

**Minutes of the Plan Commission Public Hearing(s)
Town of Lisbon, Town Hall
Thursday, July 11, 2019
6:30 P.M.**

Roll Call: Present: Chairman Joseph Osterman, Supervisor Plotecher, Plan Commission Members Ed Nelson, Chad Samanske and Jane Stadler. Also present: Town Clerk Dan Green and Town Attorney Kevin Clark. Commissioners Mark Meyer and Bryan Oelhafen were excused.

Chairman Osterman stated the public hearings were published in the Lake Country Now and Northwest Now papers, on the Town's website and on the Town Hall posting boards.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Lisbon Plan Commission on Thursday, July 11, 2019 beginning at 6:30 PM or following the previously scheduled hearing at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089, to solicit public comments on the Conditional Use Permit for a Major Grading Permit for Michael Manke on behalf of owners Kevin and Colleen Shanahan, for the property located at W252N4885 Aberdeen Drive, Pewaukee WI 53072, LSBT 0276049

Public Hearing Comments:

Kelly Farrell W252N4915 Aberdeen Drive, had concerns regarding the major grading and what that would do to storm water. The area already has water issues and there is underground water that flows north to her property. She had to place drain tile and had a retaining wall collapse from a bad winter where a lot of water came over the top of the frozen ground. She also expressed concern for her neighbor north of her.

Adjournment

Chairman Osterman closed the Public Hearing at 6:34 P.M.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, July 11, 2019
Following the Public Hearing beginning at 6:30 P.M.**

Chairman Osterman called the Plan Commission meeting to order at 6:34 P.M.

Comments from citizens present pertaining to items on the agenda. None.

Discussion and necessary action on June 13, 2019 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Samanske to approve the June 13, 2019 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 5-0.

Discussion and necessary action on the request from Brad and Brooke Wilman, for the property located at N93W25447 Tomahawk Drive, LSBT 0157.138.001, for a Certified Survey Map and recommendation to the Town Board of the same.

Chairman Osterman read the conditions from Planner Lindstrom's report. Conditions included the Town's as well as Waukesha County's conditions.

Planner Recommendations:

Ordinance Section 6.02 of Chapter 12 states that maps shall show the information required by Sections 4.01, 4.02, and 5.02 of Chapter 12 along with all existing buildings and structures, drives, streams and watercourses, drainage ditches, drainage easements, marshes, wooded areas, railroad tracks, and other pertinent features. After reviewing for compliance with these requirements, we have the following comments and recommended revisions/additions.

- CSM to clarify what is represented by the "W" symbols (assumed to be wells) located immediately southeast of the house on Lot 1 and southwest of the house on Lot 2. All symbols used on the CSM shall be shown in the legend.
- CSM to show exact length and bearing of the centerlines for Tomahawk Drive and Bittersweet Drive, along with the type and elevation of any existing street pavement and any legally established centerline elevations.
- CSM to show location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, and the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the CSM or immediately adjacent thereto.
- CSM to show the locations of existing septic systems and driveways for both lots.
- The surveyor's seal, signature, and date must be affixed to all sheets on the final revised CSM. The Applicant shall include the same revision date on all sheets of the final revised CSM.
- The Applicant shall add the EC (Environmental Corridor) Overlay to Note 1 on Sheet 1 of the CSM.
- The Applicant shall amend the CSM to show a vision corner easement on Lot 2, at the intersection of Tomahawk Drive and Bittersweet Drive. The Applicant shall also add the following note to the CSM:

"Within the area of the vision corner easement, the height of all plantings, berms, fencing, signs or any other structure shall be limited to 24 inches above the intersection elevation."
- The northern portion of Lot 2 includes areas covered by an environmental corridor. The CSM shall show the limits of this area and label this area with the following statement:

"Approximate Primary Environmental Corridor Limits, as designated by SEWRPC and shown on the Waukesha County GIS Mapping Site."
- The Applicant shall also place the following note on the CSM:

"The PEC boundary shown on this Certified Survey is an approximate boundary taken from the Waukesha County GIS Mapping Site. If a future building/structure is proposed to be constructed in close proximity to the PEC, it may be necessary for the PEC to be field delineated."

Furthermore, the Applicant shall add the "Primary Environmental Corridor Preservation

Restrictions" to the CSM, per Note 10 of the Waukesha County Conditional Approval Letter, and as demonstrated on the attached Exhibit A.

- The Applicant shall add the basement restriction shown on the attached Exhibit B.
- The CSM shall be submitted to the Village of Richfield for review and approval, as it lies within the 1.5-Mile Extraterritorial Jurisdiction boundary limit.
- The Applicant shall tie two separate stakes to at least two separate section corners on Sheet 1 of the CSM.
- The Applicant shall amend the last paragraph of the Surveyor's Certificate on Sheet 2 to read:

"That I have complied with Chapter 236.34 of the Wisconsin State Statutes, Waukesha County Department of Parks and Land Use – Planning, the Waukesha County Shoreland and Floodplain Subdivision Control Ordinance, and the Land Division and Development Ordinance of the Town of Lisbon."
- The Town of Lisbon Land Division and Development Ordinance requires the location of the existing access driveways, and the location and use of all existing structures within 50 feet of the CSM to be shown on the CSM. There may be a shed to the south of proposed Lot 2 and a shed to the west of proposed Lot 1 that, at minimum, shall be shown.

Additional Considerations via Waukesha County:

- The Applicant shall revise the Location Map on Sheet 1 to show more detail, as stated in Note 1 of the Waukesha County Conditional Approval Letter. This includes showing Tomahawk Drive, Bittersweet Drive, and the Bark River, at a minimum.
- The surveyor's seal, signature, and date must be affixed to all sheets on the final revised CSM. The Applicant shall include the same revision date on all sheets of the final revised CSM.
- The Applicant shall amend the reference to Waukesha County in the surveyor's certificate on Sheet 2 to read: *"Waukesha County Shoreland and Floodland Protection Ordinance."*
- The Applicant shall amend Note 1 on the CSM to state:

"The required setback and offsets listed on this Certified Survey Map may be subject to modification based on the provisions of the Waukesha County Shoreland and Floodland Protection Ordinance and Town of Lisbon Zoning Code."
- The Applicant shall amend the Building Setback Note on Sheet 1 of the CSM to note rear yard and side yard setbacks of 35 feet.
- The Applicant shall obtain a Preliminary Site Evaluation (PSE) for the existing septic system on Lot 2 from the Waukesha County Department of Parks and Land Use Environmental Health Division. If the PSE finds problems with the existing septic system, those problems must either be resolved, or the Applicant must obtain a Sanitary Permit for a new septic system prior to the Director affixing his signature to the final CSM. A PSE has already been obtained for Lot 1.
- Ordinance §2.05 of Chapter 12 of the Town Code states that the Town Board may waive some CSM requirements when it judges the literal application of these requirements to be

inappropriate, subject to the following criteria: exceptional circumstances, preservation of property rights, and/or absence of detriment. The Town should decide whether it wishes to grant a waiver to the unaddressed requirements noted in this letter.

Planner Lindstrom also included in his review two additional conditions:

- Additional standard conditions provided to the Plan Commission (next slide)
- Additional signatures from David and Susan Mikulecky

Motion by Commissioner Nelson to approve the request from Brad and Brooke Wilman, for the property located at N93W25447 Tomahawk Drive, LSBT 0157.138.001, for a Certified Survey Map and recommendation to the Town Board of the same subject to the conditions of the Town Planner and Waukesha County. Seconded by Commissioner Stadler. Motion carried, 5-0.

Discussion and necessary action on the request from Michael Manke on behalf of the property owners Kevin and Colleen Shanahan, for the property located at W252N4885 Aberdeen Drive, LSBT 0276.049, for a Conditional Use for a Major Grading Permit and recommendation to the Town Board of the same.

Chairman Osterman asked the applicant, Mike Manke to address the concerns heard during the public hearing. Mr. Manke explained that the water slows down with the slope being leveled. There is also a berm on the north end of the property that is not going away. Jackie Kohn from Kunkel engineering was present and did a review on this application. She stated that the major grading will not create additional water flowage and will help to keep water on the property. Mr. Manke explained that the general idea is to create a play area for the Shanahan's children.

Mr. Manke also explained that there is a retention pond at the end of the last property on the street and that water flows from him ground to a gradual incline. Mitered drains will be used with smooth wall PVC and taking drainage to the front swale. He explained his company will be doing maintenance on the property and will have control of any clogs.

Commissioner Samanske asked how much fill will be used. The applicant explained around 100 cubic yards. He also explained that the drain tiles will be used for the down spouts, not for the back yard. Commissioner Stadler warned that they could have underground streams such is the case in Mountain Shadows.

Attorney Kevin Clark made note of the conditions from the Town Engineer and that these should be included in the motion they make. The applicant stated he was aware of the conditions and has agreed to meet the neighbors to explain what exactly will be taking place on the property.

Motion by Ed Nelson to approve a CUP major grading permit subject to the engineer's comments and recommend to the Town Board of the same. Seconded by Chad Samanske. Motion passed 5-0.

Motion by Commissioner Nelson to approve the request from Michael Manke on behalf of the property owners Kevin and Colleen Shanahan, for the property located at W252N4885 Aberdeen Drive, LSBT 0276.049, for a Conditional Use for a Major Grading Permit and recommendation to the Town Board of the same subject to the conditions of the Town Engineer. Seconded by Commissioner Samanske. Motion carried, 5-0.

Discussion and necessary action on the request from the Town of Lisbon for the property located at N63W22039 County Road F, LSBT 0241.999, for a two-lot Certified Survey Map and recommendation to the Town Board of the same.

Motion by Chairman Osterman to approve the request from the Town of Lisbon for the property located at N63W22039 County Road F, LSBT 0241.999, for a two-lot Certified Survey Map and recommendation to the Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 5-0.

Discussion and necessary action on the request for Jason and Michelle Frederick, for the property located at W263N6314 Ridge Drive, LSBT 0257.995.001 for a two-lot Certified Survey Map and recommendation to the Town Board of the same. (Previously approved CSM – change of ownership)

Clerk Dan Green explained this CSM was previously approved by the Town and the Village of Sussex. Before recording the CSM, the owner sold the entire lot to Jason and Michelle Frederick. This is a change of ownership with changes only made to the names on the CSM. Staff recommends approval and recommendation to the Town Board subject to the Village of Sussex approval.

Motion by Commissioner Nelson to approve the request for Jason and Michelle Frederick, for the property located at W263N6314 Ridge Drive, LSBT 0257.995.001 for a two-lot Certified Survey Map and recommendation to the Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 5-0.

Discussion and necessary action on the Kaerek Homes, Inc. Developer's Agreement and Related exhibits, and recommendation to the Town Board of the same.

Clerk Dan Green explained the Developer's Agreement was reviewed by Attorney Tom Schmitzer as well as the Town Engineer, Town Planner, the developer and staff. The Administrator recommends approval and recommendation to the Town Board.

Motion by Commissioner Nelson to approve the Kaerek Homes, Inc. Developer's Agreement and Related exhibits, and recommendation to the Town Board of the same. Seconded by Commissioner Samanske. Motion carried, 5-0.

Clerk and Planner Updates

June & July Planner Appointments.

Clerk Dan Green reviewed appointments that took place in June including Landcrafters CUP on tonight's agenda, two industrial park additions including a separate storage building and a building addition. There is also a combination CSM that will be coming on the next agenda.

Review SPPOO and CUP site inspections

Commissioner Samanske reviewed Big City Limousine. He explained they are doing car detailing which is not in the current plan of operation. The Commission directed the Town Clerk to send a letter and an application to update their plan of operation.

Commissioner Nelson reviewed Sherwood Forest Bowmen. He explained the material for their approved gazebo is on the site but has not begun construction. The grounds are well maintained but had concerns over the membership numbers from years past.

Commissioner Stadler reviewed Iron Horse Polo stables. She stated the property and fencing are all in good shape. The name did change from Polo Fields to Iron Horse Polo Stables. The Town did not have a plan of operation on file and asked the owner to file an application with the Town which they have not done yet. The Commission directed the Town Clerk to follow up and ensure they submit an updated plan of operation.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Nelson to adjourn the Thursday, July 11, 2019 Plan Commission Meeting at 7:13 P.M. Seconded by Commissioner Samanske. Motion carried, 5-0.

Respectfully submitted,

Dan Green, WCMC
Town of Lisbon Clerk