

MINUTES of the
Town of Cross Plains Plan Commission Meeting

8:00 P.M.

February 6, 2016

PRESENT

Plan Commission: Wayne Parrell, Greg Hyer, Tom Rhude, Sherry Krantz, Mike Coyle

Staff: Mary Scott (PC Secretary/ Deputy Clerk)

20 Interested Citizens

Board member: Greg Haack

Call to Order: Parrell called the meeting to order at 8:00 pm.

Approve Minutes: Sherry Krantz moved to approve the December 5th minutes. Coyle seconded the motion. The motion was passed unanimously. Sherry Krantz moved to approve the January 2nd minutes. Coyle seconded. The motion passed unanimously.

Public Comments: none.

Discussion/Action: Mike Larson appeared to present information zoning for his property located at 3745 County Hwy P. Dane County indicated only A2-1 zoning would accommodate the addition of an accessory building of his preferred size. The Commission must determine if the Town's Land Use Plan would permit A2-1 rezoning. There was a question from a citizen as to what Larson will do to reroute water runoff. This citizen is familiar with the property and is concerned by the significant water runoff and flooding that exists already plus the additional runoff that would be created by the addition of a sizeable roof line proposed by the installation of the accessory building. This citizen wants Larson's assurance that the runoff will not get worse with rain running off the roof of the large accessory building affecting any of the adjacent properties, as has been the history. Larson is stating that he has no plan to reroute or divert the water runoff but that he will build the accessory building with consideration of the additional runoff this larger structure would create for the surrounding properties. The building Larson is proposing is 90' by 50' by 25' with a wall height of around 15ft for 1 acre parcel. He intends to store his personal recreational equipment in the shed and some storage for his private business, if permissible. Commission members had some questions whether or not the requested zoning is consistent with the Town's Land Use Plan. The Commission is also concerned about the runoff. Larson assures that current building code does not allow a property to shed water on the adjacent properties. The Commission is uncertain about the scale and size of the building for the size of the lot even if permitted under A2-1. Rhude stated that he is not comfortable with changing the Land Use Plan to fit Larson's request to allow the building under A2 without further review from the Planning Commission before it goes to the board.

Rhude motioned to table the application until the March 6th meeting. Sherry Krantz seconded the motion. The motion passed unanimously.

Update/Discussion: Karl Dettmann appeared to update and discuss the County's revocations of the prior approvals of his building permits. Dettmann resubmitted a plan after the County's rejection of his initial because the County determined it was not consistent with the Town Plan or existing zoning. The County did approve a resubmitted plan they believed was consistent with existing zoning. The Town Commission were not informed of the Counties approval, but some citizens and Town Commission and Board members have seen recent construction. The County inspected the site during this construction and has determined that the construction is not consistent with the plans the County just approved based on the size of the foundation footings that appear at the site now. The County revoked the permit. Dettmann will need to argue the most recent revocation with the County at the Board adjustments in March. Dettmann appeared to discuss his frustration with the lengthy and costly process to continue with his business plan, as well as the scrutiny he is feeling. Also, Dettmann is requesting to go on record in the Town's minutes that he has not done anything illegal and that he has not been non-compliant with the plan submitted to the County. Dettmann wants to pursue his plan to erect a barn that fits with his personal design tastes that he feels is more aesthetic than a typical outbuilding. He maintains that if he were to engage in a business that was not approved, he would be fined. Despite this, Dettmann maintains that the footings and foundation walls that were consistent with County approvals. He maintains that he is experiencing financial losses to build, then remove construction in order to avoid fines. Hyer suggested that the scrutiny that Dettmann is suggesting may be due to a belief in the Town and County that his proposal is not consistent with the Town Land Use Plan and zoning based on both his statements in meetings and his actual construction activity.

Update/Discussion: The Commission is discussing the County's actions concerning non-conforming mineral extraction sites. The discussion is as to whether it would be advantageous to create a board that with hear this topic versus having the whole County Board hearing related topics. The Commission determined, based on the wording of the "Action Report" received, that a vote is not necessary for the Commission, only how the Commission weighs in on the topic. The Planning Commission discussed the ordinance amendment and had no objections to the change. We did not approve the amendment by votes, as we had only listed the agenda topic as "discussion" in the meeting agenda.

Public Comment for Discussion:

Ken Schulenburg appeared to discuss the possible purchase of a parcel off Hwy P. He wants to know how much of his landscaping business can be kept on the parcel which is currently zoned

RH-3. Parrell discussed that because this would be a limited family business, RH-1 should be appropriate for this application. Schulenburg would not be building any new building. He is just using the existing structure. He would be living on the property. Schulenburg explained that there are landscaping and tree service businesses in the area that will work from the homestead property. Hyer explained that the Commission will review the question and determine if a rezone is necessary. The Commission will research this so that Schulenburg can apply with the County and the Town with a correct zoning.

The Town received notice from a quarry located in the Town on West Mineral Point Rd. of the intent to re-open the quarry for mining. This property is currently a grandfathered quarry that was registered prior to 1969. This means that the quarry can be activated again from dormancy. The County had previously suggested that those dormant quarries would lose this grandfather privilege if not active for one year, but ultimately it did not change the current ordinance. Yahara Materials wants to reactivate this quarry. This requires a Reclamation Plan. The Town has until tomorrow to respond to the request with any objections. The Townspeople will have more time to attend a public hearing and give input if a resident adjacent to the quarry asks for a hearing. Some citizens wanted to know if the business will be responsible for groundwater quality and clean-up and berm installation. Citizens identified that this property hosted a dump sometime in the 1970's and are concerned as to what environmental impact would be created with the mining and blasting, introducing contamination into the groundwater. In addition to this, citizens are concerned that the road provides no access for the trucks coming in and out of the property on this very narrow, single-lane road at that particular juncture. Citizens discussed the other potentially dangerous aspects of this road which is already unsafe for larger vehicles. Additionally, they are concerned about the noise, dust, water contamination, and depreciation in property values. Citizens further cited that the landscape has changed around this site during the 30 plus years that have passed since this site was last active. New homesteads have been added and parcels have been split to accommodate an increased population. This site is no longer remote to private land owners and homes. The citizens are concerned for the damage the blasting may cause to house foundations and well structures. They questioned what reparations and water testing that the company would be responsible for. Hyer has been familiar with other companies doing frequent water quality testing and videoing of structures prior to blasting in order to resolve and damage claims. The citizens appearing want to know how they can stop the reclamation. Hyer discussed that the grandfathered makes it difficult to object to reopening the quarry. However, all the concerns of the public may be raised by Hyer in his letter to the County prior to the public hearing that the public must request. A citizen clarified that filing a reclamation plan does not necessarily mean that the business is planning to be operational. The intentions of Yahara Materials will need to be researched. A citizen questioned whether the presence of the Town's dump during the dormancy period would open the Town up to liability for the clean-up of this old dump site. Haack informed that Yahara Materials has currently been boring. It indicates to him that this business is probably serious about re-establishing mining at this site. A citizen questioned as to how much this business will be taxed to cover wear and tear on the road and the necessary road improvements that will be necessary. Hyer explained that this company can be differentially assessed with special

assessments, but that this may not generate all the necessary funds alone. A citizen questioned as to whether the citizens were entitled to be informed of the quarry and the dump site prior to their purchase.

There being no further public comment, Rhude motioned to adjourn and Sherry Krantz seconded the motion. The motion passed unanimously. The meeting adjourned at 11:10 pm.

Action Items

Wayne Parrell (Acting Chair) and Secretary: Deadline for the March agenda is February 24, 2016.

Submitted on February 6, 2016 Mary Scott, TCP-PC Secretary/Deputy Clerk