

## Andros, Pamela

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**From:** Lane, Roger  
**Sent:** Wednesday, February 3, 2021 8:20 AM  
**To:** Baluck Deang - YGP; Bollig, Jerome; Doolan, Michele; Kiefer, Timothy; Peters, Steven; Smith, Sarah  
**Cc:** Allan, Majid; Andros, Pamela  
**Subject:** FW: CUP 2511 Opposition  
**Attachments:** Berms to homes.png; Wetland to homes.png; Elevation cup 2511.png

Dear Committee,

Below is an email received with regards to [Conditional Use Permit 2511](#) to allow the expansion of the existing mineral extraction site in the Town of Vienna. The Committee held a public hearing on this matter on December 22, 2020. The matter will be before the Committee at the February 9<sup>th</sup> meeting.

Sincerely,

Roger Lane  
Dane County Zoning Administrator

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**From:** Steven Fox <steven\_53532@yahoo.com>  
**Sent:** Tuesday, February 2, 2021 5:52 PM  
**To:** Lane, Roger <lane.roger@countyofdane.com>  
**Subject:** CUP 2511 Opposition

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I first would like to thank everybody for the time you have given us with regards to Cup 2511

I would like to add this information. First starting with the *standards for conditional use permits: 1 **that reads:***

***The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

If there was no danger to public health then why would MSG say they will help repair any of the 5 wells located if one fails? And as for comfort? What comfort would you or we have living under 200 ft to within 500 feet of a dusty/dirty/noisy gravel pit? With 2 of the operation conditions already in question before the project starts is one big reason that it should not be approved.

And night work that would keep a family from sleeping should not be allowed  
Lack of sleep is not a form of comfort

[CUP 2511 STAFF report](#)

***Section 2***

***Standard Mineral Extraction CUP Conditions.***

**9) The Town and Committee will assign hours of operation appropriate to the particular application. No operations of any kind shall take place on Sundays or legal holidays. The committee and town board may approve limited exceptions to normal hours of operations for projects associated with Wisconsin Department of Transportation or municipal road projects requiring night work. [Note: Typical hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday, and 8 a.m. to early afternoon on Saturday. If there are residences nearby, hours may be more limited (e.g., start at 7:00 a.m. with no Saturday hours).]**

There is absolutely no comfort in night work for the nearby families. For that, night work should not be permitted. Hours should be 6:30am-6:00pm Monday Through Friday. Saturday start time should be 8am to early afternoon.

**11) Except for incidental removal associated with dust spraying or other routine operations under this permit, water shall not be pumped or otherwise removed from the site.**

This means flood waters from the fields and surface water table water in the new pit?

### **CONDITIONAL USE PERMITS**

**4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. The requested operation of a mining operation will not require any utilities. The access to the mining property will be from existing lands owned by Madison Sand and Gravel. All stormwater on site will be kept within the pit. Care will be taken to not impede the offsite water that flows through the site.**

#### **Notice of Public Hearing**

**Section 2 :Dust control within the extraction area will be done by water truck.**

What about the dust control on Sunday?

**Section 3: That 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:**

**The existing homes to the northeast of the parcel will be protected by some berming that currently exists. Berms will also be erected to the north along County Highway V. These will protect the surrounding areas from noise, dust, and viewsheds**

**Town action and Conditions states:**

**There will be seventeen 5-gallon bucket trees planted around the property line.**

The above should be the 2 homes on the northeast side will have 8 ft high berms natural or man made and 8ft high pines trees placed 9ft apart with maybe maple trees added in between for the full length south and west side of the two homes. Trees in a 5 gallon pail do little to no good when they are that small. The trees will take many years until they're beneficial screening for us nearby residents.

Also for the berms on the north side by County Highway V they will provide no viewsheds for the home at RR2 that is directly across from the wetlands where no berms

Are allowed. Also the winds will back up against the berms that are there on the north and south side of the wetland and stronger winds and sand and dust will blow through the opening by the wetlands to that home. Just like in bigger cities where you have big buildings and the winds whips around them.

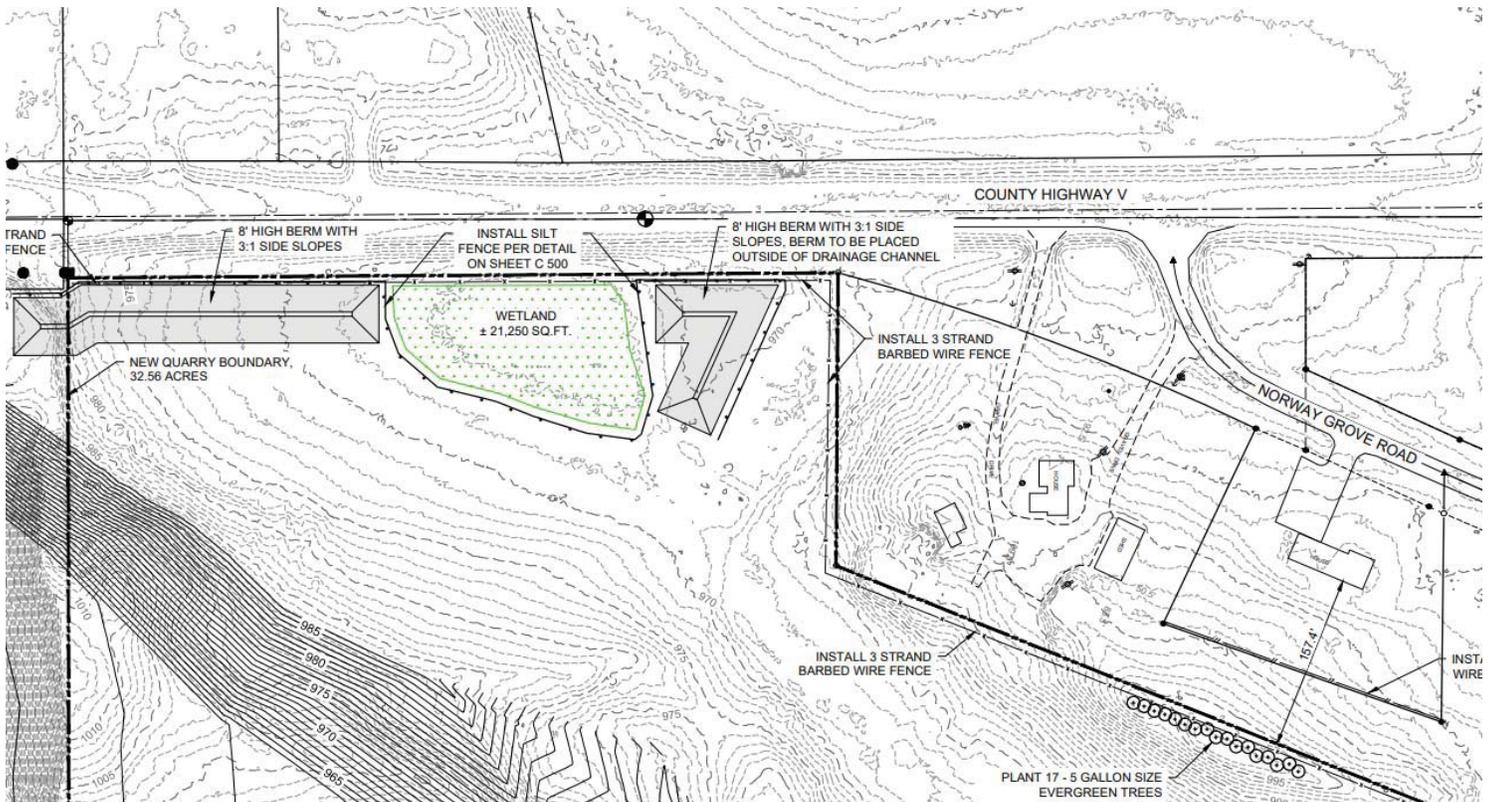
So would the case be here. (See Mining plan map)

Same guidelines for these berms by the wetlands to have trees as previously mentioned should apply for these berms as well. Two solutions are a berm to the south of the wet land that loops around it. Or use current natural berm that is to the south of the wetland at the elevation of 1011- 986 and no mining to be done north of that elevation.

Also looking at the elevation difference between the height of the highway to the ground elevation by the highway it starts with a negative elevation from 7ft to 9ft  
Ground elevation is 969 and highway V is 978-976 so the west side of the berm needs to be 16ft high to be 8ft higher than V and the East side needs to be 17ft to be 8ft higher than V. (See elevation map)

In my opinion there is nothing standard about this petition. The land in question does not fall into standard guidelines and because of this I ask please do not approve petition cup 2511

Thank You  
Steven Fox



MADISON GAS & ELECTRIC  
COUNTY HWY V  
Zoning FP-35

MELISSA HAHN  
5404 COUNTY HWY V  
Zoning RR-1

STEVEN FOX  
5394 COUNTY HWY V  
Zoning RR-2

4D FARMS, LLC  
COUNTY HWY V  
Zoning FP-35

COUNTY HIGHWAY V

