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**From:** Public Interest <publicinterestrutland@gmail.com>  
**Sent:** Tuesday, May 17, 2022 3:40 PM  
**To:** Lane, Roger  
**Subject:** CUP Application of Kevin Hahn, DCPCUP-2022-02563, CUP 1563

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This note is an attempt to bring some logic and direct discussion to an issue that has been polarizing in our small community, the proposed expansion to quarry (or mineral extraction) operations into a new parcel of land on Center road via the CUP submitted by Kevin Hahn.

This note is being submitted anonymously in light of attempted intimidation, and to ensure that it is just a discussion of facts without emotion, compiled by several concerned residents of our town. Escalation of hostile discourse from all sides, removal of signs on private property, and active quarrying activities taking place on the new site in defiance of the previous CUP denial has created an uproar and disruption to our community.

Our intent is to help the members of our town board, our community, and Kevin understand that while we are sympathetic to the commercial future of Nelson Excavating and understanding of the role of the stone they provide the residents of our community - the creation of a new quarry area into the parcel of land adjacent is unfortunately just something that cannot be allowed. It would be financially negligent for the town and its residents, conflict with many of the eight mandatory CUP standards, and be inconsistent with the town plan.

**Guarantees-** Even if all things considered a CUP is approved, the community has absolutely no legal guarantee that Nelson Excavating, a family operated business by residents of our community, will not be sold out to another entity that does not have the interest of Rutland at heart. As such the appeal for sympathy to a family business creates an unfortunate sort of 'straw man argument' situation.

**Financial Stewardship-** Our small town is not one with a booming budget and unlimited resources. The condition of our roadways is already one of the largest single expenses we have, and an expansion of quarrying work into the future would simply continue an unsustainable cycle of cost that comes at the expense of the taxpayer. It would be a financially irresponsible decision to accept any continued increase in quarrying if the town can not be fully compensated for the damage done by quarry trucking that is currently paid for by the agricultural and residential citizens of our community.

**Town Stewardship-** As in the previous CUP denial, a new quarry space on Center Road is entirely inconsistent with the overall future of the town and the town plan. It would be the permanent destruction of farm land and natural space near the center of our community. While it can be assumed that most, if not all, residents envision a future of our area remaining largely agricultural and rural residential, we all must acknowledge that our proximity to Madison means that growth is inevitable. Having a larger pit mine would limit the options our community has to respond to the dynamic nature of the future.

**Rights of Community-** It is the duty of the town board to weigh in and make decisions based on law, morality, and what is the right thing for the residents of our community. Reaching a conclusion that is "right" often means one or more parties feel they have been wronged, and we acknowledge the difficult position this puts the town board in. We hope it is clear through the points in this letter, current discussion, and the past denial of Kevin's CUP that there is significant negative community impact if the CUP is approved. Making a decision in

favor of the CUP expansion provides benefit to Nelson Excavating and to the Hahn family personally, but at the expense of the surrounding community. If quarry operations expand, at a minimum we can expect decreased property values, safety concerns, interruptions to daily life, and impacts to the aesthetic of our area.

**Safety-** While all residents understand a quarry has been in place for quite some time at the current location, over the past decades years this area and community has continually grown and evolved from an almost solely agricultural space to thriving community of rural residences surrounding the site. The increase in traffic flow of a growing quarry site on already overburdened routes via Center, Old Stage, Old Stone, and other nearby roads presents a tremendous risk to residents,

**Report by Courter Resource Group-** The CUP submitted is largely generated by the Courter Resource Group, which is an organization that specifically exists for quarry and mining advocacy. While they provide many sets of documents and discussion topics, we implore the board to recognize and understand that this is an organization who specializes in mining advocacy in the employ of the CUP applicant - and any technical details they provide cannot be considered in the evaluation as they have a clear conflict of interest. If an expert analysis is warranted and discourse from it to be considered it must come from an independent firm not in the employ of any one individual. Given the potential costs to the community a CUP approval may create, a 3rd party study like this may be warranted, and should be one that is bid out and vetted by the elected town board.

**Natural Resources-** The stone and gravel extracted at all quarries is a critical resource for residents of our area. No doubt this case is being made again as it has been in the past, and almost without exception we all rely on it for our homes, businesses, and roadways. However, it is important for the board and our community to understand that this space on Center Road is not home to a specialty or limited resource that cannot be sourced from more appropriate locations. In fact just looking at the specific mineral noted in the CUP application (Dolomite) and referencing other sources one can see that it is not critical for our society to extract this resource here ( "Dolomite is an abundant mineral in Wisconsin" - <https://wgnhs.wisc.edu/minerals/dolomite/> ). What is rare is a quarry in this location and proximity to future work, and the only beneficiary there is the current or future operator of the quarry as it gives them a financial advantage at the expense of their neighbors. There are over 100 mineral extraction sites in Dane County ( <https://pdf.countyofdane.com/plandev/zoning/MinExtPublicInfo2014.pdf>) and many of them are better suited to safely and economically serve construction efforts.

The points above and all of those presented by our peers over the past years as well as at the public hearing are hopefully enough to make it clear that the future of Rutland cannot include expanded quarrying. In fact, the timeliness of the recent election was considered by many as a referendum on this issue - where Kevin Hahn, whose name was first of the only three on the ballot, received the fewest number of votes of any candidate and instead a write-in candidate was chosen by the community. Like many things that have changed in our area over the past century or more, it is time for quarrying to start to sunset operations in this area. We say this not to target the team at Nelson Excavating, but in order to preserve safety, financial position of the town and individual residents, and integrity of our community.

As such we implore all those who read this to completely deny any expansion of quarrying or mineral extraction, and to do so with a clear conscience knowing that they are making the right choice for the community, the law, and our future.

To Kevin, the Hahn family, and team members of Nelson excavating, know that while there has been an abundance of hostile discourse around this issue the majority of the town wishes you no personal ill or harm - we all want commercial success of our neighbors - however when facts are considered and rights of all citizens in our society are weighed, logic and law dictates the path we all must take.