

Town of Merton
Plan Commission Meeting
Minutes of June 5th, 2024

- Meeting Called to Order by Chairman Klink at 5:30 p.m.
- Pledge of Allegiance led by Chairman Klink
- Minutes of the May 1st, 2024 Plan Commission Meeting. A motion to move for approval as drafted was made by Siepmann/Good. Motion carried.

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

Also Present: Brian Lehmann, Jim Kemp, Michelle Relford, Matt Gunnelson, Jared Wartinbee, Bob & Anne Trunzo, Donna Hann, Andrew & Michelle Miner, Amy Barrows, Jim Angle, Pete Feichtmeier, Bryan Tom, Scott Bryon, Jim Kemp & Zach Lieven

Old Business: None

New Business:

Conditional Use Permit for Land Altering Activities Associated with the Construction of a Single-Family Residence, Patio, and Retaining Wall at W308N6169 Shore Acres – Requested by Jim Angle, Colby Construction on Behalf of Robert and Anne Trunzo (Pinehurst 20, LLC) – Tax Key MRTT0394-953 –
Waukesha County will prepare the conditional use permit with recommendations from the Town. Senior Planner Leto read a draft of conditions that she has prepared for the staff report:

1. A stormwater permit to be obtained by the Land Resources Division for erosion control
2. The grading and land altering will substantially comply with the grading plan dated May 7th, 2024
3. Any retaining walls exceeding 4 feet in height need to be certified by a landscape architect or professional engineer to ensure that they're constructed in a manner to withstand pressure from soil, ground water and surface water runoff
4. The land altering and grading activities shall not create adverse drainage conditions or have adverse impact on adjacent properties
5. Subject to a vegetation removal permit being issued prior to tree removal and an associated deed restriction be recorded, if applicable
6. Subject to the conditional use permit being issued prior to a zoning permit for a single-family residence.

A motion to approve the conditional use permit with the recommendations the County had with conditions was made by Commissioners Morris/Queoff. Motion carried.

Request for an Exception to the Height Regulations as an Exception per 17.21(2)(d), Subject to the Approval of the Plan Commission – Requested by Jared Wartinbee on Behalf of Brian and Nikki Lehmann – W289N7710 Park Drive – Tax Key MRTT0338-991-004 – Planner Haroldson stated they are requesting a height of approximately 23' and they meet all of the setbacks and offsets necessary to increase the height. The Building Inspector referred this to the Plan Commission because of the height. The exterior of the building will be metal with cedar posts on the covered porch area.

A move for approval for the request of the exception to the height regulations as proposed with the comments from the Town Staff Report being included was made by Commissioners Siepmann/Good. Motion carried.

Certified Survey Map Showing Adjusted Town of Merton Road Right of Way – Reddelien Road – To Give Lands to the Town in Exchange for the New Lot Configuration for the Four Properties that Acquired the Vacated Lands on Reddelien Road – Requested by John Siepmann on Behalf of the Four Property Owners – Sidem and Shepard Joint Trust, David and Mary Jo Kern, F Robert and Jill Moebius, John and Kristin Siepmann – Tax Keys MRTT0356-009, MRTT0356-010-001, MRTT0356-011, MRTT0356-012 –

Commissioner Siepmann recused himself from this agenda item. Chairman Klink said this is one of those roads on the lake where the road right-of-way goes through some garages, and it needs to be cleaned up. Siepmann stated Reddelien Road just north of Beck's, 400 to 500 feet south of this point, the pavement of Reddelien Road veers to the left and into private property, yet the public right-of-way continues straight north and has included in it many encroachments of homes, his garage, driveways, holding tanks and other private property features. Siepmann approached the Town to do a swap of his private property where the road exists for the property where his garage exists, and the Planner and the DPW Director suggested they clean up all of those that are in the same situation. The certified survey map would clean this up and place a new right-of-way over the top of the existing pavement. Planner Haroldson said the homeowners are giving the Town land that was previously theirs. DPW Director Griffin stated it was a 50/50 swap, but the Town would be putting the 50 centered over the middle of the road so they would have more property on the lake side, but they also have an outlot on the other side. Siepmann said nothing on the ground will change other than these lot line configurations. The use of the parking area, there's been an agreement drafted by the Town Attorney to address the issues of the neighbor to the south, Mr. Moebius, and his concerns, but they are not sure if that satisfies his needs to date. Siepmann is asking the Plan Commission if they would consider this for approval, that they allow for this to be subject to staff approval of the final plan because there may or may not be an agreement of all of these property owners. Siepmann said this also provides those that are moving the right-of-way to the west a little bit more setback if they rebuild.

Planner Haroldson asked if this was submitted to Waukesha because they may be making sure that nothing that is being done is making any building less conforming. Siepmann said he had submitted it to Waukesha County. DPW Director Griffin said the Town has no intention of widening that road or changing the road other than for regular maintenance.

A motion to recommend to the Town Board approval of the certified survey map subject to any changes from Waukesha County and that any further changes to this certified survey map be addressed and accepted by Town staff and all other documents that will need to be signed for the road vacation was made by Queoff/Good. Motion carried.

Attorney Van Kleunen stated there is a possibility, depending on how Mr. Moebius feels about the situation, that lot 2 and the outlot and the signature page would be removed from the certified survey map.

Construct a Non-Traditional Retaining Wall with Steps Within 5 feet or less from a Property Line at W329N6457 Forest Drive – Requested by Matt Gunnelson – Tax Key MRTT0367-029 – Planner Haroldson stated that Mr. Gunnelson is improving the retaining wall. Gunnelson said the rock garden will be removed and replaced with some fill and then there will be a series of tiered outcropping steps that come down the hill. Each one of them is below 2', but then when they're combined coming down the hill, it exceeds the requirement. Planner Haroldson said the reason Gunnelson is at the Plan Commission is the wall is within 5' of the property line. Waukesha County is working with him on the wall. Gunnelson said he spoke to the neighbors yesterday. He walked them through it, and there were no objections.

A motion to approve the request for a non-traditional retaining wall less than 5 feet from the property line at W329N6457 Forest Drive, Hartland, WI, contingent upon approval of Waukesha County Parks and

Land Use for their construction plans, the need for an erosion control, any stormwater permit or engineering plans was made by Commissioners Queoff/Siepmann. Motion carried.

Plan of Operation and Site Plan Update – To Operate a Farm Market – Stone Bank Farm Market – N68W33208 County Rd K – to Include the Growing of Produce, Sale of Shelf Stable Foods and Prepared Foods, Pastured Meats, with a Variety of Classes. Class Schedule to Include Yoga Classes in a Barn on a Neighboring Property. Tax Key MRTT0361-977 – Planner Haroldson stated her hours are the same, she has some summer community nights coming up on June 21st, and in July, August, and September, and she has some special events revolving around educating about food and farming. They have a commercial kitchen, so they do prepare food, but not necessarily for classes. Relford clarified that they don't serve food to the public, but they can buy prepared food.

Planner Haroldson said one of the things the clerk had asked for is that you identify all the buildings where they serve alcohol and asked if it's just in one building or in several buildings. Relford responded that they can purchase alcohol in the church building, in the market, and it is served in the education center building, which is next to the church, and on community nights they will have it on the property outside. Planner Haroldson said everything seems status quo except Relford is requesting yoga events in the barn on the neighboring property. That property is zoned A-1, which is agricultural and residential, is in shoreland jurisdiction, and would also require a conditional use permit. Planner Haroldson told Relford she had to come back and apply for a conditional use permit, and she also has to get Waukesha County involved.

A motion to approve the updated site plan and plan of operation for purposes of activities associated with the farm market sales with the condition that the alcohol location is provided per the site plan for where alcohol will be served and sold was made by Commissioners Queoff/Siepmann. Motion carried.

Resolution Recommendation to the Town Board to Vacate a Portion of Forest Drive - Requested by Andrew and Michelle Minor on Behalf of the Miner's and the Town of Merton – Planner Haroldson stated the Miner's purchased lots 9, 10, and 11, and they're combining them to build a house. When they submitted their survey to combine the lots, they talked to the Dept. of Public Works and DPW Director Griffin stated that he would like to vacate some land. A section will be added to the Miner's parcel and a parcel to the north and the parcel to the south. Commissioner Griffin stated that looking at the survey, the green line lines up better with the right of way on the rest of the road, and it lines up better with the corners off everyone's property. Commissioner Griffin stated that what the Town has now, there is no reason to have it, and it makes sense to clean it up now.

A motion to recommend to the Town Board introducing a resolution to vacate a portion of Forest Drive was made by Commissioners Siepmann/Morris. Motion carried.

Planner Report Marilyn Haroldson – stated she and DPW Director met with three people from Trouts Unlimited and they asked for permission to walk the Mason Creek in the Koester Road area on the Town land. They are going to take a fishery biologist from the DNR to walk it with them. They are going to let the Town know when they are going to do that and once they have, they are going to come back and let the Town know if there's anything they can do because as a volunteer group they go in and clear the buckthorn and other items. DPW Director stated they would just like the authority to go in there and access it and then bring their evaluation back to the Town either for a recommendation to do what they want to do or the Town can say, no we're not interested.

Planner Haroldson asked about having a meeting on Wednesday, July 3rd. Chairman Klink said no, because the Plan Commission might not even have a quorum.

County Board Supervisor Report Richard Morris – stated Waukesha County started a new two-year cycle and the previous County Board Chairman decided not to run for re-election and the new Chairman and most of the committees have been realigned. He is going to be on the Parks & Land Use Committee instead of the DPW, and he's also on the Plan Commission and the Wisconsin River Commission for the County Board.

DPW Director Report Paul Griffin – No report

A motion to adjourn was made by Commissioners Siepmann/Griffin. Motion carried. The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk