

1 The regular monthly meeting of the Newbold Plan Commission was held on Thursday,
2 March 5, 2009, beginning at 4:30 PM at the Newbold Town Hall.
3

4 **Members in attendance:** Chairperson Bob Metropulos, Dan Chronister Sr., Bob Estabrook,
5 John Granger, Richard Guidinger, Ed Hammer, and Mike Sueflohn

6 **Members absent:** None

7 **Audience:** Bruce Roehl, David Schmitz, Michael Oestreich of Oestreich Surveying, Walter
8 Wendt, James D. Rein of Wilderness Surveying, and Leonard Hyke
9

10 **Call the meeting to Order:** Chmn. Metropulos called the meeting to order at 4:30 PM. The
11 Agenda for this meeting was properly noticed by posting on February 27, 2009 a copy of the
12 agenda on each of the three (3) Town bulletin boards.
13

14 **1.0 Approve minutes for February 5, 2009 Regular Monthly Meeting**

15 **1.1** Mike Sueflohn moved to approve the minutes for the subject meeting; Bob Estabrook
16 seconded the motion; motion passed by unanimous voice vote.
17

18 **2.0 Review for action and recommendation to the Town of Newbold Board, Oneida
19 County P & Z Dept. requests, including Administrative Review and/or Conditional Use
20 Permits, Town Board and/or Citizen requests regarding Land Division and/or Zoning and
21 Condominium Plats:**
22

23 **2.1 An easement for a Town vehicle turn-around area on a parcel of land adjacent
24 to and southeast of the intersections of Coon Lake Rd, Ole Lake Rd and Clear
25 Lake Rd in a part of Gov't Lot 3, Section 19, T37N, R8E as requested by the
26 Town of Newbold and surveyed by Genisot & Assoc:**

27 **Discussion** – Chmn. Metropulos told the Members that the request for this Town
28 vehicle turn-around area had been discussed at a recent Town Board meeting and
29 the owner of the property subject to the vehicle turn-around easement was present at
30 the meeting and agreed to the Town's request for an easement.

31 **Action** – Bob Estabrook moved to approve the subject easement request; Dan
32 Cronister seconded the motion; motion passed by unanimous voice vote.
33

34 **2.2 Pre-application discussion for a land division of Walter Wendt property located
35 in Gov't Lot 2, Section 20, T38N, R8E:**

36 **Discussion** -- James D. Rein of Wilderness Surveying explained for the Members
37 that Mr. Wendt wants to divide some of his remaining unplatted property in Gov't Lot 2
38 to eventually create five (5) new waterfront lots in the northern part of his property.
39 The land area for future division includes the existing resort, Mr. Wendt's home lot,
40 and lands to the west of his home lot; lands located in the northern part of Gov't Lot 2
41 or "Wendt Point" as it is known.

42 The conceptual preliminary plat illustrates the prior land divisions of Mr. Wendt's
43 property in Gov't Lot 2 to create waterfront lots:

- 44 • Six (6) lots included in the Wendtland Subdivision (Tax IDs NE 2235 – 2239 &
45 2237-1) created in Oct. 1986, and;
- 46 • two (2) lots created by CSM 2075 (Tax IDs 674 & 674-1) created in June 1998.
47

48 The reason for discussing the concept of this major land division at this time is that
49 Mr. Wendt wants to deed a 2 ½-acre parcel with 365-ft of lake frontage to a relative
50 (shown as Lot 11 on the preliminary discussion plat). He, Mr. Wendt, is also

51 considering disposing of an adjacent 1.9-acre parcel with 204-ft of lake frontage
52 (shown as Lot 10 on the preliminary discussion plat).

53 Mr. Wendt told the Members that at this time he had no plans to dispose of the
54 remaining new lots shown on the conceptual preliminary plat; the resort is still in
55 operation and he has no plans to leave his home lot.

56 Vehicular access to new Lots 10 and 11 is shown on the conceptual preliminary
57 plat as an extension of the private road/driveway now providing access to Mr. Wendt's
58 resort and his home lot. However, access to Lot 11 is also possible via an existing
59 private road extension of the Town's Wendt Road. Access to Lot 10 could be
60 provided by an easement over Mr. Wendt's property to the private road providing
61 access to Lot 11.

62 During the discussion it was brought up that Mr. Wendt could achieve his objectives
63 by creating a three (3) lot land division:

- 64 • a new lot (i.e., Lot 11) to be deeded to a relative,
- 65 • an additional adjacent lot (i.e., Lot 10) for future disposition, and;
- 66 • retaining the remaining unplatted lands (i.e., Lots 7, 8, 9) as a single lot to
67 possibly be divided in the future.

68 This alternative would be considered a Minor Land Division and could be
69 accomplished by a CSM plat.

70 It was also discussed, that if during the next 5-years the remaining lands shown on
71 the CSM (i.e., former Lots 7, 8, 9) were divided into three (3) or more lots the total
72 land division would then be considered to be a Major Land Division and would require
73 vehicular access by a road constructed to Town specifications.

74 **Action** -- No official action was taken. Mr. Rein and Mr. Wendt will consider their
75 options and get back to the Plan Commission.
76

77 **2.3 Preliminary plat for a five (5) lot Major Land Division located in the SESE qtr-qtr
78 of Section 16, T37N, R8E (Tax ID 144-3) located adjacent to Apperson Drive;
79 Dave Schmitz -- owner, Michael Oestreich of Oestreich Surveying – agent:**

80 **Discussion** -- Mr. Oestreich reviewed for the Members the details of the proposed
81 Major Land Division to be known as Quincy's Acres. The existing parcel containing
82 approx. 9.4-acres is zoned Business District and will be divided into five (5) lots:

- 83 • Each of the lots will be larger than the required 50,000-sq. ft.,
- 84 • All lots will have an average lot width (ALW) larger than the required 175-ft;
- 85 • Lot 1 will have vehicular access to Apperson Dr. by an existing driveway;
- 86 • Lots 2-5 will have vehicular access to Apperson Dr. by a proposed 66-ft
87 easement private road along the northern border of the subdivision;
- 88 • An easement for a cul-de-sac with a 75-ft radius at the end of the private road
89 for emergency vehicle turn-around will be provided in Lot 5.

90 Mr. Schmitz reviewed with the Members a draft of a private road maintenance
91 agreement that will be recorded with the plat. The draft private road maintenance
92 agreement states:

93 *"Annual maintenance cost [for the road] will be decided by majority vote of*
94 ***all lot owners using the road and will be paid accordingly as agreed by***
95 *majority vote of lot owners [emphasis added] . . ."*

96 The owner(s) of Lot 1, the lot adjacent to Apperson Dr., will not be using the private
97 road for vehicular access and will not be a party to the maintenance agreement.

98 It is Mr. Schmitz's opinion that although the private road is included in and is a part
99 of a Major Land Division (five (5) or more lots), there will be only four (4) property

100 owners using the road. Therefore, the construction specifications for the private road
101 should be as outlined in the Ordinance for a Minor Land Division.

102 Considerable discussion by the Members focused on the pro/con of the concept of
103 constructing a private road in a Major Land Division to the specifications for
104 constructing a private road in a Minor Land Division.

105 In addition, the Members expressed their concerns regarding the brevity and lack of
106 detail in the draft "Road Maintenance Agreement". It was suggested that the private
107 road maintenance agreement used by the Lake Estelle and Neighborhood Assn. Coop
108 for Estelle Drive be reviewed as a possible guide for an acceptable "Private Road
109 Maintenance Agreement".

110 Mr. Oestreich told the Members that the Final Plat will be in the form of a County
111 Plat.

112 **Action** -- Bob Estabrook moved to recommend to the Town Board approval of the
113 preliminary plat of Quincy 's Acres Subdivision with the following conditions;

- 114 a) The final plat will clearly show that the owners of Lot 1 have no access right
115 or permitted use of the private road known as Quincy Drive;
- 116 b) The private road known as Quincy Drive will be constructed to Newbold
117 Town Road Standards with a twenty (20) ft. wide graveled driving surface;
- 118 c) A 150-ft diameter cul-de-sac turn-around area, constructed to Newbold
119 Town Road Standards, will be provided in Lot 5, and;
- 120 d) Plan Commission and Town Board approval of an acceptable and
121 expanded/detailed private road maintenance agreement by the owners of
122 Lots 2, 3, 4, and 5 be recorded with the final plat.

123 Dan Chronister seconded the motion; motion passed by unanimous voice vote.
124

125 **3.0 Continued Discussion on Chapter 13, Land Division Ordinance revisions for** 126 **recommendation to the Newbold Town Board:**

127 **Discussion** – None
128

129 **4.0 Administrative matters for review, discussion and/or action by Commission Members** 130 **concerning general Plan Commission activities, Town Board discussions/actions,** 131 **County Planning and Zoning Dept. activities, project updates, correspondence, set next** 132 **meeting date and future agenda items:** 133

134 **4.1 Chmn.'s report of Town Board action** – no report
135

136 **4.2 Correspondence, if any** – Chmn. Metropulos told the Members that he has
137 received copies of three (3) letters from constituents requesting changes in the Land
138 Use Section of the Comprehensive Plan; letters from Fred Radtke, Nancy Werner,
139 and Mike Warekois.
140

141 **4.3 Suggested Future Agenda items** –

- 142 a) Presentations by constituents regarding amendments to the Comprehensive Plan;
- 143 b) Continued discussion regarding review/update of the Land Division Ordinance
144

145 **4.4 Next meeting date** – The next meeting of the Plan Commission will be a regular
146 monthly meeting on April 2, 2009
147

148 **5.0 Public comment/communication period as per Wis. Stats. 19.83(2) and 19.84(2):**

149 At 6:15 PM Chmn. Metropulos opened the meeting to public comment – Leonard Hyke
150 made comments to the Members regarding recent Court Cases in Colorado involving
151 fraudulent Conservation Easements. .
152

153 **6.0 Adjournment:** Ed Hammer moved to adjourn the meeting; motion seconded by Dan
154 Chronister; motion passed by unanimous voice vote.
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156 Chmn. Metropulos adjourned the meeting at 6:25 P.M.
157
158
159

160 *John P. Granger, Secretary*

161

162