

8.13 Town of Brothertown, Expanded Land Use Element

Introduction

Development of the *Calumet County Year 2025 Comprehensive Plan* was in response to the passage of Wisconsin's comprehensive planning legislation (Statute 66.1001). This law requires all municipalities (counties, cities, towns, and villages) to adopt a comprehensive plan by the year 2010 if they wish to make certain local land use decisions. As of January 1, 2010, any municipality that "affects land use" through regulation, such as zoning, land division or subdivision ordinances, or official mapping must make its decisions in accordance with that community's comprehensive plan. The Calumet County multi-jurisdictional comprehensive planning effort included 13 of 20 Calumet County communities. The Calumet County planning process has resulted in compliant plans for all participating communities. Refer to the *Calumet County Inventory and Trends Report* for further detail on the Calumet County planning process.

The Towns of Brothertown, Charlestown, Chilton, New Holstein, Rantoul, Stockbridge, and Woodville and the Village of Potter have developed expanded land use plan elements that include necessary local information to meet planning legislation requirements. The towns and the Village of Potter have adopted the expanded land use element document they created as their official Land Use Element. To be compliant with statute 66.1001, the participating towns and Village of Potter have also adopted both the *Calumet County Inventory and Trends Report* and the *Calumet County Year 2025 Comprehensive Plan* which contain the remaining required eight elements.



Public Participation

The Town of Brothertown attempted to gather public input through many efforts. Specific efforts were outlined in the adoption of a Public Participation Plan in July of 2004.

The Public Participation Plan indicated the town would gather public input through the following:

- ◆ Posting of public informational meetings, all other meetings, and public hearings in accordance with Wisconsin's Open Meetings Law;
- ◆ Cooperating with Calumet County in providing the local newspaper schedules and updates of public hearings and meetings;
- ◆ Displays and exhibits shall be displayed in the Town Hall throughout the planning process to keep the public informed about the planning process and outcomes of meetings/hearings, when applicable;
- ◆ Keeping materials/documents at the Town Hall;

- ◆ Cooperating with Calumet County by providing information for the County website for review by local residents.
- ◆ A written survey would be used to gather opinions from town residents and landowners regarding land use in the town. Results of the survey would be shared with residents and landowners in the annual town newsletter, January 2005. (A copy of the survey can be found at the end of this chapter.)

In addition, the town held meetings to solicit input and keep the public informed of their planning process. Specifically, the town plan commission (also known as a “committee”) consisted of seven representatives from the town. The commission met to discuss the town land use element portion of the Calumet County comprehensive plan. The commission held over fifteen meetings to gather information and respond to comments and concerns that arose throughout the planning process (the meetings included those necessary to create and discuss the survey). Also, they participated in four regional meetings with other communities and the general public to discuss intergovernmental cooperation, land use conservation, subdivision design and density issues.

The town also hosted one public informational meeting in February 2006 to present information regarding their land use element and gather feedback from the residents and landowners in Calumet County. The meeting was very well attended with approximately 45 people in attendance.

A formal public hearing was held on May 8, 2006 to receive comments on the recommended land use element document. Following the public hearing the town board adopted, by resolution, the *Expanded Land Use Element* (which includes the *Preferred Land Use Map*). The public hearing was held in accordance with Section 66.1001(4) of the Wisconsin State Statutes.

In the fall of 2007 the town board adopted the land use element and the *Calumet County Inventory and Trends Report*, and the *Calumet County Year 2025 Comprehensive Plan*. With these adoptions, the Town of Brothertown became compliant with the State of Wisconsin Smart Growth legislation.

All meetings, with the exception of the regional meetings, were held at the Town of Brothertown Town Hall. Regional meetings were held at various locations throughout the county.



Brothertown Town Hall



Hamlet of Jericho

Updates

Since adoption of the *Expanded Land Use Element* in 2007, amendments have been made. In the spring of 2012, the town adopted text amendments to reflect updated data (e.g. census, population and household projections, traffic counts, and well testing), and identify accomplishments achieved in the Implementation/Action section.

Goals, Objectives, Policies, and Programs

The Town of Brothertown has participated in the development of the *Calumet County Year 2025 Comprehensive Plan* which includes this expanded Land Use Element. In adopting the *Calumet County Year 2025 Comprehensive Plan* the town also adopts the goals, objectives, and policies contained within. Each element of the county plan includes a section on goals and objectives which is then followed by a section of policies and recommendations. The town should utilize these goals, objectives, and policies to help implement its own Land Use Element and address other planning related issues throughout the planning period. In addition, the *Calumet County Inventory and Trends Report* contains programs within each planning element that are available to the town.

8.13.1 Comprehensive Planning Elements

As required by Wisconsin's comprehensive planning law there are nine elements to be included in comprehensive plans. The Land Use Element for the Town of Brothertown is detailed within the next two sections. In addition, the remaining eight elements are briefly discussed herein, but addressed in more detail within the *Calumet County Inventory and Trends Report* and within the *Calumet County Year 2025 Comprehensive Plan*. During the development of these plans the town did discuss and review all planning elements. The remainder of this section details information discussed or reviewed locally which may not be included in either of the two county reports.

Issues and Opportunities

Issue: The Town of Brothertown views water quality as the biggest issue the town must contend with over the next twenty years. Furthermore, a resident survey revealed protecting groundwater and surface water quality were the top two items the town should consider when developing the comprehensive plan. As explained in more detail in the *Utilities and Community Facilities* section of this chapter, the wells in certain areas of the town have tested elevated or high in nitrate or bacteria levels. In that the number of households in the town is expected to increase over the next twenty years, there is added concern that even more homes will be susceptible to water with high amounts of nitrates or bacteria.

Opportunity: The town has the ability to curb high levels of nitrates and bacteria in private wells by monitoring wells, abandoning old wells, creating a well maintenance program, and working with the Calumet County Groundwater Specialist, UW-Extension and the County Planning Department to educate landowners on the effects land use, failing sanitary systems, etc. can have on water quality.

Issue: Due to the amount of exposed Niagara Escarpment and rock in the town, Brothertown has several large, active quarries in the east half of the town, more than any other town in Calumet County. The town recognizes the importance quarries and mineral resources provide to the local economy and the necessity for stone and other resources for development. However, there is concern too much of the town is being used for quarrying purposes, at too fast a rate, that this activity will conflict with other land uses in the town, and, concern about groundwater quality and quantity as a result of quarrying operations. There is added concern the truck traffic and weight from the quarries is causing damage to roads and the roads must be repaired through town tax dollars, rather than by the quarry operators. The town will need to address how to manage the rate and manner at which the resources are being extracted, how to minimize potential land use conflicts, address how to minimize or prevent possible water quality and quantity issues, and address potential tax burden resulting from the operations.

Opportunity: The town has the opportunity to coordinate meetings between quarry owners and operators and neighbors to develop an acceptable plan depicting operator intentions and how the quarries will be reclaimed. Annual meetings could eliminate misconceptions about quarrying and allow residents to stay informed about the facilities and where they are in operation and reclamation processes. Also, the town can advise new home owners there are quarries in the town and educate owners on the quarry's intentions for expansions. Such education could aid in minimizing conflicts. In addition, the town has the opportunity to discuss road maintenance and possible repair schedules and agreements with quarry operators to ensure tax payers are not paying for roads damaged by private business. Finally, because there is a concern with the rate rock is being removed, affect quarrying has on the ability to site homes, conflicts, and road issues, the town has the opportunity to limit the amount of rock being excavated at any given time.

Housing

The Town of Brothertown is the largest town (in area) in Calumet County. It is slightly more than 23,500 acres in size. The town encompasses the communities of Brothertown, Charlesburg, and Jericho. It is bordered by Lake Winnebago to the west, the Towns of Charlestown and New Holstein on the east, Fond du Lac County on the south, and the Towns of Chilton and Stockbridge to the north. Due to the amount of acreage in the town, presence of the lake and resulting lakeshore development, and the small communities; residential development in the town has been scattered throughout the entire area, rather than localized to a specific part of the town.

Per the land use inventory originally completed at the start of the planning process, a mere 1.5% (358 acres) of the town is used for residential development. 353.5 acres is currently occupied by single-family homes and 4.1 acres by mobile homes. There are no multi-family or assisted living facilities in the town.



Hamlet of Charlesburg

According to the 2010 Census, the Town is comprised of approximately 88% fulltime residents, with 12% of the homes being occupied on a seasonal basis. Typically, these seasonal residences are located along the shore of Lake Winnebago. Most of the properties in the town are owner occupied with a small percentage being on a rental basis.

According to the Wisconsin Department of Administration 2008 Population Projections, the Town of Brothertown's population is predicted to increase by 12.5% (175 persons) from year 2000 to 2030. Similarly, the Wisconsin Department of Administration 2008 Household Projections predicts the town will grow by 18.4% (96 households) from year 2000 to 2030. However, the 2010 Census reveals that the town's population has decreased by 5.3% (75 persons) over the past decade while the number of households has increased by 2.9% (15 households), reflecting that there are more households in the town with fewer people occupying them than in recent years. Even though growth is predicted, the latest census data shows otherwise. Therefore, the town does not see a need to plan for additional housing, infrastructure, or utilities at the present time. However, future population and housing projections will be monitored to determine if additional planning is necessary.

Based on a survey of the town residents, there are mixed opinions as to how the town should develop, and, if and what type of residential development should be encouraged. A significant portion of those surveyed (65%) felt the town should continue to be a "scenic and natural" town, 52% felt it should be an agricultural community, and 47 % wanted to be a scattered residential community (mixed agricultural with single family development). Slightly more than half did not want the town to encourage housing development, but if they did, they wanted to see housing development primarily be single family residential development and second/seasonal homes.

In an attempt to balance community preferences (providing for new housing while maintaining a scenic, rural atmosphere), housing was planned for in the three small communities in the town. In Brothertown, Charlesburg, and Jericho, the town designated growth areas where single family housing should be directed. However, due to groundwater quality concerns and lack of public sewer and water (beyond a portion of the lakeshore), the town did not plan for assisted living, nursing home and condominium developments. Rather, these types of development should be directed to those areas beyond the town where sewer and public water can be provided.

Due to concerns about runoff and the water quality of Lake Winnebago, the area along Lake Winnebago was designated Rural Character. Such land use allows for residential development to continue, but at a rate and density consistent with existing conditions.

Although no specific areas were set aside for subdivisions, the town supported Calumet County revising their Growth Management Policy and Subdivision Ordinance in February 2010 to allow cluster developments with density bonus considerations and to use a density based approach to land divisions that establishes the maximum number of residential lots that can be created within an original tract (versus requiring a standard minimum lot size). Cluster developments give the landowner the opportunity to create more lots at a single time and the opportunity to increase their assigned density through the use of density bonuses. Cluster developments require open space, require that lots be sited to the best extent practical to areas not suited for agriculture, and shall avoid encroaching on significant natural resources. In an effort to support the farming industry in the town, residential development on prime agricultural soils should be limited.

The three communities cited earlier (Brothertown, Charlesburg, Jericho) are not incorporated communities. Currently the communities have a mix of uses, including residential, religious, and commercial. These hamlets are small in nature. Although the town does not want to see these hamlets develop to a size that warrants sewer and water and other infrastructure, there is an opportunity to infill existing vacant lots and expand the hamlet boundaries somewhat with housing and limited commercial or small office uses.

Regardless of the type and location of housing that will develop in the future in the Town of Brothertown, the town supports the principle that a minimum lot size must be required for development. Slightly more than a third of the survey respondents (36%) felt that the minimum lot size requirement for development should be at least one acre in size. There was little support to require a lot be 10 (4%) or 35 (only 2%) acres in size.

The town is currently governed by their own zoning ordinance which requires a minimum lot size for development (20,000 square feet to one-acre minimum). The town desires the minimum lot size requirement for residential development remain a one-acre minimum lot size in the agricultural areas of the town. One acre lots offer some assurance there will be affordable lot choices in the town, while also guaranteeing there is adequate space on the property not only for the location of the home and sanitary system, but also for the replacement sanitary field. *{Note: In 2011, the town began discussing whether to update their zoning code. If updated, required lot sizes could change.}*

Based on the town's survey residential development on top of the Niagara Escarpment is discouraged. Some of the land on top the Escarpment, in particular the area on and surrounding a dense wooded rock outcropping and an area with effigy mounds, is considered to be a natural and historical community asset and some desire for it to be left in a natural state. Limiting development on the escarpment will guarantee the area remains predominantly in a natural, protective state. Likewise, additional development along the lakeshore is discouraged. Development in these two areas is discouraged due to the potential of over development and destruction of natural resources, coupled with the town's water quality problem, and the potential for adverse runoff onto neighboring properties and into Lake Winnebago.

The 2005-2009 American Community Survey 5-Year Estimates report 80 mobile homes in the town. Due to the fact that these types of structures are more susceptible to wind damage, there is a real threat to property and lives. The town is concerned about the mobile homes and would like to see provisions made for the occupant's safety.

There is a mobile home park located in the town, near the hamlet of Brothertown. The mobile home park has had drainage and sewage disposal problems. Due to the drainage and sewage issues, it is discouraged that the mobile home park expand in size.

Transportation

Less than 3% of the land area of the Town of Brothertown is used for transportation and utilities. Although the largest town in the county, it has the least amount of transportation choices. The

transportation system in the town is limited to public roadways. There is no rail line, air service, or public trails in the town.

Roads

Federal highways account for 6.5 miles of road surface out of the 78.2 miles of road surface in the town. State highway presence is minimal at less than one mile (.1 mile). There are three county highways present in the town, yet they only account for less than 18 miles of roadway. The majority of the roads are locally managed town roads. Due to limited household growth projections, no new roads are planned to accommodate the new development. Rather, as mentioned earlier in this chapter, new housing should occur in the denser residential areas planned for in the hamlets.

The town has two major highways traversing its landscape. U.S. Highway 151 begins at the south end of the town, runs north and then turns east into the City of Chilton. According to 2010 Wisconsin Department of Transportation traffic counts, this stretch of highway has an average daily traffic volume of 3100 vehicles at the south end, and about 1650 vehicles (average) once it turns east to Chilton. State Highway 55 joins 151 at the north end of the town and continues north towards the Fox Cities. Highway 55 has an average daily traffic count of 1800 vehicles per day at this intersection. Both highways are major carriers and need to have access and development limited to guarantee the highways maintain an efficient and functional classification.

Three county highways are in the town. County Highways C and G run north/south, Highway H runs east/west. County Highway G is the most traveled of the three highways with an average daily traffic volume of 1100 vehicles per day. Highway H averages 650 vehicles per day, while Highway C has a mere 150 vehicles per day. Partially due to their limited use, and partially due to Calumet County's excellent maintenance program, the three highways are in good condition.

Calumet County has a highway access ordinance which limits the number of driveways that can be installed along a county highway. The purpose of this regulation is to keep the highway system functioning in a safe and efficient manner. However, sometimes the intentions of this ordinance conflict with a community's intent to limit residential development and preserve farm land. Specifically, to save agricultural land, it is desired new lots be adjacent to each other. However, if developed in an adjacent style, one of the lots would not be permitted a driveway (because they would not be spaced far enough apart). The town believes this policy hinders wise land choices and promotes a misuse of farmland, especially in hamlet areas. Chapter 32 of the Calumet County Code of Ordinance (County Trunk Highways) was amended to address highway access for Semi-Urban and Urban County Highways. The ordinance also authorizes the Highway Commissioner to reduce the highway access requirements when the purpose of the ordinance is upheld.

If single-family residential development is allowed to develop in the hamlets in a conservation design/cluster pattern, the town prefers the developer install the road and pay for all improvements. After developed, ownership of the road should then be transferred to the town.

Some local roads have experienced damage due to heavy rains. Specific road problems were identified on Harbor Road, Lakeshore Drive, and South Tower Road; however since adoption of

this document in 2007, these problems have been addressed. Failure to attend to damages could lead to more costly repairs at a later date, or worse yet, personal injury. The town board will need to decide if and when the roads should be repaired. More information about the road situations can be found in the *Calumet County All-Hazards Mitigation Plan*, adopted 2006.

Long term the Wisconsin Department of Transportation may need to route traffic away from the congested State Highway 41 to the east side of Lake Winnebago, through Calumet County. The town needs to be involved in this process to guarantee town plans are incorporated into any studies and feasibility models. *{Note: On February 16, 2010 by Resolution 2009-44, Calumet County requested that the Wisconsin Department of Transportation consider planning for an alternative eastern route of State Highway 41 but the DOT declined planning at this time due to upgrades being made on the existing State Highway 41 in Winnebago County.}*

The Wisconsin Department of Transportation maintains a scenic easement along portions of State Highway 55 and US Highway 151. The easement has been established to protect the view of the area as seen by the traveling public. Although the easements vary slightly, the majority restrict the planting or destruction of trees that would obstruct or minimize the view, the erection of large signs, and on one property the construction of buildings within a specific distance of the highway. The easement has been in place since the mid 1960's.

Rail

There is no rail running through the town. Due to the distance of neighboring rail spurs, it is not feasible to extend rail into the Town of Brothertown. Based on the lack of industries in the town, there is not a need to extend rail service to Brothertown. Anyone wishing to utilize rail service must transport cargo over to the neighboring cities of Chilton or New Holstein.

Trails

Non-motorized transportation, in the form of trails, should be explored in the town. The town desires to provide hiking and biking, and in certain situations, snowmobile, all terrain vehicle (ATV), or equestrian trails. The citizen survey showed support for trails according to the following percentages: 39% support biking, hiking, horse; 19% support expanding the snowmobile system; and almost a quarter (23%) support ATV only trails.

Marine

Several boat launches are located in the town. They are typically located at the end of the local roads. Because the local roads have narrow right-of-ways, parking for vehicles and boat trailers is restricted, likewise is the chance of expanding the road surface to accommodate the vehicles. The county does have a boat launch in the town, said boat launch being *Brothertown Harbor*. In 2009, this harbor was enhanced. Since there is a county launch in the town, no new local launches are desired. Rather, users are to be directed to the county harbor.



Brothertown Harbor

Utilities and Community Facilities

Sewer and Water

There is some sewer along the lakeshore at the far southern end of the town. This service is extended from Fond du Lac County. There are no plans to extend the sewer service further north. Other than this lakeshore area, there is no public sewer in the town. There is no public water. Even the hamlets lack public sewer and water. Development in the small communities, as well as the remainder of the town, is all serviced by private onsite sanitary waste disposal systems and private wells. Currently there are no plans to extend services to Brothertown, Charlesburg, Jericho or elsewhere in the town. The small size of the hamlet communities, along with distance to existing cities with sewer and water, make the potential for extending sewer and water to these areas uneconomical and highly unlikely.

Private Water Supply

Nearly all residences and businesses in the Town of Brothertown obtain drinking water from private wells. It is the responsibility of private well owners to ensure the well provides safe drinking water to user. The town has worked with the Calumet County Land and Water Conservation Department (LWCD) to encourage private well water testing among its residents. Since 2004, over 300 samples have been taken from 200 wells within the town (see Table 1).

Table 1
2004–2011 Private Well Sampling Results

| | Bacteria | E.coli | Nitrates |
|--|----------|--------|----------|
| Groundwater Protection Area (GPA) | | | |
| Safe | 66% | 94.30% | 11% |
| Unsafe | 34% | 5.70% | 52% |
| Elevated (Nitrates) | - | - | 37% |
| Outside of GPA | | | |
| Safe | 70% | 96.30% | 88% |
| Unsafe | 30% | 3.60% | 4% |
| Elevated (Nitrates) | - | - | 7% |

Source: Calumet County Land and Water Conservation Department, 2011.

The geological features of the Niagara Escarpment play a dominate role in sources of groundwater serving private wells. To the west of the escarpment, well water is obtained from a shallow sand and gravel aquifer or a deep sandstone aquifer depending on the depth of the well. To the east of the escarpment, most wells obtain drinking water from a dolomite limestone aquifer called the Silurian Aquifer. This aquifer is susceptible to groundwater contamination due to the potential of karst features and shallow soil depths to bedrock. Karst features can serve as direct conduit to groundwater with little filter capacity and ability to protect groundwater from polluted runoff. Calumet County established a Groundwater Protection Area (GPA) by identifying areas of the Silurian aquifer that are moderately to highly susceptible to groundwater contamination.

Nearly half of the town lies within the GPA. Brothertown testing results reflect major drinking water concerns in the GPA in that 5.7% samples are unsafe for E.coli and 52% of samples are unsafe for nitrates. An additional 37% of samples are elevated in nitrates – an indicator that a well is susceptible to contamination from land use at the surface. Well testing results outside of the GPA reveal undetectable nitrate levels in 88% of wells, a stark contrast to wells within the GPA.

These high levels of nitrates and bacteria are a major concern. Not only is human health at risk, but there are concerns about livestock consumption as well. Poor water quality is also a major deterrent to attracting business to the town. Any land use must be managed with careful consideration of the risks involved with polluted runoff reaching karst features. The town must take an active role in promoting conservation practices to improve drinking water quality. These same conservation practices will also improve surface water quality.

Suggestions to help lower dangerous levels of nitrates and bacteria levels in private wells are:

- Proper abandonment of unused wells.
- Test your water once a year. Pick up a sample bottle at the Calumet County Land and Water Conservation Department in Chilton.
- Identify karst features and shallow soils.
- Avoid nutrient and chemical application near sinkholes, exposed bedrock, areas of focused infiltration and other karst features (<300 ft upslope).
- Plant a permanent vegetative buffer of grasses or hay near karst features to better filter runoff.
- Divert runoff away from sinkholes or exposed bedrock in road ditches. If possible, properly close sinkholes in road ditches (cost sharing may be available).
- Install a berm upslope of the sinkhole to divert runoff.
- Encourage farmers to have and follow a nutrient management plan.
- Encourage non-compliant sanitary waste disposal systems to be brought into compliance with current codes.
- Encourage farmers to adopt conservation practices that improve water quality including but not limited to:
 - Barnyard runoff designs
 - Conservation Plans (erosion control plans)
 - Proper design and siting of manure storage systems and compost piles
 - Close failing or leaking manure storage systems
 - Prescribed grazing of livestock

Curb and Gutter

Brothertown and Jericho are the only communities with curb and gutter. At one time, there was a water drainage issue in Jericho; however, the installation of curb and gutter and its diversion to a creek has curtailed the drainage problem. In the community of Brothertown, there is some limited curb. When the Wisconsin Department of Transportation did road work in the community, some curbing was installed. However, all drainage in the community of Brothertown was also directed to a neighboring creek. As with Jericho, it is recommended the

drainage from the curb and gutter be diverted to some holding area, rather than to a navigable waterway. At one time Charlesburg considered curb and gutter; however, it was not installed.

As development occurs in the three communities, curb and gutter should be extended to the new lots to help minimize adverse runoff.

Gas and Electrical

There is a 345-kilovolt (1000 volt) power line running north/south through the town connecting the City of Fond du Lac to the south to Appleton to the north. This is the major power line in the town. There are two main utility companies which provide electric services to residents: Wisconsin Public Service and New Holstein Utilities.

Natural gas service is available along County Highway H so the hamlets can receive services, along US Highway 151, and the lakeshore. The remainder of the town residents must rely on propane, oil, wood, solar or electricity for its heating resource. All services are considered adequate and there is no foreseen need to change or expand services.

A gas pipeline runs north through the town. The pipeline was part of a 106 mile extension of the facilities in Ixonia, Wisconsin. The extension runs north through Calumet County to Green Bay, Wisconsin.

Emergency Services

Emergency medical services in the town are provided by Calumet Medical Center Ambulance Service and Town of Calumet Volunteer Fire Department First Responders. Fire protection is provided by the Chilton Volunteer Fire Department, Town of Calumet (Fond du Lac County) Volunteer Fire Department, and a mutual aid agreement with the Stockbridge Fire Department. Law enforcement services are provided by the Calumet County Sheriff's Department. Service is considered adequate for town residents.

Refuse and Recycling

Garbage collection only occurs twice a month. Collection services are provided by Veolia Environmental Services. Recyclables are collected only once a month. The Town of Brothertown is a member of the Eastshore Recycling Commission, a cooperative of communities working together to obtain reduced collection rates. There are no plans to increase the frequency of collections.

Landfills

The Town of Brothertown has three sites listed on the Wisconsin Department of Natural Resource's (WDNR) 1993 *Registry of Waste Disposal Sites in Wisconsin*. One site is an inactive landfill in the neighboring Town of Chilton, along County Highway BB. The second is an inactive landfill in the town itself, along St. Charles Road. And a third inactive site exists along Highway 151 on a commercial property owned by a private party. Residents need to know the WDNR regulates



Brothertown Cemetery

drilling a new well within specific distances of inactive landfills. Anyone desiring to build a new home and drill a well, or replace a well in these areas should contact the WDNR for more information.

Town Buildings and Services

The town hall is a metal building, about forty years old (built in 1970). It is in fair condition and is accessible to those with disabilities. The town has no intention of rebuilding or adding onto the building. Attached to this building is the town garage. The garage has adequate storage for town maintenance vehicles and accessories. Equipment stored in the garage can easily access the road network to provide maintenance services.

Parks and Wildlife Areas

Due to the Calumet County park in the town, *Brothertown Harbor*, and the number of recreational resources in the nearby City of Chilton (Ledge View Nature Center and local parks), Village of Stockbridge local park, Calumet County Park and High Cliff State Park less than a half hour away, no town parks are planned. Also, due to lack of staff and maintenance equipment, local parks would be an unnecessary burden on taxpayers. In addition, it is questionable whether any new parks would be utilized. Although town parks are not planned, the town supported Calumet County's plans for improving *Brothertown Harbor*.

Some residents feel some of the higher portions of certain stone quarries would be ideal sites for a park(s). When the quarries are reclaimed, Calumet County should consider these sites as potential county parks.

There are two private recreational resources in the town. Those being an antique tractor museum at the county line and a fishing club in the hamlet of Brothertown.

Telecommunication Towers and Wind Energy Facilities

There is one cell tower in the town, said tower being located along Jefferson Road. There is one non-commercial wind energy facility near the Fond Du Lac County border on Buechel Road. There are no commercial wind energy facilities in the Town of Brothertown. In 2006 a company approached town officials and residents regarding the feasibility of establishing a large wind energy facility. These utilities are desired, but must be located appropriately (in conformance with ordinances).

The town survey revealed that 71% of the survey respondents felt the town should develop guidelines to review the regulating and siting of telecommunication towers and 65% felt the town should develop guidelines to review the regulating and siting of wind towers. What may not have been known to survey respondents was that through town zoning there are telecommunication tower regulations in effect. Also, since the completion of the survey, as mentioned, the county adopted a countywide ordinance to regulate the siting of wind energy facilities; however, that ordinance was repealed and moratoriums enacted until a new ordinance can be adopted.

Expansion or Rehabilitation of Existing Utilities and Facilities, Future Needs for Government Services

If the lakeshore area develops, sewer and water should be extended from the south to serve these new areas.

It is recommended additional curb and gutter be installed in the hamlets to minimize adverse runoff. The curb and gutter should be installed during the construction phase of any new roads.

The school district should monitor the growth or decline of the student age population to determine if school expansions/consolidations are required, and if additional busing needs to be provided/eliminated.

Agricultural, Natural and Cultural Resources

Agriculture

The town character is a mix of low density scattered residential development in the rural areas mixed amongst agricultural uses. Although town residents want to continue to see some residential development mixed in with the agricultural uses, there is strong support to see farming continue as the main land use in the rural portions of the town. 86% of the survey respondents felt a farmer's right to farm was important even if sometimes residents were bothered by noise, dust, odors, etc. from the farming operations.



Trying to balance residential development while maintaining an agricultural economy in the town will not be as big a challenge for Brothertown as it is for some other towns in Calumet County. The Town of Brothertown's preference to see residential development be steered to the three hamlets rather than in the agricultural areas will help minimize potential land use conflicts in the more agricultural areas of the town.

Based on the areas identified as Agricultural Enterprise and General Agriculture on the town's future land use map, the town has made the decision to guarantee land remains available for agricultural purposes and zoning ordinance compliant quarrying. If land use occurs in accordance with the future land use map, the town will see farms, regardless of size, interspersed with very low density residential development in all areas of the town, with the exception of the lakeshore area and the hamlets.

Quarrying, if approved through the town permitting process, and if appropriate for the subject area, will be confined to the Agricultural Enterprise area. It should be noted though that agriculture is the primary intent and preferred land use in the agricultural classes.



Residential development in the agricultural areas is discouraged, unless property owners understand they will be developing in an area which may have potential land use conflicts with a farming operation or quarry. It is desired that the residential development occur only on non-prime agricultural soils. Areas identified as Agricultural Enterprise are to have a very low residential density, somewhat lower than the General Agricultural areas. Such low density is desired to guarantee adequate land remains available for farm production.

Additionally, the Wisconsin Geological and Natural History Survey prepared a Groundwater Aquifer Vulnerability Map that the town referenced when determining which areas of the town should see limited residential activity. Based on the map, most of the east half of the town is considered to be moderate to highly susceptible to ground water contamination. Knowing the town residents' well reports showed contamination in these areas, the town felt it best to not promote residential development in these areas (beyond the hamlets) and to keep those lands available for agriculture and approved quarrying sites.

Programs offering tax credits and monetary compensation are available to farmers in Calumet County who are serious about keeping their land in agricultural production. Farmers in the town may receive tax credits through the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Agricultural Enterprise Area (AEA) program. *{Note: It should be noted not to confuse the DATCP AEA program with the Agricultural Enterprise land use classification used throughout the remainder of this document.}* The designation of an AEA is voluntary and can be initiated by land owners or local governments by filing a petition with DATCP. At a minimum, the land subject of the petition must be identified as being in a farmland preservation area in the county's Farmland Preservation Plan, be a contiguous land area, and primarily be used for agriculture. If the land is in an AEA, part of a Farmland Preservation Agreement, and meets eligibility and conservation requirements, the farmer can receive a tax credit of \$5 per acre. Land in an AEA does not have to have Exclusive Agricultural Zoning.

In March 2011, Calumet County adopted Article I of Chapter 36 of the Calumet County Code of Ordinances (Purchase of Agricultural Conservation Easement Program). The Purchase of Agricultural Conservation Easement (PACE) program is a way of paying farmers for their willingness to accept a deed restriction on their land that limits future development for non-agricultural purposes. The land owners are compensated for the fair market value of their land, based on the difference between what it could be sold for on the open market with no restrictions and what it can be sold for once an easement is placed on the land. The application process is competitive with the most productive and best-suited land being accepted into the program, subject to funding availability. Cash from the sale of the conservation easement can be used for reducing debt, lowering operating costs, improving or expanding farm operation, college education, retirement, etc.

Natural Resources

In an attempt to protect natural resources such as wetlands and floodplains, and reserve them for water filtration and wildlife habitat, the town labeled most large wetlands and their floodplain boundaries Conservancy. Such a land use classification will also help guarantee these important areas will remain in a natural state and continue to be an aesthetic asset adding to the scenic character of the town.

The town has several areas cited in the WDNR Land Legacy Report and the Calumet County Outdoor Recreation Plan as important natural or ecological sites. That portion of the Niagara Escarpment which parallels US Highway 151 and State Highway 55 has been cited by both documents as an important land feature with threatened or endangered species. The escarpment also has ephemeral ponds and springs. Although most of the escarpment visually disappears as one traverses south in Brothertown, a small portion at the north end of the town is very prominent.

The South Branch of the Manitowoc River is another important area. Located west of Charlesburg it is an area of extensive marshland and scattered woodlots. It is a significant natural area between the Sheboygan River preservation area and High Cliff State Park.

Steffens Woods is an important ecological site in the county and is considered to be part of the South Branch of the Manitowoc River important area. This is a private 50-acre site on the north side of County Highway H. The site has some of the oldest trees in the area and consists of a southern mesic forest, which turns into a swamp forest as it nears the Manitowoc River. Most of the trees in this wooded area are 150-200 years old.

Important natural resources in the town are not limited to the areas identified above. There are also eskers, kettle moraine, and threatened and endangered species in and near the lakeshore and Manitowoc River. The town recognizes all these resources as valuable and does not want to see any of them destroyed. Through sound land uses practices, and planning for more agriculture and less residential and very limited commercial, the town anticipates they can aid in the preservation of these resources.

There are seven active commercial quarries in the Town of Brothertown. Areas of thin soil and rock outcroppings located in the eastern half of the town have historically been used for the quarry sites. Although these quarries are very important to the town's economy, there is a concern they are expanding too rapidly and could eliminate valuable farmland, pristine and scenic areas which add to the town's quality of life, and limit some low density residential opportunities in the rural areas, as well as create land use conflicts and create potential groundwater quality and quantity problems. Due to the concerns mentioned, the town limits the amount of acreage used for active quarrying at any given time in the town to a maximum of 200 acres. Calumet County has a similar zoning regulation that applies in the shoreland areas of the town.

Since the Town of Brothertown has town zoning, and zoning requires a public hearing for new quarry operations and most expansions, there is the guarantee that new and expanding operations would have to go through a public review process. Those who do and do not support the development of such operations should be certain to attend public hearings at which time new

and expanding operations are reviewed. All comments, whether favorable or objectionable, are welcome and can help determine whether an operation should be permitted to be created or expanded, and, whether it will operate in the most compatible fashion possible with neighboring landowners.

Cultural Resources

Brothertown was once called Pequot. Eventually the name changed and the Town of Brothertown was called “Brothertown” as a result of the Brothertown Indians that had settled in the area. The Brothertowns came from New Jersey, New York, and Connecticut. The tribe was forced west from their origins and settled here in Calumet County. The Brothertowns, along with the Stockbridge and Munsee tribes, were all given land in Calumet. In 1839 the Brothertowns were granted citizenship by the United States. Along with citizenship, they were given land. This land came with strings. With the land there was an agreement, that agreement requiring their new citizenship settle past debts and claims against them. In order to settle the debts and claims, much of the land in Calumet County given to the Brothertowns had to be sold. In the town there is very little land owned by the Brothertowns at this time.

The Wisconsin Historical Society maintains a list of archeological sites and cemeteries, said listing referred to as the Archeological Site Inventory (ASI). The ASI has listed twenty-two archeological sites and cemeteries in the Town of Brothertown. The sites in the town include cemeteries (including effigy mounds, mounds, and unmarked graves); campsites and villages; and fishing dams and weirs.

The majority of the sites in Brothertown are unnamed. However, some sites are named. One site, known as the Ridge Group, settled by late woodland settlers, involves conical, effigy, and linear mounds, enclosures and earthworks and cemetery and burial grounds. This Ridge Group is the town’s largest conglomeration of archeological sites. Another site settled by late woodland settlers, is viewed as an unnamed site and also includes conical, effigy and linear mounds and a cemetery or burial site. The other archeological sites in the town involve four cemetery/burial grounds, five campsites/villages, one workshop site, and one effigy mound site not identified earlier.

The Brothertown Archaeological Project is a collaborative research endeavor between University of Pennsylvania archaeologist Craig N. Cipolla, the Brothertown Indian Nation, and Brothertown community members and landowners. The project intertwines academic research with both tribal and community interests and needs. The main goal of the project is to explore and preserve Brothertown archaeological sites and history through historical, anthropological, and archaeological research. The current focus of the project is on Brothertown cemeteries and gravestones.

The Town of Brothertown has the county’s largest known conglomeration of effigy mounds. Located on private property at the north end of the town, the state has recognized these effigy mounds as important to the community’s archeological value.

There may be more archeological sites in the town that have yet to be discovered. Residents should understand that under Wisconsin Law, Native American burial mounds, unmarked burials and all marked and unmarked cemeteries are protected from intentional disturbance. If any

resident suspects that a Native American burial mound or an unmarked or marked burial is present in an area, the Burial Sites Protection Office in Madison should be contacted.

A survey of property owners and concerned citizens along the Niagara Escarpment conducted in the fall of 2005 indicated that residents want to see all effigy mounds preserved by requiring a building setback from such features. Any mounds discovered should not be disturbed, and should not have buildings located near them which could disturb a portion of the mound.

The Town of Brothertown contains an older fishing village, known as Brothertown. The town should consider registering the fishing village as a historical area. Identification as a historic place could benefit landowners in that hamlet, and, serve as a tourist attraction to those interested in history or fishing.

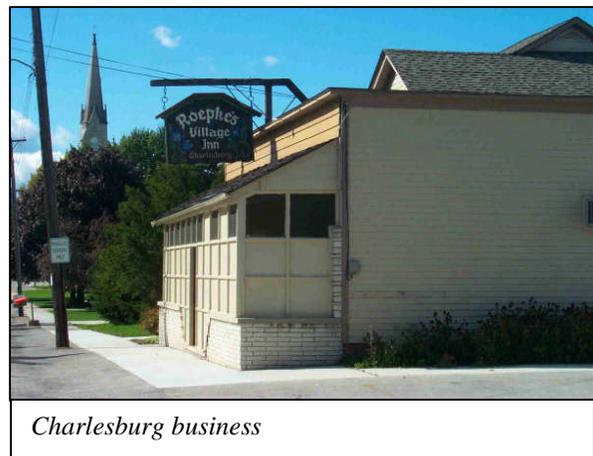
Economic Development

The major industry in the town is agriculture. Dairying and cash cropping are the most common ventures in the town's agricultural base. Almost 68% of the town is used for farm and crop purposes. Although there is concern about the amount and number of quarry operations in the town, actual land used for quarrying is almost 3% (681.5 acres). It should be noted that this number is from 2011; therefore, it does differ from the 2004 Existing Land Use at the end of this chapter. Like farming, quarrying is a significant part of the local economy.

There are some commercial land uses in the town, but they are very limited. Only 16 acres are used for commercial purposes. It is the town's intention that these properties remain commercial. Light commercial and service businesses should be mixed into areas like Brothertown, Charlesburg, and Jericho where the hamlet land use classification permits some commercial development interspersed with residential development. Commercial operations in the countryside should be restricted to those compatible with agriculture.

The town considers its quality highway infrastructure and location between major markets (Fond du Lac and the Fox Cities) to be strengths for attracting businesses to the area. In addition to the infrastructure and market location, the stable and knowledgeable citizenship is cited as a plus for locating a business in the Town of Brothertown.

Lack of public services, such as sewer and water, are cited as detriments to attracting business. The town's desire to remain rural in nature is also cited as a negative aspect in attracting industry or other commercial operations to the town. The town's traditional rural atmosphere and the residents' resistance to change could be perceived as a threat to any business desiring to locate in the town.



Intergovernmental Cooperation

Brothertown's location at the south end of the county lends itself to having intergovernmental opportunities with not only neighboring communities in Calumet County, but those in Fond du Lac County as well. Although most of the services received are from areas within Calumet County, the town does occasionally receive services from Fond du Lac, such as sewer and fire protection. The town should explore alliances with Fond du Lac County towns to see if they can receive improved services.

The town is a member of the Eastshore Recycling Commission, a cooperative of towns working together to receive economical recycling opportunities. The town partners with neighboring Stockbridge for fire protection and First Responder services. The town also partners with Calumet County Highway on some road maintenance projects. Brothertown also works cooperatively with all other communities in Calumet County to enhance the economy of the county. This effort is done through the Calumet County Ad Hoc Economic Development Group.

The Town of Brothertown proposes to become more active with its neighboring towns and Calumet County to try to reduce the levels of nitrates and bacteria in their groundwater. They also propose to work with Calumet County and the Wisconsin Department of Natural Resources to minimize adverse runoff into Lake Winnebago and improve water quality in the lake and its creeks/streams.

The Town of Brothertown plans to work with Calumet County and the neighboring town of Stockbridge to determine if a trail can be constructed connecting the two towns to the trail network in the northern portion of the county.

In recognizing the town's historical ties to the Brothertown Indians, the Town of Brothertown would like to improve relations and begin communicating on a regular basis with the Brothertown Indians.

Implementation/Action

The Town of Brothertown has many opportunities ahead over the next two decades. Land use decisions made today can leave a lasting impression on the landscape and health for generations. Water quality, quarrying, and farming are all matters the town must address.

The town must enhance cooperative efforts with the county to educate landowners on ground water and the effects land use can have on water quality. The town will meet with the Calumet County Groundwater Specialist to help develop a well maintenance program and ground water protection plan.

The town will monitor, and comment if necessary, on land use in neighboring towns to determine if proposed uses have the potential to negatively affect the ground water flowing to the Town of Brothertown.

The town will work with Calumet County and the Wisconsin Department of Natural Resources to help minimize adverse runoff into Lake Winnebago, and, to educate landowners along the lakeshore of land use practices and their effects on surface water quality.

Drainage from the curb and gutter area in Brothertown is directed to Lake Winnebago and the drainage from Jericho is directed to the Manitowoc River. Recognizing pollutants and other matters are being carried to surface waters, the town will research the feasibility of installing drainage ponds to collect and filter runoff from the hamlets with curb and gutter. Charlesburg should look into the feasibility, once again, of installing curb and gutter.

Brothertown must discuss their concerns with quarry operators to determine phases of excavation, be knowledgeable of planned reclamations, and maintain an open line of communication so matters such as road repair can be addressed. *{Note: This occurs every three years when the town reviews the quarry's conditional use permit.}*

To minimize potential land use conflicts in the agricultural areas, new residential landowners will be given the Calumet County Rural Living Guide, which explains the realities of living in a rural environment. Brothertown will ask the county to include information about quarrying in future updates to the guide.

A trail network is desired to meet the recreational needs of residents and visitors. A cooperative trail extending into the neighboring Town of Stockbridge will be explored.

The town will ask the county to revise their Growth Management Policy and Subdivision Ordinance to allow density based lot sizes rather than standard lot sizes. A density-based approach can be more conducive to preserving agricultural land and open space. *{Note: The Calumet County Land Division Ordinance (Chapter 62 of the Calumet County Code of Ordinances) was revised in February 2010 to include a density based approach to land divisions that establishes the maximum number of residential lots allowed within an original tract.}*

Currently the town is under town zoning jurisdiction. To help regulate land use development, the town proposes to remain under town zoning jurisdiction and has been discussing updating its zoning ordinance.

All land use decisions made by the town or county will be consistent with the future land use map contained herein. Annual meetings will be held to review the map and land use chapter to determine if amendments need to be made to reflect changes in land use, economy, or public preference.

Calumet County has a highway access ordinance which limits the number of driveways that can be installed along a county highway. The town believes this policy hinders wise land use choices, particularly in the hamlet areas, and promotes a misuse of farmland. The town will urge Calumet County to revise this policy and allow neighboring lots a



County highway in hamlet of Jericho

driveway, rather than require lots to be large or spaced far apart, thereby wasting farmland. *{Note: Chapter 32 of the Calumet County Code of Ordinance (County Trunk Highways) was amended to address highway access for Semi-Urban and Urban County Highways. The ordinance also authorizes the Highway Commissioner to reduce the highway access requirements when the purpose of the ordinance is upheld.}*

Over the next twenty years research may indicate a need to bypass State Highway 41 by directing traffic to the east side of Lake Winnebago, through Calumet County, along the US Highway 151 corridor. The town will work with the necessary agencies to determine the feasibility of such a route. *{Note: On February 16, 2010 by Resolution 2009-44, Calumet County requested that the Wisconsin Department of Transportation consider planning for an alternative eastern route of State Highway 41 but the DOT declined planning at this time due to upgrades being made on the existing State Highway 41 in Winnebago County.}*

Due to the number of mobile homes in the town, and past storm occurrences and damages, provisions should be made to minimize the potential for damages. An ordinance should be enacted requiring the structures to be affixed to a permanent foundation. This could be included in the town's zoning or building ordinance.

Because some of the roads tend to flood during heavy rains, the town needs to decide if the roads should be reconstructed with wider, flatter shoulders, or, other corrective measures taken.

To prevent damage from natural disasters, it is recommended the town follow the recommendations made in the Calumet County All-Hazards Mitigation Plan adopted in 2006. *{Note: The Calumet County All-Hazards Mitigation Plan will soon be updated. The town plans to participate in the update process.}*

The town will meet with the Brothertown Indians to discuss areas of mutual interest/concern.

8.13.2 2004 Existing Land Use

| Feature | Acreage | % of Total |
|---------------------------------------|-----------------|---------------|
| Residential | 358.0 | 1.5% |
| Single Family Residential | 353.5 | 1.5% |
| Multi-Family | 0.4 | 0.0% |
| Mobile Home | 4.1 | 0.0% |
| Commercial | 16.2 | 0.1% |
| Industrial | 123.1 | 0.5% |
| Quarry | 121.5 | 0.5% |
| Institutional | 66.3 | 0.3% |
| Transportation & Utilities | 641.4 | 2.7% |
| Farm & Cropland | 15,869.7 | 67.4% |
| Forestlands | 3,646.7 | 15.5% |
| Recreational | 0.3 | 0.0% |
| Open/Other | 2,616.4 | 11.1% |
| Water | 210.9 | 0.9% |
| Total | 23,549.0 | 100.0% |

