



Saint Paul's Liberty Lutheran Church

3494 Oak Park Road
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Deerfield, WI 53531
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April 9, 2019

Dear Zoning and Land Regulation Committee Members,

Thank you for allowing us to speak before you again this evening. Without a doubt, the complexities of this situation make it unique and, quite possibly, the only one of its kind in Wisconsin. In 1851, early Norwegian settlers constructed a church on solid bedrock, using hand-quarried limestone and mortar. One hundred thirty years later a quarry opened across the street. Why this quarry was allowed to open, none of us know for sure. Perhaps there was a promise of minimal blasting, or maybe there was a lack of knowledge about the adverse effects of ground-borne vibrations and the associated airblast. What we do know is that mortar is falling away from the tuck pointing with each blast and the cemetery tombstones are moving.

We have submitted two options. Our primary recommendation continues to be Option A which is to grant a non-blasting CUP. The primary focus of our concerns has been and continues to be blasting, yet their application provides no evidence they can meet the ordinances. They stated that they were actively seeking a blaster but have not named one at any of the meetings held thus far. As a quarry that almost had its previous CUP revoked in a 3-2 decision by the ZLR Committee in 2016, it seems imperative that they provide proof of their ability to meet the blasting ordinance. They could have done this but chose not to blast for the last three years. Now, they have requested another ten-year CUP without any evidence that they can meet the requirements within this application.

We were very hopeful that the township board was going to require this evidence. At the January 14th Town Board meeting, all four of the Town Board members agreed that a test blast should take place before approving the CUP. When Mr. Furseth told them at the February 11th Town Board meeting that a seismograph doesn't record accurate results when the ground is frozen, the topic of test blasting was dropped.

On the other hand, we have presented numerous pieces of evidence to support denying this application. We have first-hand accounts of mortar falling from the exterior of the church during blasting, cracks extending down the church walls, and tombstones being shook by blasting vibrations so hard that they actually moved uphill. It's hard to defy gravity but with enough force it can be done and we have the photographs to prove it. Better yet, we could take you on a cemetery tour.

Until Oak Park Quarry can provide substantial evidence that they can blast within the limits of the town ordinances, which were established to protect the church and other historic structures, they should be granted a non-blasting CUP. We understand the value of hauling rock and using this location for recycled materials which would still allow them to maintain their business at this location. Please strongly consider granting a one-year, non-blasting CUP until they can prove otherwise.

Our second option, Option B, was created if a permit were to move forward that allows blasting.

The township approved a ten-year blasting CUP. We would like to request a one-year CUP. One year provides them time to show that they can meet the ordinance and still maintain their business of moving aggregate. If after one year they have met the conditions including the blasting ordinance, it is reasonable to expect that they would come back to the County to request another CUP.

We appreciate the revised Condition #5 provided by the County Staff which eliminates the allowance to exceed the blasting ordinance and the appeals process. We hope that you will adopt this important condition, since it specifically identifies the blasting limits. We strongly encourage the strict enforcement of these blasting limits and would like to emphasize to the quarry that they will need to design each blasting event with a sufficient margin of error, so the limits are never exceeded.

Condition #6, approved by the township, is intended to provide an additional seismograph at the church, however, the wording of this condition needs clarification. The blaster must provide a seismograph at the church according to the township ordinance. Our recommendation is that a second seismograph be placed at the church by a third party agreed upon by the church and quarry and paid for by the quarry. The current wording makes this unclear. We hope you will amend this condition. You may want to consider placement of additional seismographs at nearby historic structures such as Schuster's round barn and the Sjur Reque farmhouse constructed in 1850, i.e., one year before the church.

Obtaining accurate seismograph data is essential to allowing a blasting CUP. For this reason, we ask that you strongly consider NOT allowing blasting from December 1 to March 31. Mr. Furseth stated at the February 11th township meeting that they could not perform a test blast during the winter months "because the readings from a seismograph when it is cold and frozen won't be accurate." If accurate seismograph readings can't be obtained in the winter months, then blasting should not be allowed during this time because the blasting levels cannot be monitored.

Finally, Condition #7 approved by the township was created through discussion with us. We appreciate their willingness to recognize our church functions and would like to recommend that you adopt this condition.

Thank you for the time and consideration that has been given to the church and our township residents throughout this process. We understand that you have a difficult decision to make and hope that you will give consideration to our requests.

Sincerely,
Pastor Holly Slator
Todd Birkrem (Council President)
Roxann Engelstad (Council Consultant)
Michelle Jensen (Council Member)

Option A (No Blasting Permit) — Conditions:

1.) Operations shall cease no later than 1 (one) year from the date of CUP approval.

- *Blasting records from 2015 show that Oak Park Quarry repeatedly violated the Town's ordinances.*
- *In 2014 and 2015, blasting records indicate that the quarry violated the State blasting code (SPS 307) at least three times. (The allowable airblast pressure was exceeded twice and there was a flyrock accident on Oak Park Road where a vehicle was hit by flying rock and debris.)*
- *The previous CUP was nearly revoked by a 3-2 vote in the County in 2016.*
- *The quarry needs to earn the trust of the community.*

2.) This is a no blasting CUP.

- *No "substantial evidence" given by Oak Park Quarry to show that they can blast within the Town's ordinances.*
 - There has been no blasting at the quarry since December 4, 2015.
 - In 2016, the quarry owner submitted letters from three blasting companies stating they couldn't blast within the ordinances.
 - For the CUP renewal application, the quarry owner has not presented valid evidence of a blasting company willing to blast within the ordinances at either the Township meetings or the ZLR public hearing.
- *Extensive "substantial evidence" provided by the church and residents of the Town, including:*
 - Examples of the decrease in home and property values (due to blasting at the quarry) have been substantiated.
 - Numerous examples of damage due to blasting have been cited, including four residential homes, Schuster's round barn, St. Paul's Liberty Lutheran Church, and tombstones in the church's adjacent cemetery.
 - Members of the congregation have observed physical evidence of the church cracking and mortar falling during blasting events. (No further damage has occurred since the blasting ceased in 2015.)
 - In 2016, the Cemetery Association of the church received maximum compensation on its insurance claim for tombstone damage, but was also required to sign a "Release Agreement" stating that they would never submit another claim "resulting from blasting operations at the Oak Park Quarry."
 - Future expansion of the cemetery (to the north) will be impaired with the proposed CUP, since the blasting hinders our ability to sell burial lots which are too close to the quarry.
 - As a result of the quarry's flyrock accident on September 8, 2015, the quarry is required to block off Oak Park Road during blasting, thus limiting access to, and impeding the use of, both the church and the cemetery.
 - Renovation plans for the church have been impaired due to the proposed blasting; restoration consultants and contractors are reluctant to begin a project at the church until blasting has ceased.
 - St. Paul's Liberty Lutheran Church is 168 years old, constructed of quarried limestone and mortar, and was built on the same bedrock as the quarry. It is extremely sensitive to ground-borne vibration. If blasting is allowed to continue, it will accelerate deterioration of the stone and mortar, which will compromise our ability to worship in the same location in the future.

Option B (Permit Includes Blasting) — Conditions:

1.) Operations shall cease no later than 1 (one) year from the date of CUP approval.

- *Blasting records show that Oak Park Quarry repeatedly violated the Town's ordinances.*
- *In 2014 and 2015, blasting records indicate that the quarry violated the State blasting code (SPS 307) at least three times. (The allowable airblast pressure was exceeded twice and there was a flyrock accident on Oak Park Road where a vehicle was hit by flying rock and debris.)*
- *The previous CUP was nearly revoked by a 3-2 vote in the County in 2016.*
- *The quarry needs to show they can blast in a responsible way to earn the trust of the community.*

2.) Blasting will not be allowed from December 1 until March 31.

- *At the Town Board meeting on Feb 11, 2019, Jeff Furseth explained why they could not perform a test blast at the quarry during the winter months. He stated, "Because the readings from a seismograph when it is cold and frozen won't be accurate."*
- *If accurate seismograph readings can't be obtained in the winter months, then blasting should not be allowed during this time because the blasting levels cannot be monitored.*

3.) Condition #5 – revised condition recommended by the County Staff:

The following blasting limits will be in effect at all historical structures:

- a.) A maximum PPV of 0.20 in./sec.**
- b.) A maximum PPV of 0.15 in./sec. when the frequency is less than 14 Hz.**
- c.) A maximum airblast of 123 dB(L).**

- *The above vibration limits are identical to the Town's Ordinances 2016-03 and 2016-05.*
- *The restriction on the airblast does not allow for 1 out of 10 to be above 123 dB, unlike Ordinance 2015-02.*
- *Although a number of case studies recommended that the blasting level near a sensitive / historic structure should be restricted to a PPV of 0.12 in./sec. or less, the church accepted the Town Ordinances since a responsible blaster will use 0.12 in./sec. as a target and will use the 0.20 in./sec. as a maximum limit.*
- *It is imperative to have the Town's ordinances included in the conditions of the CUP, in case local control of the mineral extraction site is retracted by the State.*

4.) Condition #6 (approved by Town Board on March 11, 2019) needs clarification to read that a second seismograph will be placed at the church by a third party.

~~The~~ **A second** seismograph at St. Paul's Liberty Lutheran Church shall be placed by a third party agreed to by the church and the quarry, and will be paid for by the quarry. A copy of the agreement will be forwarded to the Town Clerk. In the event that a third party cannot be agreed upon, then the blaster shall place two seismographs at the church. The seismograph data recorded by the operator will include **Peak Particle Velocity (PPV) in the three orthogonal directions, with the corresponding frequencies**, and the maximum airblast in **decibels (dB)**.

5.) Condition #7 (approved by Town Board on March 11, 2019).

The operator shall contact St. Paul's Liberty Lutheran Church and the Town Clerk and the cemetery association by email 2 days in advance of blasting to verify that the church and/or cemetery will not be in use for Church services, weddings, or funerals during the proposed blasting date and time. Blasting will not take place during the week-long summer school, and the church will notify the quarry and the Town Clerk when summer school will take place. There will be no blasting on election days.

Forever Sandfill
F S L I
& Limestone Inc.

April 9, 2019

Dane County ZLR Committee
c/o Roger Lane, Dane County Zoning Administrator
Dane County Planning Department
Room 116, City-County Building
Madison, Wisconsin 53703

RE: Oak Park Quarry, LLC Conditional Use Permit Renewal Application

Dear ZLR Committee Members,

Approving a nonmetallic mining permit application is hard. Mineral resources are not located everywhere and, where present, are rarely where anyone wants them to be.

After a complete and lengthy review, the Town of Deerfield Planning Commission and Town Board recommended approval of a 10-year permit for the Oak Park Quarry. The town's decision is based upon ongoing input from interested groups and protections put in place through their annual quarry and blasting permits review and approval process.

We have done our best to address concerns raised by neighboring property owners, and remain committed to doing so into the future.

Please help us continue the decades long tradition of supplying quality aggregates from the site with a 10-year permit that supports our employees, our business, and our community. Thank you kindly for your review time and interest.

Sincerely,



Jeff Furseth

353 Haugen Road Edgerton, WI 53534-9370
Phone 608-884-9105 Fax 608-884-9107

Kilkenny Enterprises, LLC

3564 EGRE ROAD, DEFOREST, WI 53532

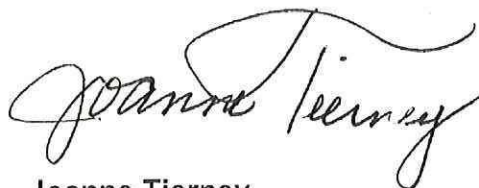
April 9, 2019

Racheal Halverson
Oak Park Quarry

Hello Rachael,

We have worked with Falcon Drilling & Blasting and Quick Supply for many years and have been very happy with their professionalism and highly recommend their service. These two companies work very well together as a team. Some of our projects have been in or adjacent to an existing neighborhood. They always work with the neighbors to minimize the impact of the blasting. In highly sensitive areas, they drill what is called a "Signature Hole". They drill one hole and then go around to multiple locations with meters when they do the blast. The data that is collected from the signature hole is used to help make adjustments. They continually tweak the blasting plan by adjusting the hole size, number of holes, and detonation sequence. They always notify the neighbors prior to blasting and follow up on any concerns. If there are any complaints from a neighbor, the Falcon/Quick Supply team always resolve any issues professionally and timely.

Thank you,



Joanne Tierney

Kilkenny Enterprises, LLC

Falcon
PO Box 2403
Oshkosh WI 54903

MILWAUKEE WI 530

03 JAN 2019 PM 12



Dane County Department of Planning & Development
Room 116, City-County Building
210 Martin Luther King Jr Blvd
Madison WI 53703

53703-934241




Dear Dane County Zoning & Land Regulation Committee,

Did you know the Town of Deerfield has more than 45 miles of roadway and just one commercial quarry?

The Oak Park Quarry has operated safely and supported our community for decades. It is critical that access to its crushed stone and construction aggregates are maintained so we can continue to meet the needs of our community at affordable prices. The quarry's crushed stone materials are needed, located close to key transportation corridors, and meet State specifications for quality.

We support Forever Sandfill & Limestone, a company respected for their dependability and quality products, and ask you to renew their Oak Park Quarry CUP.

Stone shortages for Dane County communities are not far into the future, and with it will come price increases due to transportation distance and fuel use, and impacts such as increased tail pipe emissions, greenhouse gases, and road wear and maintenance—all elements that increase costs and erode the economic strength of the area. The manufacture and distribution of aggregates from the Oak Park Quarry provide real wages for more than 45 local families and contribute to a vibrant, rural economy. **For these reasons and more, we ask you to APPROVE Forever Sandfill & Limestone's Oak Park Quarry CUP renewal application.**

Signed: 

Affiliation: Contractor

Printed Name: Anthony C Tritt

Company Name/Number of Employees (if applicable): Falcon Drilling & Blasting, Inc / 29

Additional Comments:

920-379-9246