

**Town of Winchester**  
8522 Park Way, Larsen, WI 54947  
**Land Use Planning Commission**  
**Minutes**  
September 12, 2017

A. CALL TO ORDER and PLEDGE OF ALLIGIENCE

B. ROLL CALL

Present were Ben Joas, Dave Pavlik, Andy Miller, Mark Severson, Rob Nelson, and Holly Stevens, Clerk. Isaiah Tate and Randy Strohmeyer were absent.

Also present were 11 community members.

C. APPROVAL OF MINUTES

August 8, 2017 Public Hearing Meeting Minutes were presented by the Clerk.

**MOTION:**

Commissioner Miller made a motion to approve the Minutes as presented.

Second by Commissioner Pavlik

Motion carried by unanimous voice vote

August 8, 2017 Plan Commission Meeting Minutes were presented by the Clerk.

**MOTION:**

Commissioner Pavlik made a motion to approve the Minutes as presented.

Second by Commissioner Nelson

Motion carried by unanimous voice vote

D. PUBLIC COMMENT—NONE

E. OLD BUSINESS—NONE

F. NEW BUSINESS

**SOME OF THE BUSINESS ITEMS WERE TAKEN OUT OF ORDER.**

1. Brian Hietpas—Representative: Jim Sehloff, Davel Engineering  
Tax Parcels: 028-0855-09, 032-0730-01, 032-0730-11      Zoning: R-2 (Shoreland)  
Site Address: Richter Lane, Larsen, WI 54947

Certified Survey Map (CSM) Review—2 Lot CSM

Jim Sehloff, Davel Engineering, explained the CSM was before the Plan Commission about a year ago at which time the Commission recommended going to the County. The owners have worked with the County and the DNR to complete a wetland delineation and other requirements. The purpose of the CSM is to create an outlot allowing for a driveway and turn-around by filling approximately 125 square feet of wetlands which has been engineered to minimize the area as much as possible. The CSM, as presented, now makes a non-conforming property, conforming.

**MOTION:**

Commissioner Nelson made a motion to recommend approval of the CSM to the Town Board.

Second by Commissioner Miller

Motion carried by unanimous voice vote

2. Neil and Roger Pergande—Representative: Craig Keach, Meridian  
Tax Parcels: 028-0214, 028-0215, 028-0216, 028-0211, 028-0206      Zoning: A-2 (Shoreland)  
7250 County Road II, Larsen, WI 54947

CSM Review—2 Lot CSM

Craig Keach, Meridian Surveying LLC, presented the CSM explaining Lot 1 is a Wetland Preserve per a previously recorded document. The CSM creates an easement for access to Lot 1. He also explained that due to the restrictions for a Wetland Preserve, permanent structures of any kind are not permitted. Additional restrictions also apply.

**MOTION:**

Commissioner Miller made a motion to recommend approval of the CSM to the Town Board

Second by Commissioner Nelson

Motion carried by unanimous voice vote

3. Robert Nelson—Representative: Lawrence Kriescher

Tax Parcel: 028-0675                      Zoning: A-2  
5081 County Road II, Larsen, WI 54947

CSM Review—2 Lot CSM

Larry Kriescher, Surveyor, stated the CSM creates a land division allowing for possible sale of the 24 acre lot.

**MOTION:**

Commissioner Pavlik made a motion to recommend approval of the CSM to the Town Board

Second by Commissioner Miller

Motion carried by a voice vote of 4-0-1 with Commissioner Nelson abstaining

4. RD Storage, Owner Rob Davis LLC—Representative: Matt Appel, AEC  
Tax Parcel 028-0430-04      Zoning: I-1 (Parcel Partially Shoreland—Project outside Shoreland)  
8679 Bison Road, Larsen, WI 54947

Site Plan Review

Bob Poch, Keller, presented the Site Plan explaining the addition of two buildings, a 50' x 105' and 45' x 134' constructed using finish materials to match the existing structures, and no additional signage. He also noted the owner intends to add a light pole to provide sufficient lighting.

Chair Joas noted the site plan does not include any landscaping. Mr. Poch explained the site use does not lend itself to landscaping due to access and security requirements and, as a result, the owner does not intend to install landscaping features.

Commissioner Severson stated he understands that the more open the buildings are, the more secure they are, but he is looking for something to give the property more appeal.

Rob Davis, owner, noted he intends to develop the lighting and will be putting cameras up for security. He feels landscaping would obstruct the lines of site.

Commissioner Pavlik noted that the north and south ends of the property could support some landscaping without impeding security. Mr. Poch noted there is scrub brush on the south end by the pond which provides some visual screening. Mr. Davis also noted that he has a local contractor who maintains the site, keeping it mowed and groomed regularly.

**MOTION:**

Commissioner Severson made a motion to approve the site plan as presented.

Second by Commissioner Miller

Motion carried by unanimous voice vote.

5. Definition of Terms—"Site Preparation"

The Commissioners discussed the recent issues which have arisen due to the different interpretations of "Site Preparation." Chair Joas read a definition for the Commission to consider for clarification purposes. The definition he presented is as follows:

Site Preparation includes any earth moving, excavating, grading or landscaping activities, clearing or razing of any other structures on the site, the laying of any base or foundation for a structure, and removal of vegetation from the site.

The Commission discussed the application of the definition in residential, business/commercial, and industrial areas. Their determination was that parts of the definition seem too restrictive under certain circumstances, while reasonable in others.

Subject was postponed to the next Plan Commission meeting for further consideration and discussion.

**NO ACTION WAS TAKEN**

6. Permitting and Inspections Process Review

Commissioner Pavlik stated he feels the Commission should develop a pamphlet which clearly defines the procedure for "building in Winchester," noting that the process is not concisely explained anywhere.

Clerk Stevens agreed, stating that once a building permit is issued, the building and inspection process is generally understood and the expectations for construction are defined by the Uniform Dwelling Code (UDC), but the preliminary process is not clearly defined at the Town level.

Commissioner Severson stated that no matter how clearly the process is defined, if not enforced, it is meaningless. He commented that the process is already defined, but also allows for some latitude when necessary. His concern is that if something does not follow the procedure as the Commission writes it, is the Commission opening itself to objections. If the process isn't "written down," it cannot be objected to if it is not in writing.

Clerk Stevens explained that the confusion which people have expressed to her is more in regard to what needs to be done/provided in order for the Town to issue a Zoning Permit, and thus a building permit. She noted there are also other permit requirements at the County level, often including but not limited to Erosion Control and Sanitary Permits. The confusion is in what is needed from the owners and/or builders.

Commissioner Severson stated the Commission should create a simple fact list or checklist to inform people of the basic requirements.

The Commission requested Clerk Stevens develop a draft of a “What to Do Fact List” for their review at the next meeting.

#### 7. Impact Fees

Chair Joas asked if the Commission has given thought to the Impact Fees for the Town, in regard to how much should be charged and/or how the fees should be used. Commissioner Nelson asked when the last time the fee was reviewed. Clerk Stevens clarified that the Capital Improvement Fee of \$500 was newly adopted in 2016. She referenced the Building Permit Report she had provided to the Commission, noting in 2017, the Capital Improvement Fee has generated \$3,500 of revenue for the Town.

Chair Joas noted that in order to charge “Impact Fees,” a needs study must be completed and the fee(s) must be adopted through the Ordinance process. He noted the Commission should be careful not to recommend charging “Impact Fees” without the proper protocol. It would be better to define the Town’s Capital Improvement Plan and what the estimated costs will be, how that would be affected by new construction and what should be charged, as well as the impact of commercial development and what should be charged. He noted the types of Capital Improvements which the fees could be used for, including improvements and/or additions to the Municipal building, park improvements, trails, physical improvements to roadways, etc.

Chair Joas noted the Commission may want to maintain the current Capital Improvement Fee and just more clearly define how the fee is being used. For example, out of a \$500 fee, \$200 may go to roads, \$200 to Parks, and \$100 to the Municipal Building. Commissioner Pavlik stated he feels the amount of \$500 is appropriate, but he does not want to see if restricted the way Chair Joas suggested. He would rather be able to use the fee with more flexibility as long as it is utilized for the “permanent” capital improvements defining the improvements but not defining the amount per category.

Clerk Stevens asked what the Commission would determine as the categories. The Commission determined the main three categories would include, but not limited to Parks, Fire Department, Municipal Buildings and Grounds.

Chair Joas noted he would contact Jeff Sanders, Community Planning and Development, and Town consultant to make sure this is acceptable.

#### 8. Winnebago County Planning/Zoning Department—Jurisdictional Clarification

Cary Rowe, Winnebago County Zoning Department, was present to clarify Shoreland Zoning jurisdiction. He explained that there has been recent legislation which was supposed to clarify the issue, but has instead done the opposite, creating confusion for many. He explained that Counties have full jurisdiction over any property classified as shoreland, including building, building location, and land use. The County applies the County Zoning Code in its entirety for any shoreland properties, and Towns cannot enforce their ordinances that include any “matters” which are addressed by the County code. If there are issues which are not addressed by the County but are addressed by Town Ordinances, then the Town would be able to enforce those issues. Otherwise the Town has no jurisdictional authority in shoreland areas.

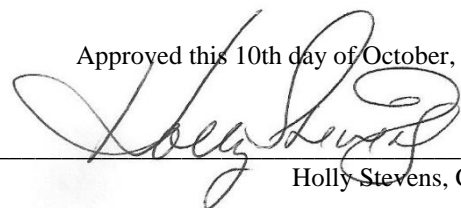
#### G. NEXT MEETING AND AGENDA ITEMS

The next Plan Commission meeting will be held on Tuesday, October 10, 2017 at 6:30 p.m. Agenda items to include “Site Preparation” definition, Capital Improvement Fee definition, Guidelines for permitting process, and any other business which may arise.

#### H. ADJOURNMENT

Commissioner Nelson made a motion to adjourn at 8:00 p.m.  
Second by Commissioner Miller  
Motion carried by unanimous voice vote

Approved this 10th day of October, 2017



Holly Stevens, Clerk