

Town of Perry
Minutes of Land Use Committee
Tuesday, October 3, 2006
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:01 PM. Committee members present: Bird Cupps, Ken Hefty, Ann Windsor and Dean Vogel. Also in attendance: Susan Kovacs, Kevin Kovacs, Jenny Hefty, Larry Price, Roger Kittleson, Carol Watkins, Dominic Haag, Mary McSherry, Dennis Cleary, James Gibson, Pat Downing, Diane Reilly, Johan Hoff, Clare Hoff, Sean Timmens, Claire Weiss, John Fleming, Mary Fleming, Roger Kittleson.
2. Minutes of Previous Meeting – September 5, 2006. Ann Windsor moved and Ken Hefty seconded a motion to approve the minutes of the Land Use Committee meeting held on September 5, 2006 as published.
3. Applications – Public Hearings and recommendations.
 - a. James Gibson, 123 Drammen Valley Rd., Accessory Bldg. James Gibson presented additional information. Ken Hefty moved and Ann Windsor seconded a motion to recommend approval for James Gibson’s accessory building permit. The Land Use Committee reviewed the Site Plan and soils map and noted that the site meets the Land Use Plan criteria by preserving existing trees, sited on poor soils, and clustering with existing buildings. Motion carried.
 - b. Sarah Cupps, 131 STH 78, Land Division. Jenny Hefty presented a letter to the Land Use Committee. Chairman Mick Kennedy read the letter aloud. Ann Windsor moved and Ken Hefty seconded a motion to advise the Town Board that this application is not necessary since this type of land division is exempt, and an additional refund should be considered. Motion carried (4 Yes, 1 abstain). Bird Cupps abstained.
4. Public Hearing - Dane County Zoning Petition 9508, Conditional Use Permit 2012 - Kennel – Sean Timmens, 10225 Spring Valley Dr. Chairman Mick Klein Kennedy announced that the Dane Co. Zoning and Land Regulation Committee requested an additional Town Board Action Report and Perry Town Board Chairman Pat Downing requested another Public Hearing for this petition. Chairman Mick Klein Kennedy opened the Public Hearing.

Susan Kovacs distributed a packet of letters and petitions to the Land Use Committee and the Town Board.

Sean Timmens presented a summary of the project and indicated that the issues raised in the letters written to the Town were addressed by the Land Use Committee and the Town Board. He reported that a drawing showing 24 pens was shown to the neighbors in October, 2005 and the site meets the Land Use Plan. He also indicated that the noise and waste management questions were addressed. He presented a report received from a sound engineer that

indicating that the planned insulation material will reduce the sound emitted to 30 decibels. Bark collars will be used to control barking and the letout times shown on the CUP application are agreeable. Sean reported that he attended a neighbor meeting on August 27, 2006 and requested a list of concerns but has not received a list. He indicated that all reasonable questions have been answered and he will address any more reasonable concerns.

Carol Watkins asked what type of shooting was planned and Sean indicated that only a blank pistol will be used for training.

Carol Watkins commented that she thought a small kennel was planned.

Diane Reilly asked if a new training ground was added and Sean reported that he has obtained land leases for training in Dane and Green County and at hunt clubs in the area for diversified training sites.

Johan Hoff commented that he has resided in the Town for the past twenty years and in his opinion this planned kennel will change the neighborhood in the worst way. He stated that a kennel of this size should not be in a residential area.

Susan Kovacs reported that she was told that the kennel would house four or five dogs. She said that a neighbor told her in August, 2006 that the kennel would house up to 48 dogs. She then circulated a petition.

Sean Timmens recited the January 3, 2006 Land Use Committee minutes that report a 24-run kennel.

Kevin Kovacs said he was told that the kennel would house 8 – 10 dogs, and he is concerned about barking and land values. He stated that in his opinion the Land Use Plan's CUP six Mandatory criteria are violated.

Mary McSherry stated that she was told that the kennel would house four to six dogs and would be used as supplemental income. She is concerned about run-off and damage and resale value. She commented that it would change the surroundings.

Diane Reilly reported that she was not approached by Sean Timmens with the plan, questioned the CUP criteria of a service needed in the Town, and is concerned about noise.

Dennis Cleary stated that Sean approached him about an easement and that Sean told him that none of the neighbors objected. He said he was not informed about a site view on his land.

Bird Cupps clarified the approvals with contingencies.

Ken Hefty indicated that the site view was an informal question and answer session, not a meeting.

Sean Timmens reported that he talked to Dennis and Darlene Cleary and decided that there was no reason to write an offer to purchase if the site would not be approved by the Town. He indicated that Don Cleary attended the site view.

Susan Kovacs requested clarification of the site view process. Mick Klein Kennedy reviewed the process, reported that the Land Use Committee acted on the information that was presented at the meetings and hearings, and that the Land Use Committee followed the Town's procedures correctly.

Mary Fleming commented that when a mistake is caught it should be corrected.

John Fleming asked where the kennel will be sited and Sean Timmens gave him a copy of the site plan.

John Fleming asked what kind of hunting dogs will be in the kennel and Sean Timmens reported that he trains German Shorthair Pointers and German Wire-haired Pointers for bird hunting.

Roger Kittleson asked if two dogs would be let out at the same time and Sean indicated that half of the dogs would be let out for cleaning, approx. ½ hour.

Diane Reilly asked for clarification about waste handling and Sean stated that there will be a holding tank and the runs will be sprayed with a sanitizer.

Pat Downing asked if there is a number of dog limit for the rezoned area and Susan Kovacs reported that Peter Conrad, Dane Co. Zoning Administrator, said that there is no animal unit limit for a kennel.

Pat Downing stated that the owner could apply for another CUP to increase the number of dogs.

Susan Kovacs commented that she is very concerned about the validity of the Petition.

Claire Weiss stated that she is the closest neighbor present at this meeting and she very reluctantly signed a petition.

Diane Reilly commented that Dane County saw that there was enough information for another hearing and taking a step to correct a wrong.

Mick Klein Kennedy reminded attendees that comments should have been presented at the early meetings and hearings.

Carol Watkins asked if the kennel would be a commercial enterprise in an agricultural zoned area.

Mick Klein Kennedy explained existing commercial enterprises in LC zoned areas in the Town.

Clare Hoff, representing Karin Hoff, stated her concern about property values and commercialization.

Bird Cupps explained that the Town's Comprehensive Plan's surveys indicate favorable support for small enterprises.

Clare Hoff stated her concern about a change in zoning.

Mick Klein Kennedy explained the Town's application process and reported the Land Use Committee's advisory role to the Town Board, and the Town Board's advisory role to the Dane Co. Board for zoning changes and CUPs.

Roger Kittleson commented that although the Neighbor Notifications were sent, Dominic Haag was the only neighbor to appear at the meetings, and Dennis Cleary presented a signed easement agreement at a meeting.

Mick Klein Kennedy reminded attendees that several months of meetings and hearings were held.

Roger Kittleson reported that when Dane Co. referred the Petition, the Land Use Committee held another public hearing in August, 2006. He reminded attendees that the Town Board relies on the Land Use Committee's

recommendations and follow the Town's Land Use Plan. He suggested that interested residents should recommend amendments to the Land Use Plan.

Susan Kovacs asked if a zoning change was a speedy process and Mick Klein Kennedy indicated that the process in the Town is usually two months. Ken Hefty and Ann Windsor commented that many applications are postponed for more information.

Johan Hoff stated that it is apparent to him that something in the system is breaking down.

Bird Cupps commented that all of the concerns were raised in the hearings and meetings and were discussed by the Land Use Committee.

Mick Klein Kennedy reported that all issues were raised and it appears that some neighbors do not believe that assurances from Sean that issues raised will be addressed.

Pat Downing agreed with Roger Kittleson that everything the Land Use Committee and Town Board have done is fair and above board, but three new factors that were not considered – 1. neighbor opposition, 2. financial effects such as real estate values, and 3. health effects.

John Fleming commented that the newspaper notices were not clear enough.

Kevin Kovacs said that the neighbors erred. He indicated that he felt the Land Use Committee and the Town Board did not follow page 3 of the CUP criteria.

Dominic Haag commented that if no neighbors appear all the criteria must be met, and no dog kennel is good for a neighborhood.

Chairman Mick Klein Kennedy closed the public hearing at 10:05 PM.

The Land Use Committee reviewed options and concerns about setting a precedent if the petition is revisited. Mick Klein Kennedy asked for a review of the County's actions.

Pat Downing stated that in response to a letter from Johan Hoff he made a motion at the County Board meeting to return the petition to the ZLR based on new information.

Clerk Mary Price reported the sequence of the actions of the Dane Co. Board and the Dane Co. Zoning and Land Regulation Committee and the Town's Land Use Committee and Town Board since July, 2006.

Kevin Kovacs stated that the ZLR set the precedent.

Pat Downing reported that a memo he received from Dane Co. Corporate Counsel Dave Gault might apply – that a legislative body may rescind its action.

Bird Cupps expressed concern that overwhelming neighbor opposition was presented after the fact and the effect on precedent setting.

Ann Windsor stated that information presented might be a basis to reconsider the petition but not at this meeting. Contingencies and conditions might be added but not enough information has been presented.

Mick Klein Kennedy suggested that a neighborhood meeting should be held to sort the facts and come to a consensus on contingencies and assurances

that safeguards are in place. Roger Kittleson suggested that a mediator should be used to facilitate consensus.

Ann Windsor moved and Bird Cupps seconded a motion to request a joint meeting with the Town Board to be held on Thursday, October 19, 2006 beginning at 8:00 PM to discuss and possibly reconsider Dane County Zoning Petition 9508, Conditional Use Permit 2012 - Kennel for Sean Timmens, 10225 Spring Valley Dr. Motion carried.

5. Planning Commission Training survey. The Committee reviewed the survey and will respond individually as requested.
6. Scheduling. If approved by the Town Board, the Land Use Committee will meet with the Town Board at a combined meeting on October 19, 2006. Site views will be held on Saturday, November 4 and the Land Use Committee will meet on November 9, 2006.
7. Adjourn. Bird Cupps moved and Dean Vogel seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:10 PM.

Respectfully submitted,

Mary L. Price, Clerk