

Approved minutes

TOWN OF WINDSOR
REGULAR BOARD MEETING

May 21

Minutes

May 21, 2015

1. Call Meeting To Order And Roll Call.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Supervisors present: Alan Buchner, Don Madelung, Monica Smith, Bruce Stravinski, and Bob Wipperfurth. Others present: Town Finance Director Tina Butteris, Town Attorney Connie Anderson, Town Engineer Kevin Richardson, and Town Planner Jamie Rybarczyk.

2. Recitation Of The Pledge Of Allegiance.

The flag pledge was led by Supervisor Buchner.

3. Announcements.

Chairperson Wipperfurth welcomed everyone to the meeting, reminding them that the Town Board had a very full agenda.

4. Approve Minutes.

- a. April 30, 2015.
- b. May 7, 2015.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve the Minutes of April 30, 2015, and May 7, 2015, as presented. Motion carried with a 5-0 vote.

5. Finance.

- a. Staff Report On Finances.

Finance Director Butteris noted that single-family building permits for the month of April were 8 vs. 11 in 2014. Year-to-date, the town has had 23 single-family building permits vs. 17 in 2014. Accounts receivable are current.

b. Consider Vouchers For Payment.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to approve the vouchers as presented. Motion carried with a 5-0 vote.

c. Treasurer's Report.

A motion was made by Supervisor Smith, seconded by Supervisor Buchner, to approve the Treasurer's Report as presented. Motion carried with a 5-0 vote.

d. Budget Report.

A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve the Budget Report as presented. Motion carried with a 5-0 vote.

6. Appearances Before The Board.

None.

7. Incorporation Update.

Chairperson Wipperfurth noted that the Town Board has changed its agenda. For months it has had a standing agenda item for the Future Governmental Structure of Windsor.

Town Attorney Anderson advised that there is a posting on the town's website regarding action taken by the Joint Finance Committee. By a 12 to 4 vote, the Joint Finance Committee adopted Motion 299. If it gets approved, it will allow Windsor to consider incorporation. The town is hoping that it will be approved by the Senate and Assembly. The town will need to educate its residents and get ready for a referendum. The earliest it would be an election item would be September.

Chairperson Wipperfurth stated that at the end of the Agenda was an item for an ad hoc committee. No action will be taken on this item until June. The committee will be composed of Chairperson Wipperfurth, one other Town Board member, town staff, and residents from the town. If anyone is interested in being on the ad hoc committee, please contact Chairperson Wipperfurth. This is still a work in progress. This is not a done deal. This is the first step of many. This is about protecting Windsor and Windsor's future.

8. Operator Licenses.

Chairperson Wipperfurth noted there was one application for an Operator License. A motion was made by Supervisor Madelung, seconded by Supervisor Smith, to approve the Operator License for Dylan J. Stacey based on the staff recommendation. Motion carried with a 5-0 vote.

9. Ordinance 2015-02 Adoption Of Text And Map Amendments To The Town Of Windsor Comprehensive Plan: 2025.

Town Planner Rybarczyk provided a review. Back on January 20 there was a joint meeting with the Plan Commission and Town Board regarding the Comprehensive Plan. On February 19 there was a second working meeting. They went over highlights based on new data, chapter by chapter. The town has been working on this for close to a year. It is now ready for final adoption. The public hearing was on April 28 at the Plan Commission level. The town received a letter from Mark Roffers of the village of DeForest with comments. The town has incorporated those comments. The town also received comments from Pam Andros of Dane County and has agreed to incorporate those comments. The next step is adoption of Ordinance 2015-02. The comments of Mr. Roffers and Ms. Andros will be incorporated into the final document. The town will start enforcing the revised Comprehensive Plan in early June.

A motion was made by Supervisor Madelung, seconded by Supervisor Buchner, to approve Ordinance 2015-02, Adoption Of Text And Map Amendments To The Town Of Windsor Comprehensive Plan: 2025. Motion carried with a 5-0 vote.

10. Resolution 2015-18 Windsor Real Estate LLC & Jiah, LLC Request A Certified Survey Map, Rezone And Conditional Use Permit In Order To Reconfigure Lots Located At 4506 Lake Circle In The Town Of Windsor.

Town Attorney Anderson explained that this Resolution is being presented because at a prior meeting the Town Board held this matter open. Since that time, the petitioner has withdrawn the request, and the town is now completing its records. This is just a record cleanup.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Resolution 2015-18 to deny Windsor Real Estate, LLC's & Jiah LLC's Request For Certified Survey Map (CSM), Rezone And Conditional Use Permit (CUP) To Reconfigure Lots At 4506 Lake Circle (Super 8). Motion carried with a 5-0 vote.

11. Consider Motion To Take From The Table Consideration Of A Review Schedule For Action On The Hoffman Quarry By The Town Of Windsor And City Of Sun Prairie (Item Was Laid On The Table By Motion Of The Town Board On October 2, 2014.)

Chairperson Wipperfurth advised that this matter is being taken from the table. It was laid on the table on October 22, 2014, by the Town Board. A motion was made by Supervisor Smith, seconded by Supervisor Madelung, to take from the table consideration of a review schedule for action on the Hoffman Quarry by the town of Windsor and city of Sun Prairie. Motion carried with a 5-0 vote.

12. Hoffman Quarry – Review Schedule For Action By The Town Of Windsor And City Of Sun Prairie.

Chairperson Wipperfurth provided a brief update prior to the Board getting into the original action item. This matter came before the Windsor Plan Commission. The Plan Commission approved the Hoffman Quarry with certain questions. The Town Board considered it on October 22 and did not take action and agreed to hold this at the request of the applicant. Since that time, the town has held several meetings regarding the Hoffman Quarry. Those meetings were lightly attended. Action will be taken at this Town Board meeting, either voting it up or voting it down.

13. Resolution 2015-25 Town Board Recommendation To Joint Extraterritorial Zoning Committee Regarding Hoffman Quarry.

Chairperson Wipperfurth explained the process. Discussion will start with staff input and a staff presentation. That will be followed by a presentation from the applicant. The town received letters and comments to be read into the record. After that, comments will be taken from the audience. Those comments will be limited to three minutes and will be timed. Chairperson Wipperfurth asked that the comments stick to the facts. This is an emotional issue on both sides of the aisle. There are to be no cross-conversations in the audience. He wanted everyone to stay focused on the task with only one person speaking at a time, not rehashing other people's comments. Try to offer new comments.

Town Planner Rybarczyk provided an overview of the petition. The town received a letter from Yahara Materials which addressed policy, planner, and engineering concerns. Petitioner had a PowerPoint presentation. An aerial photo was shown of where the quarry will be located. The petitioner is looking to operate a limestone quarry. The land is currently being farmed. Productive agriculture will continue when the quarry is in operation. It is high-quality aggregate which will be used for construction, base course, concrete, asphalt mixtures, railroad ballast, and other uses. Potential customers will be local residences and businesses, local units of government, Dane County, Wisconsin Department of Transportation, and railroads.

There will be three phases over a lifetime of 25 years. They will not be stripping all of the topsoil, which is 3 to 4 feet deep. The limestone is 60 to 70 feet deep. Upon completion of each phase, the property will be reclaimed.

There were four planning items. The Staging and Reclamation Plan shows a landscaped enclosure berm with a slope of 3:1. Windsor's policy requires a maximum slope of 4:1.

Per the Sun Prairie-Windsor ETJ Ordinance, all mineral extraction activities shall be located no closer than 300 feet from any property line or 500 feet from any residential structure. It is hard to determine from the plans provided to the town how close the property line is. An official survey will need to be done.

No concrete batching or hot mix will be allowed.

The quarry will have an expected life of 25 years. The town can only grant a conditional use for an eight-year period with annual reviews. The town could grant five-year extensions.

Town Engineer Richardson indicated he had three comments: traffic, storm water management, and groundwater.

The Dane County Highway Department has been contacted regarding traffic, and Dane County has approved the access location. The study results indicate no appreciable degradation at the intersections along Highway C due to the traffic generated by the proposed quarry.

The Site Operations Plan for the proposed quarry indicates that storm water will be treated in sediment ponds before entering a drainage ditch west of the limestone quarry. Prior to construction of the sediment ponds, the petitioner shall submit to the Town Engineer for review and approval storm water flows and sizing calculations for the sediment ponds. The goal of the Reclamation Plan is to infiltrate storm water after the limestone quarry ceases extraction. The sandstone aquifer will be left in place on the floor of the quarry.

The petitioner has submitted a Spill Prevention Plan and Emergency Response Plan which indicates there will not be large quantities of hazardous materials as part of the proposed limestone quarry operation. The Plan and Policy summarize the handling and management of petroleum products that will be used to repair and maintain the petroleum equipment.

Town Attorney Anderson noted that the Town Board's action is a recommendation to the Joint Extraterritorial Zoning Committee. That committee will make a recommendation to the city of Sun Prairie, and the city of Sun Prairie will make a final determination regarding the quarry.

Town Planner Rybarczyk discussed the Reclamation Plan. The topsoil that is stripped would be used and replaced on the floor of the quarry with additional top soil brought in. The floor of the quarry will be put back into agricultural production. Is the 6 inches of soil recommended by the petitioner sufficient? Yahara Materials indicated they were staying with their recommendation of 6 inches but will discuss this with the town. Town Planner Rybarczyk stated if this was not

able to be returned to agricultural production the town does not want to have pressure that this should be turned into a pond with residential development around it.

It was noted that, several years ago, the Hoffmans transferred their development rights from this property. It is deed-restricted from any future development.

The Sun Prairie-Windsor ETJ Ordinance identifies performance standards for vibration with respect to blasting. However, the ETJ Ordinance does not identify performance standards for vibration that may be the result of ongoing truck traffic. Yahara addressed this through speed reduction and banning of engine braking.

There will be annual reviews of the conditional uses. An ad hoc committee could be set up. This would lead to additional fees for the town. Town Planner Rybarczyk was suggesting a \$5,000 escrow account be kept on hand for the quarry, with it being replenished as necessary when it gets down to a certain point.

Since looking at this in September and October, the town had not received anything new from the petitioner. It has now been provided with renderings of the phasing.

Present on behalf of the petitioner were Tim Geoghegan (representing Yahara Materials), Renee Burcalow (representing the family who owns Yahara Materials), and Attorney Michael Lawton.

Mr. Geoghegan stated that they have tried to meet each one of the pieces of the puzzle for mineral extraction in the town of Windsor. They meet or exceed all of the requirements of the ordinance.

Renee Burcalow provided a history of Yahara Materials. She is an owner with her brother and family. The company was started in 1955 and has a proven track record. They are invested in the community and aggregate industry. They provide good-paying jobs with full benefits: \$44 per hour with benefits and \$57 per hour with benefits when on the highway. They operate in a responsible manner. There will be minimal impacts on the neighboring area. They are always looking for the new best practices. They are concerned about the environment and use best practices to minimize impact on the environment. Yahara Materials is committed to the community.

Tim Geoghegan provided a project overview. They have been working on this since 1999. The family is committed that this land stays in agriculture while working on the site and then take it back to agriculture. This site contains some of the highest-quality aggregate in the area. DOT has changed its standards. A lot of the older quarries can no longer be used for DOT work as they cannot provide the quality of aggregate needed. Transportation costs are the most significant part of delivery of goods and services. The closer Yahara Materials can be to the markets and the end-user the better it is. They have to strategically locate sites. A CSM will be prepared and recorded with the Dane County Register of Deeds so there is no confusion regarding the location.

Phase 1 is the smallest phase. Hours of operation are 7:00 a.m. to 6:00 p.m., Monday through Friday. There will be no night or weekend work. They will be using no town roads. Traffic will be on County Highway C. A traffic study is in place. Dane County has used that traffic study for developing its long-term plans for County Highway C. There are no adverse effects from this quarry. Any improvements will be paid 100 percent by Yahara Materials. The traffic study shows the maximum and minimum number of trucks. Comparable quarry truck activity of 200 trucks a day would be 17 trucks per hour. The most realistic number would be between 5 and 12 trucks per hour. There will be short duration spikes and then times with no traffic.

Property values were discussed. Yahara Materials will guarantee property values for Rod and Luana Schneider and Bud Yngsdahl, as adjoining property owners. They will be guaranteed to 2020 or 2025. They will make up the value of what their property could have sold for. Yahara Materials' most active pit is in the town of Springfield. A \$594,900 home was on the market for only five days when it sold.

Regarding dust control, crushing is temporary. At the time material is being crushed, it gets spray bars and a water truck to keep the dust down. The road will be paved. There is a tarp requirement for this site. All trucks coming out of this site will be tarped.

There will be a pre-blast survey. There will be an engineer and home-inspection team. They will come out and inspect all of the homes and take videos. They will look at the condition of the homes. This will be documented. Yahara Materials has never paid a claim for damage to a home from blasting. They can give 24-hour notice to the neighbors and the town by e-mail, phone calls, or in person. If there are special needs, they can accommodate that.

Seismographs are used. There will be up to five seismographs. That documentation will be forwarded to the town of Windsor for anyone to review. Blasting will occur between 8:00 a.m. and 2:00 p.m., Monday through Friday. Each blast lasts one second. They use the latest technology. The blasting is programmed through a laptop computer. Blasting is a very controlled process.

Mr. Geoghegan mentioned Bud Yngsdahl's concern about radon. He did not know a lot about radon so they hired an environmental engineer to discuss radon, John Flickinger. They will test the homes for radon. If there is a rise when retested, they will install a radon mitigation unit entirely at their cost.

John Flickinger provided some background comments on radon. It is present everywhere and has been measured for some time in Wisconsin. The Department of Health has a good website. One of the problems is that it is colorless and odorless. Health effects are at a low level. New homes are in the same class as older homes. The testing is not expensive. Kits for testing can be obtained from a hardware store. The test is performed, sent out, and the results are shipped back.

One method of mitigating radon is lowering the pressure under the house. There is good information on the state's website.

Mr. Geoghegan indicated they would pursue this aggressively as this is the first time this issue has been brought up. A number 4 is the threshold. There was a house in DeForest with 5.18. The lowest was 1, with the highest being 49.

Regarding staging and reclamation, the top soil and surface soil will be retained onsite. There is three to four feet of clay. Berms will surround the quarry and will remain after reclamation. Trees will be planted outside the buffer. There will be a 4:1 slope on the berm.

This is the best site available. It is getting harder and harder to find aggregate. The quarry can operate with a minimum of impact. County Highway C is not perfect, but it is a Class A highway. They have contacted Dane County to lower the speed limit, but it was not something the county was interested in doing. The road into the quarry will be black-topped from the Hoffman buildings to the back of the quarry.

Maps were shown of the quarry with Phases 1 and 2. When moving into Phase 2, Phase 1 will be reclaimed. It will come back on-line as agricultural land for the Hoffman family. The footprint of the quarry with the road and walls was shown. A filtered pond can be created with runoff from the north. Another option would be to keep water running outside the site. They want to infiltrate the water. Reclamation policies can change and are not cast in stone.

Aicardo Roa advised that 20 years ago he approved this plan. Token Creek is one in a million. The water is getting warmer, and the streams are losing fish. Water is needed to be put back into Token Creek or we will lose it. It is one of the jewels, having water at 50 degrees all year long. The quarry will put the water back.

Two photos were shown of reclaimed quarries. This will have a positive effect on the Token Creek Watershed. This will collect the water and get it back into the aquifer. They are not aware of any documented problems with groundwater contamination. They will be using no chemicals. There will only be diesel fuel or motor oil.

Madison pumps 55,000,000 gallons of water daily. Forty-two million gallons are then discharged per day into the Badfish Creek. Yahara Materials proposes using only 500,000 gallons yearly to wash the gravel. The water will be kept onsite and will be recycled. Mr. Geoghegan gave some examples of water usage for area businesses.

Renee Burcalow explained that they have spent a lot of time on location.

Kay Hoffman stated there are rules and regulations. They must conform to farming practices and state regulations. This will not change those regulations. They are regulated under the Farm Services Agency. Plans regarding their farming practices have to be submitted to the Farm Services Agency. Land Conservation does land management regarding crop rotation. All of these plans will be ongoing. All crops are recorded with the government.

Benefits from land use preservation were discussed. Land can be used for grazing, grasslands, corn, soybeans, etc.

Supervisor Madelung indicated a big part of his concern is reclamation, safety, environmental concerns, and radon. The first 5 acres are going to be excavated and then reclaimed. The next chunk is 20 acres. Could it be done in 5-acre increments and then reclaimed?

Mr. Geoghegan responded, because of the size of their equipment, it is in their interest to reclaim as fast as they can. The reclamation will keep moving.

Supervisor Madelung advised that he had been on the Token Creek Conservancy Committee, and they look to anything for conserving water.

Regarding notification, Mr. Geoghegan advised that they can go out three-quarters of a mile. They can go out one mile. They can accommodate out to one mile for inspection of homes.

All of the topsoil will remain onsite, and a quantity equal to or greater will be brought back onsite.

Kay Hoffman stated that three of her four sons are landowners in Windsor and will continue to farm.

Supervisor Smith asked Mr. Geoghegan how many quarries Yahara Materials had in Dane County.

He responded Yahara Materials had 22 quarries. In response to her request to name all locations, he explained where they were located.

There are 100 quarries in Dane County with 48 being nonoperational.

A question was raised for Mr. Roa regarding the pond. Is 8 feet of gravel enough with runoff from manure and fertilizer?

Mr. Roa explained the technology. That problem can be solved. Eight feet of gravel is a lot. If the 8 feet gets plugged up, it has to be replaced.

Mr. Geoghegan discussed the ad hoc committee. He felt Rod and Luana Schneider, who live next to the proposed quarry, should be involved.

Supervisor Buchner asked whether it would be possible for the reclamation pond to have moneys allocated post-25 years so that money is available to replace the bottom if necessary.

Mr. Geoghegan responded that he thought that would be doable.

Mr. Geoghegan stated that this is an 84-acre site with the actual excavation quarry site being somewhat less.

Chairperson Wipperfurth reiterated the protocol for the evening.

Chairperson Wipperfurth advised that he had received the following phone calls:

Dwight Ziegler, supported the quarry, but for a 10-year time limit.

Ron Barman, opposed the quarry, with concerns regarding diminished property value. Mr. Geoghegan indicated he met with him.

Paula Brandmeier opposed the quarry.

Leo Schneider opposed the quarry.

Alan Harvey provided a packet of information for the Town Board to consider.

Andrew Disch, representing the Madison Area Builders Association, provided a memorandum in support of the conditional use permit, which he asked be distributed, which stated:

The Madison Area Builders Association respectfully asks for your support to grant a conditional use permit to operate the Hoffman Quarry.

The Madison Area Builders Association is proud to be hosting a 2015 Parade Site in the Town of Windsor located at Windsor Gardens. Parade of Homes neighborhoods are frequently specifically mentioned in MLS listings as selling point and are known for positively impacting nearby property values. New Neighborhoods like Windsor Gardens also generate additional tax revenue that adds to the local base allowing the delivery of high quality public services.

According to the State Demographics Service Center, Dane County's population is expected to grow by 100,000 by 2030. Aggregate production is essential to service the needs of a growing region for everything from new neighborhoods like Windsor Gardens to transportation systems that connect residents with new employment nodes.

We are dedicated to delivering high quality housing options to all income levels. Increased raw material costs put housing affordability at risk.

Denying permits for local aggregate production will NOT reduce the demand for this highly utilized resource. It will, however, result in trucks coming from further distances thereby increasing pollution at an increased cost being operated by those who may not be as scrupulous as Yahara Materials. It is undisputed that Yahara is a responsible, local, union employer that is well-known for working collaboratively.

Chairperson Wipperfurth read letters received into the record.

Dean Dopkins, 6613 Forest Park Drive:

I cannot make the May 21 board meeting do to our spring fishing outing.

I ask that the this letter be read into the meeting minutes regarding Item 13, Resolution 2015-25.

No sense of reiterating all of the things that you have heard in the past. So, hopefully, here are a couple of new things:

One: I have heard a staff member and a board member say “a person should be able to use their property as one sees fit.” For that I ask you, why do we have “LAND USE PLANS”? Why do we have “ORDINANCES”? Why do we have “CUPs”?

The answer to these questions, is of course; government does what it considers best for the overall population.

Then, Windsor’s Town government should ask itself, is this quarry the best thing for the overall population, not just the citizens of the Town of Windsor, but those in the surrounding communities, as well?

Two: Please look around at the people who have taken their time to attend this meeting and voice their opinions. Then ask yourselves, if this issue were put to referendum, does this group of people, as a whole, represent the percentage of the population for and against this issue?

My answer is, maybe not quite as big a spread, but close.

Now, I ask you to do as I feel the majority of Windsor residents would like you to do, deny this resolution.

Dave and Jeannie Domenget, 4009 Shadows Court:

Windsor Town Board Members, Town of Windsor Staff,

Since we will be unable to attend the May 21st board meeting, we ask that this letter regarding Item 13, Resolution 2015-25, be read into the minutes of the meeting.

Thirty five years ago we moved into our current residence on Shadows Ct. in the Town of Windsor. We were drawn to our development by the piece, quiet and serenity of this beautiful section of Dane County. For thirty five years we have enjoyed the excellent quality of life offered by our neighborhood. However, we

believe that the operation of a quarry located just east of our development threatens this quality of life.

Some of our concerns regarding quarry operations include problems typically associated with blasting activities such as excessive noise and potential damage to our home and property, excessive dust and other detrimental air quality issues, decreases in property values, traffic issues including possible road damage, and loss of valuable agricultural land.

For these reasons we are opposed to this quarry and we ask that the board members cast their votes against it.

Tom Hoffman

My name is Tom (Tommy) Hoffman, and I'm in favor of the Town Board approving the application for the Hoffman Quarry. I'm currently a design, intellectual property and product regulations engineer for the largest shortline equipment manufacturer in the world, Kuhn. To get to this position took lots of hard work, focus and dedication. It required an undergraduate engineering degree from the University of Wisconsin-Madison as well as a master's in Biological Systems Engineering. It was difficult and laborious course work but there was one consistency throughout my education that allowed me to get to where I am today. It didn't matter the professor or the type of course, I always knew the requirements and expectations. Whether I agreed with them or not I pushed to meet or exceed each and every one of them. Each course began with a course syllabus which essentially divided the semester into checkpoints. These checkpoints were in place to make sure that each segment of the course was thoroughly covered. (You wouldn't want an engineer that wasn't taught the strength of materials). As each section was covered and the scholastic challenges surpassed, the degree I sought after became a reality.

In my last year of engineering my team took third in the AGCO national student design competition. At the beginning of the semester teams are formed and we set out to create a design that meets the criteria of the competition. It must include a functional design that has manufacturability, marketability, and commercial value. The finished product is a working prototype and a detailed report explaining the engineering analysis that was conducted. Can you imagine the success of the competition if, upon judging the ideas, an additional requirement limiting the paint colors of the prototype was added?

I'm giving all this background because of its relevance to the application for the Hoffman Quarry. The Town of Windsor has a mineral extraction policy, and the application for the Hoffman Quarry meets the standards, ordinances, and rules of that policy. Just like a student receives a degree if that student's coursework meets the standards for their particular department or their design project is

judged on the guidelines that were set forth to meet, the Hoffman Quarry application should be approved because it adheres to Windsor's mineral extraction policy.

In closing, while I am the son of Steve and Kay Hoffman and therefore have a personal connection with tonight's application, I'm also a landowner in the town of Windsor. I'm 28 years old and intend to own land in Windsor for the rest of my life. But it's important that I trust that landowner rights will be honored by the Town Board. My parents have the right to mine the limestone on their property provided they obtain a conditional use permit to do so, and they have submitted a specific and detailed application illustrating they will adhere to Windsor's mineral extraction policy in order to receive such a permit.

Comments from the public:

Mike Lawton supports the application.

Tim Geoghegan supports the application.

Renee Buralow supports the application.

Aicardo Roa supports the application.

Luana Schneider, 6793 County Highway C, opposed the application. They are one of the five properties near the south end of the quarry and have lived there for 46 years. She is very concerned about the quarry. How many of the 22 quarries have the quality of rock that is special?

Mr. Geoghegan responded that only 4 quarries meet the qualifications. He discussed the quality of the rock. There are a limited number of quarries that meet that.

Ms. Schneider noted that the town has been trying to continue with a beautiful, peaceful environment. The town would be going in the wrong direction to put in a quarry in this area.

Town Attorney Anderson advised that the public hearing will be held before the ETZ.

Ms. Schneider thought the liability insurance should be much higher.

Mr. Geoghegan responded that it is a Dane County standard, and that is what they have to ask for. He was not sure what generated the \$2,000,000 liability insurance for the Mile Road quarry that she referred to. If it is \$2,000,000 at the Mile Road quarry, they will go with \$2,000,000.

Jim Brandmeier, 6416 Brandywood Trail, opposed the application. He had a couple of questions from a business point of view. He saw not one shred of benefit to the community. There is no tax benefit. There is no job benefit. At best, with an ad hoc committee, it is an inconvenience and dangerous. He did not see the benefit. There was one issue, and that is landowner rights. There are no benefits, only a downside.

Kraig Knapp, 6965 County Road C, supported the application. Yahara has a sound plan that covers all concerns.

Diane McFarlin, 3400 Happy Valley Road, opposed the application.

Jerad Tierney supported the application.

Jason Arnold, 6867 County Highway C, opposed the application. He indicated he was one of the directly affected properties on Highway C. He had a question about the ad hoc committee. If there are problems, what type of teeth does the Town Board have?

Chairperson Wipperfurth responded that he has suggested an ad hoc committee. This would be a town-appointed committee and would meet periodically. An annual review would be built in. That committee could design criteria.

Steve Hoffman, 7001 County Road C, supported the application. He stressed landowner rights and use of the mineral extraction policy. Why was it developed if not allowed? Yahara is willing to abide by the CUP presented. No topsoil will be removed from the site.

Don Tierney supported the application. He had a suggestion regarding the previous comments made concerning radon. In working with the Madison Area Builders Association, they have been putting in a layer of clear stone to move air. If one puts a bag of Portland cement in their basement and it gets hard, there is moisture.

Steve Hoffman, Jr., supported the application.

Leo Schneider, 3729 Sunny Wood Drive, opposed the application. Would any of you want to live within 200 or 500 feet of a quarry? He sees the need for gravel. The quarry should not be put near preexisting homes. He was concerned about the Token Creek Watershed and well water. He has nothing to gain and everything to lose.

Andrew Hoffman supported the quarry. The petitioners are responsible stewards as far as farmland goes and preserving it. They have a very thorough, detailed plan. It is an ideal situation for something that has a benefit.

Alan Harvey opposed the application. What this is about is a rule of law and properly following land use procedures. It is not about Yahara Materials and the Hoffmans. He is concerned about what precedent will be set. Everyone is overcomplicating the issue. Nonmetallic mining is not recognized as an allowable use under the Windsor Comprehensive Plan. Zoning decisions must be consistent with the local comprehensive plan. Rezoning can only be proper if it is allowed in the comprehensive plan. There is no support for quarry-type activities in the comprehensive plan. There can be individual exceptions. This was not specified.

Judith Hutchinson opposed the application. She was the Conservancy Committee chair for 14 years. She is committed to preserving and protecting their land. She did not see what benefit

there would be. She is interested in accountability of the ad hoc committee. Who recognizes the problems? Does Windsor want to be known for the homes or the benefits in the area?

Bud Yngsdahl, 6909 County Highway C, opposed the application. He stated that silica is a fine element carried in dust in a quarry. It affects the lungs and liver. The longer one breaths it the more it will negatively affect one's health.

Radon is a leading cause of cancer. He is concerned about this for the younger people.

John B. Hutchinson, 3780 State Road 19, opposed the application. In 1991 he was on the Board of the Natural Heritage Land Trust. He brought forward the idea of preserving Token Creek to the Land Trust. It was decided to spend the money and preserve Token Creek and the Culver Springs.

He felt no one would know what would happen with a high-capacity well. It does not take much to disturb the Culver Springs. The quarry would be so close to Culver Springs and Token Creek that he suggested erring on the side of caution and denying it.

Kay Hoffman supported the application. Windsor has a mineral extraction policy that has been adopted. Yahara Materials has submitted their application, and she supported approval of the CUP.

Chairperson Wipperfurth advised that a letter was received from State Representative Robb Kahl which was read into the record.

Dear Honorable Town of Windsor Board Members:

I have been a public official for nearly 16 years and understand the difficult jobs you have of complying with the law, doing what is fair and equitable, and addressing serious constituent concerns. In making your decision tonight, I would like to officially go on-the-record regarding my support of your approval for a conditional use permit for Yahara Materials and the Hoffman Quarry.

I am the ranking minority member of the state Assembly Committee on Transportation and I know that transportation infrastructure is critically important to growing the economy and attracting new business. Raw materials, such as those sourced at Yahara's quarries throughout Dane County, are used for local road construction and maintenance for both residential and commercial developments. Locally sourcing raw materials helps to keep both public and private project costs down because every extra mile raw materials must be transported adds to cost to a project.

Local business owners tell me that government is more and more often treating them as "adversaries" rather than "partners in community development". Your support of this quarry is a great way to ensure that local community developments

stay local. Having locally-sourced materials, whether for local homebuilders, road building projects or large commercial projects like Prairie Lakes development where the new Cabela's sporting goods store opened recently, helps support our local growing economy. I support that and you should too.

Last but not least, Yahara Materials is a successful, 60-year old locally run company. They know how to do the job and do it right. They have been providing good-paying jobs for hundreds of local families for decades. And Yahara Materials gives back to the community by donating materials and services for many community projects. In fact they were just awarded a Sheriff's Citizens Award by Dane County Sheriff Dave Mahoney for their continued assistance to the Dane County Sheriff's Department in providing one of their quarry sites for the officers to use for training exercises.

I urge you to approve the conditional use permit for the Hoffman Quarry to Yahara Materials.

John Flickinger testified earlier and supported the application.

Rod Schneider opposed the application. He has been here before and heard everything before. He met with Mr. Geoghegan earlier in the day. He does support property rights. He did not think that a fence will protect his property. He asked the town to say no to the application.

Richard Magli, 6759 County Road C, opposed the application.

Mike Lawton responded to comments by Alan Harvey. The proposal is consistent with the Town's Comprehensive Plan, farmland preservation statutes, and the Sun Prairie ETJ.

Town Attorney Anderson was concerned in that the Town Board received this level of information 2 minutes before the meeting, particularly the 20 pages from Mr. Harvey. She did not know why, in the last 7 or 8 months, issues were not raised for discussion by the town.

Town Planner Rybarczyk concurred with Town Attorney Anderson's comments.

Supervisor Stravinski had a question for the town's attorney. With what Mr. Harvey brought up, what effect would that have on the Town Board's decision.

Town Attorney Anderson said she did not have the town's plan in front of her. Town Finance Director Butteris pulled a couple of plans. Nonmetallic mining was one of the uses under the Agricultural Enterprise Area. As Mr. Lawton stated, the town has a zoning ordinance with operational regulations. It is not possible without the Comprehensive Plan in front of the Town Board to know whether this is correct.

The town has nonconforming sites that are operational right now.

Town Planner Rybarczyk indicated that, under Ch. 91, nonmetallic mining is an approved use.

Chairperson Wipperfurth added that the mineral extraction policy the town has was related to a previous application from Yahara Materials.

Supervisor Stravinski indicated his concerns with this came from Pam Andros. She listed some of the common public concerns related to mineral extraction:

- Dust
- Noise
- Blasting
- Water quality
- Toxic substances
- Truck traffic
- Fuel spills
- Safety
- Aesthetic changes to the landscape
- Property values
- Future uses
- Hours of operation
- Enforcement
- Reclamation

These can be managed in a CUP.

He explained why a conditional use permit is needed. Yahara Materials is trying to eliminate the negative impacts on the neighboring area. The key is what in the future may develop. Increased traffic on Highway C and other roads in Windsor. The traffic is a major problem. Future growth. There will be improvements along County Highway C from Highway 19 to Egge Road. Where will the traffic detour during this construction – through Windsor? The potential benefits to the public will be outweighed by the detriments. He felt that the public benefits are minimal. He also had another question on enforcement. A CUP would be hard to revoke.

He was opposed to the application. There would be an adverse impact on adjacent properties and traffic. The adverse impacts outweigh any potential public benefits.

Supervisor Buchner stated that much of his opinion is rooted in land use issues that Windsor struggled with in the 1970s and 1980s. Property owners and land owners have a right to enjoy their land asset as they desire. This is for a permitted use in the township. Limestone is not new to the area. Yahara Materials has the Mile Road Quarry and Schwenn Quarry. Both of these have operated in 1978 and 1956 without any impact on the community. There have been no complaints. Bristol has had no complaints. This needs to be decided on scientific information, not “not in my backyard.” The 84-acre parcel will continue to operate and will return to useful production. If traffic was a problem, there would be no Windsor Gardens or Bristol Gardens. With natural topography, with the berms, this will meet the objective of not being in view. Can

the Token Creek Watershed and Culver Springs be jeopardized? The overall quality of the aquifer. Direct access to County C with no road maintenance by Windsor guaranteed by the applicant. There will be a paved road. They will be bonded. They will use seismographs. The trucks will be tarped and travel at 45 miles per hour. Windsor's Board is only advisory. The debate should be allowed where the final decision will be levied.

Supervisor Madelung stated that this has been a balancing act. When this first started, he was very much for it. When more information came, it began to take a more negative light. At the end of the day, he would want to see some additional conditional use, noise levels, restriction of the bulk fuel on-site, monitoring of the silica in the area. The 4-foot fences around the wire should be 6 feet. Dust control is critical, and the water component needs to be monitored. He will lean favorably in support – 55 percent for it and 45 percent against it. This is not setting a precedent. He denied the Tierney mineral extraction application. This is unique for this parcel of property. If it is done right, a lot of the mitigating factors will be gone.

Supervisor Smith advised that she has learned a lot through this process. She visited the Hoffman farm and saw the grassland and the direction the crops were planted to help with water runoff. She discussed the Farmland Trust, the Comprehensive Plan, and farmland preservation. It is important to preserve agriculture. Windsor considers this to be its industrial park.

She had concerns with 84 acres out of production and safety with traffic. The trucks will make it dangerous. There will be noise from the quarry, blasting, and drilling. It will not be in production for 25 years. There will be quarry accidents. There are 53 quarries in Dane County. We have enough quarries. This should be kept in agricultural production. She is not in favor of the application.

Chairperson Wipperfurth advised that one of the things that Windsor has is its mineral extraction policy. In the past year or so, there has been talk from the Capitol in Madison about preemption which would supersede all municipalities and their control. If the town does not approve this, it may lose its ability to control it. If a quarry is operating, it can coexist with its neighbors. In time people will adjust. This can impact some people. It would have been good if Yahara would have been a little more proactive in building up support from immediate neighbors. Whether this quarry is approved or not, there will be a significant amount of trucks in the area because of construction. As far as agricultural use and its impacts, he was concerned how this would affect the agricultural areas and agricultural enterprise areas. He was concerned about a 70-foot hole in the ground. He was not convinced how it will be put back into agriculture.

Property values have been mentioned. Supervisor Stravinski talked about public benefit. Chairperson Wipperfurth agreed that there is not a lot of benefit to the town of Windsor. He was not sure how we get to that point. Aggregate is needed. There are many quarries operating in Dane County. Will opening another one solve anything? He was not sure it would. At some point in time, this quarry could coexist with neighbors, but he did not believe it was now. This resource will not go away. He will vote no.

A motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to deny Resolution 2015-25 Providing The Joint ETZ Committee And The City Of Sun Prairie With Recommendations Related To Issuance Of A Conditional Use Permit (“CUP”) To Yahara Materials For A Quarry To Be Operated On The Hoffman Property, Which Is Located In The Town Of Windsor-City Of Sun Prairie Extraterritorial Zoning District (“ETZ District”) West Of CTH C, Between Vinburn Road And Windsor Road In The Town Of Windsor, Dane County, Wisconsin.

Roll call vote:

Supervisor Stravinski: Yes.
Supervisor Buchner: No.
Supervisor Smith: Yes
Supervisor Madelung: No
Chairperson Wipperfurth: Yes

Three in favor, two against – the Motion carried.

14. Wolf Hollow At Pleasant Prairie Creek, A Replat, And Plat Of Wolf Hollow.

Town Attorney Anderson noted that there are four Resolutions which are related to Wolf Hollow. The town is doing some clean-up before a replat can go forward.

a. Resolution 2015-26 Approving Town’s Exchange Of Outlot 7 For Lot 112 In The Plat Of Wolf Hollow.

The first item was an offer made to exchange Outlot 7 for Lot 112. What that means is that the current park will be expanded to twice its size. This has been reviewed by the developer who is willing to make the exchange. She recommended that the Town Board go forward by approving Resolution 2015-26.

The developer stated that, while in the back of the room, a couple of the neighboring residents to the proposed park area asked whether he would be willing to put in a few trees. He responded he would. The park will also be regraded so it flows better.

A motion was made by Supervisor Smith, seconded by Supervisor Buchner, to approve Resolution 2015-26 Approving Town’s Exchange Of Outlot 7 For Lot 112 In The Plat Of Wolf Hollow. Motion carried with a 5-0 vote.

- b. Resolution 2015-27 Approving Release Of Certain Public Utility And Other Public Easements, Outlots And Outlot Restrictions, And Unimproved Public Rights-of-Way In The Plats Of Wolf Hollow, Prairie Creek And Pleasant Hill Estates And Replacement Of Same With Those Set Forth In The Plat Of Wolf Hollow At Pleasant Prairie Creek, A Replat.

Town Attorney Anderson advised that, since Wolf Hollow sat fallow for several years, the wetlands have changed so the plat has to change. They are also releasing the public utility easements in the parkland as they can no longer be used, so it will be possible to replat the area. DOA was comfortable with the changes.

A motion was made by Supervisor Buchner, seconded by Supervisor Stravinski, to approve Resolution 2015-27 Approving Release Of Certain Public Utility And Other Public Easements, Outlots And Outlot Restrictions, And Unimproved Public Rights-Of-Way In The Plats Of Wolf Hollow, Prairie Creek Subdivision And Pleasant Hill Estates And Replacement Of Same With Those Set Forth In The Plat Of Wolf Hollow At Pleasant Prairie Creek, A Replat. Motion carried with a 5-0 vote.

- c. Resolution 2015-28 Removing Restrictions From Plat Of Wolf Hollow Phase 3 And 4 Lots And Approving Declaration Restricting Sale Or Transfer Of Certain Lots In Replat.

Town Attorney Anderson advised that this is typical when there is a phased development that is going to occur to allow the developer to build the current phase and move to the next phase. Here we are at a point where Phases 3 and 4 can be released and, at the same time, Phase 4 will be covered by the replat. The town is releasing this to clean up the title. A deed restriction will be placed on the replat until all deed restrictions have been met.

A motion was made by Supervisor Buchner, seconded by Supervisor Madelung, to approve Resolution 2015-28 Removing Restrictions On Transfer From Plat Of Wolf Hollow Phase 3 And 4 Lots And Approving Declaration Restricting Sale Or Transfer Of Certain Lots In Replat. Motion carried with a 5-0 vote.

- d. Ordinance 2015-03 An Ordinance Renaming Town Roads In The Plats Of Wolf Hollow, Prairie Creek And Pleasant Hill Estates (the “Plats”) And The Plat Of Wolf Hollow At Pleasant Prairie Creek, A Replat (The “Replat”) Of Portions Of The Plats Of Wolf Hollow, Pleasant Hill Estates And Prairie Creek In The Town Of Windsor.

Town Attorney Anderson advised that this last item is an ordinance. As this was replatted, it became wise for the town to rename the streets so the traffic flow will be handled most reasonably. Changes were made to the road names so that they follow one another in a reasonable manner. This has been reviewed by the planner, engineer, and parties developing this project. They agree that there be a change in the street names so emergency vehicles can reasonably respond to calls.

A motion was made by Supervisor Stravinski, seconded by Supervisor Buchner, to approve Ordinance 2015-28 Renaming Town Roads In The Plats Of Wolf Hollow, Prairie Creek And Pleasant Hill Estates (the “Plats”) And The Plat Of Wolf Hollow At Pleasant Prairie Creek, A Replat (The “Replat”) Of Portions Of The Plats Of Wolf Hollow, Pleasant Hill Estates And Prairie Creek In The Town Of Windsor. Motion carried with a 5-0 vote.

15. Resolution 2015-30 CF Investments, Represented By Craig Frank, Requests Site Plan Review Approval For North Towne Homes, Lot 97 Of Wolf Hollow. The Proposal Is For A Mixed Multi-Family Residential Development Project That Contains A Total Of 60 Units.

Chairperson Wipperfurth thanked all of the residents for being extremely patient. This process will be similar to that for the mineral extraction. There will be a staff presentation, followed by a presentation by the applicant. Board questions will follow and then questions by those who have signed up to speak.

Town Planner Rybarczyk advised that the town received updated plans to which the developer is going to speak. Changes were highlighted. The town received a letter from Dr. Philip Carlson with questions, comments, and concerns.

Town Planner Rybarczyk responded to the letter.

Regarding Section 10-462, Purpose and Intent, the town has no comments.

It is the staff’s view that the buildings and site are organized in a manner that is both efficient and visually attractive. In general, all of the buildings are oriented toward the private drive, creating a sense of place and safety as you drive or walk through the development. It is complemented by the adjacent yards and landscaping. The opposite effect is created when buildings do not respond to the street and instead are oriented and focused on other areas. In addition, there is a large usable open space and buffer on the north side of the apartment-style building, landscaped courts between the townhome buildings, and other usable amenities within the development.

The actual architectural design of the buildings meets the intent of the town’s ordinances. The design of the apartment-style building features elements that help to reduce the building’s massing and provide scale through changes in vertical plane (protrusions and recesses), the balcony bays, and shallow sloped roof forms. In addition, the varied materials provide definition of the building’s base, middle, and top further providing a sense of scale and overall aesthetic building composition. These points are also valid for the townhome buildings. In addition, when viewed from the north or south, the 3-unit townhome buildings possess the scale of single-family homes.

In terms of value, there is nothing to suggest that the proposed development will be of a low quality that will negatively impact the surrounding neighborhood. It is typical to hear anecdotes regarding multi-family developments reducing the value of nearby single-family homes. According to the Harvard University Joint Center for Housing Studies, most research has come to the conclusion that, in general, multi-family housing does not cause property values to decline. In addition, Town Assessor Davis Toennies has stated in an e-mail, “If you look at the multi-unit complex off Vinburn Road in DeForest that is 50+ units surrounded by single family and some duplex units and we have heard no negative feedback concerning the apartments on the sales that take place.” In terms of multi-family development, the current North Towne Homes’ proposal consists of a mix of unit types of relatively high quality, a generally well-designed site, and vehicular access along a future arterial roadway outside of the Wolf Hollow neighborhood.

There are 30 surface parking spaces proposed, requiring a total of four canopy trees either within parking islands or within 15 feet of the periphery of the parking area. The proposed landscape plans show 13 canopy trees within 15 feet of the parking/drive lane which exceeds the requirements of the ordinance.

Per direction from the Town Plan Commission, the updated landscape plan shows a fence along the west property line providing screening from headlights and noise for the neighbors to the west. Landscape buffering along the southern property line includes a combination of an earth berm, rain gardens, a couple of oak trees, as well as opaque fencing and 5 spruce trees at the end of each townhome parking court.

The building design standards fall within the discretion of the Town Board. When determining the compatibility of development, the Town Board should take into consideration the development as a whole includes, but is not limited to, the massing/composition of buildings, building materials, amount of open space/pervious area provided, which is 58 percent, and the mix of unit types and location on the site relative to surroundings, access, and landscaping.

Lot 97 was planned as part of the original subdivision since the creation of the plat. All impact analysis, required storm water management areas, and park fees were based on the development of 60-units.

The town is currently seeking to expand the nearest park – Grosbeak Glen – which is a public park for all town residents to use. In addition, the updated plan now shows a playground for North Towne Home residents.

Comments at the Plan Commission meeting included the pedestrian path from Lot 97 to Wolf Hollow Road. How would that be enforced, and what would be the treatment of that? The landscape plan and the height of the proposed plantings. Lack of landscaping on the south and west perimeter. How were they going to defray headlights? Building scale – the development of the apartment building does not complement the neighborhood. What was the history of the developer? Proposed demographics of the development. Number of children. Decrease in property values. A Plan Commission member asked to be provided a cross-section or transect. There were questions regarding the architecture, finishes, and proportions.

The petitioner has taken into consideration the comments regarding landscaping and has provided a new landscape plan. He is proposing a fence the whole length of the west property line behind the duplexes, including additional tree plantings. The fence will be 6 feet high which will be wood and dog-eared. The landscaping to the south of the entryways to the units will have a 6-foot fence to shield headlights. They are adding additional tree plantings along the earth berm and adding 2 larger tree plantings.

With regard to children, they have included a tot lot with equipment which will be integrated with the sports court. They will be placing bollards so one cannot drive down the path off of Wolf Hollow.

Black Hills spruce will be planted of a height of at least 6 feet.

With regard to the architecture of the apartment building, the north elevation will mirror the south side. The shorter elevation on the east and west side will be wrapped by brick and stone. Site-line view maps have been provided.

Multi-family housing does not cause housing values to decline. It meets the building design standards. The aesthetic design meets the intent of the town's ordinances. There are three examples of multi-family housing in the area. Regarding the concerns that the views will be curtailed or adversely affected, the buildings are set back 40 feet when only 15 feet is required. There will be a 3-foot high earth berm along the length of the buildings with spruce trees and an opaque fence.

There will be an increase in population. Lot 97 has always been planned for Wolf Hollow.

As far as the park area, the town is seeking the expansion of Grosbeak Glen Park for all of the residents of Windsor. Wolf Hollow Road will only be used for emergency access. There is a significant path east to west that is proposed for this development.

The town believes that with the way the site has been laid out and the circulation for the townhomes, noise is not expected to be an issue.

Regarding pets and pet traffic, all pet owners have to comply with Windsor ordinances and the requirements of the North Towne Homes management company.

There has been a request that the development be built in one phase. The town will require a development agreement and surety in place.

The fire chief has no objection to the proposed development. There are similar approved three-story projects in the town of Windsor. Emergency services are not an issue.

Attorney Jesse Spankowski, on behalf of the applicant, gave a presentation.

He highlighted items in the site plan. This is a multi-family project that has always been designated for this site. It meets all requirements. The applicant is not requesting any variances. It meets or exceeds all of Windsor's requirements.

Mr. Spankowski went over the recent history of this project. The Plan Commission tabled the site plan in 2014. Over the last year, the developer has worked on a new site plan. They have worked with town staff and have come up with a plan that is better than the original plan and the last site plan presented at the Plan Commission meeting. The site plan incorporates the changes requested by the Plan Commission. They have added a playground area. The fact that access will be through North Towne Road is a major improvement. The pedestrian pathway is important and part of the town's master plan. The landscaping has been eked up. By adding the fences and the vegetation, headlight beams should not exit this development from either the west or the south. He believed the site plan was complementary to the surrounding area. The site plan has a lot of green space. This project will add significant tax base to the town. They have not found any evidence that property values will be diminished by this development. High-quality materials will be used. The site lines that were developed were discussed. They verified the location of the houses and went on AccessDane. Site lines were shown. Seventy percent of the lots can see the 42-unit building. An aerial photograph was shown.

They have raised the brick to the second story.

Craig Frank stated that this is a pioneer project for the Windsor market. High-end finishes will be used.

Jim Stopple of Madison Property Management stated his company was started in 1988. They manage approximately 3,700 units. There will be safety measures and monitoring of the site. They will run background checks and credit reports. They have an on-staff attorney. They want people who can pay their bills.

Supervisor Madelung questioned whether they would have covenants for pets. Windsor allows three dogs. Would you limit that to one dog?

Mr. Stopple responded that they will look at the unit. They will not allow three dogs. They will monitor pets.

Supervisor Madelung asked about the rental prices.

Mr. Stopple indicated the townhomes would rent from \$900 to \$1,500 per month.

Craig Frank added that the rentals will be 10 to 15 percent higher than what you would see on a standard square-foot basis. An efficiency would be \$825. A one-bedroom would range from \$925 to \$956. A three-bedroom townhouse unit would be \$1,600.

Chairperson Wipperfurth asked about access from the north side of the building.

Jeff Groenier responded that one is not able to drive all the way around. To do maintenance, one would either have to drive across the grass or carry their tools.

Chairperson Wipperfurth asked whether the developer was willing to haul away snow and not stockpile it.

Craig Frank responded that there is a terrace area between the street and sidewalk. There would not be a need for snow storage. They could accommodate it on the south side if necessary.

Chairperson Wipperfurth stated that he heard at the Plan Commission meeting that the snow would be stockpiled. He did not want a firetruck to be blocked. He would like it hauled out if it accumulates. It gives the facility a cleaner look. When there is a snow-melt, there will be no problems as to where the water will go.

Chairperson Wipperfurth also discussed the NoviStone and NoviBrick.

Craig Frank indicated this is a vinyl composition. It requires less maintenance and is longer lasting.

Town Planner Rybarczyk added that it comes in 4x8 sheets.

Mr. Frank stated that it has seams that lock together with a very strong locking mechanism.

Chairperson Wipperfurth stated that, while it looks fine now, how will it stand up after time? The developer indicated he was using high-quality building materials. Vinyl does not equate with that.

Supervisor Stravinski asked if the 42-unit building had only efficiencies and 1-bedroom units.

Mr. Frank responded no. There were 12 2-bedroom units, 9 efficiencies, and 21 1-bedroom units. The townhouses had 2 3-bedroom units and 1 2-bedroom unit.

In the 3-story building there will be a fitness center on one level and a community room on another level. The tenants of the townhomes will also be able to use these facilities. There will be loaner bikes.

Supervisor Stravinski asked what would be the value on the tax roll.

Mr. Frank answered that it would be over \$7,000,000.

There was concern about the red color. All the other buildings in the area were earth tones. Those types of colors would make the neighbors feel better.

Mr. Frank responded there are numerous colors. He showed color samples. He did not have an issue with working with colors in general.

Supervisor Smith was looking at the fences and trees. Is there a berm?

Mr. Craig responded that there was a 3-foot berm that extended the full width. The fence is on top of the berm beyond the width of the drive. He wanted to stay away from the concept of the fence along the whole way.

Supervisor Smith would like it to go the whole way.

Mr. Frank stated, while he does not think it is the best for planning purposes, he was not opposed to putting it in.

Supervisor Smith would like the materials upgraded and the colors addressed.

Dr. Phil Carlson, who backs up to this property, introduced the Wolf Hollow neighbors. They would like this sent back to the Plan Commission. He thinks Mr. Craig should guarantee their house values. He wants this to be a win-win situation. He was concerned about a number of points.

The housing values are variable. He read comments from a local realtor regarding the purchase of homes near rental property.

This will need to be aesthetically pleasing. This is not aesthetically pleasing.

He was concerned about public health, safety, and welfare. Will it be safe in 10 or 20 years?

Emily Kuehne offered her thoughts.

Good evening town board.

My name is Emily Kuehne, I live at 4329 Grosbeak Glen.

I am a structural design engineer for the State of Wisconsin.

I would like to speak to the aesthetics for the proposed Lot 97 design.

The Code of Ordinances repeatedly requires you to consider the aesthetics of the proposed project including consideration of the project's impact on not just "the surrounding natural environment", but also the "built environment." You cannot consider this project in isolation. You must consider the impact on our neighborhood. Please note that as designed, the project presents a substantial three-story structure located on a property that already towers over neighboring structures. The massive bulk of this project will dwarf the neighboring properties and presents an aesthetically displeasing appearance when placed within this pre-existing neighborhood. It is also out of scale as viewed from Windsor Road,

the heart of our town. We urge you to consider a two-story maximum height for this project. The Code of Ordinances requires that a developer proposing a project abutting a preexisting neighborhood must respect the existence and development patterns of that neighborhood. Even though the developer may enjoy prior zoning approvals, the site plan review process must ensure that the new project harmonizes with the existing neighborhood.

If you have seen the proposed aesthetics and have visited our neighborhood, you will notice it looks nothing like our adjacent homes. To paraphrase Plan Commission member Trotter: 'It is ugly and looks like something from the 70's.' anywhere you look in Sun Prairie, Middleton, Waunakee...you don't see such a contrast in size between apartments and residential homes nor are they on top of each other, especially in a Parade of Homes neighborhood. You will also see a lot of natural elements in the mentioned communities like real brick and stone to match their surrounding "built environment". If the plan is accepted as, you are setting Windsor up for failure in future developments. As a design engineer I believe we should hold Windsor to a higher standard.

With the sight lines shown to us tonight, we aren't worried about people driving thru our neighborhood. We are worried about everyone in the units looking down on us, down on us and into our children's bedrooms.

Please send this back to the Plan Commission for an acceptable aesthetically pleasing design. If you could just knock a story off and use some real brick and earth tones, we'd be a lot happier. Thank you.

Troy McDonald spoke about property values. The property manager spoke about the rental rates. This is not in Madison. The developer should consider a larger play structure. The neighborhood does not reject multi-family. They just want it to be right. This was approved for up to 60 units. Will this affect the values of a Parade of Homes neighborhood? Yes. Realtors have said this will have an impact on property values.

Steven Mulcahy said he was a retired contractor. How big is the fence going to be behind his yard?

Craig Frank answered that it would be 6 feet with no berm. He will see the building.

Don Hoffman had erosion-control and catch-basin concerns. A lot of water comes through his backyard. He has spent 40 years in utility construction.

Matt Deadman advised the Town Board:

Hello Board, Thank you for allowing me to speak tonight. My name is Matt Deadman and I live at 4341 Memorial Circle. The emergency access road spills out across Wolf Hollow Rd directly into my front yard.

I am here tonight to talk about Unitary Development. Although we find the project design to be aesthetically deficient, we note that in order for the project to be acceptable in any design, it MUST be fully built, as designed and proposed, in a single phase, as a unitary development. From the Final Plan submitted to the board by Foth on 5/12/2015, on page 1, in the Overview section, it states, and I quote **“the petitioner anticipates immediate construction after approvals are obtained on the 42-unit building and two of the 3-unit buildings. The remaining four 3-unit buildings will be completed as market demands”**. It is clear from this overview that full construction of the plan is solely contingent on the market. As a financial industry manager, I understand that prime and bond rates are at an all-time low, providing an ideal time for a developer to borrow, and construct. Any change in these environments, which several economists have projected, and lending rates could rise, providing the “market demands” to dry up, allowing the out clause for the other buildings not to be built.

We URGE the town to require that the project be fully constructed before any occupancy permit is granted. Unless the project is fully constructed and all of its design elements completed, it’s final design cannot be assured and the protection of aesthetics cannot be guaranteed. Do not allow this project to be constructed in phases. Unless the entire project is built-out immediately and before occupancy is allowed, we cannot be guaranteed that it will ever be fully built-out, thereby ensuring whatever aesthetic protections have been afforded by each of the design elements.

Thank you Board!

Town Attorney Anderson responded that the town would require a development agreement and a performance bond or security for the completion of the project that has been presented will occur. No building permit will be issued before the development agreement is signed.

Greg Goke was asking the Town Board to return this to the Plan Commission for review. There was confusion at the Plan Commission meeting. He stated:

My Name is Greg Goke, I live at 4320 Grosbeak glen my property borders this project on its south side.

I am asking the board tonight to review ordinance 10-495 which contemplates that your review will be guided in part by a recommendation received from the plan commission. Despite the plan commission’s recommendation to approve this site plan, we ask you to carefully review the minutes from the plan commission meeting, which emphasize the points we are presenting here tonight. We hope that you vote to return this matter to the plan commission for further review and modification to better suit the surrounding neighborhood. Especially the 42 unit building.

At the plan commission meeting April 28th there appeared to be much confusion on what to do with the concerns that were both brought up by the citizens as well as the plan commission members themselves. We as those concerned neighbors were disappointed that instead of drilling down on the important issues and areas of concern they instead voted to approve this site plan with emphasis on you the board reviewing the minutes of the plan commission meeting to sort through those concerns even the concerns brought up by the commissioner's themselves.

In particular I would like to you review pages 10 11 and 12 of the plan commission meeting minutes.

On page 10 Commissioner Trotter indicated that this looked like it was out of 1974 for the large building and that it was not very attractive.

Commissioner Heisig discussed the size and scope of the landscaping and that from day 1 it has to be operation, not in 5 or 10 years. He questioned foot traffic and movement of people coming out of the development.

On page 11 Commissioner Trotter has a comment/observation. This is not compatible with anything existing but will be consistent with Windsor crossing. This is a huge impact for the people who have invested here.

I want to emphasize that comment by commission Trotter, we are not talking about a future development, we are adding this development to an existing neighborhood. I hope you will agree that this 3 story 42 unit building as proposed is larger in size and scope than anything it surrounds, and anything in the wolf hollow neighborhood. We don't feel that qualifies under code 10-527 that it shall blend with the surrounding natural and built environment.

Commissioner Eichinger commented that the northern part of the lot needs a creative solution.

And lastly on page 12 Commissioner Eichinger added that there is general approval of the southern part of the plat, but there is disagreement with the northern part of the plat.

We believe that both our concerns we are presenting here tonight and those concerns voiced by the plan commission members themselves, show that this site plan does not meet the town's code of ordinances, and therefore needs to be modified to better suit the surrounding neighborhood – even more than what were presented tonight.

I want to thank you for your time and consideration of this matter.

Jacob Kuehne stated to the Town Board:

Good evening and thank you for your time. My name is Jacob Kuehne, and I live at 4329 Grosbeak Glen. I am a full-time firefighter/paramedic for the City of Madison. I have been involved with emergency services for ten years and have a sound understanding of fire department procedure and standards.

I am sincerely concerned with the proposed use of Lot 97 for reasons involving emergency response. To begin with, I will read sec. 10-462(a) which states that where the purpose of the site plan review is to protect and foster public health, safety and welfare.

My first point of opposition is concerning an aerial ladder truck, which will be key in whether a response and potential rescue will be successful at this proposed three story building. All buildings located in Windsor are covered by DeForest Volunteer Fire Department. DeForest Fire, despite repeated requests from their Chief, has not received the funding for the purchase of a ladder truck. This means that, if there were to be a fire, the nearest aerial ladder would be almost a half hour away at Sun Prairie Volunteer Fire Department. If department member staffing is unavailable, response time will be significantly slower.

My second point begins upon the assumed eventual arrival of that ladder truck. The three story apartment building will be unapproachable to the north for ladder. The west side is proposed for snow storage, therefore will not be available for apparatus staging during winter months. On the east, a ball court, pavement most likely not suitable to support the massive weight of any fire apparatus. To complicate things further, there is trash storage and slanted driveway to avoid. There is virtually nowhere for emergency vehicles to be easily placed.

My final point addresses the proposed lane that is meant for apparatus use. The tragedy on September 11th 2001 took the lives of 343 of New York's firefighters, in large part to building collapse onto apparatus that were in place around the Trade Center Towers. Since that time, fire departments nationwide have made it standard operating procedure to place fire apparatus, at least one and a half times the building height, away from the structure involved whenever feasible. The outlined fire lane does not allow our responding firefighters an opportunity to maneuver trucks into an area where their safety can be guaranteed.

Additionally, there is no guarantee that illegal use of the emergency road will not occur. Children and parents will use it as a walking path to and from school. There is a substantial risk that improper and ill advised use of motorized vehicles could endanger those pedestrians. To conclude, proper site plan requires that the plan commission and town board consider the delivery of emergency services in order to ensure that public health, safety and welfare is protected. I, as well as many others present here this evening, do not feel as though this is the case.

I urge the board to send this back to the planning committee.

Sara Donner purchased a home in the 2007 Parade of Homes.

She addressed things said by the attorney. The 2014 proposal was unanimously rejected. That was for 54 units for a 2-story building. Now they are approving a 42-unit, 3-story building. Chairperson LeGore indicated that the prior plan had many of the same issues as the one just presented. Rent was discussed. This is a big leap of faith.

Hogan Hughey opposed the application.

Steven and Maureen Bohling opposed the application.

Kevin Rak opposed the application.

Georgiana Schwandt opposed the application.

Jennifer Deadman opposed the application.

Melissa Ngo opposed the application and asked that this plan be sent back to the planning commission. We need a plan that makes sense for the neighborhood and will not decrease our property values.

Town Engineer Richardson explained that the storm water management plan is preliminary. It is not yet approved. This plan has more open space than any of the others the town has seen. Dane County will have to review the storm water management plan and erosion control plan. For whatever development is in place, the storm water management plan will be adequate.

Town Planner Rybarczyk commented regarding actual stone or brick vs. vinyl and earth tone colors with a 6-foot fence along all of the south property line.

Town Attorney Anderson had no comments.

Supervisor Madelung indicated that the landscaping plan is preliminary.

Supervisor Buchner asked the audience whether there was anything discussed at the meeting that satisfied their angst before they walked in -- the Parade of Homes, the extension of the fence. The applicant is entitled to a 60-unit building. He has a legal right to construct 60 units.

Sara Donner responded that in 2005 the plat map was different.

This zoning was granted in 2005. It has always been constant.

Supervisor Buchner stated that values of property can be a concern, but they are unfounded. Windsor Crossing and Bear Tree have 3-story multi-family. A unitary building request is not something done in Windsor.

Town Attorney Anderson added that they are not typically done.

Supervisor Stravinski read from the town comprehensive plan under housing rules, objectives and policies. He thought it was important that there are not 30 acres of apartment buildings in one location. That is when you are looking for a lot of trouble. He felt it needed to be interspersed throughout the community. We have to look at the quality. Quality was more important than density. If the town gets the quality, it will be okay. This has always been zoned to be R-4 and 60 units. He did not know if the town had the authority to say to the applicant this is how you should do this development if you meet all of our standards.

Supervisor Stravinski discussed all of the changes the town has made. The owners have the right to the 60 units.

Dr. Carlson saw a conflict in multiple places in the ordinances that property values will not be impaired.

Ordinances trump zoning. Zoning is too dense.

Supervisor Madelung said the big issue is between what is right and what is legally right. What is legally right gets the trump card. Values are subjective. Some of the suggestions made are good and will cost Mr. Frank money. He has truly listened and has walked the area. They have the right to do this.

Supervisor Smith looked at the site. She thought it is a beautiful development. She thought they have done a good job with the plan. It can use some upgrades. She discussed the quality of living here. Her concern was having a fence along the back and the upgrade of the materials.

Supervisor Buchner asked if there is any footprint that would work with a 2-story facility.

Mr. Frank indicated he explored that, and there was nothing.

Chairperson Wipperfurth asked whether he could plant arbor vitae.

Mr. Frank responded that he could look into that.

Chairperson Wipperfurth indicated that this is another tough agenda item. Some people will be happy and some will not. This proposal has been around for a year-plus. The town has seen different proposals over the past years. This is the best proposal it has seen. He understands the issue of the 3-story. The town has looked at proposals for 60 units with 5-unit buildings. There was no greenspace. The town has worked with the developer to provide a much better access. The trail will enhance the whole neighborhood. When these multi-family units are authorized

and the plan approved, the town will be asking for a deed notice on the plans. The town has done what it can with this. There are some changes that can be made, i.e., snow removal, fence on the south side, something better for Mr. Mulcahy (arbor vitae).

Chairperson Wipperfurth asked Mr. Frank what percentage of the building was going to be vinyl veneer.

Mr. Frank responded that it was increased to 30 percent front and back and 70 percent on the sides. It is substantial.

Chairperson Wipperfurth mentioned that the discussion started that this would be high quality. There should be a minimum of 50 percent real brick or real stone.

Mr. Frank responded that, from his perspective, they did put a lot of thought into the different options. The budget is a major factor but not in the appearance. Appearance-wise, it will be comparable to a brick or stone product. The quality of the building will not be affected. He did not think that he could agree to it. The town could incorporate it as a condition, and he would do a quick assessment of cost.

Chairperson Wipperfurth commented regarding the Wolf Hollow plat which was part of the Parade of Homes site. Was that 50 percent brick or stone? There are \$500,000 homes in Windsor, DeForest, and Madison that are on 8,000 square-foot lots.

The response was 40 percent of the front was required to be in brick or stone.

Supervisor Madelung asked whether the town would agree to 40 percent.

Supervisor Stravinski asked regarding the 3 units whether the town would want to have 40 percent on the smaller buildings. The large building would be 40 percent on the front and sides.

Supervisor Smith agreed with this.

Mr. Frank asked whether he would be required to have brick on a building that backed up to the building that does not have brick. There is a 6-foot fence and no one would see the brick anyway.

Supervisor Madelung stated that this is a fairness issue on both ends. It is all about perception.

Chad Coogan added that there are two houses on Grosbeak Glen that have not sold.

Supervisor Buchner agreed with the 40 percent. They could do something with arbor vitae to shield.

Steve Bohling had a question regarding occupancy. Has a market study been done?

Mr. Frank responded yes. They expect a 5- to 10-per-month absorption rate, with full occupancy plus or minus a year.

Town Planner Rybarczyk indicated the town ran into this with the multi-family covenants in Bear Tree. Is it 40 percent of each elevation?

Chairperson Wipperfurth thought this was important. A building with brick on one side and vinyl on three sides is not very attractive.

Town Attorney Anderson mentioned fire access.

The issue as to quality is within the Town Board's discretion.

There is nothing to prevent the Town Board from saying 40 percent of each elevation.

Chairperson Wipperfurth suggested 40 percent real brick or real stone on each elevation, a 6-foot fence on the southern end all the way through, snow removed and not stored onsite, delineated access on the west end of the large multi-family unit if a fire truck has to get back there. The area along the duplexes on the west side of the large multi-family needs better screening, such as arbor vitae. There need to be neutral earth tones. There needs to be equipment in the lot. He knows that this will be a burden on the developer. This will be a much more upscale development.

Supervisor Buchner discussed there be some leniency in 40 percent real brick or real stone to a cultured stone.

Some of Wolf Hollow is cultured stone according to several Wolf Hollow residents.

It was suggested the wording be the same as in the Wolf Hollow covenants.

Town Attorney Anderson will add those points to the resolution.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Resolution 2015-30 For Conditional Approval Of The Site Plan For Lot 97 Of The Plat Of Wolf Hollow In The Town Of Windsor, Dane County, Wisconsin, with the conditions that are noted, as well as the additional items noted. Motion carried with a 5-0 vote.

16. Resolution 2015-31 Approve Entering Into A Master Installment Purchase Agreement With Mercedes-Benz Financial Services USA LLC For The Purpose Of Purchasing, Via A Financing Contract, A 2015 Western Star Truck With Dump And Plow.

Town Finance Director Butteris noted that a couple of months back the Town Board approved the purchase of a new plow truck. The truck was ordered, and the town had to wait until it was

closer to delivery until a finance agreement would be brought to the Town Board for consideration. Delivery will be in June. Installment payments will be over five years at 2.8 percent. The truck is \$151,087. She recommended approval.

A motion was made by Supervisor Buchner, seconded by Supervisor Smith, to approve Resolution 2015-31 Approving Entering Into A Master Installment Purchase Agreement With Mercedes-Benz Financial Services USA LLC For The Purpose Of Purchasing, Via A Financing Contract, A 2015 Western Star Truck With Dump And Plow. Motion carried with a 5-0 vote.

17. Resolution 2015-32 Approving Reduction In Letter Of Credit For Prairie Creek, Phase 2B.

Town Engineer Richardson explained this was constructed summer and fall of last year. The original letter of credit was for over \$200,000. Work has been done satisfactorily to date. The amount of work left to be done is \$35,000. They have agreed to \$35,000. Town Engineer Richardson has no objection to the reduction.

A motion was made by Supervisor Madelung, seconded by Supervisor Stravinski, to approve Resolution 2015-32 Approving Reduction In Letter Of Credit For Prairie Creek, Phase 2B. Motion carried with a 5-0 vote.

18. Establish Ad Hoc Incorporation Committee.

Chairperson Wipperfurth stated that he had talked about this earlier. This will be a committee comprised of the Town Chairperson, one Board member, town staff, the town attorney, and members of the community. He will work on this in the next several weeks.

19. Adjournment.

At 11:03 p.m. a motion was made by Supervisor Smith, seconded by Supervisor Stravinski, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,



Ellen G. Teed
Recording Secretary