

**SPRINGFIELD PLAN COMMISSION**  
**Meeting Minutes – January 9, 2023 @ 6:30 p.m.**

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Chair Jeff Endres called the meeting to order at 6:30 p.m. Roll call shows Chair Jeff Endres, Commissioners Bill Acker, Jan Barman, Richard Weiland, Ron Wolfe, and Matt Wright present. Commissioner Pamela Krill was excused.

Also present were town staff and professionals, town supervisors, applicants, and numerous residents.

The Pledge of Allegiance was recited.

2. CONFIRMATION OF POSTINGS FOR OPEN MEETING LAWS

The Clerk confirmed that the agenda was posted at town hall and on the Town website.

3. PUBLIC COMMENT TIME – None.

4. APPROVAL OF PREVIOUS MINUTES: December 12, 2022

**Motion by Commissioner Wolfe, seconded by Commissioner Weiland to approve minutes. Motion carried, 6-0.**

5. PUBLIC HEARING: CSM & REZONE FROM R-1 TO SFR, 5630 DAHMEN DR.

**Motion by Commissioner Barman, seconded by Commissioner Wolfe to recess the regular meeting and go into a public hearing.**

**Roll call vote: Acker AYE, Barman AYE, Endres AYE, Weiland AYE, Wolfe AYE, Wright AYE. Motion carried.**

Commissioners were informed there was not drainage issues on the 4.7-acre parcel, so the intent is to build on the flat part of the eastern 1/3 of the lot, with the driveway tentatively placed on the southern portion of Dahmen Drive.

Commissioner Wolfe lives in the area and noted the lot should produce two relatively square lots. There was no public participation.

**Motion by Commissioner Acker, seconded by Commissioner Barman to close the public hearing and return to the regular meeting.**

**Roll call vote: Acker AYE, Barman AYE, Endres AYE, Weiland AYE, Wolfe AYE, Wright AYE. Motion carried.**

6. CSM FOR TWO LOTS & REZONE TO SFR: 5630 DAHMEN DR.

**Motion by Commissioner Wolfe, seconded by Commissioner Weiland to approve the CSM and rezone to SFR. Motion carried, 6-0.**

7. OLD BUSINESS

a. CUP & REZONE FROM A-3 TO AG, 6143 LODI-SPRINGFIELD RD.

The application was brought to the Town in August, awaiting documents and approvals from Federal and State governments, which have since been received. Deadlines specified in statute require the plan commission to make a recommendation to the Town Board at their next regularly scheduled meeting, February 13<sup>th</sup>.

Neighbors from a nearby subdivision, some of whom submitted reference materials on the subject to commissioners were in attendance. Chairperson Endres reminded attendees that this was not another public hearing, rather an update on the status of the application, but the commission would hear orderly, constructive questions and feedback.

Attorney Hazelbaker noted during the discussion that there's not a lot of things the Town can reject the application for based on the "substantial evidence" requirement; in his January 9<sup>th</sup> memo, he states that, "Federal and state law have greatly circumscribed the authority of the Town to regulate siting of new or altered cellular towers." The memo further explains that Wisconsin law limits municipal zoning power for cellular tower applications in 24 specific ways, and references the five most significant limitations. Federal law pre-empts state and local regulation even further and requires a local unit of government to base its decision on "substantial evidence". The Town cannot force the applicant to choose another specific site, but may reject the tower if the Town believes there is substantial evidence that the tower is incompatible with the surrounding area and will decrease property values. Commissioners were informed

that the Plan Commission can ask for, but not require information pertaining to the coverage circle the applicant was looking for sites in, nor which alternate sites were considered.

**Motion by Commissioner Acker, seconded by Commissioner Wright to not grant approval at this time. Motion carried, 5-0; Chairperson Endres abstained.** Chairperson Endres explained he will not vote on the application because he does business with property owner DLR Farms, although he and the applicant only talk about farm business items and do not share information about the application, nor does he feel he is biased about the application or applicant.

Commissioner Acker noted during the motion that the proposed location could affect numerous residents. Because there is adequate time, the Plan Commission requested more information from the residents about how the tower would be incompatible with neighboring land use as they contend; information from both the residents in opposition and the applicant as to whether the tower would lower nearby home values; and, for the applicant to provide coverage information on the alternate sites they considered.

b. CSM FOR ONE LOT & REZONE FROM A-1(EX) TO AG: DIRECTLY SOUTH OF 5628 WHIPPOORWILL RD.

The Commission noted conflicts between the proposed site and the comp plan, referencing the Town's Rural Development Guidelines' Town Character Preservation Principles and Hillside Residential sections; as well as, Chapter 2's Natural Resource Inventory, Hilltops and Ridgetops section. While noting the site's steep slopes, and the plan's prohibition of building in areas of 20% or more slopes, it was recalled that the commission had recently heard support from the town chairman for increasing the buildable slopes percentage. Commissioners discussed requiring a building envelope or buildable area restriction, along with a driveway location, and took issue with the proposed larger than preferred 1.5 to 2-acre lot size, and locating a home in the bald spot, against the character of the area. The applicant estimated the elevation at 1,150' and doesn't think there are 20% slopes at the site. A future site in the same area was mentioned, causing commissioners to urge the applicant to plan for that potential while designing this site.

A motion to reject the CSM for incompatibility with the surrounding land was not seconded and discussion continued, with the applicant reminding the commission that the land across the street was commercial, with a 3-story dirt pile on it.

**Motion by Commissioner Wolfe, seconded by Commissioner Weiland to approve the CSM and allow the applicant to build within a house envelope area with a maximum building height defined. Motion failed, 3-3.**

Staff was directed to look up the deed restrictions the Town imposed on a neighboring hillside home builder.

**Motion by Commissioner Weiland, seconded by Commissioner Acker to table the item. Motion carried, 6-0.**

8. COMMUNICATIONS/ANNOUNCEMENTS

- a. PENDING REQUESTS FOR AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH WAUNAKEE AND THE TOWN COMP PLAN

9. ADJOURN

**Motion by Commissioner Weiland, seconded by Commissioner Wolfe to adjourn the meeting at 8:20 p.m. Motion carried, 6-0.**