



SUBDIVISION APPLICATION

Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
 PO Box 2985; Madison, Wisconsin 53701-2985
 Phone: 608.266.4635 | Facsimile: 608.267.8739

2009 Code
 FEB 2009

**** Please read both pages of the application completely and fill in all required fields****
This application form may also be completed online at www.cityofmadison.com/planning/plan.html

1a. Application Type. (Choose ONE)

- Preliminary Subdivision Plat Final Subdivision Plat Land Division/ Certified Survey Map (CSM)

If a Plat, Proposed Subdivision Name: _____

1b. Review Fees. Make checks payable to "City Treasurer."

- For Preliminary and Final Plats, an application fee of \$200, plus \$35 per lot and outlot contained on the plat drawing.
 For Certified Survey Maps, an application fee of \$200 plus \$150 per lot and outlot contained on the certified survey map.

2. Applicant Information.

Name of Property Owner: Roger Greenwald Representative, if any: _____
 Street Address: 6234 S. HIGHLANDS AVE. City/State: MADISON, WI Zip: 53705
 Telephone: (608) 244-2466 Fax: (608) 238-2468 Email: N.A.

Firm Preparing Survey: BADGER SURVEYING - MAPPING Contact: Al Kauki
 Street Address: 3602 ATWOOD AVE, Ste 2 City/State: MADISON, WI Zip: 53714
 Telephone: (608) 244-2010 Fax: (608) 244-6272 Email: BadgerSurveying@global-dialog.com

Check only ONE – ALL Correspondence on this application should be sent to: Property Owner Survey Firm

3a. Project Information.

Parcel Address: 6234 S. HIGHLANDS AVE in the City or Town of: MADISON
 Tax Parcel Number(s): 251/0708-134-0203-2 School District: MADISON
 Existing Zoning District(s): R1-R Development Schedule: Immediate
 Proposed Zoning District(s) (if any): SAME Provide a Legal Description of Site on Reverse Side

3b. For Surveys Located Outside the Madison City Limits and in the City's Extraterritorial Jurisdiction:

Date of Approval by Dane County: _____ Date of Approval by Town: _____
 In order for an extraterritorial request to be accepted, a copy of the approval letters from both the town and Dane County must be submitted.
 Is the subject site proposed for annexation? No Yes If YES, approximate timeframe: N.A.

4. Survey Contents and Description. Complete table as it pertains to the survey; do not complete gray areas.

Land Use	Lots	Outlots	Acres
Residential			
Retail/Office			
Industrial			
Outlots Dedicated to City			
Homeowner Assoc. Outlots			
Other (state use)			
TOTAL			

Describe the use of the lots and outlots on the survey

OVER →
 3

5. **Required Submittals.** Your application is required to include the following (check all that apply):

Surveys (prepared by a Registered Land Surveyor):

- For **Preliminary Plats**, **eighteen (18) copies** of the drawing drawn to scale are required. The drawing is required to provide all information as it pertains to the proposed subdivision as set forth in Section 16.23 (7)(a) of the Madison General Ordinances. The drawings shall include, but are not limited to, a description of existing site conditions and natural features, delineation of all public and private utilities that serve the site (denote field located versus record drawings), the general layout of the proposed subdivision, the dimensions of lots and outlots, widths of existing and proposed rights of way, topographic information, and any other information necessary for the review of the proposed subdivision.
- For **Final Plats**, **sixteen (16) copies** of the drawing are required to be submitted. The final plat shall be drawn to the specifications of Section 236.20 of the Wisconsin Statutes.
- For **Certified Survey Maps (CSM)**, **sixteen (16) copies** of the drawing are required. The drawings shall include all of the information set forth in Sections 16.23 (7)(a) and (d) of the Madison General Ordinances, including existing site conditions, the nature of the proposed land division and any other necessary data. Utility data (field located or from utility maps) may be provided on a separate map submitted with application.
- All surveys submitted with this application are required to be collated, stapled and folded so as to fit within an 8 1/2" X 14" case file. In addition, an 8-1/2 X 11 inch reduction of each sheet must also be submitted.

Submitted to Ekola via e-mail by 1st American Title
Report of Title and Supporting Documents: All plats and certified surveys submitted to the City of Madison for approval shall include a Report of Title satisfactory to the Real Estate Division as required in Section 16.23 of the Madison General Ordinances. A minimum of **two (2) copies** of the City of Madison standard 60/30 year Report of Title shall be obtained from a local, reputable title insurance company. **Title insurance or a title commitment policy is NOT acceptable** (i.e. a Preliminary Title Report or a Record Information Certificate). The owner or applicant must deliver a **third copy** of the Report of Title to the survey firm preparing the plat or CSM. The applicant shall submit a copy of all documents listed in the Report of Title for each copy of the report submitted.

For Residential Preliminary Plats ONLY: If the proposed project will result in **ten (10) or more dwelling units**, it is required to comply with the City's Inclusionary Zoning requirements under Section 28.04 (25) of the Zoning Ordinance. A separate **INCLUSIONARY ZONING DWELLING UNIT PLAN APPLICATION** explaining the project's conformance with these ordinance requirements shall be submitted with your application.

For Surveys Creating Residential Lots: The applicant shall include a certified copy of the accepted option or offer, including all terms of the purchase and any other information that may be deemed necessary by the Real Estate Division to assist them in determining Fair Market Value for the purpose of establishing park fees.

For Surveys Outside the Madison City Limits: A copy of the approval letters from both the town in which the property is located and Dane County must be submitted with your request. The City of Madison may not consider a survey within its extraterritorial jurisdiction without it first having been approved by the **town and Dane County**.

For Surveys Conveying Land to the Public: A Phase I Environmental Site Assessment Report may be required if any interest in these lands are to be conveyed to the public. Please contact the City's Real Estate Division at 267-8719, ext. 305 for a determination as soon as possible.

Completed application and required Fee (from Section 1b on front): \$ 500 Make all checks payable to "City Treasurer."
attached

Electronic Application Submittal: All applicants are required to submit a copy of the completed application form, legal description and preliminary and/or final plats or certified survey map as individual Adobe Acrobat PDF files compiled either on a non-returnable CD-ROM to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The e-mail shall include the name of the project and applicant. Applicants unable to provide the materials electronically should contact the Planning Unit at 266-4635 for assistance.

The signer attests that this application has been completed accurately and all required materials have been submitted:

Applicant's Printed Name Alden G. Kauki Signature Alden G. Kauki
Date 2/09/09 Interest In Property On This Date OWNER'S Surveyor

For Office Use Only	Date Rec'd:	PG Date	Alder District:	Amount Paid: \$
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FRANK TOMASZEWSKI, CERTIFIED ARBORIST, LICENSE #W10190A

**TREE PRESERVATION PLAN
FOR PROPOSED SUBDIVIDED .64 ACRE LOT: LOCATED AT 6234 S. HIGHLANDS AVE.**

The following tree preservation plan is recommended for the proposed new .64 acre lot located at 6234 S. Highlands Ave, in Madison Wisconsin. I have inspected the property with the owners, and we have identified the following trees as being healthy mature specimens which the owners wish to preserve as long as they do not conflict with future improvements to the lot. The trees identified by number below are so marked on the certified survey map (attached), along with their approximate locations, included as part of this report. Numbered trees have been tagged and flagged at the base.

TREE #	SPECIES	DBH*	FORM	HEALTH
1	OAK	16"	GOOD	GOOD
2	OAK	13"	GOOD	GOOD
3	OAK	13"	GOOD	GOOD
4	ASH	13"	GOOD	GOOD
5	OAK	15"	GOOD	GOOD
6	OAK	22"	GOOD	GOOD
7	SPRUCE	9"	GOOD	GOOD
8	SPRUCE	10"	GOOD	GOOD
9	To Be Determined At Time Of Construction			
10	OAK	11"	GOOD	GOOD
11	OAK	23"	GOOD	GOOD
12	OAK	23"	GOOD	GOOD
13	COTTONWOOD	34"	GOOD	GOOD
14	ASH	13"	GOOD	GOOD
15	HACKBERRY	15"	GOOD	GOOD
16	OAK (3 TRUNK)	26"	GOOD	GOOD
17	OAK	16"	GOOD	GOOD
28	MAPLE	8"	GOOD	GOOD
19	OAK	25"	GOOD	GOOD
20	OAK	17"	GOOD	GOOD
21	OAK	10"	GOOD	GOOD
22	OAK	27"	GOOD	GOOD
23	CHERRY	17"	GOOD	GOOD
24	OAK	23"	GOOD	GOOD
25	OAK	48"	GOOD	GOOD
26	OAK	33"	GOOD	GOOD
27	OAK	18"	GOOD	GOOD
28	OAK	29"	GOOD	GOOD
29	HICKORY	8"	GOOD	GOOD
30	HICKORY	9"	GOOD	GOOD
31	CORKSCREW WILLOW	2"	GOOD	GOOD

Any trees not specified above, including all buckthorn, dead, diseased, immature or misshapen trees, or trees otherwise not deemed consistent with the owners' landscape vision, will be removed at the owners' discretion. All trees that are scheduled for preservation which lie within twenty feet (20')

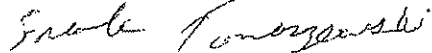
76 RUSTIC PARKWAY
MADISON, WI 53713
(608) 222-5674

of the construction traffic zone are to be protected by snow fence, facing the direction of the construction activity, placed one foot beyond the drip line of the tree, to prevent root compaction from vehicular or equipment traffic during construction of the new home.

I certify that the information above is accurate to the best of my knowledge and represents a sound and reasonable tree preservation plan for this property.

Signed,

Frank Tomaszewski



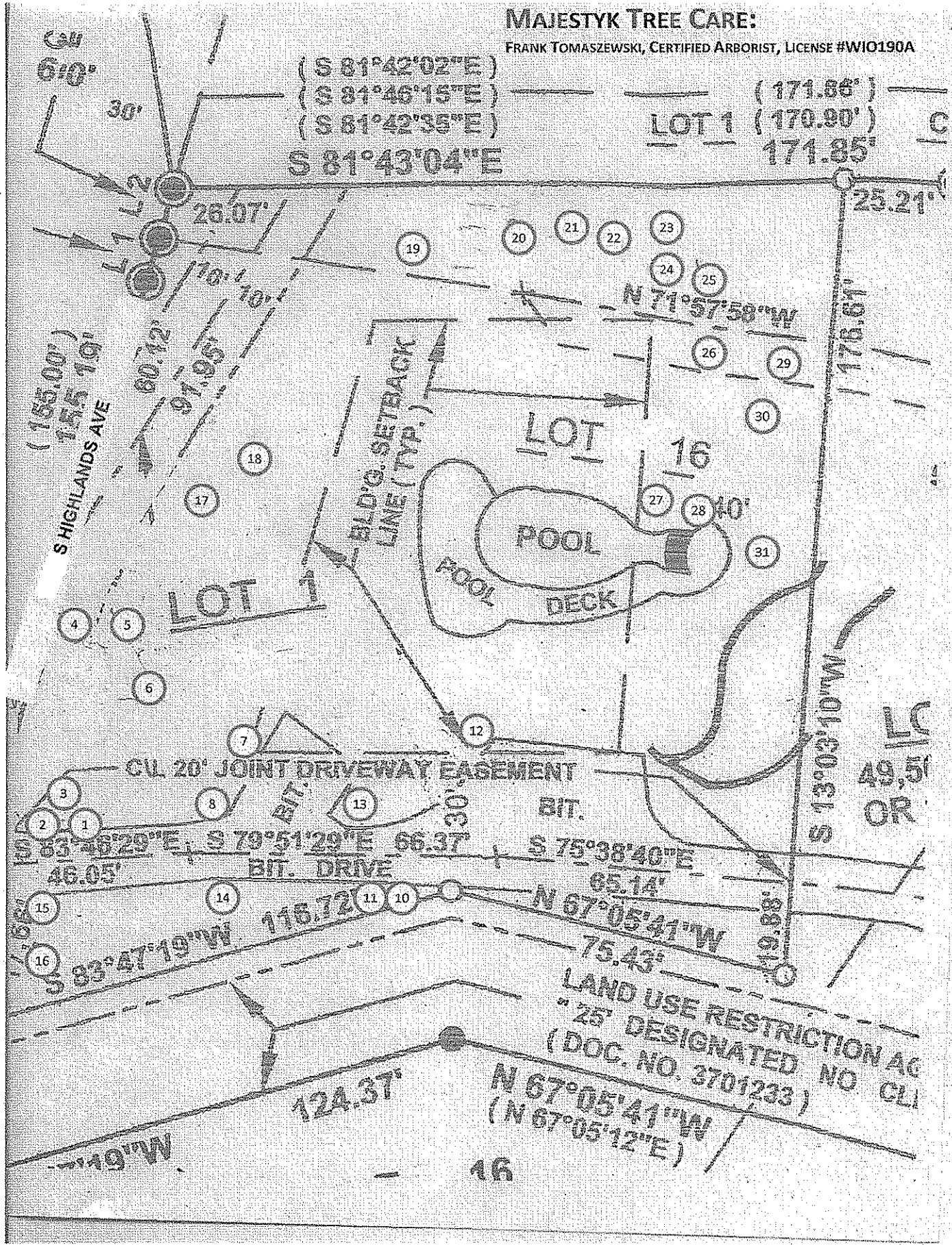
Certified Arborist, license # WIO190A

Wisconsin Arborist Association and International Society of Arboriculture

*Diameter Breast Height

MAJESTYK TREE CARE:

FRANK TOMASZEWSKI, CERTIFIED ARBORIST, LICENSE #WIO190A



(S 81°42'02"E)
(S 81°46'15"E)
(S 81°42'35"E)
S 81°43'04"E

(171.86')
LOT 1 (170.90')
171.85'

(155.00')
155.19'
S HIGHLANDS AVE

BLD'G. SETBACK
LINE (TYP.)

LOT 1

LOT 16

POOL

DECK

CU. 20' JOINT DRIVEWAY EASEMENT

S 83°46'29"E 46.05'
S 79°51'29"E 66.37'

S 75°38'40"E 65.14'

S 83°47'19"W 116.72'

N 67°05'41"W 75.43'

LAND USE RESTRICTION AC
"25' DESIGNATED NO. CLI
(DOC. NO. 3701233)

124.37'

N 67°05'41"W
(N 67°05'12"E)

DOCUMENT #2

SOME LANDSCAPE PRINCIPLES FOR 6234 S. HIGHLANDS AVE.

Our future landscaping will be consistent with our existing landscaping on the property, which is a mixture of native species with ornamental and cultivated plants, and of formal and informal garden spaces, with multiple small seating tucked into the garden. The house will be nestled into the landscaping.

Our landscape and garden vision for our property is to preserve trees (per the attached plan) remove the remaining snaggle of buckthorn by the road, and any misshapen and diseased trees, as time and budget permit. Any trees marked for preservation which require removal due to conflict with the eventual house site will be replaced native or ornamental species saplings. It is our intention to continue the general landscape concept which we have implemented on the south side of our driveway, with prime, mature hardwoods providing a canopy over vines, bulbs, ferns, and other perennials. This concept is similar to many other houses in the Highlands, including the two houses directly across the street.

This concept is consistent with the recommendations of the Highlands Landscape Preservation Plan, prepared for the Neighborhood Association in 1997, and we believe, consistent with the ideas and philosophies of O.C. Simonds, who helped create the Highlands landscaping to promote an overarching canopy of trees over an aesthetically landscaped terrain (numbered references listed on page 2).

1. Tree Preservation Plan

A tree preservation plan is one component of our landscaping vision. See <http://www.vectorsilhouettes.com/pdf/2-Tree%20Preservation%20Plan.pdf> and the accompanying map (<http://www.vectorsilhouettes.com/pdf/3-ap%20of%20Tree%20Preservation%20Plan.pdf>).

2. Removal of Buckthorn, Garlic Mustard and Other Invasive Species

Buckthorn is an invasive species that forms an impenetrable understory layer and causes long-term decline of forests by shading out other woody and herbaceous plants. Per DNR recommendations, larger buckthorn will be removed but cutting them down. *Id.* Garlic mustard will also be removed.

3. Replanting and Landscaping

Some native species that may be replanted to replace the buckthorn include: black chokeberry (*Aronia melanocarpa*), Indian coral currant (*Symphoricarpos orbiculatus*), arrowwood (*Viburnum dentatum*), and winterberry (*Ilex verticillata*) 3. We have already planted viburnum (you can see a large patch by the black-bottomed pool) which is in bloom at the moment. Other plantings will include, for example, purple coneflower, solomon's seal, birdsfoot violets, butterflyweed, and other decorative native species that can be found on the list of native plants suitable for southern Wisconsin prepared by the Madison Arboretum 4. If appropriate areas present themselves, rain gardens, as described by the Dane County Office of Lakes and Watersheds, may be included 5.

REFERENCES:

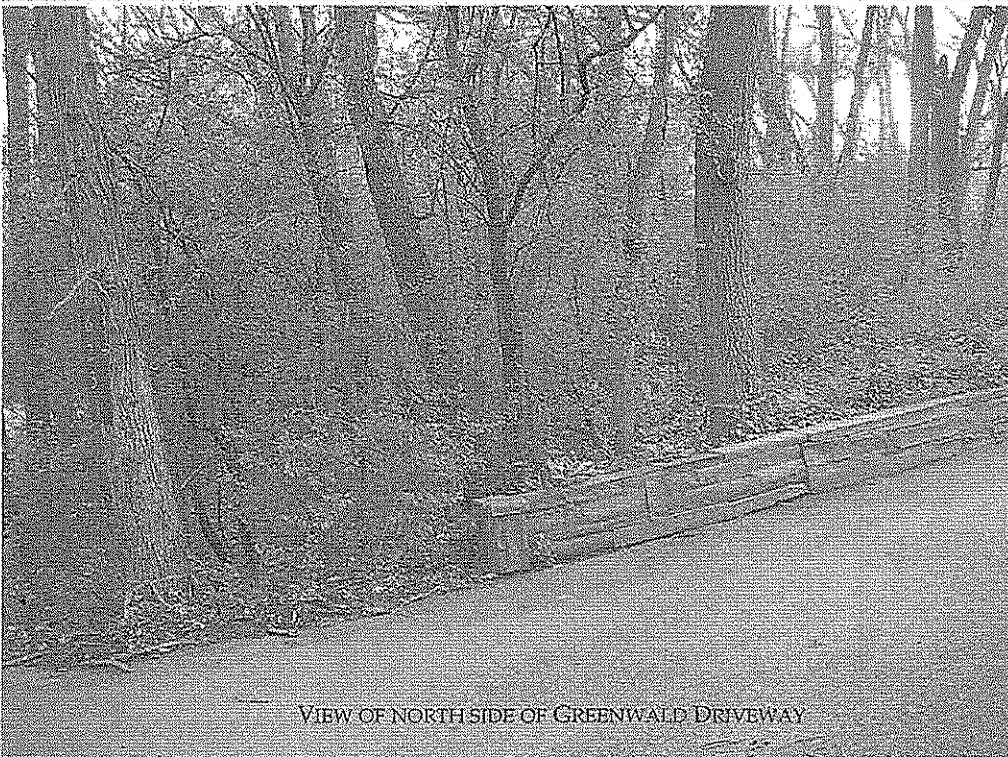
1. *Highlands Landscape Preservation Plan*, Spring 1997
2. *Common and Glossy Buckthorn: Major Threats to Western Woodlands*, WI DNR PUB - FR - 216 2007
3. *Alien Shrubs Invading Wisconsin*, Wisconsin Council On Invasive Species, press release dated, March 31, 2005
4. *Native plants of the Wisconsin Native Plant Garden*, University of Wisconsin—Madison Arboretum, Suitable for Southern Wisconsin, <http://uwarboretum.org/news/singlePost.php?id=305&origin=news>
5. *What is a Rain Garden*, Office of Lakes and Watersheds and the Dane County Watershed Commission, <http://www.danewater.com/private/raingarden.aspx>

LANDSCAPING CONCEPT - 6234 S. HIGHLANDS

WE INTEND TO LANDSCAPE THE NORTH SIDE OF THE EXISTING DRIVEWAY AREA (BOTTOM PICTURE) IN THE SAME MANNER AS THE SOUTH SIDE (TOP PICTURE), PLANTING AROUND PRIME TREES AND REPLACING BUCKTHORN AND SCRUB WITH GROUND COVER, FLOWERS AND ORNAMENTAL SHRUBS. SOME TREES MARKED ON THE TREE PRESERVATION PLAN ARE VISIBLE IN THESE PICTURES; THEY ARE TAGGED WITH ORANGE FLAG TAPE.



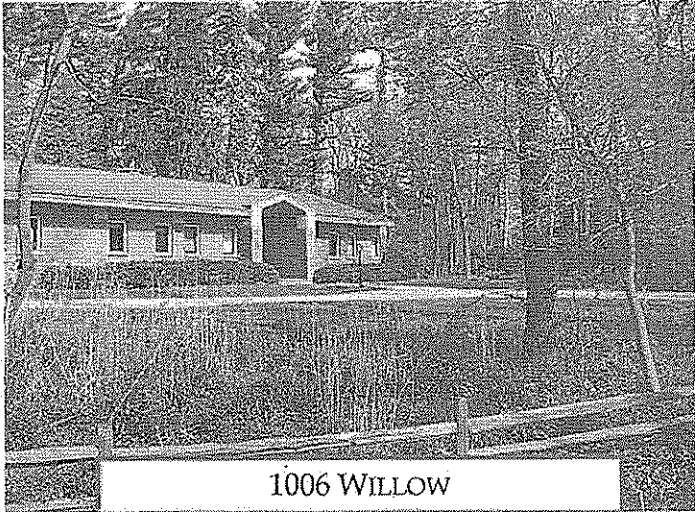
VIEW OF SOUTH SIDE OF GREENWALD DRIVEWAY



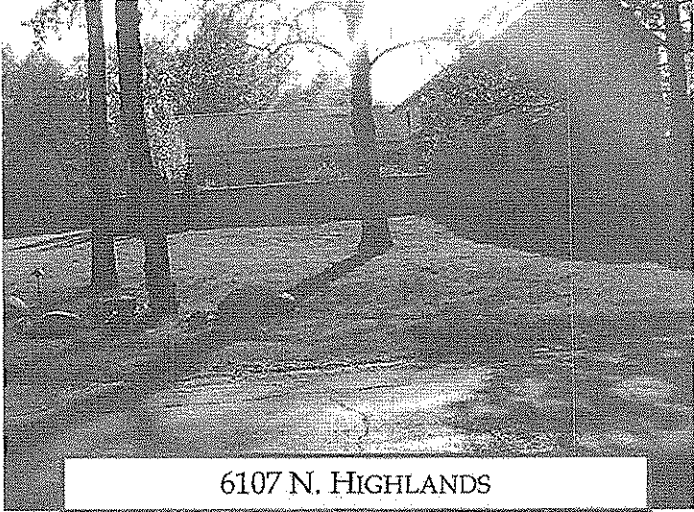
VIEW OF NORTH SIDE OF GREENWALD DRIVEWAY

EXAMPLES OF LANDSCAPE DIVERSITY IN THE HIGHLANDS

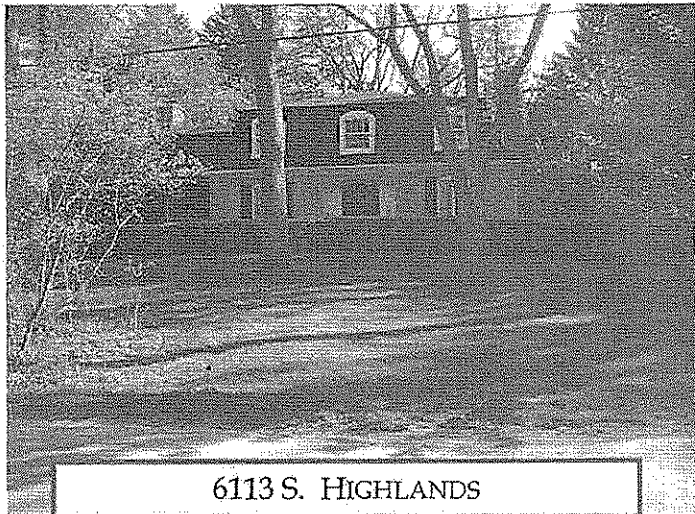
DOCUMENT 3-1 LANDSCAPING OF BOARD MEMBERS



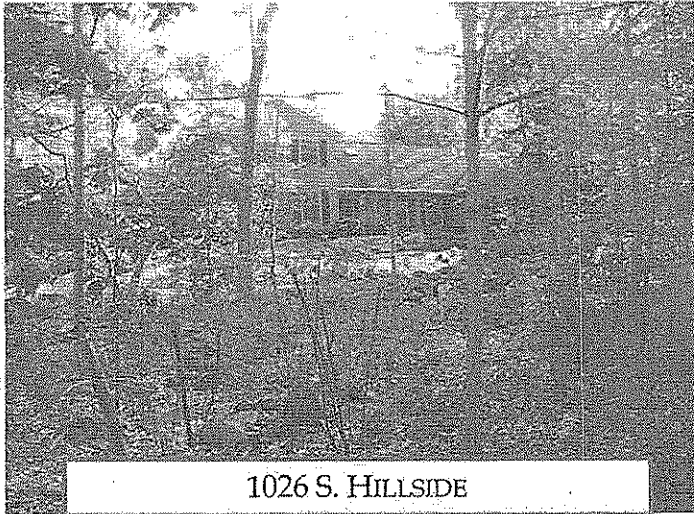
1006 WILLOW



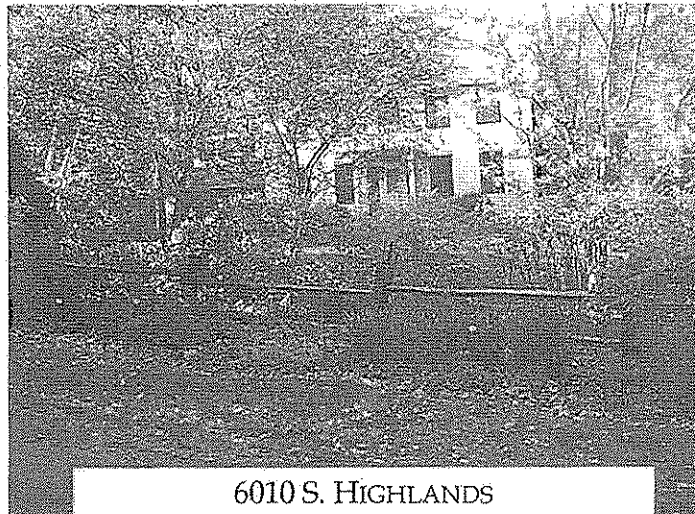
6107 N. HIGHLANDS



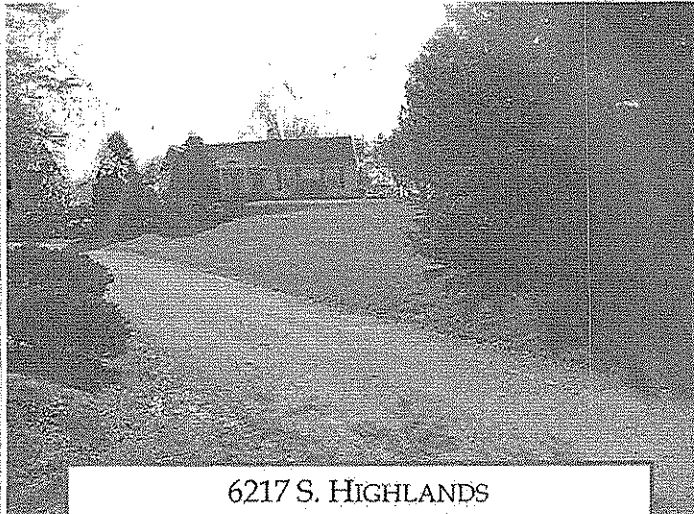
6113 S. HIGHLANDS



1026 S. HILLSIDE

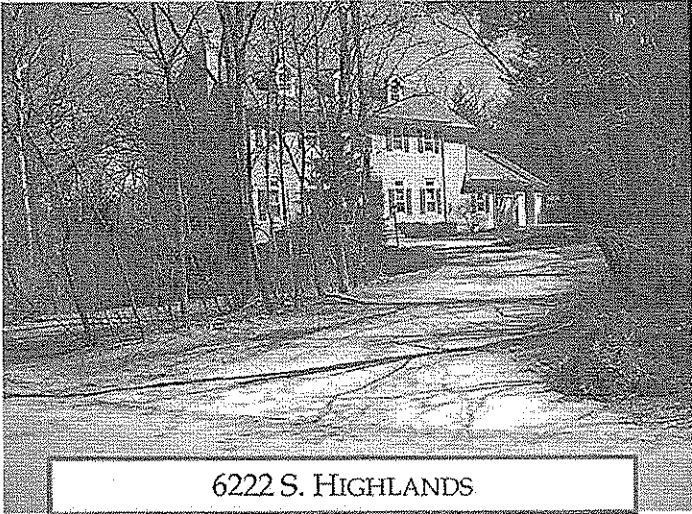


6010 S. HIGHLANDS

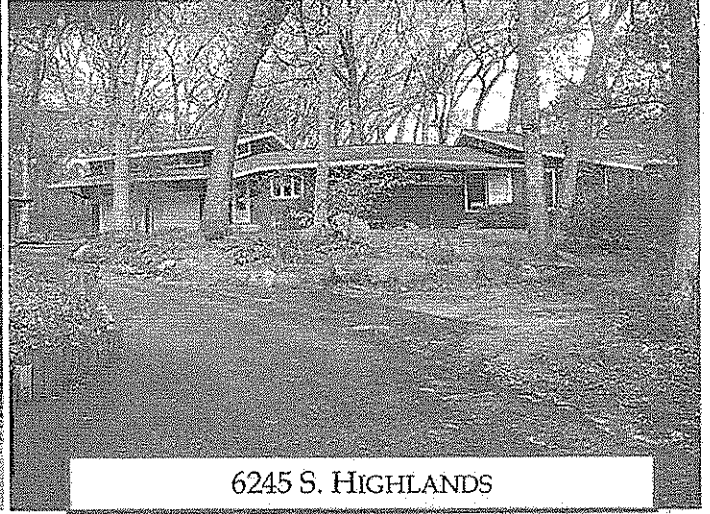


6217 S. HIGHLANDS

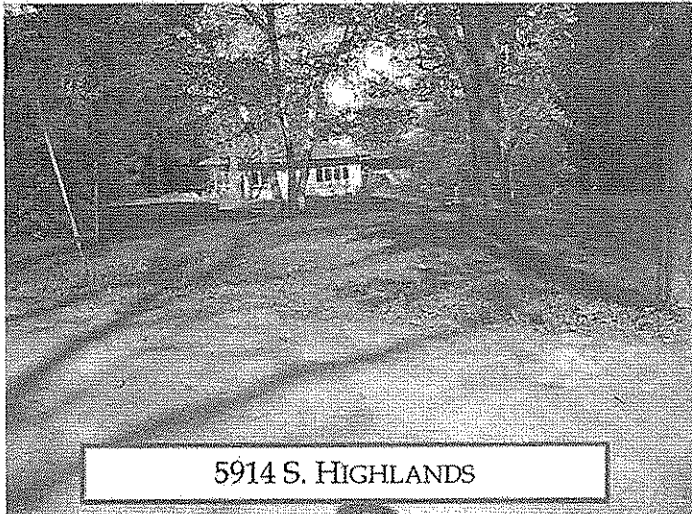
DOCUMENT 3-2 HIGHLANDS LANDSCAPING DIVERSITY



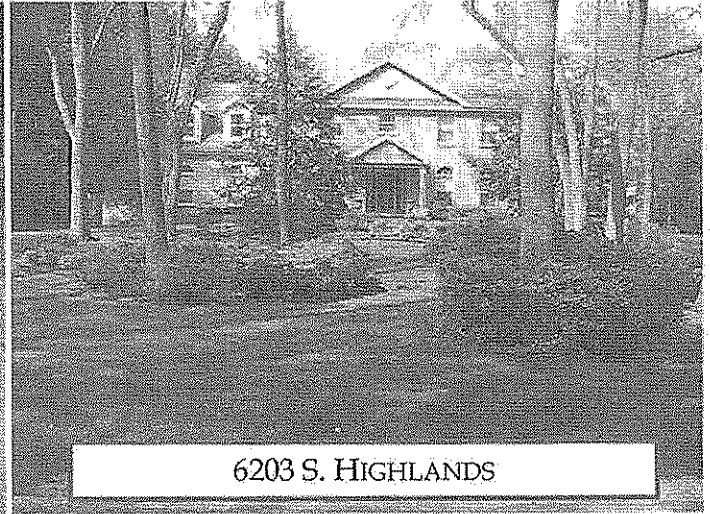
6222 S. HIGHLANDS



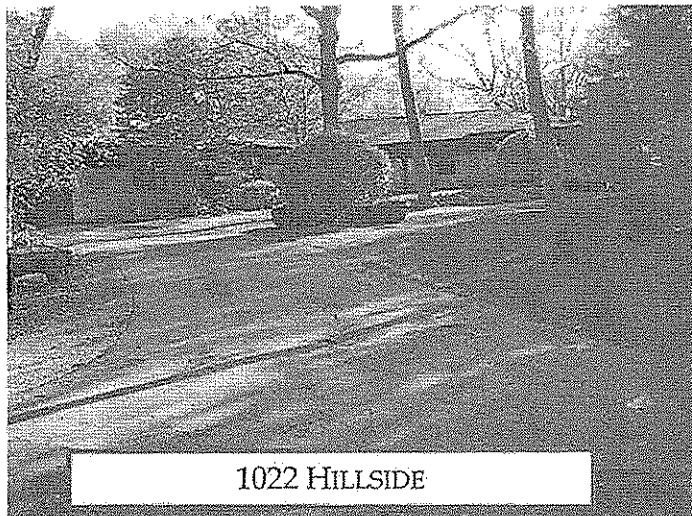
6245 S. HIGHLANDS



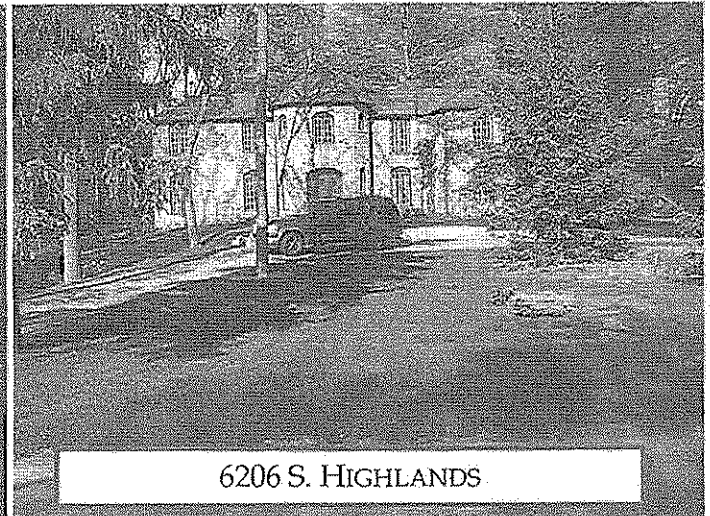
5914 S. HIGHLANDS



6203 S. HIGHLANDS

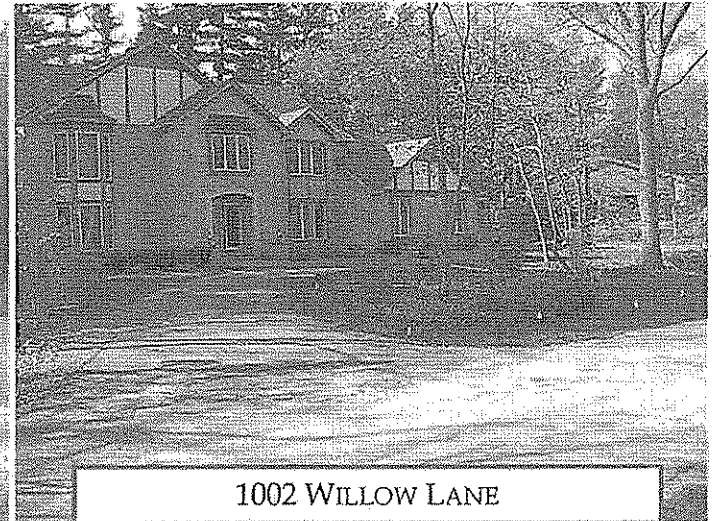
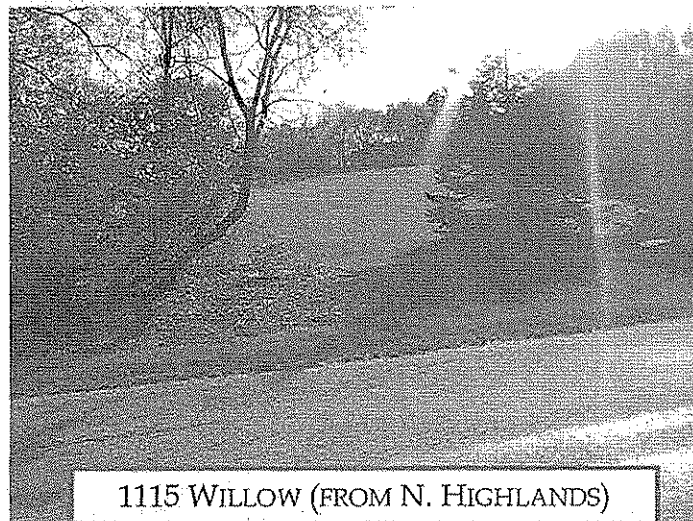
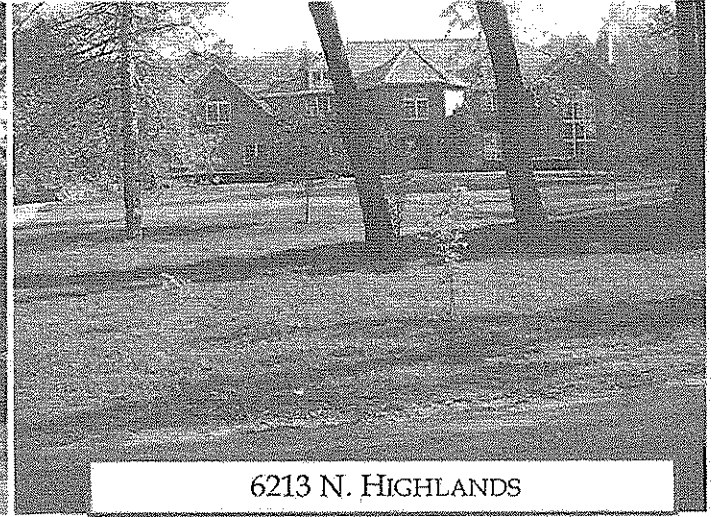
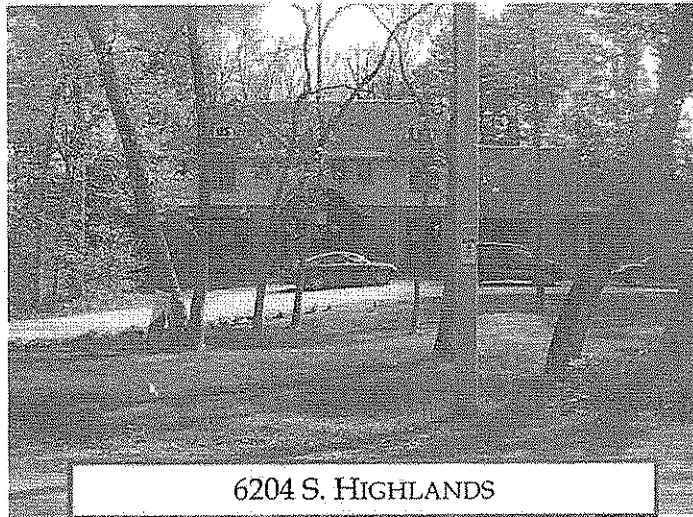
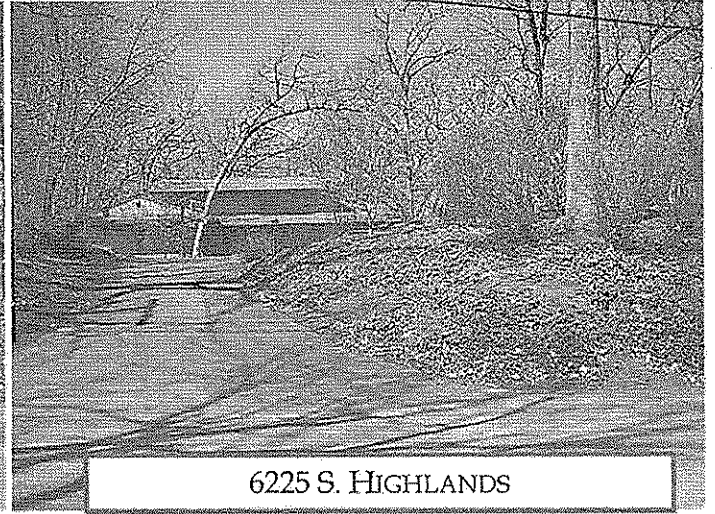
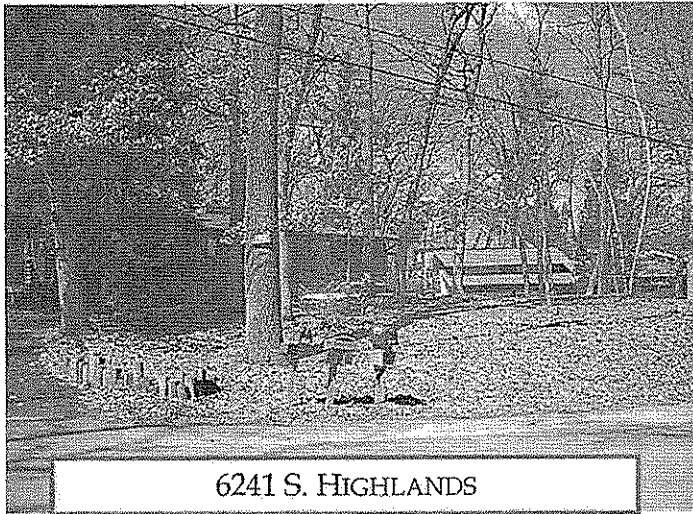


1022 HILLSIDE



6206 S. HIGHLANDS

DOCUMENT 3-3 HIGHLANDS LANDSCAPING DIVERSITY



DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF PART LOTS 15, 16 AND 17, PLAT OF HIGHLANDS, ALL LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 13, T7N, R8E, CITY OF MADISON, DANE COUNTY, WISCONSIN.

PREPARED FOR:
 ROGER GREENWALD
 6234 S. HIGHLANDS AVENUE
 MADISON, WI 53705
 (608) 238-2466

PREPARED BY:
 BADGER SURVEYING & MAPPING SERVICE, LLC.
 3602 ATWOOD AVENUE, SUITE 2,
 MADISON, WI 53714
 (608) 244-2010

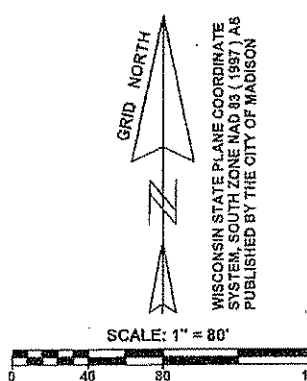
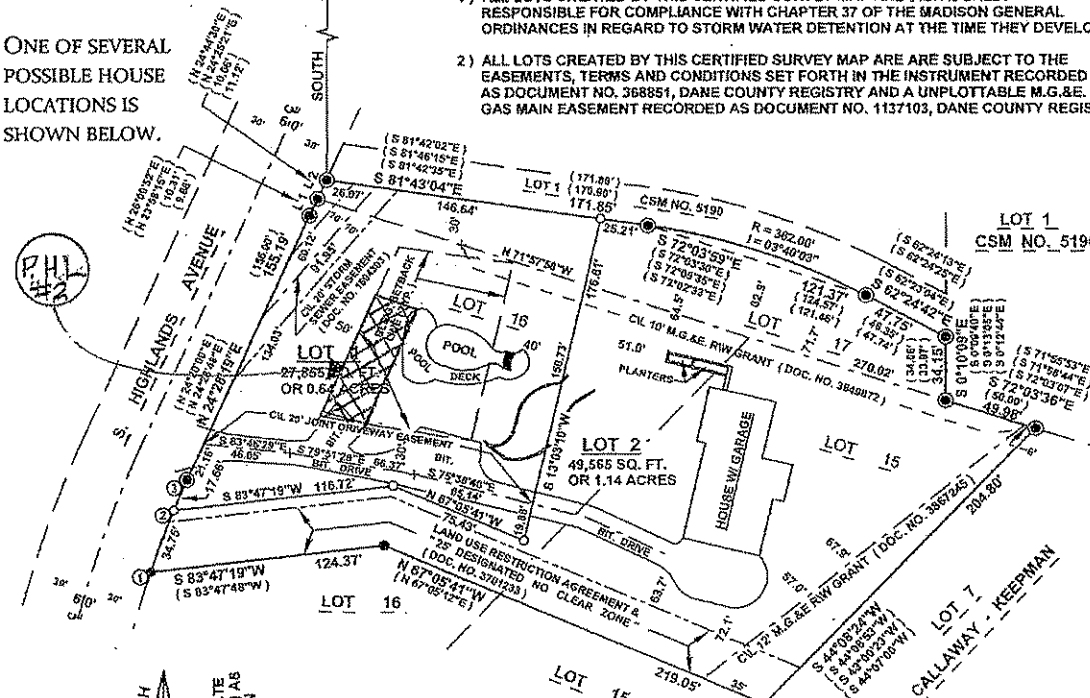
EAST 1/4 CORNER
 SECTION 13, T7N, R8E,
 WISCONSIN STATE PLANE
 COORDINATES SOUTH ZONE
 N 394,937.9517 E 2,106,786.7331



NOTE:

- 1) ALL LOTS CREATED BY THIS CERTIFIED SURVEY MAP ARE INDIVIDUALLY RESPONSIBLE FOR COMPLIANCE WITH CHAPTER 57 OF THE MADISON GENERAL ORDINANCES IN REGARD TO STORM WATER DETENTION AT THE TIME THEY DEVELOP.
- 2) ALL LOTS CREATED BY THIS CERTIFIED SURVEY MAP ARE SUBJECT TO THE EASEMENTS, TERMS AND CONDITIONS SET FORTH IN THE INSTRUMENT RECORDED AS DOCUMENT NO. 368851, DANE COUNTY REGISTRY AND A UNPLOTTABLE M.G.&E. GAS MAIN EASEMENT RECORDED AS DOCUMENT NO. 1137103, DANE COUNTY REGISTRY.

ONE OF SEVERAL
 POSSIBLE HOUSE
 LOCATIONS IS
 SHOWN BELOW.



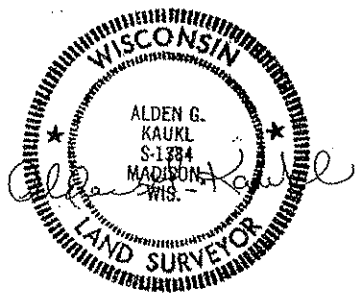
- LEGEND:**
- 3/4" SOLID ROUND IRON STAKE FOUND
 - ⊙ IRON PIPE FOUND
 - 1" X 24" IRON PIPE SET, 1.13 LBS. 1 FT.
 - () REC'D. AS
 - 860.0 EL. FOR PROP. CORNERS AT GRND. LEVEL (U.S.G.S. DATUM)
 - DIRECTION OF SURFACE DRAINAGE (SEE NOTES ON PAGE 4)

LINE TABLE

LINE	BEARING	DIST.
L-1	N 26°00'23"E	9.88'
L-2	N 24°44'01"E	11.12'

CURVE TABLE

CURVE NO.	RADIUS	CENTRAL ANGLE	LONG BEARING	CHORD DIST.
1-3	542.96'	05°31'53"	N 21°34'37"E	52.40'
1-2	542.96'	03°40'03"	N 20°38'42"E	34.75'
2-3	542.96'	01°51'50"	N 23°24'38"E	17.56'



DOCUMENT NO. _____
 VOLUME _____ PAGE _____

JN 2G - 154CS

6

DOCUMENT #5

From: Nancy Greenwald ()
To: stein.madison@sbcglobal.net; craigas3@hotmail.com; twt@chorus.net
Date: Thursday, May 14, 2009 9:46:13 AM
Subject: From your neighbors Roger and Nancy Greenwald re: land division

Dear Neighbor,

We are contacting all of our neighbors regarding the proposed division of our lot at 6234 S. Highlands Ave.

What we are requesting from the City of Madison Planning Commission is permission to create a .64 acre lot at the front of our 1.75 acre property, with a shared driveway serving both the proposed eventual new house and the existing house which we currently own, which, as you probably know, is for sale.

The plan has been studied by Planning Commission Staff. The Staff has found the proposed subdivision to be in compliance with the rules and ordinances which regulate subdivision in the Highlands. All of the materials that went to the Plan Commission, including the staff reports, can be found at the following link:
<http://legistar.cityofmadison.com/detailreport/?key=15951>

Our plan is supported by two of our immediate neighbors, who are among the nine neighbors who signed letters of support for our project. There were also voices in opposition.

The Commission has asked us to discuss the proposed land division with our neighbors. We are therefore reaching out, through this e-mail, to invite you to submit any questions you may have. We are sending this to everyone in the Highlands directory who has an e-mail listed. We invite any of you to submit by return e-mail any questions which you may have concerning our proposed subdivision. (We have set up this special e-mail address for that purpose.) We ask that you do so by May25th. Please identify yourself by name and address in your email. We will do our best to consider any reasonable concern from an identified neighbor.

On May 26th at 6:30pm, we will meet with any interested neighbors where our driveway meets S. Highlands, to permit people to view the lot, to answer any questions and engage in a neighborly conversation.

We respect all civil expressions of aesthetic and philosophical diversity on questions of landscape and garden philosophy, and we respect all opinions concerning the appropriateness of the existing minimum lot size in the zoning ordinances which run with the Highlands.

You may access the following documents by following the links indicated below, and review them at your convenience:

1. Certified Survey Map - showing the proposed lot, our existing house, the building envelope and setbacks for the proposed new lot, and other relevant site information. We have also shown a hatched area which represents one of the several possible building sites which we are considering. There are actually three sites we are actively considering on the site, which all place the house in convenient proximity to the existing swimming pool. <http://www.vectorsilhouettes.com/pdf/1-Certified%20Survey%20Map.pdf>
2. Tree Preservation Plan
<http://www.vectorsilhouettes.com/pdf/2-Tree%20Preservation%20Plan.pdf>
3. Map of Tree Preservation Plan
<http://www.vectorsilhouettes.com/pdf/3-Map%20of%20Tree%20Preservation%20Plan.pdf>
4. Photographic Examples of Highlands Landscaping Diversity – showing the wide range of individual landscaping visions.
<http://www.vectorsilhouettes.com/pdf/4-Examples%20of%20Landscape%20Diversity.pdf>
5. Landscaping Concept – 6234 S. Highlands - Our landscape and garden vision for our property is to remove the remaining snaggle of buckthorn by the road, and any misshapen and diseased trees, as time and budget permit. It is our intention to continue the general landscape concept which we have implemented on the south side of our driveway, with prime, mature hardwoods providing a canopy over vinca, bulbs, ferns, and other perennials. This concept is similar to many other houses in the Highlands,

including the two houses directly across the street.

<http://www.vectorsilhouettes.com/pdf/5-Landscaping%20Concept-6234%205%20Highlands.pdf>

We walk through the neighborhood daily, and we see great diversity: lots ranging in size, some tree-shrouded and some open. We see the owners of houses in the neighborhood, acting as free and generally responsible stewards of their own land, expressing their individual landscape visions. In the aggregate, this diversity has created one of Madison's nicer residential areas.

The neighborhood association has taken the position that we should we agree to place covenants on our land that would prevent us from landscaping our property in the same way others in the Highlands have landscaped their properties. We are not aware that any other member of the neighborhood has been asked by the association to submit their landscaping decisions to the association or to place permanent restrictions on their land.

Having said this, we very much wish to allay the unfounded fears expressed by one of our neighbors at the public hearing, that we might strip all of the trees from our property. In that spirit, and to restore tranquility, we are here sharing our vision of our plans for our property with you, our neighbors and invite constructive dialogue.

We look forward to hearing from you, and we salute the inevitable diversity of opinion, whether about the issue of retaining versus eliminating buckthorn, or and any other issue.

Regards,

Roger and Nancy Greenwald

DOCUMENT #6

From: Deborah Turski ()
To: Nancy Greenwald
Date: Thursday, May 14, 2009 12:28:30 PM
Cc: Pat Turski
Subject: Re: From your neighbors Roger and Nancy Greenwald re: land division

Hi Nancy and Roger

Thanks for this very informative email- love the pics!

A question?

You state : " The neighborhood association has taken the position that we should we agree to place covenants on our land that would prevent us from landscaping our property in the same way others in the Highlands have landscaped their properties." When and how did Highlands Association come to formulate this position? Possibly a meeting we missed? Record of representation at such, or any sort of vote? Quorum? What is required in terms of representation of such a constituency to allow a "position" to be considered usable by the city in its deliberations? Curious...(and, of course, pretty legally ignorant...)

thanks

Deb

On Thu, May 14, 2009 at 9:46 AM, Nancy Greenwald <shighlands6234@sbcglobal.net> wrote:

Dear Neighbor,

We are contacting all of our neighbors regarding the proposed division of our lot at 6234 S. Highlands Ave.

What we are requesting from the City of Madison Planning Commission is permission to create a .64 acre lot at the front of our 1.75 acre property, with a shared driveway serving both the proposed eventual new house and the existing house which we currently own, which, as you probably know, is for sale.

The plan has been studied by Planning Commission Staff. The Staff has found the proposed subdivision to be in compliance with the rules and ordinances which regulate subdivision in the Highlands. All of the materials that went to the Plan Commission, including the staff reports, can be found at the following link: <http://legistar.cityofmadison.com/detailreport/?key=15951>

Our plan is supported by two of our immediate neighbors, who are among the nine neighbors who signed letters of support for our project. There were also voices in opposition.

The Commission has asked us to discuss the proposed land division with our neighbors. We are therefore reaching out, through this e-mail, to invite you to submit any questions you may have. We are sending this to everyone in the Highlands directory who has an e-mail listed. We invite any of you to submit by return e-mail any questions which you may have concerning our proposed subdivision. (We have set up this special e-mail address for that purpose.) We ask that you do so by May25th. Please identify yourself by name and address in your email. We will do our best to consider any reasonable concern from an identified neighbor.

On May 26th at 6:30pm, we will meet with any interested neighbors where our driveway meets S. Highlands, to permit people to view the lot, to answer any questions and engage in a neighborly conversation.

[CONTINUATION OF ORIGINAL
MESSAGE NOT REPRINTED]

5

From: Nancy Greenwald ()
To: jboutelle@aol.com
Date: Sunday, May 17, 2009 8:58:18 AM
Subject: Re: From your neighbors Roger and Nancy Greenwald re: land division

Thanks, Jane. I really appreciate your words of support. Nancy

From: "jboutelle@aol.com" <jboutelle@aol.com>
To: shighlands6234@sbcglobal.net
Sent: Friday, May 15, 2009 8:56:03 AM
Subject: Re: From your neighbors Roger and Nancy Greenwald re: land division

Hi Nancy and Roger,

I have no strong feelings about this personally. I just wanted to let you know that I appreciate your efforts to share information and attempt to reach an amicable conclusion. I can imagine that this is and has been a very challenging process.

Regards,
Jane (Boutelle)

-----Original Message-----

From: Nancy Greenwald <shighlands6234@sbcglobal.net>
To: jbolinger@sbcglobal.net; jboutelle@aol.com; fbretherton@charter.net
Sent: Thu, 14 May 2009 9:28 am
Subject: From your neighbors Roger and Nancy Greenwald re: land division

Dear Neighbor,

We are contacting all of our neighbors regarding the proposed division of our lot at 6234 S. Highlands Ave.

What we are requesting from the City of Madison Planning Commission is permission to create a .64 acre lot at the front of our 1.75 acre property, with a shared driveway serving both the proposed eventual new house and the existing house which we currently own, which, as you probably know, is for sale.

The plan has been studied by Planning Commission Staff. The Staff has found the proposed subdivision to be in compliance with the rules and ordinances which regulate subdivision in the Highlands. All of the materials that went to the Plan Commission, including the staff reports, can be found at the following link:
<http://legistar.cityofmadison.com/detailreport/?key=15951>

Our plan is supported by two of our immediate neighbors, who are among the nine neighbors who signed letters of support for our project. There were also voices in opposition.

The Commission has asked us to discuss the proposed land division with our neighbors. We are therefore reaching out, through this e-mail, to invite you to submit any questions you may have. We are sending this to everyone in the Highlands directory who has an e-mail listed. We invite any of you to submit by return e-mail any questions which you may have concerning our proposed subdivision. (We have set up this special e-mail address for that purpose.) We ask that you do so by May 25th. Please identify yourself by name and address in your email. We will do our best to consider any reasonable concern from an identified neighbor.

On May 26th at 6:30pm, we will meet with any interested neighbors where our driveway meets S. Highlands, to

From: Susan King ()
To: Nancy Greenwald
Date: Sunday, May 17, 2009 8:54:34 PM
Subject: Initial reaction to your letter

Dear Nancy,

I've read your materials.

As to landscaping, you're quite right. You do see great diversity. Several of the examples you have referenced are unfortunate ones. The intention of the R1-R district is stated in the ordinance.

R1-R Rustic Residence District

(a) **Statement of Purpose.** The R1-R Rustic Residence District is established to stabilize and protect the essential characteristics of certain low density residential neighborhoods which are heavily wooded and which provide a quiet park-like setting to display numerous historic buildings and plantings, and thereby preserving the natural beauty and landscape plan, insofar as possible.

I was on the Plan Commission that approved the R1-R (and living elsewhere at the time). It was requested by the neighborhood in order to prevent additional inappropriate development from happening.

I do not at this time have enough information to form an opinion about your proposal, but I am willing to discuss it with you. Unfortunately, I will not be able to attend your May 26 walkabout.

Susan
231.2523

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From: Susan King ()
To: Nancy Greenwald
Date: Tuesday, May 19, 2009 9:01:14 PM
Subject: Re: Initial reaction to your letter

That sounds fine.

Susan

--- On Tue, 5/19/09, Nancy Greenwald <shighlands6234@sbcglobal.net> wrote:

From: Nancy Greenwald <shighlands6234@sbcglobal.net>
Subject: Re: Initial reaction to your letter
To: "Susan King" <sbkinghome@yahoo.com>
Date: Tuesday, May 19, 2009, 8:34 PM

Dear Susan - How about 11:00 am Thursday morning? I will meet you at the base of our driveway. Nancy

From: Susan King <sbkinghome@yahoo.com>
To: Nancy Greenwald <shighlands6234@sbcglobal.net>
Sent: Tuesday, May 19, 2009 8:23:53 AM
Subject: Re: Initial reaction to your letter

Nancy,

Thursday and Friday work best for me this week. I also work from home.

Susan

--- On Mon, 5/18/09, Nancy Greenwald <shighlands6234@sbcglobal.net> wrote:

From: Nancy Greenwald <shighlands6234@sbcglobal.net>
Subject: Re: Initial reaction to your letter
To: "Susan King" <sbkinghome@yahoo.com>
Date: Monday, May 18, 2009, 8:34 PM

Susan -

Thanks for your e-mail. I would be happy to talk with you. Is there a time this week that you could stop by? I work from home and so am generally available. If you give me a few times that work for you, we can set something up.

Regards, Nancy

From: Susan King <sbkinghome@yahoo.com>
To: Nancy Greenwald <shighlands6234@sbcglobal.net>

Sent: Sunday, May 17, 2009 8:54:34 PM

Subject: Initial reaction to your letter

Dear Nancy,

I've read your materials.

As to landscaping, you're quite right. You do see great diversity. Several of the examples you have referenced are unfortunate ones. The intention of the R1-R district is stated in the ordinance.

R1-R Rustic Residence District

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I was on the Plan Commission that approved the R1-R (and living elsewhere at the time). It was requested by the neighborhood in order to prevent additional inappropriate development from happening.

I do not at this time have enough information to form an opinion about your proposal, but I am willing to discuss it with you. Unfortunately, I will not be able to attend your May 26 walkabout.

Susan
231.2523

From: Nancy Greenwald ()
To: Andrew Bent
Date: Tuesday, May 19, 2009 8:31:08 PM
Cc: district19@cityofmadison.com; columbiajack@sbcglobal.net
Subject: Re: Greenwald proposal

Dear Andrew,

Thank you for your thoughts. Our response is below in red font.

From: Andrew Bent <afbent@wisc.edu>
To: Nancy Greenwald <shighlands6234@sbcglobal.net>
Cc: Jack Walker <columbiajack@sbcglobal.net>; Mark Clear <district19@cityofmadison.com>
Sent: Monday, May 18, 2009 3:47:04 PM
Subject: Greenwald proposal

Hello Nancy and Roger -
I'm responding to your invitation for comments/questions.

I hope that everyone can resolve the neighborhood issues with your development plan so that folks on either side of the issues are placated and reasonably satisfied. It is really too bad that it has gotten confrontational at times - most folks don't feel too strongly about it, but clearly a few do. Thanks for your efforts to keep a civil tone - that is best!

Andrew- it's a pleasure to hear a civil voice coming from the board. Thank you.

I also hope you understand that most folks just want to be sure that R1-R regulations are followed without exceptions or variance, and that for the vast majority of folks their objection to your present proposal is not personal. Most folks are supportive of people's right to pursue reasonable development, so long as it is within R1-R and not badly out of character with the neighborhood.

That's our impression, too, with a few exceptions who have already distinguished themselves.

Many people of course wish, very deeply, that the Highlands would stay more open with large lots and fewer houses. Many of us shoulder a significantly higher tax burden to keep it that way, and hope that other landowners will also adopt this as their "angle" on what to do with their properties, rather than subdividing. Large lots are a big part of what makes this a special neighborhood, and with each subdivision, another chunk of that special element is lost. Development within R1-R zoning rules is obviously allowed and so we have to accept it as long as it is conforming. But my first question would be: Can you leave your 1.75 acre lot as is and pursue a different home site if you want to build a new home? That would be greatly appreciated my many! Seriously - it is an alternative worth considering, that might be very satisfying.

Andrew, I believe that you are writing this in good faith, but please consider how you would feel if one of your neighbors suggested that you leave your property in order to satisfy their views of what the Highlands should be.

With the deepest respect, we feel that this suggestion, whether by you or as previously suggested by Jack Walker, is simply not appropriate.

My second question for you has to do with the following part of the zoning code:

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Section 28.04(11)(b)1:

"the rear lot shall have an access to an improved public street through an unobstructed strip of land not less than thirty (30) feet in width. Such strip of land shall be a part of the rear lot and shall not be used to satisfy any area, yard or usable open space requirement."

The neighbors who have given it thought (many folks have not really paid much attention) generally interpret that the southern 25 ft. strip of your land, which is constrained by a "no-clear" easement, can not logically be counted as unobstructed access to the rear lot. So the plan that you have currently proposed is non-conforming. Land that can be used as a driveway needs to be part of the rear lot; this is very clear in the above part of the zoning code. The city planning staff people may not have appreciated the details of this lot situation when they initially suggested that your proposal was OK.

Andrew: We think that the Planning Division has delivered a thoroughly examined, carefully reasoned, and legally correct interpretation of the existing regulations, which they are bound to apply equally to all of us. They had full information, including the precise limits of the limited "no-clear" zone on the east, which, despite suggestions to the contrary, we have, in fact, respected. Planning Division's discussion of the limited "no clear" easement and their interpretation and application of the statute is discussed in their report, which can be accessed through the link in our letter.

A newly subdivided front lot at your site might come with an easement for access to the western half of that driveway to the rear lot, but the driveway can not count toward the lot size of the front lot. Hence for your lot, the south lot-line of a proposed front lot has to be located at least 55 ft. north of the present south lot line. Any house on the front lot would have to be set in 40 ft. north of the new south lot-line. If you would propose a plan that has an allowable 0.6 acre front lot, located no closer than 55 ft. from the present south lot line, much neighborhood objection would likely go away. As it stands, my impression is that the presently proposed plan does not honor the letter or the spirit of the R1-R zoning, given the above and other text from Section 28.04 concerning deep lots. So I oppose your present plan - but it seems like there are multiple ways to resolve this (noted above).

Andrew: There are very serious reasons why your suggestion would not work for us. In the first place, it would result in a lot more than 6% smaller than the one we would like. That would also increase the objections of folks who are complaining that a .64 acre lot is too small for their personal tastes. Second, it would deprive the existing house to the rear of a section of flagstone stone patio which we view as an integral part of the existing house landscape. Third, it would severely constrict our building options south of the pool. Your suggested reconfiguration would have no effect on the location of the driveway and no effect on the view from the street. The only practical effect would be to shift the location of the new house farther from the neighbors on the south side (the Lakes) and closer to the neighbors on the north side (the Grecos.) and make the lot smaller.

As you walk through the neighborhood, it's pretty clear that everyone has his or her own, often very different vision of what the spirit of the Highlands is. Nine of our neighbors signed letters of support for the project. This is a diverse neighborhood, with diverse architecture and diverse approaches to landscaping.

We appreciate the neighborly tone of your letter.

Best,

Nancy and Roger Greenwald

Thanks Greenwalds! - Once again, I hope we can remain neighborly throughout this,
Andrew Bent
6241 N. Highlands

From: Bill&Robin ()
To: shighlands6234@sbcglobal.net; district19@cityofmadison.com
Date: Monday, May 25, 2009 10:31:07 AM
Subject: response re: land division S. Highlands Av.

Attached is a response to your letter of May 14.

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May 22, 2009

To: Roger & Nancy Greenwald
Alder Mark Clear 19th District
Jack Walker, President, Highlands Assoc. Board

Subject: Division of property at 6234 S. Highlands Ave., Madison

We are strongly opposed to the subdivision of the above-mentioned property. While the proposal may be within the limits set for division of a parcel, (aside from the question of "access" as outlined in Jack Walker's letter) it is not consistent with the inherent character of the neighborhood and does not serve the public interest in any way.

The Highlands neighborhood was designed in the early 1900's by a group of individuals whose careful planning is reflected in the unique atmosphere of tree-lined, curving streets with houses built on large lots with open space around them. The overall natural environment is one of woods and clearings, with a rustic arboretum-like character and is a major reason people choose to live in the Highlands. This setting is appreciated not only by the residents of the neighborhood but also by others who regularly enjoy walking through the Highlands. Adding to the housing density that already exists erodes this tranquil environment. While times have changed since the initial development of the Highlands, the value of the area to the neighborhood has not. People still appreciate the privacy and rural character.

The potential here is for a structure close to the street that overwhelms the lot and visually intrudes on the natural surroundings. The Tree Preservation Plan shown in the Greenwald's documents lists only 8 trees identified as preserved, while 22 others are questionable and dependent on future development of the lot. In addition, any building that occurs will add to the impervious surface area increasing runoff. A building site may "fit" within the mandated set-backs, but it is inconsistent and does not "fit" in the neighborhood context of the area.

As the residence on this property is currently for sale, there is a certain insensitivity, perhaps fueled by a monetary motive, to subdivide this property. Moving away from the neighborhood does not excuse a responsibility to what is left behind. If the Greenwald's intent is to build a new home for themselves on the lot, the choice seems unlikely.

We oppose the proposal to subdivide this property as inconsistent with the nature & character of the Highlands neighborhood.

Bill & Robin Rhoads
6205 S. Highlands Ave.
billrobin@charter.net

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From: thomaslink@aol.com ()
To: shighlands6234@sbcglobal.net
Date: Sunday, May 24, 2009 10:46:23 PM
Subject: Re: From your neighbors Roger and Nancy Greenwald re: land division

Dear Greenwalds: It is not at all obvious to me why you would want to divide off part of your lot when you are trying to sell it and your house for 2.3 million. As far as I know, anybody willing to pay that kind of money for a house would not want another house in their front yard if it could be avoided. I don't understand?

I was also under the impression that many of your neighbors are not very enthusiastic about your proposed subdivision?

Yours,

TOM LINK

-----Original Message-----

From: Nancy Greenwald <shighlands6234@sbcglobal.net>
To: jllewis9@charter.net; bill@lieblbuildinganddesign.com; thomaslink@aol.com
Sent: Thu, 14 May 2009 9:36 am
Subject: From your neighbors Roger and Nancy Greenwald re: land division

Dear Neighbor,

We are contacting all of our neighbors regarding the proposed division of our lot at 6234 S. Highlands Ave.

What we are requesting from the City of Madison Planning Commission is permission to create a .64 acre lot at the front of our 1.75 acre property, with a shared driveway serving both the proposed eventual new house and the existing house which we currently own, which, as you probably know, is for sale.

The plan has been studied by Planning Commission Staff. The Staff has found the proposed subdivision to be in compliance with the rules and ordinances which regulate subdivision in the Highlands. All of the materials that went to the Plan Commission, including the staff reports, can be found at the following link: <http://legistar.cityofmadison.com/detailreport/?key=15951>

Our plan is supported by two of our immediate neighbors, who are among the nine neighbors who signed letters of support for our project. There were also voices in opposition.

The Commission has asked us to discuss the proposed land division with our neighbors. We are therefore reaching out, through this e-mail, to invite you to submit any questions you may have. We are sending this to everyone in the Highlands directory who has an e-mail listed. We invite any of you to submit by return e-mail any questions which you may have concerning our proposed subdivision. (We have set up this special e-mail address for that purpose.) We ask that you do so by May 25th. Please identify yourself by name and address in your email. We will do our best to consider any reasonable concern from an identified neighbor.

On May 26th at 6:30pm, we will meet with any interested neighbors where our driveway meets S. Highlands, to permit people to view the lot, to answer any questions and engage in a neighborly conversation.

We respect all civil expressions of aesthetic and philosophical diversity on questions of landscape and garden philosophy, and we respect all opinions concerning the appropriateness of the existing minimum lot size in the zoning ordinances which run with the Highlands.

From: sbkinghome@yahoo.com ()
To: Nancy Greenwald
Date: Thursday, May 21, 2009 10:22:29 PM
Subject: Fw: Objections to the proposed new lot division at 6234 S. Highlands]

Dear Nancy and Roger,

I'm forwarding this to you in case you didn't get it. I'm not sure why it came from Ted Tibbits, rather than Jack Walker. Ted is a retired horticultural professor; you may want to speak to him about appropriate plants, as far as native species go.

Susan

--- On Thu, 5/21/09, Ted Tibbits <tw@chorus.net> wrote:

From: Ted Tibbits <tw@chorus.net>
Subject: Objections to the proposed new lot division at 6234 S. Highlands]
To: "Ted Tibbits" <tw@chorus.net>
Date: Thursday, May 21, 2009, 1:32 PM

Jack Walker wrote:

May 21, 2009

To: E-mail list from the Highlands Directory
From: Jack Walker as president of the Board of Directors of the Highlands Community Association

Many of you received an E-mail from Roger and Nancy Greenwald, regarding their request to create a new lot out of the front yard of their home at 6234 S. Highlands Ave. I am writing to give you the perspective of the Board of Directors of the Highlands Community Association on this matter. The Association was notified of this proposed new lot, and the Highlands Board met and determined that in its view, the proposal should not be permitted, for the reasons stated at some length in my letter to the Plan Commission dated March 26, 2009, which is available online, and summarized here.

There are two sections of the Madison Zoning Code that apply to the Greenwald's proposal. First, the standards of the R1R zone which apply to all of us require new lots to be at least .6 acre in size, and provide for a front building setback of 50 feet, a rear setback of 40 feet, and sideyard setbacks of 30 feet. Second, when a deep lot such as the Greenwald's is proposed to be divided into a new front lot and rear lot, another layer of consideration is required. The "Deep Lot" provisions of the code state that such development **"is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such a development is in the public interest."** The Highlands Board believes the proposal will impact drainage and the wooded character of this section of the Highlands, and is therefore not in the public interest. Further, Section 28.04(11)(b) 1 states: the rear lot **"shall have an access to an improved public street through an unobstructed strip of land not less than 30 feet in width. Such strip of land shall be a part of the rear lot**

and shall not be used to satisfy any area, yard or usable open space requirement." Twenty five feet of the 30 foot strip proposed by the Greenwalds is required to remain wooded per an easement agreement, and therefore cannot be considered unobstructed. For these reasons, the Highlands Board has opposed the proposal.

There is disagreement about the meaning of the words, "unobstructed strip of land," Regardless of that issue, the Plan Commission is required to make a finding that a division of this kind is in the public interest, before it could be permitted.

The matter was heard at the Plan Commission meeting of April 6, 2009. There was considerable opposition expressed by some Highlands residents in addition to the opposition by the Highlands Board itself. Some of that opposition was indeed heated - these are not easy subjects. The Plan Commission directed the parties to meet with the Alderman as facilitator (the objecting neighbors, the Highlands Board, the Greenwalds) and that effort continues. However, the Greenwalds apparently decided to make a separate and direct appeal via the E-mail list from the neighborhood directory. Any resident has the right to take any position, or no position, on the matter.

The Highlands Board, and many of the neighbors, particularly immediate neighbors, continue to view the proposed lot division as inappropriate. The Highlands Board does however plan to continue to participate in the efforts through the Alderman to seek resolution short of the next Plan Commission hearing, now scheduled for June 15, 2009. At least one member of the Highlands Board plans also to attend the meeting which Greenwalds have scheduled on their own.

I think any member of the Highlands Board would be happy to talk to you as well, if you wish. We are all listed in the directory. Or, just stop by one of our houses: a photograph of six of the board member houses was included by the Greenwalds in their E-mail as "document 1 board member houses", so you should be able to find us.

Sincerely,

Jack Walker as President of the Highlands Board

Parks, Timothy

From: Nancy Greenwald [shighlands6234@sbcglobal.net]
Sent: Sunday, May 24, 2009 2:15 PM
To: Parks, Timothy
Subject: Fw:

Dear Mr. Parks:

We've been trying hard to keep personal issues out of the application process, on our side, at least. But we've been hearing reports that many neighbors have formed a negative opinion of our proposal based on false accusations that were made in an earlier letter to the Planning Commission. We felt compelled to send the attached to the Highlands Neighborhood Association Board members to provide balance. Please place a copy of this in our file.

Nancy and Roger Greenwald

----- Forwarded Message -----

From: Nancy Greenwald <shighlands6234@sbcglobal.net>
To: Andrew Bent <afbent@wisc.edu>; janeandchrisclark@yahoo.com; gibson2350@aol.com; pjgdlg@charter.net; nmead@att.net; twt@chorus.net; lgrant@wisconsinrivers.org; janemcmurray@yahoo.com; petelake@ameritech.net; Jack Walker <columbiajack@sbcglobal.net>
Sent: Sunday, May 24, 2009 1:59:13 PM
Subject:

To the Board of the Highlands Neighborhood Association:


Up to this point, we have refrained from responding to the accusations and unpleasant personal characterizations made against us by the Lakes in their letter to the Planning Commission. We have no intention of responding to those remarks in kind. However, we have heard quite a few reports that many neighbors who we don't even know have been aroused to high levels of outrage against us in the climate created by these false allegations. The Lakes' false accusations include the demonstrably false statement that we cleared "without our [the Lakes'] approval on our 'No Clear' zone."

We are confining our response to providing the Board with objective evidence in the form of two e-mails sent to us by Uli and Peter Lake at the time the clearing took place in 2004, which directly contradict their defamatory allegation that we cleared along our joint property line, including removing buckthorn, without their knowledge or permission. (See below and attached pdf.)

We paid the Bruce company to use their largest tree spade to plant large evergreens in the No Clear zone between us and the Lakes (as well as between us and our neighbors, the Turskis) to provide natural vegetative screening. In fact, we have planted more than twenty trees on our property. These tall, evergreen trees are clearly visible from the road, in a flowing curvilinear pattern along the property line. We have worked hard to preserve existing trees and to cultivate a mixture of native and cultivated plantings. We believe the care we have taken in our landscaping speaks for itself.

We do not believe the Lakes' personal animosity towards us should be the basis for anyone's decision concerning our application for a subdivision.

5/26/2009



Regarding the proposed subdivision, we ask that all fair-minded neighbors set aside personal animosities and focus on the substantive issues involved.

Signed,

Roger and Nancy Greenwald

For your convenience, we have copied and pasted the e-mails below, and have also attached the copies of the original printed e-mails as pdf documents.

Subj: Landscaping
 Date: 1/27/2004 12:17:19 PM Central Standard Time
 From: petelake@ameritech.net
 To: Rtgreenwald@aol.com

Hi Roger, We compared notes with Dr. Evergreen who cleared our lot and he was planning on finishing our work in the spring so to be loyal to him we did not have your guy cut down the cherry tree but it will get done. Also Dr. Evergreen was about 1/2 the price. As you know there is a phenomenon called "Highlands pricing". Your guy seemed very nice and capable but I think a little of that is the case. Because of that I told him that the clearing of the Buckthorn we would split but to put it on your bill. That way we can monitor it. his quote was \$1200 to clear both sides. I hope you are around to see how long it takes him. 1200 seems a little high but we'll see how long it takes him. So just let us know and we'll give you a check. I would like Peter to be in on the landscape discussion for that side. I know Peter wants to bring back our privacy along the back of our house and we can coordinate it and see what we need to plant to go along with your landscaping. Enjoy the sunshine! As far as meeting, the earlier in the day the better for Peter since he needs to drive to Oconomowoc. Thanks, Uli

Subj: Re: Monday meeting
 Date: 1/28/2004 1:17:28 PM Central Standard Time
 From: petelake@ameritech.net
 To: Rtgreenwald@aol.com

Roger, It IS difficult for pete to do it during the week, he is swamped at the hospital. You can just get together with him at some other time and maybe walk the area where you are thinking of putting the trees. Thanks for your email but we do want to help pay for the clearing and depending on where the trees go we will be happy to share in the cost of the trees. In the end we want our privacy back and if the row is too low to screen for us then we can also plant some evergreens. That is why I think it would be good for Pete to see where you will be planting the trees. Uli

---Original Message ---

From: Rtgreenwald@aol.com
 To: petelake@ameritech.net
 Sent: Tuesday, January 27, 2004 5:51 PM

Subj: **Landscaping**
Date: 1/27/2004 12:17:19 PM Central Standard Time
From: petelake@ameritech.net
To: Rtgreenwald@aol.com
Sent from the Internet (Details)

Hi Roger, We compared notes with Dr. Evergreen who cleared our lot and he was planning on finishing our work in the spring so to be loyal to him we did not have your guy cut down the cherry tree but it will get done. Also Dr. Evergreen was about 1/2 the price. As you know there is a phenomenon called "Highlands pricing". Your guy seemed very nice and capable but I think a little of that is the case. Because of that I told him that the clearing of the Buckthorn we would split but to put it on your bill. That way we can monitor it. his quote was \$1200 to clear both sides. I hope you are around to see how long it takes him. 1200 seems a little high but we'll see how long it takes him. So just let us know and we'll give you a check. I would like Peter to be in on the landscape discussion for that side. I know Peter wants to bring back our privacy along the back of our house and we can coordinate it and see what we need to plant to go along with your landscaping. Enjoy the sunshine! As far as meeting, the earlier in the day the better for Peter since he needs to drive to Oconomowoc. Thanks, Uli

Subject: Monday meeting

Dear Ule & Pete -I get the "2 + 2 does not equal 4" award. I scheduled the Monday meeting with Trees on Wheels at a time when I will be in DC. I need to reschedule. Do you have any other available windows next week? Roger

Thursday

5/26/2009

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Parks, Timothy

From: Roger Greenwald [rtgreenwald@sbcglobal.net]
Sent: Tuesday, May 19, 2009 11:36 AM
To: Anderson, Patrick
Cc: Parks, Timothy; Nancy Greenwald
Subject: subdivision- swimming pool issue, building envelope

Pat,

Thanks for taking the time to speak with me today concerning our plans to handle the swimming pool which would lie within the proposed new subdivided lot at 6234 S. Highlands Ave. in Madison. I have attached above a copy of the CSM, by Badger Survey, on which the surveyor has placed the building envelope, per required setbacks. You'll note that I have superimposed one of the three possible building sites within that building envelope to demonstrate the feasibility of building the house without having to lose the swimming pool.

We have given considerable thought as to how to handle the potential risk and hazard of an unguarded pool until the new house is completed. We have concluded, and hereby propose, that the best way is to fill in the pool to a depth of less than 30 inches, measured from the level of the surrounding deck. We would propose to open the bottom pool drain, which drains downhill to the outflow, cover the drains with fabric filter to prevent clogging, and then fill the pool to the required level with wood chips, topped with a layer of topsoil. We would then use the decommissioned pool as a sunken garden, planted with hostas and other perennials until the house is complete. Of course, the existing regulation fence would remain in place, and locked, pending completion of the house.

Once we return from our business out of town and the house is completed, it will be a relatively simple matter for the landscaper to transplant the perennials in our new garden, and use the seasoned woodchips as the base mulch layer for the garden. We would then clean and reactivate the pool. The cost of this operation would be largely offset by the landscape material savings of the now seasoned woodchips, and the newly matured perennials.

We feel that this solution will 1) eliminate the risk of an unattended pool, 2) create a safe and lovely garden feature on the property pending completion of the house, and (3) provide us with a nursery which will give our perennial garden a head start once the plants are relocated.

Please give me a call to discuss any questions, suggestions, or other issues, and to let me know if you have any objections to this plan.

Thank you for your time on this matter,

Best,

Roger and Nancy Greenwald
6234 S. Highlands Ave.
Madison WI 53705
(608)238-2466

Parks, Timothy

From: Parks, Timothy
Sent: Tuesday, March 31, 2009 12:08 PM
To: 'Roger Greenwald'
Subject: RE: response to letter of Peter Lake

Roger,

Per our phone discussion, I will not include the below message and will instead await your cover/summary message tomorrow.

Regards,

TIM PARKS
Planner, Planning Division
Dept. of Planning and Community
and Economic Development
City of Madison, Wisconsin
T: 608.261.9632
F: 608.267.8739

From: Roger Greenwald [mailto:rtgreenwald@sbcglobal.net]
Sent: Tuesday, March 31, 2009 10:58 AM
To: Parks, Timothy
Cc: Nancy Greenwald
Subject: response to letter of Peter Lake


Tim,

This e-mail is written in response to the letter from my neighbor, Pete Lake, which was forwarded to us late yesterday. I ask that this response be included in the file.

To be clear: Our removal of a tangled mass of small-diameter buckthorn from the property line in 2003 has been the unfortunate cause of a dispute between us and two of our neighbors. We are aware that invasive buckthorn is considered a major threat to Midwestern forests and that the city of Madison routinely cuts and burns buckthorn when it invades city property. We followed DNR protocol to control the buckthorn infestation through removal. We had no idea that we would be bringing such wrath upon ourselves when we rid our property line of the buckthorn in question. We strongly disagree that our removal of a tangled mass of small buckthorn from the property line was in any way a violation of the restricted zone which we negotiated with the Lakes, and which we have respected, and will continue to respect.

We wish to register our shock at the insulting personal characterizations in Mr. Lake's letter. He makes untrue allegations concerning our intentions. The Lakes have no idea of our intentions. They have not spoken a word to us in four years, since their complaint about the removal of the buckthorn. Mr. Lake's characterization of us as land speculators is offensive. We have made our home on South Highlands since moving to Madison in the fall of 2002 and have never

3/31/2009



purchased or built any other home in Madison. We also strongly object to the Lake's mischaracterization of our land transaction with them. The Lakes demanded, and we paid, a substantially above-market price for the land he refers to.

The reality is that many people would rather face someone else's woods than to face another house, even if there are over a hundred feet of separation between the houses, as is the case in the Highlands. The density of the Highlands is not, as some would prefer, two acre zoning. The density of the Highlands is by statute minimum .6 acre zoning. It is worth noting that two of the three complaining neighbors themselves live on houses built on subdivided lots. The subdivision rules worked fine for them, when they bought their properties. But they have now grown attached to viewing a currently undeveloped section of our lot. It is neither fair nor proper for people to express their preference for looking out their window at someone else's trees by engaging in public and personal attacks on a neighbor who decides to subdivide according to statute, a .64 acre building site.

Many, many residents of the Highlands have created subdivisions on their land. We ask that we not be treated differently.

Roger