

TOWN OF CLAYTON  
Town Plan Commission  
Meeting Minutes  
5:00 P.M. – on Wednesday, August 10<sup>th</sup>, 2016  
Town Office Meeting Room, 8348 County Road T, Larsen, WI 54947

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I. Call to Order:

A. Notice Verification, Roll

1. Plan Commission Chairman Knapinski called the meeting to order at 7:00 P.M.
2. Pledge of Allegiance recited.
3. Meeting properly posted at three locations in the Town.
4. Roll

a. Plan Commission Members

Chair Knapinski	PRESENT
Commissioner Eckstein	ABSENT
Commissioner Haskell	PRESENT
Commissioner Wisnefske	PRESENT
Commissioner Dorow	PRESENT
Commissioner Linsmeier	PRESENT
Town Board Representative Reif	PRESENT

b. Staff

Administrator Johnston	PRESENT
Treasurer Straw	PRESENT
Planner Ken Jaworski	PRESENT

II. Public Hearings:

A. No Public Hearings

III. Approval of Minutes:

A. Approval of the minutes of the Wednesday, July 13<sup>th</sup>, 2016 Regular Plan Commission Meeting.

- Corrections of the July 13<sup>th</sup> minutes as follows:
  - Commissioner Eckstein was absent
  - Commissioner Wisnefske was absent
  - On page 4 of the July 13<sup>th</sup> minutes, the last part of the motion should read “with the additional staff recommendations and that if a Plat Map is submitted, it will include a discussion on clearing the navigable waterway.”

**MOTION:**

Motion by: Commissioner Haskell

Seconded by: Commissioner Dorow

Motion: To approve the Wednesday, July 13<sup>th</sup>, 2016 meeting minutes with the changes mentioned.

Vote: Motion carried.

IV. Open Forum – Town-related Matters not on the Plan Commission’s Agenda:

Pursuant to WI Statutes 19.83(2) and 19.84(2), the public may present question or issue; however, only limited discussion may occur and no action may be taken until specific notice of the subject matter of the proposed action can be given. If you wish to speak during the Open Forum portion of the meeting, please complete

“Request to Speak at Meeting” form located on the Agenda Table and give the form to the Town Clerk or Treasurer.

V. Correspondence:

A. July CY 2016 Building Inspection Report.

VI. Business:

A. Discussion/Recommendation: Plan Commission review and recommendation on a Certified Survey Map (CSM) Application submitted by Peter D. Noffke, General Partner for the Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952 for property located on the north side of CTR “JJ”, east of STH “76” and specifically identified as Tax ID # 006-0899 Tax ID # 006-0902, Tax ID # 006-0903, Tax ID # 006-0904-02, described as All of Lot 2 of Certified Survey Map No. 6648, Located in the Northwest ¼ of the Southwest ¼, Part of the Northeast ¼ of the Southeast ¼, All of Lot 3 of Certified Survey Map No. 6094, Located in the Southeast ¼ of the Southwest ¼, Part of the Northeast ¼ and Northwest ¼ of the Southwest ¼, All in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Applicant(s): Peter D. Noffke, General Partner  
Noffke Limited Partnership  
1537 Hickory Hollow Lane  
Menasha WI 54952

Property Owner(s): Noffke Limited Partnership  
1537 Hickory Hollow Lane  
Menasha WI 54952

Consultant: Gary A. Zahringer (S2098)  
Martenson & Eisele, Inc.  
1377 Midway Road  
Menasha, WI 54952

Property Location: The property is located on the north side of CTR “JJ”, east of STH “76” in the City of Neenah, WI 54956

**Property Information:**

1. The surrounding properties are zoned:
  - a) North:  
A-2 (General Agricultural District)
  - b) South:

R-1 (Rural Residential District), R-2 (Suburban Residential District), B-2 (Community Business District), and the Town of Vinland

c) East:

R-2 (Suburban Residential District), and the Town of Neenah

d) West:

R-1 (Rural Residential District), R-2 (Suburban Residential District), A-2 (General Agricultural District), B-2 (Community Business District), B-3 (General Business District)

**Property Information Specific to Tax ID # 006-0899:**

1. The property is owned by Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952.
2. The Lot is approximately 39.700 acres in area.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has Officially Mapped Roads on it.
6. The property is currently zoned A-2 (General Agricultural District) by the County.
7. The property is currently zoned A-2 (General Agricultural District).by the Town.
8. The property is in the City of Neenah's extraterritorial zoning jurisdiction.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is in the County's 300-foot and 1000-foot Shoreland Zoning Buffer.
11. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0902:**

1. The property is owned by Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952.
2. The Lot is approximately 24.080 acres in area.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has Officially Mapped Roads on it.
6. The property is currently zoned A-2 (General Agricultural District) by the County.
7. The property is currently zoned A-2 (General Agricultural District).by the Town.
8. The property is in the City of Neenah's extraterritorial zoning jurisdiction.
9. The property is out of the County's Floodplain Zoning Area.
10. The property is in the County's 300-foot and 1000-foot Shoreland Zoning Buffer.
11. The property is not in the County's Wetland Identifier.

**Property Information Specific to Tax ID # 006-0903:**

1. The property is owned by Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952
2. The Lot is approximately 38.830 acres in area.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has Officially Mapped Roads on it.
6. The property is currently zoned A-2 (General Agricultural District) by the County.

7. The property is currently zoned A-2 (General Agricultural District).by the Town.
8. The property is in the City of Neenah’s extraterritorial zoning jurisdiction.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is in the County’s 1000-foot Shoreland Zoning Buffer.
11. The property is not in the County’s Wetland Identifier.

**Property Information Specific to Tax ID # 006-0904-02:**

1. The property is owned by Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952.
2. The Lot is approximately 23.300 acres in area.
3. The property is in the Neenah School District (3802).
4. The property is in the Department of Natural Resources Special Well Casing area.
5. The property has Officially Mapped Roads on it.
6. The property is currently zoned A-2 (General Agricultural District) by the County.
7. The property is currently zoned A-2 (General Agricultural District).by the Town.
8. The property is in the City of Neenah’s extraterritorial zoning jurisdiction.
9. The property is out of the County’s Floodplain Zoning Area.
10. The property is in the County’s 1000-foot Shoreland Zoning Buffer.
11. The property is not in the County’s Wetland Identifier.

**Staff Comments:**

1. The CSM does not change the existing use of the property and therefore it is consistent with the Town’s approved Future Land Use Plan.
2. The CSM **does not** show the Right to Farm Language required by the Town.
3. The CSM reconfigures four existing parcels into a single property.
4. The properties combined by the CSM total approximately 125.971 acres (5,487,284 square feet) of usable area.
5. The area of the combined parcels consists of vacant land.
6. The southeast corner of the CSM does show the dedication of approximately 23,906 square feet of road right-of-way to the Public.
7. The properties combined by the CSM do have future roads identified on the Town’s Future Land Use Map that are not shown on the CSM.
8. Staff has a question on how the frontage on CTH “JJ” shown on the southwest side of the CSM is being treated, specifically, why is there no dedication of right-of-way to the Public in this area?
9. Note 5 on sheet 5 of 6 explains how the trail shown on the Town’s Future Land Use Map is dealt with.

**Staff Recommendations:**

Staff recommends approval of the proposed CSM subject to the following conditions:

1. Adding the Right to Farm Language required by the Town.
2. Showing the future roads identified on the Town’s Future Land Use Map on the face of the CSM.
3. Providing the answer to staff’s question on how the frontage on CTH “JJ” shown on the southwest side of the CSM is being treated, specifically, why is there no dedication of right-of-way to the Public in this area?

Documentation of the approval of the proposed CSM by any overlying unit of government having jurisdiction.

- Discussed questions on Staff Report regarding the discrepancies on the CSM's South border
- Add the "Right to Farm" language to the face of the CSM
- Discussed the owner's reasoning for submitting the CSM

**MOTION:**

Motion by: Commissioner Haskell

Seconded by: Commissioner Dorow

Motion: To recommend to the Town Board approval of the Certified Survey Map (CSM) Application submitted by Peter D. Noffke, General Partner for the Noffke Limited Partnership, 1537 Hickory Hollow Lane, Menasha WI 54952 for property located on the north side of CTR "JJ", east of STH "76" and specifically identified as Tax ID # 006-0899 Tax ID # 006-0902, Tax ID # 006-0903, Tax ID # 006-0904-02, described as All of Lot 2 of Certified Survey Map No. 6648, Located in the Northwest ¼ of the Southwest ¼, Part of the Northeast ¼ of the Southeast ¼, All of Lot 3 of Certified Survey Map No. 6094, Located in the Southeast ¼ of the Southwest ¼, Part of the Northeast ¼ and Northwest ¼ of the Southwest ¼, All in Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all of the Staff recommendations and the "Right to Farm" language added to the CSM.

Vote: Motion carried.

- B. Discussion/Recommendation: Plan Commission review and recommendation on a Resolution in support of the County's proposed Text Amendments to Chapter 27 Shoreland-Wetland Management of the County's Zoning Code of Ordinances.
- Discussed the document changes relative to the court cases that are referenced within the document
  - Discussed the Town of Vinland relative to the man-made ponds and the County's jurisdiction
  - Discussed the navigable waterway on Willie Beamon's property relative to the County's jurisdiction and requirements
  - Discussed the possibility of the Chapter 27 Shoreland-Wetland Management of the County's Zoning Code of Ordinances affecting the Town of Clayton's Comprehensive Plan

**MOTION:**

Motion by: Commissioner Haskell

Seconded by: Commissioner Linsmeier

Motion: Motion to recommend to the Town Board approval of the Resolution in support of the County's proposed Text Amendments to Chapter 27 Shoreland-Wetland Management of the County's Zoning Code of Ordinances and to request that the County submit to the Town a line and strike document of the proposed changes.

Vote: Motion carried.

- VII. Upcoming Meeting Attendance  
None.

VIII. Adjournment

**MOTION:**

Motion by: Commissioner Haskell

Second by: Commissioner Dorow

Motion: To Adjourn the Plan Commission meeting at 7:16 PM.

Vote: Motion carried.

Respectfully submitted,

Tori Straw, Assistant Administrator/Treasurer