

PLAN COMMISSION  
MEETING MINUTES  
TOWN OF GRANT  
February 20, 2019

**PRESENT:** Jim Wendels (Chair) Nathan Wolosek, Ron Becker (Committee Members),  
Kathleen Lee (Secretary)

**EXCUSED:** Marty Rutz, (Zoning Administrator), Tom Reitter, Sharon Schwab (Committee  
Members)

**CALL TO ORDER**

The meeting was called to order at 6:35 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 Nathan Wolosek and seconded by Ron Becker to approve the January 16, 2019 minutes. The motion passed with unanimous ayes.

**CITIZEN INPUT**

Ron Becker has several concerns regarding the Jewell plan for the culvert project on 95<sup>th</sup> Street over Buena Vista Creek. He reports he has been attempting for months to get information about the project. His desire was to provide input prior to a plan being developed. His concerns regarding the current plan include a potential change in the stream resulting in possible erosion, the increased slope of his driveway, an inaccurate depiction of the right-of-way, the inaccurate labeling of driveway owners, an inaccurate illustration of current right-of-way piping, an inaccurate illustration of squash pipe instead of the current round culverts, a plan to remove mature trees, and the narrowing of the channel by riprap. He believes the current plans are incomplete, but they are the ones Jewell plans to use this summer to complete the project. He would like to see the road raised 6 inches and slopes changed to save trees. Ron states the Town has not facilitated a meeting between himself and Jewell engineer. Ron will be meeting with Town Board members during the next week. He wants to protect his home.

N. Wolosek recommended to lobby the Town Board to not approve the project without more research into the plan. The possibility of using sheeting instead of concrete for the retaining wall was briefly discussed.

**INSURANCE POLICIES AND/OR HOLD HARMLESS AGREEMENTS FOR  
CONDITIONAL USE PERMITS**

The Hold Harmless Agreement sent by Attorney Brian Formella was reviewed. While the form appears acceptable, it is not clear when it should be used. It was questioned if other businesses that could result in injury to others such as businesses that involve the use of firearms or dogs and businesses with direct personal contact with another person (e.g. masseuse) should sign a Hold Harmless Agreement. We would like guidance from the attorney. **It was moved by Nathan Wolosek and seconded by Jim Wendels to approve the language of the agreement,**

**but to ask for clarity on its use. The motion passed with unanimous ayes.** Jim Wendels will send a list of a dozen CUPs to Attorney Formella and ask his opinion on which would be appropriate for using a Hold Harmless Agreement.

### **ZONING ORDINANCE REVIEW AND UPDATE**

The Conditional Use Permit section of the Zoning Ordinance was discussed. A Wisconsin Legislative Council Act Memo regarding Act 67 was used to guide the discussion.

- Following paragraph 3 on page 20 regarding Conditional Use Permits, the following **will be added as paragraph 4**. “The Town requires an applicant for a conditional use permit to demonstrate, with substantial evidence that an application and all requirements and conditions relating to the conditional use are, or will be, satisfied. The Town’s decision to approve or deny their permit application will be supported by substantial evidence.”
- The terminology “other similar and compatible uses” found in our current list of conditional uses of each zoning district was discussed. The intent statement that describes each zoning district is strong. Based on this strength, “similar and compatible” is appropriate to include in the list of conditional uses. The uses and conditional uses were reviewed to determine if things like warehouses, light manufacturing, parking of multiple trucks related to a business (e.g. landscaping or snowplowing) would be covered. Public and municipal buildings including storage of road maintenance trucks is listed under Commercial District for the Town. This could allow other similar trucks to be stored in the district by non-public businesses.
- A **definition** of “Substantial Evidence” will be added to XIV. Definitions. It will read “Facts and information, other than merely personal preference or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion”.
- The approval criteria listed on page 22 was reviewed. It was believed the list could be used as a guide for substantial evidence. No changes were made to the list.
- Page 14, IV. General Provisions, number 6. Nonconforming Uses was reviewed. Based on Act 67, it was deemed that items d and e may need to be removed. A variance is not required to rebuild a destroyed structure. The memo mentions “counties.” Does the Act apply only to counties? Or our towns also impacted? Wisconsin Statute 62.23 refers to an ordinance and not “county”, we believe the discussion of nonconforming uses applies to us. Both setbacks and size of building would be impacted. **Items d and e will be removed from the ordinance.**
- Use and conveyance of substandard lots was discussed. On page 15, we have allowed building on these grandfathered lots. This is in congruence with Act 67. We do not need to make any changes to our ordinance.

A copy of the Zoning Ordinance with proposed updates through 2018 was distributed at the meeting. We will use that as a working copy until a substantial number of updates are made. Then new copies will be printed.

**ZONING ADMINISTRATOR REPORT**

A report was sent via email. There were no permits issued in January. M. Rutz has had no response regarding the Okray cell tower and a possible collocation. He is working on a spread sheet of all 2018 permits and will have it available for the March Plan Commission meeting.

Last month M. Rutz questioned if the Plan Commission wants to invite D. Tosch and J. Slusser to a meeting to discuss the trucks and other items on the property neighboring the Town Hall. The Plan Commission does not have a specific reason for talking with either man at this time. There is no evidence that a business is being run by Mr. Slusser from his home.

A question was asked if the Pete Rekoske building would be nonconforming. No one has lived in the home for over a year. It is believed that it is used for storage. Our ordinance does have clauses regarding nonconforming structures that have not been used for 12 months, the owner can be forced to do something with the structure. We do not know that the building is nonconforming. The Town has never moved forward with condemning the building. An attorney may need to be involved with that process.

**TOWN BOARD REPORT**

No report.

**ADJOURNMENT**

The meeting was adjourned at 8:58 p.m.

Respectfully submitted,

*Kathleen D. Lee*

Plan Commission Secretary

Approved 3/10/2018