

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, APRIL 12, 2022, 6:30 P.M.**

Video Link: <https://www.youtube.com/watch?v=7X0q30U4040>

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 Dickenson, Commissioner Diderrich, Commissioner Janusiak, Town Chairman Troy and Plan Commission Chairman Fitzgerald.

Also present: Engineer Tim Barbeau and Administrator Dan Green.

Commissioner Frank was excused.

Second order of business: Approval of the minutes of March 1, 2021.

Motion made by Commissioner Dickenson to approve the March 1, 2022, minutes. Seconded by Supervisor Kranick. Motion passed 6-0.

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

Fourth order of business: Unfinished Business: None

Fifth order of business: New Business:

- A. Martha Brophy 1103 River Reserve Dr. Hartland, Re: Consideration and possible action on a request for approval of a retaining wall less than 5 feet from a lot line at the property located at N20 W29966 Glen Cove Road.

Engineer Barbeau showed an aerial photo from 2020. The current home has been removed and the grading plan indicates a new home being built with a retaining wall on the east side of the lot. The retaining wall will be 2.5 feet off the lot line. Because it is within 5 feet, the Plan Commission must review it. The drainage is between the home and the wall. Engineer Barbeau recommended the swales be at least 1 foot deep to handle heavier rains. The wall will not negatively affect the drainage to the east. The engineer recommended approval, subject to a 1-foot swale along the wall. Without a wall, they would have a joint swale along the lot line.

Marilyn Swiontek, N20W29956 Glen Cove Road, stated she is not putting up any objections, but wanted to ask questions for clarification. Carl Tomich provided answers to the questions provided.

1. Why have a retaining wall? The reason is to keep the water on the Brophy's property.
2. Why so close? Need to have room for a swale to get the water to the lake and far enough away from the house.
3. How does it affect their property? It shouldn't and should correct any drainage currently.
4. The wall will be 2.5 feet from the face of the retaining wall.
5. Exact location? The wall location will be as submitted on the survey.
6. Will there be footings poured? There are no footings, just a stone base.
7. What recourse do they have if there is adverse impact? That is a question for Waukesha County and the Town of Delafield.
8. How high will the retaining wall be? The highest point is 3 feet. The worst-case scenario is it might go up a little with the swale. Engineer Barbeau suggested deepening the ground instead of making the wall higher.
9. What will it look like? It will be 0-3 feet of the face of the wall.

10. Will they have any trouble with buildability in the future? As a builder it wouldn't affect you at all, but the engineer can answer that.

Chairman Troy asked what the length of the wall will be. Mr. Tomich stated it will be 60 feet. To prevent water from running onto the neighbor's property, a swale will be in place that runs the water to the lake. Engineer Barbeau stated if there were adverse impact regarding drainage, he would go out and look at the grading plan and work with the builder to make sure the water is contained. The swale will end the water passes the house, and a small gully will take the water to the lake (sheet flow). Mr. Swiontek asked why the proposed home is closer to his home, than the home to the west. Mr. Tomich explained that the County approved the location, and he is stuck in that location.

Motion by Supervisor Kranick approve the request from Martha Brophy for approval of a retaining wall less than 5 feet from the easterly lot line, at the property located at N20 W29966 Glen Cove Road subject to a 1-foot swale being placed on the property. Seconded by Commissioner Diderrich. Motion passed 6-0.

- B. Carl Tomich, Westridge Builders Re: Consideration and possible action on a request for approval of retaining walls less than 5 feet from the easterly and westerly lot lines of the property located at N26 W30227 Maple Avenue.

Engineer Barbeau explained this property is on Maple Avenue, the former site of the Golden Anchor restaurant. There is a new home on the property. They have a retaining wall on the east side, to the north of the building which turns south. The east wall is .55 feet to the lot line, and the other side is 1.76 feet to the wall. The neighbor's water drains to the retaining wall. Any water will get into the rock of the retaining wall, or on the pavement and go toward the lake. The engineer showed pictures of the north wall and the west side which slopes down as it approaches the lake. We received responses from the neighbors with no objections (via email). The biggest concern for the Town is drainage. This is the lower property and water drains to it. The asphalt driveway gets too close to the lot line and should be shifted over. The engineer stated the retaining walls do not negatively affect drainage from the neighbor's perspective.

Chairman Troy asked if the original building plans have retaining walls, or if they were added after the site plan was approved. Mr. Tomich stated he went in for a building permit a year ago and the County didn't allow filling more than 42 inches. The house had to be lower, and because of that, retaining walls had to be put in. He had to come back and redesign things, so it worked. He stated he is capturing all the water, but needs enough room to be able to get down into the driveway and swing into the garage. The water from Maple Avenue comes all the way down the driveway. He explained he is working with Waukesha County to put in a rain garden. Where the driveway is by the curve, the County is requiring a slight burn so that any water stays on the property along the west side.

Supervisor Kranick stated he was frustrated because the plans were approved a certain way, and the construction deviated from the existing plans. Mr. Tomich stated he should have come earlier to get this approved. Chairman Troy asked what the impact on the lot would be if they required the retaining wall be moved 5 feet. Mr. Tomich stated there would be more water on the neighboring properties that would cause adverse drainage. He stated he would like as much water kept on his property and will be installing a rain garden. He stated if the wall to the west was moved, there would be less room to move around his house, and less room for a swale.

Chairman Troy stated he shares Supervisor Kranick's frustration with this after-the-fact request. Chairman Fitzgerald asked if the Town gets to review revised plans. Engineer Barbeau stated he and the building inspector will get a chance to review it. Supervisor Kranick stated that the rules are there for a reason, and most people follow them. This property has not, and he stated he wants to vote against the request. Chairman Troy stated he is against the west side retaining wall location. Supervisor Kranick stated the applicant knew what he was getting into when he built the house. Mr. Tomich stated that he did not expect the County to require his home to be dropped 42 inches. He stated he is improving the drainage of his neighbors.

Supervisor Dickenson questioned if the Plan Commission should wait until they have final grading plans. Mr. Tomich explained that the grading plans are continually changing. Engineer Barbeau explained that the Plan Commission does not deal with grading plans, they are handled at a staff level.

Supervisor Kranick stated the retaining walls look nice on the site, but next time this situation comes up, ask first, and not after the fact. Chairman Fitzgerald stated if he were to have come in before installing, this would have been a much easier decision.

Motion by Supervisor Kranick to approve (under duress) the request for Carl Tomich approval of retaining walls less than 5 feet from the easterly and westerly lot lines of the property located at N26W30227 Maple Avenue. Seconded by Commissioner Diderrich. Motion passed 5-1 with Chairman Troy opposing.

- C. Joseph and Mary Esser, N26 W30255 Maple Avenue, Re: Consideration and possible action on a request for approval of a Certified Survey Map to combine lots located at N26 W30255 Maple Avenue.

Engineer Barbeau explained this property has two lots from an old plat that the owner would like to combine to add a pool to the home. The County and Town promotes combining lots so there are no offset issues. He stated there are a few grammatical errors and comments from the County, and those corrections should be part of the motion.

Motion by Supervisor Kranick to approve the request from Joseph and Mary Esser for a Certified Survey Map to combine lots located at N26W30255 Maple Avenue subject to the engineer's comments and comments from Waukesha County dated 12/29/2021. Seconded by Chairman Troy. Motion passed 6-0.

- D. Tim and Lynn Zak, 1057 Chadwick Court, Aurora, IL, owner, by Chris Miracle, Landworks, LLC, agent, Re: Consideration and possible action on a request to install two entry driveway/address monuments eleven (11) feet from the Louis Avenue right-of-way line located at N23 W28788 Louis Avenue.

Engineer Barbeau stated this proper is located west of Louis Avenue. The home has been built, and they are doing some landscaping on the site. They are proposing two 32" x 32" pillars at the edge of the driveway, 10 feet off the right-of-way. The location will not affect snow plowing or site lines. The request came from Waukesha County, and we have to consider and make a recommendation.

Motion by Supervisor Kranick to approve the request from Tim and Lynn Zak to install two entry driveway/address monuments eleven (11) feet from the Louis Avenue right-of-way line located at N23W28788 Louis Avenue. Seconded by Commissioner Dickenson. Motion passed 6-0.

Sixth Order of Business: Discussion: None

Seventh Order of Business: Announcements and Planning Items: Next meeting: May 3, 2022.

Eighth Order of Business: Adjournment

Motion by Supervisor Kranick to adjourn the April 12, 2022, Plan Commission meeting at 7:17 p.m. Seconded by Commissioner Dickenson. Motion passed 6-0.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer