

Town of Merton
Joint Public Hearing with Waukesha County
To Consider the Conditional Use Request of David F Moore for Property Owned by Randy and Susan
Veenhuis for Land Altering Activities Associated with the Construction of a Single-Family Residence.
Tax Key MRTT0395-979-002
April 3, 2024

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann and Queoff, Attorney Van Kleunen, Planner Haroldson, Deputy Clerk Claas, and Waukesha County Representative Leto,

Absent: Commissioner Good

Also Present: David Moore, Dan Groskopf, Marty Iverson and Eugene Dost

Public Meeting was called to order by Chairman Klink at 5:30 p.m.

Waukesha County Senior Planner Leto read the public hearing notice. Planner Haroldson distributed part of the package that was submitted by the petitioner.

Senior Planner Leto reviewed the history of the property stating that it is located north of Highway K on the south shore of Beaver Lake. The original parcel consisted of the subject lot and the lot to the west and contained a single-family residence on the west side of the parcel, a detached garage built that was built into the hillside on the east side of the parcel, and a boathouse with a residence on top down at the lake. A reconfiguration of the lot lines was approved in 2022 by a certified survey map and that resulted in the existing lot configuration, and all the structures have been removed except for the boathouse on the property, including the residence that was on top of the boathouse. The lot to the west was re-developed in 2023 with a Conditional Use for land altering activities. Access to the property is via a private easement that extends north of Highway K and runs through the south portion of the property, and it also provides access to the western lot. The septic field is located south of the driveway and the tanks are proposed to be north of the driveway near the east property line.

There is variable topography on this property. As approaching from Highway K. It increases in elevation from C.T.H. K and has a very steep slope down to Beaver Lake. There is a kame, which is a steep sided mound of sand and gravel deposited by a glacier. The kame does create a side slope condition with the highest elevations near the east property line and is between 13-15 ft. tall and contains a large retaining wall series. That existing wall series is constructed of field stone material, with evergreen shrubs and trees that do provide some screening of the walls. Historic aerial photographs that County has available does show the kame has been disturbed with retaining walls and a patio since at least the 1960s. There are many large mature trees on the kame, most of which are proposed to remain. There is also a retaining wall series east of the existing boathouse on the lake side slope and close to the shore. Both retaining walls on the kame and near the shore appear to be failing based on the site visit the County conducted and information submitted by the petitioner. The south half of the lot that slopes towards the west to a drainage area on the adjacent property that eventually makes its way down to the lake.

The petitioners are proposing to construct a two-story single-family residence with a first-floor attached garage and a lower-level attached garage, a covered deck, covered entryway, and a walkway

with stairs to the lake and they also are remodeling the boathouse. The residence will have a partial side yard exposure on the east side rather than a typical lake exposure. The proposed finished yard grade is 2.7 ft. higher than the natural grade. The proposed lower-level garage is about half a foot lower in elevation than the previous detached garage elevation. They are in a similar location, so they are trying to utilize that foundation space and the carved-out hillside space to accommodate that lower-level garage space. The portion of the lot that is north of the driveway contains a 17% slope (5 ft. of grade change) to the flat portion of the site where the residence is proposed. A side entry garage is proposed over the lower-level garage. Because of the short amount of distance between where the driveway needs to go in turn to get up to grade of the first-floor elevation and where the lower-level garage is, about 9 feet of fill is proposed in that area. Retaining walls are going to be planking the lower-level garage. The area of new fill is relatively small compared to the lot size and the size of the home that's being proposed is about 2,500 sq. ft. The existing lot before it was demolished and graded out did have a series of retaining walls and a staircase that led from the lower-level garage elevation up to grade that accounts for the grade change from 917' to 924'. Much of the site is already filled as the adjacent property owner who owned the subject property at the time, stockpiled much of the fill from his development onto the subject property and a lot of that has been graded out. This did reduce the amount of fill needed to grade the site.

As part of the site redevelopment, the petitioner is proposing to replace the retaining walls near the shore and on the kame with natural stone outcroppings. The walls near the shore will virtually be replaced in kind, and the walls on the kame are going to be modified to keep the natural shape of the kame. Because of the amount of fill that needs to be brought in, there actually is less wall that needs to be replaced. Right now, there are four different tiers and some of them are around 4 or 5 feet tall. The new proposal is going to result in walls that are between 2 or 3 feet tall. The walls are proposed to be natural stone with a lot of native vegetation. Curving the walls as proposed is saving one of the trees that was originally proposed to be removed.

Some minor adjustments are required on the site plan that they currently have, including modifications to the walkway and stairway to the slope. New boathouse plans are still required because a kitchen is currently planned for the boathouse, which is not permitted by ordinance or State law. Once the final grading plan has been received, the Land Resources Division will review it not only for erosion control, but also to ensure no adverse drainage is being created and to ensure the basement elevation is meeting ground water separation requirements.

Commissioner Siepmann asked if Moore was confident that the new wall locations are not going to disturb any of the existing trees. Moore indicated they are building a crib and a wall for 60' to keep the kame and the trees stable and in place. One large tree is dead and will be removed. The house starts 14' at the lot line by the garage, but then it continually gets farther away from the lot line and the kame which allows them to keep the kame at its highest point intact.

Commissioner Griffin asked about the old garage wall. Moore said that is from the old garage, it would be removed, and it's holding the hill back and that's why it wasn't taken down.

Moore said they are just replacing these walls in kind, they are already set in these foundations, they just need to be updated.

Commissioner Siepmann clarified that most of the spruce trees are going to go. Moore said that was correct. Senior Planner Leto stated the landscaper said only one large living tree would need to be removed and it looks like it's a red oak. The dead tree is the only one on the kame. They modified the retaining walls to keep the other trees intact because they're far enough away from the house, but the dead tree is right where the crib wall would have to go.

Senior Planner Leto said she did receive one public comment email from an adjacent neighbor, and they are genuinely concerned about the conceptual landscape drawing, and they went from against this proposal to ultimate content with it. They would like to know if the retaining wall closest to the property line as drawn is too close to the trees. Notably if 23ta is roughly 5 feet from the property line, the retaining wall as drawn would be 3 feet from the tree and that does not seem like enough room to ensure no damage to the tree root system. They would like the Town and County to pay particular attention to the placement of the retaining walls in relationship to these trees to make sure the construction of the walls does not do short- or long-term damage to the trees and to the kame. Senior Planner Leto's suggestion was to work with their qualified landscaper to kind of work through that. Moore said the person that's written this letter is also the same person that thought all the trees around the kame were owned by him. He was pretty surprised when Moore had the lot lines staked and found none of the trees were owned by him.

Chairman Klink opened the meeting to public comments and concerns.

John Christenson – N57W30643 Stevens Road – requested to look at the current plans. He is not for or against it. He thinks a lot of trees were already taken out. His concern is the protection of the lake. Everything looks fine to him, but his only concern is to make sure the lake is protected during construction. He wondered if the DNR has to be involved. Senior Planner Leto said they will be required to get an erosion control permit from the County Land Resources Division, and they will do periodic site visits during the construction of the residence to make sure the site is stabilized.

Chairman Klink closed the public hearing at 5:54 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk