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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of September 23, 2004

Members Present: David Silverman, Carl Fortune, Paul Trudell, Theresa Breault, Jean Wickart

Members Absent: Gary Nolan

Recorder: Mark Leonard, Zoning Administrator

Guests: see attached list

Acting Chairman David Silverman called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of September 9, 2004. Paul seconded the motion and it passed unanimously.

WARNED HEARING: MANSFIELD ORTHOPEDICS, CONDITIONAL USE/SITE PLAN REVIEW, MEDICAL OFFICE BUILDING, WAASHINGTON HIGHWAY

David gave an overview of the application, which will be reviewed under sections 238, 452, 500, and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Thomas Morris and Eric Goddard, representing the applicant.

Mansfield Orthopedics proposes to construct a 9,100 square foot medical office, with associated utilities and parking area, on a one-acre lot off Washington Highway, behind the Morrisville Family Practice building. The facility would house medical offices and treatment/therapy areas for the applicants' practice. Mr Morris presented site plans and building elevations detailing the project.

Theresa inquired about exterior lighting and the business' operating hours. Mr Morris stated that exterior lights at the front and rear entrances would be on a motion-sensor timer. There would be five lights in the parking lot. The office would have regular Monday-Friday business hours.

Paul asked about building height and provisions for stormwater runoff. Mr Goddard said the height at the roof ridge would be 32 feet. He noted that 70-80% of the lot would be covered by impervious surfaces. Roof runoff would fall into stone-lined drip edges around the building which would be able to handle the runoff from a 10-year storm. Runoff from the parking area would be channeled to the grass areas surrounding the lot.

Paul asked if the building would have a sprinkler system. Mr Morris responded that it would not, as it did not require one under Labor & Industry fire safety standards. He said the

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project had been reviewed by Labor & Industry and found to meet all safety requirements.

Theresa moved to approve the application as presented. Jean seconded the motion and it passed unanimously.

WARNED HEARING: PHILIP & ELLEN WOLFF, CONDITIONAL USE: HOME BUSINESS, 107 UNION STREET

David reviewed the application for a home business at 107 Union Street, to be reviewed under sections 253, 460, and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Philip and Ellen Wolff.

The Wolffs have a previously approved home occupation permit for a three-room bed & breakfast in their home. They propose to convert one bay of the three-bay garage into a gift shop (approximately 350 square feet). The gift shop would primarily serve their guests, but would be open to the general public as well. There would be no exterior modifications to any of the existing structures and no additional parking and the applicants would be the only employees.

Carl moved to approve the application as presented. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: RCC ATLANTIC, CONDITIONAL USE: ADDITIONAL ANTENNAS ON EXISTING TELECOMMUNICATIONS TOWER, WHITE BIRCH ROAD

David gave an overview of the application, which will be reviewed under sections 263, 412.4 and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Will Dodge, David Rydelek, Ben Chang, and Allen Deforge (representing the applicant) and Bill Henchey, Trim Conklin, and Glen & Susan Waller, interested parties.

Allen Deforge of Downs, Rachlin, Martin (DRM) PLLC explained RCC Atlantic's proposal to remove two existing fourteen foot (14') whip antennas mounted on the WLVB tower on White Birch Road and replace them with six eight foot (8') panel antennas at the same height (125') on the tower. The tower was approved in 1992 under state land use (Act 250) permit #5L1154. The existing whip antennas were approved as a permitted use in municipal zoning permit #96-115. Specifics on the antennas and related equipment and the project's applicability to the zoning bylaws were submitted with the application. The modification will also include some additional co-axial cables from the new antennas to the existing equipment building, some interior equipment changes, and construction of a 4x8 concrete pad for an emergency power generator.

Mr Deforge explained that the new antennas would provide enhanced cellular phone services, including a capability for providing a location of cellular phone users for emergency responders. He said the new antennas will not increase the existing coverage area but will provide greater bandwidth in the coverage area, affording additional services for users.

Bill Henchey voiced concerns about the visual impact of the additional antennas. He asked if there were any similar antennas in nearby towns that the board and others could view to get a sense of the visual impact. David mentioned the panel antennas on the tower at the Stowe

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Police department and those mounted on a silo by the Waterbury flea market site.

Bill Henchey said that the Act 250 permit approval had been appealed and a court decision from that appeal might limit the applicant's ability to put more equipment on the tower.

He said the board should review the court findings and decision and that the application must comply with any court rulings. The ZA noted that the Act 250 permit and town zoning permits were different issues and that the applicants would have to separately seek an amendment to the Act 250 permit, at which time any issues arising from the original Act 250 approval could be addressed.

Glen and Susan Waller, adjoining property owners expressed concerns about any changes or additions to the tower. They asked if there would be any health risks from the antennas' signals. Allen Deforge presented a report detailing electromagnetic energy levels at various distances from the antenna showing levels well within permissible limits.

The ZA presented an email from joiners Kevin and Joan Carter expressing concerns about trash and noise caused by unauthorized persons using the site. A letter from the tower owner's attorney detailed steps they were taking to limit access to the site which should reduce or eliminate the trash and noise issues raised.

Carl asked if there were any structural or loading changes on the tower resulting from the proposed additional antennas. Mr Deforge replied that there were none.

After reviewing the photo simulation of the tower with the existing and proposed antenna configurations, several board members expressed a desire to get a better sense of how the tower would look and perhaps to be able to view one of the antennas. The applicants said they could provide that information at the next hearing, along with information on the previous permit approvals.

Carl moved to recess the hearing to the next scheduled meeting on October 14, 2004. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS:

Marie Marcoux spoke to the board regarding a boundary line problem she was having with her neighbor. The ZA advised her that the neighbor would need to apply for a lot line adjustment and variance for the side setback requirement. When that application was submitted, she would be notified of the hearing and would be able to raise any issues or objections she might have.

On a motion by Carl, seconded by Jean, the meeting was adjourned at 9:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 10/14/04 TB/SW