

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN
PLAN COMMISSION

APPROVED Minutes of May 10, 2010 Meeting

- ROLL CALL The meeting was called to order by Acting Chairperson June Spoerl. Chairperson Fuller was absent due to a family medical emergency. Present were Commissioners Mary Ann Bergin, Fred Goebel, Guy Jones, Jim Kummer, David Schleicher, June Spoerl and Rich Ternes. Also in attendance were Town Attorney, John A. St. Peter and various members of the public. The Town Clerk confirmed open meeting notice.
- APPROVAL OF DRAFT MINUTES Motions were made, seconded and carried to adopt draft minutes, as submitted and including changes noted, from April 12, 2010 Plan Commission Meeting and April 28, 2010 Special Plan Commission Meeting.
- BACKGROUND Chairperson Spoerl asked Mr. St. Peter to review the agenda. Mr. St. Peter informed the public that there would be a public hearing on the application of Charles Martell followed by Plan Commission action on the Martell application and the Mirza application. A public hearing was already conducted on the Mirza application. Mr. St. Peter reminded the public that the Plan Commission is advisory to the Town Board and that the final action on both Martell and Mirza would occur on Monday, May 17, 2010 when the Town Board meets at 6:00 p.m. at either the Town Hall or the Town office adjacent to the Town Hall.
- MARTELL CUP PUBLIC HEARING The conditional use permit application was submitted on behalf of the property owner's representatives, Kettle View Renewable Energy, which is the project engineer and contractor for the applicant. Eight exhibits were offered and received during the course of the applicant's presentation. Highlights of the presentation included the following information:
- The location for the proposed residential wind electric turbine for electrical production is 8716 Pine Woods Lane, Oostburg, Wisconsin. The subject parcel is approximately 6.2 acres. The proposed structure at its base consists of a triangular shape of 10'7" for a total of 58 sq. ft. The proposed structure will be 110' high.
 - The applicant is requesting a variance to be relieved of the obligation to install a security fence around the structure. Chairperson Spoerl informed the applicant that the variance falls within the jurisdiction of the Town's Board of Appeals, not the Plan Commission.

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- The wind turbine is manufactured by Ventera. Technical specifications and tower design information are included in the application for the CUP.
- The applicant provided an aerial photo disclosing the location of the turbine on the subject parcel. The aerial photo also identified the current location of the structures on the Martell property.
- The presentation included correspondence from Alliant Energy confirming Alliant Energy's purchase of the power generated by the structure.
- The applicant presented information regarding annual bird fatalities by source.
- The applicant presented correspondence from the Wisconsin Department of Natural Resources addressing wildlife impacts, including birds and bats. The DNR concluded that it has no reason to object to the proposed installation on the grounds of wildlife impacts.
- The applicant represented to the Plan Commission that the decibel level at the neighbor's residence will not exceed the ambient noise. In addition, the applicant presented correspondence disclosing projected decibel levels at various locations from the turbine. (There followed discussion regarding the applicable noise limitations under the Town of Wilson Zoning Ordinance. Mr. St. Peter was asked to research the matter and advise the Town Board on the relevant ordinance provisions.)
- Lighting is not necessary because the turbine will have a height of 110', which is below the 200' FAA lighting requirement.

Mr. Phillip Kuhn, who owns the parcels to the south and west of the Martell property, asked various questions concerning the proposed project. Although Mr. Kuhn did not object to the project, he did express concerns over sight lines/visibility of the turbine and noise levels. He also noted that vandalism from the State Park would suggest the need for a security fence.

No other members of the public appeared. Chairperson Spoerl adjourned the public hearing at 7:45 p.m.

ACTION ON

The Plan Commission considered the Martell application for a conditional

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MARTELL CUP

use permit to authorize a residential wind electric turbine for electrical production on the Martell property. The Plan Commission considered the exhibits and oral presentation of the applicant as well as the comments from the neighbor, Mr. Kuhn. There followed discussion regarding the applicable noise limitations under the Ordinance. Again, the Commission instructed Mr. St. Peter to clarify the applicable noise standards. With regard to noise limitations, the Plan Commission accepted the representation of the applicant that the noise level at Mr. Kuhn's residence would not exceed the ambient noise. The Plan Commission also expressed support for a noise limitation of 60 dBA at the Martell/Kuhn property line. Finally, the Plan Commission asked Mr. St. Peter for his suggestions regarding other terms and conditions of the proposed CUP. Mr. St. Peter made reference to various provisions that have been incorporated into the permits issued by the Public Service Commission for the wind turbine projects in Fond du Lac County and Dodge County. However, Mr. St. Peter acknowledged that it would be inappropriate to incorporate all of the provisions of the PSC permits because Mr. Martell is seeking a single residential wind electric turbine of only 110'.

After further discussion, including consideration of Mr. St. Peter's recommended conditions, motion and second with unanimous approval of the following resolution:

RESOLVED, that the Town of Wilson Plan Commission recommends that the Town Board issue a conditional use permit to Charles Martell for a residential wind electric turbine for electrical production on a 110' free-standing lattice tower consisting of 3 legs, all as more particularly set forth in the CUP application and hearing exhibits, subject to the following general and special conditions:

- Subject to legal counsel's confirmation of legality, noise levels shall not exceed 60 dBA at the Kuhn/Martell property line and, further, noise levels shall not exceed the ambient noise at the Kuhn residence.
- The inclusion of general conditions addressing an event of default, permit renewal, indemnification and insurance protection for the Town of Wilson.

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- Performance standards based on the application and the exhibits presented during the public hearing (consisting of a total of 8 exhibits). The siting, construction and operation of the turbine is subject to compliance with these performance standards.
- Compliance with all applicable local, county, state and federal requirements.
- A prohibition of signage and lighting on the proposed turbine.
- The provision of adequate security assuring the removal of the turbine when the use of the turbine has been discontinued or upon the expiration of the CUP.
- Compliance with all applicable setback requirements in the Town's Zoning Ordinance.

**ACTION ON
MIRZA CUP**

The Plan Commission next addressed the application of Dr. Mansoor Mirza for a conditional use permit to establish a mosque at 9110 Sauk Trail Road, Oostburg, Wisconsin. The property is currently zoned Highway-Commercial. During the course of the Plan Commission's discussion, Mr. St. Peter was asked to address any legal considerations that may apply to this application. Mr. St. Peter noted that federal law prohibits a government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the exercise of religion. Under the circumstances, therefore, the Plan Commission should disregard the proposed religious use and focus on land use considerations unrelated to the religious use. There followed discussion of parking, storm water, hours of operation and noise. After further discussion, motion and second with unanimous approval of the following resolution:

RESOLVED, that the Town of Wilson Plan Commission recommends the approval of a conditional use permit to Dr. Mansoor Mirza at 9110 Sauk Trail Road, Oostburg, Wisconsin, for a mosque, subject to the following conditions:

- Compliance with all applicable local, county, state and federal rules, regulations, ordinances and statutes.

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- The submission of an acceptable storm water plan if and when the existing parking is expanded, regardless of the proposed service of the future parking.
- Compliance with the Town's noise ordinance.

ADJOURNMENT No other business coming before the Plan Commission, the meeting was adjourned.

PLAN COMMISSION

By: _____
Mary Ann Bergin, Secretary