

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

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

6 **Members absent:** Dan Chronister Sr.

7 **Audience:** David Schmitz, Michael Oestreich of Oestreich Surveying, Len Hyke, Ben
8 Loma, Fred Radtke, Leonard and Nancy Werner
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 March 30, 2009 a copy of the
12 agenda on each of the three (3) Town bulletin boards.
13

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

15 **1.1** Mike Sueflohn moved to approve the minutes for the subject meeting; Ed Hammer
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 20 Use Permits, Town Board and/or Citizen requests regarding Land Division and/or 21 Zoning and Condominium Plats:** 22

23 **2.1 Re-review per request of the Newbold Town Board, the preliminary plat for a five
24 (5) lot Major Land Division located in the SE SE qtr-qtr of Section 16, T37N, R8E
25 (Tax ID 144-3) located adjacent to Apperson Drive; Dave Schmitz -- owner,
26 Michael Oestreich of Oestreich Surveying -- agent:**

27 **Discussion** -- Chmn. Metropulos told the Members that based on discussions at the
28 March 26, 2009 Town Board meeting the Board made a recommendation that approval
29 of the subject land division be sent back to the P.C. for further review. Chmn.
30 Metropulos also said that based on this action he would entertain a motion to reconsider
31 the original motion.

32 **Action** -- Bob Estabrook moved to reconsider the motion passed at the 5 March 2009
33 P.C. meeting recommending Town Board approval of the preliminary plat of Quincy 's
34 Acres Subdivision with the following conditions:

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

44 John Granger seconded the motion to reconsider; motion to reconsider passed on a
45 vote of 6 aye, 0 nay.

46 **Discussion following Motion to Reconsider** -- Mr. Sueflohn explained to the
47 Members the primary reasons the Board requested a re-review of the preliminary plat

48 concerned the use of and the construction specifications for the private road to be
49 known as Quincy Dr. Specifically, the concerns of the Board were:

- 50 • Prohibiting the owners of Lot 1 from using an easement road crossing
51 their property, and;
- 52 • Construction of a road in a Major Land Division that would not meet the
53 Town specifications -- a fifty (50) foot wide clear cut area with appropriate
54 ditching and grading adjacent to the twenty (20) foot driving surface.
55

56 Following Mr. Sueflohn's explanation, considerable discussion among the Members
57 and/or with Mr. Schmitz took place. The primary focus of the discussion concerned
58 differing opinions regarding an interpretation of Public Works - Chapter 8.01.02(B) of the
59 Town Code of Ordinances, where it is stated:

- 60 • *"All private and easement roads **servicing two to four lots** shall have a 66'
61 right-of-way, a driving surface of 20' and adequate turnaround for
62 emergency vehicles [emphasis added].*
- 63 • *Private and easement roads **servicing five or more lots** shall be built to
64 town road standards but do not require a blacktop surface if they are to
65 remain private roads [emphasis added]."*
66

67 Should Public Works-Chapter 8.01.02(B) of the Town Code of Ordinances be
68 interpreted as directing:

- 69 • All roads serving (providing vehicular access for) **two to four lots may be
70 constructed without** a fifty (50) foot wide clear-cut area, and;
- 71 • All roads serving (providing vehicular access for) **five or more lots shall
72 be built to town standards with** a fifty (50) foot wide clear-cut area with
73 appropriate ditching and grading adjacent to the twenty (20) foot driving
74 surface.
75

76 Or should the this section of the Public Works Ordinance be interpreted as directing:

- 77 • All roads in **a Minor Land Division (two to four lots) may be
78 constructed without** a fifty (50) foot wide clear-cut area, and;
- 79 • All roads in **a Major Land Division (five or more lots) shall be built to
80 town standards with** a fifty (50) foot wide clear-cut area with appropriate
81 ditching and grading adjacent to the twenty (20) foot driving surface.
82

83 The Members could not achieve a consensus of opinion as to how Public Works-
84 Chapter 8.01.02(B) should be interpreted and applied.
85

86 During the discussion Mr. Schmitz presented the Members with an alternate proposal
87 for the layout of Quincy Acres. This new proposal shows the private road (Quincy Dr.)
88 as an extension of Lot 5. A note is included on the preliminary plat stating:

- 89 • the owners of Lot 1 will not use the private road, and;
- 90 • the owners of Lots 2, 3, and 4 will be granted an access easement to use
91 the private road.
92

93 Mr. Schmitz also gave the Members a copy of a revised Road Maintenance Agreement.
94

95 The Members discussed the pros/cons of the revised preliminary plat. During this
96 discussion Mr. Granger pointed out that this revised plat means that the owners of lots
97 1, 2, 3, and 4 have no ownership of the lands under the private road. It is his
98 understanding that County P & Z will not approve a land division with these conditions.

99 **Action** -- Ed Hammer moved to recommend to the Town Board as an alternate to the
100 previously submitted Preliminary Plat of the Quincy Acres Subdivision the revised plat
101 that shows Lot 5 as owning the lands under the private road known as Quincy Dr. with
102 the following conditions:

- 103 a) Lot 1 will have no access to the private road;
- 104 b) Lots 2, 3, and 4 will have appropriate access and use easements for the
105 private road recorded with their respective deeds;
- 106 c) A Private Road Maintenance Agreement, as per the latest draft presented
107 to the P.C., will be filed with the Register of Deeds, and;
- 108 d) The Town Board will review Chapters 8 and 13 of the Town Ordinances for
109 consistency regarding construction requirements for private roads serving
110 only two (2) to four (4) lots versus private roads included in Major Land
111 Divisions.

112 The motion was seconded by Bob Estabrook; a roll call vote was requested – Dick
113 Guidinger-aye, Ed Hammer-aye, Bob Estabrook-aye, Mike Sueflohn-nay, John
114 Granger-nay, Chmn. Metropulos-nay; motion failed on a roll call vote of 3-aye, 3-nay.
115

116 The original motion recommending Town Board approval of the original Preliminary Plat
117 remains unchanged.
118

119 **3.0 Review written requests from Newbold property owners for possible changes to the** 120 **Comprehensive Plan:** 121

122 **3.1 Dennis Chapman** -- was not present at the meeting.

123 **Action** – None, the Secretary will contact Mr. Chapman and inform him he must be
124 present at the meeting to have his request considered.
125

126 **3.2 Ben Loma** – Mr. Loma wants the existing and future land use maps in the Plan to 127 accurately depict the area of his property that is currently zoned Business.

128 **Action** -- Motion by Bob Estabrook, seconded by Dick Guidinger to correct the existing
129 maps to more accurately depict the area of Mr. Loma's property; motion passed without
130 negative vote.
131

132 **3.3 Timothy Neabling** – was not present at the meeting.

133 **Action** – None, the Secretary will contact Mr. Neabling and inform him he must be
134 present at the meeting to have his request considered.
135

136 **3.4 Fred Radtke** – Mr. Radtke wants the existing and future land use maps in the Plan to 137 accurately depict the area of his property that is currently permitted to used for business 138 purposes (CUP #95-00278). Chmn. Metropulos apologized to Mr. Radtke for the 139 mapping error; it was an oversight on the part of the Members when working on the 140 project.

141 **Action** -- Motion by Bob Estabrook, seconded by Dick Guidinger to correct the existing
142 and future land use maps to more accurately depict the area of Mr. Radtke's property
143 currently approved for business use; motion passed without negative vote.
144

145 **3.5 Nancy and Leonard Werner** – Mr. and Mrs. Werner withdrew their request; the current
146 maps illustrate their property located in Twp. 38, Sect 33 as Residential Country Living.
147 This is the land use category they want.

148 **Action** – None required
149

150 **3.6 Michael Warekois** – was not present at the meeting. However, Nancy and Leonard
151 Warner told the Secretary that they, the Werners, now own the property and are
152 comfortable with the existing land use category.

153 **Action** – None required
154

155 **4.0 Administrative matters for review, discussion and/or action by Commission**
156 **Members concerning general Plan Commission activities, Town Board**
157 **discussions/actions, County Planning and Zoning Dept. activities, project updates,**
158 **correspondence, set next meeting date and future agenda items:**
159

160 **4.1 Chmn.'s report of Town Board action** – no report
161

162 **4.2 Correspondence, if any** – none
163

164 **4.3 Suggested Future Agenda items** –
165 a) Continued discussion regarding review/update of the Land Division Ordinance
166

167 **4.4 Next meeting date** – The next meeting of the Plan Commission will be a regular
168 monthly meeting on May 7, 2009
169

170 **5.0 Public comment/communication period as per Wis. Stats. 19.83(2) and 19.84(2):**
171 At 6:35 PM Chmn. Metropulos opened the meeting to public comment – Mr. Schmitz
172 commented that, in his opinion, more public notice(s) should have been published to
173 give Newbold property owners an opportunity to present their complaints regarding the
174 Comprehensive Plan.
175

176 **6.0 Adjournment:** Bob Estabrook moved to adjourn the meeting; motion seconded by Mike
177 Sueflohn; motion passed without negative vote.
178

179 Chmn. Metropulos adjourned the meeting at 6:45 P.M.
180
181
182

183 *John P. Granger, Secretary*
184
185