

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
February 2, 2010**

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

Also present: T. Barbeau, *Town Engineer*, D. Richards, *Fire Chief*, P. Mortimer, *Code Enforcement Officer*, 8 citizens

First order of business: Call to Order
Chairman Oberhaus called the meeting to order at 7:05 p.m.

Second order of business: Minutes of January 4, 2010

**MOTION MADE BY MS. DUNDON, SECONDED BY MS. CUNNINGHAM TO APPROVE.
MOTION CARRIED.**

Third order of business: Communications (for discussion and possible action)
A. Tim Barbeau, Town Engineer to Jason Fruth, Waukesha County Dept. of Parks and Land Use (1/15/10) Lapham Peak State Park Snowmaking Operation.

Ed Muzik, WDNR and John McCarthy, Friends of Lapham Peak, spoke on behalf of Lapham Peak State Park summarizing the subject proposal to allow the expansion of water take (approximately 3,000,000 gallons of water) from Lapham Peak State park to serve snowmaking facilities. He stated that the water levels have been researched, and it has been determined by SEWRPC that this is an insignificant use of the deep water aquifer. He compared their water use levels to other recreational uses in the area. The Naga-Waukee golf course uses 250,000 gallons for their full evening watering and 30,000,000 for the season. The water that is used for irrigating a playground or a golf course is considered to be 100% consumed by plants and vegetation or evapotranspiration. He stated that the water from Lapham Peak will go into the wetlands and the overflow goes into Naga-Waukee Lake. They are not pumping when summer water shortage occurs, i.e., using the water at the "lowest" time of the year.

The Plan Commission members concurred that use of the proposed amount of water for snowmaking is excessive and is not in keeping with the County's goal for the preservation and sustainable use of the County's natural resources.

Engineer Barbeau will contact Waukesha County Park and Planning Commission to inquire as to the date of their next meeting. He requested that members of the Town of Delafield Plan Commission be in attendance to provide input.

B. Waukesha County Department of Parks and Land Use (1/26/10) Response from Dick Mace regarding Lapham Peak State Park Snowmaking Operations.

Fourth order of business: Unfinished Business
A. Lori Dentice, W305 N2673 Ravine Court, (tabled 1/4/10) Re: Consideration and recommendation to Waukesha County regarding proposed earth altering activities associated with a new house to be constructed on Lot 2 Grandhaven subdivision.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. GRATZ TO REMOVE FROM THE TABLE. MOTION CARRIED.

Engineer Barbeau stated that the applicant has addressed his concerns identified in his staff report prepared for the January meeting. Kevin Parish, Quam Engineering, summarized the proposed project utilizing the revised master grading plan. He stated that the proposed drainage feature includes construction of underground piping to discharge water on the westerly half of the parcel. This will reduce the amount of runoff that currently flows toward the adjacent neighbor's property.

No land will be disturbed beyond 20 feet from the structure, except for the outlet pipes from the rain garden and downspouts. The rain garden will be constructed as a sedimentation basin and vegetated prior to construction. Once the house is completed and final landscaping takes place, the sedimentation basin will be cleaned out and a rain garden will be created. A 1-foot deep swale will run along the east side of the property to handle the flows generated in a 100-year storm.

Dave Julius, Julius Building Company, stated that a deed restriction is being drafted by Waukesha County requiring ongoing maintenance of the rain garden and a restriction from filling in the swale or rain garden.

MOTION MADE BY MR. KANTER TO APPROVE THE LAND ALTERING ACTIVITIES AS SHOWN ON THE MASTER GRADING PLAN, PREPARED BY QUAM ENGINEERING, DATED (REVISED) JANUARY 28, 2010, RECOGNIZING THE DEVIATION FROM THE 20-FOOT DISTURBANCE REQUIREMENT ON THE PLAT FOR THE OUTFALL PIPES, CONDITIONED UPON PREPARATION AND FILING OF THE DEED RESTRICTION WITH WAUKESHA COUNTY BEFORE ANY WORK IS DONE ON THE PROPERTY. MOTION CARRIED.

Fifth order of business: New Business

- A. Lloyd & Cheryl Williams W289 N520 Elmhurst Road Re: Discussion and possible action regarding the production and retail sale of cheese on their farm located at W289 N520 Elmhurst Road.

Engineer Barbeau stated that he contacted the Town Attorney, as requested, for his opinion on whether the production and retail sale of cheese is a permitted use in the A-1 District. The Town Attorney concluded that the current conditional use order allows agricultural use. Adding the cheese making building is a change that requires Town Plan Commission approval and can be allowed pursuant to Sections J(5) and (R). If the Plan Commission finds this to be a substantial change, then a new public hearing is required. The Town Attorney stated that cheese production is permissible, but the retail sale is not. He recommended that the petitioner be required to update the plan dated April 16, 2004 that is referenced in Section (J)(5) of the conditional use order.

The general consensus of the Plan Commission is the proposed request for retail sale of cheese would be a substantial change to the current Conditional Use permit and requires a public hearing.

MOTION MADE BY MR. KANTER, SECONDED BY MS. DUNDON TO CONCUR WITH THE TOWN ATTORNEY'S OPINION. MOTION CARRIED.

- B. Discussion and possible action on Zoning Code changes related to when the Town should require a sprinkler system within a residential structure.

Chief Richards summarized his memorandum dated January 27, 2010. Mr. Kanter stated his request for additional time to review the information provided.

MOTION MADE BY MR. KANTER, SECONDED BY MR. TAGTOW TO TABLE FOR THE NEXT PLAN COMMISSION MEETING. MOTION CARRIED.

Sixth order of business: Discussion

None

Seventh order of business: Announcements

- A. Next Plan Commission meeting – March 2, 2010

Eighth order of business: Adjournment

**MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO ADJOURN AT 8:45 P.M.
MOTION CARRIED.**

Respectfully submitted,

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

Minutes approved on March 2, 2010