

TOWN OF HINESBURG
DEVELOPMENT REVIEW BOARD MINUTES

April 20, 2010

Approved May 4, 2010

Members Present: Tom McGlenn, George Munson, Dennis Place,
Dick Jordan, Ted Bloomhardt, Greg Waples

Members Absent: Zoë Wainer

Also Present: Alex Weinhagen (Planning Director), Peter Erb (Zoning Administrator, Mary Seemann (Recording Secretary), Mike Hopwood, Brian Sullivan, Sandy Carter, Arthur Dreler, Tony Wells, AJ Lampher, Andrew Davis, Gary Fournier, Louis Mulieri, Berthann Mulieri, Mark Naud, Patricia Carroll, Michelle Douglas, Jamie Carroll, Clifford Brody, Richard Watts, Kim Hazelrigg, Sylvia Geiger, Allison Cleary, Jane Finn, Alison Dennison, Landon Dennison, Robert Millikin, Mark Delaney, Maureen Delaney

Tom McGlenn called the meeting to order at 7:30pm

Minutes of April 6, 2010. After some amendments and corrections Greg Waples made a motion to accept the minutes, Dick Jordan seconded. A vote was taken

The Motion Passed

Fournier 2-lot subdivision on Pond Road

Gary had presented at the April 6th meeting but his application was continued to the 20th meeting due to lack of notice to adjoining homeowners. Kristin Miskavage, the President of the Home Owners Association at Orchard Commons was present at the April 6th meeting and said only one homeowner received a notice for this meeting and said some that did not receive notice had some concerns with this subdivision. The application was moved to the 20th in order for letters to the association be mailed out. After some discussion between all parties present it was decided that after the association met to discuss this application if any homeowners had concerns or problems Kristin would call either Alex or Gary to express said concerns and they would be discussed at the DRB meeting tonight. Kristin did not show up at tonight's meeting and Gary said he had not heard from any abutter. Alex called Kristin to see if there were any objections to moving forward with Gary's application. Kristin apologized for not calling and said only one homeowner asked a question regarding the septic system. Kristin said she gave the homeowner Gary's name and told him to call Gary. Gary said he did not get a call from the homeowner.

Greg Waples said in that case he felt the application should move forward and Ted Bloomhardt made a motion for Peter to update the Draft. Tom M asked the Board if they had any changes to the draft and reminded the Board that there was a motion on the floor, Dennis Place seconded the motion. A vote was taken

The Motion Passed

Carroll-Conditional Use Camp Conversion

The Board had a site visit before the nights meeting and Tom M gave all present a short recap of that visit. Lou and Berthann Mulieri, who are neighbors of Jamie's, were present for that site visit. Jamie had done a mock-up to show the layout of his proposal. Tom M said the Board had looked at the boundaries, drilled well, sand mound, and location of existing trailer. Dennis P said he felt the house was in line with the neighbors. The Board also went to the Mulieri's to see what view they had as they were concerned that they were going to lose their lake view.

Jamie gave a short slide show showing where the septic would be and stated that the old one will be replaced with a system big enough for a 3-bedroom house.

Tom M opened the discussion up to the public.

Berthann M submitted a list of concerns and some possible solutions she had with this new house being built in the spot that Jamie had selected. Her first concern was blockage of her view from her kitchen table stating that she lives at that table and relishes her view of the lake. She suggested that perhaps the height of the house could be lowered, change the elevation or move the house to another site on the property. Her second concern was for the health of the lake, with the runoff from the property into the lake. Berthann said she had measured the parcel and agrees with what Jamie claims it is, and wanted to know if the shed in the back was included in the new plans. She also said she was concerned about any cutting down of the big trees between their properties.

Jamie said he and Berthann had met a couple of times and he had changed his plans to try to accommodate Berthann's concerns. Jamie showed his slides of the view the Mulieri's have now and what view they will have after his house is built. Ted B asked if the big pine in the slide was on Jamie's property and Dick J asked if the ditch the runoff would use goes directly to the lake. Jamie said the ditch does not go directly into the lake and showed the ditches path. There was discussion amongst the Board members about this application having the same issues as in '07.

Peter Erb explained that the Conditional Use is intended to allow people flexibility to work with what exists on the property now. This gave way to a discussion of a Variance vs. Conditional Use. Greg W asked if the septic could be moved higher up on the property and Jamie said it couldn't. You can't have a septic higher than the well or that close together. After discussion on Section 5.1 of the Zoning regulations Jamie said perhaps he should come back asking for a Variance.

Tom M made a motion to continue this application at the May 4th meeting. Greg W seconded the motion. A vote was taken

The Motion Passed

Verizon – Conditional Use adding to an existing tower

Tom recapped this application was for adding an additional 10 feet to the existing silo on Leavensworth Rd, and placing antennas on the silo.

Brian Sullivan (Verizon's attorney) introduced the staff from Verizon. Brian said he knows that there is controversy in a wireless tower going up in a neighborhood, and stated that Verizon is not building a new silo they are adding on to an existing one that their competitors use. Brian showed diagrams of what the silo will look like after the extra 10 feet have been added and the antennas were in place. There was a discussion regarding radio frequency emissions, what the law is and whether Verizon would be within the limits. Tony Wells the engineer for the project said that even when the tower is going at full strength the frequency will be below the FCC limitations.

AJ Lamphere asked about the AT&T locations and wanted to know if the infrastructure for this project was different from other carriers.

Tom opened the discussion to the public.

Sylvia Geiger asked what time of the day did they do their testing for frequency. She asked if they went onto her property in order to get readings and Tony said they do not go into people's yards when they take readings. Sylvia said she was not happy with the placement of the antenna and the height of the silo as it will obstruct her view of Camel's Hump.

Kim Hazelrigg said she was reading the FCC used 6 minutes intervals when doing their readings on exposure to the frequency. Tony said the FCC has adopted standards based on exposure of 6 minutes which tends to scare and confuses the public.

Richard Watts said that this is the same issue as two years ago and read minutes of a meeting where he read that the Board would "not entertain any other proposals" when it came to wireless communications. He stated Peter has written the proposed building is not a silo anymore it is a wireless communication facility and he feels this is one area we need some regulations. Richard expressed that the neighborhood will be effected by this and the Board, having more power than Verizon should make them do more monitoring of the facility.

Cliff Brodie agreed with Peter's description stating he is not using the building so it is not a silo. He stated this new project will close up the holes in the building so that will be a plus making the silo nice to look at. Cliff said he may someday use the silo again, but it is not in his near future.

Dick J asked about the structures integrity; he is not sure if it is sound enough to be a silo. Cliff B. said both AT&T and Verizon's engineers have looked at it and said with the holes in it the building is not useable but this project will correct that problem. Peter said he understood that the upper part of the silo is what is being leased and that Cliff could use the bottom section if he needed or wanted it.

Landon Dennison's biggest concern is the health hazard having the antennas directed at houses and having the frequencies going through living spaces. He asked about what type of security Verizon planned on having at this facility and Arthur D said there would be a shelter

with a single light that was motion activated. He said the equipment is about the size of two A/C units and there would be no interference with television reception.

Maureen Delaney asked about radio frequency vs. electro magnetic frequency and Tony W gave examples of each. A member from the audience asked if there had ever been a study on the overtime effects on animals and Tony W said he didn't know.

Alison Cleary asked if they were actually measuring what's out there at different points and what aesthetic impact the additional 10 feet would make. She asked what the capacity of the tower was and if they were considering incremental growth.

Mark Deleany wanted clarity of which direction the signals were pointed and to make sure that they were not pointed at any homes. He asked if there was any limit on the height of the silo. Peter E said if it is a silo it can be up to 80 feet in height.

Tom made a motion to close the hearing to the public and take this up in a deliberative session. Greg seconded the motion. A vote was taken

The Motion Passed

Lyman Milot – 2-lot subdivision (Kinney Drugs)

The Board got information that the developer and architect have been working with Kinney's and have come up with a new design for the property. George made a motion to continue this application to the May 4th meeting, Tom M seconded. A vote was taken

The Motion Passed

Tom M closed the meeting at 10:05pm and said the Board would go into deliberative session.

NRG –Conditional Use tower

The Board reviewed the draft, held a discussion and made corrections to it. Tom M moved to accept the draft after amendments are made and Dennis P seconded the motion. A vote was taken

The Motion Passed

Respectfully submitted

Mary Seemann
(Recording Secretary)