

**Minutes of the Plan Commission Public Hearing(s)  
Town of Lisbon, Town Hall  
Thursday, October 10, 2019  
6:30 P.M.**

Public Hearings were held by the Town of Lisbon Plan Commission at the Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 was called to order by Chairman Joseph Osterman at 6:30 P.M.

**Roll Call:** Present: Chairman Joseph Osterman, Plan Commission Members Ed Nelson, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Attorney Michael Van Kleunen and Town Clerk Dan Green. Supervisor Plotecher and Commissioner Meyer were excused.

**NOTICE IS HEREBY GIVEN that a Joint Public Hearing will be conducted by the Lisbon Town Board of Supervisors and Plan Commission on Thursday, October 10, 2019 beginning at 6:30 PM at the Town of Lisbon Town Hall, W234N8676 Woodside Road, Lisbon, WI 53089 to consider a proposed amendment to the Town of Lisbon Comprehensive Development Plan: 2035. The purpose of the public hearing is to accept public comments on the proposed amendment. An application has been filed by Jim Forester for the property owned by Rightway Bus, LLC, requesting an amendment to the Land Use Plan Map adopted as part of the Town Comprehensive Development Plan. The application requests that the Land Use Plan Map be amended from Rural Density & Other Agricultural Lands and Other Open Lands to be Preserved to Low Density Residential for the property located at N95W23759 County Line Road, LSBT 0150.997.**

*Chairman Osterman explained that the Public Hearing scheduled was postponed until November 14<sup>th</sup> due to lack of a Town Board quorum.*

**Minutes of the Plan Commission Meeting  
Town of Lisbon, Town Hall  
Thursday, October 10, 2019  
Following the Public Hearing beginning at 6:30 P.M.**

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

**Roll Call:** Present: Chairman Joseph Osterman, Plan Commission Members Ed Nelson, Chad Samanske, Jane Stadler and Bryan Oelhafen. Also present: Planner Dan Lindstrom, Attorney Michael Van Kleunen and Town Clerk Dan Green. Excused: Mark Meyer and Becky Plotecher.

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

**Discussion and necessary action on September 12, 2019 Plan Commission Public Hearing & Meeting minutes.**

*Motion by Commissioner Samanske to approve the September 12, 2019 Plan Commission minutes. Seconded by Commissioner Nelson. Motion carried, 5-0.*

**New Business**

**Discussion and necessary action on Resolution 16-19, Resolution Amending the Town of Lisbon Land Use Map from Rural Density and Other Agricultural Lands and Other Open Lands and Other Open Lands to be Preserved to Low Density Residential, for the request of Jim Forester for the property owned by Riteway Bus LLC, for the property located at N95W23759**

**County Line Road, LSBT 0150.997 and recommendation to the Town Board of the same.  
(Postponed until November 14, 2019)**

**Discussion and necessary action on the request from Parking Lot Maintenance, Inc., for the property located at W225N3178 Duplainville Road, LSBT 0287.985.001, for a Site Plan/Plan of Operation amendment to construct a temporary storage structure.**

Planner Lindstrom explained this is a result of a planner appointment with the applicant and not having a clear direction on where to go. This originally came to the Plan Commission 4 years ago and had in its first plans an additional building on the property with no building plans. The applicant came to a planner appointment to construct a salt storage to operate a surface maintenance operation. The salt storage would typically be considered a contractor's yard by our definition but would require at least a 5 acre lot. The applicant's lot is only 2.5 acres. The rest of the site does show outdoor storage but used as equipment and goods which is typically allowed with Plan Commission approval. The Planner displayed examples of buildings which the applicant is proposing. He explained these typically would be considered temporary storage, but we do not foresee the applicant taking this down within 180 days.

Ryan Laughlin, the applicant, explained Parking Lot Maintenance is a construction company. They store all manner of things on their property from scrap to trucks to wood, anything a construction company can have. Currently it is all outdoor storage. He explained his neighbors have miles of pipe stacked up outside and Globe Contractors and Always Construction have piles of dirt and stone on their parcels. He explained they are operating in essentially the same manor. He explained their company wants to store salt for the snow removal side of the business. The least desirable way to store salt would be on the ground with a tarp over it and the proposed structure would keep it out of the elements and look a little nicer. He also explained they do not want to put up a formal building.

Commissioner Nelson asked if this was open salt or in bags and if the proposed structure would be up 365 days of the year. The applicant explained it was bulk storage, not bags and that the structure could be up for 365 days of the year and most likely would. Commissioner Nelson expressed some concerns with salt leading off the site through stormwater.

Chairman Osterman explained that the zoning of this property shows that this building cannot go here. Supervisor Samanske asked how tall the structure would be which the applicant stated 22 feet (under the height restriction). Chairman Osterman stated the applicant is asking for something the Plan Commission cannot do. He also stated this might be a Board of Appeals issue but legally they would not be able to approve this. He said that storage of salt is specifically mention in the Contractor's Yard. Planner Lindstrom explained that Board of Appeals is centered on dimensional standard and not use, so it would not be subject to the BOA. Chairman Osterman again stated that when the Zoning Code specifically spells something out, the Commission cannot go against it.

The applicant expressed concern for other companies that are not abiding by the Town Code by storing salt. The Planner explained there are a variety of reasons for that including a non-conforming use before the Town Code was adopted, or the size of their lots could be 5 acres or more. Planner Lindstrom also explained that everything the applicant is storing outside currently can stay outside. The applicant expressed concern that the Town was categorizing his business as a contractor's yard when that is not what he thought he was.

The applicant asked if he were over 5 acres if he would be allowed to build this structure in which the Planner stated yes, and at that point you could fall into the contractor's yard category. The applicant asked how he could get a variance which the Planner explained he could not on this particular item because there are no specific measurements in which to be granted a variance. The Commission explained that the

applicant would have to build a permanent structure matching the façade of his current structure to house salt if he wishes to do so.

**Discussion and necessary action on the request from Lynch Engineering for the property owned by David and Joyce Paral, for the property located at W278N9312 Sweetbriar Lane, LSBT 0166.998.023, for a minor grading permit to construct a paver patio and retaining wall.**

Planner Lindstrom explained the Engineer wrote a letter which is included in the packet. Minor Grading permits usually do not come to the Plan Commission for approval, but the Engineer asked for this item to be added to the agenda due to the water issues that this property has. The applicant is looking to build a small retaining wall to keep water from spilling into their patio doors on the back of their house. Lynch Engineering was present at the meeting to answer questions. Chairman Osterman explained this area of the Town has a lot of flooding issues. To this point no water has entered their home but this area is bad, especially when the ground is frozen and it rains like it did last winter.

The engineer from Lynch explained the flood elevation was 1026 and feels that the proposed construction will alleviate issues they have been having. If there is a catastrophic event they should still be kept dry. Commissioner Nelson explained that we have been prone to more extreme weather events lately. He expressed concern that the grading would not push the water onto someone else's property. Chairman Osterman agreed that as long as this does not affect other homeowners it is fine by him. The engineer from Lynch explained they spoke with Waukesha County and they are below the amount of grading to need any permits from them. Chairman Osterman stated any approval would be subject to the Town's engineer reviewing and signing off on the permit.

*Motion by Chairman Osterman to approve the request from Lynch Engineering for the property owned by David and Joyce Paral, for the property located at W278N9312 Sweetbriar Lane, LSBT 0166.998.023, for a minor grading permit to construct a paver patio and retaining wall contingent on approval of the Town Engineer. Seconded by Commissioner Nelson. Motion carried 5-0.*

**Discussion and necessary action on Resolution 12-19, a Resolution Amending the Town of Lisbon Land Use Map for the property known as "Brown Property", for the property located at N55W25299 Richmond Road, LSBT 0273.998 and recommendation to the Town Board of the same.**

*Motion by Chairman Osterman to approve Resolution 12-19, a Resolution Amending the Town of Lisbon Land Use Map for the property known as "Brown Property", for the property located at N55W25299 Richmond Road, LSBT 0273.998 and recommendation to the Town Board of the same. Seconded by Commissioner Stadler. Motion carried 6-0.*

**Discussion and necessary action on the request from Zac Zimmerman for the property located at N91W26399 Hickory Road, LSBT 0164.998, to construct a third accessory building for agricultural use as required in the Waukesha County Shoreland & Floodland Protection Ordinance Section 3(j)(4)(C).**

Planner Lindstrom explained this is before the Plan Commission because of the Waukesha County Shoreland and Floodland Protection Ordinance which requires the Town Plan Commission approval for 3 accessory buildings in this zoning district. The property is in the Town's A-10 District so the accessory building does meet our code. The applicant has informed us that the chicken coop on the property has been taken down, so at this point you would be approving constructing a second accessory building. There were no concerns from the Plan Commission.

*Motion by Commissioner Samanske to approve the request from Zac Zimmerman for the property located at N91W26399 Hickory Road, LSBT 0164.998, to construct a second accessory building for agricultural use*

*as required in the Waukesha County Shoreland & Floodland Protection Ordinance Section 3(j)(4)(C).  
Seconded by Commissioner Nelson. Motion carried, 5-0.*

### **Town Clerk and Planner Report**

#### **Sign Code Updates**

Planner Lindstrom explained he is looking to have the Plan Commission meet in November or December to have a working session so they can review a few items that have come up including the sign code, short term rentals, hours of operation and a handful of other items. The Town Clerk will send out a pole to the Commission members to find which date works best.

#### **September and October Planner Appointments**

Planner Lindstrom reviewed planner appointments from the past month including the Contractor's Yard from earlier, a truck washing station at Quarry Corners, additional buildings at the Barracks off Townline Road, and a couple of inquiries about land divisions.

#### **Requests from members to put future items on the agenda.**

None

#### **Adjournment.**

*Motion by Commissioner Oelhafen to adjourn the Thursday, October 10, 2019 Plan Commission Meeting at 7:36 P.M. Seconded by Supervisor Samanske. Motion carried, 6-0.*

Respectfully submitted,

Dan Green, WCMC  
Town of Lisbon Clerk