

Milton Township
Planning Commission
Approved Meeting Minutes
August 15, 2017

Members present: Chairman Hefferan, Murphy, Cole, Kingon, Merillat, Kopkau.
Members absent: Lefebvre.

Also present: Weinzapfel and 3 audience members.

Hefferan called the meeting to order at 7:00pm.

Approval of meeting minutes dated July 11, 2017:
Minutes **approved by unanimous consent.**

Township Board Update
As presented by Cole
Discussion of weekly rentals which will be addressed after Acme publishes their new ordinance.

Agenda:

1. Public Hearing for Cellular Tower.
2. Shoreline Protection Subcommittee Report.
3. Set meeting for Outside Sales and Displays.
4. Septic System Letter.
5. Set agenda for Sept. 12, 2017.
6. Discussion of short term rental requirements.

Public Comment: No one wished to speak.

Motion by Kingon to approve the agenda. Seconded by Cole. **Motion carried.**

1. Public Hearing for Cellular Tower on Ringler Road:
Motion by Cole to remove this from the table. Seconded by Kingon. **Motion carried.**

Without objection from the board, Hefferan will let audience members speak regarding the proposal.

There are no conflicts of interest.

Merillat refreshed the board on letters received for and against.
Ben Varney gave a presentation representing Pyramid Network Services apologized for not being at the meeting last month. Varney discussed the specifics of the property and the tower. They request a waiver of the landscape requirement. The tower will not have lights on it. Others will be able to co-locate on this tower. Existing driveway will be used. They will obtain any

necessary state and federal permits. Extensive environmental reporting has been done and shows no issues. This will be an unmanned site. Only parking for a service person. Lighting is directed downward. An FAA Study has been done and shows no issues. Varney discussed the extensive process for choosing a site for a cell tower. This site is best suited for Verizon and the landowners needs.

Rob Labell represents Verizon Wireless and he explained how cellular networks are created. Site requirements are quite specific. The Planning Commission is one of 24 state and federal agencies that must give permission for each tower. Another concern was electromagnetic radiation. This is being handled by the FCC. A tower creates radiation. This is radio waves. It is the same that comes from your TV, or your radio. All of those exceed the radiation generated by a cell tower. The American Cancer Society website says that there is no link between cell towers and cancer.

Cole asked regarding the circular cells that create a network. If you put two cells together, the signals will interfere with each other. The cells are roughly circular, not perfectly circular to maximize the coverage area so the place between the circles isn't a dead zone.

Additional carriers could be added after all spaces of colocation are filled if the tower is reinforced.

Kopkau asked regarding the lease. Weinzapfel said Derman reviewed the last copy and he is fine with it. The lease is partially signed.

Merillat asked regarding the site plan and the request to waive the landscape requirement. Varney requested the waiver because on the East, West, and North have fruit trees and buildings on the South. Those who have looked at the site agree that it is not necessary. It was on the site plan because it was recommended to have the site plan agree with our ordinance.

Nells Velliquette said he would request the waiver for the landscaping as it's just more to mow around and isn't necessary.

Hefferan asked regarding the NEAPA report which takes 4-6 months to receive. They project to receive it in September/October. The tribes have 90 days, but they can string out the time. They cannot move forward until they have that report.

Hefferan asked regarding the location of the tower. This site meets all of the technical requirements for a cellular tower. The township will be reimbursed for the attorney fees. This will be part of the motion. Hefferan asked regarding those who were here last month. Unfortunately, they are not here tonight.

Public Hearing Closed. Deliberations began.

Murphy asked regarding the letters received. Those are part of the record. They were read last month.

Kingon said regarding the subcommittee meeting minutes. Everything listed on that has been provided except the final lease agreement? Weinzapfel said yes.

Motion by Murphy to approve 2017-04-SU Pyramid Networks Services on behalf of ERS Telecom Properties proposal for a special land use permit for construction of a wireless communications tower on property owned by Cherries R Us Inc located on parcel number 05-12-325-013-00 on Ringler Road. The planning commission will waive the landscaping requirements around the site. We also require the NEPA report showing no impact, signed lease agreement in the form that was reviewed and approved by the township attorney between Cherries R Us and ERS Telecom properties, as well as ERS is to be responsible for all associated Milton Township attorney fees. Seconded by Cole.

Roll Call Vote:

Merillat: Yea, based on the increased reliance on cell phones and poor service on the south end. Meets zoning requirements and 117.1623.

Cole: Yea, ERS Telecom shows a need for the tower to service the area and based on the subcommittee report. It meets the ordinance 117.1623 and 117.2103

Murphy: Yea, Pyramid has shown a need for public safety. The public safety outweighs the other input received.

Kopkau: Yea, based on the need displayed. It meets the requirements of the special use.

Kingon: Yea based on the demonstrated need. The site of the tower has been thoughtfully selected. The letters received were addressed tonight. The health effects are not germane to the discussion.

Hefferan: Yea as the applicant will comply with local and state regulations, a topo map was provided and the concerns of nearby property owners have been addressed. It meets 117.1623.

Motion approved 6-0.

2. Shoreline Protection Subcommittee Report:

Kingon discussed the draft dated August 7, 2017. The new approach is that the smaller lots, single parcels, have been fairly straightforward in their review. The ZA is responsible for review and he could also bring in members of the planning commission for review. He could also seek the assistance of county Soil Erosion. Regarding more complex projects at 2,000 sq ft should be reviewed by ~~the full~~ *a standing subcommittee of the* planning commission ~~and we would that~~ *could* bring in other expertise as needed and could then request any costs be deferred by the applicant. They also added more approval standards. The standing committee could be involved in taking more workshops related to this particular issue and to waterfront properties.

Murphy said the subcommittee has done a great job with this. His question is about the 25 foot width. How much shoreline protection area is needed to create the appropriate amount of filter needed. Kingon said the number varied from 10 feet to 50 feet in all of the research. 25 feet is also already in our ordinance. Adjoining townships also request 25 feet.

Tom said the subcommittee needs to meet with the Parks and Rec Committee to discuss their proposal for the park. This committee started many drafts ago, perhaps about two years ago. The problem is that there is not other language out there to get ideas from. Cole said a new final draft should be ready at the next month's meeting.

Hefferan said in regard to the Bigelow property, it would be great for us to lead the way there and showcase a 25 ft protection strip, larger than what Gosling Zubak has proposed.

3. Set meeting date for outside sales and displays:
Cole, Hefferan, and Merillat will meet August 28th at 8 am.

4. Septic System Letter:
Hefferan received a letter from Elk River Chain of Lake Watershed Plan Implementation Team Septic Subcommittee regarding the lack of records and good record keeping regarding septic systems in the township.

5. Discussion of short term rental requirements.
Liz Atkinson said that the 24 hour contact name and number is only available to affected people within 100 feet. She would recommend that extend to 300 feet due to double lots or empty lots or neighboring homeowners not being present to address a complaint. We will not go forward with a subcommittee at this time until Acme Township publishes their ordinance and we have a chance to look at our other issues with our rental ordinance.

6. Set agenda for September 12 meeting:
1. Shoreline Protection SC Report
2. Outside Sales and Display SC Report
3. Set agenda for October.

Meeting adjourned by order of the chair at 8:50pm

Respectfully submitted,



Joseph Merillat