

MINUTES OF TOWN OF PACIFIC BOARD MEETING

Tuesday, March 21, 2023 6:00 PM Held at the Pacific Town Hall

Public Hearing: The statutorily required public hearing for a variance request was called to order at 6:10 p.m.

Roll Call: Town Chair Devine and Supervisors Cawley, Kayartz, Kershaw and Pate were present.

Others Present: Clerk Gustafson, Town Attorney Miller, Town Engineer Roth, Chris and Alissa VandenHoven, Chris Nelson, Michael and April Parkins, Chris Keppert, Pat Schnering, Francis Eustice, and Dan Kastenholz were also present.

Verification of Public Notice: Clerk verified the notice was posted and published according to law and sent to adjacent property owners.

Reason for Public Hearing: Town Chair Devine stated that the public hearing is to allow all interested parties to be heard concerning a requested variance concerning tax parcel 11032-209.16 owned by Christopher and Alissa VandenHoven which is located in lot 16 of Jake's Borough in the Town of Pacific. The physical address is N6758 Hunter Drive, Pardeeville. The application seeks a variance from Sec. 345-27(F)(1) of the Code of the Town of Pacific, which provides that only one access shall be allowed per parcel zoned residential. The applicant is requesting a variance to construct a second driveway access point located at the south end of the property for access to a planned new construction detached garage.

The applicant's legal counsel Chris Nelson addressed the Town Board and explained that a substantial portion of the property is wetlands with a 13-degree slope to the wetlands. Based on topography, wetlands, water and sewer infrastructure, and setbacks, he stated it would be impossible and impracticable to place the accessory building anywhere else on the property. He stated that the covenants addressed size limitations, but felt that the covenants were outside of the Town's jurisdiction.

Town Engineer Roth reviewed his memo to the Town Board and discussed the alternatives that he suggested to the applicant. Engineer Roth stated the property was not unique with respect to frontage but is unique with respect to rear yard. Attorney Miller explained to the Town Board the statutory criteria to grant a variance and how to apply the criteria in this matter. Attorney Miller also reported that the deeded covenants for this subdivision include size limitations on accessory buildings and also allow for only one driveway access per residential lot. It was discussed that the Town is being asked to approve a driveway for a building that cannot be built due to the deeded covenants document. Supervisor Cawley asked for the size of the accessory building, and it was provided.

The following spoke in favor of granting the variance: Patricia Schnering, Chris Keppert, and Mike Parkins.

Close of Public Hearing: Motion by Cawley/Kayartz to close the public hearing at 6:44 p.m. All in favor by call of roll.

Call to Order: The regular Town Board meeting was called to order at 6:44 p.m. by Town Chair Devine.

Roll Call: Town Chair Devine and Supervisors Cawley, Kayartz, Kershaw, and Pate were present.

Verification of Public Notice: Clerk verified proper public notice was given.

Town Agenda: Motion by Kayartz/Cawley to approve the agenda as amended and address the VandenHoven Variance Application. All in favor by call of roll.

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Variance Application – VandenHoven N6758 Hunter Drive: Motion Pate/Cawley to approve the variance request and allow for a second driveway access. All in favor by call of roll.

Recess: Motion by Kayartz/Kershaw to recess at 6:49 p.m. and continue with the public information meeting.

Reconvene: All Town Board members were present. Motion by Kayartz/Cawley to reconvene at 8:27 p.m. and take public comments. All in favor.

Others Present: Clerk Gustafson, Town Attorney Miller, Town Engineer Roth, Charlie Kirk, Nicky Cross, Pat Schnering, and Irma Brockley were also present.

Public Comments: Nicky Cross introduced herself as a candidate for the Portage School District School Board member.

Prior Month's Town Board Minutes: Motion by Kayartz/Kershaw to approve the Town Board minutes of February 22, 2023 as presented. All in favor by call of roll.

Building Permits Report: Provided for review.

Road Report: A vehicle crashed into a guardrail on the corner of Patchin and Dunning Roads. When the crash report is received, and an estimate for replacement is received, a bill for the replacement cost will go to the driver. Photos were provided.

Cemetery Report: No lot sales or funerals to report. Sexton Cawley plowed the cemetery roads twice since the last meeting. Spring cleanup will start soon. Mower will go in for annual tune up soon.

Solid Waste & Recycling Center Report: Supervisor Cawley attended the March meeting and there were no complaints. He reported that he mentioned the agreement between the Town and the County reminding the County that they cannot change services to the town residents without full agreement by the Town Board or the Town Board can revoke their waste hauling permit.

Building & Grounds Report: Nothing new to report.

Sheriff's Report: There were 128 calls for the month of February.

Correspondence: An email response from Town Engineer to Supervisor Pate was provided in the packet. Supervisor Pate discussed the proposed revisions to Town Ordinance Chapter 345.

Outside Meeting Attendance Report: None.

Report from Town Plan Commission: There was no meeting in March.

Treasurer's Report: Motion by Cawley/Kayartz to accept the Treasurer's Report. All in favor by call of roll.

Payment of Current Bills: Motion by Cawley/Kayartz to approve payment of bills with checks numbered 16479 through 16507 and elec. draws 23-10 through 23-13 in the amount of \$45,255.68. All in favor by call of roll.

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Investment Report: Supervisor Kershaw reported that the investment that came due on March 23rd was reinvested with F&M Bank for 24 months at 4.5%. Two more investments come due in April.

2023 Haz-Mat Agreement: Motion by Cawley/Kayartz to approve the signing of the agreement as presented. All in favor by call of roll.

Ordinance Amending Chapter 345 – Roads and Rights-of-Way: Revisions were discussed further. Motion Kershaw/Cawley to approve the draft ordinance with revisions as discussed and recommended and have Attorney Miller prepare the final document as directed for signatures. Motion carried by call of roll; Pate opposed.

Reconsider Maximum Roof-Mounted Solar Panel Limitation: Due to current applications coming in, Town Engineer Roth recommends going from a 600 sq. foot to a 900 sq. foot for the small-scale solar energy system designation. Motion Cawley/Kayartz to recommend to the Town Engineer and Town Attorney to draft the ordinance revision as suggested. Motion carried by call of roll; Pate opposed.

Broadband Infrastructure Grant Agreement – Town Attorney Revisions: Discussed the agreement and the address list that was provided within the agreement. Motion Pate/Cawley to forward to Charter the revisions prepared by the Town Attorney with the additional addresses that were excluded, a blanket statement that the agreement is to include all dwellings and business premises in the Town not currently served, definition of the full project area, and revision to the project completion date. All in favor by call of roll.

Operator License Applications: Motion by Kayartz/Cawley to approve as presented. All in favor by call of roll.

Lakeside Park Subdivision Improvements: Discussed. Motion Kayartz/Pate to table and add to next month's agenda. All in favor by call of roll.

Fee Schedule Revisions: Motion by Kershaw/Cawley to approve revisions as presented. Motion carried by call of roll; Pate opposed.

Resolution 2023-R1 Update of Fee Schedule: Motion by Kayartz/Cawley to approve the resolution as presented. Motion carried by call of roll; Pate opposed.

Adjourn: Motion by Kayartz/Cawley to adjourn at 10:16 p.m. All in favor by call of roll.

Marlo Gustafson, WCMC, Town Clerk