

Minutes
Meeting of the Village of Spring Green Plan Commission
And Joint Extraterritorial Zoning Committee
Wednesday, July 17, 2019
Held at Spring Green Community Library
230 E. Monroe Street
7:30 p.m.

1. Marcus called meeting to order at 7:30 p.m. as a Meeting of the Spring Green Plan Commission and Joint Extraterritorial Zoning Committee.
Members present: Joel Marcus, Greg Prem (JEZC), Michael Broh, Ed Lilla (JEZC), Eugene Hausner, David Saperstein, and Brad Hutnik (JEZC).
Town JEZC members present: Fred Iausly, Jason Falteisek, and Irv Snyder.
Others present: Wendy Crary, Patty Brooks, Rebekah Klemm, Jamie Hagenow, George Corrigan, Christie Richwalksi, Brad Dull, Vikki Stingley, Corey Ferris, Alex Ziemke, Andy Kurek, Sara Rath, Matthew Groves, Darlene Huffman, Leroy Huffman, Laurie Lind, Donn Lind, Patty Lomasney, Ron Bauer, Sally Carlson, Curt Carlson, Phil Studnicka, Heidi Roberts, Alice Aecker, Barb Ouimet, Dan Ouimet, Marnie Polivka, Barbara Ramsden, Dave Radel, Colleen Whaley, Pam Mueller, Dawn Kabot, John R. Kabot, Nicole Peterson, Margaret Conlan, Madalyn Lauth, Erin C. Murphy, Ted Greenheck, Crystal Murry, Shailei Murry, Nate Robson, Bernie Stuntebeck, Jeff Freel, Barbara Pratt, Dan Ruetten, Kathy Adams, Michael Curran, Jill Kane, Clint Kane, Rebecca Kowalewsky, Don Greenwood, Allan Mckenze, Debra Kiely, Joyce Christee, Deb Schoenmann, Erin Luther, Samantha Robbins, Phyllis Kiely, Jackson Hall, Robbin Polivka, Dennis Polivka, Bob Johnson, Susan Gundlach, Deb Oberlin, Lisa West, Ethen McGrath, Linda Schwanke, Judith Swartz Marcus, Stephanie Robson, Kathryn Compt, Jeff Wright, Megan Alexander, Leah Schultz, Jamie Hegland, Megan Nicholson, Samantha Morton, Tara Anding, Sue Dvask, Jeff Johnson, Kelly Hohneke, and Jennifer Lanzendorf. 7:35 pm-Shirley Faharty, and Daniel Cody. 7:37 pm-Pam Porter. 7:38 pm-Charity Roel and Jane Peckham. 7:42 pm-Katy Tiller and Paula Schiller. 7:47 pm-Madeline Hutnik. 7:55 pm-Meredith Anding. 8:15 pm-Zach Lomasney. 10:47 pm-Lizzi Stingley.
2. Crary appointed minute taker.
3. Motion by Hausner, second by Saperstein, to approve meeting agenda. Motion passed with all in favor.
4. Approve minutes from the June 19, 2019 Spring Green Plan Commission and Joint Extraterritorial Zoning Committee Hearing. Motion by Prem, second by Snyder, to approve minutes from the June 19, 2019 Spring Green Plan Commission and Joint Extraterritorial Zoning Committee Hearing. Motion passed with all in favor.
5. Approve minutes from the June 19, 2019 Spring Green Plan Commission, Downtown Design Committee, and Joint Extraterritorial Zoning Committee Meeting. Motion by Snyder, second by Falteisek, to approve minutes from the June 19, 2019 Spring Green Plan Commission, Downtown Design Committee, and Joint Extraterritorial Zoning Committee Meeting. Motion passed with all in favor.
6. Convene as the Plan Commission. Motion by Saperstein, second by Broh, to convene as the Plan Commission at 7:33 p.m. Motion passed with all in favor.
7. Discussion and possible action on a Certified Survey Map (CSM) submitted by Emily Benz & Jeff Wright to split parcel #182-0182-3 into two lots, located at 161 & 167 S. Lexington Street, Village of Spring Green. Motion by Broh, second by Lilla to recommend the approval of the Certified Survey Map (CSM) submitted by Emily Benz & Jeff Wright to split parcel #182-0182-3 into two lots, located at 161 & 167 S. Lexington Street, Village of Spring Green. Motion passed with all in favor.
8. Preliminary consultation with Jackson Hall regarding proposed land division of parcel #182-0510, El Rosa Court, Village of Spring Green. Hall explained his proposal for dividing the parcel. Lilla informed Hall that a full plat would be required; due to the number of lots a Certified Survey Map would not be sufficient for the land division. Prem informed Hall that storm water sits stagnant on the property at times. No action was necessary.
9. Convene as the Plan Commission and Joint Extraterritorial Zoning Committee. Motion by Hausner, second by Iausly to convene as the Plan Commission and Joint Extraterritorial Zoning Committee at 7:40 p.m. Motion passed with all in favor.

10. Discussion and possible action on the consideration of a request by Stephanie & Jaime Hegland to rezone parcel #032-1615, E4587 Sherwood Drive, Town of Spring Green from R-6 Extraterritorial New Two-Family Residential Subdivision District to R-4 Extraterritorial New Single Family Residential Subdivision District. Motion by Lilla, second by Snyder to recommend the approval to rezone parcel #032-1615, E4587 Sherwood Drive, Town of Spring Green from R-6 Extraterritorial New Two-Family Residential Subdivision District to R-4 Extraterritorial New Single Family Residential Subdivision District contingent upon the completion of the sale of the property. Motion passed with all in favor.
11. Convene as the Joint Extraterritorial Zoning Committee. Motion by Iausly, second by Lilla to convene as the Joint Extraterritorial Zoning Committee at 7:44 p.m. Motion passed with all in favor. Iausly was chair for Joint Extraterritorial Zoning Committee portion of the meeting.
12. General Public Comment.

Barb Ouimet began by saying, "I have been a resident in the Town for 24 years and I have a list of my own thoughts for denial of the Kane's request". Barb Ouimet continued by listing five different points with her explanation and opinion. 1-This use does not fit the Conditional Use for a Commercial Kennel, this is a Commercial Breeding facility with a Class A License. 2-The application submitted states for review and approval and that the use will not create a nuisance, this will affect property values. 3-All uses have to conform to the land use plan, this does not. 4-The waste disposal plan is not acceptable. At this time Barb Ouimet cited research she completed that was included in her letter submitted for the meeting. 5-The Kane's are currently operating at this site and they are not compliant.

Marnie Polivka stated, "I would like to reiterate that this does not fit into the zoning, this is a commercial animal dealer and this is setting precedent for the Spring Green area". "Kane's are in violation, if someone was building without permits they would be shut down". "All paperwork submitted says that Dr. Kane will be the doctor to the animals, there is limited oversight".

Ron Bauer explained the residential density on Pearl and Kennedy Road. Bauer said, "These are nice homes paying lot's of taxes, this just doesn't fit smack in the middle of it".

Dawn Kabot explained that her land abuts the Kane's property and they bought the land to enjoy their retirement. Kabot said, "If they're already spreading dog feces on their property I'm not going to be able to put in a well". Kabot explained her concerns with environmental issues and stated, "Vote no, this does not belong in a residential area, I have no faith that the rules, regulations, and laws will be followed in the future". "I ask you to vote no and to take the residents in the area serious".

Nicole Peterson said, "I live between Spring Green and Richland Center, I drive past Big Hollow every day, no one on the board knew what this was". "They've already received a violation notice from Sauk County and they currently have three pets, one litter, and four pregnant females". "They no longer have a waste management plan, anyone want to take responsibility for an environmental disaster?"

Dan Ouimet passed out photos from the 2008 flood showing where standing water was during the flood. Dan Ouimet read his letter submitted for public record regarding concerns about waste management; soil data for both sites and explained that soil ratings are all very limited in the area. Dan Ouimet said, "We do care about our groundwater".

Barb Ramsden cited information from the regulation sites for this type of facility.

Iausly clarified for all in attendance that all discussion and decisions to be made are just for the Pearl Road application, not for Big Hollow which will be decided by Sauk County.

Shirley Faharty said, "The Kane's state there is no odor, that is not true, I can smell it outside and in my house when the windows are closed". "Feces has bacteria and attracts rodents, my wish is to shut this endeavor down".

Pam Mueller said, "I'm a new resident and want to stay in the community but I'm very concerned about the waste and smell".

George Corrigan said, "I'm the attorney that wrote information which hopefully proves that the definition of a kennel is to board dogs". "The management plan is only for the Big Hollow site if they spread the waste on their property there are eighty-four residences in the area, for that reason alone you should deny the conditional use permit".

Jeff Johnson commented, "If they put the waste on their yard it's going to run into my garden".

Barbara Pratt explained that in 2004 she was on the JEZC when the Miller's requested the conditional use be added and then later approved for the Miller's. Pratt read here letter that was submitted for the public record regarding the addition of the conditional use. Pratt stated, "In my opinion this doesn't fit with what was added in 2004".

Nate Robson said, "I understand that both entities were invited for a tour at the Kane's residence". Plan Commission and JEZC members that attended a tour raised their hands. Iausly explained the tours were done in groups small enough to not require a legal posting. A quorum of neither the Plan

Commission nor JEZC attended at the same time.

Allan McKenzie explained that he does not know the Kane's but wanted to clarify some of the information in the paper. McKenzie said, "This is similar to farming and the animal operations are similar to others in the area". McKenzie explained that he works for the Department of Agriculture and that they work with individuals on management plans.

Megan Nicholson said, "As someone that works with citizen I want to commend you all for speaking up and also commend the committee members for listening, I really hope you take their comments to heart".

Colleen Whaley said, "I agree with everything stated so far and I ask that you not approve this they have been oblivious to the rules and regulations and deceptive to all agencies involved".

Patty Lomasney stated, "I'm the wife of a farmer and our waste management plan for 2020 is already on file with Sauk County". Lomasney said, "I've already contemplated moving my kids out of the River Valley School District".

Dennis Polivka said, "Every farmer has to file a nutrient management plan in December for the next year and soil testing is an expensive process".

Dan Ruetten said, "I own property in Westwood but I live 1.6 miles from the current kennel, I can hear the dogs over a mile and a half away you need to take noise into consideration".

Dave Radel explained that he was in attendance as a resident not as a Town Board Member. Radel continued by explaining the high water table and his medical diagnosis six years ago that he feels is directly related to ground water issues.

Robbin Polivka said, "This is emotional for me, everything with the environment, they started already and every time they get caught they change their plan, they don't care about their neighbors".

Paula Schiller explained she returned to Spring Green for retirement and doesn't want to see this negative impact on the area.

Pam Porter commented, "These are all valid concerns and I'm still upset that it was stated at the town meeting that water concerns are hocus and that the real reason was the puppies". "Anyone that wants a business is responsible for supplying a plan that addresses these issues, all that I'm seeing is a confusing mess of answers and violations". "This does not fit in a residential area".

Barb Ramsden stated, "This was an agenda item and there was no action at the last meeting, I encourage you vote no".

Marnie Polivka said, "Spring Green is truly the bread basket of Sauk County for vegetables if they spread feces on their land there is no way this will not flow through human consumption fields".

Dawn Kabot said, "It disgusts me that they are already spreading on eight acres of residential land". "How are two people going to care of that many dogs, vote no".

Barb Ouimet stated, "It just doesn't fit the zoning language".

Dave Radel requested a Roll Call Vote.

Susan Gundlach asked that the Kane's be allowed to speak.

There was no additional public comment at this time.

13. Discussion and possible action on the consideration of a request by Clinton Kane & Jill Janssen Kane for a conditional use permit for a "Commercial Kennel & Dog Boarding" on parcel #032-0658-1, S12904 Pearl Road, Town of Spring Green. Irv Snyder said, "Raise your hand if you are part of the eighty-four residences in the area. Fred Iausly asked Don Greenwood to explain his Technical Review originally dated May 23rd". Greenwood explained that the first thing he did was to review the ordinance and that the application was for a Commercial Kennel which was a conditional use in the ARN District. The closest residence is 700 feet but he did not take in account the vacant lots. Greenwood said, "We received a lot more information at the meeting in June". Greenwood revised the Technical Review on July 15, 2019. Greenwood explained that he started to think back to when the use was added for the Pet Resort. Greenwood said, "This was not conceived as part of the activities". Irv Snyder said, "You're right, this development was never thought of when it was added to the zoning ordinance". Greg Prem commented, "Section 2.03 says you interpret but we need to assist you with the research". Jason Falteisek read Sauk County's definition of a kennel. Ed Lilla provided calculations for dog waste versus cow waste. Michael Curran said, "We have a different option we would like to present tonight". Curran provided information for waste removal. Curran explained that waste would be removed by Town and County Sanitation or Waste Management with application to the residential land as back up. JEZC Members spoke about their experience with the tour of the Kane's property. Greg Prem stated, "My preference is that you not spread on the residential property at all". Fred Iausly stated, "We took an oath to comply with the laws of Wisconsin and are obligated to do so". Iausly continued by saying, "We are not here to debate the end use, does this meet the definition of Commercial Kennel?" Iausly reviewed conditions he prepared for the

conditional use. Saperstein asked to speak. Saperstein recommended that the JEZC vote yes or no and then if necessary the Plan Commission will vote. The JEZC members reviewed and revised conditions for recommendation to the Plan Commission. Motion by Iausly, second by Lilla to recommend approval of the request by Clinton Kane & Jill Janssen Kane for a conditional use permit for a "Commercial Kennel & Dog Boarding" on parcel #032-0658-1, S12904 Pearl Road, Town of Spring Green with the following conditions:

1. The kennel will be permitted only if the primary kennel facility is approved and complies with County, State and Federal permits.
2. The facility will comply with County, State and Federal permits and inspections.
3. The facility will be limited to six (6) adult dogs and their offspring under nine (9) weeks old, with a total number of dogs limited to seventy (70).
4. Waste from the kennel shall not be applied on the property.
5. Waste produced from the kennel shall be managed off site and be part of the waste management plan approved by the County. A copy of the approved waste management plan shall be provided to the Village of Spring Green.
6. Provide soundproofing of the facility to limit noise impact to neighboring residential structures. Sound reasonably believed to be associated from dogs in the kennel, shall be mitigated to 60 Db or less measured at the property line.
7. The Conditional Use Permit shall be reviewed annually from its effective date, to review compliance with required conditions and consider impacts.
8. The use be limited to enclosed, indoor housing, in the garage.

Hutnik inquired about confirming the interpretation with the Zoning Administrator. Aye: Iausly, Snyder, Falteisek, Prem, Lilla. Nay: Hutnik. Motion passed.

14. Convene as the Plan Commission. Motion by Snyder, second by Hutnik to convene as the Plan Commission at 10:18 p.m. Motion passed with all in favor. Marcus was chair for the remainder of the meeting.
15. Discussion and possible action on the consideration of a request by Clinton Kane & Jill Janssen Kane for a conditional use permit for "Commercial Kennel & Dog Boarding" on parcel #032-0658-1, S12904 Pearl Road, Town of Spring Green. Marcus stated, "I am going to vote to not accept the recommendation from the JEZC". Broh thanked the audience for their civility and said, "I am bothered by the blatant violation already occurring". Saperstein stated, "I am not convinced we can enforce the conditions". Marcus said, "It's virtually impossible to make surprise visits due to security". Saperstein explained that he intends to use the original request from 2004, the application states pets repeatedly, I am not going to use federal definitions to make local decisions". "The residential density is substantial and significantly greater". "We've heard there are eighty-four residences in close proximity, this is an application of convenience not necessity". "There appears to be an element of deceit by omission and it is a bad precedent to approve the application". Marcus stated, "As a community we have the right to create a master plan and enforce our laws". Motion by Prem, second by Lilla to table the vote until such time that an opinion is received from the Zoning Administrator and an opinion is received from legal counsel. Aye: Prem, Lilla, Hutnik. Nay: Marcus, Hausner, Broh, Saperstein. Motion fails.
Motion by Marcus, second by Hausner to deny the request by Clinton Kane & Jill Janssen Kane for a conditional use permit for "Commercial Kennel & Dog Boarding" on parcel #032-0658-1, S12904 Pearl Road, Town of Spring Green. Aye: Marcus, Hausner, Broh, Saperstein. Nay: Prem, Lilla Hutnik. Motion passed.
16. Convene as the Plan Commission and Joint Extraterritorial Zoning Committee. Motion by Hausner, second by Broh to convene as the Plan Commission and Joint Extraterritorial Zoning Committee at 10:53 p.m. Motion passed with all in favor.
17. Discussion and possible action regarding Accessory Uses and Structures within the Village of Spring Green Zoning Ordinance. Motion by Iausly, second by Falteisek to defer this item to the next meeting. Motion passed with all in favor.
18. General Public Comment: There was no general public comment at this time.
19. Adjourn. Motion by Snyder, second by Broh, to adjourn at 10:54 p.m. Motion passed with all in favor.