

## TOWN OF GREEN BAY PLANNING COMMISSION MINUTES

**DATE:** 3/19/19 **TIME:** 6:01 p.m.

**PRESENT:** Dawn Goodman, Gary Jonet, John Metzler, Jason Miller; Brad DeChamps, Dylan Mercier.

**ABSENT:** Mike Gilson (on vacation),

**OTHERS PRESENT:** Town Clerk Debbie Mercier; Supervisor Ryan DeBroux; Supervisor Cary Dequaine, Chris Kellers, Debbie Mercier, John S. Baudhuin, Connor Christopherson, Bobbie Joe Mulder, Sister Nancy Langlois.

**APPROVAL OF LAST MEETING'S MINUTES (6:01-6:03) :** John Metzler opened the meeting and asked if the meeting notice was properly posted in 3 places. Dawn Goodman confirmed it was. The 2/19/19 meeting minutes were reviewed. **MOTION MADE BY:** Jason Miller to accept the minutes as presented. **MOTION 2NDED BY:** Gary Jonet **AYES:** 6 **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. (6:03-6:06).** No one appeared for this matter. Gary Jonet stated it was his understanding (via a phone call from them) that they were out of town until 4/27/19. Tabled until May when they are back in town.

### **ISSUE #2: CSM for the Wally Dufek Estate involving GB-202 and part of GB-201. (6:07-6:12pm)**

John S. Boudhuin, the surveyor for Brian Frisque Surveys, appeared with the Plat of Survey and the Preliminary CSM. He handed out copies. Their intention is to...they own two 40 acre plots (the back one is along Church Road). They want to create a 100 foot-wide strip for an access to the back 40, so they'll have a remainder out front of almost 36 acres. They want to sell them separately. He stressed that this would be a "Preliminary" approval because there is a rush on the owner's part to get this through. They are in the process of doing a "Wetland Determination" with the County on the south 40. It was noted that it is low. He pointed out on the map that there is a "swale" and they have set-backs on it. He stated the initial info they had give the PC to review was a "Plat Survey" and then they were told they will need to do a Certified Survey, which kicks in the County's requirement of an environmental involvement doing the Wetland Determination. The wetlands are too difficult to do now with snow and frost because they need to see the vegetation for it. The County rep, Dan Teeters, wants them to do a determination just north of the swale. He is working with a Soil Scientist out of Sturgeon Bay, who has a guy from Green Bay. If it's determined there are wetlands, then they will have to do a Delineation, which would involve finding out where the wetlands are.

John Metzler was examining the map and questioned the surveyor further. The surveyor stated it was taken off the County website...he called it a "DNR Wetland Inventory". He stated if there are no wetlands north of that swale, then the County will accept the DNR Wetland Inventory map. But they are concerned if there are any north of the swale.

John Metzler stated it was his understanding that there are crops there every year, so maybe it is not.

The Surveyor stated he believes farmers know their land best, but that they still need to do the determination.

He understands the Planning cannot give their approval on this yet because there is no definite answer. He stated he can bring the map back accordingly, based on whichever finding they have—wetland or no wetland.

Dawn Goodman stated it did not seem appropriate to approve it because there are too many undetermined items.

Gary Jonet stated it could be approved pending the outcome of the study (the Determination), if there are no changes. If there *are* changes, then there would need to be a revised map presented again. The Surveyor stated then there would be a new map showing the wetlands.

Gary asked Town Clerk Debbie Mercier for input. She stated, "It can be approved, on the condition that it is approved by the County contingent upon the final determination of the wetland location."

The surveyor's assistant then stated that is actually stated on the final page of the documentation they submitted to the PC: "*Wetlands are subject to change based on a wetland Determination*". There is also a "Caveat" which has similar precautionary verbiage.

Surveyor stated he will let Gary Jonet know as soon as he knows the outcome of the Wetland Determination. He is hoping to have it ready for 4/9/19. He will need to bring what the determination is. The Town Board will do a decision accordingly.

Debbie Mercier verified with him that he would bring the new map for the Town Meeting in April.

Surveyor questioned what if there is a Wetland Determination, would he need to come back to the PC?

Debbie Mercier stated that if it *is* Wetland, the Town would still do it. "Actually the Town Board will look at the wetlands and layout". The surveyor stated "unless the lines change." Debbie agreed that in that case they would need to return to the PC.

**MOTION MADE BY:** Gary Jonet to **Recommend** to the Town Board: **Approval of the Preliminary CSM for the Wally Dufek Estate involving GB-202 and part of GB-201, based on the Wetland Determination.**

**MOTION 2NDED BY:** Jason Miller.

**AYES:** 6

**NAYS:** 0 **MOTION CARRIED.**

**Issue #3: Continuation of work on Ordinance Establishing Driveway Requirements for Emergency Services (6:13-6:40pm).**

John Metzler asked Town Clerk Debbie Mercier what she found out from Humboldt and Scott. Debbie Mercier stated that they put it behind their Fire Ordinance so that the Fire Department could proceed with it. She added that Scott stated they will then follow up with adding it to their ordinances to place them properly within the ordinances. Debbie handed out the newly drafted document entitled: "Town of Green Bay: An Ordinance Establishing Driveway Requirements For Emergency Services".

Dawn Goodman questioned where it would go in the Town's book. Debbie said it will go behind the last documents in "*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 Warrant*").

Debbie cautioned that the PC would have to put the driveway standards in the book as soon as they are able, going along with the Update to the Zoning Book.

Gary Jonet stated it would need to be added in every district.

Dawn Goodman speculated if it would need to be a Zoning Amendment, with a number issued. She also

questioned if it could be put in the General Provisions area of the book.

Debbie Mercier stated she wants to seek out recommendation from the Town's Attorney, who will be working with her on that.

John Metzler asked what the timeline would be on updating the zoning.

Debbie Mercier said the "Farmland Preservation update must be done by the end of 2020". Dawn Goodman interjected that the County will need to do some work on it for us with meta data, GPS data, etc. The sooner we do it the better.

Debbie Mercier stated the Ordinances also still have to be updated with an attorney. She will bring it up with the Town Board.

Debbie Mercier stated the PC also has to do the Amendments to the Ordinance regarding the Overlay District first and foremost. She recommended doing a Public Hearing on the Driveway Ordinance in conjunction with those Amendments at the same time. Do it first. That way they will know if there are any legal corrections that need to be made.

Brad DeChamps questioned if someone comes for a Building Permit, they will receive the new driveway requirements? All agreed yes.

Debbie Mercier stated, "The fire department needs this done in order to charge. But I don't see any fees here."

Ryan DeBroux stated it would not be a penalty. It would be based on the cost of damage done to the fire equipment. It's not a set fee because each time there would be different charge depending on what happens. It would be sent to the resident's insurance.

Debbie Mercier asked, "So if something happens, and we only have this in our zoning behind the fire department information, and it's still not in our ordinances, on a grand-fathered in, pre-existing property, you could still charge for damages?"

Ryan DeBroux stated they would try to get reimbursed through the resident's insurance. They are going to send it out to all of the residents and if they do not follow the advisory and the truck gets wrecked, they will be approached for reimbursement.

Jason Miller questioned, "So even having it in the book like we are going to do, until we have it in our ordinance, is it enforceable?"

Gary Jonet stated that even handing the information out with each new building permit will not make it so.

Dawn Goodman questioned again if a Zoning Amendment number needed to be established at this time.

Debbie Mercier stated it would not. It's similar to what we added back in January about charging fees for non residents.

Dawn asked what the PC should do to proceed.

There was discussion about who had the authority to change the Ordinance book (adding chapters, amendments)? Debbie Mercier asked to refer to the Plan commission Handbook. No one present had that book with them. Gary Jonet later stated the answer could be in State of WI section 62.23. Debbie Mercier looked it

up in the latest State book she had while Dylan Mercier tried to find it online. Neither could not find a definite answer. Due to a pending Town meeting, it was agreed that would be referenced for the next meeting.

The PC again questioned Debbie Mercier if there needs to be a Public Hearing for this Driveway Recommendation matter.

She stated “There does not need to be a Public Hearing. The Town Board adopts it and it does not become legal until I post it.

Dawn Goodman stated “So then the PC needs to start working right away on adding the Driveway specifications.

Debbie Mercier stated “I think you can start working on that.”

Dawn again questioned if perhaps putting it in the General Provisions would cover all the bases. Debbie Mercier suggested checking what the Town of Scott is doing because they said they have Driveway standards already and that it could help to check other Town’s ordinances. Gary questioned if it was in each zone. Debbie stated it might not because they had said “the Ordinance” would be updated.

Matt Bosman asked if Gary wanted some wording to hand out with the new advisory. After some discussion, Gary stated he will hand out what the advisory is for now.

**MOTION MADE BY:** Jason Miller to **Recommend** to the Town Board: **Approval** of the “*Town of Green Bay: An Ordinance Establishing Driveway Requirements For Emergency Services*” be added to the end of “*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 Warrant.*”

**MOTION 2NDED BY:** Jason Miller.

**AYES:** 6

**NAYS:** 0 **MOTION CARRIED.**

Debbie Mercier stated the PC should start work on it as soon as possible. Dawn Goodman stated she would add it to the PC’s agenda for April.

**Old Business:** None at this time.

**Any Other Business as authorized by law.**

**Date & Time of Next Planning Commission Meeting were set:** Tuesday April 16, 2019 at 7 pm.

**Motion to Adjourn Made by:** Jason Miller. Dylan Mercier **2nded.** **AYES: 6 NAYS: 0. Motion Carried.**  
**Adjournment time:** 6:43 pm.

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**Planning Commission Chairperson**

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**Planning Commission Secretary**