

## **Exeter Planning Commission**

### **Public Hearing**

**June 20, 2023**

**7:00PM**

**Attendance:** Paul O'Connor, Mark Gundlach, Jeremy Biermeier, Ed Short, Hans Justeson, and Clerk Dawn Sass

**Public:** Dave Tollefson, Ted Fahey, Carl Atwell,

### **Public Hearing:**

The Town of Exeter has received a request from Badger Ridge HOA – to create a 41-acre lot located eastside of Cardinal Crest Ln., NE-NW, Section 7, T4N, R8E/SE-NW, Section 7, T4N, R8E, tax parcel 23014 0044.0240.

8.14 acres lot 2, 41.03 acres lot 1, binding agreement that HOA will own these, existing septic are located on lot 2 and will be under the HOA, lot 1 is currently ag land and will remain that. Deed restrictions from further residential development. Dave – the fence is the lot line no matter what the surveyor states. Tollefson's have owned it since 1951. Dave found a stake on his property about a month ago. Adverse possession – if owned for over 20 years and you maintained it, it is yours. The judge must decide. The term is for 20 years and then can be renewed every 5 years. Paul asks if that should be stricken, and if this should be in perpetuity? Carl – what happens next?

**Motion to close Public Hearing (MG/JB),** all in favor, motion carries.

Public Hearing closed at 7:10PM.

### **Regular Planning Commission meeting – 7:10 PM**

**Approval of Minutes:** **Motion to approve minutes from April 10, 2023, meeting (JB/ES)** all in favor, motion carries.

**Public Input:** None.

**Old Business:** None.

### **New Business:**

The Town of Exeter has received a request from Badger Ridge HOA – to create a 41-acre lot located eastside of Cardinal Crest Ln., NE-NW, Section 7, T4N, R8E/SE-NW, Section 7, T4N, R8E, tax parcel 23014 0044.0240.

Paul – amend item B, deed restricted for eternity. Hans - Are the HOA by-laws recorded? Deed restrictions should run with the land – never allow building. Paul and Hans – a very clear document needs to be drafted. What defines a small shed? Define agricultural uses so there is no issue in the future. Randy? Can the HOA document be referenced because the agreement runs in perpetuity? Hans

– we don't know what the HOA states, so it is hard to give an opinion. The corrected document will refer to lot 1 and lot 2. Is there a dispute resolution that states the Town will not get involved in disputes? Reference the 2/3 vote. Item D needs to be removed, conflicts with being perpetual. Carl – this document was drafted between HOA and Steve Forrer. The land we are selling has its own restrictions. Carl – in the sale, there will be a couple of other restrictions. If we add more restrictions, how does this work? Our focus is restriction from residential development forever. Paul – make a recommendation to the town board, item B and D removed, have document match certified survey map, and bring back to the plan commission. Ed – have the CSM number listed on the document. Carl – if plan com approves, do we have to notify Town of New Glarus? No. If the new documentation does not get here in time for July town board, it will be put off until August. Paul – **Motion to approve 2 non-residential lots as identified as Lot 1 and Lot 2, subject to revised covenants and restrictions to reference CSM Talarczyk job #23097, correcting the outlot numbers and removal of item B term and item D cancellation or amendment. Subject to review prior to town board action (PO/HJ)** all in favor, motion carries.

Ed - Does lot line adjustment have to come before the plan com? No, providing there is enough land to meet Exeter requirements. Mark – what about this fence line issue? Hans – occupation versus ownership. This would become an issue for the courts.

Dave – the splits are not worth anything. Exeter does not allow splits to be transferred to other people. You can't sell splits to a developer. Paul has never run into this in Dane County. Ted said the calls he gets from realtors always start with – how many splits are available on this land? Paul said he does not know if selling splits would really bring in that much money. Exeter does not have a system in place to sell splits.

Green County allows 7 dwellings on a private roadway. Does Exeter want to address this issue?

**Adjourn: Motion to adjourn (MG/HJ)**, all in favor, motion carries, adjourned at 7:58 PM.

Respectfully submitted,

Dawn Marie Sass  
Plan Commission Secretary