

January 15, 2023

Dear Dane County Zoning Staff and ZLR Board Members

I am writing this letter in opposition of CUP 02582 by applicant K&D Stone LLC.

I believe you are facing a very unique situation in that you are seeing the same CUP application again within a very short period of time. I understand that the only reason this item is before you again is because of a technical error in the previous application. I truly hope that you will view this process as if it were a new application with new community input. I ask you to weigh all information carefully as if you had never heard any of it before.

I think it is important for you to know that this CUP has created significant strife for the residents of the Town of Rutland. Whether someone is for or against this CUP, members of the community have reported feeling targeted, unsafe, and scared for their personal welfare as well as for their property. I believe this is in part due to the fact that this is at least the third application for a CUP to expand the non-conforming quarry that has been made by the current owner within the last 5 years. Unfortunately tempers are short and fusses even shorter.

Personally, I believe that this application does not meet all the 8 required standards set forth by Dane County. Especially, standard #2, and I hope you will deny this application. I could spend my time writing why I think this, but believe others will be expressing all the reasons why this CUP should be denied so I wont repeat them.

Instead, I want to spend my time in this communication asking you to please consider placing meaningful conditions on this CUP if you are to approve it. I was extremely unhappy with the conditions placed on the previous application that was approved by you in 2022. First, you failed to conduct a roll call vote for each standard individually, so everyone could hear why it was approved. Second, there was no discussion at all about the conditions suggested by Dane County Zoning staff Alexandra Andros. It felt like there was a rubber stamp of approval with no determination if her conditions took into consideration any of the input submitted by the Town's residents. This left us all feeling like no one listened to or read any of our input. I believe it is your job to ask County staffers why community suggested conditions would or would not be appropriate for this CUP. I hope this happens for the current CUP application.

If this CUP is approved, there has to be some compromises made from both sides in order for there to be future healing. For the people that did not want the quarry expanded, their compromise will be the existence of a 45-acre quarry in their neighborhood for the remainder of their lives with all the negative impacts on them physically, emotionally and financially. For the quarry owner, the

compromise should be conditions that will make having a quarry in this neighborhood as tolerable as possible. If this quarry is allowed to function as if it is located within a designated heavy commercial area, then the rift in the Town of Rutland will only widen, and even Dane County Zoning Administrator Majid Allen has indicated that he has never seen anything like what has occurred in the Town of Rutland during his career. With reasonable conditions, we should be able to move towards a more cooperative existence and a significant reduction in the strife that currently exists.

I would request the following conditions be strongly considered:

- 1) The hours of operation must be 7A to 5P Monday through Friday only, and truck traffic ending at 4pm! I make this request due to the fact that it is now a residential neighborhood and people want to be able to enjoy their yards on the weekends and in the evenings when they come home from work.
- 2) The original 10-acre quarry give up the “non-conforming status” and must abide by all conditions placed on the expansion area.
- 3) That all trucks and equipment operating within the quarry be outfitted with approved OSHA “swishing” backup noise and that the old backup “beeping” noise not be allowed. This was actually a suggestion given to me by Dane County zoning staffer Alexandra Andros. So I was very disappointed this was not included in her recommendations last year. I ask for this condition because the constant beeping noise at all hours of the day and night are regular complaints by neighbors.
- 4) That the quarry owner will agree to pay for annual water testing for any neighboring property if requested. I make this request due to the concerns expressed for ground water contamination.
- 5) The quarry owner will pay the Town of Rutland \$15,000 annually for the upkeep and repair of local roads damaged by heavy truck traffic.
- 6) There will be no operations allowed in the quarry on Saturdays, Sundays or holidays to allow the neighborhood to have their weekends to enjoy their homes.
- 7) If the quarry owner ever decides to sell, the quarry MUST go back to farmland and cannot be sold to a different Quarry operator. I make this request because of the fear that a larger quarry operator such as Wingra, may try to come in and purchase this quarry.
- 8) This quarry can only be used for the material found within its grounds and cannot ever be used for asphalt.
- 9) Only 10 acres at a time can be quarried to prevent a huge ugly large hole from being created all at once.

10) All berms must be 10 feet high and a sturdy fence must be constructed around the entire quarry operations. Berms must be nicely kept and landscaped so that it is not an eyesore for the township. This should include grass that needs to be mowed and nice trees planted and maintained. The current fence around the 10-acre existing quarry looks horrible, is falling down in areas and has scrub trees and weeds growing through it. I worry the same will come true with any expansion berms and fences.

11). The driveway into and out of the quarry needs to be black top or cement to eliminate the mud that is currently happening on Center Road when there is rain and this becomes a road safety hazard.

12) The quarry owner is required to notify the Town Clerk and all property owners within 2000 feet of any property line 24 hours prior of any blasting. I request this because many residents have complained that they are not within the current 1000 feet requirement and they are startled and scared when their homes vibrate at the time of a blast and feel that if they had notice at least they wouldn't get scared

13) The quarry operator will suspend any truck driver/truck from using the quarry if the operator receives more than two complaints within a one month period of time on a truck or driver for any ordinance, or law violation. This should include violations such as for speeding, tailgating, air break use, and loud mufflers. This is not meant to be an all-inclusive list. This suspension will be for a period of 4 months. If there are repeated complaints afterwards, the truck/driver should be banned from utilizing the quarry. I believe this condition is necessary and shows the community that the owner is trying to be a good community member and neighbor.

14) The noise level from the quarry shall not exceed 75 decibels measured from any point on the property line.

15) There will be an annual review of this CUP by the Town of Rutland Board and if the Board determines there has been a significant violation of any conditions, it can withdraw the CUP temporarily or permanently.

16) The quarry owner agrees not to attempt to further expand this quarry at any time or to open a new quarry within the Town of Rutland boundaries.

Finally, when you are listening to the testimony of all the speakers and read all the letters, I ask you to consider where people live in relation to this CUP. It is my opinion that most of the people that will be speaking or writing in favor of this CUP are either related to the quarry owner or have working ties to the quarry and don't even live within the Town of Rutland. The few supporters that do live nearby the quarry are not representative of the majority of property owners within the neighboring community that are against this CUP. Those that speak or write

in favor of the expansion often speak about how the Hahn family is just trying to make a living, that Kevin Hahn, the owner is a small family businessman and that he is a good person and a helpful neighbor. I personally know Kevin and find him to be a ghnmnice person, but that does not have anything to do with this CUP application and the 8 standards from which you must judge.

In closing, I do not believe that anything I have heard or read speaks to how standard number 2 in particular has been met with this CUP application, and therefore I ask you to deny this application. But if you disagree with me, please place meaningful conditions on this CUP that will allow the neighboring community a chance at enjoying their homes, farms and land as much as possible. Please consider all the community input you have received and even if Dane County zoning staffers did not suggest something as a condition, please consider it yourself. Otherwise, if this application is approved with only boilerplate conditions, I believe the neighborhood will never heal Thank you for your consideration

Sincerely

Sue Williams

4269 Old Stage Rd

Brooklyn WI 53521