

Town of Perry  
Minutes of Land Use Committee Meeting  
Wednesday, December 4, 2019  
Perry Town Hall, 10084 County A  
8:00 PM

1. Call to Order. Chairman Dean Vogel called the meeting to order at 8:00 PM. Committee members Gary Baumgartner, Ken Hefty, Bird Cupps and Deputy Clerk Stephanie Zwettler were present. Committee member Phoebe Blackman was absent. Also in attendance: Jay Wendt of Bug Tussel Wireless, Duane Iverson, Dave Marshall, a resident of the Town of Brigham, Iowa Co., Mick Klein Kennedy and Mollie Simms.
2. Minutes of Previous Meeting – October 2, 2019. Gary Baumgartner moved and Ken Hefty seconded the motion to approve the minutes of the Land Use Committee meeting held on October 2, 2019 as presented. Motion carried.
3. Greg Oimoen, 11082 Clay Hill Rd – driveway construction, upgrade for cell tower access. Ken Hefty moved and Gary Baumgartner seconded the motion to discuss the application. Motion carried.

Observations at the site view were discussed. Chairman Vogel noted the driveway had been upgraded and cell tower erected in June 2019. The committee discussed the driveway that was partially established to a former residence destroyed by fire and noted that it had been upgraded and extended to the county line. Bug Tussel representative, Jay Wendt, said the company added gravel and filled potholes, but claimed the driveway was not modified for slope, culverts, or substrate.

Deputy Clerk Stephanie Zwettler presented submitted letters from adjoining landowners. The letters expressed statements of opposition to the tower construction, adverse impacts, and reported the lack of transparency and notification from Iowa County and the Town of Brigham.

Mick Klein Kennedy questioned potential liabilities and town responsibilities in granting driveway access from a Town road to a commercial site that is not located in the Town of Perry. He also expressed concern in establishing a precedent for future requests. Ken Hefty additionally explained the need to consider emergency vehicle access.

The committee discussed the length of the driveway and erosion control. Mr. Wendt affirmed that Bug Tussel established erosion control measures in Iowa County, but not in Dane County. Adjoining landowner Dave Marshall opposed the assertion.

Mr. Wendt stated all required permits were properly obtained from Iowa County and the Town of Brigham before proceeding, and it was understood that the new driveway was to connect to an existing driveway in the Town of Perry.

After further committee discussion, Chairman Vogel reasserted the existence of the partial driveway and soil disturbance from the former residential site. Dean Vogel moved and Gary Baumgartner seconded the motion to recommend approval of the driveway application contingent on the landowner obtaining any permits required by Dane County. Motion carried – 3 Yes, 1 No.

Ken Hefty moved and Dean Vogel seconded the motion to recommend the Town Board notify Iowa County and the Town of Brigham of the Town of Perry's actions taken with regard to the driveway application. Motion carried.

The committee deferred action of Driveway Ordinance violation to the Town Board.

4. Dane County Zoning Ordinance Amendment OA-20 – Amending Chapter 10 – review for recommendation of adoption. The committee discussed the proposed amendments. Ken Hefty moved to recommend approval of adopting Dane County Zoning Ordinance Amendment OA-20; Gary Baumgartner seconded the motion. Motion carried.
5. Pending applications – review and discussion. Deputy Clerk Stephanie Zwettler reported that there are no pending applications at this time.
6. Schedule meetings. Site views will be held on January 4 and the meeting and public hearings will be held on Wednesday, January 8 for applications that are submitted by December 15.
7. Adjourn. Bird Cupps moved and Gary Baumgartner seconded a motion to adjourn. Motion carried. The meeting adjourned at 9:25 PM.

Respectfully submitted,  
Stephanie Zwettler, Deputy Clerk