

Town of Merton
Joint Public Hearing with Waukesha County
To Consider the Conditional Use Request of Miller Marriott Construction for property owned by Andrew
and Michelle Miner for land altering activities associated with the construction of a single-family
residence – Tax Key MRTT0367-009-001
August 20, 2025

Present: Chairman Klink, Commissioners Griffin, Olson, Siepmann, Good, and Caliendo, Planner Haroldson, Waukesha County Representative Hoier, and Deputy Clerk Claas

Absent: Commissioner Queoff

Also Present: Rob Davy, Andy & Michelle Miner, Dave & Anne Hartleip, Matt Spude, David Woyak, and Andrew Hettwer

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

Waukesha County Representative Hoier read the public hearing notice.

Waukesha County Representative Hoier gave a general overview stating this conditional use is for land altering activities. This property is located about halfway down Forest Drive on the east side of Moose Lake. The topography of the site is pretty unique. There is only enough room for the existing cottage right now. The applicant is looking to remove the cottage and put up a single-family home. Some grading on the site is necessary to smooth things out and put in a new septic system, put in some vegetation on the property, and put in a new driveway; some of the things that are necessary when a new house is built. The County Staff has been working with the applicant pretty consistently to work out a lot of the issues, and they completed a site visit on the 5th of this month to come to an understanding of the layout of the site, topography, what's out there right now for the cottage that's there, and some of the vegetation on site. For any comments that they had related to the site visit, the applicants provided them a new updated, revised grading plan and building plans, and comments were addressed. The trees they're looking to have saved or protected; those comments were met. Some of the grade on the south side of the property was smoothed out a little bit more. Leif Hauge from Waukesha County's Land Conservation Office took a look at the plans for stormwater compliance. He reviewed the plans and let them know they meet the County Stormwater Ordinance. An updated plan was provided to the commissioners.

Matt Spude of Miller Marriott - said what's really unique about this whole entire project is the site is very beautiful. There is some pretty significant challenges. They've been consulting with Davy, consulting with the surveyors, and consulting with the Miners for they're understanding of what needs to happen to make this all work. It's with keeping with the natural habitat. They have relatively conservative home plans that fit within the terrain. Coming up the driveway, the lower portion is presented and then going up the natural ridge, the house kind of climbs up the natural ridge and presents itself very well. The materials of the house will be keeping with very classical, durable building materials. The screen porch kind of levels off with the top section of the overall site.

Rob Davy – Lake Country Engineering – stated he did the civil work on the site. There were three or four non-conforming lots that a lot of variances would need to be granted for if the sites were to be built on individually, so at that point it was decided to combine the lots to try to get one more suitable, buildable lot. The Miners bought the lot and came up with a very nice house plan that they could work with to fit

the site. In doing so, the constraints they had was the 75' building setback off of Moose Lake and the setback off the existing kettle where there is deemed wetlands in there. The County also has an ordinance about frozen flood conditions and there are setbacks from that, not only height but distance. Instead of encroaching the lake and trying to get variances towards the lake, they came up with a plan to encroach on the setbacks of the wetlands. Davy did a frozen flood calculation which came up with an elevation where if everything was frozen and they had the rain like we just had, where would that water go, and it came up to 890.5, so that was kind of the basis of everything. Instead of having 75' setback off the wetlands, he believes they're 25' off the wetlands. Davy said where it looks today, it's not high-quality wetlands. It's not something pristine that you would want to try to save or protect. With talking with the Miner's, once they get the house built and get that done, they want to look at getting a permit from the DNR to enhance that wetlands so that its more friendly and warm instead of this quagmire sitting in the ground. With all those constraints they have, they have to add some major retaining walls both on the driveway and the house in order to get this property to work. The retaining walls are in the design, keeping the setbacks from the wetlands. Leif's main concern was where's the frozen flood. The frozen flood is at 890.5 and the lowest exposed level is at 899. They are nowhere near close to any kind of flooding of anything in this house, so he liked that. In order to compensate so the driveway wasn't at a 10 or 12 percent and it was more user friendly for the winters, the Miners wanted to lower the hill down 3 feet, 4 feet in some spots and then work with the neighbor to the north to lower the really high peak 6 ½ or 7 feet. They are working with the neighbor to the north, assuming this gets passed, to get that out so both properties don't have to have retaining walls in between the properties to hold the one little ridge up. The grading does have some steeper slopes, but that can be addressed with what can be planted on there, more prairie type planting that only has to be maintained once or twice a year. He believes half of this property won't have a manicured yard. They will have a more prairie type look where they will have wildflowers growing and grasses that will hold up to that steep slope. They are trying to maintain and save as many trees as possible, but in the course of putting a foundation like this and getting a septic in the only place that it is feasible to go, they will be going through some significant roots and damage those trees and they would probably end up dying. The plan shows that they are going to take those out right away, but they are really trying to minimize the number of trees coming off that site and to protect as many as they can.

Commissioner Siepmann stated the floor elevation on the exposure of 908.50 and existing grades at 912 and 913 across that ridge and questioned where they are ending that cut. Davy responded that is really not an exposure, that's going to be the first-floor elevation. The exposure is in the garage. When it is looked at from the lake, it's going to look like a one-story home. They're just building it in kind of a reverse exposure on it. The grades on the south side they really flattened those grades out to 908 and then a low point of 907.50, and then they will have to grade a swale over the top of the septic to get the water away from the house. Then the 908.50 elevation at the top of the foundation goes down to a 908, then he's grading out to a 907 contour which is about 25' towards the lake. That's where the bulk of the trees are coming out. They are trying to maintain the 50' setback off the lake without disturbing anything. There will be quite a lot of dirt removed off the ridge. They will be lowering that hill 4 ½ to 5', depending on where you are, there will be a significant amount of dirt coming out plus the basement spoil. The neighbors to the north already removed a lot of dirt, about the same amount, when they built their house. They are not asking much more than what the neighbor did, but in order to get this to look nice to fit the ground, they do need to take that dirt out.

Commissioner Caliendo asked about the 6 ½' cut on the north side of the property. Davy stated the neighbor's house is already down quite a bit lower and that 6 ½' will still be about 2' above his house, and he asked the Miner's if they could work together to lower that hill so he wouldn't have to put a

retaining wall in to hold it back and that was a happy medium between the two houses lowering that so that they could get water to drain away from both houses and somewhat maintain a little bit of a ridge in between the properties. Commissioner Caliendo asked if the grade to the property on the north is cut down enough yet or does it have to be cut down more. Davy responded that basically, the house sits maybe 10' to 15' south of the house to the north and then it goes straight up to the property line. They are going to more blend in with the upper elevation of the house to the north, create a swale in between the property line and his house, come up at a modest grade and then drop back down at a modest grade to the Miner's first floor. It will be more gentle between the two homes.

Commissioner Griffinn stated he sees there's a curb on their driveway which is going to be a steep pitch and asked if there will be any breaks in that driveway to try to get rid of some of that water so that's it's not draining the top drive and the entire drive all the way down into the street. Davy said he hadn't planned on any because he wants to keep that water in the driveway as long as possible to get it away from the wetlands so that they have a grass buffer going into the wetlands. There is a low point where the water drains to the south before it gets out to the road. They aren't draining it directly into the road. There will be a swale probably right at the property line where the water will be directed into the south end of the wetlands. Commissioner Griffin questioned how far back off the road will the curb stop to flow into that wetland. Davy responded about 20' to 30'.

Commissioner Good questioned the protection of a tree and the fill around it. Davy said they really like the tree and his knowledge of contractors, they don't care about them, and Bill Groskopf had come up with a system where you put 2' x 4's horizontal and wrap them around and then if a contractor hits it, the 2' x 4's get damaged, and the tree doesn't. Commissioner Good questioned if they are going to do anything to protect the roots. Davy responded that they should be far enough away on the roots on that one. Commissioner Good said if they really want to protect the tree, they have to keep the contractors off of the roots.

The public hearing was opened for public comments and concerns.

Dave Hartleip – W329N6567 Forest Drive – said he lives there with his wife Anne, in Moose Hills, Lot 13, just two doors down from the subject property. They're just here to express their support for the program, for the build, and looking forward to having Andy and Michelle as neighbors.

The public hearing closed at 5:49 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk