



Village of Hobart  
Village Office 2990 S. Pine Tree Rd, Hobart, WI  
[www.hobart-wi.org](http://www.hobart-wi.org) - [www.buildinhobart.com](http://www.buildinhobart.com)

Notice is hereby given according to State Statutes that the **PLANNING AND ZONING COMMISSION** of the Village of Hobart will meet on Wednesday September 11<sup>th</sup> 2024 at 5:30 PM in the Village Office. **NOTICE OF POSTING:** Posted this 6<sup>th</sup> day of September, 2024 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

## **MEETING NOTICE – PLANNING AND ZONING COMMISSION**

**Date/Time:** Wednesday September 11th 2024 (5:30 P.M.)

**Location:** Village Office (2990 South Pine Tree Road)

### **ROUTINE ITEMS TO BE ACTED UPON:**

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
3. Approval of Minutes of the June 17<sup>th</sup> 2024 meeting (Page 2)
4. Public Comment on Non-Agenda Items

### **ACTION ITEMS**

#### **5. DISCUSSION AND ACTION – Quarry operations renewal at existing quarry located at 361 Orlando Drive (Page 3)**

Prior the renewal of the Non-Metallic Mining Annual Operation Permit, the Village Planning & Zoning Commission is requesting that the operators of the existing quarry located at 361 Orlando Dr. be present to have general discussions and provide an update on past and current quarry operations. Representative(s) from NEA will be in attendance to discuss the quarry operations from 2024 and best laid plans for 2025. This review and discussion is required before the annual operating permit can be issued by Village Staff.

#### **6. DISCUSSION AND ACTION - Modifications/Amendments to the Zoning Ordinance, Chapter 295, Sections 295-8, Definitions; and 295-15, Earthen Berms (Page 8)**

Village Staff is proposing modifications to the Village's ordinance relating to the regulations of earthen berms. Recent construction of such berms throughout the Village has brought forward the need to address multiple concerns with the current ordinance and regulations.

#### **7. ADJOURN**

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Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Rich Heidel (Chairperson), Dave Dillenburg (Vice-Chairperson), Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, John Rather

**NOTE:** A quorum of the Village Board may be present at this meeting, but no official Board action or discussion will take place. Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: [www.hobart-wi.org](http://www.hobart-wi.org). Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



Village of Hobart Planning & Zoning Commission Minutes  
 Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI  
 Wednesday, July 17, 2024 – 5:30 pm

**ROUTINE ITEMS TO BE ACTED UPON:**

1. **Call to order/Roll Call** - The meeting was called to order by Rich Heidel at 5:32 pm. Jeff Ambrosius, Tom Dennee, David Johnson, John Rather, and Rich Heidel were present. Dave Dillenburg and Bob Ross were excused.
2. **Certification of the open meeting law agenda requirements and approval of the agenda** – ACTION: To certify the open meeting law agenda requirements and approve the agenda MOTION: Heidel SECOND: Dennee VOTE: 5-0.
3. **Approval of Minutes of the May 15<sup>th</sup>, 2024 meeting** – ACTION: To approve the Minutes of the May 15<sup>th</sup>, 2024 meeting with the addition of Jeff Ambrosius to Item 1, Call to order/Roll Call. MOTION: Heidel SECOND: Ambrosius VOICE VOTE: 5-0.
4. **Public Comment on Non-Agenda Items** – None.

**ACTION ITEMS**

**5. DISCUSSION AND ACTION – Consider Revisions to Existing Conditional Use Permit For Alterations to Pond, HB-291-2, 422 Orlando Drive**

The current property owner Jeremy Horst received Village approval back October 2020 to construct a pond towards the rear portion of their property. The pond was originally installed and built according to the previously approved plans. An alteration to the overflow discharge point was made after the original construction was complete. Section 295-342 L. Conditional Use Permits requires that the Village Board shall review any complaint or modification to previously approved Conditional Use Permits

Appearing before the Commission:

Michael Biemeret, 442-444 Orlando Dr.  
 Jeremy Horst, 422 Orlando Dr.  
 Nicole Haese, 432 Orlando Dr.  
 Shelly Brennen, Stiles, WI

The flow of the water in this and the neighboring lots was discussed. Staff will reach out to the owner of HB-291 to see if the water flow can be addressed on their parcel to assist the neighboring parcels.

Commission asked Staff to add a future agenda item to discuss what should be done if a CUP is not followed.

ACTION: To postpone action on the CUP until staff comes back to the commission recommended action or solutions to the water flow issue on these parcels. MOTION: Heidel SECOND: Ambrosius VOICE VOTE: 5-0.

**6. ADJOURN(7:38 PM) – MOTION: Ambrosius SECOND: Johnson VOICE VOTE: 5-0.**

Respectfully submitted by Lisa Vanden Heuvel, Village Clerk



**TO: Planning & Zoning Commission**

**RE: Discussion and action on quarry operations renewal at existing quarry located at 361 Orlando Dr.**

**FROM: Todd Gerbers, Director of Planning and Code Compliance**

**DATE: September 11, 2024**

**ISSUE:** Discussion and action on the annual license renewal for quarry operators of existing quarry located at 361 Orlando Dr.

**RECOMMENDATION:** Discussion and possible action.

**GENERAL INFORMATION**

1. Operator: Northeast Asphalt (NEA) / Walbec Group
2. Agent(s)/Petitioner(s):
3. Parcel(s): HB-412, HB-412-1, HB-411, HB-414, & HB-403

**BACKGROUND**

Prior the renewal of the Non-Metallic Mining Annual Operation Permit, the Village Planning & Zoning Commission is requesting that the operators of the existing quarry located at 361 Orlando Dr. be present to have general discussions and provide an update on past and current quarry operations.

Representative(s) from NEA will be in attendance to discuss the quarry operations from 2024 and best laid plans for 2025. This review and discussion is required before the annual operating permit can be issued by Village Staff. Following the review for 2023, the P&Z Commission requested that this annual review take place in September so that any issues or concerns from operations in the current year may be addressed prior to the permit being possibly renewed for the next year.

**RECOMMENDATION/CONDITIONS**

Direct Staff accordingly



**Northeast Asphalt, Inc.**  
**2024 Non-Metallic Mining Annual Operation Permit Renewal**

The non-metallic mining permit issued to Northeast Asphalt, Inc. pursuant to Chapter 12 of the Village of Hobart Code of Ordinances for the operation of its quarry located at 361 Orlando Dr., Village of Hobart for the period beginning January 1, 2024, and ending December 31, 2024, is subject to the following conditions:

1. Compliance at all times by the permittee and those acting at the direction of, with the permission of, or under contract with, the permittee, with all applicable federal, state and local laws, regulations and ordinances including, but not limited to, the following:
  - A. Payment of the \$1,000 permit fee is to be paid prior to January 1, 2024.
  - B. Payment of Village Personal Property Taxes by February 1, 2024.
  - C. Compliance with all provisions of Chapter 194, the Village's Nonmetallic Mining Ordinance.
  - D. Compliance with all provisions of Chapter 156, the Village's Explosives and Blasting Ordinance, including providing and maintaining proof of insurance as required by Section 156-3 B.(2).
  
2. Hours of operation shall be limited to the following:
  - A. Crushing and drilling equipment shall be operated only during the hours of:
    - 5:00am – 9:00pm Monday – Friday, April 1 to September 30.
    - 5:00am – 11:00pm Monday – Friday, October 1 to March 31.
    - 5:00am – 2:00pm Saturday all year.
  - B. Hours of operation for trucking and loading of all materials are:
    - 5:00am – 9:00pm Monday – Friday, all year
    - 5:00am – 3:00pm Saturdays, all year
  - C. No operations on Sunday or Holidays.
  - D. Extension of these hours in emergency situations may be approved by the Village of Hobart.
  
3. The Operator agrees to post a sign that instructs drivers that they not use an engine brake when arriving at the site.
  
4. Blasting operations shall be limited as specified in the Blasting Ordinance.
  
5. Maintenance and repair work, which includes the operation of small engines, and cold weather startup (idling engines and power take offs (PTO's) only) may be done outside of the limits specified above.





6. Except as noted above, additional hours of operation may be permitted only by written approval of the Village Board.
7. No dust, debris or particulate shall be tracked out of the quarry by vehicles and equipment leaving the quarry using drives or passageways used for transporting quarry products out of the quarry bounds.
8. No expansion of the quarry or extension of any berm beyond permitted property shall be allowed, without advance approval of the Village's Site Review Committee.
9. At least one week prior to any blasting, the Village shall be provided with the name, address and business phone number of the blaster, and a copy of the blaster's certificate of insurance for such blasting operations.

By the end of each day after each blast fired, the Village shall be provided with the log information as identified in municipal ordinance section 5.303 subsection 6. Additionally, the Village shall be provided with an aerial map, using the most current and readily accessible aerial view, identifying the location of each blast fired.

10. All materials on roadways as a result of quarry operations shall be removed from the roadway within one hour after the termination of quarry operations on that day. Materials shall be removed more frequently if reasonably necessary for public safety and nuisance abatement.
11. The quarry property site shall be open to inspection by Village of Hobart representatives upon request.
12. The Village may have water samples collected and tested at the permittee's expense as follows:
  - A. The Village may take two rounds of samples. If considered necessary, the first sample round will be taken in the month of June and the second in the month of October. A copy of the sampling/test results and a bill for the direct costs of testing will be forwarded to the permittee as soon as possible by the Village of Hobart.
  - B. Each round shall not exceed ten samples, one of which may be from the quarry and the others from drinking water wells.
  - C. Each sample shall be tested for arsenic, grease/oil and nitrates.
  - D. This provision shall not prohibit the Village from taking and testing further samples at its own expense.
13. The permittee shall provide the Village with copies of all permits, licenses and other documents required by the state of Wisconsin or Brown County, as they are acquired or updated, for the permittee or others to carry on operations at the quarry.



- 14. Fugitive dust from operations shall not exceed 20% opacity at any point outside the project site. Testing to follow U.S. EPA Method 9 or Method 22.
- 15. Blasting shall be subject to the following restrictions unless prior authorization has been obtained:
  - A. Monitoring of blasts shall be conducted at the nearest residence, business or other inhabited structure located on the same side of the quarry as the blast being conducted. There shall be no open quarry between the blast and the monitoring equipment.
  - B. The provisions of this permit shall not excuse compliance with additional or more restrictive conditions of the Blasting Ordinance.
- 16. This permit is subject to review by the Village Planning and Zoning Commission at regularly scheduled meetings as determined by the Commission. If the Planning and Zoning Commission finds in any review cause to amend this permit with other conditions or requirements to better ensure proper operation, such conditions and requirements may be enacted and made applicable upon approval by the Village Board as provided in municipal ordinance 194-8 L.

If the Planning and Zoning Commission finds cause for suspension or revocation of this annual operation permit, this permit may be suspended or revoked in accordance with municipal ordinance 194-14 B.

Failure to comply with any of the above conditions constitutes a violation of Village ordinances and may result in enforcement action including, but not limited to, suspension or revocation of the permit.

The permittee has fully reviewed the above conditions with the Village and understands and accepts them as a part of this permit.

Dated: December 5, 2023

Village of Hobart

By: Todd Gerkey 1/2/24

Title: Director of Planning and Code Compliance





This is a custom map created by an online user of GIS map services provided by Brown County, Brown County WI

### Part of Brown County WI

Map printed on 11/1/2023

**1:6,000**  
 1 inch = 500 feet\*  
 1 inch = 0.0947 miles\*  
 \*original page size: 8.5"x11"  
 Appropriate format depends on zoom level



- Parcel ownership key**
- Parcel Boundary
  - Condominium
  - Gap or Overlap
  - "hooks" indicate parcel ownership crosses a line

- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

A complete key (legend) is available at:  
[tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)



(920) 448-6480  
[www.browncountywi.gov](http://www.browncountywi.gov)



**TO: Planning & Zoning Commission**

**RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295, Sections 295-8, Definitions; and 295-15, Earthen Berms**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: September 11, 2024**

**ISSUE:** Discussion and action on modifications/ amendments to the Zoning Ordinance, Chapter 295, Sections 295-8, Definitions; and 295-15, Earthen Berms

**RECOMMENDATION:** Staff recommends approval of this zoning code modification including any amendments from the P&Z Commission

**GENERAL INFORMATION**

Village Staff is proposing modifications to the Village’s ordinance relating to the regulations of earthen berms. Recent construction of such berms throughout the Village has brought forward the need to address multiple concerns with the current ordinance and regulations.

The Village’s current ordinance addresses the setback from property lines and that the property owner shall ensure proper drainage when constructing such a berm. Although the drainage requirement is a very good idea (and it is maintained in the proposed revised ordinance), the 6’ setback requirement restricts two property owners from agreeing to construct a shared berm that crosses over a shared property line. There are a few berms that currently exist within the Village, and they seem to be functioning quite well. Staff sees no reason to prohibit such a construction if both property owners can agree. Other notable revisions include prohibiting berms in public right-of-way, in drainage ways, from blocking vehicular and pedestrian sight lines, and ensuring proper drainage between properties. Additionally, the word “landscaped” would be added to the definition of earthen berm in section 295-8 of the zoning code.

**RECOMMENDATION/CONDITIONS**

Staff recommends approval of the zoning modifications to earthen berms listed in sections 295-8, Definitions; and 295-15, Earthen Berms as submitted including any amendments from the P&Z Commission.



Current Village Berm Ordinance – 295-15

F. Earthen berms shall be constructed not less than six feet from property lines. The property owner must ensure proper drainage. Any fence, wall or hedge placed on a berm shall comply with all requirements of this section. The height of berms, fences and hedges shall be measured from the natural grading and contours of the land, not from the grade elevation of the berm.

**EARTHEN BERM**

A vegetated/**landscaped**, elongated earthen mound used as a sound, sight and/or landscape barrier.

Proposed Village Berm Ordinance

F. General regulations. Earthen berms may be constructed in any zoning district subject to the following restrictions:

1. Berms shall not be located within any existing or future public road rights-of-way.
2. Berms shall not be constructed to obstruct the view of any vehicular or pedestrian traffic from ingress or egress to any public or private roadway, private driveway, walkway, or trail system (walk or bike).
3. Berms shall not be located within any drainage easement.
4. Berms located within any utility easement are discouraged and the Village of Hobart is not responsible for any such removal or reconstruction in the event that any work is required in such utility easement.
5. Berms shall not be placed in any drainage ways, floodplains, wetlands, or conservancy areas.
6. Berms located in the required front or corner side yard shall not exceed three feet in height from natural adjacent grade.
7. Berms located in a side or rear yard shall not exceed eight feet in height from natural adjacent grade.
8. The side slope of any berm shall be so constructed as to allow for the safe maintenance of such berm.
9. All berm construction shall not impede or negatively impact surface water drainage or any applicable drainage plans and be so designed as to not sheet drain surface water directly on to adjoining properties.
10. Berms placed across shared property lines may be so constructed provided both property owners submit to Village Administration a detailed plan of the proposed berm (location, height, width, drainage plan, etc.) along with

signatures from both property owners agreeing to the jointly construction, location, and maintenance of the proposed berm.

11. Any deviation from the regulations in this section may be brought to the Village Site Review Committee by the affected property owner. The Site Review Committee may approve such deviations upon taking into account the physical and spatial environment, traffic and pedestrian patterns, and overall integration into the neighborhood and surrounding neighborhood / development.