

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: OCTOBER 1, 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 5:00 p.m.
2. **Roll Call -Members Present:** Marv Anderson, Fred Radtke, Mary Platner. Zoning Administrator, Tim Ebert was absent. Mr. Anderson introduced two new committee members, David Mollen and Richard Hensen. Town Attorney Steve Lucareli was also in attendance.
3. **Approve Agenda:** Motion Radtke seconded Platner that the agenda be approved in any order at the discretion of the chairman. Approved.
4. **Approval of the Minutes:** The committee approved the minutes of the September 13, 2012 planning and zoning committee meeting as presented.
5. **Consider Petition to the Committee from Hwy. 155 Property Owners, Objecting to the New Snowmobile Crossing:**

Mr. Anderson noted that 11 property owners had signed the petition. Mr. Anderson asked Tom Martens to read the petition. Mr. Martens read: 1. The Residential-Low Density zoning district is the most restrictive district in St Germain. 2. Section 1.29 of the St. Germain Zoning Code (1) Purpose. The purpose of this district is to maintain single-family dwellings in existing single-family residential areas and to encourage the further development of single-family dwellings within this district classification at densities of 2.5 acres per lot, as contemplated by the St. Germain Land Use Plan. 3. Permitted uses include Single-Family home and & essential services. 4. A snowmobile trail is not a permitted use. 5. A snowmobile trail would take away the property owners right of enjoyment of their property. 6. A snowmobile trail would limit potential sale of property to a special buyer. 7. A snowmobile trail would potentially lower the property values of the zoning district.
6. **Comments from others present:** Mr. Anderson asked for comments from others present. Tom Christensen stated that zoning has never been considered for snowmobile trails in the past. Jim Wendt stated that the zoning districts are measured perpendicular to the highway right of way line. Mr. Klingsporn noted that the Berger v. Town of New Denmark case had to do with lot size and building requirements and that the Pollnow v. DNR case had to do with an abandoned railroad bed. Mr. Martens noted that he had included the Berger case to show that if a highway conveyance is an easement, the property belongs to the underlying property owners and not to the DOT. He also said that he included the Pollnow case to show that a snowmobile trail is a stretch of a "highway purpose".
7. **Adjourn to Closed Session to WI. Statutes 19.85(1)(g): Conferring with legal counsel for the governmental body that is rendering oral or written advice concerning strategy to be adopted**

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by the body with respect to litigation in which it is or is likely to become involved.

Motion Platner seconded Radtke to adjourn into closed session. By a roll call vote: Mr. Radtke – yes; Mr. Hensen – yes; Mr. Mollen – yes; Ms. Platner – yes; Mr. Anderson – yes. Motion carried.

8. Return to Open Session to act on matters discussed in closed session if any action is needed.

Motion Platner seconded Radtke to reconvene into open session. By a roll call vote: Mr. Radtke – yes; Mr. Hensen – yes; Mr. Mollen – yes; Ms. Platner – yes; Mr. Anderson – yes. Motion carried

9. Consider Property Owners concern about snowmobile trail approval on town low-density residential district property:

Motion Platner seconded Hensen that the planning and zoning committee defers action on the fourth agenda item which states consider petition to the committee from Hwy. 155 property owners objecting to the new snowmobile crossing. That we defer action on that petition in order to provide further study on the issues that are apparent to this discussion. By voice vote, motion carried, unanimously.

Mr. Anderson stated that relative to the second item to consider a snowmobile trail on residential low-density property, it is already covered under the town ordinance and no vote is necessary.

Reporter Ken Anderson asked for a clarification. Mr. Anderson stated that the question of a travelway permit and conditional use permits was covered in the town ordinance.

10. Set Time and Date for Next Meeting: The next planning & zoning committee meeting will be held on Wednesday, October 10, 2012 at 5:00 P.M. in meeting room #4 of the Community Center. The committee will continue to review a proposed blight ordinance.

11. Adjournment: The meeting was adjourned at 7:35 P.M.

Town Clerk

Chairman

Vice Chairman

Member

Member

Member