

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
July 7, 2009**

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

Members absent: T. Oberhaus and G. Meyer

Also present: P. Van Horn, *Town Board Supervisor*, T. Barbeau, *Town Engineer*, P. Mortimer, *Code Enforcement Officer*, 12 citizens

Public Hearing: Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Town Plan Commission to solicit public input on a request by Steve Traudt, Prairie Hill Waldorf School, N14 W29143 Silvernail Road, to amend their Conditional Use permit and approval to construct a windmill on school property as a special use structure. The Plan Commission meeting will begin immediately following the conclusion of the public hearing. Mr. Kanter called the Public Hearing to order at 7:07 p.m. The Town Clerk read the Public Hearing Notice.

Mr. Traudt spoke on behalf of Prairie Hill Waldorf School summarizing its history. He stated that this is a nature-based school and teaching is done through story telling and physical experience. There is a great deal of time spent outdoors with everything being taught in rhythm with nature. The school serves approximately 190 students and has graduated approximately 300 students since opening in 1995. The proposed windmill would serve as a heat source for the existing chicken coop. It was designed by 8th grade student as a physics project and is being given as a gift from the eighth grade graduating class.

Pete Van Horn, N12W29134 Creekside Ct., displayed an aerial photograph of the subject area and identified Zion Creek. He stated the following concerns: 1. The roosters and chickens are crowing in the early hours of the day; 2. The traffic in the area on Sunday mornings; and 3. The entertainment being held on the grounds (loud music) after school hours. He stated that as Zion Creek became a registered navigable stream in 2000, Waukesha County would have to be involved in any decisions made regarding the subject proposal.

Nancy Mitchell, W289 N1336 Elmhurst Rd., stated that she lives right across from Prairie Hill Waldorf and would be thrilled if there were more school events held and open to the community. She wishes her children would have the opportunity to deal with gardens, chickens, etc. She wouldn't mind if a windmill would be installed on the property, as it would be a welcome addition.

Judith Maier, N12 W299074 Creekside Ct., asked the following questions: 1. The size of the proposed windmill; 2. How many members would be attending Sunday morning services; 3. Would there be any other animals, other than chickens, on the property. The following information was confirmed by Mr. Traudt: The proposed windmill would be 20'-25' high with 5' wide blades; The attendance at church would consist of approximately 20 people, meeting once a month; There will not be any other animals on the property other than the existing chickens. Mr. Traudt also stated that there are 100 parking spaces on the subject property.

Jerry Cook, N12 W29098 Creekside Ct., referenced an article recently published addressing local government control over windmills. He suggested that the Town may want to wait for bills to be passed before approving the proposal.

Acting Chairman Kanter read two letters that were submitted regarding the subject proposal: 1. Maureen Gallagher, expressing her support and; 2. Margaret Dhamee, expressing her opposition.

Joe Bartoloni, N12W29268 Cross Creek Ct., is concerned that this does not grow into a larger farm project, located in a residential area.

Engineer Barbeau stated that he was contacted by Waukesha County confirming that Zion Creek is a navigable stream. The County will make a request to Prairie Hill Waldorf to apply for a

conditional use permit. There will be a joint public hearing held on August 4. The County will mail out all notices for the hearing.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. DUNDON TO ADJOURN THE PUBLIC HEARING UNTIL AUGUST 4 AT 7:00 P.M. MOTION CARRIED.

First order of business: Call to Order
Acting Chairman Kanter called the meeting to order at 8:00 PM

Second order of business: Minutes of June 2, 2009
The minutes will be filed as prepared by the Town Clerk

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

Fourth order of business: Unfinished Business

A. Consideration and action on modifications to the Town of Delafield Zoning Code Section 17.04 5.H.2.(a). 2 regarding the allowance of animals on lands zoned A-2.

Engineer Barbeau summarized stating that A-2 zoning code indicates that under the use regulations subject to three conditions: 1. the keeping of poultry on lots of three acres or more and no more than 5 large animals; 2. if more than 5 animals or equivalent fowl or small animal(s) or combination thereof is desired, a conditional use is required; and 3. not more than one large animal or 2 fowl or two small animals shall be allowed on lots of 3 acres. He stated the issue under H.2.a. that there is a little disconnect with whether or not you can keep animals on 3 acres or not. Discussion followed on revisions to 2. a. (3) to include: change letter (a) to (b); change letter (b) to (a) to read: "If more than the allowed # of animals is desired, then it shall only be permitted as a Conditional Use under Section 17.05 5. W. Keeping of Poultry or Livestock"; suggestions were made to add the following wording: "a conditional use is required for general farming on lots exceeding 10 acres in A-2"; "for any farming operation less than 40 acres, a conditional use permit is required". Engineer Barbeau was requested to run permitted calculation out for 40 acres. A resident would be allowed to have up to 37 large animals on 40 acres. If more are requested, a conditional use permit must be applied for.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO TABLE. MOTION CARRIED.

B. Consideration and action on updated request from WE Energies related to the installation of overhead and underground electric cables along Glacier Road, east of CTH KE.

Engineer Barbeau summarized the subject issue stating that the Town Board passed a motion to give We Energies permission to install underground cables within and beneath a part of the town right-of-way on the north side of Glacier Road.

Fifth order of business: New Business

A. Fiduciary Real Estate Development, Inc., Re: Consideration and action on request for variance to sign code to allow placement of two 4' x 8' temporary for sale signs to be located on the north side of Golf Road approximately 1,700 feet and 3,500 feet west of CTH SS.

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO APPROVE THE SUBJECT SIGNS FOR A PERIOD OF 12 MONTHS. MOTION CARRIED.

B. Prairie Hill Waldorf School, N14 W29143 Silvernail Road, Re: Consideration and action on request for an amendment of their Conditional Use permit to allow a storage building to remain on the property, clarification as to who is using the facility Sunday mornings and during the

week, clarification of uses during the summer hours and revision to the review time period, and the construction of a windmill on school property as a special use structure.

MOTION MADE BY MS. DUNDON, SECONDED BY MR. TAGTOW TO TABLE UNTIL AFTER THE JOINT HEARING WITH WAUKESHA COUNTY ON AUGUST 4 AT 7:00 P.M. MOTION CARRIED.

C. Waukesha County Department of Parks and Land Use, Re: Consideration and action on request from Waukesha County to provide direction regarding the disposition of a dilapidated garage on the Thomas and Julie Exner property located at W296 N2158 Glen Cove Road.

Engineer Barbeau stated that Waukesha County was contacted by neighbors of the subject resident complaining that junk was being stored outside of the Exner property and that there was a dilapidated garage on the property. Mr. Exner was in attendance and stated that he removed a tree because it was leaning on his and the neighbor's garage. He was in the process of cleaning up the area. He informed the Plan Commission that a contractor had been hired to build a new garage. The structure will be razed in approximately 2 weeks, and the approximate timeframe for completion of the garage is 9/1.

MOTION MADE BY MR. GRATZ, SECONDED BY MS. CUNNINGHAM TO TABLE UNTIL THE FIRST MEETING IN SEPTEMBER. MOTION CARRIED.

Sixth order of business: Discussion - None

Seventh order of business: Announcements

A. Next Plan Commission meeting – August 4, 2009

Eighth order of business: Adjournment

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. GRATZ TO ADJOURN AT 9:10 PM. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk

Minutes approved on August 4, 2009