
Dennis Cashman, Chairman
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PLANNING COMMISSION Minutes from Tuesday, March 31, 2015

Bob Coenen called the meeting to order at 7:00 p.m. Clerk Charette verified that the meeting was properly noticed. All members were present. Bob Gerbers, Dennis Cashman, Steven Zeitler, John Schumacher, Tom Soderlund and Tim Ellenbecker also were present.

MINUTES FROM FEBRUARY 17, 2015, MEETING

Clerk Charette provided members with a copy of the minutes from the February 17, 2015, meeting.

M/M by Terry Vertz to approve the minutes from February 17, 2015 as presented, meeting; seconded by Sue Zeamer. Motion passed by voice vote.

OATH OF OFFICE

Bob Coenen took his oath of office for his three year term commencing on April 1, 2015.

CSM REQUEST FROM STEVE ZEITLER, AGENT FOR DAVID E. MARX, SUSAN MARX MORIAREY AND TAMMY MARX ECKART, PARCEL R-140, 3725 BLOCK CTH PP, DE PERE, WI 54115

Steve Zeitler, surveyor and agent for David E. Marx, Susan Marx Moriarey, and Tammy Marx Eckart, provided a preliminary Certified Survey Map to the Planning Commission. Zeitler indicated that his clients, David Marx, Susan Marx Moriarey, and Tammy Marx Eckart, are making this request so that they can divide Parcel R-140 into two lots. Proposed Lot 1, approximately 10 acres in size, includes the house, silo, sheds, and barn. Marx intends to deed Proposed Lot 1 to Susan Marx Moriarey and Tammy Marx Eckart. Zeitler informed members that the home and septic system on proposed Lot 1 is abandoned. The well, located on Proposed Lot 1 is shared and is still being used. The manure pit has been filled in. Proposed Lot 2, approximately 20 acres in size, will continue to be farmed by the renter. There is a driveway easement on Parcel R-140-1 providing access to Proposed Lot 1.

At this time, Zeitler explained that Agenda Item #6 and Agenda Item #8 are reliant upon the other. Zeitler drafted both Certified Survey Maps and is serving as the agent for all parties involved.

Zeitler explained that Marx will deed land to Schumacher, owner of Parcel R-139-1, in order for Schumacher to obtain the required amount of frontage on the proposed cul-de-sac. As part of this transaction, Parcel R-140, will retain the right to cross Parcel R-139-1 for ingress and egress purposes. This transaction will enable Proposed Lot 2 to have access to the proposed cul-de-sac.

Zeitler explained that the northern strip of Proposed Lot 2 allows that lot to have access to County Highway PP.

Bob Coenen explained that there is a tile line that runs along County Highway PP and could be an issue if a driveway were constructed on County Highway PP.

Lee Anderson asked if in the future Proposed Lot 2 was divided into two lots whether there would be enough land to dedicate for roads. Zeitler stated that he spoke with representatives from the City of De Pere and they appreciate the larger division of parcels. The City does not need to worry about public streets and roads until the lots are much smaller. Zeitler did explain that the Town could ask to have 35' along the northern strip reserved for a future roadway. He further explained that if Proposed Lot 2 was split in the future, he would recommend a north and south split with driveways on County Highway W, due to the location of the environmentally sensitive area located on Proposed Lot 2.

Zeitler demonstrated the location of the environmentally sensitive areas on the proposed Lots and reiterated the county's shoreland permit requirement. The Marx proposed Certified Survey Map dedicates a 40 foot right of way for CTH W. A dedication of a 12' utility easement and 40 foot setback are denoted on the CSM as well.

Zeitler read through the list of five restrictive covenants on the CSM. He indicated that a sixth covenant will be added to address the requirement for a Brown County Highway access permit if a driveway were needed on CTH W.

After some discussion, the Commission requested that Item #8, Schumacher CSM, be brought together with agenda Item #6, Marx CSM. The Commission concluded that the Schumacher CSM should be recorded prior to the Marx CSM being recorded.

M/M by Terry Vertz to move to review agenda Item #8, request from Steve Zeitler, agent for John Schumacher, for approval of a Certified Survey Map, including Parcels R-139, R-139-1, R-139-2, and part of Parcel R-140; seconded by Lee Anderson. Motion approved by voice vote. Supervisor Schwalbach abstained.

CSM REQUEST FROM STEVE ZEITLER, AGENT FOR JOHN SCHUMACHER, INCLUDING PARCELS R-139, R-139-1, R-139-2 AND PART OF PARCEL R-140, 3800 BLOCK OF CASHMAN DRIVE AND 3725 BLOCK OF CTH PP, DE PERE, WI 54115

Zeitler explained that the proposed Certified Survey Map is a hybrid in that no parcels are being created. Recorded documents note the metes and bounds describing the property. Zeitler explained that this Certified Survey Map, when recorded, will clearly delineate the three parcels. Zeitler explained that the proposed CSM shows Marx' dedication of

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property on the west side of Cashman Drive and County Highway W to the Town. Marx is in agreement with the design of the cul-de-sac and the dedication of land. Marx will sell Schumacher, owner of Lot 1, Parcel R-139-1, the land needed to obtain appropriate frontage on the proposed cul-de-sac. The proposed CSM portrays a 12' utility easement and 40' setbacks. Schumacher, has an easement from Lot 2, Parcel R-139, to gain access to the house.

Zeitler explained that there will be a series of quit claim deeds executed amongst each other in order for the three landowners of Parcels R-139, R-139-1, and R-139-2, to obtain the frontage legally required. Lewis, owner of Lot 2, Parcel R-139, will deed a small triangular shaped section on the southeast side of the proposed cul-de-sac to Ariens, owner of Lot 3, Parcel R-139-2, in order for Lot 3 to meet the 115' legally required. Marx, owner of Parcel R-140, will deed a small triangular shaped section on the northwest side of the proposed cul-de-sac to Lot 2, Parcel R-139, in order for Lot 2 to meet the 115' legally required. Schumacher, owner of Parcel R-139-1, also will deed a small strip of property to Lot 2, Parcel R-139. Once these deeds are recorded, Marx, owner of Parcel R-140, will then execute a deed granting Schumacher any and all interest in proposed Lot 1 (which now includes the land required to have appropriate legal frontage), subject to Proposed Lot 2 of Parcel R-140 retaining ingress/egress rights across Lot 1, Parcel R-139-1.

Tom Soderlund questioned the accuracy of the front pin on the east of his property that Zeitler located while surveying. Zeitler explained that Soderlund owns his property subject to the 33' easement for the Cashman Drive. Soderlund expressed his concern that the proposed road and cul-de-sac will cause the trees on the north side of his property to be taken down. Zeitler explained that the road will move approximately 30 feet to the west and does not believe the trees on the north side will be compromised.

Supervisor Van Vonderen read the Town Board Resolution dated November 1, 1999, which confirmed the Town Board resolution passed on February 22, 1860, laying out Cashman Drive.

Zeitler indicated that he will be staking out the properties next week and if the Board wants to confirm the location of the remaining stakes on Soderlund's property, Zeilter could locate those at that time.

M/M by Supervisor Van Vonderen to recommend to the Town Board approval of the proposed certified survey map, including Parcels R-139, R-139-1, R-139-2 and part of R-140, with the following conditions: 1) the Town Board receive copies of the quit claim deeds being executed between the landowners demonstrating legally required frontage on the cul-de-sac; 2) Proposed Lot 2 of Parcel R-140 retain an easement for ingress/egress from Lot 1, Parcel R-139-1; 3) the Town Board inspect and confirm the survey stakes being placed for this project; 4) the Town Board receive confirmation of the location of the southeast corner right of way stake on Soderlund property; 5) the Town Board obtain a legal opinion regarding whether the road and cul-de-sac should be dedicated to the Town; 6) the proposed Certified Survey Map relating to Parcels R-139, R-139-1, R-139-2, and R-140 be recorded prior to the recording of proposed Certified Survey Map relating to proposed Lots 1 and 2 of Parcel R-140; 7) that the proposed Certified Survey

Map meet all Town, county, state and federal laws; seconded by Lee Anderson. Motion passed by voice vote. Supervisor Schwalbach abstained.

M/M by Chairman Coenen to return to agenda Item #6 and Item 7; seconded by Randy Hansen. Motion passed by voice vote. Supervisor Schwalbach abstained.

CSM REQUEST FROM STEVE ZEITLER, AGENT FOR DAVID E. MARX, SUSAN MARX MORIAREY AND TAMMY MARX ECKART, PARCEL R-140, 3725 BLOCK CTH PP, DE PERE, WI 54115

M/M by Supervisor Van Vonderen to recommend to the Town Board to approve the Certified Survey Map for proposed Lots 1 and 2 with the following conditions: 1) that both lots be in compliance with all Town, county, state, and federal laws; 2) that the parties receive approval to rezone Proposed Lot 1 from NPWLI to ER-10 from Town; and 3) that the Certified Survey Map including Parcel R-139, R-139-1, R-139-2 and part of R-140, be recorded in the Register of Deeds office prior to this CSM being recorded; seconded by Terry Vertz. Motion passed by voice vote. Supervisor Schwalbach abstained.

REQUEST FROM STEVE ZEITLER, AGENT FOR DAVID E. MARX, SUSAN MARX MORIAREY AND TAMMY MARX ECKART, TO REZONE LOT OF CERTIFIED SURVEY MAP, PART OF PARCELS R-140, 3725 BLOCK CTH PP, DE PERE, WI 54115 FROM NON-PARTICIPATING WORKING LANDS INITIATIVE (NPWLI) DISTRICT TO ESTATE RESIDENTIAL 10 ACRE (ER-10) DISTRICT

M/M by Supervisor Van Vonderen to forward the request to rezone Lot 1, part of Parcel R-140, 3725 Block of County Road PP, from Non-Participating Working Lands Initiative (NPWLI) to Estate Residential 10-acre (ER-10) to the Town Board for approval; seconded by Sue Zeamer. Motion passed by voice vote. Supervisor Schwalbach abstained.

LAND USE PERMIT REQUIREMENT

Gerbers provided a draft of a land use permit application that would be required prior to the issuance of building permit, pond permit, demolition permit, or approval of a rezoning, conditional use, or land division or as requested by the Zoning Administrator or Town Board. It was suggested that this requirement be placed under Chapter 18-01.09, General Provisions of the Code of Ordinances.

After review and discussion, the following recommendations were made:

- “Fee” be changed to “Proposed Zoning”
- List name of each road and frontage thereon
- List total road frontage
- Note the type of project
- Require a GIS map identifying parcel number
- Include language stating that the Town Board may require additional information including a signed and recorded CSM, site plan, etc.

- Delete the lines relating to CSM requirements
- Note that inspection of property must be done with prior notice to land owner
- Add Town Chairperson as a party who can approve the permit

The permit will be revised and returned for further review at a future meeting.

MOBILE TOWER SITING REGULATION ORDINANCE

M/M by Lee Anderson to review at the next regular meeting; seconded by Supervisor Van Vonderen. Motion passed by voice vote. Supervisor Schwalbach abstained.

Public Input

Tim Ellenbecker, 3504 County Road PP, inquired regarding an upcoming project he is undertaking on his property. He will meet with Bob Gerbers to discuss.

Chairman Coenen noted that the Town of Ahnapee in Kewaunee County adopted an ordinance prohibiting application of liquid animal manure and recommended that the Planning Commission consider adding similar language to the Town's nuisance ordinance.

Chairman Coenen stated that a Rockland resident informed him that the address signs should be purchased by the Town and billed to the taxpayer instead of attempting to obtain a FEMA grant.

ANNOUNCEMENTS & DISTRIBUTION OF CORRESPONDENCE

Supervisor Van Vonderen showed a map that Brown County provided regarding future construction on County Highway ZZ. Planning Commission should review this proposed construction in continuity with the comprehensive plan.

Supervisor Schwalbach reported that arsenic may have been found in a neighboring municipality's wells.

Clerk Charette reported the proposed timeline for the comprehensive plan. The Planning Commission will do a final review of the plan at its April 16th meeting with the option of adopting the resolution.

ITEMS INTENDED FOR FUTURE MEETINGS

Mobile Tower Siting Regulation Ordinance, Quarry & Blasting permit review; Comprehensive Plan review and resolution; Nuisance Ordinance language regarding liquid manure; land use permit

SET NEXT MEETING DATE

The Planning Commission will meet on Thursday, April 16, 2015, at 7:00 p.m. with Aaron Schuette to review the final draft of the comprehensive plan; and will meet on Thursday, April 30, 2015, at 7:00 p.m. and Thursday, May 14, 2015 for a regular meeting.

ADJOURNMENT

M/M by Sue Zeamer to adjourn the meeting; seconded by Lee Anderson. Motion passed by voice vote. Meeting adjourned at 9:56 p.m.

All minutes have been taken truthfully and honestly and to the best of my knowledge and ability.


Jahn B. Charette
Clerk

Minutes approved as written/~~with corrections~~ (**strike one**) by the Planning Commission on April 30, 2015.


Bob Coenen
Planning Commission Chairman