



Agenda
Plan Commission and Waukesha County Public Hearing
Followed by the Regular Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, July 11, 2019
6:30 PM

- 1. Roll Call.**
- 2. 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

Agenda
Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, July 11, 2019
6:30 PM or (Following Public Hearing(s) beginning at 6:30 PM)

- 1. Roll Call**
- 2. Comments from citizens present pertaining to items on the agenda.** Citizens are invited to share their questions, comments, or concerns with the Plan Commission. When speaking, citizens should state their name and address for the record and limit their presentation to three minutes. If a response would involve discussion of Plan Commission policy or decisions that might be of interest to citizens not present at the meeting, the commission may place the item on a future meeting agenda.
- 3. Discussion and necessary action on June 13, 2019 Plan Commission Public Hearing & Meeting minutes. (003)**
- 4. New Business**
 - 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. (009)
 - 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. (032)
 - 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. (065)

- d. 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)* (069)
- e. Discussion and necessary action on the Kaerek Homes, Inc. Developer’s Agreement and Related exhibits, and recommendation to the Town Board of the same. (079)

5. Clerk and Planner Updates

- a. June & July Planner Appointments.

6. Request from members to request items on future agendas.

7. Adjournment.

Joseph Osterman
 Chairman

Jane Stadler
 Secretary

Posted: 2019-07-03

Clerk: D.G.
 Website

Town Hall Bulletin Boards (2)

Sent to Newspapers

NOTICE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

NOTE: Please notify the Town of Lisbon 72 hours in advance if you plan to attend and will need an interpreter or assistive hearing device.

MEMBERS: Please notify Town Hall at 262-246-6100 if you are unable to attend the meeting.

**Minutes of the Plan Commission Meeting
Town of Lisbon, Town Hall
Thursday, June 13, 2019
6:30 P.M.**

Chairman Osterman called the Plan Commission meeting to order at 6:30 P.M.

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

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

Discussion and necessary action on May 9, 2019 Plan Commission Public Hearing & Meeting minutes.

Motion by Commissioner Nelson to approve the May 9, 2019 Plan Commission minutes. Seconded by Commissioner Samanske. Motion carried, 7-0.

New Business

Discussion and necessary action on the request for Casey's Marketing Company on behalf of Casey's General Store for the property located at W220N5701 Town Line Road, LSBT 0244.999.003, for a site plan amendment to relocate the underground storage tanks and proposed curb location.

Dan Lindstrom explained the proposed site plan amendment is to move the underground gas tank location and potential change to the curb. He showed the changed location on the site map and explained this is most likely for safety and ease of access. He explained he had no issues with the change and recommends approval of the site plan changes.

Commissioner Nelson asked what the distance was from where the island is to the underground tanks. Planner Lindstrom stated around 60 feet. Commissioner Stadler stated that the applicant needs an amendment to the site plan, but other conditions should remain the same. Chairman Osterman asked if these could be driven over or if they were raised up significantly. Lauren Downing from Casey's was present and explained they are raised up but only an inch and can be driven over.

Motion by Commissioner Nelson to approve the request for Casey's Marketing Company on behalf of Casey's General Store for the property located at W220N5701 Town Line Road, LSBT 0244.999.003, for a site plan amendment to relocate the underground storage tanks and proposed curb location with attention to the recommendations from the Town Planner. Seconded by Commissioner Meyer. Motion carried, 7-0.

Discussion and necessary action on the request for Jamason Ames on behalf of Sherwood Forest Bowmen, for the property located at N61W25600 Walnut Road, LSBT 0254.017, for a site plan amendment to construct a 24' x 32' gazebo. (Administratively approved)

Planner Lindstrom explained this was administratively approved as the application was on the cusp of the deadline for the May meeting. Staff recommends approval of the site plan amendment to build a gazebo if there are no objections from the Commission.

Motion by Commissioner Samanske to approve the request for Jamason Ames on behalf of Sherwood Forest Bowmen, for the property located at N61W25600 Walnut Road, LSBT 0254.017, for a site plan amendment to construct a 24' x 32' gazebo. Seconded by Commissioner Nelson. Motion carried, 7-0.

Discussion and necessary action on the request from Joel Pemberton dba Joes Car Care and Sales (property owner SPACE4U LLC), for the property located at W230N9515 Colgate Road, LSBT 0149.999, for a plan of operation amendment for change of ownership (formerly All American Automotive) for an auto repair and sales shop.

Planner Lindstrom explained this property is owned by Mr. Then who did a CSM for this parcel in April. This application is for the business that will be operating on the new parcel. Waukesha County had previously had jurisdiction on this property until the owner delineated and the designation was removed by the DNR. The plan of operation is for a car sales and repair shop which is permitted in the B-3 district. There is a slight change to what is on the application; the applicant would like to amend the hours of operation a half an hour earlier for the applicant to use the space before opening and extending the Saturday hours. The Planner recommended approval of the Site Plan/Plan of Operation contingent on the following conditions:

1. The Applicant shall comply with all site plan and operational aspects included in the previously approved submitted materials. The Site Plan shall be on file at the Town of Lisbon and Waukesha County.
2. The Town of Lisbon retains the right to annually review the business operation for compliance with approved plans.
3. The Fire Chief shall inspect the premises to ensure the site is in compliance with the respective fire codes. Non-objection from the Fire Department and correction of any deficiencies prior to issuance of SPPOO.
4. The Building Inspector shall inspect the premises to ensure the site is in compliance with the respective building codes. Non-objection from the Building Inspector and correction of any deficiencies prior to issuance of SPPOO.
5. There shall be no outdoor storage of materials and there shall be no outdoor storage and sale of junked or wrecked vehicles, equipment, or parts (Zoning Code – Section 26(b)(2)(d))
6. Hours of Operation shall be limited to Monday-Saturday 8:00 am to 6:00 pm. This shall mean the time employees and/or the operators are on-site.
7. There shall be no trash stored outside of the building. The existing dumpster/waste container shall be screened at all times by an enclosure.
8. Vehicles shall be stored on a hard surface and any vehicles susceptible of leaking fluid shall be stored interior to the building while they await repair. There shall be no parking on the road or in the road right-of-way.
9. There shall be no storage of gasoline on site, except for the removal of gasoline from vehicles prior to repair. Such gasoline shall be stored in appropriate containers and disposed of by a certified disposal service. Used gasoline shall be stored off the ground and secured until a certified disposal company can collect the used fluids. Applicant shall inform the Town Clerk of the contracted disposal services and such information shall be kept on file in with the Town and with the applicant.
10. Used and new engine oil, antifreeze, and other fluids shall be stored off the ground and secured until a certified disposal company can collect the used fluids. Applicant shall inform

the Town Clerk of the contracted disposal services and such information shall be kept on file in with the Town and with the applicant.

11. The Waukesha County Environmental Health Division may review and approve of the uses on the subject property, prior to the issuance of any permits.
12. Any additional or future business signage shall be required to obtain signage approval through the Town of Lisbon sign application process.
13. An up-to-date Site Plan and Plan of Operation must be on file at all times with the Town of Lisbon.
14. The approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time of being followed. Any use not specifically listed as permitted shall be considered to be prohibited, except as may be otherwise specified herein.
15. The Town reserves the right to review any condition imposed as part of this Site Plan and Plan of Operation if said use becomes a problem in the area. The Town Plan Commission may modify, change, delete, add, etc. any conditions, through the Site Plan and Plan of Operation process, which they feel may be reasonable in order to allow this use and ensure it does not become detrimental to the surrounding area. Any major change, as determined by the Town Plan Commission may require modification to the SPPOO Permits or termination of the use.

Commissioner Nelson asked if the applicant purchased the business which the applicant explained he is leasing the building for his business. Mr. Nelson asked if the applicant was okay with the conditions described which the applicant said yes. Mr. Nelson asked if he anticipated growing his business which the applicant stated if he were to expand he would expand the building as well. He also stated he was in agreement with the hours of operation.

Motion by Commissioner Nelson to approve the request from Joel Pemberton dba Joes Car Care and Sales (property owner SPACE4U LLC), for the property located at W230N9515 Colgate Road, LSBT 0149.999, for a plan of operation amendment for change of ownership (formerly All American Automotive) for an auto repair and sales shop with notice to the Town Planner's comments and with the revision to the hours of operation. Seconded by Supervisor Plotecher. Motion carried, 7-0.

Discussion and necessary action on the request from Mike Kaerek, for the properties located at W275N9101 Lake Five Road, Hartland, tax key LSBT 0167.999.001 and LSBT 0167.999, for a Preliminary Plat and recommendation to the Town Board of the same.

Planner Lindstrom explained the majority of his comments are surface level and these are still being reviewed by Waukesha County and Richfield. The engineer also sent his review letter and both recommend approval subject to conditions including the approval of all agencies and with the following conditions:

1. Approval from all applicable Town Staff, Waukesha County reviewing departments, Village of Richfield, and other applicable reviewing agencies.
2. Revise the name of the plat to "Preliminary Plat of Haass Farms"
3. Include a preliminary plat symbol legend.
4. Removal of fire tanks locations if the applicant selects the fee in lieu of option.

5. Include a percolation test location for each proposed lot.
6. Label the building and structures to be removed.
7. Locate the general location of Onsite Soil Absorption Sewage Disposal System (OSASDS) envelopes for each lot. Identify any differences for Lot 1 and Lot 31.
8. Note 11 should be revised to include the references to the impacted lots.
9. Revise the Surveyor certificate to also include references to Wisconsin State Statutes 236 and Waukesha County.
10. Include the following additional notes:
 - a. All wells shall be located within 50' of the front lot line to ensure proper separation to septic systems and storm water management systems.
 - b. Utility easements shall be determined by the utility companies and included in the final plat.
 - c. Per the Wisconsin Historic Preservation database and State Archeologist, there are no reported archeological site on the site.
 - d. The 30-foot wide Landscaping Easement is granted to the Haass Farms Homeowners Association.
 - e. Outlot 1 contains Landscaping and storm water easement.
 - f. Outlots 2-6 contains storm water easement.

Mr. Lindstrom explained he would want the plat renamed to a subdivision name and include a legend on the plat. The applicant has expressed interest in doing a fee in lieu of water storage tanks. The Town also requires perk tests for all lots which will need to be submitted before the final plat is recorded. Buildings that are to be removed should also be labeled as such. There is also a curve that does not meet the 100 foot requirement of tangent points which can be waived by the Town Board. The Board agreed they would have no problem with waiving this requirement as long as the Fire Department did not have a problem which they did not.

Commissioner Nelson explained that water has been a concern for the neighbors to the north and asked if the Planner was satisfied in the cases of extreme weather events, that there would be no storm water issues. Mr. Lindstrom explained these plans are still being reviewed by Waukesha County at this time but the site does have four storm water retention areas. They are also using structures and pipes to get water to these storm water areas on half of the subdivision.

Motion by Commissioner Nelson to approve the request from Mike Kaerek, for the properties located at W275N9101 Lake Five Road, Hartland, tax key LSBT 0167.999.001 and LSBT 0167.999, for a Preliminary Plat and recommendation to the Town Board of the same based on the Town Planner's recommendations and Kunkel's storm water review. Seconded by Commissioner Samanske. Motion carried, 7-0.

Discussion and necessary action on the requests for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998:

Temporary Plan of Operation request to allow night operations

Planner Lindstrom explained this there are two pieces to this application, one regarding the change in ownership of the leased land and the second is to extend night operations temporarily. Mr. Lindstrom explained where the site location was (near Maple Rd. and Lisbon Rd.). The Board had no concerns. The applicant explained they are not looking to make this a permanent operation but they do get DOT projects every year. Planner Lindstrom commented that the Sunday hours were missing from the application which they had previously been approved to do. The applicant had no objections to adding Sunday hours of operation from 7:00 am to 5:00 pm.

Motion by Chairman Osterman to approve the request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998 for a Temporary Plan of Operation request to allow night operations. Seconded by Commissioner Samanske. Motion carried, 7-0.

Site Plan/Plan of Operation amendment to reflect the change of land ownership from Halquist to Lannon Stone Products.

Motion by Chairman Osterman to approve the request for Stark Pavement Corporation, for the property located at N51W23995 Lisbon Road, LSBT 0283.998 for a Site Plan/Plan of Operation amendment to reflect the change of land ownership from Halquist to Lannon Stone Products. Seconded by Commissioner Nelson. Motion carried, 7-0.

Town Clerk & Town Planner

Review quarry inspection reports

LaFarge – Commissioner Samanske stated there were no problems to report. He explained they are pulling from south East corner and there is a new operations manager.

Northwest Asphalt – Commissioner Meyer reported that there are some changes and NW Asphalt is looking to expand south 300 feet to stockpile asphalt for the DOT. They are looking at trucking internally and increase the berm to reduce noise even more.

Lannon Stone Products – Commissioner Meyer reported some changes to operations including their water management plan. They currently have 25 to 30 pumps moving water and they want to get that down to 2 pumps. They are planning on increasing the amount of roads in the plant. They are hoping to reduce the amount of aggregate coming into the roads. Their long term plan would be tunneling under County F or putting up a bridge.

Genesee Aggregate- Commissioner Stadler explained there is a new manager. They have a new portable crushing plant. There is new signage is around the plant and berms are in the process of being formed. They are working with ready mix this year. The site is orderly and neat. They are willing to provide Lisbon access to water if the fire department needs it. She rated them excellent and didn't have any problems.

Halquist – Commissioner Oelhafen visited the Ideal Quarry who are mainly dealing with big slabs of rock. He stated the site was very neat and they run a tight ship with nothing laying around or out of place. They showed how they do their blasting and the pieces that do not come out nice get crushed by the portable crusher into gravel.

Payne and Dolan – Commissioner Nelson stated they are getting ready to set up conveyers and equipment. He did not get out of the truck but appeared that everything was in excellent conditions and well maintained.

Review and discussion regarding five area maps outlining special joint review areas with the Village of Sussex.

Planner Lindstrom explained that over the past few months there has been claim of a special use area by the Village of Sussex. These special use areas come from a few areas designated in the boarder agreement. The Joint Plan Commission is no longer a recommending body when it comes to these areas, but becomes an approval body. This will be a discussion point at the next JPC meeting. Planner Lindstrom showed the five areas outlined in the Boarder agreement. He reviewed our Town comprehensive plan as well as

Sussex's 2020 and 2040 comp plans. Near Hillside along 164 the Town's comp plan should reference these areas as special areas. Sussex's 2040 plan is now expanding their special use area. He explained the Leid's property was originally in the boarder agreement showing the commercial areas only as special use. On the comprehensive plan for the Town, we reference this as commercial special use. The Villages 2020 plan referenced that as well. In the Village's 2040 Comprehensive Plat it expanded the whole remainder of the property as special use. The same expanded special use area is seen on the southeast corner of Lisbon Road and County F. The Village of Sussex's 2040 Comprehensive Map now shows the entire industrial areas as special use. The Planner explained there are large discrepancies that need to be negotiated between the two communities.

Discussion regarding food truck ordinances and procedures

Town Clerk Dan Green explained the request from a vendor who is looking to park a food truck in the strip mall along County Q and Hwy 164. The purpose of this item is to get a direction from the Plan Commission as to if they would want the Town to write an ordinance to allow food trucks. Planner Lindstrom explained he has a lot of experience with food truck in working with other communities and could assist in drafting an ordinance depending on what the Plan Commission decides.

Commissioner Nelson stated there was opposition to the strip mall in that area and he thought people in homes in this area would not be pleased. The Commission asked what other communities are doing and Attorney Clark stated he can come up with a list from other communities. Planner Lindstrom stated he has a lot of research in regards to this. The Commission directed Attorney Clark and Planner Lindstrom to look into this.

Overview of June Planner Appointments

Planner Lindstrom reviewed planner appointments throughout the month and also mentioned that the sign ordinance will be coming to the Commission at one of the next meetings.

Requests from members to put future items on the agenda.

Adjournment.

Motion by Commissioner Samanske to adjourn the Thursday, June 13, 2019 Plan Commission Meeting at 7:57 P.M. Seconded by Supervisor Nelson. Motion carried, 7-0.

Respectfully submitted,

Dan Green, WCMC
Town of Lisbon Clerk

4a - Attachments



July 3, 2019

Town of Lisbon
Plan Commission
W234 N8676 Woodside Road
Lisbon, WI 53089-1545

RE: Wilman Tomahawk Drive CSM Review

Introduction

This letter reviews the Certified Survey Map (CSM) submitted by Brad Wilman (Applicant) on May 21, 2019, for the properties located at N93W25447 Tomahawk Drive and W253N9367 Bittersweet Drive in the Town. The properties in question sum to 3.046 acres, and are currently zoned R-2 Single Family Residential, with a small portion of proposed Lot 2 also zoned UC Upland Corridor. The northern portions of both proposed lots also fall within the Waukesha County Shoreland Zoning jurisdiction.

The Applicant intends to complete a lot line adjustment between their property and adjacent lots.

Pertinent details with respect to this application, the Town of Lisbon Ordinances, and the Wisconsin Statutes are included below.

Pertinent Review Materials

Property Owner:	Brad and Brooke Wilman
Applicant:	Brad Wilman
Tax Key:	LSBT: 0157.138.001 and 0157.137.002
Current Zoning:	R-2 Single Family Residential District
Adjacent Zoning:	R-2 Residential (Waukesha County)
Current Land Use Plan designation:	Low Density Residential (Lot 1), Primary Environmental Corridor and Other Open Lands to be Preserved (Lot 2)
Proposed Use:	Low Density Residential
Proposed Zoning:	R-2 Single Family Residential District
Joint Planning Commission Req:	No

Certified Survey Map

Town Ordinances:

- 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

vision to reality

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.

July 3, 2019
Page 4 of 4

The issues outlined above are meant to act as a guide to assist you in discussions about issues you think need to be addressed in order to approve this CSM. Any conditions listed by the Plan Commission should be laid out through a motion, corrected by the Applicant, and then approved by the Town Planner and Town Engineer prior to Town Board approval and signature.

Sincerely,

Daniel J Lindstrom, AICP
Town Planner

Aaron Prichard
Planner

DL: AP

cc: Gina Gresch, Administrator, Town of Lisbon
Dan Green, Clerk, Town of Lisbon
Brad and Brooke Wilman, Applicant
James G. Schneider, Surveyor

Exhibit A**SAMPLE:
PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION RESTRICTIONS**

Those areas identified as Primary Environmental Corridor on Page ____ of ____ on this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling, and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees shrubs, grasses, etc. is prohibited, with the exception that dead, diseased, dying, or invasive vegetation may be removed, at the discretion of the landowner and with approval from the Waukesha County Department of Parks and Land Use – Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use – Planning and Zoning Division, shall also be permitted.
3. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds are prohibited.
6. The construction of buildings is prohibited.

Exhibit B**SAMPLE:
BASEMENT RESTRICTION – GROUNDWATER**

This Certified Survey Map is located in an area with mapped soils known to have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence or addition must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Lisbon must also be complied with.



Wilman Tomahawk Drive CSM Properties

Town of Lisbon

1 inch = 194 feet



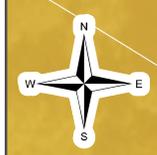
Lisbon Parcels

REEDSBURG - MADISON - PRAIRIE DU CHIEN - MILWAUKEE METRO
 N27 W23957 Paul Road, Suite 105, Pewaukee, WI 53072
 Phone: (262) 875-5000 Fax: (608) 826-0530

017

BITTERSWEET DR

TOMAHAWK DR



Wilman Tomahawk Drive CSM Zoning

Town of Lisbon

1 inch = 104 feet
0 50 100 200 Feet

	Town of Lisbon Boundary
	Waukesha Shoreland Zoning
	AD-10
	A-5
	R-2
	B-1
	B-4
	M-1
	C-1
	RD-5
	A-3
	R-3
	B-2
	B-P
	M-2
	UC
	A-10
	R-1
	RM
	B-3
	Q-1
	P-1
	PR

vierbicher
planners | engineers | advisors



REEDSBURG - MADISON - PRAIRIE DU CHIEN - MILWAUKEE METRO
N27 W23957 Paul Road, Suite 105, Pewaukee, WI 53072
Phone: (262) 875-5000 Fax: (608) 824-0530



W234 N8676 WOODSIDE RD. LISBON, WI 53089-1545 TEL: (262) 246-6100

018

Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

Commercial
**All commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.*

Residential – Home-Based Bus. / In-Law Unit



- Accessory Building Waiver: \$100 (Size/Location/Architectural Review)
- After the Fact Application: Double Fees
- Certified Survey Map: \$200 + \$10 Per lot
 - Dedication Fee (Per lot): \$2,583.69 (Paid upon receipt of signed CSM)
- Conditional Use Permit: \$350
 - Amendment / Original
 - Major Grading Permit
- Deed Restriction: \$100
- Developer's Agreement: \$250
- Groundwater Separation Waiver: \$100
- Land Use Amendment: \$300
- Other \$ _____
- Plat Review:
 - Final - \$200
 - Preliminary - \$500
- Re-Submittal: \$200
- Rezone: \$350
- Sign Permit Application: \$30 + Sign Fees (See Adopted Fee Schedule)
- Site Plan/Plan of Operation:
 - Amendment: \$250
 - Original: \$500
 - Temporary: \$125
- Special Meeting: \$600
- Waivers/Modification from Land Division and Development Ordinance: \$200

Property Information

193W25447 Tomahawk Drive Lisbon 53089
 Property Address City Zip

LSBT 0157 138 001 1.467 ACRES Residential
 Tax Key/Parcel ID # Lot Size Current Zoning

Property Owner

Brad + Brooke Wilman
 Name / Company Name

Brad Wilman
 Signature

193W25447 Tomahawk Dr
 Address

Lisbon WI 53089
 City State Zip

262-875-1343 wilman.engineering@wi.rr.com
 Phone E-mail Address

Applicant

Same
 Name

 Company

 Address

 City State Zip

 Phone E-Mail Address

A complete application along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered complete, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. The Town of Lisbon reserves the right not to accept an application that is deemed incomplete.



W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545
TEL: (262) 246-6100

Project Review Checklist

Prior to the Plan Commission submittal deadline the property owner or applicant presents a site plan prepared with the information below to the Deputy Clerk at the Town Hall. The submittal material is reviewed and if appropriate, discussed at the next regularly scheduled Plan Commission meeting.

The information below is a required minimum and the other materials may be requested of the applicant during the review process.

- 1) A statement describing the general character of the intended development and including the property address, tax key number and correct legal description. General items to include in the statement are: hours of operation, number of employees, traffic patterns, parking requirements, trash removal, etc.
- 2) An accurate map (site plan) of the project area. The site plan should be professionally prepared by a licensed architect, surveyor and/or engineer, with accurate dimensions indicating the property size, its relationship to surrounding properties, existing topography, key natural features and show the location of all existing and proposed:

<ol style="list-style-type: none"> A. Structures, showing all entrances B. Driveways & street access C. Parking areas D. Walkways E. Existing landscaping F. Abutting public and private streets G. Public easements H. Surrounding land uses and zoning I. Retaining walls J. Decorative accessories 	<ol style="list-style-type: none"> K. Dumpster location and screening L. Location, color, message, dimensions and materials of all signs M. Location, size and character of dedicated or private open space N. Location of sanitary sewer, storm sewer, water mains and services and stormwater detention facilities O. Floor plan of building or addition
---	---
- 3) Stormwater management plan.
- 4) Grading plan showing existing and finished grades to Town datum.
- 5) Professionally prepared landscape plan.
- 6) Lighting plan; photometric plan, type of fixtures, wattage and location and height of lighting structures.
- 7) Topographic data or pertinent grade elevations, if necessary, for proper remodeling of existing buildings showing finished exterior treatment.
- 8) Colored elevations of proposed buildings, structures and fencing, or of proposed remodeling of existing buildings, showing finished exterior treatment and a listing of building materials.
- 9) Names, address, telephone number, fax number and email address of the owner(s) and/or agent to be contacted with regard to the application.
- 10) Proof of ownership or agent status.



PROFESSIONAL SERVICE REIMBURSEMENT FEES:

Pursuant to the Town of Lisbon Municipal Code Section 1.14, the Town of Lisbon Town Board has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, or any other of the Town’s professional staff results in a charge to the Town for that professional’s time and services, and such service is not a service supplied to the Town as a whole, the Town Treasurer shall charge one hundred and five percent of the cost of that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. The additional five percent cost above the cost of the service is levied to cover Town administrative charges. Also, pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges, however, is subject to the property owner’s appeal rights as described in the Town of Lisbon Municipal Code Section 1.14

The undersigned, have been advised that, pursuant to the Town of Lisbon Municipal Code Section 1.14, if the Town Planner, Town Engineer, Town Attorney, or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town. In addition, I/we have been advised that pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved. By signing this document, I am not waiving my/our appeal rights that are described in the Town of Lisbon Municipal Code Section 1.14.

Statements will be sent monthly so you are kept up to date regarding your current charges.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Same
ADDRESS _____
DATE _____ SIGNATURE _____
PHONE _____ EMAIL _____

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Brad & Brooke Wilman
ADDRESS 193 W25447 Tomahawk Drive
DATE 5/9/2019 SIGNATURE Brad Wilman
PHONE 262-875-1343 EMAIL wilman.engineering@wi.rr.com

PROJECT NAME Certification of Lot boundaries



SITE INSPECTION NOTIFICATION:

The Town of Lisbon Town Plan Commission and Town Board request permission of the property owner or responsible party to enter the subject property, between the hours of 9am to 5pm or upon prior 24 hour notice, for a site inspection prior to any scheduled Plan Commission or Board meeting. The site inspection will allow the Town Plan Commission and Town Board to make more informed decisions with respect to the requested application.

I, the undersigned, have been advised that my signature grants permission to members of the Town Plan Commission and Town Board to conduct site inspections of the subject property. Failure to authorize said site inspection will not be held against the property owner or responsible party in the decision of the requested application; however, the site inspection does allow the Town Plan Commission and Town Board to make more informed decisions.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Same
ADDRESS _____
DATE _____ SIGNATURE _____
PHONE _____ EMAIL _____

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Brad & Brooke Wilman
ADDRESS N93 W25447 Tomahawk Drive
DATE 5/29/2019 SIGNATURE Brad Wilman
PHONE 262-875-1343 EMAIL wilman.engineering@wi.rr.com

COMMENTS:

Town Official Accepting Form

Date

5/29/2019

Paul Farrow
County Executive

Dale R. Shaver
Director



Waukesha County

Department of Parks and Land Use



TO: **Town of Lisbon Clerk**

NOTICE OF: Conditional Approval of Certified Survey Map

DATE OF REVIEW: June 20, 2019

RE: Certified Survey Map for: **Brad Wilman and Brooke Wilman**
David and Susan Mikulecky
File No. SCS-1329

LOCATION: Part of lots 17 and 18, "Blue Heron Reserve", being a subdivision of part of the NE ¼, SE ¼, SW ¼, and NW ¼ of the NE ¼ of Section 4, T8N, R19E, Town of Lisbon. More specifically, the properties are located at N93 W25447 Tomahawk Drive and N253 W9367 Bittersweet Drive.

TAX KEY NO.: LSBT 0157.138.001 and LSBT 0157.137.002

SUBMITTED BY: Brad Wilman
N93 W25447 Tomahawk Drive
Lisbon, WI 53089

SURVEYOR: Jim Schneider
North Shore Engineering
11433 N. Port Washington Road
Mequon, WI 53092

DATE RECEIVED: May 23, 2019

DATE OF CSM: May 21, 2018

APPLICABILITY: The above subject Certified Survey Map has been reviewed by the staff of the Waukesha County Department of Parks and Land Use pursuant to the provisions of the Waukesha County Shoreland and Floodland Subdivision Control Ordinance as authorized by S.236.34 and S.236.45, Wisconsin Statutes.

Planning and Zoning

515 W. Moreland Blvd., Room AC 230 Waukesha, Wisconsin 53188-3878
Phone: (262) 548-7790 Fax: (262) 896-8071 www.waukeshacounty.gov/planningandzoning

REMARKS: Conditional Approval of this Certified Survey Map is based on the following conditions being satisfied prior to the Director affixing his signature to the Final Certified Survey Map:

1. The Location Map on Sheet 1 shall be revised to show more detail. At a minimum, it should include Tomahawk Drive, Bittersweet Drive and the Bark River.
2. The surveyor's seal, signature, and date must appear on all sheets of the Final Certified Survey Map. The same revision date must be noted on all sheets of the Final Certified Survey Map.
3. The reference to Waukesha County in the surveyor's certificate should read, "Waukesha County Shoreland and Floodland Protection Ordinance".
4. It is recommended to the Town of Lisbon that they require a vision corner easement on Lot 2, at the intersection of Tomahawk and Bittersweet. The following note shall be added 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."
5. All easements, such as proposed or existing drainage ways, access, sanitary sewer and utilities shall be shown on the CSM. Any related recorded documents #'s shall also be noted on the CSM.
6. We do not require Zoning Districts to be shown on the Certified Survey Map. As zoning is subject to change, it is recommended that the Zoning Districts not be shown on the Certified Survey Map. If the Zoning Districts are required per Town Ordinance, a note shall be added that states, "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".
7. The EC (Environmental Corridor) Overlay shall be added to Note 1 on Sheet 1 if the Zoning Districts are to remain and the rear yard and side yard offsets noted as 35'.
8. There are Primary Environmental Corridor (PEC) areas on Lot 2 as shown on the Waukesha County GIS Mapping Site. The Certified Survey Map must identify the PEC area and must be labeled as, "Approximate Primary Environmental Corridor Limits, as designated by SEWRPC and shown on the Waukesha County GIS Mapping Site."
9. The following note shall be placed on the Certified Survey Map: "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.
10. "Primary Environmental Corridor Preservation Restrictions," as shown on the enclosed, shall be added to the Certified Survey Map.
11. This Certified Survey Map is located in an area with mapped soils known to have seasonal high groundwater. Therefore, the following restriction must be placed on the Certified Survey Map:

BASEMENT RESTRICTION – GROUNDWATER

This Certified Survey Map is located in an area with mapped soils known to have seasonal high groundwater. The Waukesha County Shoreland and Floodland Protection Ordinance currently requires that the lowest level of any residence or addition must be at an elevation that is at least one (1) foot higher than the highest seasonal groundwater level, unless a variance from that requirement is obtained from the Waukesha County Board of Adjustment. Therefore, additional soil testing in the vicinity of any proposed residence or addition will be required to ensure compliance with this requirement. If the requirement

regarding vertical separation distance from the highest seasonal groundwater level is modified by a future amendment to the Waukesha County Shoreland and Floodland Protection Ordinance, the requirement at the time of construction shall apply. All groundwater separation requirements set forth by the Town of Lisbon must also be complied with.

12. The owners must apply to the Environmental Health Division of the Waukesha County Department of Parks and Land Use for a Preliminary Site Evaluation (PSE) of the existing septic system on Lot 2. If a problem with the septic system on Lot 2 is discovered as a result of the PSE, that problem must be resolved or a Sanitary Permit issued for a new septic system, prior to the Director affixing his signature to the Final Certified Survey Map. *A PSE has already been obtained for Lot 1.*
13. Prior to the Director affixing his signature to the Final Certified Survey Map, the Waukesha County Department of Parks and Land Use - Planning and Zoning Division staff must be advised by the Town of Lisbon Planner that the Certified Survey Map complies with all conditions of approval set forth by the Town of Lisbon.
14. Please submit a revised Certified Survey Map for review and approval prior to contacting the County Planning & Zoning Division Office to schedule an appointment for the County signature on the Certified Survey Map.
- 15.

SIGNED: Jacob A. Heermans
 Jacob Heermans, Land Use Specialist
 (262) 548-7790.

Reviewed and approved by Amy Barrows, Senior Planner.

cc: Brad and Brooke Wilman, Owners
 David and Susan Mikulecky, Owners
 Jim Schneider, North Shore Engineering, Surveyor
 Sandy Scherer, Town of Lisbon Community Assistance Planner (*via e-mail only*)
 Town of Lisbon Clerk
 Town of Lisbon Administrator
 Village of Richfield Clerk
 Skylar Behm, Environmental Health Division (*via email only*)
 Alan Barrows, Land Resources Division (*via email only*)
 File

**SAMPLE:
PRIMARY ENVIRONMENTAL CORRIDOR PRESERVATION RESTRICTIONS**

Those areas identified as Primary Environmental Corridor on Page ____ of ____ on this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, dying, or invasive vegetation may be removed, at the discretion of the landowner and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted.
3. Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds are prohibited.
6. The construction of buildings is prohibited.

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

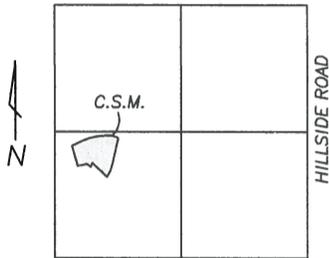


SCALE 1" = 100'



NORTH SHORE ENGINEERING, INC.
 Consulting Engineers & Land Surveyors
 11433 N. Port Washington Rd., Mequon, Wisconsin, 53092
 (262) 241-8400 • FAX: (262) 241-5337
 www.northshoreengineering.net

COUNTY LINE RD. - C.T.H. "Q"



NOTES :

1. THIS PROPERTY IS PRESENTLY ZONED R-2 (SINGLE FAMILY RESIDENTIAL DISTRICT)
2. THIS PROPERTY IS ALSO SUBJECT TO EASEMENTS OF RECORD.

OWNERS:

BRAD & BROOKE WILMAN
 N93W25447 TOMAHAWK DR.
 LISBON, WI 53089

OWNERS:

DAVID & SUSAN MIKULECKY
 N253W9367 BITTERSWEET DR.
 LISBON, WI 53089

LOCATION MAP

NE. 1/4 SEC. 4-8-19
 (SCALE 1"=2000')

LEGEND

- -DENOTES 1.315"X18" STEEL PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT (SET)
- -DENOTES 2.3" STEEL PIPE FOUND
- -DENOTES 1.3" STEEL PIPE FOUND

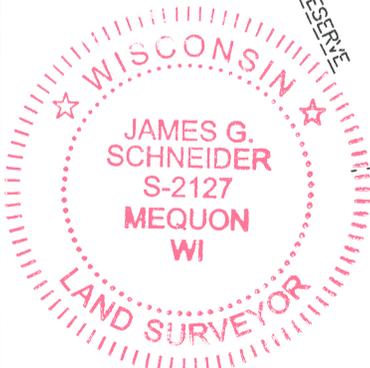
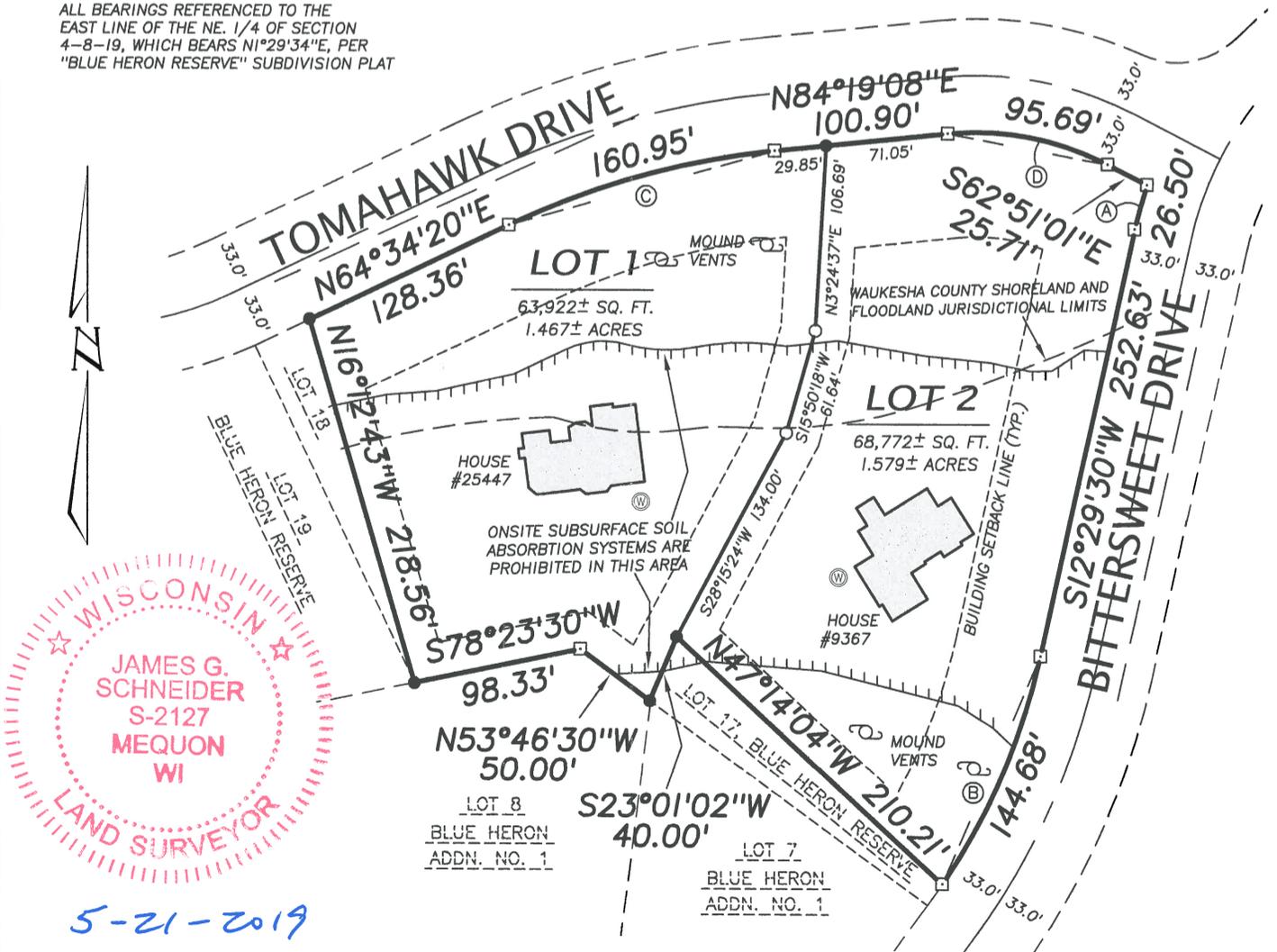
ALL BEARINGS REFERENCED TO THE EAST LINE OF THE NE. 1/4 OF SECTION 4-8-19, WHICH BEARS N1°29'34"E, PER "BLUE HERON RESERVE" SUBDIVISION PLAT

BUILDING SETBACK NOTE :

FRONT YARD = 50.0'
 REAR YARD = 20.0'
 SIDE YARD = 20.0'

CURVE TABLE

NO.	ARC	RADIUS	CHORD	BEARING	DELTA
A	26.50'	233.00'	26.48'	S15°44'58.5"W	6°30'57"
B	144.68'	385.49'	143.83'	S23°14'37"W	21°30'14"
C	160.95'	467.00'	160.15'	N74°26'44"E	19°44'48"
D	95.69'	167.00'	94.39'	S79°15'56.5"E	32°49'51"



5-21-2019

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, James G. Schneider, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, redivided and mapped the following parcel of land:

A redivision of part of Lots 17 and 18, "Blue Heron Reserve", being a subdivision of part of the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 4, Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner said Lot 17, said point being the intersection of the South right of way of Tomahawk Drive & the West right of way line of Bittersweet Drive; thence Southwesterly along said West right-of-way line, being the arc of a curve to the left (having a radius of 233.00 feet, whose chord bears S15°44'58.5"W, 26.48 feet) 26.50 feet to a point of tangency; thence S12°29'30"W along said West right of way line, 252.63 feet to a point of curvature; thence Southwesterly along said West right-of-way line, being the arc of a curve to the right (having a radius of 385.49 feet, whose chord bears S23°14'37"W, 143.83 feet) 144.68 feet; thence N47°14'04"W, 210.21 feet; thence S23°01'02"W, 40.00 feet to a point in the south line said Lot 17; thence N53°46'30"W along the South line of said Lot 17, 50.00 feet to the Southeast corner of the aforementioned Lot 18; thence S78°23'30"W along the South line of said Lot 18, 98.33 feet to the Southwest corner of said Lot 18; thence N16°12'43"W, 218.56 feet to a point in the South right of way line of Tomahawk Drive; thence N64°34'20"E along said South right of way line, 128.36 feet to a point of curvature; thence Northeasterly along said South right of way line, being the arc of a curve to the right (having a radius of 467.00 feet, whose chord bears N74°26'44"E, 160.15 feet) 160.95 feet to a point of tangency; thence N84°19'08"E along said South right of way line, 100.90 feet to a point of curvature; thence Southeasterly along said South right of way line, being the arc of a curve to the right (having a radius of 167.00 feet, whose chord bears S79°15'56.5"E, 94.39 feet) 95.69 feet to a point of tangency; thence S62°51'01"E along said South right of way line, 25.71 feet to of commencement.

Said lands containing 3.046 acres of land, more or less.

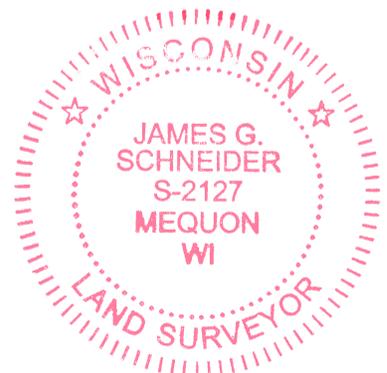
That I have made such survey, land division, and plat at the direction of Brad & Brooke Wilman and David & Susan Mikulecky, OWNERS of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have complied with, Chapter 236.34 of the Wisconsin State Statutes, Waukesha County Department of Parks and Land Use-Planning and the Land Division & Development Ordinance of the Town of Lisbon.

James G. Schneider S-2127

5-21-2019



This instrument was drafted by James G. Schneider

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE (No. 1)

We, Brad & Brooke Wilman, OWNERS, do hereby certify: THAT We have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided and mapped, We also certify that the plat is required by s236.10 or s236.12 to be submitted to the following for approval or objection: Town of Lisbon, Village of Richfield and Waukesha County Department of Parks and Land Use-Planning.

WITNESS the hand and seal of said OWNER on this _____ day of _____, 20__.

Witness

Brad Wilman

Witness

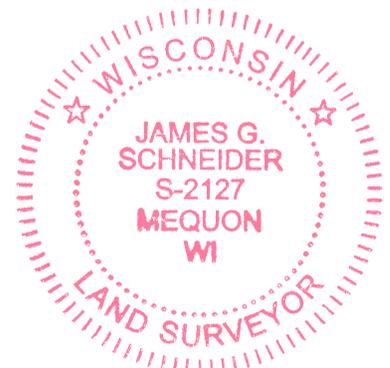
Brooke Wilman

STATE OF WISCONSIN)
WAUKESHA COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__ the above named Brad & Brooke Wilman to me known to be the persons who executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____



This instrument was drafted by James G. Schneider

5-21-2019

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE (No. 2)

We, David & Susan Mikulecky, OWNERS, do hereby certify: THAT We have caused the lands described in the foregoing certificate of James G. Schneider, Surveyor, to be surveyed, divided and mapped, We also certify that the plat is required by s236.10 or s236.12 to be submitted to the following for approval or objection: Town of Lisbon, Village of Richfield and Waukesha County Department of Parks and Land Use-Planning.

WITNESS the hand and seal of said OWNER on this _____ day of _____, 20__.

Witness

David Mikulecky

Witness

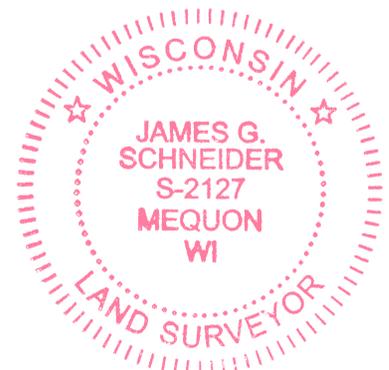
Susan Mikulecky

STATE OF WISCONSIN)
WAUKESHA COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__ the above named David & Susan Mikulecky to me known to be the persons who executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____



This instrument was drafted by James G. Schneider

5-21-2019

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

CONSENT OF MORTGAGEE (No. 1)

ASSOCIATED BANK, existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map and does hereby consent to the above certificate of Brad & Brooke Wilman, OWNERS.

In witness whereof, the said ASSOCIATED BANK has caused these presents to be signed by _____, it's _____ at Milwaukee, Wisconsin, this _____ day of _____, 20__.

IN THE PRESENCE OF:

ASSOCIATED BANK

By: _____

STATE OF WISCONSIN)
OZAUKEE COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__ the above named by _____, to me known to be the person who executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____

CONSENT OF MORTGAGEE (No. 2)

CHASE BANK, existing under and by virtue of the laws of the State of Ohio, mortgagee of the above described land does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map and does hereby consent to the above certificate of David & Susan Mikulecky, OWNERS.

In witness whereof, the said CHASE BANK has caused these presents to be signed by _____, it's _____ at Columbus, Ohio, this _____ day of _____, 20__.

IN THE PRESENCE OF:

CHASE BANK

By: _____

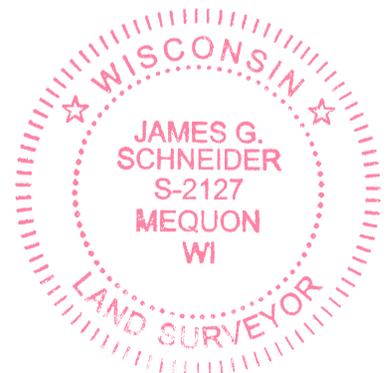
STATE OF OHIO)
FRANKLIN COUNTY)^{ss}

PERSONALLY came before me on this _____ day of _____, 20__ the above named by _____, to me known to be the person who executed the foregoing certificate and acknowledged the same.

Notary Public

My Commission expires _____

This instrument was drafted by James G. Schneider



5-21-2019

CERTIFIED SURVEY MAP NO. _____

A REDIVISION OF PART OF LOTS 17 AND 18, "BLUE HERON RESERVE", BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 19 EAST, IN THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL
Resolved, that this Certified Survey Map, in the Town of Lisbon, by Brad & Brooke Wilman and David & Susan Mikulecky, owners, is hereby approved by the authority of the Waukesha County Department of Parks and Land Use as required by Chapter 236 of the Wisconsin State Statutes.

Dated this _____ day of _____, 20____.

Dale Shaver, Director

TOWN OF LISBON PLANNING COMMISSION APPROVAL
APPROVED by the Town of Lisbon Planning Commission on this _____ day of _____, 20____.

Joseph Osterman, Chairman

Jane Stadler, Secretary

TOWN OF LISBON TOWN BOARD APPROVAL
APPROVED by the Town of Lisbon Town Board this _____ day of _____, 20____.

Joseph Osterman, Town Chairman

Dan Green, Town Clerk

EXTRATERRITORIAL REVIEW AND APPROVALS

VILLAGE OF RICHFIELD PLANNING COMMISSION APPROVAL
APPROVED by the Village of Richfield Planning Commission on this _____ day of _____, 20____.

John Jeffords, Village President

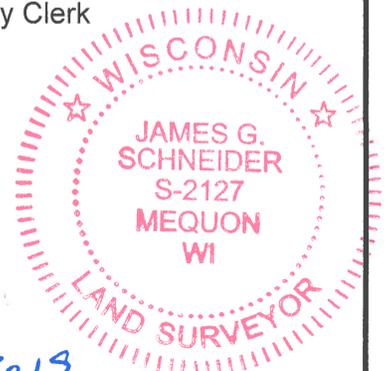
Donna Cox, Deputy Clerk

VILLAGE OF RICHFIELD BOARD APPROVAL
APPROVED by the Village of Richfield Board on this _____ day of _____, 20____.

John Jeffords, Village President

Donna Cox, Deputy Clerk

This instrument was drafted by James G. Schneider



5-21-2019

4b-Attachments



7001 W. Center Street
Wauwatosa, WI 53213

P: 414-897-8232
F: 414-897-8539

6.11.2019

Shanahan Residence
Major Grading Permit Submittal Statement

Kevin and Colleen Shanahan
W252 N4885 Aberdeen Drive
Zoning: R-1
Acres: .9627
Tax Key: LSBT0237.981.002
Current Use: Single Family Residential



This is proposed to be a landscape renovation of an existing landscape that was done by others.

We plan on leveling the back corner of the lot to install an open lawn / play field for our clients who have nine children with their tenth child on the way. They desire an open lawn area where the children can play safely in the back-yard vs the sloping front yard near the road.

This will require a fair amount of cut and fill on site. We will also be installing a new 3 to 3.5-foot keystone block retaining wall near the existing pool fence. So, we will be sloping the soil away from the existing trees, creating a level lawn area with minimal pitch to the NW which is the way the existing drainage flows, and filling along the new wall to be located near the existing pool fence. We will be bringing in fill as needed for the final leveling and lawn bed preparation. Since we are disturbing in excess of 30 cubic yards this will require a major grading permit.

Drainage will be leaving the site in the same locations it is now on the north end with an added line on the south end. (see the grading and drainage plan). Most of the back-yard drainage flows to the old wood lot (see photos) We will also be replacing the existing ADS Draitile with PVC draitile as per the plan in the front yard and rear yard near the decking. The front draitile will exit near the drainage ditch and a mitered drain will be installed at the end.

Michael A. Manke, PLA, ASLA
Registered Landscape Architect
Wisconsin License Number – No. 26-014



Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

Commercial
**All commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.*

Residential – Home-Based Bus. / In-Law Unit

- Accessory Building Waiver: \$100 (Size/Location/Architectural Review)
- After the Fact Application: Double Fees
- Certified Survey Map: \$200 + \$10 Per lot
 - Dedication Fee (Per lot): \$2,658 (Paid upon receipt of signed CSM)
- Conditional Use Permit: \$350
 - Amendment / Original
 - Major Grading Permit
- Deed Restriction: \$100
- Developer's Agreement: \$250
- Groundwater Separation Waiver: \$100
- Land Use Amendment: \$300
- Conceptual: \$100
- Plat Review:
 - Final - \$200
 - Preliminary - \$500
- Re-Submittal: \$200
- Rezone: \$350
- Sign Permit Application: \$30 + Sign Fees (See Adopted Fee Schedule)
- Site Plan/Plan of Operation:
 - Amendment: \$250
 - Original: \$500
 - Temporary: \$125
- Special Meeting: \$600
- Waivers/Modification from Land Division and Development Ordinance: \$200

Property Information

(TOWN OF LISBON)

W232 N4885 ABERDEEN DRIVE PEWaukee WI. 53072
 Property Address City State Zip

LB20237.981.002 .9627 ACRES M-1
 Tax Key/Parcel ID # Lot Size Current Zoning

Property Owner

KEVIN + COLLEEN SHANAHAN
 Name / Company Name

[Signature] 11 June 2019
 Signature

W232 N4885 ABERDEEN DRIVE
 Address

PEWaukee WI. 53072
 City State Zip

917.340.0095 KEVIN.P.Shanahan@gmail.com
 Phone E-mail Address

Applicant

MICHAEL A. MANICK, PLA, ASLA
 Name

LANDCRAPPE'S LANDSCAPING
 Company

2145 SOUTH 162nd STREET
 Address

NEW BERLIN WI. 53151
 City State Zip

414-303-2373 MIKE@LANDCRAPPE'SLANDSCAPING.COM
 Phone E-Mail Address

A **complete application** along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered **complete**, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. *The Town of Lisbon reserves the right not to accept an application that is deemed incomplete.*



TOWN OF LISBON
W234 N8676 Woodside Rd.
Lisbon, WI 53089

PETITION FOR A CONDITIONAL USE PERMIT

Property Owner

KEVIN & COLLEEN SHANSHAN

Name / Company Name

Kevin & Colleen 11 June 2017

Signature

W252 N4805 ABBOTTS DRIVE

Address

PEWAUKEE WI. 53072

City

State

Zip

917-740-0095 KEVIN.J.SHANSHAN@

Phone

E-mail Address

gmail.com

Applicant

MICHAEL A. MANOY, PLA, ASLA

Name

LANDSCAPE'S LANDSCAPING

Company

2145 SOUTH 162ND STREET

Address

NEW BERN WI. 53151

City

State

Zip

414-903-2373 MIKE@LANDSCAPE'SLANDSCAPING.COM

Phone

E-Mail Address

Property Information

W252 N4805 ABBOTTS DRIVE PEWAUKEE WI. 53072

Property Address

City

Zip

W310237.981.002

Tax Key/Parcel ID #

.9627 ACRES

Lot Size

R-1

Current Zoning

Conditional Use Information

In the space below, please describe the purpose of the Conditional Use being applied for. Please attach or email a separate sheet if necessary.

<u>MAJOR GRADING PERMIT FOR THE BACKYARD - RE-GRADING</u>

INTERNAL USE ONLY		
Amount Due: \$ _____	Check # _____	Date Paid: _____



W234N8676 WOODSIDE RD. • LISBON, WI 53089-1545 • TEL: (262) 246-6100 • FAX: (262) 820-2023
E-mail: townhall@townoflisbonwi.com • Website: www.townoflisbonwi.com

SITE PLAN AND PLAN OF OPERATION

Please fill out the entire application all questions need a response. If something does not apply please put N/A. Incomplete applications will not be processed or put on the agenda. The completion of this application form must be accompanied by one copy of an up to date and detailed Site Plan drawn to scale and including, but shall not be limited to, all existing buildings, signage, lighting, landscaping, parking, loading, storage, dumpsters, septic and well, etc; an interior layout (plans) of all buildings and the existing and proposed uses of the interior spaces (i.e., office, retail, restaurant, etc); and any other supporting materials. The above shall be submitted to the Town Hall, and upon review of the information, additional items may be required. The plans shall be drawn to scale and shall be no larger than 11" x 17", and shall also be emailed as a PDF. Future revisions to the approved Site Plan/Plan of Operation will require new approvals.

- N/A New business in existing building or on existing site New Owner Temporary Use
- N/A Change in Operations (summarize below what is changing; days/hours, etc)

- N/A Change in Use (summarize below prior and new use below)

R-1 RESIDENTIAL

BUSINESS / PROPERTY OWNER & PROPERTY INFORMATION

Tax Key Number LSBTD237.981.002 Acres .9827 Zoning R-1

Business Name & Contact Person: RESTAURANT OWNERS KEVIN & COLLEEN SHANATHAN

Full Address (include City & Zip): W 252 - N 4805 AMBERLEEN DRIVE, PENWALSKEE, WI 53072

Phone Number & Email: 917-940-0095

Signature & Date: Kevin Shanathan 11 June 2019

Property Owner Name: KEVIN & COLLEEN SHANATHAN

Full Address (include City & Zip): W 252 - N 4805 AMBERLEEN DRIVE, PENWALSKEE, WI 53072

Phone Number & Email: 917-940-0095

Signature & Date: Kevin Shanathan 11 June 2019



SITE INSPECTION NOTIFICATION:

The Town of Lisbon Town Plan Commission and Town Board request permission of the property owner or responsible party to enter the subject property, between the hours of 9am to 5pm or upon prior 24 hour notice, for a site inspection prior to any scheduled Plan Commission or Board meeting. The site inspection will allow the Town Plan Commission and Town Board to make more informed decisions with respect to the requested application.

I, the undersigned, have been advised that my signature grants permission to members of the Town Plan Commission and Town Board to conduct site inspections of the subject property. Failure to authorize said site inspection will not be held against the property owner or responsible party in the decision of the requested application; however, the site inspection does allow the Town Plan Commission and Town Board to make more informed decisions.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME MIKE MARKE
ADDRESS 2145 S. 162nd STREET NEW BERLIN, WA. 98151
DATE 6.10.19 SIGNATURE [Signature]
PHONE 414-303-2373 EMAIL mike@landcrafterslandscaping.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME KEVIN & COLLEEN SHANAHAN
ADDRESS W252 N4885 AMBERDEN DRIVE BAINBRIDGE, WA. 98072
DATE _____ SIGNATURE Kevin & Colleen 11 June 2019
PHONE 917-946-0095 EMAIL KEVIN.P.SHANAHAN@GMAIL.COM

COMMENTS:

Town Official Accepting Form

Date



PROFESSIONAL SERVICE REIMBURSEMENT FEES:

Pursuant to the Town of Lisbon Municipal Code Section 1.14, the Town of Lisbon Town Board has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, or any other of the Town's professional staff results in a charge to the Town for that professional's time and services, and such service is not a service supplied to the Town as a whole, the Town Treasurer shall charge one hundred and five percent of the cost of that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. The additional five percent cost above the cost of the service is levied to cover Town administrative charges. Also, pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges, however, is subject to the property owner's appeal rights as described in the Town of Lisbon Municipal Code Section 1.14

The undersigned, have been advised that, pursuant to the Town of Lisbon Municipal Code Section 1.14, if the Town Planner, Town Engineer, Town Attorney, or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town. In addition, I/we have been advised that pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved. By signing this document, I am not waiving my/our appeal rights that are described in the Town of Lisbon Municipal Code Section 1.14.

Statements will be sent monthly so you are kept up to date regarding your current charges.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME MICHAEL A. MANKS
 ADDRESS 2145 SOUTH 1102nd STREET, NEW BURLIN, UT. 83151
 DATE 6/11/19 SIGNATURE [Signature]
 PHONE 414-973-2373 EMAIL MIKE@LANDCENTERSLANDSCAPING.COM

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME KEVIN & LUCY SHANAHAN
 ADDRESS W 252 N 4005 ARLINGTON DR WTC
 DATE 6/11/19 SIGNATURE [Signature]
 PHONE 917-340-0095 EMAIL KEVIN.jp.shanahan@gmail.com

PROJECT NAME SHANAHAN RESIDENCE

N/A 1. Is this business replacing another business? Yes No
a. If yes, what is the prior business' name: _____

N/A 2. Is this an expansion of an existing Town approved/based operation? Yes No
a. If yes, please explain: _____

HOURS OF OPERATION & OPERATING SPECIFICS

N/A 3. Describe in detail below the specific type of business operation (Retail, Restaurant, Manufacturing, Office, etc.), including temporary, accessory, and outdoor uses (storage, etc). Provide a separate list of all items sold or produced on the property. If items are produced, please provide a separate explanation of the production process.

N/A 4. Days & Times of Operation:
a. Days & Times: _____

N/A 5. Employees (if self-employed please count yourself)
a. Full-Time _____
b. Part-Time _____

FOOD / BEVERAGE / LIQUOR

N/A 6. Is there any food & beverage / liquor service? Yes No
a. If yes, please explain: _____

N/A

7. Table Seating Capacity

- a. Outside: _____
- b. Inside: _____
- c. Bar: _____

N/A

8. Food / Soda Vending Machines Yes No

- a. If yes, quantity of each: _____

OUTDOOR USES

N/A

9. Is there any outdoor storage? Yes No

- a. If yes, please explain: _____

N/A

10. Will there be any outdoor events? Yes No

- a. If yes, please describe the types of events, parking accommodations, sanitary facilities and delineate the locations of the events on the Site Plan submitted. Attach a separate sheet if necessary.

N/A

11. Will there be any customer dockage? Yes No

- a. If yes, please indicate on the Site Plan length and number of piers.

N/A

12. Parking Lot

- a. Dimensions _____
- b. Total number of spaces _____
- c. Number of spaces allotted for employees _____

MUSIC / ENTERTAINMENT

N/A

13. Are any problems such as odor, smoke or noise resulting from this operation? Yes No

a. If yes, describe what types (live, amplified, recorded, jukebox, etc), indoors and/or outdoors, and the days and hours music will be provided? Attach a separate sheet if necessary.

N/A

14. Game Machines Yes No

a. Quantity: _____

b. Location: _____

BUILDINGS

15. Building A

a. Dimensions & Levels: SINGLE FAMILY HOME

b. Use: (SEE SURVEY ATTACHED!)

N/A

16. Building B

a. Dimensions & Levels: _____

b. Use: _____

N/A

17. Building C

a. Dimensions & Levels: _____

b. Use: _____

LIGHTING (Submit Cut-Sheets)

18. Outdoor Lighting

a. Type(s): LED/LOW VOLTAGE LANDSCAPE LIGHTING

b. Locations(s): _____

SIGNAGE (Also submit the Town's Signage Application & appropriate fees)

NA 19. Describe below the type of signage that exists and what signage is proposed on the site (attached, free standing, ground, mobile, projecting, window, electronic message, banners, flags, sandwich boards, etc.) and if the signs are illuminated, single/double faced, along with the number, size, and height of all signs.

CHEMICALS/HAZARDOUS MATERIALS

NA 20. Are there any Chemicals, Hazardous Waste of Solvents stored on the site? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

by

NA 21. Does this Operation involve the Storage/Sale of gasoline or any other Petroleum Products? Yes No

a. If yes, please list those items and how they are disposed of or attach a separate sheet if necessary.

STORM WATER RETENTION, FLOW OF SURFACE WATER, AND AMOUNT OF IMPERVIOUS SURFACES

22. Are there surface water drainage facilities? Yes No

a. If yes, please explain: _____

SEE PLAN FOR SWIMLBS & DRAINAGE FLOW

REFUSE DISPOSAL

N/A

23. Are there dumpsters/waste containers on the site? Yes No

a. If yes, show on the Site Plan submitted the location of dumpsters and any screening.

PERMIT APPROVAL / ISSUANCE DATES

N/A

24. Is Highway Access Permit Needed? Yes No

a. Date Issued: _____

N/A

25. DNR Well Approval (For New Constructions Only)

a. Date Approved: _____

N/A

26. Septic System Approval (For New Constructions Only)

a. Date Approved: _____

N/A

27. Fire Department Inspection Yes No

a. Date Inspected: _____

N/A

28. Did the Wisconsin Department of Safety & Professional Services approve building plans? Yes No

a. Date Approved: _____

29. Is security fencing necessary? Yes No

EXISTING #20 GAUGE POST FENCE

HORSE BOARDING

N/A

30. Does this Operation involve the Boarding of Horses? Yes No

a. Maximum number of horses boarded: _____

b. Maximum number of horses owned: _____

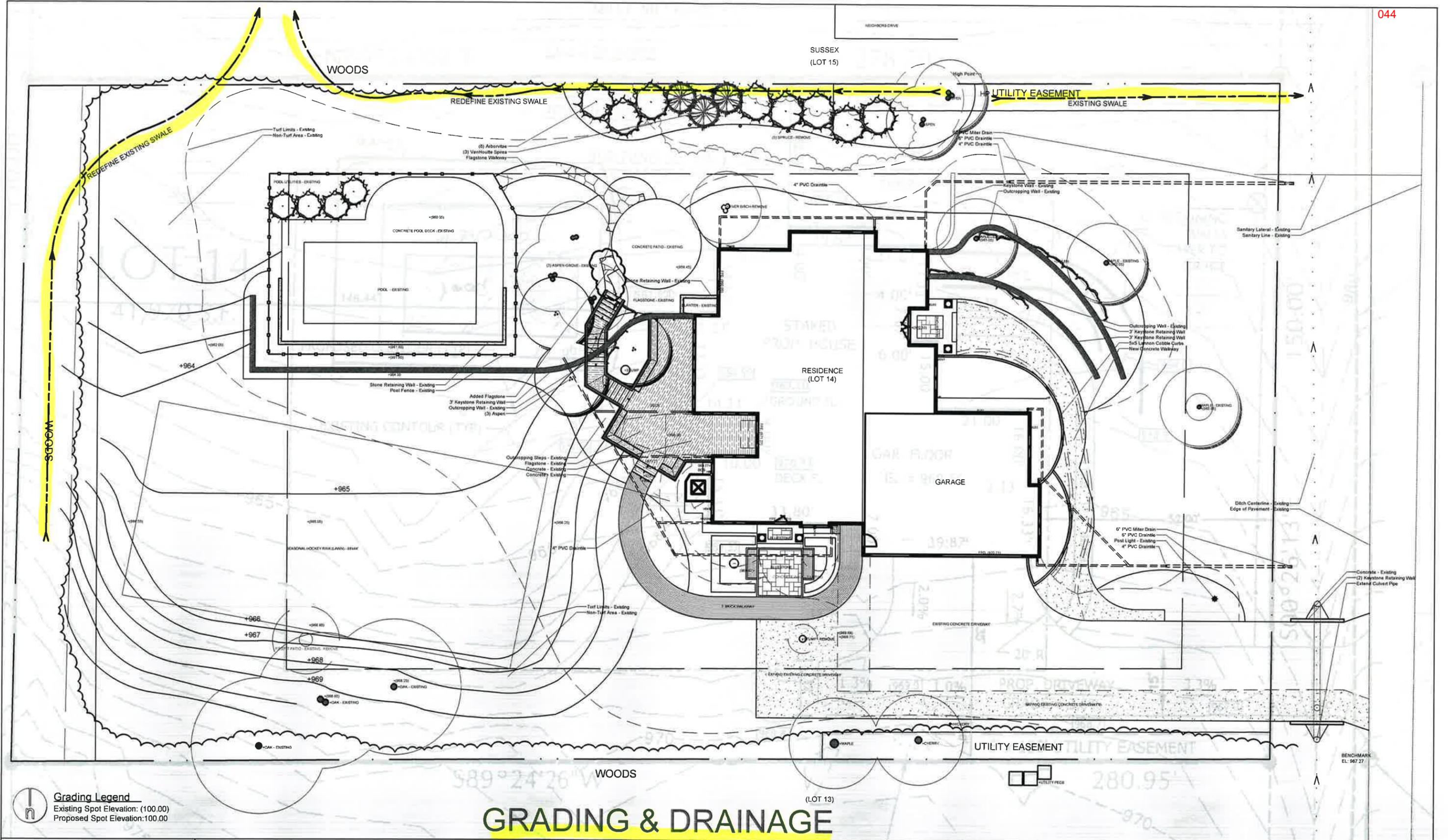
N/A

31. Has a Conservation Plan been prepared by the Land Conservation Committee? Yes No

a. Date Prepared: _____

.....
Town Approval Date(s): _____

County Approval Date(s): _____



GRADING & DRAINAGE

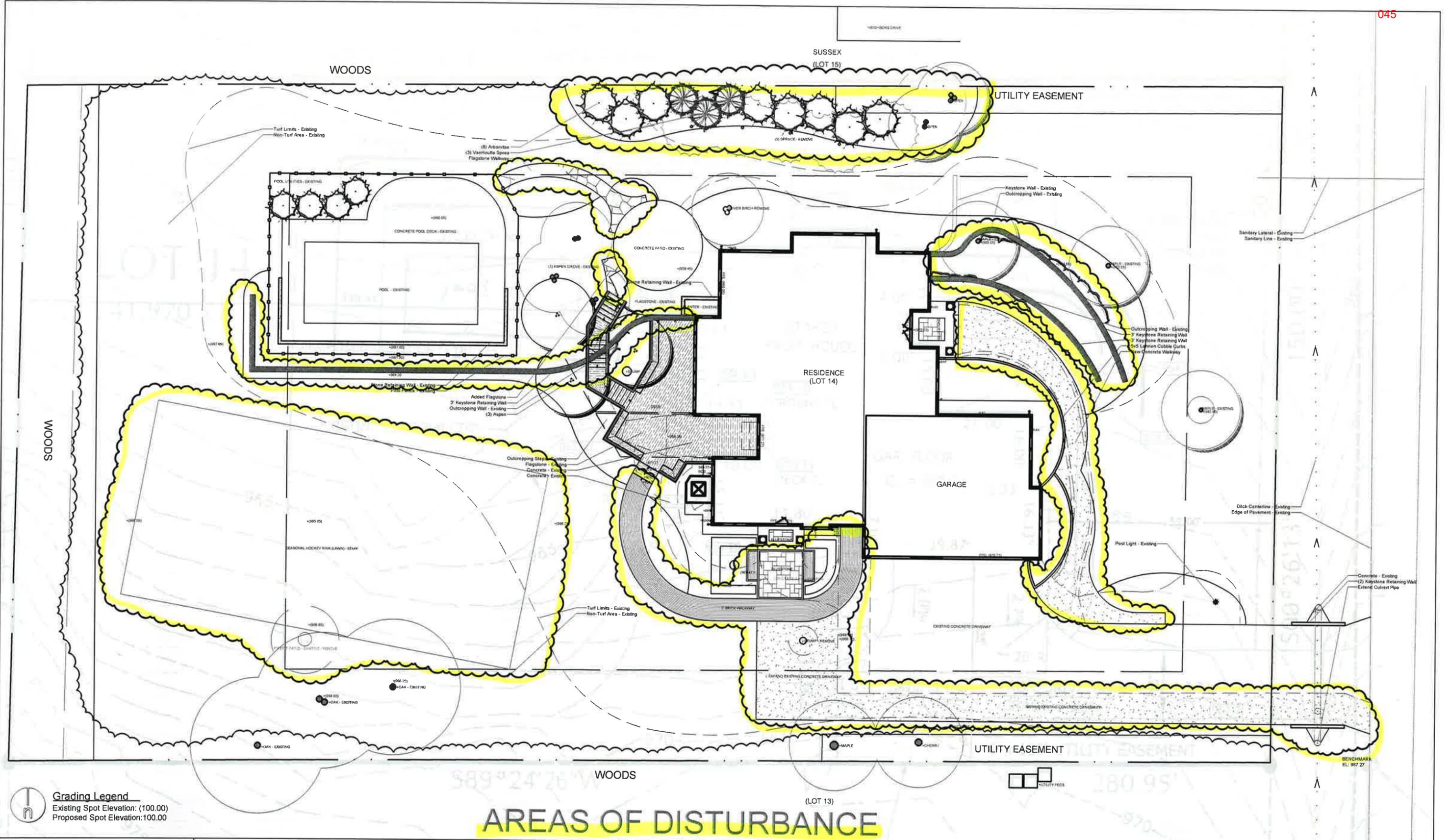
Grading Legend
 Existing Spot Elevation: (100.00)
 Proposed Spot Elevation: 100.00



LANDSCAPE DEVELOPMENT FOR
THE SHANAHAN RESIDENCE
 W252 N4885 Aberdeen Dr., Pewaukee, WI 53072

DATE: 06.11.19
 DESIGNER: MAM
 SCALE: 1" = 20'-0"

Reproduction of these plans in whole or part or the reproduction of derivative works thereof without the express written permission of LandCrafters, Inc is strictly prohibited.
 Use of these plans is limited to the construction of this project only. Use of these plans for any purpose other than use on this project is prohibited.
 Express written consent is required for private use.



AREAS OF DISTURBANCE

Grading Legend
 Existing Spot Elevation: (100.00)
 Proposed Spot Elevation: 100.00



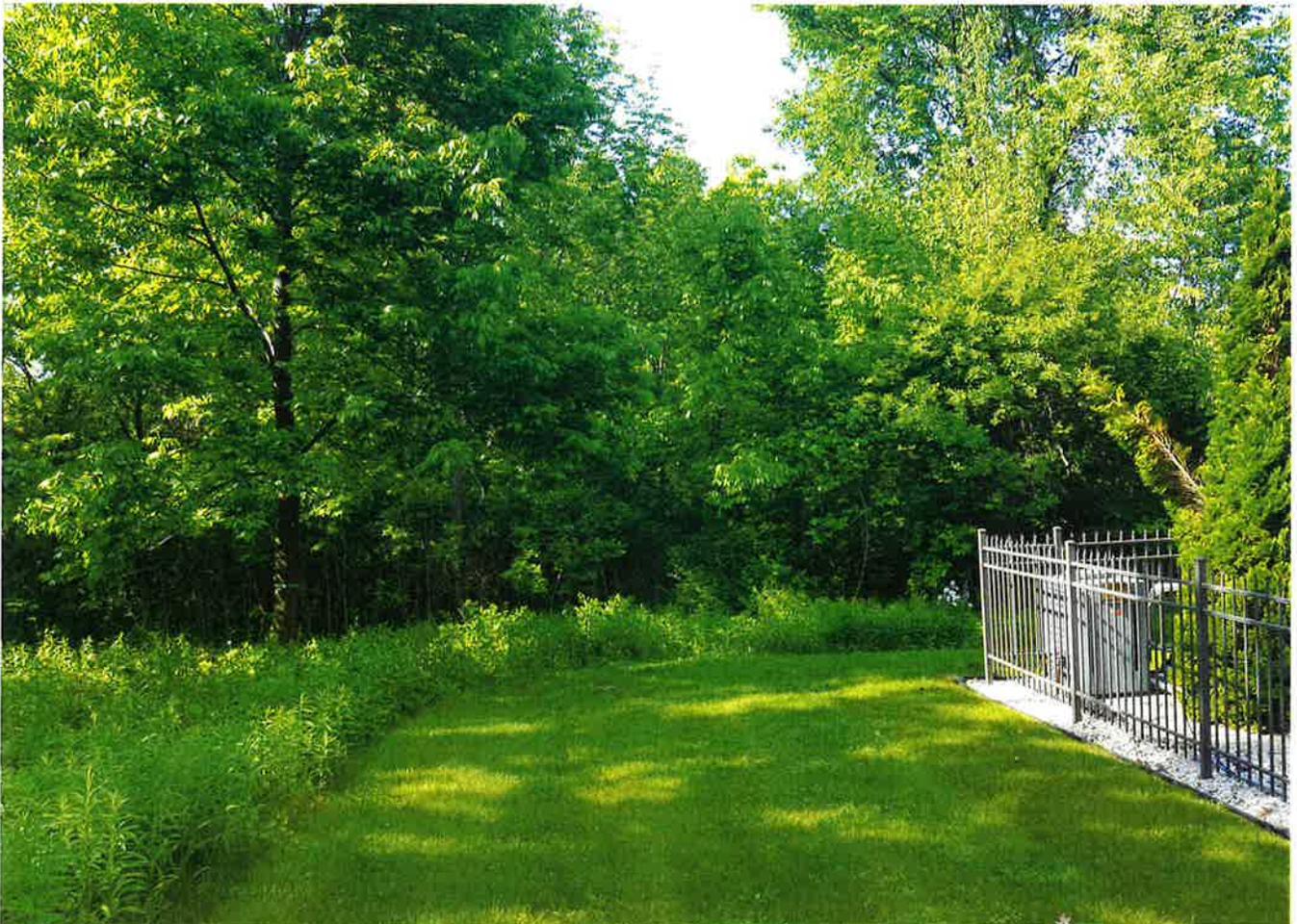
LANDSCAPE DEVELOPMENT FOR
THE SHANAHAN RESIDENCE
 W252 N4885 Aberdeen Dr., Pewaukee, WI 53072

DATE: 06.11.19
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 SCALE: 1" = 20'-0"

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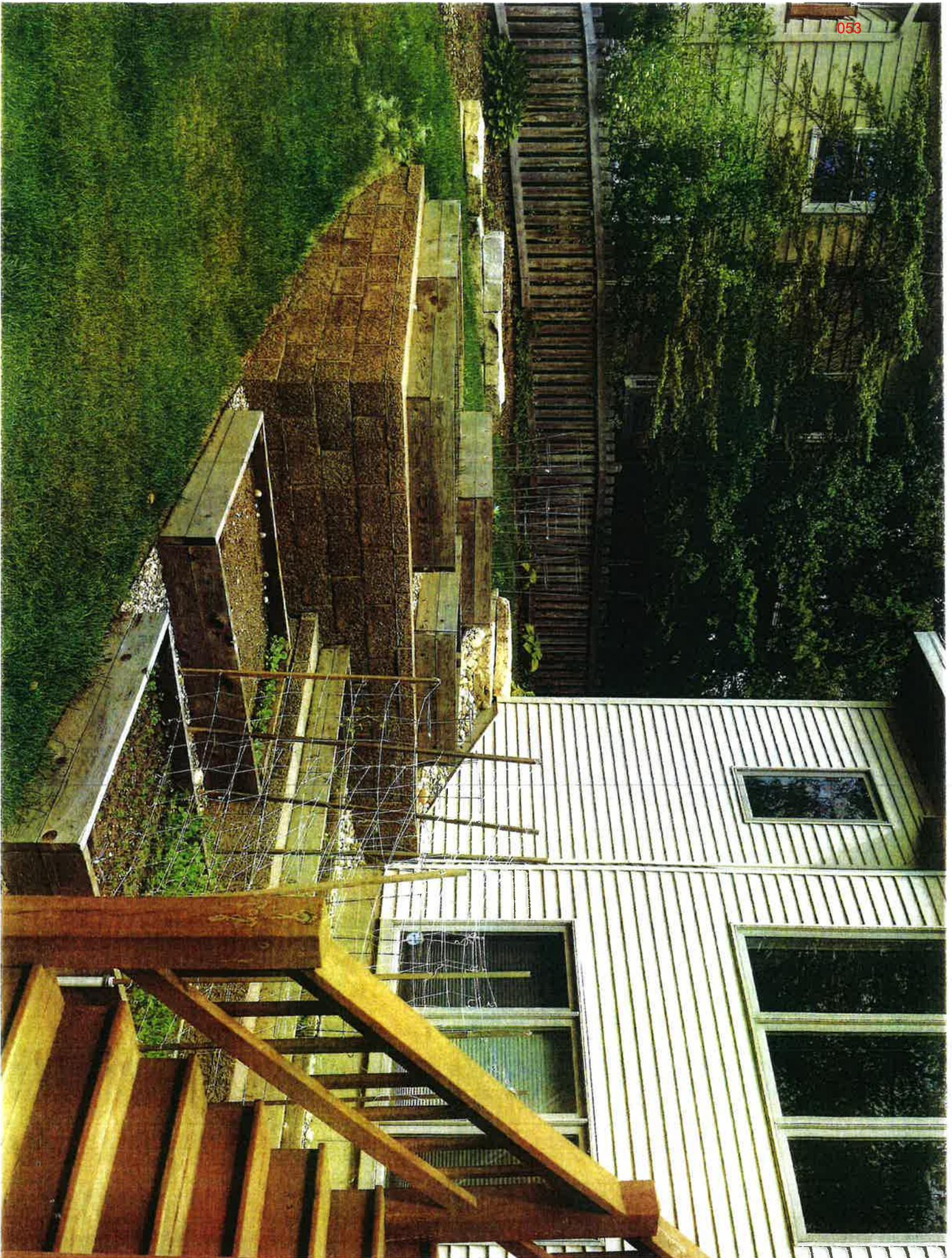














Mitered Drain











June 25, 2019

Gina Gresch, Town Administrator
Town of Lisbon
W234 N8678 Woodside Road
Lisbon, WI 53089

Re: Conditional Use Major Grading Permit | W252 N4885 Aberdeen Drive

Dear Ms. Gresch,

On behalf of the Town of Lisbon, Kunkel Engineering Group has undertaken a review of the Plan Commission Application for a Residential Conditional Use Major Grading Permit at the above referenced location.

Based on the review of the initial and supplemental documentation regarding the proposed site grading, the permit is conditionally approved based on the following contingencies:

- Prior to construction install a tracking pad in accordance with WDNR Technical Control Practice 1057. Utilize the following link for additional information:
 - <https://dnr.wi.gov/topic/stormWater/documents/TrackoutControlPractices1057.pdf>
- Prior to construction install silt fence in accordance with WDNR Technical Control Practice 1056. Utilize the following links for additional information:
 - https://dnr.wi.gov/topic/stormWater/documents/Silt_Fence_1056_v2.pdf
 - https://dnr.wi.gov/topic/stormWater/documents/SiltFence_illustration.pdf
- Prior to construction install sediment bale barriers, or equal, at the northern edge of the property where the drainage swales direct runoff away from the property to ensure sediment is not carried further north or east. Utilize the following link for additional information:
 - https://dnr.wi.gov/topic/stormWater/documents/SedimentBaleBarrierNon-Channel_1055.pdf
- Upon completion of swale grading install channel erosion mat and seeding in accordance with WDNR Technical Control Practices 1053 and 1059, respectively. Utilize the following links for additional information:
 - <https://dnr.wi.gov/topic/stormwater/documents/ChannelErosionMat1053.pdf>
 - https://dnr.wi.gov/topic/stormWater/documents/SeedingForConstructionSiteErosionControl_1059.pdf



107 PARALLEL STREET
BEAVER DAM, WI 53916

1115 S MAIN STREET
WEST BEND, WI 53095

920-356-9447
FAX 920-356-9454
KUNKELENGINEERING.COM

Once the erosion control measures are in place and prior to commencing construction the applicant shall contact Mitchell Leisses with Kunkel Engineering Group, 920-210-6330, for an initial inspection.

Should you have any questions, please contact me your convenience.

Sincerely,

KUNKEL ENGINEERING GROUP

Jackie Kohn – Born, PE

Design Engineer

Kunkel Engineering Group

a Geo-Logic Company

1115 South Main Street

West Bend, WI 53095

(920)763-8155

jkohn@geo-logic.com

www.kunkelengineering.com | www.geo-logic.com

Enclosures

cc: Dan Green, Town Clerk

TOWN OF LISBON MAJOR GRADING PERMIT

Permit # _____

Permit Expiration Date: _____

This permit has been issued pursuant to Section 30.08 Land Disturbance of the Lisbon Town Code.

Project Type & Name: _____

Permit Holders Name: _____

Project Address (if available): _____

Plan Commission Approval Date: _____

Issued by (staff name): _____

Date Issued: _____

Permits may also be necessary from Waukesha County Parks and Land Use, the Wisconsin Dept. of Natural Resources, the US Army Corp of Engineers and the Federal Emergency Management Agency depending on scope and location of this project.

POST THIS PERMIT ON PREMISES IN CLEAR VIEW FROM ROAD – (IN PROTECTIVE COVERING)

Woods

Woods

SUSSEX (LOT 15) 278.70'

UTILITY EASEMENT

Woods

ABERDEEN DRIVE

150.00'

LOT 14

41,970.51'

N09°25'28"E

WOODS

965

965

970

280.95'

150.00'

150.00'

500°26'13"

Grading Legend
Existing Spot Elevation: (100.00)
Proposed Spot Elevation: 100.00

AREAS OF DISTURBANCE

589°24'26"W

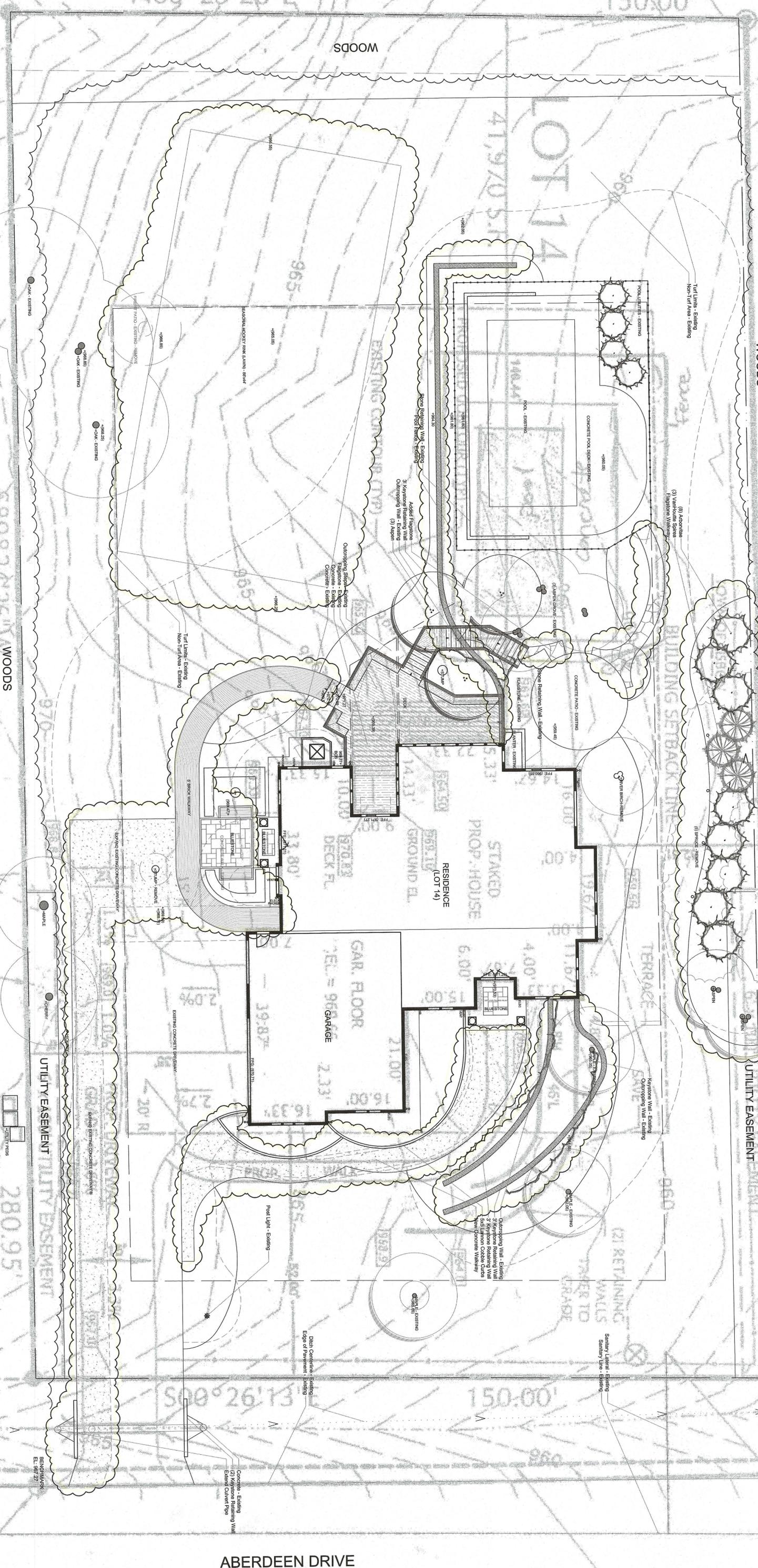
(LOT 13)

280.95'

150.00'

150.00'

500°26'13"



UTILITY EASEMENT

UTILITY EASEMENT

UTILITY EASEMENT

UTILITY EASEMENT

ABERDEEN DRIVE

LANDSCAPE DEVELOPMENT FOR THE SHANAHAN RESIDENCE

W252N4885 Aberdeen Dr, Pewaukee, WI 53072

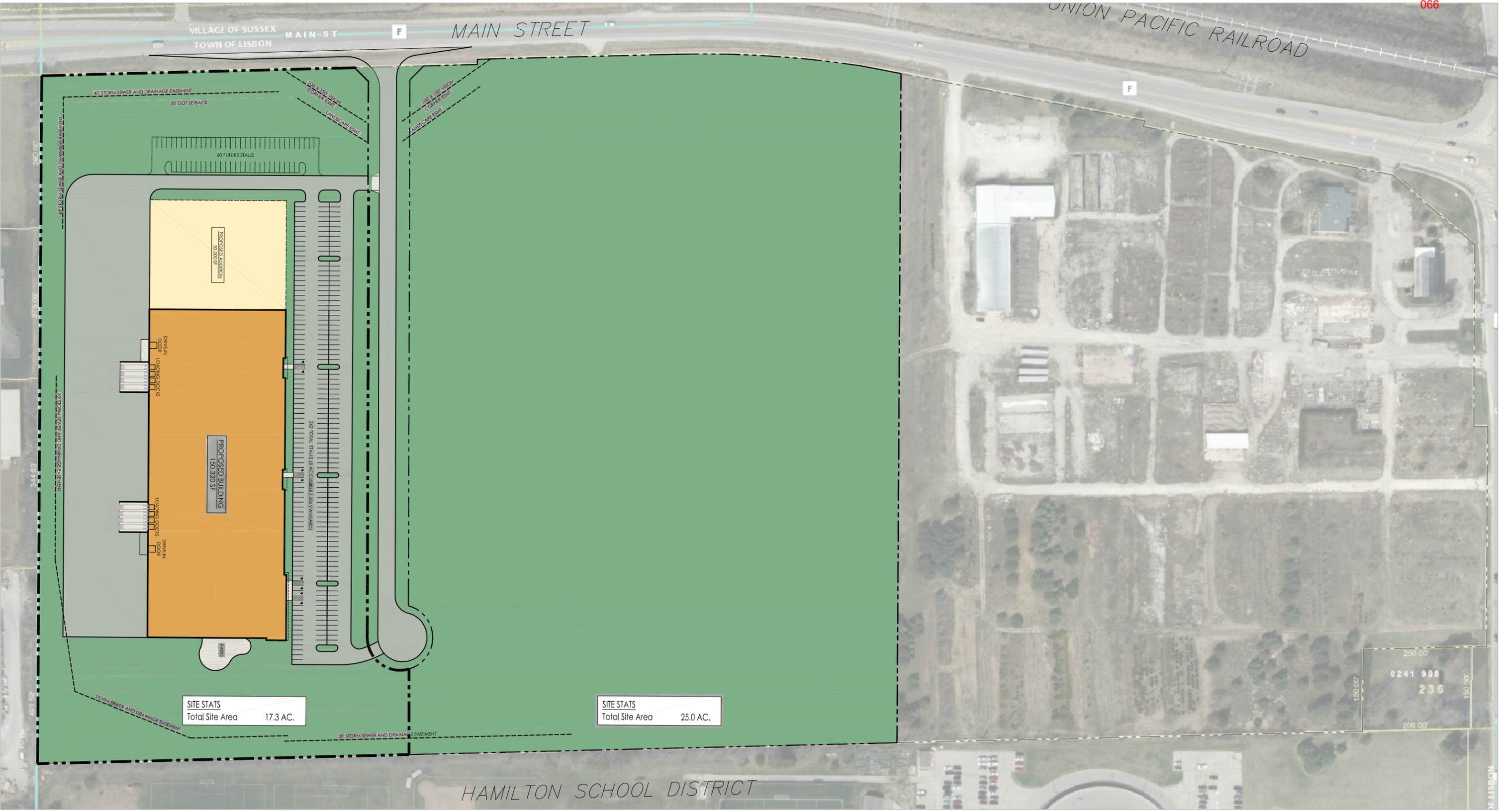
LANDCRAFTERS
 7001 W. Center Street
 Wauwatosa, WI 53213
 P: 414-897-8232
 F: 414-897-8539
 landscaperslandscaping.com
 Crafting Quality of Life

DATE: 6.11.18
 DESIGNER: MAM
 SCALE: 1/8" = 1'-0"
 REVISIONS:
 SHEET NUMBER: 1 of 2

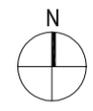
SHANAHAN



4c- Attachments



SITE PLAN
 Scale: 1"=2000'-0"



RECEIVED
 By Gina Gresch at 8:20 am, Jul 03, 2019

Please Note: the appropriate signature lines required for filing with the County will be added on the complete CSM.

WAUKESHA COUNTY CERTIFIED SURVEY MAP #

for Town of Lisbon

Being part of the North 1/2 of the Northeast 1/4 of Section 25 in the Township 8 North, Range 19 East, in the Town of Lisbon, Waukesha County, Wisconsin

LINE TABLE

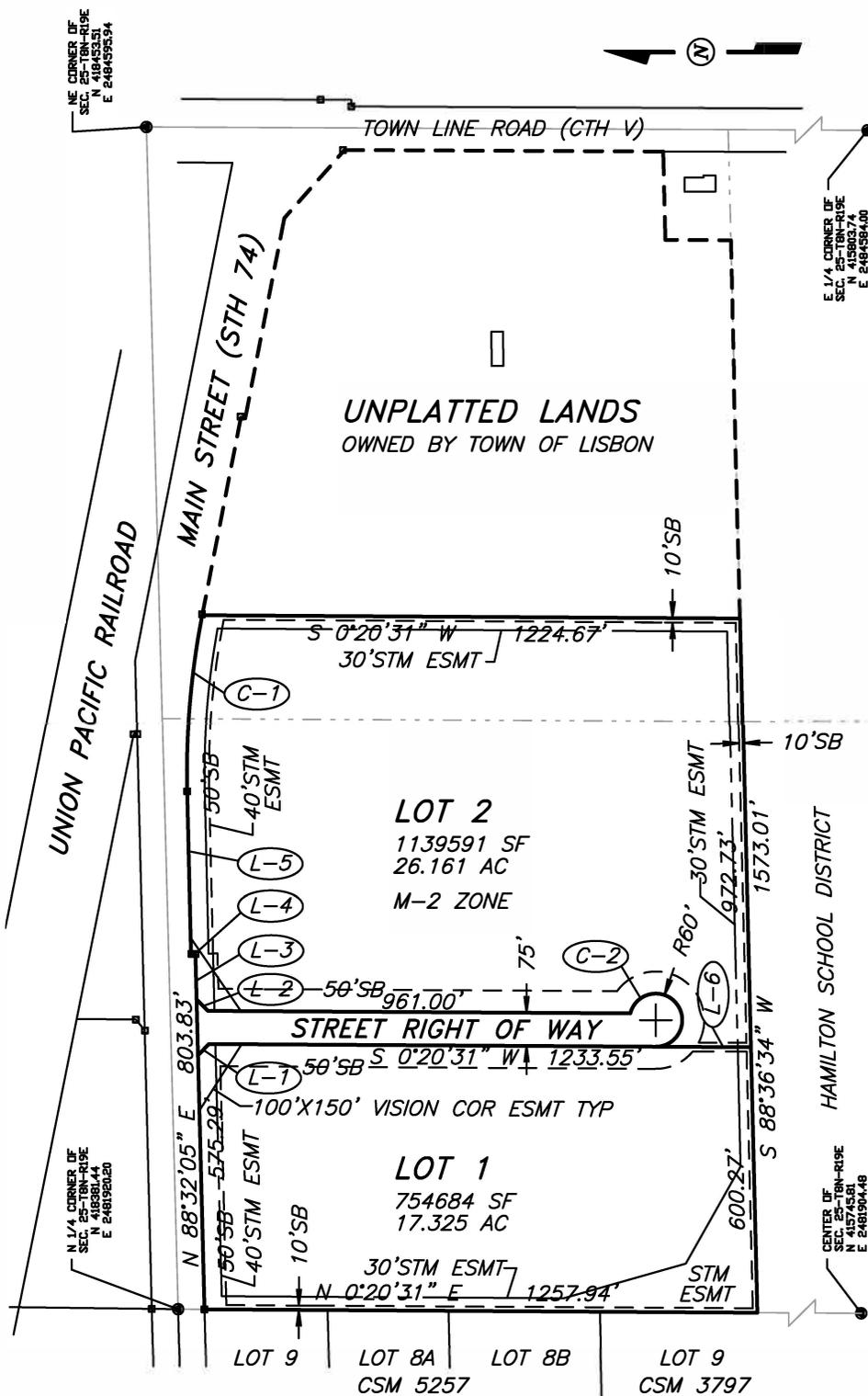
#	DISTANCE	BEARING
1	38.78'	S45°35'10"E
2	35.92'	N44°24'50"E
3	103.50'	N88°29'10"E
4	10.00'	N01°26'17"W
5	365.39'	N88°37'18"E
6	216.55'	S00°20'31"W

CURVE TABLE

	CURVE 1	CURVE 2
R=	1859.86'	60.00'
L=	406.01'	268.16'
CA=	12°30'28"	255°31'22"
CH=	405.21'	95.07'
CB=	S85°07'29"E	S52°25'15"W

LEGEND

- ⊕ ALUMINUM MONUMENT FOUND
- ⊙ BRASS CAP IN SET CONC.
- 3/4" REBAR FOUND
- 3/4" REBAR WITH CAP FOUND
- 3/4" X 24" REBAR SET WEIGHING 1.50 LB. / LN. FT.
- 1" IRON PIPE FOUND
- △ MAG Nail Set
- (R.A.) DENOTE "RECORDED AS"



0 200 400
SCALE IN FEET
1" = 400'

SURVEYOR

CHRISTOPHER J. KUNKEL
107 PARALLEL STREET
BEAVER DAM, WI.

OWNER

Town of Lisbon
W234 N8676 Woodside Rd.
Lisbon, WI 53089-1545

Reference Bearing; The North line of Northeast Quarter of Section 25, T.8N., R.19E., is used as the Reference Bearing and has a bearing of N88°27'28"E based on the Wisconsin State Plane Coordinate System (South Zone)

PRELIMINARY

KUNKEL
engineering
group
107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

WAUKESHA COUNTY CERTIFIED SURVEY MAP

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER J. KUNKEL, REGISTERED LAND SURVEYOR OF THE STATE OF WISCONSIN, DO HEREBY CERTIFY THAT BY ORDER OF TOWN OF LISBON I HAVE MADE A SURVEY OF LAND LOCATED IN THE NORTH 1/2 OF SECTION 25, TOWN 8 NORTH, RANGE 19 EAST, OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN.

COMMENCING AT THE NW CORNER OF THE NE 1/4 OF SECTION 25, T8N, R19E, WAUKESHA COUNTY;

THEN S0°20'31"W ALONG THE WEST LINE OF SAID 1/4 SECTION A DISTANCE OF 60.03 FEET TO A POINT IN THE SOUTHERLY RIGHT OF WAY LINE OF MAIN STREET (STH 74) AND POINT OF BEGINNING;

THEN N88°32'05"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 803.83 FEET TO A POINT

THEN N1°26'17"W, ALONG AN OFFSET IN SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 10.00 FEET TO A POINT;

THEN N88°37'18"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 365.39 FEET TO A POINT;

THEN EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1859.86', A CENTRAL ANGLE OF 12°30'28", AN ARC LENGTH OF 406.04, AND CHORD OF 405.21' BEARING S85°07'28"E, TO A POINT;

THEN S0°20'31"W, A DISTANCE OF 1224.67 FEET TO A POINT;

THEN S88°36'34"W A DISTANCE OF 1573.01 FEET TO A POINT IN THE WEST LINE OF SAID 1/4 SECTION;

THEN N0°20'31"E ALONG THE WEST LINE OF SAID 1/4 SECTION A DISTANCE OF 1257.94 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,894,276 SQUARE FEET OR 43.486 ACRES, MORE OR LESS

THE BEARINGS ARE ORIENTED TO THE NORTH LINE OF THE NE 1/4 OF SECTION 25, T8S, R19E, HAVING A BEARING OF N88°27'28"E, BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)

I FURTHER CERTIFY THAT THIS MAP IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND; THAT I HAVE COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES AND DODGE COUNTY LAND USE CODE IN SURVEYING AND MAPPING THE SAME, TO THE BEST OF MY KNOWLEDGE AND BELIEF.



KUNKEL
engineering
group

107 Parallel Street
Beaver Dam, WI 53916
(920)356-9447
Fax (920)356-9454

PRELIMINARY

4d - Attachments



W234 N8676 WOODSIDE RD.
LISBON, WI 53089-1545
TEL: (262) 246-6100

Plan Commission Application

Application Type and Fee (check all that apply)

*Application fees are non-refundable. Fees cover costs associated with public notification, postage, copies, and document recording, however applicants agree to pay all additional expenses that the Town may incur by virtue of contracted plan review services including but not limited to: legal, surveying and engineering costs and studies.

Commercial
**All commercial projects including any change of occupancy, change of use, or construction/alteration must be submitted to the Lisbon Fire Department as well for review and inspections.*

Residential – Home-Based Bus. / In-Law Unit

- | | |
|---|--|
| <input type="checkbox"/> Accessory Building Waiver: \$100
(Size/Location/Architectural Review) | <input type="checkbox"/> Plat Review: |
| <input type="checkbox"/> After the Fact Application: Double Fees | <input type="checkbox"/> Final - \$200 |
| <input type="checkbox"/> Certified Survey Map: \$200 + \$10 Per lot | <input type="checkbox"/> Preliminary - \$500 |
| <input type="checkbox"/> Dedication Fee (Per lot): \$2,658
(Paid upon receipt of signed CSM) | <input type="checkbox"/> Re-Submittal: \$200 |
| <input type="checkbox"/> Conditional Use Permit: \$350 | <input type="checkbox"/> Rezone: \$350 |
| <input type="checkbox"/> Amendment / Original | <input type="checkbox"/> Sign Permit Application: \$30 + Sign Fees
(See Adopted Fee Schedule) |
| <input type="checkbox"/> Major Grading Permit | <input type="checkbox"/> Site Plan/Plan of Operation: |
| <input type="checkbox"/> Deed Restriction: \$100 | <input type="checkbox"/> Amendment: \$250 |
| <input type="checkbox"/> Developer's Agreement: \$250 | <input type="checkbox"/> Original: \$500 |
| <input type="checkbox"/> Groundwater Separation Waiver: \$100 | <input type="checkbox"/> Temporary: \$125 |
| <input type="checkbox"/> Land Use Amendment: \$300 | <input type="checkbox"/> Special Meeting: \$600 |
| <input type="checkbox"/> Conceptual: \$100 | <input type="checkbox"/> Waivers/Modification from Land Division and
Development Ordinance: \$200 |

Property Information

W263 N6314 Ridge Dr. Sussex 53089
 Property Address City Zip

LSBT 0257 995 001 11.8 acres A10
 Tax Key/Parcel ID # Lot Size Current Zoning

Property Owner

Jason & Michelle Frederick
 Name / Company Name

Frederick
 Signature

N62 W23388 Silver Spring Dr. #210
 Address

Sussex WI 53089
 City State Zip

(414) 208-5643 belle.frederick@gmail.com
 Phone E-mail Address

Applicant

 Name

 Company

same
 Address

 City State Zip

 Phone E-Mail Address

A **complete application** along with the appropriate fees shall be submitted by the deadline stated on the meeting schedule. In order for an application to be considered **complete**, the application shall include the required number of site plans/maps, and all of the necessary supporting information as indicated on the Project Review Checklist. If applying for a conditional use or development agreement, a document showing vested interest in the property is required. *The Town of Lisbon reserves the right not to accept an application that is deemed incomplete*



PROFESSIONAL SERVICE REIMBURSEMENT FEES:

Pursuant to the Town of Lisbon Municipal Code Section 1.14, the Town of Lisbon Town Board has made a determination that whenever the services of the Town Planner, Town Engineer, Town Attorney, or any other of the Town’s professional staff results in a charge to the Town for that professional’s time and services, and such service is not a service supplied to the Town as a whole, the Town Treasurer shall charge one hundred and five percent of the cost of that service for the fees incurred by the Town to the property owner incurring those fees even if the request is not approved. The additional five percent cost above the cost of the service is levied to cover Town administrative charges. Also, pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are the responsibility of the property owner even if the request is not approved. Imposition of any fees, costs, or charges, however, is subject to the property owner’s appeal rights as described in the Town of Lisbon Municipal Code Section 1.14

The undersigned, have been advised that, pursuant to the Town of Lisbon Municipal Code Section 1.14, if the Town Planner, Town Engineer, Town Attorney, or any other Town professional provides services to the Town because of my/our activities, whether at my/our request or at the request of the Town, I/we shall be responsible for the fees incurred by the Town. In addition, I/we have been advised that pursuant to the Town of Lisbon Municipal Code Section 1.14, certain other fees, costs, and charges are my/our responsibility even if my/our request is not approved. By signing this document, I am not waiving my/our appeal rights that are described in the Town of Lisbon Municipal Code Section 1.14.

Statements will be sent monthly so you are kept up to date regarding your current charges.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Jason & Michelle Frederick
ADDRESS NW 2 W23388 Silver Spring Dr #210 Sussex WI 53089
DATE 6-27-19 SIGNATURE M. Frederick
PHONE 414-208-5643 EMAIL belle.frederick@gmail.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME _____
ADDRESS _____
DATE _____ SIGNATURE _____
PHONE _____ EMAIL _____

PROJECT NAME _____



SITE INSPECTION NOTIFICATION:

The Town of Lisbon Town Plan Commission and Town Board request permission of the property owner or responsible party to enter the subject property, between the hours of 9am to 5pm or upon prior 24 hour notice, for a site inspection prior to any scheduled Plan Commission or Board meeting. The site inspection will allow the Town Plan Commission and Town Board to make more informed decisions with respect to the requested application.

I, the undersigned, have been advised that my signature grants permission to members of the Town Plan Commission and Town Board to conduct site inspections of the subject property. Failure to authorize said site inspection will not be held against the property owner or responsible party in the decision of the requested application; however, the site inspection does allow the Town Plan Commission and Town Board to make more informed decisions.

RESPONSIBLE PARTY, NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME Jason & Michelle Frederick
ADDRESS N62 W23388 Silver Spring Dr. #210 Sussex WI 53089
DATE 6-27-19 SIGNATURE *M. Frederick*
PHONE 414-208-5643 EMAIL belle.frederick@gmail.com

PROPERTY OWNER NAME, MAILING ADDRESS, SIGNATURE & DATE:

NAME _____
ADDRESS _____
DATE _____ SIGNATURE _____
PHONE _____ EMAIL _____

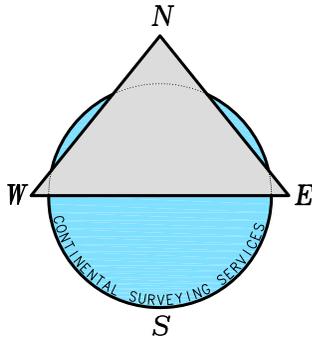
COMMENTS:

Town Official Accepting Form

Date

Certified Survey Map

Redivision of Certified Survey Map NO. 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the Northwest 1/4 of the Northeast 1/4 of Section 29, Township 8 North, Range 19 East, Located in the Town of Lisbon, Waukesha County, Wisconsin

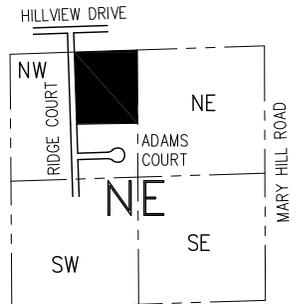


LEGEND

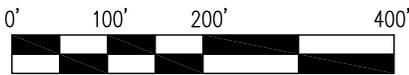
- 1" Iron Pipe Found
- ⊙ 20"x 3/4" Re-Bar Set (1.13 lb/foot)

VICINITY SKETCH

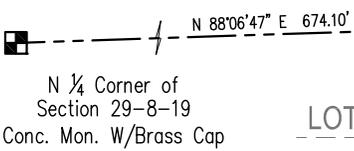
Northeast 1/4, Section 29,
Township 8 North,
Range 19 East



Scale:
1"=1000'

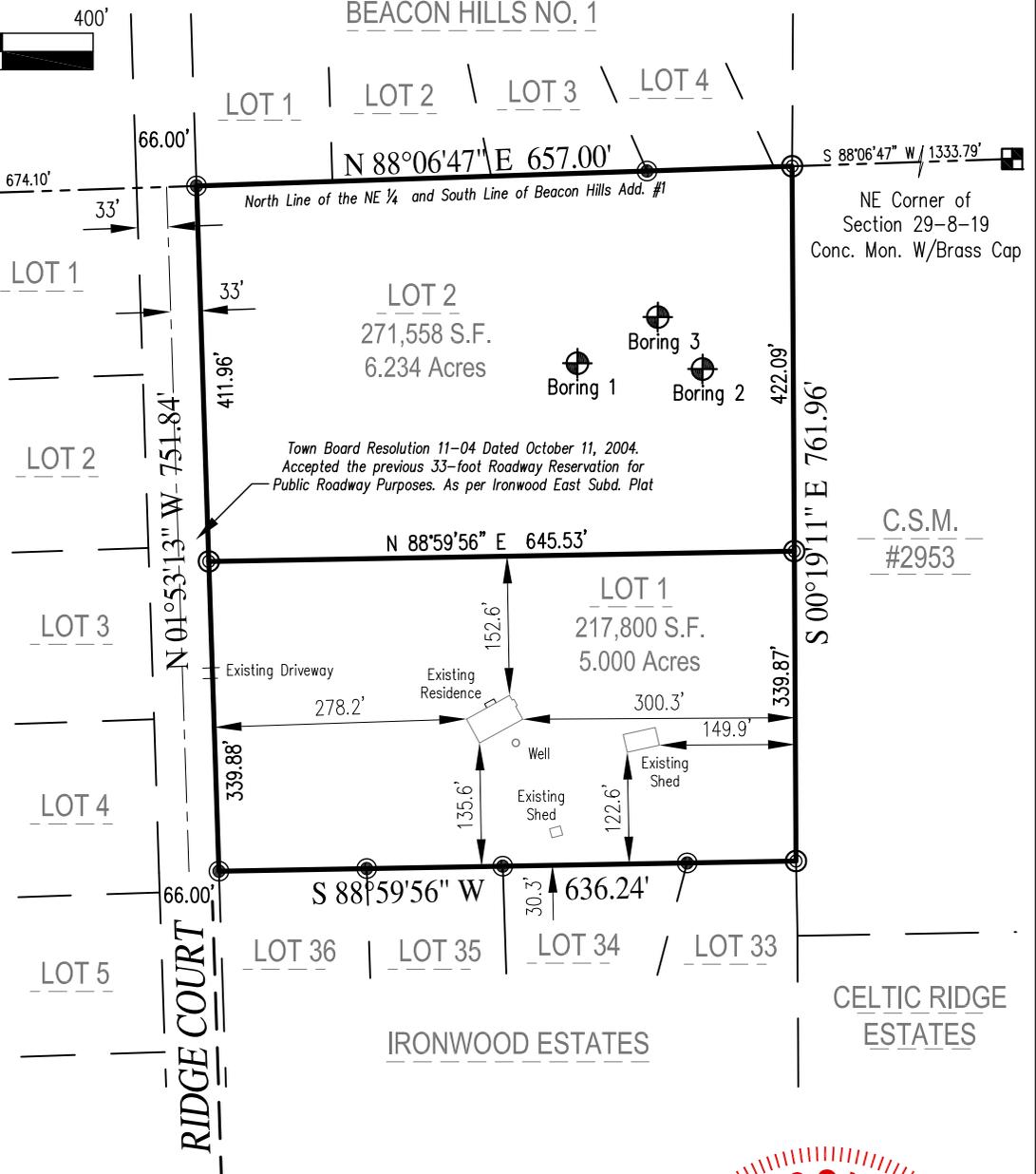


SCALE:
1"=200'



NOTE: See Sheet
2 for Contour
Lines.

IRONWOOD ESTATES



**CONTINENTAL
SURVEYING
SERVICES LLC**



Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076

Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

OWNER

John and Michelle Matter
W263N6314 Ridge Dr.
Lisbon, WI. 53089
TKN.: LSBT0257995001



NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the NE 1/4 of Section 29, Township 8 North, Range 19 East bears N 88°06'47" E.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 7th day of February, 2019 Sheet 1 of 6



Certified Survey Map

Redivision of Certified Survey Map NO. 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the Northwest ¼ of the Northeast ¼ of Section 29, Township 8 North, Range 19 East, Located in the Town of Lisbon, Waukesha County, Wisconsin

SURVEYOR'S CERTIFICATE:

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a parcel of land being a Redivision of Certified Survey Map No.: 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the Northwest ¼ of the Northeast ¼ of Section 29, Township 8 North, Range 19 East, Located in the Town of Lisbon, Waukesha County, Wisconsin, now being bounded and described and follows:

Commencing at the North ¼ Corner of Section 29, Township 8 North, Range 19 East, North 88°06'47" East on and along the North Line of said Northeast ¼ said North Line is also the South Line of Beacon Hills Addition No.:1 , 674.10 feet to a point on the East Right of Way Line of Ridge Drive, said point is also the Point of Beginning of lands hereinafter described;

Thence continuing North 88°06'47" East on and along the North Line of said Northeast ¼, said line is also the South Line of said Beacon Hills Addition No.:1 and the North line of Certified Survey Map No.: 2953, 657.00 feet to the Northeast Corner of said Certified Survey Map, said Point is also the Southeast Corner of said Beacon Hills Addition No.:1; thence South 00°19'11" East on and along the East Line of said Certified Survey Map, 761.96 feet to the Southeast Corner of Said Certified Survey Map; thence South 88°59'56" West on and along the South Line of said Certified Survey Map, said Line is also the North Line of Ironwood Estates, 636.24 feet to the Easterly Right of Way Line of Ridge Drive; thence North 01°53'13" West along the Easterly Right of Way Line of Ridge Drive, 751.84 feet to the place of beginning of this description.

The gross area of said parcel contains 489,358 Square feet or 11.2341 Acres of land more or less.

That I have made such survey, land division and map by the direction of John and Michelle Matter, owner of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the Town of Lisbon in surveying, dividing and mapping same.

Dated this _____ day of _____, 20_____.

Rick R. Hillmann PLS
Professional Land Surveyor S-3005



TOWN OF LISBON PLAN COMMISSION APPROVAL:

Approved by the Plan Commission of the Town of Lisbon on this _____ day of _____, 20_____.

Joe Osterman, Plan Commission Chairman

Jane Stadler, Secretary

CONTINENTAL SURVEYING SERVICES LLC



Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076

Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com

NOTE: All bearings are referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the NE ¼ of Section 29, Township 8 North, Range 19 East bears N 88°06'47" E.

This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 7th day of February, 2019 Sheet 3 of 6



Certified Survey Map _____

Redivision of Certified Survey Map NO. 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the Northwest ¼ of the Northeast ¼ of Section 29, Township 8 North, Range 19 East, Located in the Town of Lisbon, Waukesha County, Wisconsin

MORTGAGE CERTIFICATE:

As mortgage holder of the herein described land, (Bank Name) _____, does hereby consent to the surveying, dividing, and mapping of the lands described in this map and to the certificate of John and Michelle Matter, as owner's.

WITNESS the hand and seal of (Bank Name) _____, has caused this instrument to be executed by (First Name) _____ (Last Name) _____, its (Title) _____, and (First Name) _____ (Last Name) _____, its (Title) _____, in the (Select One (1) City, Village or Town) of (City Name) _____, Wisconsin, this _____ day of _____, 20_____.

In the presence of:

_____	_____
(Bank Name)	
_____	_____
(Print - First Name, Last Name and Title)	(Signature)
_____	_____
(Print - First Name, Last Name and Title)	(Signature)

STATE OF WISCONSIN)
)ss.
County of _____)

Personally came before me this _____ day of _____, 20_____, (First Name) _____ (Last Name) _____, its (Title) _____, and (First Name) _____ (Last Name) _____, its (Title) _____, of the above named corporation, to me known to be the person(s) who executed the foregoing instrument, and to me known to be the (Title) _____ and (Title) _____ respectively of the corporation, and acknowledged that they, he, or she executed the foregoing instrument and acknowledged the same.

Print Name _____
Notary Public, _____ County, WI.
My Commission Expires: _____

CONTINENTAL SURVEYING SERVICES LLC



Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076

Phone: (262) 389-9200
Website: www.cssturveys.com
Email: survey@cssturveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 7th day of February, 2019 Sheet 5 of 6



Certified Survey Map _____

Redivision of Certified Survey Map NO. 2953, excepting that part Dedicated by Town Board Resolution 11-04 being part of the Northwest ¼ of the Northeast ¼ of Section 29, Township 8 North, Range 19 East, Located in the Town of Lisbon, Waukesha County, Wisconsin

EXTRA - TERRITORIAL APPROVAL:

VILLAGE OF SUSSEX PLANNING COMMISSION APPROVAL:

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Sussex on this _____ day of _____, 20_____.

Casen J. Griffith, Village Clerk

Gregory Goetz, Chairperson

EXTRA - TERRITORIAL APPROVAL:

VILLAGE OF SUSSEX BOARD APPROVAL:

This Certified Survey Map is hereby approved by the Village Board of the Village of Sussex on this _____ day of _____, 20_____.

Casen J. Griffith, Village Clerk

Gregory Goetz, President

**CONTINENTAL
SURVEYING
SERVICES LLC**



Main Office:
2059 Hwy 175, Suite "A"
Richfield WI. 53076

Phone: (262) 389-9200
Website: www.csssurveys.com
Email: survey@csssurveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 7th day of February, 2019 Sheet 6 of 6



4e - Attachments



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Plan Commission

ITEM DESCRIPTION: Haass Farms Developer's Agreement

PREPARED BY: Gina C. Gresch, Administrator

REPORT DATE: Wednesday, July 3, 2019

RECOMMENDATION: Approval and recommendation to the Town Board

EXPLANATION

The Haass Farms Subdivision process is coming along smoothly. The Developer's Agreement is ready for the Plan Commission's review and approval, which has been reviewed by Town Engineer Mitch Leisses, Planner Dan Lindstrom, Public Works Director DeStefano, Attorney Schmitzer and myself. All items of concern have been addressed and are satisfactory to the developer, Mike Kaerek of Kaerek Homes.

Waukesha County Parks and Land Use is still working on their Preliminary Plat review, which they have until their statutory deadline of August 19 to do so. Environmental Health is still working on the storm water review. Since Waukesha County is still in the pre-plat approval process, the Town Board had to extend the closing date to no later than August 19, per the Agreement to Purchase, line 333. Waukesha County doesn't anticipate this taking until August 19, but hopefully by the end of July.

The Declaration of Restrictions and Covenants have been submitted and reviewed by the Planner and is awaiting Attorney review. The construction and landscaping plans have yet to be submitted for Plan Commission approval.

I recommend approval and recommendation to the Town Board of the same.

**DEVELOPER'S AGREEMENT
FOR HAASS FARMS SUBDIVISION
TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN**

THIS AGREEMENT made this XYZ day of XYZ, 2019, between Haass Farms, Kaerek Homes, Inc., 11600 W. Lincoln Avenue, West Allis, WI 53227, hereinafter called "DEVELOPER," and the Town of Lisbon in the County of Waukesha and the State of Wisconsin, hereinafter called the "TOWN."

WHEREAS, the DEVELOPER is the owner of approximately 67.4 acres of land in the TOWN, upon which the DEVELOPER desired to construct a 42 lot, single family residential subdivision, said land being described on **EXHIBIT A** attached hereto and incorporated herein, hereinafter called "SUBJECT LANDS"; and

WHEREAS, the DEVELOPER desires to divide and develop SUBJECT LANDS for residential purposes by use of the standard regulations as set forth in Chapter 236 of the Wisconsin Statutes and the municipal ordinance regulating land division and development; and

WHEREAS, Wis. Stat. §236.13 provides that, as a condition of approval, the governing body of a municipality within which the subject lands lie may require that the DEVELOPER make and install any public improvements reasonably necessary and/or that the DEVELOPER provide financial security to ensure that the DEVELOPER will make these improvements within reasonable time; and

WHEREAS, said SUBJECT LANDS are presently zoned R-1, which allows the above development; and

WHEREAS, said SUBJECT LANDS received approval by the TOWN for a single-family residential development with lot sizes of one acre. The development shall follow an adopted General Development Plan and Specific Development Plan details approved by the Town Board and Plan Commission.

WHEREAS, the DEVELOPER and TOWN desire to enter into this Agreement in order to ensure that the DEVELOPER will make and install all public improvements which are reasonably necessary and further that the DEVELOPER shall dedicate the public improvements to the TOWN, and the TOWN agrees to accept said improvements, provided that said public improvements are constructed to municipal specifications, all applicable government regulations and this Agreement without cost to the TOWN; and

WHEREAS, this Agreement is necessary to implement the TOWN zoning and land division ordinances; and

WHEREAS, the DEVELOPER agrees to develop SUBJECT LANDS as herein described in accordance with this Agreement, conditions approved by the TOWN Plan Commission and TOWN Board, conditions of certain agencies and individuals in the County, all TOWN ordinances and all laws and regulations governing said development;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the DEVELOPER does hereby agree to develop SUBJECT LANDS as follows and as otherwise regulated by TOWN ordinances and all laws and regulations governing said development, the parties hereto agree as follows:

DEVELOPER'S COVENANTS

I. IMPROVEMENTS

A. **PUBLIC STREETS.** The DEVELOPER hereby agrees that:

Commented [gcg1]: Mitch is working on LOC and cash payment \$ amounts

1. Prior to the start of construction of improvements, the DEVELOPER shall provide to the TOWN written certification from the DEVELOPER'S Engineer or Surveyor that all public street plans are in conformance with all federal, state, county and TOWN specifications, regulations and ordinances, and written proof from the TOWN Engineer evidencing review and approval of said plans.

2. The DEVELOPER shall grade and install all planned public streets in accordance with the preliminary plat, approved development plan of said development or subdivision, which is attached to this document, or final plat as the case may be and the plans and specifications on file in the TOWN Clerk's office dated <insert pre plat date>.

Commented [GG2]: insert date of approved pre-plat

3. Construction of the public streets providing access to and fronting a specific lot will be completed, presented and approved by the TOWN Board through the first lift of asphalt before any building permits are issued for said lot.

4. The first lift of the public streets will be completed and presented to the TOWN Board no later than <insert date> or as extended by the TOWN Board.

Commented [GG3]: Typically 1 year from DA approval date by the TB

Developer's Agreement – Haass Farms Subdivision – 0167.999

Town Board Approved: <insert date>

UPDATED: 2019-07-02 - G.G. – Reviewed by Planner, Engineer, DPW, Atty & Developer (round 1); round 2 – sent to Kaerek

Page 3 of 20

5. The final lift of asphalt shall be placed on all public streets after at least one winter season, and no sooner than 10 months from the installation of the first lift of asphalt but no longer than 14-months from the installation of that first lift of asphalt.

Commented [GG4]: New language per engineer, atty and developer.

6. Subject to provisions in Section VI (D)(4) below, the DEVELOPER shall provide for maintenance and repair of public streets, including snow plowing, until the public streets are formally accepted by resolution of the TOWN Board.

7. The DEVELOPER shall furnish "as built" plans showing changes from the construction plans, pursuant to specifications approved by the TOWN Engineer.

8. The DEVELOPER shall have ultimate responsibility for cleaning up any and all construction related mud, dirt, stone or debris on the streets until such time as the final lift of asphalt has been installed by the DEVELOPER and accepted by the TOWN Board. The TOWN shall make a reasonable effort to require the contractor, who is responsible for placing the mud, dirt, stone or debris on the street, to clean up the same or to hold the subject property owner who hired the contractor responsible. The DEVELOPER and/or subject property owner shall clean up the streets within forty-eight (48) hours after receiving a notice from the TOWN. If said mud, dirt, stone or debris are not cleaned up after notification to the DEVELOPER, the TOWN Board will do so at the DEVELOPER'S and/or subject property owner's expense, at the option of the TOWN.

B. SURFACE AND STORM WATER DRAINAGE. The DEVELOPER hereby agrees that:

1. Prior to the start of construction of improvements, the DEVELOPER shall provide to the TOWN written certification from the DEVELOPER'S Engineer or Surveyor that all surface and storm water drainage facilities and erosion control plans are in conformance with all federal, state, county and TOWN regulations, guidelines, specifications, laws and ordinances, and written proof that the TOWN Engineer and the County Department of Environmental Resources, Division of Land Conservation, have reviewed and approved said plans.

2. During the terms of development, the DEVELOPER shall construct, install, furnish and provide adequate facilities for surface and storm water drainage throughout the development with adequate capacity to transmit the anticipated flow from the development and adjacent property, in

Developer's Agreement – Haass Farms Subdivision – 0167.999

Town Board Approved: <insert date>

UPDATED: 2019-07-02 - G.G. – Reviewed by Planner, Engineer, DPW, Atty & Developer (round 1); round 2 – sent to Kaerek

Page 4 of 20

accordance with all plans and specifications, and all applicable federal, state, county and TOWN regulations, guidelines, specifications, laws and ordinances, and as reviewed and approved by the TOWN Engineer and the County Department of Environmental Resources, Division of Land Conservation, on file in the TOWN Clerk's office dated <insert date>, including where necessary as determined by the TOWN Engineer, curb, gutter, storm sewers, catch basins, and infiltration/retention/detention basins.

Commented [GG5]: Get date from Leif at WC

3. The DEVELOPER agrees that the site grading and construction of surface and storm water drainage facilities shall be completed and accepted by the TOWN Board before any building permits are issued.

4. The TOWN Board will not accept the surface and storm water drainage system until the entire system is installed and landscaped in accordance with plans and specifications.

5. If required, the DEVELOPER shall clean all storm sewers, if any, prior to issuance of building permits and acceptance of improvements by the TOWN Board.

6. During the time of development or prior to acceptance of all public improvements, whichever is later, the TOWN retains the right to require DEVELOPER to install additional surface and storm water drainage measures if it is determined by the TOWN Engineer that the original surface and storm water drainage plan as designed and/or constructed does not provide reasonable storm water drainage within the development and/or creates additional storm water runoff impacts to the surrounding areas. If DEVELOPER fails to construct the additional improvement within a reasonable period of time, the TOWN may cause such work to be carried out and shall charge the cost of the same against the financial guarantee held by the TOWN pursuant to this Agreement.

7. The DEVELOPER shall furnish "as built" plans of the entire drainage system, pursuant to specifications approved by the TOWN Engineer prior to the issuance of Building Permits, if required by the TOWN Engineer.

8. The DEVELOPER shall comply with all applicable requirements of Chapter 14, Article VIII of the Waukesha County Code of Ordinances (Storm Water Management and Erosion Control), and any future amendments thereto, including implementation of approved storm water management and erosion control plans. In accordance with an intergovernmental agreement entered between the TOWN and the County,

Developer's Agreement – Haass Farms Subdivision – 0167.999

Town Board Approved: <insert date>

UPDATED: 2019-07-02 - G.G. – Reviewed by Planner, Engineer, DPW, Atty & Developer (round 1); round 2 – sent to Kaerek

Page 5 of 20

the financial assurance held by the TOWN for purposes of enforcement of this Agreement may be utilized by Waukesha County for enforcement of Chapter 14, Article VIII.

C. GRADING, EROSION AND SILT CONTROL: The DEVELOPER hereby agrees that:

1. Prior to commencing site grading and execution, the DEVELOPER shall provide to the TOWN written certification from the DEVELOPER'S Engineer that said plan, once implemented, shall meet all federal, state, County and local regulations, guidelines, specifications, laws and ordinances, including proof of notification of land disturbances to the State of Wisconsin Department of Natural Resources, and written proof that the TOWN Engineer, Wisconsin Department of Natural Resources and the Army Corps of Engineers, if applicable, have approved said plans.

2. The DEVELOPER shall not materially deviate from the construction sequencing identified in the storm water management and erosion control plans without prior written approval to do so from the Wisconsin Department of Natural Resources and the TOWN Engineer, such approval not to be unreasonably withheld, conditioned, or delayed.

3. The DEVELOPER shall cause all grading, excavation, open cuts, side slopes and other land surface disturbances on or adjacent to the Property to be so seeded and mulched, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications reviewed and approved by the TOWN Engineer, Wisconsin Department of Natural Resources and Army Corps of Engineers, if applicable. If needed, the DEVELOPER is responsible for obtaining all necessary consents from neighboring property owners required to comply with this [Section II\(C\)\(3\)](#); In the event the DEVELOPER is unable to obtain such consents despite its commercially reasonable good faith efforts, the TOWN and the DEVELOPER agree to cooperate in good faith to perform any required erosion control measures in a manner reasonably acceptable to the TOWN.

4. All disturbed areas of the Property and adjacent to the Property shall be restored in accordance with the approved plans and to the reasonable satisfaction of the TOWN Engineer.

5. Ditches shall be to final grade and seeded before occupancy permits will be issued.

Developer's Agreement – Haass Farms Subdivision – 0167.999

Town Board Approved: <insert date>

UPDATED: 2019-07-02 - G.G. – Reviewed by Planner, Engineer, DPW, Atty & Developer (round 1); round 2 – sent to Kaerek

Page 6 of 20

D. LANDSCAPING AND SITE WORK: The DEVELOPER hereby agrees that:

1. To the extent practicable, the DEVELOPER agrees to preserve the existing trees, shrubbery, vines, and grasses not actually lying on the public streets, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails by use of sound conservation practices. The Landscaping Plan as attached **EXHIBIT F** is hereby acceptable to the TOWN.
2. The DEVELOPER, as required by the TOWN, shall remove and lawfully dispose of buildings, destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish.
3. Landscaping and removal of unwanted items, will be completed and certified as complete by the TOWN Engineer prior to the issuance of any building permits.
4. The TOWN of Lisbon has the right to trim and remove any features which would interfere with safe operation and maintenance of the TOWN rights-of-way and drainage ways.
5. Implement a landscape plan within the landscape easement set forth on the Plat as approved by the TOWN Engineer and TOWN Board.
6. Before an occupancy permit is issued for a respective lot, the DEVELOPER shall install no less than one, four-inch diameter tree in accordance with Section 12 (8.12) of the TOWN'S Chapter 12, Land Division and Development Ordinance, and DEVELOPER agrees to place said requirement in the Declaration of Restrictions.

E. STREET SIGNS AND TRAFFIC CONTROL SIGNS: The DEVELOPER hereby agrees that:

1. Street signs, traffic control signs, culverts, posts, and guard rails as required by the TOWN as listed on **EXHIBIT A** and in accordance with Chapter 12 (8.11) of the TOWN'S Chapter 12, Land Division and Development Ordinance, shall be obtained and placed by the TOWN, and the cost thereof as set forth on said exhibit shall be paid by the DEVELOPER.

Developer's Agreement – Haass Farms Subdivision – 0167.999

Town Board Approved: <insert date>

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2. All traffic control signs and street signs, as required by the TOWN, will be installed within ten (10) working days of the placement of the first lift of asphalt.

F. FIRE TANK PROTECTION: DEVELOPER shall pay a fee in the amount of \$26,600 to the TOWN equivalent to the cost of an installed on-site water storage tank per the schedule listed in Section 8.14(A) of the Land Division and Development Ordinance.

G. OTHER UTILITIES. The Developer shall cause gas, electrical power, telephone, and cable television facilities to be installed in such a manner as to make adequate service available to each lot. All new electrical distribution lines, television cables, and telephone lines from which lots are individually served shall be underground unless the TOWN Board, in its sole discretion, specifically allows overhead poles for the following reasons:

1. Topography, soil, water table, solid rock, boulders, or other physical conditions which would make underground installation unreasonable or impractical; or
2. The lots to be served by said facilities can be served directly from existing overhead facilities.

II. TIME OF COMPLETION OF IMPROVEMENTS

A. The improvements set forth in Section I above shall be completed by the DEVELOPER in total within 12 months of the date of this Agreement being signed except as otherwise provided for in this Agreement.

B. The DEVELOPER shall, at the DEVELOPER'S expense, retain the services of a consulting engineer and such other professionals as necessary to provide construction administration and staking. The TOWN will provide periodic construction observation and material testing as necessary during the construction of the Improvements. Said construction review shall not relieve the contractor of any obligation to construct the Improvements in conformity with the plans and specifications, nor shall it in any manner make the TOWN or TOWN Engineer, an insurer of, nor relieve the contractor of, any obligations or guarantees concerning the contractor's performance. The DEVELOPER shall reimburse the TOWN for the actual costs of these services as set forth in Section XIV.

C. In addition to other site visits conducted by the TOWN to observe construction, the Town shall, in the company of a representative of the DEVELOPER'S engineer, make site visits and observe construction at the following stages of construction:

1. After installation of erosion control measures;

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2. After the completion of grading;
3. During the construction of storm water ponds;
4. During the roll test of street subgrade;
5. During the installation of culverts;
6. During the installation of concrete curb and gutter;
7. During the installation of storm sewer improvements;
8. During the placement of aggregate base course;
9. During paving;
10. Pre-final surface installation per Paragraph D of this Section below;
11. After completion of the Improvements.

The TOWN Engineer and TOWN shall be given notice of at least two full business days prior to the start of construction, as well as two full business days' notice of when each stage of construction is ready for inspection.

D. Seven (7) days prior to paving, the asphalt mix design(s) shall be provided to the TOWN Engineer for review. During paving, the paving contractor shall submit quality control testing results for actual pavement placed. If quality control testing results indicate the mix was not within mix limits when it was placed, the pavement is subject to removal at the DEVELOPER'S cost at the sole discretion of the TOWN. Also, during paving, the TOWN shall conduct testing, including density testing, for binder and surface lifts according to the TOWN'S Public Infrastructure Inspection and Testing Policy. If results from pavement testing yield densities below specified minimums, the DEVELOPER shall be charged an amount as determined by the Fee Schedule in effect on the date of testing. The amount due shall be paid to the TOWN within 15 days of receipt of notice from the TOWN. If not paid by such date, the TOWN may charge interest at the annual percentage rate of 18% until paid, or may, if necessary and at its discretion, draw directly on the DEVELOPER'S surety.

Alternatively, the DEVELOPER may, with the approval of the TOWN Engineer, remove and replace pavement that does not meet the required specifications.

III. FINAL ACCEPTANCE

A. Throughout this Agreement, various stages of the development will require approval and/or acceptance by the TOWN. It is understood that building permits may be issued by the TOWN prior to the time of Final Acceptance of all of the improvements in the development. The one-year correction period provided for in this Agreement shall not commence to run until Final Acceptance is granted by the TOWN Board of all improvements. The issuance of building permits and approval of various items of development shall not commence the one-year correction period. Acceptance of the improvements by the Town does not constitute a waiver of its right to draw on funds under the required letter of credit

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in the event of defects or failure of any improvement which is discovered or occurs following such acceptance.

B. The Final Plat may be approved with conditions, in accordance with State Statutes, local and county ordinances, and all other applicable laws. If so, the DEVELOPER agrees to satisfy those conditions of approval prior to the TOWN signing the Final Plat.

IV. DEDICATION OF IMPROVEMENTS

Subject to all of the other provisions of this Agreement, the DEVELOPER shall, without charge to the TOWN, upon completion of the above-described improvements, unconditionally give, grant, convey and fully dedicate the public improvements to the TOWN, its successors and assigns, forever, free and clear of all encumbrances whatever, together with and including, without limitation because of enumeration, any and all land, buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment, appurtenances and hereditaments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the TOWN shall have the right to connect or integrate other improvements as the TOWN decides, with no payment or award to, or consent required of, the DEVELOPER.

Dedication shall not constitute acceptance of any improvement by the TOWN Board. All improvements will be accepted by the TOWN Board by separate resolution at such time as such improvements are in acceptable form and according to the TOWN specifications. Said resolution shall be recorded, if needed, with the Waukesha County Register of Deeds. DEVELOPER will furnish proof to the TOWN, prior to the dedication required, that the public land and improvements proposed for dedication are free of all liens, claims and encumbrances, including mortgages.

V. ACCEPTANCE OF WORK AND DEDICATION

When the DEVELOPER shall have completed the improvements herein required and shall have dedicated the same to the TOWN as set forth herein, the same shall be accepted by the TOWN Board if said improvements have been completed as required by this Agreement and as required by all federal, state, county or TOWN guidelines, specifications, regulations, laws and ordinances. The TOWN agrees to take all necessary actions to accept the improvements upon request of the DEVELOPER once the improvements meet TOWN specifications.

VI. GUARANTEES OF IMPROVEMENTS

A. GUARANTEE: The DEVELOPER shall guarantee, after Final Acceptance, the public improvements and all other improvements described in Section I hereof against defects due to faulty materials or workmanship, provided that such defects appear within a period of one year from the date of Final Acceptance, by providing the TOWN with a Letter of Credit in a form acceptable to the TOWN Attorney in an aggregate amount of one hundred twenty percent (120%) of the total cost of

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all improvements. The DEVELOPER shall pay for any damages to TOWN property and/or improvements resulting from such faulty materials or workmanship. This guarantee shall not be a bar to any action the TOWN might have for negligent workmanship or materials. Wisconsin law on negligence shall govern such situations. If the DEVELOPER fails to pay for any damages or defects to TOWN property and/or improvements, and the TOWN is required to draw against the Letter of Credit on file with the TOWN, the DEVELOPER is required to replenish said monies up to the aggregate amount of one hundred twenty percent (120%) of the total cost of all improvements.

B. OBLIGATION TO REPAIR: The DEVELOPER shall make or cause to be made, at its own expense, any and all repairs which may become necessary under and by virtue of the DEVELOPER'S guarantee and shall leave the improvements in good and sound condition, satisfactory to the TOWN Board at the expiration of the guarantee period. DEVELOPER shall be responsible for the costs of repairs to existing roadways and infrastructure for damage caused in areas immediately adjacent to the construction limits as a result of the construction activities called for hereunder.

C. NOTICE OF REPAIR: If during said guarantee period the improvements shall, in the reasonable opinion of the TOWN Staff, require any repair or replacement which, in their judgment, is necessitated by reason of settlement of foundation, structure of backfill, or other defective materials or workmanship, the DEVELOPER shall, upon notification by the TOWN of the necessity for such repair or replacement, make such repair or replacement, at its own cost and expense. Should the DEVELOPER fail to make such repair or replacement within the time specified by the TOWN in the aforementioned notification, after notice has been sent as provided herein, the TOWN Board may cause such work to be done, but has no obligation to do so, either by contract or otherwise, and the TOWN Board may draw upon such guarantee security to pay any costs or expenses incurred in connection with such repairs or replacements. Should the costs or expenses incurred by the TOWN Board in repairing or replacing any portion of the improvements covered by this guarantee exceed the amount of the guarantee security, then the DEVELOPER shall immediately pay any excess cost or expense incurred in the correction process.

D. MAINTENANCE PRIOR TO ACCEPTANCE

1. Until acceptance of the improvements by the TOWN, all improvements shall be maintained by the DEVELOPER so they conform to the approved plans and specifications at the time of their Final Acceptance by the TOWN Board. This maintenance shall include routine maintenance, such as crack filling, roadway patching, snow plowing and the like, except

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as limited in Section D (4) below. In cases where emergency maintenance is required, the TOWN Board retains the right to complete the required emergency maintenance in a timely fashion and bill the DEVELOPER for all such associated costs. Said bill shall be paid immediately by the DEVELOPER. The DEVELOPER'S obligation to maintain all improvements shall expire at the expiration of the guarantee period.

2. Street sweeping and dust suppression shall be done by the DEVELOPER upon a regular basis as needed to ensure a reasonably clean and safe roadway until Final Acceptance by the TOWN Board. If after reasonable notice to the DEVELOPER, the DEVELOPER fails to meet this requirement, the TOWN Board will cause the work to be done and will bill the DEVELOPER on a time and material basis. Said bill shall be paid immediately by the DEVELOPER.

3. In the event drainage problems arise within the subject property or related activities on the subject property, the DEVELOPER shall correct such problems to the satisfaction of the TOWN. Such correction measures shall include, without limitation because of enumeration, cleaning of soil, loose aggregate and construction debris from culverts, drainage ditches and streets; dredging and reshaping of siltation or retention ponds; replacing of siltation fences; sodding and seeding; construction of diversion ditches, ponds and siltation traps; and restoration of all disturbed areas. This responsibility shall continue until such time as the roads, ditches, and other disturbed areas have become adequately vegetated and the TOWN Board is satisfied that the DEVELOPER has restored all areas which were disturbed because of this development.

4. The TOWN shall snowplow the subdivision streets, subsequent to installation of the first lift of asphalt. DEVELOPER agrees they shall defend, indemnify, and hold harmless the TOWN for any damage that may occur as a result of the TOWN'S snowplowing efforts, except as provided in Section VI (D)(4).

E. DEFINITION: For purposes of this Agreement and by way of definition, the parties agree to comply with the general standards acceptable in the particular industry or common practice.

VII. TOWN RESPONSIBILITY FOR IMPROVEMENTS

The TOWN shall NOT be responsible to perform repair, maintenance on any improvements until Final Acceptance by the TOWN Board.

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VIII. RISK OF PROCEEDING WITH IMPROVEMENTS PRIOR TO APPROVALS OF FINAL PLAT

If DEVELOPER proceeds with the installation of public improvements or other work on the site prior to approval of the final plat, it proceeds at its own risk as to whether or not the final plat will receive all necessary approvals. The DEVELOPER, prior to commencement of the installation of public improvements or other work on site, shall notify the TOWN of the DEVELOPER'S intention to proceed with the installation of public improvements or other work on site, prior to approval of the final plat. Additionally, DEVELOPER shall make arrangements to have any public improvements and/or other work on site inspected by the TOWN Engineer.

IX. FINANCIAL GUARANTEE

Prior to the execution of this Agreement by the TOWN Board, the DEVELOPER shall file with the TOWN a Letter of Credit setting forth terms and conditions in a form approved by the TOWN Attorney in the amount as approved by the TOWN Engineer as a guarantee that the DEVELOPER will perform all terms of this Agreement no later than one year from the signing of this Agreement except as otherwise set forth in this Agreement. If at any time:

- A. The DEVELOPER is in default of any aspect of this Agreement, or
- B. The DEVELOPER fails to maintain such Letter of Credit during the term of this Agreement and fails to provide the TOWN with proof of renewal of such Letter of Credit at least thirty (30) days prior to the expiration date, if any, of such Letter of Credit; or
- C. The DEVELOPER does not complete the installation of the improvements within one (1) year from the signing of this Agreement unless otherwise extended by this Agreement or by action of the TOWN Board, or
- D. If the DEVELOPER fails to provide the TOWN with proof of renewal of the Letter of Credit at least thirty (30) days prior to its expiration date; or
- E. The DEVELOPER fails to maintain a Letter of Credit in an amount approved by TOWN Engineer, and in a form approved by the TOWN Attorney; the DEVELOPER shall be deemed in violation of this Agreement and the TOWN Board shall have the right to draw upon the Letter of Credit.

The lending institution providing the irrevocable Letter of Credit shall pay to the TOWN all sums available for payment under the irrevocable Letter of Credit upon demand, subject to the terms and conditions of the irrevocable Letter of Credit, and upon its failure to do so, in whole or in part, the TOWN shall be empowered in addition to its other remedies,

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without notice or hearing, to impose a special charge for the amount of said completion costs, upon each and every lot in the development payable with the next succeeding tax roll.

The security shall be provided no later than ten (10) days before the commencement of the installation of the improvements.

No land surface disturbance or construction shall commence within this Development prior to the DEVELOPER providing surety for the Improvements.

X. REDUCTION AND RELEASE OF GUARANTEE

The amount of the Letter of Credit will be reduced from time to time as and to the extent that the portion of work required under this Agreement is completed and paid for, provided that the remaining Letter of Credit is sufficient to secure payment for any remaining improvements and also provided that no reduction shall occur until it is approved in writing by the TOWN Engineer and TOWN Board.

XI. BUILDING AND OCCUPANCY PERMITS

It is expressly understood and agreed that no building or occupancy permits shall be issued for any homes, until the TOWN Engineer has determined that:

1. The installation of the first lift of asphalt of the public street(s) providing access to and fronting a specific lot for which a building permit is requested has been completed and accepted by the TOWN Board.
2. All required grading plans have been submitted to, reviewed by and approved by the TOWN Engineer.
3. The DEVELOPER has paid in full all permit fees and reimbursement of administrative costs as required by this Agreement. The storm water management plan was approved based upon wooded lots and corresponding runoff coefficients. No trees shall be removed from any buildable lot prior to the issuance of a building permit. A building survey showing the size and location of existing trees, which are proposed to be removed for the home construction, shall be submitted to the TOWN Engineer for approval prior to issuance of a building permit.
4. All destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish are removed from the development and disposed of lawfully.
5. The DEVELOPER is not in default of any aspect of this Agreement.

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XII. RESERVATION OF RIGHTS AS TO ISSUANCE OF BUILDING PERMITS

The TOWN reserves the right to withhold issuance of any and all building permits if DEVELOPER is in violation of this Agreement.

1. Asphalt binder (and shoulder stone) is in place on all street frontages.
2. The TOWN shall install all street and regulatory signs and the TOWN has been reimbursed for costs incurred.
3. Driveway culvert map has been approved.
4. All applicable TOWN Standards have been met.
5. Recorded version of Final Plat documents have been provided to the TOWN.
6. All other subdivision street and drainage improvements are substantially complete.

XIII. MISCELLANEOUS REQUIREMENTS

The DEVELOPER shall:

- A. EASEMENTS: Provide any easements including vision easements on SUBJECT LANDS deemed necessary by the TOWN Engineer before the final plat is signed or on the final plat and such easements shall be along lot lines if at all possible.
- B. MANNER OF PERFORMANCE: Cause all construction called for by this Agreement to be carried out and performed in a good and worker like manner.
- C. SURVEY MONUMENTS: Properly place and install any lot, block or other monuments required by State Statute, TOWN Ordinance or the TOWN Engineer.
- D. DEED RESTRICTIONS: Execute and record deed restrictions and provide proof of recording prior to sale of lots for the SUBJECT LANDS in the form attached hereto, made a part hereof, and marked **EXHIBIT B**.
 1. LOT GRADE: Each lot owner must strictly adhere to and finish grade its lot in accordance with the Master Lot Grading Plan or any amendment thereto approved by the TOWN Engineer on file in the office of the TOWN Clerk. The DEVELOPER and/or the TOWN and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance, correction of any drainage condition, and the property owner is responsible for cost of the same.

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2. **ISSUANCE OF BUILDING PERMIT/GRADES:** Prior to the issuance of a building permit for a specific lot, lot owner and/or their agent shall furnish to the Building Inspector of the TOWN a copy of the stake out survey, which is based on USGS Vertical Datum, showing the street grade in front of the lot, the finished yard grade, the grade of all four corners of the lot, and the lot corner grades of the buildings on adjoining lots where applicable, as existing and as proposed.

E. **PERMITS:** Provide and submit to the TOWN requesting the same, valid copies of any and all governmental agency permits.

F. **PARK AND PUBLIC SITE DEDICATION FEES:** To pay as provided in the TOWN'S Ordinances, a fee per lot developed in lieu of dedication of lands for park and public sites. The fee shall be paid, in full, at the time of application for a building permit. All applicable fees for this development are attached on **EXHIBIT I** which is incorporated herein by reference.

Commented [GG6]: NOTE TO DEVELOPER: These fees change yearly in February based on the CPI. \$1,963.38 for building per lot; \$762.01 for parks per lot – total \$2,725.39

G. **NOISE:** Make every effort to minimize noise, dust, and similar disturbances, recognizing that the SUBJECT LANDS are located near existing residences. Construction of improvements shall not begin before 6:00 AM and it shall end before 6:00 PM, Monday through Saturday. There shall be no construction activities on Sundays and holidays.

Commented [gcg7]: Insert the spreadsheet credited for LOC amounts and cash payments.

H. **DOCUMENTS:** The DEVELOPER shall provide three (3) complete sets of recorded final plat documents to the TOWN including, but not limited to:

1. A full-size Final Plat.
2. An 11" x 17" or smaller Final Plat.
3. AutoCAD version of Final Plat document.
4. Deed Restrictions and Protective Covenants.
5. Other documents recorded with the Register of Deeds, or as determined by the Town Attorney.

XIV. PAYMENT OF COSTS, INSPECTION & ADMINISTRATIVE FEES

The DEVELOPER shall pay and reimburse the TOWN promptly upon billing for all reasonable fees, expenses, costs and disbursements which shall be incurred by the TOWN in connection with this subdivision or relative to the construction, installation, dedication and acceptance of the subdivision improvements covered by this Agreement, including without limitation by reason of enumeration, design, engineering, review, supervision, inspection and legal, administrative and fiscal work. Any such charge not paid by DEVELOPER within thirty (30) days of being invoiced may be charged against the financial guarantee held by the TOWN pursuant to this Agreement, or assessed against the subdivision land as a special charge pursuant to §66.027, Wis. Stats. All applicable fees set forth on **EXHIBIT E** to this development are set.

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XV. GENERAL INDEMNITY

In addition to, and not to the exclusion or prejudice of, any provisions of this Agreement or documents incorporated herein by reference, the DEVELOPER shall indemnify and save harmless and agrees to accept tender of defense and to defend and pay any legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the TOWN, its officers, agents, employees and independent contractors related to the actions and conduct of DEVELOPER conducted in accordance of this Agreement as stated above by any party or parties. This indemnity is limited to the conduct of the DEVELOPER or its agents and shall not apply to conduct of third parties in the development or any subsequent changes to the property involved in the development.

XVI. INSURANCE

The DEVELOPER, its contractors, suppliers, and any other individual working on the SUBJECT PROPERTY shall maintain at all times until the expiration of the guarantee period insurance coverage in the forms and in the amounts as set forth on **EXHIBIT G**.

XVII. EXCULPATION OF TOWN CORPORATE AUTHORITIES

The parties mutually agree that the TOWN Chair of the TOWN Board and/or the TOWN Clerk entered into and are signatory to this Agreement solely in their official capacity and not individually and shall have no personal liability or responsibility hereunder and personal liability as may otherwise exist being expressly released and/or waived.

XVIII. GENERAL CONDITIONS AND REGULATIONS

All provisions of the TOWN Ordinances are incorporated herein by reference, and all such provisions shall bind the parties hereto and be a part of this Agreement as fully as if set forth at length herein. This Agreement and all work and improvements required hereunder shall be performed and carried out in strict accordance with and subject to the provisions of said Ordinances.

XIX. COMPLIANCE WITH CODES AND STATUTES

The DEVELOPER shall comply with all current applicable codes of the TOWN, County, State, and federal government, and further, DEVELOPER shall follow all current and future lawful orders of any and all duly authorized employees and/or representatives of the TOWN, County, State, or federal government.

XX. PRELIMINARY PLAT AND FINAL PLAT CONDITIONS

The DEVELOPER acknowledges that the SUBJECT LANDS are subject to a conditional preliminary plat approval and a conditional final plat approval by the TOWN of Lisbon. The DEVELOPER and the TOWN further agree that they are bound by these conditions. A copy of the conditional preliminary plat approval for the subject property is attached hereto and incorporated herein as **EXHIBIT C**, and the conditional final plat approval for the subject property is incorporated herein

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as **EXHIBIT D**. If there is a conflict between the conditions as forth in said conditional approvals and the DEVELOPER'S Agreement, the more restrictive shall apply.

XXI. ASSIGNMENT

The DEVELOPER shall not assign this Agreement without the prior written consent of the TOWN. The assignee must agree to all terms and conditions of this document in writing. Said Developer's Agreement shall be recorded with the Waukesha County Register of Deeds, by the TOWN and paid for by the DEVELOPER.

XXII. PARTIES BOUND

The DEVELOPER or its assignees shall be bound by the terms of this Agreement or any part herein as it applies to any phase of the development of the subdivision.

XXIII. HEIRS & ASSIGNS

This Agreement is binding upon the DEVELOPER, owners, their heirs, their assigns, and successors, and all future owners of the SUBJECT LANDS.

XXIV. REVIEW PROCESS

If the TOWN Engineer and DEVELOPER cannot agree with the decision of the TOWN Engineer, then DEVELOPER shall have the right to have the matter reviewed by the TOWN Attorney or TOWN Board and to present such evidence as may be warranted. The TOWN Attorney or TOWN Board may modify, correct, or affirm the TOWN Engineer's decision.

XXV. AMENDMENTS

The TOWN and the DEVELOPER, by mutual consent, may amend this Developer's Agreement at any meeting of the TOWN Board. The TOWN shall not, however, consent to an amendment until after first having received a recommendation from the TOWN'S Plan Commission. After an amendment has been consented to by the Town Board, it must be reduced to a written amendment which shall be approved and executed by both the TOWN and DEVELOPER.

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IN WITNESS WHEREOF, the DEVELOPER and the TOWN have caused this Agreement to be signed by their appropriate officers and their corporate seals to be hereunto affixed in three original counterparts the day and year first above written.

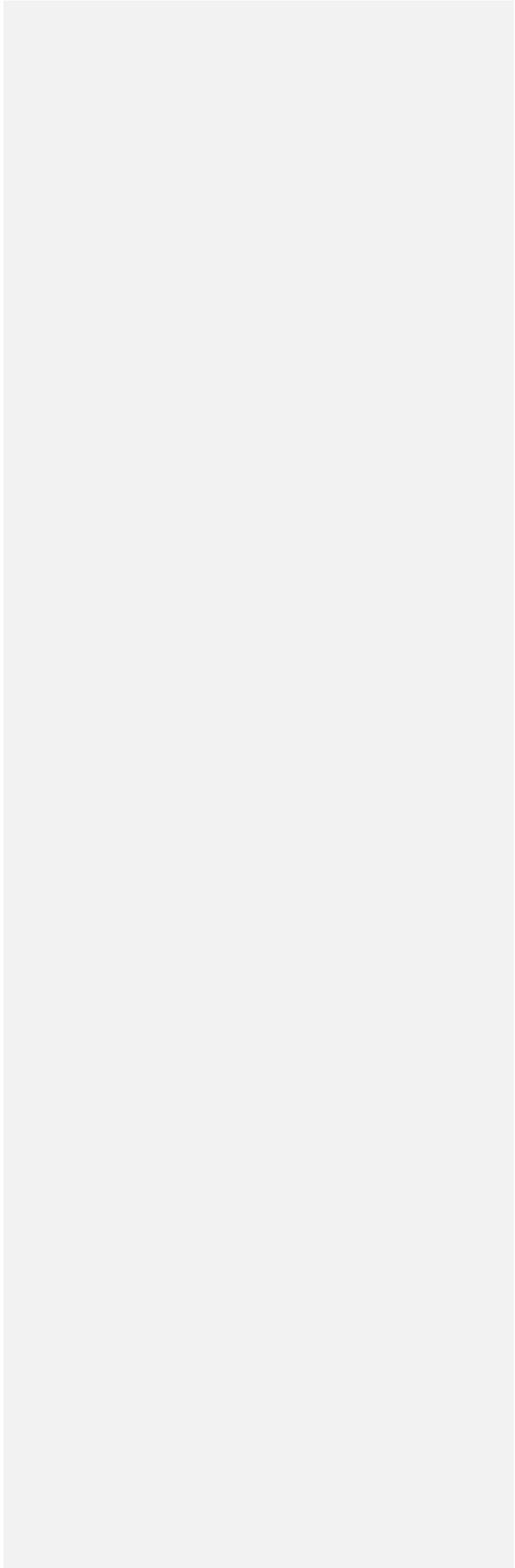
DEVELOPER:

By: _____
Authorized Signatory

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 2019, the above named _____, Authorized Signatory of _____, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission:



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TOWN OF LISBON
WAUKESHA COUNTY, WISCONSIN

By: _____
Joseph Osterman, Chairman

By: _____
Daniel Green, Town Clerk, WCMC

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

Personally came before me this ____ day of _____, 2019, the above named Joseph Osterman and Daniel Green, TOWN Chairman and TOWN Clerk respectively, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be the TOWN Chairman and TOWN Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the TOWN Board from their meeting on <insert Town Board approval date, then put that same date in the header>

Notary Public, State of Wisconsin

My commission: _____

APPROVED AS TO FORM:

TOWN Attorney

ATTACHMENTS:
EXHIBIT A: General Development Plan / Site Development Plan

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- EXHIBIT B: Declarations of Restrictions
- EXHIBIT C: Preliminary Plat
- EXHIBIT D: Final Plat
- EXHIBIT E: Dedication Fees
- EXHIBIT F: Landscape Plan
- EXHIBIT G: Insurance
- EXHIBIT I: Fee Exhibit

This document drafted by:
Gina C. Gresch, MMC/WCPC
Town of Lisbon Administrator
W234N8676 Woodside Road
Lisbon, WI 53089
262-246-6100 ext 1003

This document reviewed by:
Attorney Thomas Schmitzer
Hippenmeyer Reilly Blum Schmitzer Fabian & English S.C.
720 Clinton St.
Waukesha, WI 53186
262-549-8181