

MORRISTOWN BOARD OF ADJUSTMENT MEETING -- SEPTEMBER 25, 1991

BOARD MEMBERS PRESENT: Gary Nolan, Chairman; Theresa Breault; Ralph Wiltshire; Ida Mae Anderson; Rose Lambert & Paul Trudell.

'91 SEP 30 15:55

BOARD MEMBERS ABSENT: Jean Wickart

ZONING ADMINISTRATOR: Gloria Wing

GUESTS: [SEE ATTACHED SHEET]

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of the 09/11/91 meeting for omissions/corrections. Theresa moved to accept the minutes as presented. Ralph seconded. All in favor.

7:30 P.M. -- WARNED HEARING/LEE ZACHERY, represented by Joe Ingram, seeking a side set-back for an addition, on property located on RT 100-N. Theresa administered the sworn oath.

Mr. Ingram presented plans for renovations of the present structure and advised the original foundation will be used and constructing an addition in the rear, to be used as a Pizza Restaurant, seating 46 persons. This will not negatively change the neighborhood.

Gloria advised that Adrian West, the adjacent property owner to this proposed set-back variance has no problem with the BOA allowing the variance of 3'3".

Betty Blaisdell; David Bothfeld and Karen Seidel were present and advised they have no objections to the proposed plans.

David Bothfeld advised that Zachery's will be inheriting a run-off problem which starts in the area of the Charlmont, where water comes down and washes Bailey House Floral's driveway and ends up on Zachery's property. The water does not originate here and previously was a garden area.

Mr. Ingram advised that Mr. Zachery was interested in saving the existing trees on the property, but would also want to prevent flooding.

Gary advised he believed the Town and State will have to address this as there is definitely a problem in this area.

Theresa moved to recess this meeting and conduct a Site-Walk on Sunday, 09/29/91 @ 7:00 A.M. Ralph seconded and requested that the Board have a set of plans pertaining to this property at that time. All in favor.

Ralph made the motion that after the Site-Walk, the BOA go into deliberative session. Rose seconded. All in favor.

7:55 P.M. -- WARNED HEARING/LAMOILLE VALLEY BROADCASTING. Theresa administered the sworn oath to all concerned that were present.

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Bill Riley advised that everything was the same as the previous application with the exception of the tower site, which has been moved approximately 2,000 feet up the hill. They would be leasing the property from RER Construction, (Roger/Edward/Richard Cote) a site near the Cote residence. There will be a stand-by generator in the event of power failures. WDEV will be the owner/operator.

Chairman Gary Nolan advised the question of health issues regarding the radiation transmitted by this operation has arisen and would someone address this.

WDEV's Brian Marshall stated that they have to meet extremely strict FCC regulations and have received FCC approval; that the worst case example would be 1/9th the allowable radiation emitted from the 3,000 watts this station would produce.

WDEV's Eric Michaels advised FCC's acceptable radiation levels are also incorporated into EPA Standards and they have meet the approval of both/

JOHN MONKS: Stated he believed this application is not in compliance with zoning regulations as it affects the area property values, referring to Town Zoning By-Laws, 505.1(d).

SUSAN WALLER: Stated she doesn't want the radio tower in the area as they paid top dollar for their property; this area is not zoned Commercial; is residential, and she should not have to look out and see it. Their property is located approximately 1,000 feet in a straight line from the tower site.

WILLIAM SPAULDING: Objects to the tower as it will spoil his view, his property is located at the corner of Cote Hill and Fontaine Road. He also spoke on behalf of Cynthia Yerrick, who could not attend objects and has been in contact with Ed Stanek of Natural Resources regarding this.

DON AVERY: Inquired how this was being heard and wouldn't it have to be heard by ACT 250. Was advised under a Conditional Use and would not fall under ACT 250 as it is under one (1) acre of land involved. Don then questioned future lighting of the tower and stated that if this were allowed, the BOA would be setting a precedence.

GLEN WALLER: Advised the tower will decrease property values in the area.

Paul Trudell advised he wanted to see written proof from realtors regarding same.

WDEV's Brian Marshall explained the reasoning for the tower height.

Theresa then read a letter received by Gary Nolan from William Oneil, dated 09/19/91, stating in part, that if this were allowed

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it would cause a negative impact.

Ralph made the motion to adjourn testimony and to take this to deliberative session. Theresa seconded. All in favor.

Ralph made the motion to adjourn at 8:45 P.M. Ida Mae seconded. All in favor.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

Guests / Applicants

Print

BoA - 09/25/91

1. Joe Ingram RD Box 2186 Wolcott VT 05680 re: Zachary's
2. Betty Blaisdell RD Box 3130 Morrisville, VT 05661 "
3. ERIC MICHAELS PO Box 550 WATERBURY VT 05696 WDEV
4. Brian Marshall RFD 1 Box 4165 Morrisville VT 05661 WDEV
5. Bill Riley, PO Box 26 STOWE, VT. 05672 WDEV
6. RANSOM BOX 119 MORRISVILLE
7. Richard E. Cote / Roger G. Cote Box 86 Morrisville, VT 05661
8. Bill Henchey RFD 3 Box 3350 COTE Hill " "
9. JOHN DOSTAL RR 3 Box 3330 " " " "
10. Karri Seidel. RRI Brooklyn St Mille,
11. DAVID BOTHFIELD " " "
12. Phil CUTTING RFD 2 Box 6531 MSVL.
13. Edward R. Cote Cote Hill Rd Morrisville
14. John Monks RB # 3493 "
15. Wyham SPADING RR3 Box 3550
- HANS NIELSEN RD3, Box 2035, M. VILLE
16. Glen Walker P.O. Box 432 Stowe VT
17. GUSAN WALLER
18. DON DRYER RD 3 - M-VILLE
19. Mark Sturtevant RD 3 Box 4290 M'VILLE