Chair
Ron Troy
Supervisors
Pete Van Horn
Edward Kranick
Christie Dionisopoulos
Billy Cooley
Clerk/Treasurer
Dan Green

A PERFECT ENVIRONMENT

Residential Recreational Responsible

TOWN OF DELAFIELD PLAN COMMISSION MEETING
Wednesday, November 11, 2020, 6:30 p.m.
Town of Delafield Town Hall W302 N1254 Maple Avenue, Delafield, WI 53018

AGENDA

1. Call to Order and Pledge of Allegiance

2. Approval of the minutes of October 6, 2020.

3. Communications (for discussion and possible action): None

4. Unfinished Business:

   A. Scott Flaugher, 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)

5. 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.

   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.

   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"

      1. Allocation of Development Permits
      2. 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
      3. Preliminary Plat approval for an eight lot single family subdivision

   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.

6. Discussion: None

7. Announcements and Planning Items: Next meeting date December 1, 2020 (if needed)

8. Adjournment

PLEASE NOTE:

- ✓ It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order. It is also possible that members of and possible a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
- ✓ Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town Clerk Dan Green (262) 646-2398.

TOWN OF DELAFIELD
PLAN COMMISSION MEETING
TUESDAY, OCTOBER 6, 2020, 6:30 P.M.

Public Hearing:
The public hearing began at 6:30 PM.

Engineer Barbeau explained this request is from Al Haubner, to vacate a portion of an unnamed road adjacent to Oakwood Grove Road. This is a 20' wide strip of land 180' long that serves 2 lot owners. He explained that the property owner needs to apply for a Certified Survey Map to combine his parcels and show the road has been vacated.

Al Haubner, N28W29721 Oakwood Grove Road, explained his plans to combine the 6 lots he owns to 2 lots. His plan is to get rid of the non-conforming lots.

Chairman Fitzgerald closed the public hearing at 6:34 PM.

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

Chairman Fitzgerald called the meeting to order at 6:34 p.m. and led all in the Pledge of Allegiance.

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

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

Second order of business: Approval of the minutes of September 1, 2020.

Motion made by Supervisor Frank to approve the September 1, 2020 Plan Commission minutes with the correction of the misspelled word, cognizant. Seconded by Supervisor Kranick. Motion carried unanimously.

Motion by Supervisor Kranick to take Item 6a out of order. Seconded by Commissioner Frank. Motion passed unanimously.

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

Fourth order of business: Presentation by Waukesha County on Land Use Planning for Thomas Property

Engineer Barbeau explained the plan being presented has been a cooperative effort. He gave an overview of how the Town and County had gotten to this point, from the approval of a Mixed-Use Land Use Plan, to the creation of a Mixed-Use Ordinance. Waukesha County put together a workgroup and a charter to get neighborhood representatives involved, along with three developer professionals, representatives from the Thomas family and staff from the Town and Waukesha County. He explained the work group went through different exercises to determine the different uses of the land, while looking at factors such as natural resources, economic development and surrounding neighborhoods. The group also discussed quality of life for families, the economic climate for office, commercial and industrial uses, transportation, open space, density and building heights. Mr. Barbeau explained it was an eye-opening experience with developers in the room who were honest and open. The developers gave feedback on the feasibility of the uses and economic interest of the property.

Jason Fruth, from Waukesha County, thanked the committee members who were part of the project and mentioned that some of those members were present. He explained they had good representation across the board, and fortunate that some of the residents in the neighborhood had worked in the business or had diverse

experience. He stated the group was dynamic, with good give and take to get to where they were at. Mr. Fruth reviewed a slideshow presentation outlining what the workgroup covered. These topics included:

- Natural recourses and outlines environmental corridor, wetland and high bedrock were discussed. He explained that bedrock drives cost in development because of blasting for foundations and utilities. They discussed slightly higher densities for these areas.

- Zoning and land use were discussed as the property currently is designated. He explained he did some analysis on land values and use in the surrounding neighborhood. He explained that there are condos in proximity to the area, including an apartment complex. The dominant land use was single family. Mr. Fruth also showed the land use map, which shows commercial zoning to the south and residential to the north.

- Assessed values based on the surrounding neighborhoods, including single family, condos and the Orthopedic center were discussed. He also reviewed some examples of commerce centers and lighter industrial area assessment values. Examples of assessed values in senior facilities was also reviewed.

- Business park study was conducted by Waukesha County, showing potential industrial areas in the County that were 1.5 miles from major highways and at least 20-acre parcels. He explained these parcels were either somewhat compatible or not compatible. He explained that given the surrounding neighborhood, the Thomas Property was a less compatible area.

- Population demographics illustrated the increase in the need for housing for residents 65 and older. Mr. Fruth also reviewed the average trips per day for different land uses, including single family with the highest daily trips, compared to senior housing, which was much lower.

- Examples of mixed-use developments were presented, including a development in Oconomowoc on HWY P which highlighted “Cycle Housing”. Mr. Fruth explained the life cycle of a community includes residence for younger adults, raising families, sizing down and eventually back to small, single family or senior living facilities. He also showed examples from Capital Drive in Brookfield and Pewaukee and how single-family buffers were used in other communities.

- Luxury condos were discussed in the group meeting. Mr. Fruth gave examples of these from other developments including Pabst Farms, High Ridge and Glen of Seven Stones. He also showed examples of higher density condos, such as Hunters Ridge in Pewaukee.

- Senior housing and multi-family were discussed. Mr. Fruth showed examples of how green buffers were used for separation. He also showed examples of more dense multi-family projects, such as Pabst Farms and some examples in Brookfield. He also gave some visuals of higher end finishes, regarding style and architecture.

- Industrial and Office uses were discussed including typical open space and height.

- A map of the subgroups was presented, and Mr. Fruth explained that a preliminary recommendation was agreed upon by the workgroup. He explained this has not been taken to the public or to the committees. He wanted to walk through the rational and why the group landed on the use types.

  - Area 1 only has access from Crooked Creek Road and the only access to this area requires going through a subdivision. He explained single family or condos with lot sizes matching the neighborhood to the west were the most logical type.
  - Area 2 has high bed rock which may be advantageous for higher density. He stated the group looked at 2 to 4-unit high end condos.
  - Area 3 shows an east west tree line as a divider. The group agreed to have single family development that is compatible. The workgroup favored a higher density scheme based off of trends of 10,000 to 15,000 square foot lots, with high construction costs being driven by costs of stone and infrastructure.
  - Area 4 is the center of the site and took a larger part of the discussion. He explained the group favored a range, including condos, multi-family, office and senior use.
  - Area 5 was designated for senior use, condos, office and single family.
  - Area 6 also was designated for senior use, condos, single family.
  - Mr. Fruth explained that the overall density comes out to roughly 4 units per acre and without the environmental corridor, is 3 units per acre
- Open Space was discussed. Mr. Fruth presented a map showing the natural buffers in the tree lines already on the site. He explained the committee liked the idea of protecting the tree lines. He also showed 30-foot buffers to the east, along the golf course and a 50-foot buffer as north approaching the mature oaks on the property. Mr. Fruth also reviewed the 75-foot buffer to the west edge and the 25-foot buffer along Golf Road to the south. Mr. Fruth explained, he wanted more analysis on the thresholds of open space, but provided some numbers that were in line with the area.

- Height recommendations were reviewed, with 2-story buildings to the north and west on the property. Three story buildings would be approved south, along Golf road and extending east. The proposed height was 35 feet for single family and 47 feet for multi-family and office buildings.

- Next steps were explained by Mr. Fruth, with hopes that a final workgroup could be convened in November, with an open house meeting in late November or early December. He explained the goal was to potentially have a public hearing in December.

Chairman Fitzgerald opened the discussion to the Town Board and Plan Commission.

Supervisor Dionisopoulos questioned if road access was discussed in area 1. Mr. Fruth explained that road access was of high interest to the group. They favored keeping traffic impact off Glen Cove and Elmhurst. He explained Waukesha DPW gave preliminary guidance that would require a traffic impact study. His goal is to show some concepts with arrows, for a vision of desired access on the site. He also stated they are looking at alternatives for the 3,300 feet of frontage along Golf Road. He especially noted the need for direct access to Golf Road with multi-family uses.

Chairman Fitzgerald asked, if there was a sense from the neighbors, if this plan would be accepted by the larger group. Jim Frett, resident and workgroup member, stated the neighborhood has been somewhat quiet during the process. He stated that there were some concerns over the 6 units per acre proposed along Golf Road. The plan as a whole has been met with positivity. Pete Ogden, resident and workgroup member, stated that Mr. Fret has done a good job communicating to the neighborhood. He also stated he hasn't received negative comments. They both also added that Jason Fruth has done an excellent job orchestrating the process between the stakeholders involved.

Chairman Fitzgerald explained that the plan is to have an open house to learn about the proposed zoning ordinance. Mr. Fruth added that it would be advantageous to have a designated website before the neighborhood meeting, to help explain some of the rationale.

Supervisor Dionisopoulos questioned the 3 units per acre calculation, as it relates to square footage and driveways. Mr. Fruth explained there may be other factors calculated into the densities, including condos. Those details would have to be put into the ordinance.

Supervisor Kranick thanked Mr. Fruth for presenting with visual context, which seemed to make the concept more viable. He also commented that the room was much less contentious, and was glad that the workgroup put forth a productive effort.

Fifth order of business: Unfinished Business:

A. Scott Flaugher, 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)

Sixth order of business: New Business:

A. Consideration and possible action on a request to vacate a portion of an unnamed road contiguous to Oakwood Grove Road.

   Motion by Supervisor Kranick to recommend to the Town Board that the Resolution to vacate a portion of unnamed road be adopted. Seconded by Commissioner Frank. Motion passed unanimously.

B. Andre Deriaz W291 N2173 Elmhurst Drive, Re: Consideration and possible action to approve a Certified Survey Map to combine two parcels into one parcel at W291 N2173 Elmhurst Drive.

   Engineer Barbeau explained this was reviewed a couple of months ago, to allow a third accessory building on the lot which was an existing shed. The applicant was granted approval, and is now moving forward with the CSM to clean up lot lines that run through this property that are non-conforming. He explained this approval would be subject to any County comments.

   Motion by Supervisor Kranick to approval the request from Andre Deriaz, W291 N2173 Elmhurst Drive, to approve a Certified Survey Map to combine two parcels into one parcel, subject to Waukesha County planning staff comments. Seconded by Commissioner Frank. Approved unanimously.

C. Carl Tomich on behalf of 227 Investments, LLC, N8W22520-L Johnson Drive, Waukesha: Consideration and possible action to approve a Certified Survey Map to combine two parcels into one parcel at N26W30227 Maple Avenue.

   Engineer Barbeau explained this is the location of the old Golden Anchor restaurant. This was the same situation, as that of the previous agenda item. Waukesha County is requiring a CSM to clean up property lines that run through the parcel, creating a non-conforming lot. The existing building on the property will be removed and a single-family home will be constructed in its place.

   Motion by Supervisor Kranick to approve the request from Carl Tomich on behalf of 227 Investments, LLC., to approve a Certified Survey Map to combine two parcels into one parcel at N26W30227 Maple Avenue, subject to technical corrections and Waukesha County comments. Seconded by Commissioner Frank. Passed unanimously.

Sixth Order of Business: Discussion: None

Engineer Barbeau stated that he expect Mr. Flaugher to come back with a proposal for the mini-storage item. They were unable to make the submittals in time for this meeting. He also explained there will be a preliminary plat at the November Plan Commission meeting, for a small subdivision off Norms Road near HWY G.

Seventh Order of Business: Announcements and Planning Items: Next meeting date to be determined (Election on 11/3/2020).

The Plan Commission agreed to the next meeting being on Wednesday, November 11, 2020 at 6:30 PM

Eighth Order of Business: Adjournment

Motion by Commissioner Krancik to adjourn the August 4, 2020 Plan Commission meeting at 7:47 p.m. Seconded by Supervisor Frank. Motion passed unanimously.

Respectfully submitted,

Dan Green, CMC, WCMC
Administrator-Clerk/Treasurer

Minutes approved on:

RED AREA MARKS PROPOSED PRIVACY FENCE

SHOWING AREA WE WOULD LIKE TO PUT FENCE

PIC SHOWS HEAD LIGHTS SHINING INTO NEIGHBORS HOUSE WHEN IN PARKING SPOT. PRIVACY FENCE WOULD BLOCK LIGHTS

Tax Bill Details

VIEW THE ORIGINAL 2019 TAX BILL

Tax Key: **DELT0774078**
Tax Year: **2019**

1/15/2020 1:36:15 PM
WAUKESHA COUNTY
TOWN OF DELAFIELD

OWNER NAME AND MAILING ADDRESS

ANDREW J FALLON
SHAYLA SCHUETT
N28W29868 OAKWOOD GROVE RD
PEWAUKEE, WI 53072-4227

Contact Us to Update Mailing Address

PROPERTY ADDRESS

N28W29868 OAKWOOD GROVE RD
PEWAUKEE, WI 53072-4227

#3240.32 paid in full

teller J.J.S.

10006 PAID # PAID 10006

JAN 15 2020 JAN 15 2020

WAUKESHA STATE BANK WAUKESHA, WI • WAUKESHA STATE BANK WAUKESHA, WI

LEGAL DESCRIPTION

LOT 2 GRAF SUBDIVISION PT NW1/4 SEC 14 T7N R18E :: DOC #4353068

ASSESSED VALUES

Tax Year:	2019	Exempt:	NO
Assessment Type:	FULL	Use Value Assessment:	
Assessment Ratio:	94.37%	Prior Taxes Due To:	

Values	Assessed	Est. Fair Market
Land	$88,000.00	$93,300.00
Improvement	$227,000.00	$240,600.00
Total	$315,000.00	$333,900.00

LINE ITEMS

Line Item Description	Tax Amount	Tax Rate Per $1000 of Assessed Value
COUNTY OF WAUKESHA	$691.07	2.1938625
TOWN OF DELAFIELD	$402.83	1.2788243
HARTLAND LKSIDE 2460	$1,565.09	4.9685489
ARROWHEAD U H S 2450	$963.17	3.0576819
WAUKESHA TECH COLLEGE	$120.53	0.3826388
LAKE PEWAUKEE SAN DIS	$63.49	0.2015576
GROSS GENERAL TAXES	$3,806.18	12.0831140
SCHOOL TAX CREDIT	($574.40)	-1.8234892
FIRST DOLLAR CREDIT - 2450	($20.43)	
FIRST DOLLAR CREDIT - 2460	($33.20)	
LOTTERY CREDIT 2450	($56.70)	
LOTTERY CREDIT 2460	($92.13)	
NET GENERAL TAXES	$3,029.32	10.2596248
GARBAGE / RECYCLING	$211.00	211.0000000
TOTAL SPECIAL ASSESSMENTS	$211.00	N/A
TOTAL TAX BILL	**$3,240.32**	

2019 TAX BILL PAYMENT OPTIONS

Installments	Amount Due	Due By	Pay to Agency
Full Amount Due	$3,240.32	1/31/2020	COUNTY PAY ONLINE
First Installment	$1,651.32	1/31/2020	COUNTY PAY ONLINE
Second Installment	$1,589.00	7/31/2020	COUNTY

ALL OUTSTANDING BALANCES DUE THROUGH January 2020

Year	Tax Due	Interest	Penalty	Other Charges	Balance Due	Pay to Agency
2019	$3,240.32	$0.00	$0.00	$0.00	$3,240.32	COUNTY
Totals:	$3,240.32	$0.00	$0.00	$0.00	$3,240.32	

This program accesses data from databases maintained by several County Departments and Local Municipalities. There may be inconsistencies in data depending on the date the information was gathered or the purpose for which it is maintained. Due to variances in sources and update cycles, there is no guarantee as to the accuracy of the data. For questions regarding Outstanding Taxes and Tax Payment records, contact the County Treasurer's office at (262)548-7029.

For Tax Listing and GIS Viewer related issues, please see our FAQs click here. If you still have tax listing questions, contact: taxlisting@waukeshacounty.gov. If you still have GIS Viewer questions, contact: landinformation@waukeshacounty.gov.

The following browsers are supported: This page run 1/15/2020 1:36:15 PM.

PROPOSED FENCE

Plan Commission Report for November 11, 2020

Andy Fallon Fence Installation
Agenda Item No. 5 A.

Applicant:	Andy Fallon, owner
Project:	Fence Installation
Requested Action:	Approval of installation of a 48 foot long, 6 foot high fence in the front yard
Zoning:	R-2 Residential (Waukesha County)
Location:	N28 W29868 Oakwood Grove Road DELT 0774-078

Report

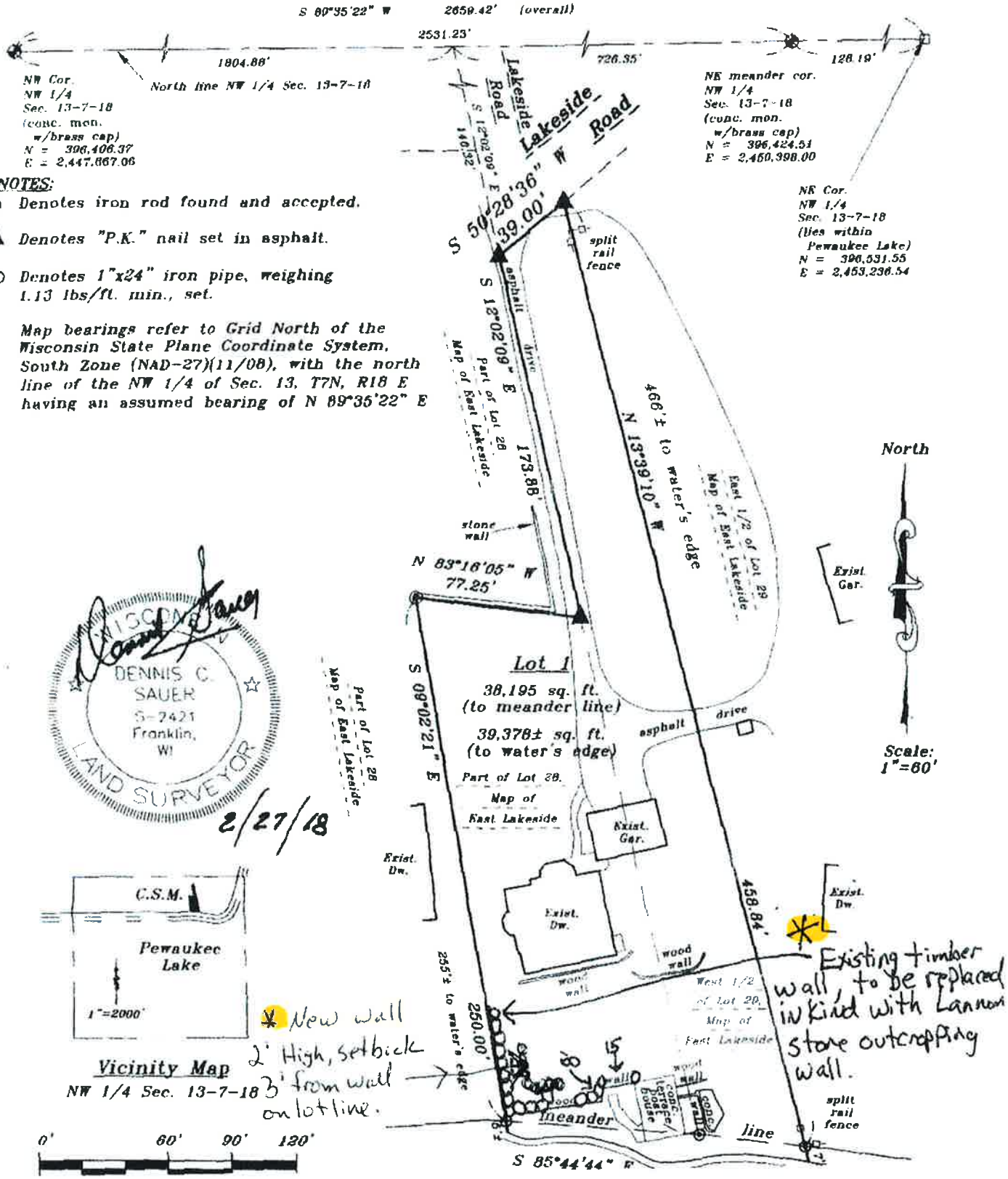
Mr. Fallon is requesting approval to install a six foot high fence that would run north/south near the east end of a residential parking area in front of his home. The fence would be a board on board fence and be used to block the vehicle lights from shinning onto the neighbor's house to the east. The Town code related to fences states that fences greater than 3 feet in height are only allowed behind the face of the house on a property. The south end of the fence will be set back approximately 160 feet from the edge of the road. Note that the fence length will be longer than what was submitted on the attached aerial photo showing the fence as a red line.

Staff Recommendation:

Since the fence is not parallel to the roadway and does not create a "prison-like" wall when viewing the house, I have no objection to this request.

Tim Barbeau, Town Engineer
November 2, 2020

Being a redivision of the west 1/2 of Lot 29 and a part of Lot 30, Map of East Lakeside, being a part of the NE 1/4 of the NW 1/4 of Section 13, Township 13 North, Range 18 East, in the Town of Delafield, Waukesha County, Wisconsin.



10/27/20

Site Services Landscaping

W1181 County Road O

Oconomowoc, WI 53066

Attn: Klaus Mittig

Dear Mr. Mittig,

Per our conversation regarding the removal of Margie and John's existing, deteriorated wood retaining wall at our east property line and replacement of a new retaining wall we provide the following.

We have discussed the construction methods/products of the new wall with both you and your landscape architect, David Rothweiler, and are satisfied that the project will not pose a problem in terms of drainage and ascetics. The stone construction will be a nice improvement to the yards. We look forward to its completion. Please let us know if there are any changes to the project as discussed.

Tom and Sue Sweitzer

W286 N3064 Lakeside Road

Pewaukee, WI 53072

Plan Commission Report for November 11, 2020

Koehler-Sacharok Wall Installation
Agenda Item No. 5 B

Applicant:	Marjorie Koehler-Sacharok, owner David Rothweiler, agent
Project:	Wall Installation
Requested Action:	Approval of the installation of a lannon stone wall within 5 feet of the lot line.
Zoning:	R-3 Residential (Waukesha County)
Location:	W286 N3070 Lakeside Road DELT 0768-052-001

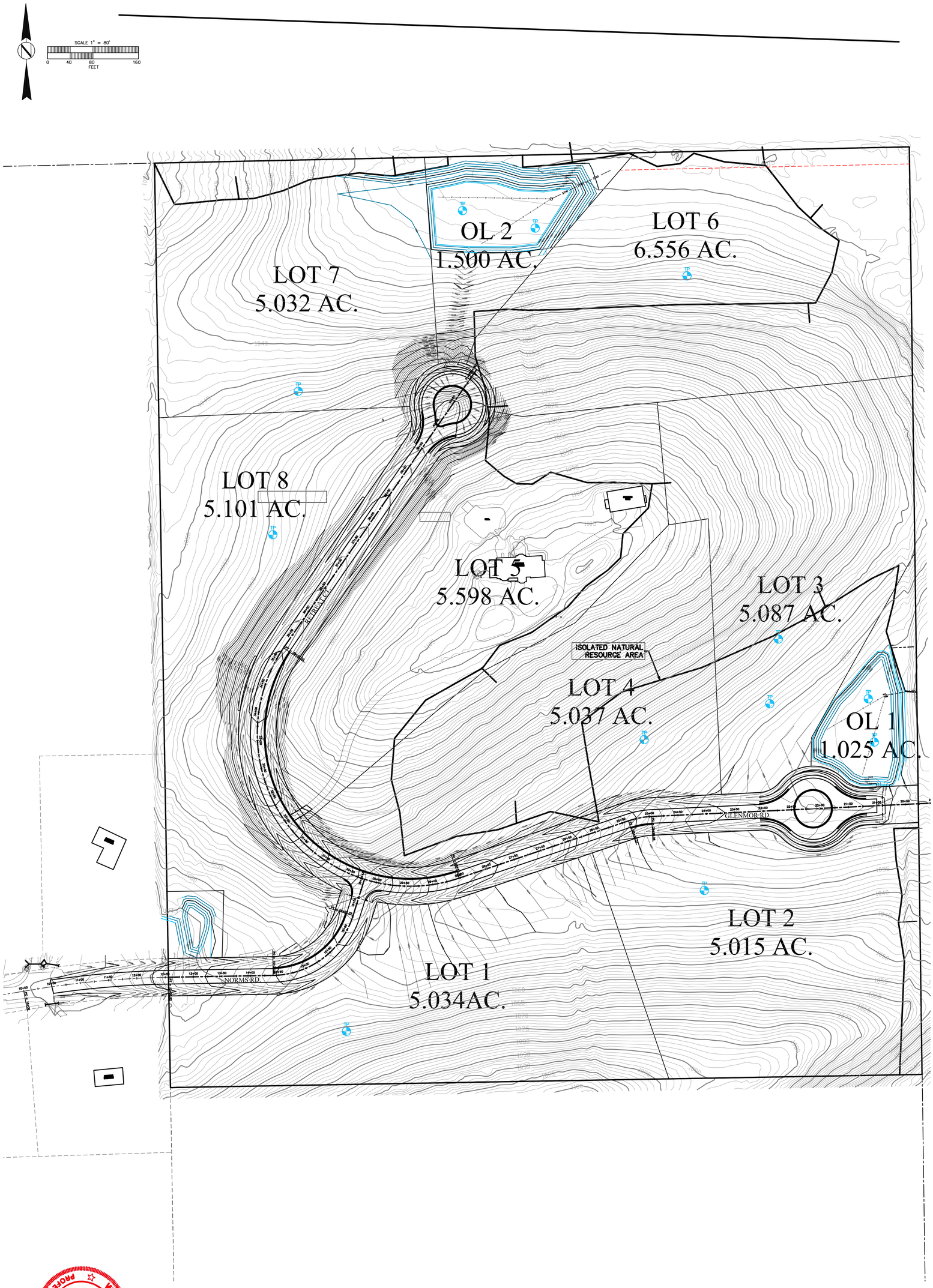
Report

Ms. Koehler-Sacharok is proposing to remove a deteriorating timber retaining wall located on the westerly lot line of her property and replacing it with a lannon stone outcropping wall. Since the wall is within 5 feet of the lot line, Waukesha County Planning Division is requesting approval/recommendation from the Town Plan Commission. Past Town practices were to make sure that the applicant contacts the adjacent owner and notifies them of the work and of the pending Plan Commission meeting at which the item will be discussed. The Town received a letter (included in your packets) from the neighbor indicating that they have no objection to the wall being rebuilt as proposed. Drainage will not change and will not adversely affect the existing adjacent home.

Staff Recommendation:

Since there is no objection from the neighbor and the drainage pattern is not changing, I recommend approval of the request to install a wall within 5 feet of the westerly lot line as proposed in the drawing received November 1, 2020.

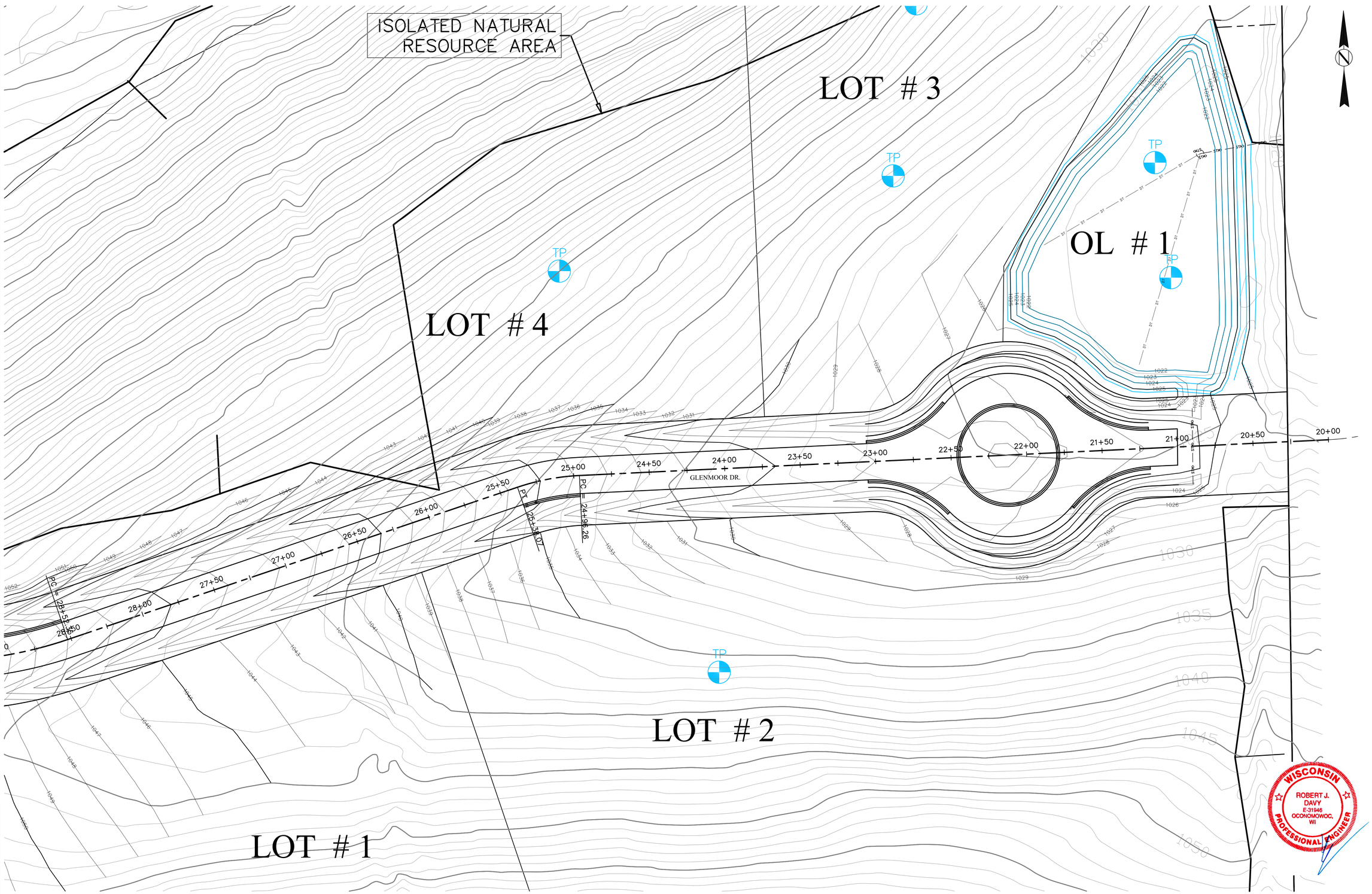
Tim Barbeau, Town Engineer
November 2, 2020



PROFESSIONAL ENGINEER
WISCONSIN
ROBERT J. DAVY
E-32,444
OCONOMOWOC, WI

SHEET # 1 OF 5	PROJ. # 20-3362	PRELIMINARY GRADING PLAN OVERALL THE RETEAT SUBDIVISION S4 W28701 NORMS ROAD S36. T7N, RI8E. TO DELAFIELD, WAUKESHA CO.	LAKE COUNTRY ENGINEERING, INC. Consulting Engineers - Surveyors 970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066 Phone (262) 569-9331 Fax (262) 569-9316	SCALE: 1" = 80' DRAFTED BY: RJD CHECKED BY: RJDAVY DATE: OCTOBER 26, 2020	REVISION DATE / REMARKS

017



REVISION	DATE	REMARKS

SCALE: 1" = 30'
DRAFTED BY: RJD
CHECKED BY: RJDAVY
DATE: OCTOBER 26, 2020

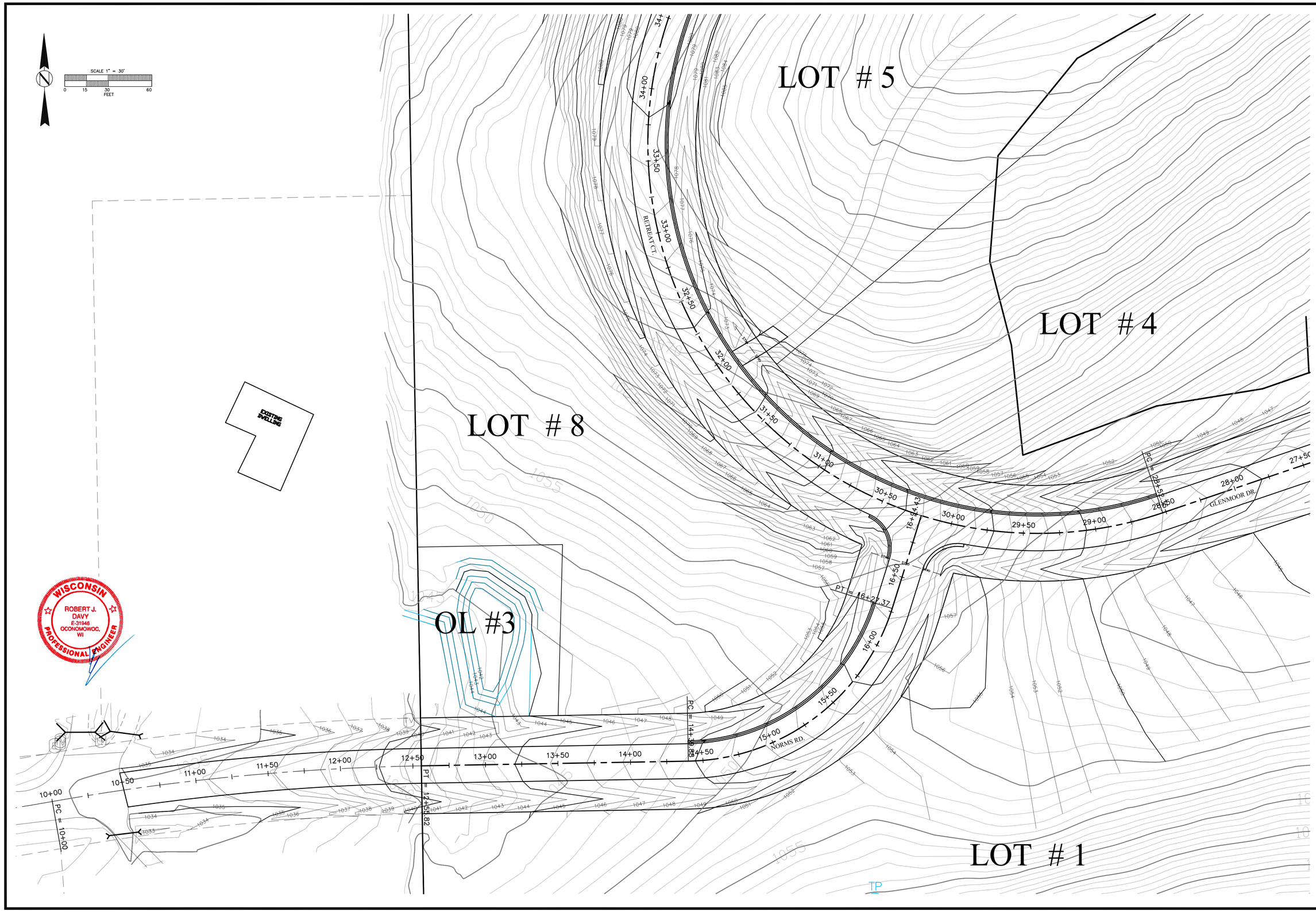
LAKE COUNTRY ENGINEERING, INC.
Consulting Engineers - Surveyors
970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066
Phone (262) 569-9331 Fax (262) 569-9316

PRELIMINARY GRADING PLAN SOUTH EAST

THE RETEAT SUBDIVISION
S4 W28701 NORMS ROAD
S36. T7N, R18E. TO DELAFIELD, WAUKESHA CO.

PROJ. # 20-3362

SHEET # 2 OF 5



REVISION	DATE	REMARKS

SCALE: 1" = 30'
DRAFTED BY: RJD
CHECKED BY: R.DAVY
DATE: OCTOBER 26, 2020

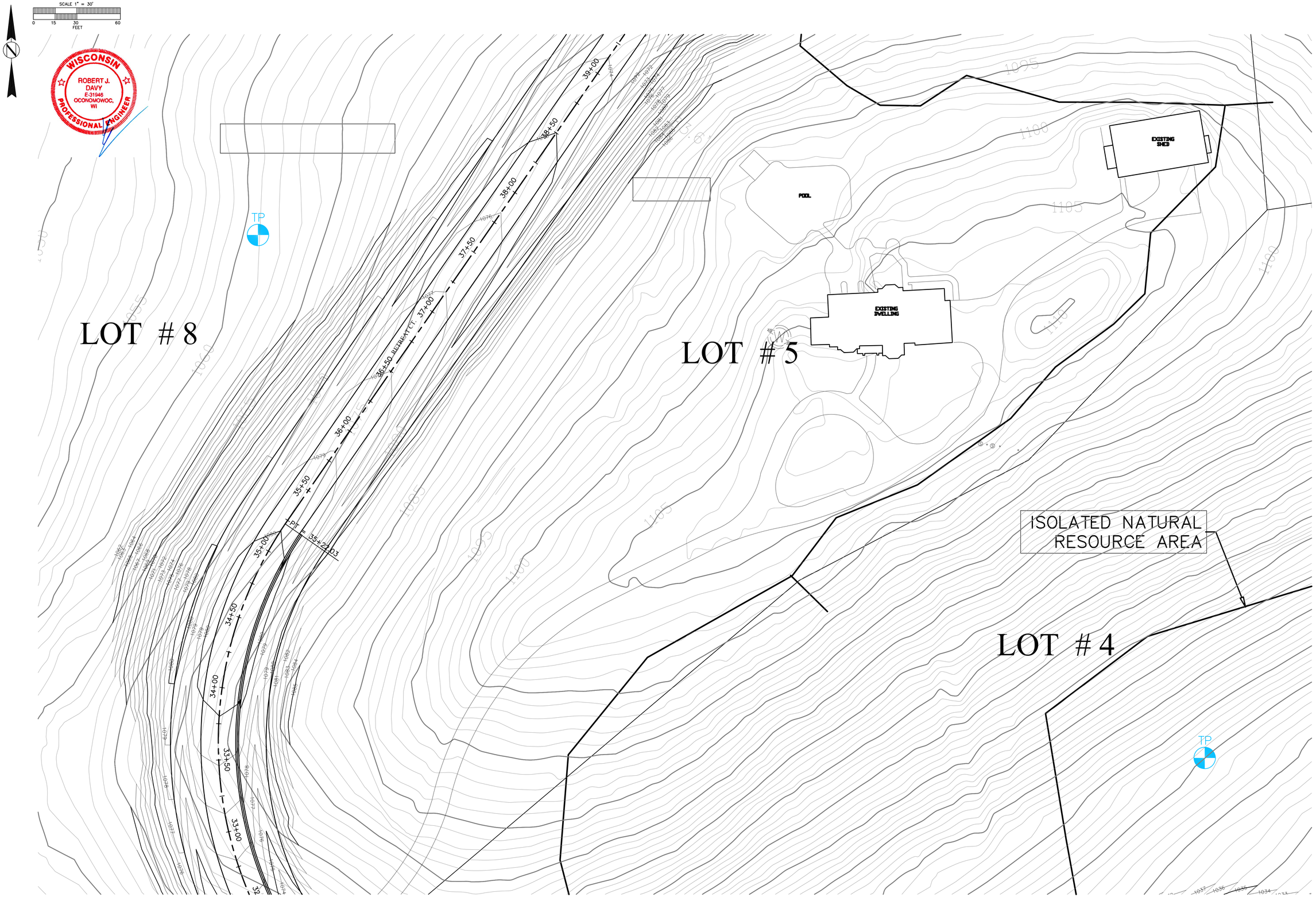
LAKE COUNTRY ENGINEERING, INC.
Consulting Engineers - Surveyors
970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066
Phone (262) 569-9331 Fax (262) 569-9316

PRELIMINARY GRADING PLAN SOUTH WEST

THE RETEAT SUBDIVISION
S4 W28701 NORMS ROAD
S36. T7N. R18E. TO DELAFIELD. WAUKESHA CO.

PROJ. # 20-3362

SHEET # 3 OF 5



REVISION	DATE	REMARKS

SCALE: 1" = 30'
DRAFTED BY: RJD
CHECKED BY: RJDAVY
DATE: OCTOBER 26, 2020

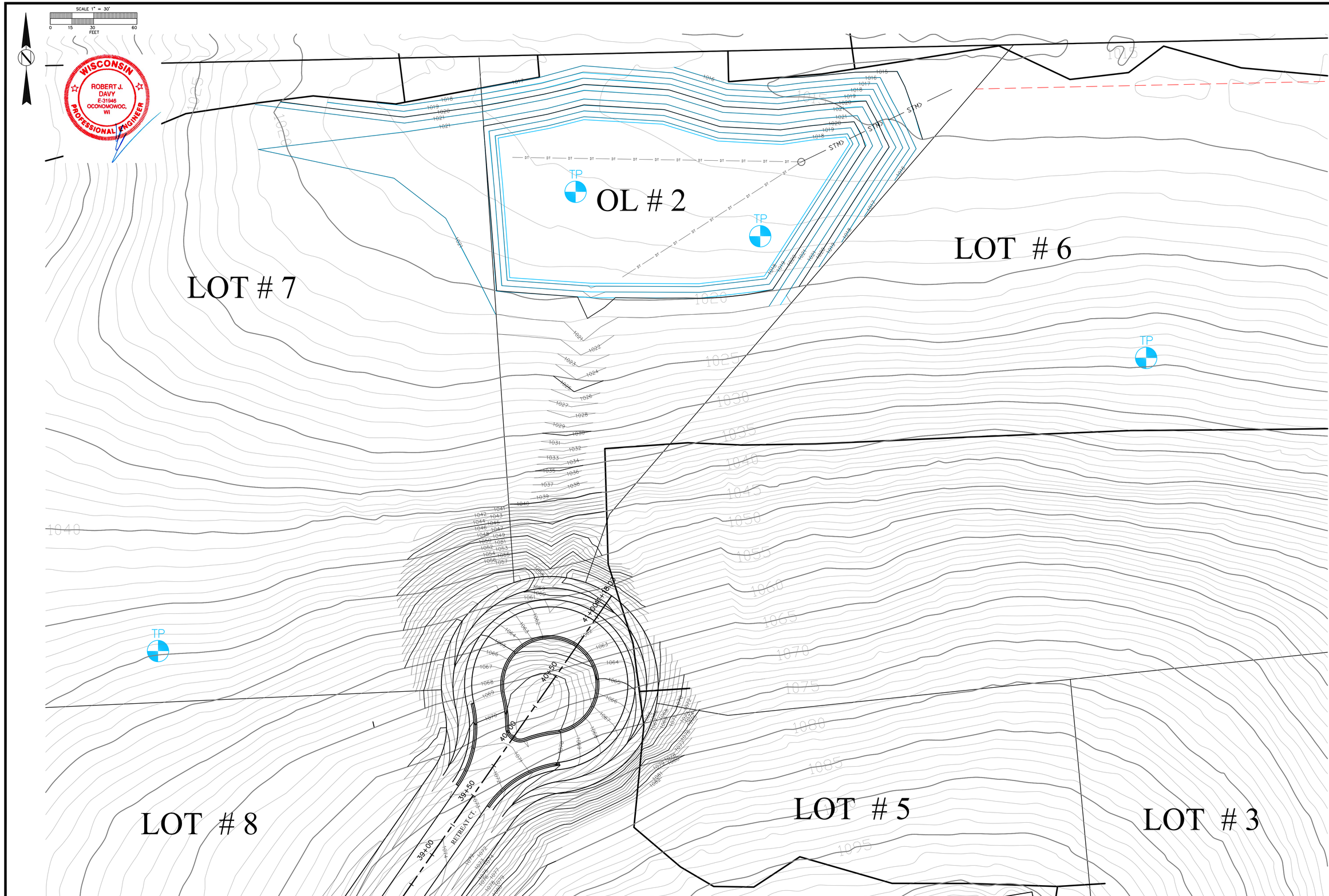
LAKE COUNTRY ENGINEERING, INC.
Consulting Engineers - Surveyors
970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066
Phone (262) 569-9331 Fax (262) 569-9316

PRELIMINARY GRADING PLAN MID

THE RETEAT SUBDIVISION
S4 W28701 NORMS ROAD
S36. T7N. R18E. TO DELAFIELD. WAUKESHA CO.

PROJ. # 20-3362

SHEET # 4 OF 5



REVISION	DATE	REMARKS

SCALE: 1" = 30'
DRAFTED BY: RJD
CHECKED BY: R.DAVY
DATE: OCTOBER 26, 2020

LAKE COUNTRY ENGINEERING, INC.
Consulting Engineers - Surveyors
970 S. Silver Lake Street, Suite 105, Oconomowoc, WI 53066
Phone (262) 569-9331 Fax (262) 569-9316

PRELIMINARY GRADING PLAN NORTH
THE RETEAT SUBDIVISION
S4 W28701 NORMS ROAD
S36. T7N, R18E. TO DELAFIELD, WAUKESHA CO.

PROJ. # 20-3362

SHEET # 5 OF 5

[DRAFT]

DECLARATION OF RESTRICTIONS
FOR
THE RETREAT

This Declaration is made this _____day of_____, 202__ by The Retreat, LLC, a Wisconsin limited liability company (hereinafter the "Developer").

WHEREAS, Developer is the owner of the property commonly known as The Retreat Subdivision, located in the Town of Delafield, Waukesha County, Wisconsin; and

WHEREAS, Developer desires to subject the residential Lots in said The Retreat Subdivision to the conditions, restrictions, covenants, reservations and easements contained herein for the benefit of said property and for the benefit of each owner of any part thereof and for the purpose of creating a desirable utilization of land in an aesthetically pleasing residential environment.

THEREFORE, the Developer hereby declares that the real property, shall be held, sold, conveyed, transferred, used and improved only subject to the conditions, restrictions, covenants, reservations and easements hereinafter set forth which shall inure to the benefit of the Developer, its successors and assigns, and to all parties hereafter having any interest in the property.

1. BINDING EFFECT AND DEFINITIONS

This Declaration of Restrictions shall become effective immediately upon the recording hereof with respect to the property.

The term “Association” shall mean the The Retreat Homeowner’s Association, Inc., a non-profit, non-stock corporation. In the event the Association ceases to exist for any reason, all lot owners in The Retreat Subdivision shall be jointly and severally responsible for all obligations of the Association described herein.

The terms "The Retreat", "The Retreat development" and "subdivision", as used in this Declaration of Restrictions, are defined as the property described.

The term “Lot” as used in this Declaration is hereby defined as each separate buildable parcel of real estate existing now or in the future which is created by any land division done in accordance with all applicable laws and regulations, and in compliance with all restrictions set forth in this Declaration, of the lands subject to this Declaration.

The term “common area” or “Outlot” are defined as any outlot, boulevard, detention or retention area, or other area within the subdivision which is not a Lot nor a dedicated street nor other dedicated area which has been specifically accepted by resolution of the Town of Delafield. Each owner of a Lot shall have an undivided 1/8th ownership interest in the common areas or Outlots and the Owner’s Association shall be responsible for the maintenance of all common areas or Outlots.

2. GENERAL PURPOSE

The general purpose of these restrictions is to assure that The Retreat will become and remain

an attractive, high quality residential community and to that end to preserve and maintain the natural beauty, to ensure the best use and the most appropriate development and improvement of building sites within the property; to protect owners of building sites against such use of surrounding sites as may detract from the residential value of their property; to guard against and prevent the erection of poorly designed or proportioned structures on any part of the property; to obtain harmonious use of materials and color schemes in improvements; to ensure the highest and best residential quality of the property; to encourage and secure the improvement of the property with attractive homes with appropriate locations thereof on the building sites; to secure and maintain proper spatial relationships of structures to other structures and lot lines; and generally to ensure the highest and best residential development of the property.

3. INTERPRETATION

It is inherent to protective covenants and restrictions that from time to time those covenants and restrictions are subject to interpretation. In those instances wherein an interpretation is required because there is no definitive rule to be followed, or because there is a question regarding an intangible concept such as, but not limited to, what constitutes harmonious architectural design, what is poor design or proportion and what is aesthetically pleasing, the matter shall be subject to the opinion of the Architectural Control Committee for the granting of a final approval.

4. ARCHITECTURAL CONTROL COMMITTEE

An Architectural Control Committee (hereinafter the "Committee") for The Retreat Subdivision is hereby established. The Committee shall consist of not less than three members, designated as hereinafter set forth. The decision of the majority of the members of the Committee shall be final and binding upon all parties. The Committee members shall not be entitled to compensation for services performed pursuant to this paragraph. The initial members of the Committee shall be appointed by the Developer, and the Developer shall be entitled to remove and replace members of the Committee, at its sole discretion, as long as Developer owns a Vacant Lot in the subdivision; thereafter, the Committee shall consist of the Board of Directors of the Owner's Association, established as hereinafter set forth, provided said Owner's Association is in existence. If the Owner's Association is not legally in existence at any time after which there is no longer any Vacant Lot owned by the Developer in the subdivision, the Committee shall continue in existence with its then existing members, and Committee members shall be subject to removal, replacement and/or appointment as follows: by majority vote of the Committee members in attendance at a Committee meeting called by any one or more Committee members for that purpose; and/or by majority vote of Lot owners in attendance at a meeting of Lot owners called by any one or more Lot owners for that purpose. Lot owner meetings called to remove, replace and/or appoint Committee members shall require not less than 10 days written notice to at least one owner of each Lot, by personal delivery or by First Class U. S. Mail addressed to the last known owner and address as shown on the tax roll.

5. ARCHITECTURAL CONTROL

No building, stable, paddock, swimming pool, gazebo, fence, wall, driveway, tennis court, light post, landscaping or other structure or improvement shall be constructed, erected, placed or altered on any Lot in The Retreat subdivision without the approval of the Architectural Control Committee. For any undertaking requiring approval of the Architectural Control Committee, three sets of plans [including building construction plans (with roof, siding and trim colors), site plans, grading plans (where necessary) and landscaping plans] shall be submitted to the Architectural Control Committee. If and when plans are approved, two sets of the approved plans shall be signed, dated, and returned by the Architectural Control Committee to the Lot owner as evidence of such approval. Any minor changes or revisions required by the Architectural Control Committee may be noted as an exception to approval on the plans and detailed in a letter to the Lot owner. The Architectural Control Committee may also request that revisions shall first be made to the plans by the owner's agent before approval is given. Once the Architectural Control Committee's approval has been given the plans shall be strictly adhered to by the Lot owner, unless subsequent changes are approved by the Architectural Control Committee.

In passing upon the plans and specifications, the Committee may take into consideration the suitability of the proposed building or other structure or improvement, its design, elevation, color, construction materials, the harmony thereof with surrounding buildings, its proposed location, the view from other properties in the subdivision, and such other matters of terrain, environmental impact, aesthetics, and impact upon other Lots in the subdivision as the Committee may deem appropriate. The Committee shall have the right to waive minor infractions or deviations from these restrictions in the case of hardship and/or common sense, subject to the approval of the Town of Delafield. Any action by the Committee shall be final and conclusive as to all persons then or thereafter owning Lots covered by these restrictions. The Committee shall not be liable for actions taken or decisions made in good faith. ANY LOT OWNER WHO CAUSES OR ALLOWS ANY IMPROVEMENTS TO BE CONSTRUCTED, INSTALLED, PLACED OR ALTERED ON THE LOT WITHOUT PRIOR WRITTEN APPROVAL OF THE COMMITTEE MAY BE REQUIRED TO REMOVE SUCH IMPROVEMENT IN ITS ENTIRETY AT THE LOT OWNER'S EXPENSE.

In addition to the requirements of these restrictions, all construction shall comply with applicable zoning and building code requirements. It is not intended that the Developer or Committee have full knowledge of, or expertise in, matters of zoning, building codes or proper drainage. The Developer or Committee shall have no liability or responsibility in the event it approves plans which fail to comply with applicable zoning or building codes, and/or which fail to properly handle drainage. In the event that approved plans violate applicable zoning or building codes, or fail to properly handle drainage, it shall be the sole responsibility of the Lot owner to discover and determine the error, to have the appropriate corrections made to the plans, and to resubmit the corrected plans to the Committee for its approval.

6. DWELLINGS AND OTHER STRUCTURES

All Lots shall be used only for single-family residential purposes, and such recreational purposes permitted by this Declaration and applicable zoning. All dwellings shall be designed by a home designer, registered architect or equally qualified individual or firm.

It is specifically intended, by the architectural control provisions set forth herein, that there be a compatibility of traditional architectural styles amongst the various homes that are in close visual proximity to one another, while at the same time retaining diversity so as to avoid the monotony of duplication. Toward this end, the Architectural Control Committee may evaluate and approve the use of a particular architectural style of home on any given Lot in the subdivision. In making that evaluation the Architectural Control Committee may consider the proposed residence in relation to existing homes or previously approved homes that will be in close visual proximity to the proposed residence.

The exterior siding of all dwellings shall consist of natural wood siding, natural stone, structural or thin-cut face brick, and/or stucco. The use of cement board, plank or fish-scale, type siding and an efis system (Dryvit) will be permitted provided they are used with wood or cement board corner boards. Where brick, stone or stucco is the predominant material, roughly the same proportion of veneer and wood siding should be designed into the other elevations. Further, the Architectural Control Committee, in its sole discretion, shall have the right to permit or prohibit the use of artificial stone, artificial brick, composite wood, and/or other types of siding as it may deem appropriate to preserve the architectural integrity and quality appearance of dwellings in the subdivision. In no event shall any dwelling be sided with metal or vinyl siding except for use on facia and soffit.

No exposed poured concrete or concrete block over eight (8) inches above grade shall be permitted on any house. Where block or concrete would otherwise be exposed, it must be covered by the house siding, or by brick or stone.

The roofing of all dwellings shall consist of tile, 40 year dimensional shingles, wood shakes or manufactured slate. The Architectural Control Committee, in its sole discretion, may permit or prohibit the use of other types of roofing materials having substantially the same appearance as the permitted materials, as it may deem appropriate, to preserve the architectural integrity and quality of appearance of dwellings in the subdivision. Further, the Architectural Control Committee may, in their sole discretion, permit the use of such other forms of high quality, aesthetically pleasing, and architecturally appropriate roof materials as may be available now or in the future, including but not limited to masonry and/or copper. The main portion of the roof shall have a minimum pitch of 8/12. A lesser pitch over other areas, such as porches, breezeways and bays, may be permitted or denied at the sole discretion of the Architectural Control Committee.

All windows must be wrapped. If shutters and/or grids are used, they must be on all windows where appropriate for the window design and if space allows. Windows with shutters need only be wrapped on the top and bottom of the window. Compatible framing, sills, lintels and keystone should be employed on all elevations.

There are to be no exterior walls without windows and/or doors. If architectural insets are used they must be wrapped and shuttered the same as windows on the rest of the house. The Architectural Control Committee retains the right to require additional architectural detail.

All homes must have a fireplace. Direct vent fireplaces are permitted. If there is an exterior fireplace chimney, all fireplace chimneys shall be brick, stone, cultured stone or masonry faced with stucco or efis system (Dryvit) regardless if the fireplace is on an exterior or interior wall.

All homes shall include an attached garage with a minimum of 576 square feet.

The Architectural Control Committee, at its sole discretion, may prohibit any attached garage which has an exterior appearance of having a capacity of more than three (3) cars. All garages shall be equipped with automatic garage door openers for all overhead doors. All garages shall be side entry garages, and shall not face a public street (unless on a corner lot), unless such side entry is determined by the Architectural Control Committee, in its sole discretion, to be unfeasible or impractical. No detached garages shall be permitted.

No building constructed or hereafter used for the purpose of housing animals shall be located closer than one hundred (100 feet) from street right-of-way and fifty (50) feet from any other lot line, or the minimum setback required by applicable zoning, whichever is greater. This restriction may be waived only with the approval of the Architectural Control Committee and the approval of the adjoining Lot owner, and, if applicable due to applicable laws, the Town of Delafield and/or Waukesha County.

No paddock shall be constructed on any Lot without the approval of the Architectural Control Committee. Paddocks must further meet all applicable requirements of the Town of Delafield and Waukesha County, including applicable setback requirements. The term "paddock", as used herein, is defined as a small enclosure used for exercising horses or other animals permitted by this Declaration. Said term does not include a pasture, which is a larger enclosed area within which horses and/or other permitted animals are allowed to roam.

Storage sheds shall be allowed on any Lot. Other types of outbuildings, such as gazebos, stables, detached garages, pool equipment and/or changing room facilities, etc. may be allowed. All allowed outbuildings shall be similar to the main residence and approved, as to design, location, materials, color scheme and landscaping, by the Architectural Control Committee. No outbuilding shall be constructed on any Lot prior to the commencement of construction of the single-family residence on such Lot without the prior written approval of the Architectural Control Committee. Setbacks for all allowed outbuildings are the same as those for a single-family residence as set forth in Section 10 below. All Lot owners are further advised that outbuilding construction is also subject to applicable zoning ordinances, and may be prohibited or restricted unless a variance or conditional use permit is obtained.

7. MINIMUM SQUARE FOOTAGE REQUIREMENTS

Houses constructed in The Retreat subdivision shall have a minimum square footage of living space as follows:

i. One story houses shall have a minimum square footage of living space of not less than 2,600 square feet.

ii. One and one-half story houses shall have a minimum square footage of living space of not less than 3,000 square feet total or not less than 1500 square feet of living space on the first floor.

iii. Two story houses shall have a minimum square footage of living space of not less than 3,000 square feet total with not less than 1,500 square feet on the first floor.

v. Bi-level or split level houses shall not be permitted.

Living space is determined by the outside dimensions (exclusive of garages, porches, patios, breezeways, sun rooms and similar additions) of the exterior walls of above grade finished living space. In no event shall floor space which is partially or completely below finished yard grade (such as basement space, whether or not exposed) be counted for purposes of determining minimum square footage of living space. The minimum square footage shall be determined as of the time of initial construction, and shall not consider or include unfinished areas or future additions.

8. COMMENCEMENT OF AND COMPLETION OF CONSTRUCTION

Before any construction shall be commenced on any Lot the driveway shall be rough graded in a horizontal location and with a vertical alignment as approved by the Architectural Control Committee. All access to and from the home site construction area by material suppliers, contractors and other individuals shall be by this driveway location and no other means or way. This covenant is primarily for the protection of natural amenities of the site.

Any exterior construction commenced shall be completed within an eighteen-month period and shall be ready for occupancy within that period. Also, within eighteen months of occupancy or within two and one-half years of the commencement of construction, whichever date shall be shorter, the owner of such Lot shall landscape any area disturbed by construction, and shall complete all landscaping in accordance with the plans and specifications approved by the Architectural Control Committee.

During the time of construction the Lot owner shall be responsible to see that his or her contractor maintains a constant cleanup of all scraps, paper or other waste materials by having a dumpster and portable sanitation facilities available for use at all time during construction, and all dirt and mud tracked onto public streets, and that all access to the site is through the approved driveway, and by no other means or way. The Lot owner shall further be responsible for the repair of any and all damage to the public right-of-way adjacent to the Lot, including but not limited to any pavement, sidewalk, curb, gutter, ditch, swale and/or culvert, and to any drainage ditches, swales and/or other drainage facilities on the Lot, occurring prior to completion of construction. In the event that the owner or his or her contractor shall fail in this responsibility the Developer or Owner's Association shall have the right but not the obligation to perform the necessary cleanup and/or make the necessary repairs and to obtain reimbursement for the expense incurred by the Developer or Owner's Association by levying a special assessment against the offending Lot Owner's Lot.

During any earth moving activities, proper erosion control practices shall be installed to prevent sediment entering storm water drainage ways or leaving the immediate construction site. Erosion control including the stabilization of each Lot with permanent grass must comply with the Town of Delafield Erosion Control Ordinance.

9. BUILDING SETBACKS

All Lot setbacks shall be approved in writing by the Architectural Control Committee. The minimum setbacks for a Single-Family Residence and allowed outbuildings shall be:

1. Fifty (50) feet from any abutting street right-of-way.
2. Thirty (30) feet from any side yard.
3. Thirty (30) feet from any rear yard.

The site plan for each Lot will be reviewed with respect to achieving the above goals and avoiding monotony or noticeable similar placement of homes to those existing or previously approved. In achieving these goals, offsets greater than those specified above may be required by the Architectural Control Committee. Further, the Architectural Control Committee, in its sole discretion, may alter the offsets to the minimum allowed by the Town of Delafield if it determines, in its sole discretion, that terrain conditions and/or preservation of existing trees so require.

10. DRIVEWAYS

The owner of each Lot shall, within one year of the date of issuance of an occupancy permit for the construction of a residence on a Lot, install a hard surfaced concrete or asphalt driveway. Said driveway shall extend from the vehicle entry to the garage to an intersection with the public street. The culvert ends shall be finished at the same time the driveway is paved. No headwalls extending above the level of the drive surface shall be constructed on the ends of any culvert.

The driveway shall have a minimum of a three (3) foot side yard setback, unless otherwise approved in writing by the Committee (in its sole discretion).

11. HOME CONSTRUCTION ON LOT

Any Architectural Control Committee approval for a Lot owner's proposed home on a Lot constitutes approval of the home with regard to style, size and other requirements per these restrictions, and does not guarantee any particular grading elevation, floor elevation or home placement for a future home that Lot owner may build on such Lot. Lot owner has the responsibility and obligation to investigate and obtain qualified opinions from experts that the subject Lot will accommodate the home, placement and grading that Lot owner intends.

12. HEIGHT OF GRADE AND BUILDING PADS

No owner of any lot shall or will at any time alter the grade of any lot from that which is naturally occurring on that lot at the time the site development improvements have been completed by the DEVELOPER unless and until the lot owner shall first obtain the written approval of the Town of Delafield for such grade alteration. In order to obtain this approval, it shall first be necessary for the lot owner, at the lot owner's expense, to have prepared a grading plan which shows in detail the area to be re-graded, the existing and proposed topography, analyzes the effects on site drainage, states that the effects on site drainage will not be in violation of law as to alteration of natural drainage courses, and is a plan which does not unreasonably affect an adjacent property owner as regards drainage or their viewing of unreasonable slope treatment. The Town of Delafield's approval, if granted, shall not relieve the lot owner from the ultimate responsibility for the design, performance, and function of the grade alteration and/or drainage condition, and the lot owner by requesting the alteration, and/or by altering the grade, thereby agrees to

indemnify and hold harmless the Town of Delafield and its agents, employees and independent contractors regarding the same. The DEVELOPER and/or the Town and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance, correction of any drainage condition, and the property owner is responsible for cost of the same.

13. NUISANCES

No noxious or offensive activities shall be carried on upon any Lot or Outlot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

14. OUTDOOR STORAGE

No boat, unlicensed vehicle, inoperable vehicle, recreational vehicle, vehicle licensed as a truck, or trailer of any kind may be parked or stored on any Lot outside of a building for any time period in excess of 24 hours in any calendar week, except for trucks and/or trailers used during construction or remodeling periods. The term "recreational vehicle" shall mean any vehicle used primarily for pleasure or recreation, and shall include, but not be limited to: snowmobiles; trail bikes; travel trailers and campers; motor homes; and off road vehicles of any kind.

15. UTILITY RESTRICTIONS

All Lots shall be provided with electric, natural gas, cable television, and telephone service by means of underground installation only. No residence or other building or structure on any Lot shall be serviced by the use of any secondary overhead service wires. All costs and expenses involved in installing underground utility service connections on any Lot between the utility companies' secondary pedestals and the buildings on any Lots shall be paid by the owner of said Lot.

16. ANIMALS AND LIVESTOCK AND POULTRY

No animals, livestock or poultry shall be raised, bred or kept on any Lot, except that dogs, cats, and other customary household pets, horses, llamas, and goats shall be permitted. The keeping of animals on a Lot shall comply with all Town of Delafield, County, and State regulations.

Each Lot Owner shall remove manure every 60 days either privately or by a commercial service. In the event any Lot Owner fails to comply with this section, the Owner's Association shall have the right but not the obligation to correct any deficiencies, and, in such event, the Association shall be entitled to assess the costs thereof to the Lot Owner, which cost shall become a lien against the Lot Owner's Lot until paid.

17. SIGNS

No sign of any kind shall be displayed to the public view on any Lot except for the following: (1) One sign not more than four square feet in size identifying the property of the owner that has been approved by the Architectural Control Committee, (2) One sign not more

than six square feet in size advertising the property for sale or rent, (3) A sign used by a builder to advertise a residence for sale, or as a model home. Such signs as may be used by the Developer in conjunction with initial Lot sales in the subdivision, and one or more subdivision entrance signs may be erected by the Developer and/or by the Owner's Association.

18. LAWN AND YARD

In addition to the normal maintenance and mowing of lawn areas on a Lot, the owner of each Lot shall also maintain the lawn and yard area in front of the Lot from the property line (front lot line) to the back shoulder of the public roadway. In addition to mowing the area between the Lot line and the road, the Lot Owner shall keep this area free of debris and in all other ways properly maintained. Notwithstanding the foregoing, the Association, in its sole discretion, shall have the right, but not the responsibility, to undertake mowing and/or other lawn maintenance within the Fence Easement Areas, as created by this Declaration, together with the area between the front Lot line and the road, throughout the subdivision, and to charge the cost thereof as a common expense.

Landscaping plans, showing trees, bushes, planting beds, walkways, ornamental fences, arbors and other features must be submitted for approval by the Architectural Control Committee prior to the installation of plantings.

The landscaping shall be installed within twelve (12) months following issuance of an occupancy permit for the home. Said trees should be hardy, low maintenance, disease resistant, native species classified as "large" trees that will grow to a height of 40 to 100 feet at maturity.

All landscaping (including permanent lawns) shall be performed in accordance with the plan approved by the Architectural Control Committee and shall be completed within twelve (12) months following the issuance of the occupancy permit for the home or if said permit was granted after August 31, said completion shall be on or prior to June 1 of the following year.

Landscaping completed by Developer within the Fence and Planting Easement Area and Outlots as shown on the Plat of The Retreat, including trees, plantings, grass areas, ponds, signs, and brick/stone/wood piers, fences, entrance signs, entrance monuments, or other ornamentation, are completed at Developer's expense to enhance the beauty of the subdivision. Maintenance of such landscaping shall be become the Owner's Association responsibility after completion, and the Developer shall have no further responsibility as to the growth, survival or maintenance of such landscaping.

19. ANTENNAE

No exterior antennae, other than two dish type antenna not exceeding thirty (30) inches in diameter, shall be allowed on any Lot. With respect to dish antennas not exceeding thirty (30) inches in diameter, they shall not be attached to the front of any house, nor shall same be located in the front yard of the residence unless approved by the Architectural Control Committee.

20. FENCES

A. Architectural Control. All fences constructed in The Retreat shall conform to the specifications established by the Architectural Control Committee. Such specifications shall include style, materials, color, and other specifications as the Committee may deem appropriate.

It is the express intention of this provision that the Committee may require that fencing be uniform throughout The Retreat.

21. MAILBOX

Each Lot shall have a uniform mailbox and newspaper box on a uniform post, which shall be installed by the Developer at the Lot owner's expense. The design and specifications of the mailbox, newspaper box and post, including size, style, color and materials, shall be such as is determined by the Architectural Control Committee, so that all mailboxes, newspaper boxes and posts have a uniform appearance throughout the subdivision. Purchasers of Lots from the Developer shall purchase the mailbox and mailbox post from the Developer at time of closing. If the Post Office requires the use of grouped mailboxes, Developer shall have the right to elect to install the mailboxes, newspaper boxes and posts, and to collect from Lot owners, at closing on the Lot sale, a reasonable charge for installing same. The Owner's Association shall have the right but not the responsibility to assume all or part of the responsibility for maintaining, repairing and/or replacing mailboxes, newspaper boxes and/or posts, and to charge the cost thereof as a common expense. To the extent not assumed by the Owner's Association, the Lot owner shall be responsible for maintaining the mailbox, newspaper box and post in a first class condition at all times.

22. EASEMENTS

The Developer at its sole discretion may grant easements to the Town of Delafield and/or to any public or private utilities, upon, over, through or across those portions of any Lot in the subdivision for purposes of allowing the Town of Delafield or utility company to furnish gas, electric, , cable television, telephone or other utility service to any Lot(s) or through any portions of the subdivision or for purposes of facilitating drainage of storm or surface water within or through the subdivision. Such easements may be granted by Developer in its own name and without the consent or approval of any Lot owner, until such time as Developer has conveyed legal title to all Lots platted or to be platted in the subdivision to persons other than a successor developer.

23. SWIMMING POOLS AND HOT TUBS

In-ground swimming pools shall be permitted, subject to the approval of the Architectural Control Committee, if they meet Town of Delafield and County ordinances and specifications. Above ground swimming pools are prohibited. Hot tubs and spas are permitted. Architectural Control Committee approval is not required for portable units, but is required for permanently installed units. If placed on a concrete slab, the slab requires approval. If covered with a gazebo type structure, the gazebo requires approval, whether or not the gazebo is permanently affixed to the ground.

24. GOVERNMENT RESTRICTIONS

The Developer, its successors and assigns, and all parties hereafter having an interest in the subdivision, are subject to all rules, codes, regulations and ordinances of the Town of Delafield, Waukesha County, the State of Wisconsin and the Federal Government, and the same may be more restrictive than these restrictions. In the event there is a conflict between the requirements of these restrictions and any provision of any Town of Delafield, County, State or Federal law or

regulation, the more restrictive provisions shall apply. Nothing herein authorizes any modification of, nor does it authorize the Architectural Control Committee to modify in any way, the rules, codes, regulations and ordinances of the Town of Delafield, Waukesha County, the State of Wisconsin and the Federal Government. No release or waiver by the public body and/or public utility requiring same shall be effective unless it is in writing and approved by the governing body.

To the extent that any specific restriction contained herein is the same as, or is substantially similar to, any specific restriction set forth in or on the subdivision plat, the Developer's Agreement, and/or any approval obtained in conjunction with the development of this subdivision, the inclusion of such restriction herein shall be deemed to constitute the recitation of the restriction required by the public body and/or public utility requiring same, such that same may be enforced, released or waived by the public body and/or public utility having the right of enforcement, in accordance with Sec. 236.293, Wis. Stats., whether or not enforcement rights with respect to such specific restriction are also granted herein to the Owner's Association and/or any other Lot owner. The foregoing shall apply only with respect to specific provisions hereof which were specifically required by a public body, and shall not apply to any general requirement that the Developer establish subdivision restrictions, any general approval of these restrictions by any public body, and/or the mere fact that a public body and/or public utility is granted any enforcement rights herein.

25. ISOLATED NATURAL AREA PRESERVATION RESTRICTIONS

Those areas of land which are identified as an Isolated Natural Area Preservation Area on Page __ of __ on this Subdivision Plat shall be subject to the following restrictions:

1. Grading and filling shall be prohibited except in connection with the construction of a residence in a designated pre-approved building envelope or with the specific approval of the Waukesha County Parks and Land Use.

2. The removal of topsoil or other earthen materials shall be prohibited.

3. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited, with the exception of the removal of dead, diseased or dying vegetation at the discretion of landowner, or silvicultural thinning upon the recommendation of a forester or naturalist, and the approval of the Waukesha County Department of Parks and Land Use. The removal of any vegetative cover which is necessitated by the approved construction of residences, associated buildings and driveways, shall be permitted.

4. Grazing by domesticated animals, i.e., horses, cows, etc., shall be discouraged to the greatest extent possible.

5. The introduction of plant material not indigenous to the existing environment of the Secondary Isolated Natural Area shall be prohibited.

6. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

7. Construction of buildings within the Isolated Natural Area is prohibited, except as may be

specifically provided for by a building envelope on the Subdivision Plat or Certified Survey Map. Any alternations to such a pre-approved building envelope will require the approval of the Waukesha County Parks and Land Use.

26. SUBDIVIDER'S AGREEMENT

A Subdivider's Agreement has been entered into by and between the Developer and the Town of Delafield, a copy of which is on file in the office of the Town Clerk of the Town of Delafield.

27. AMENDMENTS TO DECLARATION

This Declaration may be annulled, waived, changed, modified or amended at any time by written declaration setting forth said change, executed by the owners of at least sixty percent (60%) of the Lots in the subdivision, provided, however, so long as the Developer owns any vacant Lot in the subdivision, or any portion of the land, no amendment to this Declaration of Restrictions shall become effective unless the amendment is approved by and executed by the Developer. Further, no amendment shall become effective unless and until same is duly recorded in the office of the Register of Deeds for Waukesha County, Wisconsin. In the event there is more than one (1) owner of any Lot in the subdivision, the execution of any amendment by any one (1) or more of said owners of such Lot shall be deemed sufficient for the purpose of approving and executing any amendment, without the requirement that the other owner(s) of such Lot join in the execution of such amendment, unless such other owner or owners of said Lot have recorded in the Office of the Register of Deeds for Waukesha County, Wisconsin, prior to the date of execution of such amendment by any other owner of such Lot, a notice setting forth the fact that approval of any amendment on behalf of such Lot shall not be effective without the approval of the owner filing such notice. In no event shall this section be construed so as to require the Developer to obtain the approval of any Lot owner to make any amendment to this Declaration which is expressly permitted by any provision of this Declaration to be made by Developer alone.

28. ASSIGNMENT

All Developer's rights pursuant to this Declaration may be assigned by Developer to one or more successor developers.

29. ENFORCEMENT

The restrictions and covenants herein contained may be enforced by the Developer, by the Owner's Association created pursuant to the provisions of this Declaration of Restrictions, and/or by any Lot owner in the subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate same. The proceedings may seek to recover damages and/or demand compliance. No enforcement action by the Developer, by the Owner's Association created pursuant to the provisions of this Declaration of Restrictions, and/or by any Lot owner in the subdivision with respect to the construction, placement or alteration of any structure or improvement on any Lot shall be commenced more than one (1) year after the completion of the construction, placement or alteration of such structure or improvement. Nothing herein contained shall be construed so as to require that the Developer or the Owner's Association

undertake any enforcement action.

30. TERM

These restrictions shall run with the land and shall be binding upon all parties and persons having any interest in the land affected hereby for an initial period of forty (40) years from the date this Declaration of Restrictions is recorded, and thereafter shall continue for the full duration of the statutory limitation period for actions to enforce easements or covenants restricting the use of real estate (currently codified at Section 893.33(6), Stats., but including any future amendments, modifications or re-numbering of that section). This section does not terminate, and shall not be interpreted to authorize termination of, any drainage easements, pond maintenance requirements, or other restriction herein that affects an interest in real estate while the record title to the real estate or an interest in the real estate remains in the State of Wisconsin or a political subdivision or municipal corporation of the State of Wisconsin, including the Town, and the duration of any such restriction shall be unlimited and perpetual, unless terminated by the benefited political subdivision by recorded document.

31. SEVERABILITY

Invalidity of any provision of this Declaration, regardless of how determined, shall in no way affect any of the other provisions, which shall remain in full force and effect.

32. OWNER'S ASSOCIATION

An Owner's Association "Association" shall be created by the Developer for the purpose of managing the affairs of the subdivision, and for the purpose of managing, controlling and maintaining common areas, common improvements and common easements. Said Association shall be established as follows:

A. The Association shall be established as either a non-profit corporation or a non-profit association. Each Lot owner shall be a member of the Association, and each Lot shall be entitled to one (1) vote at meetings of the Association. Membership shall pass with title to each Lot.

B. The Association shall be governed by a Board of Directors consisting of not less than three (3) directors, who shall act by majority vote. So long as any vacant Lot in the subdivision is owned by Developer, Developer shall be entitled to appoint a sufficient number of the directors such that the directors appointed by Developer constitute a majority.

C. Each Lot in the subdivision shall be subject to assessment by the Association for an equal share of the Association's existing or anticipated expenses, which assessments shall constitute a lien on the Lot, and, except as set forth below with respect to Waukesha County and/or the Town of Delafield, the personal obligation of the Lot owners, until paid. In the event Waukesha County and/or the Town of Delafield become the owners of any Lot through the tax delinquency process, the foregoing provision shall not be deemed to supersede any law limiting or eliminating the liability of the County or the Town with respect to fees or assessments imposed by this Declaration. Further, in the event Waukesha County and/or the Town of Delafield become the owners

of any Lot through the tax delinquency process, neither the County nor the Town shall have any personal obligation for the payment of Association assessments.

D. "Special Assessments" may be made and levied by the Association against a particular Lot owner and his, her or their Lot (without levying against other Lots) for:

costs and expenses (anticipated or incurred) for repair of damage to common areas caused by or at the direction of the Lot owner or the family or guests of the Lot owner;

costs, expenses and actual attorneys fees incurred in, or in anticipation of, any suit, action or proceeding to enforce this Declaration against the Lot owner;

interest due on general or special assessments;

all other costs and expenses anticipated or incurred by the Association which are subject to special assessments as provided under this Declaration; and

costs, expenses and actual attorney's fees incurred in or in anticipation of, any suit, action or proceeding brought against the Owner's Association.

E. "General Assessments" may be made and levied by the Association equally against each Lot owner and his, her or their Lot for the following "common expenses" which may be anticipated, incurred or paid by the Association for:

maintenance, repairs, upkeep or operation of common areas and any additional common areas that may be acquired by the Association;

any insurance maintained by the Association;

taxes, assessments and charges of any kind made or levied by any governmental authority against the Association or upon any property of the Association;

all costs and expenses for the operation and administration of the Association, including legal, accounting, management fees, bonding, insurance and other costs incident to the exercise of any of its powers or obligations;

costs and expenses for additional improvements to common areas beyond those installed by Developer and approved by the Association;

all items subject to special assessment which have not been collected from a Lot owner at the time such payments are due; provided that upon collection of the special assessment from that Lot owner, all other Lot owners shall receive an appropriate adjustment, reimbursement or credit on future general assessments, as the Committee may determine, for payments made under this paragraph;

all damages, costs, expenses and attorneys fees incurred in, or in anticipation of,

any suit or proceedings (whether administrative, legislative, judicial) which are not otherwise collected by special assessment;

costs and expenses of service, if any, made available to all Lots and/or for any common area;

all other costs and expenses declared to be common expenses under this Declaration.

The general assessments for all common expenses shall be levied equally against each Lot.

Each Lot owner shall promptly pay, when due, all general and special assessments levied by the Association against such owner and his, her or their Lot, together with all costs, expenses and reasonable attorney fees incurred by the Association in collection of any delinquent assessment(s). All assessments shall become due as the Association may determine appropriate (in a lump sum or in installments with or without interest.) Time is of the essence with respect to all payments.

All co-owners of a Lot shall be jointly and severally liable for all general and special assessments levied against the Lot, regardless of the type of tenancy, estate or interest in the Lot (whether as joint tenants, tenants-in-common, land contract purchaser(s) or seller(s), or otherwise.)

All general and special assessments which are not paid when due: shall bear interest at eighteen percent (18%) per annum until the assessment is paid in full; shall constitute a lien on the Lot; and shall be collectible and enforceable by the Association by suit against the Lot owner, by foreclosure or the lien, and/or in any other manner or method provided under this Declaration or laws of the State of Wisconsin.

The lien granted hereunder shall also cover and include all interest accruing on the delinquent assessments, plus costs, expenses and attorney's fees for collection.

The Association shall have the exclusive right and power to collect or enforce collection of all general and special assessments levied by the Association. They shall further have the exclusive right to bring any and all actions and proceedings for the collection thereof and/or the enforcement of liens arising there from. The Association may bring an action at law against any Lot owner personally to collect such assessments and/or to foreclosure the lien for such assessments against the Lot (in the same manner and method as an action to foreclose a real estate mortgage.) The Association shall have the right at any time to notify all Lot owners within the subdivision of the delinquency of any Lot owners.

F. The Articles and By-Laws of the Association shall contain such additional provisions as Developer may deem appropriate at the time of establishment of the Association.

33. MAINTENANCE OF DRAINAGE EASEMENTS, PONDS, FENCES, ENTRANCE SIGNAGE, AND PATHS.

The Owner's Association has the responsibility of properly landscaping and maintaining all common areas, Fencing and Planting Easement areas and subdivision entrance signage within the subdivision. The Homeowner's Association shall be responsible for the maintenance of all retention storm water drainage facilities and easements after completion of said facilities. The Developer and each Lot Owner, as the case may be, grants to the Homeowner's Association a permanent access easement and right to enter upon the drainage easements in order to inspect, repair and restore said drainage easements for their intended purpose. The Homeowner's Association agrees to indemnify and hold harmless the individual Lot Owner of the costs of routine and extraordinary maintenance to all drainage easements provided that the Lot Owner has cooperated with the Homeowner's Association in regards to the maintenance of the drainage easements. The Developer has recorded a separate "Storm Water Management Practice Maintenance Agreement" which further defines the Association's responsibility with regard to stormwater facilities and drainage easements. The Developer and the Homeowner's Association, as the case may be, hereby grants to the Town a permanent access easement and the right (but not the responsibility) to enter upon the easement in order to inspect, repair and restore said drainage easements and retention ponds for their intended purpose. If the Homeowner's Association fails to perform its maintenance obligations required herein after written notice from the Town, the expenses incurred by the Town for inspections, repair or restoration of said drainage easements and retention ponds may be placed against the tax rolls for said Homeowner's Association or the individual Lot Owners and collected as a special charge by the Town. Subject to the provisions of Paragraph 35 below, the Owner's Association further has the responsibility of properly maintaining all drainage easement areas located within the individual Lots which are subject to this Declaration of Restrictions and the ponds and all drainage easement areas within common areas. Maintenance of the ponds shall include, but not necessarily be limited to: preservation of the embankments; prevention of erosion above the ponds, around the ponds and downstream there from; and dredging if and when necessary. In the event the Owner's Association does not properly landscape and/or maintain said items, the Town of Delafield may send written notice to the Association setting forth which of said items the Town of Delafield has determined are not properly landscaped and/or maintained, and stating that the Town of Delafield may perform such landscaping and/or maintenance if not properly done by the Association. The above-referenced notice shall give the Association a minimum of fifteen (15) days to correct the problem, unless the Town determines, in its discretion, that a shorter notice period is appropriate due to a hazardous condition requiring more immediate action. If such landscaping and/or maintenance is not performed within the time granted by the above-referenced notice, and/or if the Town determines, in its discretion, that immediate action, without notice, is required due to an imminent threat of damage to persons or property, the Town of Delafield shall then have the authority, but not the obligation, to undertake such landscaping and/or maintenance, and shall have the right to charge the Lot owners on a pro rata basis for any costs incurred by the Town as a result of said landscaping and/or maintenance. Said costs shall be assessed as special charges pursuant to Section 66.0627 Wis. Stats. If such charges are not paid by any Lot owner within the period fixed by the Town of Delafield, such charges shall become a lien upon the Lot owner's Lot as provided in Section 66.0627(4), Wis. Stats. and shall be extended upon the tax rolls as a delinquent tax against the Lot owner's Lot as provided in Section 66.0627, Wis. Stats.

34. DAY-TO-DAY MAINTENANCE OF DRAINAGE EASEMENT AREAS

To the extent practical, the day-to-day minor maintenance of any drainage easement area located on an individual Lot shall be the responsibility of the owners of such Lot. Day to day maintenance includes such items as cutting grass, raking leaves, removing fallen trees and branches, and removing other minor obstructions. This paragraph shall not limit the Town's authority of enforcement against the Association, as described in Section 34, above, and does not limit the Association's responsibility for maintenance of drainage easement areas.

35. DEVELOPER'S RIGHTS

Developer may acquire in the future other lands in the vicinity of this Subdivision. Developer shall have the express right, but not the obligation, to develop all or part of other lands in the area, in such a manner as to create an integrated development with this Subdivision. To accomplish that purpose, Developer shall have the express right, without the necessity of obtaining the approval of the Owner's Association or any Lot Owner, to do any or all of the following:

a. Grant easements for the use, and establish requirements for the maintenance of, common Outlots and/or other common areas such that the Owners of Lots in all of the developments have the full right of access to and use of common Outlots and/or other common areas, and the Owners of all Lots share equally in the maintenance expenses.

b. Amend this Declaration of Restrictions with the prior consent of the Town of Delafield so as to subject any or all of said additional lands to this Declaration of Restrictions. In doing so, Developer shall have the right, when required or requested by any governmental body, to establish certain provisions which may be applicable to one or more, but less than all, of the developments.

c. Amend the Articles of Incorporation and/or By-laws of the Owner's Association so that the Owner's Association functions as the association for all of the developments.

d. Amend the provisions hereof with respect to the Architectural Control Committee (ACC) so that there are separate ACCs for each development, or so that there is a combined ACC for some or all developments.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this____ day of_____, 202___.

The Retreat, LLC (Developer)

By: _____
_____,

Member ACKNOWLEDGMENT

STATE OF WISCONSIN)
)SS.
WAUKESHA COUNTY)

Personally came before me this_____day of_____, 202_, the above- named_____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____
Notary Public,_____County,
WI My commission expires _____

Approved:

_____

PRELIMINARY SUBDIVISION PLAT
"THE RETREAT"

UNPLATTED LANDS BEING PART OF THE NE 1/4 AND THE SE 1/4 OF THE NW 1/4, OF SECTION 36, TOWN 7 NORTH, RANGE 18 EAST, TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN

OWNER:
ARCHIBALD AND JUDITH PEQUET
S4W28701 NORMS RD.
WAUKESHA, WI 53188
262-305-2931

DEVELOPER:
JON SPHEERIS
175 E. WISCONSIN AVE., SUITE A
OCONOMOWOC, WI 53066
262-261-0758

ENGINEER:
LAKE COUNTRY ENGINEERING
ROB DAVY
970 S. SILVER LAKE ST. STE 105
OCONOMOWOC, WI 53066
262-569-9331

SURVEYOR:
LANDTECH SURVEYING, LLC
JOHN DOWNING
111 W. 2ND ST
OCONOMOWOC, WI 53066
262-367-7599

REVIEWING AUTHORITIES:
- TOWN OF DELAFIELD
- CITY OF WAUKESHA (EXTRATERRITORIAL)
- WAUKESHA COUNTY
- WI DEPARTMENT OF ADMINISTRATION

TOTAL PARCEL AREA
INCLUDING AREA TO BE DEDICATED
49.556 ACRES (2,158,642 S.F.)
LESS ROAD WAY TO BE DEDICATED
45.197 ACRES (1,968,775 S.F.)

CURRENT ZONING
A-2

BUILDING LOCATION
- ROAD SETBACK = 50'
- REAR YARD SETBACK = 20' OR P.E.C.
- SIDE YARD SETBACK = 20' OR P.E.C.

(SEE LOT 1 FOR DETAIL)

LOT SIZE
- MINIMUM AREA: 60,000 S.F.
- MINIMUM AVERAGE WIDTH: 175'

NOTES:
- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT 1, OUTLOT 2 AND OUTLOT 3. TOWN OF DELAFIELD SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY. OUTLOTS 1, 2 AND 3, SHALL BE USED FOR STORM WATER MANAGEMENT FACILITIES.
- EXISTING CONTOUR INFORMATION ON NORMS RD. WAS FIELD SURVEYED BY LANDTECH SURVEYING LLC. LANDS OUTSIDE OF NORMS RD. ARE PER WAUKESHA COUNTY GIS.
- THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ALL LOTS HAVE AT LEAST A 175' MINIMUM AVERAGE WIDTH.
- CONTOURS ARE PER WAUKESHA COUNTY GIS.
- ISOLATED NATURAL RESOURCE AREA WAS DELINEATED BY DAVE MEYER OF WETLAND & WATERWAY CONSULTING, LLC, AUGUST 2020.
- THE UNDERGROUND UTILITIES AS SHOWN ON THIS SURVEY ARE SHOWN PER DIGGER'S HOTLINE MARKINGS AND OR UTILITY PLANS PROVIDED. THE SURVEYOR DOES NOT CERTIFY OR GUARANTEE THE EXACT LOCATIONS OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
- DIGGERS HOTLINE LOCATE TICKET NUMBERS: 20203505400, 20203505402.

ISOLATED NATURAL RESOURCE PRESERVATION AREA RESTRICTIONS

THOSE AREAS OF LAND IDENTIFIED AS ISOLATED NATURAL RESOURCE PRESERVATION AREA ON SHEET 1 OF 1 OF THIS SUBDIVISION PLAT MAP SHALL BE CONSIDERED TO BE IN A ISOLATED NATURAL RESOURCE PRESERVATION AREA AND SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. GRADING, FILLING, REMOVAL OF TOPSOIL OR OTHER EARTHEN MATERIALS ARE PROHIBITED, EXCEPT IN CONJUNCTION WITH THE CONSTRUCTION OF A RESIDENCE AND OTHER PERMITTED IMPROVEMENTS IN A DESIGNATED PRE-APPROVED BUILDING ENVELOPE OR WITH THE SPECIFIC APPROVAL OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION. IF A DESIGNATED BUILDING ENVELOPE IS NOT SHOWN ON THIS PLAT, OR IS MODIFIED, A DEED RESTRICTION SHALL BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS DESCRIBING THE PERMITTED AREA OF DISTURBANCE AT TIME OF ZONING PERMIT ISSUANCE.

2. THE REMOVAL OR DESTRUCTION OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., IS LIMITED TO THE AREA NECESSITATED BY THE APPROVED CONSTRUCTION OF A RESIDENCE AND OTHER PERMITTED IMPROVEMENTS WITHIN A DESIGNATED PRE-APPROVED BUILDING ENVELOPE. ALL OTHER VEGETATION REMOVAL IS PROHIBITED, WITH THE EXCEPTION THAT INVASIVE, DEAD, DISEASED, OR DYING VEGETATION MAY BE REMOVED AT THE DISCRETION OF THE LANDOWNER AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION. SILVICULTURAL THINNING, UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION, SHALL ALSO BE PERMITTED. THE REMOVAL OF ANY VEGETATIVE COVER THAT IS NECESSITATED TO PROVIDE ACCESS OR SERVICE TO AN APPROVED RESIDENCE OR ACCESSORY BUILDING, SHALL BE PERMITTED ONLY WHEN THE ACCESS OR SERVICE CANNOT BE LOCATED OUTSIDE OF THE PRIMARY ENVIRONMENTAL CORRIDOR AND WITH APPROVAL FROM THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION.

3. GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC, IS PROHIBITED, UNLESS GRAZING IS CONDUCTED IN ORDER TO MANAGE INVASIVE VEGETATION AND APPROVAL IS OBTAINED BY THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE-PLANNING AND ZONING DIVISION.

4. THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT SHALL BE PROHIBITED, UNLESS INTRODUCED WITHIN THE PRE-APPROVED BUILDING ENVELOPE AS PART OF RESIDENTIAL LANDSCAPING.

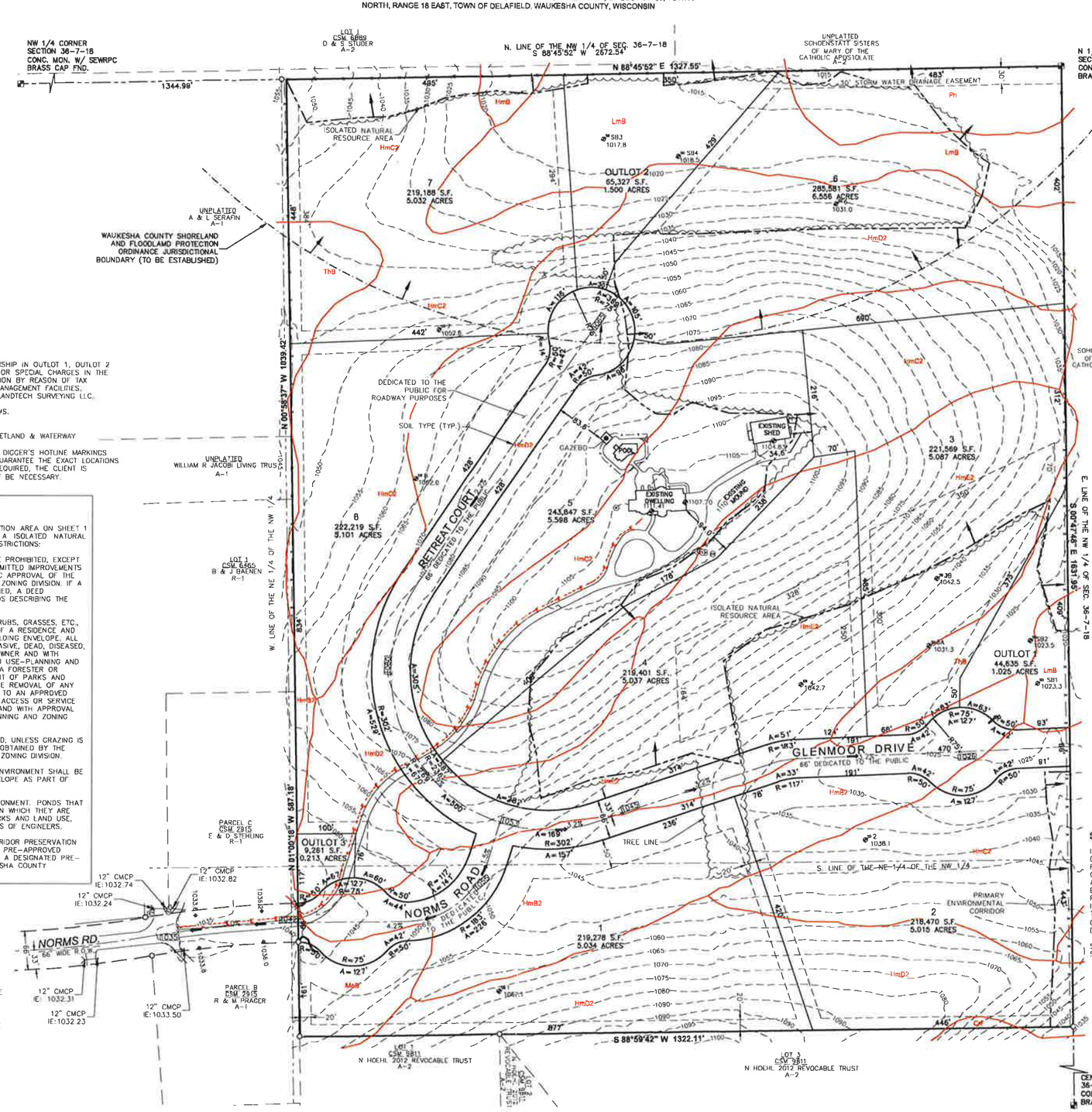
5. PONDS ARE PROHIBITED UNLESS DESIGNED TO ENHANCE THE NATURAL ENVIRONMENT. PONDS THAT MAY BE PERMITTED ARE SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

6. THE CONSTRUCTION OF BUILDINGS WITHIN THE PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION AREA IS PROHIBITED, EXCEPT AS MAY BE SPECIFICALLY PROVIDED FOR BY A PRE-APPROVED BUILDING ENVELOPE ON THE SUBDIVISION PLAT. ANY ALTERATIONS TO SUCH A DESIGNATED PRE-APPROVED BUILDING ENVELOPE WILL REQUIRE THE APPROVAL OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE- PLANNING AND ZONING DIVISION

SURVEYORS DESCRIPTION

UNPLATTED LANDS BEING PART OF THE NE 1/4 AND THE SE 1/4 OF THE NW 1/4 OF SECTION 36, TOWN 7 NORTH RANGE 18 EAST TOWN OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN.
COMMENCING AT THE NORTHWEST 1/4 OF SECTION 36, TOWN 7 NORTH RANGE 18 EAST ALSO BEING THE POINT OF BEGINNING; THENCE S 00°47'48" E ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION, 1631.95 FEET TO THE NORTH EAST CORNER OF LOT 3 OF CSM 9811; THENCE S 88°59'42" W ALONG THE NORTH LINE OF LOTS 3, AND 1 OF CSM 9811, 1322.11 FEET TO A POINT LYING ON THE EAST LINE OF PARCEL B OF CSM 2915; THENCE N 01°00'18" W, ALONG THE EAST LINE OF PARCEL B AND C OF CSM 2915, 587.18 FEET TO THE SOUTH LINE OF LOT 1 OF CSM 6465; THENCE N 00°58'37" W ALONG THE EAST LINE OF LOT 1 OF CSM 6465 AND AN EXTENSIN OF SAID LINE, 1039.42 FEET, TO THE NORTH LINE OF THE NW 1/4 OF SAID SECTION; THENCE N 88°45'52" E, ALONG THE NORTH LINE OF THE NW 1/4 OF SAID SECTION, 1327.55 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 2,158,641 SQUARE FEET, 49.556 ACRES



VICINITY MAP

0' 100' 200'
1 INCH = 100 FEET

BEARINGS BASED ON GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE GRID (NAD 27) AND REFERENCED TO THE NORTH LINE OF THE NW 1/4 OF SEC. 36-7-18 PUBLISHED BY SEWRPC AS N88°45'52"W.

VERTICAL DATUM IS NGVD 29

LEGEND

- SECTION CORNER MONUMENT
- FOUND 1" IRON PIPE OR NOTED
- CMCP CULVERT
- SEPTIC VENT
- SEPTIC CLEANOUT
- WELL
- TV PED
- ELECTRIC PED
- FLOOR ELEVATION
- 800.0 EXISTING SPOT GRADE
- 800 EXISTING CONTOUR
- WIRE FENCE
- TREE LINE
- UNDERGROUND ELEC. (PER PLAN)
- 3.2% PROPOSED SLOPE
- 1045 PROPOSED ELEVATION
- SOIL BORE

WISCONSIN JOHN DOWNING S-2939 KONIA LAND SURVEYOR

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939

LandTech SURVEYING
LAND SURVEYING • LAND PLANNING
111 W. SECOND STREET
OCONOMOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599

09/02/2020
PROJ. NO: 17137
SHEET 1 OF 1

Plan Commission Report for November 11, 2020

Pequet/Spheeris "The Retreat"
Agenda Item No. 5 C

Applicant:	Archibald and Judith Pequet, owner, Jon Spheeris, agent
Project:	The Retreat subdivision
Requested Action:	Allocation of development permits; approval of a modification/exception to the cul-de-sac length; approval of the preliminary plat
Zoning:	A-2 Rural Home District; partially in unzoned Waukesha County Shoreland District
Location:	S4 W28701 Norm's Road

Report

Preliminary Plat

A preliminary plat has been submitted for approval by Mr. Spheeris on behalf of Mr. and Mrs. Pequet. The Town has received a letter from the State Department of Administration with no objections. As of the date of this report, the Town has not received comments from Waukesha County Parks and Land Use. The prospered development will consist of 8 lots that range between 5.015 acres and 6.556 acres. The plat includes 3 outlots for stormwater management. Portions of Lots 2, 3, 4, 5 and 6 are noted as being in an Isolated Natural Resource Area (INRA). Notes related to lands in the INRA are included on the plat and limit the disturbance in the INRA unless County and Town (I am recommending that Town be added) grant specific approval. The plat shows an entrance cul-de-sac; however, the Town Highway Superintendent does not want a cul-de-sac due to maintenance issues. He stated that he would prefer no median or an elongated median. The developer's engineer has stated that there will be no cul-de-sac or median at the entrances based on the comments received.

The proposed subdivision is being considered under Section 18.16 Residential Planned Unit Development (PUD). The development meets all standards listed in Section 18.16 6. and specifically subsection d. which allows an exception to the 40% open space requirement if all the lots in the PUD are single-family residential lots and they each meet a minimum size of 5 acres. The overall density of the proposed development is 6.19 acres per unit; whereas 3.5 acres per unit is required. All lots meet the minimum lot size and lot width (60,000 s. f. and 175 foot minimum lot width). Side and rear offsets are shown at 20 feet. Below is the listing of considerations for the basis of approval as found in 18.16 7:

7. BASIS FOR APPROVAL

The Plan Commission in making its recommendation and the Town Board in making its determination as to the approval or denial of the land division for planned development shall give consideration to the purposes and standards in this section and be satisfied as to the following:

a. *That the proposed development is consistent with the spirit and intent of the chapter, is in conformity with the general character of the Town and would not be contrary to the general welfare and economic prosperity of the Town or of the immediate neighborhood, but rather that the benefits from the anticipated improved design of the resultant development justifies the variation from the normal requirements of this chapter through the application of this planned development section.*
b. *That the size, quality and architectural design of all buildings in the project will not have an adverse effect upon the general character of the Town and surrounding neighborhood.*
c. *That the provisions and facilities of the open space areas being provided is of such quality, size and aesthetic value to justify the approval of the project.*
d. *That the setbacks shall be maintained along any boundary street of the project area as required by the existing underlying basic district.*
e. *That no building shall be permitted closer to a side or rear boundary street of the project area as required by the existing underlying basic district.*
f. *That there shall be no further division of any lot within the development.*
g. *That deed restrictions or an appropriate contract with the Town assuring implementation of the development according to the above requirements is filed with the Waukesha County Register of Deeds.*
h. *The proposed site shall be provided with adequate drainage facilities for surface and storm waters.*
i. *No undue constraint or burden will be imposed on public services such and police and fire protection street maintenance and maintenance of public areas by the proposed development.*
j. *The proposed site shall be accessible form public roads that are adequate to carry the traffic expected to be generated by the proposed development.*
k. *The approval of a petition for approval of a Residential Planned Unit Development shall be based on the building, site and operational plans for the development, all other commitments offered as required in regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented for the project.*
l. *If approved, the setback, offset, height, minimum floor area, minimum lot size, density and open space requirements of the Planned Unit Development, in addition to all conditions imposed in the grant of the approval, if any, shall be recorded as a deed restriction on the development lands in a form approved by the Town Board or its designee.*
m. *Any subsequent change or addition to an approved plan shall first be submitted for approval to the Plan Commission and, if in the Commission's opinion such change or addition is not substantial, it may recommend approval to the Town Board without public hearing. If the Plan Commission deems that any proposed change is not acceptable, it shall recommend accordingly to the Town Board. Without limitation to the Plan Commission's right to determine any other change substantial, a change in any of the following respects shall be automatically construed as substantial:*

    (1) *An increase in the number of dwelling units from that shown in the approved comprehensive project plan.*
    (2) *A significant change in the size, value or type of structure from that indicated in the approved comprehensive project plan.*
    (3) *The addition of any principal uses not included in the approved comprehensive project plan.*
    (4) *A change in the basic concept of site development which would significantly alter the relationship of uses or open space to adjoining properties.*

Allocation of Development Permits

Section 18.03 of the Town Code provides a system for which each development is evaluated in order to control the growth rate in the Town. Below is my evaluation of each of the criteria for consideration and your editing.

Item	Criteria	Points	Comments
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.
	Total	6	

Required threshold is 6 points.

Cul-de-sac length modification/exception

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. Since the only entrance into the subdivision is off of Norm's Road, the extent of Norm's Road has to be included in the total cul-de-sac length. The resulting lengths are 2,320 for Retreat Court and 2,100 for Glenmoor Drive. If at some point in time Glenmoor gets connected to roads to the east, Retreat Court would meet the general intent of the length restriction. Lands to the east are owned by the Schoenstatt Sisters. The owner/developer is proposing a right-of-way to the east for a possible future extension.

Staff Recommendation:

Development Permits: I recommend approval of the allocation of 8 development permits for The Retreat subdivision on the basis that the development meets the required 6 point threshold to allow the lots to be allocated, all subject to approval of the other items on the agenda.

Exception to Cul-de-sac length: There are currently 6 lots that access Norm's Road (one being the Pequet residence). The addition of 7 new lots does not require adherence to code Section 18.06 (1) (d). 7., which requires connection to two roadways for developments of 15 lots or more. Communities have a maximum cul-de-sac length for various reasons including discouraging "lolly-pop" developments of numerous cul-de-sacs, promoting connected neighborhoods and providing for emergency access. If an accident occurred at Norm's Road and Elmhurst Road, or a tree fell and blocked access in a bad storm, access to all properties in the development would be compromised. If the cul-de-sac length is 1000 feet, emergency crews could walk the distance or lay out hoses for that distance. Being well over 2,000 feet away from the end of the cul-de-sac compromises the ability for emergency staff to reach those homes timely in a disaster. I support the proposal to extend a road to the east; however, that land may not be developed for many years, if at all. This particular property is unique in that there are limited options for a roadway extension to an existing roadway; hence the request for the exception. With cooperation from the property owner to the north, the roadway could extend to Sylvan Drive or connect back to Elmhurst Road.

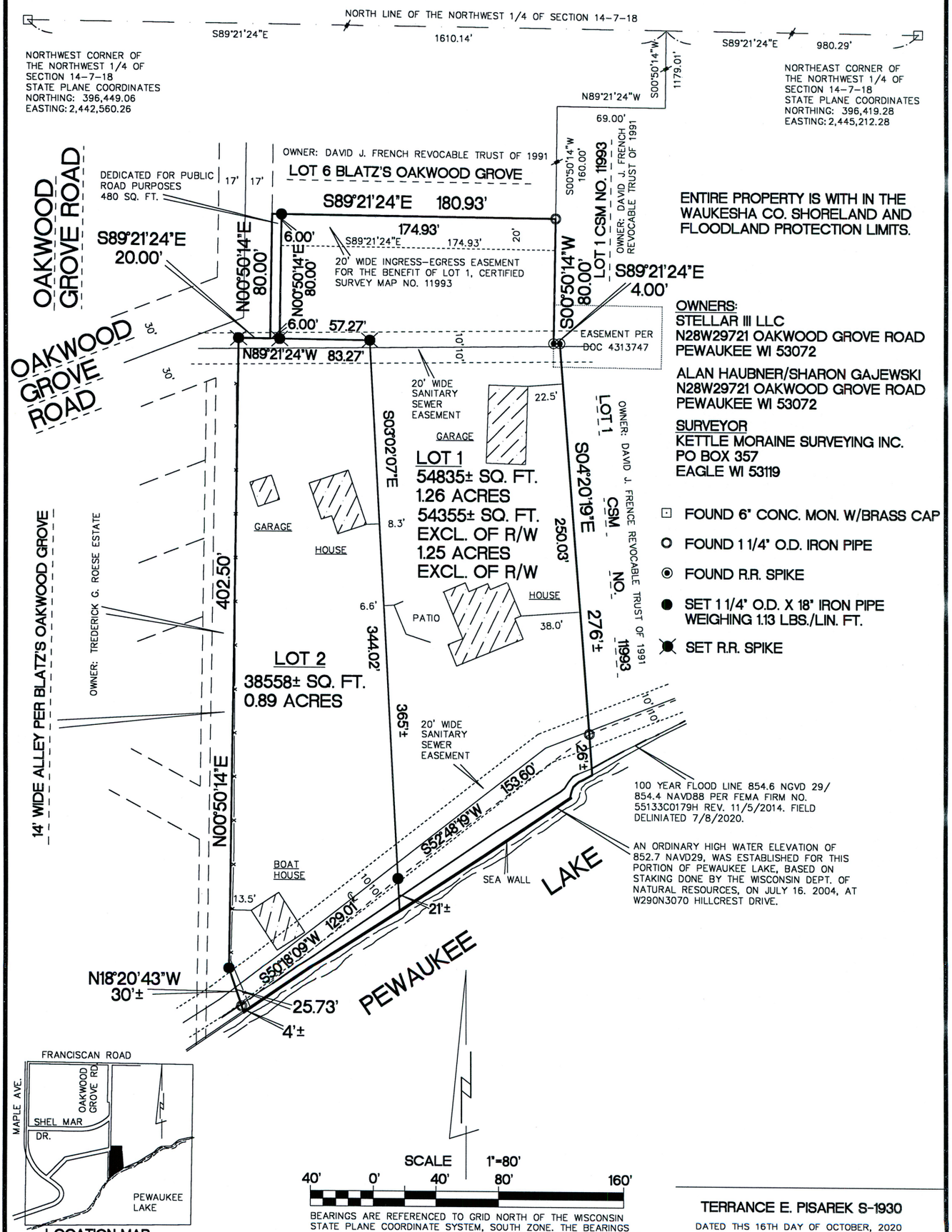
Preliminary Plat: If the Plan Commission decides to allow the exception to the cul-de-sac length, then I am in favor of the approval of the preliminary plat subject to the following recommendations being incorporated onto the final plat:

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.

Tim Barbeau, Town Engineer November 2, 2020

CERTIFIED SURVEY MAP NO._____

Being part of Lots 1, 2, 3, 4 and 5, of Blatz's Oakwood Grove Subdivision, including land known as an Unnamed Road which has been vacated as Document No._____, and other unplatted lands, being a part of Government Lot 2, being a part of the Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.



TERRANCE E. PISAREK S-1930

DATED THS 16TH DAY OF OCTOBER, 2020

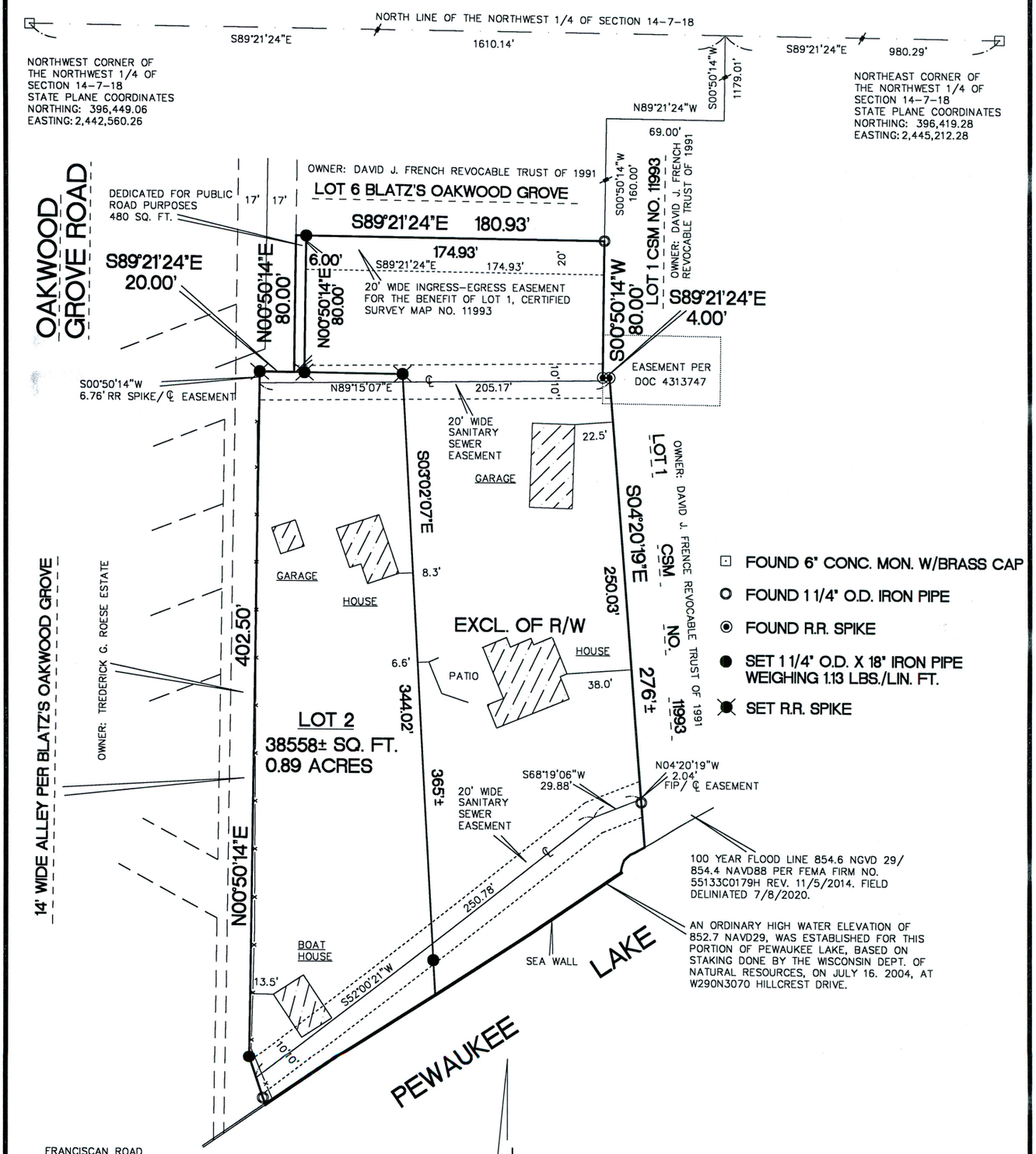
THIS INSTRUMENT WAS DRAFTED BY: TERRANCE E. PISAREK

JOB NO. 20067

SHEET 1 OF 4

CERTIFIED SURVEY MAP NO._____

Being part of Lots 1, 2, 3, 4 and 5, of Blatz's Oakwood Grove Subdivision, including land known as an Unnamed Road which has been vacated as Document No._____, and other unplatted lands, being a part of Government Lot 2, being a part of the Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.



BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 14-7-18 AND IS ASSUMED TO BEAR N89°21'24" WEST, (NAD27).

TERRANCE E. PISAREK S-1930

DATED THS 16TH DAY OF OCTOBER, 2020

THIS INSTRUMENT WAS DRAFTED BY: TERRANCE E. PISAREK

JOB NO. 20067

SHEET 2 OF 4

CERTIFIED SURVEY MAP NO._____

Being part of Lots 1, 2, 3, 4 and 5, of Blatz's Oakwood Grove Subdivision, including land known as an Unnamed Road which has been vacated as Document No._____, and other unplatted lands, being a part of Government Lot 2, being a part of the Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

SURVEYORS CERTIFICATE

I, Terrance E. Pisarek, Professional Land Surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land Being part of Lots 1, 2, 3, 4 and 5, of Blatz's Oakwood Grove Subdivision, including land known as an Unnamed Road which has been vacated as Document No._____, and other unplatted lands, being a part of Government Lot 2, being a part of the Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, described as follows: Commencing at the Northwest corner of the Northwest ¼ of said Section 14; thence South 89°21'24" East along the North line of the Northwest ¼ of said Section 14, 1610.14 feet; to a Westerly line of Lot 1, Certified Survey Map No. 11993 extended Northerly; thence South 00°50'14" West along said Westerly line, 1179.01 feet to a Northerly Line of said Lot 1; thence North 89°21'24" West along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 69.00 feet to a Westerly line of said Lot 1 and the Easterly line of Lots 5, 6, 7, and 8 of said Blatz's Oakwood Grove Subdivision; thence South 00°50'14" West along said Westerly and Easterly line, 160.00 feet to the Northeast corner of said Lot 5 and the Point of Beginning; thence continuing South 00°50'14" West along said Westerly and Easterly line, 80.000 feet to a Northerly line of Lot 1 of said Certified Survey Map No. 11993; thence South 89°21'24" East along said Northerly line and parallel to the North line of the Northwest ¼ of said Section 14, 4.00 feet to a Westerly line of said Lot 1; thence South 04°20'19" East along said Westerly line, 250.03 feet to a meander line of Pewaukee Lake; thence South 52°48'19" West along said meander line, 153.60 feet; thence South 50°18'09" West along said meander line, 129.01 feet; thence North 18°20'43" West, 25.73 feet to the Westerly line of Lot 4 of said Blatz's Oakwood Grove Subdivision; thence North 00°50'14" East along said Westerly line and said Westerly line extended Northerly, 402.50 feet; thence South 89°21'24" East, 20.00 feet to the Westerly line of Lot 5 of said Blatz's Oakwood Grove Subdivision extended Southerly; thence North 00°50'14" East along said Westerly line, 80.00 feet to the Northerly line of said Lot 5; thence South 89°21'24" East along said Northerly line and parallel with the North line of the Northwest ¼ of said Section 14, 180.93 feet to the Point of Beginning. Also those lands lying between the Shore of Pewaukee Lake and the said meander line, being bordered on the East and West by the Easterly and Westerly lines extended Southerly to the Lake shore as shown on this Plat. dedicating the Westerly 6.00 feet as shown on this Certified Survey Map for Public Road purposes, containing 2.14 acres of land exclusive of dedicated right of way.

That I have made such survey, land division and map by the direction of Stellar III LLC, Alan Haubner and Sharon Gajewski, Owners of the land

That such map is a true and correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the ordinances of the Town of Delafield in surveying, dividing and mapping the same.

Dated this 16th Day of October, 2020

_____

Terrance E. Pisarek S-1930

OWNERS CERTIFICATE

I, Alan Haubner and Sharon Gajewski as Owners and Alan Haubner as Representative for Stellar III LLC, Owner, do hereby certify that we have caused the land described to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the requirements of Chapter 236 of the Wisconsin State Statutes and the Town of Delafield Land Division Ordinance.

We also certify that this plat is required to be approved by the following: Town of Delafield, Waukesha County and the Village of Hartland.

Date:_____,20___

_____

Alan Haubner Representative

_____

Alan Haubner, Owner

_____

Sharon Gajewski, Owner

State of Wisconsin)
County of Waukesha)

Personally came before me this_____day of_____,20___ the above named persons, to me be known to be the persons who signed the foregoing Instrument and acknowledged that they executed the same.

My commission expires_____

_____

Notary Public

CERTIFIED SURVEY MAP NO._____

Being part of Lots 1, 2, 3, 4 and 5, of Blatz's Oakwood Grove Subdivision, including land known as an Unnamed Road which has been vacated as Document No._____, and other unplatted lands, being a part of Government Lot 2, being a part of the Southeast ¼ of the Northwest ¼ of Section 14, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin.

TOWN BOARD APPROVAL

Approved by the Town of Delafield Town Board on the_____day of_____,20__.

_____
Ronald A. Troy, Chairman

_____
Daniel Green, Town Clerk/Treasurer

PLAN COMMISSION APPROVAL

Approved by the Town of Delafield Plan Commission on the_____day of_____,20____.

_____
Kevin Fitzgerald, Chairman

_____
Daniel Green, Town Clerk/Treasurer

VILLAGE OF HARTLAND EXTRA TERRITORIAL APPROVAL

This Certified Survey Map was approved by the Village of Hartland on this_____day of _____, 20_____

_____
Jeffrey Pfannerstill, President

_____
Darlene Igl, Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL

The above, which has been filed for approval as required by Section 236 of the Wisconsin Statutes, is hereby approved on this_____day of_____,20___

_____
Dale Shaver, Director

BASEMENT RESTRICTION-GROUNDWATER

This Certified Survey Map is located in an area with mapped soils that may have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply.

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the State constitution.

Dated this 16th Day of October, 2020

Plan Commission Report for November 11, 2020

Haubner CSM
Agenda Item No. 5 C

Applicant:	Al Haubner, owner and representative of Stellar III, LLC
Project:	Lot Combination CSM
Requested Action:	Approval of a CSM to combine various existing lots and pending right-of-way vacation area.
Zoning:	R-3 Residential (Waukesha County)
Location:	N28 W29721 Oakwood Grove Road

Report

Mr. Haubner has submitted a Certified Survey Map (CSM) that combines six parcels defined by tax key numbers and a pending unnamed road right-of-way vacation area and into two parcels. The resulting parcels each have one existing home on them. The reconfiguration of Lot 1 will allow direct access to Oakwood Grove Road. Lot 2 currently has access to Oakwood Grove Road via a driveway on the property. Lot 2 has frontage along Oakwood Grove Road of approximately 41 feet, albeit around a corner.

The CSM has been reviewed and requires minor technical corrections, including the clarification of the note that states that the 14' strip of land located west of Lot 2 shown as a 14' wide alley. The lot line between Lot 1 and Lot 2, south of the pending road vacation lands, is not changing.

A new ingress and egress easement is being provided on the northerly 20 feet of Lot 2 for the benefit of accessing Lot 1 of CSM 11933 located east of the proposed CSM (French property). Lot 1 of CSM 11933 connects to Fransican Road to the north, so this access will be a secondary access to the property.

Staff Recommendation:

I recommend approval of the CSM dated October 16, 2020, subject to the following conditions prior to execution by the Town officials:

- Resolution of all technical comments provided by the Town Engineer
- Resolution of Waukesha County staff comments

Tim Barbeau, Town Engineer
November 2, 2020