Town of Berry Board Meeting
September 15, 2025, 7:00 p.m., at the Town Hall, 9046 State Road 19, Mazomanie, WI 53560
Agenda

1. Call to order
2. Confirmation of Compliance with Open Meetings Law
3. Approve minutes of August 18, 2025
4. Public Comments: You may address the Board 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 item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed. Comments are generally limited to three minutes.
5. Patrolman Report
6. Discussion/action re:
   A. (R-2025-10) B Robert Tabachnick & Susanne Smebak, 7956 Albe Road, rezone 18.14 acres from A-2 to AG
   B. (D-2024-1) Derek & Kayla Paddock, Table Bluff Road, driveway permit application
   C. (D-2024-5) Jonathan Hall, 5191 Enchanted Valley Road, final driveway approval
   D. (D-2023-8) Chris & Angela Kirsch, 5047 Enchanted Valley Road, final driveway approval
7. Discussion/action re: Purchase of Cross Plains-Berry Fire District vehicle
8. Discussion/action re: Zoning Ordinance Amendment Related to Rural Based Businesses and Rural Residences
9. Discussion/action re: Recording meetings
10. Discussion/action re: Set date, time and location for the Public Budget Hearing and Special Town Meeting of the Electors
11. Budgetary Matters
    A. Discussion/action re: Payment of bills
12. Discussion/action re: Committee reports/Correspondence/Communications
    A. Fire Districts
    B. EMS Districts
    C. Other
13. Discussion of future agenda items
14. Adjourn

Persons requiring additional services to participate in a public meeting should contact the Town Clerk at the Town Hall, 9046 Hwy 19, Mazomanie, WI 53560. 767-4152 twnberry@chorus.net
Posted: 9/9/25 Brenda Kahl, Clerk/Treasurer

TITLE: Town of Berry Town Board Meeting Minutes
DATE: August 18, 2025
TIME: 7:00 – 8:40 p.m.
PLACE: Town Hall, 9046 State Road 19, Mazomanie, WI 53560
POSTINGS: Town Hall and Town of Berry website

I. CALL TO ORDER – ROLL CALL: The meeting was called to order at 7:00 p.m. Board members present: Duane Haag, David Evert, Michael Statz, Nichole Schwoerer and Derek Statz. Also present Clerk, Brenda Kahl and Patrolman, Lucas Danz.

II. CONFIRMATION OF COMPLIANCE WITH OPEN MEETING LAWS
The Clerk confirmed that the agenda was posted at the town hall and on the town website.

III. APPROVE MINUTES OF JULY 21, 2025
Motion Evert/D Statz to approve the minutes of July 21, 2025. Motion carried. Vote 5-0

IV. PUBLIC COMMENTS: You may address the Board 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 item either now, or at the time the agenda item is to be discussed, or at the discretion of the Town Chair at any other time the agenda item is discussed.
*Susan Studz commented about communicating with residents about the future revision of the comprehensive plan.

Motion Haag/Evert to move item number 12 before item number six. Motion carried. Vote 5-0

XII. DISCUSSION/ACTION RE: CELL PHONE AND LAPTOP FOR TOWN CHAIR
Motion Evert/M Statz to approve the purchase of a cell phone with a plan and a laptop for the Town Chair. Motion carried. Vote 5-0

V. PATROLMAN REPORT
Boehnen's finished excavating Spring Valley Road. Been wedging the road in preparation for overlaying. Boehnen's are currently installing culverts on Matz Road. Scott Construction will hopefully be paving by the end of the month.

VI. DISCUSSION/ACTION RE:
A. (R-2025-9) Adam Schall & Lindsay Koth, 4837 Enchanted Valley Road, rezone 1.32 acres from A-1(EX) to AG and 7.68 acres from RH-2 to AG to consolidate acreage to current parcel and approve final certified survey map
Motion Evert/Haag to approve Adam Schall & Lindsay Koth's rezone of 1.32 acres from A-1(EX) to AG and 7.68 acres from RH-2 to AG to consolidate acreage to current parcel and approve the final certified survey map with the condition the map is recorded in six months. Motion carried. Vote 5-0

B. (R-2025-8) John Brooks, 4863 County Highway KP, rezone 33.64 acres from A-1(EX) to RC (lot 1) and 37.63 acres from A-1(EX) to AG (lot 2) and approve final certified survey map

Motion M Statz/Schwoerer to approve John Brooks' rezone of 33.64 acres from A-1(EX) to RC and 37.63 acres from A-1(EX) to AG and approve the final certified survey map with the condition the map is recorded in six months. Motion carried. Vote 5-0

C. (R-2025-7) Jeffrey & Amy Olsen, Enchanted Valley Road, rezone 5.9 acres from SFR to AG
Motion Evert/M Statz to approve Jeffrey & Amy Olsen's rezone of 5.9 acres from SFR to AG. Motion carried. Vote 5-0

D. (D-2025-7) Jeffrey & Amy Olsen, Enchanted Valley Road, driveway permit application
Motion Haag/D Statz to approve Jeffrey & Amy Olsen's driveway permit application. Motion carried. Vote 5-0

E. (D-2025-5) TowerNorth Development, 5054 County Highway P, driveway permit application
Motion Evert/M Statz to approve TowerNorth Development's driveway permit application. Motion carried. Vote 5-0

VII. DISCUSSION/ACTION RE: REQUEST FOR PROPOSALS FOR GARBAGE AND RECYCLING SERVICES
Motion D Statz/Evert to approve Pellitteri Waste Systems proposal and contract. Motion carried. Vote 3-2. In favor: Schwoerer, D Statz and Evert. Opposed: M Statz and Haag

VIII. DISCUSSION/ACTION RE: RESOLUTION APPROVING PARTICIPATION IN THE DANE COUNTY URBAN COUNTY CONSORTIUM
Motion Haag/M Statz to table. Motion carried. Vote 5-0

IX. DISCUSSION/ACTION RE: DISTRICT ONE EMS FINANCING OPTIONS FOR NEW AMBULANCE
Motion Haag/M Statz that the Town internally finances for the new ambulance and the district invoices the Town. Motion carried. Vote 5-0

X. DISCUSSION/ACTION RE: CROSS PLAINS AREA EMS REVIEW AND FINANCIAL ANALYSIS 2025
Motion Haag/Evert that the full board is against the Village of Cross Plains taking over the EMS and support the current model. Motion withdrawn.

Motion Haag/Evert to have Attorney Mark Hazelbaker draft a letter opposing the EMS Review and Financial Analysis. Motion carried. Vote 5-0

XI. DISCUSSION/ACTION RE: SET DATE FOR WORKING BUDGET MEETING
Motion D Statz/M Statz to hold the working budget meeting on October 2nd at 7:00 pm. Motion carried. Vote 5-0

XIII. BUDGETARY MATTERS
A. Discussion/action re: Payment of bills

Motion Haag/Evert to approve the payment of bills. Motion carried. Vote 5-0. Check numbers 4572 & 19845-19868, including the withdrawal of $72.47 by Lake Ridge Bank for the credit card payment.

XIV. COMMITTEE REPORTS/CORRESPONDENCE/COMMUNICATIONS
*Black Earth Fire District: Pursuing with merger meetings

XV. DISCUSSION OF FUTURE AGENDA ITEMS
*Policy on leaving garbage and recycling containers at the ends of driveways.
*Recording meetings.
*Supervisor email accounts

XVI. ADJOURN
Motion Haag/M Statz to adjourn until the next regular meeting or the call of the chair. Motion carried. Vote 5-0

Brenda Kahl, Clerk/Treasurer

Duane Haag, Chair

ZONING CHANGE APPLICATION

TOWN OF BERRY • 9046 STATE ROAD 19 • MAZOMANIE, WI 53560
PHONE (608) 767-4152 • FAX (608) 767-3015 • www.townofberry.org

PERMIT #:	2025-10
Permit Fee:	$ 850.00 Fee Paid: ☐
Approved By:	
Approval Date:	/ /

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**
  Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.

- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**
  The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

OWNER	AGENT (Contractor, Coordinator, Other)
NAME: B. Robert Tabachnick	CONTACT NAME: Susanne Smebak
BUSINESS NAME or CO-OWNER'S NAME (if applicable): Tabachnick Rev. Living Trust, B. Rob.	BUSINESS NAME (if applicable): Little Log Cabin Montessori LLC.
MAILING ADDRESS: 6225 Mineral Point Rd.	MAILING ADDRESS: P.O. Box 39, 7956 Alba Rd.
CITY, STATE, ZIP: Madison, Wisc. 53705	CITY, STATE, ZIP: Cross Plains, WI., 53528
DAYTIME PHONE #: 608-345-1763	DAYTIME PHONE #: 608-516-4810
EMAIL: brtabach@wisc.edu	EMAIL: Susanne.smebak@gmail.com

LAND INFORMATION

Town: Berry
Section:
Parcel Numbers Affected: 080725195750
Property Address or Location: 7956 Alba Rd
Zoning District Change (To / From / # of acres) Legacy A2 + Ag 18 acres w/ROW

Soils classification of area (percentages) Class I Soils: ____ % Class II Soils: ____ % Other: ____ %
Wetlands + wooded hillside

Narrative: (reason for change, intended land use, size of farm, time schedule)

☐ Separation of buildings from farmland
☐ Creation of a residential lot
☒ Compliance for existing structures and/or land uses
☐ Other

Licensed In home Family Childcare. 8 or fewer children.
Legal description of Lot 2 CSM 10909
CS 65/161 & 163 - 11/12/2003
Descr. as SEC' 25-8-7 PRT
NE1/4 NE1/4, SW1/4 NE1/4 & SE1/4 NE1/4 (17.67 acres)
- EXCL R/W

I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Signature: Susanne Smebak Date: 8/5/2025

Revised 11/14/2017

TOWN OF BERRY JURISDICTION REVIEW FORM

COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION

If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.

Applicant/Agent/Contractor: Susanne Smebak Email: susanne.smebak@gmail

Address: 7956 Albe Rd. City/State/Zip: Cross Plains Phone: 608-516-4810

Parcel ID Number(s): 080725195750

CSM or Plat Information, if any:

Proposed activity on the property: In home Family Childcare

Is the property enrolled in CRP or any other farm programs? ☒ No ☐ Yes

If "Yes" is checked, identify the program and file identification number(s):

JURISDICTIONAL QUESTIONS

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?
   ☒ No ☐ Yes
2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?
   ☒ No ☐ Yes
3. Is your proposed project located within a floodplain? ☒ No ☐ Yes
4. Is your proposed project located within a wetland? ☒ No ☐ Yes
5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?
   ☒ No ☐ Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)
6. Do the maps showing wetlands, floodplains and shorelands at https://dcimapapps.countyofdane.com/lwrviewer/ indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?
   ☐ No ☒ Yes

STATEMENT OF APPLICANT

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: 8/5/2025 By: Susann Smebak

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

DETERMINATION BY DANE COUNTY

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: _____ By: _____

General Engineering Company
P.O. Box 340
916 Silver Lake Drive
Portage, WI 53901

608-742-2169 (Office)
608-742-2592 (Fax)
gec@generalengineering.net
www.generalengineering.net

Engineers • Consultants • Inspectors

ZONING ADMINISTRATOR REVIEW REPORT

TO: Town of Berry Plan Commission, Town Board, Town Clerk/Treasurer

FROM: Kory D. Anderson, P.E., Town of Berry Zoning Administrator
Mitchell Bortz, Town of Berry Assistant Zoning Administrator

DATE: (for) September 8, 2025: Plan Commission Meeting

SUBJECT: Zoning Change for Tabachnick/ Smebak
Tax Parcel 0807-251-9575-0

GEC NO.: 2-0125-36L

Background Information

Owner/Applicant: B. Robert Tabachnick
6225 Mineral Point Road
Madison, WI 53705

Agent: Susanne Smebak
P.O. Box 39, 7956 Albe Road
Cross Plains, WI 53528

Location: 7956 Albe Road
In part of the SE ¼ of the NE ¼ of Section 25, all in T8N, R7E, Town of Berry, Dane County, WI.

Request: Zoning Change Approval

Existing Zoning:			
	Tax Parcel 0807-251-9575-0	A-2	18.60 Acres
		Total	18.60 Acres

Existing Land Use: Tax parcel 0807-251-9575-0 currently has a home on the property and there appear to be no other accessory structures. There is a driveway that connects the home to Albe Road. About half of the property is wooded, while the other half is lowland area. There appears to be a small pond on the northern portion of the property with an intermittent stream running along the western portion of the property. Much of the property to the west is shoreland and wetland areas. Steep slopes are present on the eastern edge of this property.

Adjacent Land Uses: North: Agricultural
West: Albe Road
East: Town of Springfield
South: Agricultural

Proposal

Zoning Change:			
	Tax Parcel 0807-251-9575-0	AG	18.60 Acres
		Total	18.60 Acres

Applicant submitted information for a zoning change of Tax Parcel 0807-251-9575-0 from zoning A-2 Agricultural District (Legacy) to AG Agricultural District in the newer zoning ordinance. The purpose of the rezone is to update the zoning district so the current use of the property, a childcare facility for 8 or fewer people, complies with the Town of Berry Zoning Ordinance. As it is currently zoned, A-2, a childcare facility is not a permitted use unless there was a conditional use permit issued by Dane County prior to the Town opting out of Dane County Zoning. There is no evidence a conditional use permit was issued from Dane County, thus the rezone requirement.

Submittals/Attachments

1. Zoning Change Application, received August 12, 2025.
2. Jurisdictional Review Form, August 12, 2025.

GEC reviewed the attachments and the information submitted by the applicant/agent and has the following comments outlined below:

Comprehensive Plan

The planned land use for this parcel is Open Space Corridor Area and Soils with Building Limitations. I'll always defer to the Town on the history of a property meeting the density requirements in the Town's Comp Plan. It does not appear there is extraterritorial review by another municipality.

Town Ordinances

1. **General**
   The property requires the rezone to AG in the Newer Town ordinance because childcare facilities are not a permitted use in the old Dane County Legacy A-2 Zoning District unless there was a conditional use permit issued. There is no evidence of a conditional use permit from Dane County. Additionally, it did not qualify as a home-based business/ home occupation as the legacy zoning ordinance requires no more than 25% of the floor area of one story of the dwelling can be devoted to such an occupation.
2. **General – AG – Child Care Center: Secondary Standards**
   Childcare facilities for 8 or fewer people is permitted in the AG Zoning District land use table in 1.045. There are secondary standards required in Town of Berry Zoning Ordinance 1.0613(1) Outdoor Play Area. It states play area boundaries shall be defined by the placement of a fence.

Recommendation

GEC recommends that the Plan Commission conditionally approve the proposed zoning change of Tax Parcel 0807-251-9575-0 from zoning A-2 Agricultural District (Legacy) to AG Agricultural District in the newer zoning ordinance, contingent on the following:

1. Town Board discuss any concerns with above comments.
2. Any comments or conditions from the Town Attorney shall be addressed.

CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING CO., INC.

104 A WEST MAIN STREET WAUNAKEE WISCONSIN 53597

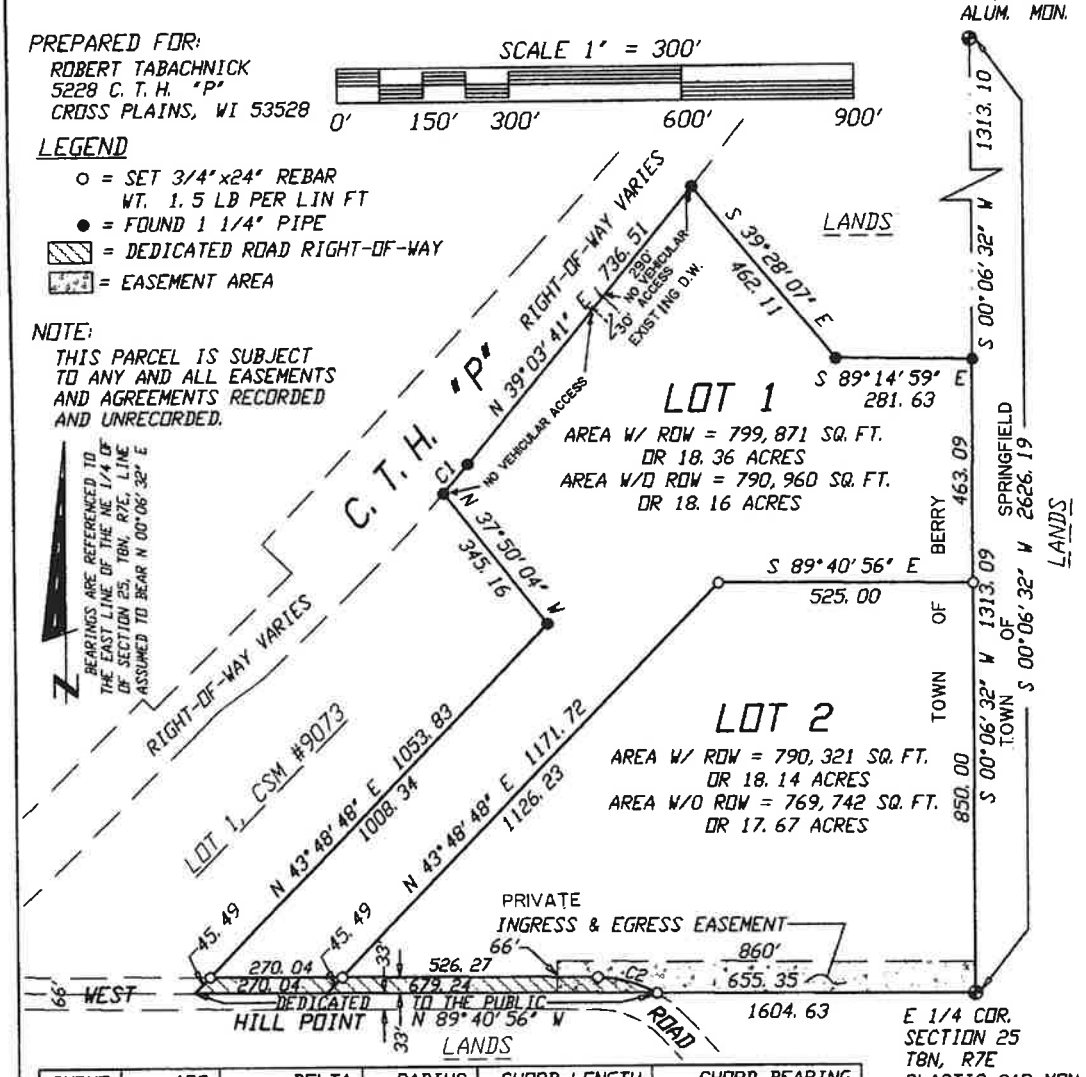
NE,SE, SW 1/4, NE 1/4, SECTION 25, T 8 N, R 7 E,
TOWN OF BERRY, DANE COUNTY, WISCONSIN.

PREPARED FOR:
ROBERT TABACHNICK
5228 C. T. H. "P"
CROSS PLAINS, WI 53528

SCALE 1" = 300'
0' 150' 300' 600' 900'

LEGEND
- o = SET 3/4"x24" REBAR WT. 1.5 LB PER LIN FT
- ● = FOUND 1 1/4" PIPE
- = DEDICATED ROAD RIGHT-OF-WAY
- = EASEMENT AREA

NOTE:
THIS PARCEL IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS RECORDED AND UNRECORDED.



CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	77.73	01°31'31"	2919.93	77.72	N 39°49'26" E
C2	127.46	29°31'50"	147.30	126.05	N 74°30'21" W

WISCONSIN
RONALD E. WILLIAMSON
S-1264
WAUNAKEE, WIS.
LAND SURVEYOR
2003

DOCUMENT NO. 3840234

CERTIFIED SURVEY MAP NO. 10909

VOLUME 65 PAGES 161, 162 & 163

03W-135

2024-1

Town of Berry

9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

DRIVEWAY CONSTRUCTION PERMIT APPLICATION

Applicant: Name: Kayla Paddock

Street Address: 903 Hillview Rd

City, State, Zip: Black Earth, WI 53515

Phone Number: 608-509-8209 Email: Kayadkins509@gmail.com

Specific Site Location / Nearby Roads: Part of the NE 1/4 of the NW 1/4, Section 28, T08N, R07E, Town of Berry, Dane County, Wisconsin. / Table Bluff Rd.

Parcel #: Current ~~004/0807-282-8000-4~~ 0807-282-0001-0

My signature below indicates that:

I have received a copy of the Driveway, Field Road and Right-of-Way Ordinance 301.1 and the Applications Guide, and that

I have attached the information as requested for a driveway permit, and that

I agree to construct the driveway in accordance with the Driveway, Field Road and Right-of-Way Ordinance and to follow any additional requirements as approved by the Town Board, and that pd

I have paid the application fee of $300.00 to the Town Clerk/Treasurer, and that

I hereby give permission to the Town Board and/or their representative which could be the Plan Commission or other inspector authorized by the Town Board to enter the property in order to evaluate the site of the proposed driveway and to verify compliance with and/or to enforce the Driveway, Field Road and Right-of-Way Ordinance.

Applicant Signature: Kayla Paddock Date: 3 / 26 / 2024

Board decision: Approve_____ Deny_____ Date_____/_____/_____

Culvert required in right-of-way Yes_____ No X Size_____

Engineering Plan required? Yes X No_____

Additional Requirements? Yes_____ if yes see attached requirements No_____

Driveway construction must begin by Date _____/_____/_____

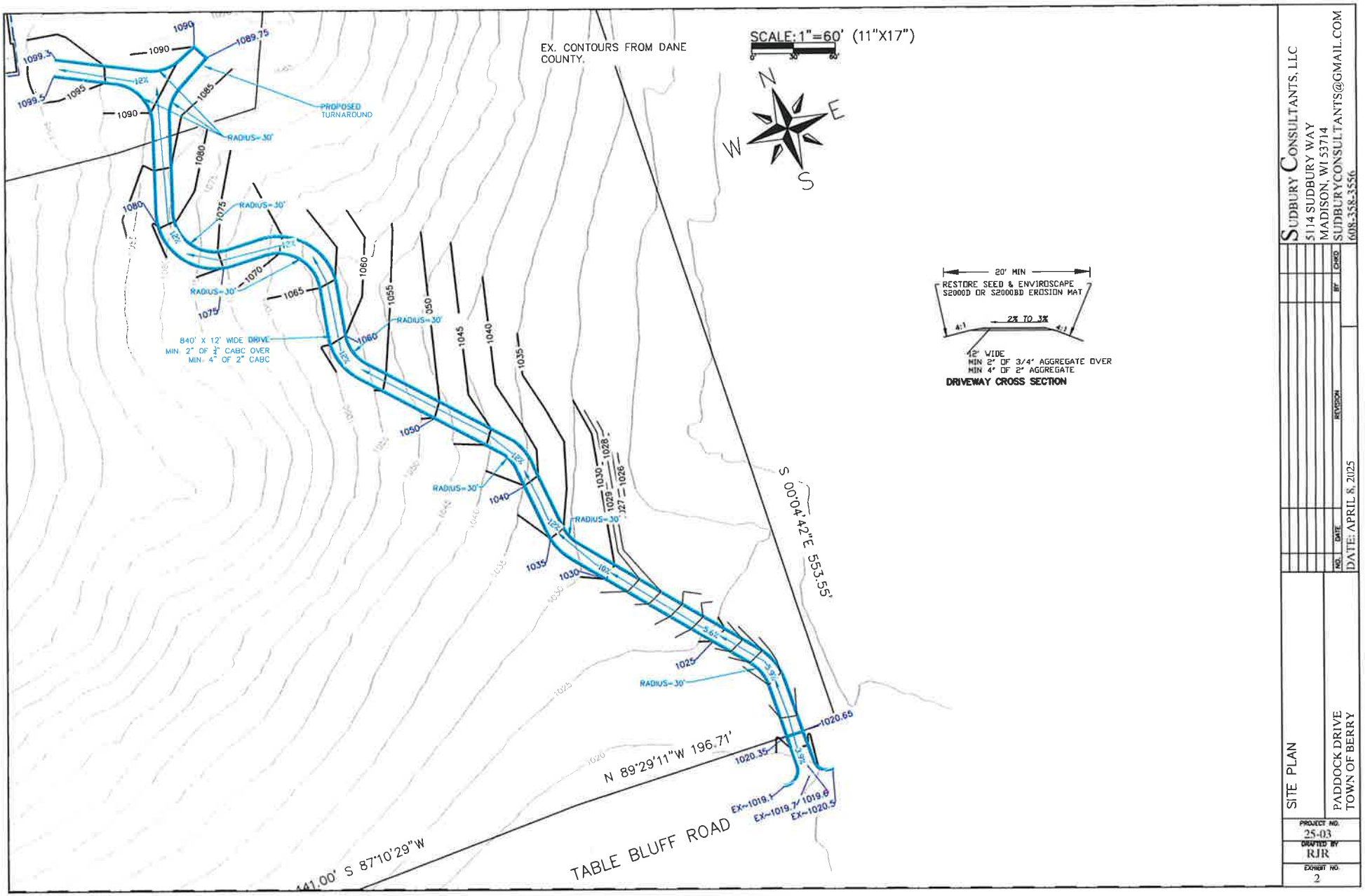
Driveway Permit expiration Date _____/_____/_____

Permit issued by: Chair Signature_____ Date_____/_____/_____

Permit issued by: Clerk Signature_____ Date_____/_____/_____

Permit is not valid unless signed by the Applicant, Town Chair and Town Clerk

Final inspection approval by: Chair Signature_____ Date____/____/_____



SUDBURY CONSULTANTS, LLC
5114 SUDBURY WAY
MADISON, WI 53714
SUDBURYCONSULTANTS@GMAIL.COM
608-358-3556

NO.	DATE	REVISION	BY	CHKD

DATE: APRIL 8, 2025

SITE PLAN

PADDOCK DRIVE
TOWN OF BERRY

PROJECT NO.
25-03
DRAFTED BY
RJR
EXHIBIT NO.
2

2024-5

Town of Berry

www.townofberry.org

9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

DRIVEWAY CONSTRUCTION PERMIT APPLICATION

Applicant: Name: Jonathan C Hall

Street Address: 5191 Enchanted Valley Rd

City, State, Zip: Cross Plains, WI 53528

Phone Number: 608-212-8866 Email: Halljc12@gmail.com

Specific Site Location / Nearby Roads: North of current driveway on property. Between N Hill Point and Hwy P

Parcel #: 004/0807-264-8000-6

My signature below indicates that:

I have received a copy of the Driveway, Field Road and Right-of-Way Ordinance 301.1 and the Applications Guide, and that

I have attached the information as requested for a driveway permit, and that

I agree to construct the driveway in accordance with the Driveway, Field Road and Right-of-Way Ordinance and to follow any additional requirements as approved by the Town Board, and that

I have paid the application fee of $300.00 to the Town Clerk/Treasurer, and that pd

I hereby give permission to the Town Board and/or their representative which could be the Plan Commission or other inspector authorized by the Town Board to enter the property in order to evaluate the site of the proposed driveway and to verify compliance with and/or to enforce the Driveway, Field Road and Right-of-Way Ordinance.

Applicant Signature: [signature] Date: 05/30/24

Board decision: Approve ✓ Deny ____ Date 7 / 15 / 24

Culvert required in right-of-way Yes ✓ No ____ Size 15 x 21

Engineering Plan required? Yes ____ No ✓

Additional Requirements? Yes ____ if yes see attached requirements No ✓

Driveway construction must begin by Date 7 / 15 / 25

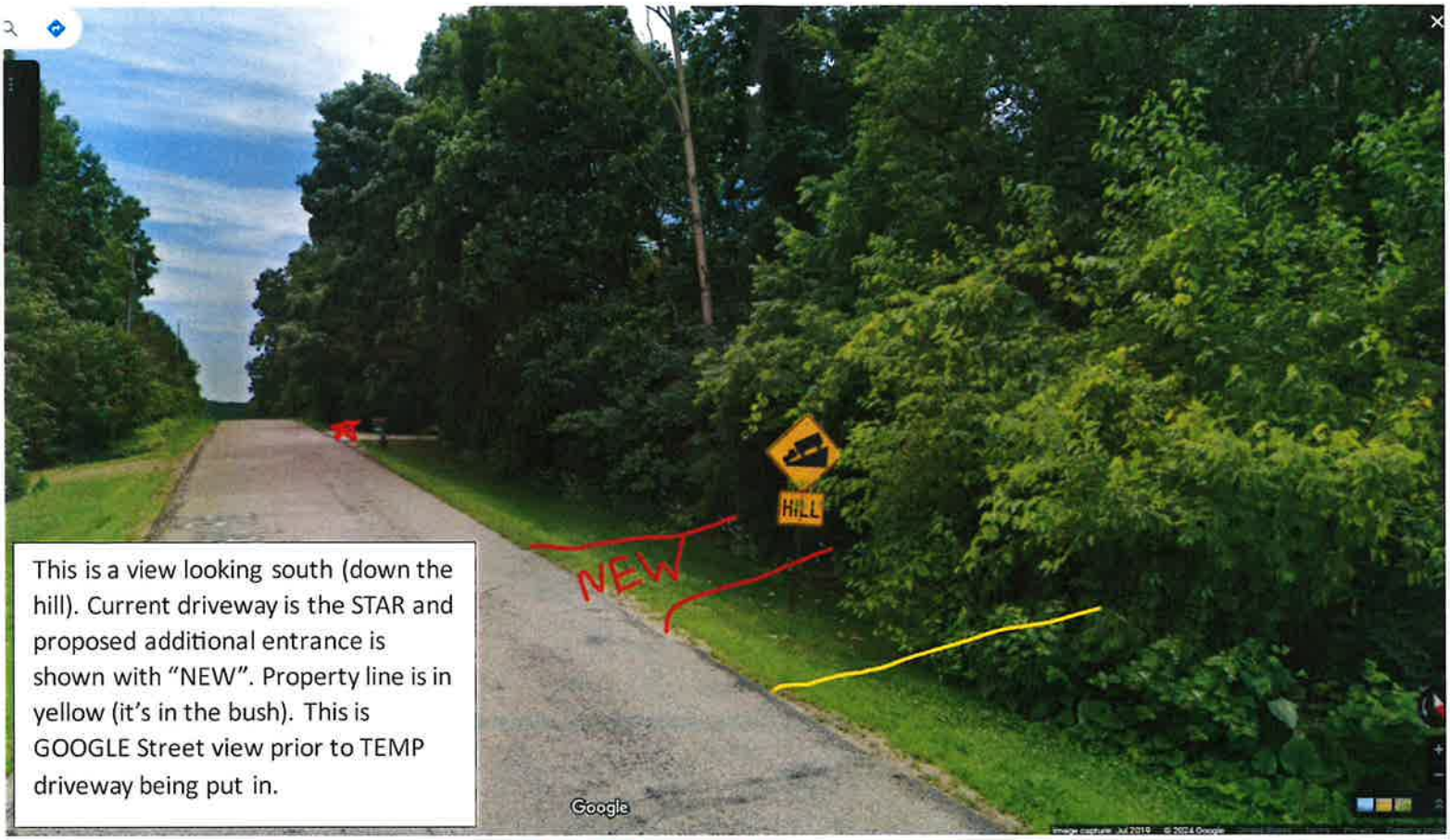
Driveway Permit expiration Date 7 / 15 / 26

Permit issued by: Chair Signature [signature] Date 15 July 2024

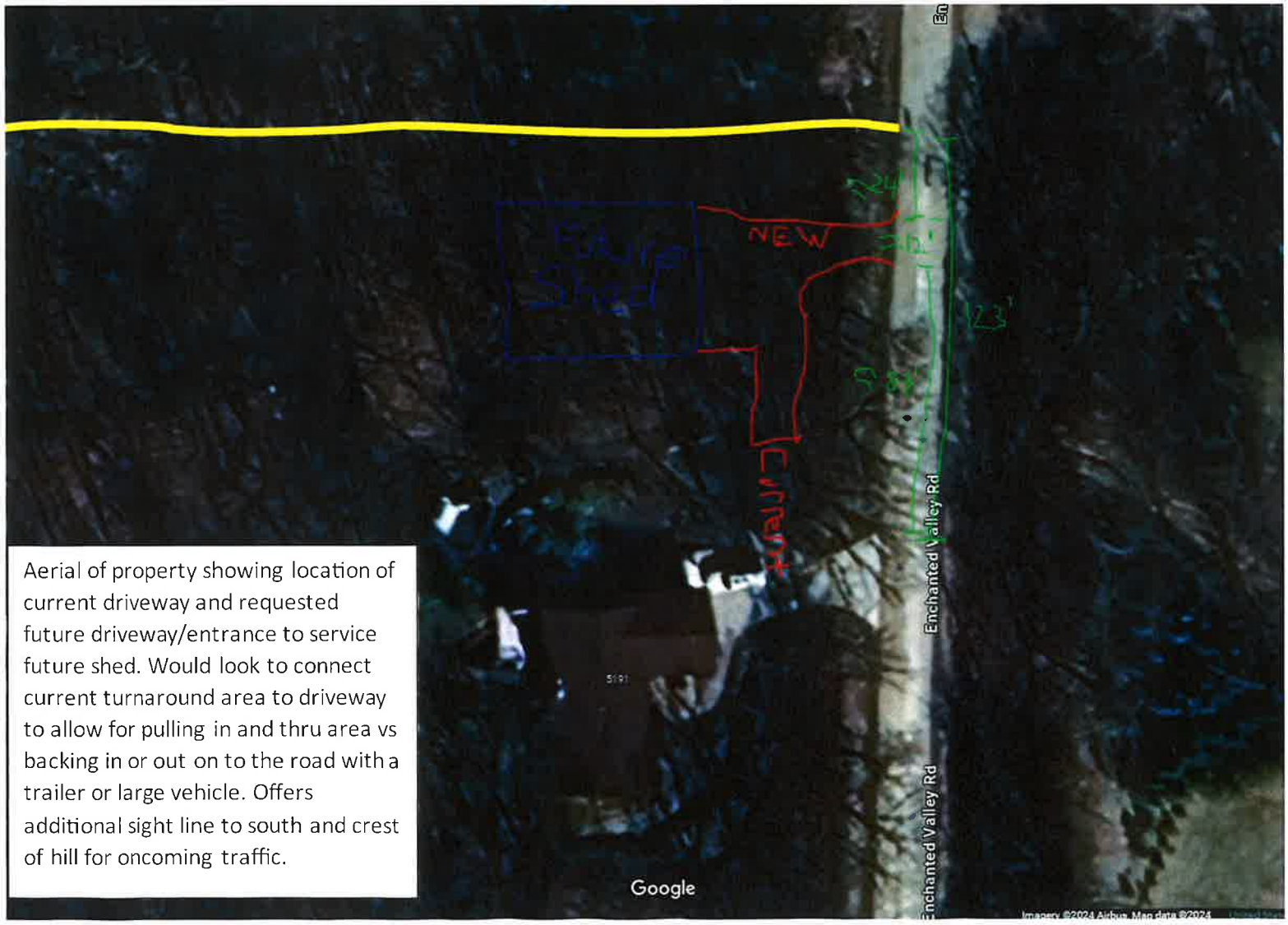
Permit issued by: Clerk Signature Brenda Kohl Date 7 / 15 / 2024

Permit is not valid unless signed by the Applicant, Town Chair and Town Clerk

Final inspection approval by: Chair Signature ____ Date ____ / ____ / ____



This is a view looking south (down the hill). Current driveway is the STAR and proposed additional entrance is shown with "NEW". Property line is in yellow (it's in the bush). This is GOOGLE Street view prior to TEMP driveway being put in.



Aerial of property showing location of current driveway and requested future driveway/entrance to service future shed. Would look to connect current turnaround area to driveway to allow for pulling in and thru area vs backing in or out on to the road with a trailer or large vehicle. Offers additional sight line to south and crest of hill for oncoming traffic.

2023-8

Town of Berry

www.townofberry.org

9046 State Road 19, Mazomanie, WI 53560, 608-767-4152, twnberry@chorus.net

DRIVEWAY CONSTRUCTION PERMIT APPLICATION

Applicant: Name: Chris Kirch - Homeowner - Michelle Nell - Agent

Street Address: 5047 Enchanted Valley Rd

City, State, Zip: Berry WI 53562

Phone Number: 608-712-7131 Email: angela-chrisweddings@hotmail.com michelle.acker@ackerbuilders.com

Specific Site Location / Nearby Roads: remove existing driveway. add new slightly further east from city R.

Parcel #: 0041/0807-362-8170-2

My signature below indicates that:

I have received a copy of the Driveway, Field Road and Right-of-Way Ordinance 301.1 and the Applications Guide, and that

I have attached the information as requested for a driveway permit, and that

I agree to construct the driveway in accordance with the Driveway, Field Road and Right-of-Way Ordinance and to follow any additional requirements as approved by the Town Board, and that

I have paid the application fee of $300.00 to the Town Clerk/Treasurer, and that

I hereby give permission to the Town Board and/or their representative which could be the Plan Commission or other inspector authorized by the Town Board to enter the property in order to evaluate the site of the proposed driveway and to verify compliance with and/or to enforce the Driveway, Field Road and Right-of-Way Ordinance.

Applicant Signature: M Nell Date: 12 / 11 / 23

Board decision: Approve ✓ Deny ____ Date 1 / 16 / 24

Culvert required in right-of-way Yes ✓ No ____ Size 18" x 30'

Engineering Plan required? Yes ____ No ✓

Additional Requirements? Yes ____ if yes see attached requirements No ✓

Driveway construction must begin by Date 1 / 16 / 25

Driveway Permit expiration Date 1 / 16 / 26

Permit issued by: Chair Signature [signature] Date 16 JAN 2024

Permit issued by: Clerk Signature Brenda Kohl Date 1 / 16 / 24

Permit is not valid unless signed by the Applicant, Town Chair and Town Clerk

Final inspection approval by: Chair Signature ____ Date ____ / ____ / ____

SITE PLAN

BEING A PART OF THE NE 1/4 OF THE NW 1/4, SECTION 36,
T.8N., R.7E., TOWN OF BERRY, DANE COUNTY, WISCONSIN

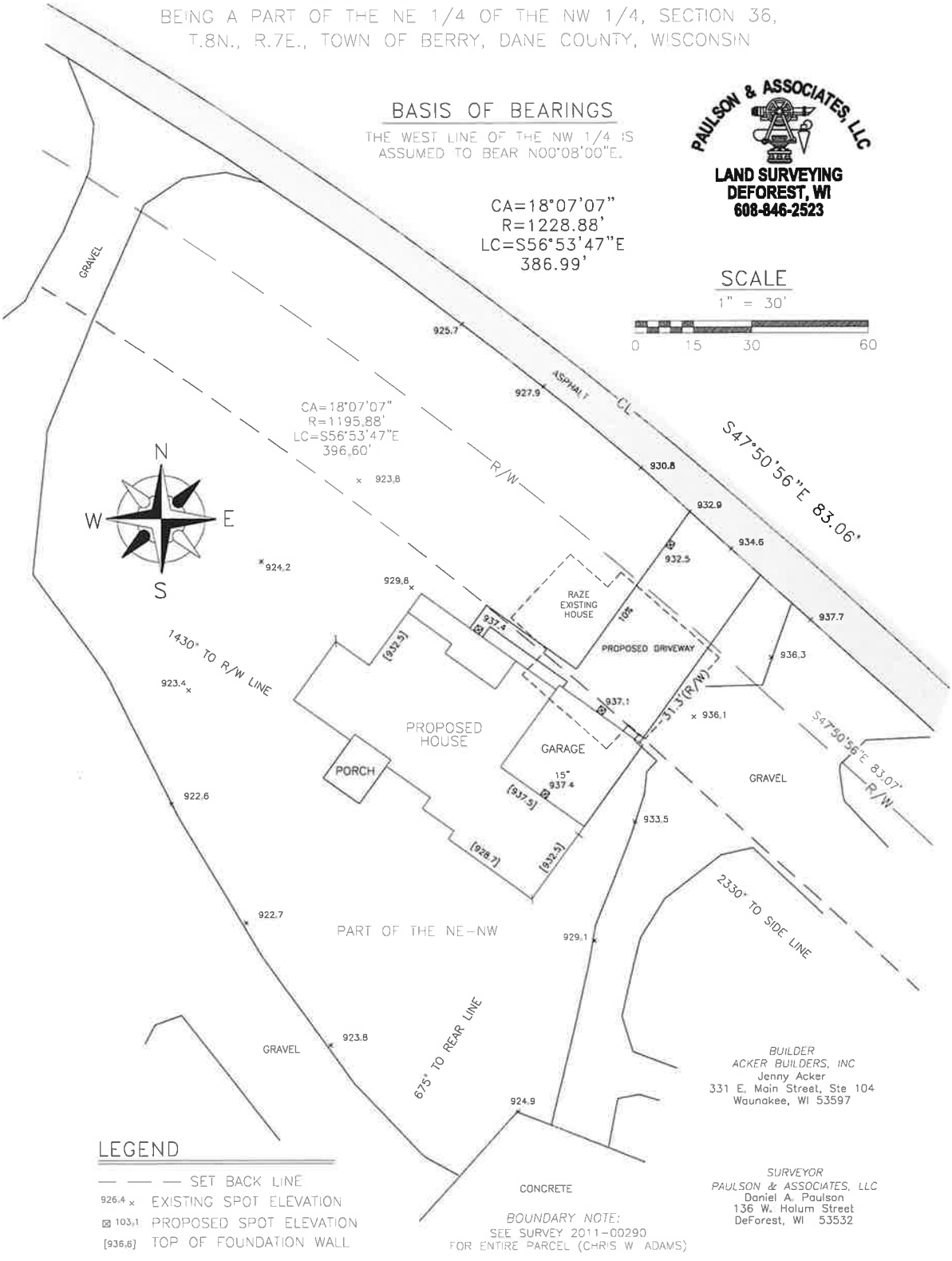
BASIS OF BEARINGS

THE WEST LINE OF THE NW 1/4 IS ASSUMED TO BEAR N00°08'00"E.

PAULSON & ASSOCIATES, LLC
LAND SURVEYING
DEFOREST, WI
608-846-2523

CA=18°07'07"
R=1228.88'
LC=S56°53'47"E
386.99'

SCALE
1" = 30'
0 15 30 60



LEGEND

— — — SET BACK LINE
926.4 × EXISTING SPOT ELEVATION
⊠ 103.1 PROPOSED SPOT ELEVATION
[936.6] TOP OF FOUNDATION WALL

BUILDER
ACKER BUILDERS, INC
Jenny Acker
331 E. Main Street, Ste 104
Waunakee, WI 53597

SURVEYOR
PAULSON & ASSOCIATES, LLC
Daniel A. Paulson
136 W. Holum Street
DeForest, WI 53532

BOUNDARY NOTE:
SEE SURVEY 2011-00290
FOR ENTIRE PARCEL (CHRIS W ADAMS)

THIS SITE PLAN IS NOT A PROPERTY SURVEY AND DOES NOT COMPLY WITH THE MINIMUM STANDARDS OF A PROPERTY SURVEY AS SPECIFIED IN CHAPTER AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE.
THIS SITE PLAN WAS PREPARED AT THE DIRECTION OF THE CLIENT/BUILDER.
MODIFICATIONS TO THIS SITE PLAN MUST BE APPROVED BY THE CLIENT/BUILDER.

KIRSCH
(REVISED 10-11-23)
(PLOTTED 11-1-23)

DRAFTED BY: T.W.P.

SHEET 1 OF 1

FILE NO. 23-214

9-9-25

Agenda Item #7, Purchase of Cross Plains-Berry Fire District vehicle

The Fire District is looking for a commitment from the Town that we will support $135,000 be added to the 2026 budget for the tender replacement. They are requesting this commitment from the Town before October because prices will increase after October so they plan to sign the contract in September. The $135,000 will be for the chassis, which will ship in 2026. The remainder of the vehicle cost will be included in the 2027 budget. I believe Berry is around 18% if the district budget.

Ordinance Amendment Related to Rural Based Businesses and Rural Residences

Article One. Section 1.0321 of the Town of Berry Zoning Ordinance is hereby amended as follows:

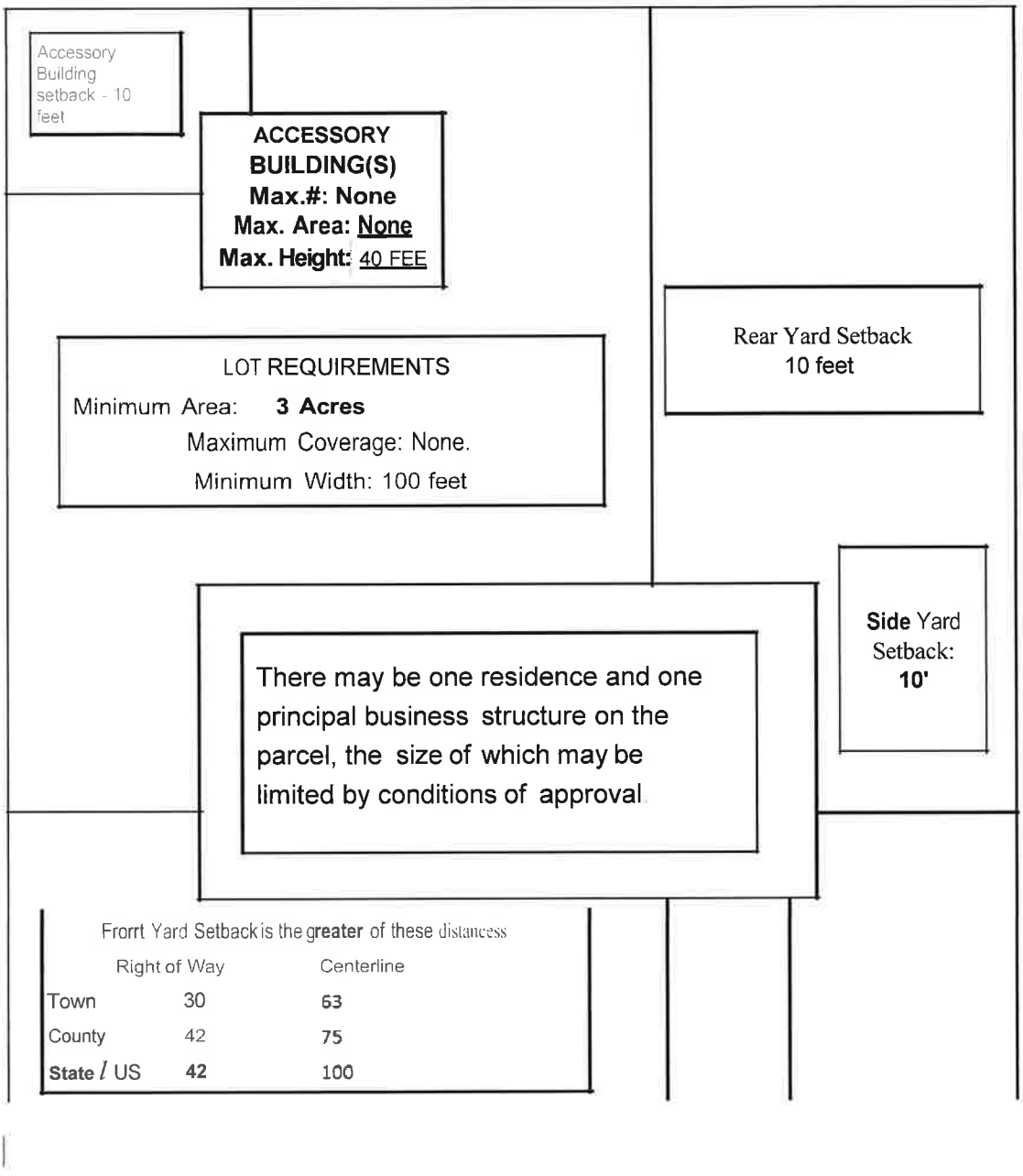
1.0321 Rural-Based Business District (RBB). The rural based business zoning district provides for small-scale business operations which are associated with rural areas, such as small contractors, small school bus operations, and home-based occupations. The District shall be an Overlay District as that term is used in sec. 1.058 of this Ordinance. All Overlay Zoning amendments shall require the Overlay uses to conform to the weight limits of the road on which the uses are located. Rural-Based Business zoning is prohibited on lots within platted residential subdivisions.

Article Two. Section 1.058 of the Town of Berry zoning ordinance is created to read:

1.058 Overlay Zoning Districts. (1) An "Overlay District" is any of several additional districts established by the zoning regulations that may be more or less restrictive than the primary zoning district.
(2) Where a property is located within an Overlay District, it is subject to the provisions of the primary zoning district and the Overlay District. Where the provisions are in conflict, the Overlay District governs.
(3) Overlay Districts are established to preserve and protect the natural environment, to encourage high quality design, to address the development of uses with unique impacts, and to protect the public health, safety and welfare by preserving areas for future use and development.
(4) An Overlay District is permitted in any area of the Town where the Town Board finds the proposed use in the Overlay District is consistent with the policies of the Comprehensive Plan.
(5) An Overlay District shall apply to an entire parcel except:
(a) where the District zones a zoning parcel described in sec. 1.0101(8), or,
(b) where the particular overlay use should be confined to an area defined in a plat of survey, which shall be attached to and incorporated into the ordinance amendment creating the overlay.
(6) Creation of an overlay district does not create a separate parcel.
(7) An overlay zone shall lapse if the overlay zone use is discontinued for 12 months or more.
(8) The zoning amendment applying an overlay zone to a parcel may include conditions which include, but are not limited to the maximum area of buildings; number and types of vehicles or equipment; number of people working in a business; road access for the overlay; screening of the overlay from adjoining properties; criteria defining when the business needs to be relocated to a commercial or industrial parcel.

Article Three. Section 1.071 (18) [Graphic] is amended as follows:

Zoning District; Rural-Based Business	Sec. 1.0321,	NOT TO SCALEII	



Article Four. Section 1.0101 (8) of the Town of Berry Zoning Ordinance is created to read:

(8) Zoning Parcels Mapped Under Legacy Zoning. (a) The Town finds that, prior to the effective date of this Ordinance, Dane County adopted zoning amendments to various parcels in the unincorporated portions of Dane County which created "zoning parcels." A "zoning parcel"is an area, which may or may not have been legally described, where a zoning use was permitted on a parcel which has another zoning district mapped to that parcel. The effect of the zoning parcel has been that a single parcel has two zoning districts. The Town finds that the zoning parcels are a source of confusion and uncertainty which should be addressed in the process of updating the Town's zoning regulations.

(b) The Town may, in transitioning the Town zoning map from the Legacy Zoning to this Ordinance, address an existing zoning parcel by adopting an Overlay Zoning classification which defines the uses and location of the zoning parcel which shall be permitted on the parcel. The Overlay Zoning may vary from the permitted or conditional uses allowed under the zoning Parcel and need not strictly conform to the Dane County zoning.

(c) On or after December 31, 2029, all zoning parcels which have not been converted to Overlay Districts shall be rescinded. The uses previously permitted by zoning parcels shall become non-conforming uses.

(d) After the effective date of this subsection [September 15, 2025], no land use permits or other development approvals may be granted for uses which are authorized by a zoning parcel. The owner of land with a zoning parcel may apply for an Overlay Zoning for their parcel, which request shall be granted to the extent necessary to permit establishment of a use previously authorized by the Legacy Zoning.

(e) Any use which was established pursuant to a valid zoning or land use permit issued prior to the effective date of this subsection [September 15, 2025] shall be a valid non-conforming use. This Ordinance Amendment shall be effective upon its adoption.

Adopted this 15th day of September, 2025

TOWN BOARD OF THE TOWN OF BERRY

Duane Haag, Chairperson	David Evert, Supervisor
Michael Statz, Supervisor	Nichole Schwoerer, Supervisor
Derek Statz, Supervisor	

CERTIFICATION

I, the Town Clerk of the Town of Berry, do hereby certify that the above Ordinance Amendment was adopted by majority vote of the members of the Town Board of Supervisors at a duly-noticed meeting thereof.

_____

Brenda Kahl, Clerk/Treasurer

Posted: _____

9-9-25

Agenda Item #9, Recording meetings

The Town has been recording meetings for over 25 years. In the 25 years that I have been the Clerk, I have had under 5 requests for the meeting recordings. It is nice to be able to go back to the recording to verify that the motions are correctly worded in the minutes, if needed. Or if a motion is questioned, you can go back to the recording. Those are my thoughts.

9-9-25

Agenda Item #10, Set date, time and location for the Public Budget Hearing and Special Town Meeting of the Electors

I am proposing to hold the Hearing and Meeting on Thursday, November 6, 2025 at 7:00 pm.

9/9/2025 **List of bills to be approved at the September 15, 2025 board meeting**

Date	Check #	Payee	Amount
8/26/2025	19869	Brenda Kahl	1,830.70
8/26/2025	19870	Lucas Danz	1,678.23
9/9/2025	19871	Brenda Kahl	1,830.70
9/9/2025	19872	Lucas Danz	1,678.23
9/15/2025	19873	Alliant Energy	162.16
9/15/2025	19874	BFI Waste Services - garbage & recycling	7,349.55
9/15/2025	19875	Brenda Kahl - mileage	39.20
9/15/2025	19876	GFC Leasing - printer lease	178.37
9/15/2025	19877	Gordon Flesch - fee for copies printed per month	60.64
9/15/2025	19878	Group Health Cooperative - medical insurance	2,583.00
9/15/2025	19879	Lucas Danz - cell phone	25.00
9/15/2025	19880	Mazo Hardware - supplies & landscaping stone	48.77
9/15/2025	19881	MSA Professional - Matz Rd culvert and Whippoorwill Rd	7,242.11
9/15/2025	19882	TDS Telecom	207.25
9/15/2025	19883	TrollBytes - September IT services	70.00
9/15/2025	19884	Wingra Stone Company - clear stone	782.72

Additional bills will be handed out at the meeting