

## **TOWN OF PRESQUE ISLE**

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

Minutes Monday, Jan. 4, 2016, 6:00pm

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

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 Al Drum. All Aye. Motion to approve the minutes of the Dec. 7, 2015 meeting by Paul Specht; second by Marshall Reckard. All Aye.

Chairman Hemming stated he was contacted by Atty. Houlihan regarding the procedure to obtain a zoning permit for a proposed water bottling plant on an off-water parcel zoned recreational. Forrest Jukich stated he had also been contacted and that an application was in process.

Item 5.A. Chairman Hemming reconfirmed that a public hearing will be held Feb. 11 at 6:00pm on revisions to Sections 900, 902, 904 & 908 of the Presque Isle Zoning Ordinance and that the next regular meeting of the Zoning Committee would be held immediately thereafter to review public hearing testimony and possibly make recommendations to the Town Board. Marshall Reckard mentioned the need to review the Long Range Plan with respect to the changes proposed in Sec. 908.

Item 5. B & C. The Committee shared information on 5 bills presently in the Wisconsin Senate pertaining to changes to Act 55. It was noted that none of those bills would undermine the present authority of Presque Isle zoning and that Act 41 actually ratified and re-affirmed the town's zoning power. Chairman Hemming noted that some of the bills would actually strengthen Act 55 and outlaw a county's efforts to use a moratorium to postpone or weaken Act 55. Assembly Bill 583 would permit rentals of 7 days or more. This bill is authored by Senator Lassie but is not reported out of Committee at this time.

Item 5.D. Marshall Reckard took the position that Presque Isle does not need a separate sub-division ordinance because of Sec. 902.9.1 which requires Committee oversight of any land division of 5 acres or less or any division of land touching water. The Committee agreed with this position and we will no longer address this issue.

Item 5.E. Committee discussed the fact that Vilas County will allow duplexes on waterfront property and also in R-1 (Sec. 4.3.B.1) and that there is no provision for duplexes in the present Presque Isle ordinance. This will remain on the Committee's agenda for attention at future meetings.

Item 6.A. Committee questioned whether there was a need for an entire model ordinance for wetlands and whether our present provisions on dredging, filling, etc. could not be amended to take care of any wetland issues. Al Drum will review the model ordinance to see whether additional provisions should be incorporated into the Presque Isle ordinance. Keep on the agenda as old business.

Marshall Reckard moved to adjourn, Paul Specht seconded. All Aye. Meeting adjourned at 6:43 pm.

Next special meeting of the Committee was set for Thursday, Feb. 11 immediately after the Public Hearing at 6:00pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

### PUBLIC HEARING

Minutes Thursday, Feb. 11, 2016, 6:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Others Present: Forrest Jukich; Eric Johnson; Bill Newel; Pat Newel; Colleen Gorilla; Carmen Farwell; John Farwell; Adam Johnson; Larry Gorilla; Nick Williams; Jeff Burke; Linda Novak; Otto Novak; Kathleen Curtis; Tom Preston; Susie Gawriluk; Chuck Hayes; Jorja Burke; Al Eschenbauch.

The meeting was called to order at 6:00 pm at the Presque Isle Community Building by Chairman Hemming. Chairman Hemming read the notice that was published pursuant to Wisconsin Law stating that the purpose of the Public Hearing was to hear comments from the public on proposed amendments to Sections 900, 902, 904 and 908 of the Presque Isle Zoning Ordinance, which changes were made to accommodate changes made to Wisconsin Statutes.

Tom Preston – Acknowledged that Presque Isle cannot be more restrictive than the county. Asked whether Presque Isle could not have some form of “home rule” and where can we go “going forward?”

Paul Specht – Noted that the Committee did what they considered prudent and that what was presented as amendments was merely a draft document.

Marshall Reckard – Stated that Statute 59, as interpreted in the Hegwood decision, took away village powers; that Presque Isle had to prove we had zoning prior to Vilas County’s; that the legislation was to be implemented immediately and completely stripped municipalities from the power to deal with non-conforming structures on shoreland properties. Although Plum Lake initially backed legislation to completely repeal Statute 59, that effort has been abandoned in favor of a more limited approach.

Colleen Gorilla – Questioned whether privately-owned lakes were also affected. Answer – all navigable waters are included.

Nick Williams – Questioned that part of Sec. 908 that measures lake frontage. Answer – Vilas County mandated the perpendicular method rather than following the meander. We must use their method.

Bill Newel – Wanted Presque Isle to question what other similar towns are doing. Urged us to “go slow.” Acknowledged that the county now governs wetlands and impervious surface issues.

Jeff Burke – Questioned whether we would lose all zoning power if we failed to amend our ordinance. Answer – no we can keep what pre-existed County zoning but we do need clarification on what we can enforce.

Paul Specht – Stated we would be in Court quickly if we attempted to enforce beyond what our 1959 zoning stated.

Al Drum – Read a letter written by Bob & Pat Brofsky who could not attend the hearing. They opposed amending our ordinances at this time, urged “no hasty decisions.” They questioned whether we could enforce changes made to our zoning after 1959.

Dick Hemming – Noted that the Committee had held 3 other Public meetings – 2 where Vilas County Zoning Administrator appeared and one at which Presque Isle Town attorney Dennis Burgy attended where their interpretation of what was required of Presque Isle was discussed. The suggestion was made that Mr. Burgy be asked to give his written opinion on the question of what Presque Isle can enforce.

Suzie Gawriluk – Stated the Committee appeared to have done a great deal of work and that it seemed sensible we have a “fresh document” in the form of an updated, amended ordinance.

Jeff Burke – Asked the position of the Wisconsin Town’s Assn. Answer – Shoreland zoning is a county function so they are not taking a position. The Wisconsin County’s Association is drafting changes to its model ordinances.

Nick Williams – asked that the Committee maintain the present zoning until the town’s attorney gives a written opinion on whether immediate action is required.

Linda Novak – Asked whether the public could contribute questions for the written opinion from the town’s attorney – Answer – definitely.

Dick Hemming – Asked three times whether there were any further comments. None.

Public Hearing was closed at 7:00pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Monday, April 11, 2016, 6:00pm, PI Community Center

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht; Jack Harrison; Forrest Jukich. Public present: Karen Swenson; John Farwell; Carmen Farwell; Pat Borofsky; Bob Borofsky; Jorje Burke; Jim Leutke; and Ramona Kubicka.

The meeting was called to order by Chairman Dick Hemming at 6:00pm at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Al Drum, All Aye. Motion to approve the minutes of the March 23, 2016 meeting by Marshall Reckard, second by Al Drum. All Aye.

Chairman Dick Hemming addressed agenda item 6.A. as the first item of business – discussion on a possible zoning change from Community Business to General Business for Parcel 22-1184. Jim Leutke appeared inform the Committee of a forthcoming application to change the zoning on Parcel 22-1184 from Community Business to General Business for the purpose of constructing a water bottling facility. Parcel 22-1184 is an 11 acre parcel at the south east corner of County B & W. Mr. Leutke presented a survey showing the location of a 24,000 square foot building that would house a plastic water bottling operation to bottle water taken from a well on the same property and water trucked from a well on property owned by Carlin Lake Lodge. He stated that this parcel was within the shoreland zoning area and thus under the jurisdiction of Vilas County. He also noted that the well to be located on the property was not a high-capacity well and would only draw as much water as allowed on any other parcel in the township. He alleged the operation would not be visible from the road, would be quiet and would not adversely affect the environment.

Ramona Kubicka asked who at Vilas County had he consulted? Answer – Dawn Schmidt, Zoning Administrator and Martha Milanowski, County Attorney. She also asked who owned the Property – Answer Richard DeGroot. What is the present zoning – answer Community Business. What did the Long Range Plan designate this area? Answer – General Business.

Jorja Burke asked what criteria the Committee would use to consider this change? Chairman Hemming responded that any consideration of this issue was premature since no actual application had been filed. He stated that a public hearing would have to be held and would require 2 published notices. Marshall Reckard also reminded the Committee and the public that two hearings might need to be held if the zoning category requested did not conform to the town's long range plan. Vilas County would not approve a change of zoning that did not conform to the plan. Mr. Leutke was thanked for his information and stated he would be filing an application for a zoning change the next day.

Item 5.E.- Sec. 902 UDC. Item tabled pending the appearance of the new building inspector since this involves clerical changes and changes to the inspection fees.

Item 5.A. Park & Cabin Recreational Vehicles. Discussion on whether these are recreational vehicles or homes? They do require septic systems. Are they UDC inspected? Normally not except for plumbing and septic hookups according to our zoning administrator Forrest Jukich. He noted that manufactured and modular homes are not the same and that our ordinance has no minimum size requirements for single family homes. A 750 square foot addition does require UDC inspection but there is no such size

requirement for new construction. Committee felt this issue needs more study. Peggy Johnson Wiessner volunteered to bring information on the minimum size issue to the next meeting.

Item 5.B .Duplexes – this issue involves Sec. 912.1.2 of the PI Zoning Ordinance and needs to be considered with Sec. 902.5 on where guesthouses would be permitted when you have duplexes or multi-family dwellings. Paul Specht will bring this issue back to the next meeting.

Item 5.C. Model Ordinance for Wetlands – more work in the area of enforcement and penalties needs to be done. Al Drum volunteered to work on this issue.

Item 5.D. Changes to the Land Use Plan – this item will be addressed if Presque Isle adopts the proposed amendments to its zoning ordinance mandated by Act 55. Vilas County will not approve the amendments if they do not conform to the Land Use Plan.

Marshall Reckard then addressed the issue of a possible subdivision ordinance for Presque Isle. He noted that the Vilas County Subdivision Ordinance was on draft #2 and many changes are under consideration. He believed the county's ordinance, if not changed, would be detrimental to Presque Isle. He also reminded the Committee that NR115 specifically outlawed ordinances that were designed as work-arounds to NR115. Committee will monitor this ordinance at the County level and later decide whether to pursue at the town level.

Forrest Jukich was directed to contact the Chairman if the application for a zoning change was actually made. The Committee would then be polled to determine a mutually agreeable date for a public hearing on the issue.

Next meeting date May 9, 2016 at 6:00pm. The May 9 meeting will review Town Attorney Burgy's written answers to issues discussed at the March 23 special meeting.

Motion to adjourn by Al Drum second by Peggy Johnson Wiessner. Meeting adjourned at 7:10 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE Public Hearing

Minutes, Wednesday, May 4, 2016, 6:00pm, PI Community Center

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht,.  
Public present: Approximately 165 persons based on a canvas of their opinion taken during the meeting.

The meeting was called to order by Chairman Dick Hemming at 6:00pm at the Presque Isle Community Building. He read the Notice of Public Hearing which was properly published in the Lakeland Times April 19, 2016. The purpose of the hearing will be to hear comments from the public on a proposed change in zoning district from Community Business to All Purpose for parcel number 022-1184 and 022-82-01. He stated that those proponents of the change would speak first and then those opposing the change.

### Speaking in Favor

1. Attorney John Houlihan, agent for the applicant, Richard DeGroot, stated the applicant has received an offer to purchase from the Carlin Water Company and that he had meet with Vilas County Zoning Administrator, Dawn Schmidt, who indicated a zoning change to All Purpose, would accommodate the water bottling business. Houlihan supplied no specific details as to the bottling process since that was given at an earlier Zoning Committee meeting. As support for the zoning change Houlihan cited the Presque Isle 2020 Land Use Plan which provided the land in question should be a General Business District fostering economic development creating jobs with good wages and supporting a wide variety of commercial ventures. The All Purpose district outlined in the 2020 Plan would permit ventures entailing noise and heavy traffic. The Plat noted those ventures should be located in the town along highways B & W where the infrastructure to support such development was located. Houlihan concluded that the 2020 Plan supported the application.

2. Ken Reid, 11570 Armour Lk. Rd, Presque Isle. Did not speak in favor of the application but noted that the 2020 Plan had no allowance for any Industrial Areas in the town.

### Speaking in Opposition

1. Wiliam R. Vinall, 11757 riverside Rd., Presque Isle, a longtime resident opposed the All Purpose category of zoning as "too loose" permitting too many uses incompatible with the "Last Wilderness." Presque Isle is a water-driven community. He cited past drought years when the river near his home was only a trickle & the ash trees died. We are moving toward a drier climate. Ogalala aquifer has dropped over 6 feet and regained only 1 inch.

2. Ramona Kubicka, 12252 Carlin Lk. Dr. She is the Vice-Pres. Of the Carlin Lake Assn & Chairperson of a special committee to oppose drawing water from the Carlin Club well – one of the two sources of water for the proposed bottling plant. She cited 60.61g of the general zoning authority given to towns to encourage preservation of ground water and stated that transporting water from the Carlin Lodge well has been determined by Vilas County to not be one of the three legal non-conforming uses of the Carlin Lodge property. Atty. Houlihan objected to this testimony as not being relevant to the issue of re-zoning the two parcels in question. Chairman Hemming stated that this was a fair matter for discussion since Mr. Leudtke has stated water from the Carlin well was to be bottled in this plant. Kubica noted originally they were told 24,000/ week would be taken from the Carlin well and now it may be 100,000/ day.

3. Jeff Kenkle, 8059 Wilke Dr., Presque Isle objected to spot zoning not justified by the provision of jobs. He stated the contour of the land would require the cutting of trees to provide a driveway for large trucks, resulting in a “crappy” looking site.
4. Tom Preston, 7454 Katinka Lk. Rd., Presque Isle asked to be provided with the applicant’s Articles of Incorporation in order to learn the identity of the applicants. He asked they provide an Environmental Impact Study.
5. Darrell Gust, 7156 Hiawatha Lk. Rd., Winchester, was concerned that the town would be responsible for lawsuits resulting from failed wells following a drop the groundwater table. Urged to keep the Lst Wilderness a wilderness.
6. Stu Whipple, 8315 Hiawatha Dr., Presque Isle, a victim of agent orange, cited the hazards of dealing with plastics that contain endocrine disrupters such as PHA and phylates and noted it takes 2 gallons of water to produce one gallon of bottled water. He was concerned about roadside litter when the plastic breaks down & animals consume it. “We don’t want that back in the environment.”
7. Celeste Hocking, 11565 Oxbow Rd, Presque Isle. She is the Aquatic Ecologist for the Flambeau Tribe. She stated the waters of the surrounding communities and the tribal lands are intercommencted and would be affected.
8. Cecil Davis, 12405 Eva Dr., Presque Isle, wanted to preserve the “Last Wilderness” and asked that the microphone be passed around to secure a count of those opposed. Chairman Hemming stated he would entertain a similar action later in the meeting.
9. Cathy Logan Weber, 7601 Annabelle Lk. Rd., Presque Isle, stated water is our greatest resource and the draughts in California saying other areas would come here looking for water. This sets a bad precedent.
10. Gregory Halverson, 12483 Haase Rd., Presque Isle wanted to update his 65 year-old home that sets near the lake, extend his lawn and continue with an old septic. Zoning authorities impressed him with the arguments against such actions and asked why this request is even a topic for discussion.
11. Jan Smart, 11222 Forty-Niners Rd., Presque Isle, cited the examples of two Maine towns similar to Presque Isle – Fryberg and Hiram, Maine, who permitted large corporations to mine their water with resulting adverse effects – a track record for what could happen in Presque isle.
12. John Suffron, 10821 Hiller Dr., Presque Isle, asked what would happen if the business failed or the building was damaged and the town was left with a large decaing building like the Nagle Lumber company property in Land O Lakes. He cited the town’s early zoning history and the Last Wilderness theme.
13. Carmen Farwell, 12425 Eva Dr., Presque Isle questioned the 200 letters received by the town clerk and asked whether they would be available for review. Answer – yes. She stated hard data and detailed proposals should be required prior to approval and cited the U.S. Geological Survey that water was “money in the bank” that should not be pumped out faster than it is replaced. She favored economic development but alleged the jobs created by this bottling plant would not be good jobs.

14. William Perkins, 6910 River Dr., Manitowish Waters, asked that we google “bottled water” and note its medicinal properties, especially those attributed to the Carlin water which has alkaline properties. Why do we need another water source to help our ulcer’s?

15. Ken Wiesner, 8754 Birchwood Cove, Land O Lakes, has 30 years experience as a registered professional engineer. He wanted several questions answered – has a test well been done or the pumping capacity been tested? Has the effect on the aquifer been tested? Ground water is tricky and you need engineering studies – you may get bad water or water with high iron content that need to be treated. What then? Too many unknowns – too much uncertainty.

16. Chuck Hayes, 12364 Carlin Lk. Dr., Presque Isle, noted this question was original opposed in Presque Isle over two years ago, then tested and rejected in Minocqua, now back in Presque Isle. How many versions are going to be entertained before saying, “no, no, and no?”

Chairman Hemming asked three times whether there were more people to speak. No answer. He then divided the room into 4 parts and had volunteers poll the audience for opinions. Result – 153 opposed to the application and 12 in favor. Before closing the meeting Al Drum asked how much water was planned to be taken and Atty. Houlihan responded 18,000 maximum per day. He also asked how many truck per day and was told “one.” When he asked why the building was designed with 3 truck bays, Mr. Leudtke responded – “for future development.” Mr. Drum also asked whether this would be a viable project without the Carlin water and was told it could be but that the Carlin water was premium water and would insure the project’s viability.

Chairman Hemming adjourned the Public Hearing at 7:20pm.

Motion to adjourn by Al Drum second by Peggy Johnson Wiessner. Meeting adjourned at 7:10 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE

Minutes, Wednesday May 4, 2016,

following the 6:00pm, Public Hearing, PI Community Center

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht.  
Public present: approximately 150 members who attended the prior Public Hearing

The meeting was called to order by Chairman Dick Hemming at 7:20pm at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Al Drum, All Aye. Motion to table approval of the minutes of the April 11, 2016 meeting by Marshall Reckard, second by Paul Specht, all aye.

Chairman Dick Hemming asked whether there were any motions resulting from the just concluded public hearing.

Paul Specht moved, "Due to the overwhelming opposition to the zoning change requested by Richard DeGroot (Mr. Jim Luedtke) by 200 property owners, taxpayers and residents of the town, and the fact that such zoning change would be inconsistent with the town's Land Use Plan, I move that the Zoning Committee recommend that the Town Board deny Mr. DeGroot's (Mr. Jim Leudtke) request. Second by Al Drum.

Discussion by Marshal Reckard centered on public safety concerns with pedestrian traffic and tanker truck traffic; the fact these were not all weather roads; the height of the proposed building that could not be protected from fire with present equipment; and the size of the parcels which could result in division into ten all purpose zoned lots in the future.

Al Drum noted the great number of concerned citizens who opposed this application in written letters and e-mails and in testimony at the prior public hearing. He stated this opposition was in line with the town's 2020 Land Use Plan mission statement; its land use goals and objectives section and its natural resource goals and use section. Most importantly he quoted from the land use plan's implementation strategy section which stated that the town's plan commission should determine that any amendment to the plan be consistent with the following criteria before granting approval:" 1. Amendment will maintain the public health, safety and welfare; 2. Amendment is necessary due to changed conditions or circumstances and 3. The cumulative effects of proposed changes have been assessed and determined to be consistent with the spirit and intent of the Town of Presque Isle Year 2020 Comprehensive Land Use Plan and any other applicable local plans and policies." He viewed the application for this zoning change to be inconsistent with all three amendment criteria.

Peggy Johnson Wiessner stated that, while she was inclined to be sympathetic to the economic concerns of residents who make Presque Isle their primary home and who make their living and raise their families in Presque Isle, she could not support a proposal with so few specifics and fact-based information on its repercussions for the future of the town and its resources.

Marshal Reckard requested the committee be polled on the motion. Marshall Reckard – Aye. Paul Specht – Aye. Al Drum – Aye. Peggy Johnson Wiessner – Aye. Dick Hemming – Aye. The motion to recommend denial of the application to the town board was approved.

Next meeting date May 11, 2016 at 6:00pm. The May 11 meeting will review Town Attorney Burgy's written answers to issues discussed at the March 23 special meeting.

Motion to adjourn by Marshall Reckard second by Al Drum. Meeting adjourned at 7:46 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE

Minutes, Monday, May 11, 2016, 6:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht.  
Public present: Carl Watras; Carl Schoenacker; Jorja Burke

The meeting was called to order by Chairman Dick Hemming at 6:00pm at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Al Drum, All Aye. Motion to approve Minutes of the March 23, 2016 meeting by Al Drum, second by Marshall Reckard. All Aye. Motion to approve minutes of the April 11, 2016 meeting by Marshall Reckard, second by Al Drum. All Aye except for Paul Specht who abstained. Motion to approve minutes of the May 4 Public Hearing as amended, by Al Drum, second by Peggy Johnson Wiessner. All Aye. Motion to approve the minutes of the May 4 regular Zoning Committee meeting by Al Drum, second by Peggy Johnson Wiessner. All Aye.

Public Comment: Carl Schoenacker raised questions concerning the conduct of the Public Hearing held May 4, 2016. He asked why was anyone, from anywhere permitted to speak? Why was a public "vote" taken without being limited to Presque Isle residents? Why were rebuttals not permitted? How could this request not fit into the Comprehensive Plan? Answer - the change was for All Purpose Zoning. He asked how the plan was original developed? Chairman Hemming recounted the history of the town hiring its consultant and its possible use of the same consultant for the 2020 update.

Item 5.A. Discussion of Attorney Burgy's response to the Committee's letter of Feb. 18 regarding changes to the town's ordinance necessitated by recent statute changes and the Hegwood decision. Burgy believes it is clear the town cannot continue to enforce zoning ordinances it did not have in place prior to enactment of Vilas County zoning. He noted that Hegwood further held essentially that town have not had shoreland zoning authority since 1965 and thus amendments to the town's original ordinance were invalid. He counseled against attempting to enforce amended ordinances using ambiguity as a defense. He stated our ordinance should reflect the present state of the law rather than creating confusion by leaving the ordinance "as is," and the zoning administrator should not be put in the position of approving a zoning application that violates our ordinance as written. He believes a Subdivision Ordinance outside of the Zoning Ordinance would enable the town to enforce provisions of the zoning ordinance that were enacted after county zoning was in place. He recommended that the preamble to our zoning ordinance use the word "revised" rather than "amended."

On the issue of using a Subdivision Ordinance to revive ordinance provisions enacted after Vilas County Zoning, Marshall Reckard stated the County has been working for more than 2 months on their subdivision ordinance and he provided the Committee with a draft of their progress thus far. Carl Watras, chair of the ordinance committee wanted to include lot sizes in a Presque Isle subdivision ordinance. The Committee thought that might violate the admonition of Hegwood that attempts to use other ordinances to enact local zoning would not be upheld. Peggy Johnson Wiessner moved to table

work on the Subdivision ordinance pending Vilas County's further efforts and Paul Specht seconded. All Aye.

Paul Specht noted that amendments to sections 900, 902 and 904 do not involve shoreland issues and that the Committee ought to separate its recommendations regarding amendment from section 908. Marshall Reckard then moved that a re-draft of section 908 should be done which moves the history of the ordinance from 900 to section 908 to be used as a preamble. Action on that section will be held until after the Land Use Plan is amended to conform. Paul Specht seconded that motion. All Aye.

Dick Hemming requested finished language for the next meeting along with supporting documents on amendments to the LUP. Marshal Reckard reminded the Committee a 30 day notice was required for amendments to the LUP and thereafter, the change to the LUP would be made by resolution to the town Board. It will not be necessary to include section 908 in the public hearing on the LUP. Marshall Reckard moved that the Public Hearing be held Monday, July 11. Paul Specht seconded. All Aye. Marshall Reckard will see that the town website has the correct language for the changes to 900, 902, 904 and 908.

Item 5.B. Duplexes. Paul Specht moved and Al Drum seconded a motion that the definition of multiple housing in Sec. 902 drafted on Jan. 25, 2016, be used to amend Sec. 902. All Aye except for Peggy Johnson Wiessner who abstained.

Item 5.C. Wetlands - Al distributed a revised draft of the Model Wetlands ordinance that contained a penalties section. Action on this issue will be held to the next meeting.

Item 5.F. Minimum size requirements – Marshall moved to strike this from further consideration. Al Drum seconded. All Aye.

Next meeting date Monday, June 13, 2016 at 6:00pm.

Motion to adjourn by Peggy Johnson second by Paul Specht. Meeting adjourned at 7:22 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE

Minutes, Monday, June 13, 2016, 6:00pm

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, absent/ill. Public present: Bill Hill, Brenda Dyre, Carl Schoenacker

The meeting was called to order by Chairman Dick Hemming at 6:00pm at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Al Drum, All Aye. Motion to approve Minutes of the May 11, 2016 meeting by Marshall Reckard, second by Peggy Johnson Wiessner. All Aye.

Public Comment: There was no public comment.

Item 6.A. Marshall Reckard presented the preliminary 3-lot subdivision of the \_\_\_\_\_ property in the zoning administrator's absence. The Committee questioned the inclusion of the road right-of-way in calculating the minimum lot size and the correct calculation of the water frontage. The preliminary survey was returned to the zoning administrator for correction and clarification of those concerns. Bill Hill asked whether one was taxed on road right-of-way and easement areas. Chairman Hemming responded that easement areas were private property and were included in the area of one's private property.

Item 5.A. The July 11 Public Hearing concerns changes to the Land Use Plan and not to the Presque Isle Zoning Ordinance. The hearing must discuss the changes as posted and cannot consider any alternative changes they might want to make, namely changes involving the R-5 zoning category. Peggy Johnson Wiessner noted that the proposed changes will essentially make the plan generic and not specific to Presque Isle. Marshall Reckard again noted the differences between changes to the Zoning Ordinance where the Committee is only advisory and changes to the Land Use Plan where the Committee has authority to actually change the Plan.

Item 5.C. Committee agreed that the proposed changes to Sec.908 of the zoning ordinance were merely "re-statements" of existing law and not "amendments."

Item 5.B. Model Wetland Ordinance – Vilas County includes its wetland ordinance under its general ordinances rather than a part of its zoning ordinance. Peggy Johnson Wiessner questioned whether this would change the buildable area up to a wetland and noted the difficulty of defining the limits of a wetland and the expertise involved in making that determination. There was no motion made to pursue a local wetland ordinance at this time.

Chairman Hemming informed the Committee he has received pressure from the Ordinance Committee to have a joint meeting on a Subdivision ordinance for the town. In view of Vilas County's work on its subdivision ordinance and other factors, he informed the Ordinance Committee this was not an appropriate time to hold such a meeting.

Next meeting date Monday, July 11, 2016 following the Public Hearing held at 6:00pm on that date. We will need a separate agenda for the Committee meeting. Items should include: Section 912 of the UDC; updates on the Vilas County Subdivision Ordinance and the impact of Vilas County changing the jurisdiction of the bike trails from Forestry to Zoning.

Motion to adjourn by Paul Specht second by Al Drum. Meeting adjourned at 6:58 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## Plan Commission Public Hearing

Minutes Monday, July 11, 2016

Members present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, Presque Isle Zoning Administrator. No Public Present

Chairman Hemming called the Public Hearing to order at 6:00pm at the Presque Isle community Building. The Hearing was properly noticed by a Class 1 Notice. Purpose of the hearing was to secure public input on amending the Land Use Plan by removing Table 8-1 from the Plan and revising the description of Zoning Districts to reflect broader definitions, as detailed in the draft amendment dated 1/11/2016. Chairman Hemming asked three times for comments favoring the amendment and three times for comments opposing the amendment. There were no comments whatsoever. Public Hearing adjourned at 6:02.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION MEETING

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Paul Specht; Marshall Reckard. Forrest Jukich, PI Zoning Administrator. Public present: none.

The meeting was called to order by Chairman Dick Hemming at 6:03pm at the Presque Isle Community Building following the Public Hearing. Motion to approve the agenda by Marshall Reckard, second by Al Drum. All Aye. Motion to approve Minutes of the June 13, 2016 meeting by Al Drum, second by Peggy Johnson Wiessner. All Aye.

Public Comment: There was no public comment.

Item 5.A. Marshall Reckard moved to amend the language of Resolution LUP 2016-1 dated 1/11/2016, reinstating language pertaining to District R-5 as contained in the draft amendment dated 7/11/2016; seconded by Al Drum. All Aye. Marshall Reckard then moved approval of Resolution LUP 2016-1, as amended. Second by Paul Specht. All Aye. The amended resolution was signed by all members. It was noted the Town Board must now notify all adjoining towns and the regional planning commission of the Commission's action.

Item 5.D. Fireman's Point three lot subdivision update. Committee discussed needed revisions to the Tom Boettcher survey including the frontage measurement and whether to include the easement road area in the required lot area. Item to be placed on the Committee's August 2 agenda.

Item 5.B. Al Drum moved and Peggy Johnson Wiessner seconded a motion to reflect updates in the UDC Chapters 320-325 by removing Sec. 912 to conform to those changes. All Aye.

Item 5.C. Updates to the Vilas County Subdivision Ordinance. Draft #4 of the county's subdivision ordinance was distributed & Marshall Reckard noted Presque Isle opted out of accepting this ordinance and that the present draft did not contain any minimum lot sizes. Committee to study the present draft and discuss at its next meeting.

Item 5.E. Committee noted that Vilas County jurisdiction over bike trails remains with the Forestry Department.

Item 6.B. Approval of a Two lot subdivision of the Oltoff property on Papoose lake moved by Paul Specht, second by Al Drum. All Aye except for Peggy Johnson Wiessner who abstained.

Marshall Reckard informed the Committee new fiber optic lines will be laid within the town's road right-of-way and that the town, along with other towns in the county, will not charge a fee for this upgrade which will enhance service to all phones in the 686 exchange.

Dick Hemming noted the Town Board had requested a formal position from the Zoning Committee on enacting a local subdivision ordinance. This will be placed on the next Committee meeting agenda.

Next meeting set for 8:30am on Tuesday, August 2, 2016.

Motion to adjourn by Paul Specht second by Al Drum. Meeting adjourned at 7:04 pm.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE

Minutes, Tuesday, Aug. 2, 2016, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, PI Zoning Administrator. Public present: David Konopacky, Northwoods Surveying; Tom Boettcher & Michael Weber, Eagle Landmark; John Dennison.

The meeting was called to order by Chairman Dick Hemming at 8:30am at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Al Drum, All Aye. Motion to approve Minutes of the July 11, 2016 Public Hearing by Marshall Reckard, second by Paul Specht. All Aye. Minutes of the July 11, 2016 Zoning Meeting by Paul Specht, second by Al Drum. All Aye.

Public Comment: There was no public comment.

Item 5.A. Surveyor Tom Boettcher presented his position on the preliminary 3 lot subdivision of property owned by John Dennison. The lot was created in 1951 and Dennison purchased the parcel in 1988. He proposes to divide the parcel into two waterfront lots and one back lot. The original survey indicated 403.6 feet of frontage. Since Presque Isle can apparently only enforce the provisions of its 1959 ordinance, after the state's passage of Act 55, the frontage now required is only one acre. Committee questioned whether the frontage had to be measured by the perpendicular method mandated by Vilas County after 2000. Using this method the frontage falls short of 200 feet for each lot. Committee also questioned whether the right of way area of the town road that bisects the property could be used to satisfy the minimum one acre requirement. The town road was established by an unrecorded "dedication" that did not appear on Dennison's title commitment. Is a "dedication" a "conveyance?" Also at issue was the effect of a Wisconsin Attorney General's opinion that held that a town road automatically divided a parcel into two parcel and the State's platting code in Chapter 236 regarding the inclusion of easement area in the total area of a lot. The effect of Act 55 on all of these issues since the definition of lot size was not a part of the 1959 ordinance. Dick Hemming and Peggy Johnson Wiessner appeared to agree the older method of measuring frontage could still be used to satisfy the 200 foot minimum. Paul Specht moved and Al Drum seconded a motion to request an opinion of the town attorney on these issues: proper measurement of frontage; definition of lot area with respect to including right of way area and the effect of an unrecorded document establishing a town road. Motion passed 3 to 2 with Marshall Reckard and Peggy Johnson Wiessner voting Nay. Al Drum will put this request in writing and circulate it to all Committee members and to Tom Boettcher prior to sending to Attorney Burgy.

Item 6.B. Dave Konopecky presented a two lot subdivision of the Chantry property on Katinka Lake. There were no questions as to frontage or acreage requirements but the Committee did note that the access easement road could only be expanded on the property Chantry owned and that an easement for the septic drainfield on lot 2 should carry a notation that the field must be relocated on lot 1 should it ever fail. Marshall Reckard moved approval of the subdivision with the above two changes and Paul Specht seconded. All Aye.

Item 6.A. David Konopacky then presented what he termed a 4 lot line adjustment on the Olson property on Presque Isle Lake. This proposal again raised the issue of how water frontage is properly measured given Act 55 and whether changes to a legal non-conforming lot would jeopardize its “grandfathered” status. Also at issue was a lake access easement that attached to a parcel across a county road. Dick Hemming believed a legal non-conforming lot “clearly” lost its grandfathering status if any change was made to the lot. Marshall Reckard moved to table action on this item until a legal opinion is received from Atty. Burgy on the grandfathering issue as well. Paul Specht seconded. All Aye.

6.C. Marshall Reckard noted that a gravel walkway to the lake was defined as an accessory “structure” under NR 115 and that setbacks are not a part of the Vilas County Shoreland ordinance but rather are included under Vilas’ general zoning ordinance. He requested the Committee revisit our setback requirements in view of NR 115. We will include this item on the next meeting agenda.

Next meeting date Tuesday, Sept. 13, 2016, at 8:30am.

Motion to adjourn by Peggy Johnson Wiessner second by Al Drum. Meeting adjourned at 10:10 am

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, Sept. 13, 2016, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, PI Zoning Administrator. Public present: David Konopacky, Northwoods Surveying.

The meeting was called to order by Chairman Dick Hemming at 8:30am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Marshall Reckard, All Aye. Motion to approve Minutes of the August 2, 2016 meeting by Paul Specht, second by Marshall Reckard. Peggy Johnson Wiessner noted that Carl Watras had requested the Aug. 2 minutes replace all references to Act 55 with "the Hegwood decision." Committee decided to merely add reference to the Hegwood decision. All Aye, as amended.

Public Comment: There was no public comment.

Chairman Hemming questioned whether Vilas County had ever acted on the Town' zoning amendments sent to the county in earlier this year. Marshall Reckard stated no action had been taken and he would check on that matter, urging them to take action soon.

Item 5.B. Surveyor Dave Konopacky presented a final subdivision map for the Chantry property on Katinka Lake which incorporated the notation that the drainfield on lot 2 would need to be re-located on lot 1 should it ever fail, and corrected the size of the easement road on the neighboring property. Motion to recommend approval to the town board by Marshall Reckard, second by Paul Specht. All Aye.

Item 5.C. Committee referred to the letter dated Sept. 12, 2016 from the town's attorney, Dennis Burgy, to resolve the issue of whether changes could be made to the legal, but non-conforming, lots owned by the Olson's on Presque Isle Lake. See copy of the Burgy letter attached hereto. So long as the non-conforming attributes of a legal, non-conforming lot were not decreased and the changes proposed met current zoning requirements, the property would retain its legal status. Action on this item was tabled until the next meeting when a Certified Survey Map would be presented to the Committee.

Item 6.A. Peggy Johnson Wiessner recused herself from consideration of this matter and took a seat in the audience. Paul Specht was directed to take minutes on this item and his minutes are attached hereto.

Item 5.A. Committee again referred to the Burgy letter to resolve the issues raised by the proposed subdivision of the Dennison 3 lot subdivision on Fireman's Point, Presque Isle Lake. The area of an easement road cannot be taken into consideration to fulfill the minimum acreage requirement of a lot. Therefore, the minimum acreage requirements have not been met. Also the frontage measurement must now be measured perpendicular to the side lot line which also results in the minimum frontage requirement not being met. Marshall Reckard moved to recommend the town reject the Dennison subdivision, Paul Specht seconded. All Aye.

Item 5.D. No action was taken on this issue.

Zoning Administrator Forrest Jukich noted he had been asked to resolve an issue of an encroachment involving a pier which encroached on the extension of a neighbor's lot line on the water. Committee advised this was in the DNR's jurisdiction and zoning authority would not apply.

Next meeting date Tuesday, October 4 2016, at 8:30am.

Motion to adjourn by Marshall Reckard, second by Dick Hemming. Meeting adjourned at 9:59 am

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

Attachment to Minutes 9/13/2016

New Business Item 6.A. Discussion & possible action on Sievert's 2 lot subdivision on Oxbow Lake

Dave Konopecky was in attendance to present a two lot subdivision of the Sievert's property on Oxbow Lake. (Peggy Johnson recused herself from any discussion of this matter). Before he began however he requested an update on where the new County Shoreland Ordinance was in the process toward final approval. Marshall provided a brief update and estimated final approval could be two months out.

Mr. Konopecky then proceeded with his subdivision presentation looking for Committee acceptance of two items:

--measuring the related frontage based on the shoreline high water mark versus on the perpendicular as cited in both the current County and Town Shoreland Ordinances. The proposed subdivision most likely will not result in 200 feet of frontage on the perpendicular on either of the newly proposed lots. His argument was that the accepted form of measurement at the time the lot in question was surveyed and subsequently re-surveyed was along the shore line, hence he believes he should be allowed to use the older form of measurement. Marshall referenced a September 12, 2016 letter from Town Attorney Dennis Burgy that, among other things, addressed this specific topic. In that letter Mr. Burgy stated, "So long as the County Ordinance (current) requires measurement along the perpendicular line, the required 200" (in the Town's Ordinance) would need to be measured in the same fashion". The Committee agreed. Marshall noted that the County approved measuring on the perpendicular in 2007. Mr. Konopecky stated he disagreed with Mr. Burgy's opinion.

--agreement with his use of the 80% rule for resulting lot sizes as allowed under the Town's ordinances that are currently in effect until the Town's restatement of its Shoreland Ordinances in response to NR 115 are formally adopted by the Town. Marshall clarified that the 80% rule is part of the Town's General Ordinances not Shoreland Ordinances. He further stated that there is no provision for the 80% rule in NR115. A discussion ensued among Committee members on reasons why the 80% within the Town's Ordinances could or could not co-exist with requirements of NR115. At the conclusion of this discussion Mr. Konopecky asked each member of the Committee to state their personal opinion on whether or not the Town had the right to apply the 80% rule to subdivisions proposed subsequent to the effective date of NR 115. The Committee was evenly split on this matter.

The discussion was closed with Mr. Konopecky stating that his intent was to return to the next meeting of the Committee with a Certified Survey Map for the Committee's consideration and action.

Respectfully submitted by Paul Specht

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, Oct. 4, 2016, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, PI Zoning Administrator, Jack Harrison, PI Town Chairman. Public present: David Konopacky, Northwoods Surveying; Brian Castro.

The meeting was called to order by Chairman Dick Hemming at 8:30am at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Al Drum, All Aye. Motion to approve Minutes of the September 13, 2016 meeting by Al Drum, second by Marshall Reckard. All Aye.

Public Comment: There was no public comment.

Item 5.A. Surveyor Dave Konopacky presented a final subdivision map dated Sept. 1, 2016, for the Olson property on Presque Isle Lake which re-configured the side lot lines and added acreage to the grandfathered, non-conforming parcels but did not change the frontage measurement. He noted that Vilas County has consistently permitted a change to non-conforming, grandfathered parcels which expanded their size. Motion to recommend approval to the town board by Marshall Reckard, second by Peggy Johnson Wiessner. All Aye.

Item 5.B. Sievert's Oxbow Lake two-lot division. Peggy Johnson Wiessner recused herself from all discussion of this issue and removed herself from the table. Minutes on this issue were taken by Paul Specht and there are appended hereto.

Item 5.C. Marshall Reckard updated the Committee on the status of changes to the Presque Isle Zoning Ordinance now before the Vilas County Zoning committee. He noted the changes could only be rejected because of an error of law. He stated such a situation might exist with respect to a reference in Sec. 908.2.2.4 to Sec. 903 which the County might ask to strike as being redundant. He asked for the Committee's permission to do so if the County requested this be done. Chairman Hemming stated he would call a special meeting to approve any changes the County wanted. Marshal also noted the County has passed its Subdivision Ordinance.

Item 5.D. The Secretary was directed to eliminate this item from future agendas since there has been clarification of what constitutes a "structure" in the Vilas County Ordinance.

Zoning Administrator Forrest Jukich stated a citation has been issued to Tom Radke in Natural Lakes for a violation of the 35 foot height restriction.

Next meeting date Tuesday, November 8, 2016, at 8:30am.

Motion to adjourn by Marshall Reckard, second by Peggy Johnson Wiessner. Meeting adjourned at 9:50am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

Old Business Item 5.B. Discussion and Possible Action on Sievert's 2 lot subdivision on Oxbow Lake

Dave Konopecky restated his case for allowing the subject subdivision by application of the 80% rule for subdivisions within the town. He stated that as the town's shoreline ordinance had yet to be changed this rule could still be applied. Marshall Reckard cited a recent opinion from Town Attorney Dennis Burgy that indicated the 80% rule could not be used because it had not been a part of the Town's shoreland ordinances prior to the County's adoption of shoreland ordinances. Paul Specht indicated that he felt that applying the 80% rule was a reasonable alternative for the Town in this case stating that by not applying it the Town was actually making their ordinance even more restrictive and going against the less restrictive spirit of NR115. Marshall and Dick disagreed with Paul's assessment. Paul then indicated that at a minimum this was a case for the BOA.

Mr. Konopecky then argued that he should not be required to measure frontage of the proposed lots based on the perpendicular stating that in 1959 lot frontage was not required to be measured in this manner. Once again an opinion by the Town's attorney was cited which stated that the Town must measure frontage on the perpendicular. Mr. Hemming felt that there may be an argument for allowing measurement by means other than the perpendicular as that method was not used in 1959. Some on the committee felt that allowing measurement by other means would a precedent that could lead to unintended results in future cases brought before the committee.

Peggy Johnson as citizen present stated that 2 sections of the Town's ordinances as they stand right now would allow the lot subdivisions requested and that the town should approve any such changes until its updated ordinances are formally in place.

A brief discussion was then held around Mr. Burgy's statement that the 80% rule could become part of a yet unwritten subdivision ordinance within the Town that would then be applicable to shoreland properties as well. Mr. Hemming ended this discussion stating that we must go back to our 1959 ordinance and the Hegwood decision for guidance in these matters.

Mr. Specht made a motion to allow the application of the 80% rule in the case. The motion failed to receive a second.

Mr. Hemming then suggested that if Mr. Konopecky returned to the committee with the proposed lots measured along the shoreline he would probably vote to approve. Others on the committee disagreed with this approach.

Brian Castro as a citizen at the meeting stated he could not understand why the ordinances currently on the books could not be applied until a new and revised ordinance in compliance with NR 115 was in place. At this point there it was a consensus within the committee that this matter should be sent to the Board of Adjustments for settlement.

Respectfully submitted by Paul Specht

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, Nov. 8, 2016, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht. Forrest Jukich, PI Zoning Administrator. Public present: Ramona Kubicka; Carmen Farwell; John Farwell; Chuck Hayes; Carl Watras; Linda Davis; Cecil Davis.

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Paul Specht, second by Marshall Reckard, All Aye. Motion to approve Minutes of the October 3, 2016 meeting by Marshall Reckard, second by Paul Specht. All Aye.

Public Comment: There was no public comment.

Item 5.A. Marshall Reckard stated the Vilas County Zoning Committee yesterday approved the Presque Isle Zoning amendments with 4 changes that were basically typographical errors. A resolution by the full Vilas County Board will be on its agenda next week and is expected to pass without opposition. It will then be before the Presque Isle Town Board for final approval.

Marshall Reckard also noted there will be a Public Hearing on Dec. 5<sup>th</sup> at 9:00am to address changes to the Vilas County Zoning Ordinance. Marshall will e-mail the proposed changes to all committee members.

Item 6.A. Ramona Kubicka, on behalf of the Carlin Lake Association, updated the Committee on recent developments in the association's quest to prevent water from the Carlin Club well being shipped to the bottling facility in Marenisco. She was not asking for immediate action from the Committee and was concentrating on zoning issues rather than on the water issues. Committee members were given a packet of materials containing letters from Dawn Schmidt, Vilas County Zoning Administrator; Martha Milanowski, Vilas County Corporation Counsel; Daniel Bach, an attorney representing the Carlin Lake Association; and Dean Acheson, a correspondent for the FYI newspaper. Kubicka also stated a compliant seeking Declaratory Judgment had been filed in Vilas County Circuit Court to prevent the extraction of water from the Carlin Club well. Carmen Farwell will provide copies of the complaint to the committee.

Farwell also noted that Section 902.10.2 of the Presque Isle Zoning Ordinance prohibited the expansion of uses on a "grandfathered" parcel .

Chuck Hayes noted the Carlin group would, at some later time, probably seek an opinion from the Committee on the effect of the local zoning laws and on the 1997 change to R-1 for Carlin Lake.

Al Drum asked the identity of the hydrologist who analyzed the effect of the water removal on the lake levels and the surrounding wells. Answer – Robert Nanta.

Paul Specht noted the ramifications of this issue could erode local zoning and it would be important for the Committee to develop its position at a later meeting.

Al Drum sees the water extraction as a clear new use by the Carlin Club.

Dick Hemming stated he would not call for a motion and that the Committee's emphasis should be on the zoning issues rather than on the water issue.

Chuck Hayes also stated he foresees a conflict between the County zoning issues and the DNR.

Peggy Johnson Wiessner stated she had received an email posing questions on the grandfathering of another lake parcel. However, the questioner did not pursue the issue by attending the meeting.

There was no report from Zoning Administrator Forrest Jukich.

Marshall Reckard stated another citation has been issued to Tom Radke in Natural Lakes for a violation of the 35 foot height restriction.

Next meeting date Tuesday, December 13, 2016, at 8:30am.

Motion to adjourn by Marshall Reckard, second by Paul Specht. Meeting adjourned at 9:08 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.

# TOWN OF PRESQUE ISLE

## ZONING COMMITTEE & PLAN COMMISSION

Minutes, Tuesday, Dec. 13, 2016, 8:30 am

Members Present: Dick Hemming; Al Drum; Peggy Johnson Wiessner; Marshall Reckard; Paul Specht.  
Absent: Forrest Jukich, PI Zoning Administrator. Public present: Ramona Kubicka; Carmen Farwell; John Farwell; Carl Watras; Cecil Davis; Jorja Burke; Jim Battin; Carl Schoenecker; Eric Johnson, FYI Northwoods; Brian Jopek, Lakeland Times .

The meeting was called to order by Chairman Dick Hemming at 8:30 am at the Presque Isle Community Building. Motion to approve the agenda by Marshall Reckard, second by Paul Specht, All Aye. Motion to approve Minutes of the November 8, 2016 meeting by Al Drum, second by Marshall Reckard. All Aye.

Public Comment: There was no public comment on anything other than an agenda item.

Item 5.B. Ramona Kubicka updated the Committee on recent developments pertaining to the Carlin Lake water issue noting that, in addition to a complaint, a petition for a temporary injunction and supporting documents had also been filed in Vilas County Circuit Court. She also cited several developments she characterized as “disturbing,” those being the addition of a circular drive on adjacent property owned by Carlin Club LLC for the purpose of turning large trucks and the addition of a base for a proposed “pump house” to pump water from the Carlin well - neither one of which had a zoning permit prior to the project’s start. A driveway permit was subsequently granted by the Presque Isle town zoning administrator. Vilas County has refused a permit for the “pump house” as an accessory structure. Ms. Kubicka asked that the Committee review the permitting process for the driveway to determine whether it was properly issued. Several members of the public evidenced their frustration with the actions of the Carlin Club owners, citing a possible intent to deceive as to their purpose, a failure to inform, possibly a loss of the Carlin Club’s “grandfathered” status, etc. Paul Specht asked what was needed to revoke the driveway permit and Chairman Hemming noted the agenda did not call for any action on this item and that information needed to be obtained from the Presque Isle Zoning Administrator. Paul Specht moved, and Al Drum seconded, the following motion; “That the Committee recommend the Town Board advise the Carlin Club owners to cease all activities directed toward the ultimate pumping of water for transport off-site, as that would be a violation of what is permitted in the Town’s R-1 zoning category.” Discussion continued with several committee members questioning whether this was presumptive and whether the timing was proper for such action. Chairman Hemming assured those in attendance the Committee would enforce the ordinance but that “right timing matters.” The motion was defeated on a roll call vote with Paul Specht voting Aye, Dick Hemming, Al Drum and Peggy Johnson Wiessner voting Nay and Marshall Reckard abstaining. The issue of whether the driveway permit was properly issued and what action the town should take on the pump house base that has been placed on the adjoining land will be placed on the January Committee meeting agenda.

Item 5.A. This item was placed on the agenda to note that the town’s website now reflects the amended Sections 900, 902, 904 and 908 all of which conform to current State requirements.

Item 6.A. Dick Hemming noted Marshall Reckard has resigned from the Committee effective January 1, 2017 but that he would remain as the Town Board liaison. He thanked Marshall for his many years of service and welcomed Carl Schoenecker who has been appointed by the town to replace Marshall Reckard and was in attendance.

Marshall Reckard noted that the Vilas County Public Hearing on the new shoreland ordinance was held and that action by the county was expected at the county board meeting. He also updated the Committee on the municipal court's citation for a Natural Lake's structure that violated the 35" maximum height restriction. Defendant's are applying for a "after-the-fact" variance to retain the structure.

Next meeting date Tuesday, January 10, 2017, at 8:30am. Chairman Hemming will attend by Skype.

Motion to adjourn by Marshall Reckard, second by Al Drum. Meeting adjourned at 9:40 am.

Respectfully submitted, Peggy Johnson Wiessner, Secretary.