

**From:** [Jake](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** input on Northeast neighborhood in Fitchburg  
**Date:** Friday, March 13, 2015 8:35:27 AM

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Hi Lisa -

I am a Fitchburg resident and Sierra Club member and am concerned about too much development throughout our city, especially in the environmentally sensitive Northeast Neighborhood. The plan for high density housing and the subsequently needed roads and driveways and digging in this area will undoubtedly hurt the natural nature of the area and will cause significantly more runoff into the sensitive Lake Waubesa watershed. As a city, we have a lot of central land slated for development, and I'm sure that down the road the northeast neighborhood will pair with a developer that understands low impact housing and green practices. Historically, our city council has approved a development and then the developer changes things, specifically adding housing and requesting smaller buffers around wetland and water resources, which are then subsequently given to them by our mayor and council. Until we get a council that understands the importance of environmental sensitivities and all of the factors that affect water health, I am strongly against developing the Northeast Neighborhood. A petition with hundreds of signatures was circulated and the people in this community do not want dense development there. I think we need to prioritize residents and the environment first here and avoid development in the Northeast Neighborhood of Fitchburg until we can come up with a good green plan. Thank you!

Jake Johnson  
Parks Commission Member & resident  
City of Fitchburg, Wisconsin  
608-443-6117

To: CARPC Commission Members

From: John Freiburger Ed Kinney  
5438 Highway M 5390 Whalen Road  
Fitchburg, WI 53575 Fitchburg, WI 53575

Date: September 10, 2014

Subject: City of Fitchburg request for USA expansion to accommodate NEN

Dear Commission Members,

While we speak in favor of this request as private citizens of Fitchburg and not in any official capacity, we wish to inform you that we have spent a combined forty years on the Fitchburg Plan Commission and in related capacities.

John Freiburger was first appointed by Mayor Capp and subsequently served under Mayors Huntley-Cooper, Morrissette, Vivian, Clauder and Allen for twenty years, and was Vice Chair for many years. Ed Kinney was first appointed by Mayor Morrissette in 1995 and is currently Vice Chair. Kinney has served as a long-time member of the Ag and Rural Affairs Committee and is currently Chair. Kinney is also Fitchburg's representative to Capitol Region Sustainable Communities.

Of special interest to us are the preservation of farmland and open space, and the economics of agriculture in Fitchburg. To that end, we have participated in and helped shape Fitchburg's comprehensive planning process and the current fifty-year Comprehensive Plan. This plan exceeds the twenty-year planning process as required by the State, establishes an Urban Growth Boundary, and includes the Northeast Neighborhood Plan.

Essential to the preservation of ag land and open space is the limitation of development to compact areas where farming is less productive than on the great prairie soils of the southwestern portion of the city. We helped establish a growth boundary to target development along the railroad tracks and Highway 14, planning for eventual use of the rail corridor for light rail or multi-modal transport and the use of the Highway 14 expressway and County Highway MM as transit corridors.

The Northeast Neighborhood is an essential part of the ag and open space preservation plan for Fitchburg. It is located as close to the state capitol as any undeveloped land in the Madison area. It has existing transportation links and the plan is compact and pedestrian friendly. The Highway 14/Lacy Rd interchange was built to accommodate growth in this immediate area, and the NEN is integral to the success of the "Up Town" TOD.

We paid special attention to run-off. Freiburger currently farms thirty leased acres in the NEN and has had to deal with silty run off from the vegetable plots and community gardens he runs there. He hopes to continue to manage community gardens in the area. Although the existing gravel and clay soils are not the best, careful farming can add organic matter. Kinney has toured Lake Waubesa and its tributary Swan Creek and monitored storm water planning for the neighborhood.

Ag production lands currently deliver uncontrolled run-off and unwanted fertilizers to Lake Waubesa via Swan Creek. Storm water management for the NEN will include measures such as rain gardens and detention ponds that will promote infiltration and evaporation, and result in the controlled release of cleaner water to Swan Creek with reduced erosion.

To summarize:

1. We are intensely interested in the long-term future of Fitchburg and have served the City in our various capacities as part of our commitment to good planning and the preservation of our rural heritage.
2. The NEN is not only consistent, but also essential to the orderly development of Fitchburg, as planned, along the eastern transport corridors.
3. We believe that the careful planning incorporated in the NEN plan will significantly improve the quantity and quality of storm water run-off that eventually enters Lake Waubesa.

We encourage you to approve the Urban Service Area extension necessary to develop the Northeast Neighborhood.

To: The Wisconsin Department of Natural Resources

Re: Fitchburg's Northeast Neighborhood (NEN) USA application

I was also one of 8 people who served on Fitchburg's NEN planning committee, at the time appointed by Mayor Tom Clauder. The members were 4 city Alders, the Plan Department Director, a city engineering/land use consultant, a representative from the East Lacy Neighborhood Association, and myself representing the property owners in the NEN (I am a member of Fitchburg Lands, LLC). The plan was passed by the committee unanimously, and continued with unanimous support through city committees and commissions' consideration. As a side note, the committee chair was Steve Arnold, who is now running for mayor, and he voted in favor of the plan at the committee level as well as multiple times on commissions and city council, but now opposes the plan.

The city initiated their northeast expansion over the past few years completing major investments in transportation improvements with the construction of an overpass and realignment of Lacy Road over Highway 14, extending to County MM and the NEN. The creation of the Uptown Neighborhood, located between Highway 14 and Syene Road, along with the NEN follows an underlying goal of Fitchburg's long term Comprehensive Plan to focus growth to the north side of the city, preserving the best agricultural land and protecting environmentally sensitive lands, while promoting an efficient transportation route to the major urban employment core of Greater Madison. Seems to me that Fitchburg understands its role as a municipality within a growing county, located immediately adjacent to the capitol city. Taking planning seriously while serving many interests and protecting an agricultural legacy is a difficult balancing act at times, but Fitchburg has been methodical in its approach and inclusive by encouraging community involvement every step of the way.

Over the last 10-plus years, Fitchburg has hosted over 50 public meetings specifically involving the NEN, and accepted volumes of comments and testimony, and mostly all with professionalism and curtesy. Frankly, it has only been when great liberty has been taken with the facts by those who oppose the neighborhood, that some city officials have become a bit frustrated. What is forgotten by those opposed to the NEN is the fact we have a neighborhood plan that took almost 2 years to complete, but this document is unheard of, much less even read, by those who testified or were convinced to sign a petition. But then again, why would anyone want the truth to be told?

Those in opposition to the NEN point to NO examples or specific criteria of what is in this plan that will harm the Waubesa wetlands, only continuing to remind everyone what an environmental gem the wetlands are, which no one would disagree. However, there is nothing in this plan that will cause harm and, in fact, the plan as implemented will be a better neighbor to the water quality than most other surrounding lands with respect to run-off and recharge. The NEN plan has standards that exceed state and most local requirements, and that was done intentionally to create a higher standard for area development.

So, over the last 10 years of "rushing" this plan along, city officials have been lectured about all the reasons this neighborhood should not proceed. If the environmental concerns didn't hold up, the opposition suggested Fitchburg real estate values would suffer. When that didn't stand up as factual, they moved to scare seniors about Fitchburg property taxes skyrocketing because of unchecked growth. Of course, when that argument didn't last, it was something else, eventually getting back to the environmental angle (for obvious reasons) as the plan approached CARPC and now the DNR. There are only so many false claims a person can make, at which point they become more of a convenient environmentalist in effort to oppose a neighborhood that happens to be across the road from their home. And speaking of their homes, how can anyone oppose a neighborhood plan by suggesting it is too close to wetlands, when they live even closer?

The fact is, with the environmental considerations and innovative water management techniques included in the NEN, this plan has passed the test at every level of scrutiny by those who are truly knowledgeable in land planning and protecting the environment at the same time. What the plan was not designed to do is address the political manipulation that has been present from the first meeting of the planning committee and continues to this day (see mayor's race). Adjacent municipalities can disagree with the way Fitchburg has decided to participate in the county's growth over the years, but this city has acted responsibly to growth by choosing to have people live and work here rather than having them simply drive through the community to Madison every day. That is not only an economic consideration, but a responsible environmental one as well.

The facts are...great care has been taken to create a responsible neighborhood plan following Wisconsin's Smart Growth policies and its own Comprehensive Plan, the community has been involved extensively in Fitchburg's long term planning process, and while those who oppose have every right to voice the concern, the facts have never supported their contentions.

Respectfully submitted.

Phil Sveum  
Fitchburg

April 30, 2015

To whom it may concern:

My name is Sheryl Rensio, and I've lived in the Town of Denmark for 44 years. My late husband & I bought our property in 1971, and we've cherished the water ways, the openness, and most of all, how the town is managed with a look to the future -- not putting anything in which would harm it's pristine qualities.

I am very concerned by the proposed the new sewer service area request. I understand the the land in question has springs, wetlands, surface water, hydric soils.

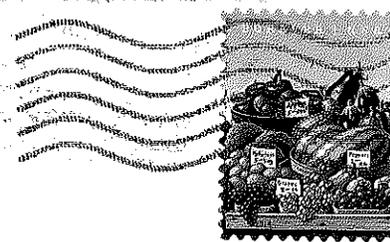
I've been around many years, and I know that unexpected problems emerge when the soil/water systems are tampered with. I am totally against this sewer project! I hope that the DNR will weigh in against it.

Sincerely,  
Sheryl Rensio

Sheryl Rensio  
2382 County Road AB  
McFarland, WI 53558

MILWAUKEE WI 530

30 MAR 2015 PM 1 L



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WT/3 - WY/3 - OGL/3

Fitchburg NE Neighborhood Public  
Council  
DNR C/o Me. 2. Nehmuth, 11016

Fitchburg NE Neighborhood Public Comment

WDNR, C/O Ms. L. Helmuth, WQ/3

PO Box 7921

Madison, WI 53707-7921

We have been residents of the Northeast Neighborhood (NEN) for 30 years and therefore have a deep interest in preserving this peaceful, open air piece of farm land so close to Madison. We're sure that is what Phil Sveum's investors saw when they purchased the 250 acres in the NEN. He was told there would be road blocks because of the wetlands issue, but they were certain they could politically overcome each one. The first we learned of the transaction was when a surveyor appeared in our back yard ten years ago.

If you have not done so, I would challenge each of you to drive the circle around the NEN in question. You will find 4 houses on Goodland Park Road (we are the first house off Hwy MM); there are NO houses on Larson Road because of excess water that would flood basements; there are 14 homes in the wooded area on Clayton Road; and Hwy MM has 9 modest homes. That's 29 homes already on the land in question and our cumulative voices are very small. We are surrounded by marshes along with marshes that exist within. We cherish our fresh well water and efficient septic systems and are in grave danger of losing both at our own expense if just one dwelling is erected on our respective roads. That's the law. We are grateful forever for the help of the West Waubesa Preservation Coalition. They were able to convince CARPC with their expert witnesses, and you should hear everything they heard. It's only fair to them and to our 29 households already living here.

Please, there must be a public hearing so you can learn the facts from those who have made a living by becoming experts about the wetlands, the danger to Lake Waubesa, and the irreparable harm that will follow if 1400 (at last count) dwellings are squeezed into the NEN. CARPC heard it and understood, and you should give yourselves that opportunity as well. How can you NOT get all the information from experts before making a decision so important for generations to come. We residents would also like to have a chance to plead our collective case. It may not be a big deal to you, but it is a huge one for us.

We know the politicians built a lovely bridge to MM and will use that as a bargaining chip. "Spend it or lose it" could have been spent on many other improvements besides the bridge. There is so much land in Fitchburg currently set aside for development and others that are still waiting completion. Surely the NEN current owners can come up with a creative way to recoup their investment without creating another "mixed neighborhood" with roundabouts no less. That's not progress.

Bill & Judy Harris

4870 Goodland Park Road

Fitchburg, WI 53575

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APR 1 2015

WT/3 - WY/3 - OGL/3

# CRANES

## Capital Region Advocacy Network for Environmental Sustainability

*On behalf of its member organizations and individuals, advocating collaboratively for the environment of the South Central Wisconsin region (eight counties: Columbia, Dane, Dodge, Green, Iowa, Jefferson, Rock and Sauk) toward a high quality of life; an ecologically sustainable and just culture; and, the celebration of the beauty of this place, both natural and built.*

### VISION

*The Capital area's environment, including water, land, and air resources, will be conserved or restored to ensure the region's quality of life and the beauty of this special place, for all who live or visit here, now and in the future.*

### PARTNER ORGANIZATIONS

*Earth/Art® Resources  
Friends of Pheasant Branch Conservancy  
League of Women Voters ~ Dane County  
Madison Audubon Society  
Sierra Club ~ Four Lakes Group  
W. Dane Coalition for Smart Growth & Environment  
West Waubesa Preservation Coalition*

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**C.R.A.N.E.S., INC.**  
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**MADISON, WI 53704**

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**CRANESINC.ORG**  
**INFO@CRANESINC.ORG**

A Wisconsin Non-Profit [EIN 26-4056421]  
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*River Alliance of Wisconsin*  
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PRINTED ON RECYCLED PAPER

3 April 2015

*Fitchburg NE Neighborhood Public Comment  
WDNR, c/o Ms. L. Helmuth  
WQ/3PO Box 7921  
Madison, WI 53707-7921*

EMAIL [lisa.helmuth@wisconsin.gov](mailto:lisa.helmuth@wisconsin.gov)

Dear WDNR:

The *Capital Region Advocacy Network for Environmental Sustainability* (CRANES) requests that the *Wisconsin Department of Natural Resources* (WDNR) affirm the advisory decision of the *Capital Area Regional Planning Commission* (CARPC) regarding the *City of Fitchburg's North East Neighborhood (NEN) Urban Service Area Amendment Application (USAAA)*.

We begin by reaffirming the relevant points of our 11 September 2014 letter to CARPC, already in the public record that has been conveyed to the WDNR. Our primary concern had to do with water quality issues, in large part caused by Fitchburg's unwise decision to pursue urbanization at this particularly sensitive location in the watershed. We pointed out the need to wait for the results of the forthcoming groundwater model for Dane County. We also noted the importance of considering the results of the forthcoming UW-Madison storm transposition study, which— now six months later— is still only partially released.

Some renowned researchers, who also presented testimony to CARPC, shared our water quality concerns. This expert testimony sometimes countered the CARPC staff analysis. For a partial summary, see *Successful Challenges to the CARPC staff analysis of the City of Fitchburg Northeast Neighborhood (NEN) Urban Surface Area Amendment Application (USA AA)*, 12 November 2014. This document is also in the public record already conveyed to the WDNR.

Historically Fitchburg has been the Dane county city with the lowest residential density; it remains so today. CRANES pointed out that the land demand forecasting used to support the USAAA was compromised in two major ways: (1) Fitchburg's density was projected to be so low as to fail to provide housing that will meet market demand, as forecast in a recent federally-funded study; and, (2) Fitchburg's 2035 population was based on outdated projections from the State of WI Department of Administration, which have since been revised downwardly a great deal.

Therefore, besides affirming the CARPC's decision on the Fitchburg USAAA matter, we request that the WDNR also direct CARPC staff to do what CRANES urged last year: "*Before considering any new USAAAs ... adopt population and land demand projections based on revised 2013 U.S. census data.*"

Thank you for your careful consideration of our requests.

Sincerely,



Gary Werner  
President, CRANES Board of Directors

Russ R.

April 3<sup>rd</sup> 2015

Wisconsin Department of Natural Resources

To: The Wisconsin Department of Natural Resources  
Attn: Lisa Helmuth, Tim Asplund and Russ Rasmussen

APR 3 2015

From: Kitty Brussock

WT/3 - WY/3 - OGL/3

Subject: Fitchburg's Northeast Neighborhood Proposal

As a member of The Clean Lakes Alliance and the Lake Waubesa Conservation Association, am writing to urge you to *not* disregard the CARPC rejection of the Northeast Neighborhood Proposal.

You have, I assume, the testimony and reports offered up during the CARPC hearings. Please allow me to add a perspective that I do not recall being offered at those hearings. When I first moved to the Madison area more than 18 years ago, I was puzzled by the enormous area of land occupied by a town called Fitchburg. As I was to discover, Fitchburg was incorporated in 1983 because the inhabitants wanted to halt the worrisome expansion of the city of Madison. The land mass granted to Fitchburg is more than one third the land area of Madison. The population of Fitchburg at the time was around 17,000 which was not one tenth the population of Madison in the 1980 census.

Bottom line is that a very few people were granted control over a very large area of land in the interest of staving off encroachment and expansion.

Looking at the city of Fitchburg today, it seems that the government and developers there have lost sight of their charter and reason for being.

Please uphold the rejection by the Capital Area Regional Planning Commission of Fitchburg's application to bring the Northeast Neighborhood into the Urban Service Area.

Thank you  
Sincerely,

Kitty Brussock  
6214 South Ct  
McFarland, WI 53558  
[kittybrussock@yahoo.com](mailto:kittybrussock@yahoo.com)  
(608) 445.5505

Russ R.

April 3<sup>rd</sup> 2015

Wisconsin Department of Natural Resources

To: The Wisconsin Department of Natural Resources  
Attn: Lisa Helmuth, Tim Asplund and Russ Rasmussen

APR 3 2015

From: Kitty Brussock

WT/3 - WY/3 - OGL/3

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Thank you  
Sincerely,



Kitty Brussock  
6214 South Ct  
McFarland, WI 53558  
[kittybrussock@yahoo.com](mailto:kittybrussock@yahoo.com)  
(608) 445.5505

# DANE COUNTY CITIES' & VILLAGES' ASSOCIATION

Friday, April 3, 2015



**President:**

Jon Hochkammer  
Mayor  
City of Verona  
(608) 845-5833

**Vice President:**

Kurt Sonnentag  
Mayor  
City of Middleton  
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(608) 255-0029

**Address:**

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Suite 206  
Madison, WI 53703  
(608) 255-0029

Fitchburg NE Neighborhood - Public Comment  
Wisconsin Department of Natural Resources  
C/O Ms. L. Helmuth, WQ/3  
P.O. Box 7912  
Madison, WI 53707-7921

The Dane County Cities' & Villages' Association (DCCVA) requests the Wisconsin Department of Natural Resources (WDNR) exercise its authority to reverse the Capital Area Regional Planning Commission (CARPC) denial of the City of Fitchburg Northeast Neighborhood Sewer Service Area Amendment ("the Amendment") to the Dane County Water Quality Management Plan – thereby accepting the original CARPC technical staff recommendation for approval. Further, the DCCVA requests the WDNR provide additional guidance to CARPC and the municipalities under its jurisdiction to better understand the Commission's discretion in denying plan amendments that meet or exceed the requirements of NR-121 and the Dane County portion of the statewide area water quality management plan.

As in the past, the proposed Amendment presented to CARPC governing body was the result of scientific study, planning and negotiation between CARPC technical staff and the applicant. These efforts resulted in a proposal that meets or exceeds state, county and municipal requirements, and staff recommended its approval.<sup>[1][2]</sup> Despite this, the Amendment failed to receive approval from the CARPC governing body.

In submitting these comments, DCCVA wishes to express its concern that CARPC denial of the Amendment request is not supported by the criteria described in chapter NR-121 Wis. Admin Code. As a representative of the municipalities governed by the CARPC's decision, DCCVA has a vital interest in ensuring that amendment process remains both reliable and transparent through strict adherence to these regulatory requirements. Therefore, in addition to overturning the CARPC denial of the Amendment, DCCVA also seeks clarification from the WDNR on the extent to which the CARPC may exercise its discretion in denying amendments that are consistent with both the administrative code, and the Dane County portion of the plan.

Thank you for your consideration. If you have any questions, you may contact me at contact information provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Forbes McIntosh".

Forbes McIntosh

<sup>1</sup> [CARPC Meeting Minutes, November 13, 2014, Page 5, Paragraph 4.](#)

<sup>2</sup> [Staff Analysis of Proposed Amendment to the Dane County Land Use & Transportation Plan and Water Quality Plan, Revising the Central Urban Service Area and Environmental Corridor Boundaries in the Northeast Neighborhood of the City of Fitchburg \(September 2, 2014\), Page 61.](#)

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10 Spear Circle  
Madison, WI 53713  
March 31, 2015

WY/3 - WY/3 - OGL/3

Dear Mr. Helmuth,

I am writing to oppose the NE neighborhood of Fitchburg. I am concerned about water quality in the wetlands + lakes. Once this development is started, there is no turning back. The streams + lakes are so valuable + as droughts + decreased water supplies occur throughout our nation, having clean water will take on increased importance for people + wildlife.

I'm concerned about the rerouting of Clayton road. Will that encroach into the E-Way wetland. A portion of that wetland was already destroyed when the new bridge was put in on Hwy MM - do not take any more wetland as it is very important for water quality + for wildlife. It is important to preserve Nine Springs creek. Have you ever come + looked at that creek after a rain storm when it turns cloudy dark + is filled with mud? Again, I am opposed to the development. Thank you,  
Ellen Hansen

April 3, 2015

Lisa Helmuth, DNR

Re: Fitchburg Northeast Neighborhood Development

Dear Ms. Helmuth:

I am submitting my comments in opposition to the Fitchburg Northeast Neighborhood Development.

I have been a resident of the Town of Dunn for over 23 years, and my property abuts DNR land/Waubesha Wetlands. I have the following concerns and comments regarding the proposal:

1. Impact on the environment, more specifically the water quality and effect on the wetlands and Lake Waubesha and the loss of prime farmland. Adding 1400 single family homes and what is needed to support those homes will be detrimental. The land proposed for development would be under significant construction – removal of soil and trees, the wear and tear from construction equipment, pollution from that equipment as well as increased flooding (which is unescapable) which will flow directly into the lake and wetlands causing invasive species of plant life to suffocate the “good” plants and render the lake even more unusable, and the construction of sewage, electrical, telephone and other utilities, etc. (to develop the land and put in the homes) will likewise erode the water quality and wetlands. Additional roads will need to be constructed in an area not close to any major road access, with pollution caused from that construction as well as the numerous cars and trucks that will be added to the area. Also to consider is the impact on the wildlife – loss of space and the effects of pollution will reduce the number and variety we have in this area
2. The area is not close to the city center. Priority services are well beyond the proposed area such as police and fire. Even with new roads, the ability for the municipality to provide timely services is highly questionable. In addition other services such as garbage, snow plowing, road maintenance will add additional stress to the area.
3. The city already has areas approved for development over the next ten years. There is no need to add another area given the fragility of the environment in the area proposed when others exist and the municipality has not proved that this area is needed.
4. Mayor Pfaff’s assertion that Fitchburg is the area for growth because it is between Madison and Epic Systems (in Verona). Epic primarily employees young, single people who stay an average of 2-3 years and prefer the action in Madison central. How do single family homes benefit that population? Simply stated, it does not.

There are several other factors to consider; however, since the Capital Area Regional Planning Commission denied the proposal, their charge should be considered as part of this process.

Thank you for this opportunity,

Audrey Koehn

2391 White Oak Trl, Oregon, WI



AXLEY BRYNELSON, LLP

• • • • •  
Robert C. Procter  
(608) 283-6762  
rprocter@axley.com

April 3, 2015

VIA EMAIL

Ms. Lisa Helmuth  
Wisconsin Department of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921  
[lisa.helmuth@wisconsin.gov](mailto:lisa.helmuth@wisconsin.gov)

RE: Fitchburg Northeast Neighborhood Public Comments  
Our file: 14921.73788

Dear Ms. Helmuth:

We represent a land owner in the Northeast Neighborhood, and are providing you these comments in support of the City of Fitchburg's ("Fitchburg") proposal to amend the Central Urban Service Area. We understand that the Department's role is to determine whether the proposed amendment meets or exceeds the water quality standards required by Wis. Adm. Code ch. NR 121, and the Areawide Water Quality Plan.

We are confident, as established by the Capital Area Regional Planning Commission's Staff Analysis, that Fitchburg's proposal meets these requirements. Accordingly, rather than restate the analysis already provided by Fitchburg and CARPC Staff, we are responding to the comments submitted by Dane County and the objections made by some CARPC Commissioners to the proposal.

**1. County Executive Joe Parisi's Comments Are Not Substantiated by Any Facts and Fail to Address the Correct Standard of Review.**

Dane County Executive Joe Parisi's comments dated March 31, 2015, which were released to the public, focus on two allegations. First, the County Executive alleges that the Northeast Neighborhood will pollute Lake Waubesa, stating that development in this area "will [negatively] affect the wetlands, watershed, and areas important to having a healthy and vibrant Lake Waubesa." The County Executive does not substantiate his conclusory statements in any way. He does not refer to factual data, expert testimony or engineering to support his allegation. Such conclusory statements by the County and its appointed Commissioners at CARPC have been the norm throughout this process.

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In contrast, there has been significant engineering supporting Fitchburg's proposal. Specifically, Montgomery Associates Resource Solutions, LLC (Rob Montgomery, PE, D.WRE), Fitchburg Staff (Thomas Hovel, City Planner / Zoning Administrator), and CARPC Staff (Sean Higgins, Community Planner, and Phil Gaebler, Environmental Engineer) collaborated throughout the development of the Northeast Neighborhood Plan to ensure it complied with the applicable standards and best practices.

In addition, CARPC's professional staff did a thorough review of the applicable data, the applicable standards and best practices to ensure compliance. The result was a 67 page Staff Analysis that addresses the effect that the Northeast Neighborhood will have on water quality.

Second, the County Executive makes a land use policy argument, stating that "Fitchburg has lots of lands it can develop without raising the concerns specific to this project." The County Executive's comment does not refer to any land use plan that would substantiate his statements.

In contrast, CARPC's professional staff reviewed the Northeast Neighborhood Plan to ensure consistency with the applicable land use plans. CARPC's Staff Analysis determined that: (i) the Northeast Neighborhood Plan is consistent with CARPC's Land Use and Transportation Plan; (ii) the Northeast Neighborhood Plan is consistent with Fitchburg's comprehensive plan; and (iii) the Northeast Neighborhood Plan is consistent with the Dane County Park and Open Space Plan. Accordingly, there is no basis for the County Executive's comments.

The County Executive's statements relating to land use illustrate the County's persistent attitude that CARPC should regulate land use planning. However, this is not the law. The Department has made the point to CARPC before that the "areawide water quality planning process under ch. NR 121, Wis. Adm. Code, is not a vehicle for WDNR to prescribe the outcome of local land use planning." *See Department's Decision to Amend Dane County Areawide Water Quality Management Plan, Verona, April 19, 2012, Attachment 2, Page 4* (hereinafter, the "Verona Decision").

## **2. CARPC's Commissioners Failed to Apply the Proper Standards When They Rejected CARPC's Staff's Recommendation to Approve Fitchburg's Request.**

The Department has been down this road before with regards to the Commissioners' review of proposed urban service amendments. The comments and objections raised by some Commissioners in this matter are practically identical to the comments and objections addressed by the Department when it approved the City of Verona's application to revise Verona's urban service area. *See Verona Decision, Attachment 2, Page 4*. In the Verona Decision, the Department felt the need to explain that "there are currently certain misunderstandings with



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Page 3

regard to CARPC plan review procedures and WDNR intends to continue working with CARPC to clarify procedures and strengthen the relationship such that CARPC and WDNR will not take contractor positions.” Unfortunately, some Commissioners continue to ignore the Department’s directions.

For example, certain CARPC Commissioners continue to argue that the Commission is not bound by the standards applied by the Department when reviewing urban service amendments. For example, CARPC Commissioner Peter McKeever stated in his comments prior to voting that:

“The standards we are being asked to apply do not adequately protect this wetland. We are an independent agency. It seems to me as an independent agency we are charged with exercising our own judgment, our own discretion, and we are charged with leading to protect water quality in our community, not sort of blindly following other agency’s regulations, standards and criteria.”

*See Fitchburg Community Access Television, Capital Area Regional Planning Commission Hearing, November 13, 2014<sup>1</sup> at 2:40.20.* The Department has specifically addressed this issue with CARPC in the past. In the Verona Decision, the Department stated that “there is no basis for CARPC to develop its own criteria and independently require compliance.” *See Verona Decision, Attachment 2, Page 2.* Nonetheless, the Commissioners continue to ignore the Department’s repeated reminder that it must apply the water quality standards set by the Department.

Second, certain CARPC Commissioners object to the fact that the Department and the applicable municipality are responsible for insuring that the stormwater detention facilities are properly maintained especially in light of larger storms caused by climate change. For example, Commissioner Ed Minihan stated, “if we are depending on the DNR to ensure working operations, even with all of the indications of failure we have been warned of, I will be voting against this.” *See CARPC November 13, 2014 Meeting Minutes, Page 12 (See also comments by Caryl Terrell at page 10 – 12).*

Unfortunately, Commissioners Minihan and Terrell applied this standard *after* they were reminded by CARPC staff that:

“DNR has sent guidance and said the risk of failure is not something for [CARPC] to worry about. [CARPC] assumes these facilities are maintained by the municipality (the designated management agency).”

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<sup>1</sup> <http://factv.city.fitchburg.wi.us/Cablecast/Public/Show.aspx?ChannelID=1&ShowID=4685>



April 3, 2015  
Page 4

*See CARPC November 13, 2014 Meeting Minutes, Page 11.* Nonetheless, both Commissioners cited this inappropriate standard as a basis for their opposition to the Northeast Neighborhood Plan stating that Fitchburg's proposal would not address larger storms that result from climate change. Again, the Commissioners fundamentally misunderstand their role. The standards of water quality are set by the State, not by the Commissioners. The role of monitoring and enforcement is handled by the Department and the applicable municipality.

To conclude, we are disappointed that the County Executive and a number of CARPC Commissioners continue to ignore the applicable standards that apply to a review of an amendment to the urban service area. However, we are confident that the Department, in coordination with CARPC's staff's analysis, will apply the correct standards when deciding whether to approve Fitchburg's request to amend the urban service area.

Sincerely,

AXLEY BRYNELSON, LLP

A handwritten signature in blue ink that reads "Robert C. Procter".

Robert C. Procter

**From:** [Mike Croft](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** City of Fitchburg Northeast Neighborhood public services should be approved  
**Date:** Thursday, April 02, 2015 5:25:53 PM

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Greetings,

My name is Mike Croft. I have lived in this neighborhood for over 20 years.

Fitchburg Northeast Neighborhood public services should be approved for the following reasons:

\*The Northeast neighborhood is very close to the urban center of Dane County and is considered infill. Few new roadways are required to service the entire area.

\* The Northeast neighborhood is immediately adjacent to existing transportation and utility corridors, and close to the Madison Metropolitan Sewerage Plant. Water service is easily provided by existing area wells.

\*The City of Fitchburg has discussed development in this area for decades and the Neighborhood Plan is carefully constructed and well planned. The City of Fitchburg has sponsored thorough public reviews and exhaustive commentary. Many scientists agree that the Plan's environmental protections are more than adequate, meeting all standards and exceeding many.

\* Over 3,000 acres of public property are nearby for resident's use. Many conservation organizational policies promote residents living near parklands.

\* The Northeast neighborhood is near Wisconsin's newest State Park, Capital Springs State Park and Recreation Area, which is now open for year-round recreation. Dane County Lake Farm Park is also close-by. These Parks offer hiking, skiing, camping, etc as well as launching boats on Lake Waubesa. The Capital City State Trail also connects to these Parks. All these are wonderful existing assets for the residents of Fitchburg's Northeast neighborhood.

It seems to me the City of Fitchburg Northeast Neighborhood is well suited for additional housing. This neighborhood is very near urban areas, infrastructure, and contains multiple transportation routes. And it is very close to regional parks and trails, with over 3,000 acres of existing public areas nearby for immediate use.

The Northeast Neighborhood is a wonderful area for housing, allowing others to enjoy living and working in our community.

Thank you.

Mike Croft

4932 Haight Farm Road, Fitchburg, WI 53711

**From:** [Mike Neuman](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Comment on Fitchburg Housing Development Plan  
**Date:** Friday, April 03, 2015 9:21:25 PM

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I believe it would be wrong for DNR to overrule the Capitol Area RPC's decision to reject the extension of sewer services to allow construction and development of the proposed 924-acre development in Fitchburg near the Beltline and Lake Waubesa's wetlands. This development would exacerbate the water quality problems already being caused by the unsustainable development practices on the land areas of Dane County.

The proposed development would facilitate the construction of as many as 1,570 new homes, driveways, lawns, streets and various commercial developments, replacing the less environmentally damaging land uses currently existing on the properties. The water quality of Lake Waubesa and its protecting wetlands would be irreversibly adversely affected, not just by runoff from construction on the properties, but also by nutrients such as nitrogen and phosphorous as well as weed control chemicals that would inevitably be over applied by future property owners and allowed to enter the waters of the state, causing toxic blue green algae blooms and violating Wisconsin water quality standards.

A February 25th article by Steven Verburg in the Wisconsin State Journal quotes Fitchburg's Mayor Shawn Pfaff saying "We think this is an ideal place for development in Dane County, just minutes from the Beltline". What the mayor neglects to say is that the Beltline highway is already so congested the Wisconsin Department of Transportation is considering building additional lanes of highway pavement, costing close to a billion dollars, and resulting in more degradation of the Yahara River and its wetlands and the Madison area lakes.

To prevent future water quality violations from occurring, I believe the commission ought seriously consider calling a moratorium on approving all future development proposals, similar to the proposed development, which will add to the congestion on the Beltline, because such developments will ultimately make construction of more lanes of pavement and motor vehicle traffic and water pollution more likely in Dane County.

Michael T. Neuman  
4334 Waite Circle  
Madison WI 53711

**From:** [Nina Camic](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Comments in opposition to the development in the Northeast Neighborhood  
**Date:** Thursday, April 02, 2015 1:16:20 PM

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I strongly oppose the proposed development in the Northeast Neighborhood of Fitchburg.

Every scientist that I've heard speak on this matter says the same thing: it is not possible to proceed with development here without damaging the wetlands and the streams that feed Lake Waubesa. Yes, you can attempt to mitigate the damage. But you can NOT avoid it.

I want to cite for you what David Beckman, the former director of the water program at the Natural Resources Defense Council, wrote, following the recent Toledo debacle:

“(we need) a water management approach that uses natural systems like wetlands (and green buffers) to reduce runoff, enhance water supply and improve community aesthetics.”

That's right! It is too late to talk about *mitigating* techniques. They haven't worked!

Looking at Lake Erie, Lake Mendota, Lake Monona: mitigating measures that were thought to be effective say in 1980 have been shown to be dismally insufficient.

<!--[if !supportLists]-->o <!--[endif]-->Good farming practices? Not enough

<!--[if !supportLists]-->o <!--[endif]-->Decreasing detergent phosphates in every day use? also not enough.

And here we are, now with a threat of a dead zone in our own Lake Waubesa and we're again thinking about how to lessen the impact of development runoff?

We should be, right now, discussion how to proceed with the restoration of the vulnerable springs that feed Lake Waubesa, NOT about lessening further damage!

Every year, we appear to lose ground in our battle to keep the lakes clean and fresh. **And despite this, our Mayor writes: “Both Fitchburg neighborhood plans excel at meeting their requirements based on the topographical and aquifer conditions in each of these areas.”**

**But** new data about damage to streams, waters, marshlands, about flooding, about the quality of our lakes comes in all the time and every update has been discouraging. And this doesn't even take into account weather events that could quickly make things even worse.

You know, I live right next to the Northeast Neighborhood. I'm getting old. It sounds mighty appealing to listen to talk of introducing to my neighborhood emergency services that are being proposed with the new development.

But on the other hand, my kids used to swim every summer in Madison's lakes. I don't want my grandchildren to look at our generation as the one that dumped the runoff that made the last endangered flower (eg the gentian) disappear from the marshlands, and that made the water in the streams turn a murky chocolate brown.

I don't want to be the one who looked the other way while the invasives choked the streams ultimately choked life out of Lake Waubesa.

We don't have to do this! There are plenty of concentrated areas – much more in demand than the sprawling suburban neighborhoods in fashion in the 1950s -- where development can proceed in Fitchburg! Why go here?

I respectfully ask that you take seriously the threat to the waters that feed Lake Waubesa and vote no to the development in the Northeast Neighborhood.

Respectfully submitted,  
Nina Camic  
4812 Goodland Park Road  
Fitchburg, WI 53575

**From:** [David Egger](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Development in the Waubesa wetlands  
**Date:** Monday, April 06, 2015 7:03:51 AM

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Dear Ms. Helmuth:

I write to encourage the Department of Natural Resources to accept the findings of the Dane County Commission regarding NEN in the Town of Fitchburg. The wetlands area near Lake Waubesa should not be compromised and development in that area is inappropriate for the continued health of the aquatic systems and wetlands at the edge of Lake Waubesa.

Please protect the aquatic resources in Fitchburg associated with Lake Waubesa and do not allow development in the sensitive environmental!

Thank you for listening and for protecting the resources of the wetlands and aquatic systems in the State of Wisconsin,

David L. Egger  
Emeritus  
Hasler Center for Limnology

SentfromNearlyWild

**From:** [Robert Wiedholz](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Fitchburg development near Lake Waubesa  
**Date:** Monday, March 23, 2015 7:11:22 AM

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When considering the proposed development near Lake Waubesa, I am concerned about the following:

Water quality of Lake Waubesa  
Excess run-off  
Flooding  
Quality of life in the Town of Dunn  
Traffic

One guideline I use for making decisions is the regret factor. Usually I ask myself, "Will I regret trying this?" Usually the consequences are low and risk is a healthy thing. In this case, our community should ask the same question. Is this neighborhood worth the risk? Will we regret permitting it? To me, it is clear that the risk is great and irreversible. We will never regret not building it, but we may certainly regret the negative effects and then what do you do? There is no going back from a neighborhood.

I have survived the hassle of 3 or more 100 year floods in the last 20 years. Much of that has to come from our propensity to pave, cover and build on our land. Please don't let one overzealous developer bring more headache to our already fragile waterway. Just because he wants to make money, doesn't make it right to do it on the backs of all those who live on and by Lake Waubesa.

When you were a kid, did you watch a stick as it floated down a babbling creek marveling how it made its way downstream. I am downstream from this proposed neighborhood and more than a stick would be coming. This proposal frightens me.

Thank you for registering my opposition to this plan.

Bob Wiedholz  
2806 Waubesa Avenue  
Madison, WI 53711

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**From:** [Marilynn Brunson](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Fitchburg's Expansion Plans  
**Date:** Wednesday, April 01, 2015 6:29:04 PM

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My husband and I purchased a home on the south end of Lake Waubesa ten years ago. Since that time I have been to numerous Dane County Land & Management Board meetings (NR115), Town of Dunn meetings and most recently CARPC meetings regarding the City of Fitchburg's expansion plans. I am chagrined but not surprised to see that Mayor Pfaff and his consultants, business associates and developers have asked the DNR to overturn the decision that was made by the CARPC after numerous sessions where the community let it be known that they were not in support of the proposed (NEN & North Stoner Prairie) plans.

It would seem that in today's world where populations are growing slowly or not at all, where the population is aging and fewer young people are having families, and where urban sprawl is viewed negatively that good urban design would incorporate these trends as well as ideas such as building from the city's core outward not jumping large expanses of land (in Fitchburg's case over 1000 acres). It would seem that good urban design would respect differing values amongst neighboring communities and that it would plan for community separation with large open spaces and agricultural lands.

With respect to Fitchburg's expansion plans, environmental experts, Calvin Dewitt and Joy Zedler, have worked extensively on and spoken to the negative impact that the development would have on the Waubesa Wetlands and the creeks that feed into the wetlands and Lake Waubesa as well. The phosphorus and silt run-off alone would have very damaging effects to a body of water that is already struggling to stay ahead of the negative impacts of development. The proposed deep water well could easily rob the area of its water!

As a lake home owner, I find it incredulous that the DNR regulates whether or not we can protect our shoreline by replacing rock that has fallen over the course of a winter or add more rock to accomplish the same erosion control; that the Dane County Board can spend hours and hours arguing about whether or not to approve a building project because it does not have enough non-permeable surface area; that a DNR representative (Cami Peterson) leaves little doubt that her preference would be to have all homes surrounding lakes be torn down; and, that

Mayor Pfaff and his Fitchburg Expansion Plans have managed to be heard before the DNR despite the wishes of the majority of the people. As a lake home owner I find it irritating that a Fitchburg resident in a letter to the editor of the WSJ solicits support for Mayor Pfaff in his bid for re-election because he would not "support the expensive and unwanted retrofitting of sidewalks to their existing neighborhoods." So much for the "Keep Our Lakes Clean" campaign. Furthermore, I am incredulous that I have not heard or read anything about a zero tolerance for run off limit for these new Fitchburg developments- something the Town of Wesport has instituted.

The Department of Natural Resources is charged with preserving, protecting, managing and maintaining the natural resources of the state. Lake Waubesa and the Waubesa Wetlands are some of those natural resources and they need your help. Please DO NOT APPROVE THE CITY OF FITCHBURG'S EXPANSION PLANS!

Thank you,  
Marilynn Brunson

**From:** [Barry Ottmann](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Cc:** [Erica Schmitz](#)  
**Subject:** Fitchburg's Northeast Neighborhood Development proposal  
**Date:** Wednesday, March 25, 2015 3:42:13 PM

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3/25/15

Barry & Susan Ottmann

2781 Tower Road

McFarland, WI 53558

Ms. Lisa Helmuth

WDNR

Re: Fitchburg's Northeast Neighborhood Development storm water concerns

Dear Ms. Helmuth:

The purpose of this correspondence is to share our concerns regarding the damaging impacts of allowing development as proposed by Fitchburg's Northeast Neighborhood Plan. My wife and I enjoy kayaking around the southern end of Lake Waubesa and poking around in the outflows from the Waubesa Wetlands State Natural Area. Given the potential negative impacts from increased storm water loading into this fragile area, we believe that DNR should reject Fitchburg's Northeast Neighborhood proposal.

The ratio of wetlands to property suitable for development is extremely small. And for an area like the Waubesa Wetlands State Natural Area to be so close and accessible to the many citizens of Dane County, it seems shortsighted to endanger it for future generations. Again, in relative terms, development is fungible but wetlands and water bodies are not. Mitigation proposals are not an effective option in this case. There may, indeed, be a broader need for the types of development as proposed by Fitchburg. However, their particular 'Northeast Neighborhood' site is **not appropriate** given the potential long-term environmental damage to the greater community.

Finally, our family truly does care about water quality. We own a small farm in the Kickapoo River watershed in the Driftless Area of SW Wisconsin and are waiting for the ground to become workable to begin the installation of approximately 700 lineal feet of grassed waterways. This project is designed specifically to improve **existing** farming practices while reducing erosion and runoff into the Kickapoo Watershed. The Waubesa Wetlands are even more critical & potentially endangered – please help Wisconsin safeguard the ratio of healthy wetlands to proposed development and reject this plan.

Sincerely,

Barry & Susan Ottmann

**From:** [Don](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Northeast Neighborhood Development  
**Date:** Thursday, April 02, 2015 1:11:28 PM

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Dear Ms. Helmuth:

I am writing to you to express my deep concerns regarding the possible reversal of the Capital Area Regional Planning Commission decision not to approve the application for sewer service by the developers of the Northeast Neighborhood.

Please recognize the job that CARPC did in reviewing this application and the strong showing of opposition by concerned citizens and wetland ecologists that opposed this development. Although there are many reasons this development is not needed in this location the primary reason is the very real potential for flooding, wetland destruction, and negative impacts on Lake Waubesa and Lake Kegonsa. Please take into account studies conducted by UW researchers and others that show the impacts of climate change that include more frequent rain events and larger rain events in our not too distant future. Please uphold the CARPC decision and help us protect this watershed from the damages of flooding and sediment loading. The amount of non-porous surface from this development will result in thousands of gallons of water draining towards the wetlands and lake, water laden with chemicals and sediment. A simple stormwater retention pond will not do the job of controlling these flood waters. Please do not approve this destruction. The Department of Natural Resources is supposed to protect our natural resources.....do your job and protect Lake Waubesa.

Thank you

Don Hammes  
Yahara Fishing Club  
Sierra Club – John Muir Chapter  
Dane County Conservation League

**From:** [Chuck Ledin](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Cc:** [eschmitz@town.dunn.wi.us](mailto:eschmitz@town.dunn.wi.us)  
**Subject:** northeast neighborhood SSA amendment in Fitchburg  
**Date:** Wednesday, March 18, 2015 10:18:30 AM

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Dear Ms. Helmuth:

We are writing to express our concerns for the regional water resources which could be adversely impacted by new development within the proposed sewer service area. Our property abuts the eastern boundary of the proposal for approximately .5 mile along Larsen Road. We have resided here for about 28 years. During this time, the proposed area has always been in agricultural land usage, although there is a ten acre wetland which has provided a flood mitigation benefit in the area near the north boundary of our property and as several culverts under Larsen Road drain onto our land, this is an important feature. On our land, through our investments and partnerships with US Fish and Wildlife Service and USDA, we restored a 15 acre wetland and greatly decreased the erosion and sediment loadings to Swan Creek and ultimately Lake Waubesa. Additionally, the drainage ditch on our property is a fish spawning area very much like the ditches in Horicon Marsh or the Duck Creek drainage near Green Bay. Following our wetland restoration, our property also became a nesting place for ducks, geese, shorebirds and other species like rails, woodcock and snipe. Additionally, wetland restoration led to beneficial changes in the surface water hydrology from both quality and quantity standpoints. As you are aware, the groundwater usage in this area and the resultant downstream diversion of the Madison MSD effluent to Badfish Creek has resulted in a regional groundwater depletion measured in feet and associated loss of groundwater discharge to the Madison lakes. These types of changes require a long term view, rather than a snapshot of today if we are to prevent or mitigate the impacts caused by groundwater depletion and water quality degradation which have been observed in the Green Bay area, the central sands or southeast Wisconsin. We are hopeful that a long term view will be used in the Department's evaluation of water resources impacts which will result from new municipal development in the proposed area. Our specific comments are summarized below.

#### WETLAND IMPACTS

1. Due to existing topography, surface runoff drains to a low 10 acre basin which serves as a wetland detention basin to protect downstream wetlands and surface waters from flash flood flows and resultant erosion related sediment loads (also phosphorus, nitrogen and pesticides are included in this runoff). This basin and its importance to regional hydrology must be preserved. This runoff basin is also very important as a migratory bird resting area in the spring migration period. For these reasons, and especially if the sewer plan is amended, it is important that this area and its functions be preserved.

2. While we have a restored wetland on our property, there are also wetlands on the adjacent county parklands, properties to the south and the entire southwest shore area of Lake Waubesa. To preserve these areas, it is important to retain the current hydrology and minimize the off site flood flows while preserving the summer base flows. The significant hydrologic impacts caused when permeable surfaces are converted to roofs and pavement could easily destroy the downstream wetlands and the habitat quality of Swan Creek.

#### GROUNDWATER IMPACTS

1. From a quality perspective, there has already been significant impact to our groundwater as elevated nitrogen levels, at times above the 10 mg/l health level, were the result of past nutrient management practices on the agricultural lands. If this land converts to residential and commercial development, we are concerned that new lawns and landscaping will lead to even a less controlled usage and further health threats from nutrients and pesticides (which include herbicides) to our, and our neighbors', private wells in the shallow aquifers.

2. We understand that a new high capacity well which would be much deeper than our private well

would provide a municipally owned and operated system for the proposed development. While we have been given assurances that this high capacity well would not impact water levels in our wells, it is not clear that any studies have been done which demonstrate that there is an impermeable layer which separates our shallow supplies from the deeper aquifer to protect us. Further if the current precipitation and site runoff is changed, it is unclear to what extent the high capacity well related drawdown and the related shallow aquifer decrease in recharge will impact not only our water supplies but also the connections to the wetlands, streams and Lake Waubesa.

We understand that because we are within six miles of the Capitol, that development pressures will continue and new development will occur. The Town of Dunn, where we reside, has taken a measured approach to growth management based on retaining productive agricultural lands and protecting the important ecological functions when vacant lands are developed. The City of Fitchburg clearly has different approaches where municipal services drive high density developments. Where these visions come together and obviously clash, it is important that a third party like DNR can view these proposals with a broader and longer term perspective to ensure that important ecological functions are retained and protected. Further, when growth and development is appropriate it is critical that the needed conditions or restrictions to mitigate, or even eliminate, the adverse impacts to our water resources can be established and required as part of the review and approval process.

Thank you for this opportunity to provide our comments.

Chuck and Dolly Ledin  
2970 Laren Road  
Madison WI 53711

**From:** [Ed Korn](#)  
**To:** [Helmuth, Lisa D - DNR](#)  
**Subject:** Public Comment Northeast Neighborhood USA  
**Date:** Friday, April 03, 2015 10:21:17 PM

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Wisconsin DNR,

I'm writing to urge you to not approve Fitchburg's request to include the Northeast Neighborhood as part of an Urban Service Area. I live in Fitchburg and during the past several years have attended presentations by both Cal DeWitt and Joy Zedler and learned just how delicate the water balance is in the Northeast Neighborhood, and also understood the economic and ecological importance of clean water from the video "Dane Waters: Reflection of Us All"  
<https://www.youtube.com/watch?v=AuhTNJAcWl0> .

The water balance in this region rests on a knife edge. If the development were to let too much storm water run off the impermeable surfaces that are intended to be built here, it will cause erosion, gouging of stream channels, and depositions of silt in Lake Waubesa and its surrounding streams and wetlands. If instead rain gardens and holding ponds to infiltrate water are created as is a stated design objective, this will cause ground water flooding downhill to the east in the Meadowview subdivision and the many wetland scrapes just east of Larsen Rd.

If this were the last place available to house a burgeoning population, perhaps sacrificing this balance could be justified in the name of economic necessity, but the fact is Fitchburg currently has 1350 acres of developable land within its Urban Service area including the just approved North Stoner Prairie Neighborhood. This is more than enough for the next 20 years, and those acres are significantly closer to the core of Fitchburg resulting in more compact development.

Please deny this application. If the time ever comes when Fitchburg needs this land more for housing than for maintaining the water quality in the Lake Waubesa region, it can reapply. Please protect protect our waters, The Waubesa Wetlands is one of 100 Wetland Gems named by the Wisconsin Wetlands Association. Once the balance is disturbed it is ruined and cannot be replaced.

Ed Korn  
4812 Goodland Park Rd  
Fitchburg WI 53575

**From:** Helmuth, Lisa D - DNR  
**To:** ["Steven M. Streck"](#)  
**Subject:** RE: Fitchburg--Northeast Neighborhood  
**Date:** Friday, April 10, 2015 12:27:00 PM

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Mr. Streck,

I realize I owe you a detailed comment back regarding your question. I can either write it up for you or call you. I am comfortable either way. Please let me know which you prefer. Below are the legal pieces of information relevant to your question. Thanks and let me know if you'd like to talk about this more. Lisa Helmuth

### **CONCLUSIONS OF LAW**

1. The Legislature requires WDNR to "establish a continuing water pollution control planning process which is consistent with applicable state requirements. The continuing planning process shall result in plans for all waters of the state ..." Section 283.83(1), Wis. Stats.
2. WDNR implements a continuing water pollution control planning process through Chapter NR 121, Wis. Adm. Code, which "establishes regulations specifying policies, procedures, and requirements for Wisconsin's areawide water quality planning process" and results "in the preparation throughout the state of areawide plans for managing the quality of waters of the state ..." (s. NR 121.01, Wis. Adm. Code).
3. WDNR "shall recommend that the governor designate areawide planning areas which as a result of urban and industrial concentrations or other factors have substantial and complex water quality control problems." (s. NR 121.06(1), Wis. Adm. Code). Dane County is a "designated area."
4. WDNR shall also "recommend to the governor for designation a single agency capable of developing effective areawide water quality management plans" within "designated areas." (s. NR 121.06(2), Wis. Adm. Code). CARPC is not a "designated agency."
5. For "designated areas," WDNR has the authority to review and approve areawide water quality management plans (s. NR 121.07(1), Wis. Adm. Code), review and approve revisions to areawide water quality management plans (s. NR 121.07(3), Wis. Adm. Code) and disapprove or otherwise modify any previously approved areawide water quality management plan or plan element (s. NR 121.07(4), Wis. Adm. Code).

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Lisa Helmuth

Water Specialist – Water Quality/Water  
Wisconsin Department of Natural Resources  
Phone: [(608) 266-7768]  
[lisa.helmuth@wisconsin.gov](mailto:lisa.helmuth@wisconsin.gov)  
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[dnr.wi.gov](http://dnr.wi.gov)



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**From:** Steven M. Streck [mailto:SSStreck@axley.com]

**Sent:** Friday, March 13, 2015 3:24 PM

**To:** Helmuth, Lisa D - DNR

**Subject:** Fitchburg--Northeast Neighborhood

Lisa,

Can you tell me the criteria the DNR uses to decide whether to overrule CARPC on this issue?

Steve Streck