

**Town of Union
PLAN COMMISSION MEETING**

Minutes of August 25, 2011

The Town of Union Plan Commission regular meeting was called to order at 7:00 p.m. on Thursday, August 25, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Eric Larsen and Dave Pector. Also in attendance were Building Inspector Bob Fahey, Town Chairman Kendall Schneider, Town Supervisors George Franklin and Kim Gruebling and Town Engineer Greg Hofmeister. Vice Chairman Doug Zweizig, Plan Commission member Renee Exum and Clerk Regina Ylvisaker were absent.

Approve July 28, 2011 Plan Commission Minutes

Alvin Francis wondered what the problem was with the ordinance recommendations for the zoning change in the minutes from the July meeting. He decided the subject should be discussed later in the last item of the agenda. Motion to approve the minutes of the July 28, 2011 Plan Commission minutes as written was made by Eric Larsen. Second by Dave Pector. Motion carried by unanimous voice vote.

Public Comment (10 minutes max/issue)

Eric Larsen asked Alvin Francis if he would allow comments from the public about the Tower Ordinance which was on the agenda. Alvin said he would seek public input later when they were discussing the ordinance and would impose the time limit.

Public Hearing: Review and Recommendation to Town Board Action on Request made by Eric & Marion Tong, 18251 W. Emery Rd., Evansville, WI 53536 for a land division and zoning change for parcel 6-20-152A, address above. The applicants request to divide off 25 acres of the existing 35 acre parcel; the resulting 10 acre parent parcel would be rezoned A2, and the newly created 25 acre parcel would be rezoned A2.

Alvin Francis reviewed the status of the Request which was tabled the last meet awaiting a sale to an adjacent landowner. Alvin further stated that the newly created 25 acre parcel would be rezoned to A-1 if it was sold to an adjacent owner of an A-1 property. Alvin asked if there were any new developments on this Request.

Motion to remove Request from table by Eric Larsen. Second by Dave Pector.

Public Hearing opened at 7:10 P.M.

Marion Tong brought in a copy of an offer to purchase from an adjacent landowner. She further stated that the adjacent parcel was an A-1 parcel, so only the resulting 10 acres would need to be rezoned to A-2.

Discussion about the location of the adjoining land and pointing out that there wouldn't be any access problems. The buyer would be able to access the land through his current property.

Public Hearing closed at 7:15.

Eric Larsen moved to recommend to the Board approval of the zoning change of the 10 acres of parcel 6-20-152A to be rezoned to A-2. Second by Dave Pector.

Roll call vote: Eric Yes, Alvin Yes, Dave Yes.
Motion carried 3-0.

Eric Larsen made a motion to recommend to the Board approval to divide off 25 acres from parcel 6-20-152A with the remaining 10 acres re-zoned as A-2. Second by Dave Pestor.

Motion carried by unanimous voice vote.

Tower and Antenna Ordinance Development

The Plan Commission commented on a letter from the town Attorney about Licenses versus Conditional Use permits.

Eric Larsen thought they should discuss the attorney's points on the different approaches between a License and a CUP and decide on which path they were going to take before proceeding with the draft.

Dave Pestor said he prefers a License because it's a commercial business operating in an agricultural area. Feels there is better control. Eric Larsen said because it's a structure built on the land, a CUP is better. For example what if it's abandoned what do you do with it? Alvin Francis felt that you could use them both; CUP for approval, Licensing for review.

Alvin Francis said the main reason for a review would be to see if something changed aesthetically or if the radio frequency emissions changed. Alvin asked Greg Hofmeister if the operator had to verify that the radio frequency waves were in compliance. Greg said you should require it. There should be a way to do it before it's certified.

Consensus was to use both a License and a CUP approach.

Eric Larsen talked about the material that they received from Daria O'Connor. They should focus on the 3 studies they received instead of the anecdotal reports. The discussion continued that there were not many current studies and the ones there were, were not conclusive. Eric didn't see enough evidence of health and safety concerns. He felt they needed to approach drafting this ordinance like the wind ordinance with scientific support.

Eric passed out copies of the report entitled "WHO Electromagnetic Fields and Public Health" and read the paragraph about cancer. Eric stated that we should have strict regulations on the siting, but it can't be based on something we can't prove.

Daria O'Connor said she doesn't necessarily disagree with what they were saying, but there were issues that affect quality of life. Commented on intrusiveness of the lights, property value concerns, safety and if there is actually a need for the tower. Daria mentioned Hempstead, a Township in New York with a stricter 1500 foot setback. She asked the Plan Commission to consider a 3rd party consulting firm with expertise in communication tower siting that would be a negotiator between the town and the tower company. Money could be collected into escrow to pay for this service.

Alvin Francis said some of these concerns are covered in the draft ordinance. Greg Hofmeister talked about the density of towers being related to the population. Alvin asked Greg if he could evaluate an application on whether the applicant could use an existing tower instead of building a new one, or

asking if they could put it on town property. Greg said yes.

Eric Larsen said all the points brought up by Daria were valid concerns. What's best for cell towers is not necessarily best for the township. Alvin Francis is concerned about the radio frequency emissions.

Jim Bembinster commented that tower heights don't necessarily have to be that tall. Also to be cautious about new technologies being added on to existing towers installed at today's setbacks

Kendall Schneider said he'd rather see 3 -90 ft towers than a 250 ft one. Said because of hills and valleys there would be better service with several shorter ones. Kendall mentioned instances with emergency vehicles having problems with dead zones. Kendall offered that maybe they could look into creating communication zones. That would require an ordinance. Kendall suggested maybe they could look into extending the moratorium if they wanted to pursue this. It's the Plan Commission's decision. Kendall said the Plan Commission could appoint a sub-committee or a focus group as well.

Kim Gruebling commented that part of the Smart Growth Plan was to promote communications. He thinks the moratorium should not be expended. He's also concerned we're approaching the end of construction season for this year.

Eric Larsen wondered if they were going to extend the moratorium what would they be looking for. He noted that the setbacks were not resolved, or how to determine them and whether it's a CUP or license or both. Eric felt this could be resolved with an extra meeting.

Dave Pestor said fencing and roads weren't brought up. Dave feels that an extra meeting is a good idea as well.

Alvin Francis and Dave Pestor thought after reading other ordinances and Daria O'Connor's research material that 400 meters, or about 1320 feet was a good setback number.

Jim Bembinster says he doesn't see anything in the ordinance about noise limits. Jim says the towers have backup diesel generators and understands they can do maintenance at any time of day. Hours should be restricted like the gravel pit for construction and maintenance.

Eric Larsen said that they should review the noise limits used in the Large Wind Turbine Ordinance. He recommended additionally adding to Page 16, sub-section (7) (a) "emergency service" and "maintenance" to noise producing construction activities.

Daria O'Connor said the intrusiveness of lights and noise, safety and property values are still valid points for a larger setback. She's interested in a 1500 foot setback.

In discussing whether the setbacks should be for everyone whether they're a host landowner or a non-participating resident, Alvin Francis asked about Good Neighbor agreements like the wind turbines.

Eric Larsen and Dave Pestor said maybe they should have one setback distance for towers under 200 feet and another for towers over 200 feet. Towers under 200 ft. are much more preferable, although there could be more towers installed which could be more instances of radio frequency emissions.

The following are changes **recommended** to the Telecommunications Tower, Antenna, and Facilities Siting Ordinance page 16, section 12.00, subsection (2)(a) 1.

1. **Towers less than 200 feet in height shall not be located within 1000 feet of any residence other than the residence on the parcel on which the tower is to be located, and towers 200 feet or greater in height shall not be located within 1500 feet of any residence other than the residence on the parcel on which the tower is to be located.**

Jim Bembinster brought up considering all setbacks being determined from property lines instead of residences.

There was a question on page 16, section 12.00, subsection (2)(a) 2. What does this paragraph mean, and do they need it?

Continuing on page 16, section 12.00, subsection (2)(a) 3. In regard to the highlighted yellow paragraph, since they have a recommendation of setbacks equal or greater than this limit, should they get rid of it? Alvin says the setback should be for participating and non-participating. Eric thinks they could allow closer setbacks for host landowner.

Other recommendations to page 16, section 12.00, subsection (2)(a) 3:

- c) Take out all language after "All new towers shall be setback from all road right of ways, public and private, a distance equal to 125% of the tower height.
- e) change setback limit to read, "All new towers shall be setback a distance of 125% of the tower height from an overhead power line with a voltage exceeding seven hundred fifty (750) volts.

Dave Pestor recommended a requirement for a 6 ft. chain link fence with an accessible gate around the base of the tower and each guy wire anchor.

The Plan Commission briefly discussed 3rd party consultants recommended by Daria O'Connor.

Eric Larsen made a motion to have Regina set up a special-working meeting for the Plan Commission sometime during the week of September 12th.

Second by Dave Pestor.

Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to Town Board Changes to the Town of Union Code of Ordinances, Chapter 17, Zoning, Sections 17.04, 17.05, 17.08, and 17.19.

There was some confusion of why this was kicked back to the Plan Commission. Kendall Schneider explained it was tabled because the sub-chapters weren't listed in the posting. Kim said there was also a problem with the wording in one of the recommendations.

The posting was corrected so the Town Board can act on it.

Gary Messinger presented a letter to the Plan Commission with a proposal. He asked that the board consider a limit for buildings over 80 square ft. and a separate rule for buildings under 80 square ft. Simply one number for buildings that require a building permit, and another for buildings that don't. So the small ones that are fairly incidental don't count against the total accessory building limits for A-3 parcels.

Dave Pestor made a motion to allow 4 buildings with a building permit 80 square feet and over and 6 buildings without a building permit under 80 square feet on A-3 parcels. Second by Eric Larsen.

Public Hearing closed at 9:20.

Motion carried with unanimous voice vote.

Eric Larsen made a motion to adjourn. Second by Dave Pestor.

Meeting adjourned at 9:22 P.M.

Respectfully submitted by Cathy Bembinster.

Note: minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting.