

Town of Hull Plan Commission

Minutes

May 10, 2022 – 6pm ~ 4550 Wojcik Memorial Drive ~ Stevens Point, WI 54482

1. **Call Meeting to Order:** The Hull Plan Commission was called to order by Chairperson Dave Wilz at 6:00pm at the Town of Hull Municipal Building, 4550 Wojcik Memorial Drive, Stevens Point, WI 54482.
Hull Plan Commission Members Present: Paul Kubowski, Dennis Ferriter, Bob Enright, Jan Way and Dave Wilz.
Late: Bob Bowen (6:38pm) Excused: Jocelyn Reid
2. **Pledge of Allegiance:**
3. **Approval of Minutes:** Dennis Ferriter- Motion to Approve 1st, Jan Way 2nd, Approved by all.
4. **Citizens wishing to address the commission on non-agenda items. Agenda items are for discussion and possible action:** None
5. **Announcements – Chairperson and Plan Commission Members:** Dave Wilz would like to thank everyone that came to meeting. Thanks Chris and Kristen from Portage County Zoning and Planning for being here.
6. **Explanation of Request and suggested process for Doug Gard as it relates to property and improvements concerning 1801, 1817 and 1843 Granite Ridge Road North:**
 - Doug Gard is making all request on behalf of the Louis and Elaine Gard Living Trust. For information Only – Kristen Johnson & Chris Mrdutt
 - 1801, 1817, & 1843 Granite Ridge Rd, Hull *Parcel 020-24-0712-04.01 consist of 21.12 acres zoned for A3 Low Density Agricultural. *Parcel 020-24-0807-08.01 is 19.69 acres and zoned Conservancy.

- Explanation no vote today per Dave.
- Chris and Kristen regarding trust to property. Currently have parcel with two residents that should be one, staff noticed. Need to look into rezoning these properties.
- Update Conservancy Zoning District.
- Bob Enright voiced concerns rezoning property, five acres west of 39 has to have at least 2 acres of no Conservancy area.
- Updating zoning map with Town of Hull is Chris Mrdutt's main focus.
- Dave concerned about outdated information.
- Dave announced Board Meeting will be right after Plan Commission Meeting to accommodate out of town guest Doug Gard, Sandy & Dave (Sandy's Husband).

7. **Public Hearing- Town of Hull Comprehensive Plan (Future Land Use Map) Amendment (For rezoning purposes) Parcels 020-24-0712-04.01 & 020-24-0807-08.01:**

- Dave opens Public Hearing to speak up with concerns @6:20pm. Letter was sent out 33 days ago about new proposed parcels. Public asked questions about new zoning, Dave explained.
- Closed by Dave

8. **Town of Hull Plan Commission recommendation to the Town of Hull Board of Supervisors for Comprehensive Plan Amendment as it relates to rezoning requests for Doug Gard- By way of Resolution:**

- Recommendation Move to Motion by Bob Enright, 2nd Paul Kubowski.
- Approved by all.

9. **Town of Hull Commission recommendation to the Town of Hull Board to grant rezoning as stated in Gard memo, dated 3/10/22, written by Portage County Planning and Zoning:**

- Jan Way 1st, 2nd by Dennis Ferriter, Approved by All

10. Town of Hull Plan Commission recommendation to the Town of Hull Board for approval of Certified Survey Map as it relates to the request from Doug Gard in terms of rezoning and lot splits:

- Motion to Approve Survey Map, Jan Way 1st, 2nd by Paul Kubowski.
- Approved by All

11. Discussion and possible action on setting a Town direction on Outlot 1 in First Addition to Woodland Acres:

Bob discusses concerns and goes in detail of presented email to Dave (attached below)

Hi Dave,

I hope you are doing well. The Algoma Street park is still on the minds of the neighborhood. As Spring is on the way (I hope), concern about what Schroeder is going to do with the park parcel is growing. I have attached a statement of the neighbors' sentiment on the development. I am sending this information in an email rather than a phone call because your time is valuable and so that you can have the opportunity to review and digest it. Nevertheless, there isn't much, if anything, in the document that you don't already know, and the action steps listed below are things we have already talked about.

Following a few conversations with neighbors, I drafted the document and passed it on to those I spoke with for comments and revisions. Another neighbor (not me) circulated it to additional neighbors, asking if they supported it. A number of neighbors replied to her with their support. No one has stated opposition. Most of the neighbors replied by email and I can get the list of names or copies of the messages if you would like. Beyond that, the neighbors now want to know when there will be a meeting to act on this matter.

In my perspective, four things need to be done, but not necessarily in this order. I am willing to talk with you about how to go about it if you wish.

1. Schroeder must be contacted to explain his intentions with respect to the park parcel. It must be made clear to him that since he cannot build a house or place a camper on the land there is no obvious purpose to the work he has done on the parcel. Moreover, because it is parkland, there is no financial benefit to him to retain ownership. The purpose of contacting him is not to argue the point, but to work out a non-conflictual resolution.
2. Planning and Zoning must be involved as a source of information on zoning and land-use laws and ordinances.
3. Consultation with legal counsel is needed to back up the position of the neighborhood (and the Town) and in case he refuses to reach a peaceful resolution, in which case legal action may be necessary.

4. The Town Board must be apprised of this issue and take a position consistent with the Town's mission of protecting neighborhoods.

Please let me know if there is anything I can do to help resolve this matter or if you would like to talk through any of these ideas. Would Thursday or Friday of this week(or even the weekend) work for you?

Regards,

Bob

Neighborhood Park

Just before noon on Tuesday, April 12, a red car sped westward on Algoma Street and turned into the driveway constructed last fall on the vacant parcel on the west end of Algoma Street. Within minutes, a Portage County Sheriff's car followed the path of the red car because a neighbor called 911. The dispatcher told the neighbor that the sheriff had been looking for the vehicle. Over the next two and a half hours, more than a half-dozen law enforcement vehicles were on the scene and an emergency telephone notification informed citizens that a suspect pursued by law enforcement was on foot in our neighborhood.

While no one would argue that the newly constructed driveway caused this event, this incident heightens awareness of the unintended consequences of the landowner's development of this parcel.

Facts and Background

1. The most important fact is that by law, neighborhood residents have legal rights to the land. This is because the subdivision plat approved in 1968 is the controlling document with respect to the use of the land. The plat states that the land is "Reserved for Park and Recreation Area for exclusive use of Residents."
The park designation cannot be changed without going through numerous legal steps.
 - a. Most importantly, all landowners in the subdivision would all need to agree to waive their right to the land.
 - b. A public hearing would be required, a new plat would have to be recorded and filed with the State.
 - c. The change would also require a review by a district court.
 - d. There are also wetlands on the property further restricting development.
 - e. In sum, the property cannot be used for anything other than a park
2. Despite these restrictions on the use of the land, the landowner, Mark Schroeder, hired Kyle Kluck to commence work on November 5, 2021, cutting trees and clearing land for a road into the parcel. This work continued until completion several weeks later.
3. Schroeder did not inform the Town of Hull that he was undertaking this work, and Town Chair, Dave Wilz, knew nothing about this work until a neighbor informed him.
4. On November 17, 2021, Chair Wilz called Mark Schroeder. Mr. Schroeder said he was clearing land to build a road to "make a high spot" and that he knew that the lot has a series of issues, and that approvals and permits would be required for development. Wilz referred him the Portage County Planning and Zoning.

5. Communications with Portage County suggest that Mr. Schroeder was interested in building a residence. Other sources indicate that Mr. Schroeder's plan was to place a camper on the property for recreational use.
6. Home construction is not permitted on this land by State statute due its designation as a park and placement of a camper is in violation of the Portage County Subdivision Ordinance.
<https://www.co.portage.wi.us/home/showpublisheddocument/2277/637201431966770000>

The Present Situation

1. In addition to cutting trees, leveling the land, laying a gravel road, and building a turnaround, Schroeder has posted a no trespassing sign on land that residents have exclusive rights to use, even though he is not a resident.
2. Mr. Schroeder has seriously damaged the natural character of the land, which is the most highly valued characteristic of the subdivision, and he has done so without giving a clear explanation of his intentions for land on which no development is permissible.
3. The questionable alterations to the property made by Mr. Schroeder have created an entry point into an uninhabited area in our neighborhood, hidden from public view, thereby raising significant security issues, including the potential for illegal activity, risks of fire, and in the last few days, a hiding place for a fugitive.
4. In its Comprehensive Plan, the Town of Hull identifies the preservation of neighborhoods as a top priority. Mr. Schroeder's actions are contrary to one of the Town's main concerns.

Proposed Resolution

1. Because State Statutes uphold the Subdivision Plat as the core guiding document on the use of this parcel, this land has little to no market value. It cannot be used for a residence, and it is not authorized as a recreational venue for an absentee landowner. Moreover, much of this nearly 6-acre parcel is a storm drainage site for canals in the neighborhood and is therefore unbuildable. For these reasons, **the Town of Hull must work with the owner to arrange for a deed transfer of the parcel to the Town of Hull** for the purpose of a neighborhood park, as stated in the plat. The land does not have to be developed; it can be left as a natural area along the border of the neighborhood.
2. There are several noteworthy points related to transferring the land to the Town for a park:
 - a. For many years, the parcel was used for children's recreation, such as flying model airplanes and baseball, and the remnants of the backstop are still on site.
 - b. Transferring the deed to the Town of Hull has little impact on tax revenue. Until three years ago, the annual property tax was about \$150, and since then it is only about \$350 per year.
 - c. Since the subdivision plat designating the land as a park was approved 54 years ago, the deed transfer is unfinished business from a half-century ago.
3. The Town must require Mr. Schroeder to **restore the site** to its condition before the road construction. This includes removal of the gravel and compacting material that prevents the rejuvenation of the woods.
4. **Entry to the property by motor vehicles must be obstructed** by replanting trees and placement of physical obstacles such as large boulders.

5. We call on the Town of Hull Chair to call a public meeting to hear the opinions of neighborhood residents so that the Town Board can act on this proposed resolution, including taking legal action against Mr. Schroeder if he is unwilling to rectify this issue

- Need to clean up this situation to move forward says Dave Wilz.
- Motion to Investigate 1st Bob Bowen, 2nd Paul Kubowski
- Approved by All

12. **Adjournment:**

- Motion to Adjourn by Bob Enright, 2nd by Paul Kubowski

Minutes by Town of Hull Office Assistant Desiree Redditt