

Milton Township
Planning Commission
Approved Meeting Minutes
December 15, 2020

Members present: Chairman Hefferan, Kingon, Merillat, Ford, Lefebvre, and Kopkau.

Members absent: Cole

Also present: Weinzapfel. This meeting was held via Zoom due to the COVID-19 virus. Zoom shows 16 participants.

Hefferan called the meeting to order at 7:00pm.

Approval of meeting minutes dated November 10, 2020:

Motion by Kopkau to approve the minutes as presented. Seconded by Merillat.

Roll Call:

Kopkau: Yea.

Kingon: Yea.

Ford: Yea.

Merillat: Yea.

Lefebvre: Yea.

Hefferan: Yea.

Motion carried.

Township Board Report:

Weinzapfel discussed the township board hiring an engineer to overview the RV Park. The attorneys said the township board has no standing to do that because the planning commission issues special use permits. This has been set aside at the board and the planning commission will work to set a date to continue the public hearing. Hefferan confirmed this should be set as a special meeting rather than held at a regular meeting. Hefferan suggested starting the meeting earlier in the day. Weinzapfel said we are looking at the week of the 4th or 11th of January.

Cole joined the meeting at 7:14 pm.

Agenda:

1. Subcommittee Report on Winery Ordinance.
2. Discussion: Inquiry from Fire Chief regarding reflective address signs.
3. Set agenda for January 12, 2021 meeting.

Public Comment:

No one wished to speak.

Motion by Ford to approve the agenda. Seconded by Kingon.

Roll Call:

Merillat: Yea

Cole: Yea
Kington: Yea
Kopkau: Yea
Ford: Yea
Lefebvre: Yea
Hefferan: Yea
Motion carried.

1. Subcommittee Report on Winery Ordinance:

Hefferan apologized to Mike Neumann as he did not have his application and did not allow him to speak at the last meeting. Kington shared draft version 4 dated December 14, 2020.

Kington shared his screen and members discussed rewritten sections of the draft ordinance language. In section A, Kington said they worked to make it more consistent with the intent section of other sections of chapter 16. Cole asked about the last bullet point in section A. Kington clarified.

Under #5, Kington discussed the updates and removal of superfluous information.

Under #6B, Kington discussed the rewrite to include clarity around the primary function and not to have a restaurant popping up in the AG zone. Cole said he is not sure how to measure supplementary and what is primary. Kington said when they looked at definitions; everyone has a different definition of what constitutes a bar/restaurant. Merillat asked if an additional license is required for the food. Mike Neumann said you could prepare and sell food if you are a wine maker. It is a part of the on premise tasting room. Trying to restrict a winery from serving food may be problematic since the state law allows them to do that. Kington said wineries in Peninsula Township are suing the township over their regulations. We have a document that lays out the problems with that ordinance. This is an open question right now within the state. At this point, we should do what we think we want to do as a township. Hefferan said he is still concerned about this, but he does not see a solution right now.

Under #7, Kington discussed the punctuation changes made at Cole's request. Discussion of guests and getting permit for more guests and tents. Under G, this was updated and combined into I regarding volume and end time. Hefferan commended the change. Cole asked how you define background music. Kington clarified.

Under #8A, Kington discussed the elimination of the burden on the ZA. Merillat asked if this could be a mobile home. Kington said the reference in E, is the average hotel room size. Cole said this is a max of 31 days, so it might not be just a weekend destination any longer. We could run afoul of our rental ordinance with this being more lenient. Hefferan said they are in different zones. Kington suggested having the attorneys look at it. Weinzapfel will send a copy for comment.

Mike Neumann said this is an accepted type of way that some wineries have diversified their income and this does meet the master plan. Why create a different usage, it is for this specific reason.

Kington said one thing that was removed was anything having to do with septic.

Under G, deed restrictions, Kington discussed the changes relating to if the winery closes, what happens to the guest quarters. Merillat suggested the lawyers weigh in on that as well. He is not sure if we have anything else that requires a deed restriction. Cole said we might want to consider the spacing between the buildings to allow them to be sold as individual lots later if the winery should fail.

Mike Neumann said the risk is on the part of the winery. Just like we built our tasting room, it would not qualify for a residence. It is too small. If the winery wants to take on the risk, if they stop conducting business, they might be left with something not as valuable. Cole said the tasting room could be added on to. But, the cottage rental unit or guest quarters would be too close together to split. Neumann said they are looking at structures that could be moved.

Kington said we would try to wrestle with food and the wine tasting room. Meantime, this draft can go to the attorney for input for the next meeting. Cole said regarding the intent, it is very specific. Should it be more general? Because it is dealt with later on, does it have to be in the intent? Guest cottages and tasting rooms and events could be introduced later.

Hefferan asked regarding if Kington was involved in the creation of the original ordinance? Yes. Was that initiated by a request from Mr. Neumann? Yes. Regarding Section E, is the ordinance in compliance with state law? Neumann said specific restrictions are preempted by state law are the ones we have been focusing on in this redraft. Number of people, food, and events. Those are the things that are permitted by state law. He sent a letter regarding this to supplement the application. Hefferan asked if Neumann has spoken with his neighbors about what he would like to do. He said they have *not*, but they would like to do more once they know more specifics.

Hefferan asked regarding the intent statement, there are other farms in the area, but also other residential areas. Would something like this change the character of this neighborhood? Weinzapfel said he would like to get this uploaded to the website in draft form also. Kington said we should send it to the attorney first and have another subcommittee meeting and go from there. Kington thanked the commission for their input.

Kopkau suggested possibly adding kitchenette language along with the microwave and mini fridge.

2. Discussion: Inquiry from Fire Chief regarding reflective address signs:

Hefferan said Chief Ball asked if it could be mandated by ordinance that residents have a reflective identification sign at the road. Ford clarified that it is optional now and the fire department asks for a donation. Next year, they will charge \$10. This helps them identify the property in case of emergency. Kington asked if we have done enough in terms of marketing this. Hefferan said his concern is mandating this. He knew about it through the county. Lefebvre said she has never heard of it before. Cole said this has not really been pushed for a while since it came out. Hefferan suggested this go out in the tax letter. Weinzapfel said it is in the newsletter under his report. Merillat suggested this would be better handled by the township board as a

police ordinance if it were something we wanted done. Weinzapfel suggested getting the lakes associations behind it.

3. Set agenda for January 12, 2021 meeting:

1. Election of officers for 2021.
2. Set meeting dates for 2021.
3. Annual by-law review.
4. Subcommittee Report on Winery Ordinance.
5. Kingon Report on Housing summit.

Meeting adjourned by order of the chair at 8:34 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph Merrillat". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Joseph Merrillat