

DRAFT

Plan Commission Meeting Minutes

Town of Holland
Sheboygan County, Wisconsin

Date: Monday, March 4, 2013

Time: 7:30 pm

Place: Town of Holland Hall, W3005 County Road G

The numbering of the Minutes corresponds to that of the Agenda:

1. Call to order
Chairman Don Becker called the meeting to order at 7:33 PM.
2. Pledge of Allegiance
The Pledge of Allegiance was recited.
3. Certify that the requirements of the Wisconsin Open Meetings law have been met.
Chairman Becker so certified.
4. Record retention certification.
The Plan Commission clerk stated record retention was up-to-date.
5. Roll call:
Attendees: Don Becker, Dave Huenink, Trevor Mentink, David Mueller, Jan Rauwerdink, Eugene Schmitz, Roy Teunissen, Jack Stokdyk, Nathan Voskuil
Absentees – Tom Huenink – Building Inspector
Other attendees: Louise Huenink - Clerk
6. Adopt agenda as official order of business
Eugene Schmitz made a motion to adopt the agenda and Roy Teunissen supported. The motion passed by a unanimous voice vote.
7. Review/approve minutes of prior meeting(s).
David Huenink made a motion to approve the minutes and David Mueller supported. The motion passed by a unanimous voice vote.
8. Review/approve attendance records for prior meeting(s).
David Mueller made a motion to approve the attendance records and Jack Stokdyk supported. The motion passed by a unanimous voice vote.
9. Review/approve building permits report
No report was provided from the Building Inspector.
10. Public input

Eric Arentsen – Parcel 59006061561, Dekker Road, 5 acres, Zoned A-5

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Eric Arentsen is planning to buy his grandfather's (Ruben Arentsen) homestead (5 acres zoned A-5) plus an additional 12 acres zoned A-1 for a total of 17 acres. How should he rezone if at all? Three options were discussed.

Option #1 - Keep the 12 acres as a separate parcel and do not rezone it. A home could be built on it in the future.

Option #2 – Keep the 12 acres as a separate parcel and rezone it to A-5. With a conditional use permit, a home could be built on it in the future. The rezoning falls under the WI Working Lands Initiative and the 20:1 ratio would apply against the 140.12 acre base farm tract. This pertains even though a portion of the base farm tract had been sold previously. The Plan Commission would need to consider if the rezoning is consistent with the comprehensive plan. The land is within an area designated for agricultural use.

Option #3 - Merge the 12 acres with the 5 acres and rezone it to A-5. With a conditional use permit, a home could be built on it in the future. Same rezoning considerations as in Option #2. Mr. DuMez asked about merging the two parcels but not rezoning. Don replied that both the Town and County strongly prefer consistent zoning within one parcel, though the ordinances do allow inconsistent zoning. If a merger is done, a boundary line adjustment could be used instead of a land division to obtain the 12 acres.

Alan & Beverly Garside – Parcel 59006064780, W3927 Risseeuw Road, 38 acres, Zoned A-1
From his 38 acre parcel, Alan Garside would like to divide off 5 acres where his house stands to keep for himself. Then he would sell the remaining acres and 3 other parcels to his son David, who owns an abutting 2 acre A-2 parcel with a home. If the 33 acres being sold were merged with the 2 acre parcel, a boundary line adjustment could be used instead of a land division. However the 33 acres would need to be rezoned to A-2. It was asked if the son's 2 acre A-2 could be rezoned to A-1, but Don replied that it was not possible at this time to rezone anything into A-1 due to state law. The County is updating its related ordinance so it might be possible in the future. The best option appears to be a land division for the 5 acre homestead and not rezone.

11. Discuss/act on request by CG Services, LLC

The two requirements set by the Plan Commission in February have been met and all past fees have been paid. It was agreed to use Jamie Rybarczyk's staff report from July 3, 2012 as the basis for any conditions. Don Becker asked if there was a need to review this staff report again and the consensus was no.

Jack Stokdyk asked about the original motion in which a set number of days were given to complete the installation of a berm and the cleaning of landscape debris from the property. He also discussed about the possible need of the Town to visually verify each time the landscape debris pile was cleared. Jack also was concerned that the disposal of the landscape debris be handled in an appropriate manner. Don stated that the disposal was regulated by the DNR and that the Town may not want to assume enforcement duties.

Don had edited the staff report with several proposed changes.

In item I in which he set a hard date in which CG Services would need to comply. He feels that the Town's attorney will say a hard date may not be legal and instead say "the Plan Commission will review".

In item M – Land Covenant, it was written for the old ordinance so will need to rewrite to fit the current ordinance.

In item 2C – total berm plus planting height will need to be revised. (change 5 feet to 8 feet in total height).

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In item P – payments that the statement is vague and should be revised. Trevor also pointed out another clause on payments being due in 90 days.

Dave Mueller pointed out that the staff report recommends rezoning from A-1 to A-2 but within the application CG Services entered A-1 to A-4. Both A-2 and A-4 allow for landscaping, but A-2 is preferred to be consistent with recent rezoning at CG Services' Sauk Trail parcels.

David Huenink pointed out that some of the items discussed were not part of the conditions for the Conditional Use Permit. These were conditions for approval of the Plan of Operations.

It was decided that three different documents should be extracted from the staff report, the site plan, plan of operation and CUP conditions. Then these documents be revised per the ideas presented and available for the next Plan Commission meeting. The documents might also need to be reviewed by the Town's attorney. David and Louise Huenink will work on creating the revised three documents.

12. Discuss/act on Board of Appeals Ordinance Revision

The Board of Appeals recently had an issue with not having enough people available for a quorum so had to postpone a meeting at the last minute. They asked if they could have either more members or alternates to solve this problem. The Town's attorney said they could not due to the State's statute. The Board of Appeals currently requires five for a quorum and four like votes, which conformed with old state statutes. Current state statute requires three for a quorum so we could decrease the number for a quorum to three and/or change the like vote requirement to be three. It was decided to proceed with the previously proposed action to reduce the quorum from five to four members, but retain the four like votes requirement.

David Huenink made a motion to recommend to the Town Board that the Town adopt the ordinance as drafted by the Town's attorney. Jack Stokdyk supported the motion which then passed by a unanimous roll call vote. Jan Rauwerdcink – Yes, Eugene Schmitz – Yes, Roy Teunissen – Yes, Don Becker – Yes, David Huenink – Yes, Trevor Mentink – Yes, David Mueller – Yes.

13. Discuss/act on allowing a second residence for family members on a single parcel

The Town currently does not allow multi-family dwellings. Jamie Rybarczyk was consulted and definitely recommends not allowing multiple residences on one parcel. The issue is that after the family member is gone the property owner will likely want to rent out the second residence. There are two cases, taking care of elderly parents or kids moving back home for financial reasons. The Plan Commission decided that there should not be a second residential building on one parcel. There is no issue if an area within the house is used, which could include a bedroom, sitting room and bathroom, as this would still be considered one residence. The installation of a dividing wall and/or the installation of a kitchen and a separate outside entrance are signs of a second residence and not allowed. It was also discussed that the County must approve any addition to a home and a Town building permit is required so could be used to regulate compliance. It was decided that no action was required because our current ordinances address the situation properly.

14. Discuss/act on ongoing issues:

- a. Status of applications being processed.

Louise Huenink reported that CG Services is the only pending application at this time.

- b. County Farmland Preservation Plan – Farm Preservation Areas.

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Don Becker reported that the 2/27/2013 meeting was cancelled due to a winter storm. The next meeting is scheduled for 3/20/2013. Sean Wiesner has resigned and the new representative will be an Aaron Brault.

- c. Directive from the Town board to review all previously approved CUPs for home occupations and businesses.
The clerk is continuing to review old Plan Commission files located within the Town Hall to gather additional information.
- d. CG Services – Smies Road
Removed as an ongoing issue.
- e. Excavation business possibly operating without a Conditional Use Permit
Louise Huenink received an email from Randy Joose saying he will file an application soon, but is making some changes to his business and would like to wait to submit until the changes are finalized. Don stated that the new proposed plan of operation must be presented to the Plan Commission and a Conditional Use Permit obtained prior to the business owner implementing it. The clerk will send a letter to Randy.
- f. Wind farm project proposed within the Town of Sherman
Don Becker said the Town of Sherman and the Town of Holland have filed with the Public Service Commission for an emergency rule on the study of low frequency noise before proceeding with the Windy Farm application. David Huenink said that the County has also passed a resolution supporting the same action. He also reported that a bill supported by several senators was in the state legislature to again allow local government units some control over matters effecting public health and safety. Don talked of an article on the east coast that referenced Wisconsin, a municipality that voted to tear down recently constructed windmills at great expense after nearby health issues, and that a noise expert described how large wind farms are less likely to have the low frequency noise health issues because the multiple sources tend to cancel out each other.
- g. General Code training
Removed as an ongoing issue.

16. Public input: - NONE

17. Adjourn

Jack Stokdyk made a motion to adjourn at 9:30 PM and Trevor Mentink supported. The motion passed by a unanimous voice vote.

Respectfully submitted,
Louise Huenink
March 6, 2013