

Minutes of the **August 3, 2021** Regular Meeting of the Manitowish Waters Planning Commission

Meeting called to order at 7:07 P.M. by Chair Dan Sleight, following completion of the Public Hearing.

Commissioners Present: Dan Sleight, Robert Becker, John Hanson, Vince Hoehn, Mike Kramer, Lynn Schroeder, Dan Johns, Jr.

Also Present: Zoning Administrator Tom Thiessen

Public Visitors: Greg Holt, David Bartling, Fred Wienke, Jim Powell, Christine Powell, Jim Reichert

#### Approval of Agenda

Motion by Johns, second by Kramer, to approve the agenda as posted and waive the reading. Motion carried.

#### Public/Governmental Comments and Correspondence

Covered under Zoning Administrator's Report

#### Reading and Approval of Minutes

Motion by Becker, second by Schroeder, to approve the June 8, 2021 Justinak CUP Public Hearing minutes, the June 29, 2021 Stern CUP Public Hearing minutes, and the June 29, 2021 Special Meeting minutes as presented. Motion carried, with Johns abstaining, stating that he could not attend the June 29<sup>th</sup> meeting.

#### Zoning Administrator's Report

ZA Thiessen presented his 2<sup>nd</sup> Q reports. Permit numbers are down this year, possibly due to building material costs. Vilas County Deputy Zoning Administrator Jim Janet has been apprised of several instances of unauthorized tree and vegetation removal in the shoreland area, and is investigating. Once we receive something back from him, we will follow up.

#### Secretary's Report

Hoehn presented his hours for approval. Motion by Hanson, second by Johns, to approve. Motion carried, with Hoehn abstaining.

#### Unfinished Business

Unpermitted clear cutting on Alder Lake Rd. David Bartling presented a proposed restoration plan (copy attached to these minutes.) The areas that will be allowed to regenerate naturally, and the areas that will be transplanted, are identified. Trees will be transplanted where possible; otherwise nursery stock will be purchased. It is anticipated that over 500 feet of buffer length, approx. 40 trees will be planted 12 – 15 feet apart, per DNR recommendations for spacing. Following discussion on the amount of a fine, and how it could be calculated, motion by Hanson, second by Kramer, to assess a \$10,000 fine less the costs of remediation incurred by fulfilling the restoration plan dated 7/28/2021 submitted by Manitowish Cranberry. Remediation to be completed by fall of 2023. Following further discussion, motion by Johns, second by Schroeder, to amend the motion to reflect that the fine is based on 45 days @ \$222.22/day. Motion to amend carried. Vote on the amended motion: motion carried.

After the fact permit policy. Hanson recommends that the Commission looks at doing away with the policy of allowing after-the-fact permits. Would prefer to assess a fine for not obtaining a permit, and then still require a permit to be applied for and received. Discussion on a structure for assessing fines. Discussion on how aware landowners are of certain zoning ordinance requirements, and possible attempts at education. Consensus of the Commission is to immediately cease issuing after-the-fact permits. As after-the-fact permits were only a policy, not an ordinance item, no changes in the ordinances are required to implement the change in policy.

Contractor liability on work performed in the absence of permits. Greg Holt stated that a landowner may be able to build fines into the cost of the project, but the contractor may be working on the margin – the contractor may be the key to stopping things before they start. Further discussion on establishing a fine schedule, and where remediation and restoration fit in. Discussion on sending letters out to contractors. Hanson suggested that the Town's attorney review the issue and provide an opinion on what we can do and how to go about it. To be brought back for the September meeting.

#### New Business

Rescinding Article 5.8. Motion by Hanson, second by Johns, to recommend to the Town Board that Article 5.8 be rescinded in its entirety from General Zoning Ordinance 2007-1. Roll call vote: Johns: Aye Schroeder: Aye Hanson: Aye Hoehn: Aye Kramer: Aye Becker: Aye Sleight: Aye. Motion carried.

Shipping containers on residential lots. Hoehn reported that he had received a call about two shipping containers located on two separate lots on Stepping Stones Lane. Christine Powell inquired as to what policy Manitowish Waters has in regard to these containers. Sleight answered that there is none, as they are portable – Manitowish Waters only regulates structures with a foundation. Hoehn reported that the County's definition of structure is much more inclusive than the Town's, and these containers should have required a permit from the County. Thiessen suggested that we adopt the County's definition. To be a September meeting agenda item, along with a discussion on metal sided buildings on residential lots.

Meeting declared adjourned by Chair Sleight. Time was 8:34 P.M.

Next scheduled meeting: Regular Meeting September 7, 2021 at 7:00 P.M.