

Minutes from the Town of Trenton Plan Commission Meeting

Date and Time: Tuesday, November 13, 2018 – 7:30 P.M.

Place: Town of Trenton Town Hall, 1071 STH 33 East, West Bend, WI 53095

Prior to the Plan Commission Meeting, the meeting notice was properly posted.

Pledge of Allegiance:

Chairman Gonnering asked those in attendance to join in reciting the Pledge of Allegiance.

Call to Order:

Gonnering called the meeting to order at 7:30 P.M.

Affidavit of Posting:

Gonnering read the affidavit of posting, noting that the meeting agenda had been properly posted.

Plan Commissioner Roll Call:

Present: Joe Gonnering, Scott Schweizer, Bob Roden, Dennis Kay, Joan Baumgartner, Ray Werhand, Zoning Administrator Barbara Davies. Excused: Jerry Carmody.

Town Board Supervisors in Attendance:

Ed Doerr, Jeff Esselmann.

Town Attorney in Attendance:

Town Attorney Tim Schoonenberg.

Approve the Agenda:

It was moved by Joan Baumgartner and seconded by Ray Werhand to approve the Agenda for the meeting.

Voting in favor: 5. Opposed: 0.

Approve the Minutes of the October 9, 2018 Plan Commission Meeting and the October 9, 2018 Public Hearings:

It was moved by Dennis Kay and seconded by Scott Schweizer to approve the Minutes of the October 9, 2018 Plan Commission Meeting and the October 9, 2018 Public Hearings with the following correction noted by Bob Roden to the Public Hearing Minutes for the first Public Hearing: the individual identified in those Minutes as "Albin" should be Albinger. Voting in favor: 4. Opposed: 0. Abstain: 1. (Ray Werhand was not present for any of the meetings on October 9, 2018.)

Recommendation to the Town Board, Certified Survey Map, Glenn and Kathy Doman:

It was moved by Dennis Kay and seconded by Bob Roden to recommend approval of Domans' Certified Survey Map with the provision that the engineer's requirement for soil borings be waived. Residences with septic systems currently exist on both parcels being created by the CSM. Voting in favor: 5. Opposed: 0.

Recommendation to the Town Board, Conditional Use Permit Application for Amendment of Existing Conditional Use Permit, Seoul Creek Farm, Courtney Fromm, Owner (Tabled at the Plan Commission Meeting of 10/9/18):

Barbara Davies read from Attorney O'Callaghan's letter, noting the following highlighted points in that letter:

- The Town Board has already approved a CUP for the boarding/riding facility and the home-based landscaping business
- The Fromms filed an application seeking to amend the conditions of CUP 2009-01
- Based on feedback received at the Plan Commission meeting, the Fromms are withdrawing their request to amend the conditions that govern the home-based landscaping business
- The only issue currently before the Town of Trenton is the Fromms' request to amend the conditions related to the horse shows.

Attorney O'Callaghan's complete letter will be retained in the Conditional Use Permit file for Courtney Fromm/Seoul Creek Farm.

Joe Gonnering stated that there should be a requirement for ingress and egress lanes – eastbound and westbound – for safety. Gonnering also noted that O'Callaghan's letter notes that Fromm Grading and Excavating is withdrawing its current application, but the 2009 permit covers Fromm Landscaping. Gonnering questioned the change in the business. Gonnering also stated that all references to future new buildings and capital improvements must be stricken from the Conditional Use permit; future building plans need to be addressed through the building permit process on an as-needed, case by case basis only. Gonnering noted that it appears that Fromm Grading and Excavating has been in violation of the 2009 Conditional Use Permit since 2016 because it is not a landscaping business as mentioned in the 2009 permit. Grading and excavating is not a conditional use in EA zoning; it is a permitted use in the M1 zoning district.

Scott Schweizer asked Gonnering if he was proposing actual turnout lanes east and west. Gonnering answered that he was requesting actual turnout lanes running and east and west for safe access to the property.

Ray Werhand said that the septic system serving the property is a 3200-gallon mound system. Werhand asked whether that system is sized for the house only, or whether it is also sized to include the barn service. Courtney Fromm confirmed that there is a restroom in the barn. Fromm will check with Washington County Planning and Parks for details on the septic system.

Werhand asked if there would be campers on the property during the horse shows. Fromm said there could be two to three campers who are friends of the Fromms. Werhand asked if there is anything sold on Fromms' property, including food. Fromm replied that Sendik's (West Bend) is the food vendor for the horse events, offering both hot and cold food. No alcohol is available.

Joe Gonnering asked if Fromm had filed personal property tax returns in past year. Fromm said she had not filed personal property tax returns. Barb Davies read correspondence from Pam Feavel, Grota Appraisals, on this issue.

Courtney Fromm stated that she is applying for 40 show/event days per year, including setup and takedown, so it would probably be about 28 actual show/event days, and 12 days of setup/takedown for the shows. She referred to Schedule D of Attorney O'Callghan's letter for an estimate of the number of participants.

Ray Werhand asked Fromm if this is a proposal to more than double what she is doing currently. Fromm answered that it could potentially double the current activities.

Fromm estimated the number of employees on site at 4 to 5 for setup and takedown. On horseshow days there would probably be 6 employees.

Joe Gonnering asked a question about Exhibit D, Attorney O'Callaghan's letter. That Exhibit shows indoor show days 14, outdoor show days 34, total 48 show days. Courtney Fromm stated that is not correct: outdoor show days should be 26, total 40 show days including setup and takedown days.

Dennis Kay said that he still wants to see a spreadsheet by month, identifying the setup/takedown days and show days each month. Scott Schweizer joined him in asking for that information.

Joe Gonnering concluded the discussion with these requests: 1) check with Grota Appraisals for information on whether or not you are subject to personal property tax filing requirements; 2) check with Planning and Parks for septic information; 3) check with the Washington County Highway Department regarding east/west turnout lanes; 4) revise Schedule D so it agrees to what you are applying for.

It was moved by Joan Baumgartner and seconded by Dennis Kay to table further action on the Conditional Use Permit Amendment Application to the Plan Commission Meeting of 12/11/18. Voting in favor: 5. Opposed: 0.

Courtney Fromm and Doug Fromm asked for clarification on employees of Fromm Grading and Excavating reporting to the Highway NN location if Fromm Grading is hired to do work at Seoul Creek Farm. Discussion followed.

Preliminary Land Division Plan, Robert and Sandra Dvorak, 5587 School Road:
There will be a Public Hearing at 7:20 P.M. on 12/11/18 for a 2050 Plan Amendment and rezoning of the property, as well as Certified Survey Map approval. Dennis Kay asked about several notations for Lots 1 and 3 CSM 3365. Barb Davies will contact surveyor Dave Leininger for that information. No action taken – informational agenda item only.

Architectural Approval, New Home, Lot 36, 6910 Jamestown Court:
It was moved by Joan Baumgartner and seconded by Ray Werhand to approve the home plans for Lot 36. Voting in favor: 5. Opposed: 0.

2017 Wisconsin Act 67:
Attorney Tim Schoonenberg discussed the Act briefly. Act 67 limits the Town Board's ability to deny a Conditional Use Permit if the applicant meets the requirements for that permit under the Town's ordinances.

Some of the definitions in the Act are vague at this time. Some municipalities are using moratoriums to wait until some aspects of the Act are clearer. Denials of Conditional Use Permits must have “substantial evidence”. It is not entirely clear what “substantial evidence” is at this point.

380-56, Town Ordinances, Home Occupations and Professional Home Offices:

The Plan Commissioners asked that discussion on this Ordinance section be moved to the Plan Commission Meeting of 12/11/18 – no action taken.

380-47 through 380-53, Town Ordinances, Conditional Uses:

Attorney Schoonenberg stated that it would be a good idea for the Plan Commission to review the conditional uses currently allowed by ordinance in each zoning district. The timing for that review will be discussed at the 12/11/18 Plan Commission Meeting – no action taken.

CES-5, CES-10, C-1, Town Ordinances, Conditional Uses:

A timetable for Conditional Use review will be discussed at the 12/11/18 meeting – no action taken.

Reports:

Barb Davies asked about the details the Plan Commissioners would like to see in the possible revision of the accessory building ordinance for R-1 zoning. Bob Roden asked that non-agricultural use accessory buildings in EA zoning be discussed 12/11/18.

Joe Gonnering reported on receipt of the Preliminary Draft Transportation Improvement Program for SE Wisconsin prepared by SEWRPAC. Nothing in the Town of Trenton is affected. Favorable comments have been received on the roadside cutting. Joan Baumgartner asked about the dead ash trees that are close to but not really in the road right-of-way. Gonnering answered that those trees are the responsibility of the property owner(s). The subdivision at the corner of Paradise and Maple is moving forward.

Ray Werhand asked about the removal of stumps along Oak Road. Gonnering said that a contractor will be removing them.

Dennis Kay reported that he and Ray Werhand had attended the 11/8/18 2050 County Plan Meeting for the “Recommendations Element”. Kay had voiced objections to the pages in the Plan that state “Town will” and “Town shall” – as it appears that County is trying to usurp some Town authority. What will most likely be the last meeting is scheduled for 12/13/18, to be followed by a Public Hearing in January 2019.

Questions and Comments:

None.

Review of and Correspondence received:

None.

Adjournment:

It was moved by Dennis Kay and seconded by Joan Baumgartner to adjourn the meeting at 9:14 P.M. Voting in favor: 5. Opposed: 0.

Respectfully Submitted,

Barbara Davies

Clerk of the Plan Commission

Affidavit of Posting: These Minutes were posted at the Town of Trenton Town Hall Bulletin Board on Tuesday, November 20, 2018. Barbara J. Davies, Clerk of the Plan Commission Subject to Approval: These Minutes will be considered for approval by the Plan Commission at its December 11, 2018 Meeting.