

Town of Perry  
Minutes of Land Use Committee  
Tuesday, January 6, 2009  
Perry Town Hall  
8:00 PM

1. Call to Order. Committee member Ken Hefty called the meeting to order at 8:10 PM. Committee members Ann Windsor, Gary Baumgartner and Bird Cupps were present. Also in attendance: Atty. Mordecai Fayas, Atty. Wanchay Chanthadouangsy, Walter Hamady, David Mays, Michael Samuel, Joe Hoff, Karen Hoff, James Gibson, Nicole Espe, Brent Radke, George Sundstrom, Paul Lindstroth, Mick Klein Kennedy, Pat Downing, Tom Holzkopf.
2. Minutes of Previous Meeting – December 2, 2008. Ann Windsor moved and Gary Baumgartner seconded a motion to approve the minutes of the Land Use Committee meeting held on December 2, 2008 as amended. Motion carried.
3. Applications – Public Hearings and recommendations.
  - a. George Sundstrom, 300 CTH H – Conditional Use Permit – Communications Tower, zoning change as needed.

Mordecai Fayas and Wanchay Chanthadouangsy presented additional information as requested, a revised application indicating a smaller shelter building, and a Soil Evaluation prepared by David C. Roberts, Soil Scientist reporting his conclusion and agland impact, “Based on the field evaluation soil pit 1 and 2 would fall into the Choice Farmland list compiled by the Town of Perry. It is my opinion that the proposed activity will have minimal short term negative impact on agland, and no long term negative effect.”

Mordecai Fayas and Wanchay Chanthadouangsy indicated that the existing barn is on Choice soil; appraiser Krunkel reports cell towers have no negative impact on property values based on his research in urban areas and trend is in opposite direction, i.e. no cell service could have a negative impact; health concerns – radio wave exposure is within FCC safety requirements; E911 service will be provided; cell service is needed in the Town.

Ann Windsor moved and Gary Baumgartner seconded a motion to discuss the cell tower siting application submitted for a site at 300 CTH H. Motion carried.

Paul Lindstroth asked who establishes need for Verizon cell service and advised that views and vistas should be retained and a 100’ – 200’ tower is too visible.

Wanchay Chanthadouangsy indicated that each company has its own network and FCC frequency assigned. Verizon is seeking to place a tower at this site due to distance from other Verizon towers; 160’ will fill optimal coverage and co-location capability; E911 service will be provided.

Joe Hoff requested information about ‘dead’ areas and Bird Cupps indicated that ‘dead’ areas will continue to exist in the Town.

Joe Hoff commented that E911 service will not be provided in 'dead' areas and property values will not increase.

Nicole Espe indicated that E911 will not serve the entire Town; drivers talking on cell phones are a safety hazard; cell towers degrade the environment for migrating birds and insects; health risks are too high; the proposed tower will be in the line of sight.

Walter Hamady reminded the Committee that the application does not comply with the Land Use Plan's Section 5 Mandatory Criteria – "The service offered is one generally needed in the Township." and "The size and nature of such a proposal must be limited to protect the rural character and preserve the natural beauty of the Township."; aesthetic environment to be preserved as the Town is still a rural community.

James Gibson asked for signal range and Mordecai Fayas indicated that the cell tower would provide service in a 2 mile radius for in-home service.

James Gibson advised that cell towers should be located on Town-owned parcels; land values will decrease; cell service is not needed in the Town; U.S. Cellular provides excellent service in the Town; Land Use Plan does not allow development on Choice soils.

Joe Hoff asked what next steps Verizon will take if this application is denied and Wanchay Chanthadouangsy reported that the decision will be presented to Verizon for further options.

Walter Hamady advised that cell towers should be located on ridges, topographical maps should be used; co-location will not succeed if cell service companies do not cooperate; concerns expressed by all neighbors in the Town should be considered.

David Mays indicated that a 160' tower will be seen from many areas on his property; in the Town's 2004 survey, 88% of the respondents valued unspoiled, natural resources in the Town; the Land Use Plan requires adherence to the goals, principles and overall plan for the Town.

Mike Samuel commented that there will be a negative impact on the views and vistas; 1/3 of the Town will be served; aesthetic issues should be addressed; land values and quality of life will be affected; not a reasonable site.

Walter Hamady indicated that Verizon wants to serve drivers going through the Town.

Paul Linstroth reported that the cell towers on Hwy 39 in Green County have a negative impact; view and vistas should be preserved.

Joe Hoff reminded the Committee that Chris St. Clair presented an exhibit at the Dec. 2, 2008 Land Use Committee meeting depicting a black tower on the proposed site. Mordecai Fayas and Wanchay Chanthadouangsy reported that the proposed tower would be grey and not lit.

Tom Holzkopf said that he moved to the Town to get away from urban areas and due to the beauty of the area.

Pat Downing asked why the proposed site is in a valley and Wanchay Chanthadouangsy indicated that the location is due to the center of the range;

a 160' tower on a ridge would be more visible; the proposed site is hidden by existing buildings and trees; the site would provide a 2 mile range for service in buildings and a 4 mile range for vehicle coverage.

Bird Cupps asked if the site is denied, would a 200' tower be proposed at a different site and Wanchay Chanthadouangsy indicated that a site will be found that can be approved; coverage at intersection of H and 78 is goal; sites on promulgation map might be presented.

Mick Klein Kennedy asked if this site will drive other site applications and commented that the Land Use Plan's criteria for need for service has not been met; sets precedence; other required sites need to be presented; impact on other sites needs to be reviewed.

Wanchay Chanthadouangsy indicated that this site will connect to other sites in the overall plan.

Nicole Espe requested a report from an appraiser who is a specialist in local, rural area; and added that more technology does not always fix perceived problems; less technology might be better in Town; Town Board should consider justice for whole community; siting should be on Town parcels.

Walter Hamady commented that cell tower siting is a Town-wide issue and a survey or referendum might be advisable.

James Gibson advised that FAA might require lighting in the future.

Ken Hefty reported that cell service is needed in the Town for farmers who work alone in fields and there should be good cell coverage in the Town.

Karen Hoff requested additional information about radio wave output and Wanchay Chanthadouangsy indicated that output will not increase with co-located antennas and the Town cannot deny approval based on health issues. Mordecai Fayas reported that the antennas will comply with FCC regulations and three carriers could be located on the proposed antenna; studies show no health concerns with antennas; antennas are located on hospitals, schools, etc.

Tom Holzkopf advised camouflage is available and should be used and Wanchay Chanthadouangsy reported that camouflage is very expensive and limits service coverage.

Nicole Espe requested info. about radio waves multiplied by number of antennas over long period of time. Mordecai Fayas reported that the FCC allows level of RF emissions and tower emits much less than allowable level; RF emitted is 1,000 times less than allowed by FCC.

Mordecai Fayas asked how many Variances have been approved for development on Choice soil and the Committee reported that no Variances have been approved.

James Gibson advised that towers should be sited on Town parcels.

The Committee discussed comments presented and reviewed the Land Use Plan.

Ann Windsor moved and Gary Baumgartner seconded a motion to recommend that the Town Board deny approval of the cell tower site application as presented by George Sundstrom, 300 CTH H, due to siting on Choice soil, Variance not necessary for reasonable use, and opposition presented by neighbors and Town residents. Motion carried.

4. Review and develop recommendations to site cell towers in compliance with Cell Tower Siting Ordinance on Town parcels. The Committee reviewed directive from Town Board and will consider further discussions. Bird Cupps moved and Ann Windsor seconded a motion to recommend cell tower siting applications proposed on Town parcels should be reviewed by the Land Use Committee and include site views and public hearings. Motion carried.
5. Schedule meetings. Due to scheduling conflicts, site views will be held on Saturday, February 7 and the Committee will meet and hold public hearings on Thursday, February 12, 2009 beginning at 7:00PM.
6. Adjourn. Ann Windsor moved and Gary Baumgartner seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:50 PM.

Respectfully submitted,

Mary L. Price, Clerk

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