

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, NOVEMBER 11, 2020, 6:30 P.M.**

First order of business: Call to Order and Pledge of Allegiance

Chairman Fitzgerald called the meeting to order at 6:30 p.m. and led all in the Pledge of Allegiance.

Members present: Supervisor Kranick, Commissioner Frank, Commissioner Dickenson, Commissioner Diderrich, Town Chairman Troy and Plan Commissioner Chairman Fitzgerald.

Also present: Administrator-Clerk/Treasurer Dan Green and Engineer Tim Barbeau.

Second order of business: Approval of the minutes of October 6, 2020.

Motion made by Commissioner Frank to approve the October 6, 2020 Plan Commission minutes. Seconded by Commissioner Diderrich. Motion carried unanimously.

Third order of business: Communications (for discussion and possible action):

Engineer Barbeau passed around two emails that were submitted as communication items regarding "The Retreat" preliminary plat.

Fourth order of business: Unfinished Business:

- A. Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18 (tabled 9/1/2020- no updated submittal)

Motion by Supervisor Kranick to remove "Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18 (tabled 9/1/2020- no updated submittal)" from the table. Seconded by Commissioner Frank. Motion carried 6-0.

Engineer Barbeau explained he has not received updated plans. The Commission agreed to remove this item from the agenda until such time as the applicant produces updated application materials.

Motion by Supervisor Kranick to remove "Scott Flaughner, 385 Kennedy Ct E. Colgate, WI, Re: Consideration and possible action on a request to approve Site plan, Grading/drainage plan, Landscaping, Lighting and Architectural plans, and Plan of Operation for a self-storage facility to be located on lands at the northwest corner of Cushing Park Road and STH 18 (tabled 9/1/2020- no updated submittal)" from the agenda. Seconded by Chairman Troy. Motion carried 6-0.

Fifth order of business: New Business:

- A. Andy Fallon, N28 W29868 Oakwood Grove Road, Re: Consideration and possible action to allow a fence greater than 3 feet in height in the front yard of the home at N28 W29868 Oakwood Grove Road.

Engineer Barbeau explained the request came as a result of a lot of light pollution entering his property. The property owner explained the fence would be 6 feet high and run parallel along the lot line with a gap where an

existing shed is on the property. Mr. Fallon explained that the neighbor adjacent to him is in favor of the fence placement.

Motion by Supervisor Kranick to approve a 48-foot-long fence, 6 feet high, in the front yard of the home at N28 W29868 Oakwood Grove Road. Seconded by Commissioner Dickenson. Motion carried 6-0.

- B. Marjorie Koehler-Sacharok, W286 N3070 Lakeside Road, by David Rothweiler, K-M Site Services, Re: Consideration, possible action and recommendation to Waukesha County Planning Division on a request to install a new lannon stone wall within 5 feet of the property line.

Engineer Barbeau explained that Waukesha County's zoning code requires any retaining wall within 5 feet of a property line be approved by the Plan Commission of the local municipality.

Motion by Supervisor Kranick to approve a retaining wall within 5 feet of the property line for the property located at W286 N3070 Lakeside Road and recommend to Waukesha County the same. Seconded by Commissioner Diderrich. Motion carried 6-0.

- C. Archibald and Judith Pequet, S4 W28701 Norm's Road, owner, by Jon Spheeris, agent, Re: Consideration and possible action on a request for approval of the following items on the property located at S4 W28701 Norm's Road for a subdivision named "The Retreat"

a. Allocation of Development Permits

Engineer Barbeau explained that the Town has a point system for receiving a development permit based on 11 criteria. Mr. Barbeau reviewed the points he allocated to the development permits based on his findings.

1.	Sanitary Disposal	1	All lots will be served by either a conventional system or a mound system
2.	Compatibility with Adjacent Development	2	Single family to the west and north, Schoenstatt Sisters lands to the east, single family and farmland to the south
3.	Removal of Significant Agricultural Lands	-1	More than 50% of the development consists of land otherwise available for agricultural use.
4.	Site Alterations	0	Average site alterations (grading plan submitted; 10% of the land outside of the right-of-way will be graded)
5.	Surface Drainage	0	Average surface drainage. One section of road will have 7.9% slope.
6.	Density Less than Zoning requirements	2	Meets the criteria for "density moderately less than zoning requirements." Total parcel area is 49.556 acres. A-2 PUD density allows 1 unit per 3.5 acres resulting in 14 lots. They are proposing 8 lots.
7.	Substantial Open Space Preserved.	0	No open space will be reserved for agricultural use. Less than 25% of the land is set aside in permanent outlots for other open space uses.
8.	Traffic Circulation	0	Adequate based on criteria in the code. Would be an improvement if there was a connector road to the north.

9.	Outstanding Site planning and Architectural Standards	1	Proposed deed restrictions are similar to Hunt Club Farm; includes natural materials for the homes (no vinyl or metal siding), 40-year shingles, wood shakes or manufactured slate; windows need to be wrapped; all homes to have fire places; minimum square footage is 2,600 s.f.; hard surfaced driveway; architectural committee approval required. No landscaping or other site amenities submitted.
10.	Lands Formerly Used as Sludge Application	0	Not applicable
11.	Fire Protection	1	This assume that the Fire Department will desire a fire tank for this development. Per 18.13, a fire tank is required for subdivisions of 5 lots or more.

The Chairman opened up for discussion the topic of development permits.

Commissioner Dickenson addressed #8 and wanted an explanation from Tim regarding traffic circulation. Engineer Barbeau explained that this was given a zero, which is due to no improvements being proposed for circulation and having no interconnecting roads. He explained a northern connection to the subdivision would be an improvement, but would be a difficult task. He also stated there is no secondary access to the 8 lots being proposed.

Commissioner Dickenson addressed #11 and questioned why a point was given, if there is no secondary access, with the restraints it puts on first responders. Engineer Barbeau explained that if a holding tank is in place, the development will be awarded one point. Commissioner Dickenson questioned if the length of the cul-de-sacs were also taken into account. Engineer Barbeau explained that it is a separate discussion as to if the Town wants to approve an exception to the 1,000 feet length requirement. He also explained that the Fire Chief reviewed the preliminary plat and had no concerns.

Donna Stehling, S4W28757 Norms Road, expressed concerns with traffic along Elmhurst Road. She questioned if anything could be done. She stated that with 8 additional homes, there will be an impact on traffic in the area. She also explained she lives next to the berm on the west side of the lot in question and has water concerns. Currently the water flushes mulch which has to be replaced every year.

The Plan Commission began discussions on the cul-de-sac length and the preliminary plat. The Commission addressed this item later in the meeting with the following motion:

Motion by Chairman Troy to approve allocation of development permits as presented. Seconded by Commissioner Frank. Motion passed 6-0.

- b. Modification or exception to the maximum cul-de-sac length requirement of 1000 feet required in 18.06 (1) (d) 3. of the Town Code

Engineer Barbeau also explained that Mr. Spheeris has requested that the Town allow an exception to the cul-de-sac length requirement. Section 18.06 (1) (d). 3. states that cul-de-sacs shall not generally exceed 1000 feet in length. Because the only entrance is off of Norms Road, the extent of Norms Road is included in the overall calculation of the cul-de-sac length, resulting in 2,320 feet and 2,100-foot lengths. Mr. Barbeau explained that at some point either of the two cul-de-sacs could extend to adjacent properties over time, but at this point, would be roundabouts until such time as any development abuts this

subdivision. Engineer Barbeau also explained he received an email from the Delafield Fire Chief, Mark Hoppe, who expressed no concerns regarding the access or development of the proposed subdivision.

John Spheeris, the applicant, explained that he has done three subdivisions in Delafield and wants to do another quality subdivision with large lots. He explained that instead of doing 14 small lots, he decided to do 8 large lots on this parcel. He also stated he will preserve the isolated natural recourse areas. He explained that cul-de-sacs beyond 1,000 feet are not unusual in his experience in other communities.

Commissioner Dickenson asked if there were examples in the Town of other cul-de-sacs being granted the 1,000-foot extension. Engineer Barbeau stated he does not remember an exception being approved since his tenure, but they have in the past. He pointed out High Ridge East; addition one, Crooked Creek and Oakwood Road.

The Plan Commission began discussions on the preliminary plat. The Commission addressed this item later in the meeting with the following motion:

Motion by Chairman Troy to approve the exception to the maximum cul-de-sac length requirement of 1000 feet required in 18.06 (1) (d) 3. of the Town Code. Seconded by Commissioner Diderrich. Motion passed 5-1 with Commissioner Dickenson opposing.

- c. Preliminary Plat approval for an eight-lot single family subdivision.
The Chairman opened up discussion of the preliminary plat:

Dan Studer, W289N106 Elmhurst Road, stated he owns the property to the north of this development. He stated he was going to split his property in half, having two, six acre lots. Waukesha County denied his request because of wetlands. He questioned why this subdivision could go forward without legal binds from the County. He also had concerns about the size of homes depreciating his property.

Lynn Serafin, W288S110 Elmhurst Road, explained she lives on the west side of this property and this meeting was the first she is hearing of the proposed development. She expressed concerns about having 8 lots on the property with the land being uneven and with existing stormwater issues in the area. She wanted to know where the water was going to go and why there was no notification.

Engineer Barbeau explained that this property had been rezoned 3 years ago, and there would have been a notice sent to all neighbors within 300 feet of the parcel.

John Spheeris explained he followed the ordinance for rezoning properly and the notice was required by Waukesha County. He also addressed the concern of the home sizes, explaining the minimum size would be 2600 square feet. Mr. Spheeris explained that the remediation of stormwater runoff will be to capture the drainage in retention ponds. He described a similar situation in Merton near Beaver Lake. In that case, it improved the stormwater issues of the property owners nearby.

Commissioner Dickenson expressed concerns about the declarations of the proposed HOA that addresses grading for each property owner. She was concerned that a new owner could come in and change the grading on a given lot and disrupt the drainage with a major grading project. Mr. Spheeris explained that there will be a master grading plan for the subdivision. Engineer Barbeau explained the west line of the property is what Commissioner Dickenson is concerned about. That is an area where there is a swale going to the North. There are a couple of spots where there is no defined berm. As far as the restriction would go, whatever grading is done along the west cannot be changed by any property owner that owns the land along that boundary. Commissioner Dickenson explained that the existing cul-de-sac on Norms Road is

known to flood. There is a basin where there is no other area for the water to go, and her property has flooded to the point where water almost reaches the top of Elmhurst Road. Mr. Spheeris explained that he faced a similar problem in another development, and his engineers can investigate this, and potentially solve some of the problems on Ms. Dickenson's property and others in the area. He also explained, the law does not allow for a development to add more water on surrounding properties.

Chairman Troy questioned if these lots were going to run into issues of small building footprints. He brought up past issues where a property may be 5 acres, but only has a buildable area of less than an acre. Engineer Barbeau explained that there will be limitations to where homes can be built. John Spheeris explained that there will be plenty of room to build homes on these lots.

Chairman Fitzgerald expressed concerns about outlot 8. He suggested a larger berm along the western edge of the property and make sure water stays on this property. Engineer Barbeau agreed and stated that from lot 7, water will flow toward outlot 2. Engineer Barbeau explained the water infiltration plan to the audience.

Supervisor Kranick asked if Waukesha County would be reviewing the traffic concerns on Norms Road. He expressed concerns with the number of trips being added to this intersection per day. Commissioner Dickenson added that for decades, Elmhurst Road has been known to get cars airborne near this intersection. She added that there are blind hills, and in the last year there have been two accidents involving cars that were totaled.

Chairman Fitzgerald explained that at this point the Commission is only approving the preliminary plat. Once the plat is approved, the other code requirements will have to be addressed along with all the conditions set by Waukesha County. He also stated that once the preliminary plat is approved, and if the developer meets all of the conditions of the Town and County, they are obligated to approve the final plat.

Engineer Barbeau explained that the declaration of restrictions do not get approved at this time, but will come back to the Plan Commission with the submittal of the final plat. He explained these typically cover the architectural and aesthetic nature of the homes.

Chairman Troy asked the engineer to explain the process moving forward. Engineer Barbeau explained if the preliminary plat gets approved, the developer prepares plans for roads, fire tanks, improvements, etc. He will create a developer's agreement and put down a deposit which he will get back once the improvements are done. The final plat comes back to the Plan Commission with the deed restrictions, which get recorded with the Register of Deeds. He suggested that any conditions, such as the berm, be included and with the preliminary plat.

Engineer Barbeau discussed stormwater plans and explained that State laws require that a development cannot release more water on the adjacent lands, than what was previously on the property. He explained this calculation is based on flow rate. This is why the developer is using retention ponds, which slowly distributes water after it is captured. He explained the County does all stormwater review on behalf of the Town.

Chairman Troy asked if there was anything that needed to be included on the plat in regard to water issues. Engineer Barbeau explained that there were two additional comments from the Plan Commission to go along with his original conditions. The first is addressing drainage along the west and northern lands to drain as designed. The second is having Waukesha County Highway Department address issues with the intersection of HWY G and Norms Road. Supervisor Kranick expressed that the County Highway Department should provide comments as well as consider making improvements to the road.

Motion by Supervisor Kranick to approve the preliminary plat with the following conditions:

- a. Removal of the round cul-de-sac feature at the southwest corner of the development*
- b. Label the building setback/offset lines (in legend or on the map)*
- c. Right-of-way at the east end of Glenmoor Drive shall be graded and prepared for a road except that the top 4 inches would be turf grass rather than asphalt.*
- d. A note shall be placed on the final plat indicating that Glenmoor Drive may extend to the east at some point in the future.*
- e. Isolated Natural Resource Preservation Area Restriction notes shall be revised to address the following: clearly indicate the building setback line on lots 5 and 6 to indicate that no building shall be built in the INRA; all references to approval by the Waukesha County Department of Parks and Land Use shall also include approval by the Town of Delafield Plan Commission; include a maximum percentage of disturbance in the INRA for those lots that allow homes to be built in the INRA area; there is no Primary Environmental Corridor on the property so note 6 does not apply.*
- f. Vision corners added on Norms Road, Retreat and Glenmore Roads.*
- g. Satisfaction of all Waukesha County comments.*
- h. Properly address drainage along the west and northern lands to drain as designed.*
- i. Waukesha County Highway Department address issues at Norms Road and Elmhurst Road.*

Seconded by Commissioner Diderrich. Motion passed 6-0.

- D. Al Haubner, N28 W29721 Oakwood Grove Road, Re: Consideration and possible action on the approval of a Certified Survey Map (CSM) combining multiple parcels and a pending roadway vacation lands into two lots.

Engineer Barbeau explained this CSM is the result of a roadway vacation from Mr. Haubner. The proposed CSM will clean up and remove the road reservation and combine some of the smaller parcels in the area. There are two existing homes that will remain. There will be access to Oakwood Grove from both lots.

Motion by Supervisor Kranick to approve a Certified Survey Map (CSM) combining multiple parcels and a pending roadway vacation into two lots for the property located at N28W29721 Oakwood Grove Road. Seconded by Commissioner Frank. Motion passed 6-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting date December 1, 2020 (if needed)

The Plan Commission agreed to have a Plan Commission meeting on December 8, 2020 before the Town Board meeting.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the November 11, 2020 Plan Commission meeting at 8:08 p.m. Seconded by Commissioner Diderrich. Motion passed 6-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Minutes approved on: