

**TOWN OF PRESQUE ISLE**  
ZONING COMMITTEE & PLAN COMMISSION  
Minutes Monday, Jan. 12, 2015, 8:30 am

Members Present: Dick Hemming via Skype; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum. Others Present: David Konopacky

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Motion to approve agenda by Marshall Reckard; second by Paul Specht. All Aye. Motion to approve minutes of Dec. 9, 2014 meeting by Paul Specht; second by Marshall Reckard. All Aye. Motion to approve minutes of Dec. 17, 2014 meeting by Paul Specht; second by Marshall Reckard. All Aye.

Item 6.C. Armour Lake frontage reconfiguration. David Konopacky, surveyor presented survey of adjacent Armour Lake lots owned by Daniel & Christine Aicher. One with 100 feet of frontage is improved with a home & garage. Second lot is vacant and currently has approximately 300 feet of frontage. Owner seeks to add 55 feet of frontage from the larger lot to the smaller. Committee expressed concern that the frontage remaining on the larger lot may be less than 200 feet. Surveyor will redo the frontage measurement according to method prescribed by Vilas County. Another major concern was PI Ordinance. Smaller lot, although made larger would continue to be non-conforming and this change would establish a new "creation" date that would make the lot "non-buildable." Item will be on next meeting agenda to resolve these issues.

Item 5.A. Public Hearing Feb. 9. Committee agreed notices for LUP & Ordinance public hearing were properly worded and published. Marshal Reckard gave copies of potential changes to Attorney Burgy and Vilas County Zoning Administrator Dawn Schmidt. He also noted the specific changes in the text of the LUP and supplied the clerk with a copy. Peggy Johnson Wiessner gave clerk text of Ordinance changes.

Item 6.A. Sec. 902.4 relative to duplexes. Item to be on next agenda. All committee members to study several issues involved including where to put in the ordinance, what size lots, guesthouses permitted & other issues.

Item 6.B. NR115 Review. Marshall Reckard reminded Committee that judicial interpretation of NR115 has invalidated any part of the PI Ordinance dealing with non-conforming structures in the shoreland zone. Review of PI ordinance with respect to this issue continued to future meetings.

No Public Comment and no Zoning Administrator's report. Next meeting Feb. 9, 2015.

Motion to adjourn by Marshall Reckard, second by Paul Specht. All Aye.  
Adjourned 9:35.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

## TOWN OF PRESQUE ISLE

### ZONING COMMITTEE & PLAN COMMISSION

Minutes Monday, Feb. 9 , 2015, 8:30 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum. Others Present: Forrest Jukich; Jack Harrison; George Nelson; Otto Novak; Carl Watras; Philip Curle; Linda Novak

The meeting was called to order at 8:30 am at the Presque Isle Community Building by Chairman Hemming. Motion to approve agenda by Marshall Reckard; second by Paul Specht. All Aye. Motion to approve minutes of Jan. 12, 2015 meeting by Marshall Reckard; second by Paul Specht. All Aye.

Item 5.A. Armour Lake frontage reconfiguration. A revised survey included all the relevant dimensions required by the Committee showing the perpendicular width of the remaining parcel conformed to the Ordinance. Since this was not the creation of a new lot it is not required to go before the Town Board. Marshall Reckard moved and Paul Specht seconded a motion to approve the frontage reconfiguration of Parcels 22-112-01 and 22-106. All Aye.

Item 5.C Sec. 902.4 relative to duplexes. It was pointed out that Vilas County provides for duplexes in Sec. 4.3.B.7. Committee generally agrees that our ordinance should provide for duplexes. Marshal Reckard & Paul Specht will draft language amending Secs. 902.4.4 & 902.4.5 for review by the Committee.

Item 5.B. Committee was reminded that N.R. 115 makes impervious surfaces, mitigation and non-conforming buildings in the shoreland district the sole responsibility of the County. The jurisdiction of towns is pre-empted.

At this point (9:00am) the meeting was recessed to the Public Hearing before the Plan Commission. Committee meeting reconvened at 9:50am.

Since he Public Hearing for the Plan Commission heard no objections to removing Table 12-1 & references to Table 12-2 & 12-3 from the Long Range Plan, on motion by Marshall Reckard, second by Paul Specht, Commission voted to approve a resolution to that effect. The exact wording of the resolution will be approved at the March meeting.

The impervious surface issue on non-shoreland areas will be placed on the March agenda.

Marshall Reckard stated that the Committee failed to act on amendments to 902.13.3 (tree removal) after the August Public Hearing. He moved and Paul Specht seconded a

motion to approve the amended language. All Aye. However this action was invalid because it was not on this meeting agenda.

Forrest Jukich presented the zoning administrators report for January, 2015.

Next meeting was set for Tuesday, March 10, 2015. Dick Hemming will attend by Skype.

Motion to adjourn by Peggy Johnson Wiessner, second by Paul Specht. All Aye.  
Adjourned 10:15.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

## **TOWN OF PRESQUE ISLE**

PLAN COMMISSION – Public Hearing  
Minutes Monday, Feb. 9, 2015, 9:00 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum. Others Present: Forrest Jukich; Jack Harrison; George Nelson; Otto Novak; Carl Watras; Philip Curle; Linda Novak

The Public Hearing was called to order at 9:00 am at the Presque Isle Community Building by Chairman Hemming. Motion to approve agenda by Marshall Reckard; second by Paul Specht. All Aye

The purpose of the Public Hearing was to hear public comment on removal of Table 12-1 and all references to it and tables 12-2 and 12-3 from the Puesqua Isle Land Use Plan.

Carl Watras questioned the need for removal. Marshall Reckard explained removal would make zoning changes simpler with no need for a two-step process of amending the land use plan and then the zoning ordinance. This was not a substantive change to the plan, only procedural one.

There was no further comment after Chairman Hemming requested same three times.

Forrest Jukich presented the zoning administrators report for January, 2015. Public Hearing closed at 9:10am.

## **TOWN OF PRESQUE ISLE**

ZONING COMMITTEE – Public Hearing  
Minutes Monday, Feb. 9, 2015, 9:10 am

Members Present: Dick Hemming; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Al Drum. Others Present: Forrest Jukich; Jack Harrison; George Nelson; Otto Novak; Carl Watras; Philip Curle; Linda Novak

The Public Hearing was called to order at 9:10 am at the Presque Isle Community Building by Chairman Hemming. Motion to approve agenda by Marshall Reckard; second by Paul Specht. All Aye

The purpose of the Public Hearing was to hear public comment on amendment to several sections of the Presque Isle Zoning Ordinance.

Sec. 902.8.3 changes the setback measurement from the center of the road to 30 feet from the right of way. Otto Novak questioned the change stating the centerline is more definite and the edge of the road is more difficult to determine. Carl Watras asked what the intent of the change was. Answer – to be in conformity with the county and to address those situations where the platted road was narrow and there were non-conforming structures. Otto Novak stated the edge of the road on the ground was vague and that the old rule is simpler; that there may be instances where we are actually expanding the setback and creating more problems.

Sec. 902.8.4; Sec. 13.4; Sec. 8.5 proposed changes were read by the Chairman. There was no public comment.

Sec. 902.10.2.2 acknowledges that the county has authority over the town in cases of non-conforming structures in the shoreland district. Philip Curle questioned what the role of the Board of Adjustment would be in such cases. Carl Watras questioned the Committee's interpretation of NR 115 and requested a two week period of time to get an independent assessment of the limits of the local BOA. Chairman Hemming granted that request since the Town Board's next meeting was more than two weeks away.

There was no further comment after Chairman Hemming requested same three times.

Hearing closed at 9:50am.

**TOWN OF PRESQUE ISLE**  
ZONING COMMITTEE & PLAN COMMISSION  
Minutes Tuesday, June 8, 2015, 7:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard. Absent: Paul Specht. Others Present: Forrest Jukich; Robert Wilson

The meeting was called to order at 7:00 pm at the Presque Isle Community Building by Chairman Hemming. Motion to approve the agenda by Marshall Reckard, second by Al Drum. All Aye. Motion to approve the minutes of the May 9, 2015 meeting by Dick Hemming, second by Peggy Johnson Wiessner. All Aye.

There was no public comment

Item 6.A. Two lot subdivision on Crab Lake - Robert Wilson presented a preliminary two lot division of his Crab Lake property. There appeared to be sufficient acreage and frontage although the frontage measurement for each parcel was not shown. Surveyor should correct this and re-present.

5.B. Horsehead Lake 2 lot subdivision – This preliminary survey also appeared to meet Presque Isle’s requirements. Marshall Reckard moved, Al Drum seconded a motion to approve the preliminary subject to correcting the survey to show a perpendicular frontage measurement and to correcting the legend to show that monuments have been set. Committee also questioned what the solid black dot referred to. All Aye

General discussion of jurisdiction over land divisions and exactly who will be responsible for reviewing land divisions ; the effect of N.R. 115.05 (1)(a)(2) and Sec. 23 of the Joint Finance Committee’s report. It appears that the State is attempting to take away the Hegwood exception.

Item 5.A. – shoreland permit changes - was postponed to the next meeting, as was item 5.C. Town Road Setbacks

The Keith Island issue was referred to Marshall Reckard to follow up on room tax collection.

There was no zoning administrators report

Next meeting date will be July 6 at 7:00pm

Motion to adjourn by Marshall Reckard, second by Al Drum. All aye. Adjourned 7:38pm

Respectfully submitted, Peggy Johnson Wiessner, Secretary

## **TOWN OF PRESQUE ISLE**

### **ZONING COMMITTEE & PLAN COMMISSION MEETING AGENDA**

Monday July 6, 2015, At 7:00 pm

PRESQUE ISLE COMMUNITY CENTER

This is an open meeting in accordance with Section 66.77 of the Wisconsin State Statutes. Town Board members may be in attendance.

1. Call to order
2. Approval of Agenda
3. Approval of Minutes June 8, 2015
4. Public Comment
5. Old Business
  - A. Shoreland permit procedure changes
  - B. Final 2 lot subdivision on Crab Lake
  - C. Town road setbacks
6. New Business – None
7. Zoning Administrator's Report
8. Set time and place for next meeting
9. Adjourn

## **TOWN OF PRESQUE ISLE**

### **ZONING COMMITTEE & PLAN COMMISSION MEETING AGENDA**

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PRESQUE ISLE COMMUNITY CENTER

This is an open meeting in accordance with Section 66.77 of the Wisconsin State Statutes. Town Board members may be in attendance.

1. Call to order
2. Approval of Agenda
3. Approval of Minutes June 8, 2015
4. Public Comment
5. Old Business
  - A. Shoreland permit procedure changes
  - B. Final 2 lot subdivision on Crab Lake
  - C. Town road setbacks
6. New Business – None
7. Zoning Administrator's Report
8. Set time and place for next meeting
9. Adjourn



# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes Tuesday, Aug. 25, 2015, 2:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Others Present: Forrest Jukich.

The meeting was called to order at 2:00 pm at the Presque Isle Community Building by Chairman Hemming. Motion to approve the agenda by Marshall Reckard, second by Al Drum. All Aye. Motion to approve the minutes of the Aug. 10, 2015 meeting by Al Drum; second by Marshall Reckard. There was no public comment.

Chairman Hemming reiterated his approach to reviewing the impact of NR115 & Act. 55 on the town's zoning ordinance, first addressing those areas in which the town definitely retains jurisdiction. Discussion started with a review of Section 908. Marshall Reckard presented a revision of the section which left only four sections remaining. After minor editing by the committee the following remained:

908: town of Presque Isle Zoning Ordinance

908.1 Shoreland District: This district includes all lands within 1000 feet of a lake, pond or flowage and 300 feet from a river or stream. The purpose of this section is to protect the scenic beauty, control erosion, and prevent the flow of nutrients from the shoreland.

908.2 All property with frontage on a navigable body of water in the Town of Presque Isle shall meet Vilas County Shoreland Zoning Ordinance requirements except for the following:

- A. Non-Commercial Dwellings shall have a minimum width of two hundred (200) feet of frontage as measured in 908.4 and one (1) acre of land in all Presque Isle Zoning Districts except in Zoning District R5.
- B. Zoning District R5 shall have a minimum of four hundred (400) feet of lake frontage as measured in 908.4 and five (5) acres of land.
- C. One (1) guest house shall be permitted in both section A & B.

908.3 Commercial Resorts and Business Establishments

- A. Shall have a minimum width of 300 feet of frontage for a structure.
- B. Each additional structure will require another 75 feet of width of frontage.
- C. Shall be at least one (1) acre in size and an additional one (1) acre of land for each additional structure.
- D. Lake frontage shall be measured as in 908.4.

908.4 The lake frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot lines intersect the ordinary high water mark (OHWM) and then measured on the perpendicular mean (average) to intersect the opposing side lot lines.

Paul Specht asked about whether the Town's permit fees would still apply. The consensus of the Committee was that they would.

Committee then addressed section 900.2 which Al Drum noted needed work changing certain verbiage. Section 902.4.6.2 is now regulated by the County. Section 902.5 requires re-drafting also since the town cannot control the lot size and frontage and the County currently requires mitigation in the shoreland district. The Committee will each work on this section prior to the next meeting. Section 902.7 can remain in the Town's ordinance. Section 902.9.5 can be moved to the shoreland section. Section 902.9.6 is now the County's jurisdiction and section 910.2.2 will be eliminated completely. Committee questioned whether the Island Access lot section would survive. All of the above issues with section 902 will be reviewed again at the next meeting with additional input from Committee members

Marshall Reckard noted that the Presque Isle & County Zoning maps differed on Mermaid & Horsehead Lakes and questioned whether the Town's maps should be changed.

Peggy Johnson Wiessner questioned whether section 908 ought not be moved ahead in the ordinance or be combined with 902.

In addition to reviewing section 902, the Committee will take up section 904 on Condominiums and begin work on the sign ordinance.

Motion to adjourn by Marshall Reckard, second by Peggy Johnson Wiessner. All Aye. Adjourned at 3:40 pm. Next meeting September 8 at 6:00pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

## TOWN OF PRESQUE ISLE

### ZONING COMMITTEE & PLAN COMMISSION

Minutes Tuesday, Nov. 10, 2015, 6:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Others Present: Forrest Jukich, Jack Harrison and the attached list of attendees.

The meeting was called to order at 6:00 pm at the Presque Isle Community Building by Chairman Hemming. Motion to approve the agenda by Paul Specht, second by Marshall Reckard. All Aye. Motion to approve the minutes of the Sept. 29, 2015 meeting by Al Drum; Marshall Reckard requested the minutes be amended to change the ordinance section on guesthouses to 902.5.1 and 902.5.2. As amended, all Aye.

Chairman Hemming recognized Trig Solberg, Jim Leudtke & their attorney, John Houlihan to address the Committee and public regarding their Carlin Water Company. Houlihan presented a survey of the Parcel at the corner of Carlin Club Drive and County P which they are interested in changing from R-1 to recreational zoning. No application for a zoning change has been made so the discussion was largely informational. The proposal is for a 100 x 240 foot building into which water from the well on the Carlin Club property would be piped. Pre-formed plastic bottles would be heat expanded, filled and trucked off the property with a maximum 18,000 gallons per day at full capacity. The Lake Superior Basin permits wells with up to 100,000 gallons per day capacity. It was alleged the county and the corporate counsel would permit such activity in recreational zoning and that the enterprise would be eco-friendly and non-polluting. Trig Solberg said the water was of excellent quality and the parcel had many "common sense" attributes to recommend it, namely natural gas and 3 phase power & the short distance from the well source.

Dick Hemming asked for an example of a similar facility. Jim Leudtke cited the Langlade Springs facility in Polar Wisconsin, near Antigo.

Al Drum asked the size of the bottles. Answer 16.9 ounces and 1 liter. He was shown the size of the small "pre-form" plastic plug that would be stretched into a bottle.

The depth of the current well was asked. Well is 24 feet, has operated since the 1940's and was test pumped for 3 days at 55 gallon/minute with no drop in the water in the well. This water is special primarily because of the minerals surrounding the well. The bottles are 100% recyclable.

Bill Vinall asked the definition of manufacturing and whether any environmental impact study was done. Impact studies need only be done on high impact wells – those over

100,000 gallons/day. Houlihan said the definition of manufacturing was difficult and that he had prepared a legal brief arguing the bottling plant was not manufacturing.

Paul Specht asked why there were 4 truck bays when it was alleged only one truck per day would be filled and leave the plant.

Ann Millne asked about the effect on the proposed bike trail & the Carlin Club business. Leudtke said the plant and its retail operation would be a likely tourist attraction and positive economic influence on the town.

Dave Vogt asked how far the plant was from Carlin lake. Over 1000 feet. This is not in the shoreland zoning district.

Ramon Kubicka, VicePresident of the Carlin Lake Association and member of an Association Committee to investigate the water bottling operation presented zoning arguments against the bottling operation at the desired location. She presented a copy of a letter from Dawn Schmidt, Vilas County Zoning Administration, that stated the Carlin Club might well lose their grandfathered status if they expanded their non-conforming usage to a water bottling plant. Kubicka argued this change of zoning would be “spot zoning” and would violate the town’s long-range planning scheme.

Mike Smith, owner of the adjoining lot, stated surrounding property values would drop.

Chairman Hemming then closed this agenda item since there were no more questions or statements to be made.

Marshall Reckard then made a motion that the Committee declare that the Carlin Club Water Plant was a manufacturing operation. Chairman Hemming refused to honor that motion and Mr. Reckard challenged the chair’s ruling. Paul Specht and Marshall Reckard supported the challenge. Al Drum, Dick Heming and Peggy Johnson Wiessner voted against the challenge. Challenge failed.

Item 6.B. Discussion on whether to schedule a public hearing on zoning changes to Sections 900, 902, 904 & 908. Marshall Reckard noted that Senate bill 307 which seeks to repeal State Statute 59 has no bearing on town ordinances and that Presque Isle has no sub-division ordinance. He urged action on changing our ordinances in view of the current Vilas County position on these issues. Motion by Paul Specht, second by Al Drum to hold a special committee meeting to review the changes prior to a decision on whether to go to Public Hearing.

Item 6.C. – Marshall Reckard asked the Committee consider expanding UDC coverage to cover additions greater than 200 square feet. Currently our Ordinance only requires UDC inspections for structures expanded greater than 750 square feet.

Item 6.D. – Marshall Reckard reviewed the history of why Presque Isle does not have a sub-division ordinance and asked that the Committee consider the need for a sub-division ordinance in light of recent state zoning changes.

Item 6.E – Marshall Reckard reminded the Committee our ordinance needs to address two-family structures both on and off water.

Nick Williams asked what the Committee thought about a letter writing campaign to state legislators regarding repeal of Act 55. The general consensus seemed not to favor such letters.

Paul Specht moved to adjourn, Peggy Johnson seconded. All Aye. Meeting adjourned at 7:56 pm.

Next special meeting of the Committee was set for Monday, November 16, at 6:00pm to consider review & possible scheduling of a public hearing on revisions to Sections 900, 902, 904 & 908.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

The following members of the public were also present at this meeting:

John Houlihan	Trig Solberg	Brian Jopek
Karen Engleman	Derk Engleman	Lori Thomas
Bill Huemann	Kathryn Vogt	Dave Vogt
Barb Karl	Lois McManus	MikeSmith
Tom Preston	Susan Straus	Mary Watkins
Linda Davis	Cathy Allen Wirtz	David Wirtz
Daniel LaPean	Barbara LaPean	Nick Williams
Jorge Burke	Jeff Burke	Jim Nelson
Otto Novak	Linda Novak	Jim Sprister
Eric Koster	Al Eschenbauch	Ron Bricco
Carl Watras	Renn C. Karl	Dennis Wantlet
Ann Milne	Mary Koster	Chuck Hayes
Paul Rosenberg	Marsha Rosenberg	John R. Farwell
Carol Brewer	Joyce Stocker	K. C. Swenson
Rick Strand	Chris Strand	Ellynn Vinall
William Vinall	Cecil Davis	Carmen Farwell
James L. Battur	Ramona Kubica	Dean Acheson

## **TOWN OF PRESQUE ISLE**

### **ZONING COMMITTEE & PLAN COMMISSION**

Minutes Monday, Nov. 16, 2015, 6:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Others Present: Ordinance Committee including Carl Watras; Jim Nelson; Tom Preston; Larry Gorilla and Jack Harrison.

The special meeting was called to order at 6:00 pm at the Presque Isle Community Building by Chairman Hemming. Motion to approve the agenda by Marshall Reckard, second by Paul Specht. All Aye. Motion to approve the minutes of the Nov. 10, 2015 meeting, as amended by Al Drum second by Marshall Reckard . All Aye.

Chairman Hemming outlined the work done to date to amend our zoning ordinance in light of Act 55 and the Hegwood decision, re-affirming those provisions from the 1959 Presque Isle ordinance which continue to be within the authority of Presque Isle to enforce. He sought opinions on whether the proper action would be the scheduling of a public hearing on our amended ordinance or some alternate course of action such as a "letter of understanding" addressed to Vilas County.

Al Drum acknowledged the good work done to date on ordinance revisions but felt that the draft was not yet ready for a public hearing. Some substantive changes were needed as well as organization & proper citation of various ordinance sections.

Carl Watras, as chairman of the Ordinance Committee then presented a draft of, and his arguments for, a "platting and recording" ordinance similar to a subdivision ordinance as an administrative ordinance and not under the zoning chapter to further buttress the town's authority to define lot sizes and dimensions under Chapter 236 of the Wisconsin statutes. Marshall Reckard left the meeting at this point. Discussion was had on whether this would be a positive move for the town or would perhaps draw unwanted attention to the fact that Presque Isle retains considerable zoning authority.

Tom Preston asked what procedure the town was using now when a division of land was requested. Chairman Hemming indicated we were continuing to enforce the 1959 provisions while referring to Vilas County on shoreland issues.

The Ordinance Committee asked that Zoning consider the platting & recording addition to Presque Isle ordinances as the zoning situation continues to develop. They then left the meeting.

Chairman Hemming stated we must put forth what we know Presque Isle is entitled to enforce and asked Paul Specht and Al Drum to "clean up" and refine Sections 900, 902, 904 and 908 to ready them for final action at the next zoning meeting to be held Dec. 8

with a view to scheduling a public hearing perhaps during the week of Feb. 10 – 16, 2016.

Next regular meetings were scheduled for Mon., Dec. 8 and Mon., Jan 5, 2016.

Paul Specht moved to adjourn, Al Drum seconded. All Aye. Meeting adjourned at 7:15 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary