

TOWN OF COTTAGE GROVE
PUBLIC HEARING AND TOWN BOARD MEETING
AUGUST 1, 2016

PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENTS

- I. Notice of the public hearing was published in the legal section of the Wisconsin State Journal on June 28, 2016, and posted at the Town Hall and on the Town's internet site.
- II. Town Chair Kris Hampton called the public hearing to order at 7:00 P.M.
Town Board members present: Chair Kris Hampton and Supervisors Mike Fonger, Kristi Williams and Mike DuPlayee.
Also present: Attorney Connie Anderson, Clerk Kim Banigan, Highway Superintendent Jeff Smith, Treasurer Debra Abel, Town Engineer Thomas TeBeest and Town Planner Mark Roffers.
- III. Roffers explained that the Town's comprehensive plan was completely revised in 2015. The revisions currently proposed are as a result of the annual review process for the plan, and they include:
 1. Adding two parcels to the Neighborhood Development area of the Future Land Use Map. One is a parcel on Baxter Road that was previously designated for development but inadvertently changed back to Ag with the 2015 revisions. The other is an area west of County Road N that is between another Neighborhood Development area and a Commercial Development area.
 2. Clarification of policies of the Transfer of Development Rights Program, specifically relating to residual Residential Dwelling Units resulting from a developing area not having room for the 8 dwellings offered by each transfer from the Ag Preservation area.
 3. Minor tweaks to the policies of the land use areas.
- IV. **MOTION** by DuPlayee/Williams to close the public hearing. **MOTION CARRIED 4-0.** The public hearing ended at 7:08 P.M.

TOWN BOARD MEETING

- I. ADMINISTRATIVE
 - A. Notice of the meeting was posted at the Town Hall and on the Town's internet site. Attendance was the same as listed for the public hearing above.
 - B. Hampton called the Town Board to order at 7:08 P.M. He noted that Supervisor Anders was recovering from a recent surgery.
 - C. Minutes of previous meeting(s): **MOTION** by Williams/DuPlayee to approve the minutes of the Public Hearing, Joint Town Board / Plan Commission and Town Board meetings all held on July 18, 2016 with one correction to the motion to adjourn the Joint meeting. **MOTION CARRIED 4-0.**
 - D. Finance Report and Approval of Bills:
 1. **MOTION** by DuPlayee/Fonger to approve payment of bills corresponding to checks #30534-30572 from Monona State Bank. **MOTION CARRIED 4-0.**
 2. **MOTION** by Fonger/DuPlayee to approve payment of July per diems as presented, and payment of \$1,080.00 to Viken Inspection Agency, LLC for July building permits. **MOTION CARRIED 4-0.**
 3. The Treasurer reported that she has submitted a request for a loan proposal to the banks.
 - E. Public Concerns: None.
 - F. Road Right of Way Permits: None.

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II. BUSINESS:

- A. Discuss/Consider adoption of Ordinance 2016-04 Amending the Town of Cottage Grove Comprehensive Plan: **MOTION** by Fonger/Williams to adopt the ordinance as presented. **MOTION CARRIED 4-0.**
- B. Discuss/Consider adoption of Resolution 2016-04 Conditional Approval of Preliminary Plat for Viney's Addition to Sky High: Attorney Anderson stated that she recommended conditional approval of the preliminary plat based on the reports of the Town Engineer and Planning Consultant. She noted that the first condition of the proposed resolution was that the Subdivider must obtain approval of all other approving authorities, and the second condition requires satisfaction of all of the conditions set forth in the resolution prior to submission of the final plat. Other discussion of the conditions:
- Condition 3. notes that it is possible that once all of the conditions of the resolution are satisfied, submission of a second preliminary plat incorporating the necessary modifications may be required.
 - Condition 6. a. requires a Development Agreement to cover installation of public improvements.
 - Condition 6. b. requires a Declaration of Covenants and Restrictions to ensure quality of the development and to provide for a homeowner's association that will be responsible for maintenance of stormwater facilities and public easements. It also provides that the Town has the right, but not the obligation, to assume the homeowner's association responsibilities and special charge the lots within the plat for costs incurred.
 - Condition 7 establishes requirements for Erosion, sedimentation and stormwater management by the Town, Dane County and the Wisconsin DNR.
 - 7. a. contains a recommendation from the Town Engineer regarding drainage basins, noting that all portions of the development area are not included in the calculations. Ryan Quam, Engineer for the developer, said that the stormwater going to the North will be reduced by 40% compared to the current flow rate.
 - 7. b. stipulates that stormwater facilities must be located within outlots and drainage ways must not be co-mingled with outer types of easements. Dan Birrenkott, surveyor for the developer, said that placing utilities too far into the lot leads to unhappy homeowners, and sometimes utilities can be combined with stormwater easements when installed on a back slope. Sandy Goke, 2570 Hupmobile Dr., was concerned that the ditch not be compromised.
 - 7. c. contains a recommendation from the Town Engineer against the proposed bio retention area between lots 12 & 13, stating that you can't depend on a homeowner's association to maintain it. If utilized, the Town should take responsibility and have access to maintain it. The closer to the road it can be, the better. Otherwise eliminate it and make a grass swail.
 - Quam said the requirement is to infiltrate 90% of what infiltrates today, but the east half of the site is not as suitable for drainage as the west half is, which is the reason for the bio retention device in the proposed location.
 - Williams said she looked at the area after the recent heavy rain and saw bare soil between lots 12 & 13. She asked why not consider a catch basin and storm sewer to

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direct flow to the detention pond. Quam said the facilities are designed for 100 year rain, and an open ditch will carry much more water than a pipe could.

- The bio retention device is supposed to be dry within 24 hours. If water is still standing after 72 hours, the system is technically failing.
- 7 d. states a requirement to obtain a permit from Dane County for any stormwater discharged into the County N right-of-way. The detention pond will be 12 feet deep, Fonger asked if it should be fenced in.
- Anderson said there is concern about whether there is room for all of the utilities, that possibly the lots are not correctly sized.
- Condition 10. confirms that the length of Bass Road to the end of the cul de sac should be measured from the proposed street, which meets the requirements of current Town ordinances. The developer stated that the proposed street will be named “Vinney's Trail”.
- Condition 13. states that all requirements of the Transfer of Development Rights program be satisfied .
- Condition 15. requires soil tests to show that soils are suitable for septic systems on each lot. Birrenkott said that preliminary soil tests have been done, but final tests are generally not performed until the time of final grading, when a house is planned.
- Condition 17. lists what must be shown on the final plat. The final item, to restrict access to the “proposed street” until lands the north are platted, was removed through discussion.
- Condition 18. lists what existing improvements must be removed, including the existing driveway to the site. Smith said he has been advised by Dane County Assistant Highway Commissioner Pam Dunphy that the driveway could stay for access to the outlot as long as it has a locked gate. There were concerns over the longevity of this provision, however, and recommendations that other access easements should be provided to the outlot as well.
- Sandy Goke, 2570 Hupmobile, asked the Town Board to make the type and size of home a consideration in their approval to make sure they get the tax base value the Town needs. Discussion was that this would be something to include in the declaration of restrictions and covenants, which Roffers said almost always includes a minimum house size.

MOTION by Hampton/Fonger to adopt Resolution 2016-04 Conditional Approval of Preliminary Plat for Viney's Addition to Sky High as amended tonight. **MOTION CARRIED 4-0.**

- C. Discuss/Consider Terms and conditions incorporated into permit for the Village of Cottage Grove Water Utility to install and maintain a water main extension in the right-of-way of Gaston Road.: Village Trustee Alex Jushchyshyn, Public Works Director JJ Larson, and Utility Commission member Charlie Rogers were present. Village Attorney Leighton Boushea had emailed a list of changes to the conditions approved by the Town Board on June 7, 2016 as requested by the Village Utility Commission:
- In paragraph J, they asked to strike the word *minimal* in relation to the cost of Village Engineering related to the future road profiles to be reimbursed by the Town. Jushchyshyn said it was not meaningful. Atty. Anderson said it came from a comment from MSA. TeBeest suggested that Town and Country could do the engineering. It was agreeable to remove the word.

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- Paragraph L relates to the provision of a project warranty by the Village. The request was to strike the warranty coverage due to consequences related to the Village's decision to construct only half of the road. The Town Board did not agree with removal of this language. This led to a discussion over who is to be held accountable, the Village Board or the Utility Commission. Jushchyshyn said that it would be the Utility Commission, they are authorized to act independently, but Rogers said the commission is only advisory. Communication from the Village Attorney referenced the Village, not the Utility Commission.
- In Paragraph M, the request was to remove the requirement that repair of any damage to the North side of Gaston Road be acceptable to the Town Engineer, and instead hold the Village only to standards in compliance with Wis. Stat. Admin PSC 130. The Town Board did not agree to this change.
- The request was to strike all language in paragraph P regarding payment terms and instead require payment only as enumerated in Wis. Admin. Code PSC 130. Atty. Anderson said that the terms stem from past history. The Town Board was not in agreement with the change.
- DuPlayee cautioned about moving forward with the project once school is in session.

MOTION by DuPlayee to table. **MOTION FAILED DUE TO LACK OF SECOND.**

MOTION by Hampton/Williams to incorporate the feedback of the Town Board into the conditions as issued on June 7th and provide the new conditions to the Village Administrator.

MOTION CARRIED 3-1 (DuPlayee opposed.)

D. Discuss/Consider hiring process for retiring Public Works Employee:

1. Define Timeline: Advertisement to be published and posted online ASAP. Applications due on August 18th, with a recommendation to the Town Board at their first meeting in September.
2. Advertisement of opening: The advertisement looked good as drafted.
3. Review Application form: The application looked good as drafted.
4. Review Job Description: The job description looked good as drafted.

MOTION by Hampton/DuPlayee to approve the timeline as above, and the advertisement of opening, application form and job description as drafted. **MOTION CARRIED 4-0.**

III. CLERK'S REPORT: She is busy preparing for the Partisan Primary on August 9th.

IV. HIGHWAY SUPERINTENDENT'S REPORT:

- A. Wolf Paving will begin milling tomorrow, with paving to occur Thursday, Friday and possibly Saturday.
- B. He has had no word from the seal coating contractor.
- C. He suggested the Town Board may want to consider providing health insurance to employees in case it is something applicants for the public works employee opening would be looking for.

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V. BOARD REPORTS AND COMMUNICATIONS:

- A. Hampton reported that the Urban Town Committee will have a legislative listening session in Fort Atkinson on August 30th, and he met with the McFarland School District to learn about their \$65 million capital improvement plans.
- B. Williams reported that she had attended a planning meeting for Madison's Yahara Hills neighborhood, and some of their plans for lands in the Town of Cottage Grove do not agree with ours. Hampton added that he met with City Planner Rick Roll who encouraged him to keep calling to set a date to talk about a boundary agreement. Williams also suggested contacting Brian Grady.

VI. COMMITTEE REPORTS:

- A. Deer-Grove EMS Commission: Discussions have begun regarding a possible consolidation of Deer-Grove EMS and Marshall Area EMS. Hampton distributed a preliminary budget showing what the budget of a combined service might have looked like in 2016. Further discussion will be on the August 15th Town Board agenda.
- B. Joint Town/Village Landfill Monitoring Committee: Tina Sebold will bring a proposed 2017 agreement to the September meeting.

VII. Adjournment: **MOTION** by Williams/DuPlayee to adjourn. **MOTION CARRIED 4-0.** The meeting ended at 9:27 P.M.

Kim Banigan, Clerk
Approved 08-15-2016

**TOWN OF COTTAGE GROVE
BOARD RESOLUTION 2016-04**

**CONDITIONAL APPROVAL OF PRELIMINARY PLAT FOR
VINEY'S ADDITION TO SKY HIGH**

WHEREAS, on June 29, 2016, Donald Viney ("Subdivider") submitted a preliminary plat for Viney's Addition to Sky High (the "preliminary plat"), which is located in the Town of Cottage Grove, Dane County, WI; and

WHEREAS, the Subdivider's application states that the preliminary plat will contain 15 single family residential lots, and maps indicate that the preliminary plat will be immediately adjacent to single family residential plats known as the Rolling Wheels 2nd Addition and the 3rd Addition to Sky High; and

WHEREAS, the Subdivider has requested approval of the preliminary plat and rezoning of the lots within the preliminary plat; and

WHEREAS, the Town Planner and Town Engineer have reviewed the request, and prepared separate reports to the Town Clerk for consideration by the Town Board (collectively hereafter, the "Reports"), which Reports are attached hereto as Exhibits and incorporated herein by reference; and

WHEREAS, the Plan Commission considered public input, the preliminary plat and the July 14, 2016 reports from the Town Engineer and Town Planner, and recommended to the Town Board conditional approval of the preliminary plat, subject to Subdivider satisfactorily addressing the concerns and issues raised in the July 14, 2016 reports to the satisfaction of the Town Board and the Town's consultants, all as set forth in Plan Commission Resolution 2016-01 and adopted on July 18, 2016; and

WHEREAS, the Town Board has considered the foregoing and shall take action as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cottage Grove as follows:

The Town of Cottage Grove Town Board **Conditionally Approves** the preliminary plat for Viney's Addition to Sky High (Subdivider Don Viney) located in Lot 1, CSM No. 3894, and in the SE ¼ of the SW ¼, Section 21, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, subject to the following conditions:

1. The Subdivider shall obtain approval for the plat from all other approving authorities, as required by law.
2. Prior to submission of the final plat to other approving authorities, the Subdivider shall satisfy each and all of the requirements set forth in this Resolution to the satisfaction of the Town Board. The Town Board shall consider the advice of the Town Attorney, Town Engineer and Town Planner prior to determining whether the final plat meets the requirements set forth in this Resolution.
3. It is possible that the Subdivider will need to make significant modifications to the preliminary plat in order to satisfy the conditions set forth in this Resolution. If significant modifications are required, as determined by the Town Attorney, Town Engineer, Town Planner or Town Board, the Subdivider may be required to submit a second preliminary plat that incorporates the necessary modifications.

4. The Subdivider shall address the technical comments set forth in the Town Planner's Reports dated July 14, 2016 and July 22, 2016, to the satisfaction of the Town Planner, Town Attorney and Town Board.
5. The Subdivider shall address the technical comments set forth in the Town Engineer's Reports dated July 14, 2016 and July 21, 2016, to the satisfaction of the Town Engineer, Town Attorney and Town Board.
6. As a condition of final plat approval, the Subdivider shall present to the Town Clerk the following fully executed original documents:
 - a. A Development Agreement, in a form satisfactory to the Town Board, Town Attorney and Town Engineer, covering the installation of public improvements for the proposed development including security acceptable to the Town Board, Town Attorney and Town Engineer. The conditions set forth in this Resolution shall be and hereby are incorporated in the Development Agreement, by reference hereto.
 - b. A Declaration of Covenants and Restrictions, in a form satisfactory to the Town Board, Town Attorney and Town Planner, ensuring the quality of the development and the representations made to the Town during the review process, and providing for a homeowner's association which shall be responsible for maintenance of the stormwater facilities, landscape buffer, accessway and other similar requirements set forth herein. The Covenants shall also provide that the Town shall have the right, but not the obligation, to assume responsibility for the homeowner's association's responsibilities and to special charge all lots within the plat for costs incurred.
 - c. A Stormwater Management Agreement, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Engineer, for all stormwater management facilities.
 - d. TDR easements and notices, in a form satisfactory to Dane County, Town Board, Town Attorney and Town Planner, as necessary to comply with the TDR Program.
7. The Subdivider shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Cottage Grove, Dane County, and the Wisconsin Department of Natural Resources (WDNR). To obtain approval of same from the Town, the Subdivider shall address the following to the satisfaction of the Town Engineer and Town Board:
 - a. The drainage basins used for calculations do not include some portions of the development. One area of concern is that the area on the north half of Lots 2, 3 and 4 may result in an increase in flow to the area north of the plat. The Town Engineer recommends that the Subdivider route this drainage east to the stormwater management facilities or demonstrate the total volume of runoff and flow rate leaving the site does not increase.
 - b. All stormwater treatment facilities shall be located within designated outlots. Stormwater conveyances or drainageways shall be contained in Town road rights-of-way or in exclusive drainage easements designated on the plat as such.
 - c. The Town Engineer does not support use of the proposed bioretention device that is proposed to be located between lots 12 and 13. The Town Engineer does not recommend placement of this type of stormwater management device between lots because of the maintenance necessary for this type of device to operate as necessary to operate as represented by the Subdivider's engineer. Access and maintenance by those knowledgeable about such devices is essential to proper operation and function. The Subdivider is encouraged to consider alternatives and shall be required to obtain approval from the Town Engineer prior to recommendation of same to the Town Board.

- d. Prior to discharging stormwater from the development to County Highway N right-of-way. The Subdivider shall obtain approval from the Dane County Highway Department with regard to any such discharge, and permit requirements shall require further approval by the Town Engineer.
8. The Subdivider shall obtain approval of the Grading Plans and Specifications, in a form satisfactory to the Town Engineer, for all land within the subdivision.
9. The Subdivider shall obtain approval of the Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements prior to construction. The Construction Plans and Specifications shall include:
 - a. A plan for the Subdivider's improvement of Bass Road between Crestview Drive and the west plat boundary that matches the street improvement standard for new streets within the plat, unless another standard is approved by the Town Engineer; and,
 - b. Plans for construction of the proposed street with a hammerhead end to permit turnaround of snow plows and similar vehicles.
10. The Town Engineer acknowledges receipt of a map of future roadway development to the north of the plat, as provided by Birrenkott Surveyors on July 19, 2016 confirming that the proposed street can reasonably connect to Gladeview to the north. Based on this submission, the Town Engineer has recommended, and the Town Board hereby confirms that the length of Bass Road to the end of the cul de sac should be measured starting at the proposed street rather than the intersection to the west of the proposed street. The length of Bass Road from the proposed street to the cul de sac meets the requirements in the current Town ordinances.
11. The Subdivider shall obtain approval of the preliminary plat from the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee). The Subdivider shall comply with any and all recommendations made by the Cottage Grove Fire Department and the Deer-Grove EMS Inspector (or designee), as confirmed by the Town Board, prior to the Town signing the final plat.
12. The Subdivider shall satisfy the Town of Cottage Grove's requirement for Fees in Lieu of Land Dedication, prior to the Town signing the final plat. Stormwater facilities do not and shall not count as parkland dedication.
13. The Subdivider shall satisfy the requirements of the Dane County Transfer of Development Rights ("TDR") Program, as opted-in to by the Town of Cottage Grove, prior to the Town signing the final plat. The Town Planner shall administer the TDR Program with the assistance of the Town Clerk, and the Town Attorney shall prepare appropriate easements and other TDR documents.
14. The Subdivider shall obtain rezoning from Dane County so that all lots in the plat are zoned as R-1 Residential and are located within a TDR Receiving Area.
15. Prior to submittal of the final plat, the Subdivider shall:
 - a. Submit soil tests verifying that the soils are suitable for septic systems on each lot, subject to verification by the Town Engineer in consultation with the County Sanitarian. The results of such testing and verification may require adjustments to the preliminary and final plat.
 - b. Determine whether state records or site evaluation suggests any rare plant or animal species, archaeological sites, or historically significant structures in the plat area.
 - c. NOTE: Depending on the results of such efforts, a second preliminary plat may be required, and the final plat or the remaining development process shall be adjusted accordingly.
16. The Subdivider shall submit, prior to or with the final plat:
 - a. A mature tree preservation plan. Such plan shall indicate the locations of all non- invasive trees with a diameter of 12 inches or greater for deciduous trees and a height of 10 feet or

greater for evergreen trees and include proposed strategies for maximizing mature tree preservation during site development, home construction, and beyond. Such strategies shall be approved by the Town Planner and Town Engineer, and will be included in engineering plans, development agreement, plat, and/or covenants as determined by the Town Attorney.

- b. A detailed landscape plan for the 30 foot landscape buffer and Outlot 1 of the preliminary plat. Such plan shall utilize existing mature vegetation, include berming and all-season vegetative screening between the proposed stormwater basin and the Highway N right-of-way, and be coordinated with the stormwater plan for Outlot 1.
- c. The stormwater outlot shall be thoughtfully designed to appear as a landscape element as well as a stormwater element.
- d. In addition to meeting ordinance requirements and engineering best practices, the final grading and stormwater plans shall be prepared with an effort to maintain pre-existing topography to the extent practical and encourage stormwater management treatment systems that focus on Best Management Practices (BMPs).

17. The final plat shall:

- a. Include a “building setbacks” exhibit that clearly indicates the front yard, the back yard, that the side yards are intended as interior (and not corner) side yards, that corner side yards shall meet front yard setback requirements, and that any unique building setback/buildable area indicated on any lot in the plat will control in the event of conflict with the exhibit.
- b. Delineate and label a “landscape buffer strip” along the 30 feet of the plat that is closest to the Highway N right-of-way, and include a note as follows: “Landscape buffer strip is reserved for the planting and maintenance of trees or shrubs by the owner. The building of structures hereon is prohibited, except where approved by the Town Board.”
- c. Delineate a specific “buildable area” for preliminary plat Lot 7 so that new house placement will be no closer than 80 feet from the Highway N right-of-way, based on the ordinance requirement that the rear 30 feet of the landscape buffer strip shall not be counted as any required yard and the Town’s desire to minimize development visibility from Highway N.
- d. Indicate the intended owner and function(s) of preliminary plat Outlot 1 in a manner satisfactory to the Town Board.
- e. Provide a 20-foot wide public access easement between preliminary plat Lots 7 and 8 to Outlot 1. (Engineering plans shall be designed to provide a suitable base to enable future paving of part of that easement and/or vehicular use.)
- f. Include all existing and proposed utility, stormwater/drainage, and other easements.
- g. The street name for the “proposed street” stub to the north shall be Vinney’s Trail.

18. As a component of the development, the Subdivider shall remove existing improvements and/or modify existing improvements as follows:

- a. Demolish all existing buildings, foundations, septic systems, and other structures, including the white fence near County Highway N.
- b. Unless the Town Engineer determines it may be reused for new construction in the plat, close the existing wells in the plat in accordance with WDNR requirements.
- c. Dane County has verbally agreed that the Town may use the existing driveway opening onto Highway N to access to the stormwater outlot for maintenance, provided that a locked gate is installed near Highway N to County specifications. Subdivider shall install such gate at Subdivider’s expense and provide all existing keys to the locks to the gate to the Town Clerk. {NOTE: This does not satisfy the requirement that the Subdivider provide access easements from Bass Road to all stormwater facilities in the Plat, including the outlot.]

- d. As part of such removal efforts, existing mature, non-invasive trees shall be preserved to the extent practical according to the mature tree preservation standards established in Section 16 above.
 - e. The above requirements expressly survive the Town’s inscription of the final plat and are hereby incorporated in the Development Agreement by reference.
19. The Subdivider shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary and final plat, including, but not limited to, the cost of professional services incurred by the Town of Cottage Grove for the review and preparation of required documents, attendance at meetings or other related professional services.
20. This conditional approval by the Town Board shall expire at termination of the Village of Cottage Grove’s Waiver of its ETJ over the area included in the preliminary plat. If the final plat has not been recorded prior to such termination, the Subdivider shall be required to obtain approval from the Village of Cottage Grove and the Town of Cottage Grove shall have an opportunity to reconsider and adjust the terms and conditions set forth herein.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 1st day of August, 2016, by a vote of 4 in favor and 0 opposed. [Note: One Town Supervisor was absent for medical reasons.]

TOWN OF COTTAGE GROVE

Kris Hampton, Town Chairperson

Attested by:

Kim Banigan, Town Clerk

Incorporated by Reference: [available from Town Clerk]

- Exhibit A Town Engineer Report dated July 14, 2016
- Exhibit B Town Planner Report dated July 14, 2016
- Exhibit C Town Engineer Report dated July 21, 2016
- Exhibit D Town Planner Report dated July 22, 2016

ACKNOWLEDGMENT BY SUBDIVIDER

I, Donald Viney, the Subdivider, hereby acknowledge receipt of this Town Board Resolution 2016-04, and understand that compliance with the terms and conditions set forth in Town Board Resolution 2016-04 is required by the Town of Cottage Grove prior to its approval of the final plat.

Dated: _____

Donald Viney