

**WAUPACA COUNTY PLANNING & ZONING COMMITTEE MEETING
MINUTES – June 8, 2017**

ON-SITE INSPECTIONS: The Committee made on-site inspections starting at 8:00 a.m. on the David W. & Linda M. Bauer property, Town of Wyoming; the Robert B. Ferg property, Town of Mukwa; the Wanda Lee & Andrea Rae Jenson property, Town of Dayton and the Nickel Acres LLC property, Town of Lind.

Chm. Penney called the meeting to order at: 10:15 a.m. with the following members present: J. Penney, D. Kussmann, T. Murphy, W. Wilfuer, T. Murphy and D. Federwitz, all present.

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

D. Federwitz moved and W. Wilfuer seconded the motion to approve the minutes from the March 23, 2017 meeting. The motion was carried.

Public Comment: There was none.

PUBLIC HEARINGS:

The first public hearing was called to order at 10:20 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **David W. & Linda M. Bauer:** Located on the West 30 acres of the SW ¼ of the SW ¼ of Sec. 17, Town of Wyoming, lying along Mud Lake Road, Fire Number E2940, Waupaca County, Wisconsin; for a Conditional Use Permit application for the placement of a recreational vehicle intended for temporary living purposes in excess of 30 days in a PVRF (Private Recreation and Forestry) District on approximately 30 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.

David Bauer was sworn in to testify. Mr. Bauer said he is requesting to put a camper on his property for hunting. Mr. Bauer said there will be electricity but no running water. Mr. Bauer said they are in the process of obtaining a road right of way.

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 one (1) letter from the Town of Wyoming recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with County approved sanitary system and permits.

David Bauer came back for rebuttal. Mr. Bauer would like to put a garage on the property in the future.

Jean Gliniecki, Zoning Administrator, explained the process for obtaining a land use permit.

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D. Federwitz moved and T. Murphy seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Wyoming Planning Commission and the Town Board of Wyoming have both approved this request and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The recreational vehicle must have a county approved sanitary system. The future construction of a deck, garage or any other structures must obtain a Land Use Permit from the Waupaca County Planning & Zoning Office. The future construction of a deck, garage or any other structures, the applicant must check with the local building inspector to verify if a Building Permit is necessary. Prior to any improvements to the existing driveway, the applicant will need to contact the Department of Natural Resources. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; 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 10:29 a.m. The motion was carried.

The second public hearing was called to order at 10:30 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Robert B. Ferg**: Located in part of the SE ¼ of the NW ¼ of Sec. 6, Town of Mukwa, lying along Highway 54, Fire Number E7468, Waupaca County, Wisconsin; for a Conditional Use Permit application for a Contractor Shop (tree service) in an AWT (Agriculture and Woodland Transition) District on approximately 4.86 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.

Robert Ferg was sworn in to testify. Mr. Ferg said he is planning on building a shop to relocate the tree service business that is currently in Manawa.

Lee Shaw was sworn in to testify. Mr. Shaw is a Supervisor for the Town of Mukwa. Mr. Shaw said the proposed project came before the Township a couple years ago and would like to request an extension. Mr. Shaw said the Town of Mukwa recommends approval.

Jean Gliniecki, Zoning Administrator, said there is no existing Conditional Use Permit for this proposal.

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 Mukwa recommending approval of the application and one (1) from the Department of Transportation with recommendations.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval with permits and if there will be plumbing, a code compliant sanitary system.

Robert Ferg came back for rebuttal. The driveway is a legal road right of way according to the deed.

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Ryan Brown, Planning & Zoning Director, explained ingress, egress for access and a possible easement if needed.

T. Murphy moved and D. Kussmann seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Mukwa Planning Commission and the Town Board of Mukwa have both recommended approval of this permit and it is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: If there ever will be plumbing in the contractor shop, there must be a code complying sanitary system installed for it. Required parking is one (1) parking space per each employee on the largest work shift. The applicant must obtain a Land Use Permit from the Planning & Zoning Office for the construction of the addition to the existing structure (contractor shop). The applicant must contact the local building inspector to verify if a Building Permit is necessary for the construction of the addition to the existing structure. The applicant must contact the Department of Transportation about their concerns with regard to the access to your parcel. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; 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 10:44 a.m. The motion was carried.

The third public hearing was called to order at 10:45 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Wanda Lee & Andrea Rae Jenson**: Located in part of the NW ¼ of the NW ¼ and part of the NE ¼ of the NW ¼ of Sec. 10, Town of Dayton, lying along Arbor Street, Fire Number E1392, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AWT (Agriculture and Woodland Transition) District to an RR (Rural Residential) District for the combination of two (2) parcels making them both the same zoning district on approximately 4.7 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.

Wanda Jenson was sworn in to testify. Ms. Jenson said she would like to purchase land from the neighbors which requires a Petition for Zoning Map Amendment because the properties are not zoned the same.

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 one (1) from the Town of Dayton recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval of the application. The final approval will need to come from the full County Board at their next meeting.

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T. Murphy moved and D. Kussmann seconded the motion to **GRANT** the application for Petition for Zoning Map Amendment due to the following: The Town of Dayton Planning Commission and the Town Board of Dayton 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 10:53 a.m. The motion was carried.

The fourth public hearing was called to order at 10:54 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present. Deb Giuffre read the names of persons notified of the hearing for **Nickel Acres LLC**: Located in part of the E ½ fractional of the NE ¼ lying north of the Waupaca River in Sec. 1, Town of Lind, lying along Reek Road, Fire Number N2411, Waupaca County, Wisconsin; for a Petition for Zoning Map Amendment from an AE (Agriculture Enterprise) District to an RR-O (Rural Residential-Overlay) District to create an 18 acre parcel for a non-farm residence. This property is within Farmland Preservation and will use nine (9) development rights to create the 18 acre parcel. 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.

No one was present to represent.

D. Kussmann moved and W. Wilfuer seconded the motion to **SUSPEND** the hearing.

The fifth continuation public hearing was called to order at 10:58 a.m. by Chm. Penney. Roll call was taken with the following members present: J. Penney, D. Kussmann, W. Wilfuer, T. Murphy and D. Federwitz, all present 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 the continuation of 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 on May 4, 2017. Vice-Chm. Kussmann read the general procedure and Chm. Penney declared it a legal hearing.

Ed Borntreger was called to testify.

Diane Meulemans, Corporation Counsel, addressed concerns of the Planning and Zoning Committee infringing on religious freedoms. Attorney Meulemans referred to Federal and State law not regulating burials. State law defers and delegates that authority to the cemetery association or whoever is regulating the cemetery. A religious entity needs to be treated equally, same as a non-religious entity.

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Ryan Brown, Planning & Zoning Director, said the Town of Union or the cemetery association does not have an ordinance requiring concrete vaults.

Ed Borntreger had no questions.

Jean Gliniecki, Zoning Administrator, read the Town of Union’s conditions.

D. Kussmann moved and T. Murphy seconded the motion to **GRANT** the application for Conditional Use Permit application due to the following: The Town of Union Planning Commission and Town Board have both recommended approval of this permit and this use is consistent with the Town Comprehensive Plan. The following conditions **MUST** be met: The cemetery must follow Wisconsin State Statutes including s. 157.63. The grave sites are platted and reported annually to the County and Township along with the name and date of death of the deceased. A point of contact and backup point of contact with contact information are provided to the County and Township and updated with any change. The school house and cemetery are tied together as a two (2) acre parcel with the area that is a wetland mapped out and no graves sited in the wetland area. This two (2) acre parcel must be created by a Certified Survey Map being done on the property. Roll call vote was taken: J. Penney—yes; D. Kussmann—yes; W. Wilfuer—yes and D. Federwitz—yes unanimous vote to grant the permit. D. Federwitz moved and W. Wilfuer seconded the motion to close the hearing at 11:07 a.m. The motion was carried.

~ The Committee took a break at 11:08 a.m. ~

The fourth public hearing was recalled at 11:16 a.m. by Chm. Penney.

Jerry Lyons was sworn in to testify. Mr. Lyons is the representative for Nickel Acres LLC. Mr. Lyons said their proposal is to create an 18 acre parcel for a non-farm residence and remove it from farmland preservation for the sale of the property.

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 one (1) letter from the Town of Lind recommending approval of the application.

Jean Gliniecki, Zoning Administrator, said the Planning & Zoning Office recommends approval and it will also need the final approval by the full County Board and a Certified Survey map being recorded for this parcel.

Ryan Brown, Planning & Zoning Director, explained development rights within Farmland Preservation and land divisions.

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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 Lind Planning Commission and the Town Board of Lind 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 11:24 a.m. The motion was carried.

DISCUSSION AND POSSIBLE ACTION:

- Review a Conditional Use Permit (CP-016-11) for RNH Land Company LLC in Sec. 27, Town of Waupaca for a Truck Freight Terminal. RNH Land Company has met the conditions of the Conditional Use Permit.
- * Junk violation issues on the Rekoske property, Town of Little Wolf. Ryan Brown, Planning & Zoning Director, gave an update.
- Resolution for the proposed Agriculture Enterprise area in the Town of Lind. D. Federwitz moved and W. Wilfuer seconded to approve the resolution for the proposed Agriculture Enterprise area in the Town of Lind.
- Resolution for the Broadband Internet expansion in Waupaca County. D. Kussmann moved and W. Wilfuer seconded to approve the resolution for the Broadband Internet expansion in Waupaca County.

The next Planning and Zoning Committee meeting has been scheduled for July 27, 2017.

W. Wilfuer moved and D. Kussmann seconded the motion to adjourn the meeting at 12:09 p.m. The motion was carried.

Debra L. Giuffre
Recording Secretary

cc: County Clerk