

Town of Merton
Plan Commission Meeting
Minutes of August 7th, 2019

- Meeting Called to Order by Acting Chairman Morris
- Pledge of Allegiance led by Acting Chairman Morris
- Minutes of the July 17th, 2019 Public Hearing & Plan Commission Meeting. A motion to approve the minutes was made by Fleming/Jensen. Motion carried.

Present: Acting Chairman Morris, Commissioners Griffin, Fleming, Good & Jensen, Attorney Chapman, Planner Haroldson, Ben Greenberg of Waukesha County Parks & Land Use, and Deputy Clerk Claas

Absent: Chairman Klink and Commissioner Siepmann

Also Present: Brian Zimmerman, Jeff Dhein-Schuldt, Candace Dingman, Mark & Barbara Harmann, Mike Clark, Carl Ernst, Jim & Patti Harmann, Paul Dross, Liz Tobolt & Sandy Doyle

Old Business: None

New Business:

Conditional Use Request by Candace Dingman – to Conduct Land Altering Activities in Conjunction with the Construction of a New Single-Family Residence with Attached Garage, Retaining Walls and Other Landscaping Improvements – W332N6297 CTH C – MRTT 0405-960-002 – Since the public hearing on June 5, 2019

Dingman and her team worked with County on a new plan with less grading and no retaining walls.

Zimmerman is a registered architect with Landworks working with Dingman on landscaping, grading, etc. He met with Greenberg and Amy Barrows for a better understanding of what the County would be looking for. The house will be lowered down to the grade, the amount of retaining walls will be reduced, the parking on the north side of the property has been eliminated and the plan will significantly reduce the land disturbance. The vegetative plan will have more plants than County requires and they will be controlling water to stay on the property.

Greenberg stated these are sounder plans with significantly limited land disturbance to the site. Waukesha County is supportive of the plan. A storm water permit and an approved vegetative plan will be required.

A motion to support the updated plan for land altering activities for the Dingman property, with the contingency that they meet all of the conditions of Waukesha County Parks and Land Use, obtain any required variances and the necessary storm water permits was made by Jensen/Fleming. Motion carried unanimously.

Conditional Use Request by Peter and Karin Drescher – to Conduct Land Altering Activities to Improve Site Draining – N62W30475 Beaumont Lane – MRTT 0393-998 – Update from Waukesha County Parks & Land Use – Greenberg stated Waukesha County required wetland delineations and two small wetlands were discovered. County required them to modify the plan for a much smaller fill project. There will be a little bit of fill to achieve the walkway from the patio area to the shore. The sidewalk is proposed to be a pervious power system. Staff members reviewed the plan and they believe it won't create any adverse drainage. Drescher's are proposing to cut open the berm, and they are going to scrape that down to the natural grades. Greenberg had a meeting with Kathy Gutenkunst and Mark Augustine who have been hired by the neighbor

next door, Chris Schmidt who expressed concerns with the previous plan, and they don't have any problems with the current plan. Griffin asked if there would be any drain tile underneath the walkway. Greenberg thinks opening both side of the berm will help drain to the lake.

A motion to approve the updated plan, contingent upon continuing to work with Waukesha County Parks and Land Use to finalize details was made by Griffin/Fleming. Motion carried.

Certified Survey Map to Combine Lots – N82W28631 Hillcrest Drive – as Requested by Paul Dross & Staci Maloney – MRTT0335-010-001 – Haroldson said Dross is combining two parcels so he can rebuild and maybe increase the size of his garage. The CSM will remove the interior lot lines and combine two legal descriptions. Haroldson stated the reference to a private drive should be removed and replaced with "Dedicated to the Public for Public Roadway Purposes". Haroldson advised Dross to work with the Highway Superintendent. Griffin asked if the Town could get an easement for snow. Dross stated he would prefer to move it; wherever it's easiest to turn the truck around. Griffin and Dross will work that out. Haroldson stated the CSM is within extra-territorial jurisdiction of the Village of Merton and the CSM needs to be submitted to them, and a note must be placed on the CSM indicating that outlot 1 cannot be sold separately from lot 1.

A motion for a recommendation to the Town Board for approval of the Certified Survey Map contingent upon the corrections and changes to the CSM as requested by the Town and Waukesha County, prior to signing the revised CSM was made by Jensen/Griffin. Motion carried.

Certified Survey Map – to Divide 8 Acres into Two Lots – as Requested by Mike Clark – N84W28580 Center Oak Road – MRTT 0334-987-007 – Haroldson stated Clark submitted a conceptual plan to the Plan Commission a couple of months ago and he addressed what the Town asked for. The access to the road will be on the west side of the property onto Center Oak Road and needs to be approved by the Highway Department. Waukesha County has not finished their review on this CSM. No further land divisions are allowed on lot 1 or lot 2.

A motion for a recommendation to the Town Board for approval contingent upon satisfaction of Town conditions and the conditions of Waukesha County prior to signatures was made by Good/Jensen. Motion carried.

Conceptual Plan to Divide 32 Acres into 2 Lots – W307N8405 Laskin Road – as Requested by John Carl Ernst – on Behalf of Lela M Ernst Living Trust – MRTT 0326-009-001 – Haroldson stated Ernst has 32 acres and he would like to split the land into two parcels. He would like to survey off a five acre parcel to sell it and it would have its own access off of Laskin Road. Parcel 1 would be 5 acres and Parcel 2 would have the farm house with over 25 acres. Haroldson stated Ernst would need a Certified Survey Map with details per the Land Division Ordinance and soil borings. Griffin stated he has no concern with the driveway access. Good asked if he ever plans to divide the property further. Ernst said not at this time.

Morris said he could proceed. No action was taken.

Conditional Use Request by Jim & Patti Harmann – to Conduct Land Altering Activities to Eliminate Invasive Species, Store Lake Weeds, and Other Materials for Future Composting, with Some Grading to Restore Site on Property on the Corner of CTH CW and Hwy 83 – MRTT 0308-999-006 – Haroldson stated after the Public Hearing Jim Harmann, herself and Alan Barrows from Waukesha County Land Resources Division met at the

site to determine if a storm water permit would be needed for any activities that would be considered land altering activities. Haroldson stated compost, leaves and weeds are considered organic matter and not considered fill or dumping. Barrows walked the site with Jim Harmann and he walked the kettles to identify any environmental or sensitive areas. Barrows did not consider weeds or piles of compost a trigger for land altering activities. Any spreading and scraping would trigger a land altering permit. Barrows stated in an email to Haroldson the following:

1. In the Lake weed composting area, if the underlying soil is exposed then it needs to be stabilized with a temporary cover such as winter wheat within two weeks and by October 15th each year. Alternatively, a blanket of 2 inches of decomposed lake weeds could be left as cover over the soil.
2. A dense perennial vegetation buffer needs to be maintained between the lake weed composting area and the kettles to the north and south.

Jim Harmann contacted the Waukesha County Highway Department and spoke with Jason Mayer. Mayer called the planner and said the Waukesha County Highway Department was ok with the current access that Jim Harmann uses to access the parcel off of CW and is ok with the farm access for the farm field. Fleming questioned if he would need a culvert. Haroldson said no.

Jensen stated she has gone there and questioned how the Town is going to control the one specific acre. There is no fence, no acres delineated. Fleming stated it has been filled. He stated there used to be more kettles in there and he had been there many years ago, and some of it's been filled. Good stated it does appear to him that there is more there than organic materials. There are some stones and plastic which is consistent with lake weeds. Jensen said she had the impression that some of the woody material brought in is not from this site. Jim Harmann stated 1/3 is from off site, 1/3 is from his house, and 1/3 is from the property. She is concerned that this may be partly business. Good questioned the compost being mixed with 25% topsoil. Jim Harmann stated it's not mixed on site. Morris said something just doesn't seem to add up

Griffin stated there are other sites in the town accepting leaves and lake weeds. There is a site on Reddelien Road, a site on Center Oak Road, and a site on Beaver Lake Road.

Chapman will draft a conditional use permit for the Harmann property and it will come back to the next Plan Commission for action. No action was taken.

Planner Update – Haroldson stated she talked to the Chairman and he said that since him and Siepmann aren't at this Plan Commission Meeting, they will postpone the discussion on Conditional Uses. They are working on getting a committee together to work on the Conditional Uses.

A motion to adjourn was made by Fleming/Griffin. Motion carried. Meeting adjourned at 6:36 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk