

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 4/22/08

TIME: 7:01 p.m.

PRESENT: John Metzler, Dawn Goodman, Bob Boncher, Gary Jonet, Dianne Jacobs, Bob Geyer, Mike Gilson.

ABSENT: None

*Others present: Tim Osterberg from Emerging Energies of WI, LLC.

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting & noted that it was properly posted in 3 places. The minutes from the 4/01/08 Special Planning Commission Meeting were reviewed.

MOTION MADE BY: Bob Geyer to accept the minutes.

MOTION 2NDED BY: Dianne Jacobs.

AYES: 7

NAYS: None

MOTION CARRIED.

ISSUE #1: Continued work on Wind Turbine Ordinance. (7:05-8:03 pm)

Planning Commission Secretary Dawn Goodman passed out the newly revised version of the Ordinance. Discussion took place about the changes made to the ordinance based on the past Special Planning Commission Meeting from April 1, 2008.

Dianne Jacobs mad a motion to open the floor at 7:15 pm and Bob Geyer seconded the motion. All agreed and the floor was opened.

Tim Osterberg of Emerging Energies of WI addressed the Planning Commission with his suggestions regarding the changes. He asked for clarification about maintenance and operational records the ordinance referred to for review. His concern is that some records are of a confidential nature and would not be appropriate due to their giving competitors and unfair advantage if revealed. The Planning Commission agreed with this. He again repeated the concern in the area where the ordinance requires a copy of the model specifications. Once again the Planning Commission agreed. He also suggested that section 5.7 be better addressed in the Conditional Use permit procedure and that it might be better as section 5.3.5. The Planning Commission agreed. He also questioned why section 5.10 did not have a date. It was explained to him that there would be one once the Ordinance is finalized.

There was extensive discussion about section 3.2 and the requirement of the setback to be 2 times rather than 1.1 on participating landowners parcels. Tim Osterberg drew diagrams showing various scenarios and asked the Planning Commission to take into consideration the legal opinion of "Jay Haley's Amended Affidavit in Support of Motion for Partial Summary Judgment" in the State of WI Circuit Court (Manitowoc County) case of Emerging Energies vs. Manitowoc County (case No. 07 CV 0280). He passed out a copy of this. The opinion of Jay Haley, a mechanical engineer and Wind Energy researcher and expert, is: "...that there are no measurable or estimable benefit to health or safety to require a setback of more than 1.1 times the height of a wind turbine from property lines, roads or structures." It goes on to cite his expertise and reasoning behind the opinion.

John Metzler read from a 6/20/7 Kewaunee County News newspaper article in which it was recommended that the State Model of 1.1 times setback be followed. Dawn Goodman reminded the Planning Commission that as she recalled, part of the reasoning of the Planning Commission to ask for the 2 times setback was based on the findings from "The Final Report of the Township of Lincoln Wind Turbine Moratorium Committee" as well as the suggestion of the Town of Green Bay's attorney, Steven Gillis. Bob Geyer stated he believed the Planning Commission should stay with what the State of WI recommends in its model, which is 1.1 setback. He speculated that the 2 times setback was more for emotional reassurance for the Planning Commission to feel it had addressed the Public Safety and well-being. The Planning Commission finally decided to change the setback to 1.1 times and made changes on their copies of the ordinance drafts.

Dianne Jacobs made a motion to close the floor at 7:57 pm. Mike Gilson seconded. All Agreed and the floor was closed.

The Planning Commission went through the ordinance one last time and made changes according to what had been discussed and agreed upon.

MOTION MADE BY: Dianne Jacobs to recommend to the Town of Green Bay Board:

1. To accept the Preliminary Town of Green Bay Wind Energy System Zoning Ordinance with the changes the Planning Commission recommended tonight and send it to the Town Board with a request for a Zoning Amendment, #599-J
2. To set a date for the Town Board to hold a hearing on this matter on Wednesday, May 13, 2008 at 6:30 p.m.

MOTION 2NDED BY: Bob Boncher.

AYES: 7

NAYS: None

MOTION CARRIED.

ISSUE #2: Discussion about Outdoor Woodburners and Ordinance (8:04-8:27 p.m.)

John Metzler cited a recent Press Gazette article about Outdoor Woodburners and air quality issues becoming a nationwide concern and noted that more communities are banning them. Dianne Jacobs stated that she thought the Planning Commission should change the Zoning Ordinances to eliminate Outdoor Woodburners except in rural areas. Mike Gilson stated he did not want to go through with the Ordinance. Bob Boncher did not want to make many changes to what we originally had. The Planning Commission reviewed the original Outdoor Woodburners Ordinance and the letter from the Attorney regarding it, dated 11/15/07. The Planning Commission made some changes to the original ordinance based both on recommendations from the Attorney and what they considered important. They tabled the matter until the May 20 Planning Commission meeting, until Planning Commission secretary Dawn Goodman could make the changes and it could be reviewed. It is hoped then that it will be accepted at the May 20 meeting and sent on to the Town Board for a review by them at their June meeting.

ISSUE #3: Continued Discussion About a Sex Offender Ordinance. (8:28-8:40 p.m.)

Dawn Goodman passed out a letter from the Town's Attorney, Steven Gillis, along with a copy of the "Town of Humboldt Sexual Offender Presence and Activity Restrictions and Neighborhood Watch Committee" for the Planning Commission to review. The Planning Commission decided it needed more time to properly review the suggestions that Attorney Steve Gillis made in his April 9, 2008 letter to them and Town of Humboldt example of its potential ordinance. There was further discussion that because Attorney Gillis is still waiting for final input of the Brown County Sheriff's Department before the Humboldt Ordinance draft is considered final, it might be prudent for the Town of Green Bay Planning Commission to table the matter until at least the May 20, 2008 Planning Commission meeting, if not even later into June. It was noted that because of this delay, the Sex Offender Moratorium would need to be extended at the Town of Green Bay meeting on May 13, 2008. Planning Commission Secretary Dawn Goodman put a note on the Town Clerk's agenda notebook to do so.

ISSUE #4: Any Other Business (8:40-8:50 p.m.)

A. Dianne Jacobs noted that there had been issues in the Clover Valley Lane Subdivision area concerning standing water/flooding and the Town Board had held a special meeting and gone out to the site to review the matter with the affected home owners.

The Planning Commission then reviewed where this subdivision was located, who developed it and questioned if water studies and geology studies might have been done at the time. Not enough solid information was available to answer all of these questions. Dianne Jacobs stated that the Planning Commission and Town Board will need more intensive and careful study to be given for future developments to avoid similar situations. She stated that the DNR will be coming in to study the Clover Valley situation. Because of this there may be delay on the matter will have to wait until they are done.

B. Dennis Bryan had phoned the Planning Commission about logging taking place on a lot on Gravel Pit Road and Servais Road and that he was concerned that this might potentially have harmful affect on the nearby Gilson Creek.

Discussion ensued about the rights of a landowner to log and do what they wish on their own property as long as it does not harm nearby properties. Gary Jonet said that he told Dennis Bryan to contact the County with his concerns.

There were no other issues or business addressed.

DATE & TIME OF NEXT MEETING WERE SET: Tuesday, May 20, 2008 at 7:00 p.m.

MOTION: Bob Geyer made a motion to Adjourn, Mike Gilson seconded.

AYES: 7

NAYS: None

MOTION CARRIED.

TIME OF ADJOURNMENT: 8:51 p.m.

Planning Commission Chairman

Planning Commission Secretary