

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, May 5, 2015**

Members present: T. Oberhaus, L. Krause, P. Kanter, C. Dundon, E. Kranick, G. Reich

Also present: P. Tilley, *Waukesha County Parks & Land Use representative*, T. Barbeau, *Town Engineer*, R. Troy, *Supervisor*, P. Van Horn, *Supervisor*, 32 citizens

Prior to the start of the scheduled Plan Commission meeting there were three public hearings as follows:

- 1. A hearing in front of the Town Plan Commission and a representative of the Waukesha County Department of Parks and Land Use to consider the request of Patrick DiStefano for a Waukesha County Conditional Use Permit for land altering activities associated with the construction of new single family residence and associated retaining walls at N27 W29999 Maple Avenue.**

Chairman Oberhaus opened the Public Hearing at 7:01p.m. Peggy Tilley read the Public Hearing Notice and passed around photos of the property for Plan Commission members to see.

Mr. DeStefano, property owner, and Mr. Augustine, Landmark Engineering Sciences, explained the proposal and changes that were made to the grading plans to meet Engineer Barbeau's and the County's comments. He described the changes made on a new plan revised May 1, 2015. Mr. Augustine stated the neighbor to the east is in favor of blending the grades and making a more defined swale between the two properties. A swale on this property will prevent water from flowing to the property on the west. They're trying to build a house, remove as many retaining walls as possible, bring the grades back to the original state and correct the water flowing currently from this property onto the property to the east. Mr. DiStefano is working with his neighbors as his plans are developed.

Ms. Tilley explained that there is roughly a 16 ft. grade change from the road to the lakeside exposure of the house. There is still a need for some fill in order to match the road level. The owner is proposing a retaining wall outside the lower level on the west side due to a proposed overhead door on the exposed basement level of the home. The retaining wall will be 10 ft. tall by the wall of the building and 0 ft. exposed at the opposite end. It will need to be engineered and Mr. Augustine will submit those plans at a later date after he receives the CU for the grading. There is high groundwater on the property so a basement drainage system, which is shown on the drain tile plan, will be needed. They do expect 600 gallons of water per day coming out of that drain tile. A temporary construction easement onto the neighbor's property or a temporary grading permit will need to be authorized by the neighbor. She asked if the Town has any concerns with the owner's plan to grade into the sewer easement. Engineer Barbeau said the grading is minor (only about a foot) but it really is a question for Lake Pewaukee Sanitary District instead of the Town. Mr. Augustine said they could be adding up to a foot in that location.

Ms. Tilley stated the owner will need to obtain a stormwater permit from the County's Land Resources Division, and a grading permit from the DNR since they are will be grading more than 10,000 sq. ft. The retaining wall must be at least 5 ft. off the lot line. He may need to make some additional modifications and will need to meet requirements set by the Land Resources Division. Variances on the set-backs needed have been approved.

In response to questions from Plan Commission members, Mr. Augustine said the existing home and deck are closer to the lake than the proposed residence will be (49 ft. vs. 77.5 ft. from the lake). The new residence will be a consistent distance from the lake with the neighboring properties. As a result, there will be more yard and grass and, therefore, more infiltration for the water. There are no plans to alter the existing boathouse. The existing home runs up to the west property line, so water running from the road and house toward the west does go onto the neighboring property. The new design keeps the water on the DiStefano property. A swale on the property directs runoff away from the lot line toward the lake. Water will then sheet-flow and toward the lake on both sides of the home.

Ms. Tilley stated the outflow from the drain tile will capture the groundwater. Reinforced turf is proposed. They may need to have the drain tile outlet located closer to mid-property and possibly have some more substantial plantings to stabilize the property.

Public Comments:

George Staleos, N27W29979 Maple Ave., owns the property on the east side of Mr. DeStefano

The wooden wall currently on Mr. DiStefano's property also sticks onto his property. He states the wall is very tall and he is in favor of that wall coming out. The plan will make it a more natural setting to the lake. His concern is water. His property is graded so water runs toward the lot line. A lannon stone wall will probably be removed under this plan and the swale will run water away from the foundations. He said this plan makes good common sense and prevents water problems. He is in favor of the plan.

James Ferrell, N27W30076 Maple Ave., is one 8 owners of the property on the west of the DeStefano property

Since this property to the west is lake access for 8 property owners, no home will be built there. He has no problem with what is planned by Mr. DeStefano. It is a well-researched approach to this construction. A rock swale on Mr. Ferrell's property handles the water that goes there now. He is in support of this project.

Chairman Oberhaus called the public hearing to a close at 7:27 p.m.

2. A hearing in front of the Delafield Town Board and Plan Commission at the request of Dale Bergman and RM 100, Dale Bergman agent, to rezone lands located at W300 N3317 Maple Avenue and W300 N3371 Maple Avenue from A-1 Agricultural District to R-1A Residential District for the development of an 11 lot subdivision.

The Deputy Clerk read the Public Hearing Notice.

Mr. Bergman explained the plan to develop the property. He is following the Town's land use plan regarding the number of lots and is requesting a rezoning of the property. He presented a conceptual plan at the last Plan Commission meeting.

Engineer Barbeau explained the land use and zoning relating to this property. The Town could allow a maximum of 11 single family lots. Hawksnest subdivision is next to Mr. Bergman's property. (The zoning used in developing Hawksnest is no longer in our Code.) The Village of Hartland is to the west and north of this property. Access to Mr. Bergman's development would be via Rookery Rd., which is a public road.

Public Comments:

Joan Fox, W302N3274 Rookery Rd., lives next to the proposed development.

Ms. Fox has met with Mr. Bergman and states she and those in Hawksnest have some concerns about the development. She stated that the previous owner, Mr. Klawitter, built a berm that is at different heights. The section of the berm next to her home is 40 ft. high and is comprised of asphalt, concrete, barbed wire, culvert pipes, rusty metal, etc. and is, therefore, difficult to live next to. She witnessed trucks dumping onto the berm at night and is unsure what else is in the berm. She also said the berm is up to 10 ft. on the Hawksnest common ground. Hawksnest has a trail used by children and the community which comes downhill directly to Rookery Rd. The berm hinders visibility for drivers in that area. Rookery Rd. is narrower than the other roads in the subdivision. Her property and some Hawksnest property have mature trees which result in visibility problems.

She says that Mr. Bergman previously said he'd use Maple Ave. for access to his development. Now for safety reasons he can't go out onto Maple Ave. since there would be too many subdivision entrances within a short distance. She is concerned that Rookery Rd. will become a construction entrance which neighbors don't want. She also doesn't want the added traffic and noise the construction will bring.

She also recalled that Hawksnest flooded several years ago and she's concerned that Mr. Bergman's plans for a berm along Maple Ave. will make water flow into Hawksnest. The Town installed a pipe after the flooding to help prevent a similar situation in the future but that solution has not been tested.

She wonders if residents will have problems with their wells and well depths due to the added construction in the area. Some Hawksnest residents have already dug second wells.

The residents know something will be built on this property but the only person benefitting from the current proposal is Mr. Bergman. Ms. Fox stated that farmettes could be made out of this property and she thinks that would be a wonderful idea. They've had a problem with enforcement of restrictions the Town has placed on that property in previous years. She is concerned there will be additional problems created with this proposed development.

Mr. Kanter asked if homeowners whose homes back up to the berm like the berm or not. Ms. Fox stated there is a mixed opinion among the homeowners.

Amy Tierney, W301N3268 Windrush Circle

Ms. Tierney has the berm by her home. She likes the privacy the berm provides but would like it to be nicely landscaped. She wasn't aware of the composition of the berm until hearing Ms. Fox tonight, and doesn't like what she heard.

Chris Tiahnybik, W302N3187 Windrush Circle

She is not opposed to building homes on this property but is concerned about the extra traffic on Rookery Rd. She said the plows trash the roads and the Town's way to fix things is to asphalt more areas. She thinks the entrance should be off Maple Ave. and stated that the Hawksnest homeowners have said it would be OK for the new road to go through some of the Hawksnest property.

Mr. Bergman clarified that anyone who bought property in Hawksnest received the declaration that Rookery Rd. would go through in the future. No owner has a right to object to this extension. Even if the road in his proposed development went through onto Maple, he believes the Town would require that the road be connected to Rookery Rd. as originally planned.

The public hearing ended at 7:53 p.m.

3. A hearing in front of the Delafield Town Board and Plan Commission at the request of Richard Reindl owner, to rezone lands located at N35 W29710 North Shore Drive from A-1 Agricultural District to A-2 Rural Home District to bring the land into conformance with Town zoning requirements and allowance of additional open space for construction of an accessory building.

The Deputy Clerk read the Public Hearing Notice.

Mr. Reindl explained that his simple request is to rezone from A-1 to A-2.

Engineer Barbeau gave the history of the property. This parcel and two adjacent parcels located in the Town are surrounded by Hartland. He explained what can be done on lots in this area and the current zoning. No Plan Commission members, supervisors or members of the public had questions.

The public hearing ended at 7:57 p.m.

The Plan Commission meeting began immediately following the conclusion of the public hearings.

1. Call to Order and Pledge of Allegiance
2. Approval of the minutes of March 31, 2015

MOTION BY MR. KRANICK, SECONDED BY MR. REICH, TO APPROVE THE MINUTES OF THE MARCH 31, 2015 PLAN COMMISSION MEETING. MOTION CARRIED.

3. Communications (for discussion and possible action):

- A. Waukesha County Dept. of Parks and Land Use,
Re: Woodridge Estates Notice of Violation (4/15/15)

Engineer Barbeau explained the violation was addressed immediately. The DNR and Waukesha County were involved. Brown water was flowing from the construction area. The grass areas are now matted and the grass should be growing soon.

Engineer Barbeau also told the Plan Commission that a notice of violation was issued yesterday for the James Cadd property near Hwy. 16 and CTH JK. Neither the County or DNR have issued permits for work on the property, but work was being done there. Topsoil was stripped. Materials were spread. Mr. Cadd is to have a silt fence but it was not there. Engineer Barbeau stated that work on the property has been stopped. Mr. Cadd has been given dates by which work must be completed.

Plan Commission members requested that this property be added to the next Plan Commission agenda so that members can discuss the possibility of revoking the Conditional Use Permit issued on the property.

4. Unfinished Business: None

5. New Business:

- A. Patrick DiStefano, N27 W29999 Maple Avenue
Re: Consideration and possible recommendation to Waukesha County regarding conditions associated with land altering activities and retaining wall on lands located at N27 W29999 Maple Avenue.

Engineer Barbeau stated his comments to the applicant regarding land-altering concerns have been addressed by the May 1, 2015 plan revisions. A recommendation to the County to build the project as shown would be in order.

Mr. Reich stated he agreed with the County that, due to the anticipated 600 gallons of water per day being released through the underground drain tile system, the DiStefanos should include landscaping with a rain garden so there is not a large sheet-flow of water across the property toward the lake.

Mr. Augustine stated that the tight soils on the property release only 3/100 of an inch per hour. He will work with the County to get an approved drainage plan for this house and will do calculations at peak levels. He had not heard the concern regarding the 600 gal. of water/day reference used prior to tonight's hearing.

MOTION BY MR. REICH, SECONDED BY MR. KANTER, TO RECOMMEND ACCEPTANCE OF THE CONDITIONAL USE PERMIT TO WAUKESHA COUNTY WITH THE CONDITIONS THAT THE LANDSCAPE PLAN INCLUDE SOME SORT OF RAIN GARDEN TO ADDRESS PROBLEMS THAT MIGHT OCCUR FROM THE ESTIMATED 600 GAL. OF WATER PER DAY EXITING FROM THE DRAIN TILE; AND THAT THE HOME IS BUILT IN ACCORDANCE WITH THE DESIGN SUBMITTED AND DATED MAY 1, 2015. MOTION CARRIED.

- B. Thomas and Polly Kranick, owners by Cory O'Donnell, Neumann Companies, agent
Re: Consideration and possible action on a request to approve a landscape plan for Woodridge Estates II located north of Franciscan Road and east of Maple Avenue in the Town of Delafield.

Mr. Kranick recused himself and left the room.

Engineer Barbeau stated the CUP required the presentation of a landscape plan. He described the requirements of the CUP.

Matt Neumann, Neumann Companies, Inc., updated the Plan Commission on the progress of this project. Phase 1 is nearly sold out; the 2015 parade of homes will be held here in August. Nine different builders are involved with homes in a varied price range. The communication item discussed earlier in the meeting involved a major rain event. With the early winter, grass growth hadn't been established and there was a significant amount of open dirt. Construction started in January. The site had runoff which went off of the site. The silt socks were floating. By the next day they had stopped the runoff. All erosion control has been upgraded. Green grass is beginning to show. Erosion matting is in now. The matting couldn't be installed earlier due to work which We Energies needed to do.

Mr. Neumann explained that they are now planning to complete the total project in 2 phases instead of 3. This will provide the entire loop road so construction traffic can continue during the Parade of Homes. Landscaping is planned similar to that of Phase 1. He plans to have the center open space and the paved walking paths done before the Parade of Homes. Along Franciscan Rd., there will not be a berm since the property goes up a hill, but there will be some plantings to create a visual buffer. The smaller trees on the plan are evergreens. They want it to appear as natural as possible.

Mr. Neumann discussed plans for Phase 2 signage and lighting of the signs. There is no proposed sign on Maple Ave. There will not be any added signage between the Summerhill development and Woodridge subdivision.

MOTION BY MR. KANTER, SECONDED BY MR. KRAUSE, TO APPROVE THE LANDSCAPE PLAN PRESENTED ON THE PLANS DATED MARCH 20, 2015. THE DEVELOPER IS DIRECTED TO BRING BACK THE MONUMENT SIGN AND THE WALKING PATH PLANS TO THE JUNE PLAN COMMISSION MEETING. MOTION CARRIED.

Mr. Kranick returned to the meeting.

- C. Dale Bergman/RM 100, W300 N3317 Maple Avenue
Re: Consideration and possible action on a request to rezone lands located at W300 N3317 Maple Avenue and W300 N3371 Maple Avenue from A-1 Agricultural District to R-1A Residential District for the development of an 11 lot subdivision.

Engineer Barbeau explained the request to rezone this land and commented on the public concerns regarding the berm. The road location and entrance possibilities discussed could result in three offset intersections close together on Maple Ave. The potential for this property is 11 lots. The land-use plan creates general expectations for the property and the design of the development. He is not aware of the issues with the berm composition, the berm location being across the lot line, or any water issues caused by it.

Mr. Bergman stated he did the stormwater plan and all water will be retained on his property. The water issues referred to by Ms. Fox happened in 2005. The review showed that the water flowing into Hawksnest was coming from the Kranick property, not from his property. The Town put in a culvert for Hawksnest and there has been no water issue since that time. This property also has the Village of Hartland's storm sewer as a back-up for water drainage. The sewer provider is Del-Hart.

Engineer Barbeau stated the water from this property should stay on the property and flow toward the lowest point which is the northwest corner of the property (toward Hartland).

Mr. Kanter said the issue tonight is rezoning, not the development of the property. He is not in favor of the proposed layout of the development but Rookery Rd. was always intended to connect to any future development on this property.

MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF MR. BERGMAN'S REQUEST TO REZONE HIS PROPERTIES FROM A-1 AGRICULTURE TO R-1A RESIDENTIAL DISTRICT CONDITIONED UPON DEVELOPING HIS LAND IN GENERAL CONFORMANCE WITH THE HAWKS HAVEN CONCEPTUAL PLAN DATED MARCH 2015 AND UNDER NO CIRCUMSTANCES THE DEVELOPMENT TO EXCEED 11 HOMESITES. MOTION CARRIED.

- C. Richard Reindl, N35 W29710 North Shore Drive
Re: Consideration and possible action on a request to rezone lands located at N35 W29710 North Shore Drive from A-1 Agricultural District to A-2 Rural Home District.

MOTION BY MS. DUNDON, SECONDED BY MR. KRAUSE, TO RECOMMEND TO THE TOWN BOARD THE APPROVAL OF MR. REINDL'S REQUEST TO REZONE HIS PROPERTY FROM A-1 AGRICULTURE TO A-2 RURAL RESIDENTIAL DISTRICT. MOTION CARRIED.

- D. Chaz Hastings, Golden Anchor Properties, LLC
Re: Consideration and possible action to on site plan, site grading and landscaping plan for the Golden Anchor restaurant located at N26 W30227 Maple Avenue.

Mr. Kanter recused himself and said he would not be returning for the remainder of the meeting since this was the final agenda item.

Engineer Barbeau stated Mr. Hastings has been very cooperative in providing plan revisions and making the changes requested. The plans show the removal of the garage, the trash enclosure moved to the northeast corner of the building, the landscaping of the old garage area and around the sign. Topsoil and sod will be placed south of parking stall 28. Two lights are proposed by parking stall 4 and by the landscaped area where the garage has been removed. Most light will be kept on the Golden Anchor property. LED lighting will be used and the lights will shut off on a timer as indicated in the CU which was approved by the County. The Town of Delafield must be on the sign. The removal of the garage substantially increases the line of sight for the entrance/exit area. The junipers planted in that area will remain low.

Mr. Hastings said the sign will remain as he previously proposed with the Town of Delafield on the sign. The only additional light will be from the residence. Parking stalls 39 – 42 are employee parking. Mooring buoys are not allowed by the DNR.

Chairman Oberhaus asked if any of the neighbors present had any concerns about the plans.

Rob Frey, N26W30199 Maple Ave. (neighbor on the east), said the landscape plans presented to the Plan Commission are inaccurate when showing the location of his home. He wanted to be sure the maintenance of the fence is still assigned to the Golden Anchor. Historically, he fixed the fence.

Mr. Hastings stated he will install parking blocks on his property to keep the cars from damaging the fence. He will discuss any maintenance needed on the fence in the future with Mr. Frey. He understands that since Waukesha County holds the CU, if any damage isn't fixed, the County will contact him and can cite him for not repairing the fence.

Mr. Frey was happy about the parking block. He also requests that the smoking area shown on the plans be moved so that it is not 8 ft. from the lot line in an area which is by Mr. Frey's sunroom. He would like the smoking area further from his home.

The designated smoking area was created at the request of the Town's Attorney. After discussion, Mr. Hastings suggested that he move the smoking containers closer to the garden area. The following motion satisfied Mr. Frey's concerns.

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON, TO DESIGNATE THE AREA FROM THE BACK (LAKESIDE) OF THE BUILDING TO THE END OF THE PIER AS THE SMOKING AREA FOR THE GOLDEN ANCHOR RESTAURANT. MOTION CARRIED.

Mr. Frey questioned the location of the light pole on the lot line. He has a room above his garage that's near the light and asked if there is an option to relocate the light.

Engineer Barbeau explained that this type of light shines mainly on the parking lot. The back-light spillover is low. He thinks it will be adequately shielded. A shorter pole could be a solution. Lighting is a safety issue. If lighting on Mr. Frey's property is a problem, Mr. Hastings will need to fix the situation.

Mr. Hastings stated that the architect put the light pole in that location. He agreed that proper lighting for the parking lot is a safety issue.

Susan Frey stated the new location of the dumpster is directly outside of one of their windows. She is concerned about noise and varmints.

Engineer Barbeau explained that the CU designates the hours during which garbage pick-up and dumping can occur. The County reviewed the site plan but generally defers to the Town for approval of the site, landscape and grading plans.

Mr. Hastings stated he does not want his tenants to have problems or concerns with the trash area. He would agree to leaving the trash enclosure and dumpsters on the current concrete pad and fencing and landscaping around it.

MOTION BY MR. KRANICK, SECONDED BY MR. REICH, TO MOVE THE TRASH ENCLOSURE BACK TO ITS CURRENT LOCATION WHERE THE CONCRETE PAD IS LOCATED AND TO INCLUDE PROPER FENCING AND ADJUSTMENTS TO THE LANDSCAPING PLAN. MOTION CARRIED.

MOTION BY MR. REICH, SECONDED BY MS. DUNDON, TO APPROVE THE SITE PLAN, SITE GRADING AND LANDSCAPING PLAN FOR THE GOLDEN ANCHOR RESTAURANT DATED APRIL 23, 2015 AS AMENDED BY THE PREVIOUS 2 AMENDMENTS ON MAY 5, SUBJECT TO ENGINEER BARBEAU RECEIVING AND APPROVING A REVISED SITE PLAN AND LANDSCAPE PLAN THAT INCORPORATES THE SMOKING SECTION LOCATION CHANGE, TRASH ENCLOSURE LOCATION AND REVISED LANDSCAPING WITHIN 1 WEEK WITH THE CHANGES REQUESTED. MOTION CARRIED.

6. Discussion: None

7. Announcements and Planning Items:

Open House and Transfer of Fire Equipment, Ribbon Cutting Ceremony, Tours of the New Town Hall/Fire Station Complex – Sunday, May 31, 1-4 p.m.

Next meeting -Tuesday, June 2, 2015

8. Adjournment

MOTION BY MR. KRAUSE, SECONDED BY MR. KRANICK, TO ADJOURN AT 9:28 P.M. MOTION CARRIED.

Respectfully submitted,
Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: June 2, 2015