

8/14/2023 Special Meeting Minutes

Attendance: Angie Volkman (Town Clerk), Sierra Parker and Gregg Borucki with MSA Professionals Services, Pat Cadigan, Terry Wenger and Dustin Gradel with Tri-County Paving, Neil Pfaff with Vierbicher Assoc., **Residents:** Dennis Kohlmeyer, Paul & Nancy Roth, Jaff Galle, Tim & Nicolle Helbsleb, Kevin & Barb Taylor, Jamie Ballweg-Pierce, Dave Koenig, Jennifer Persike, Robert Lee, Brian Dolphin, Donna Kopp, Pual & Diana Karls, and Matt Niesen. Public: Jared Ripp, Diane Ripp, and Earl Dohm.

The following agenda will be followed:

1. Call meeting to order. Town of Dane Special Meeting was called to order by Dave Koenig at 6:30 PM.
2. Proof of posting. Angie Volkman, Town Clerk, reported the agenda was posted on August 4th, 2023, at the town hall, town website (www.townofdane.gov), Post Office and Dane Lumber. Posting requirements were met.
3. Roll call. Angie Volkman called roll: Dave Koenig-present, George Dorn-present, Rich Haag-present, Paul Johnson from Boardman and Clark and Gregg Borucki from MSA professional services.
4. Addition or Corrections/Approval of Agenda. The board reported no additions and or corrections to the agenda.
5. Discussion Erosion Control for Conditional Use Permit (CUP) to operate a quarry just south of 7839 Bonetti Rd Dane WI 53529. Neil from Vierbicher Assoc. spoke to the board and provided a more detailed set of plans and specifications for the Quarry since the last meeting. The site is located on the westside of Bonetti Road, and it's designed in phases. Westside of the road, site drain from the east to the west and phase 1A will be located towards the back of the site. In general, the intent of the Quarry is-it's a Non-Metallic Quarry where you will have access from the road into the quarry, ramping down into it while maintaining natural grade. The quarry is designed so that there is a 6' berm around the perimeter so it will obstruct view from the road location and a 3' berm all the way the phase 1A so that any water that lands into the quarry will be maintained on the quarry floor and that will infiltrate an evaporator. There will be no mixing of the agricultural water with the quarry water. The drainage direction will always be maintained, this drains from the east to the West that will be to maintain drainage direction. Neighboring property in no way will ever see additional water, it'll receive reduced amount of water with the reason is because the core isn't great so anything that lands within this airspace is going to stay within that quarry. The exterior sites for erosion control will be disturbed at a lesser extreme than today because agriculture has open areas of land so it's less erosion controls concern. To maintain the protection so people can't enter the quarry, there is a 6' high fence all the way around with a gated entrance and exit. There was some discussion about planting trees along the berm however they want to maintain that berm to mow it 3-4 times a year so it's more of a natural landscaped berm rather than a tree line berm. The ask for today is as a conditional use permit for a 20-year permit. Unfortunately, Phase 1A timeline is unknown exactly as because it would get constructed based off market demand. However, Phase 1B is what they are looking at for complete build out for a 20-year expansion. Neil reported this would be enough area for a 20 year, based on the current market demand. It could be less than this, however the Conditional Use Permit (CUP) is valid for 20 years of which can be renewed and expanded. Need to look at the site holistically, they took into aspect: OK how is this additional use permit come into play if it was expanded? This could be potentially 30 years down the road, basically same footprint area, you just keep on moving limits on the quarry and the diagram shows the full story, absolutely the most that could happen. The floor of the quarry always slopes the same way, so all the all the storm water will collect along the West side of the quarry, with the floor elevation approximately between 40 to 50 feet below the existing grade. In general, the stormwater that lands within the quarry had the storage area has 500 times amount necessary for a 25-year event. This quarry was never going to see a drop of water leaving the quarry. There could be a large area in the bottom of the quarry that is inundated for periods of time, wherever that occurs water will percolate through the porous land limestone and evaporate. In addition to that, provided what is this going to look like you know after the conditional use permit is completed or after the site has used its full life cycle.... In general, want to maintain the existing grade but not fill it up to the maximum extent. Coming down at a 4:1 slope, area would likely be Prairie grasses rather than agriculture, but then the area could be turned back into agriculture. This site would be filled basically a 2% slope cross the site to the neighbors. Currently there's

sites, this ranges from 30% to 2%. They are going to a 4:1 slope Prairie grasses and then a slower slope, which slows down the water in the future for the neighboring properties. The Ripps want to be a good neighbors, they don't want to have increase run-off to the properties to the West. Also shown are cross sections that show what the quarry looks like in a profile view, and you can see that the quarry bottom is slanted towards the west. There is an access Rd. to allow truck traffic to enter and exit the quarry. There is a perimeter berm around the quarry, a stormwater berm that protects water from getting into quarry diverts that water around naturally as it exists today. It separates the water from the quarry from the agriculture run-off. Attorney Paul asked if there is ever a scenario where they would participate a need to have to pump out, and the answer is no. If there was ever a time when a pump is needed, that would have to be a permitted process. The quarry bottom will still go down, down, and down and down until you get to that that floor out of the quarry. You're sloping the floor of the quarry from the east to the west so that the salt water will collect along the western edge. Before any mineral extraction is started, that quarry is already going to be shaped as such to hold stormwater because there's approximately 6-7' of over burn. Over burn is no-mineral items that won't be mined, that material needs to be moved, removed out of that area. Day 1 would be starting to construct the stormwater berm before any mineral leaves the site. Gregg stated that he is satisfied with what he is seeing with Erosion and Stormwater as it can be contained.

6. Consider and take action on a recommendation for the CUP requested by J&D Quarry. **Motion by Rich Haag, second by George Dorn to recommend to Dane County to deny the Conditional Use Permit 02584. Motion was made and seconded to deny the CUP for J&D Quarry, 2 in favor and 1abstained. Motion carried.** Paul Johnson reported by denying the CUP, the Town of Dane board must formulate the reasons for the denial of which focuses on the 8 factors and announce the reasons for the denial.

1: The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. Previously stated were berms, dust control, erosion control and the fence and the applicator has addressed all those issues in 1 way or another. The road is too dangerous to support the truck traffic that will be on it. They agreed to shoulder it with a 2' shoulder of which we don't think is enough. There has been no mention of railings put up of which the Town of Dane feels needed. The road also should be wider; it is a road that is used for farm machinery and their trucks and it's just too tight of a spot. In the wintertime, the grades up and down the hills you won't be able to help with ice control and doing a lot of hauling between Thanksgiving and Christmas. You will also get people that walk that road and with that narrow width with 2 dump trucks using the road, where do the walkers go, you have no place to go. They are not going to put tarps on the trucks, as you can't enforce that and there will be a lot of dirt and noise from the trucks as well as dust. Also considered with cracks in windshields from rocks falling off the trucks, we feel they should be tarp since it is smaller rocks that will be hauling.

2: The uses, values, and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance, or operation of the proposed conditional use. It's a farming community with people close by and it's going to change the area. If it was in a better area, it would be a different story. The people present at the meeting are mostly against the pit, they will no longer be able to enjoy the area. The people living there knew the area when they bought their homes, and it is unknown the area once the pit goes in. It's a very quiet place for people that want to stay away from everything, there is very little traffic in the area, walking on the roads and then all sudden this disturbance in the area – change their lives. Homes are close, hills that are there, feel sorry for the people who have to live next to the pit.

3: The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Comments with hunting land, change the looks of the area. People living there because of what's there now, it's not fair that they have to change over what they have to look at.

4: There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. Already addressed roads in above comments. The Town of Dane agrees that based on the presentation seen so far answers have been addressed for: drainage, improvements to allow land use or improvements planned to provide adequate measures are met. The roads are the questions of main concern.

5: Adequate measures have been or will be taken to provide adequate ingress/egress to public streets and the proposed conditional use will not present traffic conflicts. Town already comment above but mentioned

the hills are an issue. Bonetti Rd and Viaduct Rd intersection and Dunroven Rd are of concern to the Town of Dane.

6: The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use. Not discussed, skipped.

7: The conditional use is consistent with the adopted Town and County Comprehensive Plans. The Comprehensive Plan states that it should in no way inhibit how the people feel about the property they have and the area they live in should not be drastically changed. The plan provides that this should be Ag use and that is what the Town foresees it to be used for.

8: If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below. The use of location in farmland preservation zoning district is consistent with the purpose of the district. the Town says no. Speed limit was brought up to maintain a 30 MPH speed limit going down some roads with a full load without using jake-brakes. The town does not want jake-brakes to be used due to noise and berms won't stop that noise. This was now mentioned during the meeting. Rich mentioned at this point of the meeting that when they were elected, they are here to serve who voted them in. Paul Johnson advised that we have 2 ways to go: we've already adopted the motion and did the finding now and try to fit the Towns words into the 8 factors. Does the Town want to take a look at it and put a final seal of approval or just approve the chair to send to the County? Next regular meeting, review of 8 factors, Paul will call the County on how the Town should proceed.

7. Adjourn. Motion by Dorn, second by Haag to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 7:08 pm.

Angie Volkman-Town of Dane Clerk