

JOINT TOWN/VILLAGE OF NEW GLARUS
EXTRATERRITORIAL ZONING COMMITTEE MEETING
FEBRUARY 19, 2024, 5:00 PM
AGENDA

NOTICE IS HEREBY GIVEN that members of the Town of New Glarus Board, County of Green, will conduct a meeting for the transaction of business as is by law required permitted at such meeting as follows:

LOCATION: Village Hall Board Room
319 2nd Street
New Glarus, WI 53574

1. Call to Order
2. Approval of Agenda
3. Public Comments
4. Approval of 8/22/2023 Minutes
5. Discussion and Potential Recommendation on the Application for Land Division by Certified Survey Map (CSM), N8250 Marty Road
6. Public Hearing on the Talarczyk Preliminary Plat, Kubly Road, Parcels 2302401750000, 2302401750100, 2302401750200
7. Discussion and Potential Recommendation on the Talarczyk Preliminary Plat, Kubly Road, Parcels 2302401750000, 2302401750100, 2302401750200
8. Adjourn

POSTED:2.18.2024

Town Hall
Town Garage
New Glarus Post Office
<https://townofnewglarus.com/agendas-minutes/>

Chris Narveson
Town Board Chair

John Wright
Clerk-Treasurer

PEOPLE REQUIRING ADDITIONAL INFORMATIONAL SERVICES TO PARTICIPATE IN A PUBLIC MEETING MAY CONTACT THE VILLAGE CLERK FOR ASSISTANCE AT 608-527-2510.

New Glarus Joint Extraterritorial Zoning Committee
Town of New Glarus/Village of New Glarus
Village Hall Board Room – 319 2nd Street, New Glarus, WI
8/22/23 6:00 PM

The meeting was called to order at 6:00 p.m. by Roger Truttman (Village). Members Present: Roger Truttman (Village), Bekah Stauffacher (Village), Suzi Janowiak (Village), Jim Hoesly (Town), Robert Elkins (Town), Chris Narveson (Town). Also Present: Village Administrator Lauren Freeman

Approval of Agenda: Chris Narveson moved approval of agenda. Jim Hoesly seconded. Motion passed 6-0

Approval of Minutes from 3/21/23: Bekah Stauffacher moved approval. Suzi Janowiak seconds. Motion passes 6-0.

Public Comments: None

Discussion and Potential Recommendation on the Green County Highway Department Application for Land Division by Certified Survey Map (CSM), W6177 State Hwy 39, Parcel 2302401220000: Jim Hoesly moved to recommend application for land division to the Village Board. Bekah Stauffacher seconds. Jim Hoesly moved to amend motion to include changing the “66’ private road easement” to “Reserved for Future 66’ Wide Street” on the CSM, seconded by Suzi Janowiak. Amendment passed 6-0. Original motion with amendment passes 6-0.

Adjournment: Meeting adjourned at 6:17 p.m.

Minutes taken by Lauren Freeman, Village Administrator.



To: New Glarus Extraterritorial Zoning (ETZ) Committee, Village Board

From: Mark Roffers, Village Planning Consultant

Date: February 13, 2024

Re: 8250 Marty Road (Klein) Extraterritorial CSM

Recommendation: I recommend that the ETZ Committee approve a motion recommending Village Board approval of the CSM, dated 1/19/2024, and then the Village Board approve a motion approving that same CSM, subject to the following conditions:

1. Prior to the addition of Village signature, the applicant shall amend the CSM and resubmit it for Village Administrator approval with the following adjustments:
 - a. Clearly indicate on the CSM or other document for recording the limitations outside of the designated “cluster envelopes” on each lot, and/or rename them to “cluster building envelopes” or similar for greater common understanding of their function without depending on municipal program understanding.
 - b. Adjust the cluster envelope for CSM Lot 3 to have a western edge no closer than less than 80 feet from the eastern Marty Road right-of-way edge.
 - c. On Sheet 5, correct spelling of “pavement” and specify whose responsibility it will be to relocate the existing driveway, and when or via what triggering event.
 - d. Amend the Owner’s Certificate on Sheet 7 to indicate that the CSM must also be submitted to the Village for approval.
 - e. Amend the Surveyor’s Certificate on Sheet 8 to indicate that the surveyor has complied with the Village of New Glarus subdivision regulations to the extent required by law.
 - f. Add the following note: “Aside from the removal of dead or dying trees, there shall be no disturbance within slopes of 20% or greater marked on this CSM.”
 - g. Add the following note: “Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to preexisting agricultural practices in the vicinity of the residential property. Active agricultural operations are now taking place and may continue in the vicinity of this CSM. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during all hours of the day and night.”

2. Within one month of their recording, the applicant shall provide to the Village Administrator copies of the recorded plat, easement, and restriction described above.

Requested Approval: Certified Survey Map (CSM). Within the 1.5 mile extraterritorial land division approval jurisdiction, CSMs require an ETZ Committee recommendation and Village Board approval. Town and County approvals are also required.

Site Area and Location: The CSM is about 1.3 mile southwest of the nearest Village limits, and covers 42 acres on the east side of Marty Road, which the State has designated as a “rustic road.” The CSM is in the Village’s *land division review* jurisdiction but not its extraterritorial *zoning* jurisdiction.

Current Land Use: One single-family residence within the area of proposed CSM Lot 2. Lands northwest of the residence are wooded and most of the rest of the CSM area is farmed. The eastern edge of proposed Lot 3 has slopes of 20%+. There is no mapped wetland or floodplain.

Proposed Use: It appears that CSM Lots 1 and 3 would be made available for two additional single-family residences. The CSM includes 2 acre cluster (building) envelopes for each lot. While each lot would have frontage on Marty Road, it appears that Lot 3 may share driveway access with CSM Lot 2.

Village Comprehensive Plan Recommendations: CSM area has been designated for future “Rural Single Family Residential” land use in the Village’s plan, intended to provide for “groups of five or more single family homes, generally built on lots of at least two acres, and served by private waste treatment systems.” Within areas so planned, the Village’s Comprehensive Plan advises to “preserve views, open space, farmland, and natural features that maintain rural character” and “arrange individual homes in desirable locations, considering topography, privacy, and views of open space.”

Applicable Extraterritorial Land Division Rules: Village Board and ETZ Committee review over this CSM is prescribed under Chapter 265 (Subdivision of Land) of Village ordinances, to the extent limited by Wisconsin Statutes and court decisions. After conferring with the Village Attorney, these are likely limited to the following ordinance provisions:

1. Land suitability requirements in its Section 265-8. It is my opinion that the land is suitable for the proposed CSM, subject to the recommended condition above regarding steep slope preservation. The location of the Lot 3 building envelope and what I believe is a proposed shared drive with Lot 2 would also help preserve the woods along Marty Road.
2. Procedural requirements for CSM review in its Section 265-14. Sufficiently met.

3. Extraterritorial land division review provisions in Section 265-17. The proposed CSM complies with general extraterritorial land division policies in this section. Section 265-17 A.(6) also specifies that “extraterritorial land divisions that are beyond the extraterritorial zoning jurisdiction but within the extraterritorial land division approval jurisdiction shall be designed in accordance with the standards printed within Sections 305-110, 305-121, and 305-122 of Village ordinances. Section 305-110 includes land use regulations that cannot be legally enforced, plus a minimum 2 acre lot size regulation and dimensional requirements that can be enforced (and are met with the CSM). Section 305-121 includes maximum density regulations that likely cannot be enforced outside of the extraterritorial *zoning* area, by court decision. Section 305-122 contains “rural character design standards” that I believe are enforceable to the extent they are not regulating the use of land but rather its design. Most of these “rural character” standards appear to be met with this CSM. The future residence on Lot 1 may be highly visible from Marty Road, which runs counter to these standards. That visibility should be mitigated somewhat by a generous building setback; per the CSM, the cluster envelope for Lot 1 scales at about 50-60 feet setback from Marty Road. Most nearby houses along Marty Road are set back 100+ feet, which is why I am advising a slightly greater setback to meet rural charter standards. Additional tree planting in that expanded setback area is also encouraged. The rural character design standards also advise the “right-to-farm” note recommended above.
4. Technical requirements in its Article V. These are met, subject to the recommended technical conditions above. The surveyor is also advised to verify the accuracy of the CSM’s legal description.
5. Block and lot design standards in its Sections 265-41 and 265-42. These are met or not applicable given the CSM’s configuration.

CHECKLIST FOR LAND DIVISION OR CONSOLIDATION BY CSM APPLICATION

Completed land division or consolidation by CSM application must be submitted to Village Clerk's Office, along with fee and other requirements outlined by checklist.

Applications must be received 15 days prior to the Plan Commission meeting in order to be placed on agenda to meet publication deadlines. The Plan Commission meets the 3rd Thursday of each month and Village Board meets the 1st and 3rd Tuesday.

The application will be placed on agenda only after completed form and fee have been filed with the Village Clerk's Office. Please note all applications must be reviewed by the Plan Commission and forwarded to Village Board for final action.

Required Items:

- X 1. Completed land division or consolidation by CSM application.

- N/A 2. Fifteen (15) copies of Certified Survey Map (CSM) prepared by registered surveyor showing all the information required for a building permit and existing and proposed landscaping.
-submitted PDF via email.

- X 3. Plot map to show location of CSM.

- X 4. Completed Environmental Assessment checklist (attached to application).

- X 4. Fee of \$100.00 (Resolution R10-05).
-submitted by owner under separate cover.

PERMIT FEE: _____
PERMIT NO.: _____

VILLAGE OF NEW GLARUS
APPLICATION FOR LAND DIVISION OR CONSOLIDATION BY
CERTIFIED SURVEY MAP [CSM]

TODAY'S DATE: _____

APPLICANT NAME: Matt and Jennifer Klein
ADDRESS: 1991 Spring Rose Road, Verona, WI 53593
TELEPHONE: 608-235-0390

SITE ADDRESS: 8250 Mart Road, Town of New Glarus

DESCRIPTION OF SITE BY LOT, BLOCK AND RECORDED SUBDIVISION OR BY
METES & BOUNDS: See Certified Survey Map

PRESENT ZONING OF SITE: Agriculture

NOTICE TO APPLICANT:

ATTACH FIFTEEN (15) COPIES OF CERTIFIED SURVEY MAP PREPARED BY REGISTERED SURVEYOR SHOWING ALL THE INFORMATION REQUIRED FOR A BUILDING PERMIT AND EXISTING AND PROPOSED LANDSCAPING.

ATTACH PLOT MAP TO SHOW LOCATION OF CSM.

ATTACH COMPLETED ENVIRONMENTAL ASSESSMENT CHECKLIST.

Applicant Signature

**VILLAGE OF NEW GLARUS ENVIRONMENTAL ASSESSMENT CHECKLIST
FOR SUBDIVISIONS AND LAND DIVISIONS BY CERTIFIED SURVEY**

Project Name: 8250 Marty Road
 Applicant's Name: Matt and Jennifer Klein

All "Yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development/land division.

LAND RESOURCES

Does the project site involve any of the following:
 (If "yes", how does the developer propose to address the matter?)

	Yes	No
Changes in relief and drainage patterns? If yes, attach two (2) copies of: <input type="checkbox"/> A topographic map showing, at a minimum, two (2) foot contour intervals.		X
A floodplain? If yes, attach two (2) copies of: <input type="checkbox"/> A typical stream valley cross-section showing 1) the channel of the stream; 2) the 100-year floodplains limits and 3) floodway limits [if officially adopted] of each side of the channel; AND <input type="checkbox"/> A cross-section of the area to be developed		X
An area of soil instability - greater than 20% slope and/or organic soils, peats, or mucks at or near the surface?	X	
Prime agricultural land (Class I, II, or III soils)?		X
Wetlands and mapped environmental corridors?		X
Unique physical features or wildlife habitat?		X

WATER RESOURCES

Does the proposed project involve any of the following:

Location within the area traversed by a navigable stream or dry run?		X
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HUMAN AND SCIENTIFIC INTEREST

Does the project site involve any of the following:

An area of archeological or geological interest?		X
An area of historical interest?		X
An area of buildings or monuments with unique architecture?		X
Unique, uncommon, or rare plant or animal habitats?		X
Mature native tree species?	X	

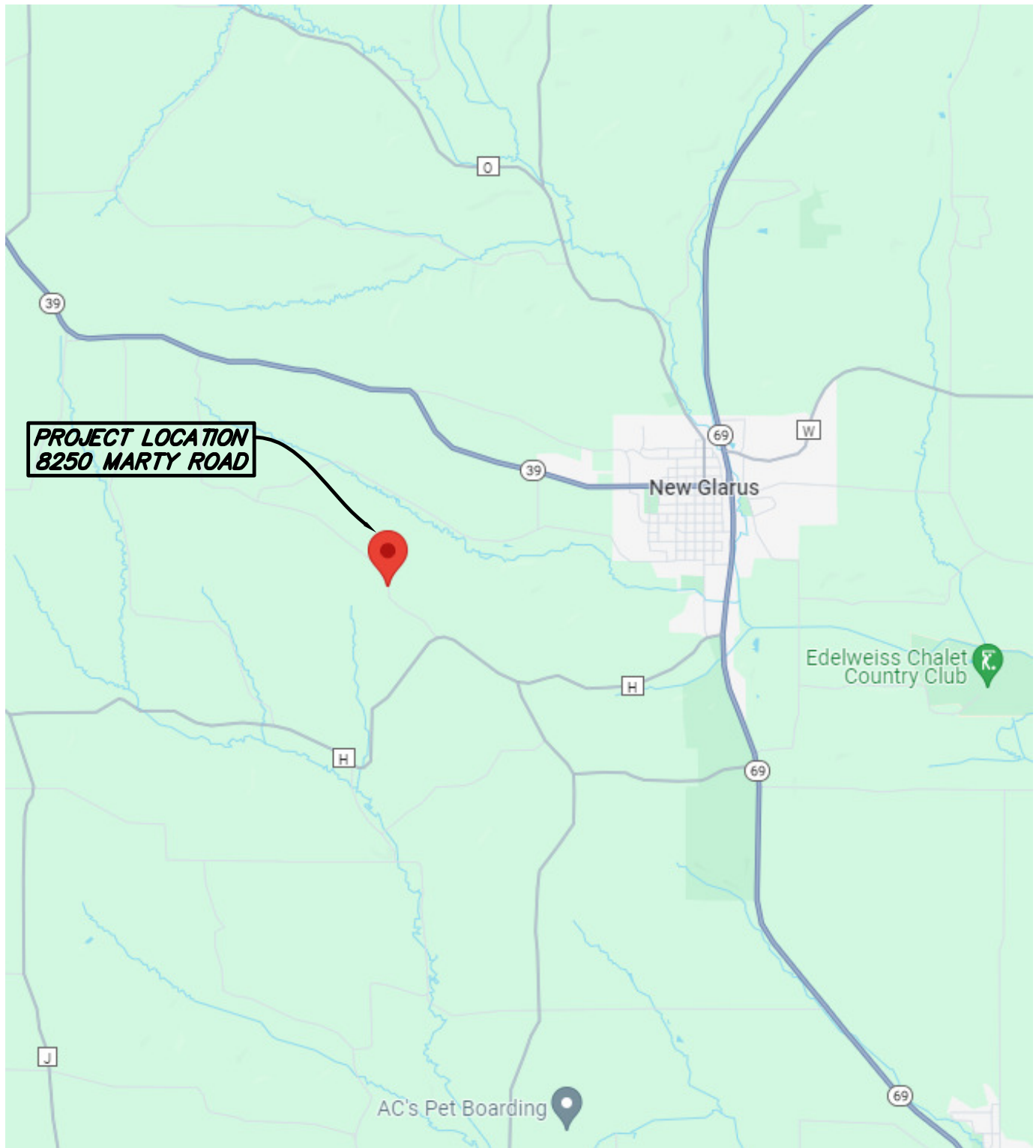
ENERGY, TRANSPORTATION AND COMMUNICATIONS		
Does the development encompass any future street appearing on the Village of New Glarus Official Map?		X
Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)?		X
VILLAGE PLANNING		
Is the development consistent with the Village Master Plan and other adopted planning documents?	X	
<p>Please provide any other relevant information below:</p> <p>Project is located in the Town of New Glarus, within the extra-territorial review jurisdiction of the Village of New Glarus.</p> <p>Review fee submitted under separate cover.</p>		

Date

Applicant Signature



NOT TO SCALE



LOCATION MAP - 8250 MARTY ROAD

Town of New Glarus, Green County, WI
01/09/2024

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CERTIFIED SURVEY MAP No. _____

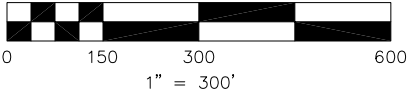
LOCATED IN THE SE1/4 OF THE NW1/4, THE SW1/4 OF THE NE1/4, AND THE NE1/4 AND NW1/4 OF THE SW1/4 OF SECTION 21, T4N, R7E, TOWN OF NEW GLARUS, GREEN COUNTY, WISCONSIN.

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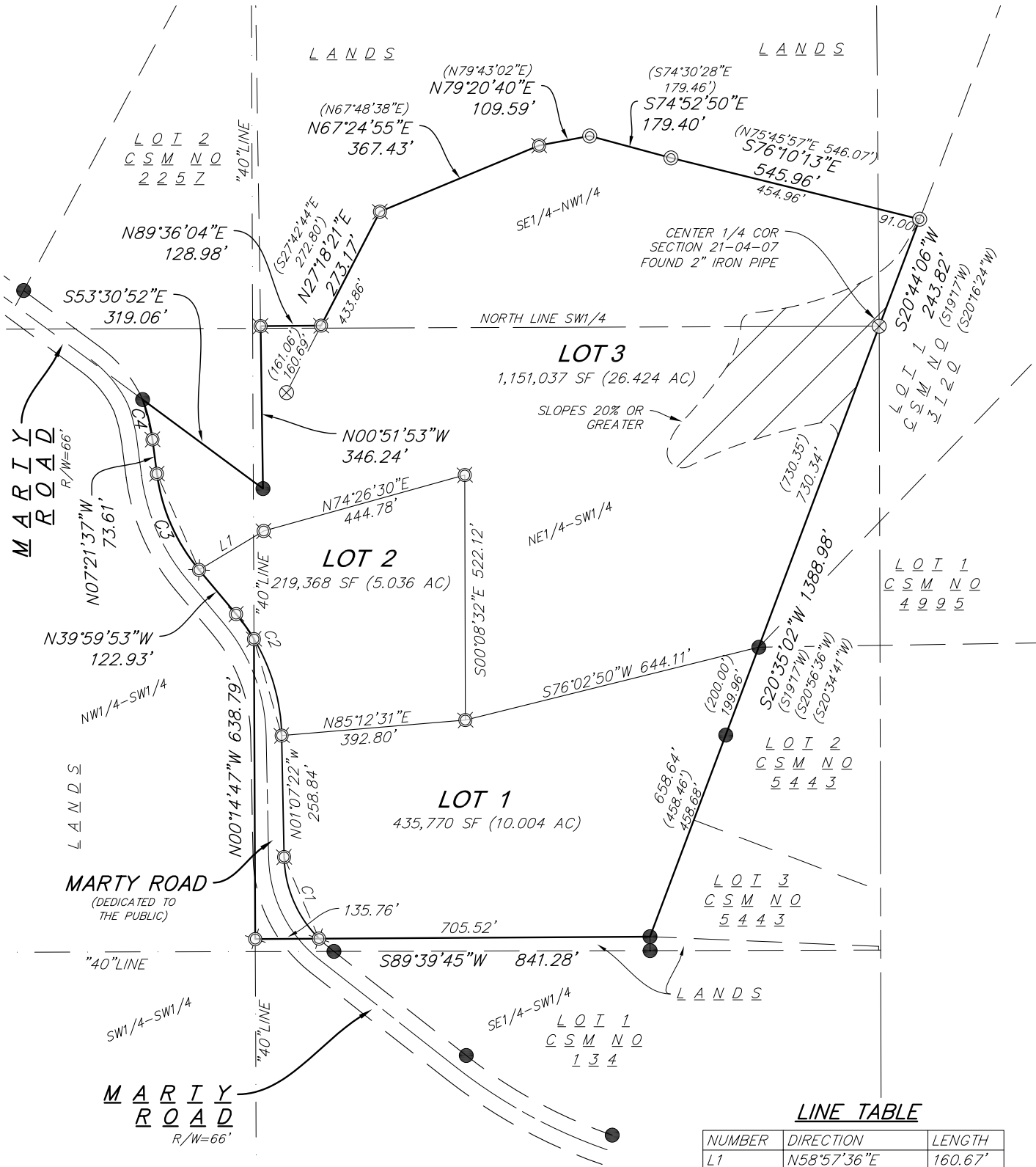
BEARINGS ARE BASED UPON THE WISCONSIN COUNTY COORDINATE SYSTEM, GREEN COUNTY, THE EAST LINE OF THE NW 1/4 OF SECTION 21-04-07 MEASURED AS BEARING N00°27'57"W

GRAPHIC SCALE, FEET



SURVEY LEGEND

- FOUND 3/4" ϕ IRON ROD
- ⊗ FOUND 2" ϕ IRON PIPE
- ⊙ FOUND 1" ϕ IRON PIPE
- ⊗ SET 3/4" X 18" ϕ SOLID IRON RE-ROD, MIN. WT. 1.50 lbs./ft.
- () RECORDED AS INFORMATION



LINE TABLE

NUMBER	DIRECTION	LENGTH
L1	N58°57'36"E	160.67'

19 Jan 2024 - 4:57p M:\Klein, Matt\230385_8250 Marty Road, Town of New Glarus\CADD\230385 - CSM.dwg by: kpap

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Job #: 230385
Date: 01/19/2024
Rev:
Drafted By: KPAP
Checked By: KPAP

SURVEYED FOR:
MATT AND JENNIFER
KLEIN
1991 SPRING ROSE RD
VERONA, WI 53593

SURVEYED BY:
Vierbicher Associates, Inc.
999 Fourier Drive
Suite 201
Madison, WI 53717
(608) 826-0532

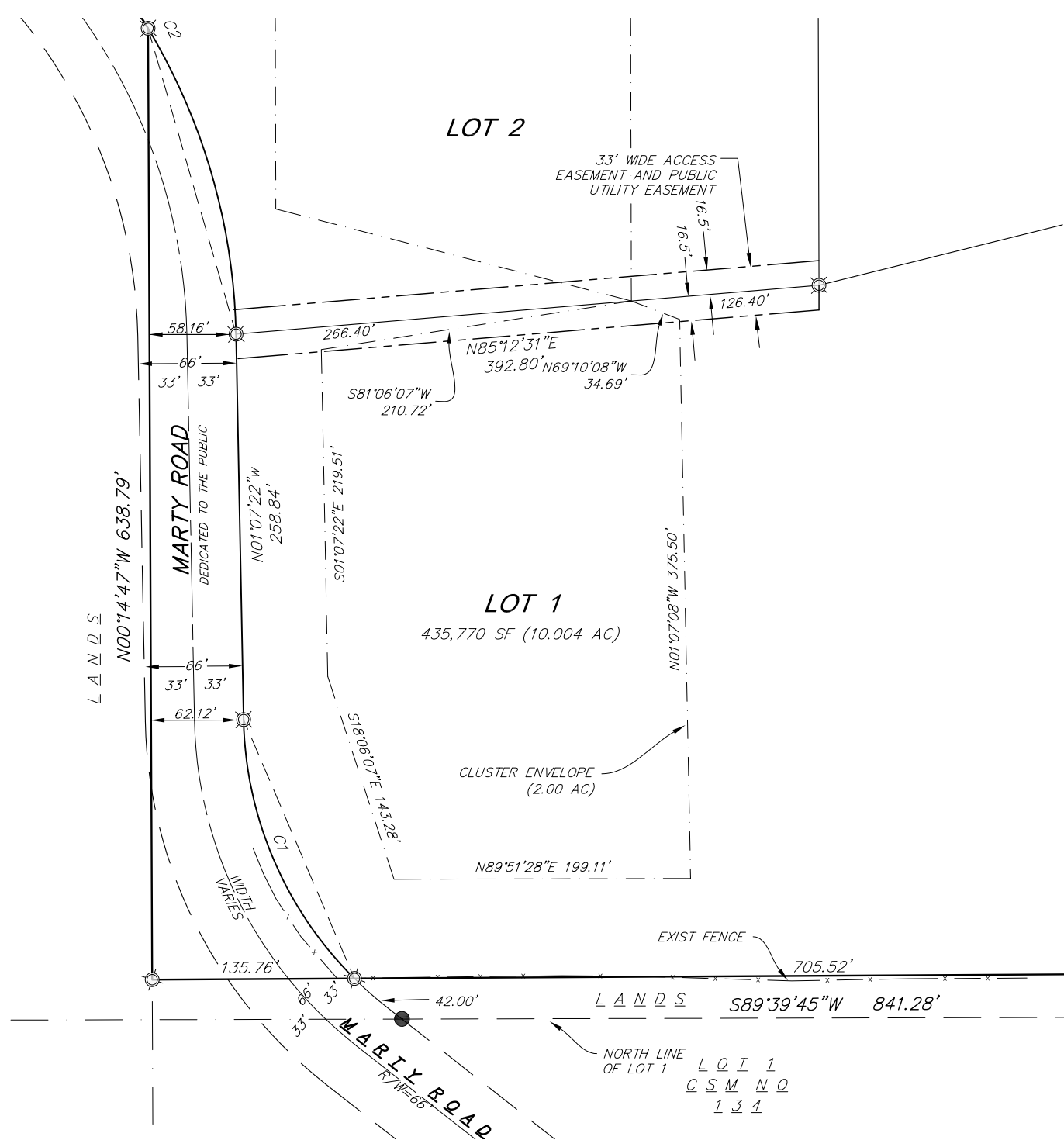
SHEET
1 OF 9

CERTIFIED SURVEY MAP No. _____

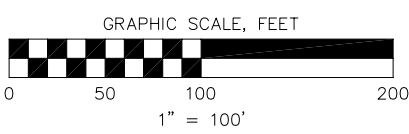
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 - ⊙ FOUND 1" Ø IRON PIPE
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 - () RECORDED AS INFORMATION

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Job #: 230385
Date: 01/19/2024
Rev:
Drafted By: KPAP
Checked By: XXXX

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2 OF 9

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- ⊗ SET 3/4" X 18" ϕ SOLID IRON RE-ROD, MIN. WT. 1.50 lbs./ft.
- () RECORDED AS INFORMATION

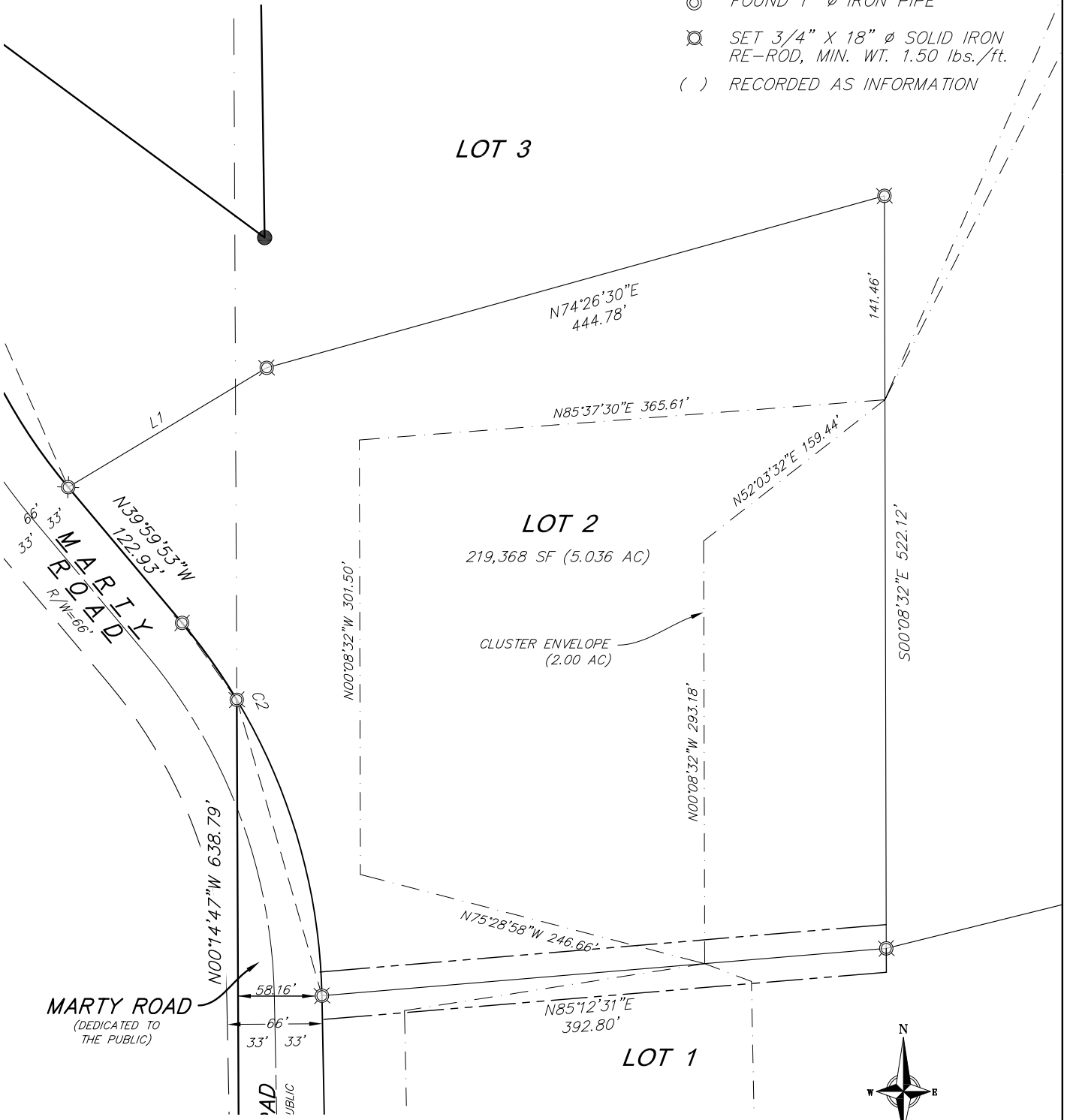
LOT 3

LOT 2

219,368 SF (5.036 AC)

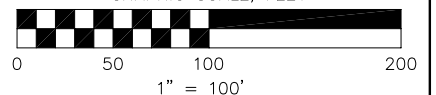
CLUSTER ENVELOPE
(2.00 AC)

LOT 1



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GRAPHIC SCALE, FEET



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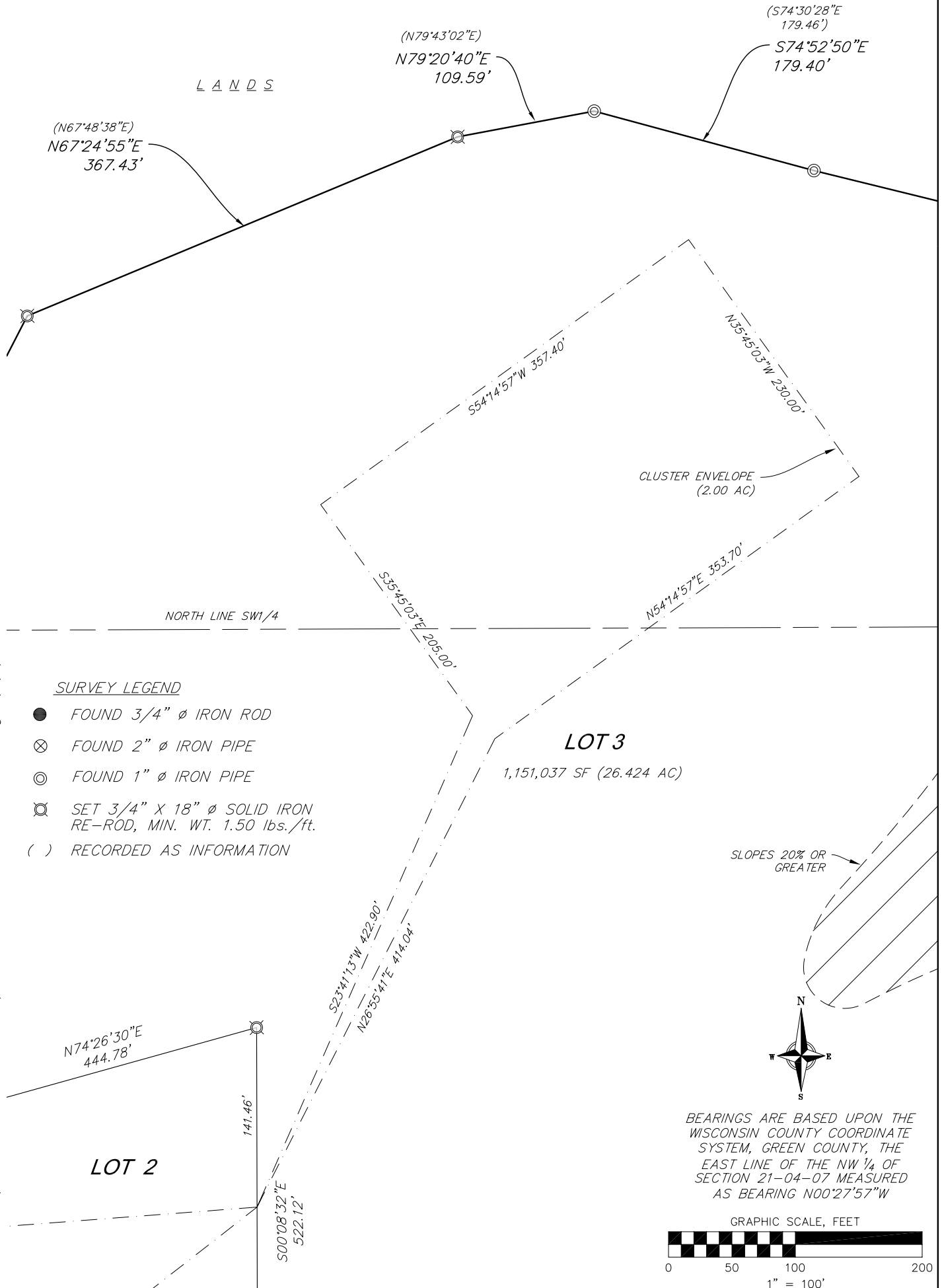
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3 OF 9

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19 Jan 2024 - 4:58p M:\Klein, Matt\230385_8250 Marty Road, Town of New Glarus\CADD\230385 - CSM.dwg by: kpap

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Job #: 230385
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SHEET
4 OF 9

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LOT 2
CSM NO
225Z

EXISTING CONDITIONS

LOT 3

LOT 2

LOT 1

MARTY ROAD
R/W=66'
LANDS

EXISTING GRAVEL DRIVE

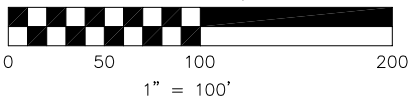
EXISTING EDGE OF PAVEMTN

EXISTING ASPHALT DRIVE
- TO BE RELOCATED

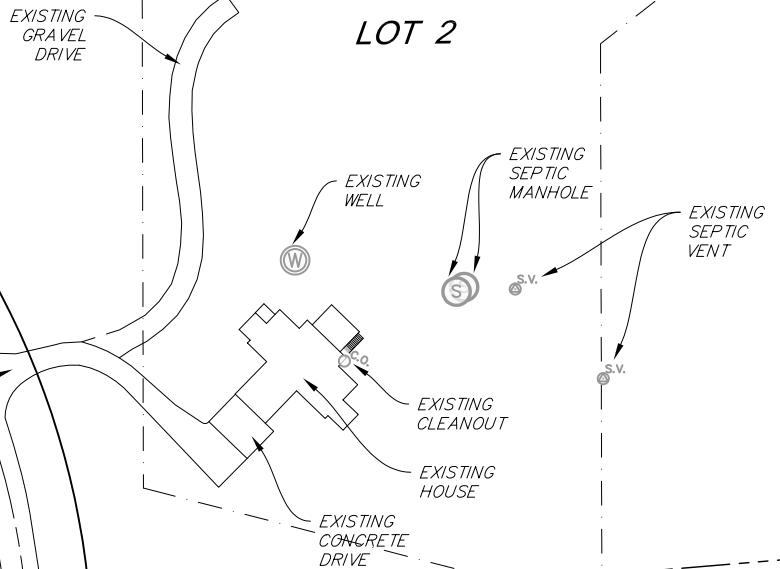


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GRAPHIC SCALE, FEET



MARTY ROAD
DEDICATED TO THE PUBLIC

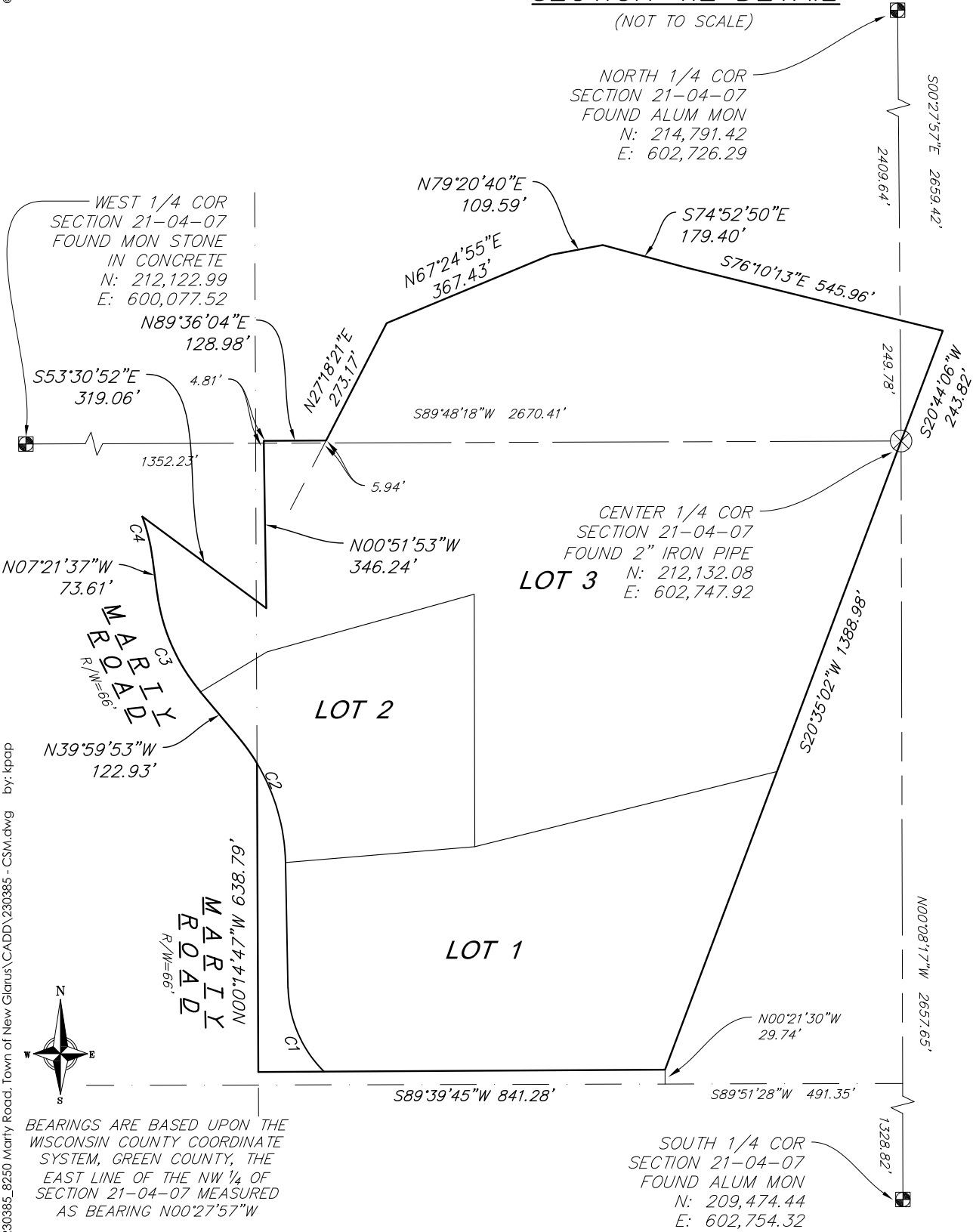


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SECTION TIE DETAIL

(NOT TO SCALE)



CURVE DATA

NUMBER	CENTRAL ANGLE	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT BEARING
C1	44°05'02"	251.89'	193.83'	N 23°10'03" W	189.08'	IN - N 45°12'44" W
C2	38°52'31"	415.00'	281.58'	N 20°33'37" W	276.21'	
LOT 2 R/W	29°50'12"	415.00'	216.11'	N 16°02'28" W	213.68'	OUT - N 30°57'34" W
EXT BNDY	09°02'19"	415.00'	65.47'	N 35°28'43" W	65.40'	
C3	32°38'15"	398.00'	226.71'	N 23°40'45" W	223.66'	
C4	13°03'55"	385.00'	87.79'	N 13°50'55" W	87.60'	OUT - N 20°22'53" W

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OWNER'S CERTIFICATE

Klein Family Trust, as owner(s), hereby certifies that it caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the map hereon. It further certifies that this Certified Survey map is required by S236.34 to be submitted to the Town of New Glarus and Green County for approval. Witness the hand and seal of said owner this _____ day of _____, 20__.

KLEIN FAMILY TRUST

By: _____
Matthew Klein

By: _____
Jennifer Klein

State of Wisconsin)
)ss.
County of _____)

Personally came before me this _____ day of _____, 20__, the above named _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My Commission expires: _____

CONSENT OF MORTGAGEE

Benton State Bank, a banking association duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and dedicating of the land described on this Certified Survey Map and does hereby consent to the Owner's Certificate.

IN WITNESS WHEREOF, the said Benton State Bank, has caused these presents to be signed by _____ its _____, at _____, Wisconsin, on this _____ day of _____, 20__.

BENTON STATE BANK

By: _____


State of Wisconsin)
)ss.
County of _____)

Personally came before me this _____ day of _____, 20__, _____, of the above named banking association, to me known to be the persons who executed the foregoing instrument, and to me known to be such _____ of said banking association, and acknowledged that they executed the foregoing instrument as such officer as the deed of said banking association, by its authority.

Notary Public, State of Wisconsin

My Commission expires: _____

19 Jan 2024 - 4:58p M:\Klein, Matt\230385_8250 Marty Road, Town of New Glarus\CADD\230385 - CSM.dwg by: kpap

vierbicher planners engineers advisors		Job #: 230385 Date: 01/19/2024	<u>SURVEYED FOR:</u> MATT AND JENNIFER KLEIN 1991 SPRING ROSE RD VERONA, WI 53593	<u>SURVEYED BY:</u> Vierbicher Associates, Inc. 999 Fourier Drive Suite 201 Madison, WI 53717 (608) 826-0532	SHEET 7 OF 9
		Rev:			
		Drafted By: KPAP			
		Checked By: KPAP			

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SURVEYOR'S CERTIFICATE

I, Kevin J. Pape, Professional Land Surveyor No., S-2568, do hereby certify that this Certified Survey Map is in full compliance with Chapter 236.34 of the Wisconsin State Statutes, Chapter A-E7 of the Wisconsin Administrative Code and Chapter 110 of the Town of New Glarus Code; and under the direction of the Owner listed heron, I have surveyed, divided and mapped the lands described herein and that said map is a correct representation of the exterior boundaries and division of the land surveyed.

Date: _____

DRAFT

Kevin J. Pape, WI PLS No. S-2568
Vierbicher Associates, Inc

DESCRIPTION

Being located in the SE1/4 of the NW1/4, the SW1/4 of the NE1/4, and the NE1/4 and NW1/4 of the SW1/4 of Section 21, T4N, R7E, Town of New Glarus, Green County, Wisconsin, described as follows: Commencing at the south quarter corner of said Section 21; thence N00°08'17"W, 1328.82 feet along the east line of the southwest quarter of said Section 21; thence S89°51'28"W, 491.35 feet; thence N00°21'30"W, 29.74 feet to the southwest corner of Lot 3, Certified Survey Map No. 5443 and the point of beginning; thence S89°39'45"W, 841.28 feet; thence N00°14'47"W, 638.79 feet along the west line of the NE1/4 of the SW1/4 of said Section 21 to a point on the northeasterly right-of-way line of Marty Road and point of curve; thence northwesterly on a curve to the left which has a radius of 415.00 feet and a chord which bears N35°28'43"W, 65.40 feet; thence N39°59'53"W, 122.93 feet along said northeasterly right-of-way line to a point of curve; thence northwesterly along said northeasterly right-of-way line on a curve to the right which has a radius of 398.00 feet and a chord which bears N23°40'45"W, 223.66 feet; thence N07°21'37"W, 73.61 feet along said northeasterly right-of-way line to a point of curve; thence northwesterly along said northeasterly right-of-way line on a curve to the left which has a radius of 385.00 feet and a chord which bears N13°50'55"W, 87.60 feet; thence S53°30'52"E, 319.06 feet; thence N00°51'53"W, 346.24 feet; thence N89°36'04"E, 128.98 feet; thence N27°18'21"E, 273.17 feet; thence N67°24'55"E, 367.43 feet; thence N79°20'40"E, 109.59 feet; thence S74°52'50"E, 179.40 feet; thence S76°10'13"E, 545.96 feet to a point on the northwesterly line of Certified Survey Map No. 3120; thence S20°44'06"W, 243.82 feet along said northwesterly line to the center quarter corner of said Section 21; thence S20°35'02"W, 1388.98 feet along said northwesterly line Lot 1 and the northwesterly line of Lots 2 and 3, Certified Survey Map No. 5443 to the southwest corner of said Lot 3 and the point of beginning. Contains 1,844,627 SF (42.347 AC).

19 Jan 2024 - 4:59p M:\Klein, Matt\230385_8250 Marty Road, Town of New Glarus\CADD\230385 - CS.M.dwg by: kpap

vierbicher
planners | engineers | advisors



Job #: 230385
Date: 01/19/2024
Rev:
Drafted By: KPAP
Checked By: KPAP

SURVEYED FOR:
MATT AND JENNIFER
KLEIN
1991 SPRING ROSE RD
VERONA, WI 53593

SURVEYED BY:
Vierbicher Associates, Inc.
999 Fourier Drive
Suite 201
Madison, WI 53717
(608) 826-0532

SHEET
8 OF 9

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CERTIFIED SURVEY MAP No. _____

LOCATED IN THE SE1/4 OF THE NW1/4, THE SW1/4 OF THE NE1/4, AND THE NE1/4 AND NW1/4 OF THE SW1/4 OF SECTION 21, T4N, R7E, TOWN OF NEW GLARUS, GREEN COUNTY, WISCONSIN.

TOWN OF NEW GLARUS APPROVAL

Approved for recording this _____ day of _____, 20_____.
per the Town of New Glarus.

Chris Narveson, Town Chair

VILLAGE OF NEW GLARUS EXTRATERRITORIAL APPROVAL

Approved for recording this _____ day of _____, 20_____.
per the Village of New Glarus.

Kelsey Jensen, Clerk/Treasurer

GREEN COUNTY APPROVAL

Approved for recording this _____ day of _____, 20_____.
per the Green County Zoning Committee.

Adam Wiegel, Zoning Administrator

REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, 20_____,
at _____ o'clock _____m. and recorded in Volume _____ of Certified
Survey Maps on pages _____, as Doc. No. _____.

Cynthia Meudt, Green County Register of Deeds

19 Jan 2024 - 4:59p M:\Klein, Matt\230385_8250 Marty Road, Town of New Glarus\CADD\230385 - CSM.dwg by: kpap





February 13, 2024

Members of the Town Plan Commission
Town of New Glarus
26 Fifth Avenue
New Glarus, WI 53574

Re: Klein Preliminary CSM Review

Dear Chair Narveson and Plan Commission Members:

I am writing to convey my review comments of the CSM submitted by Kevin Pape on behalf of landowners Matthew and Mary Klein (Daryl Murken property at time of ordinance). The Applicant is seeking a 3-lot cluster division. The lots would be accessed using the frontage along Marty Road. As noted in the letter that accompanied the submittal, the existing driveway to N8250 Marty Road would be relocated and used to access the Lots. It is my understanding from discussions with the Applicants' land surveyor that they may wish to leave the existing driveway in place and construct a joint driveway for lots 1 and 3. This should be clarified by the Applicant. If a joint driveway is proposed, the Applicant shall provide a joint driveway agreement for execution with the final CSM as required by Section 36-5 (P.) of the Town Ordinances. No further driveway permits should be issued without this recorded agreement.

Available Splits and Development Potential

As provided by the Applicant, the proposed 3 lot cluster development is a viable development option for the property. The three lots are proposed on 42.347 acres and include three 2-acre cluster envelopes. The original homestead is included as one of the lots (Lot 2). Assuming all acreage outside of the 2-acre building envelopes will be restricted as Open Space, the proposed development would need to provide a deed restriction on the remaining lands to satisfy the Town Open Space requirements. I have attached a sample deed restriction that can be used by the Applicant to develop the final document.

Comments Regarding Conformance with Town Ordinances

§110-7 Land Suitability

The Technical Review Committee was not convened to evaluate land suitability for the proposed CSM. However, much of the information required in this section of the Ordinance has been provided by the Applicant and is shown in the proposed CSM.

A screening for areas with endangered species or resources was completed by the Applicant. The screening indicates that there is potential for the development to impact endangered species or endangered species habitat. Therefore, we would recommend a formal ERR review be performed as a condition of CSM approval. We reviewed available archaeological site information from the Wisconsin Historical Society on behalf of the Applicant and there are no listed areas of Archaeological concern affected by this land division.

The soil information provided by the Applicant indicates that the soils on the site are primarily New Glarus Silt Loams which have are 'very limited' for use as septic tank absorption fields (USDA Web Soil Survey). The primary limiting factor for this soil is the depth to bedrock, and slow water movement through the soil medium. In consideration of these limitations, it would be prudent to require the Applicant to identify appropriate septic system locations based on percolation tests or provide a note on the CSM alerting potential lot owners that shallow bedrock conditions may not allow the installation of conventional waste disposal systems as approved by DSPS.

§110-9 Hillside Protection

The slope of the hillsides proposed for the proposed lots vary with some sections that exceed a 20% grade. These areas have been noted on the CSM and are outside of proposed the cluster envelopes. Access for Lot 3 will require construction of a long driveway across areas where the terrain is steep. Therefore, we recommend the Town require lot 3 to submit a site plan for the proposed building location and which including a driveway plan for review and approval by the Town prior to building permit issuance. A note to this effect should be included on page 3 of the CSM stating:

"Residential home construction on Lot 3 will require submittal of a site plan demonstrating compliance with the Town of New Glarus Driveway Ordinance (Chapter 36) and depicting the proposed home location within the cluster envelope."

§110-18 Technical Requirements for Certified Survey Maps

In general, the Applicant has provided a CSM that provides the information required by this section of the Town Ordinance. Beyond the addition of notes clarifying the previously mentioned items (see attached recommendation for motion), the following items should be added to the CSM:

1. The existing buildings should be dimensioned to the property lines unless they will be razed.
2. Notes clarifying the requirements for Open Space should be added to the CSM. Where the CSM provides the location of the Cluster Envelope (sheets 2, 3, 4, 5) label the areas outside of the cluster envelopes as "Open Space" and add the following notes:
 - a. "All areas designated as "Open Space" shall be left undeveloped and free from residential, commercial, or Industrial structures. Permitted uses of Open Space are agriculture, recreation, passive recreation use, and preservation of environmentally sensitive features."

- b. "All buildings not supporting agricultural or passive recreational use shall be limited to placement within the Cluster Envelopes shown. Additional building setbacks per the Green County Zoning Code shall also be met."

Next Steps toward Approval

Following discussion by the Plan Commission on the contents of this review letter, the Plan Commission should recommend action by the Town Board to hold a public hearing to consider the CSM. Further, the Plan Commission should provide a recommendation for Conditional Approval (with whatever amendments or adjustments they would like to include) addressing the above noted items. I have provided a draft motion for the Plan Commission to use in making these recommendations to the Board.

Should you have any questions please feel free to contact me.

Sincerely,



Timothy L. Schleeper, PE

Enclosures – Draft Motion for Conditional Approval

Cc: Kevin Pape, Vierbicher

Klein CSM – POSSIBLE RECOMMENDATION TO THE TOWN BOARD

The Town of New Glarus Plan Commission hereby recommends the Town Board hold a Public Hearing to consider the CSM for the Klein property on Marty Road as prepared by Vierbicher.. The CSM, dated January 19, 2024, should be considered at the next regularly scheduled Town Board meeting. Further, the Plan Commission RECOMMENDS CONDITIONAL APPROVAL of the CSM by the Town Board subject to the Applicant providing an amended CSM and supporting documents addressing the following items:

1. The Applicant shall clarify the intention to construct joint or individual driveways for the CSM with the final CSM. A Joint Driveway Agreement shall be provided with the final CSM for all lots that will be served by a joint driveway and shall be recorded concurrently with the CSM by the Applicant with copies provided to the Town Clerk.
2. The Applicant shall provide a deed restriction for the Open Space outside of the depicted Cluster Envelopes on all parcels to satisfy the Open Space requirements of the development. The Deed Restriction shall be recorded concurrently with the Final CSM by the Applicant with copies provided to the Town Clerk.
3. The Applicant shall provide a copy of the Endangered Resources Review from the DNR to the Town prior to recording the CSM.
4. The Applicant shall amend the CSM to address the following:
 - a. Include a note on the CSM stating: "Lots within this land division may have areas of shallow depths to bedrock that preclude the installation of conventional waste disposal systems. All waste disposal systems shall be approved by the Wisconsin Department of Safety and Professional Services."
 - b. Dimension the existing buildings to the property lines unless they will be razed.
 - c. Add the following notes:
 - i. "Residential home construction on Lot 3 will require submittal of a site plan demonstrating compliance with the Town of New Glarus Driveway Ordinance (Chapter 36) and depicting the proposed home location within the cluster envelope."
 - ii. "All areas designated as "Open Space" shall be left undeveloped and free from residential, commercial or Industrial structures. Permitted uses of Open Space are agriculture, recreation, passive recreation use, and preservation of environmentally sensitive features."
 - iii. "All buildings shall be limited to placement within the Building Envelopes shown. Additional building setbacks per the Green County Zoning Code shall also be met."
5. All revisions to the CSM and required supporting documents shall be provided to the Town Engineer and Planner for review prior to the Applicant requesting signature on the CSM by the Town Chair.