

**TOWN OF DELAFIELD
PLAN COMMISSION MEETING
Tuesday, June 4, 2013**

Members present: P. Kanter, C. Dundon, M. Tagtow, L. Cunningham, B. Cooley, G. Reich

Members absent: T. Oberhaus

Also present: T. Barbeau, *Town Engineer*, 7 citizens

First order of business: Call to Order

Acting Chairman Kanter called the meeting to order at 7:00 p.m.

Second order of business: Approval of the minutes of May 7, 2013

MOTION MADE BY MR. TAGTOW, SECONDED BY MR. COOLEY TO APPROVE WITH ONE ADDITION. MOTION CARRIED.

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

A. None

Fourth order of business: Unfinished Business

A. Town of Delafield Plan Commission, Re: Consideration and possible action on modifications to Chapter 18 of the Town of Delafield Town Code to address revisions required due to statutory changes to Chapter 236 and other changes to regulatory agencies in the State.

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

Engineer Barbeau reviewed four requests/recommendations addressed in Attorney Larson's letter dated May 30, 2013.

The general consensus of the Plan Commission is to leave the responses listed in #1, 2 and 4 as is but revise the wording in Section 3, paragraph (3) and Section 4, paragraph (c) to replace "5 days" with "10 days".

MOTION MADE BY MR. REICH, SECONDED BY MS. CUNNINGHAM TO RECOMMEND APPROVAL OF MODIFICATIONS TO CHAPTER 18 OF THE TOWN OF DELAFIELD CODE TO ADDRESS REVISIONS REQUIRED DUE TO STATUTORY CHANGES TO CHAPTER 236 AND OTHER CHANGES TO REGULATORY AGENCIES IN THE STATE, SUBJECT TO THE CHANGE FROM "5 DAYS" TO "10 DAYS". MOTION CARRIED.

Fifth order of business: New Business

A. We Energies, Re: Notification of underground utility facility construction in the following subdivisions: The Meadows of Delafield, Timber Ridge and Fairfield, specifically consideration related to excavation under Town roads.

Engineer Barbeau stated that the Town's practice is to issue permits for going under roads when boring. Recently, while attempting to directional drill under one of the roads, a drill head broke off and the contractor excavated the road, removed the equipment and patched the road. As the project was being conducted without a permit, the Town Highway Superintendent stopped the contractor until a permit was obtained. The purpose of bringing this matter before the Plan Commission is to keep them informed and to review the request for any conditions that should be added to the subject permit issued by the Town Highway Superintendent.

MOTION MADE BY MR. REICH, SECONDED BY MR. COOLEY TO RECOMMEND TO THE TOWN BOARD TO FINE WE ENERGIES FOR VIOLATING THE TOWN ORDINANCE THAT REQUIRED A PERMIT BEFORE DRILLING.

AMENDED MOTION MADE BY MR. REICH, SECONDED BY MR. COOLEY WITH THE FOLLOWING ADDITIONS: WE ENERGIES NOT BE ALLOWD TO CUT ANY OF THE ROADS, AND THEY ARE EITHER ALLOWED TO FIGURE OUT HOW TO GET THEIR DRILL BIT BACK WITHOUT WEAKENING THE UNDERLYING ROAD BED OR FILE AN INSURANCE CLAIM FOR THE LOST BIT. MOTION CARRIED.

- B. Terry LaCasse, N44 W28363 Capitol Drive, Re: Consideration and possible action to approve an increase in the overall height of an accessory structure in accordance with Section 17.03 6 A by one (1) foot.

Engineer Barbeau summarized the proposed request to build a 24' x 28' garage with an overall height approaching 21 feet in order to maintain the 12/12 pitch of the roof on his accessory building to match the roof pitch of his home. He stated that the maximum overall height allowed is 20 feet.

MOTION MADE BY MR. REICH, SECONDED BY MR. TAGTOW TO APPROVE AN INCREASE IN THE OVERALL HEIGHT OF AN ACCESSORY STRUCTURE IN ACCORDANCE WITH SECTION 17.03 6 A. BY ONE FOOT AT N44 W28363 CAPITOL DRIVE. MOTION CARRIED.

- C. Peter and Terri Ogden W290 N2171 Happy Hollow Road, Re: Consideration and possible action on a request to have the Plan Commission designate a building as a rustic structure prior to the structure being dismantled and reconstructed on the Ogden property.

Engineer Barbeau stated that the barn doesn't meet the Town's definition of rustic structure because it is not on the property and cannot be permitted to be on the property since it would not meet the zoning regulations for an accessory building. The total land area is approximately 19 acres on three parcels, so there is adequate space for construction of the barn subject to meeting the setback and offset requirements. Accessory buildings cannot be placed on a lot without a principal building, so the lots may have to be reconfigured to accommodate the barn location, if approved.

MOTION MADE BY MR. REICH, SECONDED BY MS. DUNDON THAT THE STRUCTURE PROPOSED BY THE OGDENS NOT BE DESIGNATED AS A RUSTIC BUILDING. MOTION CARRIED.

Sixth order of business: Discussion

- A. Pat Leverence, N47 W282790 Lynndale Road, Re: Discussion on use of the lower two floors of the "upper barn" at Old Lynndale Farms for a wedding reception and corporate events venue.

Ms. Leverence stated her proposal to install bathroom facilities in the barn and parking on the property. She will research the requests of the Plan Commission from the original proposal and bring information back at a later date.

Seventh order of business: Announcements and Planning Items:

Next meeting – Tuesday, July 2, 2013
Public Hearing for Code Changes June 11, 2013 (Town Board)

Eighth order of business: Adjournment

MOTION BY MR. TAGTOW, SECONDED BY MR. COOLEY TO ADJOURN AT 8:23 P.M. MOTION CARRIED.

Respectfully submitted,

Mary T. Elsner, CMC, WCMC
Town Clerk/Treasurer
Minutes approved on _____