

TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, August 7, 2018

Members present: T. Oberhaus, L. Krause, E. Kranick, C. Dundon, G. Reich, K. Fitzgerald, T. Frank
Also present: T. Barbeau, *Town Engineer*, 6 citizens

First order of business: Call to Order and Pledge of Allegiance
Chairman Oberhaus called the meeting to order at 7:00 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of July 17, 2018
MOTION MADE BY MR. REICH, SECONDED BY MR. FITZGERALD TO APPROVE AS PRESENTED.
MOTION CARRIED.

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

MOTION MADE BY MS. DUNDON, SECONDED BY MR. REICH TO MOVE ITEM 4A OUT OF ORDER.
MOTION CARRIED.

Fifth Order of Business: New Business
A. Kate Began, Greenhill Preservation, Re: Consideration and possible action on a request for height increase to install a cupola on a proposed barn at Gwenyn Hill Farm located at W239 N130 Bryn Drive.

MOTION MADE BY MR. REICH, SECONDED BY MR. FITZGERALD TO APPROVE A REQUEST FOR HEIGHT INCREASE TO INSTALL A CUPOLA ON A PROPOSED BARN AT GWENYN HILL FARM LOCATED AT W239 N130 BRYN DRIVE. MOTION CARRIED.

B. Betty Moore, N1 W29653 Hermie Lane, Re: Consideration and possible action on a request to increase the garage door height for a detached accessory building to 10 feet (code maximum is 9 feet).

Engineer Barbeau stated that the purpose for the increase to the garage door height is to house a tractor.

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO APPROVE A REQUEST TO INCREASE THE GARAGE DOOR HEIGHT FOR A DETACHED ACCESSORY BUILDING TO 10 FEET. MOTION CARRIED.

C. Iron Pipe Development, Bill Zach, Re: Consideration and possible action on the request for final plat and deed restriction approval for the White Oak Conservancy subdivision located at the southwest corner of Cushing Park Road and Abitz Road.

Engineer Barbeau stated that he received correspondence from Waukesha County noticing conditional approval of final plat, containing 21 conditions, dated August 6. He directed attention to Page 3 of the plat. The 25 ft. easement granted to the Town (will connect to the existing trail owned by the Town) doesn't state who will maintain it. He is requesting direction from the Plan Commission on whether or not this would be considered a public trail.

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON TO RECOMMEND APPROVAL TO THE TOWN BOARD OF THE FINAL PLAT SUBJECT TO STAFF RECOMMENDATIONS:

1. THE 25-FOOT PUBLIC TRAIL EASEMENT TO BE GRANTED TO THE TOWN OF DELAFIELD AS STATED ON THE PLAT, BE ACCEPTED; AND THAT LANGUAGE BE ADDED TO THE PLAT STATING THAT THE TRAIL SHALL BE FOR PUBLIC PEDESTRIAN AND BICYCLE USE AND SHALL BE MAINTAINED BY THE TOWN.

2. THE DEVELOPER SATISFYING ALL COMMENTS, CONDITIONS OF THE TOWN ENGINEER AND ALL REVIEWING, OBJECTING AND APPROVING BODIES, WHICH MAY INCLUDE BUT NOT LIMITED TO THE STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION PER CHAPTER 236 WISCONSIN STATUTES AND THE WAUKESHA COUNTY PARKS AND LAND USE DEPARTMENT.

3. THE CONDITIONS INDICATED IN THE LETTER RECEIVED FROM WAUKESHA COUNTY DATED 8/2; 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.

4. ANY UNPAID BILLS OWED TO THE TOWN BY THE PROPERTY OWNER OR HIS OR HER TENANTS, OPERATORS OR OCCUPANTS, FOR REIMBURSEMENT OR 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 BY 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 CARRIED.

MOTION MADE BY MR. REICH, SECONDED BY MR. FITZGERALD TO ACKNOWLEDGE RECEIPT OF THE DEED RESTRICTIONS FOR WHITE OAK CONSERVANCY. MOTION CARRIED.

Fourth Order of Business: Unfinished Business

A. Town of Delafield, Re: Discussion, consideration and possible action on amendments to the Town Zoning Code related to regulation of Conditional Uses (tabled 7/17/18)

MOTION MADE BY MS. DUNDON, SECONDED BY MR. FITZGERALD TO REMOVE FROM THE TABLE. MOTION CARRIED.

The Plan Commission made the suggested revisions: Remove Feed Lot Operation definition and Conditional Use; Reference "household pets" under Hobby Kennels; Add the following to M. Quarrying (8) "no more than 10 truckloads of clean fill per day"; and, request clarification from Town Attorney re: permitted areas for churches, synagogues and other buildings for Religious Assembly; and, remove Sections 3 and 4 of the Chapter 18 Ordinance.

A joint public hearing will be held before the Town Board and the matter will come back to the Plan Commission at their next regularly scheduled meeting.

Sixth Order of Business: Discussion

None

Seventh Order of Business: Announcements and Planning Items:

Next meeting – September 11, 2018

Eighth Order of Business: Adjournment

MOTION MADE BY MR. KRANICK, SECONDED BY MR. KRAUSE TO ADJOURN AT 8:42 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer

Minutes approved on: October 2, 2018