

Springfield Plan Commission Meeting  
Springfield Town Hall  
Monday, June 6, 2011 @ 7:30 p.m.

Call to order, Roll Call, Pledge of Allegiance

The meeting was called to order at 7:30 p.m. by Chair Jeff Gabrysiak. Scott Laufenberg, George Pasdirtz, Jeff Endres, Jim Pulvermacher, Karen Crook and Elliott Long, Attorney Mark Hazelbaker, Engineer Joe DeYoung (MSA), Town Board Supervisors Art Meinholz and Dan Dresen, Clerk Treasurer Sherri Endres and Office Assistant Jan Barman were present. Also present: Steve Steinhoff, Bridgit Van Belleghem (CARPC), Pat O'Connor, Bob Barmish, Duane Wagner, Margo & Jack Edl, John & Shelley Jansky, Will and William Gardner. The Pledge of Allegiance was recited.

Confirmation of Compliance with Open Meetings Law

Office Assistant Jan Barman reported that notice of this meeting was met by posting at the Town Hall, corner of CTH K and Church Roads, Bong Excavating on Schneider Rd and on the website.

Informal Public Comment Time - None

Minutes for April 11, 2011

Motion (Endres/Laufenberg) to approve the May 2, 2011 minutes. Motion carried, 7 – 0.

Motion (Laufenberg/Endres) to approve the May 25, 2011 site visit minutes. Motion carried, 7 – 0.

Vision corner postponed until after the FUDA Presentation.

FUDA (Future Urban Development Area) power point presentation was given by Steve Steinhoff and Bridgit Van Belleghem. The Towns of Springfield and Westport, Village of Waunakee and City of Middleton are in the development area. A little history was shared such as from 1980 to 2005 in Dane County 37,000 acres have been rezoned for development with 10,000 acres between 2000-2005. As we grow we consume more resources, also. Ideally, we need to do more infilling in our cities and villages instead of the farm land.

There is concern of the air quality and greenhouse gas emissions, transportation, racial, income and health inequalities. Involved in this project besides the municipalities are Yahara Lakes Partnership, Thrive, Clean Air Coalition, RTA and CARPC. They have applied for and received a grant funded through HUD, DOT & EPA. There are 26 members and all members provide matching funds (either in time and/or dollars), the grant amount is \$1,997,500 for a 3 year project to improve and execute regional planning for sustainable development. They will be involved in market studies, scenario planning and hydrological modeling and will find a common ground on vision, goals, outcomes, metrics, generate better water quality, land use and development outcomes with long-term cooperative planning.

Atty Hazelbaker commented that this is a good idea and important to towns but we need to educate city residents that infill growth is necessary to their area.

Eventually, this could lead to changes to our comprehensive land use plan. The commissioners thanked both Stephen and Bridgit for their presentation.

Jeff Gabrysiak excused from the commission and Jeff Endres assumed the chairperson duties.

Discuss & Take Action: Vision corner for Bridle Ridge Subdivision, Pat O'Connor agent for Grand Developments LLC, Rod Zubella, Engineer for Vierbeicher. This is a return to the commission from the May meeting which resulted in a site visit on May 25, 2011. On the recorded plat the vision corner is 132' X 411'. Questioned was why this and the other 2 corners were designed for this size. MSA checked with the engineers from Foth & VanDyke and they do not recall the reasoning for this and Vierbeicher (the developer's engineer) did not either. The ASSHTO might have been the reason but updates have changed those distances.

Atty Hazelbaker pointed out that what is on the plat is the engineered data.

Vision triangle is the distance for evaluation for oncoming traffic to react if someone violates the stop control in an intersection.

Intersection sight distance is where the intersection is placed on the road.

Jim Pulvermacher stated the town had great concerns of the vision area, plat was approved as is. The standards may have changed but do we want to change this? What is the advantage to the town are we setting up a legal precedent?

Legal implications if something happens after we change the distances, are we setting ourselves up to be sued?

Mechanisms in place to correct this if Town so desires.

Atty Hazelbaker – 1. Do you want to revisit a policy issue from 2002 for reasons that made sense at the time? 2. Consequences of approving this request are what happens to the finality of plats in general, dedications, restrictions, etc. that we have previously approved which were put in place to be part of a package that the lot owners bought into.

Atty Hazelbaker referred to 3.14 of the Declaration of Covenants, Restrictions, Conditions and Easements for the Plat of Bridle Ridge subdivision on the maintaining of the outlots and what is allowable and what is not.

By changing the vision corner we would be giving back a restriction – we would be giving away something the other lot owners may or may not want and the town can be sued. Incurring a lawsuit knowingly – create a homeowners assn to deal with this issue, yield on safety issue side

and affect the opinions of the people most affected by it – the lot owners are the users of this subdivision.

This could be opening up the opportunity to sue the developer and will/could bring the Town into this lawsuit.

Two issues:

Is this the right policy?

Is that the way the town/lot owners want it, need to create the home owners assn so they can have their say in this matter and all agree in the subdivision is it the right solution? (No homeowners assn at this time because the developer has not turn it over to them). Even if everyone signs off on this is it a good policy for the town to make this change? The Town could be sued.

If the Town does nothing then the water feature is encroaching in the right of way and would need to be removed and the Town Board would need to order this to be done.

Can refuse to modify but could grant a permit for water feature – akin to a non-conforming use.

George Pasdirtz asked if all the vision corners were wrong on the plat? The developer never answered the question outside of saying they did not pay attention to this at the time.

Pat O'Connor may turn the subdivision over to the lot owners by the end of the year. Although he referred to the fact that lots of changes are done to plats similar to this, Joe DeYoung stated usually not this long after the subdivision has been developed, 2002 to 2011.

Bob Barmish reminded the Commission of the Town Board action at their Jan 18<sup>th</sup> meeting.

Jack Edl stated this would be taking away their right as a lot owner as they bought into the development and changes to the vision triangle reduces the safety factor and then an accident occurs that involves serious injury or a fatality of your loved one, who would you sue, the Town or the developer?

Rod Zubella – changing the distances would still meet public safety standards.

Jeff Gabrysiak – how to address these mistakes/concerns being sued is not a major concern. The issue is that maybe 2 mistakes were made with the vision corner and the encroachment – our job is how to address these mistakes. Is this a danger? Does not feel it is. Is request fair and reasonable? That is for the commission to decide.

Jeff Endres explained that the north side of this vision corner you can not see 411' mark now. So it never was correct from the time of the development construction. Vision triangle – reaction time if not stopping at posted sign, gives vehicles traveling Vosen Rd time to react.

Attorney Hazelbaker said it possibly was a hedge against future development and the changing of Koch Rd – the town was planning against the future. Major over investment in this case but you need a basis for this change, fundamentally a matter of judgment.

Joe DeYoung – review to current standards – would never deny it, if it is more than standards.

The developer would like it to be 75' X 150'.

Elliott Long asked if there is no home owners association at this time, is there a way for the popular opinion to be heard in this decision?

Motion (Crook) Plan Commission recommends to Town Board to grant a revised request with a lengthen distance of 100' X 150' to define the vision triangle and not the site distance Champions Run to Vosen Rd – 100' take into consideration of 30" standard. Motion failed for lack of a second.

Discussion to recommend a formula for the homeowners on where they stand on this issue and for a neutral party to present it to the lot owners, possibly the town clerk.

Mr. Alan Main's letter and Atty Hazelbaker's response to that letter are on record at the town hall.

Topography on north side to be the same on the south side of Champions Run.

Motion (Pasdirtz/Endres) applicant to put together the north site vision triangle equivalent to the southern one with details to modification that would have to be made for the water feature and the Town Board seek evidence by signatures that it was approved by the lot owners. Motion denied 3 – 2 with Long abstaining.

Motion (Laufenberg) to deny the application. Motion failed for lack of a second.

Recommend to Town Board to poll lot owners. Clerk/Treasurer Sherri Endres pointed out that a petition has its drawbacks as neighbors may feel pressured to sign even if they don't want to. To which Atty Hazelbaker agreed.

Motion (Pasdirtz/Pulvermacher) move that the applicant put together a specific proposal of an engineering diagram adjusting the north and south vision triangles to be equivalent and that the Town Board find a way to determine the opinions of the lot owners about that proposal. Motion carried 6 – 0.

Make revision southern to northern and detail changes of water feature, if there is an encroachment and the Town Board to determine the opinion of the lot owners in the changes to the plat.

Jeff Gabrysiak returned to chair duties.

Committee reports – Jim Pulvermacher passed out Dane County Ord Amend #8 regarding the requirement that building sites be established by CSM or subdivision plat over 35 acres. Send your comments to the town hall and we will forward to the Town Board and County Board.

Discussed meeting with Dane Cty Exec Parisi on the TDR program. Atty Hazelbaker feels the town should set up a meeting with D C Exec Parisi in the near future to discuss plan. Staff to contact Todd Violante or Curt Kodl at the county on this issue and meet with D C Exec Parisi.

Jan Barman thanked both Atty Hazelbaker & Engineer Joe DeYoung for all of their help at the meeting. Jeff Gabrysiak thanked Jeff Endres for his handling of the meeting, also.

Adjourn

Motion (Laufenberg/Crook) to adjourn at 10:40 p.m. Motion carried, 7 – 0.

Jan Barman

Office Assistant