

**TOWN OF GREEN BAY PLANNING COMMISSION MINUTES**

**DATE:** 11-16-21

**TIME:** 7:00pm

**PRESENT:** John Metzler, Dawn Goodman, Brad Dechamps, Jason Miller, Dylan Mercier, Mike Gilson, Gary Jonet **OTHERS PRESENT:** Town Clerk, Debbie Mercier; Kevin Tielens, Carolyn Tielens, Kim Bosman.

**1. (7:02-7:03 pm). 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 8/17/21 meeting minutes were reviewed. **MOTION MADE** by Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Brad DeChamps. **AYES:** 7 **MOTION CARRIED.**

**2. (7:02-7:15pm). Review of a Certified Survey Map for GB-59** for Andrew Hunter, Surveyor, and the Administrative Commission **for Robinsonville Presbyterian Church, formerly known as French Presbyterian Church.** Said CSM involves a division of part of the Northeast ¼ of the Northeast 1/4, Section 3, Township 24 North, Range 22 East, Town of Green Bay, Brown County, Wisconsin. **Note:** LOT 1: 40,196 sq. ft. (0.92 acres). LOT 2: 354,200 sq. ft. (8.13 acres), including house and church.

The Planning Commission reviewed the CSM. Kevin and Carolyn Tielens, attended the hearing on behalf of the church.

Planning Secretary, Dawn Goodman, noted that there are 4 items noted on the CSM which will need to be part of the final recommendation (sewer/water, soil erosion, wetlands and ESA’s) AND in addition, 2 Restrictive covenants (surface water drainage and Brown County ESA standards) listed on the CSM, which should also be included on the recommendation. Dawn Goodman stated it was important due to potential impact on surrounding properties being impacted, especially the waterflow downhill from the property and midtown, Champion, where flooding issues have occurred in the past from excessive water flow during spring runoff and heavy rain episodes.

**MOTION MADE BY:** Jason Miller to recommend to the Town Board: **APPROVAL of the Certified Survey Map for GB-59 for the Robinsonville Presbyterian Church, formerly known as the French Presbyterian Church. (See very detailed motion notes below\*)**  
**MOTION 2NDED By** Dylan Mercier. **Ayes:** 7 **Nays:** 0. **Motion Carried.**

**\*Motion Details:**

**COMMENTS/NOTES:**

**The 4 items noted on the CSM are followed:**

1. The development on any lot requires that public sewer and water be available or acquisition of all State, County and /9or 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 outline in the WI construction erosion and sediment control technical standards to prevent soil erosion. However, if at the time of construction the

Town has 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 Lot 2 due to the large size of the lot and/or the location of the wetland ESA. Should any development on Lot 2 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.
4. Lot 2 includes wetland areas that may require permits from the WI 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.

**The 2 Restrictive Covenants listed on the CSM are followed:**

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
2. Lot 2 contains 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 WI DNR.

**3. (7:16-8:07pm) Review and possible Amendment of Town of Green Bay Code of Ordinances, Chapter 12 "Short-Term Rental Licensing Ordinance", which may include change of fees and other administrative matters, such as an application form and any other necessary matters that need updating regarding the ordinance.** Town Clerk, Debbie Mercier, explained that a recent home (in the Shore Acres vicinity) was reported to the Town for having a Short Term Rental by one of the neighbors. The neighbor had come to the Town Board concerned that the Short Term Rental was not approved by the Town or following the Town's regulations. She noted it is a secondary residence for the owners She also stated that she has since spoken with the owner, who contacted her. They are willing to cooperate and have already arranged to follow the standards the county and state require.

Clerk Mercier also noted that due to an oversight, the Town did not yet have an Application for Short Term Rental Licensing, and that she had asked Planning Secretary, Dawn Goodman, to produce an application based on the City of Green Bay's model.

Dawn Goodman passed out a copy of the document, entitled "Town of Green Bay Short-Term Rental License Application". It is a 4 page document, which includes instructions on the Application Process, and 3 pages of the actual Application to be filled out. (see attached). The Planning Commission reviewed it, with input from Clerk Mercier. Small changes were made to the document and then printed out for Clerk Mercier to submit to the Town Board for their approval.

Planning Commissioner, John Metzler, questioned who will enforce the process is followed. Clerk Mercier stated that the Town Board agreed she does not have to enforce it. She will collect

the information and fees, and do the paperwork. She will report violations to the Town Board to determine what steps to take in such an event.

Planning Secretary Goodman then passed out a potential amendment to the Zoning Ordinance to:

- A. Add a definition for Short Term Rental to the Definitions area.
- B. Add Revisions to the following Zoning Districts to include “Short Term Rental” as a Conditional Use in Rural Residential, R-2 Residential, E-R Estate Residential and Multi-Family District. (see attached).

Goodman explained that the City of Green Bay made reference to the zoning districts where they allowed Short Term Rentals. Based on that, she assumed the Town of Green Bay would also do so, and that is why she added the Amendment recommendation to include Conditional Use stipulations in the above proposed Amendment. Goodman also noted that Bed and Breakfasts, which are similar in nature, were treated in the same manner, so it made sense to treat the Short Term Rentals similarly. She added that a Conditional Use allows the Town to have further control over where the Short Term Rentals would be allowed and also have public notice on the matter for nearby residents to give input on an important change to their neighborhood.

A few Planning Commission members expressed concern that Short Term Rentals did not need to have a Conditional Use permit and that it could be too restrictive. Some PC members suggested that they even be allowed in Business districts.

Dawn Goodman stated she believed Conditional Use was allowable and that it is a tool which should be utilized to maintain control over where and when a Short-Term Rental is allowed.

Clerk Mercier also disagreed with having a Conditional Use permit for STR’s. She thought it was not appropriate and too restrictive. The PC and Clerk Mercier finally agreed to have Clerk Mercier check on the matter with the Town’s Association Attorney before proceeding on a Conditional Use requirement (and the Amendments it would involve).

There was also some discussion regarding the appropriateness of a Room Tax for Town of Green Bay Short Term Rentals. Some PC members expressed that the Town is missing an opportunity for revenue, especially based on its location adjacent to the Shrine and being on the route to Door County and the Town even being a possible vacation option for Packer tourists.

PC Secretary Goodman referred to 2 recent articles in the Press Gazette regarding the rates being raised for Short Term Rentals in nearby communities. She cautioned the PC:

- A. A referendum is required to implement a tax.
- B. The Treasurer, who is NOT currently full-time, would most likely be burdened with reviewing the financial documents of applicants and the payments and delinquent payments.
- C. Surrounding communities have hired fulltime outside groups to help collect the dues and necessary documentation and payments. This would be an added expense to the Town and diminish some of the profit of the endeavor.
- D. A portion of the collected tax would need to be paid to the State and possibly the County as well, further diminishing the profit.

**MOTION MADE BY:** Dylan Mercier to recommend to the Town Board: **APPROVAL of the “Town of Green Bay Short-Term Rental License Application”** (a 4-page document, which includes instructions on the Application Process, and 3 pages of the actual Application to be filled out). (*see attached*).

**MOTION 2NDED By Gary Jonet. Ayes: 7            Nays: 0.            Motion Carried.**

**4. (8:10-8:13) Quarterly update Planning Commission Town of Green Bay Code of Ordinances books: Appendix & Amendments.**

Planning Secretary, Dawn Goodman, passed out the materials to the Planning Commission. She then instructed the Planning Commission where to insert the new materials, step by step. Old materials were discarded.

**5. Old Business/Any Other Business as authorized by law. None.**

**6. Next Planning Commission Meeting was arranged for: Tuesday, December 21, 2021, at 7pm, if needed.**

**Motion to Adjourn Made by: Jason Miller 2nded by: Mike Gilson Ayes: 7. Motion Carried. Adjournment: 8:18 pm.**

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Planning Commission Chairperson

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Planning Commission Secretary

