

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER, ROOM AC 355/359
THURSDAY, MARCH 19, 2015, 1:00 P.M.**

CALL TO ORDER

Mr. Siepmann, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: James Siepmann Robert Peregrine Gary Goodchild
Keith Hammitt William Mitchell William Maslowski

Members Absent: Richard Morris

Staff

Members Present: Jason Fruth, Planning and Zoning Manager
Kathy Brady, Support Staff Supervisor
Andrea Hedemann, Land Use Specialist

Guests Present: June Herman: CZ-1696A
Terry Donahue: CZ-1696A
Mary Kosalos: CZ-1696A
Barb Holtz: PPC15_002
Patricia Bartlett: PPC15_001
Gary & Diane Fehr Terry & Jill Van Lare Living - Trust Public Hearing
Tim Barbeau: ZT-1804
Mark Powers: Terry & Jill Van Lare Living Trust – Public Hearing
Elizabeth Ruelle: Terry & Jill Van Lare Living Trust – Public Hearing
Kathleen Ehrlich: Terry & Jill Van Lare Living Trust – Public Hearing
Elizabeth Schneider: Terry & Jill Van Lare Living Trust – Public Hearing

CORRESPONDENCE PPC15_001: Bartlett retaining wall

MEETING APPROVAL

- **UW Extension Plan Commission Workshop, Wednesday, April 15, 2015, 6:00 to 8:30 p.m., Waukesha County Administration Center Cafeteria.**

Mr. Peregrine moved, seconded by Mr. Goodchild, and carried unanimously for approval for any Commissioner to attend the UW Extension Workshop.

MINUTES

Approval of the February 19, 2015, Minutes.

Mr. Peregrine moved, seconded by Mr. Mitchell, and carried unanimously for approval of the February 19, 2015, Minutes.

PUBLIC COMMENT

None.

SCHEDULED MATTER

- **1:05 p.m. Public Hearing for the 2015 Amendments to the Comprehensive Development Plan for Waukesha County**

Mr. Fruth explained the annual amendment process. He indicated that after the Public Hearing, the Waukesha County Department of Parks and Land Use Staff will have a recommendation prepared for the requests and on April 2, 2015, the Park and Planning Commission will meet and vote on the requests. The Land Use, Parks and Environment Committee will consider the amendments on April 21, 2015. The Waukesha County Board of Supervisors will consider the same at their meeting of April 28, 2015. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record and the Comprehensive Development Plan for Waukesha County is amended as approved by the Waukesha County Board.

At 1:05 p.m. Mr. Fruth read the Notice of Public Hearing into the record.

1. In the Town of Oconomowoc, the following request is being made:
 - A. ***Terry and Jill Van Lare Living Trust***, W357 N6101 Spinnaker Drive, Oconomowoc, WI 53066, request property located in part of the NW ¼ of Section 26, T8N, R17E, Town of Oconomowoc (Tax Key No. OCOT 0534.998.005), be amended from the Low Density Residential category to the Medium Density Residential category to allow for future multi-family use.

Mr. Fruth indicated the parcel is located east of C.T.H. "P" and north of C.T.H. "Z" and is approximately three (3) acres in size. Surrounding properties include a single family subdivision to the east, agricultural lands to the west (City of Oconomowoc), agricultural lands to the north, a vacant parcel to the south and a church on the corner of Lake Drive and C.T.H. "P". The petitioner met with Town and County Staff regarding the possibility of locating a commercial use on the parcel, however, it was suggested that some form of residential use would be more acceptable because of the subdivision immediately to the east. The property owner of the vacant parcel to the south was contacted by the Town regarding changing the land use category as well, however, he declined being part of the request at this time, as he was waiting to see how the lands west of C.T.H. "P" develop.

Mr. Fruth presented the conceptual plan, submitted by the petitioner, showing vegetative screening along C.T.H. "P" and eight (8) multi-family units. The petitioner indicated to Staff that he did not have a specific proposal in mind as to whether they would be condominium or rental units. The petitioner also spoke with the Waukesha County Environmental Health Staff regarding options for servicing the property with septic and well. The County Environmental Health Codes state, if there are more than two (2) dwelling units going into a singular septic system, it would require the approval of the Town of Oconomowoc to be responsible for the system. The petitioner indicated, at most, he would have two (2) dwelling units going into a singular septic facility. The Town and County Staff advised the petitioner that it would be important to provide screening for the residences to the east.

Mr. Fruth explained the current Low Density Residential category allows for six (6) dwelling units and the change to the Medium Density Residential category matches the land use category for lands opposite of C.T.H. "P". The Zoning Code multi-family Conditional Use section provisions provide for a maximum of eight (8) units on the three (3) acre site. The Medium Density Residential category could allow more than eight (8) units, however, the zoning caps the units at eight (8). At the Town's Public Hearing, concerns

were expressed regarding the density of the property and whether the development would contain condominiums or rental units.

Chairperson Siepman asked if there were any comments from the audience, Committee or Commission?

Mr. Fehr, W358 N6191 Amy Lane, stated his property is located east of the property in question. He clarified, according to the zoning, the maximum amount of units allowed would be eight (8) vs. the Medium Density Residential category allowing more. He expressed concerns regarding privacy and traffic safety especially if the vacant lot to the south would be developed in the future. In addition, he preferred condo or owner occupied properties instead of rentals, so the surrounding property values would not decrease.

Ms. Snyder, W359 N6280 Brown Street, stated her 80 acre farm is located immediately north of the property in question. She said when the property came on the market, she was told by the County that parcels located within a certain distance of the intersection of C.T.H. "Z" and C.T.H. "P" could not have additional turn lanes and changes to the roadway because it would be too dangerous. She expressed concerns regarding traffic, what direction water flows, six (6) uncapped wells from the old homestead and what effect it would have on the development.

Chairperson Siepman noted that the request is regarding the land use category of the property and all of the details/issues would be considered at a future date and studied both by the County as well as the Town of Oconomowoc.

Chairperson Siepman asked if there were any other comments from the audience, Committee or Commission, there being none, he moved on to the next item on the agenda.

2. ***The Waukesha County Department of Parks and Land Use***, requests a comprehensive map amendment to the Recommended Land Use Plan for Waukesha County – 2035 to incorporate the newly available SEWRPC 2010 Environmental Corridor inventory mapping.

Mr. Fruth explained, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) has completed analyzing the most recent aerial photography for the County. Their process includes examining the detailed in-field delineations which they have completed, corridor areas which have expanded or contracted as a result of development activities or changes in vegetative cover. He presented an aerial photograph (sample) of a wooded property where there was a significant change in the updated mapping. The effort will bring the best, most current available data integrated into the Comprehensive Development Plan map.

Chairperson Siepman asked if there were any comments from the audience, Committee or Commission?

Chairperson Siepman asked if a property owner could have their property field-verified to make sure the mapping was accurate. Mr. Fruth replied "Yes". Chairperson Siepman asked if there would be some type of overlay showing past vs. the new mapping. Mr. Fruth responded, that the County GIS is the best way to view the comparison. He said he did not know how much effort would be involved for the County GIS Staff to prepare statistics relative to changes, but he would inquire about it. He advised that it would be difficult to see on a paper map of the entire County and suggested viewing individual properties on the County's GIS mapping system.

Chairperson Siepmann asked if there were any comments from the audience or Commission, there being none he closed the Public Hearing at 1:27 p.m.

• **ZT-1803 (Town of Mukwonago Board-Text Amendment) Town of Mukwonago**

Mr. Fruth indicated the request is for text amendments to the Town of Mukwonago Zoning Code regarding the Conditional Use section for animal hospitals and commercial kennels.

Mr. Fruth indicated the request was initiated by a property owner who had purchased a 30 acre parcel in order to open a commercial kennel operation. The property owners offered two (2) different text amendment options to the Town. The first option was that the existing Conditional Use language be amended to allow for kennels within the portion of a building that is at least 100' from a property line and the second option would provide a special exception process which would allow for kennel buildings to be 50' from property lines rather than 100'. The Town ultimately decided on the second option which includes the following criteria; number of animals, building type, sound proofing, etc. He added, the change is a general text change to the Town's Code.

Mr. Hammitt asked if the adjoining property owners were aware of the text change in the code? Mr. Fruth responded that two (2) neighboring property owners spoke in opposition of the text amendment. He further explained the text amendment request was to change the Town's code to allow for the request to come forward. There will be another opportunity to comment on the specific kennel proposal. Mr. Hammitt asked if there was a limit on how many animals would be allowed since the set back is being reduced? Mr. Fruth said the Town has the ability to consider the number and type of animals, noise, etc. Mr. Mitchell commented that the text amendment would allow the Town to have the flexibility to look at each individual case as they come forward, not this particular kennel. At the Public Hearing for the specific proposal, neighbors will come forward if there are problems/issues. Mr. Goodchild mentioned noise issues depend on how the facility is constructed and managed. He commented that 50' one way or another doesn't reduce the sound. Mr. Hammitt clarified that the Commission is approving the Town's text amendment, not approving the kennel operation, to which Mr. Fruth responded, "Yes." Mr. Maslowski asked if the County Ordinance has a standard 100' setback? Mr. Fruth replied, "Yes." Mr. Maslowski asked, if approving this text amendment would have an effect on other Town Codes and the County's Code because of this one exception? Mr. Fruth said he was unsure whether other towns would follow suit. Mr. Maslowski wondered if it would be a hardship for the property owner if the request was not approved? Mr. Fruth replied, the County considers whether Town text amendments are within the spirit of the County Development Plan, that what is being proposed is logical from a zoning and land use standpoint, are there any conflicts with law, are there any negative consequences for neighbors, etc. In the Staff Recommendation, the County Staff suggests that it would be important for the Town to consider and review issues such as noise/odor carefully if said amendments are approved.

Mr. Hammitt asked, is the reason for the approval recommendation so the Township has more of a leadership role so they can make their own decisions? He expressed concerns of the long-term effect for this one exception. Mr. Fruth said the Park and Planning Commission and County Board only review and approve zoning ordinances relative to unincorporated areas. Because there is a County Zoning Code, law requires that any map or text amendment in any of the eleven (11) towns comes through this approval process. Mr. Maslowski asked, if the text amendment is not approved and the setback is kept at 100', would the property owner have the opportunity to request a variance from the Town? Mr. Fruth said it would be a request for a use variance and he felt the property owner may be hard pressed to get approval if this text amendment is not authorized.

Chairperson Siepmann further explained that the Commission considers many Town text amendments throughout the year. The Town studies the text amendment, conducts a public hearing, the amendment goes before the Town Plan Commission and finally Town Board approval. He added the Town Board unanimously approved this text amendment.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

• **ZT-1804 (Town of Delafield Board-Text Amendment) Town of Delafield**

Mr. Fruth indicated the request is for text amendments to the Town of Delafield Zoning Code regarding Commercial Planned Unit Developments.

Mr. Fruth indicated that the text amendment was prompted by a large development project proposal along I-94 and Hwy. SS in the Town of Delafield. Orthopedic Associates would be the first facility in the new business park. The developer was having difficulty in complying with the stringent open space requirements within the Town’s B-3 Business Park District. In addition, the text amendment pertains to the B-2 Shopping Center District and M-1 Industrial District change. The change would provide for a Conditional Use amendment process for Planned Unit Developments within business park type settings. Required open space per lot in the B-3 Business Park District is currently 80% and this proposal changes the requirement to 25% but would still require the overall development area to contain 75% open space and would provide more flexibility for individual lots within business parks. The overall development area is required to be 10 acres to be eligible and individual lots must be 2 acres in size, minimum.

Mr. Barbeau, Town Engineer explained, in the B-3 District there is an 80% open space requirement. However, the owners wish to purchase a smaller parcel rather than a larger one to meet the requirement. The text amendment would allow the owners of commercial buildings to have a reasonably sized lot and preserve the balance of the land in common open space. He noted the Town Plan Commission and Town Board approved the request.

Mr. Goodchild asked if there would be one Storm Water Management Plan for the entire parcel? Mr. Barbeau answered, that because it is being developed over time, and not all at one time, they are encouraging that each lot have its own onsite system for rainwater. Mr. Goodchild asked if the development would be served with sewer and private wells, to which Mr. Barbeau replied, “Yes”.

After discussion, Mr. Goodchild moved, seconded by Mr. Hammitt and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.

• **CZ-1696A (Mary Jane Kosalos Revocable Trust of 2010) Town of Oconomowoc, Section 35**

Mr. Fruth pointed out the location of the property at the northeast corner of the intersection of Brown Street and W. Lake Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is to amend the conditions of existing rezone CZ-1696.

Mr. Fruth indicated there are two (2) properties included in the proposal, one containing the restaurant which has been vacant for seven (7) years. Surrounding land uses include single-family residential to the east, natural lands immediately to the north and a golf course to the west. The proposal is to extend the original deadline date in the existing conditions, requiring that the property be utilized for a restaurant/tavern use by April 13, 2015 to April 13, 2020. The petitioner noted the property had been a restaurant for many decades.

Ms. Donahue from Real Estate Duo, introduced herself to the Commission and indicated the original rezone was approved five (5) years ago and noted it is hard to find a tavern/restaurant location to purchase.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried by a vote of 5 to 1 (Mr. Maslowski voted against) for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1601 (Gregory Malenshek) Town of Genesee, Section 11**

Mr. Fruth pointed out the location of the property at S26 W29740 Jarmon Road in the Town of Genesee on the aerial photograph. He indicated the request is for a Limited Family Business Conditional Use to allow the operation of a metal sculpting art studio from an existing outbuilding.

Mr. Fruth described the proposal for the business which indicated there would be no additional employees for the business. He noted that grinding and welding will take place for the creation of the art pieces, minimal chemicals will be used (spray paint, etc.), no signage is being proposed or any other improvements to the site. The conditions state there will be no retail sales, only occasional customer pick of an item and the concerns of the Building and Fire Inspectors shall be addressed prior to the issuance of a permits.

After discussion, Mr. Hammitt moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-15-GNT-01 (Gregory Malenshek) Town of Genesee, Section 11**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1601) listed above.

After a brief discussion, Mr. Hammitt moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **CU-1600 (Keith K. Knapp Jr.) Town of Genesee, Section 27**

Mr. Fruth pointed out the location of the property at W305 S5106 S.T.H. 83 in the Town of Genesee on the aerial photograph. He indicated the request is for conditional use approval to authorize an existing duplex.

Mr. Fruth noted the property is located east of S.T.H. 83 and north of Seville Lane. The petitioner is proposing to divide the property into two parcels. Lot 1 (11.40 acres) would contain the single-family residence, the barn, the detached garage and the silos. Lot 2 (0.71 acres) would contain the two-family duplex and a shed. He explained that the duplex has existed on the property for many years, however, no Conditional Use Permit was obtained to authorize the use. This Conditional Use approval would legalize the multiple family use of the duplex structure, so the lots can be created. In February 2015, the Waukesha County Board of Adjustment granted variances for the first floor duplex unit which is 600 sq. ft. in area whereas 900 sq. ft. is required. In addition, the existing duplex is located 40.9 ft. from the road right-of-way of S.T.H. 83 and approximately 41.1 ft. from the road right-of-way of Seville Lane, whereas 50 ft. is the minimum required. There is a shared well agreement between the single family residence and the duplex which will need to be addressed during the Certified Survey Map (CSM) review. Recommended conditions of approval include

the property be divided by CSM according to the survey submitted by the petitioner with their application, a parking plan be filed and inspection of the septic systems be completed by the Environmental Health Division. Mr. Goodchild verified that the Conditional Use approval was for the duplex use, to which Mr. Fruth replied, "Yes."

After discussion, Mr. Goodchild moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-14-GNT-18 (Keith K. Knapp Jr.) Town of Genesee, Section 27**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU-1600) listed above.

After a brief discussion, Mr. Goodchild moved, seconded by Mr. Peregrine and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-0399A (Keith K. Knapp Jr.) Town of Genesee, Section 27**

Mr. Fruth pointed out the location of the property at W305 S5106 S.T.H. 83 in the Town of Genesee on the aerial photograph. He indicated the request is to amend the existing Conditional Use Permit for a horse boarding operation to reduce the acreage of the property.

Mr. Fruth indicated the original horse boarding Conditional Use approval was for 12 horses. With the proposed reduction in acres on the property, the petitioner would like to preserve the right to continue with 11 horses. At the current time, the petitioner has only one horse boarded. The Board of Adjustment granted relief for accessory outbuilding floor area ratio on the site. Recommended conditions for the Conditional Use include: an updated Manure Management Plan be provided, the Building and Fire Inspector inspect the property, the number of horse trailers on the property be limited, a current fencing plan be submitted and the current location of horse exercise area/pasture areas be noted. Mr. Goodchild asked if the loop driveway for the duplex and residence would stay? Mr. Fruth replied he was unsure of the specific proposal but it would be included in the Certified Survey Map review.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-14-GNT-17 (Keith K. Knapp Jr.) Town of Genesee, Section 27**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (SCU-0399A) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Maslowski and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PPC15 002 (Jean Holtz Trust) Town of Mukwonago, Section 18**

Mr. Fruth pointed out the location of the property at W335 S7907 C.T.H. "E" in the Town of Mukwonago on the aerial photograph. He indicated the request is for approval of a waiver for the remnant parcel to not be shown on the Certified Survey Map.

Mr. Fruth indicated the proposal is to divide off two (2), 3.3 acre parcels, each containing a residence. The request would allow for the remnant lands to be left off of the Certified Survey Map. Ms. Holtz introduced herself to the Commission and noted that the Town Planner had indicated that the acreage would likely be rezoned from the A- P District to the A-1 District in the future. Mr. Fruth said a recommended condition of approval is that a Preliminary Site Evaluation be completed on the existing septic systems.

After discussion, Mr. Peregrine moved, seconded by Mr. Mitchell and carried unanimously for approval, as conditioned, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PPC15 001 (Jeffrey and Linda Bartlett) Town of Merton, Sections 12 and 13**

Mr. Fruth pointed out the location of the property at W288 N8037 Park Drive in the Town of Merton on the aerial photograph. He indicated the request is for approval for a retaining wall within 5 ft. of the southwest property line.

Mr. Fruth indicated this is an after-the-fact retaining wall request. The residence was built approximately 10 years ago. Prior variances for the property allowed for a new garage to be constructed and required that an old garage be removed and the area be restored to a grassy type area. In August 2014, a violation complaint was received regarding adverse drainage and a retaining wall under construction. He presented a photograph of two (2) drainpipes which were extended along the outside of the reconstructed and expanded retaining wall. The old garage retaining wall had developed cracks, and the petitioner reinforced and refaced the wall with new material. The petitioner indicated he added 8" of wall closer to the lot line than what existed. One of the drainpipes is perforated which was installed to alleviate any drainage pressure that would build up on the wall. The second drainpipe is hooked up to the downspouts on the garage. He noted the property slopes steeply to the lake. Mr. Fruth said that the neighboring property owner (Doyle) complained of erosion on the slope and several trees being uprooted. The Waukesha County Land Resources Engineer recommended that the exposed pipes should not be outletting as they are, and indicated on Exhibit "C" of the Staff Report and Recommendation where the pipes should be extended to so that water will sheet flow across the Bartlett's property not the Doyle's property. The Town conditioned that the Land Resources Engineer's recommendations should be honored. Mr. Fruth suggested after speaking with the Land Resources Engineer that Condition No. 1 be expanded by saying that both drain tiles along the property line shall be extended to the subject location by May 1, 2015 and the Land Resources Division shall make a site inspection to verify outlet locations after or upon completion.

Ms. Patricia Bartlett, introduced herself and indicated she is the petitioner's mother. She explained the existing residence was razed and a new home was built and noted that many improvements were done to the property to improve the tax base. She understands that a permit for the retaining wall was not applied for, but the work was professionally done.

Ms. Dolan, introduced herself as the adjacent neighbor. She indicated when the Bartlett residence was razed, the Town of Merton and Waukesha County approved a remodel for the garage. She described the new garage was much higher than 15' and it was turned around which created more driveway, more parking

places, and ultimately more concrete. The drainage issues began when the soil was compacted behind the garage using crushed gravel. She indicated the retaining wall was built without any permits or inspected and it was built so an approximate 26' W x 47.5' D patio could be installed. Downspouts and drainage tiles have been installed in the patio area in addition to the downspouts on the detached garage. Two large trees have been lost from the area between the two (2) garages because of the water running off of the garage. The petitioner has two patios and two decks on the lakeside of the house creating impervious surface which is causing drainage problems. She indicated the retaining wall is 21" off of her property line. In summary, the construction of the retaining wall and external drain tiles along the property line direct flow into her property, the 5' setback has been disregarded, the variance issued to the property BA89:065 was disregarded when the 5 car detached garage was remodeled in 2005 and no inspections were done on the wall according to federal law. Her property cannot handle water from her own property, the road and now the Bartlett's property. In addition, when the Bartlett's plow the snow from their driveway it goes into their yard. She stated the Bartlett's property is large enough to alleviate the water problems.

Mr. Hammitt expressed concerns that the petitioner, being a self-employed contractor, built the retaining wall without permits and so close to the neighbor's property line. Mr. Goodchild summarized, that there was an existing retaining wall and it was replaced with new retaining wall, approximately 8" from where the existing wall was located. The issue is, water going on the neighbor's property that brought this to the Commission. He noted if the petitioner moves the wall 8", it will most likely not solve the water issue and it will still be there. The Commission needs to come up with a reasonable decision on how to solve the water issue. He suggested the recommendation from the Waukesha County Land Resources Engineer and possibly draining the water to the northwest might help alleviate the problem. He added the property line concern would be considered a civil issue. Mr. Peregrine asked if the Planning Staff has addressed the water problem that exists? Ms. Hedemann, Land Use Specialist, replied "Yes," by following the Waukesha County Land Resources Division's recommendation as conditioned in the Staff Report and Recommendation. Mr. Fruth said when he spoke with the Land Resources Engineer for clarification that water going into the perforated pipe is only from the retaining wall, he was told there is no way to know that for sure. That is why he suggested the change in wording to Condition No. 1 so that both pipes are extended to an area that will safely only impact the Bartlett's property.

Mr. Fruth presented photographs showing the existing wall and the stone stacked on top of it temporarily which refaced the wall. He said the issue is that the white pipes were routed almost completely on the property line and are discharging in an inappropriate location. Chairperson Siepman asked why the Land Resources recommendation did not specify pipe sizing. Mr. Goodchild said the Land Resources Division has come up with some ideas but the landowner should come up with design details. Chairperson Siepman said that in order to move forward, the Bartlett's should engage a civil engineer to look at the pipe to make sure it is sized appropriately and terminates at the right location as not to affect the Doyle property. He suggested wording should be added to the Staff Recommendation stating such. Mr. Maslowski asked if there was something in the Code, which states in these types of situations, that water should be kept on the property and not drain onto other properties. Mr. Fruth replied, that there are adverse drainage provisions in the Shoreland Ordinance. Mr. Maslowski asked if it would be unreasonable to insist that all drainage off the roof of the adjoining property be contained or directed onto their property not the adjoining property. In addition, he doesn't like to see neighbors pushing snow, directing drainage onto or building within the setback of other people's property.

Mr. Peregrine suggested expanding on Chairperson Siepman's suggestion above, that the property owner hire an engineer or specialist to prepare a plan for directing the drainage to stay on their property or go to the lake via their property along with the proper sized conduits, etc. and such plan be approved by the Land

Resources Division. Mr. Goodchild added that the lake lots in these areas were platted in the 1920s/1930s and contain very narrow properties and water can traverse property lines and when it becomes an issue, the Commission tries to come up with a solution. Mr. Mitchell cautioned that the Commission should go ahead with the drain tile recommendation and drainage pipes directing water away from the property, along with the additional study. Mr. Goodchild said there might be other options available such as a holding tank that slowly releases overtime. Mr. Fruth said from the Staff's perspective, that capturing the roof runoff and piping it somewhere is not a bad thing but currently it is outlet at the wrong point. Mr. Hammitt suggested a licensed engineer be required.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild and carried unanimously for approval, with a change to the conditions as follows:

- 1. The drainage tile outlet location for both pipes near the retaining wall shall be in accordance with the recommendation of the Waukesha County Land Resources Division as indicated on Exhibit "B".*
- 2. The property owner must submit certification from a professional engineer that the two drainage pipes located near the retaining wall are sized appropriately to convey roof runoff and other water that will be directed to said pipes and the owner's engineer shall develop a plan for outletting the two pipes that is consistent with the recommendations of the Land Resources Division and that adequately addresses any potential erosion issues that could result from the pipe outlets. Said plan shall be submitted to the Land Resources Division Staff for review no later than May 1, 2015.*
- 3. Both drain tiles along the property line shall be extended to the subject above-specified location by June 1, 2015. The Land Resources Division shall make a site inspection to verify outlet locations after completion.*
- 4. The area on the southwest side of the property along the new retaining wall shall be seeded with grass and re-vegetated by May 1, 2015, to stabilize the slope.*
- 5. Further improvement of the flat gravel surfaced area near the subject retaining walls requires additional permits and approvals.*
- 6. The retaining wall shall not encroach on neighboring lands.*

The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **PPC15 003 (Town of Oconomowoc) Section 29**

Mr. Fruth pointed out the location of Nokoma Drive and Hawthorne Drive in the Town of Oconomowoc on the aerial photograph. He indicated the request is to reduce the established road right-of-way width of Nokoma Drive from 66' to 40' and Hawthorne Drive from 66' to 50'.

Mr. Fruth indicated that a property owner that abuts Nokoma and Hawthorne Drive is proposing to combine two (2) lots and this reduction would increase the size of his property and reduce the road setback distance.

After discussion, Mr. Peregrine moved, seconded by Mr. Hammitt and carried unanimously for approval, in accordance with the "Staff Memorandum".

ADJOURNMENT

With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mr. Peregrine to adjourn at 3:12 p.m.

Respectfully submitted,

Gary Goodchild

Gary Goodchild
Secretary

GG:kb

(PLEASE FILL OUT COMPLETELY AND PLEASE PRINT. THANK YOU.)

| NAME | ADDRESS | PHONE NUMBER | IN ATTENDANCE FOR THE MATTER OF: | RELATIONSHIP TO PETITIONER |
|-------------------|------------------------------------|--------------|---|----------------------------|
| JUNE HERMAN | N8347 HUSTISFORD RD WATERLOO WI | 414-881-6153 | KOSALOS-LAKE DR | AGENT |
| Terry Donahue | " " | " " | " " | Agent |
| MARY KOSALOS | N39 W34840 LAKE DR OCONOMOWOC | 262-567-4367 | KOSALOS LAKE DR | OWNER |
| Barb Holtz | W334 S7725 HWY E MILWAUKEE | 262-470-4145 | Jean Holtz Trust | |
| Patricia Bartlett | W234 S 5502 Big Bend Rd. Waukesha | 414-646-4066 | Jett & Linda Bartlett | Messenger / Mother |
| GARY + DEANE FEAR | W358 N6191 Amy Ln Oconomowoc | 262-719-7369 | KOSALOS LAKE DR VAN LARE REZONE | NEIGHBOR |
| Tim BARBER | 16745 W. Alverno Rd. Brookfield RI | 262-317-3307 | Town of Delafield | Engineer |
| Mark Powers | W398 N5967 Autumn woods | | Terry Van Lare | Surveyor |
| Elizabeth Ruelle | W59N6280 Brown St | 847-639-0185 | Van Lare | Neighbor |
| Kathleen Ehrlich | W359N6280 Brown St Oconomowoc, WI | 847-658-0634 | Van Lare | Neighbor |
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