

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, November 3, 2015**

Members present: T. Oberhaus, L. Krause, E. Kranick, B. Cooley, C. Dundon, P. Kanter, G. Reich
Also present: T. Barbeau, *Town Engineer*, 17 citizens

Prior to the start of the scheduled Plan Commission meeting there will be a public hearing in front of the Plan Commission and possibly a quorum of the Town Board to solicit public input on a request from Charles and Nicole Dickenson, W288 S290 Elmhurst Road for a Conditional Use Permit for the operation of a Commercial Stable at their property located at W288 S290 Elmhurst Road. The Plan Commission meeting will begin immediately following the conclusion of the public hearing.

Chairman Oberhaus called the Public Hearing to order at 7 p.m. The clerk read the public hearing notice.

Nicole Dickenson explained their plan and responded to questions. 5 Hills, LLC will have a maximum of 7 horses on the property since that is the number of stalls in the barn. All horses will be outdoors in the paddocks during the day and in indoor stalls at night. This will be a boarding facility. There will be no new buildings or lighting, and no clinics or public events will be held.

Their market is western trail riders and owners who are retiring their horses. There will be indoor restroom facilities. They do not have indoor riding. Horses will be brought in by trailers. The Dickensons are requesting permission to park a maximum of 2 trailers on the north side of the barn for long-term purposes. Horse owners will need to keep their trailers somewhere else for the duration of their board. The Dickensons do have a tool shed where smaller trailers could be stored indoors. Ms. Dickenson anticipates up to 10 cars parking on the gravel area behind the barn during the day.

They have discussed manure management with their neighbors. It will be spread on-site. They have 3 stalls available for boarders at this time with the remainder being used for their own horses and one stall is being used for storage. Hay is currently purchased from neighboring farmer Carl Tessman. There will be no large trucks coming in to deliver feed. Riding will be allowed within their fences only. The farm is close to the southern Kettle Moraine trails which she anticipates boarders will use. The average duration of a boarding contract is hard to estimate (possibly 90 days to 10 years) since it depends on the horse owner's needs and their relationship with the Dickensons.

Public comments:

Lynn Serafin, W288S110 Elmhurst Rd.

Ms. Serafin is a neighbor and also has horses. She stated that she could not ask for better neighbors or caretakers of their horses. The proposal is fantastic and very welcome in this area.

Donna Stehling, S4W28757 Norms Rd.

Ms. Stehling is not a horse person but likes seeing them in the fields. She has no doubt the Dickensons will keep things as they say they will. Their yard looks nice now; everything's clean. This is a great proposal.

Chairman Oberhaus called the Public Hearing to a close at 7:16 p.m.

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

Chairman Oberhaus called the meeting to order at 7:17 p.m. and led all in the Pledge of Allegiance.

Second order of business: Approval of the minutes of October 6 and October 20, 2015.

MOTION BY MR. COOLEY, SECONDED BY MS. DUNDON, TO APPROVE THE MINUTES OF THE

**OCTOBER 6 AND OCTOBER 20, 2015 PLAN COMMISSION MEETINGS WITH ONE CORRECTION.
MOTION CARRIED.**

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

Mr. Kranick shared information about Vision 2050. Ms. Dundon stated it is a worthwhile event to attend.

Fourth order of business: Unfinished Business: None

- A. Dale Bergman/RM 100, W300 N3317 Maple Avenue, (tabled 10/20/15)
Re: Consideration and possible action on a request for approval of the preliminary plat for Hawks Haven subdivision and lot allocation on lands located at W300 N3317 Maple Avenue and W300 N3371 Maple Avenue.

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

At the October 20, 2015 meeting, the Plan Commission tabled the approval of the Preliminary Plat until they received additional information to complete the Lot Allocation review. Mr. Bergman has submitted the proposed Deed Restrictions. Engineer Barbeau has reviewed the Deed Restrictions and offered the following summary of the architectural elements of the document:

1. Statement No. 2 on page 2 sets forth the general purpose of the restrictions. They are in keeping with the general desires of the Plan Commission and the Town as a whole.
2. There will be an Architectural Control Committee (ACC) that will review the architectural design of the homes and approve them prior to submission to the Town for a building permit. This allows the ACC to review and assure that the standards set forth are adhered to.
3. Exterior siding must consist of natural wood siding, natural stone, brick, stucco, or cement board. Corner boards must be 5 inch or larger cedar board or cedar board design cement board.
4. All windows must have a minimum 4" window wrap and window grills on all elevations.
5. Each house must have a minimum of 100 square feet of brick or stone on the front elevation.
6. Roofing shall be fully dimensional asphalt shingles, with a minimum 200 pound rating, wood or tile. The ACC may allow high quality and aesthetically pleasing materials developed in the future.
7. The minimum pitch on the roof is 8/12.
8. An attached garage is required (minimum 600 square feet).
9. The ACC may prohibit attached garages that have the appearance of more than 3 cars.
10. No detached garages are allowed.
11. No sheds are allowed.
12. The minimum square footage is: One story 2,600 square feet; more than one story 3,000 square feet.
13. A paved driveway is required.
14. No fences are allowed (except ones that are purely decorative, or landscaping).
15. A uniform mailbox, lamppost and lantern are required.

The deed restrictions proposed by Mr. Bergman provide adequate information that the homes in this subdivision will be of high quality in appearance. Engineer Barbeau considers it comparable to many of the recent subdivisions that have been built in the Town. By assigning 1 point to the "Outstanding Site Planning and Architectural Standards" criterion, Mr. Bergman meets the 6 point threshold to allocate eleven lots for the development of the subdivision. He recommended that eleven lots be allocated for the Hawks Haven Subdivision.

In accordance with Chapter 18.04(1)(g) of the Town Code, the Plan Commission must take action to approve, approve conditionally or reject the plat within the 90 day review period (11/25/15). Engineer Barbeau recommended approval of the preliminary plat for Hawks Haven prepared by Mark Powers dated 10/14/15. No Town Board approval is required for preliminary plats.

Engineer Barbeau shared photos from Mr. Bergman of possible mailboxes and light posts.

Mr. Bergman explained that the entryway will be through the existing berm. The development will have an "Irish Countryside" rural feel. He answered questions from the Plan Commission members. All 7 existing structures will be removed as well as a number of retaining walls. This is noted on the preliminary plat. Two lots have existing, working wells which will be left for possible use by the new owners. Lot 11 has most of a berm on it but it is buildable for a 2600 – 3000 sq. ft. home. He stated that not everyone likes big lots; bigger homes on smaller lots is the current trend.

Mr. Kanter stated this development is a good thing for the Town and he's happy to see it happen but, in his opinion, it is too dense by 2 lots. He believes homeowners would benefit from larger lots and the return would be advantageous, as well.

Mr. Cooley questioned the possibility of a fire hydrant. Engineer Barbeau explained that if water is extended, Hartland would want to annex the land. Sewer extension was included in the Lake Country Corridor Compact but nothing relating to water was included.

MOTION BY MR. KRAUSE, SECONDED BY MR. COOLEY, TO APPROVE BOTH THE PRELIMINARY PLAT FOR HAWKS HAVEN SUBDIVISION AND THE LOT ALLOCATION AS PREPARED. MOTION CARRIED 6/1 WITH MR. KANTER VOTING NO.

Fifth order of business:

New Business:

- A. Charles and Nicole Dickenson, W288 S290 Elmhurst Road,
Re: Consideration and possible action on a request for a Conditional Use Permit under Section 17.05 5. AO. Riding Academies or Commercial Stables to operate a Commercial Stable at W288 S290 Elmhurst Road.

MOTION MADE BY MR. KANTER, SECONDED BY MR. KRANICK, TO TABLE THIS ITEM SO THAT ENGINEER BARBEAU CAN PREPARE THE CONDITIONAL USE PERMIT FOR 5 HILLS. LLC. MOTION CARRIED.

- B. Benjamin Kaufman, W280 N1939 Prospect Avenue (CTH SS),
Re: Consideration and possible action on a request for a fence height increase.

Jim Olson, American Transmission Co., and Mr. Kaufman spoke. Mr. Olson explained that ATC did extensive and aggressive tree removal and brush clearing in order to reconstruct the line and make future maintenance of it easier.

Mr. Kaufman's lot was heavily treed and contained a 6 ft. tall wood fence that had been built around the year 2000 when Building Inspector John Tising required them to install it to hide Mr. Kaufman's trailers, etc. The fence gave them added privacy. Mr. Kaufman would like that privacy back. Mr. Kaufman stated that he bought the lot in 1999. He knew about the easement on the property which has existed since the 1940s. We Energies said at the time that they would never clear-cut the property. He would never purchase the property looking the way it does now. He stated he and his family had complete privacy before, the trees were taller so they did not see the headlights. Now the lights are so bright that the family can't sleep. The fence stands out now since it's new. He said he asked the Town to help stop the clear cutting that ATC did but the Town was unable to help.

Mr. Olson stated that he has now read the Town ordinance regarding fences. Having a fence in a residential area near ATC equipment is common. ATC's normal practice is to remove the fence and put it back up when they are finished with their construction in that area. Mr. Kaufman's fence was in a strict, 100 ft. wide easement. Fences are allowed by ATC at a reasonable height. ATC shouldn't be back to work in this area, except for the 5 year maintenance cycle, until they reach the 70 year replacement time. ATC's construction

crew took down Mr. Kaufman's fence and later put up a new fence which was straightened out to the back side of the new tower and tied back to the existing fence. The new fence is behind the daylight corner controlled by the County and conforms to County requirements.

The fence is taller than what was previously there and is taller than what is allowed by the Town Code. The new fence is 8 ft. tall instead of the 6 ft. height. ATC is responsible for addressing the fence issue since they installed it without obtaining the proper Town permits and approvals. The Town Building Inspector saw the fence construction improperly taking place and stopped the work.

Mr. Olson supplied a plat of survey showing the property, the new fence, and the daylight corner. We Energies also has a gas pit easement on Mr. Kaufman's property. The solid fence also needs some additional work to complete it and has removable panels on the Oakton Rd. side for easy access by ATC. Since the trees were removed, the sweep of headlights has caused problems and privacy issues for the Kaufman family. The work was done within the easement. The old fence was also in the easement. Mr. Olson explained that ATC has a different policy than it's predecessors. Decisions regarding vegetation surrounding power lines have changed. He believes the 8 ft. fence will look normal to area residents after a while and would like the Plan Commission to grant a variance to allow it.

Plan Commission members stated this fence looks very large and like a stockade. No landscaping has been done or been offered to soften the look on either side of the fence. If the fence is moved to the easement line, the lot shrinks considerably. The members understand the reason for the fence but it should be consistent with the ordinance. Before the vegetation was clear cut no one saw the previous fence behind it. ATC should be required to create a landscape plan and the plants should be at least the height of the fence when they are planted. Since ATC did not obtain the permit, the fence is illegal and could be required to be removed. The Town could also require that it be cut down to the allowed height. ATC should have proposed a landscaping plan prior to this meeting. The Town can't tell ATC what to do on Mr. Kaufman's side of the fence, so he should work with ATC on a landscape plan for his side of the fence. ATC is in the wrong – they failed both the Town and a Town resident.

Engineer Barbeau stated that the Town Code allows a 3 ft. fence in the front yard, a 6 ft. fence in other places and an increase in height with neighbor's permission. In this case, the neighbor is a Town road and a County road. If the Town wants to allow the 8 ft. fence, the Town could require that ATC plant as much vegetation as the Town wants there and ATC may have to come in and cut it every year to meet their own requirements. If the fence is 8 ft. high the vegetation could be required to be that height from the date of planting and for the future. The Town could also require a variety of vegetation so that the fence is not able to be seen by the public. There is vegetation around the remaining sections of the original fence. He believes ATC should come back with a better plan. ATC is a large company which is not impacted by the sight of the fence. The Town residents need to live with whatever is agreed to by the Plan Commission.

Mr. Olson said ATC could come back with a plan. Mary Carpenter, of ATC, said it is not unusual to create a landscape plan for these types of situations.

**MOTION MADE BY MR. KANTER, SECONDED BY MR. KRANICK, TO TABLE THIS ITEM UNTIL ATC RETURNS WITH A PROPOSED LANDSCAPE PLAN FOR BOTH A 6 FT. FENCE MEETING TOWN CODE AND AN 8 FT. FENCE.
MOTION CARRIED.**

In response to questions regarding when residents will again be able to use the bike trail, Ms. Carpenter replied that the easement strip is owned by We Energies. ATC closed the trail in September 2014 but ran into structural problems which resulted in leaving the matting in and the trail closed for a longer than anticipated time. Guard rails and pavement also needed replacement. Restoration is important. The trail should open in next few weeks. ATC has never had more complaints from the public than they have received about this trail.

Sixth order of business:

Discussion:

- A. Donald Popp, W299 N3222 Maple Avenue
Re: Discussion regarding rezoning and land split on his property located at W299 N3222 Maple Avenue.

Keith Kindred, Don Popp and, and Mr. Popp's son, Jeff Popp, described their request to discuss rezoning of the Popp's property and an additional driveway access on Maple Ave. They own approximately 2.3 acres with a home on the property and would like to divide the property in half and add a driveway. Their septic system is failing. They plan to connect to the sewer which was installed in the area when Woodridge Estates was developed. They also want to create a lot on the north end of the property which would also be connected to the sewer. They wanted to know if the Town will consider a zoning change for the property.

Engineer Barbeau stated the property is now zoned A-2. Nearby zoning is a mixture of R-3, A-3 and R-1. The Popp's would need R-1a zoning which allows a minimum of a 1 acre lot. Each newly created lot would be a little bigger than the lots in Woodridge Estates but would not be as deep. They would each be large enough to accommodate a house. If the land split takes place, a shared driveway is possible. The property's proximity to the entrances to Woodridge Estates and Hawks Haven, as well as to a pond behind the property, result in challenges as to safe locations for driveways.

Plan Commission members were not in favor of adding another driveway but were in agreement that a shared driveway could make sense. They expressed frustration that this planning was not done during the development of Woodridge Estates and encouraged the Popp's to locate the shared driveway close to the location of Windrush Circle so that the driveway and subdivision entrance create more of an intersection on Maple. The shared driveway may involve an easement and maintenance agreement for the driveway if the Popp's continue with a land split.

Mr. Oberhaus summarized the discussion and told the Popp's they can draw up plans and come back with a proposal keeping in mind that Maple Ave. is a major thoroughfare.

Seventh order of business: Announcements and Planning Items:

Next Plan Commission meeting – Tuesday, December 1, 2015

Mr. Kranick asked if HSI will be coming in soon since the *Business Journal* reported that a 3-story building near OAW is planned.

Eighth order of business: Adjournment

**MOTION BY MR. KRANICK, SECONDED BY MR. KANTER, TO ADJOURN AT 8:17 P.M.
MOTION CARRIED.**

Respectfully submitted,

Lauren Beale
Deputy Clerk/Treasurer

Minutes approved on: December 1, 2015