

March 27, 2014

Zoning Committee Public Hearing  
Tree Cutting Permit  
Joseph Francois

This public hearing was called to order at 1:00 p.m. by Zoning Committee member Dan Shanahan, filling in for Chairman Bob Schneider. This hearing has been posted and published as is required by Wis. Stats and LdF Zoning Ordinance 93-4.

Introductions were made. Zoning Committee members present were: Dan Shanahan, filling in for Chairman Bob Schneider, Robert Milburn, Dedie Hansen and Darwin Lohse. Also present representing the Town is Sue Ackland, Town Zoning Administrator and Teri Shaw, Zoning Committee Secretary.

Also present at this time is Steve Stefaniak, representing Mr. Francois, Fred Chovanec, Judy and Val Loertscher, concerned neighbors.

Mr. Stefaniak has turned in 10 green cards today.

On today's agenda is the request from Mr. Francois for a tree cutting permit.

The committee has viewed the property and asked Mr. Stefaniak what Mr. Francois' plans were.

Mr. Stefaniak: Twenty two (22) years ago a Wisconsin Department of Resources Forrester named Tim Fredricks drew up a management plan for this parcel. In his plan he decided that it was due to be cut and the timber harvested. We are proposing to use that report as a road map to harvest the timber on this property at this time.

Rob Milburn asked what the area was that they proposed to log at this time.

Mr. Stefaniak replied that it was a 40 acre parcel adjacent to White Sand Lake.

Sue Ackland: It is actually 40 acres removed from White Sand Lake.

Dan Shanahan reconfirmed that it was Tim Fredricks that did the original plan and marking.

Steve Stefaniak: Tim Fredricks drew up the original plan back in 1992.

Dan Shanahan asked if it had been remarked for the proposed harvest.

Steve Stefaniak: The parcel contains mostly aspen and the original management plan was to harvest it all.

Rob Milburn: Take everything?

Steve Stefaniak: Just 100% of the aspen. The plan is to manage for future aspen and oak regeneration. They would try to get more acorns on the ground to take hold and grow.

Darwin Lohse: How many trees are we talking about?

Steve Stefaniak: Approximately 400 cords of pulp wood and approximately 10,000 feet of saw timber.

Steve Stefaniak went on to explain the definitions of pulp wood being used for paper products and saw timber for boards and building materials.

Discussion took place on the amount of trees being harvested.

Dan Shanahan asked if the parcel had been logged back in 1992.

Steve Stefanak: No, it wasn't.

Sue Ackland stated that she believed that it had been logged in 1962.

Discussion took place on the logging time frame for aspen regrowth to logging.

Darwin Lohse asked Val Loertscher if the proposed logging site was next to his property.

Val Loertscher said that it was in the back of his property and he couldn't see it from his property.

Sue Ackland handed out some maps from Vilas County to the Zoning Committee members present that shows the property to be logged and all the neighboring properties respectively.

Sue Ackland went on to explain the map she provided. She went on to discuss the different districts and the ability and/or process involved to obtain a logging permit in each.

It was determined that property zoned recreational and was over 9 acres did not require a CUP hearing to obtain a permit, while a property zoned residential did need a CUP hearing. This proposed project was brought before the Zoning Board because it is zoned R-1, residential.

Discussion took place about over the cutting/logging that was going to be done in the proposed project – clear cut the aspens and select cutting on the remaining oak and soft maple.

Sue Ackland went on to explain about the rezone of the entire Township in 1977. Explaining the reasons behind the rezone and the impact it has on this proposed project. Essentially this CUP hearing is a formality. The property owners have the right to do this harvest, but having a hearing enables concerned neighbors and citizens to voice their questions and concerns to the Zoning Board members. Than in turn the Zoning Board members can place restrictions/conditions on the permit issued.

Fred Chovanec stated that he had concerns about making sure that the logging does not go over any property lines. Asking how they were going to ensure that this does not happen during this proposed project. He stated that he had the back of his property surveyed recently and was concerned that the loggers were going to run over the stakes and log into his property without knowing it. He stated that his neighbors were also concerned about this. Asking: How do they know where the property lines are for sure and how close to those lines will they be cutting?

Dan Shanahan asked Sue Ackland if this would require a survey be done prior to the project getting started.

Sue Ackland stated that no survey was required, but they did need to know where the property lines are.

Discussion took place in regards to keeping a distance away from the property lines could be a condition for issuing the permit.

Sue Ackland discussed the Northwest corner of the property, noting there was a large section of swamp/bog separating the proposed harvest area and Mr. Chovanec's property line. Stating that the proposed harvest shouldn't affect Mr. Chovanec's property, but that the Town Hall had received 2 letters from concerned neighbors, with property bordering the high ground area where the proposed harvest will take place.

Discussion took place on where the proposed harvest will take place. It was noted that there was no harvest planned for the swamp/bog area just the high ground areas where the aspen, oak and soft maple grow.

Discussion took place on what would happen if the logging would occur over the property lines.

Steve Stefaniak: Jake Bonack is a State Forrester and a Ranger, meaning he is Law Enforcement. He is the person in charge of this project.

San Shanahan asked if there were any documentation from Mr. Bonack in that regard.

Steve Stefaniak answered no, but he has been in contact with Mr. Bonack and has filed all of the necessary paperwork with him in regards to this project.

Darwin Lohse: When do you plan to do this?

Steve Stefaniak: Depending on the weather, we are looking at three weeks to a month from now.

Discussion took place on marking the property lines making sure that they are visible.

It was noted that the property lines were marked by a Forrester named Jack Vandervort in 1992.

Sue Ackland asked if someone was going to remark the boundary lines again.

Steve Stefaniak stated that would be his responsibility.

Dan Shanahan asked how close to the property lines were they planning on cutting.

Steve Stefaniak: Right up to them, then corrected himself by saying 10 – 15 feet from them.

Rob Milburn asked if there were any issues with access to the property. Do they have to cross any adjoining property to gain access to the site?

Steve Stefaniak: No, the gate to the property is right on Sand Creek Lane.

Rob Milburn: Are you going to use this gate exclusively?

Steve Stefaniak: Yes, in fact we are planning on taking the original gate out and putting in a larger new gate when the project is finished.

Rob Milburn: Is this project going to interfere with the right of way on Sand Creek Lane? Will there be any parking on the road.

Steve Stefaniak: No, this parcel is well routed. There is a circular road contained on the property and that is all that we will require.

Darwin Lohse asked if Sand Creek Lane was paved or unpaved and if there were any plans to put in a "tracking pad" at the entrance/exits to prevent mud and debris from getting on the road way.

Steve Stefaniak answered that they certainly could do that.

It was noted that they were not required to install a "tracking pad".

Darwin Lohse stated that the Tribe regularly uses this practice.

Discussion took place about what a "tracking pad" was and whether it could/should be listed as a condition in issuing this permit.

Rob Milburn asked how long this proposed project would take to complete.

Steve Stefaniak replied that ideally it will take three weeks.

Discussion took place on the various elements that could affect this time frame and change it.

Sue Ackland: The portion considered "high ground" along the property lines to the north will you be logging this area?

Steve Stefaniak: The "high ground", yes.

Sue Ackland: That is where we need to concern ourselves for possible setbacks off property lines. They are not going to log the swamp/bog area so that is not a concern. I assume they also will log where you enter the property?

Rob Milburn asked if there would be piles of slash left behind on the property after the logging was completed.

Steve Stefaniak: There will be a certain amount – not piles. They will drive over the top of the slash so it will be flattened out. This will also help to support the weight of the equipment. So, yes there will be a certain amount of slash in there but it shouldn't be more than a few feet.

Rob Milburn recommended putting this in as a condition for issuing the permit, stating that he has seen huge mounds of slash left behind after logging projects. They are an eyesore and a fire hazard.

Sue Ackland stated that they would have to follow the best management practice guidelines outlined by the DNR which limits the slash to two (2) feet.

Dan Shanahan asked Ms. Ackland if she went out to the site to check this. Ms. Ackland stated that yes she did.

Darwin Lohse asked if they were going to wait for the property to reseed itself naturally or if they plan on doing something to enhance the process.

Steve Stefaniak: What we are going to try to do is stir up the soil. In doing so, when the acorns fall it will be easier for them to take root and grow. It's called seed to soil contact.

Darwin Lohse: Prepare the soil, but let it happen naturally. Are the oaks spread out or are they massed together?

Steve Stefaniak: The oaks are primarily on the high ground.

Discussion took place on where oaks like to grow naturally.

Sue Ackland asked what other kinds of trees were on the property and what their outcome would be?

Steve Stefaniak: There are some soft maples and they would be thinned out – the dead, dying, less vigorous growth would be removed.

Discussion took place about the setbacks to set in place as a condition in issuing this permit.

Dan Shanahan stated for the record we received two letters in regards to this proposed harvest.

Teri Shaw proceeded to read the letters to the Zoning Committee and those present.

The first letter is from Avery and Barb Geiger. Their concern is that the old property markers are hard to locate and for the Board to please make sure that the property lines are known and respected before and during the proposed logging project.

The second letter is from Mr. Reinhold Peterson.

Mr. Petersons' concerns are as listed below:

1. Would such a permit be contrary to the intent and purpose of the LdF Comprehensive Zoning Ordinance
2. Whether permitting logging and/or extensive tree, vegetation and habitat removal upon petitioner R-1 zoned property is contrary to the existing provisions of the LdF Town Zoning Ordinance.
3. Would proposed use have detrimental effect both monetarily and non-monetarily upon adjoining property owners and surrounding properties as a whole.

Mr. Peterson writes that he believes that the Zoning Committee should deny this permit, but if permitted that the following restrictions be imposed.

1. Comply with all Ordinances sections/laws as to the method of logging.
2. Comply with all Ordinance sections/laws as to logging limitations, ie all setbacks, basal area requirements etc.
3. A requirement that the petitioner present a comprehensive forest management plan and detailed statement guaranteeing compliance with all applicable Ordinance sections and laws.

Both letters will be kept in their entirety in the original zoning file.

Sue Ackland: I would like to respond to this letter. Mr. Peterson mentions about the North woods character of the Town. The history of the North woods was strip all the trees out of the entire North woods. We've all seen pictures of what it looked like 100- 150 years ago. Because of good logging practices it looks like it does now.

Dan Shanahan: I agree.

Sue Ackland: His number 3 concern about the petitioner having a comprehensive forest management plan, he (Francois) has and that has been done by the DNR. We are in compliance with the LdF Zoning Ordinance by having this CUP hearing to meet people's expectations of protection of their – in this case – property lines and that there will be no trespassing and the alternative, if we deny this permit, is in a number of years we will have a stand of dead and dying trees because aspen trees die and fall.

Rob Milburn: What conditions are we contemplating?

Dan Shanahan:

1. The buffer/setback of tree cutting to the road and/or property lines.
2. Following best managed logging practices per State requirements.
3. Putting in a "tracking pad" on Sand Creek Lane to control the mud and debris from the logging equipment.

Discussion took place on the conditions mentioned.

It was decided that the petitioner should leave a 25 foot buffer/setback along the North property line.

It was decided that the petitioner will be responsible to do whatever is necessary to keep Sand Creek Lane clean from mud and debris.

It was decided that the petitioner must abide by State standards and requirements in regards to "slash" build up as a result of the tree harvest.

It was decided that the petitioner must reimburse the Town Hall \$41.00 for having to repost the CUP hearing notice in the Lakeland Times as a result of the Petitioner changing the CUP hearing date.

Dan Shanahan asked if there was any further discussion or questions. Hearing none, asked for a motion.

Rob Milburn: I make a motion to approve the tree cutting permit as presented to the Zoning Board and with the conditions listed above.

Darwin Lohse: I second the motion.

Dan Shanahan: May I have a vote?

Rob Milburn: In favor.

Darwin Lohse: In favor.

Dedie Hanson: In favor.

Dan Shanahan: In favor.

Dan Shanahan: All in favor, passed.

A motion was made by Rob Milburn and seconded by Darwin Lohse to adjourn at 1:47 pm. Motion carried.

Respectfully submitted,

Teri Shaw  
Secretary Zoning Committee

THERE IS A TAPE RECORDING OF THIS PUBLIC HEARING ON FILE AT THE TOWN OF LAC DU FLAMBEAU OFFICES.