

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 9/18/07

TIME: 7:00 p.m.

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

ABSENT: Bob Geyer.

APPROVAL OF LAST MEETING'S MINUTES: John Metzler opened the meeting & noted that it was properly posted in 3 places. The minutes from 7/17/07 were reviewed.

MOTION MADE BY: Gary Jonet to accept the minutes.

MOTION 2NDED BY: Bob Boncher.

AYES: 6

NAYS: None

MOTION CARRIED.

ISSUE #1: Cindy Rukamp and/or Jim Koss regarding Erecting an Amateur Radio Tower.

Bob Boncher discussed what he learned from the FCC when he contacted them regarding set-backs, interferences issues, rules and regulations. They do not give guidelines on set-backs. That is up to the local regulators. The FCC investigates interference issues, not the Town representatives. The FCC spokesperson recommended we follow their rules as a guide, and referred to the Code of Federal Regulations, Title 47 (Telecommunications) Chapter 1, Part 97 (Amateur Radio Service) Sections 97.13 (Restrictions on Station Location) and Section 97.15 (Station Antenna Structures).

The Planning Commission wants to refer to and include these above mentioned FCC Sections 97.13 and 97.15 as part of their recommendation information they submit to the Town Board and asked the Town Planning Commission Secretary, Dawn Goodman, to find that information and make a copy for the Planning Commission for future reference.

Further discussion ensued regarding what the size of the lot, distance the tower would be from adjoining properties and what the set-back should be. The Commission concluded after looking at the Town Regulations, that it should be a 1.1 Setback.

Cindy Rukamp also submitted letters from adjoining neighbors stating they did not object to the erection of the Amateur Radio Towers. These letters be included with the application and recommendation to the Town Board.

MOTION MADE BY: Gary Jonet to recommend to the Town Board to approve a Conditional Use Permit for Jim Koss to erect a telescoping amateur radio tower that is 54 feet in height erected and 21 feet nested, with the following conditions applying: a Setback of 1.1. A Public Hearing Date and Time was set for October 9, 2007 at 6:45 p.m.

MOTION 2NDED BY: Bob Boncher

AYES: 6

NAYS: 0

MOTION CARRIED

ISSUE #2: Discussion about Outdoor Wood Burners.

3 residents from the Oakleaf Drive neighborhood appeared before the Planning Commission with concerns about their neighbor's outdoor wood burner because of: smoke seeping into their adjoining residences, making the residences smell like smoke, setting off their smoke alarms and ash debris falling on surrounding landscape.

John Metzler noted that he had inquired with neighboring communities about this and that it seems to be an up and coming issue and that some are banning future outdoor wood burners, grandfathering in existing ones, and/or adding new height requirements for chimneys.

The Board reviewed information regarding outdoor wood burners, including information about the product design and lengthened mode of dampening (for longer burning times) and short height of chimney's causing excessive smoking. Information from the State of WI Dept of Health and Family Service about Air Quality and Health Issues regarding wood burning was also examined. Newspaper articles were cited concerning municipalities around the country starting to pass regulations banning these outdoor wood burners because of ongoing health, air quality and nuisance issues.

The Planning Commission Secretary, Dawn Goodman, distributed a copy of the "WI DNR Model Ordinance for Outdoor Burning, Open Burning and Burning of Refuse, A Guide for WI Counties, Cities, Villages and Towns" to all the Planning Commission members to refer to in this matter and in the possible development of an ordinance for the Town of Green Bay in this regard. Some of the Planning Commission said they have seen this Model Ordinance before.

The residents were asked if they had talked to their neighbor (who was not present) about the situation. The residents said they had done so, but nothing changed.

The height of the offending residence's chimney was questioned (the Model Ordinance made recommendations that the chimney height extend at least as high above the ground surface as the height of the roofs of all surrounding residences—page 7). The residents noted it is already in what appears to be 3 sections of 9 feet each. They speculated that part of the problem seems to be that their homes are above this person's residence due to elevation of the surrounding lots. So the offending person's chimney is at ground level with their homes, making the problem worse.

The residents went on to say that this particular outdoor wood burner seems to be used year round and that they have observed that home owner seems to be burning green wood, which causes further smoking.

The Commission discussed the possibility of the Town issuing a Nuisance letter to the person in question. After further discussion it was determined that the Town would indeed have that power to do so because it is a definite Nuisance issue.

John Metzler said that the Planning Commission will bring it to the Town Board to have them issue a Nuisance letter.

Some of the Planning Commission members speculated that it could also be addressed through the County Health Department.

The Board finally concluded that the Town put a Moratorium on outdoor wood burners until an ordinance can be developed.

MOTION MADE BY: Diane Jacobs to recommend to the Town Board to put a Moratorium on Outdoor Wood Burners for the next 6 months or until the Planning Commission can pass an ordinance in this regard.

MOTION 2NDED BY: Bob Boncher

AYES: 6

NAYS: 0

MOTION CARRIED

ISSUE #3: Setback for Sunset Bluff

Gary Jonet informed the Planning Commission that it has been determined that the Right of Way for Sunset Bluff will remain at 110 feet.

ISSUE #4: The Wind Turbine Ordinance Development.

The Planning Commission has decided to Table this matter and refer it to the Town Board, until anticipated changes to the Utility Tax issue are resolved. Planning Commission members left a note for Town Clerk to ask the Town Board to decide if the Planning Commission should finish this Ordinance or wait for the Utility Tax Issue resolution, which would then mean the moratorium on Wind Turbines should continue.

ISSUE #5: Any Other Business

There were no other issues or business addressed.

DATE & TIME OF NEXT MEETING: Tuesday, October 16 at 7:00 p.m.

MOTION: Dianne Jacobs made a motion to Adjourn, John Metzler seconded.

AYES: 6

NAYS: None

MOTION CARRIED.

TIME OF ADJOURNMENT: 9:00 p.m.

Planning Commission Chairman

Planning Commission Secretary