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Town of New Glarus

MINUTES
TOWN OF NEW GLARUS
Plan Commission Meeting
Thursday June 26, 2014

ATTENDING: Keith Seward, John Ott, John Freitag (arrived at 6:37pm), Reginald Reis, Dean Streiff and Susan McCallum, Deputy Clerk

ALSO ATTENDING: Gary Bellefeuille, Carol Bozek and Angela Black

ABSENT: Robert Elkins

1. Call Meeting to Order: Chair Seward called the meeting to order at 6:30pm.
2. Review Proof of Posting: Deputy Clerk Susan McCallum attested to proper posting.
3. Approve Minutes from May 14, 2014: J. Ott moved to approve the May 14 minutes, 2nd by R. Reis. Motion carried.
4. Public Comments: None.
5. Discuss and consider: Bellefeuille CSM for open space, driveway and building envelope:
 - a. Review and consider deed restriction document for open space.

K. Seward reviewed the history of the parcel in question. A. Black presented a proposed site survey, when it is agreed to the surveyor will create an amendment to CSM 4255. He further explained the information in commissioner packets. This issue is to clarify the building site on lot #1 of CSM 4255. He pointed out the arrows on the lot on the CSM, which is not a well defined area for building. A portion of this lot was previously designated as open space during sale of land by Freitag. They are here tonight to clarify where the building site will be and where the required open space will be on the lot. A. Black has worked with town's counsel to develop an agreement that will make these issues clear. If you approve this agreement tonight you will recommend approval to the town board. He referred to the site survey (listed as an exhibit), and draft agreement. The site survey shows a 5 acre building envelope and 7.72 acre open space. D. Streiff asked on what road is the building site located? A. Black explained that the driveway access is changed from the original CSM due to water drainage issues. It would go through the open space and it still outlets onto Marty Rd. K. Seward asked A. Black to give us a brief overview of agreement. A. Black stated that the document clarifies all the documents of record and agrees to the open space referred to in affidavit filed by Freitag of 7.72 acres and recites the land division code regarding restrictions, acknowledges 5.07 acres for building envelope and refers to applicable building codes and notes new location for the driveway and refers to code for driveways and if application conforms they would be able to get the permit in that location. And lastly once signed then a CSM will be created as an amendment to the original to conform to agreement proposed.

K. Seward said he believes there is a utility easement along the north edge of the property, are you familiar with that? G. Bellefeuille and A. Black said yes. A. Black stated that the surveyor set the boundaries on the edges in just a little so I am assuming that takes this into consideration. K. Seward asked any questions from the board. J. Ott asked if the 7.72 acres is validated according to the open space figures? K. Seward yes, gone through many times. He also said that most of the parcel is wooded, and the neighbor to the south has already built, and he thinks one of Keplinger's restrictions was to build near the woods. A. Black replied by reading restrictions, which does not address this item.
 - b. Discuss and consider potential agreement.

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K. Seward said he would accept a motion to approve this document and send to the town board for recommended signature. J. Ott moved, 2nd D. Streiff. J. Freitag asked does he need to recues himself from voting? K. Seward said he doesn't see a need to. Motion carried.

M. Black said they will have an amendment to the CSM brought to the board for signatures for the board meeting on July 22. If she would not appear she will supply the documents to S. McCallum prior to the meeting.

6. Plan Administrator Update: Informational handout, managed forest program;

Green County wind and non-metallic mining ordinance public hearings.

She presented information regarding MFL program. Updated the group that the county has repealed their wind generator ordinance and removed the fees out of the non-metallic mining reclamation ordinance.

She also said she included draft minutes from the last sub-committee on growth. K. Seward gave an overview on the current project going on in the town. He said We Energies are determining feasibility of extending natural gas services to Windmill Ridge and Blue Vista due to contact from potential customers. J. Ott said he took away from the presentation was that the base of this was a marketing program to grow their business; they need 70% of the 145 residents to make the project feasible. K. Seward said they have a franchise and J. Ott said they have permission to use easements. Asked John F. was he aware of this, no. K. Seward said they will be sending out notices to residents, he needs to connect with Rebecca Gramke to see where they are in the process.

7. Update Plan Commission Chair, Zentko properties variance, ETZ cell tower ordinance:

K. Seward updated the commission regarding the parcels owned by the Zentkos. They want to sell them and they need a variance for a non-conforming lot to allow building as the plan commission moved in 9/23/10 meeting to put a note in the file that they have a building site on each lot. A draft letter was created and put in the file. The question is do we take it to the board? He thought when this came up he felt the proper way was to seek a variance and have the Town Board. He went over this with counsel, and he is preparing a letter to the town board, basically saying to approve and abide by the plan commission recommendation. He said you really shouldn't even try to require a variance for building as you don't need to. J. Ott asked is there any deed restrictions for open space on these lots. K. Seward said this would not be applicable at this time. There was general discussion regarding the history of these lot creations. Plan administrator distributed documents that are in the Zentko file regarding the chronology of these land sales. R. Reis suggested this goes to town counsel and present a recommendation for the board to vote on. S. McCallum copied the documents out of the file for members; document signed by Town Board members and a draft letter to Zentkos that was not sent. She related the recent actions/inquiries by owners and potential buyer. R. Reis felt that a person, who expects to build on a lot and then is told they are unable, would be a litigation issue. K. Seward stated that the assumption of the sale to Zentkos was that it was a residential building parcel. Town counsel advised that a variance is not needed because the issue was looked at and at that time the CSM was signed. D. Streiff said it sounds like we should be having a variance hearing and then someone could build on the parcel. K. Seward replied it depends on how the variance vote goes. S. McCallum distributed the variance language from Ordinance 110. K. Seward related that from the minutes of the commission meeting 9/23/10 that counsel at that time said if it went to court, the procedure would be they would ask the CSM signer what their intent was, approve the CSM as it is or just approve the form. Ordinance variance language was reviewed regarding criteria for approval. J. Ott wondered if this sets a president if the variance process proceeds. R. Reis felt it doesn't as it is used for special circumstances. There was continued discussion on ramifications of both options. S. McCallum said we need to inform the Zentkos regarding the suspension of the variance public hearing. K. Seward stated we need to wait for the counsel's opinion and he will review it with Plan Administrator prior to

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contacting the Zentkos. J. Ott brought up the concept that if restrictions for land development, such as open space, don't get filed here or at the county level then we could not enforce this part of the ordinance with a sale or development. No decisions were made, when recommendation is received from counsel the issue will proceed to the Town Board meeting on July 22.

No update on the ETZ cell tower ordinance, K. Seward needs to consult Village Administrator.

8. Consider setting meeting dates for mailbox ordinance/policy review and Chapter 110 updates:

Chapter 110 review meeting date; July 21, 8 am in the Town Hall.

J. Ott will contact B. Elkins for a meeting date for mailbox ordinance policy review.

9. Set Next Meeting Date and Agenda: Request from Hasse/Hallet for a new CSM to separate pasture land and trade a location for a building lot at the next meeting. It was decided to meet July 24 at 6:30pm and J. Freitag will chair the meeting. SEND John an email a couple days ahead and all paperwork.

J. Ott moved to adjourn at 8:05 pm, 2nd by D. Streiff. Motion carried.