

Town of Burke  
Plan Commission Minutes  
January 11, 2017  
5:30 p.m.

Members Present: Mike Vraniak (Chair), Steve Berg, Christie Legler, Jodi Nachtwey, Marv Urban and George Walsh. Excused: Joan Stoflet. Staff present: Brenda Ayers, Administrator/Clerk/Treasurer. See attached list for other interested parties in attendance.

1. The meeting was called to order at 5:30 p.m. by Vraniak. Vraniak started the meeting by explaining that comments from the public would not be taken at this meeting and the opportunity for comment would come before a meeting of the Town Board. He further explained that the Plan Commission's responsibility is to work through the technical issues of the application.
  
2. Discuss/possible action on proposed CUP 2362 for mineral extraction submitted by Belken Engineering on behalf of Madison Crushing and Excavation for renewal of CUP 1993 and 1672 and the addition of the legal non-conforming area (northern expansion area). Properties located off Reiner Rd, Madison. (parcel numbers 0810-261-8041-0, 0810-261-9501-4, 0810-261-9830-6, 0810-261-9840-4 and 0810-264-8001-8). Vraniak commented on the letter dated January 6, 2017, from Paul Johnson (attorney representing Madison Crushing) to Roger Lane of Dane County Zoning regarding Lane's proposed conditions of CUP 2362. Vraniak expressed concern with Johnson's suggestion to have the Town Clerk maintain records of individuals requesting blast notices. Vraniak noted that it is the businesses responsibility- not the Town's. Johnson responded that the concern was the tracking of people moving in and out and that the county's website doesn't include up to date ownership information. Legler suggested that notices should be mailed to addresses within a certain radius- not just by request. Johnson said that in the past people have indicated they want to be removed from the list. Legler said Madison Crushing should mail the notices anyway as a matter of due diligence. Johnson raised concerns about new homes/subdivisions. Berg noted that any new subdivisions in the area would be part of the City of Madison which is another reason to not rely on the Town to maintain the list of addresses. Urban inquired about the blasts. He noted that some were .4 and others were .5. William Ziegler (Madison Crushing) said he was unable to answer as he is not a blaster. He noted that the peak particle velocity is regulated by the State. Vraniak noted that Johnson's letter also requested a 20 year term on the CUP as according to the current schedule the materials will be exhausted from the site and reclamation will begin. Vraniak asked if the 20 years also applied to the northern expansion site or the current sites. Johnson said it applied to both. Berg inquired about the reference to squawk boxes referenced under Condition No. 9 in Johnson's letter. Johnson said that unlike the constant "beep, beep, beep" of back up alarms, squawk boxes make a noise like a football or dog toy deflating. Johnson further noted that since they are not expanding the hours of operation

squawk boxes should not be required. Berg inquired about Johnson's comment about fuel storage tanks not being in the CUP area (Condition No. 14). Johnson explained the reason the comment was made is because Madison Crushing originally submitted applications to renew expired CUP 1672 and 1993 individually and to include the expansion area. The County has requested that the CUPs be combined into one along with the expansion area and the legal non-conforming area (location of fuel tanks) so the entire site is covered by one CUP. Berg noted that a spill plan will need to be submitted to Dane County and all state and federal regulations will need to be met in order for the fuel tanks to remain on the property now that it will be part of the area covered by the CUP. Legler inquired about dust control methods. Ziegler noted that he will do his best to go over and above regulations and explained that dust control measures include watering of roads and paving of a portion of the driveways closest to the road. Ziegler also noted that the dust is not caused by the blasts since they take place below ground. Dust is caused by the trucks leaving and entering the property. Berg inquired about Johnson's request for the definition of paved to be modified to allow for spreading of asphalt-like material or recycled asphalt on top of the existing driveway (Condition No. 6). Johnson explained that the applicant has no objection to laying asphalt on a portion of the driveway and the spraying of the remaining gravel drive but would like pave to include recycled asphalt. Nachtwey inquired if the recycled material would be as effective in minimizing dust as pavement would. Johnson said it would certainly minimize the dust. Legler inquired about the frequency of the blasting. Ziegler responded that the blaster comes to the property three times per year and blasts occur 3-4 times per visit. Berg asked if the blasts were planned in advance. Ziegler said that he always sends notices to those who have requested them and the blasts are scheduled based on inventory. Vraniak inquired about access points. Ziegler stated that he is unable to access the north end from the southern access point. He further noted that the north and south access points already exist, are posted and are gated. Ziegler also noted that the north side will not be used for hauling and stripping will only occur on the south side. Walsh inquired about the requirement to have berms five feet from the property line. Johnson noted it is a new condition added by Roger Lane- not proposed by Madison Crushing. John Belken, Belken Engineering, explained that screening typically starts five feet from the property line. Walsh inquired about the depth of the berm. Belk responded that it is deep enough to block the view from neighboring houses. Ziegler responded approximately 40 feet. Urban inquired about water runoff. Ziegler responded that the water is diverted through the quarry which results in less run off along Burke and Reiner Roads. Ziegler also noted that a stormwater plan is in place on the property. Walsh inquired about measures taken to not disrupt wells in the area. Ziegler said that the wells are at least 200 feet away. Belken said that there is no groundwater seepage. Ziegler also said that the blasting does not affect the water table. Urban asked about the reference to "legal non-conforming area." Johnson explained that this quarry existed prior to the implementation of zoning regulations and was grandfathered in so it does not require a CUP. However, Dane County has requested the addition of this site to the CUP and to have all

extraction areas included in one CUP. Johnson noted that Madison Crushing does not oppose having one CUP including the non-conforming site. Walsh noted the current amount of traffic on Reiner Road and inquired about how the additional area will affect traffic. Ziegler indicated that he does not plan on changing his operations and that it will depend on demand. He also noted that he does not plan to grow the business exponentially. Johnson explained that the request for the expansion area is to move into the next phase of the pit. The plan is to run “business as usual” for the next 10-20 years. He also indicated there will be high times and low times. Vraniak expressed concern with the northern expansion and noted that he is opposed to adding another area to the site. Legler expressed her concern about blasting at 7 a.m. on Saturday. Ziegler responded that they suggested those hours in the application in an effort to make things standard but he does not recall blasting at 7 a.m. or on a Saturday in the past. Berg expressed his concern about the comment “business as usual” and commented that the existing CUPs expired in February and May of 2016 and the renewal application was not submitted until December. Ziegler explained that his previous attorney dropped the ball on the renewal. Walsh noted that if the CUP is not approved mineral extraction could continue in the legal non-conforming area. Urban expressed his concern with a 20 year limit. Vraniak noted the most recent CUP was for 10 years. It was also noted that the Town will dissolve in less than 20 years. Vraniak inquired about reclamation and what the plans are for the end of the CUP. Ziegler noted that reclamation is ongoing. Belken said the land will likely be farmland as noted in the previous plan. Walsh asked if there have been issues with home values in the area due to the quarry. Johnson noted that the quarry has been in existence since the 1960’s- prior to construction of the homes in the area. He acknowledged that a potential buyer might be skeptical of purchasing if a blast occurs during a showing but he does not feel the quarry has an impact on property values. Berg inquired about growth on the berms. Ziegler said they are seeded and mulch and matting is used to keep the seeds in place. He also noted that trees will occasionally grow on the berm. Vraniak noted that parcel 0810-261-8430-0 has been removed from the CUP application because it is zoned LC-1 and mineral extraction is not permitted in this classification. Vraniak indicated that he is in favor of a condition which requires notices to be sent to residents within a certain area. Ziegler noted that he always sends notices to those that have requested them. Vraniak stated that he has signed up in the past but has not received any notices. Referring to item q. on page 7 of the application narrative, Berg encouraged the applicant to be a good neighbor and to take aggressive measures for spill control and dust control. Belken stated that the application refers to taking “whatever measures are available for spill prevention and dust control...” in general terms as to not tie the operator to use of a specific technology to ensure the best use of current technology. Motion: Walsh/\_\_\_\_\_ to not recommend approval to the Town Board because there are too many conditions tied to the CUP. MOTION FAILED- LACK OF SECOND. Berg suggested that the commission should review the 21 conditions of approval in the resolution of conditional approval prepared by Ayers before making a recommendation.

The commission agreed to revise some of the conditions (rest remained the same) in the resolution as follows:

- Condition 4- set the term of 10 years
- Condition 6- include asphalt like or recycled asphalt material in the definition of paved
- Condition 7- allow access through the existing access points as indicated on the site plan (strike via the Madison Crushing & Excavating Co., Inc. property)
- Condition 9b. - blasting may begin at 8 a.m.
- Condition 11- seismograph record shall be sent to the Town of Burke and Dane County within 7 days of the blast
- Condition 14- the two existing bulk fuel tanks may remain on site if they meet all State and Federal codes and a spill containment plan that meets state regulations is filed with and approved by the Dane County Land Conservation Department.
- Condition 20- Mineral extraction boundary from property line set at 50 feet
- Condition 21- Occupants of properties within 1,000 feet of the CUP boundaries and the Town of Burke shall be notified at least 24 hours in advance
- Condition 22 (addition to the resolution)- an annual road maintenance fee shall be paid to the Town of Burke

3. Update on the DeForest ETZ. Have not met since September.
4. Approval of minutes from October 12, 2016.  
Motion: Legler/Walsh to approve the minutes as presented. Motion carried.
5. Adjourn. Motion: Legler/Walsh to adjourn. Motion carried. Meeting adjourned at 7:19 p.m.

Brenda Ayers  
Administrator/Clerk/Treasurer  
02/01/2017