

*Township of*  
**WATERSMEET**  
*Planning Commission*

Wednesday, October 7, 2020  
Regular Meeting Minutes

Location: Watersmeet Community Center

Meeting called to order by Chairman Pete Peterson at 5:30 PM

**Roll Call:**

**Members Present:** Jeff Zelinski, Jeff Wasson, Pete Peterson, John Cestkowski, Russ Diethert, Bruce Caudill, who attended remotely, Roy D'Antonio, Yvonne Clark, Paul Kemppainen

**Members Absent:** None

During the course of the meeting a total of up to 28 persons attended remotely.

**Approval of Minutes of July 8, 2020** Motion by Bruce and 2<sup>nd</sup> by Yvonne. Roll Call Vote: Bruce Caudill Yes, Jeff Wasson, Yes Jeff Zelinski, Yes Yvonne Clark, Yes Paul Kemppainen, Yes Abstaining as not being present: Pete Peterson, John Cestkowski, Russ Diethert and Roy D'Antonio

**Approval of Agenda:** Motion by Roy and 2<sup>nd</sup> by Jeff W. to approve agenda. Roll Call Vote: Bruce Caudill Yes, Jeff Wasson, Yes Jeff Zelinski, Yes Yvonne Clark, Yes Paul Kemppainen, Yes Pete Peterson, Yes John Cestkowski, Yes Russ Diethert, Yes Roy D'Antonio, Yes

**Public Comment:**

Steven Tinti, speaking on behalf of the Dobson's, as legal counsel stated that he felt that all of the conditions specified under Section 7.09 B2 of the zoning ordinance had been met and that the permit should be granted.

Ann Dierickx expressed concerns over large groups and potential noise and interfering in the quality of life of the local riparians.

Jerry Kuhn expressed concerns over a high power motorized boat that had been launched from Foxy's Den. He was advised to seek help from the US Forest Service and/or the Michigan Department of Natural Resources Police units to regulate such activity.

Tim Schmidt, co-owner of Sylvania Wilderness Cabins, stated that his clients enjoyed the quiet atmosphere and the impact of a rental property would affect that. He can only rent canoes or kayaks for

his clients use. He stated that the Dobson's had already violated the zoning ordinance and should not be considered for issuance of a permit.

Suzanne Ventura, the property manager for the Dobson's, felt that much miss information had been presented to the public and whether the commission would verify the truth in these accusations. She said that only friends and family had stayed at the Dobson's property. She also stated the Dobson's property, "Norm's Retreat", had been on the VRBO website for a couple of years to see whether it was viable to go through the renting process. She also said that the advertisement had been taken down after Dan Kline had contacted the Dobson's about it. Yvonne Clark asked where she was located and Suzanne replied why that was relevant.

Dave Sherrill posed the question, what is going to be done after public comment is concluded concerning the short-term rental application tonight?

Rhodene Wolbrink had attempted to join the public comment but was passed over initially and later allowed to add that on the Cisco Chain she was aware of issues with local managers not being available when issues arrived with people doing short-term rentals.

**Zoning Administrator's Report: Dan Kline gave the following report for July, August and September**

July 2020		
Glen Barritt	Dinner Lake Rd.	Garage
Steve Minore	Channel Rd	Garage
Dean Baldasaari	Poor Lake Rd.	Single Family Dwelling
August 2020		
Anita Cummings	Langford Lake Rd	Garage
James Manto	Cisco Lake Rd	Single Family Dwelling
Patrick Kelleher	Eagle Drive	Single Family Dwelling
Mac Pinkerton	Beatons Lake Rd	Garage
September 2020		
Pam Lee	Crystal Lake Rd	Garage
Robert Diehl	Roddis Rd.	Single Family Dwelling
Jim Tonyan	Moon Lake Rd	Single Family Dwelling Foundation
Dale Kleffman	Dinner Lake Rd	Garage
Lance Grey	Beatons Lake Rd	Attached Garage and Renovation
Land O Lakes Rec	Hwy 45	Garage

Additionally three variances were granted by the Zoning Board of Appeals

Peter Becich	Single Family Dwelling Addition
Robert Roggeveen	Garage
Jim Mowka	Permanent Dock

**Old Business:**

**Update on Dobson short-term rental request**

The members of the Planning Commission were given access to the letters presented by citizens in opposition to granting the permit.

### **Letters to Planning Commission Concerning Dobson Request for Use by Special Approval for Short-term Rental on Crooked Lake**

The Planning Commission received many letters and some emails concerning the Dobson request for a short-term rental permit for Crooked Lake. The two main areas of concern were that the respondents felt that there were adequate short-term rentals available and most importantly that no further introduction to the use of boats with motors be permitted on the lake. The Dobson request did not mention allowing individuals to bring their own boats but the respondents were under the impression that this was part of their application. The US Forest Service and Michigan Department of Natural Resources regulates the use of motorized boats on Crooked Lake and the Sylvania Wilderness.

A list of the respondents and their addresses follows:

<b>Jill Schmidt</b>	<b>Watersmeet, MI</b>
<b>Mark &amp; Mary DeGrave</b>	<b>Watersmeet, MI</b>
<b>Kevin &amp; Kathleen Clougherty</b>	<b>email</b>
<b>Andrew Kunikiro</b>	<b>Seattle, WA</b>
<b>Arnold Domanus</b>	<b>Watersmeet, MI</b>
<b>Marjorie &amp; William Bergstrom</b>	<b>Rockford, IL</b>
<b>John S. Huff</b>	<b>Cedarburg, WI</b>
<b>Amber Elsner-Miller</b>	<b>Thiensville, WI</b>
<b>Doug &amp; Lisa Bakker</b>	<b>Evanston, IL</b>
<b>David Hunnicutt</b>	<b>DePere, WI</b>
<b>Dr. James Magestro</b>	<b>Milwaukee, WI</b>
<b>John Bohlin</b>	<b>Manitowoc, WI</b>
<b>Lisa Spain &amp; Elaine Parton</b>	<b>Milwaukee, WI</b>
<b>Clark R. Dennington</b>	<b>Dallas, TX</b>
<b>Michael Van Ryzin</b>	<b>Green Bay, WI</b>
<b>Mary &amp; Tomasz Borowiecki</b>	<b>Woodbury, MN</b>
<b>Vince Eisaman</b>	<b>Niagara Falls, NY</b>
<b>James M. Erbeck</b>	<b>Green Bay, WI</b>
<b>Susan Leah</b>	<b>Eau Claire, WI</b>
<b>Dr. Richard Maastricht</b>	<b>Austin, TX</b>
<b>Ms. Jenny Elsner-Miller</b>	<b>Thiensville, WI</b>
<b>Vic Popp</b>	<b>Ashbury, IA</b>
<b>David Rydzewski</b>	<b>Whitefish Bay, WI</b>
<b>Gary Cox</b>	<b>Black Earth, WI</b>
<b>Gordon Schaeffer</b>	<b>White Bluff, TN</b>
<b>Mark McBride</b>	<b>Shorewood, WI</b>
<b>Peg LaMartina</b>	<b>Viroqua, WI</b>
<b>Ms. Janice Ketelle</b>	<b>Mineral Point, WI</b>

<b>Annette Bale</b>	<b>Kenosha, WI</b>
<b>Ms. Kate Cunningham</b>	<b>Louisville, KY</b>
<b>Sheila &amp; Tom Howell</b>	<b>Mound, MN</b>
<b>Chris Wetzel &amp; Marsha Walton</b>	<b>Memphis, TN</b>
<b>Dale Zimmerman</b>	<b>Viola, WI</b>
<b>Reed C. Crow</b>	<b>Dallas, TX</b>
<b>Warren Van Ryzin</b>	<b>Pomona, CA</b>
<b>Mark &amp; Sara McGuire</b>	<b>Minneapolis, MN</b>
<b>Lindsey Howell</b>	<b>Mound, MN</b>
<b>Steven &amp; Nancy Brooks</b>	<b>Whitelaw, WI</b>
<b>Don Baumgartner</b>	<b>Stevens Point, WI</b>
<b>Richard Dubiel</b>	<b>Stevens Point, WI</b>
<b>Ken &amp; Judy Lawson</b>	<b>Schoolcraft, MI</b>
<b>Michael &amp; Jennifer Tyskiewicz</b>	<b>New Berlin, WI</b>
<b>Greg Wenzel</b>	<b>Watersmeet, MI</b>
<b>Robert and Brenda Loula</b>	<b>St. Charles, IL</b>
<b>Ursula Charaf</b>	<b>Watersmeet, MI</b>
<b>Ron Byers</b>	<b>Watersmeet, MI</b>
<b>James and Vicky Holbrook</b>	<b>Watersmeet, MI</b>
<b>Denise Fautleroy</b>	<b>Watersmeet, MI</b>
<b>Dean Viverito</b>	<b>Burbank, IL</b>
<b>Alan Larsen</b>	<b>Western Springs, IL</b>
<b>Lois Bates</b>	<b>Watersmeet, MI</b>
<b>Carol Mason Sherrill</b>	<b>Watersmeet, MI</b>

The letters and emails are available at the Township Clerk's Office for viewing.

Dan's summary concerning the short-term rental application were the following:

Property had been advertised and rented prior to granting of permit and they did not follow the procedures. He talked to people who were renting twice when he was at the property. He had informed the owners about pulling the web advertising and not to rent the property. He also noted that in the application the owners said there was adequate parking and Dan observed that vehicles of people were on both sides of the road and constituted a road hazard.

At this point, Yvonne Clark introduced the fact she had gone on VRBO, on the afternoon of October 7, and "Norm's Place" was shown as available for rent during November. She did not complete a reservation but advertising was taking place again.

Paul stated that these were zoning infractions, advertising and renting without a permit, and should be considered for action under the Municipal Infractions Section of the Zoning Ordinance.

Ms. Ventura then interjected that the advertising had been pulled after being told to do so by Dan Kline and that actually renting had not taken place because people who had been staying at "Norm's Place" were actually friends and family and not paying guests. Dan said that he had personally talked to two of the groups staying at "Norm's Place" and they said they were renting. Dan also stated that he was aware

of three times that the property was being rented and he had contacted the owners each time. Yvonne stated that on the VRBO website that three reviews had been posted by people on the wonderful experience they had at "Norm's Place". Russ Diethert said that if the permit were to be granted it would create a situation where rentals would be on both sides of a riparian owner which he didn't think was right. Jeff Wasson stated that he did not feel that the Dobson's had been honest in how they presented their request for short-term rental. Pete Peterson said that a decision would be made on the permit application solely based upon the Zoning Administrator's findings. Dan brought out the application and stated that the Dobson's actions had violated the Zoning Ordinance by advertising and renting prior to permit approval. Yvonne told the Planning Commission that we shouldn't act on the permit application request because it hadn't been properly noticed. Jeff Wasson made a motion to deny the Dobson short-term rental application and it was seconded by Russ Diethert. Roll Call: Bruce Caudill Yes, Jeff Wasson, Yes, Jeff Zelinski, Yes, Yvonne Clark, Yes, Paul Kempainen, Yes, Pete Peterson, Yes, John Cestkowski, Yes, Russ Diethert, Yes, Roy D'Antonio, abstained because of a fiduciary interest in the property. Permit Denied. It was noted that a formal notice would be sent to the Dobson's stating the reasons for denial of their permit application along with their application fee.

There were grounds for pursuing a municipal civil infraction under our zoning ordinance as both advertising and renting had taken place without a short-term rental permit being granted. Yvonne read section 10.3 of the zoning ordinance explaining what fines could be imposed. Paul made an initial motion suggested a \$1000 for two violations after the initial warning to cease advertising and renting activities. He rescinded the motion when someone mentioned that the maximum fee for an initial find was \$500. He made a new motion that the first offense be for \$500, and one additional violation of \$500 also be applied. All associated costs could also be included in the notice given to the owner. A second was made by Russ. Roll Call: Bruce Caudill, Yes, Jeff Wasson, Yes, Jeff Zelinski, Yes, Yvonne Clark, Yes, Paul Kempainen, Yes, Pete Peterson, Yes, John Cestkowski, Yes, Russ Diethert, Yes, Roy D'Antonio abstained due to a fiduciary interest in the property. The Dobson's will be issued a notice from the Zoning Administrator directing the alleged violator to appear at the township ordination violations bureau which is located at the township hall under the supervision of the town clerk and accept the fines imposed and make full payment or contest the fines and force the Zoning Administrator to issue a civil infraction citation which would direct the alleged violator to appear in district court.

### **On-line training for Planning Commission**

Paul informed the commission again of the availability of webinars that commissioners could participate in. He noted one that Yvonne Clark had participated in regarding the regulation of mining and short-term renting. Yvonne stated that it was well worthwhile in participating. Commissioners are encouraged to take advantage of this type of training to further understand they role in township government.

### **New Business:**

#### **Short-term rental discussion about zoning language changes.**

Paul presented a selection of items that the Zoning Administrator could use to deal with municipal civil infractions and short-term rental forms. The civil infraction forms had been worked on by Dan, Yvonne

and Dave Lamoreaux. The short-term rental forms had been worked on previously by the Short-term rental citizen's committee and especially, Dan Hance, who formatted the documents.

**Depths for docks discussion:**

John Cestkowski brought this forward from a decision that had been made at the last ZBA meeting in which a variance had been granted. Discussion followed with a determination that the current language has worked well and it wasn't feel that changes were necessary at this time as individual cases could be brought to the ZBA for granting of a variance if necessary.

**Adjournment:**

Motion by Yvonne and second by Roy to adjourn at 7:03 PM. Roll Call Vote: Bruce Caudill Yes, Jeff Wasson, Yes Jeff Zelinski, Yes Yvonne Clark, Yes Paul Kemppainen, Yes Pete Peterson, Yes John Cestkowski, Yes Russ Diethert, Yes Roy D'Antonio, Yes

**Next Regular Meeting on Wednesday, November 11, 2020 at 5:30 PM**

Submitted by: Paul D. Kemppainen – Planning Commission Secretary