

TOWN OF WINDSOR
PLAN COMMISSION MEETING

Minutes

August 19, 2014

 **APPROVED**
10-21-14

1. Call Meeting To Order.

Meeting convened by Chairperson LeGore at 6:03 p.m.

2. Roll Call.

Commissioners present: Jeff Heisig, Bill LeGore, Kay Hoffman, and Dan Wendtland. Al Davis arrived late. Barry Eichinger and Beth Trotter had excused absences. Others present: Planning and Development Coordinator Amy Anderson Schweppe, Town Engineer Kevin Richardson, Town Attorney Connie Anderson, and Town Planner Jamie Rybarczyk.

3. Recitation Of The Pledge Of Allegiance.

The Pledge of Allegiance was recited.

4. Minutes From July 15, 2014.

A motion was made by Commissioner Wendtland, seconded by Commissioner Heisig, to approve the Minutes of July 15, 2014, as presented. Motion carried with a 4-0 vote.

5. Report From Bruce Stravinski, Liaison To The Town Board.

Supervisor Stravinski reported on the following:

- The Plan Commission approved the Conifer Court mini-warehouse site plan. After approval, the applicant made amendments. It was sent back by the Town Board to the Plan Commission for further review.
- The Town Board approved changing zoning from AG-35 to Estate Residential to conform to setbacks and allow the applicants to construct a swimming pool.

- The request of Alan Buchner to for a permit to construct a sanitary convenience facility was approved.
- The Plan Commission denied the site plan for Lot 137 of Holland Fields, and the Town Board also denied that site plan. It is on the Town Board's agenda for August 21 to discuss what the town can legally consider in the approval process.
- The Plan Commission approved the preliminary plat and rezone for Bear Tree Farms. This item is also on the agenda for the Town Board's August 21 meeting. Supervisor Stravinski was not sure if any action would be taken.
- On August 20 the Town Board will meet to discuss the next steps for the incorporation process.

Commissioner Wendtland asked that the Town Board take a look at the 500-foot rule and public notice. The Plan Commission had some questions on this.

Planning and Development Coordinator Schweppe asked that everyone in the audience please sign in. She also advised that everyone who wished to speak needed to sign in and register their opinions. She asked that everyone please fill out a sign-up sheet. One can indicate they are neutral, in favor, or opposed. They do not have to speak.

Judith Hutchinson asked that there be earlier notice of things that are pertinent to our neighborhoods.

6. Appearances.

None.

7. Kippley Conifer Court Mini-Warehouse Site Plan – Request To Modify Site Plan (Plan Resolution 2014-22).

Town Planner Rybarczyk stated that the Plan Commission reviewed a site plan for Conifer Court for William Kippley. It was approved in addition to several conditions that needed to be met. Before it went before the Town Board, the applicant made some changes to the site plan. The Town Board felt it should be sent back to the Plan Commission for a re-review. He showed a revised site plan on the screen, indicating that the applicant worked more closely with a company that specializes in mini-warehouses. The applicant found out that the drive lanes were somewhat excessive, and they were narrowed down to 26 feet, which allow them to increase the size of the perimeter buildings. The applicant has been working with Dane County on storm water management. The rain garden area has been increased. The plan has been sent to the DeForest EMS, who indicated they would like a knock-box allowing for emergency access to the site.

Chairperson LeGore stated that three people signed up for public comment. Attorney Mike Lawton advised that this is the same plan as approved last time. While consulting with someone who constructs mini-warehouses, they made the changes.

Town Planner Rybarczyk indicated that in the lower right-hand corner the applicant did identify the location of a sign, but they have not provided any detailed rendering of height, etc. This issue will have to come back before the Plan Commission for approval.

A motion was made by Commissioner Heisig, seconded by Commissioner Wendtland, to approve Plan Resolution 2014-22 Recommending Approval Of Redevelopment And Site Plan Of Conifer Court Mini-Warehouse At 7646 And 7652 Conifer Court, In The Town Of Windsor, Dane County, Wisconsin. Motion carried with a 4-0 vote.

8. Don Tierney Requests Approval Of A Certified Survey Map In Order To Combine Lots 16 and 17 In The Field Of Dreams Addition To Windsor Gardens And Is Located At The Intersection Of Covered Bridge Trail And Morning Dew Lane.

Chairperson LeGore stated that this matter would have a public hearing followed by action on a resolution. He would open the public hearing with a staff presentation and comments by the petitioner. Comments would then be invited from the audience.

a. Public Hearing.

Chairperson LeGore opened the public hearing at 6:18 p.m.

Town Planner Rybarczyk provided his staff report. The petitioner is looking to combine Lots 16 and 17 of the Field of Dreams Addition to Windsor Gardens, consisting of 1.47 acres, to construct a house for the 2015 Parade of Homes. He reviewed the survey and did not have any technical comments on it. At the time they identify the location of the house, they will have to show how the new drainage will work around the existing footprint. Lots 16 and 17 do not have physical right-of-way improvements at this time. Prior to the time a building permit is issued, the public roads will have to be extended. Town Planner Rybarczyk recommended approval with five conditions.

Don Tierney added that they have not yet voted on the sites for the 2015 Parade of Homes.

The public hearing was closed at 6:20 p.m. Commissioner Davis arrived at this time.

b. Plan Resolution 2014-23.

A motion was made by Commissioner Wendtland, seconded by Commissioner Heisig, to approve Plan Resolution 2014-23 Recommending Approval Of Certified Survey Map

Combining Lots 16 and 17 Of Field Of Dreams Addition To Windsor Gardens Subdivision Tin The Town Of Windsor, Dane County, Wisconsin. Motion carried with a 5-0 vote.

9. Tim Gotzion Requests Approval Of An Amendment To The Environmental Corridor For The Windsor Blue Plat. (Plan Resolution 2014-24)

A staff report was provided by Town Planner Rybarczyk. This is fairly straight-forward. This is a request for a change in the environmental corridor such as was done in Wolf Hollow. CARPC has mapped the environmental corridor. The applicant has had the area surveyed and has added the mapped environmental corridor and is requesting that the town agree with this. CARPC has looked at this and agrees and has no problem with a change in the environmental corridor.

Dan Paulson was available for questions.

A motion was made by Commissioner Davis, seconded by Commissioner Hoffman, to approve Plan Resolution 2014-24 recommending approval of an amendment to the environmental corridor for the Windsor Blue Plat. Motion carried with a 5-0 vote.

10. Yahara Materials Requests Consideration Of A Conditional Use Permit In Order To Operate A Quarry Located West Of County Highway C, Between Vinburn Road And Windsor Road, 7001 County Highway C; Owned By Steven And Maureen Hoffman. (Plan Resolution 2014-25)

Chairperson LeGore indicated that Commissioner Hoffman removed herself as a member of the Plan Commission for this item and will not be voting on this matter.

Town Attorney Anderson provided an overview of the process. This is a little different from the normal CUP process. There is no public hearing when something is in the extraterritorial zoning district. The Plan Commission's initial review will be sent to the Town Board for its initial review and comment. Then it goes before a public hearing before the ETZ Committee. That is the official public hearing. The final decision, because the zoning authority is with Sun Prairie, will be made by the city of Sun Prairie Common Council. A 500-foot notice to the neighbors was sent by the town as a courtesy.

Town Planner Rybarczyk indicated he based his staff report on the application from Yahara Materials. It is available at the Town Hall for anyone to review.

There are two policies that come into play: the Mineral Extraction Policy in Windsor and the Mineral Extraction Policy in Sun Prairie.

Planning and Development Coordinator Schweppe will provide a review of the global issues. The petitioner has a presentation. Public comment will be limited to three minutes for each speaker. There are four Plan Commission members present, which is a quorum. This is the

initial meeting to explore this topic. Town Planner Rybarczyk will provide a staff report. There will be some engineering comments from Town Engineer Richardson. Town Planner Rybarczyk has put together a recommendation for approval with some conditions.

The petitioner is looking to lease 84 acres from the Hoffman family for operation of a limestone quarry. Presently the land is in production with crops and a dairy farm. The intent of the petitioner is to allow that land to be in agricultural use while they phase in the quarry. It will take three years to phase in with 25 years from start to finish. The petitioner will reclaim the land when the quarry is finished. Aggregate is hard to come by in communities. The Hoffman property meets Yahara Materials' criteria with a significant deposit of limestone. It is used as base course for asphalt, railroads, etc. Users will be the local units of government. They would like to start in the spring of 2015 if they meet all the proper procedures. Included would be improvements to County Highway C and construction of a paved access road and landscaped berm. The top soil and clay are 3 to 4 feet deep. The limestone is 60 to 70 feet deep. The slope for the berm is 3:1. The town's ordinance requires it to be 4:1. The town of Windsor has a Mineral Extraction Policy. The city of Sun Prairie has the same policy.

There will be no concrete mixing or black top batching at the plant. For Windsor's conditional use process, the way it is written in the Mineral Extraction Policy, a CUP is for 8 years. At the end of the 8 years, a 5-year extension can be requested. They would have to continue to do that in 5-year increments for the 25-year process. If the approving agencies feel they have not been in compliance with the policies, they can modify them or revoke the CUP.

Town Engineer Richardson indicated that the petitioner has contacted the Dane County Highway Department and has received approval for access to the property. The applicant had a traffic study prepared for the intersections. There will be no adverse effects to the service of County Highway C at any of the intersections. The applicant also addressed storm water management. Water will be pumped outside the quarry and released into sediment ponds. There is a spill prevention plan and an emergency plan. No petroleum products will be stored at the quarry. There will also be no storage of hazardous materials at the quarry. Reclamation was discussed.

There are performance standards with respect to blasting and with respect to vibration.

Throughout the process, the petitioner is required to provide the town an escrow fee for engineering, planning, and legal to attend the meetings. If given approval to move forward, there will be annual costs.

Planning and Development Coordinator Schweppe read the purpose of the Mineral Extraction Policy.

She highlighted items of primary concern:

- Impact on Watershed and Area Resources. The plan has been designed with extra consideration to the impact of the Token Creek Watershed. The proposal exceeds the standards by including infiltration ponds, onsite storage, and recharge. The proposal

indicates no negative effect on area wells because the mineral extraction will be above the wells.

- Storm Water Management Plan. The storm water management plan must be reviewed for compliance by Dane County Land and Water Resources Department. Approval of a storm water management plan is a condition of approval.
- Infiltration Plan. The infiltration plan must be reviewed for compliance by the appropriate governing body. Approval of the infiltration plan is a condition of approval.
- Long-Term, Post-Quarry Management of Storm Water and Infiltration Facilities. There should be discussion about the long-term management of the storm water and infiltration facilities.
- Hazardous Materials/Spills. The applicant has reasonably minimized the potential for spills and storage of hazardous materials.
- Unauthorized Use of Town Roads. The applicant indicates that the routes of travel will use county or state roads unless delivering to a local project.
- Road Conditions. If use of town roads is a concern, the Town Board could videotape the roads prior to operation of the quarry. Distinguishing between normal wear and tear vs. the extra impact that could be attributed to the additional heavy truck traffic from the quarry would have to be determined.
- Traffic. It is not known whether traffic may be substantially disrupted by the quarry. If so, should a maximum number of daily trips be set?
- Inspection. It is not known at this time who would do the inspections: town of Windsor and city of Sun Prairie employees, consultants.
- Public Welfare/Quality of Life. The proposal addresses these in one form or another. The dust will be controlled by paving the driveway and using water to mitigate dust. The plan also indicates that it will not be producing noise beyond what is allowed by state standards and is similar to noise emitted by rural farming activities. There are standards for vibration and pre-blasting inspections to protect property values.

Staff has put together a recommendation for approval. Conditional use approval would be subject to the tax key numbers. Town Planner Rybarczyk went through the list of items to which any approval would be subject and what the petitioner would be required to do.

Tim Geoghegan of Yahara Materials gave a slide presentation, much of which was covered in the staff report.

Chairperson LeGore indicated that testimony would be taken from the audience, with a three-minute time limit for each speaker.

- William Marks, 6712 Royal View Drive, DeForest, indicated he was neutral. He would like to see restrictions on this conditional use permit to prohibit heavy trucks from using Vinburn and Windsor Roads. It is not uncommon for Yahara Materials to have six to eight trucks hauling from a quarry at one time.
- Christopher McFarlin, 3400 Happy Valley Road, Sun Prairie, indicated he opposed the application. He had concerns regarding the water table and wells, use of dynamite and explosive (effects), large dump trucks going down Highway C and Happy Valley Road where visibility is already obstructed. His house foundation is 100+ years old. What effect will a quarry have on his foundation?
- Andrew Disch, 5936 Seminole Centre Court, Madison, supported the application. He indicated that communities benefit from the Parade of Homes which needs high-quality aggregate for roads, curbs, gutters. There are increased costs with longer routes.
- Don Tierney, 3564 Egge Road/3813 Windsor Road, indicated he supported the application. He started in this business 20 years ago and has had an entry in the Parade of Homes for 20 years. When materials came from Yahara Materials for Savannah Village, it was extremely affordable to build this community. One could not ask Yahara Materials to do anything more. He hoped that the town approved the CUP.
- Bud Yngsdahl, 6909 County Highway C, Sun Prairie, indicated he opposed the application. He said they were told the distance between the property line and quarry was 300 feet. Did the town have this in writing?
- Jason Arnold, 6867 County Highway C, Sun Prairie, indicated he opposed the application. He owns and operates AKA Automotive. His concerns were covered by Planning and Development Coordinator Schweppe. It was indicated that water would be used for dust. What is the line of referral for complaints? Who follows through on signage and speed? Jake brakes should not be allowed. He thought that a trip limit was important. He had line-of-sight concerns. A driveway study should be done. He had questions regarding reclamation.
- Mark Brehmer, 475 Sherbrooke Drive, Sun Prairie, is in favor of the application. He has been working the last 15 years in residential construction. He has been trying to crusade for affordable housing. Extra trucking adds to the cost of a house. The aggregate has to come from somewhere.

- Kyle McLean, 6726 Winding Way Court, DeForest, opposed the application. She lives down the road and appreciated the presentation. She had concerns about the quality of the air. She also had concerns about flooding with rain.
- Dave McLean, 6726 Winding Way Court, DeForest, opposed the application.
- Richard Magli, 6759 County Road C, DeForest, opposed the application. He indicated he did not know enough about the plan. Highway C already has enough truck traffic. There is also farm machinery traffic. He asked about the advantage to the town of Windsor.
- Luann Schneider, 6793 County Road C, DeForest, opposed the application. She does not want to have to move due to the conditions the quarry might create. This has been voted down two times. How has this changed? County C traffic is bad now. She also had a problem with the notification. It should go more than 500 feet and be earlier.
- Rod Schneider, 6793 County Road C, DeForest, opposed the application. There are a multitude of problems, and he does not see a benefit to the town of Windsor. The town gets nothing. The town must preserve its farmland.
- James Kunz, 6765 County Road C, DeForest, opposed the application. He and his wife, Sue, have lived here since 2007. They have a Dane County foster home and have adopted two special needs kids. The blasting would cause the kids trauma.
- Diane McFarlin, 3400 Happy Valley Road, Sun Prairie, opposed the application. She voiced her concerns: What steps does the town have in place to ensure other neighbors or companies from additional quarries? What items are in place to ensure the water table does not become contaminated? She had concerns with dump trucks traveling up and down Highway C. The Happy Valley Road intersection with C is an obstructed view. Her home has a rock and mortar foundation. How will the dynamite blasting affect the foundation – insurability that it won't destroy her home? What about effects of blasting on her animals and excessive traffic and health effects for family member(s) with health issues (ex.: asthma).
- Renee Burcalow, 6117 CTH K, Waunakee, supported the application.
- Chris Krumm, 6117 CTH K, Waunakee, supported the application.
- Donna Yngsdahl, 6909 County C, Sun Prairie, opposed the application. When you come over the hill, their driveway is right there. When you have a full load coming over that hill, how soon can a truck stop if they have to at their driveway? Jason Arnold responded it would take 200 yards to stop an 80,000 truck.

- Julie Porter, 6867 Highway C, Sun Prairie, opposed the application. She had concerns for the safety of families and children living on Highway C in the path of the dump trucks and especially the younger inexperienced drivers trying to enter and exit the homes they live in on Highway C. She also had concerns about the slow death of their homes and property due to the operation of the Yahara quarry and noise and dust created by the quarry on a daily basis for the next 25 to 40 years.
- Judith Hutchinson, 3780 Highway 19, Sun Prairie, opposed the application. She has been Chair of the Token Creek Conservancy Committee for 13 years and is concerned about this. The roads are already overcrowded, hilly, and dangerous. There is bus traffic. She has concerns about protecting the Watershed and Conservancy.
- Paula Brandmeier, 6416 Brandywood Trail, Sun Prairie, opposed the application. She is also on the Token Creek Conservancy Committee. She had major concerns about runoff. The Watershed is important to the entire Madison area. Hard-core rules need to be put into place. Windsor needs farmland preservation. The reclamation policy is not suitable.
- Jim Brandmeier, 6416 Brandywood Trail, opposed the application. His points to consider were traffic overload, devaluation of real estate, short-term tax gain and long-term financial loss, run-off of pollution into river, safety issues, and quality-of-life issues.
- Jamie Brandmeier, 6416 Brandywood Trail, Sun Prairie, opposed the application.
- Josie Brandmeier, 6416 Brandywood Trail, Sun Prairie, opposed the application.
- Jerry Derr, 1695 County V, Columbus, supported the application. He is Chairman of the town of Bristol and President of the Dane County Towns Association, whose basic policy is to support mineral extraction sites. It is important to have the resources close to the end user. Transportation is getting quite expensive. It is important to have these sites. This is an economic site. It is something that we need.
- Jerad (Jerry) Tierney, 5810 Highway Q, Waunakee, supported the application. Everyone in the room uses aggregate in a big way each day. There is concrete underneath you. There needs to be a good, quality source of aggregate. It is on a county road that is built to handle truck traffic. The drivers have CDLs. They take drug and alcohol tests.

Commissioner Wendtland had a question to staff. Under ETZ, if Windsor becomes a village, how does that equate with this?

Town Attorney Anderson responded that the ETZ would disappear. They will need to address successor-in-interest issues.

Commissioner Wendtland stated that he has not been hearing anything positive. What are the town's plans and how are we going to address this.

Town Engineer Richardson answered that the town will have to put a plan in place for monitoring. There are reviews of CUPs each year.

Town Planner Rybarczyk added that there will be conditional uses. When we receive a written complaint, it is up to the staff to follow up on this and take action to resolve it.

Commissioner Wendtland stated that focusing on the negative is not the way to do this.

Town Engineer Richardson added that Madison Sand and Gravel likes to cut across Vinburn Road. He sends the deputies after them. He has also sent a letter to Madison Sand and Gravel saying they are not allowed in Windsor.

Commissioner Heisig commented on language in the Resolution under Paragraph 16 regarding inspections.

Tim Geoghegan stated that Mine Safety and Health Administration is federal law.

Commissioner Heisig asked whether the town should put its staff through some of this instruction for inspection to get the certification.

Commissioner Wendtland wanted the staff and applicant to come up with a plan of negatives and positives to enforce them to address people's concerns. The applicant has offered to inspect homes prior to and subsequent to. How does that relate to the homeowner's insurance? He thought getting an inspection was a great idea. He also thought the applicant should talk to Windsor's neighbors, such as Bristol. He also asked how the bonding worked.

Tim Geoghegan explained there could be a letter of credit with a bank, a performance bond, or cash. The applicant cannot walk away. Dane County will handle that portion of it.

Commissioner Heisig noted that Yahara Materials had 17 mines operating in Wisconsin. What are their citations regarding? What do they get cited for? Yahara Materials is a very big operation.

Tim Geoghegan responded that a typical citation may be for someone with a pickup who does not set his parking brake in the quarry. Everything operates off of a generator. If there is a nick in the cable, they can get a citation. They have never had a life-threatening citation. They use wheel chocks to block the vehicle and set the parking brake. They can also get cited if someone does not have steel-toe boots on or a handrail or guard is missing. They have a checklist for employees to use in inspecting their area. There may be a burned out brake light.

It was requested that the town get a letter from the Token Creek Watershed more recent than 2002.

Jerry Derr responded that nothing has changed since 2002. It is the same cropland and soil. The stay-on of water is better today.

Judith Hutchinson disagreed. The letter might need to be reviewed to make sure its current.

Commissioner Heisig said we are dealing with apples and oranges. Existing homes and a quarry going in is different than an existing quarry and then homes going in.

Tim Geoghegan stated he had just received a market study earlier in the day that addresses some of Commissioner Heisig's comments.

Commissioner Heisig asked the applicant what they are doing about sound. Is there some way to minimize the crusher sound?

Tim Geoghagen responded that trees and berms and the fact that the crusher is at the bottom of the quarry will minimize sound. Their employees have a hearing test each spring. Employees are inside cabs. The standard of 65 decibels at the property line is one they can meet.

Jason Arnold asked how long will it take them to get the depth.

Mr. Geoghagen replied that they want to get into the footprint of the hole as soon as possible. Within the first season, they will be down inside the hole.

Commissioner Davis asked about night operations.

Mr. Geoghagen responded that there will be no night operations. The operation is down at night.

Jason Arnold had a question about dust on the weekends.

Tim Geoghagen responded if there is an issue they can call Yahara Materials, and they will spray water on the piles.

Commissioner LeGore asked how this adhered to the farmland preservation and cooperative plan.

Town Planner Rybarczyk responded that the town has a section on nonmetallic mining. This is an appropriate use. With regard to farmland preservation, DATCP also shows that nonmetallic mining is an acceptable use in farmland preservation.

Commissioner Wendtland asked about traffic accident reports from around other quarries.

Tim Geoghagen responded that there is one traffic accident that he can remember at a quarry on the east side on AB. The gravel truck was rear-ended by a Honda Accord going 90 miles per hour. The driver survived. They have not been involved in accidents with trucks and equipment. They have professional drivers working for them.

Commissioner Wendtland had a question regarding infiltration of water.

Mr. Geoghagen explained that they will create a pond to collect and recharge the water and infiltrate the aquifer.

Commissioner Heisig asked what were some of the good ways to handle concerns at other quarries. What are your Best Practices? How are complaints or concerns handled?

Mr. Geoghagen responded that they work with neighborhood communities and groups and the Department of Commerce.

Commissioner Heisig asked how do they address issues?

Mr. Geoghagen answered that they address each complaint individually face-to-face.

Paula Brandmeier stated that they would be drilling a well, dirtying the water, and then putting it back.

Tim Geoghagen replied that the water is recycled.

Chairperson LeGore indicated that the Plan Commission could affirm, deny, or table the request.

A motion was made by Commissioner Wendtland to approve Plan Resolution 2014-25 Recommending Conditional Use Permit (CUP) To Allow For Yahara Materials' Operation Of A Quarry Located West Of CTH C, West Of Vinburn Road And Windsor Road In The Town Of Windsor, Dane County, Wisconsin. He indicated that this is just the first kick at the cat. There are more places to go and more work to be done. He thinks it will go better as it goes up the line. Commissioner Davis seconded the motion. Commissioner Heisig said to the Board members and staff he would like a way as to how we will handle problems. His concern is as to monitoring. Roll call vote: Commissioner Davis: yes; Commissioner Heisig: yes; Commissioner Wendtland, yes; Chairperson LeGore, yes. Motion carried 4-0.

11. Adjournment.

At 9:10 p.m., a motion was made by Commissioner Heisig, seconded by Commissioner Davis, to adjourn the meeting. Motion carried with a 5-0 vote.

Respectfully submitted,
Ellen G. Teed, Recording Secretary