

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 5-17-22

TIME: 7:00pm

PRESENT: John Metzler, Dawn Goodman, Jason Miller, Gary Jonet, Brad Dechamps **Absent:** Mike Gilson. **OTHERS PRESENT:** Town Clerk, Debbie Mercier; Shirley Gomand; Debbie Olson; Jim Gomand; Gary Gomand; Chad Dorner.

1.(7:00-7:01) **APPROVAL OF LAST MEETING'S MINUTES.** John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 4-19-22 meeting minutes were reviewed. **MOTION MADE** by Gary Jonet to accept the minutes as presented. **MOTION 2NDED BY:** Dylan Mercier **AYES: 6. MOTION CARRIED.**

2. (7:02-7:07 pm). **Review of Certified Survey Map for Shirley Gomand, for Part of GB-583,** described as: in part of the SE ¼ of the SE ¼ of section 36, T.25N., R.22 E., Town of Green Bay, Brown County, Wisconsin.

Shirley Gomand stated the intention of the CSM review was to enable a plan to sell it for a new home.

It was noted that the parcel is already zoned as Estate Residential. It was further noted that there was enough square footage to allow for a new home. Zoning Administrator Gary Jonet state he had no issues with the CSM.

MOTION MADE by Jason Miller to recommend that the Town of Green Bay Town Board **ACCEPT** the Certified Survey Map for Shirley Gomand, for Part of GB-583, described as: in part of the SE ¼ of the SE ¼ of section 36, T.25N., R.22 E., Town of Green Bay, Brown County, Wisconsin.

MOTION 2NDED BY: Brad Dechamps. **AYES: 6. MOTION CARRIED**

3. SPECIAL NOTE Regarding Order of Agenda Change: *Chad Dorner was late for his CSM review, so this item was moved up on the agenda due to its simplicity in nature.*

(7:09-7:11pm) Per the advisement of the Building Inspector and Town Clerk, **Adopt "State of Wisconsin Department of Safety and Professional Services Wis. Admin. Code § SPS 316 Electrical".**

Town Clerk, Debbie Mercier explained that she researched this matter more and upon deep review of the Town of Green Bay Code of Ordinances, she found that this item was already addressed in Chapter 6, Uniform Dwelling Code, Section 6, Adoption of State Codes; (a) Wisconsin Uniform Dwelling Code Adopted. (SPS 316 Electrical was listed among the items adopted.

MOTION MADE by Jason Miller to recommend to the Town of Green Bay Town Board: **NO Action is Necessary On This Matter.**

MOTION 2NDED BY: Dylan Mercier **AYES: 6. MOTION CARRIED**

4. (7:12-7:21pm) Review of Certified Survey Map for Tina and Chad Dorner of TNC Investments LLC, for Part of GB-273, described as: Part of the Northwest ¼ of the Northwest ¼, section 24, T24N-R22E, Town of Green Bay, Brown County, Wisconsin. The map shows Lot 1 (6.92 Acres) and Lot 2 (6.92 Acres).

Chad Dorner stated the the Lot he plans to build on is zoned Heavy Industrial.

Chad Dorner stated that he has a buyer, Greg Abts, who gave him a down payment on the other lot which is zoned Industrial. He further added that Mr. Abts is planning to move most of his business materials to the new site. Chad Dorner stated he asked for a culvert permit with the County.

Zoning Administrator Gary Jonet asked Chad Dorner when he will be approved. Chad Dorner stated by the following week. He added he needs it as soon as possible and that he's reduced the original planm due to costs (2x8 metal, not steel).

MOTION MADE by Jason Miller to recommend that the Town of Green Bay Town Board **ACCEPT the CSM presented to the Planning Commission on 5/17/22 with restrictions (see below)**:

PROPERTY EXPLANATION/NOTES/ LEGAL DESCRIPTION:

Brown County Records List as: 13.833 AC M/L W1/2 NW1/4 NW1/4 SEC 24 T24N R22E & THAT PRT OF W1/2 SW1/4 NW1/4 N OF J27100-53 EX RDS & EX 58 CSM 167 & EX 2802166 & EX THAT PRT LYG S OF 2802166.

New CSM lists: Part of the Northwest ¼ of the Northwest ¼, Section 24, T24N-R22E, Town of Green Bay, Brown County, Wisconsin.

Lot 1: 6.92 Acres (301,533 Sq. Ft)
Lot 2: 6.92 Acres (301,533 Sq. Ft)

COMMENTS/NOTES:

Advised to follow the Restrictive Covenants and Notes and the Utility Easement Provisions indicated on the Certified Survey Map: (see below)

Restrictive Covenants

1. The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
2. Lot 1 contains an environmentally sensitive area (ESA) as defined in the Brown County Sewage Plan. The ESA includes wetlands, and all lands within 35 feet of wetlands of 2 acres or greater. Development and land disturbing activities are restricted in the ESA unless amendments are approved by the Brown County Planning Commission and the Wisconsin Department of Natural Resources.

NOTES

- 1) The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Construction Site Erosion and Sediment Control Technical Standards (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Town has an adopted soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation-related activities.
- 2) Development on the remnant unplatted lands requires public sewer and water be available OR acquisition of all state, county, and/or municipal permits concerning onsite sewage disposal systems for sanitary waste disposal.
- 3) Lot 1 includes wetland areas that may require permits from the Wisconsin Department of Natural Resources, Army Corp of Engineers, Brown County Planning Commission, or the Brown County Zoning Administrator's Office prior to any development activity.
- 4) A Brown County Highway Department access permit must be obtained prior to any construction of a new street/road connection or driveway to a County Trunk Highway.

UTILITY EASEMENT PROVISIONS

An easement for electric, natural gas, and communications service is hereby granted by TNC Investments LLC as owner, Grantor, to WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin corporation, Grantee, CenturyLink of Central Wisconsin, LLC, Grantee, and Time Warner, Grantee, their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

MOTION 2NDED BY: Dylan Mercier. AYES: 6. MOTION CARRIED

5. (7:22-7:40pm) Amendments to the Town of Green Bay Town Cemetery and Burial Site Ordinance, Chapter 19. (Now assigned Zoning Amendment #1328-J)

Town Clerk Debbie Mercier explained to the Planning Commission that the County Register of Deeds office had advised her to change the Town's Ordinance because it is not usual practice to file deeds on individual plots, noting that it could become very costly for the Town. She explained what needed to be stricken from the Ordinance to accomplish this amendment. Zoning Administrator Gary Jonet then assigned it the Zoning Amendment #1328-J.

MOTION MADE by Jason Miller: the Planning Commission, to whom was referred Petition No. 1328-J, recommend that:

The Town of Green Bay Code of Ordinance be **CHANGED in the following manner:**

1. Add Revisions to Section 4. Purchase of Lots in Town Cemetery; Purchase of Expansion of Town Cemetery. (c) Sales of Lots

- a. Add a period after “chair”. Then strike the following words: ~~and sealed and acknowledged to entitle the purchaser to record the deed with the Brown County Register of Deeds~~

2. Add Revisions to Section 5. Ownership Rights of Burial in Town Cemetery. (d) Resale. 1.

- a. Strike the words “~~to entitle the purchaser to record the deed with the Brown County Register of Deeds.~~”

MOTION 2NDED BY: Brad Dechamps. **AYES:** 6. **MOTION CARRIED.**

A Public Hearing was scheduled for 6/14/22 at 6:45 pm

6. Old Business/Any Other Business as authorized by law:

- A. **(7:41-8:15 pm) Amendment to the Town of Green Bay Chapter 11 Zoning Ordinance Section XX Earth Excavations.** Lots of discussion. It should be noted that some of the Planning members are owners of a variety of excavation sites and/or deal with such sites as part of their work. Some members felt the Town’s fees in the current ordinance are burdensome and a repeat of what the County already requires. Some members felt that the Planning Commission did not have the expertise to make knowledgeable judgements about the sites, as some parts of the Ordinance require. Some members felt it is still important to keep the Section XX Earth Excavations Ordinance in order to protect the community and maintain regulations to control such sites. There was discussion that a Conditional Use permit was appropriate in order to control the situations involved.

There was discussion about if it applies to pre-existing sites or if it only applies to sites that expand. Town Clerk Mercier felt it applied if the sites expand.

It became evident that the Brown County Ordinance on this matter needed to be reviewed to see what applied to the Town and if some of it could be adopted. The Town Clerk and Planning Commission Secretary could not find the Ordinance online prior to the meeting. Dylan Mercier began searching online during the discussion, trying various terminology. He found it, so then Planning Secretary Goodman printed it out for everyone. There is a lot of information to examine, and since it was already a lengthy meeting, there was agreement it needed to be looked over more in depth before a decision would be made on the matter. Town Clerk Debbie Mercier agreed to check with the town’s Association to see what they recommend on the matter.

One other matter came to the group’s attention: there is an Application process mentioned in the Town’s Ordinance, but there is no actual Application. So that will need to be developed if that part of the Ordinance is maintained in a revision.

MOTION MADE by Dylan Mercier: **to recommend that the Planning Commission TABLE the matter until the June Planning Commission Meeting, in order to allow the Planning Commission time to review the newly obtained materials (Brown County Chapter 14 Non-Metallic Mining Reclamation Ordinance).**

MOTION 2NDED BY: Jason Miller. **Ayes:** 6. **Motion Carried.**

B. (8:16-8:30 pm) Violation of Town Standards: Campers/Motor Homes being utilized for living quarters.

This matter came to the Planning Commission after a number of Town residents brought up issues with various properties having people living in campers and/or motor homes long term. Some of the situations were felt to be potential nuisance situations and those residents asked the Town Board if action could be taken on the matter. The Town Board deferred to the Planning Commission for discussion.

The Planning members discussed the situations that had been brought to the Town's attention. It was noted that this issue is part of a larger, nation-wide trend occurring, in part, due to lack of affordable housing. The potential for unintended consequence if the matter is enforced was discussed—one in particular is the necessity of home owners and business owners to live on site (often in a camper or motorhome) as their buildings are being constructed, in order to prevent theft of materials (another nation-wide trend). The Planning Commission decided that the matter should not be addressed at this time.

MOTION MADE by: Brad Dechamps to recommend that the Town of Green Bay NOT address the matter at this time.

MOTION 2NDED BY: Jason Miller. Ayes: 6. Motion Carried.

7. Next Planning Commission Meeting was arranged for: Tuesday June 21, 2022 at 7pm, if needed.

Motion to Adjourn Made by: Jason Miller 2nded by: Brad Dechamps. Ayes: 6. Motion Carried.

Adjournment: 8:38 pm.

Planning Commission Chairperson

Planning Commission Secretary