

WEXFORD COUNTY PLANNING COMMISSION
Regular Meeting Minutes: Wednesday, May 14, 2014, 7:00 PM
Wexford County Services Building, 401 N. Lake Street
Cadillac MI 49601

- 1) **Call to Order:** Chairperson Osborne called the meeting to order at 7:00 pm.
- 2) **Roll Call:** Mix, Monroe, Middaugh, Stoutenburg, and Osborne were present. Mitchell and Wiggins were absent. Zoning Administrator Green was also present.
- 3) **Approval of the Agenda:** Motion was made by Mix, with support by Middaugh, to approve the agenda as presented. Motion carried with all in favor.
- 4) **Approval of March 12, 2014 Minutes:** Motion was made by Mix, with support by Middaugh, to approve the March 12, 2014 Minutes as presented. Motion carried with all in favor.
- 5) **Correspondence Not Related to Public Hearing(s):** [None]
- 6) **Other Business:** [None]
- 7) **Old Business:** [None]
- 8) **New Business:**
 - a) **PSUP14-001: Mark Trumbauer, 2412-10-3301, Wexford Township. Request to erect a temporary MET (Anemometer) Tower. Zoned: Agricultural/Residential.**
 - i) **Opening announcement by Chairperson describing nature of request:** Osborne briefly described request and acknowledged receipt of application, site plan, and other supporting materials by the Zoning Administrator. Monroe declared a potential conflict of interest.
 - ii) **Explanation of facts and related correspondence by staff:** Green provided a copy of unpublished standards that were approved by the Zoning Board of Appeals for consideration for any wind energy project, including the MET tower under consideration. Green did not find any areas of non-compliance with said standards.
 - iii) **Public Comments:** Tom Fox, of 8360 W. 6 ½ Road, asked the applicant what the tower would look like. Fox was provided photos of the tower.
 - iv) **Response by applicant to issues raised in staff report:** No issues raised in staff report. Ed Pennington of Nexterra Energy was in attendance to represent the applicant.
 - v) **Questions by Planning Commission/Responses:**
 - (1) Osborne asked Pennington what the purpose of the tower is; Pennington stated that it is for the collection of wind speed and direction.
 - (2) Monroe asked how long the tower would be needed. Pennington stated up to 6 years.
 - vi) **Close Hearing to Public Comments:** Closed at 7:10 pm
 - vii) **Deliberation by Planning Commission:** [None]
 - viii) **Consider Motion to Approve, Approve with Conditions/Modifications, or Deny Request:** Motion was made by Mix, with support by Middaugh, to approve the request with a time limit of 6 years from May 15, 2014 and pursuant to unpublished

guidelines approved by the Wexford County Zoning Board of Appeals. Motion carried by 5-0 roll call vote.

- b) **PSUP14-002: Verizon Wireless, 2310-32-1201, Colfax Township; Request to erect a 300 ft. wireless tower and equipment shelter. Zoned: Agricultural/Residential.**
- i) **Opening announcement by Chairperson describing nature of request:** Osborne briefly described request and acknowledged receipt of application, site plan, and other supporting materials by the Zoning Administrator.
 - ii) **Explanation of facts and related correspondence by staff:** Green noted that the applicant has provided existing and proposed coverage maps for each site. Green also explained that the setback requirements between the towers and adjacent residences may be waived by the Planning Commission in accordance with guidelines established in Article 3A.
 - iii) **Response by applicant to issues raised in staff report:** No issues raised in staff report.
 - (1) Bob Przybylo, representing Verizon Wireless, gave a brief overview of the three requests for wireless cellular towers and explained how the proposed site will increase cell phone coverage.
 - (2) Robert LaBelle, attorney representing Verizon Wireless, explained that the Federal Telecommunications Act allows wireless companies the right to provide the maximum coverage possible and limits local authority to deny permits for wireless towers unless the zoning authority can prove that the tower is unnecessary in that it wouldn't provide needed services. He also stated that environmental concerns are not valid grounds to deny a request and that the federal government already does extensive environmental review of each proposed tower.
 - iv) **Public Comments:**
 - (1) Neil Smith, property owner, stated that the location is less obtrusive than most in the area.
 - (2) Alan Cooper, 5930 E. 28 Road, stated that coverage in the area is spotty so he supports all three tower sites. Cooper stated that he is the manager of the Road Commission and drives through the area frequently on his way to work.
 - (3) Randy Zeitz, 1425 E. 24 Road, asked about the location of the site and expressed concerns about lightning and flashing lights at night. The applicant addressed these concerns by stating that the towers are grounded and have lightning rods to prevent excessive lightning strikes and explained that the lighting on each tower will be designed to project out and upward, not down toward the ground. Zeitz also expressed concerns about health risks from radiation. The applicants reiterated that local governments may not deny tower permits based on environmental or health concerns, based on the Telecommunications Act and supporting court cases.
 - (4) Patrick Donovan, 2069 S. 29 Road, objected to all sites on the basis that the towers represent a commercialization of rural areas. Donovan did not hear of any alternative proposals using existing towers.

- (5) John Wilson, 1400 E. 24 Road, objected to the site based on the aesthetics and concerns about being able to land his helicopter on adjacent property his family owns.
 - (6) David Browne, 2127 S. 29 Road, also objected to the site, agreeing with previous comments.
 - (7) Heidi Oldfield, 2177 S. 29 Road, objected to the tower site and questioned Verizon's claim of lack of coverage in the area. She stated that she is a Verizon wireless customer and that her service works fine. Oldfield believes the towers will disrupt wildlife habitat and alter the look of the area to the point that property values will suffer.
 - (8) Sherry Gorlewski, 2436 S. 29 Road, asked Verizon to work with other cell providers to share resources to reduce the number of towers needed.
 - (9) Ken Gorlewski, 2436 S. 29 Road, expressed displeasure with the Telecommunications Act and encouraged others to contact local representatives with concerns about the Act.
 - (10) Ben Fleiss, 8580 N. 11 Road, stated that he was told by a Verizon representative regarding a tower near his home that their company will not co-locate on other towers. He lives near Sherman Hill where a similar tower was approved last year.
 - (11) John Knapp, 2345 S. 29 Road, stated that the tower will be right behind his home. He stated that his coverage at home through AT&T is fine.
- v) **Questions by Planning Commission/Responses:** *[None]*
- vi) **Close Hearing to Public Comments:** Closed at 8:25 pm.
- vii) **Deliberation by Planning Commission:**
- (1) Mix stated that federal case law supports wireless companies who have went to court over local regulations that sought to limit the number of towers allowed.
 - (2) Monroe asked why the tower location couldn't be adjusted within the property to move it away from existing dwellings. The applicants stated that they could, but the site would still be visible and stated that the property would be non-buildable if a tower was located in the center of a parcel.
 - (3) Stoutenburg asked about environmental issues and if the studies required were available to the Planning Commission to review.
 - (4) Osborne asked for light deflection devices to be installed to prevent light from spilling downward into dwellings. The applicant stated that current technology already does that and would be installed at each approved site.
- viii) **Consider Motion to Approve, Approve with Conditions/Modifications, or Deny Request:** Motion was made by Mix, with support by Middaugh, to approve the request as written. Motion carried by a 4-1 roll call vote; Stoutenburg voted against.
- c) **PSUP14-003: Verizon Wireless, 2210-01-4101, Selma Township; Request to erect a 250 ft. wireless tower and equipment shelter. Zoned: Agricultural/Residential.**

- i) **Opening announcement by Chairperson describing nature of request:** Osborne briefly described request and acknowledged receipt of application, site plan, and other supporting materials by the Zoning Administrator.
 - ii) **Explanation of facts and related correspondence by staff:** Green reiterated the information provided is the same for each cell tower site proposed by Verizon Wireless.
 - iii) **Public Comments:**
 - (1) Alan Cooper spoke in favor of the request and stated that he would like to see better coverage in the area.
 - (2) Neil Smith also spoke in favor of the request.
 - (3) Larry Bechtel, 5602 E. 28 Road, stated that he has excellent coverage with AT&T and wondered if Verizon will replace water wells if they are damaged from excessive lightning strikes go into the ground through a cell tower. The applicants assured him that the towers are grounded and have lightning rods to prevent such a problem.
 - (4) Heidi Oldfield stated again that there has been no effort shown by Verizon to seek co-location on other existing towers in the area.
 - iv) **Response by applicant to issues raised in staff report:** Przybylo responded to previous comments that challenged the need for additional towers. He stated that while there may be coverage through the area in question, their research has shown that a large volume of cell phone calls are dropped in the area, indicating gaps in coverage.
 - v) **Questions by Planning Commission/Responses:**
 - (1) Osborne asked if other towers in the area are not shown on the map. Przybylo stated that there were none.
 - vi) **Close Hearing to Public Comments:** Closed at 8:55 pm.
 - vii) **Deliberation by Planning Commission:**
 - (1) Middaugh stated that federal law gives companies a right to place cell towers where needed, so the Planning Commission's hands are tied.
 - viii) **Consider Motion to Approve, Approve with Conditions/Modifications, or Deny Request:** Motion was made by Mix, with support by Middaugh, to approve the request as written. Motion carried by a 4-1 roll call vote; Stoutenburg voted against.
- d) **PSUP14-004: Verizon Wireless, 2210-16-2303, Selma Township; Request to erect a 250 ft. wireless tower and equipment shelter. Zoned: Forest/Recreational.**
- i) **Opening announcement by Chairperson describing nature of request:** Osborne briefly described request and acknowledged receipt of application, site plan, and other supporting materials by the Zoning Administrator.
 - ii) **Explanation of facts and related correspondence by staff:** Green reiterated the information provided is the same for each cell tower site proposed by Verizon Wireless.
 - iii) **Public Comments**

- (1) Alan Cooper spoke in favor of the request.
 - (2) Neil Smith also spoke in favor of the request.
 - (3) Heidi Oldfield stated that the need for the towers haven't been demonstrated by the applicant.
 - (4) Patrick Donovan asked that lighting be shrouded and camouflaged so that it is not easily seen. He pointed out other communities where cell towers have been made to look like trees and other natural features.
- iv) **Response by applicant to issues raised in staff report:** No issues raised in staff report.
- v) **Questions by Planning Commission/Responses:**
- (1) Monroe asked about light shrouding; Przybylo stated that new technology flashed light upward.
 - (2) Mix asked about camouflaging; the attorney stated that a 250 foot tree would look out of place and could interfere with the antenna signal.
- vi) **Close Hearing to Public Comments:** Closed at 9:07 pm.
- vii) **Deliberation by Planning Commission:**
- (1) Monroe stated that the site wasn't marked as required on the application.
- viii) **Consider Motion to Approve, Approve with Conditions/Modifications, or Deny Request:** Motion was made by Mix, with support by Middaugh, to approve the request as written. Motion carried by a 3-2 roll call vote; Monroe and Stoutenburg voted against.
- 9) **Public Comment:** *[None]*
- 10) **Adjournment:** Motion was made by Mix, with support by Middaugh, to adjourn the meeting at 9:15 pm. Motion carried with all in favor.

Respectfully Submitted by:

Michael Green, Zoning Administrator

Paul Osborne, Chairperson