



TOWN OF CLAYTON

Meeting of the Town Plan Commission
 Meeting Minutes
 Wednesday, February 10, 2010
 7:00 p.m. – 8:23 p.m.

I. Call to Order

Meeting called to order at 7:00 p.m. by Chairperson Knapinski.
 Present: Chairperson Knapinski, Commissioners Brucks, Geise, Hamblin, Haskell, and VanAirdale.
 Excused Absent: Commissioner Adler
 Staff Present: Town Administrator Johnston, Deputy Clerk/Treasurer Weichart, Town Engineer Schultz

Meeting was properly posted; three locations in the Town.

II. Approval of Minutes

- Regular Plan Commission – January 13, 2010
Motion by: Hamblin, Seconded by: Haskell
 Motion to approve the minutes of the January 13, 2010 Plan Commission Meeting as presented, with the exception to a comma being added to Item B before the last “and” within the motion.
 Motion carried by voice vote.

III. Open Forum – Non-Agendized Town-related Matters

- Please complete “Request to Speak at Meeting” form located on the agenda table and give to the Town Clerk/Treasurer. Non-Agendized Town-Related Matters: Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present matters; however, limited discussion may occur but no action may be taken until specific notice of the subject matter of the proposed action can be given.
- Carol Keberlein (3237 Fondotto Drive) spoke on hunting issues on Fondotto Drive.

IV. Correspondence

- Winnebago County Zoning Department (received 1/21/2010) – Sign Violation Status, Mr. Jason Towne, Rodeo Bar, 2788 Towne Ct., Neenah, WI

V. Business Items

- A. Rezoning – Kay Lettau for the Lettau Family Trust, 3713 County Road II, Larsen (Tax Key 006-0557 and Tax Key 006-0560), from A-2 (General Agriculture) to A-1 (Exclusive Agriculture).

Staff comments:

- The property consist of approximately 96.5 acres and is currently zoned A-2 (GENERAL FARMING DISTRICT) and the owner has petitioned the Town and the County to re-zone it to A-1 (AGRI-BUSINESS DISTRICT). The reason for the re-zoning petition is to be able to participate in the State’s farmland preservation programs. It is the stated intent of the petitioner to farm the property for the foreseeable future and the A-1 (AGRI-BUSINESS DISTRICT) zoning provides the property owner with the widest option for participation in State Farming Programs. The property does meet the County’s A-1 (AGRI-BUSINESS DISTRICT) requirements.
- The property is currently Zoned A-2 (GENERAL FARMING DISTRICT).
- The property is in the Neenah School District.
- The property is in the Department of Natural Resources Special Well Casing area.
- The property is not in the County’s Floodplain Zoning Area.
- The property is not in the County’s Wetland Identifier.
- The property is subject to County Shoreland Jurisdiction Zoning.
- Navigable streams are intermittently identified on the property.
- The site has a single access point (driveway) to County Road II.
- The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the Town’s adopted Land Use Plan.
- The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the County’s Farmland Preservation Map.

- 12. The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the extant land use patterns in the area.

The staff recommends approval of the proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) subject to the following condition:

- 1. Documentation of the approval of the proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) by any overlying unit of government with jurisdiction.

Motion by: Geise, Seconded by: Hamblin

Motion to approve Resolution 2010-001 for Kay Lettau’s re-zoning of the Lettau Family Trust, 3713 County Road II, Larsen (Tax Key 006-0557 and Tax Key 006-0560), from A-2 (General Agriculture) to A-1 (Exclusive Agriculture), along with staff recommendations, and to forward to the Town Board for consideration.

Carried by voice vote.

- B. Rezoning – Bruce Bondow, 3918 County Road II, Larsen (Tax Key 006-0442 and Tax Key 006-0446), from A-2 (General Agriculture) to A-1 (Exclusive Agriculture).

Staff comments:

- 1. The property consist of approximately 79 acres and is currently zoned A-2 (GENERAL FARMING DISTRICT) and the owner has petitioned the Town and the County to re-zone it to A-1 (AGRI-BUSINESS DISTRICT). The reason for the re-zoning petition is to be able to participate in the State’s farmland preservation programs. It is the stated intent of the petitioner to farm the property for the foreseeable future and the A-1 (AGRI-BUSINESS DISTRICT) zoning provides the property owner with the widest option for participation in State Farming Programs. The property does meet the County’s A-1 (AGRI-BUSINESS DISTRICT) requirements.
- 2. The property is currently Zoned A-2 (GENERAL FARMING DISTRICT).
- 3. The property is in the Neenah School District.
- 4. The property is in the Department of Natural Resources Special Well Casing area.
- 5. The property is not in the County’s Floodplain Zoning Area.
- 6. The property is not in the County’s Wetland Identifier.
- 7. The property is subject to County Shoreland Jurisdiction Zoning.
- 8. Navigable streams are intermittently identified on the property.
- 9. The site has a single access point (driveway) to County Road II.
- 10. The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the Town’s adopted Land Use Plan.
- 11. The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the County’s Farmland Preservation Map.
- 12. The proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) is consistent with the extant land use patterns in the area.

Staff recommends approval of the proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) subject to the following condition:

- 1. Documentation of the approval of the proposed re-zoning from A-2 (GENERAL FARMING DISTRICT) to A-1 (AGRI-BUSINESS DISTRICT) by any overlying unit of government with jurisdiction.

Motion by: Geise, Seconded by: Haskell

Motion to approve Resolution 2010-002 for Bruce Bondow’s request to re-zone 3918 County Road II, Larsen (Tax Key 006-0442 and Tax Key 006-0446), from A-2 (General Agriculture) to A-1 (Exclusive Agriculture), along with staff recommendations, and to forward to the Town Board for consideration.

Carried by voice vote.

- C. Application by Ms. Holly Galassi, 29 Weatherstone Dr., Appleton, WI, for the extension of Darrow Road to the north in the existing dedicated road right-of-way (length = approximately 180 feet)

The Administration has met with Town staff and the Town’s Engineer to review the plans submitted for the project by the applicant’s Engineer, John R Davel, P.E. of Davel Engineering, Inc. The engineering for the project was completed using the Town’s Standard Road Specifications. The Administration’s review is based on the proposed revisions to those road specifications. Based on staff’s review the Administration would like to make the following recommendation to the Plan Commission and the Town Board:

- Item 1 – Length of Project** – The project as designed ends approximately 10-feet south of the north end of the Darrow Road right-of-way line. The recommendation is to extend the project to the north end of the right-of-way line. The recommendation is based on concerns with future development and the extension of Darrow Road to the north. Additionally, the Administration is recommending not installing a temporary cul-de-sac at the northern terminus of Darrow Road.
- Item 2 – Compacted Sub-grade** – The project as designed uses a 12-inch stone base with 6 inches of ¾-inch crusher run and 6 inches of 2 ½-inch breaker run. The recommendation is to use 4 inches of ¾-inch crusher run and 8 inches of 2 ½-inch breaker run with a mat of geotextile fabric under the 30+/- foot-wide and 180+/- foot-long street cross section. The recommendation is based on the wet soils in the area and the need for added strength in bridging the stream area.
- Item 3 – Proposed Road Grade** – The Administration would like more detail on the reasoning for the proposed Center Line Profile grades on the project.
- Item 4 – Project Culverts** – The project as designed does not show culvert end walls on the large culverts used to route the existing stream under the proposed road. The recommendation is to add end walls to these two culverts. The required end walls can be modified to fit in the design profile of the project. The recommendation is based on the desire to maintain the design flow capacity of the proposed culverts and the integrity of the culvert ends over time.
- Item 5 – Driveway Culvert** – The project as designed shows a 15-inch by 28-foot driveway culvert with end walls. The recommendation is to install a minimum of an 18-inch by 30-foot culvert with end walls. The recommendation is based on the Town’s existing driveway culvert policy.
- Item 6 – Compacted Asphalt Pavement** – The project as proposed uses a single lift of 2 ½-inch asphalt pavement. The recommendation is to use 3 ½ inches of asphalt pavement laid in two lifts. The recommendation is based on the need for durability in the Town’s Road and the pending revision of the Town’s Standard Road Policy.
- Item 7 – Construction Staking and Supervision** – The Town’s Policy has varied on this issue. The Administration is recommending that the applicant be allowed to bid the project using municipal law requirements and provide the Town with the results of the bidding process. The applicant, in consultation with the Town, would then award the project to the lowest bidder. The Town’s Engineer, using a Developer’s Agreement, would complete the construction staking and supervision along with any testing required. The Developer’s Agreement would include an Irrevocable Letter of Credit for the costs of the project and an escrow for the costs of construction staking and supervision. The attached documentation includes proposals for those services from the Town’s Engineer.

Holly Galassi provided the administration with the following information in the form of an e-mail that was presented to the Plan Commission:

I don’t want to disrupt what you’ve already agreed to (i.e. paving the road extension at the same time you pave Darrow Road, Murray Road, and Balfour Street) but I do want to get a better understanding of what voice I have in the bidding process and actual development of the road extension.

Technically I’ve been put at an unfair advantage:

- Partly because the previous owner failed to disclose the ditch was a navigable stream,
- Partly because Winnebago County Official Road Maps show Darrow Road already crosses the navigable stream.

- Partly because I'm being treated as a Developer and I'm just a private citizen.
- Partly because it appears I'm expected to cover the road costs through gravel stage in its entirety even though it will benefit the adjoining neighbor almost as much as it does my property.
- Partly because there's already a future plan to extend Darrow Road all the way to St. Peter's Drive.

To complicate matters more:

- I would have elected to put in a long driveway to access my property but the Town required Darrow Road be extended instead.
- A Developer would normally put the road in first, and then turn it over to the Town for maintenance.
- As a Developer if the access road were assessed back to the property owners it would have been shared evenly across each parcel.
- But in this case the Town already claimed ownership of the road right of way.
- That said it seems I'm actually being expected to foot the cost of putting in a public road extension.
- Plus under normal circumstances when City or Town improvements are made, such as curb & gutter, sidewalks, etc., property owners are usually assessed the fees on their tax bills over a period of time. I haven't even been offered that option.

Holly M. Galassi
 29 Weatherstone Drive
 Appleton, WI 54914

Discussion was had among Plan Commission members relative to above items, with input from members of the audience.

Motion to approve Ms. Holly Galassi's application, 29 Weatherstone Dr., Appleton, WI, for the extension of Darrow Road to the north in the existing dedicated road right-of-way (length = approximately 180 feet), along with staff comments and recommendations, and to forward to the Town Board for consideration.

Amendment to Motion:

Motion amended by: Knapinski, Seconded by: Geise

Motion to also have Town staff explore the option of a deferred special assessment and the possibility of a special assessment for the property on the east side.

Carried by voice vote.

Motion, including amendment:

Motion by: Hamblin, Seconded by: VanAirsdale

Carried by voice vote.

D Town of Clayton Draft Hunting Map Ordinance

Based on a number of requests the Board has asked the Plan Commission to review the issue and to make a recommendation relative to the subject of hunting within the Town of Clayton. Staff is often asked about hunting restrictions in the Town, these questions come from both Town residents and non-residents wishing to hunt in the Town. The Administration is of the opinion that a map clearly showing where hunting is allowed would provide staff with an excellent tool to answer questions asked by residents and non-residents alike who wish to hunt in the Town. The only change to the DNR rules that the Commission may wish to consider is an absolute ban on hunting within a subdivision.

Discussion was had among Plan Commission members relative to above subject, with input from members of the audience. The pertinent points of the discussion are reflected within the motion.

Motion to recommend the Town Board to direct Town staff to ascertain the number of hunting and shooting claims filed with the sheriff, Department of Natural Resources, and Town, over a ten year period, as well as educational opportunities using the Town’s website, newsletter, and other tools. Additionally, if there are a viable number of claims, for the staff to present a very preliminary map to the Plan Commission.

Amendment to Motion:

Motion amended by: Knapinski, Seconded by: VanAirdsdale

Motion to amend the previous motion to exclude staff presenting a very preliminary map to the Plan Commission.

Carried by voice vote.

Motion, including amendment:

Motion by: Knapinski, Seconded by: VanAirdsdale

Carried by voice vote.

VI. Upcoming Meeting Attendance

March 1: Land Use Conference with Winnebago County

- Knapinski and Geise attended

VII. Adjournment – 8:23 p.m.

Motion by: Brucks, Seconded by: VanAirdsdale

Motion to adjourn at 8:23 p.m.

Motion carried by voice vote.

Respectfully submitted,
Kimberly Weichart, *Deputy Clerk/Treasurer*

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please call Town Office at 836-2007. This agenda has been posted at all three locations in the Town of Clayton:

- 1) Town Office 2) Corner of JJ & Breezewood 3) Clayton School