

To: the Dane Town Board concerning Tri County Paving Inc's application for a blasting quarry on Bonetti Road on the property of Joe and Diane Ripp, non-resident landowners CUP # 02584
From : Nancy Roth 7625 Bonetti Road, Dane, WI 5359

Blasting Quarry Research Document: including analysis of CUP application

The following lengthy document is the result of nearly two months of my research and writing. I have organized it into 3 parts, this should make it easier to navigate.

*** **Part 1** : This part examines the Eight Standards for a Conditional Use Permit, Tri-County's provided evidence of compliance in their own words, and arguments how the standards are not met by Tri-County. I state the entire standard as written by the State of Wisconsin, (not the shortened versions written by the author of Tri-County's application) including the State's following explanatory prose. For clarity - Tri-County's responses are in italics and my rebuttals are separated with parentheses and written in regular font. The only changes I made to what Tri-County wrote were to correct the frequent misspellings. In follow up paragraphs where I elaborate on ways Tri-County falls short on each of the standards, I use regular font, but no parentheses. Throughout Part 1, I direct the reader to a fuller discussion of some topics that I discuss in Part 2 which I call *Blasting Quarry Document****

*** **Part 2** : This section is a summary of an article that was written in December of 2022 by Tony Sevelka out of Canada. He quite succinctly argues why new blasting quarries should not be placed by existing homes. It is both well sourced and footnoted. His qualifications as an expert are in my summary, as well as how to find and read the article for yourself.***

*** **Part 3** :The final part of my submission contains lots of different observations about how we experienced the process, lists of our concerns and analysis of sources used to demonstrate how home values are affected by a new quarry. It begins with an introduction, followed by a table of contents, to help you easily find topics that might interest you. This is the section is called *The Blasting Quarry Document* and is referenced in Part One. ***

Part One

The Eight (8) Standards in Obtaining a Conditional Use Permit

The proposed conditional use must meet ALL eight standards listed below in order to obtain a conditional use permit (CUP). If, after reviewing the proposal, the Town or County Zoning Committee find that the proposed use cannot meet all of the standards, the CUP application will be denied. If all the standards are met, the permit application will be approved. In many cases, specific limitations or conditions will be required to followed to ensure that the standards are met. As part of the permit application, applicants are required to explain in writing how the proposal meets the standards.

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.

Berming; berms will be constructed as necessary and maintained to provide for visual and sound barriers to any adjoining residences. (The second map in the supporting map section of the application shows minimal berming. A berm exists, on the original application map, at the east side of the quarry only along where the property is directly adjacent to Bonetti Road. It stopped as the property line heads to the north and west above the Pierce home and the Ripp rental house. This was a careless omission on the part of Tri-County especially because the Pierces have four small children. Tri-County has since agreed to berm above their home, but only when the absence of the protection was brought to Tri-County's attention by the Pierces. The southern berm/fence stops shortly after the Taylor home and does not reach all the way to the western perimeter of the quarry. There is no berm nor fence indicated on the west side of the pit. To paraphrase Dustin Gradel from his statement made at the March 6 Dane Town Board meeting – while pointing to an enlarged map of the valley below the pit – “it's only farm fields and there are no houses”. This is absolutely not true, there are three homes in that area, slightly hidden by the trees. Either Gradel knew he was lying about the three homes, or Tri-County did not do their due diligence in preparing their application. Gradel continued in his remarks to say, “because no one lives west of the quarry, no berms are needed to protect eyes and ears from the quarry”. Incidentally, anyone driving on the rustic Viaduct Road will have a full view of the unsightly quarry marring the view.)

Dust Control: The entire access road will be paved with asphalt and watering will be done in the quarry as needed to control dust. The question of where that dust laden water will go was not adequately answered. At the March 6 Dane Board Meeting, Gradel stated that there will be some sort of holding pond for the polluted water, and it will be stored there for some length of undefined time. But, this 'pond' will not be built “right away”. Exactly where will all of the dust laden water be diverted? Nothing was explained about where the run-off goes prior to the water holding area. The natural drainage is to the farm lands below the quarry to the west. In that area, along Benson Road is a navigable waterway. That waterway feeds into Spring Creek in Lodi, and continues to the Wisconsin River. Tri-County has offered no proof that their pollution will not end up in that waterway as they open the pit and prepare for their holding pond in the future. Also, they have shown no evidence of how my community will be protected from the dust and dirt as their trucks travel our county roads. It is an observable fact that very few gravel trucks bother with the nets that are supposed to cover their loads and protect the environment from flying debris. They have also not proven to our satisfaction that pollutants will not seep into our ground water/wells. At several meetings, Tri-County assures us our water will be safe, but offer no real tangible proof. Simply stating something you believe – “your wells will be safe” - does not offer proof.)

Erosion Control and storm water pollution plan is in place. (What is the plan? Residents need to see it. This vague statement tells us nothing. What are the specifics? This blasting pit is on the top of a hill which will be vulnerable to erosion and water run off. On the Northeast corner, above the Pierce home, to the north and west (looking west) are two steep drop offs. The Dane Comprehensive plans says that a 12% grade precludes modifying the landscape and once at 20%, no tampering is allowed. Quoting the Dane Comprehensive Land Use Plan, page 32, “Protecting these steep slopes from development or disturbance is an important component in the town's natural resource planning effort. Disturbing the soils and the vegetation on steep slopes can result in extremely severe erosion, which in turn have an impact on water quality of nearby water resources.” Doesn't Tri-County bear the burden of proof that this is an acceptable slope to quarry in the proximity of? Especially because the slope is directly above two homes? There is no evidence in the application that Tri-County has researched the slope. In fact, they don't mention its existence. Tri-County will argue that the actual digging will be a safe distance

from the steep slopes, but blasting is perilously close.)

We will meet all MSHA requirements? (As neighboring homeowners, we have the right to know exactly what all requirements are, so we can report violations. We need copies of this and other 'requirements' listed in the application. Tri-County made no attempt to fill residents in on these regulations, they have barely spoken to us. Tri-County claims they reached out to neighbors. Here's a quick timeline. 12/28/22, an application for the quarry was submitted to Dane County. 1/23 a road permitting meeting was held in Vienna Township, with no Bonetti Road residents informed. In late February, the Pierce's contacted Tri-County about safety concerns for their home, and only then did Tri-County set up a meeting with them on 03/6, the day of Dane's board meeting. The only residents that Tri-County contacted were the Taylors on 3/2; they met with them on 3/4 and that meeting did not end well. In regards to my meeting with Tri-County, I talked to Pat Cadigan when he was measuring a ditch on Bonetti Road on 2/28. I had a follow-up question and emailed him. I wanted an answer in writing, but instead he insisted on a meeting. Tri-County never initiated a conversation with me. In the end, I refused to meet with them after Tri-County asked for and received permission from Vienna to discuss and approve the use of Bonetti Road as a truck route on the same night as the first Dane Board meeting on the topic of the quarry. I provided you with email evidence of my correspondence with Tri-County and the Vienna Board Chair to ask them to reconsider that action, which had been tabled to March 20, so all the people who live near the road could hear the road upgrade proposals. We have many unanswered concerns. I received no response and Tri-County went ahead and appeared at both meetings, simultaneously. We can not trust these people to act in a good faith way after this disrespectful action.) (Update: Cadigan knocked on 3 doors on Viaduct Road, on 3/20, a full 3 months after the application was submitted. Only one resident spoke briefly with him, and was frustrated by misleading info and evasive answers. At the Dane County meeting on 3/28, Tri-County stated they met with the Henry's about their historic home. I was told on 4/4 that Tri-County has met with 2 Viaduct neighbors for an extended period of time. The person with that info was not able to divulge names. I have no idea who initiated those meeting.)

We will meet all State Blasting regulations. (Again, residents need to know exactly what these are to be able to report violations. I should not have to do lots of research to discover this, when clearly Tri-County has it in their possession.) *The site will be secured by a fence and a locking gate at the driveway entrance into the quarry.* (The map Tri-County provided only shows fencing on two sides, on top of the berms. The map does not show fencing all around the blasting quarry, (2nd map) making it a danger for neighborhood children and adventurous teens exploring the hill on the west side of the quarry.)

Tri-County fails to adequately address this standard in the following specific ways:

Neighborhood health: Watering down the asphalt driveway does not address the dust released in blasting and crushing which does not settle on the drive, and especially not the dust kicked up by gravel trucks traveling on township and county roads. This dust negatively affects residents with respiratory issues. Furthermore, Tri-County does not address the mental health issues people will experience with the lose of the peace, tranquility and beauty of their homes and environment. Many of the 30+ residents built here or located here specifically to be part of a farming community, and plan to enjoy many years in our homes, undisturbed. An unfair burden is being placed on a small group of homeowners so that non-residents Diane and Joe Ripp and a non-resident business, can make millions of dollars.

There is no evidence that Tri-County will keep us physically and mentally safe.

Safety: Tri-County completely fails to make us safe. Bonetti Road, with its steep blind hills, deep gully and steep ditches, is already dangerous. Adding shoulders to the road does not fix the major dangers. The road is still too narrow for gravel trucks and farm equipment to safely pass each other. The road is used heavily by farm equipment, because this is, after all, an agricultural area. Adding hundreds of gravel trucks will exacerbate the danger. School buses travel on the road, and there is a bus stop at the intersection of Bonetti and Viaduct. The proposal to upgrade the intersection does next to nothing in increasing its safety. (Here is another example of how sloppy Tri-County has been in their proposals. On the map they submitted to the townships, they state “remove trees in the right of way”. If they had done their due diligence, the naked eye would have told them that there really aren't many trees in the easement. They were long ago removed!) Our mail carrier and delivery personnel deserve a safe route. There are many bicyclists that use this scenic byway, and some of us walk on Bonetti Road for our health – there is no mention of how we will be kept safe from the hundreds of trucks that will pass by. And when those of us along the truck route sell our homes, no one with children will even consider buying our property due to the unsafe conditions caused by the trucks. Our pool of perspective buyers will become very limited, which will contribute to the loss of house value. Tri-County assures us that our house values will not go down, but have yet to show us their research. They rely on anecdotal evidence and the phrase “studies say”. I have extensively researched this topic and you can read my findings in 'Blasting Quarry Document' (page 36). Pro-quarry articles never address the question of “what happens to house values when a new quarry is created?”, their 'evidence' only relies on false equivalences to homes by existing quarries.

Tri-County does not prove they will make us safe, thus failing on the standard of neighborhood safety.

Comfort: Nothing in the application addresses the loss of comfort for the neighbors. People living in proximity to blasting quarries report they never get used to the blasting and the resulting vibrations, the trucks, the grinding noise of the gravel crusher, the dust, and the ugliness which replaces the once beautiful scenery. (see 'Blasting Document, page 38) Dustin Gradel assured us, at the Dane Board meeting, that the noise from their equipment is equivalent to our electric toothbrushes and that he has stood by a blast and could barely feel it. Funny thing, when you google what is it like to live by the quarry, people complain at great lengths about noise and strong vibrations that shake and damage their homes. (See 'Blasting Quarry Document', page 39) Tri-County never addresses the noise of the moving trucks, nor their backing beeps which pierce the air. At the Vienna Board meeting on March 6, Pat Cadigan told my neighbors that sometimes they would work at night if they have a large contract. The application never seeks permission for night work! Intruding on our peace and quiet during the night is unconscionable.

Tri-County does not meet the comfort standard.

General Welfare: The residents are asked to sacrifice a great deal. The non-resident property owners, Diane and Joe Ripp, and the non-resident business owner, Tri-County Paving, sacrifice nothing and instead will earn tens of millions of dollars over 75 years. We are the people who

must be considered when one speaks of general welfare; we live in the neighborhood, not the Ripp and Tri-County. An unfair burden is placed on many people for the monetary gain of two entities; people who don't even live in Dane Township. Following is an applicable quote from a court argument from Halifax, Vermont: "Enjoying your property and keeping the aspects of your property that provide you with that quality of life are enshrined in state and federal laws. It comes down to this: should one non-resident landowner and one non-resident businessman be allowed to conduct an activity profitable to them alone on a parcel of land in a conservation district to the detriment of numerous landowners? Of course, there is no talk of compensation, only the claim by Tri-County that we will "barely notice the blasting quarry" and that we will "get used to the trucks", both quotes from Terry Wenger, Tri-County president, at the January 23 Vienna Board meeting.

Tri-County does not take into account the general welfare of the community, and therefore does not meet this standard.

Tri-County does not explain how the blasting quarry fits into the neighborhood. There are nearly 30 homes within a mile radius, 3 within a few hundred feet. Some of our homes are connected to farms, and others nestled in the woods. The open land is all cultivated and has been owned for generations by local farmers, until Joe Ripp, who resides in Vienna township bought the property on Bonetti Road and decided to turn it into a quarry. This agricultural use of land follows the Town of Dane Comprehensive Plan of 2001. Besides the farm fields, plentiful wooded areas stand adjacent to the proposed blasting quarry. Our neighborhood is blessed with abundant wildlife: fox, whitetail deer, the occasional cougar, eagles, owls, cranes, red-headed woodpeckers and the protected Monarch Butterfly. Our woods have rare wildflowers like Yellow Lady's Slippers, Trillium and Jack-In-the-Pulpits. Off of County Road DM, within a mile of the proposed blasting quarry, lies a pond that attracts all sorts of water fowl – and bird watchers. Many sources cite studies which show that blasting quarries have a detrimental effect on the natural environment because they destroy habitat. Widening Bonetti Road will destroy the protected Monarch Butterfly's food source, the milkweed, that thrive in our ditches.

A blasting quarry and hundreds of gravel trucks are not compatible with our neighborhood. Another fail by Tri-County.

In addition, there are two houses in our neighborhood on the National Register of Historic Homes. They are protected. The blasting quarry is about ½ mile from both. These homes were constructed in the mid 1800's and will be very vulnerable to blasting vibrations. The safety of these national treasures should prevent the creation of a quarry.

Tri-County has not proven they are concerned with protecting the general welfare of the neighborhood.

Lighting: How will light pollution not be a detriment to the residents? The application never states if the lights will be on during the night. This is a neighborhood that is accustomed to nighttime darkness. And in addition, as stated earlier, Cadigan revealed at the Vienna Board meeting of March 6, that there will be night work, which would demand significant lighting.

Traffic : 300+ trucks a day, with their noise, dust, and danger on an already difficult road, is not a reasonable level, (which is a requirement for the CUP approval). Even if that number is 100 going and 100 returning, that means a loud truck will pass by our houses every few minutes. Is it reasonable to ask residents to give up the ability to enjoy their own porches, patios, decks, yards and even indoor silence? It is a fact that trucks, buses and tractors can already be heard inside my house; they wake me in the morning. Now this traffic will be frequent and very early. At the Dane Town Board meeting on March 6, Gradel said they were changing the operating hours for the “good of the neighbors” and then proceeded to say they would start at 6:00 am rather than 7:00, so they would be done when people get home from work. He seemed to be arguing that he was responding to our concerns. Not true! The Pierces have four small children and the other three neighbors are at retirement age. No one on the truck route asked for this change. The ignorance of the demographics of the people who live in the neighborhood is stunning and disrespectful. Again I ask, must we bear this burden so one non-resident land owner and one non-resident business can increase their wealth, exponentially? (See 'Blasting Quarry Document', page 28 for more on truck traffic.)

The failure to meet the standard concerning truck traffic is immense.

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 along Bonetti Road and area, or the screening of outdoor storage.

Adjacent Property Owners will feel little to no impact with the proposed mineral extraction. , (This claim is unbelievable and not provable. People who live near blasting quarries paint a very different picture – See for instance, the Facebook pages from people in Waunakee who live near a quarry. For examples of posts, see Blasting Quarry Document, page 39. Also, some of my neighbors have first hand experience living near quarries, and they find this claim untrue and laughable.) The mechanized equipment used is not louder than typical farm machinery. (This is irrelevant. The obvious difference here is that farm machinery in the field is seasonal, and the noise lasts a finite amount of time. The blasting quarry noise is every day starting at 7 am and ending at 6pm- now apparently changed to 6:00 am (with warm up starting at 5:30 am???) to 5:00 pm according to Gradel, and on Saturday from 7:00 – 4:00. The constant noise is a combination of blasting, crushing and loud truck traffic. Comparing quarry operation noise and constant truck traffic noise to farm equipment is a false equivalency. In addition, we came to this area knowing that farm equipment utilized our roads. We agreed to this disamenity in advance. Big difference!)

Berms will be constructed and maintained to provide for visual and sound barriers to other properties in the neighborhood. (Application map shows minimal berming as addressed above.) Tri-County Paving Inc. will pave the entire access road and watering will be done in the quarry to control dust as needed. (Again, another vague claim; as needed, by whose standards? And, where does this water go? The application for the blasting quarry references a high capacity well in the future. Will this be the water source? We want proof that this will not affect the wells of the neighboring residents. Tri-County must obtain DNR approval before any CUP is considered. We want in writing that there will

be yearly testing done automatically, and that if our wells are affected, prompt action will be taken and paid for by Tri-County.)

There are only 2 residents within 1500 feet of the site (1 of the residences is owned by the owner of the property) (This is a false statement. There are 3 homes (maybe even 5) within 1500 feet. To be clear, the owner of the property does not live in the referenced house, it is a rental unit. There are two homes at that location; one is the Ripp rental, the other privately owned.) a total of 9 houses within a ½ mile of the operation. (And, there are 30+ homes within a mile radius, and many more a short distance out of that radius. We are actually a small community of property owners who cherish our beautiful, peaceful properties.) The town designates this area as an Agricultural Preservation Planning area which greatly limits additional housing in the surrounding are. (This is true. But also, the Agricultural Preservation Area's intent is to keep agricultural land for that purpose above all others, which would include limiting more homes, but also blasting quarries. In addition, our Dane Township Comprehensive Plan also stresses the need to keep farmland for its original purpose; farming.) (See the 'Blasting Quarry Document', page 23) Most of the surrounding area is used for agricultural production. (This is true. Tri-County argues that they will return the land to cultivation in better shape than they found it, in 75 years. Because all of us will be dead, this really doesn't help today's residents.)

Here I would like to focus on this underlined segment of 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."

The life that we have enjoyed for decades will be completely altered. Anyone living near a blasting quarry will affirm our claim that one never gets used to the vibrations of blasting, the constant drone of noise or the increase of dust and dirt. (See Blasting Quarry Document, page 38 for studies on this question) For those of us on the truck route, large heavy gravel trucks will be constantly passing by our homes. Sitting outside in front of our houses will no longer give us peace of mind, but instead make us feel stressed by all of the disruptions and noise. The trucks pose danger to all who walk, bike and drive on our road. No matter how wide the road is made, the steep high hills, the deep gully and the steep ditches will remain as hazards for all living on and using Bonetti and Viaduct Roads. I thought that at the beginning of the process that Tri-County said they would widen the pavement, but the final proposal only adds a shoulder. These disamenities substantially impair and diminish our enjoyment and the use of our property. (see Blasting Quarry Document, page 28) Although the blasting quarry industry makes the claim that our house values will not be diminished, the research they cite does not address what happens to home values when a new quarry is built. In the Blasting Quarry Document, I examine the evidence on house values offered by pro-quarry entities, specifically the Phoenix Center study. I also examine the work which concludes that homes within a mile or more of a blasting quarry lose significant value. The question my neighbors and I ask of you is "who among you would pay full value to buy our houses?" Tri-County should guarantee a pre-quarry selling price. (see Blasting Quarry Document, pages 36-37 for full explanations) Our property taxes should be adjusted downwards to factor in the disamenities, it would be only fair. So, in essence the county and state will lose tax revenue from our properties. Sadly, the use of our homes will become incompatible with our expectations for a

peaceful retirement. And finally, with the current interest rates and high home costs, any lateral home move would be expensive. Those leaving to escape the quarry effects will be forced to sell at a lower value, have to spend more for an equal house, and in addition, take out a higher mortgage. This information came from my financial advisor at Wealthspire. Sadly, the use of our homes will likely become incompatible with our expectations for a peaceful retirement. If we find that we cannot live in a house with such a negative environment, the result will be that Tri-County Paving and Diane and Joe Ripp will have effectively driven us from our home. This is unfair.

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 existing land is currently used for row crops. (When this land was sold to Diane and Joe Ripp, the seller's family's expectation was that the fields would continue to be used for crops. This land was farmed by the Taylor family for decades. The prior owner had no expectation that the Rippes would use this land to harvest rock for maximum monetary gain.) *The proposed reclamation plan will show that most of the site will be placed back to row crops with more gradual contours.* (This translates to the fact that the top of the hill will be lobbed off and a beautiful feature of nature will be lost, forever.) *The orderly development of the area is geared toward agricultural production.* (This is absolutely true, as stated repeatedly in the Town of Dane Comprehensive Plan.) *Very little residential development is allowed on adjacent properties.* (Ironically, Tri-County recognizes the fact that little residential development is allowed – because of the agricultural nature of the township – but feels that a blasting quarry is appropriate. Also, in the woods owned by Connie and Chris Statz, between Kohlmeyer's and Taylor's properties, there is a 3 acre plot zoned for a new home. Who would want to build there now?) *Once the limestone is extracted, the area will be returned to agricultural production.* (After we are all dead in 75 years. Also, the question remains, “if all the filtering limestone is removed from the top of the hill, won't any spreading of manure or other fertilizers on future fields result in the pollution of the groundwater??”

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.

The proposed conditional use is located in an area that will be satisfactorily served by and will not impose undue burden on any improvements, facilities, utilities or services provided by public agencies serving the subject property. We will be using a newly constructed shared farm field entrance for access to the proposed quarry. Bonetti Road is capable of handling truck traffic. (Bonetti Road is absolutely not capable of handling heavy, frequent truck traffic. This statement is not true. The road can barely handle minimal truck and tractor traffic, but certainly not hundreds of fully loaded gravel trucks. The shallow road bed, blind hills, steep ditches and deep gully make such heavy truck travel very dangerous. *We will bond the road with the Township as per requirements. The quarry will have a portable scale and portable scale house. We will also install a high-capacity well in the future.* (This

is a very vague and glib statement, which minimizes how important water is to all who live in this community. How soon in the future does Tri-County plan to use vast quantities of our drinking water? Are there written guarantees that this will not affect our wells? But of course written guarantees are meaningless. If our waters are 'accidentally' compromised, Tri-County will claim, "we followed the rules". Oops, no clean water, no water at all – but we have rock for roads, your sacrifice was for the good of the many. What exactly will you use all of that water for? Where will all of that dirty water go? Will it not be polluted by the excavations? Everyone's wells in this community are below Bonetti Hill and we all depend on that groundwater. *Water will be contained in the proposed quarry*, (How many gallons of water will be 'contained'? And for how long will it be contained?) *we have included the Storm Water Pollution Prevention Plan*. (This should be published so we can see it – to be able to report violations to the State. We have a right to know how the purity and quantity of our precious groundwater will be protected! Vague statements are not good enough.)

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.

Bonetti Road is 1.5 miles long and is a low volume road mainly used as farm access road (In especially the spring and fall, dozens of over-sized farm implements traverse this road. These vehicles easily take up 2/3 to nearly 3/4 of the road. Because of the deep ditches, narrow pavement and lack of shoulders, meeting one of these frequent tractors is already very tricky. At the March 6 Vienna Board meeting, Pat Cardigan indicated that road" upgrades will come later. This matches what Terry Wenger stated at the January 23 Vienna meeting, "we'll see how it goes before making upgrades". If a blasting quarry is actually approved, the total disregard for the safety of all who live, walk, bike and drive on Bonetti and Viaduct Roads is horrifying. In summer, dozens of manure spreading vehicles use these roads. In winter, the roads are much more treacherous and minimally plowed. At the March 6 Vienna and the March 6 Dane meeting, both Gradel and Cardigan stated that maximum transport days, of approximately 300 trucks, will take place in November and December. These men clearly have done no research on the dangers of driving 60,000+ pound trucks on a slippery Bonetti Road.) *a very minimal number of residential homes. Approx: 3 south of proposed entrance* (there are four more properties along Viaduct and Dunroven adjacent to the truck route, including a school bus stop.) *and 1 north of proposed entrance*. (This is wrong, there are 2 homes north of the proposed entrance.) *We will construct a wide entrance for trucks to enter the site safely*. (Visibility of the entrance is quite limited due to blind hills in both directions. Someone traveling north or south at the 55 mph speed limit, could easily hit a truck before it gains speed – and Tri-County has 'promised' that the trucks will be limited to 30 mph. Apparently, Tri-County gave no thought to the inherent danger of blind hills, which when crested at 55, will cause drivers to encounter a huge gravel truck pulling out or traveling at 30mph. Tri-county promises no jake breaks will be used on the steep declines, but using first or second gear will also create loud noise. Many of the truckers will not work for Tri-County and enforcement depends on residents calling Tri-County's office to report violations. At the March 6 Dane meeting, Gradel promised to 'police' the trucks. How? We want radar guns, provided by tr-county to have proof of infractions.) *The entire entrance and roadway to the quarry floor will be paved with asphalt. There will be a security gate*. (But the map doesn't show the security fence actually surrounding the blasting quarry, so people could enter simply by going around to one of the sides. It's unclear how one can call that a security fence.)

****This standard clearly states “the conditional use will not present traffic conflicts.”** Even if the road is widened, trucks passing enormous farm implements will definitely feel the conflict. The upgrading of the road does not address the steep ditches, narrowness of the road bed, the blind hills, and deep the gully. The plan for the intersection of Bonetti and Viaduct does not fix the problem of the blind curve leading up the hill traveling towards Dunroven. This corner will remain very dangerous.

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.

*Tri-County Paving Inc. will follow all regulations/ordinances laid out by the State of Wisconsin, County of Dane, and Town of Dane. The new quarry will be located in an FP-35 Zoning District. FP-35 Zoning Districts allow for quarry operations under a conditional use permit. Tri-County Paving Inc. also acknowledges the special requirements for mineral extraction under DCCO 10.103(15). (As residents, we need copies of these documents so if the quarry is approved, we will have the knowledge necessary to file complaints of violations. We also need to be educated in how to file complaints, and assured that the state will listen to our complaints. There are too many examples of violations by blasting quarries that are ignored by governmental units. Conventional wisdom says, once a CUP is granted, quarries can do whatever they want. **And the word 'allow for quarry' doesn't mean approval required.***

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.

The Town of Dane and County of Dane will find that the proposed use is consistent with agricultural use and pursuant to Sect. 91.75(5) of the Wisconsin Statutes; a. that the limestone quarry is an activity that will not convert land that has been used primarily for agricultural purposes; b. is not an activity which will conflict with agricultural operations subject to farmland preservation ; agreement of the subject property and d.(Tri-County error on lettering)is not an activity which will conflict with agricultural operations on other properties. The Town of Dane's Comprehensive Plan page 34 Item 5. States such uses are appropriate in the Agricultural Preservation Areas.

The Town of Dane Comprehensive Plan is over 90 pages long. Within the Document, keeping the Township of Dane an agricultural area is stressed again and again – over 30 times, in multiple sections (I will provide quotes below). Page 34, item five, is the lone reference to non-metallic mineral resources. Within that short paragraph of four sentences, only the third sentence refers explicitly to quarry permission, and even that sentence has a qualifier attached. The last sentence, outright, says blasting quarries should be directed away from clusters of homes. I will quote this short paragraph in full.

“There are limited areas in Dane used for non-metallic mineral extraction. The town **might** receive requests for new or expanded extraction sites over the planning period. [Such uses are appropriate in the Agricultural Preservation Areas shown on Map 5] provided that they are **properly sited** and

reclaimed per new state and county rules. Extraction activities are **not generally compatible with residential uses and should be directed away from clusters of home sites** or planned residential areas.”

Tri-County minimizes the amount of homes near their proposed blasting quarry, making it seem like only a few will be affected. There are 30 homes within a mile, and many more only slightly further away. None of these owners see a blasting quarry as existing in the spirit of our neighborhood.

In contrast, the Dane Township Comprehensive Plan references keeping farmland in agricultural use over 30 times. The spirit of the document is to keep Dane Township rural and beautiful.

Page 1 “preserve the town's farmland and farmers, protect its woodlands and other natural features, avoid land use conflicts”

Part A : Purpose of this Plan - “Preserve agricultural lands and farming in the community” (No mention in purpose sections of non- metallic extraction)

***Overall Goal Statement : page 12 - “Preserve farming, rural character and qty of life in the Town of Dane” “Use agricultural land. . . as defining aspect(s) of the Town of Dane's character.”

Page 14 “Farming is a key part of the local economy and heritage of the town. It Is also a way of life for many town residents. The agricultural landscape enhances Dane's aesthetic appeal. The seasonal changes of growing crops, the colors and textures of farm fields, and the architecturally significant farm building all contribute to Dane's character. This plan seeks to ensure that agriculture remains a significant land use activity in the community.”

Page 19 Part B Agricultural Resource Goals, Objectives and policies

a. “Preserve productive farmlands for continued agricultural use, b. “Maintain agriculture as the major economic activity and way of life.” c. “Discourage land uses which conflict with agriculture.” and under policies “Support land use measures which discourage non-farm development in Agricultural Preservation Area.”

***Page 36 “Prohibit incompatible land uses (e.g. high traffic generators, noisy uses or unaesthetic uses) from locating within or next to residential areas.”

Page 22 “The intrusion of non-agricultural uses in farming areas brings a sense of impermanence, which discourages further investment by remaining farmers”.

The above is only a sample.

There is little to no precedence for active blasting quarries in Dane Township. Dane has kept this township nearly free of extraction. Many people I have talked to fear that allowing one blasting quarry will open the door for others to follow.

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.

All measures will be made for as much land to be row cropped as possible, the reclamation of the quarry will create more gradual elevation contours that are more conducive for row cropping.

(See above standard 7 and Dane Comprehensive Plan)

2. The proposed use is reasonable and appropriate with alternative locations considered.

Non-Metallic Mining is allowable under Farmland Preservation, the quarry will be located in a rural area with very few homes adjacent to the property (There are 3 – and they are within approximately 500-600 feet. In many countries, a blasting quarry boundary can't be within ½ mile of an existing home. Many American scholars agree with the ½ mile distance.) or even in the vicinity. (Even if it were only two homes in the vicinity, what gives non-residents the right to infringe on the quality of life of other citizens? There are approximately 30 homes within a one mile radius, and others just outside that perimeter. Almost all are vehemently against this location for a blasting quarry.)

We have been shown no evidence that Tri-County has looked at more appropriate locations. Joe and Diane Ripp own lots more land within Dane County that clearly contains Limestone. There is no evidence that any of that land has been considered. There are less homes on much of that land, and no dangerous roads. Placing a quarry near to their own homes would show they are willing to sacrifice something to gain those millions of dollars, not expect others to do the sacrificing.

3. The proposed use is reasonably designed to minimize the use of agricultural lands.

Tri-County Paving Inc. will operate and maintain the quarry in order to allow row cropping to continue as material is extracted.

4. The proposed use does not substantially impair the current or future agricultural use of surrounding parcels.

As material is extracted and space allows Tri-County Paving Inc. will begin reclamation to reestablish row crop farming as soon as possible. (Dane's Comprehensive Plan states that “the intrusion of non-agricultural uses in farming areas brings a sense of impermanence, which discourages further investment by remaining farmers.” Clearly, the quarry will impair future agricultural use. Also, in 75 years, after the top of Bonetti Hill is removed leaving a deep pit, how can we be sure that the promise of reclamation will be fulfilled? In the US, there are 10s of 1,000s of abandoned mines.)

5. Construction damage to remaining lands in agricultural use is minimized and/or repaired.

All measures will be made for as much land to be row cropped as possible. The reclamation of the quarry will create more gradual contours that are conducive to row cropping and help minimize erosion. (There is absolutely no reference to the danger of fly rock in this entire application. This is a real problem with no solution, except placing blasting quarries far away from homes, farm fields and buildings.)

Following are other statements made by Tri-County within the application process which are troubling.

1. Page 4 and Page 7 : Page 4 states “*temporary asphalt and concrete mix plant, based on project/material demand*” - What does this mean? Will asphalt and concrete mix plants be constructed and removed, over and over? Or does this mean these plants will be there permanently, but only temporarily used? I have read that quarries call their plants 'temporary' because they have less regulations required. Is that true? So, does this mean there is no transport of materials to the Tri-County Arlington Asphalt plant?

2. Page 5 : “*Washing crushed rock to meet government and private contractors specifications*” - where does all this contaminated water go? There is reference to a

3. holding space, but eventually where does this water go? Surely there is not infinite space to hold all the water used over 75 years. When exactly will this holding space be built? Year one? Year five?
4. Page 6 and page 7 have conflicting numbers : page 6 states *approximately 9,000,000 tons* (over 75 years) of stone, (which is 120,000 tons/year), yet page 7 states *approximately +/- 60,000 tons / year* (which would be 4,500,000 tons in 75 years, half the claim of #5.) Why the discrepancy in the numbers? Is this just a sloppy error? At \$35/ ton, 60,000 tons a year yields \$2,100,000/year, but 120,000 tons yields \$4,200,000/year. Regardless which is true, the Ripps and Tri-County are set to make large sums of money, at the expense of the 30 + neighbors within one mile of the blasting quarry, and many other residents just outside that radius.
5. Page 7 : *blasting/drilling/crushing 6-8 times a year* – This number sounds like a very low estimate, and is made to make the quarry sound less obtrusive. What happens the other 357 days a year? People who live near quarries that I have talked to laugh at the claim that blasting will only happen 6-8 times a year. If in fact that number is correct, it raises the question of the need for this quarry. If there are millions of tons available, and the need is so great, why such minimal activity?
6. Page 8 : *minimal lighting directed towards the ground* – There is no mention of the hours for which these lights will be used. Is it all night long? Even lights directed towards the ground will emit an eerie glow in our once dark neighborhood. And on March 6, at the Vienna meeting, Cardigan informed the group that they would sometimes work at night. This is not mentioned in the CUP, night disruptions are beyond intrusive.
7. Page 8 : *A comparison of the noise of the extraction equipment is made to an electric toothbrush, razor and vacuum, at a wind speed of a couple of miles an hour.* Even if true, this is a meaningless and insulting comparison. One uses a toothbrush 4 minutes a day, a razor for 5, maybe 10 minutes and a vacuum for 20-30 minutes occasionally. Some people even use ear plugs when they vacuum. Also, the wind which carries the noise, is rarely if ever at 2-4 mph on the top of Bonetti Hill. There is no mention of how loud the full trucks are as they travel up and down steep hills.
8. Page 9 #1 and Page 18: Page 1 states that *water* (from the blasting quarry) *will run to the west* – this means that the run-off will go directly into the neighbor's adjacent farm fields, and towards the homes along the navigable waterway on Benson Road. Any pollutants will travel with the water. This directly contradicts the Dane Township Comprehensive Plan. Page 18 states “*all row crop land surrounding the proposed quarry will drain away from the quarry, so no manure spread on the row crop land will drain into the proposed quarry.*” It's interesting the care that Tri-County uses to protect their property, but not the reverse.
9. Page 9 #2 : “*the native plant life in the minimal* (Tri-County's spelling error) *wooded area is typical* – This is misleading. The wooded areas adjacent to the proposed blasting quarry site are not minimal. There are woods directly east and south, and just past some farm fields, to the west and north. One can stand on the top of Bonetti Road Hill and watch eagles sit in the trees that Tri-County will cut. Those eagles who come to our area every year will be driven away. The woods have some rare wildflowers; Yellow Lady's Slippers, Trillium and Jack-In-The-Pulpit. The introduction of a blasting quarry will be very detrimental to wild flora. Also, as mentioned earlier, widening the

road and removing easements will remove the food source for the protected Monarch Butterflies; milkweed.

10. Page 9 : *back up alarms* – One more annoying noise; these pierce the air and can't easily be ignored.

11. From the original maps in the December 28, 2022 application – There was no evidence of berms to protect the houses at the foot of the hill on Bonetti Road (7841 & 7839 Bonetti Road), nor those below the quarry site to the east. The six foot fence only surrounds the pit where it directly connects to Bonetti Road and partially on the south side, and looks to be only barbed wire. This was an unsafe situation for children. Once the Pierces pointed out their existence to Tri-County, (after I told them about the omission in mid February), and the fact that they have four small children, Gradel conceded that the berm and fence should be slightly extended. But Gradel contends that the west side of the pit does not need berming, because according to him, at the March 6 meeting, no one lives down there. He pointed to a map on which he only saw empty fields along Benson road – absolutely ignorant of the 3 houses nestled in the woods. Incidentally, the Pierce's were promised an updated version of the CUP to include the extended berm and fence. As of March 19, none has been made available to them.

Over and over in this application, it is demonstrated that Tri-County put little effort into being accurate and honest. They spent **no** time getting to know anything about our lovely neighborhood, nor the demographics of the people who live here, nor the dangers of our roads.

Clearly, Tri-County Paving Inc has not met the 8 standards to be granted a conditional use permit. For the safety, agricultural nature and well being of this community, **this blasting quarry must be denied.**

Part 2

A Summary of the Article : Land Use Compatibility Issues and Potential Property Value Impacts by Tony Sevelka, December 2022

This following article summary puts together many of the pieces of why a new blasting quarry should not be sited near existing home clusters.

Mr Sevelka qualifications:

AACI, P. App., SREA, MAI – President International Forensic and Litigation Appraisal Services Inc. and International Valuation Consultants

Experience: Sevelka has worked in real estate valuation and consulting over a period of 45 years, in which time he has conducted appraisals and studies of most forms of real estate. He is knowledgeable in case law through on-going research involving real property in common law jurisdictions such as Canada, United States and United Kingdom. He has published many peer reviewed articles and has been an instructor at the University of British Columbia Sauder School of Business. He also reviews and edits the work of others. Mr. Sevelka has offered expert testimony at the Supreme Court of Ontario, the Ontario Municipal Board and the Ontario Court, general division.

Sevelka is very well qualified to speak on matters involving blasting quarries.

You may read the entirety of Mr. Sevelka's paper at [researchgate.com](https://www.researchgate.com) - type in title, or simply google the title.

Below, you will find a summary of the main points of the article. It is 69 pages long, has approximately 85 references and 206 footnotes.

Abstract: “If (a blasting quarry is) permitted and established in the wrong geographic location, (it) can result in significant deleterious impacts on the environment and local inhabitants and can disrupt short and long-term land use planning objectives. Because a quarry can remain operational for 100+ years, impacting five or more generations; quarries have the potential to cause permanent environmental degradation, destabilize communities, damage, sterilize or diminish the use and enjoyment of residential and non-residential properties, and reduce property values.” (page 1)

Introduction: “Blasting quarry operations are a visual disamentity, and, in proximity to sensitive land uses such as settlement areas or rural clusters, have the potential to not only diminish property values, but also to destabilize existing communities, impact the environment and raise health and safety concerns.” (page 2)

Land use regulation pursuant to police power : As early as 1887, the United States Supreme Court recognized that police power could control how property was used. “All property in the country is held under the implied obligation the the owner's use of it shall not be injurious to the community.” (page 5)

Planning and Zoning: Preservation of Property Values and Separation of Incompatible Land uses.

Water : “The extraction of aggregate resources significantly and permanently alters the natural environment. Operators of pits and quarries remove virtually all vegetation, topsoil, and subsoil to access the resource. In doing so, they remove any natural habitat that may have been on site and disrupt the pre-existing stream flows.” “The extraction of aggregate resources changes the slope of the land and alters water drainage patterns. As well, aggregate deposits act as underground water reservoirs; once the aggregate is excavated, their water storage capacity is lost.” (page 12)

Danger of Blasting : Aggregate operations are also characterized by the release of significant amounts of particulate matter (i.e., dust) and noise pollution from extraction (blasting) and processing activities as well as smog precursors and greenhouse gases from the operation of heavy equipment and machinery. The heavy truck traffic to and from the aggregate sites is often a serious hazard and nuisance affecting people over wider areas and is a significant source of air pollution.” (page 12) and “The consequences of blasting are unpredictable and potentially so severe that the courts have deemed blasting an ultra hazardous activity subject to the legal principle of strict liability.” (page 13)

Adverse effects and dangers of blasting quarries not common knowledgeable

Danger of Blasting - Fly rock: “The general public as well as most planners, appraisers, realtors and mortgage lenders are unaware of the numerous and often irreversible adverse effect, including potential property value impacts, and the potentially deadly consequences of a blasting quarry operation on nearby communities.” “Fly rock, the most dangerous aspect of blasting quarry operation, is seldom mentioned or addressed in a meaningful fashion in a proponent driven Blast Impact Assessment.” “It is the general consensus among blasters, consultants and inspectors alike, that blasting companies are not taking the necessary precautions to prevent fly rock” (page 14) “The aggregate industry's claim that fly rock is a rare occurrence is not borne out by the research conducted, nor has it been demonstrated that fly rock can be confined to a floating onsite blast area arbitrarily defined on an add hoc basis by the blaster-in-charge.” “Fly rock distances can range up to one mile beyond quarry limits.” (page 14)

The Pierces and Taylors live within a few hundred feet! Many others of us are within one mile. Tri-County says their obligation to notify of blasts is only in a small 500 ft radius. If we live out of that area, we can request notification.

Vibrations Ruled a Public Nuisance

“In Fraser (Re) 2018 NSUARB 74,99 the Board ruled that vibrations are a public nuisance.”(page 23) The article goes on to explain that the degree of the vibrations depends on the composition of the soil and ground through which the waves must pass, and the specific house structure. Tri-County keeps referencing the extreme hardness of the rock – wouldn't that require greater blasting to dislodge, and therefore greater vibrations? This is not answered in the CUP application.

Damage from low frequency blasting and repeated blasting almost an absolute certainty

“According to Dr. Kiger, former Dean of Engineering at the University of Missouri, vibration damage from blasting is almost an absolute certainty.” Dr. Kiger was the expert witness in the Bim blasting case in Boone County Missouri in 1999. He is an international expert in protecting federal building from blasting damage. In the Bim case he also testified “that low-frequency waves (2 Hz -11 Hz) generated by some blasts can be more damaging.”(page 23) Even the Bureau of Mines concluded ““there may be no minimum vibration damage threshold. . .” that is, when inevitable prestrain conditions

are present in a home, any blast induced ground vibrations might cause damage to the home.”
(page 25)

In Koeman vs Pacific Blasting and Demolition Ltd 2003, the homeowners enumerated a dozen negative effects on their home due to blasting. The Court ruled in their favor. (page 34) “This Court concludes that in all probability no individual blast had sufficient concussive force, either by air pressure or ground wave to cause damage. However, there are numerous blasts set off over time, each with measurable force, most of which could probably be detected at the claimant's residence.” (page 34)

Sevelka concludes, “while damage caused by fly rock debris is self-evident and difficult to refute, quarry operators deny damage caused by air blast and vibrations arguing that the blasting is occurring with regulatory limits and there is no possibility of damage. (page 34)

***As noted in the Northern Kentucky Law Review (Vol 8/323), in reference to an Ohio case involving damage caused by blasting, that blasting was conducted with 'due care' and in a 'scientific manner' is no defense and offers no comfort to the owner or tenant whose property, notwithstanding the highest possible care is used in handling of the destructive agency, the result to the adjoining property is just as disastrous as if negligence had intervened. **If one may knowingly destroy his neighbor's property in the improvement of his own, it is little consolation to the neighbor to know that his property was destroyed with due care and in a scientific manner.**” (page 37)

Quarry operations generate public complaints (page 38-44)

In this section, five surveys are offered detailing homeowners' complaints.

Following is a brief excerpt from survey four : A Survey undertaken by Oluwatofunmi and Bibilari (2018) – people living within 2 kilometers expressed these concerns: “degradation of farmland and roads, river siltation/farm flooding, noise from quarry operations, vibrations from rock blasting, air pollution/dust generation and destruction of biodiversity.” (page 43)

“Overall, within 1 kilometer (0.621 miles) of the blasting quarry operations, 100% of the 30 residents experienced 'very high' or 'high' levels of environmental pollution; and within two kilometers (1.243 miles) 52 of 60 residents or 86.7% experienced 'very high' or 'high' levels of environmental pollution.” (page 43)

Examples of communities destabilized by blasting quarry operations

This section of the report gives some disturbing examples how communities suffer long term consequences from blasting quarries. Life was so altered that a forced buy out occurred. (page 46-48)

Separation distances in various jurisdictions

Countries other than the United States have dealt with the danger that a blasting quarry brings to existing homes by creating much larger distances than the paltry space between Tri-County's pit and the homes of the Taylors, Pierces and Ripp's rental unit.(approx 500 feet). In Algonquin Highlands, Ontario, Canada a new quarry must be “further than 1.000 meters (3,280 feet/0.621 miles) from a residential land use.”

****Tri-County and the Ripp family are attempting to place a blasting quarry dangerously close to people's homes.*

Benefits of mandatory fixed minimum setbacks and separation distance applied to blasting quarry operations

“Appropriate mandatory fixed minimum setbacks and separation distances imposed on applications for new or expanding quarries protect onsite quarry equipment and personnel, and eliminate the potential for damage to offsite private third party from vibration, air blast and fly rock personal and real property (page 53)

Court recognition of potential property value impacts from quarry operations (pages 55-59)

“Courts have recognized the traditional role and power of municipalities to protect its residents' economic interests, preserve the community's tax base, and protect the health, safety and welfare of the public.” (page 55)

“In Rockford Blacktop Construction Company v County of Boone (1994) the Appellate Court of Illinois ruled that the diminution in property values is one of many proper factors to consider when assessing land use compatibility of an application for a blasting quarry permit. Citing Lambrecht v County of Will (1991): [T]he diminution of property values within a neighborhood is a proper factor for the trial court to consider. The rights of adjacent and abutting property owners are to be considered.”

“In Verbillion et al. V Enon Sand & Gravel, LLC, 2021 the Ohio Court of Appeals upheld the lower Court's ruling in which the trial judge concluded that property owners whose properties bordered the proposed quarry expansion, exposed to truck traffic (**100 trucks per day**), would be damaged in a manner not experienced by the general community; and that **their well would be adversely affected**. It was also noted that the trial judge took 'judicial notice' that adjoining property values would be diminished if blasting occurred.” (page 57)

Ten cases are cited. There is case law in the United States that agrees that the health, safety and welfare of neighbors must be considered when siting a quarry.

Property value impacts occasioned by aggregate extraction operations (page 59)

Tony Sevelka provides five proximity studies.

Proximity study one: This was a large-scale peer-reviewed study in Delaware County, Ohio (2009-2011) using a sample of 5,500 homes. Four surface rock (limestone) quarries exist, but only one is functional. The focus is only on the blasting quarry known as Del-5 mine. This study saw price depression as far as 10 miles from a blasting quarry. It concludes that for every mile closer to the quarry, one loses between 2.3 and 3.4%, and interestingly, higher priced homes take even larger percentage hits. The conclusion drawn is that “households with lower incomes and less expensive homes are perhaps more willing to substitute environmental quality for other, more necessary, house characteristics such as easier access to employment, including jobs in the environmental-externality-generating rock mining industry itself.”

Proximity study two:

This is the Professor Diane Hite Study that is discussed in the 'Blasting Quarry Document' on page 37. The study used a large data set of MLS realtor-negotiated house sales (18,941) covering the

period of January 1, 2000 to May 7, 2015 – with all sales adjusted to current 2015 prices. Using Hite's study, the Town of Nassau, New York concluded that “mine operations are a disamenity that would have a negative impact on property values ranging from 7.5-36% discount.” (page 62)

****“To most people, it makes intuitive sense that an operation like a mine – which creates traffic noise, and dust and that is highly unattractive – would result in nearby house prices being depressed.” (page 62)

Proximity study three

Erickcek's 2006 study was of the economic impact of the proposed Stoneco Gravel Mine in Richland Township, Michigan. His study demonstrated a 20% drop in house value at approximately ½ mile from the quarry, a 14.5 % loss at 1 mile, and a 8.9% loss at 2 miles. “The loss in property value results from the negative consequences of the mining operation and reflects the deterioration in the area's quality of life due solely to the operation of the quarry.”

Erickcek relied on the hedonic pricing model used by Dr. Diane Hite of Auburn University. This is the Upjohn Institute's study discussed in 'The Blasting Quarry Document', page _____. “The Upjohn report based its estimates of property value impacts for Richland using model estimates from Professor Hite's research was based on high quality data.” (page 64) This sample (however) used only 119 homes, as opposed to Hite's 2,552 homes in an earlier study. It is interesting to note that Professor Hite agreed to do more work for the institute, without compensation. “Professor Hite's interest in this project is solely to produce high quality research that is publishable in a peer-reviewed scholarly journal. (stated in Journal of Environmental Law & Policy, Dec 2022)

Besides Hite's studies, Erickcek used assessor testimony that confirmed the 30% drop in value in homes adjacent to blasting quarries.

Some added observations about effects of blasting quarries: 1. Some nuisances like dust and noise decrease with distance from a pit, but others are more far reaching. Examples are traffic congestion, traffic accidents caused by gravel trucks, town or community reputation and uncertainty about future development. 2. Just like the disamenity of bad schools, a blasting quarry can harm the reputation of a community, in turn depressing the value of homes. 3. Once a mining operation is in place, it can ease the allowance of other heavy industry uses to occur in the township.

Proximity study four :

In 2020, Kolala et al, undertook a study using the hedonic pricing method to quantify the impact on residential property values in Western Australia. The study found residential properties within 2 km (1.243 miles) of the super-pit quarry were discounted 20-30%, compared with similar properties at 6-7 km.

Proximity study five :

In M&N Materials inc, v. Town of Gurley Alabama, et al. (2015) a US District Court ruled in favor of the Town of Gurley. This was in response to potential adverse effects (of the quarry) on the environment and the community related to health, safety, morals, and general welfare. The issue of property value impacts was prepared by Key, a member of the Appraisal Institute. Modest homes within 875 feet were looked at, and the study concluded a 12.2 % loss in value. Two area realtors estimated a 10-15% discount. Following are the identified issues : quiet enjoyment / noise issues,

Trespass / dust and airborne particles, structural damage / damage, market resistance / proximity issues.
(page 69)

Conclusion : “Blasting generates toxic fumes, air blast, ground vibrations and fly rock, an unavoidable by-product of blasting. Repeated blasting has been documented as causing structural damage at a considerable distance from the blasting site, despite blasting being conducted within regulatory limits, and despite the aggregate industry's constant claims to the contrary. When a blasting quarry operation is permitted to be established in the wrong geographic location, and the adverse impacts of the environment and surrounding community cannot be mitigated to a “trivial” level, the negative externalities, financial and otherwise, associated with the quarry operations are borne by the public and innocent third parties.

“Not only is the health, safety and welfare of the community compromised, but numbers of comprehensive proximity studies have also concluded that residential properties. . . are less marketable and sustain a significant loss in property value or home-equity.” **“Land use planners . . . have statutory and common law obligations to protect the health, safety and welfare of the communities . . . including the resident's rights to the uninterrupted use and enjoyment of their properties and to the preservation of their property values.”** “a minimum offsite radius separation distance of 1,000 meters (3250 ft or.621 miles) between the boundary and a quarry and sensitive land uses. . . would reduce, but not necessarily eliminate all adverse effects” (page 70)

Part 3
Concerning the Proposed Blasting Quarry
on Bonetti Road
to be built by Tri-County Paving on land owned by Joe and Diane Ripp
CUP application #02584

An Introduction:

Upon discovering on January 23, 2023, that a request for a gravel pit was moving forward about ½ mile from my home on Bonetti Road, I began collecting research, documents, ideas and my recollections concerning the quarry, going back to the spring of 2022. These topics are indexed on the next page. Throughout the following pages, I have included observations, questions, and thoughts of my own, as well as those of my neighbors.

This is a companion piece to my analysis of Tri-County's inadequate CUP application.

There are three entities involved in this quarry approval, which has made this difficult for residents to navigate. The permitting of roads is in the hands of Vienna Township, while the permitting of the quarry itself is in the jurisdiction of Dane Township. Dane County is involved in the zoning. Also, no notifications were sent out pertaining to the quarry or road permitting process to nearby neighbors, with the only exception being

that Dane County mailed out the Public Hearing announcement to the two people living within 500 feet of the location of the pit. We had to figure out how to negotiate this process on our own. I want to clearly state that the dangers presented by Bonetti Road make the placement of the quarry at this location very ill-advised. The inadequacy of Bonetti Road to carry industrial weight trucks is extremely relevant to the final decision, therefore there is an extended section on the problems with Bonetti and Viaduct Roads in this document. A site visit to our roads would help you understand how unsuited this route is to carry hundreds of fully loaded gravel trucks. I know it's a bit complicated for scheduling, but a tour by one of the Bonetti residents would help you understand why Tri-County's choice of this location is unworkable and that the upgrades they propose are woefully inadequate.

I begin my Blasting Quarry Document with a discussion on the Dane Township Comprehensive Land Use Plan from 2001. I understand that these Comprehensive Plans contain the guiding principles for a Township. I provide many quotes and information from the Plan which demonstrate that agricultural use is the focus of Dane Township. Only ½ of one sentence in a four sentence paragraph refers to the allowance of non-metallic extraction, and the other half of the sentence is a qualifier for that allowance.

Among other topics discussed that may be useful to you, I have described in detail, the less than transparent nature with which this process has unfolded. Many omissions, misleading statements, and actual untruths appear in Tri-County's CUP application and have been told to us by Tri-County representatives at various meetings. As members of the Dane Township community, we have been very frustrated and disheartened. I have included claims made by Tri-County at the January 23rd meeting in Vienna, and repeated by Tri-County at subsequent meetings. Each erroneous claim is stated and followed by our reactions and rebuttals. Later in this document, I have examined and analyzed primary and secondary sources concerning the effects of quarries on their neighbors. I have included many direct quotes, descriptions of authors' credentials, as well as how to find the information so you can explore further on your own. I included articles/studies from pro-quarry and anti-quarry points of view. I recognize I have a bias, so I have tried very hard to be honest in my descriptions of articles and studies. I was a history teacher at West High School in Madison, and have a good deal of experience in research analysis.

I have lived on Bonetti Road for over 35 years - in a house built by my husband and brother-in-law. We have raised two sons. We were drawn to this location because of the tranquil setting, the amazing wildlife, the kind people and the stunning vistas from the top of Bonetti Hill. Walking on my road has been a joy. Watching the seasons change, seeing the Eagles, Baltimore Orioles, and Red-Headed Woodpeckers, while sitting on

my front porch make living here wonderful. I am finally retired, and now spend my days, when the temperatures are above fifty, sitting on my front porch and new front patio. All of what we hold dear will come to a screeching halt if this pit is approved. Blasting, dust, noise and the danger of 300+ gravel trucks rumbling by on peak transit days will destroy the quality of our lives. Animal habitat will be disrupted. And of course, no compensation is being offered. In fact, we are told we won't even notice the quarry and will get used to the trucks.

Outline of Contents

1. Town of Dane Land Use Plan and Town's Commitment to maintaining the rural character and farmland of Dane township (page 23)
2. Less than transparent nature of process to create a blasting quarry (page 24)
 - a. last spring's exploration
 - b. contacts with the Dane Board : email exchanges
 - c. no notification about Vienna meeting to discuss use of Bonetti Road; the road that we live on
 - d. Vienna's granting of Road Permit on March 6, opposite of Dane Township meeting
3. General observations of Road Permitting at the Town of Vienna Board meetings on 1/23/2023, 2/6/2023, 2/20/2023, and the special permission to speak and untable a matter for Tri-County on 3/6/2023 (page 27)
4. Discussion of the suitability of Bonetti Road as a conduit for the gravel trucks. (page 28)
5. Environmental problems observable to residents of the area (page 31)
6. Questions concerning the pit that need answers (page 33)
7. Claims made by Tri-County at the January Vienna Meeting concerning effects on our homes and my responses to those claims using evidence from the Upjohn study and from the Villanova University survey (page 35)
 - a. Claim 1: house values do not decline by new gravel pits (page 36)
 - b. Claim 2: people build near existing pits, so it must be desirable to live there (page 38)
 - c. Claim 3: home values even increase by gravel pits (page 38)
 - d. Claim 4: people just get used to noise, vibrations, truck traffic, etc (page 38)
 - e. Claim 5: people just don't complain about quarries, so that's proof they aren't a bother to nearby residents (page 39)
8. A detailed look into and an analysis of the research offered by pro-quarry entities, specifically the one published by the Phoenix Center. (page 40)

The Blasting Quarry Document :

by Nancy Roth

January 23 - March 21, 2023

Town of Dane's Commitment to Maintaining Farmland: Town of Dane Comprehensive Land Use Plan 2001

The Town of Dane, WI Land Use Plan of 2001 plan lays out clearly the agricultural nature of our community and reiterates over and over that the main goal of the town is to preserve prime agricultural land. Specifically, in the overall goal statement on page 12, objective B, the title *Preserve Productive Farmland* sets the tone for the plan. Point c states “use agricultural land, historic resources and recreational facilities as defining aspects of Town of Dane's character. Further, in the policies section, # 5 it states “consider innovated techniques to permanently protect and preserve large tracts of agricultural land and open spaces. Again in Part II: Agricultural, natural and cultural resources states, “Farming is a key part of the local economy and heritage of the town”, “the agricultural landscape enhances Dane's aesthetic appeal”, and “this plan seeks to ensure that agriculture remains a significant land use activity.”

Page 14 begins the discussion of the *State Farmland Preservation Program* which provides tax credits to property owners who agree to keep their land in agricultural usage. Part B, page 19 contains the section called Agricultural Resource Goals, Objectives and Policies. #1 goal: “protect agricultural resources and farming and preserve productive farmlands for agriculture.” **And notably, part c states “discourage land uses which conflict with agriculture.” **

Furthermore, on page 22, Agricultural Preservation Areas are discussed. The document states that most of the town has this designation. Page 22 concludes that “the intrusion of non-agricultural uses in farming areas brings a sense of impermanence, which discourages further investment by the remaining farmers.”

Steep slopes are addressed later in the plan. In the Natural Resource Recommendations, part F, #2 defines a steep slope as greater than 12 %. I don't know the exact slope of Bonetti Hill, but it appears to be quite significant as it drops off to the 2 homes at 7841 and 7839 Bonetti Road and the farm on Benson Road to the west. On page 33 it is stated: “Disturbing the soils and vegetation on steep slopes can result in extremely severe erosion, which can in turn have impact on water quality of nearby water resources. Disturbing steep slopes can also result in landslides.” (Has Tri-County provided measurements for this slope with detailed precautions they will take as they

encroach upon this drop off?)

The section on Nonmetallic Mineral Resources is short, exactly 4 sentences on page 34. Only the third sentence deals directly with permission for mineral extraction, and half of the sentence is a qualifier. Here is the paragraph in full: “There are *limited areas* in Dane used for nonmetallic mineral extraction. The town might receive requests for new or expanded sites over the planning period. *Such uses are appropriate in the Agricultural Preservation Areas shown on Map 5 provided they are properly sited and reclaimed per new state and county rules. Extraction activities are not generally compatible with residential uses and should be directed away from clusters of home sites.*” Besides the 5 homes on Bonetti Road, there are 9 on Dunroven, 3 on Benson Road, 1 very close by on Meek Road and a cluster of homes (8+) on Viaduct. There are also some other homes not far away on County Highway DM, Hahn Road and Clemens Roads. All of these (30 +) will be greatly impacted.

***To summarize, keeping Dane Township agricultural is mentioned/ discussed over 30 times in our Comprehensive plan, while only one sentence really deals with nonmetallic mineral extraction. Our Comprehensive Plan supports turning down this CUP.

Interestingly, the Town of Windsor Village Board, in Oct of 2020, turned down a quarry request from Tri-County Paving based partially on their similar comprehensive plan. Windsor's Comprehensive Plan 2035 identifies “agricultural and natural resource policies and objectives to “maintain and protect the Village of Windsor's rural character and agricultural base”.” (Deforest Times Tribune, Sept 28, 2022, 'Windsor quarry proposal draws criticism, support'). In response to the rejection, according to Peter Lindblad at hngnews.com dated Oct 19, 2020, President Terry Wenger said “We will find it, and we'll truck it through the area. We're going to bring it one way or another.” He went on to say he was not making a threat but explained that “the need is not going to change”. “I'm not worried about me, I'll find rocks.” I guess he's followed through with this claim and has his eyes on land in the very agricultural Dane Township.

Less than Transparent Nature of the Process to Create the Gravel Pit

The owners of the land, Joe and Diane Ripp, certainly understand the rural character of this township. The extended Ripp family owns vast acreage in this area. From a farming perspective, it is surprising that they would push for this endeavor. This drive to create a new gravel pit, far from their own home, can only be explained by the desire for more wealth. (Yes, I know this is an opinion.) Obviously, there is limestone closer to the Ripp house on old 113, as evidenced by the many quarry operations on and near County Highway V. Also, their road is a better route for big trucks because it was once a state highway. It is wider than Bonetti, there are shoulders, there are no gullies and

steep ditches, and the road bed was built for lots of traffic.

The exploration phase for this quarry was done without any community input or even knowledge. It appears to those of us living here that it was done, purposely, in secret. Tri-County denies this. But the fact remains that last spring when the rock was being excavated for testing, we were not informed. In fact, even getting information was difficult. While on one of my regular walks, I decided to get to the bottom of what was going on in the field at the top of the hill on Bonetti Road where large equipment was at work. I talked to a man in an unmarked car parked on Bonetti Road. He was very reluctant to even speak to me. He refused to tell me anything; including who he was, who he worked for, or if he had a permit to dig. I was able to determine he was connected to Tri-County Paving because he had left paperwork on his front dashboard in full view. The next day, the identification of Tri-County was confirmed by the logo written on a truck which was parked in the field. I called Tri-County to ask some questions, and the woman I talked to denied that any work was being done on Bonetti Road. When I pressed her with the fact I had photos of their truck, she spoke with someone who confirmed that indeed there was exploration happening. She also wouldn't answer the simple question "do you have a permit"? She instead told me I would have to take up my concerns with the land owner. When I asked for the name of the landowner, she said it was confidential. At home, I looked at the Township Plat Map, but the landowner's name was locked. I only found out the owner's name because my neighbor on top of Bonetti Hill knew who the owner was.

I contacted the Town of Dane and I have kept the email chain (if you are interested, I can forward those emails to you). Angie Volkman, the town clerk, emailed back on May 5, 2022: "I have not heard of anything. I have copied Dave our Chair for the town of Dane in case he has information". On May 9, I received this update: "Dave is looking into it. He has a call into the County as we don't know anything". On May 11, I sent an e-mail describing the amount of trucks removing dirt and rocks, as well as the fact that they cleaned up well when finished. The road damage from the trucks entering Bonetti Road was sloppily patched. I also reported seeing several trucks with the Ripp name. On May 31, I received an e-mail from Dave Koenig (also sent to George Dorn, Rich Haag and the Dane clerk). To summarize, he confirmed Tri-County was looking into creating a gravel pit. "There is little the Town can do to stop . . . until application for said pit is applied for". . . following was additional info on Tri-County and that the road is under Vienna's jurisdiction. Once we established that pit exploration was being done, I asked to be kept informed. I heard nothing more, so assumed the plan was not being pursued, or at least was proceeding slowly. I was wrong. This is not transparency. You can see why we would think that this process was being done quietly so that no one would try to block the quarry from going forward. In retrospect, we have great regret

that we didn't start taking action last spring.

On January 23, Kevin Taylor, my neighbor, found out about the Vienna Town Board meeting concerning road permitting from a friend. Homeowners on Bonetti were not informed of, nor invited to the meeting. Kevin and Barb Taylor, Dennis Kohlmeyer, Nancy and Paul Roth were in attendance, along with the board members, representatives from Tri-County Paving, and a few others. At the meeting, we were stunned to hear from Tri-County that they wanted action on their road request that night, and their plan was to start the pit in the early spring of this year and begin hauling material this fall. Our lives changed in a heartbeat.

Road Permitting Meeting at Vienna Town Hall on January 23, 2023

Those of us who attended the road permitting meeting for the town of Vienna on January 23 had the opportunity to hear information and responses to questions from Tri-County Paving. Most of the discussion was moved forward by those of us living on Bonetti Road after a few words by Tri-County. We had questions and comments about the effects on our homes, but because Vienna issues only the road permit, the issue of importance at that meeting was the serious safety concerns for using Bonetti Road to transport tons of material. Tri-County responded in ways that made it seem like they were totally unaware of any of the potential problems and dangers that exist on the road.

The owners of the property, Joe and Diane Ripp, were not in attendance as far as I know. We were never introduced to anyone by name. Only later did I learn the identity of the speakers on January 23. The Rippes, as the land owners but not residents of Dane Township, owed us some sort of explanation of their rationale for allowing a gravel pit on land they purchased for farming only a few years ago. A far better course of action would have been for the Rippes and Tri-County to have reached out to nearby residents to find ways, if this is approved, to mitigate monetary and quality of life damage. Keeping us in the dark caused us to imagine the worst. It was their responsibility to reach out to us, not for us to try to figure out what was going on.

Last spring, we actually thought this process would take time and that some sort of environmental study would be done. We believed careful analysis would be done to determine if Bonetti Road could actually be made safe for so much heavy truck traffic. These beliefs, however, were not true. We have come to learn that the entire burden of proving the unsuitability of this site is entirely up to us, at our own expense.

****If extensive research has been done by Tri-County on the suitability of Bonetti Road as a conduit for tons of gravel, or environmental impacts on homes, health and well being, or how other farm fields will be affected, or analysis of the topography and how**

lands below the quarry will be effected, we have not been given the data. Has Tri-County done its due diligence? The sloppy omissions and mistakes on their application indicate they spent little time researching who lives here, how dangerous Bonetti Road can be, nor even how many houses exist.

The January 23 Discussion on the Suitability of Bonetti Road as a Conduit for Tons of Gravel Material

Terry Wenger, President of Tri-County, completely lacked of knowledge of Bonetti Road and its many problems. Wenger did seem aware that the road is only 20 feet wide, and made a statement about upgrading the road after “using it for awhile to see if that is necessary”. He did not seem to know that there are no existing shoulders. As we described the dangers of Bonetti, none seemed to have been noticed by Tri-County.

On a map, the Bonetti route looks reasonable, but in reality, it is a dangerous stretch of road. I know this is a fact because I drive and walk on that road. I would argue, that without massive road changes and upgrades, the dangers of transporting rock from the top of the hill clearly outweighs the benefits. There are already more than a dozen stone quarries in Dane county, and many more in Southern Columbia County. Some of these quarries are very extensive in size – one need look no further than County Road V. It could be true that enough rock is already available for 'harvest' to meet the needs of our local projects. Tri-County tells us that the other sources are near exhaustion, but offer no proof. We can't just accept that what they say is true. I assume no one is arguing that we supply rock for the whole state. Tri-County must offer specific, hard data to demonstrate that more quarries are needed. There are so many different companies digging for rock in this area, could this really be about competition for dollars, not real quantifiable need?

So the question that remains: “is the need for more limestone great enough to outweigh the many dangers to the people who live on and use Bonetti Road?” If the need is in fact great, are there not safer alternatives? One of the CUP standards says that alternative sites must be researched. What proof can Tri-County offer that they sought out safer sites? This area is rich with limestone, that is a fact.

We would learn later, at the February 6 Vienna town board meeting, from Dustin Gradel, vice president of Tri-County, that they only plan to have large hauls of around 300 trucks/day about 35 days a year. Looking at the truck traffic near the County V quarries, this number of days seems very low. This can mean only one thing, if that statement is true – the need for a Bonetti Road Quarry is not great – or they would haul stone every day like the other pits. Tri-County says there are 9,000,000 tons of

limestone on that hill – we have a hard time believing the truth of only 35 days of hauling. When I asked Gradel if they would put in writing that they would haul only 35 days/year, he deflected my question. He did say that sometimes, when need increases that number might go up. He also wouldn't address the question of how much truck traffic there would be on the other 360 days. From our perspective as homeowners, this looks like a smoke screen to assuage our fears of major truck disruptions.

Safety Problems with Bonetti Road Discussed at the Meeting + Several Additional Problems

1. Bonetti Road is only 20 feet wide. Sources on truck safety state that 24 feet is the minimum. This alone makes the implication of Tri-County seeing “how it goes” (referring to the road) once the pit is built totally disregards our safety and well being. Leaving the road 20 feet wide and only adding 18-24 inches of shoulder doesn't make the road safe. In addition, the dump trucks will have to share the road with dozens of farm implements.
2. The roadbed under the asphalt on Bonetti Road is of questionable depth and quality. Neighbors who remember it as gravel road, report that the roadbed was not upgraded or deepened before the asphalt was added. I understand that the township roads are bonded, but wouldn't it be important to determine just how fragile Bonetti's infrastructure is? Will we have to put up with frequent road construction, too? With just the local farm equipment travel, the road deteriorates within 5 or 6 years. How bad must the road's condition be before Tri-County decides it needs fixing?
3. The narrow road has no shoulders. Several farmers in our neighborhood rely on Bonetti Road to service their fields. The equipment traffic is frequent, especially in spring and fall. In addition, all summer and on nice winter days, manure wagons come and go to and from the fields. I walk for about 45 minutes, and often, 5 or 6 tractors + equipment pass me. Their width takes up much of the road, so I often have to go into the ditch for safety. Passing in a car means someone has to yield into a ditch, and at several points exist steep drop-offs. The potential for roll-overs is great. Pat Cardigan the Project Manager, at the March 6 Vienna meeting, told my neighbors that the road upgrade wouldn't happen until later. (You will notice that most everything Tri-County states is very vague, and actually quite meaningless.) That means that Tri-County will drive huge trucks on our 20 ft wide, shoulder-less road for an undetermined amount of time. A severe accident is inevitable.
4. In one spot, the ditch yields to become a gully. The potential for accidents at this point are extremely great. Modifying this gully would impede water drainage for our area. Also, the gully is right next to Kohlmeyer's residence; changing it would seriously impact the quality of their property. At the February 6 Vienna meeting

Tri-County suggested that there was little they could do to widen the gully area, but “would do their best”. The final road upgrade proposal submitted to the Vienna Town Board does not even mention the gully.

5. The road itself, from the proposed pit entrance to the intersection with Viaduct Road, is a series of steep hills. There are several points where the hills obstruct views of oncoming traffic. I have walked this road 100s of times, and I know exactly where these blind spots are. People who are not so familiar with Bonetti Road would not even notice - until it's too late. This is a dangerous problem. When asked on January 22, Wenger responded that there would be (probably) under 100 trucks a day. (It was unclear if he meant 100 total coming and going, or 100 leaving fully loaded, we did not ask him to clarify.) If the operating hours are 7 am to 5 pm (the hours Wenger stated) using Tri-County's projection, that would be 10/hour – one every 6 minutes - or if he meant 100 full loads with 100 trucks returning, it would be every 3 minutes. At the February 6 Vienna meeting, Dustin Gradel, the vice president said there would be over 150+ trucks per day – and when pressed, he admitted it would be over 150+/day leaving full and 150+ returning. According to Gradel, the quarry hours are really 7am to 6pm five days a week and 7am to 4 pm on Saturday. Those numbers translate to one truck every 2 ½ minutes. This will certainly hurt our quality of life. My new patio will be nearly unusable, except for Sunday.

Dustin Gradel assured us there would only be 35 days in the fall that this would happen – which leads back to the question, is this quarry really needed? If most of the year no rock is delivered?

6. At the south end of Bonetti Road, where it intersects with Viaduct Road, a blind curve comes up a hill from the north-west. Because of the descending curve, it is extremely difficult to see what is coming up that hill when stopped at the intersection. When pulling out onto Viaduct, one must quickly speed up to avoid someone approaching rapidly from the right, or drive in the left hand lane until it's clear no one is coming. Gravel trucks could not easily pick up speed. The risk is great that someone coming up the hill could/would rear end a truck. Tri-County proposes cutting off land from the easement on the Galle property to make the intersection perpendicular, and removing trees so the trucks can see what's coming. Tri-County seems totally unaware of the fact that the Galle easement is already cleared of trees, and even if you cut down the entire woods, the sight problem is not solved. That hill and curve are still 'blind'. A site visit will show you that this doesn't fix the problem. Also, people speed up as they proceed up the hill, especially when the road is slick.
7. Bonetti Road is on a school bus route. For example, I observed 3 buses pass by my house between 3-4 o'clock.

8. Snow removal on this one country block road is not a priority. Tri-County thought there would be less activity in the winter, but there would still be trucks needing to get to the quarry. Would this mean the township would have to spend more money clearing the road so the trucks can pass? Or does Tri-County foot the bill?
9. Lots of people drive fast and recklessly on our road. Many drive in the middle of the road because there are no shoulders, even when approaching the crests of hills. Several of our neighbors say they never drive or walk on Bonetti Road because it is too dangerous. Others purposely drive our road to take in the beautiful vista at the top of the hill – the proposed quarry location.

The January 23 Vienna meeting ended with the road matter being tabled. The second meeting on Feb 6 also tabled the decision, in the face of objections by the 25+ people who attended. The dangers of the road were not satisfactorily addressed. Those of us objecting to permitting Bonetti Road were told that the matter was tabled until after Dane made the decision on the quarry permit. My husband and I attended the Feb 20 Vienna meeting where Tri-County was on the agenda for other township business (a different CUP matter, which was approved and 2 road projects which their bid was accepted without discussion). In the public comment section of the meeting, Gradel and Wegner brought up the road permitting and wanted it to be decided ASAP, so they would have that permit in hand when Dane made their decision. The board reiterated that they would take up the matter at the March 20 meeting. But in the end, Vienna acted on the road permit early. Tri-County asked for and received permission to be on the agenda at their March 6 board meeting. The Vienna board was fully aware that those of use with road concerns were attending the Dane Town Board meeting to hear Tri-County's quarry plan for the first time - at the exact same time. When I found out about this, I wrote emails to Gradel, Pat Cardigan (Tri-County project manager) and the Vienna Chair imploring them to not have conflicting meetings. No one even responded to my emails. The end result was that a Vienna Board member 'untabled' the motion to discuss the road permit on March 20, and then they voted 3-1 (one member absent) to give Tri-County their permit. This action totally disregarded the interests of people living on Bonetti Road. The road upgrades, to be done at some later, unclear date, are totally unacceptable for meeting our safety needs.

General Issues Concerning the Gravel Pit

Now to address the pit itself.

1. The road safety issue is a huge factor. If the rock cannot safely be removed, without the risk of serious injury to all who use Bonetti Road, can it ever be justified?
2. Can the need for a new pit be justified when so many others exist in Dane County

and many others in Southern Columbia County?

3. The “good of the community” argument was frequently brought up at the Vienna meeting on January 23. I would like to point out that the land owners, Joe and Diane Ripp and Tri-County are not motivated by altruism, but by money. Those of us who live right next to the proposed pit are being asked to sacrifice our quality of life, the wildlife that lives in our woods and fields, and a significant amount of money in home value for the “good of the many”, while the Ripp family and Tri-County Paving sacrifice nothing. They, in fact, benefit by making millions of dollars over the life of the pit. Who among you would choose to be in our place? If blasting quarries do not have an impact on nearby homeowners, why don't the Ripp's put a quarry on their vast lands near their own home, perched high on a hill, on Old 113? Limestone must also exist there as evidenced by the many pits off of County Road V. It feels insulting for people not directly effected by the loss of quality of life and the loss of money in home value, to even suggest that we should be somehow soothed knowing we are sacrificing for roads. I don't understand why I am asked give up my peaceful life and house value so Tri-County and the Ripp's can add to their wealth.

4. There are at least two homes within a mile from the proposed pits that are registered with the National Register of Historic Places; one on Viaduct and the other, the Dunroven House. Both are from the mid 1800s and both the clapboard and sandstone materials would be at risk from the blasting.

Environmental Problems Observable to Those Who Live Nearby.

1. The Taylor Home and the two homes at the foot of the blasting quarry on Bonetti Road, and those in the valley below the pit on Benson Road will suffer the greatest damage.
 - a. Tri-County showed us on a map that the pit's perimeter would be 500 feet from the Taylor home. The house is slightly down hill from the pit, and has no buffer zone except for large berms blocking their view and the remainder of what was once a farm field. The noise from the constant extraction, the noise and vibrations from the blasting, the dust, the ugliness of the pit will replace their once beautiful vista with its sunrises and sunsets, and the danger of the trucks coming and going, will make their home virtually uninhabitable. Structural damage to buildings caused by blasting is inevitable.
 - b. The rental home and the Pierce property below the pit will suffer the same issues as the Taylor home (except the truck traffic), as well as the fact that they are below the pit, down a steep slope. There are four young children living there. In Tri-County's application, they didn't seem to even

know the Pierce home exists. The original map showed no fencing, nor berm for protection.

c. The homes in the valley below the pit on Benson Road are especially at risk for well damage, as well as all the other disamenities. There is a navigable waterway that runs by their homes that feeds into Lodi's Spring Creek which empties eventually into the Wisconsin River. Interestingly, when Dustin Gradel presented the J&D Quarry plan on March 6 at Dane, he made the claim that there were only fields to the west of the proposed quarry site, no homes. That is absolutely not true. There are three homes below the quarry along Benson Road. Gradel either lied, or did not do the necessary work to learn about the people that would be impacted by his quarry. Either answer for why he made this statement, proves that Gradel can't be trusted. Not knowing who lives in our community is very disrespectful.

3. The Kohlmeyer home is located just to the south of the gully. In addition to noise, vibrations, dust, and road traffic, any changes to that gully to make the road safer would effect their driveway's accessibility and interfere with drainage. They will have some of the greatest noise issues as the trucks must navigate both the going down and going up of two large hills. This is the spot that Tri-County believes they can't fully widen – so the gully is an easy slid-off point. Imagine the damage caused to the ravine when a 60,000 – 80,000 lb truck needs to be extricated.

4. The Roth Home is located near the intersection with Viaduct. Like others on Bonetti Road, we have lived here for years – over 35 – and built our home to enjoy the peace and quiet, and are enjoying our retirement. We recently built a patio and gardens in front of our house, an upgrade we have wanted for years. I spend most days over 50 degrees on my front porch, and soon, my patio. The monetary cost was high, and now, because of trucks passing by every few minutes, enjoying the outdoors will be compromised. Exiting our driveway will become extremely dangerous because the hills impede our view of oncoming traffic. My cardiac exercise of walking on the road will be extremely dangerous

5. The Galle home, on the corner of Viaduct where the major intersection upgrades are proposed, would lose most of their easement. Tri-County talks of removing trees, but the easements are basically clear. The problem is, even if all the trees on their property are cut, the curve of the road still creates a blind intersection. This spot will still be extremely dangerous. And, Tri-County has never contacted the Galles to discuss the major changes to their property, nor the cutting of trees.

6. The Kopp home, on Viaduct at the end of Bonetti Road, has a school bus stop for their children. Also, the bus travels on Bonetti – not a safe situation.

7. The four homes on Viaduct and Dunroven along the route, will be impacted by the

constant truck traffic, as well as the dust, noise, and blasting vibrations.

8. The other homes on Dunroven, Viaduct, Meek and County Highway DM, within a mile or two, will experience the vibrations, dust, dangers of traversing local roads, and possible constant noise from gravel crushers.

9. Approximately one mile, down the hill from the proposed pit, there is a pond which draws all sorts of wildlife, especially birds including Cranes

10. The woods around us off of Bonetti, Viaduct, County Highway DM, Benson, and Meek Roads are teeming with wildlife. The habitat will be damaged and the quality of life for these animals, compromised. We frequently see Bald Eagles, Cranes, Herons, pairs of Red-Headed Woodpeckers, Baltimore Orioles, etc. Bonetti Road's ditches contain the habitat necessary for the protected Monarch Butterflies. Widening the road and adding a shoulder would remove many of the milkweed plants.

10. Some people living within less a mile or so from the proposed quarry have respiratory issues, heart problems and diabetes. These problems will be exacerbated by the particulate matter which will inevitably emanate from the quarry operation.

Questions That Need Answering

1. At the Vienna meeting on January 23, Tri-County president Terry Wenger, when asked, told us that there would be less than 100 trucks a day. He left it unclear if that meant 100 full trucks per day, or 50 filled and 50 empties returning. At this point, we had no idea what questions to ask. At the Feb 6 Vienna meeting for which we were prepared, when Vice President Dustin Gradel stated that it would be around 150 trucks, when pressed, he clarified that was 150 full and 150 returning; over 300/day on peak transport days. That is one truck passing my house every 2 ½ minutes. Also, at the Feb 6 Vienna meeting, Gradel claimed that trucks would only run 35 days a year. When asked for clarification, Gradel avoided answering if that was just for the first year or two. He said something about the quantity picking up as demand for stone increased. . . "in Sun Prairie". I return to the question: if the demand is so low that they will only remove stone one month a year, why is the quarry necessary? But if the demand will increase in year two or three – than the 35 day claim is a smoke screen meant only to distract from the truth of how often 300 trucks will drive by my house/day. It appears that Tri-County is trying to make it seem like their quarry will be almost invisible to the neighbors and that we are overreacting. Once a CUP is granted, it's almost impossible to get it rescinded. Tri-County knows this, and are willing to tell half-truths and even lies to get their application approved. If there are 9,000,000 tons of rock, is it believable that they will only remove stone 35 days a year??!!
2. Tri-County has made reference to the special quality of the rock and the fact that it is 'rare' at the Vienna Town Board meetings. Pat Cardigan also made that claim

3. when I talked to him when he was measuring a ditch on my road in late February. I asked him for evidence of that quality and I pointed out that there is no mention of that 'fact' in their CUP application. His said "we told you that during the Vienna meetings". My response was "show us the proof". Saying something doesn't make it true. And, in addition, Tri-County has not demonstrated that if this is true, that the 'high quality' limestone is not available nearby in a more suitable, safer site.
4. The Tri-County Conditional Use Permit application states that a rock crusher will be on site. Does the crusher run continually? Or only during operating hours? This should be clearly stated. In its application, Tri-County claims that the rock crusher isn't louder than a razor, electric toothbrush or vacuum. At the March 6 Dane Township Board Meeting, Gradel used the toothbrush analogy. These are ridiculous comparisons. Even if there are valid decibel comparisons, a person brushes their teeth about four minutes a day, shaves for maybe 10, and vacuums occasionally. My husband actually wears earplugs when he vacuums!! The noise I create is not inflicted on my neighbors. We have no control over the exterior noise caused by blasting, crushing and truck traffic, and it will be constant. 11 hours, 5 days a week, plus Saturdays, and at the March 6 Vienna meeting, Pat Cardigan stated that sometimes they would have to work during the night, which by the way is not in the CUP application. If I were to play loud music, all day, every day, or at night, my neighbors would call the police. Why can a quarry inflict any noise, whenever they see fit, on us?
5. How often will blasting occur, and at what times and intervals. Gradel and Cardigan say 6-8 times a year, and less the first few years. If this is true, it again brings up the question of the need for this quarry. Other people who live by quarries complain of frequent blasting. Or is Tri-County low-balling this number to make their request more palatable? To get their CUP?
6. What insurance does Tri-County carry to cover foundation, driveway, patio, etc cracks and damage caused by blasting and for how much? How easy/hard is it to make a claim? Can we see evidence that Tri-County has faithfully paid claims to injured parties in the past? When I asked Gradel about the name of the insurance carrier and the amounts of insurance coverage at the Feb 6 meeting, he replied that he did not know. I have since learned from an insurance industry friend that Tri-County needn't divulge that type of information. Gradel should have said that. As vice president of the company he had to have known the answer, but didn't want to admit that he wouldn't tell me.
7. Gradel informed us at the March 6 Dane Township meeting that they plan to haul rock primarily in November and December due to a lack of drivers during the summer. Negotiating Bonetti Road with 60,000 pound truck, on slippery hills with steep ditches and a gully, would be very dangerous. For winter road usage, the

8. frequency of snow removal will need to be increased. Right now, if it snows, we are not a priority. Will Tri-County pay for this additional work? Or will the township of Vienna?
9. What type and \$ amount of insurance does Tri-County carry for road accidents caused by gravel trucks. In other words, what is the dollar value of my life if one of their trucks hits me while I am walking on Bonetti Road? What coverage will Tri-County guarantee for trucks that are not owned by its company? Does Tri-County have even greater coverage for the school buses that traverse our roads?
10. A number of people who have been forced to accept a new gravel pit mention that a buffer zone of a minimum of three rows of mature coniferous trees helps buffer the noise and dust caused by the gravel trucks, or maybe a sound barrier landscaping fence? Will Tri-County pay for these trees or fence to line the roadways on the truck route if we want them?
11. How will the stink of the proposed asphalt plant be controlled? Claiming that the asphalt plant maybe won't happen, as Pat Cardigan told me on the road in February, does not answer the question. Mixing asphalt should not happen at this location. It should be removed from the CUP?
12. The future high capacity well that is mentioned in the application – what is the timeline? What is all the water needed for? Water is a finite commodity – how can Tri-County guarantee our wells will not be affected? Tri-County must complete the DNR process to get a high capacity well permit before a CUP is even permitted!

I observed on the Dane County application that it was dated December 28 of 2022. As noted above, some of our questions were answered when we found the document. What is so frustrating to the residents near the proposed blast quarry site, is that we were not informed of anything. This is exactly how new quarries get approved with people not even knowing. Tri-County could have made this much easier for themselves by being transparent. At the Feb 6 Vienna meeting they presented themselves as a humble “mom and pop” operation trying to do the right thing for the community. Seems hollow. Lots of money is on the table.

Claims Made by Tri-County, Concerning Effects on Neighboring Homes, at the January 23 Vienna Road Permitting Meeting

I would like to address claims that Tri-County made at the Vienna meeting concerning homes near gravel pits. No actual proof was offered for these claims, but only a glibly made reference to “studies” or personal observations. First I will state Terry Wenger's claim and then describe the research I uncovered, including information about the authors. I will follow with the conclusions my sources have made about home values

and quality of life, and end with why sources commonly cited by quarry advocates are flawed. There is a long section near the end of this paper analyzing the Phoenix study in detail, using many direct quotes.

***Vice President Dustin Gradel refuted the claim that house values would be effected. According to the hngnews.com article “he added that studies (non cited) have shown they (the pits) have no impact on home values”. We have heard Tri-County make that claim at all meetings we have attended. They have never offered any documentation to back up the claims. I have researched the topic extensively, and every pro-quarry article / study did not look at the effects from new blasting quarries, but only existing quarries. Saying something is true based on a false equivalency does not make it true.

Claim 1: House values near new gravel pits do not go down

1. When I brought up the fact that our home values would be negatively impacted, at the January 23 Vienna meeting, Wenger's response was that 'studies' show the opposite. The Taylor home, for instance, will be five hundred feet from the proposed extent of the pit. Who would want to live under these circumstances? Who would buy that property at anywhere near its current value, if at all? With hundreds of trucks passing our homes, who will pay full value to live here? This claim makes no logical sense.

I researched 'the studies'. Interestingly, any study that said home values are not effected were put out by quarry interests. Additionally, none of the articles / studies address the effect on homes caused by new quarries. They instead focus on existing gravel pits. I will return to the analysis of these articles later.

The study I found that was most useful to answer the question of how home values near new quarries was from a non-partisan, non-profit, internationally known organization called W.E. Upjohn for Employment Research, based in Michigan. Their report was written by George A. Erickcek for the Richland Township Planning Commission.

(<https://research.upjohn.org/cgi/viewcontent.cgi?article=1225&context=reports>)
To view this report, one can also google 'new gravel pit effects on existing home values'. The report is 14 pages, clearly and well written, with charts, graphs and footnotes.

This article examines the question of how home values are affected when a new gravel pit is created. The method they used for evaluation is called the *hedonistic pricing model* developed at the University of Chicago and has been used extensively to evaluate the effects of disamenities near places like landfills,

pollution sites, etc. One of the authors cited in the article is Professor Diane Hite, a full professor at Auburn University in Auburn AL. She is a professor of Agricultural Econ and Rural Sociology. Her courses have included Environmental Valuation, Urban Econ and PhD core microeconomics. She did a study for Delaware Co in Ohio.

2. Following I will summarize the article *An Assessment of the Economic Impact of the proposed Stoneco Gravel Mine Operation on Richland Township*. It can be read in full at the above web address.

In chart and prose form, the approximate loss of home values due to disamenities like noise, dust, blasting vibrations, truck traffic and unsightliness are

- ¼ mile approx 30% decline in home value,
- ½ mile approx 20% decline in home value,
- 1 mile approx 14.5 % decline in home value,
- 2 miles approx 8.9% decline in home value, and
- 3 miles approx 4.9 decline in home value

**methods used to determine values are similar to for landfills – constant elasticity model specifications

**The article specifically points out that these losses in valuation are only true for homes effected by new gravel pits, and are not true of existing pits, or for people choosing to build by existing sites.

**The Upjohn study used 2006 assessment values provided by Richland Township.

On page 7 of the Upjohn article, there is a chart of estimated money value loss amounts for property owner's house values created by Professor Diane Hite. To create an example for this board, I added together all of the values lost for houses ½ mile or less from the quarry, and then divided by the total number of separate homeowners : the result is an average of \$71,859. If one considers only the 2 houses .1 miles away, the loss is a staggering \$110,851 per home. **These dollar amounts are a shocking amount for individuals to sacrifice with no compensation.**

These studies did not consider homes further away, but along the truck route. (My observation: these homes would not be safe for children, nor acceptable to people who move to rural areas for peace and quiet. These trucks will lumber by, hour after hour and year after year – with no respite.)

Claim 2: People choose to build after new pits are created, so it can't be that bad.

My research explained this phenomena and the cause is simple. Because land value goes down, building sites become cheaper and that opens the door for people with lesser means. Owning their own home causes them to choose the disamenities of living near a gravel pit. They get the benefit of less cost, which once their house is built, will cause a lower assessment and a lower tax bill. No one chooses to live by a gravel pit because it is an attraction. Terry Wenger made this claim to argue that my house value wouldn't decrease because he has personally observed people building by existing pits. I believe he fully knows this is a false argument.

Claim 3: House values by gravel pits increase

Again this is a false argument made by Tri-County, but has been stated by Both Wenger and Gradel. This claim is easily debunked when used to argue that a new pit has no effect on home values. The data demonstrating this increase is about houses by existing gravel pits. Here is what the studies actually say : over time, as house values overall increase (or decrease), houses near the pits go up (or down) too, at approximately the same rate. But the key piece of info is that the base price decrease caused when the pit was constructed, will always exist. Also, for houses built after the pit is created, those house values start lower, due to discounted land values. For these homes, house values will never catch up. If an overall general appreciation rate is a 5% increase, a \$500,000 dollar home appreciates by \$25,000, but a once \$500,000 home devalued by 30% to \$350,000 would appreciate by \$17,500. One can make the honest claim that both houses gain the same appreciation, but by %, but not by \$ amount. Again, this is a dishonest argument that simple logic proves wrong.

Claim 4: People get used to the blasting and truck traffic. You won't even notice after awhile.

Wenger and Gradel have both made this statement. I have never gotten used to the noisy tractors rumbling by my house. When I sit outside, my peace and quiet is disrupted. When I walk on the road, I know I risk being accidentally hit. Tri-County claims that we will 'just get used to the noise, dust and truck traffic. Human Organization of Science Institute at Villanova University in Pennsylvania did an interesting study. The authors of the study asked people living near quarries as series of over 50 questions. (One can access this study at files.dep.state.pa.us) In part one, Community Survey intro it is stated "Based on documented history of public annoyance and complaints, the participants in the study were recruited from the area immediately surrounding one of the largest operating limestone quarries in SW Pennsylvania", the Glasgow Quarry, formally the McCoy Quarry. This was done in 1992. A broad range of questions were posed. Reading all the questions and responses is eye-opening. One question actually asks if a person ever gets used to living by a quarry, a majority of over 50% say no, and

21.2% say it took more than a year. When asked if they would move to the area today knowing about a quarry, 60% responded no.

Some members of our community have first hand knowledge of the effects of living near a quarry. They all agree that a person never gets used to the noise, dust, vibrations, and trucks.

Claim 5: People don't complain to quarry businesses about the pits.

I feel like this is laughable. People don't complain about noise, dust, blasting, trucks constantly going by? Maybe no one ever calls a quarry business **because people know/think it is a waste of time**. I have friends who live near pits and they complain plenty. A quick google search yields all sorts of conversations about how terrible these businesses are as neighbors. To argue to me that the lack of complaints is proof that living near a pit will not affect my home value is insulting.

Waukegan has multiple Facebook groups created to air grievances about the neighboring gravel pit. Here's a sample of posts

"I didn't feel that one, but I have the ultimate sympathy/empathy because when they were blasting to build the Kellenny addition near Southbridge, I was FREQUENTLY afraid my house was gonna fall in on itself. . . "

"Didn't know there was a quarry there when you bought? Nope, I didn't. It's not like the realtors can tell you the good, bad or ugly when moving into a neighborhood."

"We lived about a mile from the Kelkenny neighborhood when they were blasting for about two years. We felt our earthquakes every time they blasted. House would shake and rattle. Had some cracks in the basement wall, but hard to prove cause. The main water line that enters house through basement floor also mysteriously leaked. Our plumber said he had fixed several of these in the neighborhood. Again, no way to prove cause."

"sounds like the floor is going to cave in sometimes"

"Wait until they start expanding the Tierney quarry. . . blasts likely will be felt all the way to Meadowbrook. Homes up to one mile away likely will see their property values decline."

These are only a sample of some local people complaining among themselves about the repercussions of living near a blasting quarry. A very quick internet search will yield similar groups across the country.

***We chose to live here for the peace and quiet. The quarry would be the intruder. Our lives should not be turned upside down for the monetary gain of a non-residential

land owner and a private non-DaneTownship company.

The Names of Some Articles Often Sited by Quarry Operators

These five articles are often used by quarry interests to 'prove' there is no damaging effects caused by a new quarry

1. "Impacts of Aggregate Mine Operations: Perception or Reality?" Anthony Bauer, 2001.
2. "Social, Economic, and Legal Consequences of Blasting in Strip Mines and Quarries," Bureau of Mines, 1981.
3. "Impact of Rock Quarry Operations on Value of Nearby Housing," Joseph Rabianski and Neil Carn, 1987.
4. "Impacts of Rock Quarries o Residential Property Values, Jefferson County, Colorado," Banks and Gesso, 1998.
5. "Proposed Fuquay-Varina Quarry: Analysis of Effect on Real Estate Values," Shlaes & Co. 1998.

I have looked for these articles, but so far have had no success finding them. The UpJohn study claims that four of the five above studies use data for effects on homes by existing mines, **not on how new mines effect existing homes!** Only the one from the Bureau of Mines addresses new pits, and it says that four of five homes lost significant value.

Analysis of Phoenix Center Policy Paper #53

Phoenix-center.org : Phoenix Center for Advanced Legal and
Economic Public Policy Studies

This non-profit's focus is on broad-band and telecommunication issues. Its president, Lawrence J. Spivak is profiled on the Federalist's website. It states that the non-profit's particular emphasis is on law and economics in the digital age. Mr. Spivak has spoken on economic liberty issues at the federalist society. The area of expertise of the authors of the following paper, Dr Ford and Dr Seals, appears to be telecommunications, specifically broadband.

I could not find profiles describing the academic work of the two professors, Ford and Seals. I did not find in what area they earned their PhDs, nor if they are/were affiliated with a University.

Quarry Operations and Property Values: Revisiting Old and Investigating New Empirical Evidence George S. Ford, PhD and R. Alan Seals, PhD 2018

(For clarity, I have written all direct quotes in regular font all my analysis and comments in italics. Any underlining is mine and for emphasis.)

The following analysis of Policy Paper #53 includes a sample of direct quotes from the background section. I tried to capture the tone and essence of the piece and its bias for quarries and against the environment and land owners.

It begins: “Odds are that underneath your feet is a construction material made of sand, crushed stone and gravel. These construction materials are an essential ingredient into nearly every construction project, from residential housing. . .to the roads that connect them. Sand, rock and gravel are literally the foundation of economic development, but their extraction process can generate dust, noise, vibration and truck traffic. While modern technologies and methods have greatly reduced quarries' impact, the environmental and economic consequences of quarry operations receive considerable attention, often in the form of “not in my backyard” (NIMBY) campaigns opposing quarry expansions or new sites. Choosing a quarry site is a delicate task. While a quarry may be best located far from residential density on NIMBY concerns, it also needs to be near the final point of demand due to its high transportation cost. Quarries must balance the need to be both “near” and “far”.

By condensing the homeowner's concerns to the pejorative acronym NIMBY, the tone is immediately set to imply those people are motivated by selfishness, and that they care nothing for the common good . This dismisses legitimate concerns of property owners. Throughout the entire paper, homeowners are called NIMBYs, not residents. This would be like referring to the quarry owners as PMbGs “people motivated by greed”.

“A key NIMBY complaint in the siting and expansion of quarries is the effect . . . on home values. . . . homeowners are sensitive to any adverse effect, real or imagined on property values. Despite NIMBY opposition, nearly all evidence on quarry operations finds no price effect.”

Rabianski and Carn are cited. I could not find their article, but, the Upjohn report specifically states their study did not look at new sites, only those in existence for years. I could not find the Dorrian and Cook piece – but a hint about the article is in the title, 'Do Rock Quarry Operations Affect Appreciation Rates of Residential Real Estate?'. The key words are appreciation rates. I discussed earlier in the section on Tri-County's Claims, that appreciation rates do not answer the question concerning the effects of new pit on existing home values. I would argue that the Phoenix authors are aware they are proving their study with false equivalences.

Also, according to Upjohn, the US Bureau of Mines study cited in Phoenix, actually shows that 4 out of the 5 areas studied, the houses lost value. I could not find this to see if this claim was true. However, there is no reason to trust the Phoenix conclusions offered due to the inaccuracy of the descriptions of the other sources mentioned prior.

Then, the Phoenix paper describes the failings of Dr. Diane Hite's Research. Keep in mind that her area of expertise matches more closely with what she studied; it's clearly not broadband nor telecommunications. The Phoenix paper, as well as other pro-quarry articles I found, do not even get Professor Hite's name right; they refer to her as Patricia. That is just plain sloppy coming from a 'respected' think-tank. For example, The Rock Products Magazine article I found, lifts most of the background section of the Phoenix study, word for word. Therefore, they call Dr. Diane Hite by the wrong name, Patricia. This makes clear that their source is Phoenix.

From the paragraph describing Professor Hite's research Phoenix states it is a “brief, 250 word study” . . . “apparently in the mid-to-late 1990s”.

The 250 word piece, with graphs and tables, is only an analysis of a larger research project. Surely there was a way for Ford and Seals to get the entire study if they work for a group who specializes in analysis and research. Honest research would have delved into Dr. Hite's research, not rely on the “summary”. Also, it would not have been too difficult to determine the dates of the research – I found dates with ease. Interestingly, a lengthy Canadian paper put out by Researchgate.net in 2019 called “Blasting Quarry Operations : Land Use Compatibility issues and Potential Property Value Impacts”, goes into looking at Dr. Hite's research in some depth.

Furthermore, continuing on the dishonesty in the prose of the study, in the Phoenix policy paper, the authors make it appear that the brief overview, which is actually called 'summery of analysis, is the study itself. To quote Ford and Seals, “this brief 250 word study (hereinafter the Hite Report)”. Calling a brief summary of analysis a study and a report is very misleading.

To continue quoting Phoenix, Professor Hite was “ Using an unconventional regression model”

Using the hedonic method to evaluate disamenities locations is even referred to in pro-quarry articles. It is used for determining costs of disamenities for homeowners near land fills, waste sites, etc. It doesn't seem to be all that 'unconventional'.

The Phoenix paper goes on to say it tried to replicate Hite's research, but it's unclear

how carefully they looked at the data supporting the 'short' analysis that was published. Interestingly, the Phoenix paper publishes much of their complex math in Policy Paper #53 – which is meaningless to the average reader, but the mystery of the numbers makes it seem so valid and impressive. I would love to see the data and the math behind the Hite Report, but could not find it. I suspect it is available through Auburn University.

“Despite replicating both location and methods. . .our regression analysis finds the prices *fall* (their italics) – not rise – as distance from the quarry increases.” . . . “We are reluctant, however to claim this evidence implies quarries raise home prices. . . rather shows the method to be unreliable.”

*Next, the background section talks about, quote: “a relatively new quarry”, with no statement of age. To summarize, they augmented the analysis to include difference-in-difference estimators. In this study, they found home prices increase with distance from the quarry before the quarry was operational, but once the quarry started, a positive effect on prices near the quarry were observed. “One critique of our Gurley analysis is that market participation shift price forecasts downward in response to the prospect of a quarry so that the deleterious effects of the quarry could be realized before it was opened. **Quarry site approvals normally take a decade or so, providing ample time for anticipatory responses to valuation fears.** Then the authors argue their methods prove the values did not decrease, naming their methodology.*

Conclusion edited for brevity: “While our evidence suggests that quarries do not reduce, but may increase home prices, our analysis suggest more than anything that the identification of the effects on prices is a very difficult problem, facing many conceptual and practical obstacles. . . . further analysis is, as usual, encouraged.”

Actually, there are quite a few studies that look at the the quality of life decline and negative effects on property values near new and existing quarries. To say we just don't know begs the question. Don't people in the quarry business have a moral responsibility to get honest answers to these questions? They are asking people to sacrifice a great deal, and by arguing there are no effects, there is no need for any type of compensation.

In the empirical framework section, the paper seems to accept that “disamenities of landfills, airports, wind farms and prisons may plausibly reduce the prices of nearby homes. Such effects have been widely studied.”

The authors go on to suggest bias in the studies. I found it interesting that wind farms is on the list, but not gravel pits – they claim that the same methods don't work for gravel pits without any real convincing proof.

***If you are interested in reading the mathematical section, you can find Policy Paper #53 at phoenix-center.org*

Concluding observations: *It seems clear that Ford and Seals Paper only looked at the Hite short analysis without looking at the full data. If they viewed all of her research and math, there is no evidence of that in their work. It is interesting that they then print pages of their mathematical data to demonstrate that they did real, valid research. Many other experts rely on Professor Hite's work.*