



December 30, 2015

Chairperson and Members of the Town Plan Commission
Town of Middleton
7555 W. Old Sauk Road
Verona, WI 53593

Re: Aspen Meadow Estates Preliminary Plat
Town of Middleton

Dear Ms. Schmidt and Plan Commission Members:

The above-referenced Preliminary Plat was received in our office. The lots are situated east of Meadow Road along the realignment of Pioneer Road per the Town's 2002 agreement with the City of Madison. The Preliminary Plat proposal is being made by Aspen Realty Development with assistance from JSD Professional Services. This Preliminary Plat is similar to an approved plat submitted for this area in 2004. The previous Final Plat was approved on July 11, 2005. However, because the 2005 approvals have expired and more than 10 years has passed since approval, it is necessary the Town again approve this modified Plat. Note that this development establishes the new "Boundary Line" between the Town of Middleton and the City of Madison. Also note several ordinance changes have been adopted by the Town since 2005 that impact this Plat. The "Boundary Line" issue and the new ordinances require a careful review of the proposal and coordination with the City of Madison. We received a completed application on November 17, 2015, and a significantly updated application and materials on December 16, 2015.

We have completed our review of the following documents for the Preliminary Plat of Aspen Meadow Estates:

- Preliminary Plat (Received December 16, 2015)
- Letter of Application (Received December 16, 2015)
- Preliminary Plat Submittal Application (Received December 16, 2015)
- Preliminary Engineering Report (Received December 16, 2015)
- Preliminary street plan and profiles (Received December 16, 2015)
- Evidence of Title (Received December 16, 2015)
- Environmental Assessment Checklist (Received December 16, 2015)
- Soil & Site Evaluation Report (Received December 16, 2015)
- Design Requirements for Public Improvements Checklist (Received December 16, 2015)

Preliminary Plat

1. The Preliminary Plat consists of 12 lots and three outlots, with an area of 26.36 acres including right-of-way. Lots will be accessed by the realigned Pioneer Road and two stub streets. Pioneer Road will cross the plat northwest to southeast and follow Meadow Road south of the plat. The Plat is being proposed as an unsewered cluster subdivision in the Town Transition Zone, with the 12 single-family lots ranging in size from 32,674 square feet to 51,912 square feet. Outlots 1, 2, and 3 measure 2.08, 9.84, and 0.52 acres, respectively. Outlot 2 will be in the City of Madison in the future.
2. This property is located south of Valley View Road and west of Meadow Road. Per the Intergovernmental Agreement dated March 28, 2002, between the City of Madison and the Town of Middleton, Pioneer Road will be realigned to connect directly to Meadow Road, eliminating the turns onto and off of Valley View Road. The cooperative agreement also anticipates that development on the west side of Pioneer Road will occur in the Town and development east of Pioneer Road will occur in the City.
3. The 9.8-acre Outlot 2, which includes all lands to the east of Pioneer Road, will be reserved for future development in the City of Madison when the necessary infrastructure has been extended to serve the area. A deed restriction shall be recorded preventing development or building construction on this outlot until a subdivision is completed in the City of Madison.
4. Proposed Outlot 3 does not have frontage on a public street right of way. Town Ordinances require minimum frontages for lots, but not for outlots. However, Dane County may require that frontage be provided for this outlot, which may alter the configuration of the Plat.
5. Part of Lot 2 CSM 10312 is included as part of the Plat. Applicant should provide recorded documentation of land transfer for inclusion of this portion of land in the Plat. If the owner of Lot 2 CSM 10312 will be party to this Plat, an area plan for the balance of Lot 2 shall be provided for review.
6. Currently, the property where the proposed plat is located is zoned A-1 Agriculture District. The applicant proposes to develop single-family lots in the Town under R-1 Residential District zoning. Applicant shall provide additional information regarding proposed rezoning.
7. In the Transition Zone, the open space required for a cluster lot the transition zone is 10,000 square feet plus 32,700 minus the lot size for lots between 20,000 and 32,700 square feet, and 5,000 square feet for lots between 32,700 and 65,000 square feet. Seven lots in the plat are between 32,700 and 65,000 square feet and five are less than 32,700 square feet. A total of 97,829 square feet of open space is required with this plat. Total open space provided from the three outlots is 541,689 square feet. However, as Outlot 2 will be developed within the City at a future date, only the 113,103 square feet of Outlots 1 and 3 is counted in the Town's open space calculation, which is still acceptable. A minimum of 50% of lots must abut non-right-of-way open space (which is at least 50' minimum depth), as required by Town ordinances. Six of the twelve lots do so, fulfilling this requirement.
8. The proposed development density is 1 lot per 104,368 square feet for the entire plat. However, for just the "Town-side" (west of Pioneer Road), the density is 1 lot per 54,306 square feet, which is a lower density than the maximum of 1 lot per 50,000 square feet and is therefore acceptable.
9. The 2002 Intergovernmental Agreement between the City of Madison and Town of Middleton limits residential densities within the Transition Area to 4 units per net acre of development. The proposed Plat meets this requirement.

10. Cluster lots must be at least 80% of the size of existing adjacent lots 3 acres in size or less. No proposed lots about any existing parcels 3 acres in size or less.
11. Pioneer Road will be platted as a Town road. The road will initially "Tee" into Meadow Road. However, it will ultimately be reconstructed to join with Meadow Road with a curve. The right of way to accommodate this change will be dedicated at this time.

The Pioneer Road cross section will be graded including future turn lanes onto Keystone Lane, the ditch on the west side of the road, the subgrade on the east side of the road, and a temporary ditch on the east side of the road. Only the west side of the street pavement will be constructed initially. The logistics and surety for construction of the east side of the road, the turn lanes, and the realignment onto Meadow Road have not been determined.

12. As noted above, a street stub is proposed to run west off of Pioneer Road to the west, labeled Keystone Lane on the Preliminary Plat. A second stub, labeled Copper Trail, extends south from Keystone Lane.
13. The proposed alignment of Pioneer Road follows the officially mapped route of Pioneer Road by the City of Madison.
14. An asphalt driveway currently accesses an existing home on Lot 2 CSM of 10312 south of the plat from Meadow Road. Copper Trail, as defined above, will serve as an access point for the driveway to this home.
15. The proposed plat contains farmland and no areas identified as resources of special environmental interest in the Zimmerman and Kailing report. The only existing structure on the plat is a shed located on proposed Outlot 1.
16. The proposed use of Outlot 1 shall be defined on the Preliminary Plat.
17. The ownership and maintenance of all outlots on an interim and permanent basis shall be defined on the Plat.
18. References to other pages, assumed to be plan and profile or construction sheets, shall be removed.
19. The proposed Copper Trail stub street is short enough (less than 250 feet) and serving at most 3 lots, one of which has access to another road, the Town does not need to require dedication of a cul-de-sac right of way or temporary turnaround easement. However, Dane County may require such a provision. A tee turnaround is indicated on the construction plans.
20. A temporary tee turnaround or cul-de-sac with a paved radius of 36' is required at the west end of Keystone Lane and indicated on the construction plans. Permanent right-of-way or temporary easements shall be provided to accommodate the cul-de-sac. If Keystone Lane is not intended to extended for some time and the cul-de-sac is to remain, the Town may wish to require a larger cul-de-sac.
21. A temporary cul-de-sac with a paved radius of 45' is proposed at the north end of Pioneer Road and indicated on the construction plans. Permanent right-of-way or temporary easements shall be provided to accommodate the cul-de-sac.
22. Easements for rain gardens appear on lots 8-10 on the grading plan. These easements shall be shown on the Preliminary Plat.

23. A right of way dedication width of 80' is shown for Pioneer Road and 66' is shown for the other two proposed roads on the Preliminary Plat. These widths are acceptable.
24. The 2003 Plan to implement the 2002 Intergovernmental Agreement between the City of Madison and Town of Middleton requires joint approval by the Town and City for private driveway access to Pioneer Road. The Town should determine if direct access for Lots 1,2, and 3 is acceptable or if a joint driveway should be required. Evidence that the City of Madison will allow direct access for Lots 1, 2, and 3 shall be provided to the Town.
25. Vehicular access to Pioneer Road for Lot 12 and portions of Lot 4 are shown as prohibited on the plat. The Town should decide if access to Lot 4 from Pioneer Road should be completely restricted.
26. The Town should determine if parkland is to be dedicated with this plat. If a parkland dedication is required, 5,000 square feet per new lot or 55,000 square feet total for the eleven new lots would be required. If no dedication is required, a fee in lieu of equal to \$2255 per lot for eleven new lots will be required. The \$24,805 will be due before the Town signs the plat.
27. A prior, similar plat of this area, which was approved in 2005, had a trail easement along the west edge that accommodated an equestrian trail and another trail bed. Since that time the town has eliminated planning for equestrian trails and has modified its trails plan. The Town Comprehensive Plan shows a trail but the trail map shown in the Comprehensive Outdoor Recreation Plan shows this as a special planning area with an east-west connection to Meadow Road at to-be-determined location. An east-west connection to Meadow Road was recently acquired in the Meadow Road Estates plat to the south, which may satisfy the intent of the special planning area. However, the Park Commission should determine if additional easements are required within the proposed Aspen Meadow Estates plat to satisfy the intent of the special planning area.

The Town Comprehensive Plan indicates a desired north-south trail connection extending south of the current Pioneer Road alignment to the Mid-Town Road on the southern border of the Town. This trail does not appear on the Comprehensive Outdoor Recreation Map. The Town should determine if a trail or trail easement should be provided along the western edge of the plat.

Note that the future Pioneer Road cross section does include a 4' on-street paved bike lane.

28. Per Town ordinances, the Town could require up to 240 feet (12 lots x 20 feet per lot) of secondary trail to be provided for by the developer. The Town should determine if such trails are desired to connect owners of new lots to the Town trail system.

If trail easements are required, the following note shall be placed on the face of the preliminary and Final Plats:

"Lots (or Outlots) _____ are subject to a Public Recreational Trail Easement to the Town of Middleton. The Town of Middleton, as owner of the Public Recreational Trail, shall generally have the right to improve, repair, maintain, and allow public use of the public recreation trail easement as the Town from time to time determines."

29. Landscape setbacks of at least 80 feet are required across the entire frontage on collector streets including Pioneer Road and Meadow Road. At the Town Board's discretion, the landscape setback may be reduced to 60 feet, which is the width shown on the preliminary engineering plans. If the width is reduced, the density of landscaping requirements must be increased by 50%. No landscape plan has been included for review but shall be included with

the Final Plat. At this time, the Town should determine what easement width will be required. The width shall be shown on the Preliminary Plat.

30. The Town recommends a 50' front yard setback. The Town should determine if such a setback is required for this Preliminary Plat. This exceeds the minimum front yard setback of 30' required by Dane County zoning ordinances.
31. The Town does not allow use or disturbance of land on hillsides with natural or manmade slopes of twenty percent (20%) or more. The Preliminary Plat should indicate if areas of such slopes occur within the platted lands. According to DCiMap, there appears to be a small area of slopes greater than 20% within proposed Outlot 2, which will remain undeveloped until it is annexed to the City of Madison that is less than 150 square feet. Town ordinances allow variances to be granted by the Town Board if deemed appropriate.
32. The Preliminary and Final Plats and plans shall show and dimension proper sight triangles at the intersection of proposed Keystone Lane and Copper Trail and the intersection of proposed Keystone Lane and realigned Pioneer Road.

Vision triangles are not provided on the Preliminary Plat for any intersections. In addition to the vision triangle, a Clear Sight Window for Intersection Sight Distance may also be required to complete the Vision Corner.

A Vision corner note shown on the Preliminary Plat shall be included to record as follows:

"Vision Corner: No structure, berm or vegetation of any kind, which exceeds a height of 2.5 feet above the average elevation of the roadway and driveway within the vision corner, except for necessary highway and safety signs or approved public utility lines, shall be permitted within the vision corner. No plant material which obscures safe vision of the approaches to the intersection shall be permitted. Grasses and similar turf, however, would be considered acceptable."

33. Prior to Final Plat approval, the plat shall be forwarded by the developer's surveyor to the utility companies to solicit their comments and to request easements necessary to serve the plat. Evidence that this has been done shall be provided to the Town Engineer.
34. The invert elevations of any culvert pipes adjacent to the plat, along with any existing utilities whether overhead or underground shall be added to the Preliminary Plat.
35. Town ordinances require that any native canopy tree with a diameter of 8" or larger be shown on the Preliminary Plat.
36. Any wells on site that are not going to be used in the future shall be properly abandoned and documented as required by state and Dane County laws and codes.
37. Evidence of title, recital of covenants and easements, and determination of all interested parties shall be provided to the Town Attorney for his review and approval.
38. If any liens exist, a Consent of Mortgage Certificate will be required due to the dedication of additional right-of-way.
39. The final subdivision plat shall be fully compliant with Chapter 236, Wis. Stats., Dane County Subdivision Ordinances, and Town of Middleton Subdivision Ordinance.
40. Applicant shall include owners of record of abutting unplatted lands as ordinance requires.

41. Applicant shall show the type and width of pavement on Meadow Road per ordinance.
42. Applicant shall show existing utilities along Meadow Road or extending to the shed shown on Outlot 1 or the existing residence further west, if any.
43. Applicant shall clarify if and when the existing driveway along the south side of the Plat will it be removed, and who will be responsible for removal.
44. Existing zoning information of adjacent parcels shall be shown per ordinance.
45. Two (2) permanent benchmarks and the datum used shall be added to the plat per ordinance.
46. Any land area that is to be subject to deed restrictions, dedicated to the public, or otherwise protected, shall be identified on the plat, per the ordinance.
47. A maintenance agreement with the Town will be required for all stormwater facilities.
48. A note should be included on the Preliminary Plat that states stormwater management facilities are to be maintained by either lot owners or a private homeowner association. It should also indicate that the Town of Middleton has an easement over the stormwater easement areas.

Preliminary Engineering Report

1. The engineering plans are advanced well beyond what is required for approval of a Preliminary Plat. Our comments at this level of review are general in nature. More specific comments will be provided of the construction plans during Final Plat review.

Site Grading & Erosion Control

1. If the Town determines a Public Recreational Trail segment is required on Outlot 3, culverts for the Trail crossing at the west end of Keystone Lane (2 – 29" x 45" Horizontal Elliptical Reinforced Concrete Pipe as shown on the construction plans) should be included in the plans along with the appropriate trail section.
2. The proposed plans will construct the "Town" half of Pioneer Road. In the future the "City" half will be constructed and at some point the intersection of Pioneer Road and Keystone Lane will be improved to a DOT Type "C" intersection. As noted above, the Town should consider how this road expansion and intersection will be funded.
3. The proposed plans will construct the intersection of Pioneer Road and Meadow Road as a "Tee" Intersection. In the future a sweeping curve will be constructed that re-aligns this intersection. We will require the subgrade for the realignment be constructed with this project and request cross sections for this work be provided with the Final Plat materials. Note that the sections should include how the right-of-way ditches tie into the adjacent stormwater facilities in Outlot 1. Again, as noted earlier, the Town should also consider how this construction will be funded.
4. The north terminus of Pioneer Road is proposed as a 45' radius cul-de-sac. This is the appropriate size for a street that will not be extended in the future. The Town may wish to consider constructing this to a smaller dimension because the street will be extended at some point in the future.

Street Plans and Profiles

1. Applicant shall include the location of the roadside ditch centerline in future plans.
2. Intersection and cul-de-sac grades have been provided. We will require additional spot elevations and slopes to include elevations in the adjacent ditches, culverts and berms with the Final Plat submittal.
3. Applicant shall clarify how access for the residence at the south end of Copper Trail will be maintained during construction. A single barricade at the end of the hammerhead turn-around shall be installed along with a sign indicating the driveway is a private drive.

Preliminary Stormwater Report

1. Rainfall depths used in the HydroCAD model do not match the NOAA Atlas 14 24-hour rainfall depths and NRC rainfall distribution MSE4. This is required by the Town and Dane County.
2. Section 5 of the Stormwater Management Report refers to DNR Technical Standards for dry detention basins. The Town, DNR, and Dane County do not allow dry detention basins as an acceptable method for TSS removal due to resuspension. The stormwater management facility will have to be redesigned such to prevent resuspension.
3. Section 5.4 of the report states the Town requires peak runoff rate control for the 2, 5, 10, 25, 50, and 100 year events. The Town also requires the 1 year.
4. Rip Rap outlets are inadequate and may cause downstream erosion. The rip rap should be sized according to Dane County's Erosion Control & Stormwater Management Manual (Stone Outlet Protection).
5. The pre-developed stay-on has been calculated incorrectly. When using RECARGA for infiltration calculations Chart 1 – Target Stay-On must be used. With a pre-developed curve number of 68 the 100% pre-developed stay-on would be 28.0 inches/year. Calculations shall be revised accordingly.
6. The infiltration basin was not included in "maintenance provisions" in the Stormwater Maintenance Agreement. Maintenance provisions shall be revised to include the infiltration basin.
7. The storm sewer outside of the right of way and the outlet structures for the stormwater management facilities were not included in the "maintenance provisions" in the Stormwater Maintenance Agreement. Maintenance Provisions shall be revised to include outlet structures and storm sewer.
8. The downstream culvert under Meadow Road looks to be undersized. Application shows a 54" storm sewer plus possible discharge from stormwater management facilities upstream of the existing 36" CMP. The capacity and downstream conditions of the existing 36" CMP need further evaluation.
9. Existing pipe location and sizes need to be shown on the Plat.
10. There are proposed rain gardens on Lots 8, 9, and 10. We recommend that these improvements be constructed along with all other street and stormwater drainage improvements. The plans

must show proposed grading that keeps off-site runoff separate from the rain gardens. We also recommend that site plans for Lots 8-10 be subsequently required before building permits are issued. Proposed site plan should show the roof and as much driveway area as possible directed in to the rain gardens.

Alternatively, the proposed rain gardens could be preliminarily designed, but built when each lot is developed. In either case, the deed restrictions should include the requirement that a site plan fee be paid by each lot to pay for review by the Town. The Town might require inspection for the first few years to be performed by a consultant. This consultant would need to be approved by the Town.

Miscellaneous

1. Because Pioneer Road will become the new "Boundary Line" as defined in the 2002 Intergovernmental Agreement and because Outlot 2 will not be developed until it is annexed to the City of Madison, close coordination with City staff on issues of street construction, stormwater, surety, and development restrictions will be required. We have reached out to several City staff, but have not received any significant feedback to date due to holiday and vacation scheduling conflicts during our review over the past several weeks.
2. A draft developer agreement will be prepared and forwarded to the developer after the Preliminary Plat is approved by the Town Board. This shall be approved and executed by the Town prior to Final Plat recording.
3. The Town should consider requiring the developer to submit deed restrictions for approval by the Town prior to Final Plat approval.

Sincerely,



Colin Punt

CP

- cc: Town of Middleton Board
David Shaw, Administrator, Town of Middleton
Tom Voss, Town Attorney, Erbach & Voss, SC
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