

Town of Merton

Joint Public Hearing with the Town of Merton Plan Commission, Waukesha County & Town Board
To Consider the Rezoning Request of Beaumont Farm Legacy, LLC to Amend the District Zoning Maps of the
Waukesha County Shoreland and Floodland Protection Ordinance and Town of Merton Zoning Code from the
R-1 Residential District to the A-1 Agricultural District to Allow the Petitioner to Construct a Single-Family
Residence and Accessory Structures and to Utilize the Property for Agricultural Uses.

April 6, 2022

Present: Chairman Klink, Commissioners Griffin, Queoff, Jensen, Morris, Siepmann & Good, Attorney Murn, Planner Haroldson, Deputy Clerk Claas, Ben Greenberg of Waukesha County Parks & Land Use, Supervisors Fleming, & Herrick, and Clerk Hann.

Absent: Supervisor Olson

Also Present: Zach Berghouse, Jim & Terri Blazek, Mark Windisch, Rick & Cindy Eastman, Sarah Majerus, David Van Slett, Rick Pollak, Josef & Karen Weber, Sandy Doyle, Chris Gutschenritter, Anton Weber, Jim Grothey, John Wachier, Jim & Dandy Weber, Susan Buchanan, Mark Theisen, Darrell Smith, Janet Solsrud, Peter & Karin Drescher, Mark Bell, Troy Giles, and several others.

This Public Hearing was Called to Order by Chairman Klink at 6:08 p.m.

Greenberg read the public hearing notice. Greenberg stated this parcel is approximately 104 acres located along Beaumont Lane which is a private road and is currently zoned R-1 residential. There are also some wetlands and a small primary environmental corridor. Additional density could be proposed based on the underlying zoning district and land use categories, but the development rights were conveyed to Tall Pines which would prevent additional residential density on the parcel. They are proposing to build a single-family dwelling and have a number of accessory buildings with some being used for farm use purposes. County only allows accessory buildings to be 18' in height in R-1 zoning which is too low for farm buildings to housing farm animals. The request to rezone to agricultural zoning would allow them to construct farm buildings with a maximum height of 60'. A preliminary plan shows multiple driveways and a proposed pond. A lot of additional engineering information like a grading and drainage plan will be needed to assess the impact of land altering activities and to ensure that the property does not result in adverse drainage on nearby properties or roads. Ponds and significant grading projects would require a conditional use permit from both the County and the Town and would likely require a stormwater permit due to the amount of land disturbance.

Attorney Giles introduced his client, Mark Bell. They want to take back the property to what it was - a thriving farm piece of property. Part of the reason for this rezone is for the structures, but it also has a conservation easement by Tall Pines Conservancy. Approximately 90% or more of this property is already under a conservation easement that would prevent future development. There will be a single house on the property and the remainder of the property will be used for agricultural purposes. Giles stated with a permanent restriction against the development of the property forever, it seems to make sense to move back from R-1 residential zoning to agricultural use.

Chairman Klink opened the meeting to public comments and concerns.

Peter Drescher – N62W30475 Beaumont Lane – welcomed the Bells to the neighborhood and he commends their stewardship of the land and giving 90% of the land for conservancy to Tall Pines. He questioned the drainage, the building and constructions of retention ponds.

Bell stated they have gone through significant buckthorn remediation and box elder and they are trying to restore the property to the native plants. They are working with engineers and architects to go through all the permitting. Architecturally and design wise it is their intent to be good stewards and construct things in a

good fashion that will be hopefully a real asset to the community. They would like to raise their kids in a farm-like setting.

Chairman Klink stated basically tonight we are here just for the rezone. Once construction or anything else will start, he will be returning with his proposal and at that time, the County and the Town will have another opportunity, depending on what he's doing and how's he's doing it, to address any concerns with water.

Bell said they would like to commence construction this summer and they hope to do some stewardship things on the land. They hope to put some cover crops down and make it more aesthetically pleasing. They will be installing a perimeter trail which is a requirement per the easement agreement with Tall Pines. He stated they are planting a ton of trees along Beaver Lake Road to try to beautify things.

Giles stated there is a recorded easement for a recreational trail for people to have the ability to walk along the southern side of Beaver Lake Road along the western side of Highway E. Tall Pines Conservancy is the easement holder and the beneficiary of that trail.

Rick Pollack – W301N6581 Lillian Drive - stated on the east side along Highway E and Beaver Lake Road all those trees are dead. It's been like that for years. The County cleaned up from Rybeck Road to Beaver Lake. Pollack questioned whose responsibility is it to clean up that. Klink answered if it's in the road right-of-way, it's the County's responsibility. If it's off the road right-of-way, it's the homeowner's responsibility.

Rick Eastman – W305N6186 Beaver View Road – stated it's unusual to go from R-1 to A1 zoning and questioned if there are any water quality issues that get considered when you go back to Ag with pesticides and fertilizers given the proximity of the lake and potential runoff into the lake. Greenberg stated when they purpose hard surfaces and buildings, they will look at a couple of things – land disturbance, they may have stormwater permit requirements based on a large amount of land disturbance, erosion control requirements and the they will look at adverse drainage.

David Van Slett – W305N6580 Beaver View Road – stated drainage is a major issue in this area and is concerned about any drastic changes.

Klink stated they're not really changing what's been going on there. It's been farmed most in the past. It sounds like they're doing rotation of the crops and doing things to enhance the lands from the runoff.

Griffin asked what his intention was for the piece of property between Beaumont and Spence. Bell stated from a topography standpoint, that's the flattest area and has its own qualities from a crop standpoint. He doesn't want to just rotate it between corn and soybean. They're working with some consultants for farming techniques that could be community orientated.

Haroldson asked if there were any development rights left on the parcel for in the future you could have some parcels? Bell stated on the southern 20 acres - after 20 years the easement burns off in parts where of the 20 acres it could be subdivided into 3 parcels. Of the 20 acres, still 85% would stay in conservancy.

The hearing was closed at 6:27 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk