

## **TOWN OF LISBON - PLAN COMMISSION MEETING – JANUARY 7, 2010**

Minutes of the Plan Commission meeting held in the Town Hall on January 7, 2010.

Meeting was called to order by Chairman Gehrke at 7:00 P.M.

Members Present: Matt Gehrke, Dan Fischer, Jane Stadler, Neil Sasse, Ed Nelson, Steve Panten, Sherry Howard.

Absent: Clerk Musche.

Others Present: Planning Consultant John Stigler, Deputy Clerk Gettelman.

### **COMMENTS**

No comments.

### **MINUTES**

Motion by Fischer, seconded by Howard to approve the minutes of the Plan Commission meeting of November 19, 2009, with the following corrections. Motion carried.

Mr. Stigler noted that a minor change is recommended in the first sentence of the last paragraph of page 4 as follows: Faxed accurate information to him (~~and~~) regarding the façade frontage.

### **CONCEPTUAL PLAN FOR SENNOTT PROPERTY**

The Conceptual Plan for development of the Sennott property on STH 164 & Hickory Road was reviewed. Mr. Roger Dupler, James Blise and Jeff Ertl, were present for the meeting. Town Engineer comments were: The property is presently Zoned A-1 Single Family Residential. The A-1 District Regulations require 40,000 square feet of lot area and 150 feet of average lot width. All the lots appear to meet these requirements. Based on the Town's Adopted Land Use Plan this site is classified as Rural Density Residential and other Agricultural and Open Lands at 5-acre density. Based on this classification the property yields a maximum of 14.5 lots. This is the yield unless the development is a Planned Unit Development or Conservation Subdivision, or if the applicant were to receive a Land Use Plan Amendment from the Town and County. Taking into account the present Town Land Use Plan and the Developer's clear statements that this submittal is not a Planned Unit Development, the maximum lots allowed is 14.5. Regarding the Conceptual layout; lots 14 & 15 are located in an area of potential hydric soils, with less than 3 feet to groundwater. Detailed soil tests will be needed to prove these soils are not hydric or the layout revised removing the lots from this area. Recommend denial until the Plan meets the present density regulations, a Planned Unit Development is approved or Land Use Plan Amendment is granted.

Commissioner Stadler read the comments of the Waukesha County Community Assistance Planner. Chairman Gehrke asked what would need to be done for a conservation subdivision? Mr. Stigler explained the PUD process to the commissioners. He noted that they would not get the twenty plus lots that they are showing now, but they would likely get more than fourteen. Mr. Dupler stated that when they were here last, they left with the expectation that the Plan Commission had given them somewhat of a nod on 19 to 20 lots, given the fact that they were respecting all of the environmental areas that would be mandatory as part of a PUD or a conservation design. We feel that the plan that you are looking at does exhibit all the characters of the conservation design. We are targeting 21 lots, taking the number of acres and dividing it by 3 ½ acres per unit. What we are illustrating here is that we can satisfy existing zoning, respecting all those environmentally sensitive areas and still have 3.5 acres per unit. Mr. Stigler noted that we have two ordinances that you have to comply with. You have the Land Use Plan that says you have a five-acre density and our A-1 ordinance says 40,000 square foot lots. The overall density is still driven by the Land Use Plan. Without doing this as a PUD, you don't get the 3.5 density and your cover letter clearly states that this is not a conservation subdivision. Mr. Dupler stated that by the way the County's ordinance is structured, we are actually penalized for following the rules and producing a PUD. With this plan we are preserving all the environmentally sensitive areas, satisfying all the open space requirements and satisfying the existing zoning. Mr. Stigler noted that Lots 14 and 15 are in the area of hydric soils. Mr. Dupler stated that they have done on site investigation, including ground water analysis and hydric soil. We have known from the onset that lots 14 and 15 would be homes without basements and most likely all of the lots on that cul du sac will not have basements. We have done a topographical analysis and have situated

all of the homes out of that range of 12 to 20% slopes. Mr. Stigler asked if they had calculated how many lots they would get if they went through the PUD process? Mr. Dupler replied about 15 ½ lots. Mr. Blise added that they tried to respect everything that was out there. From a grading standpoint, we take out the topsoil, grade the roads a two foot maximum, we don't touch the kettle, we don't touch the lowlands, and we don't touch the river. Everything stays natural. We are not cutting trees, we are not disturbing the slopes or the kettle, we are not disturbing anything. There is minimal grading. Chairman Gehrke asked the size of the smallest lot. Mr. Dupler replied that the smallest lot is 40,000 square feet and the average lot is 1.4 acres. Mr. Stigler pointed out that the real issue here is the 5-acre density. Unless you do a conservation plan you can't get way from that unless you convince the Town Plan Commission, Town Board and the County to amend their Land Use Plan. He noted that their layout would qualify for a PUD. They will not get the 21 lots that they are showing. They discussed the deduction for the wetlands. Mr. Dupler noted that there is one developable spot on the south side of the river that they are sacrificing and moving to the north as well. They noted that they may have to sell that lot if they lose other lots in the layout. The commissioners questioned whether there would be access to the lot from STH 164. After more discussion, Mr. Stigler noted that the County is recommending that they come to a development review team meeting. The Plan Commission cannot approve this layout, as there are too many lots.

### **SIGNAGE FOR ASSOCIATED BANK**

The signage for Associated Bank at W260 N9579 STH 164 was reviewed. Mr. Gordon Lindemann of Poblocki Sign Company was present for the meeting. Town Engineer comments were: Property is located at the southwest corner of STH "164" and CTH "Q". And is presently Zoned Local Business. The application is for three signs. The application fees for all three signs have been paid to the Town by the applicant. The first sign is a free-standing directional sign. The proposed location of this sign is near the CTH "Q" driveway. Said sign to read "Exit Only". The proposed sign dimensions 5.64 feet tall and 7 square feet of sign face area exceeds the maximum height and area limits for directional sign classification in the Town Sign Code. Therefore the signs are being reviewed as ground signs. Per Section 13.11(a)(1) sign must be located a minimum of 10 feet from an abutting lot line, right-of-way line or driveway edge. The proposed location of sign 1 must meet or exceed this requirement when constructed. Proposed sign is to be internally lighted. Said sign per Section 13.09(a)(2) will require an electrical permit from the Building Inspector. Per Section 13.09(a)(3) illuminated signs are required to be off between the hours of 11 p.m. and sunrise unless the business is open. Will the signs be on timers to facilitate compliance with this regulation? Per Section 13.10(a)(1) sign base landscaping is required for a distance of 5 feet from the sign base. No Landscape plan has been submitted at this time.

Sign 2 is a free-standing pole sign. The proposed sign is to be located opposite the front of the bank. And is to be on the diagonal property line between CTH "Q" and STH "164". The proposed sign height is 20 feet and the proposed sign face area is 84 square feet. The proposed sign face area of 84 square feet per side does not exceed the maximum sign face area per Code. The allowable sign height of 20 feet per Section 13.12(c)(5)(E) is compliant with application. Per Section 13.12(c)(5)(c) pole signs must be setback 20 feet from property lines and right-of-way lines. The information provided does not indicate compliance with this requirement. Per Section 13.09(a)(3) the sign will require an electrical permit since application indicates sign is to be illuminated. Per Section 13.10(a)(1) landscaping 5 feet around sign base is required. No Landscape plan has been submitted.

The third sign requested is a ground sign reading "Drive thru – ATM". This sign is to be located near the southeast corner of the building on the east side of the property. The proposed sign dimensions are 5.64 feet in height and 7 square feet of sign face area. Per Section 13.11(a)(1) sign must be located a minimum of 10 feet from an abutting lot line, right-of-way line or driveway edge. The application does not indicate the setback distance. This will need to be adhered to at time of construction. Proposed sign is to be internally lighted. Per Section 13.09(a)(2) an electrical permit from the Building Inspector is required. Per Section 13.09(a)(3) illuminated signs are required to be off between the hours of 11 p.m. and sunrise unless the business is open during those hours. Per Section 13.10(a)(1) sign base landscaping is required for a distance of 5 feet from the

sign base. No Landscape plan was submitted for this sign as part of the application. The proposed sign height does not exceed the ground sign height regulations per Section 13.12(c)(3). Per Section 13.12(c)(3) ground signs are to be limited to one per principal building. Two ground signs are being requested. Per Section 13.16 "Appeals" the Plan Commission is the designated Sign Code Administrator (SCA). The SCA has the authority to waive that limitation if it determines it's in the public's interest. I would recommend that based on the corner property, frontage and access to two major roadways that two signs are in the public interest. Recommend approval of all three signs subject to: 1. Submittal, review and installation of landscaping per Sign Code. 2. Obtaining electrical permit from Building Inspector. 3. Adherence to time signs may be illuminated. 4. Payment of sign permit fee. 5. Adherence to setback regulations.

Mr. Lindemann explained that when the state put in the round-about the bank lost their directional signs. The new signs are all out of the ROW. The signs will not be lit during non-business hours. Chairman Gehrke stated that the height of the sign at the corner concerns him. Mr. Lindemann stated that they had designed the sign to meet the code. Commissioner Panten suggested that they do it like a monument sign. Mr. Lindemann stated that they could redesign the pole or design it with a masonry base. Mr. Stigler suggested lowering the sign to 18 feet. Mr. Lindemann felt that they could do that. Chairman Gehrke clarified that they should bring the height down to 18 feet, add some masonry to it, put landscaping around the base and add welcome to the Town of Lisbon or thank you for visiting the Town of Lisbon. Mr. Lindemann stated that he would do the base of the directional signs in masonry also. The commission tabled the signage until the February meeting.

#### **CERTIFIED SURVEY MAP FOR HOEPPNER PROPERTY**

The Certified Survey map for the Hoepfner property at N77 W24087 Hidden Oaks Drive was reviewed. Mr. Hoepfner was present at the meeting. Town Engineer comments were: The property is located at the southwest corner of Maple Avenue and Hidden Oaks Drive. Property is Zoned A-2 Single Family residential. The A-2 District regulations require 30,000 square feet of lot area and 120 feet of average lot width. The proposed land division results in two lots exceeding the minimum A-2 District Regulations. The Town/County Land Use Plan has this area designated as "Low Density Urban Residential". This classification requires lots from 20,000 sq. ft. to 1.4 acres per dwelling unit. Therefore the land division meets the Land Use Plan Requirements. The site is bounded on the east by Majestic Heights a subdivision in the Village of Sussex with 1.0 acre lots. On the north are 2 and 3 acre lots in the Town, on the west is a 5.9 acre lot and on the south is 2.2 acre lot. This proposed Certified Survey Map was in front of the Plan Commission on August 6, 2009 for conceptual discussion. One of the concerns voiced by the Plan Commission was the requirement to provide an appropriate on site wastewater disposal system. The property owner has submitted boring logs and report which shows that the site will support a typical mound system wastewater disposal system. Regarding the Grading plan submitted, recommend that the Town require a second boring on Lot 2, which is in or near the residence structure. Boring 4 does not presently meet location requirements per Waukesha County. The following technical comments are provided and need to be addressed prior to the Town Signing the CSM. On Sheet 2 of 4, the legal description should be revised to include the 25 feet at the corner of Maple Avenue and Hidden Oaks Drive. Add a new line at the close of the description dedicating the corner lands to the Town for right-of-way purposes. On sheet one adjust the chord bearing of curve one to read S 69°54'23" E. On sheet two in legal description correct chord bearing of curve one to read S 69°54'23" E. Revise all non-executed signature certificates to read 2010. Revise building envelopes of Lot 2 showing a 20 feet offset from the 40 feet drainage easement. Add a note to read "Per Town of Lisbon Code all required setbacks shall be measured from the near edge of any drainage easements". Add a note to read "Per CSM No. 5355 direct vehicular access to Maple Avenue is prohibited". Add a note to read "The Town of Lisbon has the right but not the responsibility to enter the 40 feet drainage easement located on Lot 2 and perform maintenance to ensure the function of the easement. Any cost incurred may be assessed against the owner of Lot 2. Recommend approval with the following: Correction of technical comments stated above. Payment of all Town review and administrative fees. Payment of Town fees for creation of one new lot. Approval of the Town Board. Approval of the Village of Sussex per Extra Territorial Regulations. Providing the Town with a reproducible mylar.

Commissioner Stadler read the comments of the Waukesha County Community Assistance Planner regarding the drainage easement and keeping the vegetation cleaned out. Mr. Hoepfner stated that his father-in-law uses that for an alfalfa field, so there is nothing else growing there, no type of wood or anything like that. Chairman Gehrke noted that the Village of Sussex has extra-territorial review of the CSM also. Commissioner Fischer questioned the declaration of restrictions that the County had commented on. Mr. Hoepfner explained the restrictions that had been put on the property and the amendment that he has to record. He has acquired all of the signatures of his neighbors, agreeing to the land division, and those will be recorded.

A motion by Sasse, seconded by Nelson to recommend to the Town Board approval of the Certified Survey Map for the Hoepfner property at N77 W24087 Hidden Oaks Drive, subject to the comments of the Town Engineer and the Waukesha County Community Assistance Planner. Motion carried.

#### **INFORMATION ON PRIVATE ON SITE WASTE TREATMENT FACILITY**

Mr. Jack Lietzau was present for the meeting. Town Engineer comments were: The property is Zoned A-2 Single Family Residential per the Land Use Plan the site is designated as residential as well. Based on the narrative provided the operation appears to be commercial in nature. A review of the Town Code does not provide any specific mention of this type of operation. It is our opinion that this would require a Conditional Use as a proposed Unclassified Use or as a Public Use. The soils in the area proposed are very good and provide 15 feet ± of separation to groundwater. If the Use moves forward the Use of mound systems versus in-ground would provide additional separation to groundwater. WDNR Regulations will provide setback to streams along with vertical separation to groundwater. Waukesha County would be issuing final permits, as well as providing construction inspection. The following items need additional information prior to recommendation to move forward: 1. Is Mr. Lietzau intending to sell rights to dump to other third parties? 2. What would be the hours of trucking to the site? 3. What is maximum number of truck trips for any given day? 4. Pre-treatment for nitrogen should be required. 5. Is there any type of groundwater monitoring or sampling proposed that would document nitrogen or coliform presence. Recommend table item for applicant to provide more detailed plan and respond to Plan Commission comments.

Commissioner Stadler read the comments of the Waukesha County Community Assistance Planner. Mr. Jack Lietzau stated that he is currently buying a truck and is getting into the pumping business. He explained that he could spread sewage on the top of the ground throughout the town and state, by simply getting a permit. He can spread 13, 800 gallons per week on top of the ground, per acre. The caveat on that is that they can only dump six months out of the year on top of the ground because of the frozen soil conditions. The other six months they have to take the sewage to a sewage plant. If I build my own, I could dump year round. To build one year round I fall under the Commerce Septic Code, which is much more stringent than the DNR code. This would be a major improvement to my property. It would be a large septic system governed by Commerce. Chairman Gehrke asked him how long he would do this? Mr. Lietzau replied until he could get more than nine houses on the property. He could convert all the fields back into private use if he developed with single-family lots. Commissioner Sasse asked how much of it would be above ground? Mr. Lietzau replied that it would all be underground and there would be approximately seven covers per system. The sizing criteria is the same as for every residential building in the town and throughout the state. He noted that in the County comments they indicated that he would need a pollutant permit and a SEWRPC permit. He does not need any of those. They would kick in when the total gallonage in one system exceeds 12,000 gallons per day. If you build a system, any two cannot add up to more than 12,000 gallons or you fall under the guidelines. If you build them all at 5999 gallons, no two would ever add up to 12,000 and the DNR wants nothing to do with them. We are building one right now in Richfield, the same way, for the whole 144-lot subdivision. We have talked to the DNR; we have met with Commerce, and the County. All of the comments would be addressed at the state permit. He talked to Steve Todd and they spoke on who wants to monitor it. It is not required, and he is not against it, but who does the information go to? Mr. Stigler suggested that the town ask for monitoring near the river. Once a month do some samples of the water and have that information sent to the town. Chairman Gehrke asked if he is going to

be spreading on the ground six months out of the year? Mr. Stigler explained that it would function like your own septic. Mr. Lietzau stated that he would bring sewage into the site via his truck. Mr. Stigler noted that it would just be his truck. Mr. Lietzau stated that it might not be just him, because of the cost, but he would not exceed the limit. It is going to be timed with timers, so that he could take sewage seven days a week. He would have a large storage tank underground, which is allowed under the code. Sewage from your septic tank is highly concentrated versus sewage from your holding tank. They take it, mix it and then take that water and apply it on the field. He will be taking the waste and putting it into a series of tanks and then he will mix it with holding tank waste. He will take the water and put it into the ground. Under a maintenance program, he will take the solids out and dispose of them at a sewage plant. There won't be that much because he is going to break down the solids. I can break down your septic tank. If I add enough oxygen to it, I can turn it crystal clear. Chairman Gehrke noted that the two concerns are the truck issues and how much smell there is going to be. Mr. Lietzau explained that it will involve some air blowers. We are actually going to build the systems for those underground and it will exhaust through the soil. There is only one other approved system like this in the state and it is on Washington Island. We have two possible sources of a grant, because it recharges the ground water. Commissioner Stadler asked if it would be for commercial? Mr. Lietzau noted that it would not be Industrial, but it could come from a restaurant. The first design would be for 24,000 gallons a day. There would be 22,000 gallons of tankage under the ground to treat 6000 gallons of water. This would run under the same theory as a fish tank. The aerator clears the tank up. The tanks would be located by the buildings. They would pump up to the leech fields. They would gate off the entrance from Highway Q. Steve Todd is recommending in the ground systems here, because of the soils. If he goes under the ground, he could plow it up and put alfalfa in. He plans to hay it. Mr. Stigler noted that this is somewhat unique and we should have a Conditional Use and have some guidelines. The County is recommending the same thing. Commissioner Panten expressed a concern with the truck traffic on CTH Q. Mr. Lietzau added that if the trucks become a problem, he will come back to the Plan Commission. Mr. Lietzau explained that this is governed by the state approval and the County. He will come back with a site plan and more details. For liability purposes, there will be a cyclone fence around the whole thing. Mr. Stigler suggested a gate further off the road. He should look into monitoring by the river and get a program to do monthly grab samples and submit them to the town. He will come back to the Plan Commission in February with a site plan, plan of operation, monitoring plan, and more information.

#### **HILLSIDE MEADOWS WATER TANK INSTALLATION**

The water tank installation for Hillside Meadows Subdivision was discussed. Mr. James Hartung and his attorney, Susan Sorrentino, were present for the meeting. Town Engineer comments were: The Hillside Meadows Subdivision contains 20 lots when you consider all phases. Per the Town's updated Fire Protection Water Tank Requirements adopted October 19, 2009 one 10,000 gallon water tank is required for development of 5 to 39 lots. The original ordinance adopted March 10, 2003 had the same requirements. When the March 10, 2003 Ordinance was adopted the ISO (Insurance Service Office) Regulations gave the Town points for the tank installation. Subsequent revisions to the ISO Regulations give no credit to the Town's Fire Rating unless the tank is 30,000 gallons or more. Based on the revised ISO Standards, the Town amended their Fire Protection Water Tank Regulations in the October 19, 2009 Ordinance. The Town Board considered input from the Town's Fire Department and Chief. The revised Ordinance, Section 1 states as follows: "Where in the opinion of the Plan Commission, fire protection needs of the subdivision can be better met by use of a tanker vehicle, the Developer/Subdivider may be allowed to pay a fee equivalent to the cost of an installed on-site water storage tank(s) per schedule below to the Town in lieu of providing on-site water storage. Any funds received by the Town under the provisions of this section shall be used exclusively for the purchase and maintenance of fire engine or water tender vehicles. Based on the Town's revised Code the Fire Chief in this situation is recommending the Town not require the tank, but instead receive cash payment per the ordinance. His rationale is that Sussex hydrants are very close and the Fire Department storage tank at Good Hope Road is also readily available. We support the Chief's position at this location. A problem does exist though whereas the October 2009 Code did not address how to calculate the amount of the cash payment to be made. Other than

to say it is equivalent to the cost of tank and installation. Our office has researched the cost of the tank and labor to install same. For 2010 we recommend that tank cost be set at \$13,500.00. And installation cost be \$6,000.00 for a total monetary payment of \$19,500.00 to the Town by the developer. We recommend that the Town review this number on a yearly basis and adjust for inflation. See letter from Clerk/Administrator Musche.

Attorney Sorrentino stated that they agree with the \$19,500.00, because originally a higher fee was recommended. We wanted to make sure that the Plan Commission was in agreement with the \$19,500.00. One of the reasons we are in agreement with that amount is that there is a Statute on impact fees for municipal law. There is a description of what can be allowed under state law for impact fees. It talks about either the actual cost or best estimate. It looks as though the Fire Chief or Mr. Stigler has gone out and given the best estimate and we wanted to be sure that you are in line with that. The second issue has to do with the timing of those payments. Shall be payable by the developer or the property owner to the municipality, in full, by the issuance of a building permit by the municipality. It is not at the time that the Final Plat is approved. What I am asking is that those items that are essentially impact fees, be paid, not at this time, but at the time that the building permit is issued, pursuant to the statutes. I noted that there is a letter attached to the proposed Developers Agreement; I saw that a number of the items are impact fees. The water tank, I would view as one of them, also the Fire Station Capital Facilities and the Park Capital Facilities funds. Those items are essentially impact fees under the statute. Chairman Gehrke stated that if this location did make the most sense to install a tank, then you would have to pay for that at that point. Commissioner Howard added that she would not consider the tank installation an impact fee because you have to option of one way or the other. Attorney Sorrentino stated that it is her understanding that the recommendation is that the tank does not need to be installed at this time. At this point it has been determined that the water tank does not need to be installed. In fact the payment in lieu of in order to offset the Fire Department costs, that is an impact fee. After further discussion Commissioner Fischer suggested that the Town Attorney be asked for an opinion. Attorney Sorrentino stated that is the only open issue left for the Developers Agreement and the plat. Mr. Stigler asked if he understands correctly that they also want to pay the Fire Station Capital Facilities and Park Capital Facilities fees when the building permits are issued? He has worked for the town for over thirty years and the town has always collected those payments up front, and they would allow the developers to defer 50% for one year. That is, when the plat is signed, not when the building permit is issued. This is a policy that the town has had for a long time. Attorney Sorrentino stated that she is not questioning what the town has done historically, this is a new statute regarding impact fees. She asked if they could move forward with all the other aspects and agree to work something out on this issue, she would prefer to do that. Commissioner Stadler felt that we should get something from our attorney first, before moving forward. Attorney Sorrentino asked if they could agree that this would be an issue that we would continue to discuss and we pay the fees with the 50% deferral, with the understanding that if it turns out that he is entitled to a refund, then those funds would be refunded and the letter could be amended so that it could be paid as building permits were drawn. She asked how the 50% is calculated. She felt that they have 20 lots and the \$19,500 should be divided by 20. Right now they are looking for approval for 7 of those lots and if that number is multiplied by 7, paying 50% now and the other 50% in one year. That comes to \$975 per lot times 7 lots and that number \$6825 and if we pay 50% now, that comes to \$3412.50 and the other 50% in one year. If we can agree to do that, we can continue, as this is an issue that will keep coming up with developers, with this new statute. After more discussion Mr. Stigler noted that we have to have some leverage to make sure that the improvements are put in and this is the way we do it, with the cash payments and the surety. Commissioner Fischer suggested that they pay the whole fee up front and then we consult with our attorney and then we sort it out afterwards. Mr. Hartung explained the history regarding the water tank to the commissioners.

A motion by Sasse, seconded by Panten to require that Hillside Meadows Subdivision pay the fee of \$19,500.00 in lieu of the installation of a water tank. Motion carried.

#### **INFORMATION ON OPERATION OF LIQUOR STORE**

Mr. Mark Hertzfeldt was present for the meeting. Town Engineer comments were: Property is Zoned Local Business. Per Zoning Code, sale of alcohol is not an express Permitted Use in any of the Town's Business Districts. Therefore any approval must be for a Conditional Use Permit. Conditional Uses require a notification of neighbors within 300 feet and a public hearing in front of the Plan Commission. Request the applicant should provide a breakdown of the proposed operation. What percentage of sales will be liquor, soda and snacks, any other items for sale? Plan Commission needs to set date for public hearing.

Commissioner Stadler noted that in the past concerns were with restaurants and the noise. Mr. Hertzfeldt added that now that the development is there, the neighbors concerns have settled down. This is a liquor store and is no different than a convenience store. Chairman Gehrke stated that with the economy, it is tough getting tenants and he would look with favor on it. Mr. Hertzfeldt stated that they would sell snacks & soda also. Mr. Ertl stated that he had told them that they would have to have cigarettes too. Commissioner Panten noted that the only concern he might have is them slamming the dumpsters at 9 PM at night. Mr. Hertzfeldt stated that the dumpsters are blocked with an eight-foot fence per the town request. He stated that with this use, they would only have boxes and paper. Commissioner Stadler added that the shipments would come in during the day, so that would not be a problem. She was also in favor of the business. The commissioners scheduled a Public hearing for February 4<sup>th</sup>, prior to the Plan Commission meeting.

#### **PRELIMINARY PLAT FOR COLGATE CONSERVANCY SUBDIVISION**

No one was present for the meeting. Town Engineer comments were: The property is presently Zoned A-2 Single Family Residential. The A-2 District requires lots of 30,000 sq. ft. and 120 feet of average lot width. Per Adopted Land Use Plan for the Town of Lisbon the property is classified as a Suburban I Density Residential. This District requires a density of 1.5 to 2.9 acres per unit. The development meets this density requirement. January 31, 2008 Environmental Health Division review letter approved soil boring reports for the development. There is a County concern that lots 3, 7 and 18 have limited approved septic areas and more tests may be needed. January 4, 2008 Washington County Highway Commission offered review comments as follows: 55 foot highway dedication is required along CTH "Q". Said dedication is shown on the Plat. Vision corner easement of 100' x 165' is required. Plat shows 100' x 150' easement, which will need to be adjusted to 165 feet. All drainage must be southward away from CTH "Q". The preliminary plat generally conforms to that requirement. March 21, 2008 Waukesha County Land Resource review letter recommended preliminary plat approval with conditions. There are hydric soils along the east and south borders of the property. The lots are generally located outside these areas. A review of the Table of Groundwater Elevations found on the right hand side of the drawing indicates that compliance to the Town's 3 feet separation to groundwater will result in most residences being elevated above existing grade. Lot 1 for example may have its basement floor only one foot below existing grade. An overall master grading plan should be provided by the applicant. Some lots may require residences without basements. State of Wisconsin Dept. of Administration approved the preliminary plat on January 10, 2008. The plat lies within the Extra-territorial Limits of the Village of Menomonee Falls and the Village of Richfield and should be reconsidered by them at this time. Recommend tabling the preliminary plat approval until an overall grading plan is submitted and approved.

The Plan Commission members discussed the preliminary plat for Colgate Conservancy and whether it was just a re-approval or a new submittal. Mr. Stigler stated that based on them not being present and the fact that it has new dates on it and that it wasn't forwarded through the proper channel at the County, it should be denied.

A motion by Stadler, seconded by Fischer to call for the question to vote on denying the plat. Commissioner Sasse voted nay, all other commissioners voted aye. Motion carried.

A motion by Fischer, seconded by Nelson to deny the Preliminary Plat for Colgate Conservancy Subdivision, based on the Town Engineer and the County comments. Commissioners Sasse and Panten voted nay, all other commissioners voted aye. Motion carried.

**PROCEDURE FOR APPLICATION TO PLAN COMMISSION/OCCUPANCY**

Plan Commissioner Panten gave a report on the procedures that have been worked out for application to the Plan Commission and for application for occupancy. He explained that we have created a checklist that is divided into two categories. The Plan Commission category is for the Plan Commission and the Application for Occupancy is for the Building Inspector and the Fire Department. The Fire Department is going to work with the Building Inspector as far as reviewing everything and making sure that all the permits are done. The Building Inspector will issue the Occupancy Permit. An Occupancy Permit is going to be required for every business in the Town. The idea is that the Plan Commission will decide whether the Conditional Use or the business fits in with the zoning and the atmosphere of the Town. How that business fits into the building is going to be up to the Fire Dept. and the Building Inspector. That way we don't have to worry about whether we have heard from the Building Inspector or the Fire Department. The Building Inspector will be handling all the fees. When the agendas and packets go out, the Building Inspector and Fire Department will review them. If there are issues that can't be worked out, the Building Inspector will come to us and let us know. The Fire Department will send their comments to the Building Inspector, not the Plan Commission. Since it is two separate procedures, the Plan Commission will not have to say that the approval is subject to the building and fire inspections.

Town Engineer comments were: Under Extra-territorial Jurisdiction add d.) Village of Richfield. Under Building Occupancy Approval Procedures recommend addition of the following paragraph: Anyone developing or redeveloping a site in the Town of Lisbon must submit and receive approval of StormWater Management Plans from the Town and Waukesha County Land Resource Division. Deputy Clerk Gettelman noted that she put together an Application for Occupancy form that is both the application and the Occupancy Permit all in one.

**OTHER ITEMS FOR DISCUSSION**

Chairman Gehrke stated that there will be two public hearings for February, one at 6:00 P.M. and one at 6:30 P.M.

Commissioner Stadler pointed out that everyone had received the update from the Building Inspector regarding the Johnson property and J.D. Pallet.

**ADJOURNMENT**

A motion by Sasse, seconded by Nelson to adjourn the meeting at 9:37 P.M. Motion carried.

Respectfully Submitted

Sandra K. Gettelman  
Deputy Clerk