

MINUTES OF THE JOINT MEETING OF THE SPRINGDALE PLAN COMMISSION AND TOWN BOARD AT THE PLAN COMMISSION MONTHLY MEETING ON MAR. 22, 2021 Approved April 26, 2021

Due to the COVID-19 pandemic, this meeting was held via Zoom on the computer or via telephone. The Notice of the Meeting with instructions to access the meeting via the internet or telephone was posted in the Town Hall bulletin board in the Town of Springdale, on the Town of Springdale website townofspringdale.org and via the Town-wide email distribution list. Individuals needing reasonable accommodations to access the meeting contact the Plan Commission Chair at 608-618-1448 at least three (3) business days in advance of the meeting.

IN ATTENDANCE: Rich Bernstein, Mike Healy, Jim Hanson,, Amy Jester, John Rosenbaum, and Denise Sullivan. (A quorum is present.) Town Chair Mike Fagan and Richard Schwenn Absent: Ellen Bunn (arrived at 9:18pm)

CALL TO ORDER: by PC Chair A. Jester at 7:01 p.m. as a Zoom meeting via Internet or telephone. FYI: During the meeting, attendees will be asked to mute their speakers/phones, unmute their speaker/phones when you wish to speak, identify yourself by name before speaking. A voice vote will be called unless the vote is not unanimous. Then, a roll call vote will be called.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 3/18/2021 at the Town Hall and on the website as required by law.

MINUTES: MOTION by D. Sullivan/ M. Healy to approve the draft minutes of the 2/22/2021 meeting of the PC as amended to add motioners and to change a typo. Motion to approve carried unanimously by voice vote: 6-0 ayes, no nays

L. WEGNER/REVISION ACCESSORY BUILDING/STATE RD 92/ Sec. 28.

MOTION: by R Bernstein/ D Sullivan to recommend to the Town Board approval of the change of location for the accessory building as depicted on the revised site plan

Discussion: Questions included: #1 Does this new site have an impact on an approved shared driveway to an adjacent lot - no driveway easement does not run on this property. #2 Has soil/bedrock been considered in the new site location? - builder says it should be sandstone. #3 Neighbors contacted by the applicant and notified by town, no concerns registered.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays.

T. MEINHOLZ/ CSM CONSISTENT WITH CONCEPT PLAN AND REZONE//2459 SPRING ROSE RD/ Sec 13.

MOTION: by A, Jester/ D Sullivan to recommend to the Town Board approval of the CSM as consistent with the approved concept plan on file at the town. It shall be recorded that these lots have no further division according to the Town of Springdale Land Use Plan and that Lot #1 has an approved building envelope on file at the town.

Discussion: J. Rosenbaum indicated that the CSM appears to match the concept plan. No other concerns registered.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays.

MOTION: by D Sullivan/ J Hanson to recommend to the Town Board approval of the rezoning of 3 lots from AT-35 to RR-8, RR-4 and RR-1 as indicated on the rezone petition.

Discussion: The rezone is supported by the land use plan and is consistent with the intended residential use and surrounding properties.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays

A. CARRICO/CSM CONSISTENT WITH CONCEPT PLAN AND REZONE/HWY G/ Sec 25.

MOTION: by M Healy/ Sullivan to recommend to the Town Board approval of the CSM as consistent with the approved concept plan on file at the town. It shall be recorded that these lots have no further division according to the Town of Springdale Land Use Plan and that Lot #3 has an approved building envelope on file at the town.

Discussion: J Rosenbaum notes that the CSM appears consistent with the concept plan. Also that Lots #1 and #2 the entire lot is the building envelope.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays

MOTION: by M. Healy/ D Sullivan to recommend to the Town Board approval of the rezoning of 3 lots from AT-35 to SFR-2, SFR-2 and RM-16..

Discussion: The rezone is supported by the land use plan and is consistent with the surrounding properties and the intended residential non-agricultural use of the smaller lots and the mixed agricultural and residential uses of the larger parcel.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays

J. STEVENS/ BUILDING ENVELOPE REVISION// LEWIS RD/ Sec 29.

MOTION: M Healy/ D Sullivan to recommend to the Town Board approval of the expansion of the building envelope as depicted by the applicant on the proposal - moving the envelope 40ft south supports the agricultural uses for which the land is zoned.

Discussion: Stevens indicated that with the needed placement of the septic system and planning for future accessory building use and equipment access to the rest of their lot they are requesting an expansion of their approved building envelope. PC concerns: J Hanson expressed that this new envelope moving further up the hill was not consistent with the placement of a building envelope in option #2. Stevens indicated proposed additional screening along Lewis Rd and that the move is needed for access to the land.

Vote: Motion to recommend approval carried unanimously by voice vote: 6-0, 6- ayes, no nays.

JOINT MEETING OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEMS ABOVE.

CALL TO ORDER THE TB DURING THE JOINT MEETING OF THE PC AND TB by Town Chair Mike Fagan at 7:46pm for the purposes of discussion and action on the agenda item above recommended to the TB for approval by the PC. In attendance M. Fagan, J. Rosenbaum., R. Schwenn.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed by PC Chair A. Jester.

L. WEGNER/REVISION ACCESSORY BUILDING/STATE RD 92/ Sec. 28.

MOTION: J Rosenbaum/ R Schwenn to approve the site location revision for the previously approved Accessory Building for L. Wegner.

Discussion: none

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

T. MEINHOLZ/ CSM CONSISTENT WITH CONCEPT PLAN AND REZONE//2459 SPRING ROSE RD/ Sec 13.

MOTION: R. Schwenn/ J. Rosenbaum to approve the 4 lot CSM as consistent with the concept plan. Lots shall have no further divisions per the Town of Springdale Land Use Plan. Lot #1 shall state that there is a town-approved building envelope on file with the town.

Discussion: none

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

MOTION: J. Rosenbaum/ R Schwenn to approve rezone 3 lots from At-35 to RR-8, RR-4 and RR-1 to allow for residential use. These lots shall have no further divisions per the Town of Springdale Land Use Plan.

Discussion: none

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

Next Steps: to Dane County

A. CARRICO/CSM CONSISTENT WITH CONCEPT PLAN AND REZONE/HWY G/ Sec 25.

MOTION: J. Rosenbaum/ R Schwenn to approve the 3 lot CSM as consistent with the concept plan. Lots shall have no further divisions per the Town of Springdale Land Use Plan. Lot #3 shall state that there is a town-approved building envelope on file with the town.

Discussion: The building envelope for Lots #1 and #2 is the entire lot.

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

Next Steps: to Dane County

MOTION: J. Rosenbaum/ R Schwenn to approve rezone 3 lots from AT-35 to RM-16, SFR-2 and SFR-2. These lots shall have no further divisions per the Town of Springdale Land Use Plan.

Discussion: none

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

Next Steps: to Dane County

J. STEVENS/ BUILDING ENVELOPE REVISION// LEWIS RD/ Sec 29.

MOTION: J. Rosenbaum/ R Schwenn to approve the building envelope change as recommended by the Plan Commission and depicted on the slides.

Discussion: This is an example of a time when a building envelope looked good on paper but the reality of the land required an envelope change.

Vote: Motion to approve carried 3-0 Rosenbaum - aye, Schwenn - aye, Fagan - aye

Next Steps: Town to file building envelope change

ADJOURN THE TB DURING THE JOINT MEETING OF THE PC AND TB AT 7:56PM: MOTION by R. Schwenn/J Rosenbaum. Motion to adjourn carried 3-0: Rosenbaum - aye, Schwenn - aye, Fagan - aye

PUBLIC HEARING

CAROLYN BRADT-MARCA ANDRIESSE, AGENT/CUP #02516 ACCESSORY DWELLING UNIT-ATTACHED/ 8283 N RILEY RD/ Sec. 2.

Procedure for Public Hearing: PC Chair will provide overview. Applicant will be allowed to present their application. Then we will open for public comment. Individuals may have up to 3 minutes for public comment. Please state your name and address for the record. Applicant may respond to questions generated in public comment. PC/TB may ask applicant questions to gather additional info or clarify application. Public Hearing will then be closed.

Overview: The unit that is the subject of the CUP was built as an office attached to the garage of the principal residence. In the past has been used for short term rental, recently rented month to month. Applicant approached the town and Dane County to bring use into zoning compliance. Review standards of an Accessory Dwelling Unit. Indicated that short term rental use would not be allowed by this CUP (that use would require additional CUP for transient or tourist lodging)

Applicant Comments: M. Andriesse - this office is currently rented by a traveling nurse, it has a dedicated parking space and has 2 bedrooms. C. Bradt (owner) says she would like this approved in case she needs to move back into the space in the future.

Public Testimony: 6 letters in opposition to the CUP were received were entered into public record and provided to the PC members and the TB

M. Lee/ 8275 N Riley Rd/ Opposed to request. Shared assets with property (well, pond) worry about liability. They currently do not live at site and have had vacation traffic all over their property (which was recently divided from the Bradt parcel). Question septic systems ability to handle additional bedroom occupancy.

J. Lee/ 8275 N Riley Rd./ Question about how letters to the town were processed. (PC Chair explained process), Comments about recent disruptive rental activity. Last weekend it was a "madhouse" cocktail glasses about and people wandering his property.

S Bogue/ 8214 N Riley Rd/ Concerned about traffic on N Riley Rd/ noted out of town guests drive at high speeds. Trespassing on a neighbor's property has been an issue. Concerned about background checks for guests

W. Weber/ 8271 N Riley Rd/ Huge Problem is the cabin, it is not zoned for use as a residence or rental. I have trespassers from applicants' rental activity on my 140 acres of trails constantly. Urged PC/TB to read citizen letters/ neighbors do not want rental use in their neighborhood.

Rosa 8213 N Riley Rd/ Question: If the county closed them down can they still rent it out? Could future owners use the ADU for rental? (PC Chair: answered that it would depend on how the conditions of the CUP were written - could be yes or no)

Applicant Responses to public comments: Recent come and go activity was primarily from the rental cabin. Binder in the cabin asks renters to stay on the property and avoid trespassing. Indicated that cabin rental has ceased and that they are merely fulfilling existing bookings. 3 more rentals coming, no new bookings. Applicant says Dane County was allowing activities to continue while working to bring into compliance.

PC/TB Questions:

- J Rosenbaum: What is your intention with the ADU? Response: no longer Airbnb, only long term rental, currently month to month with traveling nurse
- J. Hanson: Standard (h) of the ADU states that the owner must live on property. Owner does not live there. What's the transfer plan? Response: Have a master lease that runs through Oct 2021 when will renegotiate with mom.. Hope to receive loan and purchase property at that time
- A.Jester: How many bedrooms is the current septic system rated for? Response: has been routinely inspected (pumped), do not know the number of bedrooms it was built for. Main house has 5 bedrooms + 2 in AD
- J. Rosenbaum: The well is not on your property? Who is responsible for maintenance? Response: When the lot was divided it ended up on Lee side, an easement has been recorded that the well is for the use of the Bradt property only. Lees are only responsible for not damaging the well. Lees must build their own well.
- A. Jester: Do you have a rental agreement with the current month to month tenant of the ADU? Response: no formal agreement. Waiting to complete this process Question: The VRBO as for the ADU is still available as of tonight, why not taken down? Response: partner in charge of that. It is not used, cannot book without approval anyway.
- M. Fagan: What is the current status of the house? Response: Occupied by Daughter of owner and her partner and two kids. They live there full time. Have a master lease with mom. They rent one room for incidental room rental through airbnb as a permitted use in their zoning district.
- R. Bernstein: What is the plan for the VRBO removal of hte ADU. It is available for instant booking. Response: I will take it down tonight.
- A.Jester: What are the kitchen facilities in the ADU - Doesn't seem set up for long term rental. Reponse: 2 burner hot plate, fridge, microwave. No washer or dryer. Want to get a CUP before upgrading the kitchen.
- M Healy: Is the room currently listed on Airbnb part of the CUP? Response: no that is in the main house and is rented as part of incidental room rental.
- A.Jester: Tell me about the term of the "master lease"? Response:It is a legal contract signed by Andriess and Bradt. Described as a rent to own land contract. When do you become the owner? Response: it will be revised in Oct 2021. Hope to get a loan to buy the property, but we need the income from rentals to be able to buy the house.
- J. Rosenbaum: Wish we had a confirmation about septic capacity
- M Fagan: The septic for this house was built prior to the addition. How many bedrooms are in the existing house? We must be sure spetic is rated for # of bedrooms it would be approved for. Response: 5 total, one of them rented with airbnb, other 4 occupied by family.
- D. Sullivan: Septic system info can be gotten from the state. Should have a permit on file.
- A.Jester: Your VRBO ad for the ADU says occupancy is up to 4 people? How many are you requesting with this ADU? Response: We stated that because 2 bedrooms with 2 people each. Imagine until the kitchen is upgraded that 1-2 people would be appropriate.
- M.Fagan: When is the last cabin booking? Rich: does this apply to CUP? M. Fagan: trying to separate neighbor complaints from cabin traffic from other activity. Response: 3 more bookings. Last Apr 26-28
- M. Healy: Regarding trespassing, are there markers for property boundaries? Response: A packet in the cabin delineates boundaries/ might not have been updated since divided parcel.. Have purchased no trespassing signs to prevent people going onto Lee parcel.

Public Hearing Closed

PC Deliberation

M. Fagan: J. Hanson's concern about ownership is valid. We have a standard for ADU that isn't met. M. Healy yes owner not living on premises seems like a deal breaker. There is an intent to purchase. R Rosenbaum: If we can write acceptable conditions, it might be okay. It is a familial relationship. M. Healy: Though this is county standard, maybe they should be the one to enforce it and or make the exception. A. Jester noted Dane County takes all

applications and only checks to make sure all materials are submitted with the application. They do not render judgment on standards. They allow towns to decide if the standards can be met with conditions and generally follow the towns lead. A. Jester also clarified that although Dane County zoning did say that rental of the ADU to the traveling nurse could continue until the CUP was resolved; however, the cabin rentals have never been legal and this structure was already restricted to no habitation and no business, activity at the cabin should have ceased Dane county did not say to continue this activity.

MOTION: M Healy/ E Bunn move to table discussion until the next meeting after the applicant provides septic info and any lease/ownership agreement applicant wished to provide

Discussion: J. Hanson: why muddy the water, this doesn't meet the standard. J Rosenbaum: a land contract could be acceptable.

Vote: Motion to table carried (6- ayes 0-nays 1- abstention (D. Sullivan)

Next Steps: PC will follow up about requested documentation

PC PROCEDURES: Discussed practices for public comment during public hearings. This hearing and all since 2019 have been run on 3 minute public comment. Suggestions included 2 min until all have spoken and an additional 2 min if desired. Other comments, some like sign-in/ call-on process/ some want unlimited comment or back and forth question and answer - no changes to practice, for discussion only.

Motion to Adjourn. M Healy/ D Sullivan. Motion to approve carried unanimously by voice vote: 7-0 ayes, no nays. Adjourned at 10:04pm