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Town of New Glarus

MINUTES
TOWN OF NEW GLARUS
Plan Commission Meeting
Thursday December 5, 2013
Town Hall- Swiss Miss Center 1101 Hwy 69 New Glarus @ 6:30 PM

ATTENDING: Keith Seward, Bob Elkins, John Ott, Reginald Reis, John Freitag, Dean Streiff and Susan McCallum, Deputy Clerk

ALSO ATTENDING: Dale Hustad, Clark Kepplinger

ABSENT: Dean Streiff, John Freitag

1. Call Meeting to Order: Chair Seward called the meeting to order at 6:35pm.
2. Review Proof of Posting: Deputy Clerk Susan McCallum attested to proper posting.
3. Approve Minutes from October 17, 2013: J. Ott moved to approve the October 17 minutes, 2nd by B. Elkins. Motion carried.
4. Public Comments: None.
5. Plan Administrator Update: S. McCallum informed the commission about current building permits and the informational handout of newspaper articles.
6. Discuss and consider Clark Kepplinger CSM: C. Kepplinger handed out a new Survey from what was given prior to the meeting, this shows a small piece of land that was deeded to D. Sherven a number of years ago and a building envelope along Zentner Rd. K. Seward reviewed with the commission the history of the land area. This would be a correction of record, for an original neighbor exchange with Kepplinger. He asked Kepplinger if he is defining what is being designated as balance after other splits he did prior to this proposed CSM. Seward asked Kepplinger to come to the table and review with him the previous parcels and sales. He asked have you sold any of the lots, Kepplinger stated yes that the three on Marty Rd. have been sold and the two at the north along Hwy 39 have not; there is a home built on one. Seward asked have any of these been sold without building potential, there were five splits identified for John Freitag during a Plan Commission meeting in December of 2007. Kepplinger said he presented a memo dated February 28, 2007 to the town, stating the amount of acreage transferred from Freitag to him is 224 (memo indicates 225) acres not 216. K. Seward said he doesn't recall this memo being presented and there is not a record of action on the memo. S. McCallum stated she had discussed with Kepplinger that the acreage was actually 216 because part of the original parcel was split off pre ordinance. Kepplinger referred to the split calculation from March 2007 indicating split #9 left of 91.4 acres. K. Seward said that the parcel was split post ordinance and reviewed the original acreage of 347 divided by 35 is 9 splits. Kepplinger disagreed and Seward stated this would be an issue between him and Freitag. Seward stated the Plan Commission went through this with J. Freitag at the time and the decision was there were nine splits available. K. Seward informed him again that there was an agreement with Freitag that he had already taken 4 splits and there are 5 left. Kepplinger talked about his 2007 memo and what was presented for a cluster with the two lots on Hwy 39. B. Elkins said it is not a cluster as there are only two lots. Kepplinger remained at the table discussing and Seward again pointed out the 5 splits on previous CSMs #4255 and #4254 so there are none left. Kepplinger argued for the original farm being 354 acres not 347, as identified in his 2007 memo. J. Ott asked if Kepplinger's memo was in any minutes as being adopted. Seward said a search was done and there is no documentation regarding this memo in

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any minutes of any Plan Commission or Town Board meetings in 2007. D. Hustad spoke about the stand alone parcel surveyed prior to 1997 and the ordinance. This would not be considered part of the original parcel. S. McCallum stated that CSM 1550 for that parcel was done in 1993. K. Seward reviewed a map of the Freitag land indicating open space designations, a portion of Lot #1 CSM 4255 is deed restricted.

Kepplinger presented another scenario: If I can't prove I have a 10th split, what if I remove a 20 acre lot already designated and reconfigure to a different location in his remaining 138 A. K. Seward said he could agree with this change, everyone else agreed this satisfies the 5 splits. Kepplinger argued again the size of the original farm and asked why, is it not the same farm? K. Seward stated the original size is not the issue and asked D. Hustad to explain to Kepplinger the ordinance concept again. K. Seward stated effectively this is a large lot development and starting with Freitag this has been done piecemeal. J. Ott said pre ordinance the lot split off is a building site. Kepplinger asked can I change the location of open space as I have alot more land. D. Hustad this is required for the other splits and building sites already needing to be designated on his remaining acreage. S. McCallum stated that upon review of current proposal and previous CSMs, in which parcel sizes were reconfigured, there is not much residual land for open space. These were reviewed and general discussion for clarity.

K. Seward asked what should be done to resolve this issue, is there a plan A and plan B? Kepplinger said plan "A" is to drop one of the 20 A lots along Hwy 39, plan "B" is to exchange the open space. K. Seward said can we make Plan "A", to take parcel #0129.3200 off as a building site and create a new lot along Zentner Rd? D. Hustad stated that what Kepplinger bought was a farm and a woods, two separate parcels. Kepplinger asked if the lot that is open space, a building site? Can I take the rest of the farm as open space? J. Ott asked isn't that part of J. Freitag's open space affidavit and is the lot removed prior to ordinance not part of open space calculations because it was already removed from original farm acreage. Yes. J. Ott and K. Seward said that there needs to be a recalculation of open space. Kepplinger argued original farm acreage and number of splits. K. Seward stated Plan "B" is then; calculate the ramification of the wooded parcel designated as a building site and how much open space needs to be calculated to compensate for that? K. Seward moved to consider Plan "A" and Plan "B", R. Reis seconded. J. Ott under discussion asked about cluster concept in relation to the current and proposed plans, that this would then drive the amount of open space, but currently as proposed these are all 35 acre splits. Discussion continued regarding recalculation of open space. Motion carried.

Kepplinger asked would K. Seward sign a redone CSM for Plan "A" because he wants to close by the end of the year. Kepplinger asked do himself, Keith and Freitag determine the open space acreage for Plan "B"? K. Seward said yes they could meet to work this out. D. Hustad stated that once Kepplinger sells the land he will lose authority in this regard and that K. Seward doesn't have the authority to give that approval and this body doesn't meet until January. K. Seward asked is Kepplinger's plan to remove a platted parcel and then take a CSM to the Town Board? Yes he is going to bring plan "A" and then determine later if there is a another building site.

7. Discuss Zentko land division: No one was present to represent the Zentkos. Ms. Zentko contacted the Town office regarding restrictions on their parcels. Then they contacted D. Hustad regarding covenants connected to their land and he informed them that was a private matter. K. Seward reviewed the past actions and the letter to the file allowing building. This land division was part of the Freitag splits.

8. Discuss and consider Hidden Knoll non-conforming driveway: K. Seward showed on a wall map where Hidden Knoll development is located, pictures and a parcel map diagram of the private driveway. He explained where the width narrows to twelve foot wide in the bottom land, which is a distance of over 1,000 ft. The driveway was put in before the driveway ordinance was updated in 1999. J. Ott asked when were the homes at the end built and the driveway should have been reviewed before permits issued. K. Seward discussed that this substandard condition exists and it was a liability issue for the Town. He had spoken with Frank Gruenzow, head of the homeowner's association, that there are two issues to be addressed; there needs to be a turn out every 500ft. and the over-hanging trees where a tunnel should be maintained. His response was that trimming the trees was not an issue, but he balked at the turn out

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requirement. K. Seward had invited him to tonight's meeting. K. Seward asked the commission is his informing the association head that the driveway is substandard adequate? J. Ott said you first notified the fire district and what was Fire Chief Dave Anderson's response. K. Seward said Kent agreed something ought to be done, but technically the town could not require just one resident and not all substandard drives to be redone. J. Ott says if the fire dept. says they can't get there, one call to an insurance agent would affect their coverage. K. Seward felt the inability for two vehicles to pass was the more pressing issue. D. Hustad said he came across a situation in the Town of York where the driveway was bad and the fire department came out there and said they needed to sign a waiver accepting that they could not get there in a timely fashion. There was continued discussion regarding plowing wider in the road plus the turn out. K. Seward asked the commission should we do more than has been done on this issue? J. Ott suggested sending a letter to the association stating what the issues are. K. Seward asked should we get input from the fire department. J. Ott agreed this would be important. D. Hustad suggested sending it to each home owner. K. Seward asked could we send a letter signed by the town and fire dept. J. Ott said add the EMS too. J. Ott said if a home sells can we make this a stipulation of sale, B. Elkins also wondered if this is appropriate. Discussion included the concept that they won't have to be required to bring it up to town standards, D. Hustad said all substandard would have to then be addressed and you could not be selective in enforcement. Without objection there will be a letter created with addition of Fire and EMS signatures sent to each home owner.

9. Discuss Town Growth plan: K. Seward handed out a list of possible contacts that could help put together a new plan. The South West Regional Planning could assist, Alliant would be particularly interested if we designate an industrial site, and he went through the list explaining the particular area of expertise and recommendations for others. He asked the question how do we want to go about gathering these inputs. Would it be better to have joint session with the Plan Commission and Town Board or each come to sub-committee meetings, or some other approach. J. Ott said he thinks you would want to have both here at same time to get the same information, and the consultants could give out scenarios for ideas to be feasible. K. Seward asked have all consultants in one night or separate nights. R. Reis said if you brought in one such as gas company to compare cost savings of LP, then they would do the research and this could be a model for other plan issues. B. Elkins agreed. K. Seward asked whether getting a couple at one setting or several meetings. D. Hustad said they could look at existing areas and say these are workable or not. Reis suggested before they show up we could put together a map of where the homes are, so they have some idea where residents are located. K. Seward said without objection he will gather information on whom to invite and how much time to allot in order to coordinate a meeting. J. Ott felt the most important one would be a sewer system consultant.

10. Discuss and consider Act 20 Cell Tower Sighting: K. Seward gave an update on the fact the State Legislatures have enacted a law limiting the ability of the local governments to regulate cell towers. The Wisconsin Towns Association has been very concerned. The Town Board reacted to the loss of control for the frac sand statute saying they are opposed. He also received a letter from Jon Erpenbach urging the local municipality to oppose this change. He wondered to D. Hustad whether the difference in terminology from our ordinance to this new law, he thinks these may be different. He sees the restriction on set-back and height not being any different than any other zoning code for a commercial building as a critical issue. R. Reis asked is the state saying we can't be more restrictive than they are, maybe this is okay. Yes. Another part of this is you can't regulate without zoning ordinances in place, should we enact them in the ETZ? Another thought is could we encourage with support of other towns to ask the county to create an ordinance? B. Elkins said can they override the state? No. But then we can't be more restrictive than the state so what is the reason. D. Hustad said there may be things that the state hasn't considered, the state says if there is anything left in local ordinance that doesn't apply it is still enforceable. K. Seward wondered whether there was anything regarding remediation. J. Ott said they are designed to walk away because they don't own the property. D. Hustad said that McCallum suggested we put that on the land owner. K. Seward asked the commission do we want to begin a process to address this law

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change. S. McCallum asked is there anything locally different from anywhere else in the state that might be an issue to be regulated. K. Seward said he could justify the remediation issue and road damage. J. Ott asked are there any on town roads? This was discussed and J. Ott stated but they are serviced from a county road and he thinks they should be on municipal buildings or water towers so the municipality receives the revenue. D. Hustad wondered if the new law says you can't regulate cell towers without zoning ordinances then we already have no authority, so then we would need to go back through the county and get back our zoning authority. But if it says you can't enact ordinances if you meet these requirements then we could change ours. B. Elkins said the town board had received a letter from Blue Mounds indicating they think zoning is critical, should we have someone from there come speak to us. K. Seward asked if we think we should do something what would be the best avenue? Contact our state representatives for their input? R. Reis asked the question regarding county regulation zoning and control. D. Hustad said Act 20 states local municipalities cannot control siting. K. Seward said they had gotten a positive response from other towns about addressing the county doing zoning. J. Ott said he feels that sometimes it is better to have another body enact that is not local to eliminate personal conflict with residents. Do you fight them and cost the taxpayer money? D. Hustad said this may be the way to go, because there would be enough support due to the positive responses from the question to other towns. B. Elkins said contacting the representatives would be the way to get county movement and if not go with ETZ process. Without objection this will be the plan.

11. Set Next Meeting Date and Agenda: January 16, 6:30pm. tentative to agenda.

B. Elkins moved to adjourn at 8:55 pm, 2nd by J. Ott. Motion carried.