

Town of Merton

Joint Public Hearing with Waukesha County

To Consider the Conditional Use Request of Jim Angle, Colby Construction for Property Owned by Robert and Anne Trunzo (Pinehurst 20, LLC) for Land Altering Activities Associated with the Construction of a Single-Family Residence, Patio, and Retaining Walls at W308N6169 Shore Acres Road

Tax Key MRTT0394-953

June 5th, 2024

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

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

Waukesha County Senior Planner Leto read the public hearing notice.

Amy Barrows is representing Trunzo's on behalf of Colby Construction. She stated she would not be representing this project if she did not think that it was a reasonable request for land altering activities. They do need a conditional use because there is a significant cut on the lakeside of the home in order to accommodate the exposure. They own just under an acre property on the peninsula on the north side of Beaver Lake and because of that they have challenges on fitting in the homesite in that there's the flat area on the top, but from there it drops down steeply on all three sides of the property. The existing house has a patio that stretches beyond the home that is held up by retaining walls, so the cut does seem significant, but it's actually a very minimal area and once the retaining wall is out from the old patio, it feels more like a 4' or 5' cut than 8' to 9'. There are some minor retaining walls in order to reduce the amount of grading and the impact on the slope, so on the west side of the home there is very little grading beyond the proposed patio and it's actually about 20', or less than 20', from the side off the home. It's the same on the other side. As the high point on the property extends to the very point of the peninsula, that flat area becomes narrower and narrower and although they meet the 75' setback, they really can't make those improvements without cutting into the hillside. All grading activities are at least 60' plus from the shore, and even much greater in some areas. The significant grading area is 100' from the residences on both sides of the property, and the exposed elevation at the home is close to the exposures of both of the adjacent properties. Because they are so far from the lake and there is quite a bit of mature vegetation there is really no impact to natural habitat or to natural resources. They have very good erosion control in place as part of a previous permit to re-construct an existing boathouse. They did have to plant nine trees and they will be maintained and preserved. They put in envirolok walls. All these seed areas have this envirolok which is really stabilizing the slope. Those will continue to remain in place. Some will be reconfigured at the home site. The result is a slope that is much more stable. As part of the home construction, they will need to remove 4 non-priority trees right around the edge of the home and 2 priority trees which are both cedar trees, but in place of that they are planting several new trees. There will be a row of oak trees along the adjacent property. The red cedar where the patio is will be removed. Senior Planner Leto stated those replacement trees have to be within 300' of the shore and have to be of the same priority species off the list and that will be part of the permitting for the vegetation removal. Senior Planner Leto verified that everything they are planting is within 300' of the shore.

Bryan Tom showed a picture of the back of the existing house and the grades are closer to the roadside to what they're proposing. The proposed house sits pretty much on top of the existing. It doesn't stick out any closer to the road than the existing house does, and the lakeside of the house is farther away from the lake than what is there. It is a little wider just to take advantage of the lake views of the lake. He showed the existing survey what shows exactly what was installed for the envirolok walls and he showed what is proposed. The top row is going to be taken with the exposure, so it's actually making the view from the lake looking up less dominant with the amount of dirt that is sloping up with the envirolok systems. It kind of softens as it works its way around the property. The minimal impact they're making to the hill is knocking off the top knob of the hill. The existing grade comes all the way through to the where the stairs start going down and around the other side to where the patio is. They are just grading in to create that flat spot right in front of the house. It does not extend the whole house into the 75' setback, only 8'. Other parts may be 10'. They're trying to limit the amount of impact but yet give the owners a place that's usable without doing a whole lot to the property. Senior Planner Leto questioned if the retaining wall on the exterior staircase is part of the foundation. Tom replied that the stair itself is going to have foundation on it, and there is a small retaining wall right next to it in front that has to hold soil away because that's within the 75' setback.

Pete Feichtmeier stated the existing yard grade before it was artificially built up for this structure, is down at this proposed walkout grade elevation, so all they're really doing is restoring it to what it was originally actually graded as. He showed the street side elevation that shows the grade to the driveway which can't be altered or can't be raised. They have steps up to the first-floor elevation to be able to accommodate as much of that exposure per existing grade as possible.

Jim Kemp said vegetation is already coming through on the walls. There is a temporary irrigation system that's coming from a lake pump from the original irrigation system that is going to provide additional irrigation throughout the growing season, and the clients understand that stewardship on this is going to be provided for as long as they have the property in the years to come. It will be established properly with scientist that know exactly what they're doing to make sure the proper species is coming through the walls.

Commissioner Good referred to a picture that showed lawn everywhere and questioned if that is what is would look like in the end and stated he worked with the previous owner for over 30 years and it would be impossible to mow all that. It was computer generated. The seed that was planted in the envirolok walls is what they call short and showey; things that are going to provide color and all native species. The ideal is to get deep 6' to 9' deep root systems that develop over the course of 3 – 5 year range so as the bags start to deteriorate and the native species take over, the stabilization of that slope is far superior to anything else they could do.

Commissioner Siepman questioned if the walls shown that are squiggling back and forth are existing. Kemp said those are as built envirolok walls. Commissioner Siepman clarified if that was to give access to the boathouse. Kemp said there are two points to that; it does provide access down and to make it a greener more stable environment of that space and to provide additional support to the slope.

Commissioner Morris asked how much material would have to be removed from the site to do the excavation or is it all going to be rearranged. Feichtmeier responded that they are going to haul the majority of it, but he doesn't know the cubic yards.

Chairman Klink open the public hearing for citizens comments and concerns. They were none.

Senior Planner Leto stated she did not receive any calls about this public hearing.

The public hearing closed at 5:47 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk