

## Timber Lane Preserve Preliminary Plat

The Town Board of the Town of Middleton conditionally approved the Timber Lane Preserve Preliminary Plat on May 20, 2024, as recommended by the Plan Commission on May 1, 2024 and the Park Commission on May 13, 2024:

- Motion to approve the Preliminary Plat for Timber Lane to the Town Board, subject to the conditions laid out in the April 4, 2024, Town & Country Engineering review letter and Town Attorney correspondence and noting the following:
  1. Per discussion regarding driveways, each driveways must be permitted individually.
  2. Also, per discussion regarding driveways, the current CSM shows existing vehicular access restrictions and building setback lines that the applicant requests that the Town release. If the Town agrees to release these restrictions, they shall not be shown on the Final Plat and the Town approval certificate on the Final Plat shall include the following language: "By approval of this plat and pursuant to Wis. Stat. § 236.293, the Town Board of the Town of Middleton hereby releases any right, title, and interest it may have in the building setback lines and vehicular access restrictions imposed by Dane County Certified Survey Map No. 7674, recorded in Volume 40 of Certified Survey Maps, Pages 104-106, as Document No. 2649933."
  3. That a landscaping plan be provided with the Final Plat Submittal.
  4. Per discussion on cluster mailboxes, that this be finally resolved with the local mail carrier.
  5. Per discussion on the drainage system, a stormwater report be prepared and submitted for review as part of the Final Plat Submittal. If the areas required for stormwater management increase as stormwater management plans are advanced, resulting in the need to modify lot layout, a revised Preliminary Plat shall be submitted to the Town for review.
  6. That Public Primary and Secondary Recreational Trails are not required (no easements taken).
  7. That parkland dedication not be required, and that the fee in lieu of parkland dedication be \$3,630 (6 buildable lots @ \$605/lot).
  8. That the Transportation Impact Fee for the plat be \$10,638 (6 buildable lots @ \$1,773/lot).
  9. Per item 1, that the legal description be modified to refer to the "Town of Middleton," rather than "Township of Middleton.
  10. Per item 2, that the surveyor's affidavit on the Preliminary Plat be signed and dated.
  11. Per item 3, that the Final Plat be titled in compliance with Wis. Stat. 236.45(2)(am) and otherwise conform to all applicable requirements of Wis. Stat. Ch. 236
  12. Per item 4, the underlying certified survey map (CSM 7674) contains the following note: "Refer to building site information contained in the Dane County Soil Survey." That note either needs to be released of record or carried over to the Final Plat.
  13. Per item 6, that the Final Plat contain a note that requires any shared driveways to comply with the Town of Middleton requirements for shared driveways, including the

requirement that a joint driveway agreement be approved by the Town of Middleton and recorded with the Dane County Register of Deeds.

14. Per item 7, that the Final Plat include the partition fence covenant required by Ord. 15.35 if the land to the west continues to be used for agricultural purposes.
  15. Per item 8, that the Final Plat include a note clarifying the scope of the public utility easements. At a minimum, the note should say: "Public utility easements as herein set forth are for the use of public bodies and private public utilities that have the right to serve the area."
  16. Per item 9, that stormwater easements be labeled "public stormwater management easement" or "public stormwater conveyance easement" as appropriate. The beneficiaries of these easements should also be specified in a note, along with any necessary restrictions on using or altering these areas (unless these restrictions will be included in a separately recorded document).
- That upon satisfaction of the conditions listed above, the Town approves the following recommendations from the April 4, 2024 engineer review letter and attorney correspondence:
    1. Per the discussion on lot design standards that a variance be granted for the two "flag lots" proposed.
    2. Per the discussion on hillside protection that a variance be granted to allow disturbance of slopes less than 20%, excluding areas with 20% or greater slope from the building envelope which shall be shown as restricted from disturbance on the Final Plat. The variance can be granted because of the accuracy of the topography provided ensures that all slopes greater than 20% are properly identified and will be protected.
    3. The Town agrees to release any right, title, and interest it may have in the building setback lines and vehicular access restrictions imposed by CSM No. 7674 upon the recording of the Final Plat.

April 4, 2024

Ms. Barbara Rosslein, WCMC  
Clerk  
Town of Middleton  
7555 W. Old Sauk Road  
Verona, WI 53593

Subject: Timber Lane Preserve subdivision– Preliminary Plat Submittal Review

Dear Barbara:

We have received the Preliminary Plat submittal package for a proposed single-family subdivision located entitled Timber Lane Preserve. The development would include six lots, along with some easement areas for stormwater management and is located on the west side of Timber Lane to the north of Coray Lane and to the south of Noll Valley Rd. The plans are dated March 20, 2024, and were received on the same date. The submittal is well presented and has been reviewed relative to the pertinent sections of the Town's ordinances below, along with our comments, if any.

Please note that there are other sections of the Town ordinances (park dedication, etc.) that are being reviewed by other parties and are not included here. There are several items, in part listed below, that should be satisfactorily resolved before the Town finally approves the construction plans. However, the project could be approved contingent upon said items if the Town Board desires.

**Chapter 8 – PUBLIC WORKS**  
**Section 8.01 Driveways and driveway culverts**

Driveway locations will each need individual permits, but the applicant has provided concept locations. Given the posted 35 mph speeds, the concept locations satisfy Town requirements. It should be noted that on the earlier certified survey map for this land, driveways were specifically prohibited due to a 45 mph speed at that time. The applicant will need to pursue an affidavit of correction on the current CSM to provide a clean paper trail for the Town files.

## **Chapter 15 – LAND DEVISION AND SUBDIVISIONS**

### **Section 15.11. Hillside Protection**

This section calls out restrictions on areas of greater than 15% and 20% slopes, respectively. We recommend the applicant show such areas on the grading plans and preliminary plat.

### **Section 15.13 Landscape Requirements**

This section calls for special landscaping needs along Timber Lane. The applicant has shown a landscape setback of 60 feet, which will require approval of the Town Board and increasing the normal landscaping density requirements by 50%. A landscaping plan is not part of the preliminary submittal, but can be submitted with the final plat. We so recommend.

### **Section 15.15 Submittals**

This section calls for one-foot contours to be shown on the preliminary plat. The submitted document shows two-foot contours. We recommend this be viewed as a minor informality, as the two-foot interval shows the general drainage and relief of the property quite well.

### **15.20 Technical requirements for Preliminary Plats**

The only missing requirement is a location for cluster mailboxes. The applicant has provided correspondence with the mail carrier that this is in process. We recommend this be viewed as a minor informality which can be satisfied with the final plat.

### **15.42 Lot design standards**

The preliminary plat calls for 6 developable parcels, which satisfies the development maximum density requirement. Minimum lot size requirements (60,000 square feet) are also satisfied, as are the other dimensional requirements.

There are two “flag lots” proposed. The applicant has acknowledged that this would require specific approval by the Town Board, and has provided a variance request. This is really a Board policy decision.

### **15.43 Drainage system**

A preliminary stormwater management plan was submitted and reviewed. All Town, County, and State performance standards for peak runoff rate and total suspended solids appear to be satisfied. Final approval will be predicated on final construction plans and a final report.

Please feel free to contact us with any questions or comments regarding this review.

Very truly yours,  
TOWN & COUNTRY ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "Brian Berquist".

Brian Berquist, P.E.

cc: Mr. Wade Wyse, Wyser Engineering (*via email*)

BRB:brb

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**From:** Julia Potter <JPotter@boardmanclark.com>

**Sent:** Thursday, April 4, 2024 4:44 PM

**To:** Barbara Roesslein <BRoesslein@town.middleton.wi.us>; Brian Berquist <brian@tcengineers.net>

**Cc:** Eileen A. Brownlee <EBrownlee@boardmanclark.com>; Megan Hughes <MHughes@town.middleton.wi.us>

**Subject:** RE: Timber Lane Preserve - Supplemental Material

Hi Barb and Brian,

Eileen asked me to do the initial legal review of the Timber Lane Preserve Preliminary Plat—my comments are below.

1. *Legal Description.* The legal description refers to the “Township of Middleton,” but it should refer to the “Town of Middleton.”
2. *Surveyor’s Certificate.* The Surveyor’s affidavit on the Preliminary Plat needs to be signed and dated.
3. *Town Plat.* This plat does not qualify as a state subdivision under Wis. Stat. § 236.02(12). Therefore, the Final Plat should be titled in compliance with Wis. Stat. § 236.45(2)(am). To the extent that it is not submitted for review to the Department of Administration, Town and Country should ensure that it has been reviewed thoroughly for conformity with Chapter 236, especially the technical requirements that DOA would traditionally review.
4. *Dane County Soil Survey.* CSM 7674 contains the following note: “Refer to building site information contained in the Dane County Soil Survey.” That note either needs to be released of record or carried over to the Final Plat.
5. *Release of inconsistent restrictions from CSM 7674.* The Preliminary Plat shows access restrictions and building setback lines from CSM 7674 which the applicant would like the Town to release in connection with the new plat. Assuming the Town is comfortable releasing these restrictions, I would suggest doing that as part of the approval certificate on the Final Plat rather than via a separately recorded affidavit of correction to the underlying CSM. To accomplish this goal, I would suggest an approval condition to the effect that: “The Final Plat will not show building setback lines and vehicular access restrictions from Certified Survey Map No. 7674; releases of these restrictions shall be included in the Town approval certificate.” Consistent with page 11-17 of the Department of Administration Platting Manual, the Town’s approval certificate on the Final Plat would then include the following language: “By approval of this plat and pursuant to Wis. Stat. § 236.293, the Town Board of the Town of Middleton hereby releases any right, title, and interest it may have in the building setback lines and vehicular access restrictions imposed by Dane County Certified Survey Map No. 7674, recorded in Volume 40 of Certified Survey Maps, Pages 104-106, as Document No. 2649933.”
6. *Driveways.* It’s not clear to me whether the applicant intends for the three driveway locations to be shown on the Final Plat (which seems preferable to me) or dealt with after platting, but this should be made clear in the conditions of approval. I recommend that the Final Plat contain a note that requires any shared driveways to comply with the Town of Middleton requirements

for shared driveways, including the requirement that a joint driveway agreement be approved by the Town of Middleton and recorded with the Dane County Register of Deeds.

7. *Partition Fence Covenant.* Assuming the land to the west continues to be used for agricultural purposes, the Final Plat must include the partition fence covenant required by Ord. 15.35.
8. *Utility Easements.* In line with the Town's past practice, the Final Plat should include a note clarifying the scope of the public utility easements. At a minimum, the note should say: "Public utility easements as herein set forth are for the use of public bodies and private public utilities that have the right to serve the area."
9. *Stormwater Easements.* In line with the Town's past practice, stormwater easements should be labeled "public stormwater management easement" or "public stormwater conveyance easement" as appropriate. The beneficiaries of these easements should also be specified in a note (e.g., the private homeowners association and the Town of Middleton), along with any necessary restrictions on using or altering these areas (unless these restrictions will be included in a separately recorded document)
10. *Attorney Approval Condition.* I don't see that Town and Country has proposed language for a motion to conditionally approve the Preliminary Plat, but I'd recommend that such language be prepared consistent with Vierbicher's past practice and that it include the following standard condition, in addition to any conditions that are specific to this project and any necessary variances: "that the Preliminary Plat be subject to final review and approval by the Town's consulting attorney on behalf of the Town."

Many thanks,

Julia



**JULIA POTTER** (SHE/HER)  
ATTORNEY

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