

# PLANNING & ZONING COMMITTEE

## TOWN OF ST. GERMAIN

P.O. BOX 7

OFFICE OF THE CLERK

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org.

### MINUTES ST. GERMAIN PLANNING AND ZONING COMMITTEE MEETING: SEPTEMBER 13, 2012

**Meeting Type:** Regular Meeting of the P & Z Committee. The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law.

1. **Call to Order:** Chairman, Marv Anderson, called the meeting to order at 5:10 p.m.
2. **Roll Call -Members Present:** Marv Anderson, Fred Radtke, Mary Platner, Tom Martens, town clerk. Tim Ebert, zoning administrator was absent. Paul Bohnen was also present.
3. **Approve Agenda:** Motion Radtke seconded Anderson that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Introduce New Committee Member-David Mollen:** Mr. Mollen was not present.
5. **Approval of the Minutes:** The committee approved the minutes of the August 23, 2012 planning and zoning committee meeting as presented.
6. **Zoning Administrator's Report:** There was no report.
7. **Discussion/Action Items:**
  - 7A. **Lake Content Drive Business/Zoning Issue:** Mr. Anderson stated that he has made five attempts to contact the person with the snowmobile/small engine repair business on Lake Content Road, but, so far, has not been able to contact him.
  - 7B. **Building Setbacks on Town Roads:** Mr. Radtke asked about the setbacks from state and county roads. He also asked about the setbacks for the homes on Star Lane. If the road were to become a town road, would the homes meet the setback requirements. Mr. Radtke will check to see what the state and county requirements are. The setbacks from all roads in the township will be on the next agenda.
  - 7C. **Public Hearing on Jackson Lane Road Project:** Mr. Anderson stated that town chairman, Walt Camp, will set the time and date for the public hearing.
  - 7D. **Nuisance/Blight Ordinance Work:** The committee continued to review the Nuisance/Blight Ordinance draft from the WTA. Mr. Anderson stated that Ted Ritter would be happy to give a presentation concerning noxious weeds. The committee decided to leave all of section nine out. The last section is enforcement and abatement. If someone has a permit under section 175.25 of the Statutes, the permit can be revoked if the person is not complying with the permit requirements. The committee decided that a section should be added concerning temporary structures either in this ordinance or in the town building code. Ms. Platner is going to look up accessory structures as compared to temporary structures.
8. **Comments from others present:** Tom Martens presented a petition signed by eight of the property owners on the S-Curves on Hwy. 155 asking the St. Germain planning & zoning committee and the town board to enforce the zoning code in the residential-low density district. Mr. Martens also provided a copy of the DOT permit application stating that the zoning was residential and that the applicant had to fully comply with relevant codes, rules, regulations, ordinances and permit requirements of other jurisdictional agencies. He also provided copies of section 1.28(1) of the St. Germain zoning code stating that the zoning districts are measured from the centerline of highways and also section 1.29 stating that the only permitted uses in the residential-low density district are single-family homes and essential services. Mr. Martens included excerpts from Pollnow v. DNR, an appellate court case ruling that a snowmobile trail is a "stretch" of a highway purpose. He also added a page from DOT attorney James Thiel stating that a right of way is legally a right of passage. And, there was a page from another appellate court case Berger v. Town of New Denmark stating that the property owner retains title to the property under an easement and that the easement is merely a right of passage. The property owner has all the rights of enjoyment of the property as long as it does not interfere with the intended use of the easement.

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Mr. Anderson will meet with Mr. Camp tomorrow morning to discuss the petition and to take in to town attorney Steve Lucareli for review.

**9. Set Time and Date for Next Meeting:** The next planning & zoning committee meeting will be held sometime during the week of September 24, 2012.

**10. Adjournment:** Motion Radtke seconded Platner that the meeting be adjourned. Approved. Meeting adjourned 6:58 P.M.

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Town Clerk

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Chairman

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Vice Chairman

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Member

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Member

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Member