

Town of Merton  
Joint Public Hearing with the Town of Merton Plan Commission & Waukesha County  
To Consider the Conditional Use Request of Bruce Moncrieff and JFK Design-Build for Land Altering  
Activities Associated with the Construction of a New Single-Family Residence with Attached Garage,  
Lakeside Patio, and Retaining Walls.  
September 21, 2022

Present: Chairman Klink, Commissioners Griffin, Jensen, Morris, Siepmann & Good, Planner Haroldson, Jacob Heermans of Waukesha County Parks & Land Use, and Deputy Clerk Claas

Absent: Commissioner Queoff

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

This Public Hearing was Called to Order by Chairman Klink at 5:30 p.m.

Heermans read the public hearing notice.

Kyle Kohlmann, landscape architect with Bret Achtenhagen's Seasonal Services, and Jeff Berg from JFK Design-Build are working with Moncrieff for the proposal of his lot. Kohlmann said it's a very difficult site in terms of topography. The property starts low, goes up very steep, and goes back down to the lake making it very challenging to design the house into that scenario with the grades. The architect has designed the garage with elevation which yields the most comfortable driveway gradient. SEH did the grading study for that so the elevation of the garage is set in a way that would be most comfortable. In the back they are minimizing the disturbance as much as they can and the decline towards the lake. They have to cut more than what is allowed. They think it's an acceptable solution to the site.

Berg said they are trying to balance the house between the driveway and the rear elevation. When they originally designed the house, the garage was up 5' higher which proposed the driveway at almost 20% grade for pitch. They decided they couldn't drop the whole house otherwise they would create a lot of removal of dirt. They kept the main body of the house where it was so there is less disturbance on the lake side and dropped just the garage area down 5' so they could get to about 12% slope on the driveway.

Kohlmann said in terms of landscaping a patio is proposed off the main patio doors in back not coming any closer to the average setback line. There is a retaining wall which will help hold back the highest elevation. There is also a 2' wall down the hill. There is an existing step and pathway system on site that Moncrieff wants to keep intact as much as possible. They are proposing a permeable paver inlay on the driveway because they have exceeded the impervious surface maximum slightly.

Jacob Heermans said it is worth noting that the property owner did do a certified survey map in 2021 to combine two lots. The lot is approximately ½ acre in size. The small cottage and the garage have been removed. The boathouse, the concrete patio at the shore, and some miscellaneous retaining walls remain. The Land Resources staff has reviewed the grading plan. Waukesha County will recommend a condition that Land Resources staff review a stormwater and an erosion control plan. Land Resources has already issued an erosion control permit for the removal of the structures. All retaining walls are meeting the requirement of 5' from the lot line. The size of the home and the challenging lot is requiring a significant amount of grading for the patio, the home, and the garage. They are reducing the driveway

slope from approximately 20% down to 12%. They are also doing additional grading for a flatter spot for a septic field. Environmental Health has given preliminary approval for a sanitary permit for the septic system, but because of the amount of grading some additional soil tests may have to be submitted. For the most part all walls are under 4'. If any are over 4' in height, they would require engineered approved and stamped plans. There some retaining walls, both existing and proposed, that are in the road right-of-way. They would require some documentation from the Town of Merton that those retaining walls are allowed to be within said right-of-way.

Good asked what the retaining walls were going to be built out of. Kohlmann said unknown at this time, but Moncrieff was talking about a natural stone to match the stone utilized on the house and the objective would be to match that stone as best as possible. Good also asked how big the permeable area in the driveway would be. Kohlmann answered 317 sq. ft. Morris questioned the material to be used in the driveway to make it more permeable. Kohlmann said the exact type of paver has not been determined, but it will be a permeable type of paver rated for this type of application that allows water to pass through. They will have to do some special base prep in that area to take on the water.

Siepmann questioned if the wall along the driveway was existing. Kohlmann said it exists and further up. They're hoping to make it smaller. Griffin clarified that the new retaining wall would not extend past the stone pillar. Griffin asked if they would submit along with the right-of-way agreement that it's their responsibility to maintain those, not the Towns, because the Town doesn't allow structures in the road right-of-way. They said yes.

The Chairman opened the hearing to the public. There were no comments or concerns.

Klink closed the hearing at 5:41 p.m.

Respectfully submitted,

Holly R Claas  
Deputy Clerk