then discussion on how to proceed and what type of decision should be made next week.		

Present: Carl Cole, Joe Blasius, Charlene Stavenow and Justus DeVries, Jr. Joe made a motion to recess the hearings; seconded by Charlene and so moved at 5:15 p.m. Charlene made a motion, seconded by Joe to accept all grievance decisions and approved all the grievance minutes on June 10, 2015.

Respectfully Submitted,

on June 4, 2015

Pam Cousino