



## Office of the Common Council

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To: Members of the Plan Commission  
From: Sara Eskrich, District 13 Alder  
Re: Barriques on S. Park Street Conditional Use Application  
Date: September 13, 2016

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Thank you for your attention to the request for a conditional use permit at 961 South Park Street. As you will see in the many public comments before you on Monday evening, this application has garnered much attention from surrounding neighbors, including opposition and support. There is a rich history to this item, which will be covered by staff and residents. We held a public neighborhood meeting regarding the conditional use request on March 30, 2016, for which we mailed postcard and electronic invitations to residents, and I have been in contact with neighbors via email and listserv conversation since I took office in April 2015.

Concerns have been raised consistently from residents, to which they will provide testimony and survey results. The Bay Creek Neighborhood Association (BCNA) requested referral of the conditional use application in May and Barriques obliged. The referral was to allow time for Barriques to install new equipment meant to alleviate the exhaust concerns from neighbors. Unfortunately, the thorough cleaning and larger catalyst installation at the end of July did not alleviate the impacts as reported by residents.

I struggle with whether this application meets standards 1 and 3 of the Standards of Approval for Conditional Use:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
3. 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.

The limited production and processing conditional use for coffee roasting request abuts residential homes. The roasting frequency and resulting smoke continues to disrupt the general welfare and impair the established uses and enjoyment of other property in the neighborhood. I always want to find compromise on proposals, but in thinking through many potential conditions of approval, I could not come up with any that would not cause Barriques to shift location for their coffee roasting operation, due to their own business model of roasting in one location for all stores. Thus, I am not proposing conditions. As a representative of the neighborhood, I oppose the conditional use request for limited production and processing at 961 South Park Street. The traditional coffee house operations at Barriques on South Park Street are a fantastic addition to the neighborhood, and I very

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sincerely hope they continue to operate in the location even if the roasting moves elsewhere.

Limited production and processing is a very challenging designation for businesses to decipher. What would be considered limited and of minimal impact to abutting residential homes is a very subjective topic, which greatly challenges policy. I would encourage the Plan Commission to work to clarify this zoning conditional use in the future.

Thanks again for your work and review of this proposal.

**From:** Rita Rumbelow  
**Sent:** Wednesday, September 14, 2016 6:28 PM  
**To:** Parks, Timothy; Tucker, Matthew; Firchow, Kevin  
**Subject:** Barriques conditional use permit

Hello gentleman - as you are aware (from many emails and voicemails to Tim over the years -) - we oppose the CUP for Barriques on South Park. They have illegally roasted for 5 years. Enough. ANY emission is too much in a residential neighborhood, despite whatever strides Matt W says he has taken.

We are planning on the media being present at the meeting because the question HAS to be asked - why was the wealthy Monroe Street neighborhood allowed to shut down the smoking of meat in their residential neighborhood STAT, yet it has taken the less wealthy residents of the Bay Creek neighborhood 5 years to even try to be successful to stop Barriques from roasting and emitting noxious fumes? WHY?

Please don't say it's because Barriques roasts during the day, when people are at work. Many Bay Creek residents are retired, many telework, and many come home every day at lunch to walk their dogs. We should be able to breathe fresh air in and around our homes at ALL times. ALL times.

Choosing to live here means putting up with Urban NOISE, not noxious Urban odors.

I have been in direct contact with the Mayor's office. This neighborhood is repeatedly treated poorly. While that isn't YOUR problem - let's review. When the hospital expansions were built, they moved run off into the Bay. Instead of trying to keep the Bay pristine, it is gross. Weeds, etc. Then, they allow Brittingham Boats to move in. Like Barriques, I support small businesses - but Tyler and Stephen and my son (he works there) have been unable to keep their customers out of the way of the bridges for boats egress/ingress. Very frustrating, but boaters have to exercise patience and just wait. Fine.

Now, our street is turned into a bike lane - and the City parking division still allows commuter parking on several blocks. It's become a parking lot and it obstructs the views of people trying to get out of their driveways. It's only a matter of time until a bicyclist is struck - and they will blame the homeowner. But again, we can be patient and try to be super extra careful when leaving our driveways.

What we CANNOT DO - is ignore the noxious fumes coming from Barriques. Even with the windows closed you can smell it.

I ask each of you - would you want to live next or near to that? I have been in this neighborhood 20 years. We are increasingly been shat upon and it's ENOUGH. We can try to manage most of the nuisances by being uber careful when we drive, reverse our cars, drive our boats, etc. but we CANNOT hide from the smell.

ANY emission is too much (Matt recently wrote: "any smoke or aroma affects are not all day...but less than 10%). HE DOESN'T LIVE IN THIS NEIGHBORHOOD. Any percentage is too much. One business owner should not be allowed to negatively impact the lives of many residents. I also plan on contacting T. Wall, who wants to build apartments across the street from Barriques and ask him what he thinks.

I am sure the Mayor would rather have an apartment complex built - that can retain tenants - than protect ONE business owner who can surely find an industrial site to roast at.

It's that simple. We are supposed to live in a democracy. The city isn't an electoral college. The majority vote should rule. After 5 years of obnoxious odors, our voices must be heard. I don't care about a city ordinance. We were here first. We pay a lot of money in taxes and the city keeps doing things that negatively affects the values of our homes. It's just not cool.

So it is time to do the right thing. The Mayor knows it, and we hope you do too.

Once again, just ask yourselves - would you want to have to smell noxious fumes outside of your houses? I don't think you would. And ask yourselves how you would be able to explain to the media why the wealthy people shut down meat smoking, but less wealthy people have had to live with noxious fumes for 5 year - and more if you grant Matt a CUP.

Thank you for your time.

Rita and Mike

September 14, 2016

**TO: Sara Eskrich, District 13 Alder, and the Madison Plan Commission**

**RE: Barriques At 961 South Park Street Application For A Conditional Use Permit To Roast Coffee Beans**

This document details the saga of two coffee bean roasters, Barriques here in Madison and Rock City Coffee Roasters located in Rockland, Maine. It uses links to articles online about Rock City Coffee Roasters' struggle to continue roasting coffee beans verses the rights of nearby neighbors to enjoyment of their property and their right to breath clean air free of noxious odors. This same struggle has been ongoing here in Bay Creek between Barriques and their nearby neighbors.

I ask that you take the time to go to all the links in this document and review the information gathered here and to compare the Rockland, Maine struggle with what has been happening here in the area surrounding Barriques on Park Street for the past five years since Barriques opened at that location and began roasting coffee beans. I didn't originally intend for this document to be this long and detailed but after talking in depth with the people who complained about the continuous noxious fumes and odor that were experienced for years in both cities with little or no attempt by city administration to work on resolving the situation I felt I had to compile all this data into one through, thoughtful, and truthful document.

The following link is to an ABC News story that has no date stamp but is believed to have been written and placed online in early 2008:

Maine Coffee Roaster Addresses Odor Issue

<http://abcnews.go.com/Business/story?id=4301341&page=1>

The next link is to a similar news story from the Bangor Daily News posted online in January 2008:

Coffee Roastery's Fines Over Odors Mounting

<http://archive.bangordailynews.com/2008/01/28/coffee-roasterys-fines-over-odors-mounting/>

The city of Rockland had sent a committee to the business to witness the roasting operation in late 2007. The committee ruled in September of 2007 that the smell was objectionable. On January 14, 2008, the city sent a formal complaint to the Rock City Coffee Roasters owners saying that the odor of roasting coffee from the business is objectionable and a public nuisance. They were given until February 15, 2008 to remedy the situation.

At a city council meeting in January 2008, the roastery owners submitted a petition to the city signed by over 1200 people including about 350 Rockland residents to let Rock City Coffee Roaster continue to roast coffee beans. The petition they signed stated they " do not find the odor of roasting coffee emanating from Rock City Coffee at 252 S. Main Street offensive or objectionable in any way."

However, none of the 1200 petitioners lived or worked near the coffee roasting operation and did not have to personally deal with the intense fumes that occurred at least three days a week for about five hours a day.

The roastery owners offered a solution of raising the roasting exhaust stack an additional 15 feet to better disperse the roasting fumes. But they also wanted an explicit agreement from the city that if the taller stack was installed, the formal citation and complaint would be dropped even if the taller stack does not solve the fume problem. The city would not agree to that explicit agreement.

The next link jumps ahead a few years to another news story from the Bangor Daily news posted online on December 12, 2015:

<http://bangordailynews.com/2015/12/12/business/rockland-coffee-roaster-seeks-funds-to-end-stink-save-business/>

Rock City Coffee Roasters had gone ahead and installed the taller exhaust stack anyway and the city said they would give them time to see if it works to solve the odor problem. Well, the taller stack actually made matters worse as even more nearby residents started complaining not only about the odor but also the particulate matter that emanated from the exhaust stack and coated their property with coffee chaff and ashes.

After finding the taller stack didn't work, the owners of Rock City Coffee Roasters said they spent over two additional years trying to find a solution to the fume and odor problem without actually making any further changes to the roasting equipment and the city of Rockland just letting them continue roasting anyway. But then a wealthy and well known Rockland resident began talks with the city to build a 5 story tall luxury hotel at 250 Main Street, right next to the Rock City Coffee Roasters. However, he didn't want his hotel guests to deal with the oppressively strong coffee roasting smoke and fumes. The new hotel would be taller than the already super tall roasting exhaust stack. Surely, once the hotel would open there were going to be major issues with the roasting fumes entering the hotel rooms and balcony areas. The city didn't want to lose out on the increased tax base of the proposed new hotel and magic happened. Rock City Coffee Roasters was finally being pressed by the city to find a solution or stop roasting coffee beans at that location. In a desperate move to survive, Rock City Coffee Roasters started a crowd funding effort to get customers and others to donate funds to help the roastery purchase a new \$80,000 "smokeless" coffee roaster.

That fund raising effort started in December, 2015. Here is a link to the Rock City Coffee Roasters crowdfunding website: [https://www.indiegogo.com/projects/rock-city-coffee-we-need-a-new-roaster#](https://www.indiegogo.com/projects/rock-city-coffee-we-need-a-new-roaster#/)

The crowdfunding effort raised \$22,495 towards the purchase of a new 15K Loring Smart Roast coffee roaster. Another third of the funding was provided by donations from customers and the remainder of the new roaster purchase price and installation costs paid for by the roastery owners. See link below for the news story: <http://bangordailynews.com/2016/02/23/news/midcoast/rockland-coffee-business-meets-goal-to-buy-new-roaster/>

I called Rock City Coffee Roasters on August 17, 2016. I spoke with the roaster operator working at the time I called. I asked him how the new coffee bean roaster is working out. The response was that there was a bit of a learning curve to adapt to using the new roaster but that it is working out great, producing great roasted beans and the new roaster truly is smokeless. He said they have not received any complaints since the new roaster was installed. The person I talked with suggested I call again and ask to talk to Kevin Malmstrom, head roaster, who could better answer any additional questions.

Well, not 100% convinced, I also called the Rockland Code Enforcement Office on August 17, 2016 and spoke with John Root, Code Enforcement Officer. He said that they have received no complaints since the new roaster was installed. John said that he personally donated to the cause when Rock City coffee Roasters started a fund raising campaign to purchase the new smokeless roaster. He said he couldn't be happier with the end result. He said it brought the community together and saved a business that had helped over the years in the restoration of the Rockland downtown business district.

I then called the Myrtle Street Tavern one of the nearby businesses that had previously complained about the roasting smoke and odor affecting their business. The employee I spoke with said that they can still smell the very slight odor of the coffee roasting but it is not as strong as before and there is no visible smoke. She said that before the smoke was so thick and full of particulate matter that it sometimes set off the smoke alarms inside their tavern and often coated their white picket fence and outdoor area with a filthy coating. She suggested I call on a Saturday morning when the owner, Leslie Spiers, is usually there and ask her how improved the roasting odor situation is. I tried calling again a few times but never was able to reach Leslie.

Well, being a perfectionist and wanting to learn more, I called the 250 Main Hotel that was recently built and now open for business right next door to the Rock City Coffee Roasters and talked to the hotel manager. She said that while there

is still a slight odor while they are roasting it is no were near as strong and smells more like coffee and does not have the strong burnt odor and smoke that existed before. She said they are pleased with the results.

Last but not least I called a phone number for the Wheeler House and spoke briefly with Jeanine Lee who with her husband filed the original complaint about the Rock City Coffee Roasters odors back in 2007. They own the Wheeler House just to the north of the Rock city Roasters and rent out two apartments there. She said that the roasting odor issue has been resolved but did not want to talk about it any longer as it was a very long struggle to get the city and others to realize this was a real problem and get anyone to do something about it. Jeannie said she doesn't want to talk about it anymore and abruptly hung up.

Confused by the abrupt conversation, I emailed Jeannie Lee through her Wheeler House rental website email address and asked why she couldn't elaborate on the odor issue more. I told her that I am an empathetic person who is trying to help the nearby neighbors in Madison, WI with similar issues in dealing with coffee roasting fumes and odor. Jeannie wrote back and told me she was dragged through the mud and harassed by the city of Rockland and the owners of the roastery, who were well connected with the city and the "good old boys club" and launched a smear campaign against her and her husband that still has ramifications today.

On August 22, I tried one more time to call Jeannie Lee in Rockland, Maine to ask her again if the roasting odor from the new "smokeless" roaster is tolerable. She finally opened up and told me in great length their whole saga with the roastery next to their property, the Wheeler House in Rockland, Maine. Jeannie said the situation is tremendously improved with the new "smokeless" coffee roaster. She said that you can still occasionally notice the odor of coffee in the air but it is now finally tolerable. The smoke and the particulate matter and the noxious fumes are gone. Jeannie and her husband are now considering moving back into the Wheeler House to live out their retirement days across the street from the historic harbor of Rockland, Maine.

On August 23, 2016, I again tried calling John Root, City of Rockland Code Enforcement Officer to ask him why it took so long, about 10 years, to resolve the coffee roasting fume issue. However, John was on vacation until September 1 so I left a message with that question for him to answer when he returned. On September 2, I got a call back from John Root's secretary. She said that John told her to call with his simple one word response, "Politics". Seems John didn't really want to get into this whole matter again so I left it at that. "Politics" was a brilliantly simple and fitting answer to the question.

I finally reached Kevin, head roaster at Rock City Coffee Roasters, on August 24. Kevin said that the new roaster produces great coffee and is virtually smokeless but it is more difficult to do darker roasts and achieve the same dark roast flavor that his old drum type roaster produced. Overall he is happy with the new roaster.

Kevin also said that when they were researching other options for reducing the roasting fumes he looked into installing an afterburner for the old drum type coffee roaster that had been used from day 1 until the new Loring smokeless roaster was installed. He decided not to install an afterburner with the old roaster setup as it would more than double the amount of natural gas consumed in the roasting process and not significantly reduce the fume and odor issue. He also said that he wanted to find a solution with a more environmentally friendly footprint. That is why, when finally pressured by the city of Rockland, his research lead him to purchasing the Loring Smart Roast smokeless coffee roaster.

Coincidentally, from talking with Steve Vanko and Jane Elmer, who were the first neighbors to register a complaint about Barriques smoke, fumes, and odor shortly after Barriques started roasting coffee on August 16, 2011, it appears that Barriques and the city of Madison have treated Steve and Jane over the years since that first complaint in 2011 very similarly to the way Jeanne Lee was treated in Rockland. I have myself heard Matt Weygandt make ridiculing comments about Steve and Jane more than once and so have others. Many city employees who have been involved with this issue

for five years now have blown off Steve and Jane repetitively, some even intimidating them with their comments and manor of handling the odor issue over the years.

Jeannie Lee and her husband had to move out of the Wheeler House in Rockland due to the relentless heavy smoke and fumes and due to the way they were treated by city of Rockland and the owners of that roastery. They kept ownership of the property but even their renters complained about the smoke and odor. Likewise, Steve Vanko and Jane Elmer had to sell their long time home on Monona Bay within 200 feet of Barriques and purchased a different house over 2-1/2 blocks away to get away from the constant and oppressive roasting fumes and odor. The person who purchased Steve and Jane's house at 954 West Shore Drive in January 2016 was warned by Steve and Jane, as required by law, that the property has a frequent reoccurring smoke and fume/odor issue due to Barriques coffee roasting across the street. The new owner replied to them that he likes coffee and the fumes will probably make him go across the street and get some coffee each time he smells the roasting process. However, months later the new owner now admits that the fumes are often overpowering and nothing like the smell of a fresh brewed cup of coffee.

There is something wrong with the way this entire situation has been handled by the city of Madison. Barriques has been roasting coffee beans in violation of city zoning ever since they fired up the coffee roaster for the first time on August 16, 2011. The Madison Public Health Department has been steadily ignoring the complaints about smoke and odor for years. When Barriques applied for an alcohol license and a conditional use permit for outside seating the owners made no mention of the fact that they were planning to roast coffee on the premises. At a public meeting on December 16, 2010, Jane Elmer asked Matt Weygandt directly if they were planning on roasting coffee beans at the proposed cafe. He told her no. Steve Vanko also asked what the huge back room was for and Matt Weygandt told him it was for storage and an office. Yet, when the remodeling of the building was ongoing three phase electrical power was wired to the building. You don't need three phase electrical power for a tiny cafe that only has a refrigerator and a microwave oven as the main electrical equipment. Three phase electrical power is routinely installed for large electric motors and machinery with a high electrical power needs. Just days after Barriques opened their new cafe a large truck unloaded coffee roasting equipment that was then installed in the back room of Barriques. And a few days after that Barriques was roasting coffee beans illegally at that location. They didn't bother trying to get a conditional use permit back when they applied for the conditional use permit for the outdoor seating area because the zoning of the property at that time did not allow a conditional use permit for limited production and processing in C2 zoning at all. The application would have been denied.

Barriques should not have been allowed to continue roasting coffee beans at all back in 2011 after the Madison Public Health Department started getting numerous complaints from Steve Vanko about Barriques coffee roasting fumes and odor. Steve was continually told that Barriques had all the necessary permits and that the coffee roaster has an afterburner and catalytic converter installed to minimize any smoke or odor issues. Steve Vanko even video recorded the fumes and smoke emanating from Barriques roasting exhaust stack on numerous occasions. Here is a link to [numerous videos of Barriques roasting fumes taken in 2012 and 2013](#). Steve Vanko has continued to record and document the fumes even into 2015 but I don't have all of them online yet. Brandon Macomber of the Public Health Department told Steve Vanko that there was nothing he could do about the fumes and odor. But in reality, Barriques did not have all the necessary permits and Barriques roasting equipment was not state of the art.

The [initial set of plans dated December 15, 2010](#) sent to Al Martin for Review by the Urban Design Commission contained the following quote, " The building at 961 Park Street is approximately 2700 square feet, 2000 of which will be used for the cafe. The remaining square footage will be used to house space for our employee training program and may be used for bakery and/or coffee production."

Coffee production? This is interesting because not once in all the meetings for the alcohol license, the UDC approval, the conditional use approval by the Plan Commission and Common Council did Barriques or anyone else bring up any

questions or concerns about coffee production. Surely questions about any potential for a bakery or coffee production must have been discussed between Barriques owners and the Madison Planning Department staff after staff read that initial set of plans that were submitted on December 15, 2010. And why did Matt Wygandt on the very next day on December 16, 2010 tell Jane Elmer at a public meeting they had no plans to roast coffee beans when she asked him that question directly.

None of any of the many planning department staff reports regarding Barriques mentions anything about potential for use as a bakery or coffee production. The initial letter of intent submitted with plans to the Plan Commission on March 2, 2011 for Barriques conditional use permit application in 2011 left out any mention of coffee production but did have this quote, "The building at 961 Park Street is approximately 2700 square feet. The space will be used for the cafe, the Barriques training program and possibly for bakery production." Yet again, there was no discussion about use as a bakery or for coffee production during any public meetings or in planning staff reports. Coffee bean roasting was not mentioned at a public meeting ever during the entire approval process except for that first neighborhood public meeting on December 16, 2010 when Jane Elmer asked Matt Wygandt if they were planning on roasting coffee and he said, "No".

How is it then that just days after Barriques first opened for business on August 3, 2011 a large truck unloaded coffee roasting equipment into the "back room" of Barriques on August 11, 2011. Then just five days later on August 16, 2011 Barriques started roasting coffee for the first time. Madison Public Health received the first smoke and odor complaint that same day. You can't just order a coffee roaster on Amazon and get it shipped a few days later. You have to do some research ahead of time, decide which coffee roaster manufacturer you want to purchase equipment from, which model best suits you needs and place an order. The manufacturer then usually has to manufacture the equipment and then ship it by truck. Barriques owners had to have been researching coffee roasting and roasting equipment for months before the equipment arrived at their doorstep in August 2011.

Why did Madison Public Health keep blowing off Steve Vanko all these years? Brandon Macomber of Madison Public Health told Steve Vanko numerous times that there was a lack of regulations available to compel a change in Barriques operations. Not true! The old Madison Zoning Code in force in 2011 did not allow limited production and manufacturing at all on property zoned C2, not even with a conditional use permit. The new zoning code in force from January 1, 2013 to December 31, 2015 did not allow limited production and manufacturing on property zoned TSS, not even with a conditional use permit. The property Barriques is on was changed from C2 to TSS zoning on January 1, 2013.

When the available paper trail first indicates that Matt Tucker, Madison Zoning Administrator, supposedly first found out about Barriques coffee bean roasting production facility, in an email from Marsha Rummel dated October 23, 2014, he did nothing to stop the coffee bean roasting operation even though it was in direct violation of both the zoning code and the conditional use permit Barriques received in April, 2011. Matt Tucker even replied to Marsh Rummel and others who were copied in that reply on October 24, 2014 that he has known about the coffee roasting operation for a while but does not know how the situation can be resolved. Instead, he let Barriques keep roasting coffee beans and even went to work to draft an amendment to the zoning code that was passed by the Common Council in late 2015 that would allow limited production and processing on TSS zoned property with an approved conditional use permit.

It is my belief that planning staff including Matt Tucker knew about Barriques initial mention of a possible bakery or coffee production operation from the date those initial plans sent to the UDC on December 15, 2010. They had to have had one or more discussions about the zoning code and limited production and processing with the Barriques owners as to major problems with getting approval for such an operation at that location due to the C2 zoning. This is why there was never any mention of a possible bakery or coffee production again on any plans; at any public meeting; or in any planning staff report after the initial letter of intent was sent on December 15, 2010.

It is my belief that Barriques owners, being warned of this problem back in December of 2010 decided to take a risk and secretly plan for the coffee production facility and install it in the huge "back room" that seemed awfully big for a room with no stated use other than office and storage. They planed ahead to have room sized for the roasting equipment and installed 3 phase electrical power to be ready for delivery of the roasting equipment that was on order. They decided to take the risk and deal with the ramifications of the zoning violation after the fact. It boggles my mind that it has taken five years of complaints by the nearby neighbors to bring this issue out into the open. All the City has done so far is



ignore the nearby neighbors and grease the skids with a new zoning text amendment. Now it seems all Barriques has to do is get the Plan Commission to rubber stamp the new conditional use permit application and they are good to go.

However, even then Barriques would have to abide by the following current Madison Zoning Code provisions:

#### **28.133 ENVIRONMENTAL PROTECTION STANDARDS.**

##### **(1) General Standards.**

- (a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
- (b) No use shall result in the harmful discharge of any waste materials across the boundaries of the subject property or into the ground, into any sanitary or storm sewer system, into any water body or water system, or into the atmosphere.
- (c) The Zoning Administrator may require evidence of adequate controls on any potential nuisances or hazards prior to issuing a zoning or occupancy certificate.

##### **(2) Activities Which May Be Potential Hazards or Nuisances.**

- (a) **Productive Processes.** All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

This zoning code has been effective since January 2013 furthermore the old zoning code effective since before Barriques submitted their initial application and letter of intent on December 15, 2010 had the following requirements which applied to all city of Madison properties no matter what the zoning is:

#### **28.04 General Provisions**

##### **28.04(17) Activities Which May Be Potential Hazards Or Nuisances.**

###### **(a) Productive Processes.**

All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.

So, I want to know, with the above provisions in the old and the current zoning code, why has Barriques been allowed to belch noxious fumes into the Bay Creek neighborhood by the Madison Department of Public Health and by Matt Tucker, Zoning Administrator, for five years?

Many nearby neighbors of Barriques have now joined in to fight the fumes and odor. Barriques owners roast coffee beans and they smell money. The nearby residents smell a stench of noxious fumes and odor for at least 6 hours a day, five days a week. They are tired of this after five years of the city blowing them off, and angry too.

I hope that the struggle to find a viable solution to the problem with the coffee roasting fumes and odor does not take much longer. The struggle for the nearby neighbors of the Rock City Coffee Roasters in Rockland lasted about 10 years. Already the nearby neighbors of Barriques on Park Street have been struggling five long years and it has fallen on the deaf ears of the owners of Barriques and city officials. They shouldn't have to wait five more years to get this issue resolved.

I personally do not believe that the installation of a new larger catalytic converter will solve the smoke, fume and odor issue that has been plaguing Barriques nearby neighbors will permanently resolve the problem. It may kind of work temporarily but I believe the new catalytic converter will fail prematurely just like the one before it did. We need a permanent fix for this problem, not a temporary one.

Barriques should have investigated other roasting equipment options such as the Loring Smart Roast "smokeless" coffee roaster that seems to have solved the same roasting fume and odor issues in Rockland Maine. Barriques could also have investigated the installation of a high efficiency particulate cyclone and wet scrubber system as an alternate method of reducing smoke, particulates, and odors if they should refuse to give up their old style fume and smoke belching drum roaster. Their old drum roaster and afterburner/catalytic converter combination is not "state of the art". I suggested these options for reducing fumes to Matt Wygandt back in June 2016 and he blew me off saying the suggested equipment was too expensive to even consider.

I feel the Madison zoning code is clear. The nearby residents surrounding Barriques deserve to breath air free from the smoke, fumes and odor of a commercial coffee roasting operation or that coffee roasting operation should be forced to move somewhere else further from a residential area.

The roasting fumes and odor is not the only problem Barriques has with the 961 South Park Street location. There are major issues with parking, loading and unloading of coffee beans and other cafe supplies, and excessive traffic issues. Blockage of driving lanes by delivery trucks and cafe customers is rampant. All these issues need to be discussed and considered with this conditional use permit application. Perhaps the best solution to all of these issues would be to move the coffee bean roasting operation somewhere further from a residential area and to expand the cafe seating area at the Park Street location into where the back room is now. Customers could then enjoy the view of Monona Bay and the Madison skyline across the bay.

In May 2016 the Bay Creek Neighborhood Association asked for and received a delay in a Madison Plan Commission meeting to decide whether or not to approve a conditional use application to allow Barriques to continue to roast coffee beans at their Park Street location. We wanted time to work with Barriques to see if we could come up with a mutually agreeable solution to the coffee bean roasting fume issue.

However, after our initial meeting with Barriques owner, Matt Wygandt, the Bay Creek Neighborhood Association and nearby residents have been left mostly in the dark as to what Barriques is doing to try to resolve the roasting fume issue. Barriques owner, Matt Wygandt, has repeatedly refused to answer emails and phone calls to arrange to meet again and discuss what they have been doing to work on the roasting fume issue.

On September 10 to 13, 2016, I worked on creating a map of the affected nearby property owners and renters in the area surrounding Barriques to show the impact of Barriques coffee bean roasting on the nearby neighbors using the surveys completed by the nearby neighbors that the Bay Creek Neighborhood Association was able to contact in late August through September 13. Reading these surveys and even the previous surveys taken in May of 2016 was heartbreaking. So many nearby neighbors were being affected by the relentless roasting fumes and told in their own words that this was personally affecting their quality of life and in some instances even affecting preexisting health issues such as asthma and other breathing disorders.

The results of the recent surveys show no let up in the complaints about the fumes. In fact even more nearby residents have joined in to oppose the conditional use permit. Barriques owners have shown a complete disregard for their nearby neighbors ever since they began roasting in August 2011. In fact, this utter disregard for their nearby neighbors has gotten even worse over the summer of 2016, when Matt Wygandt blew off repeated attempts to contact him to arrange to meet and discuss his progress in making roasting equipment modifications.

Alderperson, Sara, Eskrich, and the members of the Madison Plan Commission need to soundly reject Barriques conditional use permit application to be allowed to continue roasting coffee beans at 961 South Park Street. Monday September 19, 2016 needs to be the last day Barriques is allowed to turn on their coffee roaster at this location. If Barriques hasn't gotten a clue as to the situation at hand and already found a new location to move the coffee roasting operation to, then they can just revert to buying their roasted coffee beans wholesale from a responsible local coffee bean roaster like they used to before purchasing their new roaster and illegally starting up a production facility in the Bay Creek Neighborhood.

It is too late to give Barriques any more time to pretend to be working on solving this coffee roasting fume issue. They need to move the roasting operation somewhere far from any residential area and they need to do it now.

Sincerely,

Ron Shutvet  
Madison, WI

## Barriques Coffee Roasting Conditional Use Application Amendments & Updates

### 2016 Updated Numbers & FAQ

- *How much we are roasting?* - We have averaged between 55 - 70 roasts each week in 2016. At 16 minutes per batch (on average), roasting 5 days per week, that equates to approximately 3 to 4 hours of actual time where there is coffee in the roaster per day during the week. This time gets spread over an additional 1 - 2 hours to allow for breaks and for the equipment to cool down.
- *Given how much we are roasting, when might a neighbor be affected?* - Based on how the roasting process works, there is the possibility of smoke & odor being detected in the last minute or two of the roasting process. Thus at the high end of 70 roasts per week that's 140 minutes where there MAY be a chance of you smelling or seeing exhaust spread out over 5 days from approximately 8 - 3pm not including the effects of weather which. Thus any smoke or aroma affects are not 'all day' or 'most of the time' but an actually quiet small percentage (less than 10%) of the actual time we are even roasting.
- *Capacity. How much more coffee are we planning on roasting at Park St than we currently are?* - We have indicated that we are nearing our roasting capacity at the Park St. store. This is being driven primarily by the lack of green coffee storage & packaging space, not the actual roaster capacity. Based on our best information right now we have capacity for approximately 10 - 15 additional roasts per week beyond the high average of 70 roasts per week indicated above. Thus at 80 - 85 roasts per week we are going to need to start looking for new space for our roastery. In coffee lbs, this means that we have capacity for approximately an additional 20,000 - 28,000lbs of coffee that we can roast each year. How long might this take for us to reach that number. We have no idea. However, here are some examples of how much coffee a typical store or wholesale client of ours uses.
  - Large wholesale customer ~100lbs/week or 5,200lbs/yr
  - Small wholesale customer ~25lbs/week or 1,300lbs/yr
  - Barriques Location ~ 6,000 - 10,000lbs/yr

Several things we **won't** be doing to increase our capacity include:

- Buying any additional material handling equipment to increase storage space at Park St.
- Buying a larger roaster.
- Decoupling any other part of the process, such as packaging, and moving it to an off-site location to gain space at the roastery.
- Using off-site storage for our green coffee and transporting green coffee from our warehouse to the roaster at Park St.

### Roaster Improvements In 2016

We made a number of improvements to the roaster in 2016 as a result of the process we are going through to attain the conditional use permit.

- Earlier this summer we hired a technician to inspect, clean and adjust our afterburner. We adjusted the amount of airflow going into the unit and adjusted the direction of several of the burners. While we already clean the unit regularly, the technician gave us some good feedback on additional cleaning steps that can be taken to help improve performance. We also purchased longer connector cables for the temperature probes that will allow us to demount the afterburner easier for cleaning and servicing in the future.
- We replaced the catalyst in the afterburner setup in early August. We had the catalyst custom manufactured to allow us to put a larger sized catalyst than we had had in the past into the same housing in the afterburner stack. This immediately had a significant and noticeable increase in the the airflow throughout the entire roaster system. We noted significant improvement in our perception of smoke and aroma at 1/3 - 1 block away and a major reduction in the amount time there is noticeable exhaust coming out of the stack. This was especially true for the darker roasted coffees where we had the most possibility of generating smoke and aroma.

**From:** AArntsen [REDACTED]  
**Sent:** Tuesday, September 13, 2016 2:10 PM  
**To:** Parks, Timothy  
**Cc:** Eskrich, Sara  
**Subject:** Park St. Barriques conditional use

To: Madison Plan Commission  
Re: Conditional use to allow Park St. Barriques to continue to roast coffee

Dear Commission members:

I live at 8 [REDACTED] South Shore Drive, which is the same block in which the Park Street Barriques is located. I unequivocally support granting a conditional use permit to permit Barriques to continue to roast coffee at that location for all of its stores. I live northeast of Barriques, and so prevailing southwest and west winds would likely blow any odors in my direction. While I have occasionally smelled the roasting coffee, it is ephemeral and infrequent. It's not a great smell, but no worse than a wood burning stove. It has not affected my use and enjoyment of my house, yard, patio or pier in the slightest. Barriques is a strong asset to our neighborhood and a great neighbor. Roasting coffee at this store seems to make sense, since it's relatively central vis a vis the various Barriques locations. It's my understanding that, prior to the recent publicity relating to the need for a CUP, very few neighbors registered any complaint about the Barriques coffee roasting to any city agency or official. To the extent that commercial activities like coffee roasting can continue inside our city, the city is stronger for the added jobs and commerce. Thanks for considering my position. I hope that you approve the requested conditional use permit.

Allen A. Arntsen  
Foley & Lardner LLP  
[REDACTED]

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From: robert baggot  
Sent: Thursday, June 2, 2016 8:36 AM  
To: Eskrich, Sara; Parks, Timothy  
Subject: Barriques

Just an FYI, the odor from Barriques is very strong in my house this morning. I called Barriques and spoke with the manager. She thanked me for the call, but said there was nothing she could/would do to try to remedy the situation. I really think they need to do something. I would appreciate your input for possible solutions. I think and suggested that the roasting operation was more suitable to an industrial area or business park.

Bob Baggot

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From: Ryan Thompson  
Sent: Thursday, May 19, 2016 2:21 PM  
To: Parks, Timothy  
Subject: Re: Barriques conditional use permit

Dear Mr. Parks (and other members of the Plan Commission),

I recently purchased and moved into a house at 954 W Shore Dr, just kitty-corner from the Barriques coffee shop on Park Street. When looking at the house I was excited by the prospect of living so close to a Barriques, as I enjoy their shops and have frequented many in the past to either study or work while enjoying their products. However, since I've moved in, I've noticed some rather "un-neighborly" smoke and smells from the place. My neighbors have informed me that this is secondary to the unlicensed roasting operation occurring at Barriques.

Now, if this was a simple case of smelling roasting coffee, and the pleasant aroma associated, that would be one thing. But this smoke smells nothing like coffee! More like if you burnt old coffee grounds in a stove - it is acrid and irritating. Occassionally, although not every day, I will see thick black smoke coming from their chimney. However, most days I can just smell the fumes. As an emergency physician, I work a very eclectic schedule, and often need to sleep during the day. I have had the unpleasant experience more than once of being woken up by the smell because I accidentally left a window open! While I do not have pulmonary problems, as a physician I would not be surprised if neighbors with asthma or COPD could be detrimentally affected by the fumes.

I have no desire to see Barriques shop leave the neighborhood. However, I hope that in deciding whether Barriques gets the conditional use permit they are seeking, that the commission will consider the effect that this is having on the surrounding homes. I hope the commission opposes the permit until such a time that Barriques can attenuate the fumes from their operation to an acceptable level.

Thank you,  
Ryan Thompson  
W Shore Dr, Madison

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From: Mark  
Sent: Tuesday, May 17, 2016 12:02 AM  
To: Parks, Timothy  
Subject: Barriques Conditional Use Permit

Tim Parks,

I wanted to express my opposition to the conditional use for Barriques coffee roasting activities. Such activities have negatively impacted me as well as other neighbors. This specific activity is not only a health concern as a recent Milwaukee Journal Sentinel article points out, but one which the resulting odors also infringes upon our rights and our well-being.

<http://www.jsonline.com/watchdog/watchdogreports/cdc-tests-at-coffee-plant-find-high-levels-of-dangerous-chemical-b99699804z1-374843971.html>

The City's position on odors stemming from the production of a product (such as coffee roasting) can be found in the city ordinances:

#### 28.133 ENVIRONMENTAL PROTECTION STANDARDS

(1)(a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.

In this matter, coffee roasting is a commonly recognized nuisance as many in our neighborhood have already objected to it, just as in many other places across the country. And to be clear, while the conditional use application is for allowing the increased production capacity, the City should prohibit ANY coffee roasting due to it being a recognized nuisance and health concern, regardless of whether it follows the limited production allowed by its on-site sale.

As someone who lives halfway between the coffee roasting activities of both Barriques and Cargo Coffee, as someone who does not have air conditioning, and as someone who enjoys being in their yard and gardening, why should I be constantly subjected to such annoyances even if the individual contribution of a single business is "minor"? The City should also realize that to "minimize" an individual businesses impact does not fully solve a concern. It is also the summation of business activities in a given area which can adversely affect the surrounding community.

At the meeting held a couple months ago, a City official (possibly you) described the City's position as one which does not want to inhibit the success of a business even if it goes against its policies towards protecting the health and well-being of its residents, citing RP's Pasta as an example. To that I say, that Madison does not live or die on the success of RP's Pasta, but rather it's the other way around. By putting the needs of businesses first, over those of the residents, the City is going against the political beliefs held by the majority of its residents. The City should recognize that by focusing its efforts in keeping Madison a great place to live, it creates a desirable location for businesses. And in fact, as someone who works from home, I am a business, just as many others in our neighborhood.

It was also very disheartening to hear that several other neighbors have experienced health issues, even having gone to the hospital on one occasion as I understand. No one should be subjected to such conditions, nor should anyone feel forced to move from their home as one couple has already done.

To conclude, I am in strong opposition to the conditional use for increased coffee roasting capacity for Barriques. Additionally, I am in opposition to coffee roasting as an allowable activity within the City of Madison until strong, safe standards and regulations are developed that protect everyone who may be otherwise adversely affected. The City should be protecting the health and well-being of its residents and therefore should deny this application.

Thank you,  
Mark Schoendorff  
Emerson St

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From: Jane Elmer  
Sent: Monday, May 16, 2016 3:26 PM



To: Parks, Timothy  
Subject: Barriques

Tim Parks and the City of Madison Planning Commission,

I'm writing to you because I do not think Barriques should be granted a conditional use permit.

I lived on West Shore Dr for 26 years. This property was smoke and odor free until Barriques started roasting 4 1/2 years ago. There were many south wind days that the fumes and smoke limited me from using the yard, three season porch and deck out front over looking Monona Bay. The odor would penetrate the house even with the windows and doors closed. Many days I would leave my home. Other times my stomach would turn, I would get nauseated and a migraine would begin.

We finally put our home up for sale and moved from a great home I loved, away from many neighbors and friends.

Jane Elmer  
South Shore Dr  
(Formerly from West Shore Dr)

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Dear Mr. Parks,

I am writing to you regarding Barriques' (926 S. Park St.) request of the city to issue a conditional use permit to continue their (non-compliant) coffee bean roasting operation.

This is a quality of life issue for those neighbors near the coffee shop - and farther away, depending on the force and direction of the wind.

For several years, I have on occasion, noticed an acrid burning odor while in my backyard, or in the front of my home while gardening. I had no idea where this offensive smell was originating until I began speaking with neighbors a few months ago. I learned that the source was and continues to be Barriques' coffee bean roasting operation. I would have never thought that this type of menace could come from a coffee shop, as the odor is certainly not the lovely smell of coffee brewing. It is, in fact, a rather troubling industrial-type burn that should not be wafting through a residential area.

I live at the corner of South Shore Drive and Whittier St., according to Google Maps, over 500 feet from Barriques. When they are roasting, and the wind drives that stink over to this area, I do not enjoy being outdoors. I have, in fact, run to another part of my property to avoid the fumes. I wonder, If it impacts me and my family this far away, how horrible it must be to live in closer proximity?

According to the ordinance governing the granting of such permits, the Commission "shall consider the effect of such a use on the surrounding properties, the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process."

In the Drafter's Analysis to the Amendment, which included this language, it was explained, "This ordinance ensures that each use is conditional and therefore subject to the Plan Commission's ability to attach conditions to and maintain jurisdiction over such uses. This will ensure that any potential side effects of the manufacturing process are controlled."

Obviously, Barriques' continued bean roasting emissions has affected this neighborhood with effects of odors and other potential side effects of (its) manufacturing process.

Barriques has been a positive addition to the neighborhood with its coffee shop offerings, but its roasting operation is not welcome. I used to be a frequent customer, but now will continue to boycott this business until it takes its manufacturing emissions to an industrial area.

Sincerely,

Daina Zemliauskas-Juozevicius  
South Shore Drive  
Madison, WI 53715

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From: Carrie Rothburd  
Sent: Friday, April 15, 2016 1:17 AM  
To: Parks, Timothy; Tucker, Matthew  
Subject: Update

Hello,

Thanks again for meeting last week. Ron Shutvet met with Matt Weygandt as well, and I believe they had a very good conversation about some ongoing issues with Barriques' afterburner, as I understand it. I'll get the full update when P&ED meets again on Monday of next week to review the surveys that have been coming in and to plan for next meetings. I will be back in touch on Monday to set up another meeting with you, as you suggested.

Meanwhile I write to report that the exhaust fumes from Barriques circled the entire block from Parr to Lakeside and Park to Lowell this morning at about 10 a.m. I was at Barriques for a meeting from 9 a.m. - 9:45 a.m. and noticed the odor (more sweet and pungent than burnt and acrid this morning) as I left to walk home. There was no smoke visible, but the odor permeated my entire house, despite the fact that our windows were closed. It caught in my throat. It felt as if it filled my head and my throat, and I kept coughing while I was on the phone from about 9:50 to 10:00--coincidentally with Lisie Kitchel of P&ED.

By the time I left home just a little past 10:00 a.m., my head had begun to ache a little. My car, which had been sitting in my driveway was also filled with the smell of roasting beans, which lasted more or less until I reached my destination at the UW. I said to you when we met that I have seldom experienced the fumes from Barriques on my own property. This morning's "invasion" was intense and I could not have tolerated much more than the 15 minutes I was there. I have new levels of empathy for those who experience this on an ongoing basis.

I urge you to take the comments you are receiving from neighbors about the negative impacts of the roasting exhaust more seriously now. The conditions on conditional use you discussed with me last week will do nothing to remedy the problem or to achieve compliance with the terms of conditional use. I am glad that Matt Weygandt seems to be taking neighbors' complaints seriously and is looking into making changes to Barriques' equipment.

Carrie

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From: Jacob and Jill Joint account  
Sent: Monday, April 11, 2016 12:56 PM  
To: Parks, Timothy  
Subject: Barriques on South Park Street

Dear Mr. Parks,

I am writing to express my support of Barriques' coffee roasting operation's conditional use application for their South Park location.

I understand that there are some complaints from the nearby neighbors about the smells from the coffee roasting and I am hopeful that those concerns can be addressed.

One big concern of mine is the appearance that those who are complaining the loudest are seen as representing the majority opinion on the matter. Let me state as clearly as I can, They do not.

I am in favor of business development on South Park Street and want to applaud Barriques for taking the risk and making the investment in the long empty space they now are using. I am hopeful that the conditional use application will be ok'd and the concerns about the smells addressed in a logical and level headed manner.

Thank you for your time

Jacob A. Pfeiffer  
O'Sheridan Street  
Madison

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From: Sarah Atis  
Sent: Sunday, April 10, 2016 2:15 PM  
To: Parks, Timothy; Eskrich, Sara  
Subject: Park Street Barriques

Dear Tim and Sara,

The City's negligence in not enforcing its zoning code in the case of Barriques at 961 South Park Street is reprehensible and sets an irresponsible precedence. Barriques stinks up the neighborhood along South Shore and West Shore Drive. It should be brought into compliance. Barriques' arrogant disregard of city zoning and neighbors' complaints should not be tolerated. One wonders whose palm was being greased when the Common Council passed a change in the zoning code to allow for the possibility of "small manufacturing operations" along shopping streets like South Park. What about shopping streets like Monroe Street or Willie Street that also flank neighborhood backyards! Barriques should not be granted permission to continue its disregard of the law and the neighborhood in its own backyard.

Sincerely,  
Sarah Atis  
West Shore Drive

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From: Jody Lynn Trochlell Derr  
Sent: Friday, April 01, 2016 5:47 PM  
To: Parks, Timothy  
Cc: Eskrich, Sara  
Subject: Barriques

To Whom It May Concern:

As a Bay Creek Resident and neighbor to Barriques on Park Street, we are opposed to Barriques conditional use for roasting coffee beans. The smell from the roasting is offensive. The City should ban Barriques from roasting at this location. Perhaps this would also eliminate the illegal parking by semi-trucks on Parr Street (this is a no parking zone which is regularly ignored by both commercial vehicles and patrons visiting this business).

Sincerely,  
Jody & Nick Derr

South Shore Drive  
Madison, WI 53715

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From: Cynthia K McCallum  
Sent: Thursday, March 31, 2016 8:57 PM  
To: Parks, Timothy  
Cc: Eskrich, Sara  
Subject: oppose Barriques' roasting coffee at South Park St.

Hello,

I have lived on Monona Bay for almost 26 years. I love the views, the pedestrians and have enjoyed many walks along the Bay.

I have also been fortunate enough to travel to Costa Rica to tour a coffee plantation. It was a tour I remember very fondly for many reasons, one of which: there wasn't the stench of burnt rubber that I experience in my own neighborhood.

I have been told that Barriques is trying to accommodate the residents of the Bay by timing the roasting. Roasting coffee in the middle of the day really ruins my lunch time walk with my dogs.

I don't have air conditioning. I rely on open windows and breezes to keep my home comfortable. Now, I have to choose between being comfortable or letting the smell of coffee roasting permeate my home.

I was pleased to see Barriques move in. We need businesses that offer a different choice of coffee and wine. They can roast somewhere else. Ancorra roasts on the east side in a commercial area. Their roasting also can produce a foul smell sometimes but it is a commercial area. A business with a home on the back side of the business is not commercial enough to allow the continued abuse.

Please return our neighborhood to be a pleasant place to walk.

Sincerely,

Cynthia K. McCallum  
South Shore Dr.

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From: Sara Ben-Ami  
Sent: Tuesday, March 29, 2016 12:59 PM  
To: Parks, Timothy  
Cc: Eskrich, Sara  
Subject: Hearing on Barriques' coffee roasting

Dear Mr. Parks & Ms. Eskrich;

When I received the information letter regarding Barriques, a light bulb went off. I hadn't been aware of the coffee roasting operation and was wondering if I could complain about what I assumed was a couple of neighbors with wood-burning stoves!

I live at least two blocks away from Barriques and upwind so the fact that I can smell it says something about the strength of the odor. The aroma is not pleasant; it smells like someone is burning old or wet wood. I can't imagine what it smells like to the home-owners on Monona Bay!

These kinds of issues are always difficult as a balance between good business neighbors & residents is desirable. However, the coffee roasting stench moves Barriques into a not-so-good neighbor category.

How has the EVP roasting site on E. Washington Avenue fared with their neighbors? Do they use some other type of venting system? In other words, are there other options available to resolve this situation?

In any case, there needs to be a resolution as the smell is awful.

Sara Ben-Ami  
High St  
Madison, WI 53715

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From: lostdauphin1  
Sent: Monday, March 28, 2016 10:56 AM  
To: Eskrich, Sara  
Subject: coffee roasting

Sara,  
Please share my comments with the plan commission. I wish I did not have to spend time on yet another "issue" in our neighborhood. Seems we have a small number of individuals who are to be opposed to everything and anything! We live on lakeside with a backyard one lot away from Barriques. I am a teacher and therefore am home with my children all summer long. We have smelled the roasting beans at times. NO BIG DEAL!

We were all happy to have Barriques in place of that vacant property 4 years ago. When I first heard a neighbor whining about the scent I was shocked at the objection from a person who drinks their coffee all the time. We all live in a community and this requires give and take. Regarding Barriques, I cannot think of a better example of the cooperation requisite of a healthy community.

Mike and Sharlene Merline  
W. Lakeside Street

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**From:** Sue Hoffenberg  
**Sent:** Monday, March 28, 2016 8:31 AM  
**To:** Parks, Timothy  
**Cc:** Eskrich, Sara; Carrie Rothburd  
**Subject:** Barriques Zoning

To the City of Madison,

Please respect the purpose of the zoning process and protect the character and environmental safety of the Monona Bay and Bay Creek neighborhoods. It should go without saying that the purpose of zoning code is to provide distinct locations for competing, but valid, interests. Shore Drive is clearly zoned as residential.

People can legitimately expect to live in an environment that is free of toxins being expelled into the air by their next door neighbors.

The city has knowingly allowed Barrique's non-conforming manufacturing of coffee to continue at the Park Street location. For four years, Barriques has illegally roasted coffee for all seven of its locations there. These violations were under both the previous and the current zoning codes.

If Barriques would have acknowledged that they planned to roast coffee at Park Street in their original conditional use application, the city would have had to deny the application. In 2011, under zoning code C2, the following conditions applied:

Madison's old zoning code (pre 2013) Sec. 28.04(16)(b)3.

"All activities involving the production, processing... shall be conducted in such a manner whereby there shall be no ...smoke, ..Odor, ..And no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community."

Madison old zoning code (pre 2013) Sec. 28.09(3)

"All goods produced on the premises shall be sold at retail on the premises where produced unless approved as a conditional use." (Am. by Ord. 5982, 9-30-77)

It is precisely because Barriques did not state that they planned to roast coffee, that they have been able to in fact manufacture it there for four years.

When I walk around Monona Bay for healthful exercise, I am negatively impacted by exhaust from their unlawful coffee roasting. Barriques roasts for all 7 of its locations on a block that includes Shore Drive. The fact that Shore Drive is designated as being a Park and Pleasure Drive greatly increases the extent of this zoning violation. This street is currently in the process of also being designated as a bicycle boulevard.

Our homes are zoned residential, not mixed use. We pay property taxes on that assumption. When exhaust from our next door neighbor's manufacturing affects our air quality, our rights are being violated.

The question now before the city is how to resolve the problem of manufacturing being done at a location that is out of compliance with current zoning and which is negatively impacting homes next door in a residential district.

Alder Eskrich wrote to <[baycreek@yahoogroups.com](mailto:baycreek@yahoogroups.com)> on Thursday, March 17, stating, "You are correct that Barriques has been out of compliance with zoning since they opened. This is what we are working to remedy."

One course of action would be to make this manufacturing practice legal. This is a very dangerous precedent to set if the city is to have a residential zoning code with integrity.

The other is to hold businesses accountable to the law.

I urge the city to take the second course.

Sincerely,  
Sue Hoffenberg  
West Shore Drive  
Madison, WI 53715

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From: Drew  
Sent: Thursday, March 24, 2016 2:24 PM  
To: Parks, Timothy

Cc: Parks  
Subject: Barriques

Hi,

I understand this is the email to discuss the Barriques fume issue on Park Street. I live about four blocks from Barriques and smell the strong brewing smell a lot during the day. It's definitely a gross smell as I don't drink coffee and was surprised when it started a few years ago.

I now avoid jogging past that area during the day after reading about the chemicals with that process.

I understand the need for economic development - it's unfortunate this is right next to residential.

Barriques also has an issue of customers parking on Parr street which is a no no. As a matter of fact, around 1:30pm today I was making a turn onto Parr street and was almost hit by a car coming head on in the wrong lane! (This spurred my need to email).

The other car was boxed out of their lane by a huge Sysco delivery truck parked in the east bound traffic lane! It was a huge truck perhaps an 18 wheeler delivering to Barriques. Talk about a blind spot. I understand the car needs to get around that truck but unfortunately across double no passing lines and into oncoming traffic.

Please do something about these issues.

Thank you for your time.

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**From:** Kim  
**Sent:** Wednesday, March 23, 2016 5:56 PM  
**To:** Parks, Timothy  
**Subject:** We oppose a Conditional Use Permit for Barrique's on S. Park St.

Dear Mr. Parks,

My wife Sally and I are writing to you today to explain why we oppose the City of Madison's granting of a Conditional Use Permit for roasting coffee to Barrique's at 961 S. Park Street. We live just north of Barrique's and the smoke and fumes from their coffee roasting process roll directly through our backyard whenever the wind comes from the south. Regardless of the direction the wind is blowing, the fumes from Barrique's negatively effect our quality of life.

Sally is on oxygen 24/7/365 due to a lung disorder. Barrique's coffee roasting fumes aggravate her breathing difficulties. We never know when the fumes might enter our home through open windows so we must almost always keep all of our windows closed. Because we are unable to open our home to fresh air, we bear the added expense of a Space Guard filtration system on our furnace and of either heating or cooling our home nearly every day of the year. This is difficult on a fixed income and on top of high medical costs.

I also experience negative effects from the fumes and smoke coming from Barrique's. On some days, the fumes cause me to be unable to be outdoors to enjoy my own yard. The fumes aggravate my asthma and have made it necessary for me to occasionally need my rescue inhaler.

Our home was built by my wife's parents in 1936 and has been owned and occupied by our extended family since that time. My wife and I have lived here since 1980.

Klinke's Cleaners has been located directly behind our house for many years. In contrast to Barrique's, we have never detected any emissions from the dry cleaning business and have not been negatively effected by having that business located in close proximity to our home.

In the informational meetings before Barrique's was opened, our neighborhood was told that the only cooking equipment on the premises would be a microwave, yet coffee roasting equipment was installed in the building and has been used consistently since then. To our knowledge, Barrique's has not been issued a permit for this activity. Because of the negative effects we experience from Barrique's coffee roasting, we ask that no Conditional Use Permit be issued and that coffee roasting should cease.

Sincerely,

Tom and Sally Ulrich  
West Shore Drive  
Madison, WI 53715

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**From:** Stephen Hoffenberg  
**Sent:** Wednesday, March 23, 2016 3:46 PM  
**To:** Parks, Timothy  
**Subject:** Coffee Roasting at Barriques

I'm writing this to register my opposition to the conditional use application submitted by Barriques. If their intention is to continue to roast all of their coffee for the 7 stores, this is a very bad idea for the neighborhood.

I frequently walk along Monona Bay and have been struck by how strong the smell is from this roasting. I also understand that Barriques was doing this roasting illegally for quite a long time before they even



thought it might be a problem for the neighborhood. I'm also concerned about the employees that are doing the roasting. There have been studies showing that coffee roasting can be dangerous to the health of people who frequently are exposed to the exhaust. Even if this evidence is not yet conclusive, it's certainly best to err on the side of safety.

I live on Monona Bay, albeit more than 5 blocks away. There have been days when I can smell the roasting even at my house. I can't imagine what it would be like to be subjected to this on a daily basis, especially if you might have a respiratory illness like asthma.

Please reject this application. I'm in support of local business, but this is not the place that Barriques ought to be roasting, so close to so many people's homes. This is especially true if they're roasting all 7 of their coffeehouses.

Sincerely,

Steve Hoffenberg  
W. Shore Dr

---

**From:** michael lamont  
**Sent:** Wednesday, March 23, 2016 7:25 AM  
**To:** Parks, Timothy  
**Subject:** monona bay neighborhood concerns

Tim, you and I spoke briefly at a neighborhood meeting regarding the development at the corners of Fish Hatchery and Park Street. At that time, my concern about parking allowances was answered by your policy provision of one spot per bedroom for projects from Midvale to the Yahara. While I'm confident that was not memorable to you, I'll follow up with a few concerns for future development in this neighborhood.

I've been working on some building projects at my home at 723 South Shore Drive, interior remodeling, front porch, and a garage. There is a proposal for permitting continued coffee roasting at Barriques a block away. I can tell you truthfully that that exhaust smell, sometimes several times in a week, is objectionable and noticeable here. There is no way I would support maintaining that processing facility in this residential area. It stinks, as does the suggestion that city governance would allow it. You may not notice the type of smell until it hangs and permeates your environment, but it stinks of burning leaves mixed with cow waste, if it can be described at all. Given the fact that Barriques has multiple sites and plans on expanding both service sites and retail outlets through satellite stores, the roasting and its repulsive exhaust smell will increase. Your allowance for that enterprise here is wrong, and its negative effect will be worse. The exhaust filters do not work consistently, and I know from inspection that they have reviewed their deficiencies. If you want an example of detrimental "cleaned" exhaust, go to Purdue for a game, cross over from West Lafayette to Lafayette, and grab something, like a deodorizer for your house, at Menards. The smell of their food processing plant sticks on the city area, and while their product is different, it represents the same objectionable stink that the City of Madison may be allowing on one of its main development arterials. There is no way the new complex across the street will find Barriques' off-gas acceptable. The roasting stench commercial venture belongs in a commercial area, transport is required to stores, so the roasting location must be located in a more appropriate site.

I honestly don't know where this proposal is in your system, but please don't allow it. As a building professional, I've worked with Matt Tucker in zoning, and know him to be a valuable peer professional and very helpful with residential projects in the past. There's no way he could support this if he would know the nagging effect the obnoxious smell creates. I believe other commercial cooking proposals have been declined in the past because of their negative effect on neighbors. Our homes deserve the city's respect, our taxes are your sustenance. Please show us some consideration.

From: robert baggot  
Sent: Tuesday, March 22, 2016 11:45 AM  
To: Eskrich, Sara; Parks, Timothy  
Subject: Barriques

Sarah and Tim,

I live at 843 South Shore Drive near Barriques. I have heard that Barriques has been in violation of their permit with regards to coffee roasting. I have also heard that the city is looking at ways to accommodate Barriques coffee roasting operation. Barriques is roasting as I am drafting this email. The odor from their roasting operation I believe qualifies as a malodorous emission under the Clean Air Act.

I have no problem with the coffee shop retail, but the roasting operation is offensive and impacts the air quality with regards to odor. Try to imagine this odor coming into your house or yard. I think they are located too close to residential housing for a roasting operation.

I would appreciate your response and any information about what is likely to happen with coffee roasting at Barriques on Park Street. Thank you.

Robert Baggot

---

**From:** Joanne Pedder  
**Sent:** Wednesday, March 16, 2016 3:04 PM  
**To:** Parks, Timothy  
**Subject:** Barriques

Mr. Parks,

I am another of the neighbors who are effected by the horrible smell that we are subjected to as a result of the roasting of coffee beans at Barrique's on S. Park St. I think it is time that they do their roasting somewhere else. I love the smell of coffee, but NOT the horrible smell and smoke from the roasting process.

I have lived here for 82 years, and never had to live with this before.

Joanne Pedder  
W. Shore Dr.  
Madison, WI 53715

---

**From:** Rita Rumbelow]  
**Sent:** Tuesday, March 15, 2016 12:46 PM  
**To:** Parks, Timothy; michaelamont@yahoo.com  
**Subject:** There should be NO roasting at Barriques on Park Street - it's a residential neighborhood

Barriques has the option of roasting their coffee in Fitchburg - an Industrial area. The smell when they roast permeates the entire neighborhood and it's disgusting. We pay a lot of money in property taxes.

Please support single family homeowners - not a businessman, and say NO roasting at Barriques on Park Street. We have all been in the neighborhood for years. We should come first and be able to sit outside and breath easy.

Thank you,  
Rita - South Shore Drive  
Mike - same address.

Dear Mr. Parks,

I am writing to you regarding Barriques' (926 S. Park St.) request of the city to issue a conditional use permit to continue their (non-compliant) coffee bean roasting operation.

This is a quality of life issue for those neighbors near the coffee shop - and farther away, depending on the force and direction of the wind.

For several years, I have on occasion, noticed an acrid burning odor while in my backyard, or in the front of my home while gardening. I had no idea where this offensive smell was originating until I began speaking with neighbors a few months ago. I learned that the source was and continues to be Barriques' coffee bean roasting operation. I would have never thought that this type of menace could come from a coffee shop, as the odor is certainly not the lovely smell of coffee brewing. It is, in fact, a rather troubling industrial-type burn that should not be wafting through a residential area.

I live at the corner of South Shore Drive and Whittier St., according to Google Maps, over 500 feet from Barriques. When they are roasting, and the wind drives that stink over to this area, I do not enjoy being outdoors. I have, in fact, run to another part of my property to avoid the fumes. I wonder, If it impacts me and my family this far away, how horrible it must be to live in closer proximity?

According to the ordinance governing the granting of such permits, the Commission "shall consider the effect of such a use on the surrounding properties, the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process. "

In the Drafter's Analysis to the Amendment, which included this language, it was explained, "This ordinance ensures that each use is conditional and therefore subject to the Plan Commission's ability to attach conditions to and maintain jurisdiction over such uses. This will ensure that any potential side effects of the manufacturing process are controlled. "

Obviously, Barriques' continued bean roasting emissions has affected this neighborhood with effects of odors and other potential side effects of (its) manufacturing process.

Barriques has been a positive addition to the neighborhood with its coffee shop offerings, but its roasting operation is not welcome. I used to be a frequent customer, but now will continue to boycott this business until it takes its manufacturing emissions to an industrial area.

Sincerely,

Daina Zemliauskas-Juozevicius  
■ South Shore Drive  
Madison, WI 53715

5-18-16

To-Tim Parks

I am writing in regard to

Banigwan Laffer drop at 961 s. Park Mt.

I was pleased about having a coffee  
shop in our area, but not that I didn't

I may as that there were going to be

or four taxi small and that they  
would be waiting for 1 location!

I have lived here in S. Brother St

for 41 years and I have three daughters.

I am retired and I am just pretty

much I sleep a well

The small asparagus that weedy

put a negative impact on the

life style: I feel rich from the small

old when I'm an my grandpa and grand

I have to go now. Sometime I

Would it be like poster.

I have my young grand children  
MOZAMBOVIT

March several times a week. They have

a hand time in the morning by the

can't play ~~any~~ <sup>any</sup> the coffee small

Scenario 1:  $\Delta$  in options for

me to move and I feel I should have  
 done so because of this situation.

I would appreciate if you could

shells me by showing the owner of

Banqueer Letter drop comply to legal

regulations as other over business

please don't do.

I firmly believe that a potential

health risk should have priority

attention for the residents of this area

Yvan Mack  
Respectfully

13. Brooks St

Madison, WI  
Fleming

53715

## MEMO

To: Carrie Rothburd, Co-Chair  
From: Ronald M. Trachtenberg, Esq.  
Re: Barriques Conditional Use Application  
Date: March 30, 2016

I wish to thank you and the other neighbors for meeting with me to discuss the Barriques conditional use application for limited production and processing to permit coffee roasting at Barriques' facility at 961 South Park Street.

From our discussions and from the Barriques application, I understand that Barriques is using its facility at 961 South Park Street to roast coffee for its present seven stores, for wholesale distribution, and for online special orders. According to the application narrative, Barriques presently does between 200 to 300 roasts per month, generally on weekdays. Assuming 22 work days per month, that would be on average between 9 and 14 roasts per day on average. With Barriques' continuing success, we assume that number would only increase. Even if the conditional use permit is granted, at some point it would appear that the production/processing will cross the "limited" threshold and perhaps that Barriques should consider a production facility in an area in which it would be a permitted use.

Additionally, from our discussions, the past and present roasting operation of Barriques has and continues to adversely affect the uses already established, those being the adjacent and nearby residential uses, resulting from the chemical make-up of the stack discharge, smoke and odor, including but not limited to adverse impacts on breathing. The literature on coffee roasting also raises issues of potential long term health problem from coffee roasting.

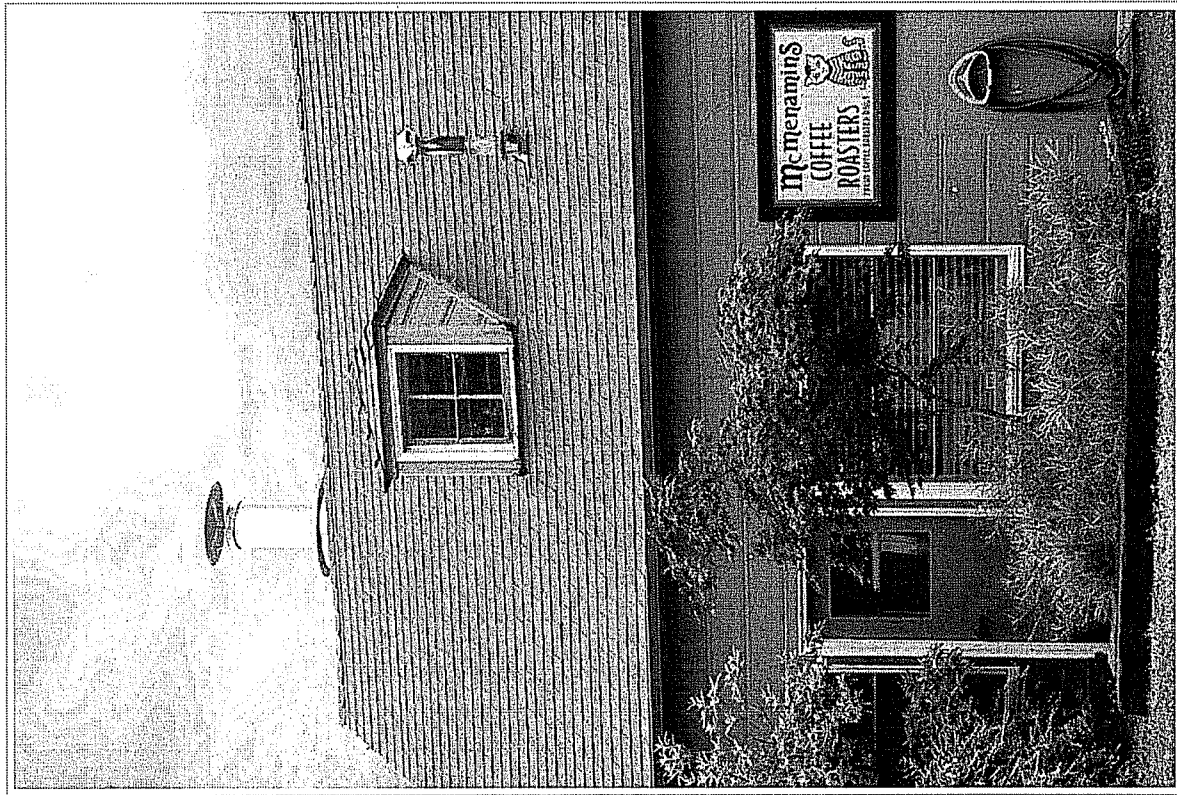
When Barriques opened at 961 South Park Street, Barriques represented that there would be no roasting there. Obviously that representation, even if true when made, is no longer true. Barriques is now engaged in at least limited production and processing without the necessary conditional use permit, a situation the City is allowing to continue until the conditional use process is exhausted.

If those I met with believe that under some stringent conditions it may not be inappropriate for the applied for conditional use permit to be granted, we would need to establish a small committee of neighbors and other affected persons as well as representatives of Barriques and the City and would need at least a thirty day referral. In that time period, we would have to research and agree to, among other items:

1. Best roaster equipment, filtration, and catalytic converter/afterburner.
2. Best practices for operation, including weather condition limitations.
3. Stack height and maintenance.
4. Daily and monthly limitation on poundage and number of roasts.
5. Limitations on day of week and time of day.
6. Record keeping and inspections.
7. Enforcement.

A literature search may show other areas of necessary conditions.

Since the City is abating any enforcement action until the conditional use permit process is exhausted, such a delay would not be detrimental to Barriques present operation.



# SMOKE

## in the AIR

### AN UPDATE ON EMISSIONS AND AIR-QUALITY REGULATIONS

BY JEFF DUGGAN

WHETHER you're for or against, or indifferent to the fact, we live in an era of regulation. While most will agree that regulation is necessary to ensure human health and environmental protection, there are those who believe much of the regulation in the United States amounts to nothing more than income-generating bureaucracy. Regardless of the legal, ethical or health factors substantiating the need for regulation, it is a matter we as coffee roasters cannot ignore. In other words, feelings of discontent are not exclusions from any regulation existing in this country. So, we must be compliant in order to avoid jeopardizing the businesses that we dedicate so much of our lives to on a daily basis.

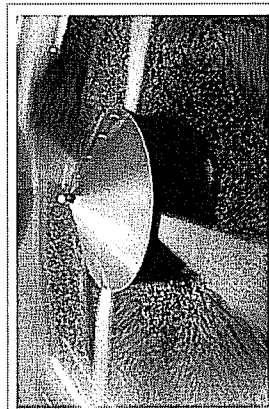
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## Smoke in the Air | Emissions (CONTINUED)

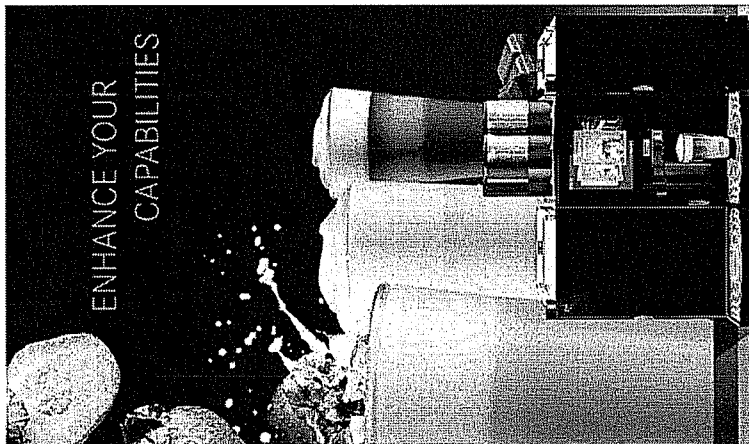
The coffee industry is unique in that many of its members, for various reasons and motivations, have adopted an environmentally conscious mindset. This may be due to our realization that we cannot have an industry without an intact and healthy natural environment. But let the truth be told—coffee roasting is at odds with healthy air quality. It is not just about the air we breathe, but also an ecological cause and effect. If we contribute harmful matter to our air, there is a real possibility that it will impact our climate as well as our water. With specialty coffee production being dependent on so many environmental factors, it is illegal for someone to both care about coffee and disregard the environment.

Coffee-roasting equipment is not cheap, so having to repurchase equipment to comply with air-quality regulations is a situation you'll want to avoid.

What is all the fuss about coffee roasting anyway? There can be several causes of trouble for the coffee roaster, ranging from annoying your neighbors to violating rules and regulations. Not only do we have to be respectful to those operating or living around us, we must ensure that our roasting is compliant with both state and local regulation. Easy? Often not. Important? Without a shadow of doubt.



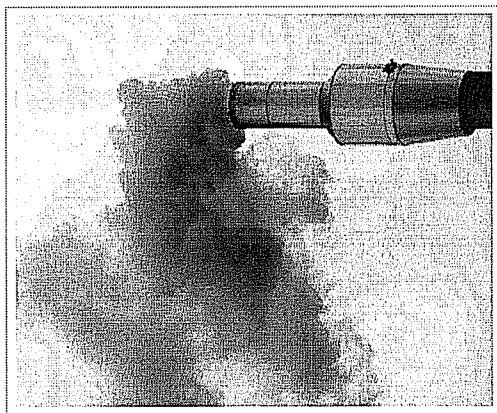
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If you currently roast or have plans to start roasting, there are a few questions you should answer before deciding on a location and the type of equipment you will purchase. A little pre-planning will go a long way to eliminate surprises and, most importantly, money wasted. Coffee-roasting equipment is not cheap, so having to repurchase equipment to comply with air-quality regulations is a situation you'll want to avoid. Here are the questions you should be able to answer before you select your site and purchase equipment:

- 1 What state and local regulations apply to you?
- 2 What equipment fits within the specifications of the regulations affecting you?
- 3 Is environmental protection a priority in your equipment-buying decision regardless of applicable regulations?
- 4 Aside from making the regulatory agencies happy, will you be a good neighbor?

Continued on page 25

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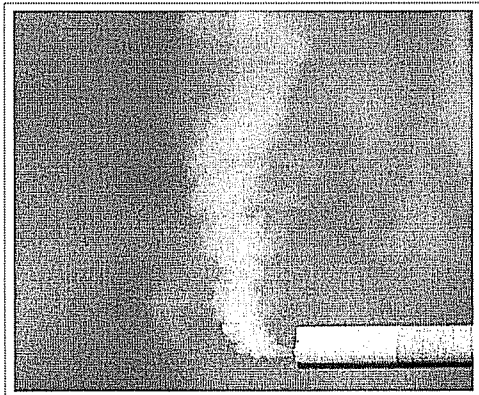
20 micro-lots from four  
origins,  
14 Cup of Excellences  
from eight origins

Ships by next business  
day



Farm-direct, storied coffees





Due to the extreme variance in air-quality regulation from region to region, it is not possible to specify what applies to the area in which you will be roasting. While the U.S. Environmental Protection Agency sets the standards for emissions, your state and local agencies establish the enforceable rules and regulations. The first step would be to check your state government website to learn about the air-quality agency responsible for your jurisdiction. For example, in California, the Air Resource Board of the California Environmental Protection Agency oversees all of the regional air-quality management districts in the state. Their website provides a list of local district regulators for you to contact (visit [www.arb.ca.gov/regions/noraction](http://www.arb.ca.gov/regions/noraction) for more information). A simple phone call can be invaluable. It is important to know what aspects of roasting may be subject to permitting and ongoing inspection. Here are three areas you should inquire about when researching what may apply to you in the city where you will be roasting:

### Stack Emissions

This is essentially the exhaust output of your roaster at the point of discharge into the environment. This will be when your exhaust enters the environment, whether it is on the roof, side of the building or elsewhere. Stack emissions include sulphur dioxide (SO<sub>2</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), odor and particulate.

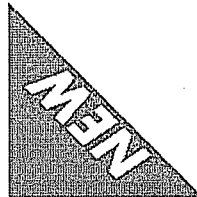
### Roaster Emissions

While stack emissions get most of the attention, they are not the entire story. Every roaster will output particulate and burner nitrogen oxides (NO<sub>x</sub>). NO<sub>x</sub> will be discussed in greater detail later in this article. CHAF is an example of particulate output by the roaster that may or may not reach the stack. Most roasters are outfitted with a cyclone to collect this particulate prior to being discharged into the environment. However, if the cyclone is inefficient or not properly maintained, it could release particulate at the stack. The other method of controlling chaff, or particulate, is filtration. Typically this method is used only on industrial-sized roasting equipment. Filtration systems are more costly to both purchase and maintain.

### Cooling Bin Emissions

As silly as it sounds, coffee beans discharged into a cooling bin at the end of the roast continue to emit VOCs. Depending on the batch size of your roaster, the air used to cool the beans may have to be directed through an oxidizer.

CONTINUING ON PAGE 26



## Move coffee and tea gently, efficiently, dust-free

System can be fed from virtually any new or existing storage vessel or process equipment (Drum Dumper and Bulk Bag Discharger shown), and discharge at a single point, or selectively at multiple points.

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- Comprehensive range of components
- 4 and 6 in. (100 and 150 mm) diameter Cable on Galvanized or 304/316 Stainless Steel
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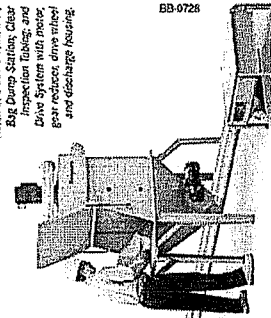


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implications. There are four ways in which we can control air pollution on our coffee roasting equipment.

### 1 Thermal Afterburners

Also referred to as thermal oxidizers, these devices are designed to eliminate VOCs

Next, let's delve a little deeper into stack emissions. Roasting coffee creates harmful airborne byproducts, period. We as roasters may not like to admit this, but roasting coffee is not good for the environment.

Ensuring that you have proper emissions abatement equipment in place is not only a matter of regulatory compliance, it is also one with potential long-term environmental

in stack emissions, which include toxics such as acrolein, acetaldehyde and formaldehyde. Using a dedicated burner system, thermal afterburners are designed to elevate the roaster gas to temperatures greater than 1,400 degrees Fahrenheit and create a residence time in the afterburner for no less than 0.4 seconds in order to eliminate pollutants and odor.

### 2 Catalytic Incinerators

Also known as catalytic oxidizers, these pollution-control systems incorporate a gas or electric heating system along with a catalyst. When the exhaust gas is heated to 750 degrees Fahrenheit or greater, the catalyst will react with the gas to volatilize and otherwise destroy the exhaust pollutants.

### 3 Low-NOx Burners

Nitrogen oxides are a byproduct of incomplete combustions. The higher the burner temperature, the more NOx is produced at the burner. Low-NOx burners can reduce NOx emissions by 50 percent or more.

### 4 Recirculating Systems

There are recirculating roaster systems on the market that are worth researching. They are designed to clean and re-use heated exhaust gas to reduce stack pollutants as well as reduce the amount of energy required to operate the machine. Think of it as recycling hot air. The less gas needed, the less pollutants produced. While they have controls for stack emissions, they do still emit unfiltered/oxidized cooler smoke. In these applications, controlled quenching helps to reduce the cooler pollutants as well.

Determining what type of pollution control system to adopt is a question of regulation, cost and your own ethical

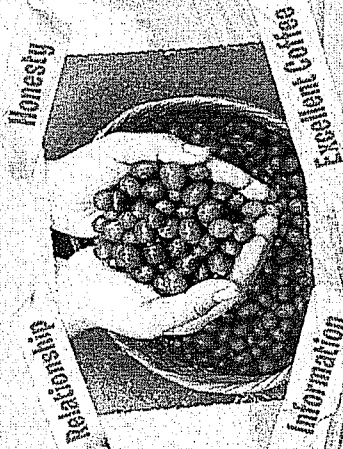
SCAQMD Rule 1147 is proving to be quite challenging for business owners looking to start roasting or who are interested in upgrading their current machine. Machines with a 60-kilo batch size and under face a significant handicap when it comes to outfitting the roaster with a compliant burner system. Finding an off-the-shelf burner system appropriately sized for

smaller roasters is an enormous challenge. This is a classic case of regulation being way ahead of industry. Over time, as demand for low-NOx roasters increase, burner manufacturers and roaster manufacturers will be forced to respond by producing models designed around low-NOx requirements.

CONTINUED ON PAGE 30

## ZEPHYR GREEN COFFEE IS HERE

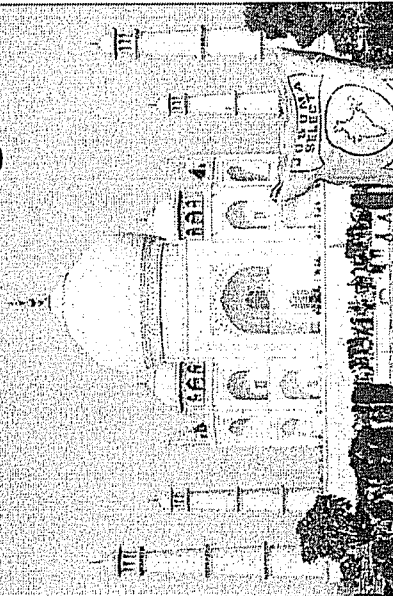
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## Smoke in the Air | Emissions (CONTINUED)

Another difficulty for those looking to place an in-shop roaster is, simply, space. Pollution abatement equipment is large, and the amount of space required to place a 15-kilo roaster may double with the inclusion of an oxidizer. Don't get discouraged by this, though. There are many installation configurations that create possibilities for maximizing both horizontal and vertical space. It is something to keep in mind in terms of equipment options and your overall budget. Be mindful of the fact that trickier installations are pricier, so budget accordingly.

Neither the environment nor "Big Brother" is the only concern if you operate, or plan to operate, a roasting facility. Aside from the chemical composition of your emissions, your roaster can be deemed a nuisance by your neighbors if proper care is not taken in the design and implementation of your system. In other words, if your roaster stinks up the neighborhood, whether commercial or residential, you may end up with an angry mob, as well as your local air-quality regulator, at your door.

Air-quality-focused regulation is here to stay, and burying one's head in the sand in hopes it will go away is ill advised.

Fines vary by region and can range from \$500 to \$2,500 per day, depending on the violation. Typically, fines are levied daily for identified violations. In other words, once the local air-quality regulator has notified a roaster of non-compliance, the roaster will be ordered to cease operations or be subject to fines for each day of operation in violation of the code.

Roaster exhaust odor is pungent and can travel much farther than one realizes. And the fact that you may consider it an "aroma" as opposed to an "odor" is of no consideration when it comes to neighbor complaints. If you roast in close proximity to other buildings, it wouldn't be uncommon for wind to push the odor toward nearby air conditioning intakes. Bob Quinlan, CEO of Metropolis Coffee Company, believes planning is the key. "Picking a location where this type of complaint is minimized is a good part of start-up planning," he says.

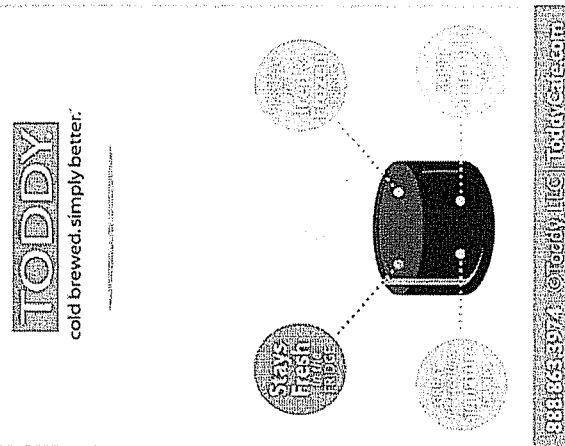
In business, we have all heard the adage, "location, location, location," and most of the time we are focused on aesthetics, parking, foot traffic, etc. If you are a roaster in search of a location, proximity analysis should be included. However, despite your best planning or lack thereof, if you are faced with a neighbor complaint, you have two viable options. The first option is to address the problem with a pollution-abatement device discussed earlier. The second option is to use a dispersion fan. This

Continued on page 12



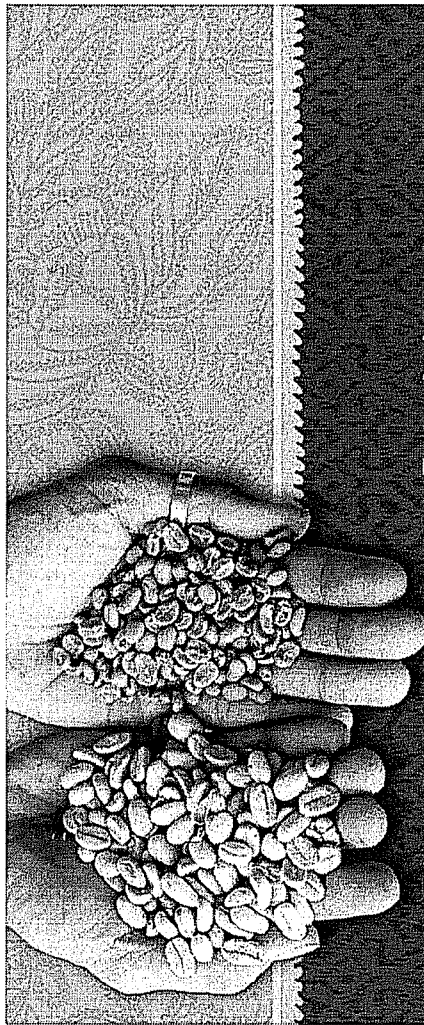
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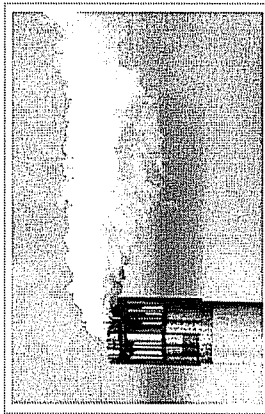
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# Smoke in the Air | Emissions (CONTINUED)

is the "dilution" solution to the odor nuisance problem. Emissions are not reduced; they are simply diluted by mixing in "fresh" air at the stack and forcing it straight up via a high-powered blower. This reduces the concentration of the odor and moves the exhaust air mass high enough to keep it away from other buildings. If either solution is an option, the former is preferable. Mark Wain, the owner of Caffè Luxe, a coffee roaster and retailer in Los Angeles, opted for prevention. "We are in an industrial area, and our afterburner is oversized, thereby completely eliminating roasting odors and smoke outside," says Wain.



There is no one-size-fits-all approach to roasting and compliance. There are just too many variables that come into play. As a roasting company owner, your philosophy on the issue will have the greatest impact on the decisions you make when it comes to equipment purchases and compliance. Air-quality-focused regulation is here to stay, and burying one's head in the sand in hopes it will go away is ill advised. Whether you do the right thing because you have to or want to is moot. The more we acknowledge the fact that our craft is detrimental to the environment if performed without adulteration, the quicker our industry will "snap to" and work toward more effective and accessible solutions.

If you ever come to a point in time where you are faced with an air-quality-related issue, know you are not alone. Attempt to establish a working relationship with the regulatory agency in your area. They make the rules, so there's no better place to get an understanding of what is required of you. Also know that you are likely not the first person to deal with a particular issue, and help may only be a phone call or e-mail away. The roasting community is rather small, and more often than not, you will get advice and recommendations from your peers that will lead to the right solution. Roast hard, but tread lightly!

**JEFF DUGGAN** is the owner and roastermaster of Portola Coffee Lab in Costa Mesa, Calif., the first third-wave coffeehouse and roastery in Orange County. With more than a decade of experience, he oversees the wholesale and retail roasting operations, as well as Portola's direct-trade green buying program. Contact him at [jeff@portolacoffeelab.com](mailto:jeff@portolacoffeelab.com).

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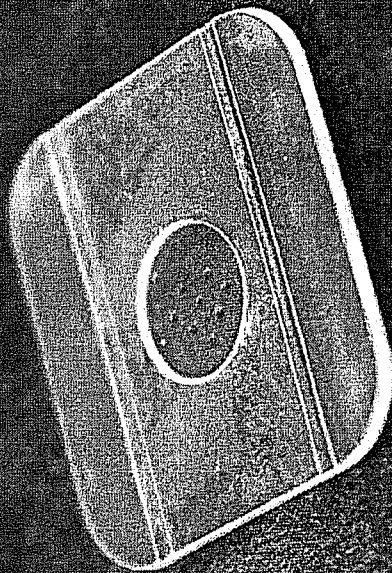
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## **Important Notice About the Coffee Roasting Operation at Barriques on Park Street**

Bay Creek Neighbors,

In 2011 Barriques opened its sixth coffee/espresso bar at 961 South Park Street much to the delight of many residents of the Bay Creek Neighborhood. Shortly after opening, Barriques on Park Street started roasting its own coffee beans for all of its cafés in Madison as well as for its wholesale and Internet sales. This coffee bean roasting operation put the Park Street Barriques immediately out of compliance with the City's zoning code, which would have allowed it to roast only enough coffee beans for use on site. The City has known about this non-conforming use for over four years and, until now, has done nothing to bring Barriques on Park Street into compliance with Madison's zoning code.

In 2015, Madison's Common Council passed a change in the zoning code to allow for the possibility of small manufacturing operations along shopping streets like South Park, provided there is no negative effect on neighbors. The City has received numerous complaints over the years about offensive odors and smoke coming from this coffee roasting operation and is asking for public input before making a decision whether to grant Barriques permission to continue to roast on Park Street.

(Note: The federal government recently released a cautionary warning that coffee roasting produces fumes that can be hazardous to the health of employees at coffee roasting operations by causing irreversible damage to their lungs.)

During the next three weeks, there will be a series of meetings and deadlines where neighbors can provide input about whether they feel the City should allow Barriques to legally continue its roasting operation at the Park Street location and if so on what terms. Please take time to provide your input.

The following public deadlines for input exist:

**Wednesday, March 30 at 7:00 PM:** Meeting for Bay Creek residents to discuss the conditional use application for Barriques Café. This public meeting will be held at the Madison Water Utility building at 119 East Olin Ave. at 7:00 PM. Please come to this meeting if you want more information and want to be part of the neighborhood discussion on this issue.

**Friday, April 11:** Deadline for sending written public input to Plan Commission for review before their decision on Barriques conditional use application on April 18. Written public input should be sent to Tim Parks at the following email address: [tparks@cityofmadison.com](mailto:tparks@cityofmadison.com)

**Monday, April 18 at 5:30 PM:** The Plan Commission's public hearing on Barriques conditional use application at the City-County Building at 210 Martin Luther King Blvd. in Room 201 at 5:30 p.m. You can come to the meeting and fill out a form stating you are in favor or opposed to this conditional use and provide written comment and/or speak before the Commission for up to 3 minutes.

You can also email Sara Eskrich, your alderperson, with any comments you might have regarding this coffee roasting operation. Her email address is [district13@cityofmadison.com](mailto:district13@cityofmadison.com)



# Public Health

MADISON & DANE COUNTY

*Healthy people. Healthy places.*

Janel Heinrich, MPH, MA, Director

Environmental Health Division  
2701 International Lane, Suite 204  
Madison, WI 53704  
www.publichealthmdc.com

608 242-6515 Well & Septic  
608 242-6515 Licensed Establishments  
608 267-1989 Animal Control-Voice Mail  
608 242-6435 fax

TO: Steve Vanko  
FROM: Brandon Macomber-Public Health Madison & Dane County  
DATE: 8/13/2015  
RE: Complaint Follow-up by Rick Wenta-Public Health Madison & Dane County

From Rick Wenta (Environmental Protection Leadworker):

I spoke with Mr. Vanko on the phone earlier this year. He lodged a general odor complaint, stating that Brandon Macomber had investigated previously. I gave him the same information I give every odor complainant.

1. Keep a log.
2. Inform us when it is occurring so we can experience it ourselves.
3. DNR nuisance odor process.

Brandon and I discussed the case over the phone and I reviewed the record entered in Accela. Since Barrique's employs all available emissions controls, I explained to Mr. Vanko that the DNR nuisance odor process was futile because the ultimate best outcome would be for the DNR to require them to install all available emission controls.

On 7/28, Mr. Vanko gave me a compact disc of movies of the smoke. We also discussed, at length, his possible avenues for eliciting change, specifically, BI or Zoning addressing the alleged discrepancies with roasting on site and their Conditional Use Permit. I reiterated the lack of regulations we have available to compel a change in Barrique's operations. I offered (for the second time) to perform air monitoring since Mr. Vanko believes the PM to be a health issue.

8/6 I dropped off the compact disc so Brandon could watch the movies Mr. Vanko had recorded.

Phone calls:

3/10  
3/20  
3/23  
3/26  
4/1  
5/11  
7/16  
7/28  
8/6

*To be  
included  
in Barrique's  
CUP package  
Health Dept Reports.*

Macomber, Brandon

From: Macomber, Brandon  
Sent: Wednesday, August 13, 2014 1:58 PM  
To: 'birdkelly@aol.com'  
Subject: Complaint Information  
Attachments: 5-29-13 Complaint Report.pdf; 8-18-11 Complaint Report.pdf; 8-21-13 Complaint Report.pdf; 11-13-12 Complaint Report.pdf

Good Afternoon Steve,

Please see attached for complaint records and below for a list of dates that you left messages regarding 961 S. Park Street

Phone Messages:

- 08/16/11
- 11/13/12
- 01/08//13
- 01/09/13
- 04/29/13
- 05/1/13
- 05/21/13
- 05/29/13
- 05/31/13
- 06/04/13
- 07/12/13
- 07/22/13
- 07/26/13
- 07/31/13
- 09/09/13
- 09/18/13
- 10/01/13
- 11/13/13
- 04/30/14

If you need anything else, feel free to let me know.

Thanks,  
Brandon

**Brandon Macomber, R.S.**  
Public Health Sanitarian

Public Health Madison & Dane County  
Environmental Health Division  
2701 International Lane Suite 204  
Madison WI 53704

Phone: 608.243.0338

## Environmental Health Complaint Report

**Date of Complaint:**

08/18/2011

HLTCOD-2011-00050

**Location of Complaint or Problem:**

961 S PARK ST  
MADISON

**Application Name/Project Name**

**Property Owner Information:**

Vogel, David H  
& Rebecca B Rodriguez  
1021 S Park St  
Madison, WI 53715

**Complainant Information:**

Name: Steve Vanko  
Address: 954 West Shore Drive  
Madison, WI  
Phone: (608) 255-1953  
Email: birdkelly@aol.com

**Description of Complaint:**

Complainant states that there is excessive odor coming from the coffee roasting operation starting today at 961 S. Park St (Barriques).

**Complaint Response:**

BDM - 08/18/2011 - Investigate

BDM - 08/18/2011 - No Violation

8/18 - Spoke with complainant and business owner. Business owner (Finn Berg) relayed that the roasting unit is equipped with a thermal oxidation unit to minimize nuisance odors/smoke. The odor, while possibly a nuisance, does not present a health concern and is not a violation.

JSH - 05/29/2013 - Closed

Closed

JSH - 05/29/2013 - Closed

Closed

JSH - 05/29/2013 - Closed

Closed



## Environmental Health Complaint Report

**Date of Complaint:**

11/13/2012

HLTCOD-2012-00380

**Location of Complaint or Problem:**

961 S PARK ST  
MADISON 53715

**Application Name/Project Name**

**Property Owner Information:**

**Complainant Information:**

Name: Steve Vanko  
Address: 954 West Shore Dr  
Madison, WI  
Phone: (608) 255-1953  
Email:

**Description of Complaint:**

Complainant states coffee roasting at Barriques (961 S Park St) is creating smoke that is a nuisance.

**Complaint Response:**

BDM - 11/13/2012 - Pending Investigation

BDM - 11/13/2012 - Consultation

11/13 - Spoke to complainant about complaint. Mr. Vanko states that smoke generated from this business is a nuisance for him at his home adjacent to the building. Spoke to Rob at Barriques about the smoke issues. He stated that their thermal oxidizer unit on the roaster has been down for the past day or so. The part has been ordered to repair the unit and is expected to be received today.

BDM - 11/13/2012 - Follow Up Complete

11/13 - Return call to complainant stating that Barriques is aware of issue and is attempting to limit production until repairs are made. Should see improvement today or tomorrow.

BLC - 07/14/2014 - Closed

## Environmental Health Complaint Report

**Date of Complaint:**

HLTCOD-2013-00147

05/29/2013

**Location of Complaint or Problem:**

961 S PARK ST  
MADISON, WI 53715

**Application Name/Project Name**

Commercial - 6411 Automobile and truck repair services.

**Property Owner Information:**

Vögel, David H.  
& Rebecca B Rodriguez  
1021 S Park St  
Madison, WI 53715

**Complainant Information:**

Name: Steve Vanko  
Address: 954 West Shore Dr  
Madison, WI  
Phone: (608) 255-1953  
Email:

**Description of Complaint:**

Complainant states coffee roasting at Barriques (961 S Park St) is creating smoke that is a nuisance. Recurrence of issue reported in 2012

**Complaint Response:**

JSH - 05/29/2013 - Pending Investigation

Please call the owners of Barriques to check on issues.

BDM - 05/31/2013 - No Violation

Onsite visit by Brandon Macomber and John Hausbeck was conducted at Barriques to observe the roasting process on 5/30/13 at approx. 10:00 am. Discussed roasting process with Rob from Barriques and then went outside to view emissions from roaster during highest temperatures. Smoke emitted was difficult to see. Some coffee odor was noted in the street/sidewalk area across from the shop (north). Upon walking through out the immediate neighborhood, some slight odor was noted, but no visible smoke observed.

BLC - 07/14/2014 - Closed

## Environmental Health Complaint Report

**Date of Complaint:**

08/21/2013

HLTCOD-2013-00276

**Location of Complaint or Problem:**

961 S PARK ST  
MADISON

**Application Name/Project Name**

**Property Owner Information:**

Vogel, David H  
& Rebecca B Rodriguez  
1021 S Park St  
Madison, WI 53715

**Complainant Information:**

Name: Steve Vanko  
Address: 954 West Shore Drive  
Madison, WI  
Phone: (608) 255-1953  
Email: birdkelly@aol.com

**Description of Complaint:**

Complainant states that there is excessive odor coming from the coffee roasting operation starting today at 961 S Park St (Barriques). Caller also reports that he experienced smoke on 8/19/13. He called on that day but did not get a response back.

**Complaint Response:**

JSH - 08/21/2013 - No Violation

Discussed situation with caller and the past follow-up. I explained that the facility is using appropriate control methods and that the emissions observed in the past would not rise to the level of a human health hazard.

JSH - 09/19/2013 - Closed

Closed by WTUA script

## Environmental Health Complaint Report

**Date of Complaint:**

07/16/2015

HLTCOD-2015-00165

**Location of Complaint or Problem:**

961 S PARK ST  
MADISON, WI 53715

**Application Name/Project Name**

Commercial - 6411 Automobile and truck repair services.

**Property Owner Information:**

Vogel, David H  
& Rebecca B Rodriguez  
1021 S Park St  
Madison, WI 53715

**Complainant Information:**

Name: Stephen Vanko  
Address:  
Phone: (608) 255-1953  
Email:

**Description of Complaint:**

Mr. Vanko called to lodge an odor complaint against Barriques. He reports they have been releasing smoke all mornin and early this afternoon they release a large plume that cause him and his neighbors to retreat indoors.

**Complaint Response:**

RSW - 07/16/2015 - Pending Investigation

RSW - 07/16/2015 - Follow Up Complete

Mr. Vanko reported the incident to have it documented. He is aware there is nothing further we can do.

KAS - 07/21/2015 - Closed