

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
FEBRUARY 8, 2018**

1. Call to order & roll call: Meeting called to order by Chairman Krause at 5:30 p.m. Commission members present: Kris Krause, Tom Marx, Jack Pfister, Terry Martindale, James Matras; absent: James Bechen, Robert Robbins. Also present: Larry Smith and Surveyor Greg Knuteson, and via speaker phone Town Attorney Lawrence Bechler.

2. Parcel 11022-247 Certified Survey Map to creating 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 gave history of this CSM since it first came before the Plan Commission in July 2017 and again in December 2018.

Krause – you were just given a Staff Report prepared by Town Engineer Dan Schrum in conjunction with Town Attorney Lawrence Bechler. An "Assured Wetland Delineation Report" was prepared by Stantec for Smith as requested. The key issue is the wetlands on this land. And then there is Lot 4 of 4, which there is a feeling that in the future Smith will want to split this lot into 2 buildable lots, and that it wasn't done at this time because being 5 lots would have required the time and expense for a Preliminary Plat, Plat, etc.

Krause - We have options: (1) deny this CSM because Lot 4 isn't in compliance with county and town ordinances. (2) approve the CSM as follows (from the Staff Report):

The Town Attorney, Lawrence E. Bechler, and the Town Engineer, Ayres Associates, have reviewed the revised Larry Smith CSM dated 1/12/2018. It is our recommendation that the Town Plan Commission motion to recommend a deferred effective date for Town Board approval of this CSM with the following conditions:

1) *The applicant must draft the following covenants, submit them to the Town Attorney for review and submit them with the CSM:*

i) Restrictive Covenant for Lots 1,2,3 and 4 regarding wetland and wetland setbacks that are present on the property. This shall include language that the filling or disturbing of any wetland or wetland setback is prohibited. This covenant should also explain the significance of the building envelopes required under 2), herein.

ii) Restrictive Covenant for Lot 4. This shall include language that Lot 4, as presented on the CSM, is prohibited from being further divided for a minimum of five years from the date of record, and if proposed to be sold prior to five years after the recording of the CSM, to have only one building envelope.

2) *Provide building envelopes for Lots 1,2,3 and 4, as authorized by Sec. 10.05(c)(2)(B). Since there are restrictions for development existing on these Lots due to the wetlands and wetland setbacks, the Town should require building envelopes be provided to make prospective purchasers of the land aware of these restrictions and where they could build a structure(s).*

Bechler – there's been significant attentions given in the staff report prepared for this evening. Smith – there is no need for covenant on Lot 1. Krause – the northwest corner of that lot has wetland. Knuteson – that is correct. Krause – it's not a huge deal, but by ordinance they can't do anything with the wetlands. Smith – in Lot 2 there's 162' before wetland, so there is plenty of buildable area on the lot. Krause – that is true, but the covenant for each lot would detail what can and cannot be done, where building can and cannot be built, and that nothing can be done within the wetland area. The issue that comes up, as it has on other properties in the town, that someone buys the property and doesn't know this information and starts to make significant modifications to the land in violation of setbacks, etc.... These covenants would inform the buyers of these lots up front that there are restrictions and covenants they must adhere to on their lot. Smith & Knuteson – we see no issue with preparing covenants for each lot. Bechler – the attorney that has worked with Smith in the past will know what is needed. Smith – I haven't worked with an attorney in 20 years. Bechler – I thought the last time we were working with

Smith he was using Atty. Jeff Clark. Krause – Atty. Bechler has worked with almost every attorney in this area, so it should be a quick process. Bechler – I don't think this will be difficult. Smith – I will think about it.

Krause (to Plan Commission members): are you okay with this CSM with the conditions outlined in the staff report? Tom (to Bechler) – is there a reason for the following: "*Restrictive Covenant for Lot 4. This shall include language that Lot 4, as presented on the CSM, is prohibited from being further divided for a minimum of five years from the date of record, and if proposed to be sold prior to five years after the recording of the CSM, to have only one building envelope*"? Bechler – the State Legislature in WSS **236.02(12)(am)** states:

(am) Except as provided in par. (bm), "subdivision" means a division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development and to which any of the following applies:

1. The act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area.
2. Five or more parcels or buildings sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.

(bm) "Subdivision" does not include a division of land into 5 or more parcels or building sites by a certified survey map in accordance with an ordinance enacted or a resolution adopted under s. 236.34 (1)(ar)1.

If Smith were to want to divide one of these lots into 2 lots within the next 5 years he'd be required to go back and do the whole thing as a plat.

Matras – I am comfortable with the CSM with the conditions. Pfister – I am too. Marx – I am too.

Marx/Pfister motion to recommend Town Board approval of the proposed CSM deferred until such time as the covenants outlined in the recommendations on the staff report are met; MC5-0.

Smith – I don't want to restrict a future buyer by putting building footprints on each Lot. Bechler – the idea here is that if a buyer purchases one of these lots and doesn't know where the building setbacks are within that lot and where the wetland is, and where they can build, then there will be issues when the buyer goes to obtain and Columbia County Zoning Permit with the buyer not being able to build the size of home and where they want to build. Knuteson – what about the sewer easement? Bechler – you have to meet their setbacks too.

3. Minutes of December 7, 2017: deferred to next meeting

4. Next meeting date: Thursday, March 13, 2018. Pfister – I will be gone the month of March.

Engineer Dan Schrum will be bringing and amendments to our CSM ordinances. A heads up that Grothman is working on 3 plats (of 10 each) that will come before the town in the near future.

4. Adjourn: *Matras/Pfister motion to adjourn at 6:10 p.m.; MC 5-0*

*April D. Goeske
Clerk-Treasurer*