

PLAN COMMISSION  
MEETING MINUTES  
TOWN OF GRANT  
June 20, 2017

**PRESENT:** Jim Wendels (Chairperson), Sharon Schwab, Ron Becker, Nathan Wolosek, (Committee Members), Kathleen Lee (Secretary), Marty Rutz

**EXCUSED:** Tom Reitter

**CITIZENS:** Debra LaBarge, Gerald Rogers, Kathleen Rogers

**CALL TO ORDER**

The meeting was called to order at 6:31 pm by Jim Wendels.

**STATE OF PUBLIC NOTICE**

It was stated that the agenda was posted at two posting stations (the Grant Town Hall and the Grant Transfer Station) and on the Town’s website.

**MINUTES**

It was moved by N. Wolosek and seconded by S. Schwab to approve the May 16, 2017 Plan Commission Meeting Minutes. The motion passed with unanimous ayes.

**LABARGE CONDITIONAL USE PERMIT** - Debra LaBarge has requested to extend her August 2016 Conditional Use Permit. Septic was placed on the property last week. She is using solar power for electricity. She does not believe she will be able to have the house completed by November, but all other aspects of the CUP have been met. She will likely only complete the basement this year and the house next year. She would like to cap off the walk-out basement and live in that until the house is completed. An occupancy permit from the building inspector (Dale Bates) would be needed before she could move into the basement.

It was recommended that M. Rutz issue the building permit, so that she could start the basement. She would have 2 years to complete the story above the basement.

A blueprint is needed to determine if the basement will meet uniform building code.

It was recommended that she wait until fall to determine if she will need an extension on her CUP. She should come to the Plan Commission in September and the Town Board in October if an extension is needed.

She was given Dale Bates’ phone number. She was warned to consider the throwaway costs involved with making a basement livable and later building the house.

**ROGERS CONDITIONAL USE PERMIT** - Gerald and Kathleen Rogers are requesting a CUP for a short-term rental of a residential premise in an area zoned low density residential located at 820 90<sup>th</sup> Street South. The home has not been occupied since June 2016. They have had the home inspected by Portage County Health and Human Services and they were given a “clean bill of health with minor exceptions” including two window screens, a CO detector, chains for the septic lids, and a poster to indicate that the cooking utensils have not been sanitized while providing bleach for the utensils. There is adequate parking. A driveway is shared with 830 90<sup>th</sup> Street S. The residence is handicapped accessible. Based on K. Rogers’ research, it is governed by Portage County Statute 4.3. There are no state requirements. The State of Wisconsin allows the County to be the agent according to Statute 254.169. There are no objections from the neighbors with whom they haven spoken.

The following conditions were recommended:

1. No parking allowed on 90<sup>th</sup> Street. All customers must park on owner’s premises.

2. Residential waste and recycling generated from the rental property may be taken to the Transfer Station.
3. Maintain and provide proof of Tourist Rooming House license from Portage County and any applicable State license.
4. Fire extinguishers, fire alarms, CO detectors, must be in compliance per fire inspection by Grand Rapids Fire Department and Portage County Health and Human Services.
5. Camping on the premise is restricted to two wheeled RV or campers and up to 2 tents.

N. Wolosek moved that we approve the conditional use permit request with the conditions listed. S. Schwab seconded motion. The motion was approved with unanimous ayes.

K. Lee will contact the Town Clerk regarding scheduling a public hearing for July 12, 2017 at 7:00 pm.

**BROCKMEYER CONDITIONAL USE PERMIT** - Glen Brockmeyer has withdrawn his interest in a holding tank for personal, seasonal camping on his property.

### **CITIZENS INPUT**

1. A citizen has expressed concern regarding the Brody pond CUP and the length of the permit. M. Rutz reported that Dean Altman is hauling sand from the Brody property and will be completed soon. Mr. Altman plans to repair road damage when the project is completed. A person across the road from Russel Brody is interested in a pond according to D Altman, therefore more hauling would occur. Their proposed pond would be 20,000 sq. ft. or less and would not require a CUP. Permits are good for two years.  
It was suggested that it may be cheaper for Mr. Altman to obtain sand for his customers from Moody, Crimson Star Cranberry Company or Okray's Cranberry.  
The Brody CUPs from 2012 and 2014 were reviewed. The conditions are being adhered to. Most of the discussion surrounded road damage. Sand needs to be hauled out without damage to the road.
  - It was questioned if the Town could charge for hauling sand? Is this considered mining? Currently there is no way for the Town to recover the cost of repairing road damage. Is a road use agreement a possibility?
  - It was questioned if Wood County has a contingency for frac sand?
    - R. Becker reported that Wood County is charging sand haulers for accelerated wear to roads. The Wood County Supervisors agreed to the plan, as well as the sand haulers.
    - The fees collected are connected to road repair/upgrade.
    - It was suggested to talk with Doug Passineau or Roland Hawk to learn more about these charges.
  - J. Wendels stated bonds are not being issued to companies hauling sand, because it cannot be proved who caused the road damage. More responsibility is being placed on towns to build roads that can handle the weight.
  - S. Schwab stated it could be considered nonmetallic mining, but no fees are currently being collected.
  - It was recommended to have times of the year hauling sand is prohibited in spring (e.g. March 1 to April 15)
    - Something should be added to the Zoning Ordinance, Section X. This applies even if a CUP is not required.
    - Future CUP should include this limitation.
    - Hauling limitations should be consistent with Portage County road postings.

The Plan Commission will review Section X (Quarrying) of the Zoning Ordinance as the ordinance is updated.

2. J. Wendels has responded to Connie Behrend regarding her complaints about vehicles in a neighbor's yard. She was told that the Town can do nothing about the vehicles, but that it is high on our priorities to develop a junk/unlicensed vehicle ordinance for high and low density residential. The merits and challenges of such an ordinance were discussed. We could model any ordinance after the county's ordinance. The Plan Commission needs a directive from the Town Board regarding the need for unlicensed vehicle and/or nuisance ordinance.  
This type of ordinance is recommended by the Wisconsin Towns Association. Sample ordinances were distributed at the previous meeting.
3. There is flooding in the northern side of the Town. Restrictions in the Buena Vista Creek are contributing to this flooding. These restrictions are outside of the jurisdiction of the drainage district. About five years ago, the Town should have received a copy of the statute that states the Town has the authority to require restrictions on private property be removed. The property owner can remove the restrictions or the Town can do so and charge the property owner. S. Schwab clarified that the town can only go on private property if injury has been reported. Paul Cieslewicz, Chairman of the Portage County Drainage District will be sending a letter to the Town regarding removal of the restrictions which are generally caused by downed trees. S. Schwab stated a phone call prior to the letter would have been appreciated. It is believed that the drainage district has not contacted the property owners regarding the concerns. It would be difficult to get equipment in at this time, but the use of mats may make it possible.  
The Comprehensive Plan should have something added regarding the flooding.

## ZONING ADMINISTRATOR

- Brockmeyer is no longer interested in a CUP for an above ground holding tank. He is living in a camper on his daughter's property over the summer (a total of 4 months). There is nothing in our Zoning Ordinance that prohibits him from living in the camper. There have been no complaints. No further action is recommended by the Plan Commission at this time.
- During the month of May, a total of \$1070 was collected in building permits/fees including two ponds, 5 accessory buildings, 3 addresses, 3 driveways, 1 deck, 2 new residences, 1 addition, and 1 UAP. Commission member questions regarding the report were answered.
- A driveway permit application and fee has been received from Crimson Star. S. Schwab will look at it if necessary.
- A timesheet for May was submitted for a total of 22.5 hours. Per Marty actual hours exceeded that amount. The salary is \$328 per month.
- There was a question about asphalt being added to an existing driveway at Mill and 80<sup>th</sup>. The driveway ordinance states "Routine maintenance of an existing driveway is exempt." The definition of routine maintenance includes "Asphalt paving that does not alter the existing layout." But the definition of "altered" includes "Physical modifications include the work beyond routine maintenance such as paving." This results in a contradiction. Discussion ensued. The driveway is altered if the elevation changes. If the width and elevation remain the same, there is no alteration. A concern exists if the drive is higher than the town road. As long as it still slopes away from the road, a permit is not needed. M. Rutz would like to see clearer wording regarding paving an existing drive by explicitly stating whether a permit is or is not required for paving. The Town does not want the drive to slope into the road, so that should not be the determining factor about the need for a permit. J. Wendels stated that there would be objections to the ordinance if all paving of a drive required a permit.
- Keith Kardash (Quarry Road) has enclosed an existing deck. S. Schwab asked if a permit is required. The deck could now be used year-round. S. Schwab has mentioned the change to

Claude Riglemon (assessor) The Plan Commission concluded if there is additional living space, enclosing the deck would trigger the assessor and require a permit.

- Jeff and Ruth Martin were informed they needed a permit for a building that had been built. They had not previously obtained a building permit, but have shown the builder a CUP.
- Some DNR lands are being share-cropped. The contracts are 3 years. The need for driveway permits for the land was discussed. S. Schwab has sent Erin Grossman a copy of the driveway ordinance. The Commission members said the rules for a driveway should be followed by the DNR. A fee was viewed as appropriate because the Zoning Administrator needs to check the driveway. The DNR should forward the driveway ordinance to the farmer.

### **TOWN BOARD REPORT**

- Flooding Problems - Amy Kolo on 90<sup>th</sup> reported water backing up. Rich Rashke, from Okray Farms, reported 130 acres that could not be farmed. The Town is able to act because complaints of injury have been received from Okray. A certified letter was sent to the land owner Erik Kadlec. He replaced two 45 inch “culverts” (old halved tanks) with two 30 inch culverts that were undersized per WDNR. He was non-compliance in 2014 for this change. Mr. Kadlec will voluntarily remove the 30-inch culverts on his property and replace them in the future a larger culvert or place a timber bridge or similar span. The Kadlec culvert is not the only problem. A 36” culvert was voluntarily removed by Tom Bohn downstream on his property. Water is flowing better now. More culverts will be coming out (Kadlec). The problem will not be completely alleviated if all culverts are cleared and/or removed in the Town because additional problems exist downstream in the Town of Grand Rapids.
- Two meetings took place regarding ATVs. No complaints were received about ATVs on Tower Road last year and it was reopened. At the first meeting it was approved, 2 to 1, to open Town Line Road up to Mill Road contingent on a meeting with the T. of Buena Vista. It is hoped that the two mile section of Town Line under the jurisdiction of Buena Vista would be opened. This would result in Town Line Road being open to the T. of Plover. The T. of Plover has written a letter in support of doing this. At the second meeting it was approved, 2 to 1, to open 90<sup>th</sup> Street to a point just north of the Town Hall. This is contingent on a successful driveway permit by D. Tosch to connect 90<sup>th</sup> Street to the Wildhorse Saloon property. No consideration was given to Griffith Ave. and Juniper Lane because the County will not open County U.

### **FUTURE MEETINGS**

Tuesday, July 18, 2017

Tuesday, August 22, 2017

Tuesday, September 12, 2017

Wednesday, October 18, 2017

### **ADJOURNMENT**

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

*Kathleen D. Lee*

Plan Commission Secretary

Approved 7/18/2017