

FILE COPY

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6378**

Minutes of October 28, 2004

Members Present: Gary Nolan, David Silverman, Carl Fortune, Paul Trudell, Theresa Breault,

Members Absent: Carol Jennings, Jean Wickart

Recorder: Mark Leonard, Zoning Administrator

Guests: see attached list

Chairman Gary Nolan called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of October 14, 2004. David seconded the motion and it passed unanimously.

**WARNED HEARING: KEVIN LANE & JEANNETTE LEPINE, LOT LINE
ADJUSTMENT, 1216 MUD CITY LOOP**

Gary gave an overview of the application, which will be reviewed under sections 264 and 795 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Kevin Lane and Jeannette Lepine.

Kevin explained that he and Jeannette were trying to correct what they believed was an error in a previously recorded survey of their common boundary along Kenfield Brook. Kevin's lot, 5.7 acres, fronts on Mud City Loop. Jeannette's 223-acre parcel borders Kevin's to the south. Kevin said that the deeds for both properties refer to the Kenfield Brook as the common boundary but that a 1990 survey by Russell Deming incorrectly identified a straight line boundary approximately 1650 feet in length to the south of the brook.

The application is to correct the boundary back to the brook, with a small segment of the currently identified boundary of the Lepine property lying north of the brook joining the Lane property and the portion of the Lane property lying south of the brook joining the Lepine property. Both lots will remain greater than the minimum two-acre lot size requirement.

Kevin argued that a survey of the corrected boundary along the brook was unnecessary as the brook was a clearly defined feature and that only a small amount of land involved along an irregular boundary is involved, not sufficient to warrant the expense of surveying the area involved. He said that he and Jeannette would file quit-claim deeds to update the town records, which they both believe are inaccurate.

David said that town land records may indeed be inaccurate as they contain only that which persons submit for recording, regardless of the accuracy, or lack thereof, of the

FILE COPY

information. He felt that a survey of the corrected boundary was necessary to avoid the exact kind of situation in the future that the applicants find themselves in today.

David made a motion to approve the application with standard conditions, to include the filing of a mylar survey plat of the adjusted boundary. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: POWERSHIFT ONLINE SERVICES, CONDITIONAL USE, ANTENNA ON EXISTING UTILITY POLE, 4462 STAGECOACH ROAD

Gary gave an overview of the application, which will be reviewed under sections 264 and 795 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Keith Rivers, representing the applicant, and Todd Bernhard, adjacent property owner.

Keith Rivers detailed Powershift's proposal to mount a fourteen-foot whip antenna and several equipment panels on an existing 35' tall utility pole located by easement on property owned by Sweezey Properties on Stagecoach Road. The antenna and equipment would provide wireless high-speed internet access to customers within line-of-sight of the antenna. Powershift has two options for mounting the antenna: atop the pole (their preferred option due to less interference and better line of light) or attached by a support arm near the top of the pole.

Gary wanted to get Morrisville Water & Light Department's input on which of the two mounting options they prefer. Scott Corse, who was present in the building, said he would check on that and let the board know, but he did not foresee any technical problems with using the support arms.

Todd Bernhard voiced concerns about possible signal interference with his satellite internet receiver and about the structural load limits for the antenna, noting frequent strong winds in the area. Keith Rivers assured him that there would be no signal interference and said that the antenna mounts would be strong enough to handle the wind force.

David made a motion to recess the hearing to a site walk to assess the potential visual impact of the antenna. Paul seconded the motion and it passed unanimously. The site walk was scheduled for 8:00 am on October 30th.

OTHER BUSINESS:

The ZA advised that the applicant for a lot line adjustment at 82 Lower Main Street was not present. The Board agreed to reschedule the hearing for November 11, 2004.

Brian Benoit presented a proposal for a three-lot subdivision off Walton Road for pre-application review. David moved, and Carl seconded, that the proposal complied with the town plan.

Gary reviewed and signed the final survey plat of the Virginia Neel 1-lot subdivision on Cole Hill Road.

The board met in deliberative session on the Huard conditional use application for a home business. Three members and the ZA had conducted a site walk of the Huard and adjoining Prive properties on October 23, 2004. David moved to approve the application with the condition that the applicant not operate any power equipment (i.e., chain saw, log-splitter) before

FILE COPY

8:00 am Monday through Friday and before 9:00 am or after 3:00 pm on weekends and holidays.
Theresa seconded the motion and it passed unanimously.

On a motion by David, seconded by Theresa, the meeting adjourned at 9:05 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 11/11/04 (DS, PT)