

**TOWN OF LODI  
PLAN COMMISSION MEETING MINUTES  
DECEMBER 7, 2017**

**1. Call to order & roll call:** Meeting called to order at 6 p.m. by Chairman Krause. Plan Commission members present: Kris Krause, Terry Martindale, Tom Marx, Robert Robbins, James Bechen; Absent: Jack Pfister, Jim Matras. Also present: Town Attorney Lawrence Bechler, Larry Smith, Paul Larson, Dianne Larson, Joan Pregler, & Roberta Arnold.

**2. Parcel 11022-247 Preliminary Certified Survey Map to create 4 lots. Located in Section 8 between Rapp & Summerville Park Roads, north of Okee Conservation Park, owned by Smith Revocable Trust, c/o Larry Smith:** Krause – since Smith was before the Plan Commission on 7/11/17, he has retained Stantec Consulting Services, Inc. to do a wetland delineation. Figure 5 – Field Collected Data (on file) and an Assured Wetland Delineation Report (on file). Smith – it has been very hard to find anyone at the WI DNR who can ok a Wetland Delineation Report. Krause – there’s only 12 in the entire state. Krause – the area of actual wetland is much smaller than the CSM presented back in June. Are you (Smith) going to update your CSM with this new information? Smith – I could, but what would I gain from doing that? Krause – there’s some good news here; both Lot 1 and Lot 2 have no wetland on them, Lot 3 has a very small wetland in a corner, and then there’s wetland in the middle of Lot 4. There is a Off-Site Field Delineated Wetland Boundary line on the parcels to the west of Smith’s properties. What we don’t know, and I haven’t had a chance to get an answer from Columbia County Planning & Zoning, is whether that Off-Site Field Delineated Wetland Boundary line could affect the building setbacks for future homes on Smith’s Lots 1 & 2. Bechler – when people alter their land and cause harm to another’s land that is a private matter between owners, such as the reported filling of land adjacent to Smith’s by that owner, thus making the wetland shift to adjacent properties. Smith – where do you want me to go from here? Bechler – the old county wetland map shows, as does the original Smith CSM prepared by Greg Knuteson, a much larger wetland area that seriously affects Smith’s property. Will the County go by their outdated map, or will they consider what the new information prepared by Stantec for Smith shows? Krause – the CSM you have submitted to us does not show the updated wetland information, thus you can either get the CSM updated or we can deny the CSM as it is. It is appropriate to show the County the Stantec report and hear what they have to say. But I think we need a revised CSM with the updated wetland delineation. Also, you submitted a 4-Lot CSM to us, with Lot 4 having access off of Rapp Road and Summerville Park Road; if you did a 5-lot CSM it’d require submission as a Plat. If we approve this 4-lot CSM, and then someone buys Lot 4 and comes back wanting to divide it ... Bechler – WSS states that if a 4-lot CSM has been approved and 1 of the owners comes in and wants to divide their lot into 2 within 5 years of the 4-lot CSM being approved ... that will require the submission of a Plat. Or, we can ask that a deed restriction be put on Lot 4 that states it is 1 lot and cannot be divided, and possibly also limit which road the access should be allowed from. Marx – it’d be a 5-year restriction, correct? Bechler – yes. Krause – it comes down to what you (Smith) want to do, and it seems that you want to do a 4-lot CSM. Smith – that’s what surveyor Knuteson recommended I do. You’re saying what I should do is take this wetland information to the County and see what they have to say. Bechler – yes, with the new wetland information it takes a lot of currently-shown (on the old maps) wetland out of these lots. And it makes Lot 4 large enough to possibly be split into 2 and have enough buildable area on each for homes on each. Marx – if we limit Lot 4 to one access would the driveway possibly end up going across wetland? Bechler – WSS does allow a driveway to be built across a wetland with specific restrictions. Krause – Surveyor Knuteson needs to update/revise the CSM using the Stantec information and mark the setbacks on each property based on this new information. Arnold – and the deed restriction for Lot 4? Bechen – is that needed with the 5-year statute? Bechler – a deed restriction would give the buyer notice of the restrictions for 5 years per statute. Krause – so the deed restriction you (Bechler) would propose would be so that Lot 4 could not be split within the first 5 years after the original 4-lot CSM was approved. Smith – I’ll call the county tomorrow and make an appointment to talk to them.

Bechler – this CSM tonight is considered submitted as of November 3<sup>rd</sup>, so there’s supposed to be action on the CSM within 90 days from date of submission (which would be February 1st). Krause – so when we meet next month you should either have a revised CSM ready for us to act on, or we will ask for an extension past the 90 days.

*Bechen/Marx motion to table this until the next Plan Commission meeting; MC 5-0.*

**3. Parcel 11022-89 Variance to Columbia County Ordinance 16-110-030(2) Road Setbacks for a new 22' x 30' garage/shop to replace existing carport and shop in Section 4 @ W11064 North Lake Point Drive, owned by Larson Living Trust, c/o Paul & Dianne Larson:** Paul – we have a garage that is deemed unusable due to sewer, etc. work done. The carport is in disrepair and needs to be repaired or replaced. We have a very steep incline from the road to the house. Joan - the current carport does not meet the required setback line. The garage and carport are hazardous and need to be removed. Paul – we also want to move the water supply line and meter. Krause – the existing timber retaining wall is almost at the road edge, I’m surprised a snowplow hasn’t hit it. Paul – we’d have no problem removing it. Krause – you’ve hired professionals to design your project for you, so stormwater runoff and retention I’m sure is a concern. Joan – the new driveway would match what’s currently there. Robbins – will the elevation of the garage change? Joan – yes, so the precast will be done so that any water runs towards the front of the garage. Krause – I’ve driven by and looked at this. In many cases in the town there are existing structures (buildings, retaining walls, etc.) encroach into the road right-of-way. Your home, etc. is the closest to the road compared to the others in your area. We also look at it as a safety issue. Smith – I’m sure we could take the timbers in the road right-of-way out and design something that would not encroach in the road right-of-way. Joan – if you take the timbers down the asphalt/road bed will fall. Krause – I’m not suggesting you take the timbers out without putting something there to prevent that from happening. Goeske – if they’re doing any work in the road right-of-way they’d have to get an “Excavating within the road right-of-way” permit from the Town, which would bring the Town Engineer in to make sure whatever is done leaves the area in as good or better condition than it was before the work. Krause – do we think the Larson’s plan is good for the town, are there safety issues, would not allowing the variance needed to do these improvements be a hardship for the Larson’s. The variance is for an encroachment that is similar to the encroachment that already exists. Marx – allowing them to do what they want improves the property, will improve the road right-of-way area, solves the problem caused by the road being raised which made their garage unusable (thus the Town created a hardship for the Larson’s). Bechler – one standard of this property is called “unique property” where adherence to ordinance(s) is hard or impossible because of unique slopes, configuration of the lot, etc.. Joan – this project will take care of any water runoff possibilities or issues. Robbins – how far would the new garage door be from the road? Joan – the foundation would be 2’ from the road. Joan – they don’t have any choice, they can’t move the garage back at all because then it exceeds the 20% lot coverage allowed. Bechen – it appears that whomever put the timbers there originally did so to prevent water runoff from the road. Arnold – why would a private property owner be responsible for fixing a problem in the town road right-of-way, regardless of who created the problem? Bechler – it looks like the timbers were put in by a previous owner of this property. Bechen – they’ve had a 2’ setback for years, so they’re not changing that. Replacing what’s there with a usable garage is a benefit for the Larson’s, so I’m in favor of their variance.

*Bechen/Marx motion to approve variance to the required 30 ft. from road right-of-way or 63' ft. from centerline so the Larson's can replace both deteriorating structures (garage and a carport) with a new garage/shop structure that would be located 2' from the right-of-way, because existing structure is not usable as a garage due to Town raising the road, thus creating a hardship; MC 5-0.*

**4. Minutes of October 25, 2017:** Robbins - #2 last sentence Robert Robbins is spelled incorrectly.

*Robbins/Bechen motion to approve with above correction and Krause edits; MC -50.*

**5. Future Meeting Dates:** Krause – at our last meeting we discussed going to having scheduled meeting dates, especially in light of us now having the town attorney and town engineer reviewing all items submitted, thereby giving us submission deadline dates for information to be submitted prior to a meeting and be put on that agenda. So we should discuss preferred week/month and day/week. 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays don't work, Mondays are also bad. So Thursdays seem to work best. Marx – I'd suggest the 2<sup>nd</sup> Thursday of each month, with submission deadline being the 1<sup>st</sup> of the month. Bechen – I'd suggest the 2<sup>nd</sup> Tuesday of each month. Krause – the deadline should be 10 calendar days before the meeting. Marx – how about 14 days (2 weeks) deadline before the meeting date.

Meetings will be 2<sup>nd</sup> Tuesday of each month, with submission deadline 14 days (2 weeks) prior to the meeting date.

**6. Adjourn:** *Bechen/Robbins motion to adjourn at 7:40 p.m.; MC 5-0.*

*April D. Goeske*  
Clerk-Treasurer