

# ZONING & PLANNING COMMITTEE

## Minutes of Cellcom, Wireless Communication Tower. Conditional Use Permit Hearing

June 4, 2009

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**Call to Order:** Motion by Steve Favorite, Chairman of the Vilas County Board of Supervisor's, second by Maynard Bedish to temporarily appoint Bob Egan as acting chair until which time Chris Mayer attends. Bob called the Public Hearing to order at 9:03 a.m. on June 4, 2009, at the Lincoln Town Hall, Sundstein Road, Eagle River, WI.

**Members Present:** Bob Egan, Fred Radtke, Maynard Bedish, Steve Favorite for Jack Harrison and Chris Mayer.

**Members Absent:** Jack Harrison.

**Others Present:** Dawn Schmidt, Zoning Administrator; Tammy Baughman, Secretary; Greg Maines; Ken Anderson; Jim Cheshire; Eric A. Johnson; Rob Hom; David Dolezal; Mike Krein.

Bob Egan read the legal notice and states that all notices have been properly posted.

Chris Mayer, arrived at 9:06 and resumed his chairman duties.

Onsite began at 9:07. Brief discussion on the location of the fence, setbacks, and cell tower height. Onsite ended at 9:15.

Chris states we will now take public testimony.

Robert Hom, Eagle River Airport Manager was sworn in and testified. Robert stated they received the notice and the tower is located within 3 miles of the airport. It's in the circuit flight pattern of two runways. The FAA determined a No Hazard at 154', but he cautioned that has nothing to do with no safety. The Airport Commission passed a motion on April 28<sup>th</sup> to allow a tower height of 154', recommending that the tower is lighted.

Jim Cheshire, Agent for Cellcom Wireless was sworn in and testified. The cell tower will provide wireless phone coverage and future broadband, through your phone to the people in the Eagle River area. Use of the other local towers (140' Verizon tower) in the area did not provide enough height for the microwave pathway for the broadband access. Jim stated when he original applied to the FAA, he had submitted 150' tower with a 4' lighting rod. They decided they only need a 2' lighting rod attached to the tower. This actually meets the FAA and the Airport HLZO requirements. He thanked the Airport for their variance consideration.

Dave Dolezal, owner of the old Bozwell property was sworn in and testified. His property is located just west of the proposed tower location. Mr. Dolezal will be constructing a wood pellet manufacturing plant. His concern was the two projects compatible. The plant will have a 50' to 70' tall drying stack (permitted and sized under DNR regulations) which will have vapor emissions and he doesn't want his project to stop because it interferes with Cellcom's project. When walking the site, they appear to be less than 500' apart.

Mike Krein, Cellcom Engineer was sworn in and testified. The location and emissions from the smoke stack should not have any affect on the tower signal. The drying stack at 50' to 70' is tree top level and cellcom antenna signal is at 150'. The three other carriers that could co-locate would be below that height. Cell tower's are not under DNR regulations unless the land itself needs approval. Mr. Krein states his project (the wood pellet manufacturing plant) will not affect our project (Cellcom) our project (Cellcom) will not affect his project (the wood pellet manufacturing plant).

Bob asked if the water tower had been considered and Mike said the tower simply has no more room.

Dawn reads a letter from Tim Thorsen received in the Zoning Department on May 19, 2009, parcel no. 221-173. He requests that the committee consider utilizing the existing TV Station 34 tower to reduce cell towers and increase shared revenue. Mr. Krein stated that the tower would not support the weight and was too short.

Chris asked for any other public comments.

Mr. Dolezal would like something more than just the verbal comments stating they can work hand in hand. He has concerns that the projects are within 500' of each other. He would like to have something from the DNR and FAA stating they are compatible.

Chris states our jurisdiction and enforcement is County Zoning. Any issues with the DNR or the FAA would need to be addressed with those departments.

Steve clarifies the application is for 150' tower and a 2' for antenna. The findings will indicate a total height not to exceed 152' (includes appurtenances attached).

Chris closed the public part of the hearing and brought the conditional use back to the committee for their decision.

Discussion.

The application, tower height, lighting, and the Dolezal project were discussed. In the best interest of the Airport and neighbors, the tower should have a shielded, solid burning red light and not to exceed 152' high.

No further testimony and the committee members completed the findings of fact decision form.

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort, or general welfare. The Zoning and Planning Committee's findings are: The cell tower will not generate waste, pollution or noise. The FAA does not object to the tower placement. The cell tower will enhance safety issues by bringing broad band signal to the immediate area.
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the conditional use. The Zoning and Planning Committee's findings are: The tower is greater than 500 feet from the nearest residence and will not affect the enjoyment of the neighborhood.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The Zoning and Planning Committee's findings are: The tower improves the future development and improvement of surrounding properties (mostly commercial). Meets all applicable setbacks and other zoning requirements.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided. The Zoning and Planning Committee's findings are: The 30' easement (shown on site plan) for ingress and egress is sufficient, gravel driveway telephone and utilities to be installed underground nearby. Erosion control measures will be taken during construction.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Zoning and Planning Committee's findings are: Traffic will be minimal. Once a month for maintenance.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located. The Zoning and Planning Committee's findings are: Telecommunications are permitted with a Conditional Use Permit in this All-Purpose Zoning District.

Conditions: 1. A solid red light, shielded

2. Total height of the tower not to exceed 152' high including appurtenances.

Motion by Bob Egan, second by Fred Radtke to approve with the conditional use permit with the conditions listed.

**Adjourn:** Motion by Steve Favorite, second by Fred Radtke to close the Public Hearing. All say aye, motion carried. Adjourned at 10:25 a.m.