

TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

DATE: 2/19/19 **TIME:** 7:01 p.m.

PRESENT: Dawn Goodman, Gary Jonet, John Metzler, Jason Miller; Brad DeChamps

ABSENT: Mike Gilson (on vacation), Dylan Mercier (due to work commitment).

OTHERS PRESENT: Town Clerk Debbie Mercier; Supervisor Ryan DeBroux; Board of Appeals rep, Pete Mathu; resident Debbie Olson.

APPROVAL OF LAST MEETING'S MINUTES (7:01-7:02) : John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 1/15/19 meeting minutes were reviewed. **MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Gary Jonet **AYES: 5 NAYS: 0 MOTION CARRIED.**

ISSUE #1: CSM for Clyde and Donna Brunner for Part of GB-267, located at 6116 Algoma Rd, New Franken, WI. (7:04-7:12) No one appeared for this matter. The crowd that was talking after the Public Hearing out in the outer Town Hall was questioned to see if anyone was there for this, but no one was found. The matter was tabled until the next meeting. Zoning Administrator Gary Jonet said he would contact them to see what happened.

ISSUE #2: Ordinance Establishing Driveway Requirements for Emergency Services. (7:15-8:10)

A copy of the "Driveway Requirement for Emergency Services" developed by the Town of Humboldt and the Town of Scott, was reviewed. It included the requirements and a diagram for circles, turnarounds and turnout style driveways. (see attachment). It was noted that the attorney for both municipalities had developed it. It was noted this is not the Town of Green Bay's attorney.

Town of Green Bay Supervisor Ryan DeBroux, who was there to represent the joint Fire Department, explained the information and answered questions.

Ryan DeBroux noted that a lot of properties in the Town of Green Bay have privately owned driveways and that they are hard to get to them and that is where the issues occur.

He further explained that when a low key call (like a Carbon Monoxide detector call or a false alarm happens), and damage occurs to fire department equipment getting to the property, insurance currently will not cover it due to how the current ordinances are (or lack of one, as is the case with our Town). Having an ordinance in place would allow for billing for damages.

John Metzler asked if this would apply to new construction only.

Ryan DeBroux stated it would only apply to new construction.

John Metzler asked if there are 4 pre-existing homes and a new one develops in that area, who would will incur the cost?

Ryan DeBroux stated there is not a "perfect answer" for that scenario. They will have to be aware of this when they are given a building permit. Pre-existing properties are not addressed in this. The new zoning will help. He added that the Fire Department would not be going out and looking at every place to enforce it.

Gary Jonet stated pre-existing homes would be grandfathered in.

Brad DeChamps stated it will help the Fire Department.

Ryan DeBroux stated that there are places the Fire Department cannot get to even with its smallest truck and nobody cares.

Dawn Goodman stated that it is not a matter to be taken lightly because the further away a home is from a fire department, the higher the insurance rate is and if a fire department cannot get to a property they could become uninsurable. She stated there was discussion regarding that back when former supervisor Mike Saharsky had asked for a substation for the fire department so that there was closer/faster protection for homes near the Bay shore. He lost the election because the residents did not want it.

The Planning Commission reviewed the drawings and wording.

Ryan DeBroux stated the Town of Humboldt and the Town of Scott had already approved it.

Dawn Goodman noted that the trend seems to be that Fire Trucks seem to be getting larger and questioned if this new ordinance will be adequate? She asked Ryan DeBroux if these new standards are going to allow for that being a factor. Ryan DeBroux stated it would.

Ryan stated the specs should allow for the fire equipment to better traverse a driveway with the new specs in both hot and cold weather.

Town Clerk Debbie Mercier stated the idea is a good one but questioned how Zoning Administrator Gary Jonet will enforce these new standards...first he will issue the information with the new building permit, and then will he be going to measure at the new sites?

Jason Miller noted that the current road standards help avoid past issues and that the new standards would now make things better to at least get to sites.

Gary Jonet noted there will be an issue for some properties along the Bay with the private roads.

Ryan DeBroux interjected "it *should* be a problem—that's where our problems are!"

Gary Jonet stated it should be, but it's the *road itself* that's the problem. It's not their property.

Ryan DeBroux stated it's not their road, but it's somebody's. He cited a current property owner with a private road agreed to trim their road vegetation back and then billed it to their neighborhood association. That letter was the beginning of the development of this ordinance to address these situations in the Town of Green Bay and the Town of Scott. Humboldt really does not have any.

Gary Jonet stated that he continues to get letters from neighborhood associations questioning and sometimes objecting to the amount of space required for setbacks on new buildings.

Ryan DeBroux stated the Fire Department is not requiring them to open up that road in order to get them in and out. It's alerting them that they may already be in violation of it and that they may need to upgrade the road to avoid a citation and/or pay damages done to Fire Trucks. He added the last fire truck cost \$592,000. The lighting system alone on it is \$8,000. There are 3 radio antennae on top of the truck to maintain communications with Brown County, 911, etc. There are a lot of important, expensive equipment (ladders, etc.) on the sides and top of the equipment (trucks).

Debbie Mercier speculated that if someone wants to build along a private road, but they can't meet the

requirements in this new ordinance, it's going to potentially hold up their permit and could force the private road owner to do something to rectify the situation.

Town Clerk Debbie Mercier questioned adoption of this proposal as only an "approved requirement from the Fire Department?". She stated the Town would need to have it as an ordinance. They can't have the choice to abide by it or not. It would need to be an ordinance in order to enforce the requirements and take action if there is violation.

Gary Jonet stated if it's a "recommendation" it would be given out to people. The ordinance could be put in at a later date.

Dawn Goodman interjected that the other two Towns had already passed the material as ordinances.

Ryan DeBroux stated that was true and that "they really want to keep it consistent within all three towns".

Debbie Mercier stated "It's a safety ordinance for the fire department, I get that. But there are driveway requirements with specific measurements. We're saying every driveway and private access drive have to follow these. That would have to be amended in all the Zoning Ordinance. In addition, you will have this required fire safety ordinance. How can you have this for fire safety and not have a zoning ordinance? You would have no ground to stand on for compliance.

All agreed.

Gary Jonet interjected, "But this is going to be impossible to enforce in some areas. The roads are private but the slot (the driveway) is not.

Brad DeChamps stated it was about the height, width and surface.

Debbie Mercier noted that the Town of Green Bay has the most issues with this due to the amount of private roads/driveways.

Debbie Mercier stated it *has* to be a new ordinance in order to complete this process.

A number of past situations in the Town were discussed.

Ryan DeBroux stated that the trucks currently have been damaged and have been stuck. That is why they are making these requirements now. Turnaround space is especially important due to the size of the trucks.

Jason Miller speculated what's to keep someone from just going for a zoning variance if they can't meet the requirements?

Dawn Goodman stated that allowing someone to get a variance on it should be discouraged because it lessens the credibility of the ordinances. She stated she and Town Clerk Debbie Mercier just attended additional training for Zoning Boards (2/13/19), conducted by the Center for Land Use Education and that variances are strongly discouraged and have very strict criteria that must be applied. Debbie Mercier stated "They highly recommend appeals not to be a process where you go to get what you want. It has to meet very specific guidelines (*they can only be granted if all 3 statutory tests are met: 1. Unnecessary hardship; 2. due to conditions unique to the property and; 3. no harm to public interests.*).

The Planning Commission reviewed the current zoning and there is nothing that specifically addresses driveway specs like this new proposal before the PC now.

Dawn Goodman questioned if someone were to re-design their driveway for some reason, would they need to follow the new ordinance. There was speculation that it might be grandfathered in.

Dawn Goodman suggested it could be added as an Addendum (entitled Addendum B) to the “*Chapter 10 Ordinance Authorizing Fire Chief to Make and Enforce Lawful Orders, Establish Emergency Fee Schedule, Collect and Disburse Emergency Fees, and Obtain Special Inspection Warrants*”. She reminded the PC that it had approved an Addendum A in 2013 for a Fee Schedule which was similar in nature to this current proposal.

But Debbie Mercier stated that it still has to be added to the Zoning Ordinance. What good will it be to just add it to the back of our Fire department regulations if no one knows about it? If it’s not in our Ordinances I don’t think it will even stand up.”

Dawn Goodman agreed.

Jason Miller stated that some of the trouble with the situation involves the wording and so much of this is about the Private roads situation.

Debbie Mercier stated that a lot of the pre-existing situations are going to be grandfathered in anyway. The Fire Department would still have the right, if we have this, to charge for it. Ryan DeBroux agreed and stated “but we may or may not get paid for it”.

All agreed at least this (new proposal) would help in the matter.

Jason stated, “So a person building would have to sign the statement acknowledging they are aware of the rules and if something happens they may need to pay for damages.”

Debbie Mercier interjected: “I get that...the only thing is, we have *requirements* for something zoning”.

Ryan DeBroux and Brad DeChamps reviewed the specs. Could some be more personalized for our town? There was discussion if that would be appropriate since all 3 towns want consistent rules.

Dawn Goodman asked if there are smaller trucks available for the tight situations. Ryan stated that is not an option.

Dawn Goodman and Debbie Mercier speculated again where the other 2 towns put the new regulations and if the Addendum method was the best way to address this with future changes to the zoning to add driveway specs. Dawn Goodman suggested the Town’s attorney look it over before passing it. She suggested it’s better to do it correct initially than to have to pay for the lawyer to have to defend it.

Brad DeChamps asked if maybe it should be tabled until we find out from the other towns how they addressed it.

Debbie Mercier stated she did talk to the Town of Scott and they told her that it went through their Planning Commission already.

Ryan DeBroux stated that the Town of Scott had been working on it for quite some time and had the lawyer look it over. His thought is that they may have already added driveway specs in addition to this new policy. It was already reviewed and done by their attorney for the fire department. The thought is that way we don’t have to do it all over again each time.

Gary Jonet stated it would need to be added to be added to *each* zone.

Jason suggested that if another fire department comes into our town to assist on a call and is damaged, they will want to have that in place so they can be reimbursed.

Debbie Mercier looked over the wording and suggested it be called “Driveway Recommendations” and hand it out when anyone new comes to build. We’re not requiring it...but we’re highly recommending it. Then it can go in the back of Chapter 10 as an addendum.”

All agreed that would be a possibility.

But Ryan DeBroux brought up the possibility of a situation where they go down a road/driveway and there is a branch that is just too big to allow the truck through. What then?

Debbie Mercier stated that the Town could mail out this new “Recommendation” to all the pre-existing situations and that would in essence tell them all that they’d better take care of the situation or they will be charged.

Jason stated he wants to know how the Towns of Scott and Humboldt handled this. Because I could see that if we do not do it the same, they may bill our Town in the event that most of their damages take place in our town and/or because homeowners refuse to pay damages because they were only recommendations and not required. Then our Town is stuck with higher taxes.

Debbie agreed. It’s sort of full circle.

Ryan DeBroux stated he’d like us to send this forward as “*Requirements* for the new” and he’d like us to send another through as Recommendations for all pre-existing.

Brad DeChamps stated a lot of people now watch the minutes. He also stated that he’d like to save the money that would be spent on mailing notices to all and instead have it on the town’s website.

Jason stated that he feels it’s important we be consistent with the other two towns because it will cause issues eventually if we do not have something in place along with them.

Gary Jonet stated he agreed and wants to see where they address it and put it in their regulations.

Dawn Goodman asked Debbie Mercier if it was already online. She said she looked already and could not find anything.

Debbie stated she had already talked at length with John and it has been going on for over 2 years.

It was agreed to table the matter until town clerk Debbie Mercier speaks more with the Town of Scott and Town of Humboldt to see how they are implementing the policy.

Date & Time of Next Planning Commission Meeting were set: Tuesday March 19, 2019 **earlier than usual, at 6pm**, before the rescheduled Town meeting at 7 pm.

Motion to Adjourn Made by: Jason Miller. Gary Jonet **2nded. AYES: 5 NAYS: 0. Motion Carried.**
Adjournment time: 8:15 pm.

Planning Commission Chairperson

Planning Commission Secretary