

**PLAN COMMISSION MEETING MINUTES
TOWN OF GRANT
September 15, 2021**

PRESENT: Thomas Reitter (Chairperson), Charles Gussel, Nathan Wolosek, Ron Becker, Ron Patterson (Commissioners), Kathleen Lee (Secretary)

CITIZENS: Julie Gessert, Scott Provost, Dale Winkler,

CALL TO ORDER

The meeting was called to order at 6:32 pm by T Reitter.

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 C. Gussel to approve the August 18, 2021 minutes. The motion passed with unanimous ayes.

LAND SPLIT INQUIRY – JULIE GESSERT

Julie Gessert is inquiring about a lot split on a parcel owned by her son. The parcel (018220717-11.09) is located in Low Density Residential at 9141 County Road FF. She is interested in building a "cottage" on the property behind the barn so she can be close to him without living with him. She is requesting a lot split of one acre. In Low Density Residential, the minimum lot size is two acres. She is interested in the smaller lot because of financial reasons. The proposed lot would be off of 91st Street S.

- N. Wolosek questioned if this would be considered hardship and if it would fall under the Board of Adjustment. The Plan Commission is not authorized to provide this type of waiver. It is not clear if this would be considered a hardship that would qualify for a variance. The Town Board cannot grant a variance, only the Board of Adjustment has that power. M. Rutz added, there is no guarantee that a variance would be granted. Portage County would need to approve any Certified Survey Map. He will contact Tracy Pelky about the possibility of a variance in this situation.
- A re-zone of the property could be considered. There is a concern for "spot zoning." There are four 1.25 acre lots to the west and they could be potentially added to the re-zone area. The neighbors would need to be approached by J. Gessert to determine if they are interested. The change would result in changes for the permitted and conditional uses for the properties. It would impact the size of an accessory building permitted.
- The easiest way to achieve a lot split would be by creating a two acre lot. A variance or rezone would minimally take four months. J. Gessert has already talked with a contractor.
- The Town needs to both protect J. Gessert and future owners.

LAND SPLIT INQUIRY – OKRAY FAMILY FARMS

This is a follow-up to the 8-18-2021 discussion. Tom Trzinski, a surveyor from Lampert-Lee & Associates is not here tonight. He made the original inquiry on behalf of Okray Family Farms.

The reason for the lot split is not known. The unusual lot shapes can be explained by which land is irrigated and which is dry. The desire for a split could possibly be explained by taxes, future sale, or moving the parcel into one of their other businesses. This item will be tabled until we hear from them.

AUTO REPAIR CONDITIONAL USE PERMIT (CUP)

A CUP application has not been received. A letter was sent to Adam Flatoff, on August 25, 2021 along with a CUP application. M. Rutz will follow up. He will contact Town Treasurer first to determine if additional contact information is available.

CITIZEN INPUT

N. Wolosek is concerned about the lack of action by the Town Board on Buena Vista Road. The road was closed again. This could be avoid if obstructions were cleared from the ditch. The Board has the power to do so, but they have refused to take action. The Town does pave roads with few homes, but does not fix a road that has had problems for years. The first step would be to clean the ditch/natural stream. Not doing so leads to flooding and a hardship for the farmers. There is a problem with the height of the culvert at County F. When that road was resurfaced/reconstructed, the County did not adjust the height of the culvert when they were made aware of the problem. It does drain better, west of County F. If ditches are cleaned, the good materials can be used to raise the road. The drop is not clear. The right-of-way for the road was discussed. The Town Board has heard N. Wolosek's concerns many times in the past. This is a reiteration.

FOWL ORDINANCE

This ordinance is coming from the Town Board. Town Chair Schwab has requested we review it. N. Wolosek questioned if writing a new ordinance is how a problem is solved. For everyone who has birds. Supervisor Scott Provost replied an ordinance can be a way to address a problem. N. Wolosek does not see the need for a separate ordinance and chickens can be addressed in the Zoning Ordinance. S. Provost stated there are a lot of people with birds in residential areas with CUPs. No complaints. R. Becker commented it is poor use of the Plan Commission's time to need to review a CUP application for every person with chickens. He would prefer having an ordinance addressing issues rather than individually addressing each case. C. Gussel thinks mediation is better than setting a lot of rules. There would be the burden of administering the ordinance. N. Wolosek expressed concern regarding the ease at which the Board could write an ordinance if they want to do something or they could write an ordinance if they want something no to be done. This led to discussion of developing a nuisance ordinance and having salvage yards in residential areas and the health risks involved. The Town of Plover did not pass a proposed chicken ordinance. The Town of Grand Rapids and the City of Wisconsin Rapids do have chicken ordinances. K. Lee recommended changing the wording of the ordinance to say low density and high density residential instead of R1 and R2. This topic will be on the agenda of a Board meeting in the near future. S. Provost is here on invitation to discuss a complaint received by the Plan Commission regarding an advertising sign. The sign has been removed. . He brought the ordinance forward because raising fowl is a common situation. N. Wolosek pointed out that the Plan Commission's proposed changes to the Zoning Ordinance has poultry as a conditional use in low density and it is not mentioned in high density. He stands by those previous proposed revisions. This was followed by discussion on what it means if a town is silent

on a use. There was not agreement as to whether silence means not allowed. C. Gussel would like the Plan Commission to not address this item or give an opinion to the Town Board.

Motion: C. Gussel moved and N. Wolosek seconded that the Plan Commission not take an action on discussion. Aye: Wolosek, Gussel, Patterson, Reitter. Nay: Becker. The motion passed 4:1. N. Wolosek states it is his opinion that this topic should only appear in the Zoning Ordinance and not a separate ordinance. The Plan Commission

IMPLEMENTS OF HUSBANDRY (IoH) ORDINANCE AND MAP REVIEW

- This is an annual review of the ordinance. The Town Board needs to take action by the end of November.
- A complaint has been received by the Town Board regarding the use of Elm Street west of 100th. It was suggested that Okray could access their field from 100th instead of Elm. N. Wolosek suggest talking to Okray. Based on the full pivot on the field, Okray can split the field down the middle. The west half could have a crop that is harvested prior to the east half. In that situation they would have no way to get out if 100th was the only access.
- N. Wolosek reminded the group that IoH roads allow farmers to exceed the axle weight limit. Farmers must be given access to fields. If a road is removed, an alternative access must be provided.
- Dale Winkler recommended not including 130th Street south of Kellner Road to County W as a designated IoH. M. Rutz agrees with that suggestion. On Saturday, M. Rutz received a call that the corn was being hauled from Okray’s fields and the road was being blown apart. He needed to add stone and he called Rich Okray. There has been an agreement that Okray would use Lake Road to F and that Mortensons would use Kellner Road. Last year 1000 yards of sand was added in two spots to 130th, but this year the road is not holding up. People still are getting stuck there. R. Becker stated this shows how money is being wasted on a road because it does not fix the problem. D. Winkler stated 4 inches of gravel would be needed. M. Rutz added that on Griffith from County F to 130th Street the road is posted at 6 ton. He again stated his support for removing 130th Street south of Kellner Road from the list.
- N. Wolosek is concerned that closing any of the current IoH roads would increase traffic on the other roads. He is particularly concerned about Buena Vista Road. He said Buena Vista is a road that has not been fixed and it would not handle more traffic. D. Winkler said that while a town supervisor, this spring, he had Portage County assess the ditches to “get a bid” for having them cleared, but he is no longer in the supervisor role. He also talked with Nathan Check (Portage County Highway Commissioner) regarding placing a culvert at the end of County F and Buena Vista Road to make the water go to the north. He was told he could not do that because the county had calculated the water that would flow under F. The water was not supposed to go to the north. N. Wolosek said the water wants to go to Buena Vista Creek. M. Rutz stated if you clean out the ditch, you will be below the level of the culvert. Several people supported the idea of adding a ditch on the north side of Buena Vista Road. Discussion regarding the height of the culvert under County F took place and being upset that the county would not lower it when resurfacing/reconstructing County F.
- R. Becker brought the discussion back to 130th Street, stating the resources needed to maintain that road for IoH travel could be better used to maintain other roads. N.

Wolosek reiterated that additional stress that would be placed on other roads if 130th was closed south of Kellner Road. The other roads would not hold up. Trucks traveling to Janesville use 130th. There is not a good way to get to County F. M. Rutz said Lake Road and Kellner Road can be used to get to County F. N. Wolosek supports using more dirt roads for IoH so we do not destroy blacktop roads.

- **Motion: N. Wolosek motioned and C. Gussel seconded to leave the IoH ordinance as is.**
- C. Gussel would like to see more flexibility on the roads depending on the weather and the road condition. He stated you cannot “throw this out there” because you could run into a bad stretch of road.
- M. Rutz said out-of-town truckers will take the shortest route. If the road is blown up, they will take the next road. N. Wolosek said the local guys will follow the routes. He suggested posting 130th as a 10 ton road. M. Rutz stated he was instructed to remove a 6 ton limit sign
- D. Winkler said one time Wysocki was held responsible for road damage, but provided several examples of when farmers were not held responsible for road damage they created.
- T. Reitter asked are we getting to the county roads that we need to with this plan? N. Wolosek responded yes. That was the intent when the routes were selected and that is why 130th was included. T. Reitter asked if any changes are needed. R. Becker said delisting 130th between Kellner Road and County W. T. Reitter asked what the alternative route would be if 130th is delisted? R. Becker responded Kellner Road to County F. There would be 2 miles of indirection with this alternative. N. Wolosek opposes the recommendation as it would load roads that are already overloaded. He believes all gravel roads should be IoH roads because they are fixable with a grader.
- N. Wolosek stated local farmers are independently trying to address road condition problems. Wysocki owns a grader as will grade the roads they use. Okay uses water trucks. Small farmers do not have the resources to do things like that. M. Rutz has been grading as directed. The barricades at Buena Vista were removed today. N. Wolosek stated the farmers are receiving complaints that they are wrecking the roads, but roads are not being made better. Grant Street was made better and it no longer requires grading.
- Tower couldn't be graded because of turtles.
- N. Wolosek called for the question. R. Becker stated again that 130th Street south of Kellner should be removed from the list of routes and the funds used to maintain 130th be used elsewhere. N. Wolosek said if the Town Board would use funds to improve other IoH roads, he would agree.
- **The vote on the motion took place. The motion passed with unanimous ayes.**
- R. Becker said you would get more value if you placed sand lifts on Buena Vista and topped it with gravel. N. Wolosek agrees and would support the change if the Town committed to fixing Buena Vista Road.

ZONING ADMINISTRATOR REPORT

There were 9 permits issued for a total of \$390. This includes an addition, two accessory buildings, an address, two driveways, a deck/porch, and three UAPs. Several permits were described. When asked by C. Gussel, M. Rutz replied amounts collected are similar to last year.

LaBarge has sold her property. The new owner will build an accessory building. It was thought the septic will still require inspections every three years despite no one living there.

ZONING ORDINANCE

- At the next meeting, T. Reitter would like to finish the PowerPoint on Act 67 and then complete the gap analysis between the current ordinance and what we would add or subtract from the zoning districts. He would like to go around the table and get input on each use with a quick yes or no.
- T. Reitter stated after considering multiple lawsuits, Act 67 was developed to avoid ordinances that are not enforceable. Act 67 intended to apply clarity.
- Chairperson Schwab would like to see us complete the Zoning Ordinance by the end of the year.
- C. Gussel reported that the county is balking at Act 67 and that it is not what they anticipated. He suggested inviting Mike Pagel, Town of Lanark Chairperson and Portage County Towns Association Chair to discuss Act 67. Mr. Pagel has knowledge regarding the implementation and interpretation of Act 67. C. Gussel will contact him. The desire is to get the essence of the law and develop an ordinance that would avoid lawsuits.

NEXT MEETING DATES:

October 20, 2021 – Topics to include Act 67 education and Zoning Ordinance revision.
November 17, 2021 (tentative date depending on Drainage District Meeting)

ADJOURNMENT

The meeting was adjourned at 9:06 pm.

Respectfully submitted,

Kathleen D Lee

Plan Commission Secretary

Approved 10/20/2021