

**TOWN OF LODI  
PLAN COMMISSION MEETING MINUTES  
JULY 11, 2017**

**1. Call to order & roll call:** Meeting called to order at 6 PM by Chairman Krause. Commission members present: Kris Krause, Robert Robbins, Jack Pfister, Tom Marx, James Bechen. James Matras. Members absent (excused): Terry Martindale. Staff present: Dan Schrum (Ayres Associates), Lawrence Bechler (Murphy Desmond S.C.). Also present: Benjamin & Jessica Street, Larry Smith, Greg Knuteson (Knuteson Surveying), Roberta Arnold, James Hafertepe.

**2. Parcel 11022-220: Certified Survey Map to combine Lots 1 and Lots 2 in this parcel to just one parcel. Located in Section 5 @ W11619 Demyck Road, owned by Benjamin & Jessica Street:**

Schrum – see Attachment A @ end of minutes (page 4 of 9)

Bechler – see Attachment B @ end of minutes (page 5 of 9)

Ben Street: This CSM is to combine the 2 lots on this parcel into 1 lot containing the entire parcel. We've previously obtained a variance to add a 2<sup>nd</sup> floor to the current home. Schrum – the only corrections on the CSM I see is correcting the spelling of Demyck Road and adding the current zoning of the parcel onto the CSM, and add the square footage of all buildings shown on the CSM. Make sure the CSM meets all the requirements of Columbia County and Town of Lodi ordinances related to CSM's. Bechler – this is a simple lot combination, and a requirement of most banks today. Bechen – are all the structures shown on the CSM the only structures there will be, no new additions? Ben – no additions.

*Pfister/Robbins motion to recommend Town Board approval with incorporating corrections and additional information as stated 7/6/17 memo from Dan Schrum of Ayres Associates (Attachment A) and 6/10/17 memo from Lawrence Bechler of Murphy Desmond S.C. (Attachment B), and in compliance with all Town of Lodi and Columbia County requirements for Certified Survey Maps; MC 6-0.*

**3. 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: **SEE ATTACHMENTS "C" & "D" AT END OF MINUTES****

Smith: What I tried to do, working with Jim Schommer in the past, to see if the town was interested in purchasing this land to add to the current Okee Conservation Park. Soon I'll have paid more in taxes over the many years I've owned it than the land is worth for sale.

Schrum: see Attachment C @ end of minutes (pages 6, 7, 8 of 9)

Bechler: see Attachment D @ end of minutes (page 9 of 9)

Knuteson: this CSM is intended only as a preliminary CSM, which is why some items are missing from it, to get the feel from the Plan Commission. I used a previous CSM to show where the wetland is in lot 4. Schrum – the updated wetland rules will affect that.

Bechler – you (Schrum) say that Lot 4 falls in the shoreland/wetland ordinances? Schrum – yes. Bechler – in the past we've tried to discourage wetlands running through the middle of lots, which is the case through the middle

of Lot 4, and the other 3 lots have wetland portions in it. The Town might want to have a building envelope area shown in each lot so that no wetlands are disturbed. My concerns are mainly about Lot 4 with the large wetland through the middle of it, and the 30' sanitary sewer easement along its southern border. I think the Town needs to see an Environmental Assessment before the town can take any action on this. Pfister – is there mitigation that can be done on Lot 4? Bechler – if you can get permission from the Army Corps of Engineers. Robbins – I'd have concerns regarding insurance with wetlands on the property. Bechler – you (Smith) owned a lot of land in this area, and at one time there was an agreement with the town where you would give land to the town and in exchange the town would not enforce parkland fees. Smith – Madeline Summers came to me many years ago and said she wanted this area developed very slowly, and asked that I buy pieces of her property, which I did over the years. Krause – the CSM has to show the building envelopes and restrictions on doing anything in the wetland areas so future buyers don't buy the lots and turn them entirely into grass lawn and buildings. Krause – how accurate is the wetland in Lot 4? Knuteson – it's what is shown on the original CSM from 1989. Bechler – need to make sure it's accurate based on current GIS and DNR measurements. Schrum – you could have the wetlands delineated. Bechler – looking at the Columbia County map (see Attachment C) the wetland on Lot 4 isn't as large as shown. Krause – I think you (Smith) need to have the work done to determine exactly where the wetlands are. Bechler – my report also indicates possible issues with location of 4 individual wells, might want to check with Columbia County. Bechen – is there any way to even enforce the 35' wetland setback? Bechler – there can be covenants restricting activity in that area, but very hard to enforce. Bechen – it looks like only Lot 2 even has a reasonable buildable area. Krause – you could get maybe a 1,500 sq. ft. home on each. Bechler – that's why I strongly suggest building envelopes be on these lots. Robbins – would it make any sense to cut Lot 4 in half? Bechler – not with the wetland setback limitations. Bechler – it'd make more sense to make 1 lot out of Lots 3 & 4.

Bechler – I think it'd be best to have an Environmental Assessment of this property, including contours and wetland delineation. Krause – I think we're all in agreement that knowing where the wetlands exactly are is needed, plus building envelopes on each lot.

Bechen – would it make sense for Smith to go ahead with a CSM for Lots 1, 2 and 3 for review and approval, and do a separate CSM for Lot 4 due to its complexity? Schrum – I emphasize that Smith get the wetlands delineated, it could end up that the actual wetlands are less than what is shown on the current preliminary CSM.

Smith – I'd still love to see this all park land, it's beautiful along there, and the deer love it. Marx – I'd love to see this as park land also, but in my discussions with Smith the price was not something that the town could afford. Bechler – when the Conservation Park was purchased the Town got about 50% of the price from a grant from the state, and town's part of the price was raised through fundraising. Marx – possibly the idea of this becoming park land isn't dead yet, the idea of this becoming park land hasn't gone before the Park Commission.

Bechler – just curious, why wasn't this parcel included in your original proposal to divide your properties into 17 lots in this area? Smith – Madeline Summer wanted development to move very slowly.

Krause – what this commission needs is delineation of the wetlands, contours shown, and an Environmental Assessment to go with it.

Bechler – this is a preliminary CSM and thus the 90-day timeline has not started, correct? Knuteson – that is correct.

*Pfister/Bechen motion to table this matter; MC 6-0.*

**4. Minutes of May 23, 2017 meeting: Pfister/Robbins motion to table until next Plan Commission meeting; MC 6-0.**

Krause – there is not a lot in the queue at this time, so a date isn't set for a next meeting.

**5. Adjourn:** *Bechen/Marx motion to adjourn at 7:15 pm; MC 6-0.*

*April D. Goeske*  
Clerk-Treasurer

**ATTACHMENT A: Page 4 of 9**  
**ATTACHMENT B: Page 5 of 9**  
**ATTACHMENT C: Page 6,7,8 of 9**  
**ATTACHMENT D: Page 9 of 9**

**ATTACHMENT A**

**Date: July 6, 2017**  
**From: Dan Schrum, Ayres Associates**  
**Re: Street Certified Survey Map (CSM)**

The purpose of the CSM is to combine Lots 63 and 64 into Lot 1 as requested by the owners, Benjamin and Jessica Street of 3764 Park Knoll Drive Madison, WI 53718. Lot 64 currently includes the majority of the owner's house and an outbuilding. Lot 63 currently includes the remaining portion of the owner's house, garage and driveway.

Both Lots are zoned R-1 (Single-Family Residence) and no zoning changes are being requested. The total acreage of combing the two lots would be 0.41 acres.

Ayres has completed their review of the following documents for the Street Certified Survey Map (CSM):

- Request for Review of Certified Survey Map (CSM) (received June 23, 2017)
- CSM (received June 23, 2017)

We have the following comments on these documents: CSM

The primary purpose of the CSM is to combine Lots 63 and 64 into Lot 1. The result would be one new lot (proposed Lot 1) that would contain the home, garage and outbuilding.

**Town Ordinances**

1. Update correct spelling of "Demyneck" Road.
2. Add existing zoning per Town Ordinance (10.05(c)(2)(I).
3. New lot appears to conform to Town Ordinance (10.13(d)(B)(i)) which states that maximum lot coverage, including buildings and other impervious surfaces shall not exceed 35% of the lot. Labeling square footage on all buildings would assist in confirming this.
4. The final CSM shall be fully compliant with Chapter 236.345, Wis. Stats., Columbia County Land Division and Subdivision Ordinance and the Town of Lodi Ordinance.

**ATTACHMENT B**

**Date: July 10, 2017**

**From: Lawrence Bechler, Murphy Desmond S.C.**

**Re: Street Certified Survey Map**

I have reviewed the draft Certified Survey Map combining the two lots that the Streets' home is located upon. Dan Schrum has previously sent his report, and I assume you have that, for the Plan Commission's review. I agree with Dan's concern. The Town needs to work with surveyors so that they properly identify Town requirements as well as County requirements on Certified Survey Maps. The Town Board has previously addressed the setback questions in its analysis of the variance requests.

## ATTACHMENT C

**Date: July 6, 2017**  
**From: Dan Schrum, Ayres Associates**  
**Re: Smith Certified Survey Map (CSM)**

The purpose of the CSM is divide parcel 247 into four proposed lots as requested by the owner, Larry Smith of 108 Davis Street Lodi, WI 53555.

Parcel 247, located in the Town of Lodi between Rapp Road and Summerville Park Road, is currently zoned R-1 (Single-Family Residence) and no zoning changes are being requested. The total acreage of Parcel 247 is 2.30 acres. This parcel is identified for future use as single-family residential in the town's Comprehensive Plan. There appears to be no buildings present on this parcel. An existing off-road multi-use path is present along this parcel on Summerville Park Road and appears to be within the 33' easement.

Parcel 247 is located within the Okee Sanitary District, which provides public sanitary service to properties within the district. The shared treatment facility is currently operating below its design capacity and can accommodate this expansion.

This CSM is being prepared as a Minor Subdivision in accordance with Town Ordinance 10.04(e), which specifies that the subdivider proposes to divide land into no more than four parcels, any one of which is less than 40 acres, thus following the procedures set forth by use of a CSM prepared in accordance with Wis. Stats 236.34 and the Town Ordinance.

The primary purpose of the CSM is to subdivide Parcel 247 into four separate new lots; Lot 1 (0.46 acres), Lot 2 (0.46 acres), Lot 3 (0.46 acres) and Lot 4 (0.92 acres). Wetlands are present on all four proposed lots with a 35' wetland setback. A sanitary sewer easement is present in proposed Lot 4. A 30' building setback is shown on Lot 4. Portions of Lot 4 appear to be within the 300' buffer of the Agricultural Shoreland Management area.

Ayres has completed their review of the following documents for the Smith Certified Survey Map (CSM):

- Request for Review of Certified Survey Map (CSM) (received June 21, 2017)
- CSM, Preliminary Copy (received June 21, 2017)

We have the following comments on these documents: CSM

### Town Ordinances

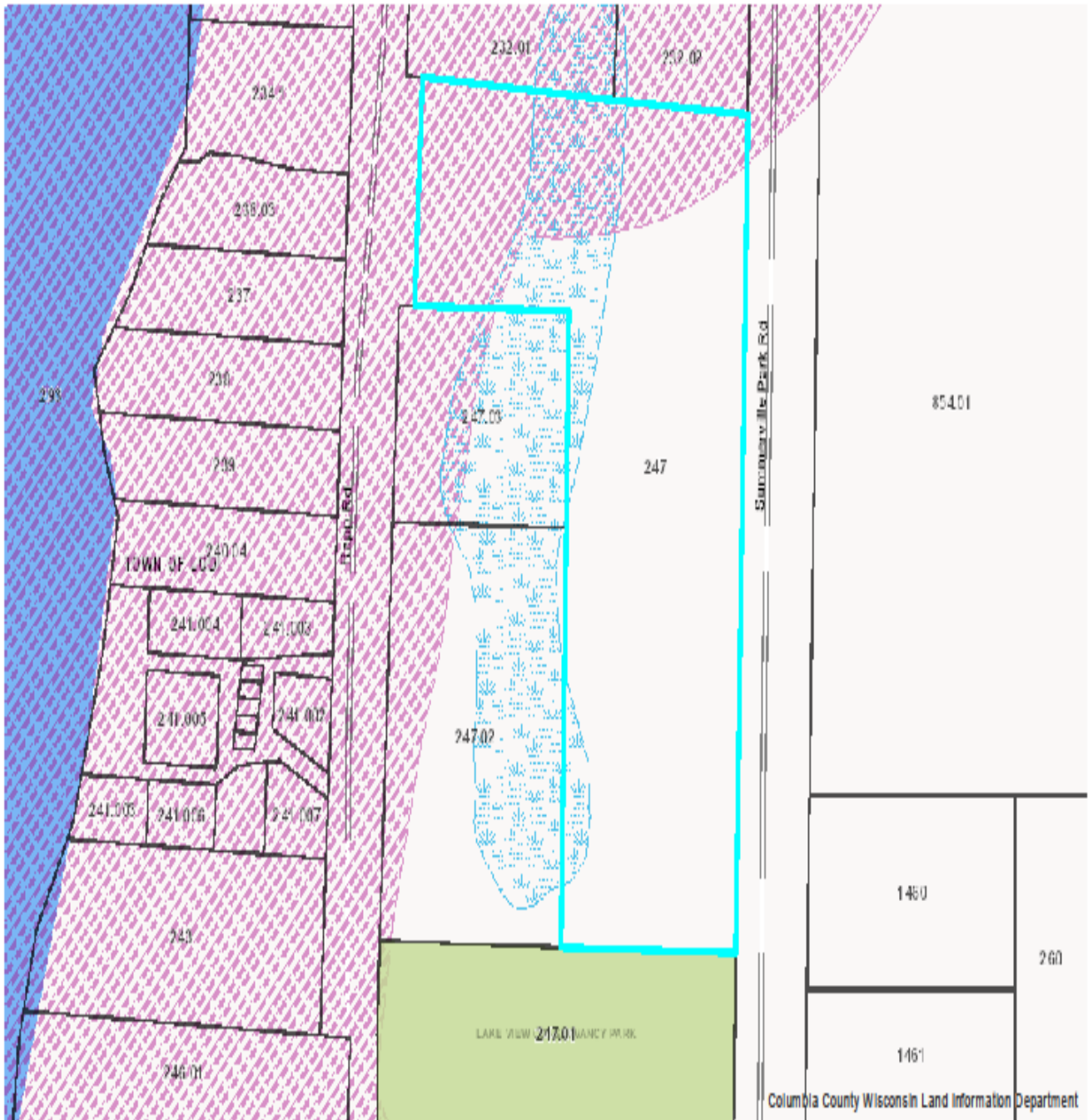
1. Add existing zoning on and adjacent to the proposed land division per Town Ordinance (10.05(c)(2)(I). Lake View Conservancy Park borders this parcel to the south.
2. The CSM is missing the signature page as defined in Town Ordinance (10.05(c)(3).
3. Verify the setback distance from Rapp Road and permanent easement. The 30' setback distance as specified in the CSM does not appear to match that of the Columbia County Interactive Mapping Application (see attachment). Columbia County requires a 63' setback from the centerline of a Town, Village or City Road per Table 16-110-030(2). The CSM shows a 55' setback.

4. The proposed individual Lots meet the minimum 20,000 square foot size within an Urban Service Area per Town Ordinance 10.07(c)(3) for a new subdivision. While this may not necessarily apply, it is pointed out that the standard is met. Additionally, the minimum Lot size per Columbia County Zoning Table 16-110-030(I) of 12,000 square feet (R-1) is also met.
5. Driveway access to the Lots should be discussed. Lot 4 has frontage on Rapp Road and Summerville Park Road. The location of individual driveways must adhere to Town Ordinance Section 5.13 – Driveway Siting.
6. Land Suitability – the land division must adhere to Town Ordinance 10.03(e). An Environmental Assessment may be warranted as stated in Town Ordinance 10.04(J), but could be waived by the Plan Commission for minor subdivisions of less than five acres total area per Town Ordinance 10.04(J)(i).
7. The final CSM shall be fully compliant with Chapter 236.345, Wis. Stats., Columbia County Land Division and Subdivision Ordinance and the Town of Lodi Ordinance.

The issues outlined herein are meant as a guide to assist you in your discussions toward approval of this proposal.

*Map for Attachment C on page 8*

# Tax Parcel Map - Parcel 247





**ATTACHMENT D**

**Date: July 10, 2017**  
**From: Lawrence Bechler, Murphy Desmond S.C.**  
**Re: Smith Certified Survey Map**

I have reviewed this proposal. In addition to the comments by Dan Schrum, I offer the following:

I think Dan's comments about an environmental assessment are absolutely mandatory for this property. Given the fact that there are substantial wetlands on these parcels – and as to Lot 4, the wetland is across the middle of the property – I cannot see how an analysis of the environmental concerns on this property is simple at all.

As you know, lots with wetlands on them are frequently a concern. At a minimum, I would think that we would require covenants prohibiting any activity whatsoever within the wetlands or within the wetland setback area, enforceable by the Town. Thus, it seems that the actual buildable area, particularly at Lot 4, is extremely limited. Perhaps if these are otherwise approvable, there ought to be building envelopes developed to provide better notice to property owners of the areas on which development is prohibited.

If the Town is willing to permit these lots to be developed as shown, the developer will have to pay fees in lieu of parkland dedication to the Town in accordance with the applicable standards.

Since the lots are within the Okee Sanitary District, the developer would need to make arrangements with the Sanitary District for approval of public sewer service.

I am also concerned about the siting of four wells in such close proximity to wetlands. Perhaps we should contact Columbia County on this aspect of approval here.

Another problem created by this proposal is that Lot 4 is a through lot in accordance with the definition for such lots in Section 10.02(b)(3). On through lots, both street lines are deemed front lot lines.

Historically, this parcel is one of the last remnants of a much larger property once owned by Larry Smith the includes the park land that the Town was able to acquire from Mr. Smith by way of a stewardship grant some years ago. This is the first time it has been divided, so the fact that has a double-fronted lot is a historical accident rather than any conscious decision by a prior Plan Commission.

Accordingly, I would strongly recommend requiring the developer to provide the environmental assessment to determine whether this property is actually suitable for development. I do not think there is enough information at this point in time to make that analysis.