

Town of Merton
Plan Commission Meeting
Minutes of September 21, 2022

- Meeting Called to Order by Chairman Klink at 5:42 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the September 7, 2022 Plan Commission Meeting. A motion to approve the minutes as written was made by Siepmann/Morris. Motion carried.

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann and Good, Planner Haroldson, Waukesha County Representation Jacob Heermans and Deputy Clerk Claas

Absent: Commissioner Queoff

Also Present: Kyle Kohlmann, Jeff Berg, Nicole & Josh Kubeck, Megan Olson, Bob Mikulec, and Tom Bryson

Old Business – None

New Business:

Land Altering Conditional Use Permit – To Conduct Land Altering Activities Associated with the Construction of a New Single-Family Residence with Attached Garage, Lakeside Patio, and Retaining Walls – Located on the Property Described as Lot 1, Certified Survey Map #12194 – Requested by Bruce Moncrieff and JFK Design-Build, LLC – Tax Key MRTT0367-007-001 – Haroldson clarified that Waukesha County will prepare the conditional use permit for the land altering and it's the Plan Commission job if they have any conditions to have them put in the conditional use permit. Heermans has outlined most of them, but Griffin had concerns about the retaining wall in the road right-of-way. Haroldson also mentioned stormwater and erosion control permitting.

Griffin stated it should be noted that it's their responsibility to maintain the pillar and retaining wall in the right-of-way. Griffin said it could just be put in the conditional use permit that it's their responsibility to upkeep it even though it's in the right-of-way.

Heermans said this would not come back to the Town Plan Commission. The Plan Commission is to make recommendations today, Waukesha County will probably add some conditions, and then it will go to the next Plan Commission Meeting at the County level.

A motion to approve the conditional use permit that will be issued by Waukesha County with the condition that Griffin mentioned to be included was made by Morris/Siepmann. Motion carried.

Request to Add a Strip of Land from an Adjacent Parcel to Their Existing Lot to Allow Access to a Different Street – Requested by Josh and Nicole Kubeck – Tax Keys MRTT0402-995-032 & MRTT0402-995-031 – Haroldson stated they have been in communication for over a year and she really doesn't think their request is doable. The lot was created in 2022 when Mr. Sellers re-certified a survey map and created this parcel. It was created with frontage on Hasslinger Drive and the Town approved that. Haroldson thinks there is some concern on the Town's part on creating a flag lot with this strip. Haroldson spoke with the attorney about the fact that when the lot was created, it does have frontage on Hasslinger Drive and the attorney thought that was pretty much their location to access.

Josh Kubeck said they would like to have this to have a driveway access off of Robin Lane. There's a number of considerations for this. For environmental part of this is mature trees would have to be taken out. The neighbors have voiced that they want to keep those trees and also the water tends to flow down to the neighbor's lot. The neighbor has already had to put two culverts underneath his driveway and their driveway would be directly across from his. Cost wise if they had to put a switchback in because of the grade, it's an extremely steep hill, the driveway would cost over \$80,000. As far as safety concerns, they had the fire chief out and he said they have thousand-foot hoses that can make it up a winding driveway, but how long would it take to deploy a thousand-foot hose. Logistically, the construction equipment to build their house would have to enter their lot on their proposed driveway. Kubeck said he has a truck and a trailer, and with the way the driveway would have to sit, he wouldn't be able to get his own truck and trailer up his own driveway to his house.

Nicole Kubeck said they had their builder out and looking at the grading, the alternative to have this driveway is to have switchbacks coming in to the end of Hasslinger which is a single lane lakeside road and its just not amendable to having anything more than a typical size car turn on to this driveway. Their goal is to gain access off of Robin Lane to negate all that.

Josh Kubeck referred the Plan Commission to the preliminary survey drawn up by SEH that meets all the requirements that would be needed for a driveway to pass through that land. Niicole Kubeck said they have an agreement with that neighbor to purchase that land. They were told by the seller of the property that they could have an easement.

Haroldson said Waukesha County also has to weigh in on this, and even if the Town's Plan Commission gives a nod, Waukesha County may not agree with it. The property is 100% within shoreland jurisdiction and they have some feelings about creating a flag lot.

Griffin questioned why they would run 66' out for the driveway and then when it gets to the road, narrow it down to 61 ½ '. Nicole Kubeck stated that Keith Kindred said they could plus or minus the little triangle wedge. Haroldson questioned if the owner would move his driveway because it needs to be 6' from the property line. Morris said he looked at the hill and it's a nasty hill for a driveway.

Griffin asked if they were looking to for an easement or to purchase this property. Josh Kubeck said they're looking to purchase the property. Haroldson said she didn't think an easement would work because the Town can't give an easement off of somebody else's property. If they get the strip they would have to make it part of a certified survey map. Nicole Kubeck said they would be okay with any option that gives them access off of Robin Lane. Haroldson asked if they had any designs from off of Hasslinger at all that any engineer has proposed to them. Nicole Kubeck said they had both their designer and contractor out there saying they have to get the driveway situation figured out. They have tentative house plans but they've had to put them on pause because they need to know where the access is. Haroldson questioned if anyone designed a driveway for them. Josh Kubeck said their builder did and he said switchbacks would be \$80,000 plus. If they could get it graded down it would still be 30 to 40 and retaining walls would still have to be put in and it would still be a steep, straight, icy driveway.

Griffin stated the other driveway would need to be moved. Haroldson clarified that driveways need to be 6' from the property line. Josh Kubeck said Matt Sellers said he is willing to do whatever they need to make this happen. Griffin stated he wants 66' because they're creating a flag lot. Siepmann requested they limit it to no access off of Hasslinger Drive and no further division.

A motion to recommend that the Plan Commission allows this but with 66' all the way out was made by Griffin/Morris. Motion carried.

Klink informed the Kubeck's to work with Waukesha County before they come back to the Town. If this is allowed a certified survey would have to come back to the Plan Commission creating a flag lot, with restrictions of no access off of Hasslinger Drive and no further land division.

Planner Update: Haroldson stated that the Town received another donation of three trees from George Stanley that the DPW installed at the soccer park. He is also looking into having a bench there.

Griffin stated the top coat was put on in Legacy Hills Subdivision and the contractors messed it up, and the DPW got the fresh millings from it The DPW took them up to Oconomowoc River Conservancy and laid them on the driveway and then they overlaid them with finer millings and now about two thirds of the driveway is done.

Haroldson wanted it on record that Denis Schuh brought her an update of his property. Haroldson had pictures to pass around and stated he has a video if the Plan Commission can come take a look at. Schuh enhanced the green strip on the west side.

Waukesha County Supervisor Update: Morris stated that part of his assignment with Waukesha County is that he's on the Regional Rail Commission which takes in most of southern Wisconsin and right now the Regional Rail Commission with Sauk and Dane County on an old railroad right-of-way where the bridge fell down are going to build a bicycle, snowmobile and walking path over the Wisconsin River approximately 1400' long.

A motion to adjourn was made by Siepmann, Jensen. Motion carried. Meeting adjourned at 6:28 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk