

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, JANUARY 4, 2022, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=ac2wfQ7gQJA>

Public Hearing

Nathan Ward, 1200 Riva Ridge, Racine, stated he is seeking to construct a communications tower which will be utilized by DISH network. He explained the company is getting into broadband cellular. This location is within the area where they were searching. There were no existing structures to place the antenna. There is a monopole at Kettle Moraine High School that has no room for new antennas. There is a tower to the north along Maple Avenue, but the radio engineer stated that neither that tower, nor the Kettle Moraine or Elmhurst Drive tower could be utilized, as it was outside of the service area. He explained he met with the Oberhaus Farm owners, but ultimately determined the proposed location was best. They took into consideration the collapse radius of 50 feet and the trees along Maple Avenue providing a buffer.

Tom Oberhaus, W309S630 Maple Avenue, stated support of the project.

Public hearing closed at 6:37 pm.

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:37 p.m. and led all in the Pledge of Allegiance.

Members present: Chairman Troy, Supervisor Kranick, Commissioner Dickenson, Commissioner Diderrich, and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau, Supervisor Michels and Administrator Dan Green.

Excused: Commissioner Frank and Commissioner Janusiak.

Second order of business: Approval of the minutes of December 7, 2021.

Motion made by Commissioner Dickenson to approve the December 7, 2021, minutes. Seconded by Supervisor Kranick. Motion passed 5-0.

Third order of business: Communications (for discussion and possible action):

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Nathan Ward, agent for STC Towers, LLC, 3311 N. 100E, Warsaw, IN., Re: Consideration and possible action on a request for a conditional use permit to construct and operate a communications tower on land located at S12 W31032 Summit Avenue. Specifically, the tower will be located approximately 515 feet north of Summit Avenue and 98 feet west of Maple Avenue.

Engineer Barbeau explained the Town addresses communication towers in section 17.06 of our Town Code. The process of approving the use is through a Conditional Use Permit, but does not require the Town to follow the substantial evidence procedures. He explained the tower has adequate clearance in the case of a collapse. The tower is built to collapse on itself to limit the fall radius. The Plan Commission would have to grant a waiver of the height requirement based on how close it is to the property line. The total height of the tower is 150 feet, with antennas extending 6 feet, and a 9-foot lightning rod. Facilities must meet state and federal codes. The applicant must include a statement that they meet all FAA requirements. They also have to show that they have evaluated

why they did not choose a different location. This requirement has been met with a statement from a radio frequency engineer.

The applicant will be leasing an area of 112 ft by 50 feet. There will be an easement between Maple Avenue and the site. The lease area is much larger than where the tower and equipment will be. The access road will come off Maple Avenue. They also have access to the farm in an emergency. In the past the Town has encouraged super towers to get as many accesses as possible. The one on HWY G has 9 facilities on it. The proposed can have 5 users on it and will be incorporated into the conditional use. The southerly portion of the easement, they will put up a 7 feet chain fence with barbed wire at the top. The Plan Commission would have to give a waiver for the fence height. There are several items they would like to discuss, including waiving the setback, and the fence height, allowing equipment on a frame as opposed to in a building, design, and users.

Engineer Barbeau explained traffic is not an issue as there are not a lot of cars coming to the site. Construction will utilize both entrances, but once the new entrance is made, they would use the new entrance. In the original Conditional Use draft, there was a lot of indemnification language which was a concern for the applicant.

Chairman Fitzgerald asked if the Plan Commission could grant an exemption for a free-standing tower, instead of a waiver of the height requirement. Engineer Barbeau stated yes, as long as it is clearly stated in the minutes. Chairman Troy asked if there should be lighting restrictions. Nathan Ward stated the tower has no lighting itself, but there will be a service light in the evening, that will be turned on and off by a technician. The applicant stated there would be no overnight parking unless there is an emergency on the site.

Mr. Ward explained they will remove trees along Maple Avenue (15 feet). The only point where you can see the equipment is from that entrance site. The addition of vinyl slats will look good at first, but will wear down over time. STC stated they would rather not put in vinyl slats, if they can avoid it. The only way to see it is through the drive off Maple. There is no residential building in the area beside the farm. Technology has changed a lot, and no longer requires a building, unlike what was required 15 years ago. The applicant requests a waiver from the landscape requirement, and to place the equipment as designed.

Chairman Troy asked if the 75-foot fall radius within the scope of overhead lines. Engineer Barbeau explained the fall radius is outside the ROW, and would not hit the power lines. A weather event that causes the tower to fail will take down the power lines as well. Commissioner Diderrich asked if the placement of the tower was because of the tree lines. Mr. Ward stated they did take trees into consideration.

Engineer Barbeau expressed concern about potentially seeing equipment compounds with abandoned units. Mr. Ward stated, if we were to put plantings, we would be outside of our leased/fenced area. All we would do is take out more land from agriculture. Chairman Fitzgerald asked if 4 additional parties wanted to relocate, would there be 4 more ground equipment panels? Mr. Ward stated yes. Engineer Barbeau explained that the Conditional Use Permit would be reevaluated if the applicant requested more panels. Mr. Ward explained the leased area is set aside if there is a fourth or fifth user, would not fit into the equipment compound being proposed.

Comments on Conditions:

- Item C: minimum use of 5 users.
- Item G & I: Issues related to the FCC, and suggest a statement that the facility will be operated under the guidelines of the FCC.
- Item H: Vinyl privacy slats and landscaping will be removed
- Item R: Reflect in the CUP that we received a letter from the engineer regarding the fall zone, meeting the condition.
- Item S and U will be deferred to the attorney.
- Item V: tree removal issue, will add language regarding the driveway.
- Item X & Y goes to the attorney.
- Item AA deals with the shielding communication areas. Agree to keep this the same.

- Item BB would be Tim and the attorney.

Mr. Ward explained there is a stipulation for a performance bond that is addressed and allowed by state statute, so they will be providing a \$20,000 bond.

Motion by Supervisor Kranick to approve a waiver of a fence requirement for an 8-foot fence. Seconded by Casey. Motion passed 5-0.

Motion by Supervisor Kranick to recommend to the Town Board the approval of a conditional use permit to construct and operate a communications tower on land located at S12 W31032 Summit Avenue, contingent on review of the outstanding issues with the Town Attorney. Seconded by Commissioner Diderrich. Motion passes 5-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: February 1, 2022.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the January 4, 2022, Plan Commission meeting at 7:23 p.m. Seconded by Commissioner Dickerson. Motion passed 5-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer