

**Town of Troy
654 Glover Road
Board of Appeals
June 30, 2022**

PUBLIC HEARING and MEETING by the Town of Troy Board of Appeals (BOA) was called to order by Ray Knapp at 7:00 p.m., via zoom webinar on Thursday, June 30, 2022, to discuss the following:

Applicant:	Pierce Pepin Cooperative Services
Location:	Parcel #040-1112-30-000
Address:	450 Mann Valley Drive, River Falls, WI 54022
Request:	Variance to reduce highway setback requirement for structure (from 75' to 64'). The applicant would like to place a 6 foot by 19 foot structure to operate broadband and high-speed internet equipment.

Confirmation of open meeting law notices were posted June 16 and June 23.

Roll call – members present: Ray Knapp, Chuck Enloe, Cliff Jennings, Mike Kinney, and Nathan Nelson. Staff present – Rob Jones from Cedar Corporation as well as recording secretary Amanda Randall. Other attendees included Jan Cuccia, Brad Ristow from Pierce Pepin Cooperative Services, and Garrett Seebandt from Dairyland Power via phone.

Announcements and correspondence – none to report.

Vice Chair for the Board of Appeals – Ray Knapp nominated Nathan Nelson to serve as Vice Chair, second by Cliff Jennings to close nominations and cast a unanimous ballot. Roll call vote: Ray Knapp-yes, Chuck Enloe-yes, Cliff Jennings-yes, Mike Kinney-yes, Nathan Nelson-yes. Motion carried.

Secretary for the Board of Appeals – Self nomination by Cliff Jennings to serve as secretary, motion made by Nathan Nelson to close nominations and cast a unanimous ballot. Roll call vote: Ray Knapp-yes, Chuck Enloe-yes, Cliff Jennings-yes, Mike Kinney-yes, Nathan Nelson-yes. Motion carried.

Action on minutes; approve March 9, 2021 minutes – Mike Kinney moved to approve the minutes of the March 9, 2021 minutes of the Board of Appeals, second by Chuck Enloe. The date of the site visit needs to be corrected to 2021. Roll call vote: Ray Knapp-yes, Chuck Enloe-yes, Cliff Jennings-yes, Mike Kinney-yes, Nathan Nelson-yes. Motion carried.

Open Public Hearing – Chairperson Knapp opened the public hearing for Pierce Pepin Cooperative Services for the property at 450 Mann Valley Drive (PID #040-1112-30-000) asking for a variance to reduce the highway setback requirement for structure from 75' to 64'.

Brad Ristow of Pierce Pepin Cooperative Services summarized the application and explained that they would like to place a 9' x 16' hut at the substation at 450 Mann Valley Drive. They are requesting relief from the required 75' setback and would like to place the hut 64' from the front property line of Mann Valley Drive. The structure is a reconditioned cell tower hut; they have installed several at substations throughout the area. The Glenmont substation is owned by Dairyland Power. This substation also supports Xcel Energy and St. Croix Electric. Dairyland requires that the building and any fixtures be 15' from the substation fence to accommodate the grounding grids; this buffer requirement along with the Town's building setbacks does not allow for additional buildable area suitable for the fiber hut on the lot. The hut is needed for Pierce Pepin's high speed broadband initiative to bring broadband services to underserved areas. A photo of an identical structure was reviewed; it would be set southeast of the substation. Moving it further to the west would impede any future substation growth and would block the entrance gates. Placing it further north is not a possibility due to Xcel Energy's underground 3-phase line, and to the south of that line Pierce Pepin has two underground 3-phase lines. If the substation was ever expanded, bays would be added to the south for Pierce Pepin, north for St. Croix Electric, and any added circuits would need to go on the west side. The hut also needs to be kept a certain distance from the boxes on Mann Valley Drive. Rob Dooley from St. Croix Electric and Steve Schauer from Dairyland submitted letters in support of the request. There was discussion on the vision triangle shown on the map; Rob Jones explained that vision triangles usually apply at uncontrolled intersections and there is a stop sign at the Carlson Lane intersection with Mann Valley Drive. The site plan used for this application came from the original CSM so the Applicant included the triangle. State Statutes do state that you should do what you can to keep structures out of vision triangles even if the triangle is not required. The exact location of the underground lines was discussed; they will verify the location during construction by digging.

Rob Jones provided a summary from Cedar Corporation; Bob Colson did most of the work on this application but he was unable to attend tonight's meeting. He explained that Pierce Pepin would like to place a 9' x 16' fiber hut at the Glover substation to store and operate broadband and high-speed internet equipment, thereby allowing the Applicant to expand their service area. The property is zoned Ag, and in Ag this is a Conditional Use. The substation was put in sometime in the 1970's and the original County records for a likely Conditional Use Permit cannot be located. He reviewed the Town Ordinances and criteria to consider with the application. It was also noted that the setback for the entire property would not be reduced to 64', the setback reduction would be just for this structure. The building itself is 12' tall and with the slab would have a total height of 13' - 14'. The difference between a variance and an Exception to Design Standards was discussed. There should be no conflict with any future improvements to either Carlson Lane or Mann Valley Drive; Mann Valley Drive was previously a County road so it has an 80' right-of-way. Rob Jones also noted that other structures along Mann Valley Drive are at the County's 50' setback and this structure would exceed that setback at 64'.

Ray Knapp read a letter from Dairyland Power into the record that states strong support for this request. Cliff Jennings noted that Baldwin Telecom covers most of the Town of Troy; this will overlap with other providers in the area. Brad Ristow explained that this broadband project will help provide connectivity to all of their substations for modernization of the electric grid.

As there were no other public comments, Ray Knapp closed the public hearing at 7:51 p.m.

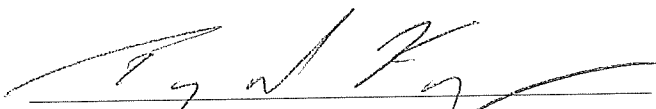
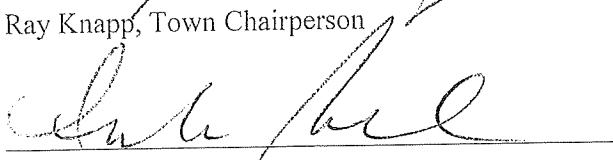
The Board discussed the application. Ray Knapp noted that the Town received no feedback from any residents.

Ray Knapp moved that the Board of Appeals, upon review of the findings required by Town Ordinance, Chapter 170, determines that the applicant has demonstrated a hardship in strict enforcement of the identified zoning restricting and therefore approves an area variance for Pierce Pepin Cooperative Services to reduce the road setback along Mann Valley Drive from 75-feet to 64-feet, thereby allowing placement of a 9-foot by 16-foot structure to house communication facilities at 450 Mann Valley Drive, River Falls, WI 54022. This variance applies only to the placement of the defined structure and does not change setbacks for the entire property. Second by Cliff Jennings. Roll call vote: Ray Knapp-yes, Chuck Enloe-yes, Cliff Jennings-yes, Mike Kinney-yes, Nathan Nelson-yes. Motion carried.

Chuck Enloe moved to adjourn the meeting, second by Mike Kinney. Roll call vote: Ray Knapp-yes, Chuck Enloe-yes, Cliff Jennings-yes, Mike Kinney-yes, Nathan Nelson-yes. Motion carried.

Meeting adjourned at 7:56 p.m.

These minutes were taken at the Board of Appeals meeting held on the 30th day of June, 2022.


Ray Knapp, Town Chairperson
Amanda Randall, recording secretary