

Town of Perry
Minutes of Land Use Committee
Tuesday, March 8, 2005
Perry Town Hall

1. Call to Order. Chairman Mick Klein Kennedy called the meeting to order at 8:04PM. Committee members Dean Vogel, Ann Windsor, and Roger Kittleson and Clerk Mary Price were present. Don Kellesvig, absent. Also in attendance: Larry Price, Nick Meier, Ernie Grinder, Joe Anderson, Cindy Anderson, John Amacher, Andy Mlsna, Joe Mlsna, Linda Bluschke, Becky Darrow, Wayne Darrow, Pat Downing, Steve Fenley, Ann Fenley, Kay Watson, Dan Watson.
2. Minutes of Previous Meeting – January 11, 2005. Ann Windsor moved and Dean Vogel seconded a motion to approve the minutes of the Land Use Committee meeting as published. Motion carried.
3. Applications – Public Hearings and recommendations.
 - a. John and Norma Amacher, 156 CTH JG, reconsideration - Site Plan, Building permit, Driveway Construction permit, Zoning Change – 2.8 acres, west side of CTH JG. Roger Kittleson moved and Dean Vogel seconded a motion to recommend to the Town Board that the application submitted for a Site Plan, Building permit, Driveway Construction permit and Zoning change as presented by John and Norma Amacher. Becky Darrow and John Amacher presented additional information including 1946 soil maps, soil type and erosion data since CTH JG road reconstruction. The Committee discussed the data presented and the options available to the applicants – soil testing by a soil scientist, and the appeal process for mapping disputes per Section 8 of the Land Use Plan; land exchange with the adjoining landowner and CRP program requirements. Ann Windsor moved and Dean Vogel seconded a motion to amend the main motion and to postpone action on this application until it is revised to comply with the Land Use Plan. Motion carried.
 - b. Andy and Joe Mlsna, ag. accessory building permit. Andy Mlsna presented a revised Site Plan. The Committee discussed the intended use for the building and the applicants reported that produce for the Farmers Market will be grown at the site. The applicants indicated that the building will be used for storage. Dean Vogel moved and Roger Kittleson seconded a motion to recommend that the Town Board approve the building permit for an accessory building for organic gardening use. Chairman Mick Klein Kennedy opened the public hearing portion of the meeting. Nicholas Meier presented his written comments and a letter from Steve Grinder in opposition to this application. Steve Fenley commented that he questioned the intended use as stated by the applicants and the choice for the building site in the woods rather than near the other buildings on this farm. Steve Fenley reported trespassing onto his property by hunters on the applicants land, and inquired about recourse actions available from the County and the Town. Ann Fenley indicated her concerns about trespassing, the ag. purpose and the underlying purpose for this building. The Committee

discussed recourse options for other than ag. use. Pat Downing explained Dane County's enforcement procedures for zoning violations. Chairman Mick Klein Kennedy read aloud Steve Grinder's letter stating concerns about the distance from other buildings, numerous trespassing incidents, complaints filed with the DNR and Dane Co. Sheriff's Dept., intended use, etc. The Committee reviewed fence dispute procedures. Linda Bluschke commented her concern for setting a precedence. The Committee discussed the application. Ann Windsor asked the applicant to explain the siting in the woods. Andy Mlsna stated that apple trees and other trees will be planted and garden plots will be established, and the building will be used to store tools for his construction business. Dean Vogel asked if produce will be grown for the Farmers Market. Andy Mlsna stated that vegetables and herbs will be produced for their own consumption. The Committee discussed the siting criteria – on Poor soil, neighbor concerns re: trespassing and shooting/hunting violations should be reported to the Sheriff's Dept. – and determined that the criteria for the building site was met. Motion carried. 3 Yes, 1 abstain – Mick Klein Kennedy.

- c. Joe and Cindy Anderson, reconsideration – requests Town to vacate part of Grinder Rd. – review accurate property description, neighbors' consent to move Grinder Rd.; Andersons' cost to rebuild road; garage redesign. Joe Anderson stated that he does not want to change his garage. The Committee reviewed the referral by the Town Board to review this application for a building permit and to vacate part of Grinder Rd. The Committee reviewed the County setback requirements at the site view held on March 5, 2005. Ernie Grinder stated that he would give Joe Anderson up to nine (9) feet of land to the south in order to move the road boundaries. Pat Downing reported that the Board of Adjustment will not grant a variance and will begin fines but will delay citations pending the Town Board's action. Roger Kittleson moved and Dean Vogel seconded a motion to postpone action for thirty (30) days. Larry Price commented on the applicants' failure to resolve mapping disputes, safety concerns, and siting problems. Tie vote. Motion fails.

Mick Klein Kennedy moved and Ann Windsor seconded a motion to recommend that the Town Board deny the applicants' requests to vacate part of Grinder Rd. – review accurate property description, accept neighbors' consent to move Grinder Rd.; review Andersons' cost to rebuild road; review garage redesign; due to lack of any information requested being presented by the applicants. Motion carried.

4. Schedule meetings. The Committee reviewed the April meeting schedule.
5. Adjourn. Roger Kittleson moved and Ann Windsor seconded a motion to adjourn. Motion carried. The meeting adjourned at 10:40 PM.

Respectfully submitted,

Mary L. Price, Clerk