

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, October 5, 2010**

Members present: T. Oberhaus, P. Kanter, C. Dundon, E. Gratz, M. Tagtow, L. Cunningham and B. Cooley

Also present: T. Barbeau, *Town Engineer*, P. Tilley, *Waukesha County Parks and Land Use*, 3 citizens

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Plan Commission and a representative of Waukesha County to solicit public input on a request by Richard Beringer and Donna Vrakas, N45 W28912 Capitol Drive, for a Conditional Use permit to allow the land altering activities in association with the dredging of two landscape ponds, filling another pond and filling on the property. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Mr. Oberhaus called the public hearing to order at 7:18 p.m. Peggy Tilley read the Public Hearing Notice.

Donna Vrakas stated her proposed request to dredge two landscape ponds on the subject project, fill in a third pond and fill another portion of her property. The DNR discovered yellow floating heart, an exotic invasive species, during the Chapter 30 permit process.

Peggy Tilley stated that the DNR will direct work on the site to ensure erosion control measures are maintained, require site modifications and ensure eradication of exotic invasive species from the ponds.

There was no public comment on this matter.

The public hearing closed at 7:28 p.m.

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:28 p.m.

Second order of business: Approval of the minutes of September 7, 2010
MOTION MADE BY MR. TAGTOW, SECONDED BY MS. DUNDON TO APPROVE. MOTION CARRIED.

Third order of business: Communications (for discussion and possible action)
A. None

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO TAKE ITEMS 5A, 5B AND 5C OUT OF ORDER. MOTION CARRIED.

Fifth order of business: New Business
A. Richard Beringer and Donna Vrakas, N45 W28912 Capitol Drive, Re: Consideration and possible recommendation to Waukesha County Dept. of Parks and Land Use on their request for a Conditional Use permit for earth altering activities.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO APPROVE RECOMMENDATION TO WAUKESHA COUNTY DEPT. OF PARKS AND LAND USE ON THEIR REQUEST FOR A CONDITIONAL USE PERMIT FOR EARTH ALTERING ACTIVITIES SUBJECT TO STAFF RECOMMENDATIONS: THE WORK IS PERFORMED IN ACCORDANCE WITH THE PLANS SUBMITTED; PROPER EROSION CONTROL IS MAINTAINED ON THE SITE AT ALL TIMES; WORK CAN ONLY BE PERFORMED BETWEEN THE HOURS OF 7:00 AM AND 5:00 PM TO INCLUDE WORK BEING PERFORMED MONDAY THROUGH SATURDAY. MOTION CARRIED.

- B. State of Wisconsin Department of Natural Resources, Re: Consideration and possible approval of building addition and site alterations for the meeting facility building located in Lapham Peak State Park.

Ed Muzak, WI DNR, stated the proposed request is to construct an addition to the front of the existing meeting facility located in Lapham Peak State Park, repave the access road and install a new parking lot. The parking lot will be used as overflow for the tower parking lot. At the present time, the building does not meet public access standards.

Engineer Barbeau stated that the land is zoned P-1 Park and Recreation district. The Town Zoning Code allows accessory buildings as accessory uses subject to approval of the building, site, landscape and operational plans by the Town Board following recommendations by the Plan Commission and Park and Recreation Commission. After consideration by the Plan Commission, the matter will be forwarded to the Park and Recreation Commission and the Town Board.

MOTION MADE BY MR. KANTER, SECONDED BY MR. COOLEY TO RECOMMEND APPROVAL TO THE TOWN BOARD OF BUILDING ADDITION AND SITE ALTERATIONS FOR THE MEETING FACILITY BUILDING LOCATED IN LAPHAM PEAK STATE PARK. MOTION CARRIED.

- C. Consideration and possible recommendation to Town Board regarding changes to the nuisance and noise ordinance of the Town Code (referred to Plan Commission 9/15/10).

The consensus of the Plan Commission is to not make any changes to the public nuisance ordinance. Chairman Oberhaus directed attention to 10.06 and 10.07 of the Town Code. He requested that the Town Board address 10.06 to determine whether or not the Dutch elm disease is being researched by the highway superintendent as indicated, and 10.07 to further identify female box elder trees and what procedure is being followed to remove infected box elder trees.

MOTION MADE BY MR. GRATZ, SECONDED BY MR. TAGTOW TO REFER THE PUBLIC NUISANCE ORDINANCE BACK TO THE TOWN BOARD AND RECOMMEND THAT NO CHANGES BE MADE AND REQUEST THAT SECTIONS 10.06 AND 10.07 BE REVIEWED BY THE TOWN BOARD. MOTION CARRIED.

As a result of complaints received regarding construction taking place during the early morning and late hours of the day, the following was discussed: Include hours of construction on the building permit application to reflect between the hours of 7:00 a.m. and 8:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 5:00 on Saturday and Sunday.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. CUNNINGHAM TO RECOMMEND TO THE TOWN BOARD TO RESTRICT THE HOURS OF CONSTRUCTION BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M. MONDAY THROUGH FRIDAY AND 8:00 A.M. AND 5:00 P.M. ON SATURDAY AND SUNDAY; SAID HOURS TO BE PLACE ON THE BUILDING PERMIT ISSUED BY THE BUILDING INSPECTOR. MOTION CARRIED.

Fourth order of business: Unfinished Business

- A. Consideration of policies and procedures related to determination and enforcement of open space and other related code requirements.

Engineer Barbeau stated that he has no updates to provide, and he is continuing to research this issue.

Sixth order of business: Discussion

A. None

Seventh order of business: Announcements and Planning Items – Next meeting –
Wednesday, November 3, 2010

Eighth order of business: Adjournment

**MOTION MADE BY MR. TAGTOW, SECONDED BY MR. KANTER TO ADJOURN AT 9:15
P.M. MOTION CARRIED.**

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on November 3, 2010