

**Amended
Proceedings of the Planning and Zoning Committee
Proceedings of the Milton Town Board
June 12, 2017**

1. Call to Order (PZ) (TB)

Chair Trescher called P&Z to order at 6:30pm. Present were Scott Barker, Jon Webb and Jim Hanlon. Charlie Rusch was absent.

Chair Meyer called the Town Board to order at 6:30pm. Present were Supervisors Jennings, Stalker, Traynor and Trescher. Also present were Clerk Kunkel, Chief Kunkel, Treasurer Reif, Attorney Dave Moore and 18 citizens.

2. Confirmation of Meeting Notices

Notices were posted at the Milton Town Hall, 1st Community Bank, Lakehouse Inn, Towns website and published in the Milton Courier.

3. Pledge of Allegiance

Done

4. Approval of Agenda (PZ) (TB)

Motion Webb, second Barker to approve. Carried.

Motion Traynor, second Stalker to approve. Carried.

5. Approval of Minutes 5-8-17 (PZ); Minutes 4-10-17 & 5-8-17 (TB)

Motion Webb, second Barker to approve. Carried.

Motion Stalker, second Traynor to approve both sets of minutes. Carried with Trescher abstaining from 5-8-17.

6. Norman Peterson, 6333 E High Street-Farmstead Permit

Norman Peterson, 6327 E High Street, wants the permit that James Sheskey had; only changes are repairs inside the trailer. Motion Webb, second Barker to approve. Carried.

7. Public Hearing Conditional Use Application Harold Traynor Revocable Trust/Scott Traynor, 7030 E County Road N, to modify or change three conditions on the existing conditional use permit to operate a gravel pit to extract materials from these properties and to develop the mineral resource to supply aggregate for highway projects. Conditions to be modified or changed out of the 31 conditions presently are: 1-extend permit for 3 years, until 9-15-25; 2-allow operation on Saturdays from 6am until noon; 3-remove requirement for issuance of County conditional use permit as to the portion of the affected land not included with the County Shoreland Zoning area. The parcels are 6-13-102.01 and 6-13-99; Section 12 & 13; Town 4 N; Range 13 E; Total acreage to be used for the project is 137, in the Town of Milton. (PZ)(TB)

Public Hearing Opened

Supervisor Traynor advised he was removing himself from the table.

Attorney Jeff Roethe, represents the Traynor Trust and the Traynor family. What we are asking for is a modification of the very lengthy conditional use permit that was granted. Modification is first to extend the permit for 3 years- because of the litigation that is involved in this there has been no activity at the pit and we are seeking to have it extended for the 3 years until 9-15-25. Second-requesting to have hours of operation on Saturday from 6am to Noon- plans that Mr. Churchill will address will be so that the trucks backing up will not be able to hear them; will be for local people also in the community so they can get gravel during Saturday mornings; 3rd is to remove the requirement of the county Conditional Use Permit-the part of the land affected by that is not included in the county shoreland zoning area. We are asking to amend the conditional use permit for those 3 reasons.

Dave Churchill-Churchill Concrete and Stone, 4th generation sand and gravel in Rock County. Reason for the extension is better time for reclamation, request operation on Saturday for contractors to get caught up. Saturday would just be for maintenance and loading of trucks. No machine operations. State and Federal requirement they like to have traffic moved in one direction for safety purposes. Can disable our back up alarms for Saturdays.

Chair Meyer verified that the request is for loading of trucks from reserved stock piles but no mining on Saturdays and also maintenance of trucks. Churchill advised that smaller vehicles don't have backup alarms.

Jennings inquired if there would be additional staffing for this project to be of benefit to the community for employment and Churchill advised no.

Chair Trescher inquired if he wanted to speak on the part for removing the requirement of the county on the portion that isn't involved with the county shoreland. Churchill advised maps were submitted. Chair Meyer advised it indicates the parameter of the shoreland district-will be operating outside of this and the project area not changed; not including the shoreland. Chair Trescher advised this is a higher elevation and will be easier to level and put back to Ag land.

Scott Traynor, 7030 E County Road N spoke advising this is a smaller footprint and the 3 conditions have been gone over; appreciate the time to consider this and see fit to accept our permit.

Attorney Matt Fleming-Murphy Desmond representing various neighbors some of whom are here tonight and will also speak. Not knowing the details of what the initial operation was intended, doesn't seem as wide of a scope as we feared, however it is still substantially discerning. Was first proposed no operation on weekends was one of the gifts given to the neighborhood. Now being proposed is not full scale operations, which will be better, but if the town is interested in granting this, strongly urge you to make sure that all of the conditions that were discussed here tonight, not only that the backup alarms not be on, but make sure that the traffic flow plan is there. Loading up large trucks with gravel is a loud operation early on a Saturday morning. Keeping this to the weekdays was one of the things this committee and the Town Board did as was in the public's interest and not going to cause problems in the neighborhood. Originally no wash plant that was added on, now moving into Saturdays. All of the neighbors are concerned that every time something comes back it eats further and further into the initial restrictions placed on this operation, it seems to get further and further away. Concerns what you think of as a mineral extraction sounds a little bit more like we are having a retail operation-seem we are moving into a character of use that is perhaps something different than what the CUP allows for. This will create additional traffic, does somewhat change the character of this. Will get into our objections broader, with the project as a whole and deal with that elsewhere, again encourage you to keep your promise to the neighbors before.

Barker stated he assumed you have no issue with the smaller footprint of the plan and Fleming advised that happened by operation of the county. Barker inquired if the group he represents is opposed to the extension of 3 years and Fleming advised they were opposed to the entire project and the CUP never to be used.

Sandra Caley, 9316 N Klug Road: 6 years, 4 operators, 32 conditions, hearings, lawyers, since the Traynors were granted the CUP by this board they have repeatedly come back to have conditions removed and modified. Industrial well, wash plant, crusher on the property close to homes and environmentally sensitive area. Now they want to extend to 2025; enough is enough; time for board to re-assess this CUP and not approve these changes.

Linda Schaulk, 10102 N Klug Road: Started in 2011 when the Traynors came to our house to tell us about the gravel pit; we have all fought long and hard; have lived every detail of this saga for the last 6 years; enough is enough. Not against mineral gravel; much needed commodity; a lot of rock and gravel in the area; so where is a proper place to have a gravel pit. Spoke on a comment Marian told about their gravel pit out on the farm; no homes, no wildlife around; no crops; board got that right and there was no reason not to approve that gravel pit. We demand an explanation why we are here again in an area that is totally inappropriate for a gravel pit. We demand each of you to stand up and rule the law to finally shut this mess down or stand up and explain how Mr. Traynor receives favor or over protection of sensitive land that has been protected for a long time and peace of mind of the people. Mr. Traynor should find an appropriate land for a gravel pit. Where to have one-details in the Town of Milton ordinances, comprehensive plans and future use maps. Here we are again 5-6 years later talking about the same thing over and over. Mr. Traynors dad served this board for many years; son is serving board now; pattern of small town favoritism here, obvious to anyone that has bothered to sit at these meetings for years. The good ole boy plan has run 3 operators and now a 4th. We the citizens have filed a law suit against the town to finally stop this for good. Offer was made and on the table for 4 years to the Traynor family to sell their land at a very competitive price and they could stay on the land and work it, milk cows, and all they would have to pay after they get this money is the real estate taxes. Scott Traynor refuses to take that call. We will not stop fighting. We will tie this up forever.

Chair Trescher advised a correction she wanted to make; when they had their gravel pit there were no conditional use permits, before the zoning. There were 2 subdivisions on the eastern side of their farm. There also was a pond on their farm. They did the washing there and we had wildlife and lots of animals. We weren't void of that and wanted to correct that.

Jon Webb advised he received a call from Ted Sykora and he doesn't have a problem with it he just doesn't want the extension to go for 7yrs, he thought 5 yrs. of operation.

Chair Trescher said they get devoted to their farms as you do to your place; can see why doesn't want to go to the guy with deep pockets, they want the land and they wouldn't have it for their grandchildren or great grandchildren to carry on.

Discussion on the land and agreement offered to the Traynors.

Chair Meyer wanted to caution the town about discussing an unknown and unverified offer; even if there were, would caution if that was appropriate to discuss, from a legal perspective to the town.

Attorney Moore questioned about that there is no phasing on this project and that was correct.

Public Hearing Closed

Attorney Moore on the existing permit: no Saturdays or on legal holidays-understood that to be maintenance and repairs. 2nd point-#9 seeding and mulching -wanted to make sure that we have that document; provision of a reclamation bond of \$90,000 per phase; #22 refers to Dodge Concrete-if choose to amend, put "any operators, operating shall"; #26-no phasing at all, may want to look at revising that; suggestion if choose to approve this specify that operations must occur outside the Shoreland Zoning Area, even though it's understood in the application; maintenance and loading only on Saturdays-if that's important, state that as a condition; finally whatever decision is

made, encourage to re-adopt the list of findings that are included 1-12 which are consistent and required with the ordinance.

Chair Meyer advised the signed copy that he has is the same as what Attorney Moore was going from. Clarify for the members here the current expiration date is 9-15-22, approved in January of 2015. Request was to move the same calendar to 2025, is his understanding.

Attorney Moore advised #31 may be removed if that has been done.

Discussion: say 5-7yrs from start of operation so don't have to come back here; document when it starts; 9-15 was unique to be able to do the reclamation plan; seemed more to address the neighbors so they knew a concrete date; reclamation takes a year; questions took place on the phases and which is the deepest part; phase 1 and part of 2 are combined; unknown how long to remove it; under the NR135-only disturb what is needed for that year; large area is not exposed; old seed company # 83, is what they specify for seeding and stated in the reclamation and the bond is usually regulated by the county; site is assessed and how much per acre will cost; formula that is used so everyone is on the same page; should say spoiled stockpiles.

Review and Action form gone over.

Attorney Moore on conditions:

9) leave or change it; put in spoiled stock piles

12) 9-15-25

13) applicant shall provide a reclamation bond until reclamation is completed in such an amount as required by Rock County

22) any operator proceeding under this permit

26) provided that all operations shall occur only outside of the Shoreland Zoning area

31) is a moot point so delete this one

5) hours of operation shall be between 6am and 6pm, Monday through Friday and Saturday 6am-Noon, with no operations on Sunday or Wisconsin legal holidays. Maintenance and repairs may take place on week days no later than 9pm; Saturday operations shall include maintenance and loading only and no mining; no back up alarms by the operator.

Re-affirm findings are accurate and appropriate in relation to this modified application.

Motion Hanlon, second Webb to recommend to the Town Board approval of the application, the 3 requests, with the conditions Dave just stated. Vote: Jon-aye, Jim-aye, Scott-no, Marian-aye. 3 ayes, 1 no, motion carried.

Motion Webb, second Hanlon to recommend to the Town Board to re-affirm and adopt the findings 1-12. Jon-aye, Jim-aye, Scott-aye, Marian-aye. Motion carries with 4 ayes.

Motion Stalker, second Trescher to accept both of the recommendations of P&Z. Jennings wanted to go through the items; felt some were reasonable, some would affect the value of the original permit; can understand the frustrations of the neighboring properties in the area. 1-felt 9a-Noon on Saturday, would like to make that amendment to the current proposal. #9 no problem with the spoiled stock piles; #12 date of operation to cease, feel that time frame may be longer than what was initially agreed to, propose to amend # 12 to 9-15-23 adding 1 year to current proposal. Discussion on the time of operation took place and Jennings recanted his last statement on #12. Major concern of the Saturday operations.

Discussion on the motion being amended-he can amend the motion-do the amendment 1st.

Chair Meyer clarified that Jennings amended the motion for the hours of operation on Saturday to 9am-Noon. Inquiry made if there is a 2nd to the amendment. No 2nd to the amendment-motion dies.

Back to the motion that had been on the floor. Stalker-aye, Trescher-aye, Jennings-no, Meyer-aye. 3ayes, 1nay, 1 absent-motion carries.

8. Public Hearing Zoning Application Richard A Longhenry Revocable Trust, 2545 E M-H Town Line Road, for a zoning change from A1 to A3 and creating 2 lots. Lot 1 3.01 acres to A3, remainder of the 150.4 acres staying A1. Parcel 6-13-240; NW ¼ of SW ¼, Section 32, in the Town of Milton (PZ)(TB)

Public Hearing Opened

Ryan Combs from Combs and Associates spoke and advised that they are creating a 2nd lot and requesting the zoning for the new lot be A3 from A1 as it will be 3.01 acres; remaining to stay A1. Want to divide this parcel off for a new home from the rest of the farm.

Supervisor Traynor back at 8:14pm.

Public Hearing Closed; review and action form gone over.

Motion Webb, second Barker to recommend to the Town Board to approve the creating of the 2nd lot to A3 and get a CSM for the tax parcel. Vote: Webb-aye, Hanlon-aye, Barker-aye, Trescher-aye. Carried.

Motion Jennings, second Traynor to accept the recommendation of P&Z. Vote: Stalker-aye, Traynor-aye, Jennings-aye, Trescher-aye, Meyer-aye. Carried.

9. Public Hearing Conditional Use Application Stacey Babiarz, 2209 E. Vincent Rd, to have 10 camping spaces for dry camping. Parcel 6-13-46.6; 4 acres; PT NE ¼ of PT SE ¼, Section 7, in the Town of

Milton (PZ) (TB)

Public Hearing Opened

Stacey Babiarz 2209 E Vincent Rd, requesting 10 independent camp sites; updated maps had been supplied; shows markings and State Statutes that are required; independent-no electric, no sewer, no water, no tents, all self-sufficient motor homes; health department sent him the requirements; state license has to get after town approval. Will be 20ft apart per state rules. Chair Trescher advised that the septic system eliminates the 1st plan and what was approved; what about everything we have already approved? Babiarz stated the county told him where the septic system had to go, so asking for elimination of one building because of the location of the septic system. Trescher advised we approved all of the buildings and he hasn't built them yet and Babiarz said he has no need for them yet.

Chair Trescher inquired if a cement slab would be put down and Babiarz advised no, just be on the grass-independent camper units-self-sufficient.

Chair Meyer inquired as to how the 10 sites would be identified and Babiarz advised by markers. Meyer also advised that this would probably go under the occupied sites per our ordinance on this and a site map is required to be submitted each year for this.

Stalker inquired if this would just be for weekenders and Babiarz said hoping for seasonal campers. Hanlon inquired if they are pulling in and park for the summer and Babiarz advised they could for up to 8months. Chair Meyer advised that it's 6 months that they can occupy it per our ordinance.

Chair Trescher inquired about no water but you are doing a new well and a septic field. Babiarz advised that is for his bathrooms for the restaurant, not hooking up the campers to his septic system at this time. Chair Meyer advised it would be for the campers as they have access to the restaurant.

Discussion: how can you have seasonal sites without hookups; leave every 3-4 days to go empty; can pull in for 1 or 2 days or 6 months; would not be hooked up directly to my system; Hidden Valley is fine with them dumping at their place; so many questions out there; in violation since you are using that driveway on the corner of the lot line-it was read from the County's papers on the CUP access to lot 1 prohibited for 200 ft. on the west property line along frontage E Vincent Road-Babiarz said he would correct that; do you eventually want campers all over this and Babiarz said he didn't know-if profitable, he might; do we want another campground in the area; denied when requested earlier as he was not on the CKSD.

Supervisor Traynor had to leave at 8:40pm.

Discussion continued: 35-40ft. motor home doesn't look like a lot of room for turn arounds-hard for traffic flow; pull into these sights; driving range doesn't go out that far; sites are 20x40; area seems to small; state says they have to be 10ft. from each other; adjustments will be made accordingly; better plan so we know what we are looking at; pack in the campgrounds like sardines.

Public Hearing Closed

Discussion: would be nice for electric hookup; not enough info; tight in there; access to regular bathrooms; what kind of access to your permanent bathroom-24hr access to the outside and a doorbell in the inside; state will give him the stuff that we don't know about.

Motion Webb, second Hanlon to recommend to the Board to let him have these 10 campsites with the conditions they are self-contained units, he gets all state approval and permits and local permits, according to the site plan submitted. Chair Trescher inquired if there were going to be burn pits and Babiarz advised he had a tree stump that could be used for a burn pit, but not each site having their own.

Review and Action Form gone over.

Vote: Webb-aye, Hanlon-aye, Barker-aye, Trescher-aye. Motion carried.

Motion Stalker, second Jennings to accept the recommendation of P&Z. Vote: Stalker-aye, Trescher-aye, Jennings-aye, Meyer-aye. Motion carried.

Chair Meyer also requested a pdf of this map for the town's records from Babiarz.

10. Confirm next meeting date of 7-10-17 @ 6:30pm

OK

11. Adjourn P&Z

Motion Webb, second Barker to adjourn. Motion carried and P&Z adjourned at 9:08pm.

12. Citizens to be Heard

Kathy Thompson, 2202 E. Vincent Road reference MRM Racing. Wet conditions are no longer, feel the dirt should be taken care of soon. Chair Meyer advised that he was given close to a year, which would be about this time, to get that work done so he has approached the deadline.

Thompson brought up about them racing after 6pm on 5-8-17 and he basically called her a liar, that he had security tapes. On 5-28-17 I have a video of him racing until almost 7pm.

Chair Meyer advised he received a call on that issue, confronted Matt and he admitted to running late. He was advised that's a violation of the CUP and the Town Board would be informed of this. Stalker advised he could very well be shut down if he keeps this up!

Thompson wants to know when the no parking signs are going up and Chair Meyer said they are in the process and apologized they haven't been put up yet. Chief Kunkel advised they can put those up when they put the new speed limit signs up.

Stacey Babiarz inquired on the distance of the no parking signs as he has a big mower. Chair Meyer advised we ask for the county's input on this since they have to plow around them, visibility, and access; will depend on the county for their input and they need to be strategically located. Babiarz was advised he could talk to the county supervisor on this, John Traynor.

Scott Barker inquired on when the issue on Hillside and 59 would be taken care of; going to be an accident there. Chief Kunkel advised he and Chair Sayre spoke with DOT and they said by mid-summer.

13. Bartender Application Hannah C Cease

Motion Trescher, second Jennings to approve the license. Carried.

14. Appointment of Alternates (2) Board of Adjustment

Chair Meyer advised he has not had time to look into this; will advise when it should go back on the agenda.

15. Southern Wisconsin Coon Hunters-Margaret Ahrens, for Picnic License for their annual Pig Roast in July

Clerk Kunkel advised that they have paid the fees, insurance information supplied and 2 bartenders names given-which the board has already approved. Motion Stalker, second Jennings to approve. Carried.

16. Ordinance to Post Speed Limit of 45mph on Vincent Road 2017-1

Motion Trescher, second Stalker to approve Ordinance 2017-1 to lower the speed limit to 45mph on Vincent Road. Vote: Stalker-aye, Trescher-aye, Jennings-aye, Meyer-aye. Motion carried.

17. Bills

Motion Stalker, second Jennings to pay the bills as submitted. Carried.

18. Treasurer's Report

Motion Trescher, second Jennings to place the report on file. Carried.

19. Building Inspector's Report

Submitted.

20. Police Department's Report

Chief Kunkel submitted his report. Kunkel also advised that Neil Bennett has resigned and he promoted Greg Niles to the Sergeant position. With Bennett resigning Kunkel is requesting to replace him with a retired Town of Beloit officer, Al Cass.

Motion Stalker, second Jennings to approve the appointment. Carried.

Kunkel also advised that he has submitted a report to the building inspector on a house at 8200 Bowers Lake Road on checking into getting it condemned.

21. Chairman's Report

Chair Meyer reported that he went to a meeting on I/90 with DOT; letter was received from the attorney on his retainer and fees will remain the same; had our WTA meeting here last month.

22. Correspondence

Clerk Kunkel reminded everyone on the meeting on Wednesday at City Hall at 6pm; public hearing on 6-22-17 at 8am on the Rock County Address Ordinance Revision; public hearing at City of Milton-City Hall on a rezone on the Pierce Farms on 6-20-17 at 4pm; Brad Turacheck, 1808 E Hotel Drive stopped in-had been in last September requesting a No Turn Around sign at Lakeview. People come down the road and then try to turn around in people's driveways, and they have no respect for other people's property-the problem is a 90% bend. Turacheck was told to check back on it. Chair Meyer didn't recall approving the sign last year and the clerk advised what was in the minutes.

23. Fire Commission Report

Meeting is next Wednesday at the Town Hall.

24. CKSD Report

None

25. RRSP Report

New motor on the boat; water is still high; SLN has been removed on the river.

26. Adjourn

Motion Jennings, second Stalker to adjourn. Motion carried and meeting was adjourned at 9:46pm.

Respectfully submitted this 11th day of July, 2017

Sandra Kunkel, Town Clerk, WCMC

"Minutes are not official until approved by P&Z and Town Board."