



**Town of Whitingham
Zoning Board of Adjustment**

MINUTES OF AUGUST 27, 2026, PUBLIC HEARING

Call to Order. Additions or Changes to Agenda:

Marshall Dix called the meeting to order at 6:30pm. There were no changes to the agenda.

Hearing of visitors (for concerns not on the agenda)

None

Attendees:

ZBA members: Marshall Dix, Chair; Troy Felisko, Lyman Tefft, Rick Gramlin, and Amanda Pike.
Planning Commission Members: Brad Lackey, Chair; Peter Barus, Clerk; Keith Thompson; Phil Edelstein

Zoning Administrator/ZBA Clerk: Gig Zboray

Applicant on Zoning Permit application # W-15-26: Tom Bergeron

Others: Glenn Toole, Brian Green, Wendy Pratt, Wayne Pratt, Jacob Brown, Rosalie Bolduc, Lynn M. Tobey, Corey Dix, Adrianna Rhodes.

Open hearing

Mr. Dix opened the hearing, requesting permission to dispense from reading the warning.

Introductions were made around the room.

Discuss any potential conflicts of interest

None

Applicant to explain what they are asking for

Mr. Bergeron built a garage (permit # W-36-25). He has been using that garage for woodworking as a hobby and selling some of the items he creates at the flea market. A neighbor complained about the loud noises coming from the garage. Because it was reported by the neighbor that Mr. Bergeron was selling the items, the Zoning Administrator determined that a business use of the garage had not been approved and that Mr. Bergeron needed to apply for a change of use. His machine makes noise, sure, but says it is 60 decibels at the property line. He is employed otherwise, this is just a hobby.

Hear from all concerned

Glenn Toole, abutter, house closest to the garage structure. Mr. Toole likes Tom Bergeron, he is quiet and respectful, he has been the best occupant of that property in the last 15 years. The CNC router machine is "entirely too loud" at Mr. Toole's house. Noted that once they had company, eating dinner on the porch and they couldn't hear each other due to the noise from Mr. Bergeron's. When Mr. Toole noted that his guest was the game warden, Mr. Bergeron felt intimidated by that. Mr. Toole complains that the garage is not insulated, he wears headphones when he is in his yard due to the noise from next door. His written complaint states, "a large router or CNC wood milling machine, elevated to 10 feet, surrounded by a large uninsulated building produces a loud, variable whining noise, kind of like a dentist's drill or a siren. The

building seems to amplifies (sic) the sound. Because it is uninsulated, the doors are wide open with fans blowing out the hot air, and this adds to the noise level.”

The neighbors can hear the rod and gun club. Mr. Toole knew of that noise when he moved in.

Brian Green can hear it if they are outside, but they are about 1,000 feet away, they can’t hear it inside their home.

Mr. Pratt says that neighbors and friends helped build the garage so Mr. Bergeron had a place to do his hobby, however he is in compliance with the laws. If he needs a permit to run a cottage industry, don’t others in town need one too (pie makers, syrup makers, etc.). As a taxpayer he is concerned that the town could be sued. There is no noise ordinance in the town. The state noise law is quiet time from dusk to dawn.

Originally the machine was in his home, he has been running it for 10 years. Lynn Tobey is the property owner; she approved of the original permit for the garage. She would agree, it makes noise, but she is not his neighbor.

Tom’s mother noted that when Tom lived with her, he was running the machine in his basement under her TV and she could hear the TV.

Mr. Green noted that he couldn’t hear it when Mr. Bergeron was using the machine in his house.

Mr. Bergeron noted that he was willing to soundproof but he had to pay \$265 for this hearing. He has wrapped up parts of the machine in a sleeping bag. Lots of people came together to build the garage structure. Many of the logs came from residents all over the town. Yes, he plans on doing some sound proofing when he is able.

Lynn Tobey noted the noise is the issue, she questioned if the noise was taken care of, would this no longer be considered a cottage industry. Mr. Lackey noted that there are many violations in town, when a complaint is filed, it is addressed, but we don’t have a zoning enforcement officer.

Mr. Dix noted that IF this permit is granted, everything will carry on, but there might be conditions set.

Mr. Gramlin questioned Mr. Bergeron’s statement saying he works 12 hours per month, he said yes 12-15 hours per month. Can he set work hours? Not really, he has a full-time job; but he does stop that machine at 8pm. He doesn’t really use the machine in the winter.

Mr. Toole noted there is no acceptable time to have an unacceptable noise level.

Adrianna Rhodes, girlfriend noted that her daughter has noise sensitivity. Her daughter is not bothered by the noise in the house and doesn’t wear her headphones. She noted that the structure has a greenhouse roof on it making the building very hot, so Mr. Bergeron has to keep the doors open. She feels that a new roof and insulation would help a lot to reduce the sound.

Mr. Pratt suggested that everyone should donate money to buy the insulation, he will throw the first \$50 into the fund.

Site Plan Review by the Planning Commission

Maximum safety of traffic between site and street – this is for a business that brings in customers – n/a

Traffic circulation and parking – n/a

Landscaping, screening, setbacks, etc.- it doesn't look terrible to the neighbors.

Renewable energy – n/a

Exterior lighting – no plan for adding anymore lighting; one light on a timer, not an issue

Sign – no sign

General Standards:

Noise – consistent repetitive or reoccurring noise when machine in use

Vibration – he is not shaking the ground, photos aren't falling off the walls

Air Pollution – dust collector in use

Temperature, moisture – n/a

Electric emissions or signals – n/a

Light and reflection – n/a

Waste – saw dust can be put around the plants, cannot be piled along the property line, runs machine about 12 hours per month, takes about a month to fill a collection bag

Hazards – very, very fine sawdust in the right conditions could cause a fire, he doesn't produce that

Explosives – n/a

Erosion control – not adding any parking, the driveway is dirt

Stormwater – no changes to the property

Other business

None

Close hearing

A motion to close the hearing was made and passed at 6:50pm.

Enter deliberative session:

The hearing was closed, all visitors left. **A motion was made by Peter Barus to enter deliberative session and to include Gig Zboray, seconded by Marshall Dix, all in favor.**

The boards decided a site visit was necessary to hear and measure the sound. They arrived at Mr. Bergeron's at 7:26pm. Mr. Bergeron ran his equipment for the board members while they used various apps on their phones to measure the sound at different locations.

Return to the office at 7:55pm to continue deliberative session.

Exit deliberative session:

Exit deliberative at 8:48pm

Findings on Bergeron Application W-15-26:

All criteria of the site plan review was addressed, the only problem is the noise.
State rules are 60 decibels in the day and 50 decibels at night according to a google inquiry.
There was testimony that when the machine was running in the house, there was no noise complaint, but when it was moved to the second floor of the garage it became a problem.
Insulation or other measures will help to dampen the noise.
A proper roof, not greenhouse roof, will help dampen the noise.
The board found that the sound was a minor annoyance, but not an ear-piercing sound.
Sound tested as Mr. Bergeron used a 3/4" piece of plywood, the second sample was a 1" piece of maple.
Mr. Felisko found a low of 74.9 dB and a high of 81.7 while standing about 40' diagonally to the rear of the building. Average was 77.3 and 66.9 dB.
Mrs. Pike found the highest of 57dB in front of building, an average of 52 dB. Between the two properties, on the concrete slab was 45 dB.
Mr. Lackey was with Felisko, he recorded the highest was 70dB.
Mr. Dix noticed that the front of the building was quieter than the back of the building.
The front of the building has wood siding.
The entire roof is made of corrugated plastic.
One section of the rear wall is just a tarp
The upstairs walls are made of corrugated plastic.
Some of the lower walls are made of 2 layers of thin, laminate-like, plywood.
There is no insulation in the structure at all

Decision:

The application for home occupation/industry is granted with the following conditions:

Mr. Bergeron is allowed to continue his work within the garage, as is, until September 30th, 2026. Thereafter, no further business use of structure until the applicant/owner installs sound dampening materials and measures (while not a specific condition of the ZBA, materials such as wood siding and/or rockwool insulation would appear to be easy solutions that would aid in the dampening of the noise).

Mr. Bergeron is to contact the zoning administrator prior to recommencing the home occupation/industry. Upon notice from Mr. Bergeron the ZA is to inspect the property and measure sound levels at the property line.

An interested person may appeal this decision within thirty (30) days to the Environmental Court as per 24 V.S.A. Chapter 117 § 4471.

Adjourn

Meeting adjourned at 8:27pm.

Respectfully submitted,

Gig Zboray, ZBA Clerk