

**TOWN OF PRIMROSE
PUBLIC HEARING
BOARD OF SUPERVISORS AND PLANNING COMMISSION
Minutes
MONDAY, January 11th, 7:00 pm**

THIS MEETING HELD BY TELECONFERENCE.
(978) 990-5000 Access Code 489-616

1. Call to Order at 7:06. In attendance were Dale Judd, Martha Gibson, Steve Flach, Gretchen Hayward, Jerry Judd, Lynn Pitman, and Gary Hensue. Alex Elkins joined in at 7:27pm.
2. Discussion and possible action regarding approval of a Conditional Use Permit for a wireless communications tower on parcel 0507-292-8000-8, owned by Jeffrey L. Webber and located at 9108 Ridge Drive, Mount Horeb.

Mr. Hensue spoke first, stating that the Bug Tussel had agreed with the County to not hold to the 90-day window of response in case the Town needed further time. There were no other changes to the development plan as presented.

Dale commented that a mono-pole style tower takes up less space (approximately 30' X 30') as opposed to a guyed-wire tower. The wires interfere with the use of agricultural machines, and avoiding them will mean that the footprint of this tower is actually 4 to 5 acres of agricultural land. Jerry also felt that a smaller footprint would be better.

Lynn talked about Majid Allan's staff report, which had been transmitted earlier in the day. The report reiterated that the development plan has to be consistent with the local Land Use Plan. At least one of the conditions required to be met, doesn't appear to have been.

Gretchen stated that 1) they don't have density 2) the plan does conflict with ag land, and 3) driveway doesn't comply. She can't see how the Town could approve.

Martha stated that Conditional Use Permit requirement #7 requiring that it not conflict with our Plan has not been met. Our driveway and building criteria explicitly includes commercial or industrial uses. According to our Comprehensive Plan and Ordinances, driveways and building sites (both residential and commercial) are generally prohibited in agricultural land. In the special circumstances that a driveway may cross ag. land, i.e., when the Landowner chooses to develop via Option B, the driveway may cross 300 feet

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of ag. land to get to a building site in pasture or woods. But in this case the building site is not in pasture or woods but in the middle of agricultural land. Thus, the proposal does not fall under Option B. Lastly, Option B requires a density of 70 acres be applied to the whole farm, and the farm would not have a density of 70 acres at this point, given previous building sites that have been developed. The prohibition of driveways and building sites in agricultural lands are standards that have been applied consistently since 1981, when the Town wrote a Land Use Plan with the aim of protecting agricultural lands. Martha also said that she thought that the placement of the tower would violate condition 2 of the County's condition, for it would diminish the value and enjoyment of the lands of adjoining properties.

Steve questioned that if a compliant location could be found, and if there was a density, who would benefit from the service. He did not feel that it was clear that there would be a benefit to residents of Primrose, because, when you look at the maps, it is topography that explains the areas that have poor internet connections.

Tim Kozina was asked if he had anything further to add. He stated that Gretchen and Lynn had already covered his concerns.

Dale summarized that a major concern is the lack of densities (using 1 density per 70 acres). He also asked that the wireless developer consider a brush or wooded area that could fit in a 30'x30' footprint.

Jerry stated that there are so many towers locally, and he questioned the need for another tower instead of co-location.

Alex felt that there are not large areas of Primrose that lack reception, only small low-lying pockets. The proposed Bug Tussel technology does no better in reaching low-lying areas than the existing services. At this point, only an improvement of phone line service is likely to improve internet reception.

Martha stated that she has been contacted by some residents that are in favor of this because they have poor internet connections. The Town must be sensitive to this, especially during Covid when people that must work at home. The lack of connectivity seems to be due to people living at the bottom of a hill or deep in woods, where topography prohibits coverage, not lack of towers. She also stated that if they went with

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a mono-pole the present proposal would still be in ag land, and the driveway would still be in ag land, in opposition to a policy which has been protecting agricultural land for years.

Gary Hensue then stated that he felt that development as presented doesn't appear to be a reality in this community. Now that he understands the cropland criteria, he doesn't feel that this project will be worth pursuing. He explained that to go to a mono pole would be cost-prohibitive. Even then, it wouldn't satisfy other Town criteria.

Lynn stated that the reports submitted raised questions regarding the level of service that would be provided to Primrose residents with the current proposal. Martha agreed.

Planning Commission Vote: Steve called for a motion. Lynn moved that the Planning Commission deny the CUP application, based on the fact that it does not meet criteria #7 required of CUPs by the County. Gretchen seconded. Motion passed 5-0.

Town Board Vote: Dale called for a motion. Martha made motion to deny the application to put a communication tower on Jeffrey and Beverly Webber's property based on the following:

- 1) Of the 7 criteria that the County gives, the application is in violation of #7 stating that it has to be consistent with the existing town plan. It is inconsistent with the following reasons, among other concerns:
 - a. It violates the driveway ordinance that does not allow driveways in agricultural land.
 - b. It violates the requirement that there be no building in agricultural land.
 - c. It violates the density policy.
- 2) Regarding requirement #2 of the County, it impairs and diminishes the enjoyment and value, in particular the agricultural nature, of the area for the rural residents.

The Town Board acknowledged and thanked Mr. Hensue for his professional and business-like presentation of the project throughout the application process.

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The discussion then continued as to how formal these statements need to be. Martha questioned that it might need to be formal, and our attorney should write it up. Clerk to ask Majid about this. Alex felt that this is an extremely clear-cut decision that it is not necessary to spend Town funds on legal advice. Martha still wondered if this is sufficient. If not, they need something more substantial (written by our attorney). Gretchen suggested referencing the specific clauses in the Land Use Plan in the text. Lynn pointed out that there is an outline for the response. Ruth to write up minutes, referencing LUP, confer with Martha and ask Majid. If they need something more substantial it can be re-written by Glenn Reynolds.

Alex seconded. Motion passed 3-0.

Alex moved to adjourn at 8:10pm. Gretchen seconded. Motion passed 7-0.

Minutes submitted by Clerk, Ruth Hansen

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