

TITLE: Town of Berry Plan Commission Meeting Minutes
DATE: June 6, 2022
TIME: 7:00 – 7:50 p.m.
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560
POSTINGS: Town Hall and Town of Berry website

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. Members present: Anthony Varda, Travis Austin, Mike Theis and Duane Haag. Joe Kruchten was excused.

II. APPROVE MINUTES OF MAY 2, 2022

Motion Theis/Austin to approve the May 2, 2022 minutes. Motion carried. Vote 3-0. Haag abstained

III. PUBLIC COMMENTS: You may address the Commission on any item not on the agenda. A discussion item may be placed on a future agenda. Public comment may be heard on any agenda either now, or at the time the agenda items is to be discussed, or at the discretion of the Chair at the time the agenda item is discussed.

IV. DISCUSSION/ACTION RE: INDIAN LAKE COUNTY PARK

No plan for the land purchased from the former Dega property. Dane County would like to work with the Town about maintenance of Indian Trail due to additional traffic. Discussion of moving the dog park parking lot to off of Lilac Lane. The draft plan may be available at the end of the summer. The town mentioned that the parcels will need to be rezoned to recreational because they are currently agricultural. The plans for the greenhouses is to move them to other parks for maintenance by volunteers for the park to use for growing native plants or auction them. Concern was expressed about land being removed from the town tax base and driving up the purchase price for agricultural land.

V. DISCUSSION/ACTION RE:

A. (D-2022-4) Andrew & Katie Denzin, Stone Valley Road, driveway permit application

Motion Haag/Theis to recommend approval of Andrew & Katie Denzin's driveway permit application. Motion carried. Vote 4-0

VI. PUBLIC HEARING, FOLLOWED BY DISCUSSION/ACTION RE:

Public hearing started at 7:14 p.m.

Preliminary discussion about Madison Fence Company vacating the property. RBB zoning is appropriate according to ordinance language for a business that is getting smaller. Main concern is traffic from a business with employees. Question if the town is limiting the number of business related equipment. This is not the type of business for RBB zoning, it is more of a commercial business. There are inconsistencies with the comprehensive plan. Significant concern about history of pushing the envelope of uses on this property. Plan Commission Haag should excuse himself from voting since he has a financial interest since Mr. Niesen is a client of his business. Mr. Haag informed the commission that if he receives 50% of his total business income from Mr. Niesen then he would need to excuse himself from voting. Will there be an access route to Mr.

Niesen's property since one-half of Whippoorwill Road is in the Town of Springfield. Will there be a written agreement about damage to the road?

The public hearing closed at 7:38 p.m.

A. (R-2022-1) Jacob Niesen, 5729 Whippoorwill Road, zoning change of 9.31 acres from A-1Ex to RBB, 0.60 acres from A-1Ex to SFR, and 50.79 acres from A-1Ex to EA

Motion Varda/Haag to recommend approval of Jacob Niesen's zoning change of 9.31 acres from A-1Ex to RBB, 0.60 acres from A-1Ex to SFR, and 50.79 acres from A-1Ex to EA. Motion carried. Vote 4-0

B. (CUP-2022-1) Jacob Niesen, Niesen & Son Landscaping, 5729 Whippoorwill Road, conditional use permit for landscaping and general construction contractor

Motion Varda/Haag that we concur with the Findings of Facts 1-5 on Conditional Use Permit #2022-1 and to add number 6. These findings were all subject to the conditions to be attached to the permit. Motion carried. Vote 4-0

Motion Haag/Theis to recommend approval of Conditional Use Permit #2022-1.

Motion Varda/Haag to amend Condition number 9. The property shall be maintained in a clean and orderly manner which includes keeping all vehicles and equipment behind buildings and screens so is not to be visible from the town road, however, agricultural equipment used for the farming operation is not included in that restriction. Motion carried. Vote 4-0

Motion Varda/Haag to add Condition number 11. Town weight limits on Whippoorwill Road shall be followed and applied with and violations shall be considered cause for revocation. Motion carried. Vote 4-0

Motion Austin/Theis to add Condition number 12. This CUP includes a 10 year sunset clause. Motion carried. Vote 4-0

Motion to recommend approval of Conditional Use Permit #2022-1 as amended. Motion carried. Vote 4-0

C. (CUP-2022-2) Niesen Home Farm LLC, Madison Fence Company LLC, 5729 Whippoorwill Road, conditional use permit for landscaping and general construction contractor

Motion Varda/Haag to recommend approval of Conditional Use Permit #2022-2 subject to the same conditions as applied to Conditional Use Permit #2022-1 and also concur to the Findings of Facts 1-6 on conditional use permit #2022-2. Motion carried. Vote 4-0

VII. ADJOURN

Motion Varda/Haag to adjourn until the next regular meeting or the call of the Chair. Motion carried. Vote 4-0