

Town of Merton
Joint Public Hearing with the Town of Merton Plan Commission & Waukesha County
To Consider the Conditional Use Request to Continue the Existing Riding Arena and Boarding Stable Use
on the Property and Make Minor Modifications to the Site Plan
January 18, 2023

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann Queoff & Good, Planner Haroldson, Ben Greenberg of Waukesha County Parks & Land Use, and Deputy Clerk Claas
Also Present: Bruce & Rebecca Gallagher, Mike & Donna Murel, Terry & Judy Reinders, Barb Carrera, Mike Kotlarek, and Clerk Hann.

This Public Hearing was Called to Order by Chairman Klink at 5:40 p.m.

Greenberg read the public hearing notice.

Greenberg stated this property is in split jurisdiction with about the western two-thirds subject to County shoreland zoning. There is a waterway that runs along the western property boundary creating that 300' jurisdiction. The property is a little under 9 acres and appears to be a farm consolidation with the remainder of the farm being developed for single family residential purposes. The property has some challenging site conditions and topography, and there's a very tall hill in the northeast corner of the property. There are two pastures; one located on the steep hill and the other on much flatter ground located on the southern part of the lot. There's a 30' drainage easement running through the lower pasture. In 2005 the prior owner obtained a conditional use permit to add a riding arena. At that time there had been no navigability determination on that waterway, so the property was completely subject to Town zoning. The conditional use permit did allow up to 10 ten horses with a mix of how many would be owned by the owner of the property versus how many could be boarded by third parties. The request of the new property owner largely remains the same in terms of operating under the same conditional use. The changes to the conditional use would be ownership, to have more flexibility of owned horses versus boarded horses, and to add a manure enclosure located between the hill and the riding arena. There are no changes to parking, no changes to lighting, no changes to the storage plan, and no immediate changes to the fencing other than upgrading the fencing to a more attractive wooden fencing in the future. Both Town and County conditional use provisions in their respective ordinances read fairly similar that these types of uses are permitted through a conditional use permit. The standards for the conditional use are both Town and County commissions need to approve a site plan and plan of operation; the lot needs to be at least three acres in size; no building other than one used for residential purposes shall be located closer than 50' to an adjoining residential district; adequate parking as determined by the Plan Commission needs to be provided; no bar, restaurant or arcade is allowed in this use; and a requirement for an approved nutrient management plan. The petitioner is preparing the nutrient management plan which will need to be submitted to Waukesha County for review and approval. They are proposing to remove all manure and export it offsite. The manure management plan will ensure that schedule happens in appropriate increments. Soil testing will be required because DATCP requires that once you exceed one head of livestock per acre of pasture a nutrient management plan is needed to ensure the impacts of the horses pasturing given the land available won't impact the waterway. It is possible that if a manure management plan cannot be approved for ten horses, that number may have to be reduced.

Bruce Gallagher said they're looking to keep things more or less the same as they were. The main thing they're working on with the County is the nutrient management plan to iron out the specifics of that. They're going to haul the manure to a very large farm close by and they know who's going to haul it. They're not planning to spread the manure.

Greenberg stated in respect to the enclosure, the concern the County Staff has is they want to make sure it's properly engineered and make sure there is appropriate containment. There's a steep slope that will direct a lot of runoff directly at this enclosure and there's a high water condition so it's critical that it's completely enclosed to leaching of any manure into the water table or the waterway. County will review that component to make sure it's appropriately engineered.

Haroldson stated at the October 19th meeting when the Plan Commission did support the transfer of ownership to the plan that Mr. Gallagher presented, two of the conditions were the Plan Commission was very concerned about the disposal of the manure and that the Gallaghers needed to have a plan because there is not a plan in the file.

Morris questioned if any of the horses were pastured west of the driveway along the creek. Gallagher said there are some turnouts on the west side of the barn where some of the horses could go. They bought the farm from the Krause's and they would use that as a transitional area where they would keep the horses for a short period of time or before the horses would be put in the larger pasture on the east side of the driveway.

Klink said one of the concerns is containment because of the lot of money was spent from the North Lake Management District and the tributaries trying to minimize the impact.

Griffin asked where the manure was going to. Gallagher responded John Gehl's Farm.

Jensen questioned if the nutrient management plan would include buffers along the little stream. Greenberg stated the plan can be prepared by a certified crop advisor, soil scientist and one other qualified professional. The County will review that plan and make sure they concur with the assessments of that plan.

The Chairman opened the meeting to public comments and concerns. There were none.

The Chairman closed the hearing at 5:53 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk