



MINUTES OF THE PARK AND PLANNING COMMISSION MEETING
March 27, 2024

- 1. Call meeting to order, Pledge of Allegiance, and confirmation of meeting notice.** The meeting was called to order, with the reciting of the Pledge of Allegiance, at 7:00pm by Vice Chairman Arlyn Johnson. Clerk Eichner confirmed proper notice of the meeting.
- 2. Roll Call –** Members present: Vice Chairman Arlyn Johnson, John Bales, Andy Jones, Chad Johnson, Dave Behringer, Bob Traska, Dennis Bell, and Marcy Bishop. Chairman Dave Klug was excused. Also present was Zoning Administrator Jim Micech, Attorney Tim Andringa, and Clerk Bob Eichner.
- 3. Approval of the Agenda –** Motion by Bell, seconded by Traska, to approve the agenda as presented. Motion carried, 8-0.
- 4. Approval of the minutes –** Motion by Bales, seconded by Jones, to approve the minutes of the January 31, 2024 Parks and Planning meeting. Motion carried, 8-0.
- 5. Any Town Resident to comment on any agenda item –** Gordon Potter, 4650 Lime Ridge Drive spoke to Items 9 & 10. He commented on his many-years relationship with Mr. Matuszczak. He stated that he knew Mr. Matuszczak to be of great integrity and honesty. Mr. Potter also stated that he believed that the proposed Windmill Trace Subdivision would bring additional tax dollars to the Town. There were no other public comments.
- 6. Payne & Dolan, Inc. – 675 Pleasant Valley Road – Request for extended evening hours for the I-43 Project – Discussion and possible action.** Clerk Eichner stated that State Act 12 adopted in 2023, prohibits Municipalities from regulating hours of operations of quarries that are producing materials used for public works projects. While the act states the law is for quarries, Payne & Dolan is also producing materials for public works projects out of the quarry. Eichner presented to draft letters allowing the night work. One regulates the number of days and the hours of night operation, and one does not. Both letters have identical additional restrictions for night work. After discussion, motion by C. Johnson, second by Jones to allow the night work using the draft letter without the days and hours regulations. Motion carried 8-0
- 7. Kettle Moraine Lutheran High School Federation – 3399 Division Road – Site Plan review consisting of a Fieldhouse expansion to the existing building, second floor classrooms, new fire lane, pedestrian way, stormwater pond modifications/improvements and storage building at the track & field area – T7-0573-00A, -0574-00A & -0575-00B - Discussion and possible action.** Motion by Bishop, second by C. Johnson, to approve the site plan on the condition that the proposed storage shed, in the flood plain, is approved by Washington County. Motion carried 8-0.
- 8. Kettle Moraine Lutheran High School Federation – 3399 Division Road - driveway installation and lowering of the speed limit on Sherman Road – T7-0573-00A, -0574-00A & -0575-00B - Discussion and possible action.** Excel Engineering presented an updated proposal for the proposed driveway on Sherman Road. This proposal includes raising the grade of Sherman Road by 3.5 feet. at the driveway. This will satisfy all sight distance requirements at the posted speed limit of 45 mph. Motion by Bales, second by Traska, to approve the proposed revised design, contingent a positive review of the design by the Town Engineer, and town board action on the speed limit reduction on Sherman Road. Motion carried 8-0.

9. **Anton & Janice Matuszczak – 4736 Maple Road – T7-0074, 0075 & 0076 – Preliminary Plat Review for Windmill Trace a R-1 Cluster Single Family Subdivision - Discussion and possible action on the indefinite review extension– Discussion and possible action.** Jim gave a brief history of the Subdivision development status. Attorney Andringa added a lot of history relating to the preliminary plat and the indefinite extension that was granted to Mr. Matuszczak (Developer) for the Windmill Trace Subdivision of March 1, 2023. Mr. Matuszczak then spoke and noted the soil engineering letter as well as a document relating to soil tests that were taken in 2023. Attorney Andringa noted that the soil engineer's letter was incorrect. There was a large amount of discussion between the members of the Planning Commission with Mr. Matuszczak and Attorney Andringa. A consensus was reached that at no time did the Planning Commission ever conditionally approve the preliminary plat map for the Windmill Trace Subdivision. Ultimately, following discussion, a motion was made by Bales, seconded by C. Johnson, to terminate the indefinite extension respecting a decision on the preliminary plat for the Windmill Trace Subdivision. There was no further discussion. The motion passed unanimously.
10. **Anton & Janice Matuszczak – 4736 Maple Road –Preliminary Plat Review for Windmill Trace Single Family Subdivision. - Discussion and possible action regarding the Preliminary Plat, assuming revocation of the indefinite review extension of Item #9 above occurs.** Following the lengthy discussion regarding Item #9, the indefinite extension to act on the preliminary plat map for the Windmill Trace Subdivision, there was discussion regarding the preliminary plat for Windmill Trace Subdivision. The Planning Commission again discussed the soil engineer letter, the soil map that was provided by the Developer and the layout of the preliminary plat map as proposed for Windmill Trace Subdivision with the Developer. The Developer admitted that 6 or more lots, mostly in the southeast corner, when tested, did not perc for a mound system and he was weighing his options of acquiring additional land to the north that would perc and/or drop those lots from the Subdivision. The Developer admitted that either course would substantially change the preliminary plat for the Subdivision. The Developer also admitted that there were other Lots in the proposed Subdivision that would be affected by groundwater and seasonal high groundwater, which would likely not allow for basements. The Planning Commission Members noted that over a year had gone by without progress with respect to the water issues that caused the Planning Commission to accept an indefinite extension for acting on the preliminary plat map for Windmill Trace Subdivision and that the layout of the preliminary plat map for Windmill Trace caused by the high groundwater (land suitability) issues would substantially change due to the soil and water issues affecting the property and therefore a Motion was made by Bales and seconded by Jones to reject the preliminary plat map for the Windmill Trace Subdivision and to waive the per lot fee if the developer resubmits the preliminary plat. The Motion passed unanimously.
11. **Forest Hills Subdivision – Right-of-Way issues occurring on Summer Drive & Lusan Drive (Summer Drive: T7-0578-00C, -0578-00D, -0579; Lusan Drive: T7-0580-008, -0580-005, -0580-006, -0580-007, -0577-033, -0577-0032, -0577-030, -0577-031). Discussion only.** Micech presented evidence of unvacated right-of-way on Summer Drive and Lusan Drive in the Forest Hills Subdivision. On the advice of Attorney Andringa, the clerk will seek proposals from a Title company to review this information for consideration at the April park and Planning Commission meeting. No further action was taken.
12. **Zoning Administrator's Report** – Still a lot of work being done without permits. Cedar Jacks is planning to open full business in May.
13. **Correspondence and announcement** – The new Town attorney will be attending both the April Town Board and Park & Planning Commission meetings.
14. **Adjournment of Parks and Planning Commission** – Motion by Bales, seconded by Jones to adjourn at 8:31pm. Motion carried, 8-0.

Respectfully submitted,

Robert M Eichner

Robert M Eichner, Town Clerk
Approved: April 24, 2024

Jim Micech

Jim Micech, Zoning Administrator