

PLAN COMMISSION MEETING MINUTES
TOWN OF GRANT
December 15, 2021

PRESENT: Thomas Reitter (Chairperson), Charles Gussel, Ron Patterson (Commissioners), Kathleen Lee (Secretary)
EXCUSED: Ron Becker, Nathan Wolosek (Commissioners)
CITIZENS: In person: Case Schoepke, via Zoom: Lucas Reindler, Sharon Schwab, Heather Grys-Luecht, Rob Luecht

CALL TO ORDER

The meeting was called to order at 6:38 pm by T Reitter.

STATE OF PUBLIC NOTICE

It was stated that the agenda was posted at two posting stations (the Grant Town Hall and the Grant Transfer Station) and on the Town's website.

MINUTES

It was moved by R. Patterson and seconded by C. Gussel to approve the November 17, 2021 minutes. The motion passed with unanimous ayes.

CONDITIONAL USE PERMIT (CUP) – Meteorological Tower

An application was received from McCain Foods USA Inc. to install of an 80m (262 foot) Wind Meteorological Test Tower. Discussion took place. Available to answer questions on behalf of McCain Foods were Case Schoepke (Engineering Manager) and Lucas Reindler (Bright Diamond Consulting).

C. Gussel questioned the accuracy of the zoning district on the application. A new application was submitted by L. Reindler with the corrected zoning district of A-1 Exclusive Agricultural.

C. Gussel had questions regarding the map provided including where the town line is located. He would like to have the map clearly indicate the distance the proposed tower is from the property line and structures, and if it meets the fall distance required by the Town. C. Schoepke stated they are aware of the required setbacks and the tower's position would meet those setbacks. The distance from structures is about five times required distance. L. Reindler added the tower could be set back 80 meters (the height of the tower) from the property line. He will send an updated map illustrating the 80-meter (262 foot) distance.

Review of the CUP application was initiated by reading the answers to questions 1 and 2.

The Aeronautical Study conducted by the Federal Aviation Administration (FAA) was reviewed. A determination of no hazard to air navigation for a temporary structure was made. Conditions associated with the determination include being marked with red obstruction lights and painted with alternate bands of aviation orange and white paint. Additional FAA recommendations include high-visibility sleeves being installed on the tower's outer guy wires and high-visibility aviation orange spherical marker (or cable) balls being attached to the guy wires. C. Gussel stated the location of the property is a high traffic area and would like the recommendations for the high visibility markers to be implemented. The FAA determination

expires on 05/09/2023 unless extended. A request for extension must be e-filed at least 15 days prior to the expiration date.

Town Chairperson Schwab would like the “Wireless Telecommunications Tower and Antenna Ordinance” to be utilized minimally for the fall zone and the lighting conditions. The ordinance was reviewed to determine which parts apply to a temporary meteorologic tower.

The escrow account for an independent consultant to determine purpose and need and to perform technical review, mentioned in section V. General Requirements item A., was discussed. It was questioned if Bright Diamond Consulting fulfills this role. L. Reindler explained they are not an engineering expert. He believes that review is not necessary for the proposed temporary tower. It would not have the concrete foundation of a permanent tower and therefore not require the geotechnical assessment of the soil. The proposed tower would be placed on a steel plate. S. Schwab accepted that explanation stating the tower is temporary with a plan to dismantle it after the data is collected. She agreed the escrow may not be necessary in this situation. T. Reitter stated the reason for the escrow and an engineering consult does not apply in this situation. There are not the ground penetrations as found in a permanent tower or the Federal Communications Commission (FCC) considerations found in cell towers. He added it appears as if the tower in question is mass produced and purchased from a catalog. L. Reindler clarified that they will be renting the tower, rather than purchasing it. They hire the engineering firm that will install the tower. That company wires the components and hoists the tower. There is no major lighting. A battery pack operates the low wattage computer equipment that pings out a signal to the cloud.

The tower ordinance states a tower greater than 100 feet may require artificial illumination with dual lighting. L. Reindler stated they would request that any condition would meet the FAA requirements. They do not wish to exceed the FAA requirements. The FAA determination refers to chapters 3, 4, 5, 14 and 15 of the FAA Advisory circular 70/7460-1M for painting and lighting for this proposed tower.

McCain Foods plans to remove the tower after the data is collected. This would be after approximately 2 years.

T. Reitter stated he is not aware of any license requirements to measure the wind.

Setbacks identified for the zoning district would apply. There are no concerns regarding setback and separation as discussed in the ordinance. There is no residence within 500 feet.

Collocation does not apply.

Screening and landscaping do not apply considering the location of the tower. The land surrounding it is leased and farmed. L. Reindler stated light fencing or Jersey barrier would be placed around the anchor points.

Security was discussed. L. Reindler provided the following information stating they would like to avoid the cost of a chain link fence. The tower is located on McCain property and is only accessible from the plant. The tower has a smooth surface and not suitable for climbing. Data is beamed offsite as soon as it is collected so there is nothing of value to steal. The logger box is attached at a height that does not allow it to be accessed from the ground without a ladder. Insurance will cover any damage. C. Schoepke added there are security guards at the plant. T. Reitter concluded this is a low security risk operation on private property. Security fencing and lighting are understood and intended to be minimalist. It is located on McCain property and they will maintain the security.

Color and materials will follow FAA determinations.

The tower will not require a permanent driveway or access. Only temporary access is required.

Permit requirements were discussed as listed in the ordinance. In addition to the application, the following have been submitted: an illustration of the typical profile of the meteorologic tower, a Determination of No Hazard to Air Navigation for Temporary Structure from the FAA, a site map including tower location and guy wires, and a document picturing typical components, construction, and hoisting of the tower. Not all of the permit requirements listed for a telecommunications tower are being requested for submission from McCain Foods/Bright Diamond Consulting at this time. The permit cost was discussed. The projected cost of the tower is between \$80,000 and \$100,000. The listed cost for a permanent telecommunications tower permit is \$3000. T. Reitter suggests a permit fee of \$375 be charged in this situation which is approximately \$0.50 per day for a 2-year tower. The actual permit cost will be determined by the Town Board. Additional analysis by an independent technical expert of the information submitted is not anticipated to be necessary. A report on soil conditions and foundation design do not apply for a temporary tower. T. Reitter would like engineering documentation from the manufacturer of the tower detailing the conditions the tower is built to withstand for a period of 2 years including a discussion of ice loading on the guy wires.

An annual information report consisting of a brief report will be required. The Town does have a form for an annual report, but it is not known if it would be appropriate for this type of tower. Lucas Reindler stated the pertinent annual information would be notification to the Town that the tower is in operation and has been properly maintained for the type of tower and type of operation that is ongoing. There is a maintenance schedule for an expert to check the tension on the wires to verify the structure is safe according to the install standards. An initial report would indicate the tower was installed properly. Data collected can only be shared anecdotally. The exact data collected is private property. According to the ordinance, information should include the owner and operation names, addresses, phone numbers, contact person(s) and any other appropriate information deemed necessary by the Zoning Administrator. T. Reitter stated the report would only be about a page in length. He will keep track of the information submitted.

Reasons for non-compliance revocation were reviewed. Compliance enforcement would be through the Zoning Administrator. A possible need to revoke is not anticipated over the short two years the tower will be in operation.

Conditions were discussed briefly, but will be finalized at the January 19, 2022 meeting. Possible conditions include:

1. The tower will be lit according the FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting.
2. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately.
3. A request of for an extension of the Federal Aviation Administration's Determination of No Hazard will be made at least 15 days prior to the expiration (May 9, 2023.)
4. Light fencing or Jersey barriers will be placed around anchor points at the base of the guys.
5. Documentation/certification from the manufacturer will be provided regarding the engineered specifications of the product. Certification should be according to an

American Society of Mechanical Engineers (ASME) or American Society of Testing Materials (ASTM) standards.

6. Design and installation of the tower shall comply with the manufacturer's specifications. The plan shall be approved and stamped by a professional engineer.
7. The tower shall have setbacks from the property line at least equal to the height of the tower.

Floodplains, wetlands, and soil conditions are not mentioned in the application. Lucas Reindler stated a site suitability will be conducted by the installer, an engineering firm. When the appropriate tower is selected and an installation date is determined, there will be a site reconnaissance. It will include test hole digging to the depth of three to five feet to determine soil quality. They will likely look at geology maps to determine if there are any risks. If the investigation showed the site location needed to be moved from the original plan, McCains would come back to the Town with the update in the plan.

8. A maintenance plan shall be developed according to the standards for the type of tower erected and maintenance completed according to the plan.
9. A plan must be submitted to the Town including:
 - a. Design and installation of the tower
 - b. Commissioning
 - c. Maintenance activities
 - d. Standards to which the tower is built
 - e. How the tower will be decommissioned.
 - f. Data collection
 - g. Annual extension of the FAA determination

Lucas Reindler suggested wording regarding provision of "regular updates" or "communication regarding the install and work plan." The level of detail should be clearly stipulated so others would understand the expectations. T. Reitter suggested using email threads for the plan and reporting.

10. Adherence to the site plan, schematics and submitted responses to the Conditional Use Permit Application shall take place.
11. An annual report shall be submitted.

T. Reitter stated the Conditional Use Permit would be for two years. Timing of the project was discussed. K. Lee explained the process of what happens after the Plan Commission forwards the application to the Town Board for the public hearing and approval of the CUP. A tentative date for the public hearing and vote by the Town Board would be February 9, 2022. L. Reindler stated that the installers will often want to see proof of the permits before they finalize their schedule and bookings.

CONDITIONAL USE PERMIT (CUP) – STORAGE BUSINESS – B. DEVINE

Mr. Devine was not present to discuss his application. He had been contacted via mail regarding additional information he should be prepared to provide. He was informed that if he

was not present or was unprepared to provide additional information, that discussion of his application would be moved to a future meeting. That future meeting would likely be in March 2022.ss

CITIZEN INPUT

None has been received.

ZONING ADMINISTRATOR REPORT

In November, three permits were issued for a total of \$90. Permits included a pond, an UAP 21-15, and a certified survey map.

M. Rutz has contacted the tower owner of the tower at 130th and Buena Vista Road regarding the strobe light that flashes at night. He has not heard back, but learned that AT&T is not the owner.

CUP APPLICATION

An application was received earlier today for an expansion of Stoney Brook Outfitters. A prior CUP exists for the business. Copies of the application were provided for those present.

MEETING ADJOURNED

The meeting was adjourned at 9:22 pm.

Respectfully submitted,

Kathleen D. Lee

Plan Commission Secretary

Approved 1/19/2022