

Town of Burke
Plan Commission Minutes
February 27, 2013
5:30 p.m.

Members Present: Chair Mike Vraniak (excused from meeting at 5:26 p.m. and returned at 5:45 p.m.); RJ Hess; Christie Legler; Marv Urban and George Walsh. Excused: Joan Stoflet. Others Present: Brenda Ayers, Clerk/Treasurer; Pam Andros and Dan Everson of Dane County Zoning. See attached list for other interested parties in attendance.

1. The meeting was called to order at 5:30 p.m. by Vraniak.
2. Discuss/possible action concerning a Conditional Use Permit (CUP) application submitted by Jagdish Agrawal/Mandir of Madison for the purpose of renewing the existing CUP for religious uses of a Temple and Community Center on the property located at 3393 Burke Road (parcel number 0810-252-8570). Existing CUP #2071 was granted in May of 2008 with the condition that it expire within five years or upon sale of the property, whichever comes first. As noted in the application, the Temple has been a good neighbor. Motion: Legler/ Walsh to recommend approval of the CUP to the Town Board with the condition that it expires on October 27, 2036. Motion carried.
3. Discuss /possible action concerning a Conditional Use Permit (CUP #2228) application submitted by MSA on behalf of Madison Block and Stone for the purpose of mineral extraction and re-grading the property located at 5813 US Hwy 51 (parcel numbers 0810-084-9780-2 and 0810-084-9920-2). (Vraniak left the meeting) Hess reported that the motion to approve the resolution to conditionally approve the CUP failed and the Board sent the matter back to the Plan Commission to work out some of the concerns. County staff was present at the meeting to explain the requirements that will need to be met in addition to the approval of the Conditional Use Permit. Pam Andros, Senior Planner Dane County, reported that there are several permits that the applicant will need to apply for to operate the quarry including (but not limited to): a) per Chapter 74 of County Ordinances, a reclamation plan including the end land use will need to be submitted to the County b) per Chapter 14 of Dane County Ordinances, an erosion control plan will need to be submitted. The operator will also be subject to County, State and Federal regulations for blasting, dust control and emissions control. Andros reported that she has a standard set of conditions that she imposes on extraction operations including compliance with the aforementioned regulations. Walsh inquired about the backfill requirements once the extraction process is complete. Dan Everson, Dane County Assistant Zoning Administrator, said that the DNR requires that the fill is clean and free of construction material. Hess asked if a permit will be issued upon approval of the Reclamation Plan. Andros replied that the CUP will not be valid until the plan is approved and a Reclamation Permit is issued. (Vraniak returned to the meeting) Everson said that the Reclamation Plan is comprised of both narrative and plans that show contours

and seeding. Urban asked if the County monitors the Reclamation Plan. Dan Everson, Dane County Assistant Zoning Administrator, reported that the County inspects sites and receives an operator report once a year in order to comply with DNR reporting requirements. Hess noted that the application states that the site was previously registered as a quarry and the Zoning Administrator's records indicate it was not. DeYoung said he will address the matter with the County. Walsh and Vraniak asked if the County has standard conditions for hours of operation and blasting notice requirements. Andros responded that both vary per application. Jayme Anderson, Madison Block and Stone, stated that he is currently working with a blasting company to develop a plan which includes who gets notified and when. Walsh asked how the quarry operation would be separated from the retail site. Anderson said he intends to install a 7 foot chain link fence to separate the extraction area. Motion: Hess/Walsh to recommend approval of the CUP to the Town Board with the following conditions: 1) The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations, and receive approval of an erosion control permit prior to commencing extraction operations. 2) The applicant shall apply for and receive all other required local, state and federal permits. 3) The operator shall develop and operate the site according to the site/operations and phasing plan 4) CUP #2228 shall expire on 3-20-2023 5) Reclamation shall meet requirements of Chapter 74 of the Dane County Code of Ordinances. A copy of the Reclamation permit shall be provided to the Town upon issuance. 6) The operator shall maintain the driveway in a dust free manner in accordance with local, state and federal regulations, and shall clean any dust or mud tracked onto public roads. 7) The applicant shall install and maintain bituminous pavement on the entrances located on Acker and Hoepker. 8) Hours of mineral extraction operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday, and from 9:00 a.m. to 2:00 p.m. on Saturdays. Blasting operations shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday. No operations of any kind shall take place on Sundays or legal holidays. 9) During operations the edges of the extraction area shall be maintained at a step terrace. 10) The operator shall use spray bars (water) in the crushing process to reduce dust. Use of spray bars is not required when the temperature is below freezing. The operator shall spray the site with water if and when needed to control dust. 11) No water shall be pumped or otherwise removed from the site. 12) There shall be no bulk fuel stored on the site. 13) The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed the current industry standards for noise abatement. 14) The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415.076. 15) Dane County and the Town of Burke shall be listed as additional named insureds on the Madison Block & Stone liability insurance policy, which shall be for a minimum of \$1,000,000 combined single limit coverage per occurrence. The operator shall furnish a copy of a Certificate of Insurance as evidence of coverage before operations commence. The liability insurance policy shall remain in effect until reclamation is complete. 16) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions

or to investigate an alleged violation. Unless the operator is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation. 17) An annual road maintenance fee in the amount of \$2,000 is paid to the Town subject to review in five years. 18) The applicant provides a form for owners and occupants of adjacent property owners to sign up for blasting notices. Motion carried.

4. Update on the DeForest ETZ. Urban reported that the ETZ Committee has not met since January 3.
5. Approval of minutes from January 9, 2013. Motion: Hess/Legler to approve the minutes as presented.
6. Adjourn. Motion: Legler/Hess to adjourn. Meeting adjourned at 6:21 p.m. Motion carried.

Brenda Ayers
Clerk/Treasurer
3/14/2013