

Town of Perry
Minutes of Land Use Committee
Tuesday, October 7, 2008
Perry Town Hall

1. Call to Order. Chairman Dean Vogel called the meeting to order at 8:00 PM. Committee members Ken Hefty, Gary Baumgartner and Bird Cupps (9:20 PM) and Clerk Mary Price were present. Also in attendance: Dwayne Iverson, Richard Keller, Gary Langfoss, John Eichorst, Pat Downing, Paul Hodgson, Mick Klein Kennedy, Kay Watson, Dan Watson, Doug Dolan, Bruce Fortney.
2. Minutes of Previous Meeting – September 2, 2008. Ken Hefty moved and Gary Baumgartner seconded a motion to approve the minutes of the Land Use Committee held on September 2, 2008 as published. Motion carried.
3. Applications* – Public Hearings and recommendations.
 - a. John Eichorst, 9658 Perry Center Rd. – site plan, building permit, driveway extension, zoning change as needed. John Eichorst presented additional information and comments to support the application. Ken Hefty moved and Gary Baumgartner seconded a motion to recommend approval of the Site Plan, Building permit, and Driveway extension as submitted by John Eichorst, require removal of the existing residence upon completion of the new residence, with a variance for the residence building site per Section 1.07(1) of the Building Ordinance – “**VARIANCES 1.07 (1)** Where the Town finds that unnecessary hardships may result from strict compliance with this Ordinance, the Town may vary the regulations so that substantial justice may be done, provided that the public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of this Ordinance.”

The Committee reviewed the site plan and soils map for proposed building site on the existing site of former barn, and reviewed the justification for the Variance – existing residence does not meet current setback requirements, existing former barn site foundation not Choice soils, other sites on Choice soils. Motion carried.
 - b. Perry Lutheran Congregation, approx. 10804 CTH A – Conditional Use Permit - Communications Tower, zoning change as needed. Gary Langfoss and Doug Dolan presented additional information. The Committee reviewed site maps and soils maps.

Gary Baumgartner moved and Ken Hefty seconded a motion to recommend approval the Site Plan, Zoning Change, Driveway, and Conditional Use Permit for a Communications Tower application as presented by Perry Lutheran Congregation.

Doug Dolan presented the tower description – 165 feet, galvanized steel, with no guy-wires required, existing driveway can be extended to serve the site behind the existing tree line, and meets Verizon’s 2-mile coverage criteria.

Pat Downing requested a point of order – Gary Baumgartner should recuse due to potential conflict of interest.

Gary Baumgartner withdrew his motion due to potential conflict of interest and recused himself from further consideration of this application.

Ken Hefty moved and Dean Vogel seconded a motion to recommend approval the Site Plan, Zoning Change, Driveway, and Conditional Use Permit for a Communications Tower application as presented by Perry Lutheran Congregation.

Ken Hefty moved and Dean Vogel seconded a motion to table the previous motion until a quorum can be achieved.

Ken Hefty moved and Dean Vogel seconded a motion to take the motion off of the table and consider the application.

Bird Cupps requested additional information concerning zoning change.

Kay Watson presented the Daleyville park parcels background information.

Doug Dolan indicated that cell tower range should be a 2 mile radius. A tower is planned at Mayflower Road, Town of Blue Mounds and will be used in tandem to the proposed Town of Perry tower to provide cell phone coverage on Hwy. 78. The Town Garage parcel is too close to the Mayflower Road site.

Co-location requirements by Dane Co. Zoning were discussed.

Other sites in the Town of Perry and adjoining Towns and counties were discussed.

Other tower designs were discussed. Doug Dolan explained that taller towers require lighting and can cause cross talk and TV interference.

Doug Dolan presented promulgation maps to indicate current and future tower sites and coverage.

Clerk Mary Price presented the Town-owned parcels:

Hauge Log Church Historic Park – 4 parcels.

Daleyville Park – 3 parcels.

Town Hall – 1 parcel.

Recycling Center – 1 parcel.

Town Garage – 1 parcel.

Dan Watson requested more information about cell towers located south of the proposed site and expected coverage. Doug Dolan indicated that a tower south of the proposed site has not been designed yet and an existing tower in Green County would be considered for co-location. He also reported that the proposed tower would have GPS capacity.

Bruce Fortney commented that he strongly objects to the proposed site as it affects his view of the Blue Mounds.

The Committee discussed the Town parcels and neighbor concerns and advised the applicant to provide further justification for excluding Town parcels as proposed sites and to provide additional explanation for the proposed site.

Ken Hefty moved and Dean Vogel seconded a motion to postpone action on the application until additional requested information is provided. Motion carried.

4. Communications Tower Siting Ordinance amendment – public hearing – add “values” to Section 6)a)ii: “Whether the uses, values and enjoyment of other property in the neighborhood for purposes already permitted would in any foreseeable manner be substantially impaired or diminished by the establishment, maintenance or operation of the Communication Tower.”
 - Pat Downing presented information received from WI Towns Association to amend ordinances.
 - Bruce Fortney commented that property values have been shown to decrease in proximity to cell towers.
 - Ken Hefty moved and Gary Baumgartner seconded a motion to recommend approval of the Communications Tower Siting Ordinance amendment as presented.
 - Motion carried.
5. Conditional Use Permit procedures – Dane Co. Ord. Amendment 54 adopted.
 - Clerk Mary Price presented information received from Majid Allen, Dane Co. Zoning and Dane Co. Ordinance Amendment 54, Conditional Use Permit procedures.
6. SW Wisconsin Grassland Feasibility Study – review and recommendations. Dean Vogel presented information received from DNR. Gary Baumgartner moved and ken Hefty seconded a motion to recommend that the Town submit a request for inclusion in Southwest Grassland and Streamland Conservation Focus Area. Motion carried.
7. Schedule meetings. Site views will be held on Saturday, November 1. The Land Use Committee will hold public hearings and meet on Thursday, November 6, 2008, rescheduled due to Election Day on November 4, 2008.
8. Adjourn. Ken Hefty moved and Bird Cupps seconded a motion to adjourn. Motion carried. The meeting adjourned at 11:00 PM.

Respectfully submitted,
Mary L. Price, Clerk
