

From: [Ann MacGuidwin](#)
To: [Mayor](#); [All Alders](#); [Plan Commission Comments](#)
Subject: Please post as public comments for 82950, 82972m 83477, 82979, 84123 / 6610-6706 Old Sauk Rd
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Dear Mayor Rhodes-Conway, President Cole and All Alders,

I support repeal of the of the Stone House conditional use request (6610-6706 Old Sauk Rd) because approval standard #3 was not met: ***“The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.”*** On the basis of the information provided to date, it is foreseeable that the Stone House project will cause stormwater damage to adjacent properties, diminishing the resale value and marketability of their homes.

On June 10, 2024 the Plan Commission approved conditional use for the Stone House project subject to 63 conditions. Nearly one third of the 63 conditions fall in the purview of the City Engineering Division and 13 of those relate directly to stormwater management. In green lighting the project, staff acknowledged there was no approved stormwater management plan but assumed one could be devised through collaborative meetings between Wyse Engineering (Stone House), city engineers, the city planning council, and Alder Guequierre.

The conditional use approval was granted because Stone House claimed they would be compliant with Madison General Ordinance 37 (stormwater management). The Commission then used circular logic to conclude that the project met approval standard #3 because Ordinance 37 protects neighboring properties. This “cart before the horse” approach has evidently worked for other projects, but the Stone House development is exceptional in some respects and has stormwater issues of such consequence that all actions related to stormwater should be carefully and critically reviewed before a decision is made regarding approval standard #3.

Why is the Stone House Old Sauk Rd case unusual?

- The project sits squarely in a residential neighborhood. Nine residential parcels share a property line with the project and another is separated by a narrow out lot.
- The project is on land with a history of flooding and discharge of water to neighboring parcels. Nine single family residences to the west and north of the project receive stormwater discharge into their yards.
- All stormwater running from pavement, the building, and through two green roof courtyards will be collected and concentrated into two underground infiltration facilities. 100% reliance on an engineered underground system for stormwater management is unprecedented in this west side neighborhood so examples to

demonstrate proof-of-concept should be provided.

- Ordinance 37 (37.093c5) requires that the volumetric discharge to other properties be equal to or lower than pre-development levels for up to the 10-yr rain event. Approval standard #3 has no such restriction. Models were not run for rainfall greater than the 10-yr event, but the data trends suggest that post-development discharge will exceed pre-development levels for any event greater than 4.1 inches in one day (10-yr event).

What are the issues with the underground infiltration facilities?

- Multiple test borings in some regions of the property showed infiltration rates of 0.13 to 0.5 inches of water per hour, which is so low that water will puddle rather than being absorbed into the soil. Stone House proposes a novel untested solution to address this problem; excavate, mix, and return the soil to the site. They predict “The infiltration rate *can likely* be improved” by this solution. Despite their acknowledged uncertainty, they go on to use the most optimistic estimate (0.5 in/hr) for their models. In fact, the Stone House models only show compliance with Ordinance 37.093c5 if they use the 0.5 in/hr infiltration estimate. If they were to average the 0.13 and 0.5 estimates or cut their estimate 2-fold as recommended to add a “safety factor”, they would not comply with the Ordinance. The Stone House team has not presented evidence that the excavate/mix/return procedure has demonstrated success. Dr. John Norman, a UW soil scientist, presented a compelling case in his letter as to why the weight of the water-filled tanks and the soil and pavement above them would return the processed soil to its original state of low-infiltration. If the infiltration rate is too low and the water drains too slowly, the excess water will be released to an infiltration basin at the west edge of the property and potentially to adjacent properties.
- Water constrained in infiltration tanks is designed to drain downward. If it fails to do that, another problem can occur – a localized rise in groundwater level referred to as mounding. Groundwater mounding causes water to spread horizontally until it is impeded by a building, including neighboring homes. Modeling programs are available to evaluate the potential for mounding to occur. There are no Madison city ordinances regarding groundwater issues, but it is reasonable to ask Stone House to evaluate the potential for mounding as this site has characteristics that make it prone to this problem.

Why should the Common council vote in favor of the appeal?

- There is a foreseeable likelihood that the extent of stormwater discharge will increase beyond pre-development levels because 1) the project will increase the impervious area and concentrate much more stormwater runoff into a much smaller area (infiltration facilities) than predevelopment and that 2) proposed procedures to improve infiltration over pre-existing conditions are not likely to succeed. Rescinding conditional use approval will turn focus back to the stormwater plan review and

modification. Unlike the June 10th meeting where Plan Commissioners asked no questions or engaged in discussion, a proper critical review of the plan should occur.

- I, and many of my neighbors, do not trust the outcome of closed door negotiations between Stone House, city staff, and Alder Guequierre if conditional use approval is not rescinded and reconsidered in a public meeting at a later date. Plan Commission staff have been very helpful and responsive in answering questions, but it is not their job to have in depth discussions with the public and it seems counter to their mission of supporting development to expect them to push Stone House to justify data or answer tough questions. Members of the Plan Commission, particularly Alders, should play that role, as it is their job to represent constituents and make well-informed and thoughtful decisions regarding development. In other words – To Plan! We have no evidence that Alder Guequierre hears us or wants to discuss stormwater issues germane to this project, as he promulgates over simplified hypothetical, and therefore irrelevant, “models” of multiple fourplex condominiums to promote the efficiency of concentrating impervious area in a single large building. We need someone to hold Stone House accountable for developing a plan with a high likelihood of success – ideally, a plan that improves water issues on the property, but one that at least maintains the status quo as determined by multiple independent experts. Hopefully, bringing this issue before the Common Council will motivate the Plan Commission to actually deliberate the stormwater issues, solutions, and their relationship to approval standard #3 rather than rubber stamping the Stone House request without discussion as was done on June 10th.

I am not impressed that the stormwater plan for the Stone House project is more developed at this point than many other projects that have been considered by the Plan Commission. Exercising prudence in delineating pre-existing stormwater issues is in Stone House’s financial interest. It is in the best interest of tax-paying neighbors who have lived in their homes for decades to continue the planning process until the conditional use request can be approved with confidence that approval standard #3 will be satisfied.

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