

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – March 23, 2017**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:15 a.m. on the Fox Valley Muzzle LD property, Town of Caledonia; the Randy S. & Karen L. Flesch property, Town of Dayton and the William C. Zelenski property, Town of Dayton.

Chm. Penney called the meeting to order at 10:30 a.m. with the following members present J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused.

W. Wilfuer moved and D. Kussmann seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:35 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Fox Valley Muzzle LD:** Located in part of the NW ¼ of the NE ¼ of Sec. 3, Caledonia, lying along Seefeld Road, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Telecommunication Tower in a PVRF (Private Recreation and Forestry) District on approximately 20 acres. The Committee and Jason Snyder, Deputy Zoning Administrator made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Jim Kastings was sworn in to testify. Mr. Kasting said he works with SAC wireless and is representing AT&T which is working in conjunction with the FCC program called Connect America. Mr. Kasting said the Connect America program's goal is to connect rural areas to high speed internet access. The proposed tower will allow for colocation, will be fenced in, no lighting, and the overall height will be 143 ft.

Jeff Anderson was sworn in to testify. Mr. Anderson said he represents Fox Valley Muzzle LD and is in favor of the proposed Telecommunication Tower.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read one (1) letter from the Town of Caledonia recommending approval of the application.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Caledonia Planning Commission and the Town Board of Caledonia have both recommended approval of this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: **MUST** be in accordance with all of the regulations in the Mobile Service Facilities and Support Structures Ordinance. The applicant must obtain

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MARCH 23, 2017**

Federal Communications Commission (FCC) license and registration numbers, if applicable. The applicant and/or agent shall have copies of Findings of No Significant Impact (FONI) statement from the FCC or Environmental Assessment or an Environmental Impact Study, if applicable. The applicant and/or agent shall have a determination of no hazard from the Federal Aviation Administration (FAA) and/or the airport's operator including any aeronautical study determination or other findings. A report shall be prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas. The applicant and/or agent shall supply proof of liability coverage. The applicant must obtain a fire number from the Township. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the communications tower and related Verizon equipment. The applicant must contact the local Building Inspector to see if a Building Permit is necessary for the construction of the communications tower and related AT&T equipment. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes, and D. Federwitz—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:50 a.m. The motion was carried.

The second public hearing was called to order at 10:51 a.m. by Chm. Penney. Roll call was taken with the following members present J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Randy S. & Karen L. Fleisch**: Located in part of the SW ¼ of the SE ¼ of Sec. 35, Town of Dayton, lying along East Road, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Telecommunication Tower in an AWT (Agriculture and Woodland Transition) District on approximately 35 acres. The Committee and Jason Snyder, Deputy Zoning Administrator made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Jim Kastings said the proposed Telecommunication Tower is also part of the FCC program called Connect America to provide high speed internet to rural communities. The proposed tower will allow for colocation, five (5) carriers, will be fenced in, no lighting and the overall height will be 190 ft.

John Miller was sworn in to testify. Mr. Miller said he is a Supervisor for the Town of Dayton and the Town of Dayton is in favor of the proposed Telecommunication Tower.

Jane Haasch was sworn in to testify. Ms. Haasch said she is a Supervisor for the Town of Dayton. Ms. Haasch said she lives one (1) mile from the proposed site and the service is needed in the area. She is in favor of the proposed Telecommunication Tower.

Chm. Penney called three times for any testimony in favor to the application. There was none.

Chm. Penney called three times for any testimony in opposition to the application. There was none.

Deb Giuffre read one (1) letter from the Town of Dayton recommending approval of the application.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MARCH 23, 2017**

Jason Snyder, Deputy Zoning Administrator said the Planning & Zoning Office recommends approval with conditions.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Dayton Planning Commission and the Town Board of Dayton have both recommended approval of this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: **MUST** be in accordance with all of the regulations in the Mobile Service Facilities and Support Structures Ordinance. The applicant must obtain Federal Communications Commission (FCC) license and registration numbers, if applicable. The applicant and/or agent shall have copies of Findings of No Significant Impact (FONI) statement from the FCC or Environmental Assessment or an Environmental Impact Study, if applicable. The applicant and/or agent shall have a determination of no hazard from the Federal Aviation Administration (FAA) and/or the airport's operator including any aeronautical study determination or other findings. A report shall be prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas. The applicant and/or agent shall supply proof of liability coverage. The applicant must obtain a fire number from the Township. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the communications tower and related AT&T equipment. The applicant must contact the local Building Inspector to see if a Building Permit is necessary for the construction of the communications tower and related AT&T equipment. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes, and D. Federwitz—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:02 a.m. The motion was carried.

The third public hearing was called to order at 11:03 a.m. by Chm. Penney. Roll call was taken with the following members present J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **William C. Zelenski**: Located in part of the NE ¼ of the NW ¼ of Sec. 13, Town of Dayton, lying along East Road, Fire Number N1603, Waupaca County, Wisconsin; for an after the fact Conditional Use Permit application for a Commercial Animal Facility in an AWT (Agriculture and Woodland Transition) District on approximately 10.35 acres. The Committee and Jason Snyder, Deputy Zoning Administrator made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

William and April Zelenski were sworn in to testify. Ms. Zelenski said they applied for a Conditional Use Permit to sell and have the animals that they have on their property. Ms. Zelenski said they have had these animals at the current location for fourteen (14) years.

William Zelenski gave a description of the types of animals that are on the property and said it is mainly a hobby. Mr. Zelenski said they don't plan on expanding the current amount of animals.

Chm. Penney called three times for any testimony in favor to the application.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MARCH 23, 2017**

John Miller said he is head of the Planning Commission for the Town of Dayton and had a tour of the facility. Mr. Miller said the animals are all well confined and secured. The Town of Dayton has proposed conditions.

David Armstrong was sworn in to testify. Mr. Armstrong said he is the Chairman for the Town of Dayton. Mr. Armstrong said the Town of Dayton held a meeting where concerns were expressed regarding the proposed Commercial Animal Facility. Mr. Armstrong also toured the facility and was concerned regarding the transport of dangerous animals, the animal control officer for the Town of Dayton has agreed to witness the procedure. The Plan Commission and the Town Board approved the proposed Commercial Animal Facility with conditions.

Jane Haasch said Wisconsin is one (1) of five (5) states that does not have laws regarding dangerous animals. Ms. Haasch said she agrees with the Town of Dayton Plan Commission and Town Board.

Chm. Penney called three times for any testimony in opposition to the application.

Dotty Hetman was sworn in to testify. Ms. Hetman is a neighbor and is concerned regarding the venomous snakes that are not native to the area. Ms. Hetman said there is no anti-venom available in Waupaca County. She is strongly opposed.

Robert Hetman was sworn in to testify. Mr. Hetman is concerned with the applicants having liability insurance for the Commercial Animal Facility.

Deb Giuffre read one (1) letter from the Town of Dayton recommending approval of the application with conditions.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions.

William and April Zelenski came back for rebuttal. Mr. Zelenski said they do not have any special insurance only the homeowners insurance.

D. Kussmann moved and D. Federwitz seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Dayton Planning Commission and the Town Board of Dayton recommended approval of this Conditional Use Permit. The following conditions **MUST** be met: The applicant shall follow the operating procedures prepared at the request of the Township. The applicant shall provide a minimum of five (5) day notice prior to transfer of any venomous reptile to the Town Animal Control Officer. The applicant shall maintain any application Federal, State or local license required for the keeping of animals. All animal enclosures shall be kept in operational condition and be secured at all times. Animals shall be properly cared for and their waste disposed of in an appropriate manner. The applicants shall obtain a liability insurance policy in relation to the animals associated with this commercial animal facility on the subject property of no less than one million dollars in coverage. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes, and D. Federwitz—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:34 a.m. The motion was carried.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MARCH 23, 2017**

The fourth continuation public hearing was called to order at 11:35 a.m. by Chm. Penney. Roll call was taken with the following members present J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **David E. & Rhonda K. Towne:** Located in part of the SW ¼ of the NW ¼ of Sec. 23, Town of Farmington, lying along Frontage Road, Waupaca County, Wisconsin; for a Conditional Use Permit application for Mini-Warehouses in an AWT (Agriculture and Woodland Transition) District on approximately 8.13 acres. The Committee and Ryan Brown, Planning & Zoning Director made an on-site inspection of the property on March 9, 2017. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Joel Bartel was sworn in to testify. Mr. Bartel said he is the potential buyer and his intentions are for Mini-Warehouses which requires a Conditional Use Permit. Mr. Bartel said there will be no electricity or fencing on the property. The proposed project is for indoor storage.

Deb Giuffre read one (1) letter from the Town of Farmington recommending approval of the application.

Jason Snyder, Deputy Zoning Administrator, said the Planning & Zoning Office recommends approval with conditions and the applicant to work with Waupaca County Land & Water Conservation regarding drainage.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town Board of Farmington has approved this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: This Conditional Use Permit allows for the construction of three (3) Mini-Warehouse structures. Any more than three (3) Mini-Warehouses would require another Conditional Use Permit to be issued. The applicant shall work with Land & Water Conservation to ensure that drainage from the property is properly handled. The applicant must obtain a fire number from the Township. The applicant must obtain a Land Use Permit from the Planning & Zoning Office prior to the construction of the Mini-Warehouses. The applicant must obtain a Building Permit from the local Building Inspector and/or the Commercial Building Inspector. Roll call vote was taken Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes, and D. Federwitz—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:51 a.m. The motion was carried.

CLARIFICATION OF CONDITIONS OF JANUARY 26, 2017 DECISION FOR CP-005-17

JOSHUA FRANCHUCK TOWN OF IOLA, SECTION 33: Regarding location of fence: east and west lot lines or only west lot line. D. Federwitz moved and D. Kussmann seconded to amend the January 26, 2017 decision from:

“The applicant has one (1) year to complete a privacy fence that will be 150 feet long by 6 feet in height on the east side of the dogs fenced in play yard; and the privacy fence shall be 150 feet long by 8 feet in height on the west side of the dogs fenced in play yard”, to:

“The applicant has one (1) year to complete a privacy fence that shall be 150 feet long by 8 feet in height on the west side of the dogs fenced in play yard.”

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –
MARCH 23, 2017**

DISCUSSION AND POSSIBLE ACTION:

- Discussion with Edmund Jelinski in regard to Camp Onaway parking issue. The Committee would like the Planning and Zoning office to come up with options.
- Potential of scheduling rain dates for Committee meetings was discussed and is to be brought back at the next Planning and Zoning meeting.
- New Planning and Zoning position. Candace Bauer has been hired and will start April 3, 2017
- Schedule upcoming meetings.

The next Planning and Zoning Committee meeting has been scheduled for April 6, 2017.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 12:28 a.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk