

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING  
MINUTES – May 4, 2017**

**ON-SITE INSPECTIONS:** The Committee made on-site inspections starting at 8:30 a.m. on the Ed A. & Katie D. Borntreger property, Town of Union; the Wayne M. & Tammy Pomerence property, Town of St. Lawrence and the Riverhill Dental Associates property, Town of Waupaca

Chm. Penney called the meeting to order at 10:30 a.m. with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused.

D. Federwitz moved and W. Wilfuer seconded the motion to approve the agenda as presented. The motion was carried.

Public Comment: There was none.

**PUBLIC HEARINGS:**

The first public hearing was called to order at 10:31 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for the Waupaca County Comprehensive Plan Amendment. The Waupaca County Comprehensive Plan was adopted by the Waupaca County Board of Supervisors on September 18, 2007. The proposed amendment to the Comprehensive Plan Preferred Land Use Map is within the **Town of Waupaca**. The map amendment is to ensure that the Waupaca County Comprehensive Plan remains consistent with the locally adopted comprehensive plan. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ryan Brown, Planning & Zoning Director**, said the comp plan amendment is to take the planning district from RR (Rural Residential) District to Rural Crossroads mixed. The intension is to allow for the rezone from the AWT (Agriculture and Woodland Transition) District to RC-N (Rural Commercial-Neighborhood).

**Evan Abrahamson was sworn in to testify.** Mr. Abrahamson is representing the Town of Waupaca. The Town felt this is good use of the land and is in favor of the amendment.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

**Deb Giuffre**, one (1) letter from the Town of Waupaca recommending approval of the amendment.

**Jean Gliniecki, Zoning Administrator**, said the Planning & Zoning Office recommends approval of the Comprehensive Plan Amendment.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –  
MAY 4, 2017**

D. Federwitz moved and W. Wilfuer seconded the motion to **APPROVE** and sign the Resolution to adopt a Comprehensive Plan Amendment in the Town of Waupaca. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to approve the amendment. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:37 a.m. The motion was carried.

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The second public hearing was called to order at 10:38 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Riverhill Dental Associates of Waupaca**: Located in part of the SW ¼ of the NW ¼ of Sec. 31, Town of Waupaca, lying along Shadow Road, Fire Number N2846, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AWT (Agriculture and Woodland Transition) District to an RC-N (Rural Commercial-Neighborhood) District for the construction of a Dental Clinic on approximately 3.46 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Vern Nystrom was sworn in to testify.** Mr. Nystrom said he works for Keller who is the architect and contractor for the proposed dental clinic. Mr. Nystrom explained the construction and layout of the Riverhill Dental clinic.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application. There was none.

**Deb Giuffre** read two (2) letters, one (1) from the Town of Waupaca recommending approval of the application and one (1) from the Wisconsin DOT with no concerns.

**Jean Gliniecki, Zoning Administrator**, said the Planning & Zoning Office recommends approval of the Petition for Zoning Map Amendment.

D. Federwitz moved and W. Wilfuer seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Waupaca Planning Commission and the Town Board of Waupaca have both recommended approval of this request and it is consistent with the Town's Comprehensive Plan. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to grant the zone change. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 10:45 a.m. The motion was carried.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –  
MAY 4, 2017**

The third public hearing was called to order at 10:46 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Wayne M. & Tammy Pomeranke**: Located in part of the NE ¼ of the NW¼ of Sec. 19, Town of St. Lawrence, lying along Silver Lake Road, Fire Number E2696, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Non-Metallic Mineral Extraction in an AR (Agriculture Retention) District on approximately 9 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Jim Wendels was sworn in to testify.** Mr. Wendels said he is representing Quest Civil Engineers. Mr. Wendels explained the proposed project operations for the Non-Metallic Mineral Extraction. The product will be used for concrete mix and all preparation will be done off site.

**Ryan Brown, Planning & Zoning Director**, said a road maintenance agreement is in the process with the Town of St. Lawrence and meets the standard of the ordinance.

**David Marcy was sworn in to testify.** Mr. Marcy said he is the Chairman for the Town of St. Lawrence. Mr. Marcy said the Town of St. Lawrence has no objections and the Non-Metallic Mineral Extraction would need bonding prior to operation.

**Scott Konkle was sworn in to testify.** Mr. Konkle is with East Central Planning Commission. Mr. Konkle has reviewed the preliminary reclamation plan for the Non-Metallic Mineral Extraction and it meets the ordinance.

Chm. Penney called three times for any testimony in favor to the application. There was none

Chm. Penney called three times for any testimony in opposition to the application.

**Richard Yest was sworn in to testify.** Mr. Yest said his son has property adjacent from the proposed project. Mr. Yest has concerns with safety regarding road use and property value. Mr. Yest suggested that they use Silver Lake road instead of Blueberry road for their route.

**Jim Wendels came back for rebuttal.** Mr. Wendels said they will evaluate the use of Silver Lake road for the truck route.

**Deb Giuffre** read one (1) letter from the Town of St. Lawrence recommending approval of the application with the condition of a road bond.

**Jean Gliniecki, Zoning Administrator**, said the Planning & Zoning Office recommends approval with conditions.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –  
MAY 4, 2017**

D. Federwitz moved and D. Kussmann seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of St. Lawrence Planning Commission and the Town Board of St. Lawrence have approved this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The access point into the mining site shall be off of Silver Lake Road utilizing a metal culvert. There shall be no berm or stockpiling allowed within the visual clearance triangle where Silver Lake Road and Blueberry Road intersect. The applicant shall comply with all the regulations and standards concerning Non-Metallic Mineral Extraction, refer to Chapter 38, Waupaca County General Code of Ordinances, Non-Metallic Mining Ordinance. The applicant shall follow the Reclamation/Operation Plan as presented. The applicant shall comply with the Town's requirement of a \$200,000 bond to cover any road damage to Silver Lake Road. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to grant the permit. D. Kussmann moved and W. Wilfuer seconded the motion to close the hearing at 11:26 a.m. The motion was carried.

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The fourth public hearing was called to order at 11:27 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer and D. Federwitz, present. T. Murphy was excused. Deb Giuffre read the names of persons notified of the hearing for **Ed A. & Katie D. Borntreger**: Located in part of the NW ¼ of the SW ¼ of Sec. 28, Town of Union, lying along Zabel Road, Fire Number E5737, Waupaca County, Wisconsin; for a Conditional Use Permit application for an Outdoor Institutional (cemetery) in an AE (Agriculture Enterprise) District on approximately 2 acres. The Committee, Ryan Brown, Planning & Zoning Director, and Jean Gliniecki, Zoning Administrator, made an on-site inspection of the property. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

**Ed Borntreger was sworn in to testify.** Mr. Borntreger said the proposal is for a cemetery and the Town of Union is requiring the use of cement vaults. Mr. Borntreger said the cement vaults are against the religious beliefs of the community. Mr. Borntreger said the other Amish communities are not required to have cement vaults and he is requesting to be exempt. Mr. Borntreger said they follow state regulations for the cemetery.

**David Borntreger was sworn in to testify.** Mr. Borntreger said family members of the Amish Community will maintain the cemetery.

**Gary Schoen was sworn in to testify.** Mr. Schoen said he is a Supervisor for the Town of Union and Chairman for the Planning Commission. Mr. Schoen said the Town of Union supports the Conditional Use Permit application with five (5) conditions, one (1) being the concrete vault. All cemeteries in the Town of Union require concrete vaults.

**Ryan Brown, Planning & Zoning Director,** said the state does not require concrete vaults. The Town of Union can require concrete vaults but must have a Town of Union cemetery ordinance that states that requirement.

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING MINUTES –  
MAY 4, 2017**

D. Kussmann moved and W. Wilfuer seconded the motion to **TABLE** the application for Conditional Use Permit based on the facts and evidence presented. The Committee asked the Town of Union to verify if they have adopted a Town Cemetery Ordinance and if they have, to supply the Committee with a copy of it. The Committee will continue the public hearing for the Conditional Use Permit application at their next regularly scheduled meeting after the Town has notified the Planning & Zoning Office as to whether they have a Town Cemetery Ordinance in place or not. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. W. Wilfuer—yes and D. Federwitz—yes, unanimous vote to table the Conditional Use Permit application.

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The next Planning and Zoning Committee meeting has been scheduled for Thursday, May 18, 2017.

D. Kussmann moved and W. Wilfuer seconded the motion to adjourn the meeting at 11:54 a.m. The motion was carried.

Debra L. Giuffre  
Recording Secretary

cc: County Clerk