

TOWN OF ARLINGTON
Public Hearing & Planning Commission Meeting
7:00pm, January 21, 2021

Chair Marvin Manke opened the public hearing at 7:01p.m., with all commission members present, except Brett Severson. Also, in attendance were Rob Roth & Ed Kallas with RPS, Robin Loger & Dustin O’Connell from Yahara Materials, Dorothy & Howard Richards, John R. Stevenson, Chance Richards, Coleman Fitzgerald, Kailey Fitzgerald, John A. Stevenson, Daniel Richards, Cory Fitzgerald, Pamela Puntney, Glen Puntney, Tom Klahn, Amy Fitzgerald, Joyce Frey, Tom Manke, Brent Fitzgerald, Gail Krause, Kris Krause, Terry Wenger with Tri-County Paving, Riley Puntney, Kristi Puntney, and Emily Roidt.

Chairman Manke asked, Robin Loger of Yahara Materials, Inc. PO Box 277, Waunakee, WI 53597-0277 for a review of their plans to open a mineral extraction site (gravel pit), on the 49.6-acre site located in Section 8, the Miller Family Trust dated 11/15/2015, N2469 County Road Q, in the Town of Arlington. With a 20-year lease on the property, crushing limestone for the local area and north. The pit will comply with the Columbia County Title 16 Chapter 600 Ordinance, and the Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes. The pit will have internal drainage and erosion controls, which will comply with the NR 135. They estimate the need to blast, about 3-6 times a year. The material will be extracted from 40- 70 feet deep, and in a northwest to southeast direction. The current proposed haul route is, west on Richards Road over the Interstate 90/94 to Smokey Hollow Road, and south to County Hwy 60. Any road damages on the haul route will be paid for by Yahara Materials. There will be a pre-blast inspection of wells & residences within a 1,000 ft. radius of the pit location, and Yahara Materials would be financially responsible for any damages after the inspections.

When asked about dust control, Robin answered, “Water trucks & spray bars on the equipment will be used to keep the dust down onsite.” Also, there will be no dewatering done onsite, so there is no risk of raising the water table.

When asked if anyone has evaluated the blasting, and its effects on the water table for possible compression. Robin answered, “No, we have not.” When asked again about the effects of blasting on the water table & basements in the homes in the area around the pit? Robin answered, “The blasting would not affect the water table, and there would be pre-blast well inspections.”

Howard Richards asked, “Will the pit would include a concrete processing plant?” Robin answered, “No it does not include a concrete or asphalt plant. If we did want to add one, we would have to go back to the Town to ask for a new/revised Conditional Use Permit”

Will you they need high capacity well? Robin answered, “If we did that would be regulated by the DNR. But currently we will not need one.” There are other sites that have them, and they would use that site if they needed something like that.

When asked if Dane County & Columbia County regulations differ? Robin answered, “None, they are the same within the state, and have the same NR-135 conditions, blasting restrictions & DNR regulations. But different sites may have additional conditions they must meet.”

Pam Puntney asked, “How many loads on an average day & what about noise pollution?” Robin answered, “There is a noise ordinance that the pit must abide by. The number of trucks per day will fluctuate. 10-12 on an average day, but 50-60 loads if they are working on a large job. It will be market driven as to how many trucks will be coming in and out”

Kris Krause asked the Planning Commission about the Town’s Comprehensive Plan, “This pit would be in a mapped managed forest land, farmland preservation, and environmental corridor. Allowing the gravel pit to operate in this area, would be going against the Town’s

Comprehensive Plan for this area. Is this something the Planning Commission has discussed and addressed?" Chairman Manke responded that no, the Planning Commission had not. Chairman Manke asked Paul Johnson, from Boardman & Clark if he had any information to interject. Paul said, "When you have a situation where it is designated one way in the Comprehensive Plan, and you want to change it going forward, you have two options. You can go thru the process of amending the Comprehensive plan to make changes to allow the pit or keep the zoning consistent with the Comprehensive Plan and not allow anything to go forward. The Comprehensive plan be changed, but there is a process that must be followed by the applicant & commission. The process would be like a rezoning. The Planning Commission should not make any approvals that are inconsistent with the Town Comprehensive Plan. The Town Comprehensive Plan is not set-in stone, but to make changes there is a process that must be followed." Nate Moll said, "I looked up the land location in the Comprehensive Plan prior to the meeting. The existing pits are designated agriculture. This one would be more industrial, and there is not an existing designation for industrial. But the Town Comprehensive Plan states to keep a balance on everything, with a focus on agricultural."

Dorothy Richards asked, "The Yahara River & Lake Wisconsin watersheds run thru that area. Would there be a need to meet with them to see if there would be any, blasting or crushing in the area." Robin said, "I didn't think there would be, but we can check with them." Chairman Manke pointed out that the Yahara would be farther south, closer to Hwy 60.

Howard Richards said, "I grew up on the farm across the road. The research we have done shows that home values drop 30% when close to a gravel Pit. No one goes to a real estate agent and asks to find them a house near a gravel pit. What would be the compensation to residents for reduced home value in the area?" Robin answered, "Has there been a drastic devaluation of the properties around the current gravel pits?" Nate Moll also asked, "Do you see the reduction already due to the gravel pits that are there now?" Robin replied, "We would need to look at the values now." Someone asked if the Town Board would take property taxes down for those properties near the gravel pit? But there was no reply to that question.

Amy Fitzgerald provided several reports, to the Planning Commission, from the Dept. of Natural Resources, that state property values will/do go down, when located near mining operations. She also presented a study from US Senate, that says values decrease 30%. Also, two letters from realtors that state the loss in property value of 30% near mining. Robin offered to do studies of what the property values are currently, and what may happen if there is a gravel pit near. Daniel Richards asked, "what the compensation would be for the loss, not just have studies done."

Howard Richardson talked about, "The Richards farm has been operating over 100 years. When the interstate was built thru the property, dividing the land cost the family over \$150,000. Because of the way the land was divided, created a loss in farming revenue & loss in water ways. Then when they widened the interstate a few years ago, they lost more money and water. The farm was cut from 120 acres down to 99 acres. Howard asked the Planning Commission, not to approve the Yahara Materials Conditional Use Permit, and does not see how it would benefit the community. His grandson lives in the house near the proposed gravel pit and feels the pit will diminish the quality of life of his grandson & is family."

It was pointed out that the other pits in the town are on the pit owner's own property, so the owners get the noise, dust & home devaluation. This one is not. The owners of this one gets the benefit, and the neighbors get the detriment. Robin, answered, "That we can address your concerns. Look at the value, and pre-blast inspections incase there is any damage. Our blasters have looked at the area, and do not see any issues. Same with the wells, we will inspect and monitor them for damage"

Amy Fitzgerald stepped up and stated, "We have several concerns regard the gravel pit that will built near our house. It is not just a house; it is our home. My father-in-Law built this house 53

years ago in 1968. My husband was raised in the home, we raised our four children in that home, and when we are gone our children will raise their children in that home. When Robin Loger came to visit us on January 12, 2021, I expressed my concerns with him. He said there would be a blasting in Waunakee the next day, and that I could come see the blast since I have never seen one. He said he would call one hour prior to the blast, but he never called. He also stated he would provide me some studies, but he never did that either. So far Yahara Material has made promises to me & husband, that that they have not done. Following are our concerns; well, drinking water, our foundation is all brick, our windows rattle already, what about air pollution, decreasing home value, increased road traffic & bridge width & wear and tear. Robin said, "We didn't blast on that Wednesday, but they will be blasting tomorrow if you can make it."

Brent Fitzgerald stepped forward to voice his concerns about the intersection of Richards Road and Smokey Hollow Road is dangerous already to normal traffic. From the north there is a blind spot coming over the hill, and from the south heading north. Robin stated they have presented two different haul routes, and either will work for them. Someone pointed out going the other proposed haul route is just as dangerous. There are no shoulders on Richards road between Fitzgerald's home & Stevenson's home. Robin, "In 2009 we worked out of the Gillis Pit on Meek road and paid to have the entire road redone, so we would repair if they damaged the road." But Brent was more concerned about the high possibility of an accident. Brent asked, "What if bridge is condemned from damage? How would residents get around? Do you want to take a chance of an accident? Do you want the Town of Arlington to look like to the Town of Vienna?"

Howard Richards asked, "How will the community benefit from the gravel pit." Robin said, "the benefit would be in money for repairing the roads." Someone pointed out there are already two quarries there. Robin replied, "Our customer base is not the same as the quarries that are already there." Someone asked, "Is there shortage of gravel?" Robin replied, "Yes there is."

Joyce Frey, a relative of Amy & Brett Fitzgerald and works in the real estate industry, stepped forward. She had taken the Town Comprehensive Plan and marked all the places, where the gravel pit did not comply with the plan. If you look at the vision, descriptions and goals, the pit does not meet any of them. It does not comply with the safety, property rights, natural resources, and conservation of farmlands. It does not contribute to the betterment of the town residents. It does not protect the integrity of the environmental corridor when it should be protected. It only states located industrial or commercial businesses to be next to the village. Changing the plan would be spot zoning, which violates the plan. Also, it is possible that the Conditional Use Permit could be renewed for longer than the 20 years. The gravel pit located near the current homes, would greatly limit the market to only buyers that could function next to a commercial or industrial property. The Planning Commission needs to abide by the plan, and the gravel pit is not following the plan. If the Planning Commission is looking to change the use for the land, it should be for an ag related business.

Chance Richards, who lives on Farm across from proposed site, stood up to voice his concern, that the air contaminants will come, no matter how you try to contain them. He talked about a 2011 study by WI DNR about the silica that comes from gravel pits, and how it damages your lungs. He explained that his family is already predisposed to COPD and asked how Yahara would help prevent the dust. He stated that he knows that Yahara has regulations to follow, but not all the dust will be contained. He is also concerned about farm equipment that uses the bridge most days, and what about if the farm equipment and gravel trucks meet going over the already narrow interstate bridge. Also, the road leading to the bridge, goes up a blind hill so you cannot see what is coming over the bridge toward you. Robin answered, "We can do a vision study on the hill." Chance asked about the noise pollution, of the blasting and trucks. He has a small child who naps during the day. Robin retorted, "that the blasting is very minimal" Chance pointed out

again that the residents, already hear it from the two pits near them so they know what the sound is. Brent Fitzgerald described that pictures are falling off the wall already, from the other pits blasting. Robin said, "I can't answer for the blasting that is happening at the current pits." Chance Richards also pointed out, "That any barriers that they put up; the pit will still be seen. Since the homes already sit higher and will look right down into the pit. How it would benefit the community to have a fifth gravel pit."

Daniel Richards asked, "what about the quality of life of the neighbors? What is the value to you?" Robin said, "That's why we are having this meeting, to get resident's feedback." Someone asked, "What will be the benefits?" Robin replied, "There will be savings in road construction." Someone asked, "Can you provide specific numbers, for value to the community?" Someone asked, "What about annual inspections on wells and homes?" Robin said, "We can set that up" Amy Fitzgerald asked if Robin could put that in a legal written document? Robin said, "Yes" Someone asked if a traffic impact analysis has been done? Robin replied, "No there hasn't." Nate Moll pointed out that Richards Road is a Class B road.

Pam Puntney talked, about the number of dump trucks going by their house, on Pine Hollow now. In one day, she counted 12 trucks by 6:15am, and 102 total trucks by the end of day. She also pointed out that the faster they go, the louder they are. "We already have two gravel pits within a mile of each other, and we don't need a 3rd. The pit will only benefit the Millers, and they don't live on the property of the proposed gravel pit." She asked the Commission to put themselves in the homeowners near the pit's shoes. Pam also asked that the Commission members that have relationships with the Millers, to abstain on commenting or voting on the Conditional Use Permit.

When asked if Yahara was canvassing Columbia county for other sites. Robin replied, "we are looking all over southern Wisconsin." When asked what method they used to determine if a site is plausible for a gravel pit. Why would Yahara choose a spot that is right next to two homes, and not on the pit owners own property? Robin said, "We did meet neighbors prior to meeting with the Planning Commission to discuss the possibility for the pit next to them, and then scheduled this Public Hearing to hear from other residents that may be impacted by the gravel pit." Someone asked how much would it save residents on taxes? Robin discussed, "That Yahara looks at if blasting will work in the proposed area, and if they can address and satisfy the concerns, before they move forward with the application process for the Conditional Use Permit."

Daniel Richards pointed out, "This is a moral choice, and that the Planning Commission, Town Board and County don't care about the two families, that live next to the quarry." The process of the Public Hearing is to listen to all the resident's concerns. Robin repeated that he met prior to meeting with the Plenty, Richards & Fitzgerald families prior to the Public Hearing. Someone asked, "Common sense says that you knew that coming in that it wouldn't be accepted." Kris Krause stated, "The Planning Commission should follow and abide by the comprehensive guide and think about how an amendment would affect it. Pam Puntney asked for residents to raise their hand, if they are in favor of the quarry, but no hands up.

John Stevenson said, "The current quarries/gravel pits have been in operation for over a half a century, maybe since the 1800s. Glen Puntney voiced his concerns of damages already to his home, grain bin, and barns. When he questioned the blasting of the other pits, he was told that they are within the regulation limits, and they would not pay for the damages. It was voiced, that the Miller pit was an operating quarry in the past, but prior to the homes that are built there now.

Chairman Manke closed the Public Hearing at 8:12pm.

Chair Marvin Manke called the Plan Commission meeting to order at 8:12p.m., with all commission members present, except Bret Severson. Guests present were Rob Roth & Ed Kallas

with RPS, Robin Loger & Dustin O'Connell from Yahara Materials, Dorothy & Howard Richards, John R. Stevenson, Chance Richards Coleman Fitzgerald, Kailey Fitzgerald, John A. Stevenson, Daniel Richards, Cory Fitzgerald, Pamela Puntney, Glen Puntney, Tom Klahn, Amy Fitzgerald, Tom Manke, Brent Fitzgerald, Gail Krause, Kris Krause, Terry Wenger with Tri-County Paving, Riley Puntney, Kristi Puntney, and Emily Roidt. Clerk Struck read the minutes of the December 17, 2020 meeting. Minutes were approved by Nate Moll, and seconded by Luke Walz

Nate Moll motioned to table the vote until the commission can review the town comprehensive plan, and road safety concerns. Luke Walz to second the motion. The motion was voted all in favor.

Dan Richards asked, "why the Commission was tabling the vote, when you already know where the community lies on the matter?" Nate Moll replied, "We are not saying yes or no, but we want to make sure we have all items reviewed & follow the process correctly."

The process is:

1. Public Hearing – For residents to voice their questions and concerns
2. Planning Commission to evaluate and make recommendations to the town board as to whether this is a good fit or not.
3. Town Board to review why the Conditional Use Permit was rejected, or why it was approved.
4. Columbia County Planning & Zoning Commission to hold their own Public Hearing & Planning Commission Meeting.

A follow up meeting will be held February 25, 2021 at 7:00. To give the Planning Commission time to review the town comprehensive plan, and road safety concerns. It also gives Robin Loger time to research and get answers to any question's residents may have had.

MSC Nate Moll/Ryan Ringelstetter to adjourn the meeting at 8:30 p.m.

Becky Struck, Clerk