

**TOWN OF DELAFIELD**  
**PLAN COMMISSION MEETING**  
**Tuesday, August 4, 2015**

Prior to the start of the scheduled Plan Commission meeting there was a public hearing to solicit public input on a request by Lloyd Williams, representing the William Becker and Lloyd Williams property (Tax Key No. 860-993), the Jeremiah W. Williams Family Limited Partnership properties (Tax Key Nos. 860-994, 857-999, 858-996, 858-998) and the R.A. Williams Way, LLC properties (Tax Key Nos. 858-999 and 824-976) for a Conditional Use Permit under section 17.05 5. AM. Residential Planned Unit Development for the development of a single family subdivision containing up to 135 lots on approximately 406 acres of land contained in said tax parcels. The general location of the site is north of USH 18, west of CTH G (Elmhurst Road), south and east of Hermie Lane and both north and south of Bryn Drive.

Members present: T. Oberhaus, L. Krause, P. Kanter, C. Dundon, E. Kranick, B. Cooley, G. Reich  
Also present: T. Barbeau, *Town Engineer*, Pete Van Horn, *Supervisor*, Cindi Duchow, *Supervisor*, 118 citizens

Mr. Oberhaus called the public hearing to order at 7:08 p.m. 118 citizens.  
The Clerk read the Public Hearing Notice.  
Mr. Oberhaus explained the public hearing process.

Carl Tomich, Westrich Builders (resident and developer), presented the plans for the proposed subdivision.

Nick Patera, Teska Associates, Inc., explained the design of the subdivision and the site plan, which includes:

- the existing 7 hills on the property,
- primary environmental corridors which can't be touched;
- preservation of at least 40% open space as required;
- woodland preservation;
- home lots of at least 150 ft. width and an average of 1 acre (36,000 sq. ft. minimum is allowed) which results in giving residents access to approximately 200 acres of open space in what is referred to as an open space conservation subdivision;
- open space for the community-at-large to enjoy;
- mown walking trails;
- keeping the farm buildings as a reminder of the property history;
- 7 different points of entrance (one on Hwy. 18, one on the north end of Bryn Dr., one on Elmhurst, and 4 additional entrances on Bryn Dr.) to disperse traffic;
- meandering roads which are designed to keep people from using them to cut through the subdivision;
- a large-scale master plan to be implemented over time;
- wetland delineation and character elements including the use of stone, stone walls and stone in the entrance, etc. to reflect the Welsh culture, and
- a possible lookout tower on top of the highest hill.

Carl Tomich said the property is zoned A1 and they will not be changing the zoning. They want a low density subdivision so they can work with the typography of the land. The family picked the land because it looked like Wales. He said the goal is to enhance the land and keep the Welsh character.

Mr. Tomich responded to questions stating:

- They are talking with the County and State regarding road access.
- They will be working with the County Planning Department regarding saving all the trees, delineating the primary environmental corridor and wetlands, ditches, etc. Waterways will also be discussed.
- The impact on the area wells was addressed by Scott Frey, Guthrie & Frey, who said research around this area and records of what can be expected indicate that water levels in this area have not changed in the past 30 years. He believes that 135 lots on 400 acres could not be expected to appreciatively affect the water level. He said the water level is remarkably stable here and his professional feeling is

that this will not affect the existing wells except in an isolated case. This is low density. Livestock have been on this property using the water for years.

- No decisions have been made impacting the cemetery.
- All lots shown on the current plan are at 1 acre plus right now.

### **Public Comments:**

#### Dave Bartkowiak, N5W29324 Venture Hill Rd.

He reviewed the Town Zoning Code regarding building compatibility and existing values. Chapter 18 talks about lessening congestion, controlling the rate of growth, protecting the resources in the area, and preserving the rural atmosphere of the Town without an unreasonable tax burden. Mr. Bartkowiak has the following concerns:

- A 36,000 sq. ft. lot is not compatible with the surrounding land (Hermie Lane has approximately 2.8 acres/lot, Sylvan, Bryn, Elmhurst, Venture Hill and Blodwen lot sizes are larger than the proposed lots without including the 20 acre lots in the area). He requests a minimum lot size of 3 acres which doubles the population density.
- He would like to know what will happen with all the land in this area.
- The County Land Use Plan shows this property as agricultural.
- He estimates that traffic and congestion due to this development, particularly in the morning and evening hours, will create over 1000 car trips/day on Elmhurst and Bryn (a car every 13 seconds).
- The Elmhurst, Bryn, Venture Hill areas are dangerous. He asks for both a lower speed limit on Elmhurst and additional stop lights or stop signs.
- Regarding water use, he stated the EPA site estimates usage of 400 gal./day for a family of 4 and more when homes and landscaping are being established. He asks the Town to require a bond from the developer to reimburse area residents whose wells go dry as a result of the new development.
- He asks that the developer meet with the School District to determine the impact on taxes with the addition of children in this area. Will the taxes go up as a result of this development?
- Lots 87, 109-115 are against Venture Hill properties. He wants to be sure that the 100 ft. offset from the property line stated in Town Code will apply to this development.
- Construction: He was hoping this would go in overnight so that the construction-related noise and mess would be done quickly. He wanted to know what hours are allowed for construction. Who is responsible for fixing any damage to Elmhurst due to the construction?
- He asks that the Plan Commission proceed slowly and consider the true impact this development will have on this area of the Town. He believes 135 homes will negatively impact this area. The developer will leave, but the neighbors will have to live with what's done here.

#### Lynn Serafin, W288S110 Elmhurst

She lives across from one of the proposed entrances to this development. She knows the Williams family can develop their land and that there will be changes, but has the following concerns:

- Water: She has a well which has continued to work properly for over 25 years without problems. Who is responsible if the well has problems when this development is added to the area?
- What is the time frame for this development?
- Traffic: Is there a plan or has a traffic study been done? Elmhurst has lots of curves. There are frequent accidents near and on her property, especially in the winter. Drivers end up parked in her pasture. That's why she built her fence so far back from the road. What will happen with the roads and with added traffic they will need better maintenance, too.
- The intersection at Bryn and Elmhurst is very dangerous. Should it be changed if there is to be additional traffic?
- Bikers: These roads are frequently ridden by bikers and the roads are already dangerous for this use. What will happen when there is added traffic?
- What size lots are planned? What type and size of houses are planned? Will there be regulations so we don't see 3 story homes on the hillsides?
- Walking paths would be fantastic. Please allow horses on the paths.

- Area Development in general: She is concerned about the amount of development on Hwy. 18 and on Maple Ave. She believed the Town was going to stay natural and country-type living.
- With the development increasing in the area, the wildlife population is decreasing.
- She objected to the developer's comment that the subdivision will enhance this land. She says the personality of this land will be gone – it is a wonderful design for a subdivision, but no matter what is done the land will be ruined.
- She hopes the Plan Commission looks carefully at this whole project and at the entire Town as it is developed.

Nicole Dickenson, W288S290 Elmhurst Rd.

She lives across from the proposed development. The plans are gorgeous. She loves the stone fences. She hopes the trails will be open for horseback riding. However, her concerns are regarding the water, roads, and the impact on the surrounding neighborhoods. The lot sizes are small for this area and the plan shows a lot of homes. She stated that livestock takes in water but the average family uses 400-500 gal./day. Can more conclusive studies be done regarding the water and the aquifer to be sure we don't run out of water in this area? She has both a family and livestock with water needs. Regarding traffic in the area, she stated there is a blind spot by her driveway and that the intersection at Bryn and Elmhurst is dangerous. With increased traffic, she expects to have cars in landing her property. Traffic meandering off Bryn already has collisions. Please consider changing the slope of the roads and the type of intersections. Is the Town or County thinking of making Elmhurst a 4-lane road? She would like to know the long-term plans for Elmhurst.

Jeff Disch, W294N510 Bryn Dr.

Mr. Disch is concerned about water. The area involved is the largest in Waukesha County in terms of the basin where water flows. He has 4 acres with a spring on his property. His water drains to Pewaukee Lake and a lake in Dover Bay (a drained lake which has no inlet but a continuous outlet). Water levels fluctuate. Pewaukee Lake is a drainage lake and he has seen an impact on the lake due to runoff. He bought his property due to the creek and land combination. Will Dover Bay have a Bay anymore with this proposed development?

He has previously served on a Plan Commission and states the density of this proposed subdivision is not low density based on its size.

Mary Marburg Villaca, property owner, Elmhurst Dr.

She owns a piece of woodland near this proposed subdivision on Elmhurst. In 1998-99, she was told by the Town Board that she could have a maximum of 5 houses on 20 acres. She didn't divide her property. She stated that Carl Tomich and Mr. Frey "feel" 135 wells won't impact other nearby wells but what he "feels" doesn't help us. She requests that the Town has a study done of the aquifer and cut the number of lots by 1/2 so they are 3 acre lots like those in the area.

Angie Kreidl-Herrmann, N5W29250 Venture Hill Rd.

She stated that the Williams families have every right to sell their land; it is the density that is the issue for her and her folks. She requests an environmental impact study, especially regarding the water issue. Could a well study be done? She said 135 homes is not low density. It will have a major traffic impact. The Elmhurst, Venture Hill and Bryn areas/intersections are very dangerous. It is hard to turn off Venture Hill onto Elmhurst with low sight visibility. She wanted to know what the long-term plan is for these roads. This has been a beautiful area to live in for 38 years. She and her parents want any development done responsibly. The plan is beautiful but 3-4 acre lots are better for this area.

Connie Cudnohowski, W296N615 Bryn Dr.

The #1 issue is wells. She has a very shallow well. She is also concerned with Bryn Dr. which has potholes each spring. She said the road needs more than patches to support the current traffic and will need more work with additional traffic. She appreciates the open space but doesn't understand the small lot sizes compared to the general 3 acre lot sizes in the area. One acre lots are not consistent with the neighborhood in this part of the Town. The plan is beautiful but isn't acceptable as shown tonight.

Ron Bartsch, S12W29085 Summit Ave.

Mr. Bartsch said this is a "quality of life" issue. When the Legends subdivision was developed, he was told his well wouldn't be affected. Since that subdivision was created, he has gone thru 3 pumps and is pumping air. He explained the current projected costs for his well. He suggests that the density of this development will impact both the water quality and most of people at this meeting. He recommends that the Plan Commission return the plans for development in this area and in the Town to low density population of 3 acres to improve the quality of life and the area water quality. He stated (and showed by a show of hands) that most of the people in this room think the existing proposed density of development is too high.

Steve Koepke, W293N460 Bryn Dr.

Mr. Koepke lives above this development on Bryn Dr. He said the key words in Mr. Tomich's presentation are "not at this time." He said the sight lines are gone and that this development was designed to create two major, beautiful lots with everyone else on top of each other.

Don Stoll, N7W29111 Larkspur Ct.

Commenting on the area traffic, Mr. Stoll suggested the Plan Commission members try crossing Elmhurst or drive to Elmhurst park for walking. His second concern is the area septic and mound systems. Will they bring sewer in for this subdivision? Will he end up with sewer bills as a result of this subdivision?

Karen Nimz, property owner, Elmhurst and Bryn Dr.

She has approval to build on her lot on the corner of Elmhurst and Bryn and is concerned with all of the projected traffic and the accident rate in that area. She had a pond on her land for years and now doesn't have it. A lowering of the water table in that area is taking place. She is also concerned about the rules and regulations for this new, community development – will the area be open to Town residents or will it become a gated community if the people who build there decide that's what they want?

Beth Culver, N1W29536 Hermie Lane

Her concern is the proposed tower. The cemetery is frequently vandalized by kids. What will happen with a tower?

Joan Rewey, N3W29523 Bryn Dr.

She loves the idea of the Town holding a bond from the developer for addressing water concerns developing from this subdivision. She wanted to know when each phase of the development would begin and what would be included in each phase, as well as what size homes will be required in the subdivision. She questioned what this subdivision will do to the property values of adjacent areas. Ms. Rewey said Bryn is very curvy and the proposal shows too many houses coming onto Bryn Dr. The proposed northwestern access is across from her driveway and she prefers that it not be located there. She suggests a cul-de-sac be used instead. She prefers larger lot sizes with a variety of lot sizes similar to Dover Bay and the Arbors subdivisions. She stated 1 acre lots is not low density. She asked that all of the streets be lined with trees so neighbors don't have to look at lots of houses and that the neighbors to the property have access to the walking paths, ponds and woods. She loves seeing the wildlife and fields now. She assumes the Home Owners' Association will own the outlots. She believes the access point on Hwy. 18 will be busy since Bryn Dr. residents will use it to cut through to Hwy. 18.

Tony Fronczak, S11W29586 Summit Ave. (Hwy. 18)

He owns 60 acres in the Town. He is totally against the project. He had a 600 ft. well go dry recently and is concerned about the water supply in the area.

Tom Trawitzke, W295N425 Bryn Dr.

Mr. Trawitzke just moved into the area. He has R1 zoning for his property, not A1. He explained that if he had A1 zoning he could do whatever he wanted to do but he paid \$75 to have chickens on his property since he's not zoned agricultural. He moved from an area which was put in conservancy and was to have walking paths but none were put it and the area is now over-run. A Homeowners' Association had to be created to fix things.

This subdivision has a lot of proposed open space which will need maintenance. He would like details as to the type of homes which are proposed. He stated that there were inferences that this plan is how the development will be. He had no idea when he bought his property that this was being considered. Mr. Oberhaus clarified that the Plan Commission learned of this one month ago when the plan was brought to the July meeting as a discussion item. He stated this development is in the very early stages. Proposals prior to that meeting were different than the current proposal.

Dave Gauerke, N6W29580 Bryn Dr.

Mr. Gauerke is concerned about the water supply and current wells. He stated 30 years ago this property was addressed as a possible dump site for Waukesha County due to the clay in the soil which does not absorb water. He believes the size of the lots is too small and the homes need to be spread out due to the soil composition. He also is concerned since when homes are built in this area there must be an alternate site for septic system to be placed. He questioned where an alternate site will be on a 1 acre lot. He also asked if there will be an association to take care of this subdivision years down the road so it doesn't become a buckthorn field.

Chris Michels, 2935 Lilly, Brookfield (owns neighboring property)

Mr. Michels owns 250 acres that borders this property so he was notified of this meeting. He is shocked at how gracious this plan is. He stated all these lots are technically 400 acres divided by 135 lots. He has 2 lakes on his property and said he has plenty of water. Eventually the development of this property will happen. This is just progress.

Charles Dickenson, W288S290 Elmhurst Rd.

Mr. Dickenson stated he's a runner. This is a lovely plan but he is concerned about the roads and traffic usage. Running in the morning is already dangerous. He avoids the less safe periods. Bicyclists, alpiners, runners and cars all have a right to share the roads. He doesn't want wider roads but stated the Town may need a shoulder designated for walkers, runners and bicycles.

John Skatrud, N6W30191 Bryn Dr.

Mr. Skatrud sees a lot of cars going into the ditch. He enjoys walking on Bryn Dr. without being hit. He is disappointed with all of the development here. This is not the character of the Town he thought it was. He stated that the voters here aren't happy. He shares the concerns with previous speakers regarding the water supply and road safety. He hopes the developer and the Town will consider a bike path or sidewalk along the roads for safety if this subdivision moves ahead.

Jack Perry, N6W30241 Bryn Dr.

He believes the statement a previous speaker made and that Mr. Tomich made regarding having 135 lots on 400 acres is disingenuous since the developer can't develop all 400 acres. He hopes the Town is working on border agreements to the east and southeast since he is concerned it will be a prime area for Waukesha to gobble up. He asked the Town to protect our rural heritage and stated this subdivision isn't doing it.

Jason Anderson, N1W29588 Hermie Ln.

Mr. Anderson is wholly against this plan. He has lived here 3 years and loves the area, typography and wildlife. He shares all of the same concerns of the previous speakers tonight. He said he heard sales rhetoric tonight from the developer and designer but hasn't heard details and timelines. He asked if people believe this development of 135 homes increases the beauty of this area. He is fearful for children riding bikes on the roads. He has witnessed cars racing on Bryn Dr. with drones shooting video overhead. He is having a hard time believing what he heard tonight since he believes there are too many questions yet regarding development in this area. He read that this topic was brought up March 3 along with property owned by Judith Williams and that the Plan Commission was against that proposal due to multiple site issues and items which needed to be evaluated by the County. He wanted to know what has changed.

Mr. Oberhaus explained that the March 3 meeting had a discussion item relating to a small section of this land with no proposal for the rest of the property. The Plan Commission asked Mr. Tomich and Mr. Williams to

come with a full plan for the entire acreage if they wanted development of any part of it to be considered. The plan was sent back with no consideration. The current plan was presented one month ago as a discussion item. It is the right of the Williams families to bring forth proposals for development of their property. The Plan Commission did not propose this and has not acted on any plan regarding this property.

*Ken Schmitz, W296N432 Blodwen*

Mr. Schmitz moved here for family time and for the beauty of this area. Change happens. His mother-in-law developed Hermie Lane with 5 home sites with 2 – 2.5 acre lots. He stated if one looks at the surrounding area, the development is consistent and people planned for the future. People want and like to live here. Residents don't sell frequently; they like to stay in the area. He urged the Plan Commission and the Town to plan responsibly. The Williams have the right to change things around. He hopes the developers heard tonight that they need to plan carefully and come to an agreement with the Town with a good, responsible plan that makes more people happy and fewer upset.

Mr. Tomich had no additional comments.

Mr. Oberhaus announced that the Plan Commission received two emails which will be entered into the record. They are from:

*Robert Ackerman, N3W29521 Bryn Dr.*

He objected to the development on the Williams farm. He moved here for the peaceful nature of the neighborhood and stated that building a 135 home subdivision would be a major disruption. He was also concerned with the effect of 135 new wells on his water quality.

*Lauren Beale, N5W29116 Venture Hill Rd.*

She raised concerns regarding the proposed lots sizes being smaller than most lots in the adjacent areas of the Town; the limited amount of space new owners will have on their property to add things like patios, decks, pools, outbuildings, etc., in the future given the Town's green space requirement and the small lot sizes in the development; the impact of the development on existing wells; access to the proposed walking paths for horseback riding and for use by Town residents in general; current dangers regarding traffic on both Elmhurst and Bryn, as well as the access points for the subdivision, particularly on Elmhurst; and questions regarding the intersection of Bryn Dr. and Elmhurst. She requested a traffic impact study regarding the additional vehicle traffic this will create on Elmhurst and any changes which may be needed on Elmhurst. She also asked that the Plan Commission consider safety issues on the same roads with the proposal regarding the Judith Williams property.

Mr. Oberhaus reminded those in attendance that this is an early step in the development process. He explained what will happen next and that this item is on the Agenda for tonight's meeting.

Engineer Barbeau explained that there are issues to be discussed by the Plan Commission. Further investigation will take place. He will express his concerns to the developers and they will need to decide if they will proceed with this proposal. There will be more meetings over the next several months. A Conditional Use in PUD document would eventually get signed and recorded tied to an approved layout for the development. The preliminary plan process takes about 6 months. Once the Plan Commission makes a recommendation to the Town Board regarding the Conditional Use, the Board can accept or deny the approval. The CU is a legal document with conditions the Town can put on the development. If the developer is in violation of any of the conditions, the Town can stop the development.

Mr. Oberhaus called the hearing to close at 8:59 p.m. and declared a 5 minute recess prior to the Plan Commission meeting.

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

Mr. Oberhaus called the meeting to order at 9:06 p.m. and led all present in the Pledge of Allegiance.

**Second order of business:**

**MOTION BY MR. COOLEY, SECONDED BY MR. KRANICK, TO APPROVE THE MINUTES OF THE JULY 7, 2015 PLAN COMMISSION MEETING.  
MOTION CARRIED.**

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

None

**Fourth order of business:** Unfinished Business

- A. Lee and Nancy Dlouhy W294 N3107 Bittersweet Lane  
Re: Consideration and possible action on a request to amend the Town Street and Highway Width Map to reduce Bittersweet Lane and Hill Street from proposed 66 feet right-of-way to the platted right-of-way width of 30 feet.

**MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO REMOVE THIS ITEM FROM THE TABLE.  
MOTION CARRIED.**

Engineer Barbeau explained this item is being discussed with the Town Attorney. The Town is attempting to remove the street width designation on the street and highway width map so no action by the Town has to take place with respect to the street width.

**MOTION BY MR. KANTER, SECONDED BY MR. REICH, TO TABLE THIS ITEM.  
MOTION CARRIED.**

**Fifth order of business:** New Business

**MOTION BY MR. KRANICK, SECONDED BY MR. COOLEY TO BRING AGENDA ITEM 5C TO THIS POINT IN THE MEETING.  
MOTION CARRIED.**

- C. William Becker and Lloyd Williams property, the Jeremiah W. Williams Family Limited Partnership properties and the R.A. Williams Way, LLC properties, by Lloyd Williams, W289 N520 Elmhurst Road, Re: Consideration and possible action on a Conditional Use Permit under section 17.05 5. AM. Residential Planned Unit Development for the development of a single family subdivision containing up to 135 lots on approximately 406 acres of land generally located north of USH 18, west of CTH G (Elmhurst Road), south and east of Hermie Lane and both north and south of Bryn Drive (Tax Key Nos.: DELT 0860-993, 0860-994, 0857-999, 0858-996, 0858-998, 0858-999 and 0824-976).

As requested by Mr. Oberhaus, clarification was given by the Deputy Clerk that a notice was sent to all property owners within 300 ft. of the properties involved in the Public Hearing as is always done by the Clerk's Office at least 10 days prior to all Public Hearings. The Town also publishes all notices in the Lake Country Reporter and sends copies to other area newspapers. The legal notice of the public hearing was published in the Lake Country Reporter on July 21 and July 28, 2015. The Town has noticed that mail delivery to Town residents with Waukesha mailing addresses does take a few extra days.

Mr. Reich questioned border agreements with neighboring municipalities. Mr. Kanter explained that agreements are in place with all municipalities except the City of Waukesha.

Mr. Kanter commended the public for participating in what he considered one of the better public hearings through the years; despite the emotion he stated it was incredibly civil which added to the credibility of the

comments from the public. Mr. Kanter is very concerned about the traffic and impact on the roads. Most of the subdivision will dump traffic on Elmhurst and the impact there will be tremendous. He requests that the petitioners engage a traffic study and prepare it for the Town. It should be done by an entity chosen by the Town Engineer at the expense of the petitioners. He made the same recommendation regarding a water study of the area and the impact on area wells. Mr. Kanter also requested that the developer significantly reduce the number of lots proposed.

Mr. Reich added that the water study should address the aquifer recharge; where the water goes and how the water will be captured due to the building in the subdivision. He is also concerned about the time frame of the development and what the phasing of the development will be. He questioned how long a buyer would be allowed to keep a lot without building on it.

Mr. Cooley discussed the car accidents on Bryn Dr. and was particularly concerned about the proposed subdivision exit between lots 86 and 87 which he said is an almost blind corner. He suggested moving the road to intersect across from Hermie Ln. and make a cul-de-sac where the proposed exit was instead. He requested that the traffic study should consider sight distance for all approaches for the entire development and not just be a traffic study of Bryn and Elmhurst. It should be a complete traffic study for the development and surrounding area.

Mr. Oberhaus commented that the Plan Commission has learned in the past that smaller lots with more open space tends to look more rural than bigger lots with homes everywhere. He suggested that that message needs to be better conveyed to the public.

Mr. Krause raised a concern regarding open space and questioned if future owners will be able to do what they want to on the smaller lots.

**MOTION BY MR. KANTER, SECONDED BY MS. DUNDON, TO TABLE THIS ITEM UNTIL THE TOWN RECEIVES:**

- **A WATER STUDY DONE BY AN ENGINEER OF THE TOWN ENGINEER'S CHOOSING AND PAID FOR BY THE PETITIONER;**
- **RESUBMISSION OF THE DEVELOPMENT PROPOSAL WITH FEWER LOTS AND INCLUDING A CONSIDERATION OF MOVING THE NORTHERN ACCESS POINT ON BRYN DR.;**
- **A BETTER-DEFINED PHASING PLAN; AND**
- **A COMPLETE TRAFFIC STUDY DONE BY SOMEONE SELECTED BY THE TOWN ENGINEER AND PAID FOR BY THE PETITIONER.**

**MOTION CARRIED.**

Engineer Barbeau clarified that the next Plan Commission meeting is not until September 15 due to the September 1 election.

A. Matt Neumann, Neumann Properties

Re: Consideration and possible action on the approval of the final plat for Woodridge Estates II.

Mr. Kranick recused himself and left the room.

Engineer Barbeau reviewed the history of this project and updated his report. There is an issue with a vision triangle on Maple Ave., but the situation can't be changed since it involves another property owner's property. Since this does not inhibit the other owners from doing what they want to on their property and since there is enough room at that intersection for proper vision, he does not believe this situation should stop the project from proceeding. He would like more visibility but doesn't recommend that an easement be imposed on the property owners.

The final plat has been submitted and it is in substantial conformance to the preliminary plat. He reviewed the final plat and offered several technical comments to the developer's surveyor. All but one of his comments, along with those from the County, State and the Town Attorney have been incorporated into a final plat

submitted for approval by the Town. He recommends approval of the final plat as submitted and dated July 22, 2015, subject to:

- Resolution of his final comment
- Incorporation of any additional comments by the Plan Commission or Town Board
- The following conditions provided by our Town Attorney:

Subject to the developer satisfying all comments, conditions and concerns of the Town Engineer and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Administration per chapter 236, Wisconsin Statutes; the Waukesha County Parks and Land Use Department and the Waukesha County Department of Public Works.

Subject to the developer reimbursing the Town for all costs and expenses of any type that the town incurs in connection with this development, including the cost for professional services incurred by the town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to violation of the conditions.

Any unpaid bills owed to the Town by the property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

After questions from Mr. Reich, the following changes were made to the Notes on the Final Plat:

Sheet 1 of 5: Note 2 under General Notes, 8th line, add the words "and the Town of Delafield" after the words "Waukesha County."

Sheet 1 of 5: Note 2 under General Notes, 11th line, add the words "and any violation of the Conditional Use Permit" after the word "delinquency."

Sheet 1 of 5: Note 8 under General Notes, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line, add the words "and any adjacent road, subdivision or homeowner's association" after the words "CTH KE."

**MOTION TO APPROVE THE FINAL PLAT DATED JULY 22, 2015, FOR WOODRIDGE ESTATES II SUBJECT TO INCORPORATION OF THE COMMENTS MADE BY THE PLAN COMMISSION AND THE CONDITIONS PROVIDED BY THE TOWN ATTORNEY THAT WERE INCLUDED IN THE ENGINEER'S STAFF REPORT.**

**MOTION CARRIED.**

- B. Jeff Erwin Living Trust, by Chip Erwin, Re: Consideration and possible action on a Certified Survey Map to reconfiguration 4 parcels of land located at N34 W28341, N34 W28439 and N34 W28453 Taylors Woods Road into 3 parcels of land.

Engineer Barbeau stated that currently there are 4 parcels that make up the land which Mr. Erwin and his two neighbors own and desire to reconfigure. Two of the lots are owned by the Jeff Erwin Living Trust. There are currently three homes on the 4 parcels of land (one lot is vacant). The reconfigured lots will consist of three lots with sizes 6.62 acres, 5.29 acres and 10.63 acres. Each new parcel meets the minimum area of 3 acres, and all setbacks and offsets. A portion of Lots 1 and 2, and all of Lot 3 are in the Waukesha County Shoreland and Floodland Protection Ordinance jurisdiction. Except for a small portion of Lot 1 (where the house and garage are located), the balance of the land is in the Primary Environmental Corridor. All lots are served by an on-site septic system and private well. He reviewed the document and all of his comments have been addressed and are incorporated into the CSM being presented to the Plan Commission. He recommends approval of the Certified Survey Map dated 7/22/15 subject to the incorporation of any County review comments, and the following conditions as recommendations by the Town Attorney:

Subject to the developer satisfying all comments, conditions and concerns of the Town Engineer and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Administration per chapter 236, Wisconsin Statutes; the Waukesha County Parks and Land Use Department and the Waukesha County Department of Public Works.

Subject to the developer reimbursing the Town for all costs and expenses of any type that the town incurs in connection with this development, including the cost for professional services incurred by the town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to violation of the conditions.

Any unpaid bills owed to the Town by the property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.

**MOTION BY MR. REICH, SECONDED BY MR. COOLEY, TO APPROVE THE CERTIFIED SURVEY MAP DATED 7/22/15 TO RECONFIGURE 4 PARCELS OF LAND LOCATED AT N34W28341, N34W28439 AND N34W28453 TAYLORS WOODS ROAD INTO 3 PARCELS OF LAND, SUBJECT TO THE INCORPORATION OF ANY COUNTY REVIEW COMMENTS AND THE CONDITIONS RECOMMENDED BY THE TOWN ATTORNEY THAT WERE INCLUDED IN THE ENGINEER'S STAFF REPORT.  
MOTION CARRIED.**

D. SummerStage Sign at Lapham Peak State Park

Re: Report on the status of the sign removal and possible action on revoking the approval for the sign and enforcement of removal.

Engineer Barbeau reported that the sign is gone. The DNR is incorporating SummerStage into the Park sign and will not allow "Town of Delafield" to be on the Park sign. No action is needed.

**Sixth order of business:**

Discussion:

A. Steve Knoll S11 W30476 Summit Avenue

Re: Discussion related to potential rezoning and land split at S11 W30476 Summit Avenue.

After discussion, Mr. Knoll was encouraged to consult his attorney regarding the options for changing the configuration of the two properties involved.

B. Judith Williams, Roseville, CA., owner of land on west side of Elmhurst Road north of Bryn Road

Re: Discussion related to the concept plan to split her land into 5 residential parcels.

Keith Kindred, SEH, Inc., represented Ms. Williams and presented the concept plan for her property. He stated that Ms. Williams is proposing 3+ acre lots. A potential rain garden has been located on each lot. Waukesha County has approved access points and spacing for driveways along both Elmhurst and Bryn Dr. Lots 2 and 3 would be required to share a driveway. House placement could be changed somewhat.

Engineer Barbeau explained that this property is zoned A1 and would need to be rezoned to A2. He is concerned with the location of the driveway on Lot 5 on Bryn Dr. due to visibility. He said the Bryn and Elmhurst intersection is at a bad angle. They could do an intersection at Norm's Rd. but it would take some of the land from Lot 5. Bryn could be lined up with Norm's Rd. but it would need to be cut back further. It is a steep road and land is needed to change that properly.

Comments from Plan Commission members included:

- There may need to be a change of land to get an intersection that works at Bryn and Elmhurst – the intersection, as it is now, won't work with the planned developments. The Williams families need to work together to develop the properties discussed tonight.
- Access to Lot 5 is dangerous and won't be approved.
- Access points on Elmhurst Road make no sense. This area drifts over in the winter and is dangerous. This land should be incorporated in the big picture.
- The consensus was that the Plan Commission needs to look at the big picture regarding development in this part of the Town. While the Town can't make the parties involved work together, the Town has no obligation to divide the property.

**Seventh order of business:** Announcements and Planning Items:

Next meeting- Tuesday, September 15, 2015 (Meeting date is changed due to the 99<sup>th</sup> Assembly election primary on September 1)

Mr. Kranick asked Engineer Barbeau to report at the next meeting on changes made in the State budget and how the changes affect the Town regarding Shoreland jurisdiction. Mr. Krause stated Attorney Larson is working on a report on this topic.

**Eighth order of business:** Adjournment

**MOTION BY MR. REICH, SECONDED BY MR. KRAUSE, TO ADJOURN AT 10:38 P.M.  
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale  
Deputy Clerk/Treasurer

Minutes approved on September 15, 2015