

# TOWN OF ST. GERMAIN

OFFICE OF THE CLERK

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

[www.townofstgermain.org](http://www.townofstgermain.org)

## MINUTES PLANNING & ZONING COMMITTEE: AUGUST 8, 2013

**1. Call To Order:** The chairman noted that this was a duly called meeting in accordance with the Wisconsin Open Meeting Law. Meeting called to order by Chairman Marv Anderson at 7:00 P.M.

**2. Roll Call:** Marv Anderson, Tom Christensen, Gerald Hensen, Mary Platner, Tom Martens, town clerk. David Mollen and Tim Ebert, town zoning administrator, were absent.

**3. Approval of Agenda:** Motion Hensen seconded Platner that the agenda be approved in any order at the discretion of the chair. Approved.

**4. Approval of Minutes:** Hearing no objections or corrections, Mr. Anderson stated that the minutes of the July 23, 2013 planning & zoning committee are approved as written.

### **5. Discussion Items:**

**A. Tom Martens' Permit Request:** Mr. Anderson opened the discussion concerning requiring a conditional use permit for snowmobile trails. Mr. Martens stated that if he wanted to have a home based business at his home in the residential low density zoning district, he would need to apply for a conditional use permit. One of the conditions of the home based business is that it would invite customers to Mr. Martens' home. Mr. Martens asked why a neighbor should be able to allow a snowmobile trail on his property which would in effect be inviting 200+ snowmobilers each day. And, it would not only affect the neighbor's property who allowed the snowmobile trail, but all of the other property owners in the area. Mr. Martens also stated that if permit fees are required for variances that encroach upon a setback by only two or three feet, why shouldn't a conditional use permit fee be required for a snowmobile trail that would disrupt the lives of everyone in the area.

Mr. Christensen stated that Wisconsin Statutes allowed people to open their private property to snowmobile trails. Mr. Martens handed out a packet which had a sketch of where a snowmobile trail, by law, is to be located with respect to a highway. He also handed out a history of Chapter 350, the Snowmobile Chapter, in the Wisconsin Statutes. Mr. Martens also handed out a list of statutes that clearly show that snowmobile trails are to be excluded from highways, where, by law, highways are defined as from boundary line to boundary line including both the roadway and the entire highway.

Ms. Platner brought up the fact that the 2005 changes to the Travelway Ordinance had not been properly recorded. Mr. Anderson noted that he had found the paperwork. The 2005 Travelway amendments had been properly recorded. Ms. Platner used her property as an example and thought that a conditional use permit should be required for a snowmobile trail. Mr. Hensen stated that the town can be more restrictive.

Motion Christensen seconded Anderson that not discuss and not recommend to the town board that a conditional use permit be required for snowmobile trails. By a roll call vote: Mr. Christensen - Yes; Mr. Hensen - No; Ms. Platner - No; Mr. Anderson - Yes. Motion died for lack of a majority.

Mr. Anderson suggested that the committee do its own investigating to see if there were other municipalities that had zoning restrictions and/or conditional use permit requirements for snowmobile trails.

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**B. Building Setback Proposal:** The committee once again discussed the building setback requirements on lots that are less than 1.5 acres in area. Several questions came up regarding the construction of garages or accessory buildings on lots that did not have a conforming dwelling at the time that the garage or accessory permit were applied for. Mr. Christensen volunteered to rewrite section 1.29. Ms. Platner thought that since item #2 & item #3 already stated that there had to be a conforming dwelling on the lot, that it would not be necessary to even consider a situation where there would only be a garage on the lot.

**C. Nuisance Ordinance Proposal:** To be discussed at next meeting.

**6. Set Time and Date for Next Meeting:** The next planning & zoning committee meeting will be held on Thursday, August 22, 2013 at 7:00 P.M. in meeting room #5 of the community center.

**7. Adjournment:** The meeting was adjourned at 8:47 P.M.

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Town Clerk

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Chairman

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Member

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Member

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Member

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Member