

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, DECEMBER 8, 2020, 6:30 P.M.**

Public Hearing:

The public hearing began at 5:30 PM.

Engineer Barbeau explained the applicant submitted a site plan indicating where they want to locate four facilities on the property. These are intended to be outdoor classrooms, with nothing else changing on the site plan. He explained this would be an amendment to their conditional use, most of which is in the site plan and use. He explained this was a significant enough change to the site plan that a public hearing should be required. He stated he received one call for purposes of clarification. He also stated that some of the locations are in Waukesha County's jurisdiction which is the reason Waukesha County was present.

Jene Range, Administrator of Waldorf School, explained they were trying to create an outdoor setting for their classrooms due to the pandemic. She stated the school has been in operation for 32 years, and their philosophy is based on outdoor education and getting kids outside. She explained a general layout of the outdoor facility which has a canvas roof and a space for air to flow through the structure.

Chairman Troy asked how many children would be in the enclosure at any one time. Ms. Range stated 12 kids would be in each class. Chairman Troy questioned if they would be using a chimenea as a heating source. Ms. Range stated it was an option, but also considered another outdoor fire solution or no heating element. Chairman Troy also questioned how tall the middle and side polls were. Ms. Range stated the middle poll was 19.5 feet high with 2.1 meter side polls. She also stated the manufacturer ensured there were no fire or safety issues with the structure.

Engineer Barbeau questioned who would do the construction and if they received any feedback on safety concerns. Ms. Range stated they are interviewing contractors and she explained that the structures are very sturdy. She also explained she has an arborist who can mill the wood to the size they want. Commissioner Frank questioned the heating source being safe with children in the structure.

Lindsey Earle, 4th grade teacher at the Waldorf School, agreed that fire safety is always a concern. She stated the Waldorf School teaches children by being outside, in the elements. They teach the risks of fire in a controlled, teacher led structure. She also explained that the canopy is fire retardant.

Lisa Bull, resident of the Town, stated her kids used to attend Waldorf School. She wanted to let the Plan Commission and Town Board know of the national and international recognition that has been brought to Delafield from this venture. She stated the school has been profiled on over 20 sources including the New York Times about outdoor education while doing in person learning during a pandemic.

Jason Fruth, Planning and Zoning Manager for Waukesha County, explained that in the last couple of months, he has received a water analysis for the dam/creek to the southwest. He stated he just had a meeting with the DNR who expressed concerns about the preliminary study. The study shows a good portion of the eastern part of the property within the dam failure. He stated there are also some residential properties that would be impacted. He would like to examine the map with the DNR further. He explained that part of the reason for the concern of a dam failure is because of two culverts that are under-performing on Elmhurst near I-94. He also explained the easterly proposed structure would be within the dam failure study and would be impacted in the event of a dam failure along with most of the school structure. He wanted the Plan Commission to be aware in case Waldorf School moves faster than the County, Town and DNR have resolved this issue.

Commissioner Frank asked which homes would be affected. Mr. Fruth explained there would be some impact along Silvernail Road, to the east of Elmhurst and would go all the way to Pewaukee Lake. He also explained that

the HOA of the surrounding subdivision owns the dam, and if the impacts from the study cannot be fixed, this would be a high hazard dam.

Mr. Fruth stated this site plan is unified with the Town and County, as Waukesha County has some jurisdiction on the property. He suggested if the Plan Commission does approve this item, the Town and County work together to remedy the dam failure issue. He used the example of Mukwonago's dam failure and stated they cannot take the chance of a catastrophe that brings 3 feet of rushing water through people's homes. He stated he wanted to prevent more structures from going in harms way. He suggested the Waldorf School look for alternative sites that are not in the dam failure floodplain. He pointed out some locations on the map on the west side of the property. Mr. Fruth explained that as far as the use, he did not have any concerns, as long as the building inspector's concerns were remedied.

Chairman Fitzgerald closed the public hearing at 6:59 PM.

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

Chairman Fitzgerald called the meeting to order at 6:59 p.m. and led all in the Pledge of Allegiance.

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

Also present: Administrator-Clerk/Treasurer Dan Green, Engineer Tim Barbeau and Waukesha County Planning and Zoning Manager, Jason Fruth.

Second order of business: Approval of the minutes of November 11, 2020.

Motion made by Supervisor Kranick to approve the November 11, 2020 Plan Commission minutes as presented with a change on page 5 which references "Supervisor Dickenson". Seconded by Commissioner Frank. Motion carried unanimously.

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

Fifth order of business: Unfinished Business: None

Sixth order of business: New Business:

- A. Prairie Hill Waldorf School, Jeanne Ring, Administrator, Consideration and possible action on an amendment to their Conditional Use Permit to allow for the construction of four outdoor classrooms on their property and approval of the site plan.

Building inspector, Dave Hendrix, stated there is a heavy spotlight on what the Waldorf School is attempting to do. He explained that staff needs to be careful in how it proceeds to make sure that everything is done correctly. He explained that occupancy loads will have to be considered and currently the State inspector is working with the Town to gather more information. He explained that this is an open-air structure and some of the standard building codes will not have to be met. He did express some concerns about the heating element, and that open-flamed heating may not be allowed. He also stated that this is an open sided structure that does not have to be heated and the Town cannot regulate that aspect. He explained this situation is similar to wedding barns which became popular a couple of years ago.

Chairman Troy asked what ordinances would apply to the heating source. Mr. Hendrix stated that he is not sure at this point. The chairman expressed concerns about chimineas as they are not reliable. He stated the fire department should be in these discussions as they move forward.

Engineer Barbeau reviewed the site plan and the draft conditional use amendment which also addresses the conditions of the outdoor classrooms. He reviewed a worksheet that was put together by the Town's attorney, reviewing all aspects of the conditional use to determine if the evidence of the proposal would result in an approval or denial. The Engineer reviewed all the criteria with the commission. He cautioned that there is no standard for schools in the Conditional Use Code. After review of the worksheet, the commission agreed there should be a setback from the chicken coop on the property of 10 feet. The commission also agreed that any motion for approval should include that all building and zoning codes must be met.

Commissioner Diderrich asked if there would be an updated site plan which moves one of the structures to the west to avoid the potential dam failure area. Chairman Fitzgerald explained that almost the entire building was in the floodplain according the dam failure study but would like to see those structures moved as far west as possible. Engineer Barbeau also stated that the draft conditional use allows only 4 structures. He asked if the commission would allow a fifth structure so long as it was not in the floodplain. The commission agreed to a fifth structure. Mr. Barbeau also received a phone call from a neighbor to the west who did not think the structures were offensive.

Supervisor Kranick stated the Waldorf School is an asset to the Town, but wants to make sure that we, and the school follow all the Town and State codes moving forward.

Motion by Supervisor Kranick to approve an amendment to the Prairie Hill Waldorf School Conditional Use Permit to allow for the construction of five outdoor classrooms on their property and approval of the site plan contingent on meeting all building codes with a revised site plan, and having no structures placed in the dam floodplain. Seconded by Commissioner Diderrich. Motion passed 6-0.

- B. Frank Romaine W287 N3183 Lakewood Lane, Re: Consideration and possible action on a Certified Survey Map for the reconfiguration of three parcels of land located at W287 N3183, W287 N3173 and N31 W28759 Lakewood Lane.

Engineer Barbeau explained he did not get an updated CSM from the applicant. He stated there were some technical items that were not critical. The most critical piece was regarding the easement that was created in 1955 allowing access to a large parcel shown as lot 27. He explained there was once a resort or hotel on this property. The easement was to allow a lot of the parcels access to Lakeside Road. In 1990 the Town took over mill tax roads and the Town designated this road with a 30 foot right of way. The surveyor has the easement at 50 feet. The Town's conclusion is that the right of way should be 30 feet which will change the look of the CSM.

Kevin O'Malley, one of the property owners affected by the CSM, stated he did not think there was an urgency to get the CSM passed tonight. He stated he is trying to clean up some of the property lines of the three neighbors.

Motion by Supervisor Kranick to table," Frank Romaine W287 N3183 Lakewood Lane, Re: Consideration and possible action on a Certified Survey Map for the reconfiguration of three parcels of land located at W287 N3183, W287 N3173 and N31 W28759 Lakewood Lane". Seconded by Commissioner Frank. Motion passed 6-0.

- C. Jay Stueber, N20 W28598 Louis Avenue, Re: Consideration and possible action on a request to install a 6-foot tall fence along his northwesterly property line, from the Louis Avenue right-of-way to a point that is 75 feet southwest of Pewaukee Lake.

Engineer Barbeau explained the applicant is looking to install a fence along the northwest side of the property. He explained that the neighbor initially wanted to install a fence but was blocked by arborvitae. The code states that the height limit is 3 feet where he is proposing a 6-foot fence. He explained the fence would run along the neighbor's garage but would not block anyone's view to the traffic on Louis Avenue. Mr. Barbeau recommends approval in his report.

Jay Stueber, N20 W28598 Louis Avenue, explained that last year he received letters from the attorney of his neighbor asking him to cut some of his trees down, as he wanted to construct a privacy fence. Eventually, the decision came down to cost, and his neighbor decided not to put up the fence. He decided to put up the fence himself and explained that most of the arborvitae have been trimmed down.

Motion by Supervisor Kranick to approve the waiver for the construction of the fence for Jay Stueber, N20 W28598 Louis Avenue. Seconded by Commissioner Frank. Motion passed 6-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: The next meeting date is to be determined.

The commission reviewed a tentative timeline for the Thomas Property zoning ordinance. Chairman Troy explained that a full draft zoning ordinance would be circulated to the workgroup and staff after the neighborhood meeting on January 6, 2021.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the December 8, 2020 Plan Commission meeting at 6:39 p.m. Seconded by Commissioner Frank. Motion passed unanimously.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Minutes approved on: