

Town of Merton
Plan Commission Meeting
Minutes of October 18th, 2023

- Meeting Called to Order by Chairman Klink at 5:30 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the September 20th, 2023, Plan Commission Meeting. A motion to approve the minutes as printed was made by Morris/Good. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann, Queoff and Good, Planner Haroldson, and Deputy Clerk Claas
Also Present: Brody Morgan & Curtis Podd

Old Business: None

New Business:

Plan of Operation and Site Plan – To Operate a Welding and Fabrication Shop – Midwest Dirt Fiend – N78W31400 Kilbourne Rd, Unit C – Zoned B-3, General Business – Requested by Brody Morgan – Tax Key MRTT 0349-958 – Haroldson stated Morgan is going to be opening a metal and fabrication shop, will occupy 4,000 square feet, and Curtis Podd is the owner of the building. No stormwater permit is needed, and no outside storage is requested. Haroldson informed Morgan that he would need a fire inspection and an occupancy inspection. The use fits within the Zoning District, B-3. Morgan said he primarily makes parts for UTV's and off-road vehicles.

Morris stated a few years ago when there were multiple tenant buildings, the Town talked about signs out front listing who was in each unit for fire department purposes and questioned if this building has that kind of signage. Podd said it is 14,000 feet building comprised of three units. There is a tenant, E-Z Dealers, who has a small sign on the building that lists his name. Podd stated he does not have a multiple sign, but if that is something he needs to have, let him know. Haroldson responded that it would be nice in case of a fire call. Klink said it would be advantageous for the fire department if there was a listing of who is there.

Griffin stated that Podd was on the Town to redo Kilbourne Road, and they redid the road. Griffin then got on Podd to work on his properties, and he has been doing a very good job. He's paved, he's planted grass, and he's cleaned it all up, and it really looks nice down there. Griffin thanked Podd.

A motion to approve as proposed to include signage and fire inspection was made by Siepmann/Queoff. Motion carried.

Certified Survey Map to Combine 2 Parcels – Currently Described at this Address – Into One Legal Description – W321N7631 Silver Spring Lane – Requested by Tom and Jane Kammerait – Tax Key MRTT 0353-014-001 – Haroldson stated this was on the January 4th agenda but was taken off because the Kammeraits couldn't be here. Haroldson received a letter from Waukesha County and stated changes will need to be made and there's a lot that will need to be added or corrected on this CSM. The changes have not been made yet. Haroldson explained they are not combining two lots and stated this will be the same parcel with a new description.

A recommendation to approve the certified survey map to combine the two parcels for the Kammerait property with all of the changes that are recommended by the Town and Waukesha County Parks & Planning that are considered to be necessary was made by Jensen/Siepmann. Motion carried.

Number of Accessory Structures – Per Zoning Code 17.22(4)(g) – At N67W32764 County Road K – Requested by Steve & Jackie Payne on Behalf of Cackleberry Farms – Tax Key MRTT 0367-994-002 –

Haroldson stated that Jackie said they plan to move the chicken coop and attach it to the little garden shed that they rebuilt in the back. A letter was sent to the Payne's after the Planner, the Chairman, the DPW Director, the Attorney and Ben Greenberg from Waukesha County met to discuss a variety of items. The letter listed four things the Paynes needed to do immediately.

1. Get the accessory buildings situation taken care of.
2. Get their chickens in a coop.
3. Get a building permit for the gazebo.
4. The kitchen needs to get State approved plans for the commercial kitchen.

Griffin asked if the garden shed would be more than 100 square feet if they add the chicken coop. Haroldson said yes and then they would need to apply for a building permit. Waukesha County is not weighing in on the hoop house, but if they did, they would consider that an accessory structure. Queoff asked if they are combining the chicken coop with that garden shed or if they are just moving the chicken coop next to it. Griffin questioned if they took down the portable garage next to the existing garage.

Griffin suggested that they should not be allowed more than four accessory structures because they really don't care and are doing whatever they want to do. Siepmann agreed with Griffin. Klink said they were told to confine the chickens and they still haven't done it.

A motion to allow them no more than four outbuildings with the understanding that the chicken coop will be moved to the back and attached to some other building and to pen the chickens was made by Griffin/Siepmann. Siepmann called the question. Motion carried.

Modified Chicken Ordinance – Haroldson said the ordinance was cleaned up with the changes the Plan Commission requested. There is no fee listed in the ordinance. The Town doesn't put fees in the ordinance because it gives flexibility if the fee needs to be changed. The ordinance would become part of 17.44. Siepmann said there should be a correction under 5(B) in the last line – shall be a minimum of 30 what? Should be 30 feet.

A motion to approve the ordinance as corrected was made by Siepmann/Griffin. Motion carried.

Application for the Registration Form for Recreational Chickens – The fee would be \$50 because the staff went back and determined it would need to be reviewed for the site plan and the structure plan, and it's possible there may have to be a site inspection. The fee would be put on the application. The application should be submitted by email and electronically. Siepmann clarified that if he sold his property, his permit would be non-transferable to the new owners. Haroldson stated that was correct.

A motion to approve the chicken application as proposed was made by Siepmann/Morris. Motion carried.

Planner Report/Update – Haroldson acknowledged Morris for the ribbon cutting. Haroldson stated the Town has a fertilizer ordinance and Griffin and Haroldson are going to use that to mail out to the HOA's so everybody knows that they cannot use phosphorus in their fertilizer. The ordinance does allow when there is a new house, it can be used for the new landscaping. This will give credit for the MS4 permit.

Haroldson also stated that if there are deed restrictions on certified survey maps and conditional use permits, they will now have the attorney draft the restriction and have it recorded.

Haroldson stated she received a letter from Southeast Wisconsin Trout Unlimited regarding 17 acres, which is the Koester Road property, to do a general habitat survey to see what condition this portion of the stream is habitat wise and if any restoration is needed to improve the habitat for trout. They would like the Town's permission to take a look and see what they can do to help the stream. Klink said the Town Board should be notified of this.

County Board Supervisor Update –Morris stated that he went to the meeting in Okauchee regarding ATV's and UTV's. In certain areas they are getting a lot of pressure. The Town of Oconomowoc has had several meetings with the group. The Town of Eagle has an ordinance. Waukesha County is dragging their feet. Dodge County is wide open with Town roads, a few County roads and a few State roads. Washington County approved it by ordinance, but each township has final approval on it. Morris said it is also budget time at Waukesha County.

A motion to adjourn was made by Morris/Siepmann. Motion carried. Meeting adjourned at 6:30 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk