

Hahn CUP 02563

Travis Leaser

To Dane Co Planning and Development Board Members,

May 8, 2022

I am currently a member of the Town of Rutland Planning Commission. Although, I am writing as a resident of the Town of Rutland in regards to the Kevin Hahn CUP application. First, I will address comments to each of the 8 standards. Then, lastly I will make recommendations for potential conditions I have been thinking about.

**Standard 1** The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.

**Personally, I believe the expansion of an already existing quarry fits under standard 1. There will not be any lighting, and there are multiple agencies that control specifically how mineral extraction pits operate in Dane County. There has been multiple testimony against this new expansion but the fact is that the expansion is moving away 5 residences and towards 2. Below are a large number of conditions that I would think can address and remediate any problems with #1**

**Standard 2** The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use. Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, paving the parking area, or the screening of outdoor storage.

**This has been the biggest controversial topic of all. Again, with specific operating conditions, I think this can be managed. The current neighborhood already has a mineral extraction pit. So, I am not sure how the argument that the new one doesn't fit #2 is viable. See conditions below.**

**Standard 3** The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Explain how the proposed land use will not interfere with the development of the surrounding property. It's possible that there may already be limitations on development on the surrounding properties such as being deed restricted to just agriculture.

**The only thing that it may impede is specifically where development rights are used. Neighboring properties have the right to build somewhere on their property. To my knowledge, none of these properties are land locked into building within the mineral extraction pit setback, but this could potentially hinder where people can or decide to build.**

**Standard 4** There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. Explain what impact the proposed use has on such things as water, septic, storm water, electricity, and traffic. Provide information on improvements that may be needed or if additional buildings are needed.

**There are a significant amount of other agencies that restrict/control mineral extraction pits utilities, drainage, water, etc.**

**Standard 5** Adequate measures have been or will be taken to provide adequate ingress /egress to public streets and the proposed conditional use will not present traffic conflicts. Provide information on vehicle traffic that the proposed use will generate. Include frequency and types of vehicles.

**I believe that IF this CUP is granted, one of the conditions would be to abandon the two entrances to the north and provide a new approved entrance to the south. The two current entrances are extremely dangerous. Granting this CUP gives us the ability to control a new, safe access road into the pit and make this road safer for neighbors**

**Standard 6** The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use. Explain any buffering or screening that will be installed as part of the proposed use.

**Again, Licensing for mineral extraction pits is controlled and enforced by numerous other agencies.**

**Standard 7** The conditional use is consistent with the adopted Town and County Comprehensive Plans. The Town and the County may have specific policies on the development of particular areas of the county. Please provide any specifics that relate to the conditional use.

**Mineral extraction falls under a farm related activity. The rift of mineral through this specific area is highly valuable for making new stronger roads across Dane County and within our own township.**

**Standard 8** If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below: If the property is located in the FP-35, FP-1, or FP-B Zoning District, additional information is needed.

### **Additional standards in Farmland Preservation Areas**

1. The proposed use is consistent with the purpose of the district. **Mineral extraction is a CUP in FP areas. The zoning is not changing**
2. The proposed use is reasonable and appropriate with alternative locations considered. **I believe so yes**
3. The proposed use is reasonably designed to minimize the use of agricultural lands. **The reclamation plan could (in the future) create a very usable space for both farmers and community members.**
4. The proposed use does not substantially impair the current or future agricultural use of surrounding parcels. **Correct.**
5. Construction damage to remaining lands in agricultural use is minimized and/or repaired. **Correct**

### **POTENTIAL CONDITIONS**

- 1) Limited hours of operation specifically for Crushing, loading/hauling, general maintenance, and blasting.
- 2) Removal of two existing driveways to the North and providing a NEW approved access drive to the South in a safer, more visible location.
- 3) CUP is null and void upon sale of property. With an exception to the Hahn son (Devin Hahn)
- 4) Limiting disturbance of 5 acres "chunks" of property at a time.
- 5) Removal of Grandfathered status of existing site and both new and old pits fall under new CUP conditions
- 6) Setting an annual meeting to address concerns/questions of the pit with residences
- 7) Road maintenance- road must be kept swept and cleaned at all times
- 8) Supplying a specific number of chronographs for each blast.
- 9) No external lighting to be used
- 10) Back up sirens to "XYZ" decibels
- 11) Notifying residents within 1000 ft of property 7 days prior to blasts.

**In conclusion, in my opinion, with a vast amount of conditions placed on this CUP. I think this could make that road much safer and residences happier. The applicant is willing to revoke his NC status on the existing site to accommodate this proposed CUP. I think that largely outweighs anything else. A large amount of testimony given was directly related to the truck traffic. I think it is crucial to know that we cannot determine if this traffic is coming from the Hahn pit or the Northwestern pit down the**

road. Without actual data on this, I find it hard to group that truck traffic specifically on the Hahn pit. Although, I do think it's a problem, I think with the correct conditions this could be an asset to us.

Thanks for your time

Travis Leeser

To Dane Co Planning and Development Board Members,

May 8, 2022

I am currently a member of the Town of Rutland Planning Commission. Although, I am writing as a resident of the Town of Rutland in regards to the Kevin Hahn CUP application. This is my opinion on this CUP application meeting the 8 standards.

Standard 1

This an active NC quarry at this time. With the CUP, there could be conditions put on this expansion as well as the existing NC quarry. With placed conditions such as, but not limited to, set hours, notifications of upcoming blasting times and crushing to be done lower in the quarry to reduce the noise and dust.

Standard 2

This quarry has been there for many years, property owners were aware of the existence of the quarry. The expansion will not really change to what is already happening now in the quarry. I feel the change from a NC quarry to a conforming quarry will be a positive action.

Standard 3

Again, the quarry is already there and has not effected any developments as of yet.

Standard 4

The drainage will improve by having water pumped to the west to a sandy area. There are a couple different Town roads to and from the quarry that lead to County roads. Not all truck traffic drives one route. There is another quarry nearby that also runs some of Town roads.

Standard 5

Some of standard 4 relates to this standard as well. With the passing of the CUP, there will be a change in the current driveways. Closing of one, moving one further down the road for a more safe entrance and/or exit. Possibly a separate entrance driveway and exit driveway could be put in place. There will not be more traffic from this quarry upon passing of the CUP.

Standard 6

Property is FP-35, with a CUP, mineral extraction is permitted.

Standard 7

The quarry has already been there in operation. The CUP will allow it to expand with some reclamation of the existing quarry.

Standard 8

The proposed property is FP-35. With CUP, mineral extraction is allowed. The proposed property is currently a "borrow" site for a State of WI, Dept of Transportation project. The land has already been disturbed. The materials, limestone and sand, are there for the quarry to expand into the adjoining property.

Thank you,  
Bruce Sime  
1192 Starr School Rd  
Stoughton WI 53589  
608-333-1385

This information is from Dale Arndt. I am a member of the Town of Rutland Planning & Zoning Committee. I am responding to the Dane County Board with my recommendations on CUP 02563 for non metallic mineral extraction for Nelson Excavating in the Town of Rutland owner of property is Kevin Hahn.

Standard #1 – Meets standard #1

The neighbors closest to the pit have no complaints with the existing operations of this pit. In regards to health, safety comfort or general welfare.

Standard #2 – Meets standard #2

There will not be any changes to the hours of operations to cause anyone to be substantially impaired or diminished by the operation of this standard.

Standard #3 – Meets standard #3

Because the surrounding properties are agricultural & farm and the site will be reclaimed to a fresh water lake that will abutting up to the existing farm fields.

Standard #4 – Meets standard #4

An additional entrance will be created to access the expansion property on the south side of the property.

Standard #5 – Meets standard #5

Existing driveway and will meet this standard with a new driveway on the south side of the new expansion.

Standard #6 – Meets standard #6

Meets standard #6 with FP-35 General Farmland Preservation zoning district

Standard #7 – Meets standard #7

Because it is consistent with the adapted Town of Rutland Comprehensive 2007 and Dane County Zoning FP-35 General Farmland Preservation

Standard #8 – Meets standard #8

The proposed use is FP-35 Zoning

To Whom It May Concern,

In reference to CUP 2022-02563 for Kevin Hahn,

Kevin Hahn has been operating his small nonconforming gravel pit to supply his business with construction material, space for recycling and land reclamation.

Kevin is willing to include the original parcel into the expansion parcel CUP 02563. Under Dand County zoning , operating a gravel pit is allowed on FP land. Kevin will operate using requirements by state, county, and township. He has made plans as part of the CUP for safety (4 foot fence), noise abatement( building 10 foot berms), blasting, storm water pollution prevention ( as per DNR) and control of noxious weeds.

Kevin needs to notify neighbors of blasting times at least 1 day in advance. He will limit blasting to 2 times per week and crushing to 3 times per week unless there is a deadline due to weather disruption. There should be no more than 2 driveways with the best visibility. Maybe even truck entrance signs posted. His trucks should travel down Center road to Cty A to HWY 14 or 138 to minimize conflict with Northwestern trucks.

To maintain the ag land it will be disturbed only as the limestone is needed and reclamation will be done at the same time to minimize the amount of open land. It should not impede the development of surrounding ag land.

Operating times would be 7-7 Monday – Friday and Saturday 7-5 Saturday.

Kevin will keep records of blasting dates, seismic readouts and other records pertaining to the business. He will show them on request. This pit mine has been operational since at least 1950. The location is limited to where the dolomite is deposited. It has been tested for road construction and is 1 of 3 in the area that have that type.

Kevin should have a reclamation plan so when the pit closes the land will revert back to ag land or wildlife habitat. If he sells the pit the CUP will become null and void and the new owner will have to cet a new CUP.

Residents wish to maintain quiet roads as before the pit became active. There are increased houses in the township losing ag land and commuter traffic from the surrounding areas. Nature is about change and is never static for long. Our township will need more houses and businesses for a tax base which will in turn increase traffic and wear and tear. Residents bought property knowing there was a pit nearby but took others advise it would be not an active operation. Even reclamation is going to have truck traffic and noise for a long time.

Kevin is willing to include the NC pit in the CUP and he has worked hard with the neighbors to have a middle ground. He has followed all the requirements and is willing to talk to people if they have a

problem. I live on County A and have seen an increase in truck traffic but I have also noticed a bigger influx of cars and small trucks. I accept that as part of living in a growing community in a growing area of Wisconsin.

Thank you for your time,

Nancy Nedveck