

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 6-21-22

TIME: 7:00pm

PRESENT: John Metzler, Dawn Goodman, Mike Gilson, Gary Jonet, Brad Dechamps, Dylan Mercier.
Absent: Jason Miller. **OTHERS PRESENT:** John Charles, James Roberts, Steve Metzler, Jon Simonar

1.(7:00-7:02) 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 5-17-22 meeting minutes were reviewed. *It was noted that Dylan Mercier was not included in the minutes, even though he was in attendance. Dawn Goodman made the change.* **MOTION MADE** by Dylan Mercier to accept the May minutes with the correction to include his name as present. **MOTION 2NDED BY:** Brad Dechamps **AYES: 6. MOTION CARRIED.**

2. (7:02-7:30 pm). Zoning Amendments request #1335-J for Jim Roberts (J. Roberts Real Estate) to Re-Zone 5 acres of Parcel GB-81 to Agriculture. The buyer intends to put in an orchard. New parcel (called “Lot 1”) contains 217, Sq Ft./5.004 Ac. More or Less to Section Line. Located at 0 County Rd K (on the curve of Hwy K and Mercier Rd). “Lot 1” is described as: Being Part of the SE 1/4-SE1/4, Section 3, Township 24, North Range 22 East, Town of Green Bay, Brown County, Wisconsin.

James Roberts explained that the future owner is applying for a USDA loan for the project and that it requires the parcel to have an Agriculture designation, which is why they are rezoning part of the parcel to Agriculture. The owner’s intention is to keep it as an orchard and not build a home on the property.

There was discussion about the parcel qualifying for A-1 Agriculture status (and possibly Farmland Preservation designation). There was also discussion that Estate Residential could be another designation that would allow for an orchard.

Mr. Roberts speculated he would eventually sell adjoining property in the future.

MOTION MADE by Dylan Mercier:

- 1.** We, your Planning Commission to whom was referred Petition No. 1335-J, recommend that: The Town of Green Bay Town Board **ACCEPT** the Zoning Amendment request, #1335-J, of Jim Roberts (J. Roberts Real Estate) to Re-Zone 5 acres of Parcel GB-81 to Agriculture. The buyer intends to put in an orchard.
- 2.** We, your Town of Green Bay Planning Commission, to whom has been presented the Certified **Survey Map, Part of GB-81**, recommend that:The Town of Green Bay Town Board **ACCEPT** the CSM presented to the Planning Commission on 6-21-22

COMMENTS/NOTES:

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

- 1.** The Property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in WI Construction Site best Management Practice Handbook to prevent oil 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. A Brown County Hwy Dept. access permit must be obtained prior to any construction of a new street/road connection or driveway to a county trunk Highway.

Restrictive Covenants:

1. The land on all side and rear lot lines shall be graded by the owner and maintained by the abutting property owners to provide for adequate drainage of surface water.

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

Public Hearing was scheduled for Tuesday July 12, 2022 at 6:45 pm

3. (7:31-7:40pm) Zoning Amendment request # 1334-J for Gary Jonet to Re-Zone Parcel GB-38 from B-1 Business to M-1 Multi-Family in order to sell the property. Description: 0.620 AC M/L PART OF NE FRAC 1/4 NW1/4 SEC 2 T24N R22E AS DESC IN 1040 R 323 EX HWY. Located at 6040 County Hwy K.

Gary Jonet explained that the person who will be purchasing the property, Steven Metzler, wishes to fix up the property and divide it into rental units. Mr. Metzler explained to the Planning Commission he would like to make 3 or 4 rental units, which would be long-term rentals. He stated he will be working with Mr. Berceau on a plan to upgrade the septic system so that it can accommodate that many persons. He discussed parking potentially being where the mailbox currently is. He will follow the Town's regulations.

There were no further questions or comments.

MOTION MADE by Dylan Mercier to recommend to the Town of Green Bay Town Board: We, your Planning Commission to whom was referred Petition #1334-J, recommend that: The Town of Green Bay Town Board **ACCEPT** the Zoning Amendment request, **#1334-J for Gary Jonet to Re-Zone Parcel GB-38 from B-1 Business to M-1 Multi-Family** in order to sell the property Located at 6040 County Hwy K.

MOTION 2NDED BY: Brad Dechamps **Abstain:** Gary Jonet. **AYES:** 5. **MOTION CARRIED**

Public Hearing was scheduled for Tuesday July 12, 2022 at 6:30 pm

4. (7:12-7:21pm) Review of Preliminary Certified Survey Map for Brad Dechamps (and John and Dana Charles) for Part of GB-59 and GB-59-2, described as: ALL OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 9459, RECORDED AS DOCUMENT NO. 3001201, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 3, TOWNSHIP 24 NORTH, RANGE 22 EAST, TOWN OF GREEN BAY, BROWN COUNTY, WISCONSIN. Lot 1 is 40,000 sq. ft (0.92 acres). Lot 2 is 40,000 sq. ft (0.92 acres). (Located along Doris Road).

MOTION MADE by Dylan Mercier: We, your Planning Commission to WHOM **PRELIMINARY Certified Survey Map for Bradley Dechamps and John and Dana Charles** was referred, recommend that:

The Town of Green Bay Town Board **ACCEPT** the CSM.

COMMENTS/NOTES:

Please be aware of the following issues are noted on the CSM by the Surveyor:

NOTE:

1. DEVELOPMENT ON LOTS 1, 2 AND 3 REQUIRES THAT 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.
2. 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.
3. THE WETLANDS ARE APPROXIMATE ON LOTS 1, 2 AND 3 DUE TO THE LARGE SIZE OF THE LOT AND/OR THE LOCATION OF THE WETLAND ESA. SHOULD ANY DEVELOPMENT ON LOTS 1, 2 OR 3 BE PROPOSED NEAR OR WITHIN THE APPROXIMATE WETLAND ESA, THE ACTUAL WETLAND AND ESA BOUNDARY SHALL BE PROPERLY DELINEATED BY A CERTIFIED WETLAND DELINEATOR HIRED BY THE AFFECTED LANDOWNER. A COPY OF THE WETLAND DELINEATION REPORT/MAP SHALL BE SUBMITTED TO BROWN COUNTY PLANNING FOR VERIFICATION AND APPROVAL.
4. LOTS 1, 2 AND 3 INCLUDE 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.
5. 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.

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. LOTS 1, 2 AND 3 CONTAIN AN ENVIRONMENTALLY SENSITIVE AREA (ESA) AS DEFINED IN THE BROWN COUNTY SEWAGE PLAN. THE ESA INCLUDES APPROXIMATE WETLANDS, ALL LANDS WITHIN 50 FEET OF APPROXIMATE WETLANDS OF ANY SIZE AND STEEP SLOPES OF 20% OR GREATER ASSOCIATED WITH ANY AFOREMENTIONED WATER OR NATURAL RESOURCE FEATURES AND A 20 FOOT SETBACK FROM TOP AND BOTTOM OF STEEP SLOPES. 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.

MOTION 2NDED BY: Dylan Mercier. **ABSTAIN:** Brad Dechamps **AYES:** 5. **MOTION CARRIED**

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

- A. **(7:53-8:10 pm) Amendment to the Town of Green Bay Chapter 11 Zoning Ordinance Section XX Earth Excavations.** Lots of discussion again. *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.* The Brown County Ordinance, County Chapter 14 “Non Metallic Mining Reclamation Ordinance”, was reviewed to see what applied to the Town and if some of it could be adopted.

Dawn Goodman pointed out that Section 14.07 (2) of the County Chapter 14 “Non Metallic Mining Reclamation Ordinance”, “Overall Applicability”, states that: “the requirements of this chapter apply to all operators of nonmetallic mining sites within Brown County and as provided in Section NR 135.02 (1) and (2), Wisconsin Administrative code except where exempted in sub. 14.07(2) **and except for nonmetallic mining sites located in a city, village or town with Brown County THAT HAS ADOPTED AN ORDINANCE PURSUANT TO Section 295.14, Wisconsin Statutes, and Section NR 135.32 (2), Wisconsin Administrative Code.**

Dawn Goodman stated that the above information meant that the Town would then be responsible. She pointed out that the Town did not have anyone with the expertise to review or enforce the standards set in place by the County and that the Town’s ordinance would not likely cover enough of the complex Reclamation Standards the County requires, which then could leave the Town subject to unintended consequences and possible litigation if something was overlooked and/or not done correctly. In addition, the cost of hiring someone with this expertise could be cost-prohibitive.

Zoning Administrator, Gary Jonet had continuously commented on the ordinance being inappropriate for the Town to have at this time and further expressed extreme concern about this very situation (lack of expertise and expense of using a consultant or hiring someone).

The Planning Commission decided to refer this information back to the Town Clerk for clarification on the following matters:

1. Consult with Town Clerk Debbie Mercier on **how to repeal the entire ordinance.**
2. Gary Jonet asked that the Town’s Association be consulted on **the Repeal of Ordinance procedure.**
3. Planning Secretary, Dawn Delvaux-Goodman, stated **a Public Hearing** would be necessary because it is an Amendment to the Code of Ordinances (and **that it needs to be assigned a Zoning Amendment Number**). Other Planning members disagreed. They asked that she clarify the matter with Town Clerk, Debbie Mercier.

Post meeting notes 6/23/22: Town Clerk Debbie Mercier will check with the Town's Association to see what they recommend on the matter. She further advised the following:

1. Debbie Mercier will put the matter on the Town Agenda for 7/12/22.
2. It is necessary to do an Amendment in order to remove the Ordinance, therefore an Amendment # will need to be assigned to the repeal AND a **PUBLIC HEARING is required** on the matter.
3. Debbie Mercier will consult with the Town's Association Attorney for the wording for a Repeal of an Ordinance.
4. Debbie Mercier stated it was not necessary to add anything to the current Code of Ordinances to address the matter of following the Brown County regulations on Earth Excavations because those regulations already apply to the Town of Green Bay as a community in Brown County.

B. (8:11-8:14pm) Planning Secretary Dawn Goodman stated she had received messages from Tammy Phillips questioning the status of a CSM Review to divide the parcel for Tammy and Jamie Phillips (GB-558), located at 4010 Depeau Rd. Tammy stated that Nathan at All Ways Surveyors said it was turned in on May 18, 2022. She explained that they are trying to move the process along as they are getting house plans drawn up and want to get everything taken care of with the lots being separated (see attached CSM she sent in her message to Dawn). She explained the existing house would be in a lot around 1.14 acres, the rest would be for the new lot, around about 2 acres.

Zoning Administrator, Gary Jonet stated that he had spoken with Tammy Phillips but never received any materials on the matter from her. He speculated that the surveyor may have sent the information to the County Planning, instead of him. He speculated that might make things a bit complicated doing it that way, but should not be a problem.

Post Meeting Follow Up 6/21/22: Dawn Goodman informed Tammy Phillips about not receiving the information and that she needed to contact Gary Jonet on the matter.

Post Meeting Follow Up 6/22/22: Tammy Phillips left Dawn a message that they had a buyer for the house and that the situation was not good if the CSM has not been reviewed. She sent a copy of the CSM map with the lot sizes adjusted (Lot 1 is 1.89 acres; Lot 2 is 1.14). Dawn advised her to speak with Gary Jonet as soon as possible. Tammy stated she would do that later in the day. She then messaged she talked with him on the way into work. She stated she had sent the CSM on 5/20/22 to Clerk Debbie Mercier's e-mail (mercier@gmail.com). Dawn advised her that was not the correct e-mail. Dawn told her it is: mercierdebbie@ymail.com. Tammy stated that the County received the CSM on 5/19/22. Tammy also stated that she just sent the CSM to Gary Jonet and that he had called back to say he doesn't give out his e-mail unless he knows who is sending him an e-mail and what it pertains to. She speculated that is why it was sent to Debbie Mercier instead.

Note: A printed copy of these conversations is in the folder set up for the CSM Review now.

6. Next Planning Commission Meeting was arranged for: Tuesday August 16, 2022 at 7pm, if needed.

**Motion to Adjourn Made by: Mike Gilson 2nded by: Brad Dechamps. Ayes: 6. Motion Carried.
Adjournment: 8:15 pm.**

Planning Commission Chairperson

Planning Commission Secretary