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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of January 12, 2006

Members Present: Gary Nolan, David Silverman, Paul Trudell, Jean Wickart, Carol Jennings, Theresa Breault

Members Absent: Carl Fortune

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: Robert & Sara Small, Don Post, Paul Cutting, Brian Sullivan, Arthur Droher, Sandy Carter, Bill Henchey, Glenn Waller

Gary Nolan called the meeting to order at 7:30PM. On a motion by Theresa, seconded by Jean, minutes of the December 12, 2005 meeting and December 17, 2005 site walk and deliberative session were approved.

WARNED HEARING: ROBERT & SARA SMALL, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, RANDOLPH ROAD

Gary introduced the application, to be reviewed under sections 264, 740, 780, and 810 of the zoning and subdivision bylaws. The ZA conducted a pre-application review of the proposal under the provisions of the proposed zoning and subdivision bylaw amendments that have been submitted to the Select Board for adoption. David informed the board of a potential conflict of interest arising from his employment at the same business as one of the applicants. He said that he felt he could objectively review this application. There were no objections to his participation in this hearing. Theresa administered the sworn oath to Robert and Sara Small.

The Smalls propose to create a 24-acre lot from an 86.5-acre parcel located between Randolph Road and Elmore Mountain Road. The new lot (identified as lot 1B on their preliminary survey) is located along Randolph Road, across from two adjoining parcels they also own, and contains a barn. They intend to sell the two parcels across the road together with the new lot. They would retain the balance of the 86.5-acre parcel (lot 2), which includes a new residence they are constructing along Elmore Mountain Road. The new lot would only be used for agriculture; no new structures are anticipated and there are no plans for a septic system on the new lot.

David made a motion to approve the application as presented with standard subdivision conditions. Paul seconded the motion and it passed unanimously.

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WARNED HEARING: PAUL CUTTING & DONALD POST, CONDITIONAL USE & SITE PLAN REVIEW AND ACT 250 MUNICIPAL IMPACTS REVIEW, AIRCRAFT HANGARS, 2305 LAPORTE ROAD (MORRISVILLE-STOWE AIRPORT)

Gary introduced the application, to be reviewed under sections 263, 502, 632-637, and 660 of the zoning and subdivision bylaws. Theresa administered the sworn oath to applicants Paul Cutting and Donald Post.

Paul Cutting described the plan to construct two aircraft hangars along the north end of the airport parking apron. One hangar would be 74'x 77'; the other would be 45'x 60'. The new hangars would be of a similar construction style and color scheme as the existing hangars. He stated there would be no water or wastewater service in either of the two new hangars.

Paul presented a letter dated December 2, 2005 from Jason Owen, AOT Project Manager, stating that the proposed hangars conform to the airport master plan and a lease agreement with the state allowing the construction of the hangars on state property. He noted that the airport master plan identifies areas for additional hangars to meet increasing aircraft storage demands. The AOT letter requires that the new hangars be no closer than ten (10) feet from a well serving existing hangars.

Paul Trudell asked how tall the structures would be. Paul Cutting said they would be nineteen (19) feet at their peak, lower than the 24' foot height of the largest existing hangar.

David reviewed the Act 250 municipal impacts review standards and asked if any would be adversely impacted. Paul and Don stated there would be no adverse municipal impacts.

David moved, and Jean seconded, to approve the application with standard conditions. The motion passed unanimously.

WARNED HEARING: VERMONT RSA LIMITED PARTNERSHIP, dba VERIZON WIRELESS, CONDITIONAL USE & SITE PLAN REVIEW AND ACT 250 MUNICIPAL IMPACTS REVIEW, INSTALL ADDITIONAL ANTENNAE ON EXISTING TOWER, WHITE BIRCH ROAD

Gary introduced the application, to be reviewed under sections 263, 412.4, 632-637, and 660 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Brian Sullivan (representing the applicant), Arthur Dreher of DuBois & King (for engineering information), Sandy Carter from Verizon Wireless, Bill Henchey, and Glenn Waller.

Brian Sullivan explained that Verizon seeks to install 12 panel antennas (approximately 4 feet long by 8 inches wide) on a triangular platform (four panels per side) at 75 feet above ground level on an existing 155-foot tower located on Cote Hill. The new antennae will improve service area coverage and enhance digital voice and data services for Verizon subscribers. A pre-fabricated shelter measuring 12'x30x10' containing related equipment and a diesel-fueled emergency power generator will be installed near the base of the tower and will be secured by an eight-foot high chain link fence.

The site will be fully automated, with one on-site service call monthly. The generator would be tested for a half-hour once a week, at midday to minimize any noise impacts on neighboring properties. Access will be from White Birch Road on the existing driveway.

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Bill Henchey reviewed the permitting history for the tower, noting that the decision approving the tower in 1995 was appealed to Vermont District Court. At that time, the tower applicants stressed that it would primarily serve as a local radio station transmitter, with space on the tower to be offered to emergency services agencies for improved communication. According to Bill, the court, in upholding the approval, cited its use for emergency services radios as a key factor. Bill said that since that approval, no local agencies have used the tower because it doesn't provide any enhanced coverage. He went on to say that the tower has subsequently had additional cellular phone service antennae mounted, mostly recently last year when Unicel replaced several whip-type antennae with digital panel antennae, which are more visible.

Bill asked if Verizon customers can use Unicel's existing analog antennae. Brian Sullivan responded that these provide limited phone service and fewer service features under 'roaming' conditions. Verizon customers can't use Unicel's digital antennae due to different system specifications.

Sandy Carter stated that the new antennae would not only improve phone service area coverage, particularly along Route 100 and northward toward Hyde Park, but also allow for additional service features presently unavailable. She said the improved coverage area would provide customers better access to emergency service providers.

Bill said he was concerned about antennae proliferation and its aesthetic impact on the surrounding area. He noted the Cote Hill ridgeline is visible from many parts of Morristown. He feels that this is one more in a series of add-ons to the tower that increase the negative visual impact of the tower. He asked when is enough enough when it comes to more antennae.

Glenn Waller, adjacent property owner, expressed similar concerns about the aesthetic impact and also raised concerns about possible health hazard from more electronic emissions. He also questioned who benefited from this action, big corporations or consumers. He asked where the proposed antennae would be mounted relative to the tree height.

Brian Sullivan addressed these issues. He noted that the town plan and zoning bylaws require co-location of antennae on existing towers whenever possible in order to avoid building new towers. He emphasized that there would be no increase in tower height and that the new antennae would be mounted below the Unicel tier of antennae, nearer the tops of surrounding trees, and would be smaller, resulting in less visual impact. The equipment shelter would be shielded from view by trees and vegetation. He noted that their structural engineering analysis indicated that the tower would be at its structural capacity limit with these additional antennae.

The ZA referred to the 'Community Facilities, Utilities, & Services' section of the town plan to cite FCC jurisdiction over any health-related questions for towers and antennae and restrictions on municipal regulation of such facilities.

David reviewed the Act 250 municipal impacts review standards and zoning bylaw conditional use standards as they applied to this application and asked if any would be adversely impacted. There did not appear to be any adverse impacts under these standards.

David moved, and Jean seconded, to approve the application with the following conditions: the color of the new antennae will match the color of the tower and existing attachments as closely as possible, generator testing will occur only during midday on weekdays, and the equipment shelter will be screened so as not to be visible from Cote Hill Road. The motion passed unanimously.

OTHER BUSINESS:

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The ZA presented a draft RB report for the 2005 Town Report and reviewed the terms for DRB members. He advised of an upcoming VLCT seminar on 'Common Zoning Hearing Challenges'. He also advised that there may be another court ruling regarding an appeal under Morristown's 'on the record' review procedure. He may recommend to the DRB and Planning Commission that the town no longer use this procedure due to the requirements the court has been imposing for more thoroughly documenting the DRB's findings and conclusions in its decisions.

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

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 2/23/06 TB/JW