

# Sherwood Plan Commission Meeting Minutes

April 4, 2016

- 1) Call to Order/Roll Call. – *Chairman Summers called the meeting to order at 6:30 p.m. with roll call:*

***Present***

*Joe Hennlich*

*Jim Rath*

*Kathy Salo*

*John Sharer*

*Scott Sheppard*

*Steve Summers*

***Absent***

*Bob Gillespie, excused*

***Others Present***

*Randy Friday, Administrator*

*Susan Williams, Clerk-Treasurer*

- 2) Pledge of Allegiance. . – *Recited.*
- 3) Approval of the Agenda. – ***Hennlich moved to approve the agenda as presented. Sharer 2<sup>nd</sup>. Motion carried unanimously.***
- 4) Approval of Minutes: March 7 (Regular Meeting). – ***Sharer moved to approve the minutes of the Regular Meeting of the Plan Commission for March 7, 2016 as presented. Sheppard 2<sup>nd</sup>. Motion carried unanimously.***
- 5) Citizen comments on agenda items.
- 6) Officer's Report
- a. Plan Commission Chair

*Summers thanked Sheppard for his taking on the responsibility of Chairman for the meetings he was recently absent for.*

b. Zoning Administrator

*Rath introduced audience member Brad Schmidt, W5077 Cherrywood Ct., Sherwood, who is a candidate for the Citizen Member of the Plan Commission with the resignation of Sharer.*

Schmidt addressed the Commission sharing his background; educationally bachelor degree from UW-Oshkosh, Iowa State for graduate degree and professionally currently serving as Neenah Community Development Deputy with a total of 8 years in planning and expressed interest in the Plan Commission role.

*Friday reported the application under 9) a) will require homework and possibility of requiring legal advice.*

*Summers inquired if the Community Development Authority (CDA) approved the 50/50 Matching Grant funds for the restaurant/coffee shop. Friday replied yes, and*

*the owner agreed to millings next to the building where the drive-thru will be placed. Summers asked if the funds will be held until the millings are in place and Friday replied that the owner will do what is needed and the CDA will review the paid invoices prior to release of funds.*

7) Extraterritorial Review: None.

8) Old Business:

a. *Calendar: On-going Review of (annual) Comprehensive Plan obligations.*

*Sharer stated the two April calendar items requires (1) the Village to annually assess the availability of parcels for residential development and (2) the bi-annual review of cost effectiveness of existing departments/offices or agencies, which are independent of other government entities or where no intergovernmental agreements exist. Friday replied the status quo has not changed on either point, he potentially expects a new development within the next year and the Village of Harrison President has reached out to Sherwood and that will be discussed under item 10) a).*

b. *Request to place solar panel array in rear yard (Dhein; N491 Margaret Court).*

*Dhein provided additional neighbor correspondence, updated the Commission to the design modification, that the footprint is reduced to 18 ft. by 26 ft., with moving the array further away from the house.*

*The Commission questioned and Friday reported the Village Code is outdated and the only reference found by Sharer was to the State Statutes indicating local municipalities are unable to restrict than previously thought. Friday stated per current Village Code an accessory use structure can be placed within 3 feet of the lot line. Sharer stated one of the restrictions he found is a 1.5 foot rule from the property line/easement for height and shading or the removal of shade/trees if already in place.*

*Rath suggested Dhein to make sure the cost savings stated by the companies they are dealing with, have given them a guarantee.*

*Summers stated there must be a process to be followed, and voiced concern of acting upon the application if current Code does not address.*

*Friday replied that the application can be treated as an application subject to Calumet County, State Statutes and Village Code. Friday stated the Village Code would need to be addressed, using legal counsel if needed, scheduling a public hearing.*

*Sharer stated if the Village does not do anything, Dhein has the right after 45 days of date of application to proceed with the County and State regulations. Sharer reported in State Statutes allowing the Village 4 months to review and proceed.*

*Friday reported three applications during his tenure have been received by the Village, one in front of the Commission presently, two roof mounted previously approved one on a home and one on a commercial business. Friday stated the possibility of these type of applications coming forward is high and the Code should be changed.*

*Sheppard questioned as to the amendment to the Code needed and Friday replied that outdated language such as the 12' large satellite dishes should be removed and appropriate language added (renewables).*

*Salo inquired given the photos presented of the design if the applicant could add walls and would there be an issue with it becoming a structure.*

*Friday stated as long as it does not become an example of what will be controlled in item 8) c).*

*Rath commented with the 4 month window that legal counsel should be consulted for proper change to the Code. Summers asked what legal counsel would be consulted for and Rath responded that the changes to the Code should work for the Village of Sherwood. Rath questioned Friday if the change can take place without legal counsel. Friday replied that since we would not expect another application quickly, that the applicant proceed on day 45 according to County and State requirements.*

*Salo questioned addressing it now and Friday stated that would be the second part of the process.*

*Sheppard inquired if the application could be approved under conditional use.*

*Summers asked what was the first day of the 45 day period for the application and Friday replied that since the specifics of the application changed since being originally submitted, day one would be April 4, 2016.*

*Rath suggested when Dhein signs with their contractor, they (Dheins) should make sure they (Dheins) will be protected.*

*Sheppard asked due to his work/employer, if he should abstain and Friday said no.*

***Sharer moved to approve permit as modified for the structure identified in meeting packet with reduction of size to 18 ft. by 26 ft. per discussion and per compliance with all State and Calumet County statutes. Salo 2<sup>nd</sup>.***

*Friday stated that the Village does not need to be subjugated to.*

*Sharer stated the language of his motion was such since the Village Code currently does not cover it all.*

***Motion carried unanimously.***

*Summers questioned the second part of the process, modifying the Village Code and asked Friday to work through it as soon as possible. Friday stated construction season has begun. Summers requested the topic to be continued to be carried on future agendas.*

- c. ***DRAFT – Chapt. 7; Article IV – Property Maintenance Standards:*** Village Board request for Plan Commission to develop property maintenance standards language for incorporation into Municipal Code of Ordinances.

***Hennlich moved to amend 7-27 b) i) include and/or any other exterior surface covering materials. Sheppard 2<sup>nd</sup>.***

*Rath questioned a dumpster placed in the Village and Friday replied that the road weight limits are restricting its removal until the limits are lifted.*

***Motion carried unanimously.***

*Sharer asked if there was any language in the document that would stop a resident from being able to remodel, requiring a dumpster accumulating garbage that could sit and Friday replied no.*

*Summers stated the fines are not severe enough.*

***Sharer moved to change the fine amounts to \$250 from \$50 and \$1,000 from \$500. Summers 2<sup>nd</sup>. Motion carried unanimously.***

***Hennlich moved to approve Chapter 7 Article IV and Chapter 40 Article II as amended. Salo 2<sup>nd</sup>. Motion carried unanimously.***

9) New Business:

- a. *Request to place telecommunications pole in Clifton Road right-of-way (Wisconsin Technology Networking, LLC).*

***Rath moved to table the topic to receive legal counsel and adequate time to gather information to address the application. Sheppard 2<sup>nd</sup>.***

*Sharer stated he could not connect the topic to the FCC issues.*

*Sheppard commented that it appears the applicant is trying to work around leasing/owning the property.*

*Rath suggested determining if this could be a revenue source.*

*Hennlich asked why not by the water tower.*

*Sharer stated the proposed tower is 120 ft. and what will happen when it falls.*

*Rath responded that Village Code is currently 100 ft.*

***Summers restated the motion with the Village Administrator as the Village designated point of contact.***

***Motion as amended carried unanimously.***

10) Correspondences:

- a. *Request to discuss potential cooperative work items (Village of Harrison – Jim Salm – President; March 8).*

*Rath presented the letter with a summary from the discussion of the Sherwood Village Board. Rath stated his suggestion of 2 Sherwood Board members chosen by Harrison Officials and 2 Harrison Board members chosen by Sherwood Officials to meet to discuss cost saving and cooperative opportunities.*

- b. *Resignation of Plan Commission Member John Sharer (March 20).*

*The Commission reluctantly accepted Sharer's resignation and unanimously thanked Sharer for his dedication and service.*

11) Adjournment. – ***Sheppard moved to adjourn the meeting at 7:59 p.m. Salo 2<sup>nd</sup>. Motion carried unanimously.***

Respectfully submitted for review and approval by Susan Williams, Clerk.