

Town of Perry  
Minutes of Land Use Committee Meeting  
Tuesday, December 2, 2008  
Perry Town Hall

1. Call to Order. Chairman Dean Vogel called the meeting to order at 8:00 PM. Committee members Ann Windsor, Ken Hefty, Gary Baumgartner and Bird Cupps and Clerk Mary Price were present. Also in attendance: Walter Hamady, Pat Downing, Dan Watson, Kay Watson, Doug Dolan, Atty. Mordecai Fayas, Atty. Diana Castellanos, Mick Klein Kennedy, Bruce Fortney, Roger Kittleson, Joe Hoff, Karen Hoff, Darrell Walker, Brent Radke, Amelia Fairchild, Jeanette Sundstrom, Gary Langfoss, George Sundstrom, Christopher St. Clair, Anna Hamady, Dan Frick, David Mays.
  
2. Minutes of Previous Meeting – November 6, 2008. Ann Windsor moved and Ken Hefty seconded a motion to approve the minutes of the Land Use Committee meeting held on November 6, 2008 as published. Motion carried.
  
3. Applications – Public Hearings and recommendations.
  - a. Perry Lutheran Congregation, approx. 10804 CTH A – Conditional Use Permit - Communications Tower, zoning change as needed. Doug Dolan, agent for Verizon, Co., presented two promulgation maps depicting sites proposed in SW Dane Co. and in the Town of Perry. Doug Dolan reported that two sites in the Town of Perry are currently on hold. He indicated that a Dane Co. variance will be needed for the equipment shelter at this site.

Ann Windsor moved and Gary Baumgartner seconded a motion to discuss the application to site a cell tower at the Perry Lutheran Church site. Motion carried.

The Land Use Committee reviewed the additional information presented and a letter from Doug Dolan concerning Town parcels, and a letter from Nicole and Eric Espe objecting to cell tower site in the Town.

Darrell Walker reviewed the history of the current parking lot at the church, the congregation's actions, Mt. Horeb Rescue services, Med Flight services, and advised that the cell tower site at the church should not be approved.

Doug Dolan indicated that the tower will provide enhanced 911 service; FCC, FAA and Med Flight will be notified that the pole is 165 feet; will provide high speed internet access; will not be lighted (under 200 ft. pole).

Kay Watson requested additional information – how many towers planned in the Town, how many equipment sheds for co-locaters, fall down radius at Daleyville park, if church site is 50' x 50' how is remainder used, and advised that the Town's Land Use Plan, Cell Tower Ordinance and Open Space Plan should be observed.

Doug Dolan reported that Dane Co. ordinance requires co-locating 2 providers, wireless service will increase, new tenant might require tower to

enhance service, U. S. Cellular might require a different tower, Dane Co. ordinance requires one acre site, 50' x 50' site will be fenced.

Mordecai Fayas indicated that site could be rezoned to a Conservancy District.

Karen Hoff asked how many Verizon customers reside in the Town and how many new Verizon customers will be gained?

David Mays reported that the Verizon system requires more towers than other carriers which impacts views and vistas; cell service is available now in the Town.

Amelia Fairchild advised site if approved should be on a Town parcel; cell service coverage on Hwy 78 does not provide service to whole Town.

Doug Dolan indicated that the Daleyville park site would be acceptable for service coverage; equipment is stored in the shelter building; Daleyville park site is not designed yet to determine fall down radius; Town Garage site might be acceptable to Verizon.

Bruce Fortney asked for additional information about air conditioning in the shelter building and noise created.

Doug Dolan reported that small, residential type air conditioners are used in the shelter building and no heaters are required.

Kay Watson asked for additional information about the frequency range.

Doug Dolan answered that lower frequency transmits better and requires a smaller pole.

The Land Use Committee reviewed the application for the Zoning Change from A-1 to A-2 to determine compliance with Section 5 Mandatory Criteria for rezoning Agriculture Districts – “No urban services are required. The proposed development will not require high amounts of water or a large septic system. The service offered is one generally needed in the Town.” The Committee reviewed the soils map and determined that the proposed site is on Fair soil.

The Committee reviewed the General Criteria for All Zoning Changes, Mandatory Criteria – “There is minimal conflict with neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board.” The Committee discussed the major concerns with this Mandatory Criteria based on letters received, comments presented at the public hearings, petition presented, adjoining neighbors' comments, site support presented by church members only.

Walter Hamady commented that the Land Use Plan's purpose is preservation and neighbors' comments must be considered and reported that 17 states have legislation regulating cell phone use while driving.

The Land Use Committee reviewed Section 6, Site Approvals' Mandatory Criteria number 17 – “At all site viewings, the effect of the proposed development on surrounding views and vistas (if any) will be recorded and evaluated.” The Committee noted many comments received.

Section 2 of the Open Space Plan was reviewed to identify the Perry Lutheran Church as a historic site with a unique identity to be preserved.

The Committee reviewed a letter received from Majid Allen, Senior Planner, Dane County Zoning indicating that an engineering analysis will be available from the County's consultant and the Zoning Dept.'s staff report.

Gary Langfoss indicated that the church will not approve siting the cell tower on the church's steeple.

The Land Use Committee reviewed the provisions for siting in the Cell Tower Siting Ordinance.

Kay Watson indicated that the views and vistas from her property will be negatively affected, and expressed concern for potential damage by truck traffic to existing trees.

The Land Use Committee reviewed Dane Co.'s Conditional Use Permit checklist and commented:

1. conditional use not detrimental – views impaired, comments rec'd.
2. uses, values and enjoyment of other property impaired – comments rec'd.
3. impede orderly development – does not apply.
4. adequate utilities – provided.
5. adequate ingress and egress – provided.
6. conforms to zoning district.

Bird Cupps moved and Ann Windsor seconded a motion to recommend that the Town Board deny approval of the Conditional Use Permit and Zoning Change application submitted by Perry Lutheran Church Congregation. Motion carried.

Doug Dolan requested additional information to submit an application to site a cell tower on the Town Garage parcel. The Committee and Clerk Mary Price discussed options, neighbor notification, and other procedures.

Mick Klein Kennedy reminded Town residents to participate in Town hearings and other meetings to be informed about Town issues.

Walter Hamady suggested a referendum or survey option should be considered.

b. George Sundstrom, 300 CTH H – Conditional Use Permit – Communications Tower, zoning change as needed.

Mordecai Fayas presented additional information requested at the site view and indicated that the site and cell service will comply with FCC regulations, provide enhanced 911, high speed internet access, serve increased demand for cell service. He said that the shelter will be sited behind the existing barn. He reported that Town parcels were considered but would not provide coverage to STH 78 and CTH H. The shelter area – 50' x 50' - will be fenced and maintained monthly. Soil types will be tested. Zoning change will be Conservancy District.

The Land Use Committee reviewed the Mandatory Criteria for Zoning Change – Section 5(7)(a) "Choice Farmland – Because this land is the most productive in the Township, development on this land is not allowed except as follows: development of a driveway to allow access to building sites on

Fair or Poor soils as long as the amount of Choice soil development is .10 acres or less (4,356 sq. ft. or less) and providing the driveway is located along an established fenceline or property boundary. “

The Land Use Committee reviewed the Mandatory Criteria for Site Approval – Section (11) “The Town of Perry will limit development to areas that will not adversely affect agriculture, or the rural environment of the Township, see Open Space Plan surveys and references.” (12) There will be minimal conflict with neighbors where such conflict is determined reasonable by the Land Use Committee and Town Board.”

Joe Hoff reported that he was approached by Verizon to site a cell tower on the Hoff's' land but rejected the offer due to negative health-related issues, potential decreased land values, cell phone service exists in the area.

Amelia Fairchild indicated that the proposed cell phone service will not extend to Drammen Valley Road.

Mordecai Fayas commented that land values might be enhanced due to cell and data services, and health issues related to RF emissions have not been confirmed.

Jeanette Sundstrom indicated that no cell service is provided now at their farm; EMS could not get a signal for an emergency call at their farm, a cell tower is installed at the Mt. Horeb High School, research shows minimal health risks.

George Sundstrom reported that the Town's Land Use Plan shows over 40% of the Town's households were farming in 1980 and 1.8% in 2000.

Walter Hamady commented that the Land Use Plan serves the needs of the whole community and views and vistas are high priorities in the Land Use Plan.

Dan Watson requested additional information about the effect of the Mayflower Rd. cell tower site on alternative sites in the Town of Perry and asked if satellite service will be provided within ten years.

Mordecai Fayas reported that if other sites were considered, the CTH H site will still be needed for coverage.

Kay Watson reminded the Committee to consider FCC rules, effects on land values, coverage in entire Town, stray voltage example.

Chris St. Clair indicated that he bought his property seven years ago and has been restoring native prairie. He said that his concerns include the views from his ridge will be impaired by the proposed tower placement and could have a negative impact on property values.

Dan Frick indicated that cell service needs infrastructure such as three towers on Hwy 39 near New Glarus and co-location is not always successful.

Dean Vogel read a letter received Nicole and Eric Espe indicating their objection to cell tower placement in the Town.

Roger Kittleson commented that he had no objection to the Sundstrom site.

Bird Cupps offered the concept that cell tower placement should be consider public works projects and review should include transparency and complete design shown at public hearings.

Mordecai Fayas requested information to amend the soil maps.

Pat Downing indicated that the Town parcels are preferred, could be property values concerns, and asked if compensation to adjoining landowners would be considered by Verizon.

Mordecai Fayas reported that Verizon would not enter a lease with anyone other than the landowners. Diane Castellanos indicated that effect on land values could be speculative.

Dean Vogel requested additional information on effects on land values.

Dan Frick commented that consider views and vistas infringes on property rights; should have comparables; service and infrastructure might increase values; cell service is necessary.

The Land Use Committee requested additional information to address health concerns, property values, sites considered outside of the Town, a map showing sites in Iowa Co. and Green Co., and revised soils map approved by Dane Co.

Ann Windsor moved and Ken Hefty seconded a motion to postpone action on the application presented by George and Jeanette Sundstrom. Motion carried.

4. Schedule meetings. Site views will be held on Saturday, January 3, 2009 and public hearings will be held on Tuesday, January , 2009.
5. Adjourn. Ann Windsor moved and Ken Hefty seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:40 PM.

Respectfully submitted,  
Mary L. Price, Clerk