

Town of Merton
Plan Commission Meeting
Minutes of November 1, 2023

- Meeting Called to Order by Acting Chairman Siepmann at 5:30 p.m.
- Pledge of Allegiance led by Acting Chairman Siepmann
- Minutes of the October 18th, 2023, Plan Commission Meeting. A motion to approve the minutes as printed was made by Jensen/Morris. Motion carried.

Present: Acting Chairman Siepmann, Commissioners Griffin, Jensen, Morris, Queoff and Good, Attorney Van Kleunen, Planner Haroldson, and Deputy Clerk Claas

Absent: Chairman Klink

Also Present: William J Brooks & Donna Hann

Old Business: None

New Business:

Draft Conditional Use Permit Conditions – To Operate a Gift Shop/Farm Stand in an Existing Accessory Building and to Use a Kitchen in an Existing Barn to Prepare Maple Syrup and Other Products for Sale and to Use the Barn for Limited Special Events – Requested by Steve and Jackie Payne at N67W32764 County Road K – Tax Key MRTT0367-994-002 – Attorney Van Kleunen said the County put together a draft conditional use permit and it was decided that it would be appropriate to have a Town conditional use permit as well. The zonings are slightly different and what they’re classified with the County and the Town, and in light of the fact that the Town had some enforcement concerns, it seemed like a good idea for the Town to have its own document to enforce if the Town has to in the future. The Conditional use is based on the public hearing, some conversations that were had, and a meeting with Waukesha County.

The structures proposed to remain on the property are a single-family residence with a detached garage, an accessory structure that will be a barn on the property with a commercial style kitchen, an octagonal accessory structure with a gift shop and farm stand, a chicken coop, and the shed. Haroldson said she received an email stating the storage shed would be taken down. Attorney Van Kleunen said the motion should include the removal of 2e (the shed) from the structures to remain.

The Payne’s are going to need to speak with the State in order to make sure they have every proper permit for the commercial kitchen. Attorney Van Kleunen reviewed the conditional use permit stating there will be a one-year review. There is a limit to the number of special events they can engage in. They are allowed a total of 15 events. They will need a special event permit that involves the public or a third party; an event not related to family. They are to let the Town know if they have any events which will exceed 40 people.

One of the conditions is to check with the Environmental Health Division to make sure the current septic system is adequate for their use and is sized appropriately. The Environmental Health Division also needs to take a look at the commercial kitchen to make sure they have all the licenses that they need.

Haroldson stated she will meet with Jackie Payne to go over the conditional use permit. There was discussion on the section of the conditional use permit that refers to deliveries. Attorney Van Kleunen stated he could add any deliveries associated with the gift shop and farm stand shall occur with a vehicle

owned by the permittee and the vin number will be put in the conditional use as well so the Town knows that vehicle is absolutely permitted.

Haroldson stated the petitioner questioned what the timeline was to get the buildings done and off the premise and she also wanted to know if the Plan Commission would reconsider the barn as a commercial use. Siepmann responded that timelines with the Town's constituents have not been followed very well in the past with the grading guy. Haroldson said she thinks the Plan Commission all agreed that it is a commercial kitchen, and they are letting her do some more commercial activities. Siepmann indicated this opens a pretty wide door for her to do a lot of stuff there.

A motion to recommend to the Town Board the approval of the draft conditional use permit including the removal of 2e and tweaking the deliveries discussed and any other changes being suggested from staff was made by Morris/Jensen. Motion carried.

Request to Update/Amend the Conditional Use Permit (Public Hearing held on September 17, 2014) for Brooks Small Engine Repair to Add an Approximately 7,200 SF Building to Store Tractors at W339N9398 Townline Road – Requested by William J Brooks, Vice President & Owner – Tax Key MRTT0310-999-011
– Haroldson stated that Mr. Brooks wants to add a building to his operation that is around 7,200 square feet to store tractors. Brooks said there would be an 18' lean on each side and the center would be 36' wide. The total is 72' wide and 100' long with radiant heat and insulated walls. Haroldson said he currently has 17 accessory buildings on his property and four of the silos are not being used. Brooks has added no buildings since his conditional use permit in 2014. Haroldson stated he meets the floor area ratio for that size of property which is 21.6 acres. The percentage with his house and the 18 accessory buildings, would be 5.9% of building coverage, and the A-1 zoning allows 10%.

Haroldson stated originally Mr. Brooks thought he wanted to add acreage to the parcel, but she didn't think he needed to do that, but it is an option if he wants to do that. Brooks indicated the building would be east and west instead of north and south on the same spot as it shows on the submittal. There will be windows in the gable on one end and windows down on each side. The center structure will probably have about 20' high eave heights and each lean-to will have about 12' eave heights. He wants to collect tractors. Haroldson stated this is not a conditional use for a museum, it's for a barn for storage.

A motion to approve the building for amending the conditional use permit for William J Brooks and Proven Power to allow an approximately 7,200 square foot building with all other conditions to remain the same was made by Jensen/Good. Motion carried.

- Town Planner Marilyn Haroldson stated that there would probably be another meeting in November.
- County Board Supervisor Richard Morris stated the County will be approving the budget on the 14th. The mill rate will probably go down, but the taxes will probably go up. The bridge is going to be removed and replaced.
- Public Works Director Paul Griffin – no report.

A motion to adjourn was made by Griffin/Good. Motion carried. Meeting adjourned at 6:02 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk