

Lane, Roger

From: Mary Knutson <mjknute4061@gmail.com>
Sent: Monday, May 16, 2022 5:21 PM
To: Lane, Roger
Subject: written testimony opposing Kevin Hahn CUP 2022-02563

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My name is Mary Knutson and I have lived in Rutland Township, at 4061 Old Stone Road, since 2006. The back corner of our property is about 290 yards away from Mr. Hahn's existing quarry and it will be about 320 yards from the land in his proposed CUP. We built our home and our horse barn and fenced in pastures on land that we bought after researching rural areas around Stoughton, and ultimately chose Rutland, after reading the townships's Comprehensive Plan. The plan's visions that spoke to me were #1. "Farmland, open space, and other rural land uses are common and highly visible", #2. Agriculture types are diverse including family farms, niche on specialty farms, truck farming, and organic farming", #3. Commercial development is limited and controlled, and is located near municipal services resulting in an increase tax base that does not impact the town's rural character". We knew that there was a quarry on Center road, but had been told that it was close to being reclaimed, so we weren't concerned.

I highly object to Mr. Hahn's CUP based on the fact that this much bigger quarry does not meet Standard #7 which states. "The conditional use is consistent with the adopted Town and County Comprehensive Plan." The land of this possible future quarry is in a farmland preservation district so the CUP also must be subjective to the following additional standard found in section 10.220 (1) under the Dane County FP-35 (General Farmland Preservation) Zoning District. It states the CUP must explain how the use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district: Mr. Hahn's statement that he uses to try and back this additional standard is, "Farmland Preservation Districts helps local government preserve farmland and minimize land use conflicts. The operation of the EXCISTING quarry is compatible with these purposes". Right now in Rutland Township there is much conflict in regards to this CUP. If one hasn't seen or heard the conflict, they must have their head in the sand. One hears it at the township meetings, among neighbor's conversations, and even on social media regarding concerns of the township. This CUP has done the exact opposite of minimizing conflict, concerning land use, and it saddens me that our township has become so divisive and I only see it becoming worse if this CUP is granted. Who will we be able to hold Mr. Hahn accountable, for regulating the conditions of the CUP for life of this quarry, possibly lasting for 50+ years? The Town board? The Planning commission? The Dane County Board? Will complaints be viewed as "harassment" as Mr. Hahn has accused my husband and I of, and be dismissed? Mr. Hahn also uses this statement, "The operation of the EXCISTING quarry is compatible with these purposes. Areas not used directly for quarrying activities will be maintained for agricultural production." What part of the existing quarry has been returned to agriculture land? NONE!! What part of his existing quarry produces agriculture products? NONE!! This statement is not true and is misleading.

Noise has been an ongoing issue with the current quarry and will only increase with the possible future, much larger quarry, if this CUP is granted. Where our house sits on our land we currently see the existing quarry. The Dane County Standard for CUP #2 states, "The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use." Mr. Hahn's response to this is "The existing quarry has been in operation since 1950 to supply local demand for stone products; continued operation of the quarry will not devalue or interfere with the enjoyment of the surrounding properties. The existing quarry is surrounded by agricultural land, and obstructed from view on all four sides." Again, this statement is not all true and misleading! We see the existing quarry, but what is most annoying to us is the irritating noise of beeping trucks backing up, the grinding and crushing of rock, and the banging sound of the back tailgates slamming shut. The noise is inconsistent, sometimes starting at 6:15 a.m. (we have documented times on our calendar). I hardly have my windows open anymore because of the annoying noise. I have written emails to the town board members complaining of the noise, and they should have record of these emails, proving this issue. We have had to stop riding our horse during the times he is working in the quarry, because of the sudden noise. Despite professional training, our horse becomes spooked and starts to buck, especially when the back tailgates are being slammed shut. We don't trust our grandkids to ride the horse anymore, and this saddens us. The CUP states that berms will help reduce noise levels and dust, but it doesn't say how high the berms will be, but unfortunately our house sits on a hill on our land, and even a berm of 10-15 feet wouldn't help. Does this mean that it's just too bad that we built our house on a hill 16 years ago, not knowing that the agricultural land that we looked out on would be a future quarry?? With the new quarry only being 30 more yards away from our land than the existing quarry, I find it hard to believe that the dust we have to plan around when our grandson comes to play outside at our place (on dusty quarry days, our grandson's asthma condition becomes worse), will be better than the existing quarry.

The hours of operation stated in the CUP, 7am to 7pm on weekdays and 7am to 5pm on Saturday seems inconsiderate and not very neighborly, especially if we are trying to enjoy a family get-together on a Saturday. But what really worries me is in the CUP he also states, "Extended hours may occasionally be needed due to peak hour project restrictions. Material processing will coincide with these hours, but at times, an extended schedule may be utilized to facilitate a project, meet a deadline, or take advantage of fair-weather conditions." In other words, he will be able to operate his quarry whenever he wants to! How will he be held to such a condition? It will be his word that he needs to operate the quarry with these "extended hours" and I find this unacceptable. It also worries me that I see he did not address lighting in the CUP. Does this mean that he will be able to put up lights in the quarry so his "extended hours" could go late into the night? This is also unacceptable.

I do foresee that my enjoyment and the enjoyment of our family will be substantially impaired, along with at least 250 single family homes located in the area of 1 1/2 miles from this proposed quarry (which will be on farm preservation land) with some located much, much less. For this reason of the CUP not meeting Standard #2, along with not meeting Standard #7 as stated above, I plead with you to say no to this future quarry, for me and for all my wonderful neighbors. Mr. Hahn will have people that are in favor of his proposed quarry as they will say "he is a nice man" and "his quarry is a small family business" and "he works so hard", but you must make your decision on whether he has met ALL 8 standards, and none of these reasons in favor of the quarry is mentioned in the 8 standards. Meeting all the standards of this CUP is the law, and I hope you follow it accordingly. I thank you for your time.

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