

## BSPOA MAJOR INFLUENCE IN SUCCESSFUL SALE OF HUTTER PROPERTY TO DOOR COUNTY LAND TRUST

Months of work and negotiation to save the Hutter property from commercial development came to fruition this month. The culmination of this diligence resulted in the 185-acre tract being purchased by the Door County Land Trust from the estate of John Hutter. This means that the beautiful property is saved in its natural state for the educational use and enjoyment of all the citizens.

Bryan Troutman, BSPOA Steering Committee member, led the effort for county individuals and institutions to work together in saving the beautiful property approximately 7 miles north of Sturgeon Bay on the inland side of Bay Shore Drive. (This property is not to be confused with Chateau Hutter or the Beaver property.)

**Land Trust Interest** To prevent the permanent loss of lands that contribute so much to Door County's beauty and natural areas, the Land Trust has begun identifying the most scenic and environmentally sensitive properties on the Door County peninsula. This initiative will result in the identification and permanent protection of at least ten of the most important properties in the county. The first property purchased by the Land Trust during this 10-year campaign is the Hutter property.

**Importance of The Hutter Property** The Hutter property will form the centerpiece of the "Bay Shore Bluffs Wilderness Preserve and Study Area." The purchase of this property not only preserves a spectacular natural area, but also will offer Door County students, scientists, residents, and visitors an opportunity to study and enjoy one of the most unique geological formations in the United States—the Niagara Escarpment.

The most important and impressive feature on the property is the vertical rock bluffs of the Niagara Escarpment. The escarpment is a unique and fragile dolomite rock formation extending from its origin near Niagara Falls all the way west to its dramatic end along the shores of Green Bay. The Niagara Escarpment also provides breathtaking views of the waters of Green Bay as well as the surrounding landscape.

This property is found to host several distinct forest types including maple, birch, ash, red and white pine, hemlock, cedar and balsam fir. Wetlands and sun-drenched meadows are scattered through the property. Wild turkey, deer, red shoulder hawks, and snails dating to the Ice Age all call this property home.

**Next Steps** The spectacular views make this property and the escarpment land prime targets for intensive residential development. BSPOA is interested in furthering its mission by seeing that lands adjoining the Hutter property, including the Chateau Hutter Resort, remain intact as well. This is a very ambitious project, but we believe these adjacent properties should remain contiguous and part of the Door County Land Trust preserve.

**The Door County Land Trust** is fully funded by contributions, donations and grants. The Land Trust will be looking for the support from the Bay Shore community to help pay for and complete this most ambitious project. The Door County land Trust will be meeting with and mailing information out to area residents in the coming months to garner support for the purchase of the Hutter lands. Local support will be critical to the Land Trust's success in paying for this purchase. In the meantime, if you would like information about the Door County Land Trust, feel free to write or call Dan Burke at PO Box 345, Ephraim WI 54211 or 920-746-9609.

A big thank you to Bryan for spearheading the project, volunteering countless hours over the months in order to move the project along quickly to meet the needs of the seller and to save the land from development. Congratulations to all those individuals and institutions who have been involved in this effort and worked so hard to bring the first purchase of this particular land to a successful completion. We will provide you with further updates in future newsletters.

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## BSPOA SOLID FILL DOCK POSITION PAPER

**SITUATION:** Within the last several years, there have been an increasing number of solid fill docks built and requests for new solid fill docks on Green Bay. This trend, given the popularity of the Door Peninsula, the economy, and size of new boats is expected to accelerate. Residents who have thought about this recognize that this is a severe threat to the public interest and the environment.

We want to preserve and protect the natural scenic beauty and fragile environment of one of Door County's most valuable assets, its magnificent shoreline. It is understood that the waters of Green Bay/Lake Michigan and the lake bottom belong to the public, through the Public Trust Doctrine, with the DNR serving as trustee to ensure that public use takes precedence over private acquisition and use. It is also implicitly understood that the private use of public waters and lake bottom to construct a permanent solid fill dock constitutes a "taking" of public property.

**PROBLEMS:** Solid fill dock structures generate the following problems:

- Interruption of littoral drift
- Interruption of water movement, and long shore currents
- Obstruction of navigation

- Interruption of the natural scenic view for adjacent landowners
- Interruption of natural shoreline beauty, for which Door County is famous
- Damage from ice expansion
- Negative impact to bedrock and possibly to the water aquifer and wells
- Potential for disruption of fish or wildlife habitat
- Creation of areas for deposition of detritus and area for rooting of exotic water plant species such as Eurasian milfoil
- Obstructions to near shore navigation of small water craft
- Obstructions to people who choose to walk along the shoreline
- Potential safety hazards to winter users along the shoreline because of currents that cause thin ice

**GOAL:** Our goal is to eliminate future solid fill docks through legislation and to support the construction of marinas and harbors of safe refuge, providing that they are designed and planned for mutual public use and benefit. Protection of the shoreline and water resources is currently the responsibility of the DNR, as they become trustee through their permit application and approval process. However, since the waters and lake bottom are owned by the state, we feel it is the state's responsibility to concisely spell out in legislation the riparian owners reasonable rights for ingress and egress to navigable waters.

Short term, we strongly support immediate procedural changes in the DNR application process which would require that an environmental assessment or environmental impact study be completed for a proposed dock. The homeowner and/or developer as a part of the permit application process would pay for this process. The process is already available in Natural Resources Code 150 by changing these applications from a Type III process to a Type I or Type II process.

**SUPPORT:** There is a strong and ever growing body of broad support for our position. Homeowner groups such as Bay Shore Property Owners Association, Door Property Owners, and Bay Shore Preservation Association as well as individual shore and inland residents throughout the Door Peninsula who are greatly concerned about the cumulative negative impact caused by solid fill dock structures. For this is the reason we are asking for legislative action to prevent further building of solid fill docks

## **SOLID FILL DOCK LEGISLATIVE UPDATE *REQUEST FOR ACTION***

In our last newsletter, we summarized a June 5 meeting with State Representative David Hutchinson to discuss the solid fill dock situation. (A solid fill dock refers to a structure not allowing for the free flow of water beneath and extending into the water from the shore. Such docks can extend into the water 100 feet or more, often with an "L" configuration at the end and the base can cover more than 25 feet of lake/bay bed.)

Representative Hutchison has taken the lead in moving our concern forward to the state legislative drafting stage. The legislation restricting individual/ residential solid fill dock structures has been drafted in the Legislative Reference Bureau, and it is anticipated that the draft bill will in early January be in the hands of the DNR for review.

It has come to our attention that a substantial lobbying effort to Governor Thompson's office, led by individuals who desire to build such solid fill dock structures, is under way. In order for the Governor to understand both sides of this issue and that there is broad citizen support to restrict the further construction of additional such structures, **we need to take action.** (The DNR currently has 29 open permit requests to build private solid fill dock structures.)

You are encouraged to support the BSPOA Steering Committee position by writing to Governor Thompson your individual letter of opposition to individual solid fill docks. The *Position Paper* and *Reasons To Oppose Solid Dock Structures* are enclosed. These two papers are intended to be used as background information to assist you in writing such a letter. We know that Governor Thompson values input from individual property owners.

Your letter might contain (in your own words) the following references:

- Support for draft legislation from Representative Hutchison's office placing restrictions on private solid dock construction
- Your interest in this topic as a property owner
- Reasons to oppose private solid fill dock structures

Letters addressed to:

Governor Tommy Thompson  
Box 7863 State Capitol  
Madison, WI 53707-7863

Copy to:

State Representative David Hutchison  
Box 8952 State Capitol  
Madison, WI 53708-8952

We believe that this position supports the BSPOA purpose which is to maintain the primary natural, safe, and aesthetic character of the Bay Shore Drive area. We are not opposed to additional public marinas or harbors of safe refuge for boaters, providing that they are designed and planned for mutual public use and benefit.

Thank you for your consideration of this request.

## NOW COMES THE HARD WORK FOR THE SEVASTOPOL LAND USE COMMITTEE

The questionnaires have been returned and have been tabulated. Now comes the hardest work for the committee; developing recommendations that support the town citizens' vision of what Sevastopol should look like in the future. BSPOA members Sheila Turner and Terry Lappin are members of the seven-person committee, which is led by George Evenson. About 37% of the questionnaires were completed. This gives us over 1100 individual responses. This is a very good response for this type of survey.

The committee is comfortable that the responses are a good reflection of the town's population. For example, 47 % were female, 50% male, (3% did not answer this question); 50% are registered to vote in Sevastopol, 17% own over 20 acres of land. The answers give a balanced picture of what issues concern the citizens.

There were no big surprises. Citizens like open spaces, clean water, shore access, and limited development. The majority answer to the question of "what would you like the Town of Sevastopol to be like in 10 years" was "like it is or was 10 years ago"

The committee is starting the development of recommendations by reviewing each question and "brainstorming" possible things the town can do to implement the wishes of the town. This will take a couple of months. Next, a report will be presented to the town board. At this stage, public discussion of the issues will be encouraged. Committee meetings are open to the public, announced in the Advocate, and posted. If you are on the Web, announcements can be sent to you (Contact Terry Lappin).

Greg Lamb, UW Extension, did an excellent job tabulating the results and putting them in a legible, understandable form. Also, thanks to the Bay Shore people that helped with inputting the written results into the computer and to all those that sent back the questionnaire. The results will be available to the town citizens.

## HEINEMAN PROPERTY – LOST OPPORTUNITY?

Until the December meeting of the County board of supervisors, it appeared that the county was going to be part of a three way agreement that would enable the Ellison Bluff County Park to double in size. The available land, which is owned by B. W. Heineman, consists of 86 acres and includes Niagara Escarpment. Since the land purchase was not a budgeted item, a vote of two-thirds of the full 20 member Door county Board of Supervisors was required. With a 13-6 vote in favor, the absentee's seat is also counted; therefore the resolution was short by one vote of the required 14.

We understand that the property will once again be on the agenda for the January 24<sup>th</sup> board meeting. In addition to enlarging the park, this remarkable property offers an opportunity to preserve beautiful land, a scenic and bluff vista and the Niagara Escarpment, for current and future generation. The land is also noteworthy, as it is one of only three intact pieces of Niagara Escarpment in the county that has not yet been developed.

There is hope that the vote may be open for reconsideration. Please consider sending the enclosed letter, or a letter in your own words, to your Door County Supervisor or to the County Board Chairman, before January 24<sup>th</sup>. This letter is also available in several forms at the Internet site **Doorbell.net/bspo** and can be downloaded to your computer for customization if you wish.

Leo Zipperer (Sevastopol)  
3850 Bay Shore Drive  
Sturgeon Bay, 54235

William Anschutz (Egg Harbor)  
5594 Daubner Lane  
Sturgeon Bay, 54235

Bill Anschutz voted for the purchase. Leo Zipperer, Charles Jarman, Jim Sargent, Neal DeBaker, and two southern Door supervisors voted "No."

## BAY SHORE PROPERTY OWNERS ASSOCIATION GOALS

**Purpose:** The purpose of this association is to maintain the primary natural, safe, and aesthetic character of the Bay Shore Drive area.

**Association Goals:**

- To monitor development proposals of recreational/commercial properties that relate to and affect residential character
- To keep members informed of development proposals and issues that impact the residential character of the neighborhood
- To educate and motivate members and non-members to preserve and enhance the natural, visual and historic resources of the area
- To encourage management of growth through effective township, city and county land use planning
- To form alliances with other existing property owner associations

**THE LAST RESORT**

Can't always be  
in Door County?

Connect to **DoorBell.Net** on the World Wide Web and get your fix – a Lake Michigan picture is posted daily along with a weather observation. Other items of general and local interest are changed frequently!

[www.doorbell.net](http://www.doorbell.net)

## BSPOA STEERING COMMITTEE 1999 - 2000

The following members were elected to terms of leadership in BSPOA for the 1999 - 2000 association year, running from the September 18, 1999 annual meeting date through the September 2000 annual meeting. Please address questions, comments, or suggestions regarding our association on e-mail to BSPOA@aol.com or by phone to steering committee members listed below. We value your input.

**Co-Chairmen**

Jim & Barb Bunning ..... 920-746-4025

**Vice Co-Chairmen**

Terry & Marilyn Lappin (Newsletter Chrm.)  
..... 920-743-9517

**Secretary**

Betty Parsons ..... 920-743-2303

**Treasurer**

Katie Richards ..... 920-743-9550

**One Year Term**

Bob Graef ..... 920-743-8455  
Hap Smith ..... 920-743-0198  
Juanita Slane ..... 920-743-8146

**Two Year Term**

Richard Follmer ..... 920-743-4219  
Helen Sheets ..... 920-743-3173  
Bryan Troutman ..... 847-256-6146  
..... 920-743-9088

**Three Year Term**

Joan Follmer (Membership Chrm.)  
..... 920-743-4219  
Corky McWey ..... 920-743-9517  
Shirley Pickering ..... 920-743-0060

**Emeritus Members**

Bill Parsons ..... 920-743-2303  
Cathe & Bob Tilden ..... 920-743-6442

## SNOWBIRD ALERT— REMEMBER TO VOTE AND THE TOWN WEBSITE

As you know, there will be town board elections this coming April and possibly another school referendum. We urge anyone that is escaping Wisconsin's winter during those times to vote by absentee ballot. This is a very simple and painless process. Contact Cari Schartner (746-1230), our town clerk, and she will gladly supply all the information. What is really painful is not getting a chance to voice your opinion.

Information about Sevastopol town board meetings and agendas, including workings of the Land Use Committee, is available on the Internet at [www.doorbell.net/ts](http://www.doorbell.net/ts). Laddie Chapman with the Glidden Drive Association updates the website when he gets information from the town or committees.

## SEVASTOPOL TOWN NEWS

### ● Public Right to Know

The Town board has been asked on several occasions to publish the meeting agendas in the *Door County Advocate*, but they rejected the idea offering instead to mail agendas on request. Since then, 19 people have been receiving agendas by mail. In October the Town board voted unanimously to discontinue the mailing, citing it as a "pain" and "nuisance" for the Town clerk.

Effective with the November meetings, townspeople must drive to the Town office to pick up agendas or access the Town's Website through [www.doorbell.net](http://www.doorbell.net) (see above). The Wisconsin Towns Association recommends publication of Town agendas in the official local paper. What better use of our tax dollars than to give all taxpayers ready access to information about Town business, issues, and concerns? If you agree, call a town supervisor and let them know.

The proceedings of the Town meetings are no longer covered in the *Door County Advocate* for lack of a Sevastopol reporter. Here's a job opportunity and a chance to serve your community. Interested and qualified? Call the Advocate Editor, Greg Summers, 920-743-3321

### ● Town of Sevastopol

◆ Adopted a new building inspection ordinance and approved inspection contract for services effective December 1

◆ Held a public hearing on Monday, November 8, on the proposed 2000 budget, followed by a special meeting of the electors to approve total 2000 highway expenditures and to adopt the '99 Town tax levy to be paid in 2000

### ● Around the County

#### *Door County Wetlands Protection*

A recently completed wetlands management study sponsored by Door Property Owners (DPO) and the Door County Stewardship Council and funded by the Wisconsin Coastal Management program was unveiled at the October DPO annual meeting. Discussions included topics of effective and efficient wetland protection and strategies for Door County.

#### *The Door Voice*

Treat yourself to the latest Door County publication—a new and fresh perspective concerning life and the arts in Door County. It's available free of charge at many area businesses or you can subscribe by mail (\$20/year for six issues). Contact: *The Door Voice*, PO Box 235, Egg Harbor, WI 54209.

#### *Stewardship Council*

The Stewardship Council of Door County is up and running after several years of ground work and planning. 20-30 people of varied interests and backgrounds representing government, private industry, developers, environmentalists and interested citizens have been meeting to voice their concerns for Door County and to listen to one another in open dialogue. The intent of the group is to join as partners to discover common ground, learn new ways of working together, find creative solutions for complex community issues, and execute these solutions.

Some Council initiatives/accomplishments to date:

- ◆ Future search Conference
- ◆ Wetlands management and protection study
- ◆ Critical habitats/natural area protection plan/maps
- ◆ Affordable housing for Door County workers
- ◆ The Stewardship Academy
- ◆ A pilot program in systems thinking/dynamics

The Council is open to anyone interested in this endeavor, and the meetings are held twice a month in Sturgeon Bay at 7 p.m. on the second Monday at Hope Church and at 1 p.m. on the fourth Monday at the DNR office. Call Pat Miller for more information: 920-743-8079.

## DOOR PROPERTY OWNERS REVIEWING STRATEGY

The Door Property Owners (DPO) provides a resource for Bay Shore Property Owners. We have an organization membership, and encourage individual DPO memberships. Currently, in addition to the normal advocacy for *sensible* development, DPO is carrying out a strategic planning study to focus and direct future efforts. The objective is to maximize the “bang for the buck” by best leveraging DPO’s efforts. There are many good organizations in the county, and DPO will figure out how to “fit in” both now and in the near term future.

As you know, development keeps on coming and requesting permits. For example: the Wave Pointe development in Little Sturgeon; the Moorings, which will go to the courts this spring; Bob Papke’s Fish Creek Development, near the Settlement; and the Cottage Glen development in Ellison Bay. These are all mega-developments with varying degrees of caring for the environment and character of the neighborhood. Cottage Glen seems to be a good model of what a sensible development should be.

We can expect some action along Bay Shore Drive in the future.

## A TREAT TO SEE BAY SHORE TREE TRIMMING

Good tree trimming. What is it? Residents watched it in living color this Fall as they noticed Dave’s Tree Service trucks moving slowly up and down Bay Shore Drive. The tree trimming was accomplished with care, trimming so that there remained a canopy above the lines and a screen below whenever possible. When spring comes, we can all enjoy as the leaves emerge into nicely shaped tree lines along the roadside.

Sturgeon Bay Utilities (Scott Adams, Director) is responsible for pruning Bay Shore Drive out to Laurie Lane. We commend their consideration for the natural beauty of the roadway by contracting with a local company recognizing that the overall beauty of the county really is important..

## TAXES CONTINUE TO INCREASE—IS ANYONE SURPRISED?

We all received our county Christmas surprises in mid-December; the tax bills. Most of us were surprised by some of the numbers. First, the county increase of about 10% seems large for an election year. Second, the town taxes went down. This was made possible by drawing down reserves. Town spending actually increased 17%, mainly to buy additional lights for the Town Park hardball field. So, we can expect to see at least a 17% increase next year. Lastly, and most significantly, school taxes increased by 33% for residents of Bay Shore Drive that are in the Sturgeon Bay school district.. The big increase was a combination of a 10% increase in spending by the district plus a (currently) unexplained increase in the share of the funding provided by us living in Sevastopol. Our share of the tax levy went up 20%. Taxes may become a large issue for the residents of Bay Shore Drive.

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### **Bay Shore Property Owners Newsletter, Winter 2000 issue**

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*Bay Shore*

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**WINTER 2000  
NEWSLETTER**