

Town of Perry Meeting
Minutes of Land Use Committee
Thursday, February 12, 2009
Perry Town Hall

1. Call to Order. Chairman Dean Vogel called the meeting to order at 7:05 PM. Committee members Ann Windsor, Ken Hefty and Gary Baumgartner and Clerk Mary Price were present. Also in attendance: Walter Hamady, Doug Dolan, Mordecai Fayas, Joe Hoff, Jeff Anderson, Karen Hoff, Kay Watson, George Sundstrom, Steve Johnson, David Mays, Roger Kittleson, Mick Klein Kennedy, James Donlin.
2. Minutes of Previous Meeting – January 6, 2009. Ken Hefty moved and Gary Baumgartner seconded a motion to approve the minutes of the Land Use Committee meeting held on January 6, 2009 as published. Motion carried.
3. Applications* – Public Hearings and recommendations.

- a. Survey/opinion poll and possible moratorium on cell tower sitings. Gary Baumgartner moved and Ann Windsor seconded a motion to discuss a survey/opinion poll and possible moratorium on cell tower sitings. Motion carried.

The Committee reviewed the directive from the Town Board to consider a cell tower opinion survey/poll and a possible moratorium on cell tower sitings and develop recommendations for the Town Board.

The current Communications Tower Ordinance and the application process were discussed and reviewed and the proposed survey – public hearing opportunities; potential survey questions; cell tower equipment options; E911 requirements; survey process and timeframe.

Walter Hamady reported the Comprehensive Plan and its survey results and commented that cell service is a national issue, not a local issue; satellite technology could provide cell service soon; rural environment should be preserved; not enough information about the overall cell service provider's plan; a professional survey should be developed and offered to the Town residents.

Kay Watson suggested additional public hearings be added for possible amendments to the Communications Tower Ordinance; acceptable sites should be negotiated by the Town.

Mordecai Fayas reported that the Dane Co. ordinance requires co-location with two additional carriers on the tower.

Walter Hamady commented that the Land Use Plan should be followed.

By consensus the Committee indicated that the ordinance and the Land Use Plan provide the processes for application consideration.

Karen Hoff requested more information to consider a cell service booster offered by Verizon. Doug Dolan reported that the Verizon cell service booster cost is approximately \$200.00 and could provide better in-home service in valleys.

Steve Johnson advised that each application should be considered on its merits and the current application process including neighbor notification should continue.

Ann Windsor moved and Ken Hefty seconded a motion to advise the Town Board that the current process to consider each application for compliance with the Town's ordinances and Land Use Plan is sufficient. Motion carried.

- b. Town of Perry garage, 1386 STH 78 – Conditional Use Permit, Communications Tower.

Doug Dolan, Verizon agent, presented updated drawings and information and reviewed the history of the application and re-design to include a 180' monopole, 27 sq. ft. shelter, back-up generator, high speed data, and E911 capabilities.

Ann Windsor moved and Gary Baumgartner seconded a motion to discuss the application. Motion carried.

The Committee reviewed observations at the site view and the updated drawings, the fall-down area, insurance requirements, variance for Dane Co. set-back requirements – hardship – siting on Town parcel.

David Mays indicated that this site appears to be the least objectionable - will provide income to the Town, sited near a public building on busy part of road.

Doug Dolan indicated that co-located carriers will provide additional income to the Town.

Steve Johnson, neighbor, spoke against the siting at the Town garage.

Jeff Anderson, neighbor, spoke against the siting due to too many unanswered questions, co-location does not appear in the Town's ordinance, service benefits drivers traveling through the Town not residents.

Roger Kittleson commented that dead zones in the Town need to be resolved, Town government should strive to provide a safe environment.

Doug Dolan reported that the Town of Cross Plains site and the Town of Vermont site have been approved recently.

James Donlin requested the overall plan for Iowa Co. and Green Co. and southwest Dane Co.

Doug Dolan indicated that two sites are planned in the Town of Perry.

Mick Klein Kennedy requested the build out plan and advised that all sites should be considered in one application.

Mordecai Fayas reported that Verizon has reduced its planned four sites in the Town of Perry to two sites.

Ann Windsor expressed concern that the overall plan has not been provided, neighbor concerns, safety issues identified, need for service, fall-down radius.

David Mays requested more information about need for service, effect on other sites if Town garage site is denied, advantage to individuals, balancing safety with cost.

Ken Hefty compared cell towers to wind towers.

Karen Hoff indicated that cell towers represent corporate greed, wind towers provide power to all, need for Verizon service on Hwy 78 has not been shown.

Walter Hamady indicated that wind towers add to the power grid, not comparable to cell towers.

Ken Hefty recused himself from voting on this application.

Ann Windsor moved and Gary Baumgartner seconded a motion to advise the Town Board to deny approval to site a cell tower at the Town's garage based on neighbor concerns and minimal need to provide service. Motion failed. [Vote = 1 Yes, 2 No]

Gary Baumgartner moved and Dean Vogel seconded a motion to recommend approval to site a cell tower at the Town garage, to approve a variance for the fall-down radius, and to apply for a setback variance. Motion carried. [Vote = 2 Yes, 1 No]

Gary Baumgartner moved and Dean Vogel seconded a motion to recommend approval of the Conditional Use permit to site a cell tower at the Town garage parcel currently zoned A2. The Committee considered the standards to consider conditional use permits:

1. will not be detrimental to or endanger the public health, safety, comfort or welfare. Satisfied. Vote = 3 Yes, 1 No.

2. uses, values and enjoyment of other property shall not be substantially impaired. Satisfied. Vote = 3 Yes, 1 No.

3. will not impede orderly development and improvement of the surrounding property. Satisfied. Vote = 3 Yes, 1 No.

4. adequate utilities, access roads, drainage and other site improvements have been or are being made. Satisfied. Vote = 4 Yes.

5. adequate ingress and egress designed to minimize traffic congestion in the public streets. Satisfied. Vote = 4 Yes.

6. shall conform to all applicable regulations of the district in which it is located. Satisfied. Vote = 4 Yes.

Motion carried.

c. Informal discussion – cell tower siting – Mordecai Fayas, Verizon agent.

Mordecai Fayas presented information and maps depicting possible sites and requested variance information. The Committee reviewed the maps and indicated soil types and other requirements of the Land Use Plan and the Communications Tower Ordinance.

4. Schedule meetings. Site views will be conducted on Saturday, February 28, 2009 and the Land Use Committee will meet and hold public hearings on Tuesday, March 3, 2009.

5. Adjourn. Ken Hefty moved and Gary Baumgartner seconded a motion to adjourn. Motion carried. The meeting adjourned at 9:45 PM.

Respectfully submitted,
Mary L. Price, Clerk
