

Date: 1/11/2021

To: Zoning and Land Regulation Committee
Roger lane, Zoning Administrator

From: **Kathleen & Gene Prigge**, 417 Bramble Lane, Brooklyn WI
Town of Oregon Homeowners since 1983 (38 years)

Re: **Health and Safety Impacted Now- CUP 2510 Foremost Concern for Consideration**
We have substantial evidence Payne & Dolan Mineral Extraction Operation currently violating CUP STANDARD #1 Town of Oregon has provided no oversight to ensure compliance.

- Hazardous blowing dust and silica sand from Payne & Dolan's Mineral Extraction Operation has directly **impacted our health, safety and comfort** since extraction site moved 1,000 ft from our home in 2016. Now **visual dust clouds** can be seen **blowing off 100 ft aggregate storage piles**, on windy days, making enjoying deck outside in summer impossible. There were days we **didn't feel safe working outside in garden, because of blowing sand in our eyes and lungs.**
- **From April-Nov 2020 my body was covered with red itchy rash triggered by allergic reaction to dust.** SSM Health Records show 4/23, 7/8, 10/13 visits to Dr. Zorb Paster for burning itchy rash spreading all over body. **Dr. Lauren Craddock my Dermatologist said one of most common causes of Eczema Atopy itchy skin rash is predisposition family "hay fever allergy to dust."**

Payne & Dolan Oregon Aggregate Site Conditional Use Permit Application (Jan 2016) CUP #13 approval condition requires: **"Operator shall spray the site with water if and when needed to control dust."**

- After 4 years of windy days (2016-2020) when P&D should have watered down sand piles, they still haven't felt it was needed, in spite of our phone calls complaining to them and public comments at **Oregon Town Board Meeting December 6, 2016**

- ✓ **Mary Benjamin residing at 405 Bramble Lane**, Brooklyn, WI 53521 addressed the board to register a complaint regarding the operations of the new Payne & Dolan quarry adjacent to the Klahn site. Mrs. Benjamin was concerned about the hours of operation stating that Payne & Dolan is starting at 5:30 am, the constant beeping of trucks backing up and **dust blowing is not acceptable.**
- ✓ **Resident Gene Prigge located at 417 Bramble Lane**, Brooklyn, WI 53521 questioned the Town Board why that location for a quarry was approved. The noise starts at 5:00 am, the **silica that has blown around this fall has caused a health hazard.** Why was this allowed next to a residential area? Wayne Ace explained that the pit located just south of that location is next to the Village of Brooklyn residential area and has not been a problem. **Payne & Dolan has created a berm to block the sounds of the crushing plant, trucks and minimize the sand blowing.** *Mr. Prigge said that berm was a joke.*
- ✓ **Ralph Benjamin, 405 Bramble Lane**, explained that **neighbors have a growing hostility toward Payne & Dolan due to the operations of the quarry.** He requested a 7:00 starting time, raising the berms and adding more trees. The back-up beepers should be changed to a different decibel. **Bill Buglass** said that they will check with the employees on the start time, **they can wet down the sand to avoid blowing.** Buglass said each year they will be moving south away from the residential area. They will also be going lower thus making the berms more effective. **Payne & Dolan representatives will be visiting the Benjamin residence tomorrow to observe the situation to come up with agreeable solutions.**

What action did Payne & Dolan take after Town Board Meeting 12/6/16 to address blowing silica sand health concerns in 2016 or respond to our phone calls after that to complain? NOTHING TO STOP IT Neighborhood meeting P&D required to hold, was just a “grip session” and total waste of our time.

- Payne & Dolan representative did visit Benjamin and Prigge residence to discuss concerns and promised to plant additional trees on northern berm, that would prevent our exposure to blowing sand and dust. **New trees planted in 2016 did nothing to mitigate blowing sand, and P&D never replaced trees when deer destroyed them the first winter.**
- **Town of Oregon elected officials** have never visited Bramble Lane Neighborhood, and stand on our property to evaluate if Payne & Dolan mineral and CUP 2510 permits are suitable for location.

Payne & Dolan Mineral Extraction Operation is violating CONDITIONAL USE PERMIT STANDARD #1
“The operation will not be detrimental or endanger public health, safety, comfort, general welfare.”

Payne & Dolan is currently not meeting (Jan 2016) land use standards that are impacting us now:

- ✓ No visual dust will cross the property lines as per fugitive dust control plan/DNR regulations
- ✓ There will be no noise impact to neighbors due to the berms that shield and lower elevation
- ✓ Klahn Site has been operating 10+ years with no detriment to the public health
- ✓ Payne & Dolan will operate the Oregon Site under a set of conditions of approval for the mineral extraction operations to assure that the project meets the CUP Standards in S. 10.255(2)(h) of the zoning ordinance. Dt: 1/2/2021

How can we trust Payne & Dolan CUP 2510 permit application words to protect our health now?

- ✓ The asphalt plant operations will meet EPA and DNR requirements concerning air quality.
- ✓ The property is an active mineral extraction operation and it **does not require any property improvements in order to support an asphalt plant.**

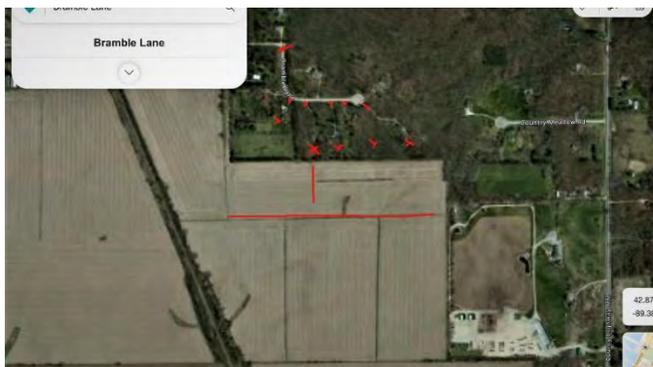
How can we trust Oregon Town officials to protect our health if not providing any oversight now?

Why do they allow P&D permit application site map to eliminate 5 Bramble Lane homes located on “Northern front line” with direct exposure to southern winds blowing across open Klahn farm field?

- ✓ Our homes are less than 1,000 feet from site, however 5 residences on Eastern border that are further from site are included on site map?

We need to be included on application site map, and description of surrounding land, instead of just “predominately rural agriculture land” description on permit applications.

- **We’re concerned Payne & Dolan CUP 2510 application intentionally eliminating Bramble Lane homes** so impact to our health does not need addressed or required to prevent for approval.
- **CUP 2510 permit approval** would be knowing dereliction of responsibility by Town of Oregon and Zoning Committee **without further substantial consideration to our health and safety.**





Dane County Zoning and Land Regulation Committee
C/O County of Dane City-County Building
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Dear Zone and Land Regulation Committee,

I am writing to you on behalf of the Village of Brooklyn board and our residents. We wanted to clarify some information that was stated in the December 22, 2020 meeting and share some new information with you.

At the last meeting on Dec 22, Payne and Dolan stated their plant was active before any homes were built nearby in the Village of Brooklyn. That statement is incorrect. I have imbedded a photo below (12/2004) that clearly shows homes already built and others under construction PRIOR to the Payne and Dolan site even EXISTING. The image below and enclosed are dated 12/2004 as well as showing the present location dated June 2020 via Google Earth Pro (time lapse).



The assertion that the Village of Brooklyn did not seek an Extraterritorial zoning ordinance under s. 62.23(7)(a), Wis. Stats is NOT CORRECT. In fact the Village of Brooklyn sought an Extraterritorial zoning ordinance for the original CUP #1916 that lead to the creation of the current extraction operation. Our request was denied by the Town of Oregon. In fact, the Village of Brooklyn even appealed to the full Dane County Board after County's Zone and Land Regulation Committee approved the original CUP #1916. In regards, this most recent CUP application #2510, the Village was NOT NOTIFIED by the Town of Oregon BEFORE or AFTER they voted to approve it.

Our community strongly believes this will negatively impact property values. All property owners have the right to appeal their property value. Given the issues of smell, etc., from the proposed plant a reduction in assessed value is likely. This in turn would drastically lower the tax revenue the Village of Brooklyn receives (given a minimum of 93 residences would be impacted), thus hurting our community as a whole.

Another critical issue for homeowners is quality of life and enjoyment of their property. This site would have odors and noise that will prevent them from enjoying their property outside during our all too short warm spring and summer months. Payne and Dolan have not adequately explained in detail how they plan to ENSURE that the enjoyment of property owners will NOT be impacted. We expect any stated plans to be backed by data to prove their claims, not just words and hand waving.

As we see it Payne and Dolan is proposing a 19th century solution for a 21st century problem. They state in the section entitled, "Proposed days and hours of operation" of CUP #2510 that they are receiving a lot of requests to work at night on the highway projects the proposed site will be serve. This brings us to the next part of our discussion: New and Innovative ways to produce asphalt. Listed below are the links to articles and research that back up our subsequent statements. We think our alternative proposal benefits all parties equally, without the downside of the CUP #2510.

There is a growing movement in the asphalt industry for job site production over production at a fixed asphalt plant and transporting it to the job site. As Payne and Dolan and the articles below indicate, transporting asphalt has several problems including the need for insulated trucks to prevent it from cooling. Some producers compensate for a lack of insulated trucks by overheating the asphalt which causes it to become brittle and reduces its usability and longevity. The references state that asphalt producers are setting up portable asphalt plants ON THE JOB SITE (up to 1.1 tons can be mixed PER BATCH on the job site). This is more environmentally friendly because the input products (aggregate etc.) are temperature stable and are stored on site for USE at ANYTIME. Only the amount of asphalt needed for that day's schedule is mixed – thus zero waste. It TRULY is a temporary situation because when the job is done the portable plant is moved to the next job site. If Payne and Dolan offered this service in our area, their employees would go to the job site instead of the proposed site. Payne and Dolan would be the first in our area to do so and therefore would have an advantage over their competitors.

1. Asphalt Industrial Alliance article https://www.asphaltuk.org/case_studies/site-mixed-asphalt-innovation/
2. Tarmac Company Article - https://tarmac.com/products/asphalt/ultipatch-sitemix/?p_scr
3. Science Direct - Creating Asphalt ON site - <https://www.sciencedirect.com/science/article/abs/pii/S0032591018310131>
4. Roads and Bridges - HOW TECHNOLOGICAL INNOVATIONS ARE DISRUPTING THE ASPHALT MIXING PLANTS DEMAND - <https://www.roadsbridges.com/how-technological-innovations-are-disrupting-asphalt-mixing-plants-demand>

I want to thank you for your time in reviewing all of these items with regard to CUP #2510.

Sincerely,

Brittany A. Springer

Brittany A. Springer,
Village President on behalf of the Village Board and community

DANE COUNTY ZONING & LAND REGULATION COMMITTEE

REMOTE MEETING PUBLIC REGISTRATION FORM

Members of the public must fill out this form prior to participating in a remote meeting of the zoning committee.

IMPORTANT: please download and save this form and then fill out using Adobe Reader. You may also print out the form and fill it in by hand.

Please submit completed forms by email at your earliest convenience. Attach your completed form to an email and send to: lane.roger@countyofdane.com.

DATE of Meeting: 1/12/21

Your Name: Dean Bott

Your Mailing Address: 410 County Road MM

Brooklyn Wisconsin

Your Phone #: 608-301-7505

Zoning Petition/CUP#: CUP2510

Your Email Address: dean@thysse.com

Please check the appropriate box(es) below to indicate your position on the proposal.

Wish to Speak in Support

Wish to Speak in Opposition

Wish to Register in Support

Wish to Register in Opposition

Available for Information

Please use the space below to provide a brief summary of your comments and/or concerns regarding the proposal.

My concerns are environmental impact, housing value impact, toxicity/pollutants, quality of life for surrounding residential neighbors, length of time requested for the permit

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DATE of Meeting: 1/12/21

Your Name: Mike Brusberg

Your Mailing Address: 128 Cedar St

Brooklyn, WI 53521

Your Phone #: 262-424-0783

Zoning Petition/CUP#: CUP 2510

Your Email Address: mbrusberg@gmail.com

Please check the appropriate box(es) below to indicate your position on the proposal.

Wish to Speak in Support

Wish to Speak in Opposition

Wish to Register in Support

Wish to Register in Opposition

Available for Information

Please use the space below to provide a brief summary of your comments and/or concerns regarding the proposal.

Spoke at the December 22nd meeting in opposition. Understand public comment may not be allowed, but if it does registering to potentially speak. Appreciate being allowed to attend to listen to the dialogue.

Lane, Roger

From: todd trampe <toddnbarb@yahoo.com>
Sent: Tuesday, January 12, 2021 4:31 PM
To: Lane, Roger
Subject: Comments on Portable Asphalt Plan

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

I would like to have our concerns addressed on the proposed plan for an asphalt operation in Brooklyn. My husband and myself have serious concerns for ourselves, the citizens of Brooklyn, and our property values.

We live in a condominium, adjacent to the proposed plant location. Our initial concerns when purchasing this property was for the potential of noise and dust pollution living this close to a gravel mining operation could create. Our concerns were calmed when we were told that our property value would actually be enhanced by our proximity because the mined out area would become a lake with public access to a planned park. That has not come to fruition but neither has the noise or dust. In fact, we have enjoyed the quiet, good air quality and wildlife this northwest corner of Brooklyn has provided.

We feel this is all in jeopardy if an asphalt operation is allowed to move in. We have researched the effects of such a plant and found that not only are air pollutants common, there is also evidence of fumes, cancers, noise, loss of wildlife and falling property values for homeowners living as far as 5 miles from similar operations. This would put the entire Village of Brooklyn at risk, including the children attending Brooklyn Elementary School.

We are absolutely opposed to the asphalt operation and would appreciate our concerns being considered. We moved here for the quality of life this small community provides in a location so near Madison. Please do not make a decision that could destroy this opportunity for the entire village.

Thank you,
Barbara and Todd Trampe

Sent from my iPad