

TOWN OF GIBRALTAR
PLAN COMMISSION
TUESDAY, OCTOBER 27, 2020
7:00 PM

Call to Order: Linda Merline called the meeting to order at 7:12 pm. (Start was delayed to allow time for individuals involved with the conditional use hearing portion of the meeting to join). This meeting was conducted via Zoom and phone conference line due to COVID19 safety measures.

Roll Call / Quorum: A quorum was present.

Members present: Linda Merline, Tom Blackwood, Don Freix, Len Adent

Members absent: Brian Hackbarth

Proper Notice / Adopt Agenda: Sara Lancaster stated that proper notice was given. *Motion (Adent, Blackwood) to adopt the agenda as posted. Carried*

Approve Minutes of Previous Meeting(s): *Motion (Blackwood, Adent) to approve the minutes from the September 1, 2020 meeting with one correction. Carried*

Public Comment: None

Petition for Conditional Use Permit: Peninsula Art School of Door County (Tax Parcel Nos. 014-02-33312721C, 21C3, 21B4, & 21B3) has applied for a Conditional Use Permit to construct additions onto the existing Art School. The existing structure that will be retained on the property has approximately 7,800 square feet of floor area. The proposed fully enclosed additions will add 13,600 square feet of floor area. There will also be 3,600 square feet of partially enclosed additions. The plans also indicate that multiple structures have been removed or will be removed from the property. The floor area of these structures total 11,550 square feet.

Merline opened the hearing and explained the procedures.

Testimony in Support: Cathy Hoke, Executive Director of the art school, spoke on behalf of the art school. Several board members of the art school were also in attendance, as well Skyler Witalison of Baudhuin Surveying & Engineering.

Hoke shared a video presentation that provided a history of the art school and outlined the project's goals. It was 25 years ago that the art school built the year-round use building, and a long time since the art school has done any sort of construction project. As the school has grown from a local art school to a regional art school to, now, a nationally known art school, and as time has worn certain buildings, there is a need to expand the space.

Hoke explained it is important to the art school that the appearance and feel of the space retain a natural, retreat-like feel. The plan includes natural retention areas, natural vegetation being left in the area, and the use of rain gardens and other permeable surfaces. Door County Soil & Water Conservation Department has reviewed and approved the plans.

Witalison spoke more in depth about the project's Storm Water Concept Plan, explaining it was designed with four different watersheds. The southeast corner and water/flooding issues in that area was of specific concern and addressed.

Linda Merline, Gibraltar Plan Commission chair, asked where the proposed berm will be located in that southeast corner. Witalison said it will be located along the southeastern edge of the property. He explained that the road leading into the art school will be raised, thus creating the berm between the art school and the adjacent property. The raised roadway would help to contain the water in that area on the art school's property. The surrounding woods will remain woods.

Tom Blackwood, Plan Commission member, asked Witalison about the depth level of the bedrock in the southeast quadrant. Witalison explained that it is over the DNR required 3-foot depth, even with being the shallowest soil area. From that point out, the area gains depth.

Don Freix had concerns about the increasing frequency of heavier rain events and the potential of intermingling of stormwater and sanitary sewer. Witalison said there would be no intermingling.

Merline asked if the Plan Commission had any additional questions. There were none.

Testimony in Opposition: Carla Marr, 3876 County Road F, commented that she is a direct neighbor of the art school, as is her mother. She asked if, with the raised road, half the rain from that road would slope into their yard? Hoke explained the raised road would be sloped to drain back on the art school property.

Marr also asked if the additional proposed parking would be blacktop. Long-term, it probably will be blacktop, but that is why the plans include the biofilter. Future blacktop has been included in the calculations already.

Walt Teichen, 3861 Gibraltar Road, commented that the presentation video Hoke shared was misleading as it doesn't show the impact the project will have along Gibraltar Road and asked what outdoor events might be planned for that lawn area. Hoke commented that the annual Plein Air Festival might be one such event, as well as the Iron Pour. She said the art school does not anticipate clearing any more on the north side of the property.

Teichen stated his concerns about the project growing into a residential area. He asked if it might be better to place these buildings in another area of the property instead of a residential area. Linda Merline commented that the art school is zoned commercial and that the proposed project is within their allowed uses for the property.

Teichen asked if there is access to the art school from Gibraltar Rd. The only access that exists is a sewer easement. Hoke explained that in order to be able to use that easement, the art school would have to get permission from the Town. The intention is to continue to use County Road F to access the art school.

Marr wanted to go on the record stating that she is not against the art school, only concerned about flooding and not being able to use their property. Carla's husband, Jay Marr commented that the last time it flooded the water was up to the third top step of their basement steps. They endured significant water damage and lost their furnace, freezers, etc. He commented that they would love the art school to have their expansion, but not at the expense of losing their property that has been in Carla's family for four generations.

Rebuttal: Hoke stated that the Art School had taken the Marrs concerns into consideration and that those concerns were reflected in the revised plan presented this evening.

In response to concerns about the size of the project, Hoke said that when the art school acquired the Cohen property, the buildings were not usable. However, the property was. With changing student expectations, increased number of students and the current health situation, space is needed. In looking at the art school's business model, the proposed plan is what is needed to help the art school remain financially viable.

Correspondence in Support: None.

Correspondence in Opposition: Carla Marr sent an email to the Town of Gibraltar on October 25, 2020 along with several photos and a link to a video that illustrated some of the previous water and flooding issues that have occurred on their property. Those emails, photos and videos were sent to both the Plan Commission and Town Board.

Merline closed the hearing.

Merline asked the Plan Commission if anyone had additional questions. Freix said he agreed with several of Marr's concerns regarding flooding. He asked about an alternative to asphalt. Hoke clarified that there are only about 35 additional parking spaces. Witalison added that the volume retention shown in the plan is 20 to 30 times what is currently there at the art school. This plan will create a significant reduction in flooding and water issues.

Merline reminded the Plan Commission and the audience that County Zoning will make the ultimate decision about whether the art school receives the conditional use permit. Tonight, the Plan Commission is tasked with making a recommendation to the Town Board.

Freix questioned whether the Plan Commission might suggest a condition that limits the amount of impervious surfaces in the final plan, but other than that he didn't have any objection to the plan.

Merline stated the art school is going above and beyond what is their responsibility regarding water concerns. Merline felt confident in the storm water plan Baudhuin presented to control and retain any water that is on and coming from the art school's property.

Blackwood agreed with the other Plan Commission members comments and said it is a very attractive and well-planned designed. He said he believes the proposed plan will help improve the current water situation for the neighbors, not worsen it.

Merline also made note of the new storm water drains installed on Hwy 42 near the school, pointing out that high water and flooding is not just an issue that belongs to the art school, and that it isn't the responsibility of the art school to solve the problem for surrounding areas.

Motion: (Blackwood, Freix; Adent abstained) to recommend the Town Board support the art school's conditional use permit as presented with no additional conditions. Carried.

Plan Commission 2020 Goals: Merline provided the Plan Commission with a handout that listed the Plan Commission's current 2020 goals, as well as ideas for future goals in 2021.

Goal 1: Annual Joint Meeting with Town Board – Plan Commission Goals

Merline stated this goal will definitely happen. A date is to be set for January.

Goal 2: Annual Joint Meeting with Park & Lands Committee – Discuss/Plan for Shared Goals

This goal did not happen last year. It will likely be scheduled for April 2021.

Goal 3: Implement the Fish Creek Watershed Plan

Merline stated that progress has been made with this goal, which is broken down into several subgoals. Merline provided updates on these subgoals, noted below:

Goal 3A – Fish Passage at the Culvert, Goal 2, Outcome 2.1

The plans from Miller were held up with WisDOT for their approval. The Town finally heard back from someone, additional questions were asked of the engineer and the Town should receive final approval this month. The next step will be to have an RFP created so that the Town can accept bids and hire someone to do the construction work.

Goal 3B – Fish Passage at the Dam, Goal 2, Outcome 2.2.

Along with the plans for the Box Culvert, Miller Engineers & Scientists, also provided a plan for the dam. Merline stated the culvert and meander work needs to be done first before this goal can be addressed.

Goal 3C – Restoring the Meander in Fish Creek, Goal 2, Outcome 2.4

Merline mentioned that this goal is currently stalled. She has had difficulty connecting with Gary VanVreede from Fish and Wildlife to get the details of his meeting with Nick Legler, Wisconsin DNR, at the meander and their recommendations for next steps. Merline has asked the Town to reach out to VanVreede in hopes that a more official request for information will produce some answers.

Goal 3D - Replace & Raise Boardwalk Crossings in Fish Creek Park, Goal 2, Outcome 2.1 & Goal 3, Outcome 3.1 & 3.2

It was noted that the boardwalk crossing in the park originally belonged to a snowmobile. Merline stated that the Town Board is working on this goal.

Goal: 3E – Actively Support Park & Lands Reforestation of FC Park, Goal 1, Outcome 1.5

This is on hold due to COVID-19. Parks & Lands purchased 100 trees but they couldn't plant them last spring. They hope to plant them in Spring 2021.

Goal 3F – Actively Support Park & Lands Removal of Invasive Species & Replacement with Native Plants in Fish Creek Park, Goal 2, Outcome 2.7.

Merline said work with the Parks & Lands committee hasn't occurred, but a small group of volunteers did work the Door County Invasive Species team to do some removal of invasive species and reseeding along Spring Road.

Goal 3G – Work to Raise Awareness of the Dangers of Coal Tar Asphalt Sealants to Ground & Surface Water and Promote the Use of Alternatives Known to be Safe

Merline will be reaching out regarding the current Senate Bill 716 to see what may be happening with that. Merline has received correspondence indicating that many companies have already moved away from this practice.

Goal 3H – Understanding Relationships with Storm Water Events, Seasonality, and Changes in Land Use, Goal 1, Outcome 1.7

This goal refers to the monitoring well. Merline suggested it be dropped for 2021. Preliminary research shows it will cost quite a bit of money. The other option is to keep the goal on the list, but make it a lesser priority.

Goal 3I -- Actively Support & Encourage Park & Lands to Reduce and/or Eliminate Pesticide, Herbicide & Fertilizer Use in the Town Parks & Other Town Properties, Goal 1, Outcome 1.6

Merline reported she attended a few of the Parks & Lands meetings via Zoom where this topic was on the agenda. Brian Hackbarth, Parks and Lands Chair, was not in attendance at this evening to provide additional information. In 2020, Parks & Lands switched to TruNatural, an all-natural lawn care service from TruGreen, with spot treating and treatment applications as needed.

Goal 3J: Review Zoning in FC Watershed to Verify that All Areas that Should Be in Protective Zoning Have Been Identified, Goal 1, Outcome 2.6

Merline had a conversation with Mariah Goode several years ago about this idea and thinks now might be the right time to revisit and have the County review areas that might qualify for conservation zoning. Would like to do this before the next Comprehensive Plan in 2024.

Goal 4: Work with Gibraltar Schools to Plan/Carry Out 5th Grade Field Trip to FC Park

Due to the COVID-19 pandemic, Gibraltar schools have not gone back to in person instruction so no fieldtrips are happening right now. Merline has been in contact with Vinni Chomeau who is still excited about working with the Town in this effort. The goal is to bring the fieldtrips back in either the spring or fall of 2021.

Goal 5: Request an Update from County Sanitation Department on Oversight of Private Onsite Wastewater Treatment Systems (POWTS)

This is requested every year. Goal will remain for 2021.

Goal 6: Research/Prepare/Budget for Creation of a 2024 Comprehensive Plan

Town Chairman Steve Sohns had asked Merline put this goal on hold until the Town has a better idea of funds. Beth Hagen feels creating an official town map is something the Plan Commission could work on in the meantime. Merline also suggested the Plan Commission begin thinking about moving forward with an RFP to hire a consultant to assist with the Comprehensive Plan.

Goal 7: Research/Evaluate/Pursue Town Zoning

Merline reported there was no additional information to report under that goal. Proposed not adding anything under it at this time.

Goal 8: Pursue Adjustment of County Zoning to Match the Vision of the Comprehensive Plan

Merline revisited some of the history of this goal. In early 2019 it was presented to the Town Board, but then dropped off. At one point, they County said they were going to address and pursue changes to conditional uses, but to date that has not happened. Mariah Goode at the County said that the current conditional use process is working at the County level. She said there are plans to revisit it, but it is not as urgent as before.

Home businesses was one of the areas within conditional uses the Plan Commission had proposed some changes. The only way to make those changes is to ask the County to amend it within their zoning. That process involves other towns becoming involved. Merline feels this is worth another discussion.

Goal 9: Research/Make Recommendations on Community Housing Solutions for Seasonal Employee Housing/Year-round Family Housing

In the past, part of this goal involved having someone attend the Attainable Housing Conference. Merline spoke with Mariah Goode, who provided several resources related to attainable housing. It was also noted that the county is working with WHEDA on a pilot project. Suggested that this goal remain for 2021.

Goal 10: Manage the Town's Green Tier Legacy Community Commitments

There was discussion about a town Green Tier theme for 2021. Fish & Trees was one suggestion since there are two major projects in Town that are already in the works that focus on these two topics. Solar was also mentioned. Goals for Green Tier also need to be defined. Merline mentioned next steps with solar. She also mentioned the idea of working in public charging stations for phones/laptops. Other suggestions are welcomed.

Merline reported that she attended a Green Tier meeting via Zoom. Urban Forestry was among the topics. Pale Blue Dot, LLC out of Maplewood, MN was one resource mentioned. The offer a variety of resources for helping municipalities figure out their needs regarding trees and renewable energy. Merline said she will send a link to some of the presenters that attended this meeting.

Additional awareness about Green Tier still needs to be raised with local businesses and organizations. This has

been difficult to do at this point due to the pandemic.

Merline mentioned the GTLC scoresheet that was presented at the previous Green Tier meeting. Smaller communities had complained that the scorecard was tailored to larger communities. At this most recent meeting, these concerns were mentioned again and the need for Green Tier to improve its ability to incorporate smaller communities.

The next meeting won't be until February 2021. Merline encouraged other Plan Commission members to attend these meetings as well.

Goal 11: Gather Ideas/Recommend Action for Meeting the Town's Immediate Economic Needs

This was an idea Plan Commission member Brian Hackbarth introduced at a previous meeting. Initial ideas to address the Town's immediate economic needs revolved around the need for reliable high speed internet access. There was also discussion about whether the Town might be able to make certain public spaces available for free internet use (e.g., the Old Town Hall). These are ideas that the Plan Commission may want to talk about with the Town Board at the next joint meeting. Some ideas may not be feasible right now given the pandemic and current safety concerns/restrictions.

Goal 12: Better Communication with Residents

Discussed adding this new goal for 2021. Ideas include enhancing the current Plan Commission page on the Town Website. Also talked about creating a separate page for Green Tier. Lancaster mentioned there are limitations to what can be done design wise using the current webhost and website templates, but she will look into what can be done to create a user-friendly and attractive web page. Lancaster also mentioned a Town Communication Plan she created back in 2018 that might address several of these concerns and needs. She will share it with the Plan Commission to see if it might be something to activate and/or use as a reference for this goal.

The conversation included several additional goals.

A short-term rental ordinance was discussed. Len Adent disagreed with this idea as he feels it limits people's liberties to do what they want with their property, unless there was a contract that they originally signed limiting rentals at the time they initially purchased the property. He felt strongly that this idea should not be a goal or up for discussion.

Don Freix disagreed and said it should at least be looked into and, perhaps, incorporated into the Comprehensive Plan and Town Map. Merline agreed with Freix, but added that perhaps it is not made into a goal but a discussion point. Tom Blackwood commented that the starting point for this topic might be with the Town Board. Merline suggested bringing it up at the joint meeting. Len Adent still felt there was no purpose in looking into it.

Goal 10: Green Tier Legacy Community Commitments & Activities: This agenda item was discussed during the previous agenda item during the discussion of 2021 goals.

Reports

- a. Chair Report - NONE
- b. Ground and Surface Water -NONE
- c. Town Board/Parks and Lands - NONE

Set Next Meeting Date: Traditionally the Plan Commission has not met in November or December as the meeting dates fall during the weeks of Thanksgiving and Christmas. Unless there is a need to meet, such as a conditional use permit or grant of variance to take up, the Plan Commission will cancel the November and December meetings. The

next regular Plan Commission meeting would be Tuesday, January 26, 2021 at 7 p.m.

Adjourn: *Motion (Freix, Blackwood) to adjourn at 9:18 p.m. Carried*

Respectfully submitted,

Sara Rae Lancaster
Administrative Assistant