

From: [Steve Verburg](#)
To: [Plan Commission Comments](#)
Subject: #14, 15, 16 on Mon Dec. 12 Plan Commission agenda
Date: Monday, December 12, 2022 4:42:42 PM

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Members of the Plan Commission:

Good Afternoon!

I'm writing to urge you to vote no on the agenda items related to 2007 Roth.

Necessary information has not yet been gathered for you to know that this housing development "will not be detrimental to or endanger public health, safety, and general welfare," which I understand to be a standard that must be met in this circumstance.

Further, I have observed for more than two decades as this community's leaders have vowed over and over to do something to remedy this area's staggering racial disparities and inequality. And yet, the disparities grow worse.

Building more housing that subjects people of color and lower-income people to public health hazards that spring from prolonged exposure to harmful pollutants will further worsen the inequality in the city of Madison and Dane County.

I support the comments submitted by the Madison Environmental Justice Organization and request that the commission take a serious look at the documentation MEJO has provided. I have worked as a journalist with MEJO for a number of years and found that the organization's research and analysis are solid and uncompromising. Because this organization speaks truth to power, it is not well-liked. It has made powerful interests in this community uncomfortable on many occasions, and with good reason. All the more reason for you to look very closely at MEJO's conclusions about this project at 2007 Roth.

There is money and there is political capital at stake in this project. Its promoters will not let go of their current plans easily. However, it makes no sense for people to inhabit buildings erected on badly polluted soil and groundwater. Our usual way of doing things in this town and this state has gotten us to where we are today in terms of racial disparity. Only by changing will we change.

Thanks for considering my concerns.

Sincerely,

Steve Verburg
1614 Wendy Lane
Madison WI
608-212-9726

From: [Jim Powell \(Madison Environmental Justice\)](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: Dec. 12 Plan Comm meeting agenda items #14-16 Cond Use - 2007 Roth St
Date: Friday, December 9, 2022 12:00:20 PM

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Re: Conditional Use - 2007 Roth St

Plan Commissioners:

Let's set the stage: you have before you a large housing project proposal with an institutional design next to an abandoned factory; in fact, it will be right at the factory entrance gate. There will large parking ramps for 731 cars. There will be a multimodal transportation hub, otherwise known as a bus depot, built there soon. And now we have learned that the mayor's apparent preferred site for an Amtrak Station is the very same spot. Other proposals will follow, completely the transformation of a quiet neighborhood into a major blocks-long cluster of large apartment buildings. So thousands of residents will be living in a highly-dense, ugly post-industrial, unhealthy environment with noise all the time. It's as if this city has learned nothing from the urban renewal a half century ago.

Add the additional layer of major environmental degradation: Oscar Mayer's food, pesticides and plastic manufacturing spilled past its factory wall and onto this site which was where animals were slaughtered, large piles of coal stored and heating oil spilled—all in a former wetland! [Some of the remaining wetland remnant will be preserved under current plans.] Owner Kraft Heinz and developer Lincoln Avenue Capital have worked assiduously to keep the state DNR from requiring testing for many of the known toxins on site. This is called the ""Green Team" approach today but used to be called "lack of regulatory oversight."

Taken together--the low-income housing for seniors and families next to an abandoned factory, parking ramps, bus depot and train station on a heavily polluted on a filled-in wetland (requiring perhaps hundreds of piling to build all these structures on) that will largely be left unremediated--and you have the textbook definition of environmental injustice.

We ask the Plan Commission to not be complicit in environmental injustice and repeating the community-destroying urban renewal and not approve these projects now, here in the 21st century, when the lessons of the last century still should be fresh in our minds. How in the world can this proposal be said to "*create an environment of sustained aesthetic desirability....*"? (Conditional use standard #9)

Some, such as the city's OMSAP community engagement consultant, say that people of color and low-income don't really care about the environment in which they live; and others, such as an elected official at the Urban Design Commission, say that residents won't care about the color of the buildings, they'll just be happy to have anywhere to live in Madison. This view of the less fortunate and privileged as unworthy of living in a decent neighborhood needs to be changed. Please do so and do not approve these proposals.

Madison Environmental Justice
mejo.us ~ 608.240.1485

[illegible]

From: [Tom Boswell](#)
To: [Plan Commission Comments](#)
Subject: Hartmeyer Development Project comment
Date: Monday, December 12, 2022 3:04:55 PM

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Dear Madison Plan Commission Members,

I request that the Madison Plan Commission not approve conditional use zoning for the Hartmeyer housing project at Roth Street. As you know, the development site is highly contaminated with various toxic chemicals.

Any action by the Plan Commission should be delayed until adequate investigations are done on the site so that potential exposures to future residents can be assessed and prevented.

Two years ago, the City Council approved environmental justice language in the Oscar Mayer Special Area Plan, the city's first environmental justice policy. It states:

To address racial justice and social equity during the OMSAP redevelopment process which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low-income and people of color.

Moving forward now, without investigations performed by impartial parties, would be a violation of a public trust and do a disservice to our community.

Sincerely,

Tom Boswell

1949 Sachtjen St.

Madison, WI 53704

Tom Boswell 608/718-7312 tomboswell2002@yahoo.com

From: [Sarah Fuelleman](#)
To: [Plan Commission Comments](#)
Subject: Legistar #74056 and #74721
Date: Monday, December 12, 2022 3:05:20 PM

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I live not too far from Oscar Mayer and am very concerned the plan commission and others are pushing forward to build low-income housing on property we know is contaminated.

I am requesting you postpone any decision on this property until a proper environmental assessment can be completed.

Yes, we need low-income and senior housing, but not at the cost of health and safety.

Thank you.

Sarah Fuelleman
2330 Superior St.

12/12/2022 Letter Opposing Action on Legistar 74065, 74056, and 74721.

To: City of Madison Plan Commission and City of Madison Common Council,

I urge the City of Madison Plan Commission and City of Madison Common Council to DENY approval of legistar items:

- 74065- Approving a Certified Survey Map of property owned by The Kraft Heinz Foods Company and Lincoln Avenue Capital addressed as 2007 Roth Street; 12th Ald. Dist.
- 74056 -2007 Roth Street; 12th Ald. Dist. (Lot 1 of proposed Certified Survey Map): Consideration of a conditional use in the Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with greater than 60 units to allow construction of a six-story, 250-unit apartment building.
- 74721 - 2007 Roth Street; 12th Ald. Dist. (Lot 2 of proposed Certified Survey Map): Consideration of a conditional use in the Traditional Residential-Urban 2 (TR-U2) District for a multi-family dwelling with greater than 60 units; consideration of a conditional use in the TR-U2 District for a building taller than six stories in height; and consideration of a conditional use in the TR-U2 District for outdoor recreation, all to allow construction of a seven-story, 303-unit apartment building.

These initiatives must be DENIED approval as all relate to development of property, and placement of extremely high density dwellings on property that have known environmental hazards that have not been adequately investigated to ensure the due diligence and public transparency with the City of Madison Environmental Justice Policy, and ethical public health and safety.

The 3 year joint effort by City constituents, Plan Commission in consensus plan development and Common Council enactment of the Oscar Meyer Special Area Plan (OMSAP), Special Area Neighborhood Plan and Sherman Neighborhood Association action and commitment in regard to density, building heights, and public health and measures agreed upon to ensure the known environmental hazardous wastes and contaminated soils and groundwater on these parcels is thoroughly investigated, identified, and thoroughly mitigated for environmental justice and equitable public health safety.

City of Madison consideration of these initiatives, willfully neglect due diligence required by City of Madison Environmental Justice Policy, as well as assurances and direct promises made by the City, to the public, constituents, adjacent Sherman Neighborhood, State of Wisconsin Department of Natural Resources (WDNR), and United States Environmental Protection Agency (USEPA) as part multiple City planning processes that, a phase 2 environmental study would be made to ensure of ALL of the hazardous toxins already known to exist (trichloroethylene, benzene, arsenic, vinyl chloride, and petroleum) and those yet to be determined to exist on these parcels and wetlands, are identified, and mitigated properly to ensure public health and safety. Only a limited phase 1 study has been performed to date, and it included only select samples at very shallow depths skewing the optics of what was to be a thorough environmental review and equitable mitigation. The City of Madison has been successful in application and execution of USEPA brownfield grants on the south side of the City to investigate and identify contamination to lead to proper mitigation measures to ensure public health is not jeopardized by guessing. Why is these measure not being employed on this known highly contaminated postindustrial area? Why indeed.

These initiatives need to be referred until a phase 2 environmental study can be completed, publicly reviewed and effective mitigation completed to ensure long term health and public safety and overall environmental health. Do not be deceived into moving these initiatives forward without lawful and

promised due diligence. DENY approval of legistar items 74065, 74056, and 74721 until all of the promised the environmental issues are fully investigated and properly mitigated for the public health, and environmental safety.

Many regulatory commitments have been omitted action item representative action items before you that need further investigation, clarity and stake holder consensus prior to approval.

Neglect of the enacted land use initiatives plan are serious, as so are many others. Inconsistent compliance or non-compliance with, Indigenous cultural resource investigation and protection, wetland and surface water protection plans, well head protection plans, and numerous Federal, State and local statutes, and regulations and indeed city ordinances and processes have been marginalized or omitted from the current parcel application.

Diligent compliance with all promised, cultural, toxic contamination, and environmental protection commitments is required to prevent costly mitigation, to the existing and future residents, property development, City of Madison to ensure public health, cultural and environmental safety.

DENY approval of legistar items 74065, 74056, and 74721 at this juncture until all of the commitments made in the planning, zoning and development process are fully, thoroughly, and lawfully investigated, and transparently shared with all stakeholders for safe course forward. Anything less is exposure to potential damage of adjacent properties, endangerment of public safety, and outright willful diminishment and neglect of the obligation to uphold consensus driven, legal public land use process.

Finally, I request that these agenda items be denied for approval as no person is currently in place to represent District 12 as Alder. Without Alder representation of the constituency, it is responsible and not in the best interest of the Sherman Neighborhood nor City of Madison constituents to have any action regarding these items take place without Alder representation at the meeting tonight or during any follow up discussions at the common council.

Thank You

David Bierman
514 Nova Way
Madison WI 53704

From: [Marsha Cannon](#)
To: [Plan Commission Comments](#)
Subject: Agenda Items 15 & 16 - Dec. 12, 2022 Plan Commission Meeting
Date: Monday, December 12, 2022 1:53:26 PM
Attachments: [Dec12PC_2007Roth St. Cannon.docx](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The attached document is submitted to describe my opposition to conditional use authorization for the 2007 Roth St. Site, Legistar 74056 & 74721.

Text of the document appears below.

Marsha Cannon
5 Cherokee Circle, Unit #202
Madison, WI 53704
(608) 251.1276 (land line, no text)

December 12, 2022

TO: Madison Plan Commission
RE: Agenda items 15 and 16, Legistar 74056 and 74721, Lincoln Avenue Capital Proposal at 2007 Roth St., Ald. District 12

I oppose granting conditional use authorization for the 2007 Roth St. site. Yes, of course Madison needs more affordable housing. But the proposed location is just plain wrong.

Lincoln Avenue Capital (LAC), a private affordable housing developer from California, wants your OK to build a 550-unit, ground-up, affordable housing project. . . on hydric soil adjacent to an active wetland.

Madison can be honored to receive a proposal from LAC. The developer enjoys a mostly positive track record in rehabbing existing affordable housing nationwide, but ground-up construction is new to them. In this case, their lack of site selection experience has led them to make a mistake. Moving forward with major residential construction on contaminated hydric soil mere feet from an active wetland is wrong for the environment and wrong for the neighborhood.

I urge you to either **deny** or **place on file without prejudice** Lincoln Avenue Capital's application for conditional use because **the developer has failed to meet all of the standards required for approval by Madison's Zoning Code Sec. 28.183.** For example . . .

(6) Approval Standards.

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

** Existing environmental analyses appear superficial and insufficient. Risks include arsenic that can be released when the site is disturbed for construction.*

3. **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.**

** Neighborhood youth and adults enjoy existing wetland adjacent to the proposed housing. They value the wildlife that live and visit there as well as the wetland's role in receiving and filtering runoff. Existing wildlife will be disturbed both during construction project and by the eventual comings and goings of 1,000 or more humans living in a new development.*

(b) 1. **... Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use.**

** Why is this project proposed for a tract with hydric soil and an active wetland? The Oscar Mayer area is large enough that the proposed structures could be built further east of Sherman Avenue.*

Sincerely,

Marsha Cannon, 5 Cherokee Cir., Unit 202, Madison, WI 53704 608.251.1276 (land line-no text)

PS: You might be interested to know more about Lincoln Avenue Capital, below.

In the past, Lincoln Avenue Capital has revitalized existing low-income housing nationwide with some success.

Company run by heir to Seagrams fortune seeks IDA aid for affordable housing rehab in Amherst (NY) by [Jonathan D. Epstein](https://buffalonews.com/business/local/company-run-by-heir-to-seagrams-fortune-seeks-ida-aid-for-affordable-housing-rehab-in/article_90002056-b06e-11ec-bb3f-9b21db494cc4.html) (Apr 1, 2022 Updated Sep 16, 2022)
https://buffalonews.com/business/local/company-run-by-heir-to-seagrams-fortune-seeks-ida-aid-for-affordable-housing-rehab-in/article_90002056-b06e-11ec-bb3f-9b21db494cc4.html

Another project, Crestbury Apartments in Camden, NJ, was purchased by LAC in 2017. After major difficulties managing the aging 392-unit affordable housing development in South Camden, LAC put it up for sale (in 2020).

Mommy, the tub's about to explode': Feces in bathtub latest indignity at Camden apartments by Nicholas Pugliese (February 11, 2020), broadcast on WHYY, the Philadelphia PBS radio station and available at <https://whyy.org/articles/mommy-the-tubs-about-to-explode-feces-in-bathtub-latest-indignity-at-camden-apartments/>

Now Lincoln Ave. Capital is branching into ground-up projects. This year LAC announced

a “landmark” project in Colorado.

A 240-unit project in Colorado Springs marked a “new chapter for affordable housing” for LAC as “it’s first ground-up development in the nation” according to an Oct. 19, 2022, LAC press release. <https://www.ketk.com/business/press-releases/cision/20221019LA07916/lincoln-avenue-capital-breaks-ground-on-landmark-affordable-housing-development-in-colorado-springs/>

Because ground-up construction is new for LAC, they are just beginning to gain experience with site selection.

This past summer LAC proposed a 216-unit affordable housing project in Orange County (Orlando), Florida. As far as we know, the project has not proceeded.

Orange County officials object to 216-unit affordable housing community on wetland site By [Dustin Wyatt](#) *Growthspotter* (Aug 24, 2022 at 4:36 pm) <https://www.growthspotter.com/news/residential-property-developments/multi-family/gs-news-affordable-housing-wetlands-orlando-development-20220824-xp3unj55ozgf3jo3wiqhsq6z3q-story.html>

“Wetlands consume 86% of the site, all but one acre of the 7.1-acre property. The developer is looking to use all of the space to maximize density and reduce the per-unit cost of construction.”

“At a development review committee meeting . . . Orange County employees told the development team that they wouldn’t approve the Jade Bridge housing project unless it’s drastically scaled back to mitigate environmental risks.”

From: [Donahue, Kelly](#)
To: [Plan Commission Comments](#)
Cc: [Punt, Colin](#)
Subject: Legistar ID 74056 and 74721
Date: Monday, December 12, 2022 1:49:25 PM
Attachments: [Huxley.Hartmeyer apartment.docx](#)

Please see the attached thoughts regarding the proposed residential buildings on Huxley/Roth St.

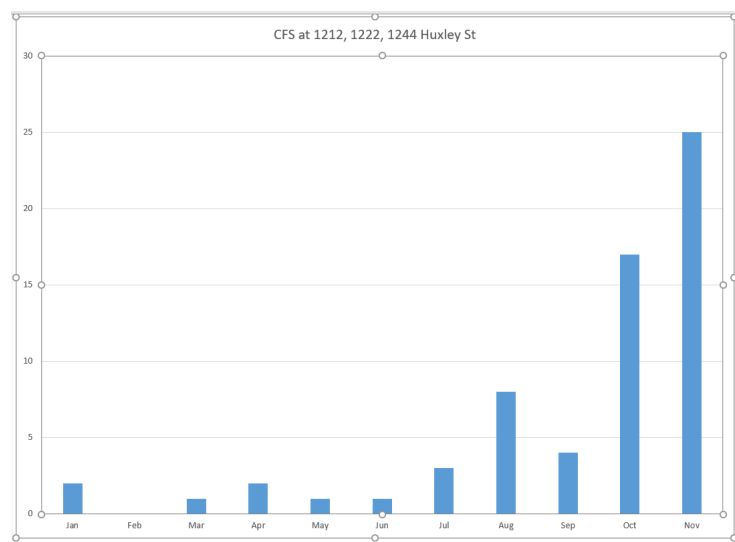
Thank you,

Captain Kelly Donahue
Madison Police Department
North District
2033 Londonderry Dr
Madison WI 53704
608/ 245-3652
kdonahue@cityofmadison.com

I apologize for a late response. It appears that a change in process created an issue resulting in MPD not receiving an opportunity to provide input, until recently. The Staff Report states “Conditional Use standard of approval one states that the ‘establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.’” It seems that a plan partly seeking to address “public health, safety or general welfare” could be considered incomplete without an opinion from those who are charged with public health, welfare and safety.

My main concern is certainly the size and resulting increase density. Adding 550 units will have an impact on police calls for service and responses, as well as all other City services. Adding this many units, down the road from a newly constructed complex of 110 units seems overly ambitious and lacking in forethought for those who will live there, and those already living in the area.

Earlier this year, a 110 unit complex opened just down the road, in the 1200 of Huxley St. That complex, which is 5 times smaller than the proposed complex, has resulted in a rapid increase in calls for service (Diagram 1). The chart shows the months prior to the opening of the complex, as well as the resulting calls for service following the opening late this summer and into fall. This is just an example of one such building. Combine this with the hundreds of units that are being built, or have recently been built in the American Parkway area, the 135 units recently opened in the 2800 block of E Washington Ave, and it will continue to draw on police resources for the North Police District.



Another concern is the resulting traffic that will come with a large influx of residents. Commercial Avenue, N Sherman Avenue and Aberg Ave are all 2 lane streets that are already taxed, especially during the daily commute to work and school. We receive numerous concerns regarding traffic and poor driving on N Sherman Ave. The road was recently reconfigured to try to combat the increased safety issues for vehicles, cyclists and pedestrians. Certainly adding a large number of vehicles and many who will be making left turns will not help with the traffic issues and likely result in additional traffic crashes. This, in contrast to our strong efforts to affect injury crashes across the City. Additionally, the ability to get to the grocery store by bike or walking, requires crossing a large, busy intersection that isn't well suited to either.

Lastly, is the concern with properties that are owned and/or operated by folks who do not live in the area. Since November of 2021, MPD has issued 8 chronic nuisance abatement or warning letters in the North Police District. Of those, 7 were to owners who do not live in the City of Madison. A number of other properties that we have been working with (not to the level of a nuisance) were also owned by folks outside of the City. Several have local management companies who were not appropriately managing the properties, but due to their absence there was a lack of oversight.

All this to say, that I believe this plan lacks consideration to overall City services and that the bigger picture is not reflected in this report. Whether public safety, answers to environmental issues, or whether the plan suits the previous recommendations of the Comprehensive or Oscar Mayer plan isn't really clear. The report itself states that "Staff believe the proposal is generally consistent with the most contemporary land use recommendations, as well as the proactive zoning actions undertaken by the Common Council to implement the land use recommendations of the Oscar Mayer Special Area Plan".

I respectfully offer that this plan is not comprehensive in that it does not take into consideration public health and safety to the degree that I believe the City of Madison residents expect and deserve.

From: [Marsha Rummel](#)
To: [Plan Commission Comments](#); [Stouder, Heather](#); [Benford, Brian](#)
Subject: 12.12.22 PC agenda TOD Overlay District and 2007 Roth St comments
Date: Monday, December 12, 2022 1:49:04 PM

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Dear Plan Commissioners-

I am writing to you about agenda item #27 legistar74703 Amending Sections within Chapter 28 of the Madison General Ordinances to implement the new Transit Oriented Development ("TOD") Overlay District. I am prompted to write because last week, the TPPB recommended the 11th hour addition of local and national historic districts after the PC public discussions and ordinance sponsors excluded these areas. Unlike the local historic districts, there are no city protections for national register districts like the East Dayton National District that contain vestiges of the first African American settlements in Madison. Given the threat of state preemption, it does not appear likely that many of these national register districts will be nominated for landmark status and have local protection. In addition, many residents and neighborhood associations that may be affected by the last minute inclusion of these districts may not know of the change. Please recommend to the Council to keep local and national historic districts out of the TOD Overlay district map, they are a small percentage overall of land available for development.

I am also very interested in ensuring that 2007 Roth St meets CU standard #1 (agenda item 15 and 16). I have read the public comments submitted and I am very concerned about the environmental impacts on the site. In addition, there is currently no District 12 alder in place who can consider and represent the voices of constituents to the discussion.

I appreciate your service and consideration of public input in how we make and remake our city.

Thank you-

Marsha Rummel
1029 Spaight St

From: sluysb@aol.com
To: [Plan Commission Comments](#); [All Alders](#)
Subject: Agenda Items 14 15 and 16 Plan Commission - comments
Date: Monday, December 12, 2022 12:44:40 PM

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Dear Plan Commissioners and Alders,

With the plans underway for massive buildings located next to a wetland, please require ALL windows in any of the high rise buildings located at 2007 Roth Street to include bird safe glazing.

Bird safe glazing should occur on ALL windows on buildings located on lots 1 and 2.

Thank you,

Beth Sluys
District 18

From: sluysb@aol.com
To: [Plan Commission Comments; All Alders](#)
Subject: Plan Commission, Agenda items 14,15 16 - RESUBMITTAL
Date: Monday, December 12, 2022 11:20:34 AM
Attachments: [PC 121222.docx](#)
[1934.5.23.Indian remains found on Roth property.Wisconsin State Journal.pdf](#)

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Please disregard my first submittal and use this email. I apologize for any confusion this may have caused.

Dear Plan Commission members and Alders,

Please find attached my comments and related supporting documents for Agenda Items 14 15 and 16 for the Plan Commission.

I am requesting that these agenda items be postponed for discussion until a person is in place to represent District 12 as Alder. It is not in the best interest of the Sherman Neighborhood to have these discussions taking place without representation at the meeting tonight or during any follow up discussions at the common council.

Thank you,

Beth Sluys
District 18

December 12, 2022

Plan Commission

Agenda Items 14, 15 and 16

Legistar: 74056, 74721, 74605

2007 Roth Street – Wetland

Submitted by Beth Sluys, District 18

**ADDRESS RACIAL JUSTICE AND SOCIAL EQUITY
DURING THE OMSAP REDEVELOPMENT PROCESS,
WHICH MUST INCLUDE ASSESSING AND PREVENT-
ING HUMAN EXPOSURES TO TOXIC CHEMICALS
AT THE SITE AND/OR RELEASED FROM THE SITE
AMONG ALL PEOPLE AND PARTICULARLY AT-RISK
LOW INCOME AND PEOPLE OF COLOR.**

**OSCAR MAYER
SPECIAL AREA PLAN**

Requested Action: To deny approval of the certified survey map, and deny approval of the conditional uses of a multi family high-density housing development proposed with two units to a total density of 553 units of housing for the elderly and low income working poor families

Historically, this land has been within a wetland overlay district. This proposal does not further the purposes of the wetland overlay district.

This land is largely within an environmental corridor. This proposal is not in keeping with the rules related to what is allowable within an environmental corridor, which is based on the wetland delineation. (completed in 2019)

A report provided to the city (for a possible purchase of the north end of Oscar Mayer property) shows that this area is a “previously determined Indigenous burial site area”. To date, no field survey has been conducted with ground penetrating radar to determine any human remains or artifacts that may be in the area yet. There is a catalogued burial site at the north end of nearby Oscar Mayer. There is a potential mound site near Roth Street that needs to be surveyed immediately before any land disturbance occurs. Parts of the 2007 Roth Street property were turned up for farming, in recent past, and some of it filled. In our recent history, 1934, the Wisconsin State Journal had a report of bundles of bones having been found while ditches were being dug in this area. The bones were given over to Charles E Brown the state archeologist. They should be returned to the Ho-Chunk Nation for proper interment. No disruption of this land should occur until a thorough investigation is completed by the Ho-Chunk Nation in collaboration with the state historic society. We have found Indigneous mound sites and still are finding artifacts all over Madison, why are we ignoring this opportunity to serve our Ho-Chunk neighbors and allow for a complete and *thorough* site survey?

This property does not meet the 6(a)1 approval standard that the establishment, maintenance or operation of the conditional use not be detrimental to or endanger the public health, safety or general welfare.

Nearby Demetral Park was going to be developed for housing but had issues related to the high groundwater levels in this area and the installation of sewer lines. So the area was instead made into a landfill and then a park. No housing occurred. Shallow groundwater is an issue at the wetland at 2007 Roth Street and will require ongoing management with pumping and dewatering. The water feature that causes flooding during major rain events is exposed groundwater. When surface runoff due to rain collects in this area, it floods the Fox Water building basement. This area is a floodplain and has high water levels close to flood level of 853 MSL. The city has failed area residents by not having this location reported to FEMA as floodplain.

This property has known carcinogen contaminants in the subsurface soil and groundwater as well as elevated levels of heavy metals in the surface soils. To date, neither a complete Phase I study or conclusive Phase II study has been conducted. In other

areas of the city where it was known that an industrial site was going to be used for housing, the city obtained a USEPA grant to conduct an environmental assessment prior to any construction. Public health and safety were at the forefront of the common council members at that time. [<https://www.cityofmadison.com/news/city-of-madison-awarded-epa-grant-to-investigate-contaminated-properties>]

A USEPA brownfield grant needs to be obtained prior to any earth being disturbed in this area. It will allow us to investigate this "legacy contamination" in the effort to promote safe and sustainable redevelopment.

Both the Northgate Mall and the Oscar Mayer properties are sitting on top of groundwater and soil contamination of trichloroethylene. This highly toxic carcinogen was found in elevated levels in a building located at the Oscar Mayer property. It required a mitigation system. Oscar Mayer had to stop using groundwater from its well for food production due to high levels of TCE in the water. WDNR has recommended that vapor infiltration be a consideration for buildings in this area. It is known that toxic vapors can infiltrate buildings through sewer systems. The vapors can travel up elevator shafts and into peoples' homes. NorthGate Mall monitors TCE levels in the ground and reports to the WDNR with the data. Monitoring is also taking place at the Oscar Mayer property for toxic vapor levels inside Building 43.

A complete phase I study would discern past uses of this area including farming, a baseball field, coal piles (for the powerhouse at Oscar Mayer), fuel oil, state record indicating a Hartmeyer landfill, and small local businesses. It would compile thoroughly the current testing data and provide a good overview of the risks and whether a more thorough Phase II site investigation should occur. To date, a complete and thorough site investigation bolstered with USEPA funds has not happened.

It is not clear why we are neglecting the importance of conducting a ***brownfield environmental assessment*** in this major post-industrial area with known carcinogens in the soil, ground water and surface soils. A history of over 113 years of heavy industrial use storing massive coal piles and large tanks of fuel oil (both leaving their legacy mark on the land with contamination issues) and land filling has created contamination issues.

Why are we ignoring the public health and safety of our most vulnerable citizens, the elderly and working poor families?

Approval Standard 8b will not be met as the high density of this proposed development will over-concentrate community living arrangements in an area that is immediately adjacent to a busy railroad corridor, with a proposed major roadway on the west and immediately through both building sites. Immediately to the East, the Canadian Pacific railroad operates a freight line that is slated to have more heavy freight traffic as well as higher speed trains should AmTrak be re-established in Madison. Passenger rail travels at greater speeds and so will be not only noisier but faster in an area slated to have lots of children. If the rail crossing is installed in the middle of the two buildings, pedestrian and bike traffic at a very busy and faster speed corridor will be hazardous. This is a bad plan.

The proposed buildings and intense densities will cause an intense institutional and enclosed setting. These highly dense housing units will more than double the Sherman Neighborhood Association population. The current building designs are far too high for this neighborhood and do not meet the recommendations within the Oscar Mayer Special Area Plan which limits the housing closest to the wetland to 3-6 stories and allows for higher building heights closer to eastern edge of the parcel. These buildings will cause a negative impact on area residents as they value the wetland area most as a green space, have concerns about the severe increase in road traffic on an already busy Sherman Avenue, and feel that these buildings do not meet with the desires of the neighborhood. Repeatedly, the neighborhood has requested that environmental testing be conducted and lower density and lower building heights considered. They do care about their neighbors.

Approval standard 8.12 is not met. The noise reverberation in these two proposed facilities will be intense with the current buildings being immediately adjacent to the railroad tracks as well as facing directly into the airport where we anticipate arrival of F35 jets in April 2023. HUD guidance for multi-family housing would not allow for these buildings with courtyards facing noise sources as they will capture and bounce the intense noise levels produced by trains and jets. Again, there is no public interest in exceeding the district height limits but rather, repeatedly, the Sherman Neighborhood Association has requested lower heights and less density, but before any land is disturbed, an environmental assessment needs to take place to insure public health and safety.

As we see the arrival of the F35 jets, we need to consider the noise levels within this area so close to the airport and request that buildings are created with mitigation for public safety being first and foremost. Eken Park already has recorded sound levels of over 110 dB from the F16 jets that fly over. The F35 bomber jets are noisier.

The excessively high buildings are located within the 3-mile building height-restricted area for the airport. What considerations have been made regarding the building height legal requirements?

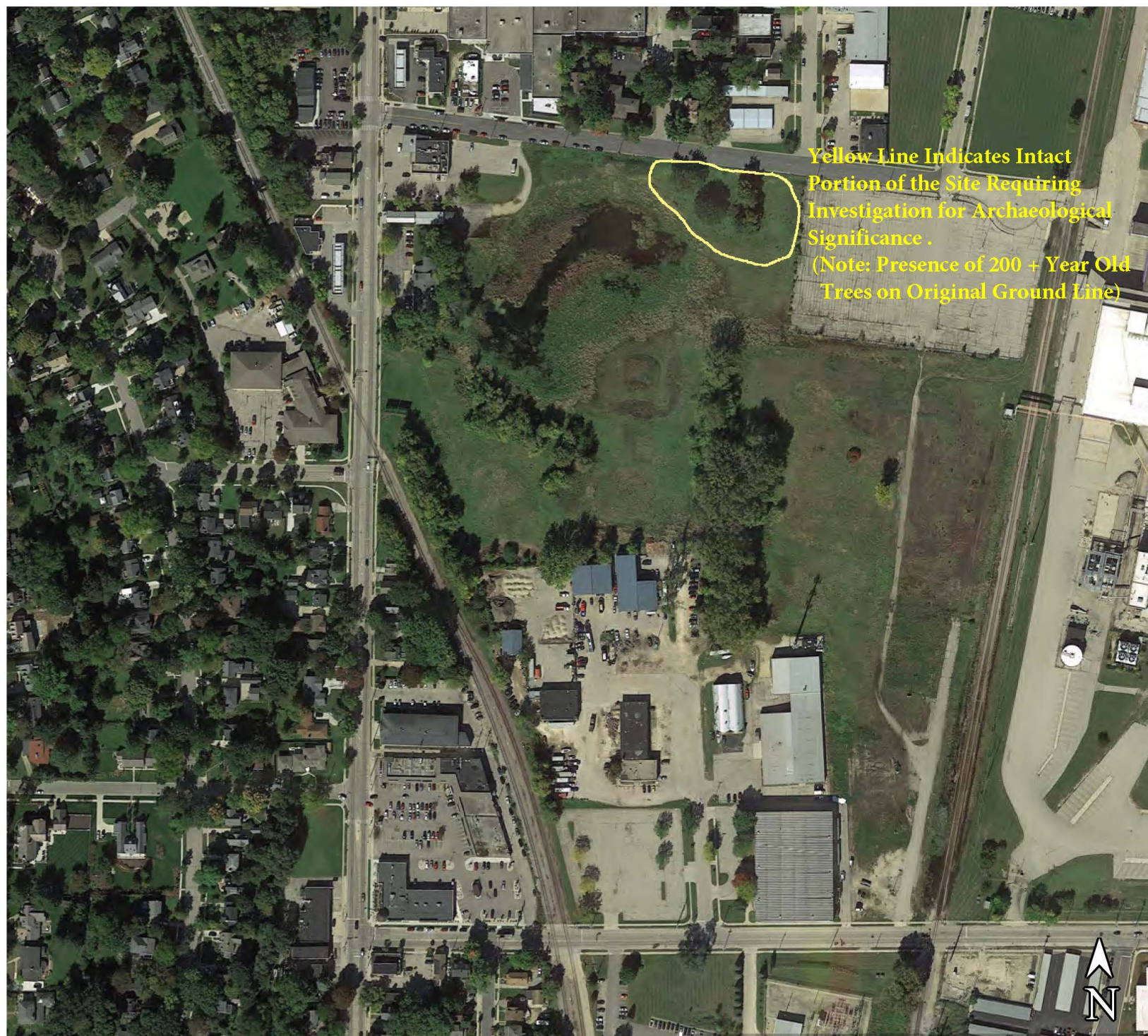
The impact of the excessive heights will also obliterate a valuable and key piece of blue infrastructure, the functioning urban wetland. This area collects surface runoff and controls flooding in the adjacent neighborhoods and the village of Maple Bluff. The slow infiltration of water in the wetland addresses water quality and provides benefits such as urban greening in an area that is a heat island. The increase in shade on the property to the west of the proposed buildings of excessive height will cause intense shadowing of the wetland and likely negatively impact the plant life that supports the ecosystem. Slight changes in length of daylight will cause harm to the vegetation. Right now, the wetland is home to 120 species of birds, wildlife and pollinators rely on it for a food source. In a time of climate change, wetlands play a key role in reducing carbon through carbon sequestration.

This proposed development does not meet the goals of the Oscar Mayer Special Area Plan:

Create a neighborhood that offers housing opportunities for all.

1. Encourage the development of “missing-middle housing” including townhomes, duplexes, fourplexes, apartments, and live-work units that can be both owner- or renter-occupied.
2. Encourage high-density housing or larger multifamily buildings in proximity to existing or planned transit and adjacent amenities.
3. Expand ownership opportunities for the broader community through different housing types from townhomes, garden style units, and co-housing.
4. Encourage a mix of affordable and market rate housing that meets the needs of a wide variety of citizens at different stages of life and at different price points.
5. Encourage active senior-oriented development in the area that provides age in place living options for neighborhood residents, walkable to services and transit.

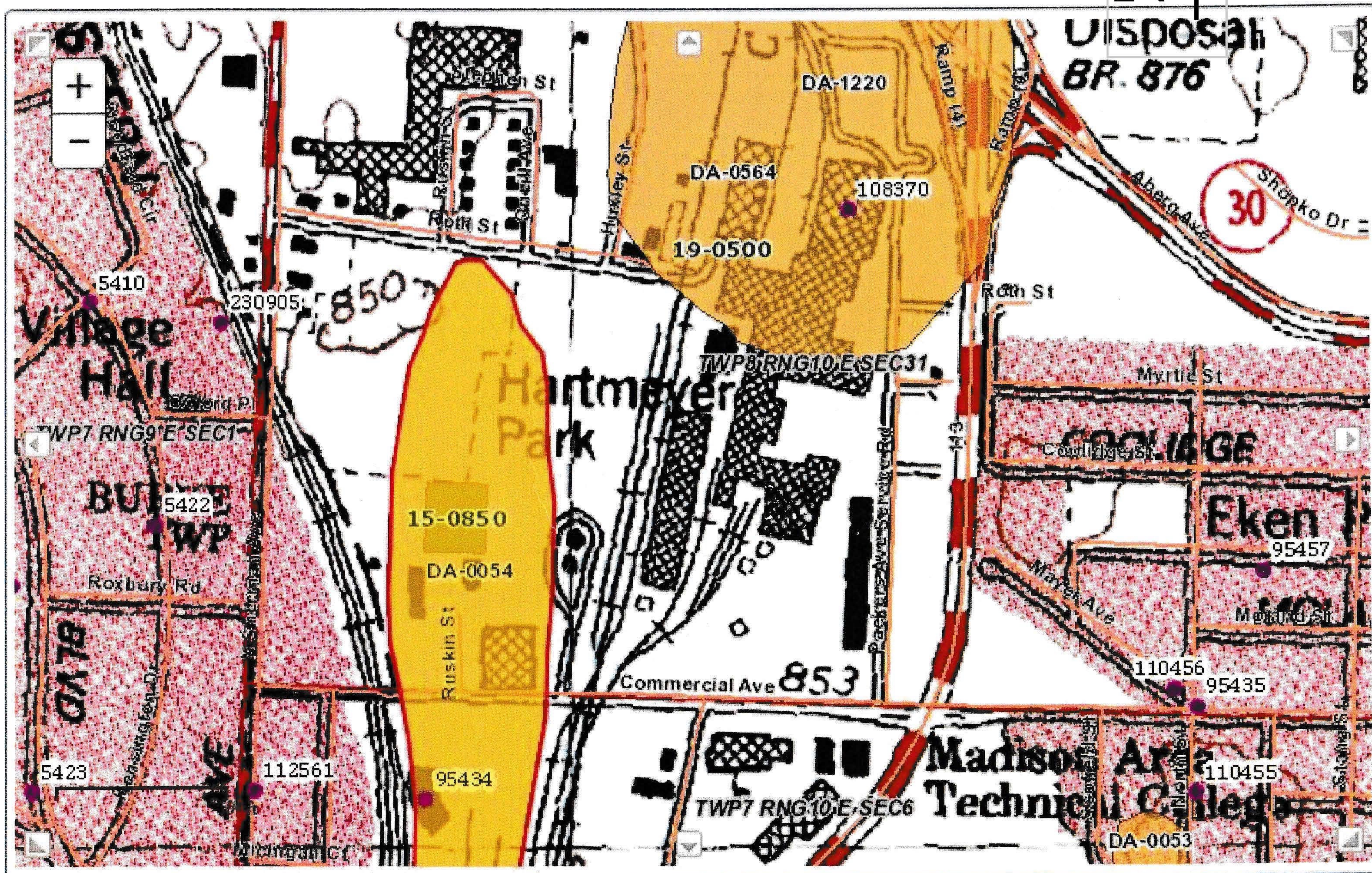
All three agenda items, 14, 15 and 16 should be denied approval as there is need to protect public health and safety, to protect a key environmental resource and to protect an Indigenous cultural resource. This plan does not meet the goals of the special area plan by providing missing middle of housing, it encourages intense parking for 800 cars at a point in time when the city is looking to require fewer cars in our city and encouraging the use of public buses and future trains. This does not expand ownership opportunities with a mix of housing, and does not offer a broad enough variety of price points for renters. While housing for the elderly is being proposed, it is in an area that is a contaminated industrial site without age in place living options, and is not walkable to a nearby grocery store or other senior required amenities. Recent changes to the only bus route to the only north side general grocery store will only make it harder on the elderly and working families as the route only runs weekdays once every hour. No bus service for weekend shoppers. We have failed in our goal of providing better public transit for Northside bus riders that use the bus for buying food or going to work. This will be a negative impact for all proposed developments on the North side of Madison.

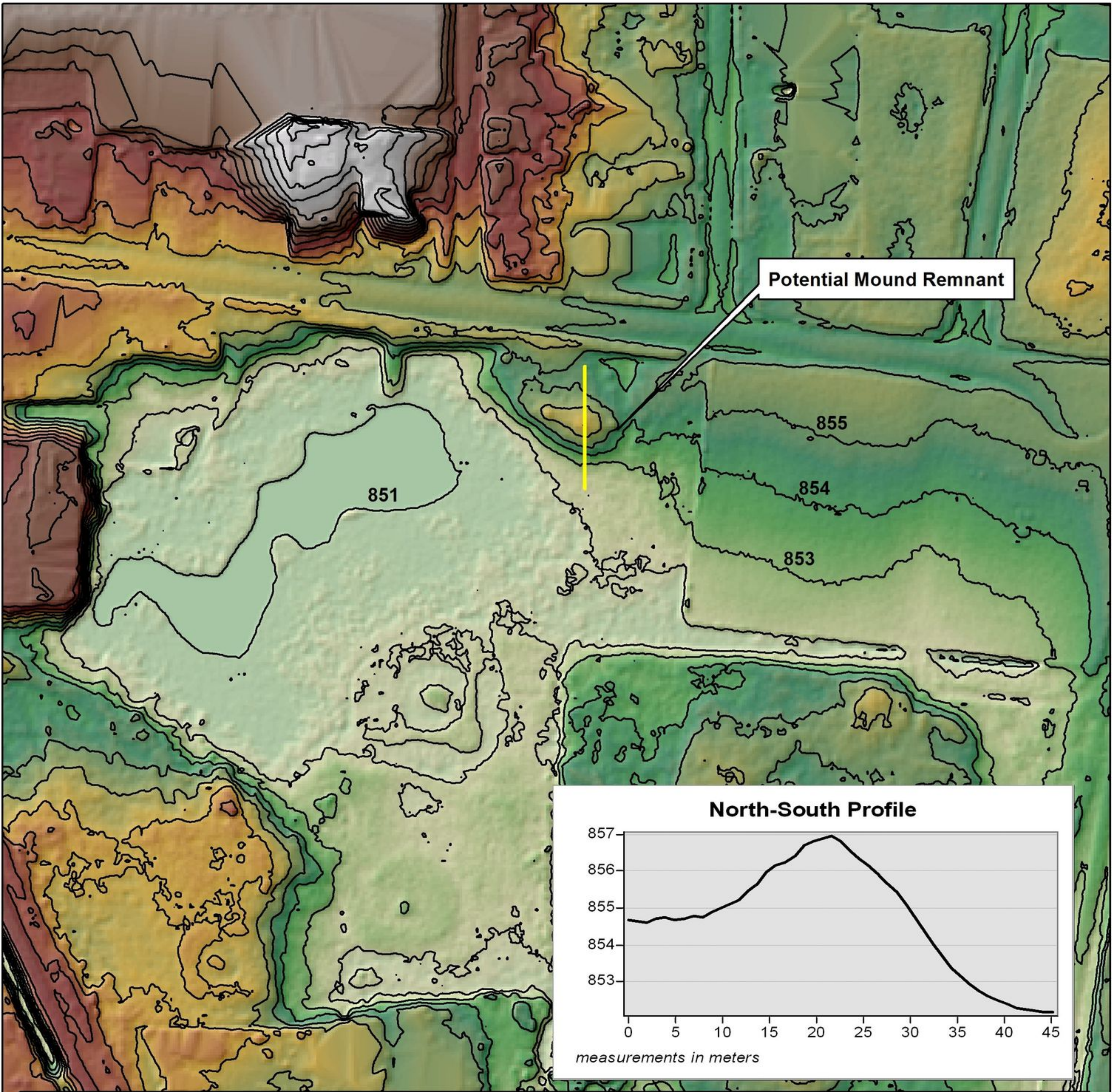


Yellow Line Indicates Intact
Portion of the Site Requiring
Investigation for Archaeological
Significance .
(Note: Presence of 200 + Year Old
Trees on Original Ground Line)

2018 Hartmeyer Property Aerial Photo

N↑





Hartmeyer Property
Tracks (47DA54) mound group
Madison, Wi

Digital Elevation Model

masl



High : 876.5

Low : 848.5

Profile Line

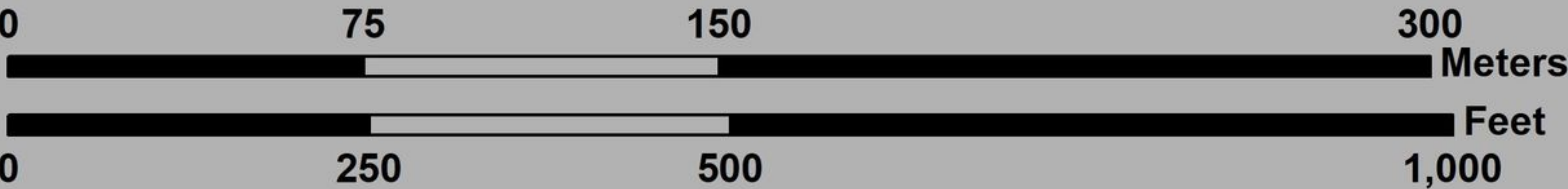




Figure 1. Project Area Location and Previously Identified Archaeological and Cemetery/Burial Sites within One Mile

From: [Jennifer Argelander](#)
To: [Plan Commission Comments](#)
Subject: Roth street development
Date: Monday, December 12, 2022 9:09:22 AM
Attachments: [LincolnAveDevel CAMDEN-NJ Crestbury-2-11-2020.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please read this article about the Roth Street developers. Thanks. Jennifer Argelander

‘Mommy, the tub’s about to explode’: Feces in bathtub latest indignity at Camden apartments

<https://whyy.org/articles/mommy-the-tubs-about-to-explode-feces-in-bathtub-latest-indignity-at-camden-apartments/>

By Nicholas Pugliese

February 11, 2020



Janella Pascal is moving out of Crestbury Apartments. She has complained about sewage bubbling up in the courtyard near her unit, but 'they don't do anything.' (Emma Lee/WHYY)

Carranna Freeman noticed last Friday that her bathtub was clogging, so she called the maintenance team at Camden’s Crestbury Apartments.

No one came. The next day, her 4-year-old son got her attention: “Mommy, the tub’s about to explode!”

“I got up to see what he was talking about,” Freeman recalled, “and there was poop coming out of my drain. It came out like diarrhea and there was like little turds and everything.”

Maintenance workers eventually dealt with the situation, but the experience left Freeman distrustful of the water in her own home. Now, she and her son shower at relatives’ homes, eat take-out or TV dinners and brush their teeth with bottled water — all while hoping they can find a new place to live.

“We shouldn’t have to live like this,” Freeman said, noting her bathroom and kitchen sinks had

filled up with sewer water a year prior. “We shouldn’t even have to go another week like this. This is very disgusting and it’s very sickening.”



Carranna Freeman’s tub at the Crestbury Apartments in Camden filled with brown water and fecal matter on Saturday afternoon, Feb. 8. (Photo provided)

In a statement, a spokesman for Crestbury Apartments apologized to Freeman and said management worked to have the backup fixed “within hours” of learning of it.

“We sincerely apologize for the discomfort that this caused,” the spokesman, Nathan Miller, said. “We have invested significant funds to implement renovations, including addressing the plumbing, and are in the process of continuing to make considerable upgrades to the property.”

Residents, though, are skeptical of such talk. Crestbury Apartments, an aging 392-unit affordable housing development in South Camden, has garnered headlines in recent months for subjecting its residents to a series of indignities.

Last winter, a [“billing snafu”](#) with Waste Management halted garbage collection for days and caused [trash to pile up throughout the complex](#) until visiting television crews drew the attention of apartment management and Camden officials.

Last month, [raw sewage leaked onto walkways and into courtyards](#), leaving the whole place reeking of feces.

“You walk outside in your courtyard and there’s sewage just lingering on the walkway, in our grass,” Janella Pascal, an affected resident, described Monday. “It’s just coming up like puddles, puddles of it, with feces and everything just floating in it. Toilet paper.”

Pascal was so disgusted by that problem — and a history battling mold, mice, roaches and water leakage inside her unit — that she said she’s giving up rent at Crestbury, which is less than \$200 a month, to move to a far less affordable apartment elsewhere in Camden.

“I feel as though that they do it because we’re low-income residents,” she said of management. “There’s a lot of us that work, a lot of us that work, and a lot of us that try to use this situation to try to get out to something better. And they just treat us like nothing.”

A Camden city representative declined to comment on the situation at Crestbury Apartments, citing “pending litigation” brought by the city. He declined to elaborate.



Crestbury Apartments in Camden is made up of hundreds of affordable housing units. (Emma Lee/WHYY)

Ownership of the property may change soon. New York-based real estate company Lincoln Avenue Capital, which bought the property for a reported \$34 million in 2017, is in the process of

selling it to another New York-based firm, Hudson Valley Property Group.

Andy Cavaluzzi, a spokesman for Hudson Valley Property Group, said in an email Monday that the company has created a \$24 million renovation plan “to fully rehabilitate Crestbury Apartments,” including new kitchens and baths, ventilation upgrades, security improvements, new landscaped areas and “underground drainage repairs with the replacement of the sewer pump.”

“Meetings with the residents will occur closer to the closing, which is planned for later this year,” Cavaluzzi said.

The company has applied for a payment in lieu of taxes, or PILOT, agreement with Camden, which the city council gave its first of two needed approvals last month. Final approval could come as soon as Tuesday.

But residents like Freeman don’t know what to do until the situation improves — if it ever does.

“I’m scared to use their water. I’m scared for me and my son’s life,” she said. “I’m not exaggerating. I’m worrying about our health.”



Carranna Freeman sits on the tub at Crestbury Apartments. Two days earlier, a sewage backup caused the tub to fill with brown water and feces. (Emma Lee/WHYY)

From: [Maria Powell \(MEJO\)](#)
To: [Plan Commission Comments](#)
Subject: Re: Comments on Items #14, 15 on Mon Dec. 12 PC Agenda
Date: Monday, December 12, 2022 8:27:28 AM
Attachments: [G1nVDN8u4G2qv3Ci.png](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Commissioners:

I would also like to highlight (following from my previously submitted comments, below) that approving the housing at 2007 Roth Street now does not meet the first conditional use standard (pasted below). You cannot meet this standard when the information needed to fully establish that housing project "will not be detrimental to or endanger public health, safety, and general welfare" hasn't been gathered.

Thank you,
Maria Powell

From the [Planning Division Staff Comments](#):

**"Conditional Use standard of approval one states that the
"establishment, maintenance or operation of the conditional use will
not be detrimental to or endanger the public health, safety, or general
welfare."**

On 12/10/2022 4:32 PM, Maria Powell (MEJO) wrote:

Dear Plan Commissioners:

Please vote no on 2007 Roth Street approvals (Items #14, 15, 16). Approving housing for seniors and low-income people at this location at this point is *knowingly creating an environmental injustice situation*. It is also violating policy in the Oscar Mayer Special Area Plan (OMSAP).

In summer 2020, after months of advocacy by MEJO and Northside residents, [Common Council approved environmental justice language in the OMSAP-- the city's first environmental justice policy](#): *"To address racial justice and social equity during the OMSAP redevelopment process which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color."*

Now, the first OMSAP development (at Hartmeyer) is going forward based on woefully inadequate investigations of the toxic contaminants at the site (done by consultants hired by the polluter and developer) and DNR's approval of these inadequate investigations. The plans to protect people by "capping" the pollution (with housing) will not protect people, especially over the long term.

MEJO strongly urges the Plan Commission to vote NO on these developments,

in line with the environmental justice policy in the OMSAP. Assessing and preventing human exposures to toxic chemicals among all the low income people who will live at these apartments, including many seniors and BIPOC, is not possible without first fully assessing the contaminants at the site.

We ask Plan Commission to delay this decision until adequate investigations are done on the site and, based on this information, exposures to people who will live at the site can be fully assessed and then prevented. At this point, again, there is not enough data to do so. The process has been rushed. *Appropriately assess the site first and then consider approval.*

Unfortunately, the [Wisconsin Department of Health Services/ATSDR report](#) on the Hartmeyer and Oscar Mayer properties requested by the Sherman Neighborhood Association, used **inappropriate industrial standards** in the risk assessments--not the appropriate non-industrial or residential standards.

Still, notably, in the Hartmeyer section of the report, the DHS concluded the below (in italics) about the levels of arsenic and benzo(a)pyrene in soils at the site. These cancer risks are likely underestimated for a number of reasons, including the fact that the DHS didn't have data on many of the other toxic contaminants that are likely there and didn't consider important exposure routes.

Here's what DHS concluded:

*"The cancer risk from benzo(a)pyrene assuming the same exposure above for children from birth to 21 was 5.3×10^{-6} , or 5 cases of cancer per 1,000,000 individuals, which just **exceeds the cumulative carcinogenic PAH target excess cancer risk threshold of 1×10^{-6} .29**. The potential risk of cancer-related health effects due to exposure to arsenic was 2.0×10^{-5} , or 2 cases of cancer per 100,000 persons, for individuals exposed from birth to age 21, which is **above the acceptable excess cancer risk of 1×10^{-6} outlined in NR 720.12(1)(a)**. With this risk being above the acceptable margin, it is important to follow **safe recreation guidance, outlined below**, to minimize direct contact with the soil—this will reduce exposure and decrease cancer risk."*

*"The current vegetative cap should effectively prevent any incidental exposures to contaminated soil, and **visitors to the land should not be digging in the soil for any reason. Individuals should thoroughly wash their hands with soap and clean water if they come in direct contact with the soil.** Any workers that may come into contact with the soil should also wear gloves and avoid contact with soil. Following these recommendations should eliminate the cancer risks outlined above. **Any future development on the land that opens potential exposure pathways to soil or groundwater would be required to be reviewed by DNR and DHS prior to approval to ensure that any potential exposures during or after action are appropriately mitigated.**"*

In other words, currently there are elevated cancer risks at the site, and once the site is being developed, exposure pathways will open up and risk levels will likely *increase*. But WI DHS did not assess those risks during and after development. How can the Plan Commission go forward in approving these developments, and meet the environmental justice policy in the OMSAP, without an accurate assessment of what the exposures and risks are?

How will DNR and DHS assess risks *after* construction is ongoing and apartments are approved? Who will monitor then? If risks are identified at that point, can they—and more importantly, will they--actually be addressed and exposures prevented by these agencies? In our experience with other sites—the answer is NO. We have never seen this done.

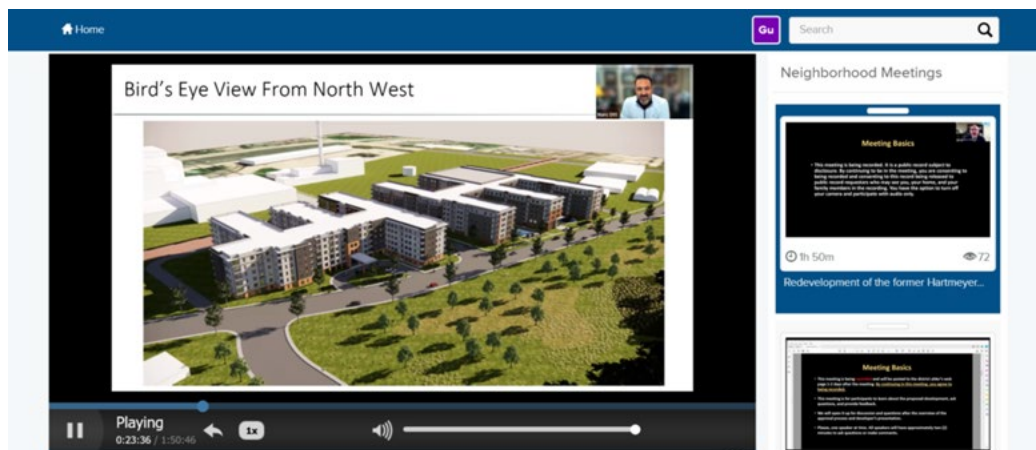
This process is backwards. *Assuring safe and healthy habitability of this housing should be done before, not after, city approval.*

Thank you,

Maria Powell, PhD

Madison Environmental Justice Organization

Would you live here? Would you want your parents or your children to live here, on carcinogenic soil and next to this abandoned, poisoned factory (below)?





From: [Paul Noeldner](#)
To: [Plan Commission Comments](#)
Subject: Please Support Oscar Mayer/Hartmeyer Development Agenda Items 15 and 16
Date: Sunday, December 11, 2022 10:15:49 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The developer has worked with Friends of Hartmeyer Natural Area, neighborhood groups and businesses, and Madison Alders and city staff to help save more Conservation Nature Park acres with fewer streets and provide much needed low income housing as approved by the Common Council. Please vote Yes on agenda items 15 and 16. I also support making sure environmental contamination is fully assessed and addressed.

Thank You.

Paul Noeldner
Friends if Hartmeyer Natural Area Chair
Volunteer Madison FUN Coordinator
Wisconsin Master Naturalist Instructor
136 Kensington Maple Bluff
paul_noeldner@hotmail.com
[608 698 0104](tel:6086980104)

Public Ethics, Facts and Fairness Trump Personal, Family and Religious Values and Profits in Public Decisions in Democratic Government, Laws and Institutions in a Free Civil Society. Simply put being civil is just like sports. Fair rules mean everybody can play hard and cheer for our team, but not keep some people out of the game, skip paying our fair share, wreck the playing field, or cheat to win.

/

(:>)

/

From: gordian@nym.hush.com
To: [Plan Commission Comments](#)
Subject: Item numbers 15 and 16 (Legistar 74056 and 74721) New storm sewer lines
Date: Sunday, December 11, 2022 9:17:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Plan Commissioners,

I am writing to discuss Item numbers 15 and 16 (Legistar 74056 and 74721). There is an undiscussed problem concerning disturbing possibly toxic soils on the former Hartmeyer farm.

The Staff Report on the Lincoln Avenue Capital residential housing project discusses a large new storm sewer system that must be built to accommodate the housing project's impact on groundwater runoff. See pp. 12, 15, and 16.

The extensive new storm sewer system will require digging up the soil on a large scale and to a considerable depth. I believe that sewer and water lines must be buried below the frost line. It is possible that contaminated soils will be disturbed.

The Planning Division is correct to include discussion of the new sewer lines in their discussion of the housing project. The new sewer line is required only because of the housing project. The soil disturbed for the new sewer line must be counted as an impact of the housing project, even if it is technically on a separate property.

The City and public need to see a thorough environmental assessment of the soils that will be disturbed by construction of the new sewer line and a Material Management Plan, approved by Wisconsin's DNR, for handling any toxic materials. These documents should be posted on the Legistar record for the housing project, so that everyone can see the full impact of the housing project. Potential health risks to people working on both the sewer project and the housing project also need to be assessed. The Plan Commission should delay conditional approval of these two residential housing projects until this important information is available to Plan Commission and to the public.

Artificially separating consideration of the housing project and storm sewer line could lead to policy decisions that are nonsense. Madison could end up with a housing project that cannot be connected to a storm sewer line because of long delays while environmental problems offsite are being remediated. Other utility connections might present the same type of problems.

Don Lindsay

From: [Marina Drake](#)
To: [Plan Commission Comments](#)
Subject: Please Support Oscar Mayer/Hartmeyer Development Agenda Items 15 and 16
Date: Sunday, December 11, 2022 9:15:26 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

This developer has worked with Friends of Hartmeyer Natural Area, neighborhood groups and businesses, and Madison Alders and city staff to help save more acres with fewer streets and provide much needed low income housing as approved by the Common Council. Please vote Yes on agenda items 15 and 16.

Sincerely,
Marina Drake
46 Dixon St
Madison WI 53704

--

 *BE VEGAN, MAKE PEACE* 

[It's wrong to use animals. Being fair means going vegan. It's easier than ever to go vegan. This website will help you get started: http://www.howdoigovegan.com/](http://www.howdoigovegan.com/)

From: [Beth Kubly](#)
To: [Plan Commission Comments](#)
Subject: Supporting Oscar Mayer/Hartmeyer Development Agenda Items 15 and 16
Date: Sunday, December 11, 2022 9:09:07 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

This developer has worked with Friends of Hartmeyer Natural Area, neighborhood groups and businesses, and Madison Alders and city staff to help save more acres with fewer streets and provide much needed low income housing as approved by the Common Council. Please vote Yes on agenda items 15 and 16

Thank you,
Beth Kubly

From: [Jeff Helmuth](#)
To: [Plan Commission Comments](#)
Subject: Please Support Oscar Mayer/Hartmeyer Development Agenda Items 15 and 16
Date: Sunday, December 11, 2022 6:55:35 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

City Plan Commission,

This developer has worked with Friends of Hartmeyer Natural Area, neighborhood groups and businesses, and Madison Alders and city staff to help save more acres with fewer streets and provide much needed low income housing as approved by the Common Council. Please vote Yes on agenda items 15 and 16. Thank you.

Jeff Helmuth 4605 Cody Ln, Madison, WI 53704

From: [Mike Z](#)
To: [Plan Commission Comments](#)
Subject: Support items 14-16, Dec 12, Plan Commission
Date: Sunday, December 11, 2022 6:46:37 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing in support of the "Oscar Mayer" affordable housing development (items 14-16, registrar 74065, 74056, 74721) in front of the Plan Commission on Dec. 12, 2022. I live in the neighborhood immediately to the east of this development, and we badly need more affordable housing in this part of town. This project is a golden opportunity to get that sort of housing, in well-thought out and (I believe) attractive buildings that interface well with the surrounding area.

I am dismayed at the findings of the Urban Design Commission about this project. I have gone to all of the community meetings about this project, and found the developers to be responsive to the needs of the community and future residents. They have taken much of what was asked of them by residents and alder Abbas to heart when designing the proposals. Additionally, they have designed buildings that are at least as attractive and well integrated with their surroundings as other buildings approved by this commission.

I found Urban Design's comments about the project to be subjective and far too exacting. It is particularly strange that they wanted to approve one building and not the other, when they have very similar designs. In order for the developer to build an *affordable* building, we cannot expect that it will be a masterpiece. I felt like Urban Design was treating this more like an architectural competition than a process to design something that will serve future residents and the city. What the developers have designed is at least as good as other new developments I have seen around the city, and I think it should certainly meet your standards for approval.

Sincerely,
Michael Zenz
mjzenz@gmail.com
2609 Dahle St

From: [Chris Elholm](#)
To: [Plan Commission Comments](#)
Subject: Legistar 74056 and 74721, Agenda items 15 and 16, 12/12/22 Plan Commission meeting
Date: Sunday, December 11, 2022 6:03:37 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I'm Christine Elholm, a board member of the Sherman Neighborhood Association (SNA). Before anything else, I need to correct misinformation brought up at the 11/30/22 UDC meeting. **SNA does not and never did support the development plans at Hartmeyer.**

The City's current frenzy to develop affordable housing is flawed and shortsighted. What about tomorrow and the years to come? If approved, the Hartmeyer buildings have the potential to shift on its hydric soil base, to flood at its lower levels, to contaminate unsuspecting residents from lingering vapors, and to end the life of the functioning wetland. Most conditional use permits for the senior and family buildings seem trivial---approving doorways, porte cochere placement, color of exterior, grilling area, etc. We need to focus on:

Is there a lack of concern about alarming soil contamination at the proposed building sites?

- Why would the City and developer propose building low income and senior housing where known cancer causing chemicals including arsenic, particulates, and VOCs are present in the soil?
- A full Phase I environmental study hasn't even been done. SNA demands that first a complete Phase I study be completed followed by a complete Phase II study. This is critical for the health and safety of all.
- During our virtual conversations, the developer assured SNA that underground parking would NOT be built to prevent soil disturbance. Now multiple references to underground parking appear in the Staff Report. We are opposed and feel deceived.

Is there a lack of regard for OMSAP priorities?

- "Creating a resilient environment that adapts to the changing climate and reducing carbon emissions is important to ensure a sustainable future for the generations to come." Preserving and protecting the wetland is key to fighting climate change. And why are 800 parking stalls proposed which directly contradicts limiting driving and encouraging public transportation which the City touts.
- "To address racial justice and social equity during the OMSAP redevelopment process which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color." This says it all.

Is this Plan Commission review standard being minimized?

Section 28.183(6) Approval Standards. **1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.**

Out of respect for the Sherman Neighborhood Association and northside neighbors' opinions, no decisions should be reached by the Plan Commission on 12/12/22. There are too many unanswered questions and concerns that need to be addressed. A referral and/or file without prejudice is the only fair way to continue this process. The voices of current residents must be heard, because we're not only speaking out about development plans for today but for the long term and future generations.

From: [Kester, Dolores](#)
To: [Plan Commission Comments](#)
Subject: FW: OPPOSE AND Comments on Agenda items 14, 15 & 16 (Legistar #74065, 74056 & #74721)
Date: Sunday, December 11, 2022 3:42:04 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings to members of the Plan Commission:

I am Dolores Kester, a long time resident of the Sherman Neighborhood and long time member, officer, and board member of the Sherman Neighborhood Association, within whose boundaries the affected properties are located. I am an Attorney Emeritus in the State of Wisconsin, where I have practiced law for over forty years. I fully concur with the statement submitted on this date in this matter by the Sherman Neighborhood Association (see below). I am now writing to OPPOSE Agenda items 14, 15 & 16 (Legistar #74065, 74056 & #74721) as an individual.

I submit to you that it is irresponsible and reckless for any city official to promote or approve any development on the properties covered by the OMSAP plan, given what we know of their century of industrial history, unless and until thorough testing has been done of contamination on these premises and subpremises including the groundwater. However noble it may be to build affordable housing, it is irresponsible to expose any residents or workers in this location to unknown, untested, unquantified dangers arising from this lengthy period of industrial contamination. I have only recently learned that there has not even been a complete Phase I study, only a limited one listed on DNR's BRRTS database, much less a Phase II study. To approve any development in this location without this information would be reckless.

It is not justice to expose our seniors to arsenic, and low income families to benzo(a)pyrene, not to mention the other noxious and dangerous chemicals that we know exist in this Roth Street area. We know this because it was the subject of the lawsuit filed a couple years ago in Dane County Circuit

Court by the Hartmeyer Trust against Kraft Heinz and another defendant. This lawsuit was brought to a conclusion when Kraft Heinz bought out this land from the Hartmeyer Trust.

For all the above reasons, I ask that the certified survey map not be approved, that no conditional use permits be issued and that the property be fully investigated before any earth is disturbed.

It is my understanding that you do not have legal authority to order this testing. But you do have the authority to order that this development not proceed unless and until a complete Phase I and Phase II Environmental Study has provided the public with the facts and answers that we do not have at the present time. I urge you to do the right thing and postpone further action by the city or developer on these three agenda items until the necessary testing has been completed.

Thank you for your thoughtful consideration of this matter.

**Dolores Kester, Attorney Emeritus
State Bar of Wisconsin
1818 Winchester Street
Madison Wisconsin**

From: Michelle Martin <mlmart29@yahoo.com>

To: Plan Commission Comments <pccomments@cityofmadison.com>

Sent: Sunday, December 11, 2022 at 12:18:00 PM CST

Subject: Sherman Neighborhood Association Comments on Agenda items 15 & 16 (Legistar #74056 & #74721)

The Sherman Neighborhood Association requests that Items 15 and 16 (Legistar #74056 and #74721) be referred until a Phase 2 Environmental assessment of the property is completed and a Material Management Plan is approved by the Wisconsin DNR. When completed, this information should be added to the Legistar record for each project to allow review by the public before any building is approved and soil disturbed. The OMSAP stated: "Address racial justice and social equity during the OMSAP redevelopment process, which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income and people of color." (pg. 53) The OMSAP continues to state: "The planning area was once predominantly marsh land that was later filled and the industrial uses of today began establishing themselves in the following years. The area's former natural state coincides with its high groundwater issues, impacting the ability to build below ground. The area's historical contamination can be associated with the various industrial uses that operated and continue to operate in the area today along with the rail

lines and switching yard that cut through the planning area. **The management of contaminated soils is a factor that can potentially impact the financial viability of redevelopment and will need to be addressed prior to any redevelopment projects.”** (pg.16) Even the DHS environmental report warned that the Oscar Mayer area is safe only as long as the soil is not disturbed. That soil will be disturbed from the very beginning as workers dig deep into the ground to install sewer, water and other services.

The issue of the contaminated land was known even as the OMSAP was written. In spite of that, the City keeps pushing development construction at all costs. We have met repeatedly on the design and placement of the buildings and roads. But we have not addressed the most critical issue of all—whether the land will be a safe and healthy environment for people of all ages. It is our duty as leaders and a community to ensure that the health of future residents on this land is protected from the toxins in the site’s soil and groundwater. Before any ground is broken and plans move ahead, we MUST know whether the land is safe. SNA members support a requirement that a Phase 2 assessment be completed and the results shared with community members. The Plan Commission should require this Phase 2 assessment be done.

Thank you,
Sherman Neighborhood Association Board and Members

From: [Maria Powell \(MEJO\)](#)
To: [Plan Commission Comments](#)
Subject: Correction, Re: Comments on Items #14, 15 on Mon Dec. 12 PC Agenda
Date: Sunday, December 11, 2022 2:43:24 PM
Attachments: [G1nVDN8u4G2qv3Ci.png](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

These comments refer to Items 14, 15, 16. Please vote NO on all of them.

Thank you,
Maria Powell, PhD
Madison Environmental Justice Organization

On 12/10/2022 4:32 PM, Maria Powell (MEJO) wrote:

Dear Plan Commissioners:

Please vote no on both 2007 Roth Street approvals (Items #14 & 15). Approving housing for seniors and low-income people at this location at this point is *knowingly creating an environmental injustice situation*. It is also violating policy in the Oscar Mayer Special Area Plan (OMSAP).

In summer 2020, after months of advocacy by MEJO and Northside residents, [Common Council approved environmental justice language in the OMSAP-- the city's first environmental justice policy](#): *“To address racial justice and social equity during the OMSAP redevelopment process which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color.”*

Now, the first OMSAP development (at Hartmeyer) is going forward based on woefully inadequate investigations of the toxic contaminants at the site (done by consultants hired by the polluter and developer) and DNR's approval of these inadequate investigations. The plans to protect people by “capping” the pollution (with housing) will not protect people, especially over the long term.

MEJO strongly urges the Plan Commission to vote NO on these developments, in line with the environmental justice policy in the OMSAP. Assessing and preventing human exposures to toxic chemicals among all the low income people who will live at these apartments, including many seniors and BIPOC, is not possible without first fully assessing the contaminants at the site.

We ask Plan Commission to delay this decision until adequate investigations are done on the site and, based on this information, exposures to people who will live at the site can be fully assessed and then prevented. At this point, again, there is not enough data to do so. The process has been rushed. *Appropriately assess the site first and then consider approval.*

Unfortunately, the [Wisconsin Department of Health Services/ATSDR report](#) on the

Hartmeyer and Oscar Mayer properties requested by the Sherman Neighborhood Association, used **inappropriate industrial standards** in the risk assessments--not the appropriate non-industrial or residential standards.

Still, notably, in the Hartmeyer section of the report, the DHS concluded the below (in italics) about the levels of arsenic and benzo(a)pyrene in soils at the site. These cancer risks are likely underestimated for a number of reasons, including the fact that the DHS didn't have data on many of the other toxic contaminants that are likely there and didn't consider important exposure routes.

Here's what DHS concluded:

*"The cancer risk from benzo(a)pyrene assuming the same exposure above for children from birth to 21 was 5.3×10^{-6} , or 5 cases of cancer per 1,000,000 individuals, which just **exceeds the cumulative carcinogenic PAH target excess cancer risk threshold of 1×10^{-6}** .**29**. The potential risk of cancer-related health effects due to exposure to arsenic was 2.0×10^{-5} , or 2 cases of cancer per 100,000 persons, for individuals exposed from birth to age 21, which is **above the acceptable excess cancer risk of 1×10^{-6} outlined in NR 720.12(1)(a)**. With this risk being above the acceptable margin, it is important to follow **safe recreation guidance, outlined below**, to minimize direct contact with the soil—this will reduce exposure and decrease cancer risk."*

*"The current vegetative cap should effectively prevent any incidental exposures to contaminated soil, and **visitors to the land should not be digging in the soil for any reason. Individuals should thoroughly wash their hands with soap and clean water if they come in direct contact with the soil.** Any workers that may come into contact with the soil should also wear gloves and avoid contact with soil. Following these recommendations should eliminate the cancer risks outlined above. **Any future development on the land that opens potential exposure pathways to soil or groundwater would be required to be reviewed by DNR and DHS prior to approval to ensure that any potential exposures during or after action are appropriately mitigated.**"*

In other words, currently there are elevated cancer risks at the site, and once the site is being developed, exposure pathways will open up and risk levels will likely *increase*. But WI DHS did not assess those risks during and after development. How can the Plan Commission go forward in approving these developments, and meet the environmental justice policy in the OMSAP, without an accurate assessment of what the exposures and risks are?

How will DNR and DHS assess risks *after* construction is ongoing and apartments are approved? Who will monitor then? If risks are identified at that point, can they—and more importantly, will they--actually be addressed and exposures

prevented by these agencies? In our experience with other sites—the answer is NO. We have never seen this done.

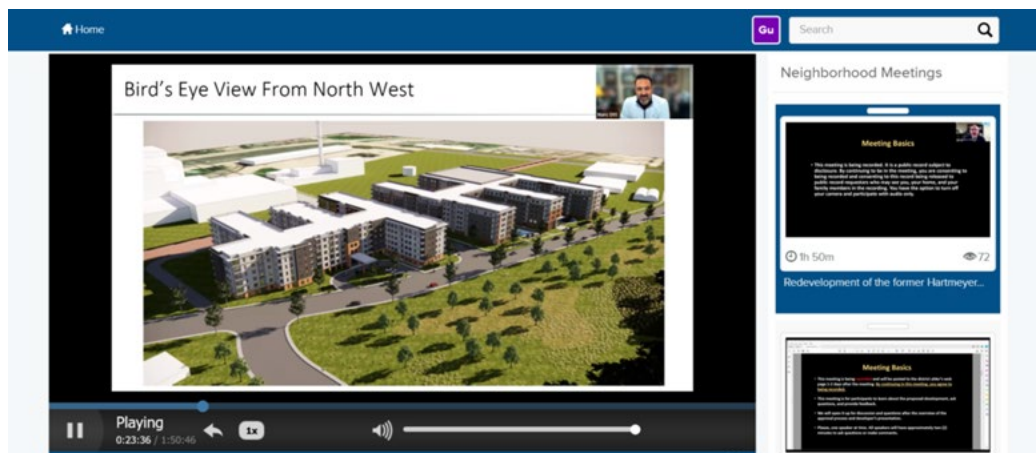
This process is backwards. *Assuring safe and healthy habitability of this housing should be done before, not after, city approval.*

Thank you,

Maria Powell, PhD

Madison Environmental Justice Organization

Would you live here? Would you want your parents or your children to live here, on carcinogenic soil and next to this abandoned, poisoned factory (below)?



From: [Jim Powell \(Madison Environmental Justice\)](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: 2007 Roth Street: per OMSAP, needs a RESJI analysis before approval
Date: Sunday, December 11, 2022 2:33:29 PM

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Plan Commissioners:

The Oscar Mayer Special Area Plan calls for:

"Goal 4: Address racial justice and social equity during the OMSAP redevelopment process, which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color."

There is no evidence that this was done for the 2007 Roth Street proposal before you. Owner Kraft Heinz did minimal testing for select toxins (not all the ones known and suspected to be present), there wasn't even complete a full Phase 1 Environmental Assessment (and no Phase II at all) and staff comments for this proposal do not mention environmental justice, only that the site has an open remediation case with the WDNR. How has the City actually assessed and prevented human exposure to toxic chemicals? It hasn't. Yet it is putting a major housing project before you.

I submit that OMSAP goals have not been addressed or met to date. Considering that this proposal places more than a thousand low-income people next to an abandoned, heavily-polluted factory where high levels of noise, congestion and pollution will be caused by the planned transportation hub (and perhaps train station), a Racial Equity and Social Justice Initiative (RESJI) analysis should have been done. Or does the City just pick and choose which major developments get one? Approving a flawed proposal first, then maybe addressing environmental justice and equity issues later, reverses a logical process and will simply make development inevitable, rather than considered.

In a 2018 draft RESJI analysis, "Oscar Mayer Strategic Assessment Report - Redevelopment Objectives for the Oscar Mayer Special Area Committee," environmental problems, pollution, contamination or justice were not addressed, nor did the later OMSAP process result in such an analysis. And neither has this 2007 Roth Street process.

Without meeting OMSAP goals and receiving a RESJI analysis, this proposal is not ready for approval. Please send this proposal back to staff to meet these requirements.

Thank you for your consideration.

JIM POWELL
Madison Environmental Justice
mejo.us ~ 608.240.1485

From: [Michelle Martin](#)
To: [Plan Commission Comments](#)
Subject: Sherman Neighborhood Association Comments on Agenda items 15 & 16 (Legistar #74056 & #74721)
Date: Sunday, December 11, 2022 12:19:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The Sherman Neighborhood Association requests that Items 15 and 16 (Legistar #74056 and #74721) be referred until a Phase 2 Environmental assessment of the property is completed and a Material Management Plan is approved by the Wisconsin DNR. When completed, this information should be added to the Legistar record for each project to allow review by the public before any building is approved and soil disturbed. The OMSAP stated: "Address racial justice and social equity during the OMSAP redevelopment process, which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income and people of color." (pg. 53) The OMSAP continues to state: "The planning area was once predominantly marsh land that was later filled and the industrial uses of today began establishing themselves in the following years. The area's former natural state coincides with its high groundwater issues, impacting the ability to build below ground. The area's historical contamination can be associated with the various industrial uses that operated and continue to operate in the area today along with the rail lines and switching yard that cut through the planning area. **The management of contaminated soils is a factor that can potentially impact the financial viability of redevelopment and will need to be addressed prior to any redevelopment projects.**" (pg.16) Even the DHS environmental report warned that the Oscar Mayer area is safe only as long as the soil is not disturbed. That soil will be disturbed from the very beginning as workers dig deep into the ground to install sewer, water and other services.

The issue of the contaminated land was known even as the OMSAP was written. In spite of that, the City keeps pushing development construction at all costs. We have met repeatedly on the design and placement of the buildings and roads. But we have not addressed the most critical issue of all—whether the land will be a safe and healthy environment for people of all ages. It is our duty as leaders and a community to ensure that the health of future residents on this land is protected from the toxins in the site's soil and groundwater. Before any ground is broken and plans move ahead, we **MUST** know whether the land is safe. SNA members support a requirement that a Phase 2 assessment be completed and the results shared with community members. The Plan Commission should require this Phase 2 assessment be done.

Thank you,
Sherman Neighborhood Association Board and Members

From: [Maria Powell \(MEJO\)](#)
To: [Plan Commission Comments](#)
Subject: Comments on Items #14, 15 on Mon Dec. 12 PC Agenda
Date: Saturday, December 10, 2022 4:33:04 PM
Attachments: [G1nVDN8u4G2qv3Ci.png](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

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Maria Powell, PhD

Madison Environmental Justice Organization

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Bird's Eye View From North West



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Neighborhood Meetings

Meeting Basics

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Redevelopment of the former Hartmeyer...

Meeting Basics

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From: [Becky Leidner](#)
To: [Plan Commission Comments](#)
Subject: Hartmayer development
Date: Saturday, December 10, 2022 3:27:59 PM

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Dear Plan Commission members,

I am a Sherman Neighborhood Association resident writing in opposition to 12/12 Agenda items 15 and 16 (Legistar 74056 and 74721). Almost exactly three years ago, I attended a PC meeting at which the proposed Oscar Mayer/Hartmayer development was being discussed in its preliminary stages. I asked you to consider the complex ecosystems on the property which would be obliterated by this project, and I presumed to speak for the current residents--birds, mammals, plants, insects--whose homes would be destroyed. Since then, the plan has been pushed forward with no regard for any values other than human habitation and tax revenue. Appropriateness of scale, aesthetics, environmental impacts, and neighborhood fit have all been ignored. While other properties in Madison stand abandoned and empty, surrounded by deserted parking lots, and well-served by transportation corridors, City staff and developers are determined to site this monstrosity in the middle of a vital remnant of established ecosystems, surrounded by the Sherman neighborhood of single-family and small-scale multi-family residences. Our street system is barely able to handle the current glut of non-resident traffic speeding through the neighborhood on Sherman, Aberg and Packers Avenues, while Schlimgen Ave and Huxley St will face even more pressure than they already do as shortcuts through the neighborhood.

Urban infill is a worthy goal but it must be balanced with the equally worthy values of environmental preservation, re-wilding opportunities, and neighborhood aesthetics. Once urban land is developed, it is lost forever to these other important uses. As wilder places come under ever-increasing pressure, it becomes more, not less, important to save the remnants that remain, wherever they are, and however small and "degraded" they may seem to our anthropocentric gaze. I urge you use any wisdom gained over the past three years, and any increased urgency you may now feel about protecting our planet when given into your hands to do so, to send this ill-conceived plan back to the drawing board for downsizing to a modest, environmentally-and-neighborhood-respectful design.

Thank you.
Rebecca Leidner
1915 Spohn Ave
Madison

From: [Dorothy](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: Conditional Use - 2007 Roth St.
Date: Saturday, December 10, 2022 2:48:43 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Re: Conditional Use - 2007 Roth St.

Plan Commissioners:

I'm a member of the Sherman Neighborhood Association. I'm very concerned about the possibility that the PC could approve the conditional use without having all the needed information. The Oscar Mayer property is very contaminated, there should be NO further development on any of the property until Phase II Assessments and a Material Management Plans are submitted. There is no way an informed decision can be made without this information.

I support housing for Madison residents and the BRT but not at the risk of putting any people at risk.

I'm asking you to not approve these proposals.

Thanks for your time and attention,

Dorothy Borchardt
1717 Elka Lane
Madison WI 53704