

Lane, Roger

From: Peranteau, Mary Beth <MPeranteau@wheelerlaw.com>
Sent: Monday, May 19, 2014 12:18 PM
To: Miles, Patrick; Matano, Alfred; Kolar, Mary; Bollig, Jerome; Salov, Robert
Cc: Lane, Roger; Andros, Pamela; csweeney@axley.com
Subject: Albion Quarry - CUP #2260

Dear Chairman Miles and Members of the Dane County ZLR Committee:

This email is seeking clarification of one of the newly imposed conditions on the issuance of CUP #2260, the Albion quarry. As set forth in the Minutes of the May 13th meeting, the condition reads:

“23. Pre-blast inspections on buildings and wells shall be performed on any property within ¾ of a mile of the extraction operation if requested by the property owner. The operator shall maintain records of the inspections and be made available to Dane County Zoning Division upon request.”

As drafted, this condition is ambiguous with respect to: (1) what firm or entity performs the inspections; (2) the frequency with which residents in the ¾ radius are entitled to inspections; and (3) the parameters/conditions being inspected. One concern is that the inspections should be performed by an independent entity chosen by the property owner.

To avoid future disputes concerning the scope of the inspection and the applicant's obligations under this condition, and to ensure that this condition serves the residents' interests in documenting the condition of their properties/wells as we believe the ZLR intended, we respectfully request that the condition be clarified as follows:

Owners of property within ¾ of a mile of the extraction operation shall be reimbursed by the operator for the reasonable cost of one well inspection and one property inspection per year during the term of the CUP, with initial inspections to occur prior to the commencement of operations. Well inspections shall be performed by a certified well driller or pump installer, shall include a pump test to determine the static water level and pumping water level, and shall be documented on a WDNR well inspection form. Property inspections shall be performed by a licensed home inspector and shall consist of the inspection, photographing and recorded description of pre-blast conditions of the interior and exterior of residences and other structures.

I am copying counsel for the applicant on this email with the suggestion that acceptable language can be agreed upon and the Minutes amended accordingly when approved at the next ZLR meeting. Thank you for your consideration.

Sincerely,

Mary Beth Peranteau
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