

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
ADMINISTRATION CENTER, ROOM AC 255/259  
THURSDAY, FEBRUARY 24, 2022 - 1:00 P.M.**

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**CALL TO ORDER**

Mr. Siepmann, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:    James Siepmann            William Mitchell            Robert Peregrine  
                                 Richard Morris            William Groskopf            Thomas Michalski

Commission

Members Absent:    None

Staff

Members Present:    Jason Fruth, Planning Manager  
                                 Kathy Brady, Support Staff Supervisor

**CORRESPONDENCE:**    None.

**MINUTES:**                    Approval of the January 20, 2022, Minutes.

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, of the January 20, 2022, Minutes, as presented.*

**PUBLIC COMMENT:**    None.

At 1:02 p.m., Mr. Fruth read the Notice of Public Hearing into the record.

- **1:00 p.m. Public Hearing for the 2022 Amendments to the Comprehensive Development Plan for Waukesha County**  
- 1A – Waukesha County Park and Planning Commission – Town of Lisbon

Mr. Fruth explained the request is for comprehensive amendments to the land use plan mapping for various properties in the Town of Lisbon. He explained that the proposed amendments are being brought forth to align with comprehensive amendments which the Town is advancing to update their Comprehensive Land Use Plan. The Town is also updating the text of their plan and wanted to modernize their land use plan map going forward to make it easier for development proposals to move forward and also to recognize that the map has not been updated in some time. He presented the Waukesha County Land Use plan map for the Town of Lisbon showing the notable areas of change and referenced the following areas:

- In the southwest corner of the Town there has been development activity within the last 10 years. There have been a number of changes from the Rural category to the Suburban I Density Residential and Low Density Residential categories. The area is no longer envisioned to be a 5 acre rural type environment.
- North of the Village of Sussex (along both sides of Hwy 164), there is an area which could be a potential town center. There are a few large agricultural properties and the Town prefers this area for a mixed use setting containing possible future municipal operations, commercial uses, senior uses, multi-family, etc.

- On the west side of the Town, there has been subdivision development recently, and the proposal is to match the category immediately to the north.
- In the northeast portion of the Town there is an area which was in the rural category (5 acre density) and now being proposed to the Suburban Density Residential II category (3 acre) with other pockets in the center of the Town going to the Suburban Density Residential I category which were previously rural.
- Lands previously designated for mixed use are being proposed to be designated within the Extractive category as the owner of a quarry would like to expand the operation (along CTH K and south). At the town public hearing for the related rezoning request, neighbors along Townline Road objected to the change to the Extractive category citing impacts on wells, vibration, and in general the change in context. The quarry operator responded that they have every intent of working with neighbors if there are pump malfunctions, etc. as a result of blasting in the area. In addition, a number of people associated with the quarry business spoke in support.

Mr. Fruth explained that Town and County Staff were close to having consensus regarding the land use vision and categories with some give and take. He stated the two maps (County/Town) are similar but not identical. The comprehensive map amendment will alleviate each property owner from having to apply for a separate land use plan amendment.

Chairperson Siepmann asked if there were any comments from the audience, Committee or Commission, there being none, he closed the Public Hearing at 1:12 pm.

- **RZ91 (Colts Neck LLC Jablonski) Town of Oconomowoc, Sections 10 and 15**

Mr. Fruth pointed out the location of the property in part of the NE ¼ and NW ¼ of Section 15 and the SW ¼ of Section 10 in the Town of Oconomowoc on the aerial photograph. He indicated the request is to rezone the property from the FLP Farmland Preservation District to the R-1 Residential District.

Mr. Fruth indicated the rezone is being requested to allow the petitioner to create a single home site on the southwest corner of the property. The property will be divided into two lots, one with the single family residence and the other staying in the Farmland Preservation District for a future horse boarding facility. The property is located north of Ashippun Lake in the Saddlebrook Farms Subdivision. Access to the property would be via Saddlebrook Lane. Conditions of note include that there are no remaining development rights for the property and that the two parcels may not be sold separately unless the future caretakers quarters for the horse boarding facility is removed from the property designated as Farmland Preservation. Mr. Groskopf asked, if Lot 2 is sold in the future, no home would be allowed on the parcel, to which Mr. Fruth replied, “Yes”. Mr. Morris asked what was the purpose of the drainage easement on the southeastern portion of the property? Mr. Fruth replied that it is specifically designed to convey drainage across the property.

*After discussion, Mr. Mitchell moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **CU62 (North Lake Sand and Gravel) Town of Merton, Sections 9, 10 and 16**

Mr. Fruth pointed out the location of the property at W312 N7881 Kilbourne Road in the Town of Merton on the aerial photograph. He indicated the request is for a ten year renewal of the existing Conditional Use Permit to continue to run a quarrying operation from the property.

Mr. Greenberg presented the history of the property. He indicated the site has been utilized for mining since the early 1900's. In 1991, the property was rezoned to the Q-1 Quarrying district and a condition of approval was that the quarry receive a Conditional Use Permit (CUP) from the Town as well as relocating Kilbourne Road. The CUP was issued for a 10 year period, to be renewed in 2001. In 2001 the CUP was renewed for another 10 years. In 2003, the County began regulating non-metallic mining operations and a reclamation plan was required which is reviewed by the Waukesha County Land Resources Division on an annual basis. In 2011, when the 10 year period had expired, the petitioners applied for another renewal of the CUP, and at that time, the operation had expanded into the County Shoreland area. The requirements were to obtain both a CUP renewal from the Town and a CUP from Waukesha County, both of which were issued in 2015. The operators are now asking for a 10 year renewal. In 2011, additional conditions were required, such as an annual review by the Town, a noise limit buffer area of 75 decibels was established, and a number of setbacks established for mining activities, service roads and related operational structures across the site. In 2018, the petitioners proposed operational changes to the Town's CUP which included replacing a truck fed plant system with conveyor belts to move aggregate towards the washing and sorting plant, a relocation of the washing and screening equipment to the west of Kilbourne Road. In 2019, a number of sound tests were conducted by the operator in the morning and afternoon at a number of strategic points around the perimeter of the property. The results of the readings were in the range of 50.5 to 61.1 decibels.

Mr. Greenberg noted some of the current operational details:

- The quarry operates year round, however, the majority of activity happens outside of the winter months.
- There are 4 full time and 2 part time employees.
- Approximately 100 trucks load material on a typical day.
- **Hours of operation:**

November through March            6:00 a.m. to 5:00 p.m.  
Monday through Friday

April through October            6:00 a.m. to 8:00 p.m.  
Monday through Friday  
6:00 a.m. to 4:00 p.m. Saturday

- **Hours of Crushing:**

January, February, March            No Crushing

April through October            6:00 a.m. to 8:00 p.m.  
Monday through Friday  
6:00 a.m. to 12:00 noon Saturday

November and December            6:30 a.m. to 5:00 p.m.  
Monday through Friday

- **Hours of Trucking**

January, February, March	7:00 a.m. to 3:30 p.m. Monday through Friday
April through October	6:00 a.m. to 6:00 p.m. Monday through Friday 6:00 a.m. to 12:00 noon Saturday
November and December	6:30 a.m. to 4:00 p.m. Monday through Friday 6:00 a.m. to 12:00 noon Saturday

Mr. Greenberg stated a public hearing was held in August 2021 and many people attended, common concerns were:

- Excess noise
- Mud tracking on the roads
- Loaded trucks spilling aggregate on roads
- Dust

Mr. Greenberg indicated the property owners met with Town and County staff to discuss concerns brought up at the public hearing and what measures could be taken to address them. Additional sound testing was discussed with Town staff present to make sure testing was done on days which were representative of normal operational activities. The operators agreed to do additional on-site paving and install a wheel wash to reduce the amount of mud being tracked onto the roads. Additional signage on Kilbourne Road, stating “spill at your own risk” and that truckers are liable for any associated damage or cleanup costs. The Town of Merton approved the permit in November 2021 addressing the above concerns and with an additional condition which limited the crushing of materials between 6 am and 8 pm up to 4 times per month. All of the Towns conditions have been incorporated into the County’s Conditional Use. In addition, a condition was added to address mitigative measures for the disturbance to the environmental corridor which had inadvertently occurred (restoration of the berm and replanting).

Mr. Greenberg indicated additional information was received after the Staff Report was published submitted by an interest party who lives nearby. Mr. Fruth explained that one of the main concerns expressed was regarding acceptable noise levels. He referred to a Southeastern Wisconsin Regional Planning Commission (SEWRPC) report from 1990 regarding the quarry expanding to the north. The report looked into all potential negative consequences, such as; impact to environmental corridor, noise, dust, etc. He said that the interested party expressed concerns that the decibel limit which was established in 2011 was unacceptable. Mr. Fruth read from the SEWRPC report which stated general acceptable decibel levels less than 55 are considered to have little impact on residential areas, parks, schools and churches (although five percent of the population may be significantly annoyed). At 75 decibels, noise levels would have a major adverse impact generating many complaints and threats of legal action (approximately 37% of the population would be significantly annoyed). At 80 to 85 decibels, mammals and birds are usually frightened. He referred to Exhibit F of the Staff Report and

Recommendation “Estimated Noise Impacts Under Expanded Sand and Gravel Pit Operations”. Mr. Fruth read from a University of Michigan report which matches decibels to common occurrences in society:

- 75 decibels = a vacuum cleaner running
- 60 decibels = normal conversation

Mr. Fruth indicated that if County Staff were recommending a decibel condition today they would not set it as high as 75 decibels for this operation. Mr. Mitchell asked if the hours were normal for this type of operation? Mr. Fruth responded that it is typical in Lisbon and Sussex and those operations involve blasting. Mr. Michalski added that the Staff Report indicates they can operate 4 days a month until 8 pm and wondered why? Mr. Greenberg replied they used to be able to crush until 8 pm but now only 4 days per month.

Mr. Halquist, owner, said they have owned the business since 2017. He explained the prior owner used to crush material until 8 pm on weekdays and 3 pm on Saturdays (late 1990s to early 2000s). He noted they now work minimal hours on Saturdays, as little as possible. They do stockpile product and it is moved primarily on conveyors not trucks. He added that 75 decibels has been the standard according to the permit. They take noise samples on normal days to be sure they are consistent and in compliance. If there are 40 mph winds it could be a little different. A nearby neighbor had said they were not bothered by the noise whereas some others are and some people are more sensitive than others. He mentioned that to avoid other noise levels he changed the backup alarms on the equipment. Decreasing the decibel level to 55 in any stone quarry in Waukesha County would basically put them out of business. His intent is to keep his business as quiet as possible because he understands that people are sensitive.

Mr. Siepman asked what do you use for sound meters and what do you do for dust mitigation? Mr. Halquist replied they use an \$800 sound meter unit which is calibrated regularly to make sure it is accurate. Readings are taken quarterly, several times a year. For dust mitigation, they have a water truck/tanker which has 3,000 gallons of water to keep the roads wet, they are adding a wheel wash and adding more concrete pavement from the entrance. Mr. Siepman asked if dust is created by the processing? Mr. Halquist said most of the material they crush is washed. Mr. Siepman asked if this was a new process? Mr. Halquist said they are adding a wheel wash which is designed to get the grit out of the trucks/tires. Mr. Groskopf asked in what areas would asphalt be added? Mr. Halquist pointed out on the aerial photograph the areas to be paved and added that it is from the wheel wash to the scale and all the way out to Kilbourne Road.

Mr. Baker, adjacent property owner on Kilbourne Road introduced himself and noted that he has lived there for 17 years. He pointed out on the aerial photograph the location of his property. His home is elevated above the quarry. He noted the 75 decibel level was established because the sorting plant was in a different location than it is currently. Over the years the operation has expanded and now it is located closer to his home and other residences on Kilbourne Road. He said an EPA report states that you will suffer hearing loss at 75 decibels over 8 hours. The quarry operates for 11 hours at 75 decibels and 14 hours per day several times per month. He noted that certain things could be done to reduce the sound such as berms, other shielding, rubber stops (to cushion the sound) where the gravel drops 13 separate times on several different conveyor belts. He demonstrated decibel levels between 55 to 75 from an actual recording of the quarry operation with a large speaker in the room. He is asking for sound mitigation to control the sound, change the beginning hours of operation for the sort plant to be 7 am not 6 am, reduce the maximum decibel level to 55 and work to control the dust problem

Attorney Cincotta representing Mr. Baker introduced himself and said that ACT 67 regarding Conditional Uses is designed to make processes better. Both the applicant needs to show substantial evidence that they deserve the permit and the conditions, but if objectors want to demonstrate that it doesn't meet the criteria, they need to have evidence. His position is that under the ordinance you cannot approve a CUP that is a health nuisance or that diminishes property values. The materials submitted by Mr. Baker at the Town demonstrated what they felt was a violation of Town and County Ordinances, focusing on the nuisance ordinance, primarily the sound issue. They hired an independent acoustic expert to test the sound at the quarry and what they found was that 75 decibels is too high. The report shows that it is well in excess than what is reasonable and safe for operating adjacent to residential areas. He suggested adjusting the conditions and work with Mr. Baker and others by lowering the decibel limit to 55, otherwise they feel the CUP as currently requested should not be approved. If it is decided not to lower the decibel limit at the property line then there needs to be mitigation. The way the condition now reads is that as long as the sound is under 75 decibels then the owner is not required to do anything. If the decibel limit was lowered for this quarry, he did not think it was accurate that all other quarries would need to do the same as the Conditional Use process is site specific.

Mr. Klemm, introduced himself and said he resides north of the quarry property along Kilbourne Road since 1992. He had concerns with the operation in 1994 when Kilbourne road was closed and the gravel pit began mining. Impacts included:

- When his children were young they had to ride their bikes along STH 83.
- With the berm being removed it caused noise to go up the road and is not held down in the gravel pit area.
- Dust created by the gravel operation is not being contained or watered down.
- When he first moved there, he was told there would only be limited phases of the gravel pit opened at one time. Since then they have never closed another phase and left them all open.
- Other gravel pits have enclosed their conveyor belt systems to keep the noise and dust down.

Mrs. Klemm, introduced herself and said with the increase in traffic on Kilbourne Road it is no longer walkable, too much dirt on Kilbourne Road at the bottom of the gravel pit with no way of keeping it clean and birds are no longer in the area because of the operation.

Mr. Siepmann asked Mr. Halquist to respond to some of the concerns:

- Sound mitigation. Mr. Halquist replied by adding the additional crusher and screen, the hours of crushing were significant reduced. Now the crushing plant is normally stopped by 2:30 pm.
- Operation start times. Could the start time be changed? Mr. Halquist said trucks are normally being loaded at 6 am. If the start time is pushed back, then they would have to work later in the day. Mr. Siepmann asked if crushing could start later, Mr. Halquist said they normally don't start crushing until 6:30 am and he would be willing to change this in the CUP.
- Dust. Mr. Siepmann asked if it was realistic for the conveyors to be enclosed. Mr. Halquist said the biggest issue with dust is truck traffic, and they are installing a wheel wash to address this.

Mr. Morris said another issue mentioned at the Town level was the increased volume in the gravel pit. He said he has been on the Town Plan Commission for a long time and early on during 1989, 1990, 1991, they discussed loads per day being 400, now it is approximately 200. Mr. Halquist said he is trying to shorten the hours of noise and this has been done to maintain what they need to get done but in a shorter period of time. Mr. Michalski asked where quarterly sound tests are taken from? Mr. Halquist

responded there is a map that they use which the Town should have. Mr. Fruth verified that the hours of crushing on a typical day of operation would be approximately 6:30 am to 3:00 pm., to which Mr. Halquist agreed. Mr. Mitchell asked if the start time for crushing could be changed to 6:30 am to which Mr. Halquist agreed, however, was not willing to change the 6 pm end time or the 4 times a month 8 pm end time. Mr. Halquist said he has agreed to multiple changes and believes he has been more than reasonable. Mr. Siepmann verified that the **Hours of Crushing** in Condition No. 7 would be revised to 6:30 am to 6 pm Monday through Friday, 6:30 to 12 noon on Saturdays, and 4 times a month crushing would be allowed until 8 pm.

*After discussion, Mr. Morris moved, seconded by Mr. Peregrine and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a revision to Condition No. 7 which will now read:*

*7. Hours and days of operation shall be as set forth below:*

**Hours of Operation**

*November through March  
Monday through Friday* **6:00 a.m. to 5:00 p.m.**

*April through October* **6:00 a.m. to 8:00 p.m.  
Monday through Friday**  
**6:00 a.m. to 4:00 p.m. Saturday**

**Hours of Crushing**

*January, February, March* **No Crushing**

*April through October* **6:30 a.m. to 6:00 p.m.  
Monday through Friday  
6:30 a.m. to 12:00 noon  
Saturday**

*Crushing after 6:00 pm until 8:00 pm shall only be allowed four (4) times a month (not including January through March when no crushing is allowed).*

*November and December* **6:30 a.m. to 5:00 p.m.  
Monday through Friday**

**Hours of Trucking**

*January, February, March* **7:00 a.m. to 3:30 p.m.  
Monday through Friday**

*April through October* **6:00 a.m. to 6:00 p.m.  
Monday through Friday  
6:00 a.m. to 12:00 noon Saturday**

*November and December* **6:30 a.m. to 4:00 p.m.  
Monday through Friday**

6:00 a.m. to 12:00 noon Saturday

Crushing after 6:00pm until 8:00pm shall only be allowed four (4) times a month. Applicant shall not crush after 6:00 p.m. on any day where adequate material has been stockpiled for the anticipated needs of the following day or to meet requirements or orders already received. There shall be no crushing, washing or trucking operation on Sundays or legal holidays.

Hours of trucking may be extended no later than 8:00 p.m. in an emergency upon permission of the Town Chairman. Such permission shall be for no more than one day.

The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

• **SP138 (North Lake Sand and Gravel) Town of Merton, Sections 9, 10 and 16**

Mr. Fruth indicated the Site Plan/Plan of Operation request is related to the previous Conditional Use (CU62) listed above.

After a brief discussion, Mr. Peregrine moved, seconded by Mr. Morris and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation” with a revision to Condition No. 7 which will now read:

7. Hours and days of operation shall be as set forth below:

**Hours of Operation**

November through March  
Monday through Friday 6:00 a.m. to 5:00 p.m.

April through October 6:00 a.m. to 8:00 p.m.  
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**Hours of Crushing**

January, February, March No Crushing

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**Hours of Trucking**

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*November and December*

*6:30 a.m. to 4:00 p.m.  
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*Hours of trucking may be extended no later than 8:00 p.m. in an emergency upon permission of the Town Chairman. Such permission shall be for no more than one day.*

*The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **PPC22 003 (Chong P. Yi) Town of Oconomowoc, Sections 1 and 36**

Mr. Fruth pointed out the location of the property at W342 N4868 Oak Lane in the Town of Oconomowoc on the aerial photograph. He indicated the request is for a retaining wall within 5 ft. of the north and south property lines.

Mr. Fruth indicated this request is after the fact. The parcel has double frontage on both Lindy and Oak Lanes, west of Okauchee Lake. There is no garage on the property and the residents currently park on a slab along Oak Lane. A retaining wall and parking area was constructed adjacent to Lindy Lane. He presented a photograph of the new rock retaining wall and parking area. He noted the retaining wall is within 5 ft of the north and south property lines and also partially within the road right-of-way of Lindy Lane. Mr. Yi, petitioner stated he owns another property across Lindy Lane with direct access to Okauchee Lake, and being a family of 5 they need more parking. He said he was unaware that his landscaping company (who constructed the retaining wall) did not pull the correct permits.

*After discussion, Mr. Peregrine moved, seconded by Mr. Michalski and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **PPC22 001 (Ottawa LLC) Town of Ottawa, Section 5**

Mr. Fruth pointed out the location of the properties at S22 W38420 and S22 W38370 Kincaid Lane in the Town of Ottawa on the aerial photograph. He indicated the request is for a remnant parcel not shown on a Certified Survey Map and the creation of a lot not abutting a public road.

Mr. Fruth indicated this request is related to a recent rezone on the January Commission meeting agenda.

*After a brief discussion, Mr. Morris moved, seconded by Mr. Groskopf and carried unanimously, for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mr. Mitchell moved, seconded by Mr. Peregrine, to adjourn the meeting at 2:42 p.m.*

Respectfully submitted,

*Richard Morris*

Richard Morris

RM:kb