

From: [Jennifer Argelander](#)
To: [All Alders](#)
Subject: Item 51 - Legistar 74065
Date: Monday, January 2, 2023 1:18:29 PM
Attachments: [Public Comment 11-20-22.pdf](#)

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I am forwarded comments sent to the PC meeting but left out of the PC Comments packet.

From: gordian@nym.hush.com
To: [Plan Commission Comments](#)
Subject: Delay items 10 and 11
Date: Sunday, November 20, 2022 5:31:22 PM

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Sun. Nov. 20, 2022

Plan Commission Members,

Please delay consideration of items 10 (Legistar 74056) and 11 (Legistar 74721). The Plan Commission is rushing to approve conditional use permits for Lincoln Avenue Capital's residential projects on the former Hartmeyer farm without waiting for the facts needed to make an informed decision.

As of the day before Monday's Plan Commission meeting, no Staff Report has been posted on the Legistar records for these projects. How can the public and Plan Commission members study the material in the coming Staff Report given so little time?

The description of the multi-family building refers to a seven story building. The site plan shows a six story building. Such contradictory information about the scope of the project shows the need to slow down and clarify the confusion regarding this most basic information.

Two important documents have not yet been provided to the public. The Materials Management Plan, which must be approved by the Wisconsin DNR, would show where any toxic chemicals are located in the site's soil and say how contaminants will be handled. The design plans for the buildings' foundations will show whether any contaminated soil will be disturbed. The Plan Commission has a responsibility to protect future residents of this site. It should not approve a conditional use permit until it has the information available in these two documents.

The Plan Commission needs to pause and delay approval of these projects until it has the facts needed to make an informed decision.

Don Lindsay

From: [Jennifer Argelander](#)
To: [All Alders](#)
Subject: item #51 - Legistar 74065 (Roth Street development)
Date: Monday, January 2, 2023 1:23:28 PM

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

Dear Alders, The language below was sent to the PC members at the end of October. It is not included in the PC packet attached to Legistar 74065 as it should have been. We in the SNA community have been raising this issue of toxicity forever and it tends to fall on deaf ears or is just dismissed. That is not acceptable. Please read. Thanks. Jeff Argelander

Dear Plan Commissioners: Northside community residents are requesting a delay consideration of Lincoln Avenue Capital's residential project on the former Hartmeyer farm until the public has had a meaningful opportunity to study and comment on the design of the buildings' foundations and on a Materials Management Plan that has been approved by Wisconsin's DNR. These two documents should be posted on the City's Legistar database before your meeting to consider conditional approval of the project. We want to know that any buildings are safe from contamination and that the critically important wetland for mitigating climate change due to flooding and clean water is protected.

The community requested the environment reports prior to our meeting on October 3, 2022, but only got verbal discussion. We want to see the Materials Management Plan, as approved by the Wisconsin DNR, because it must reveal in writing all the toxic chemicals present at the site and where they are. So far, Kraft Heinz has not been forthcoming with information about contamination at the site, but Kraft Heinz cannot hide information required by the Wisconsin DNR. The Plan Commission and Madison's Common Council need to know how badly the Hartmeyer site is contaminated in order to make decisions that protect the safety of future residents of the site. **Affordable housing for seniors and families must be healthy and safe housing.** If the area that was under consideration for a City bus barn was too contaminated, then we must be particularly careful for vulnerable residents. Those decisions should be based on hard facts, not on blind faith.

Attached are some notes from the discussion at the public meeting on Oct. 3, 2022, and on the document "Hartmeyer Property Sampling Results", 25222081.00, Sept. 16, 2022, by Eric Oelkers, of SCS Engineers. September 16, 2022.

Groundwater samples were only tested by Pace Analytic for volatile organic chemicals (VOC's). They did not test for metals such as arsenic.

Groundwater Pollution

Eric Oelkers correctly said in his report, "None of the detected contaminants exceeds a DNR 140 groundwater standard." Table 1 of his report shows that there is no Enforcement Standard or Action Standard for five of the chemicals found. These five contaminants did not exceed DNR 140 groundwater standards in the sense that a measured value cannot exceed a standard that does not exist. To gain perspective on possible health dangers from these five chemicals, their Material Safety Data Sheets (MSDS) were obtained. The MSDS's provide very little health information on these four of these five chemicals because the chemicals have not been studied.

1. IsopropylBenzene (Cumene) found at GB-105 and the MSDS says it might be a carcinogen.
2. Trace amounts of Toluene are present at six of the seven sites. Toluene is very toxic. It damages reproductive organs, harms fetal development, and damages lungs. Eric Oelkers suggests that the presence of Toluene in the test samples "may be attributable to the sampling equipment or lab contamination." An alternative explanation is possible. There might be a small spots with a high concentration of toluene that were missed by all seven test bores on the 29 acre site. The ubiquity of the toluene might indicate a plume of contamination migrating from one or more small, concentrated spots.

Only more test borings can rule out this possibility. Toluene is found at fairly consistent amounts at test sites that roughly describe a circle; it is absent from the one site that is outside of that circle. The center of that circle is a good place for further testing.

3. Vinyl chloride, found at GB-107, is a known carcinogen, so even trace amounts are dangerous when there is chronic exposure. Problems with fertility and fetal development are also associated with vinyl chloride.

4. Naphthalene is also highly toxic. It was found in low levels in the soil at test site GB-105. According to the MSDS, it is possibly carcinogenic. In addition, "Absorption into the body leads to the formation of methemoglobin which in sufficient concentration causes cyanosis. Onset may be delayed 2 to 4 hours or longer., Naphthalene is retinotoxic and systemic absorption of its vapors above 15ppm, may result in:, cataracts, optic neuritis, corneal injury, Eye irritation, Ingestion may provoke the following symptoms:, hemolytic anemia, hemoglobinuria, Nausea, Headache, Vomiting, Gastrointestinal disturbance, Convulsions, anemia, Kidney injury may occur., Seizures., Coma."

5. Arsenic is very toxic. It causes cancer in humans. It can cause severe gastroenteritis and organ damage. The toxicological section of the MSDS I obtained appears below. Since there is a chance that Lincoln Avenue Capital will disturb the soil containing arsenic, the MSDS's section on "Aspiration hazard" is particularly important. It says, "A harmful concentration of airborne particles can be reached quickly when dispersed, especially if powdered." At the public meeting, Eric Oelkers said that arsenic had been reported near where coal had been stored on the former Hartmeyer farm. He did not elaborate on the amounts or the depth of the arsenic contamination. Arsenic is not discussed in his report, which focuses on VOC's in groundwater.

Although the five chemicals discussed above for which the Wisconsin DNR has no enforcement standards, keep in mind that these health effects are researched so that OSHA can protect relatively young, healthy adults on the job. Health impacts on very young or elderly people might be different. Both very young and elderly people will live on the site.

Using groundwater tests means that contaminants present in the soil would only be found if and when they migrate into groundwater. For example, at test site GB-105, the groundwater sample showed fairly low levels of petroleum contaminants, but "[t]he soil below the water table here had a strong petroleum odor." The soil boring at GB-105 collected soil from 0' - 2' deep, which is well above the water table, so the soil with a strong petroleum odor was not tested. The soil boring at GB-107 collected soil from 0' - 2.5' deep. The Depth to Water was much deeper than either soil boring reached. The soil test at GB-105 found low levels of Naphthalene; the soil test at GB-107 found no VOC's.

The report describes these soil borings as "shallow". We don't have the expertise to say whether the two soil borings went deep enough to find contaminants. The developer's team is saying that the water is clean because it meets Wisconsin DNR limits on VOC's. They are not looking very hard for toxic chemicals in the soil or for metals like arsenic in the water. A more thorough investigation would provide more confidence that the health of future residents is being protected.

Wisconsin DNR

There have been several pollution events on or near the site. An oil spill in 2016 is a case still not closed by the Wisconsin DNR. The Wisconsin DNR is not requiring any further testing on the site.

Building on Contaminated Ground

Although testing shows that the groundwater has only traces of toxic contamination, vapor barriers will be placed under the apartment buildings to isolate them from vapors. In addition, a ventilation system will prevent a buildup of toxic vapors; this ventilation system will also protect against radon exposure. [These two measures offer protection to residents inside their building, but the residents will not be confined to their buildings.]

Livestock Holding Pens

George Brown said that, historically, Oscar Mayer placed livestock holding pens on the Hartmeyer site.

He asked whether the developer had tested for biologics. Eric Oelkers replied that the Wisconsin DNR does not have a protocol for testing for biologics.

Fire Fighting Foam

Henry Anderson asked whether fire fighting foams had been used on the site. Eric Oelkers answered that he was unaware of such use on the site.

Depth of Test Borings

Chris Elholm asked how deep were the test borings? The two soil samples tested by Pace Analytical were 2' and 2.5' deep. The seven groundwater test wells ranged in depth from >40" to 57". One sample at BG-106 was only 24". "Visual examination" produced the descriptions, of the material in the test borings, found in the report.

Depth to Water ranged from 7' on the north side of the Conservancy Natural district to 3.45' in the middle of the project site. These figures are the "DTW" numbers on the report's map. Generally, Depth to Water is higher on the north side of the former Hartmeyer farm than on the east and south sides. The report says, "the water table across the site was within +/- 0.5 feet of an elevation of 849.0 feet above mean sea level."

Clearly, all places where the apartment buildings will be located have a high water table. These measurements were taken on Aug. 1, 2022, during Madison's dry season. A higher water table can be expected in the Spring of the year.

Flooding

Placing many acres of impervious surface on the former Hartmeyer site can only increase the chances of future floods. Flooding offers a pathway exposing people to underground contaminants in the soil and water.

Water Management

There are several dimensions to the problem of water management on the project site. First, water must be managed during construction. Later, flooding will cause water problems after construction. The water causing problems can be groundwater or surface water. Jennifer Argelander asked about dewatering at the site. Will it impact the adjacent wetland and where will the water go? The Lincoln Avenue Capital team promised to follow all government regulations during construction. Matt Haase said that they will treat water during construction. During and after construction, neither groundwater nor surface water will be directed to the nearby Conservancy Natural district. It will be sent to City storm drains. A sump pump will protect the elevator pits in the apartment buildings. Eric Oelkers said that water pumped from under the apartment buildings will create a cone of depression, but the cone will not reach the wetland area.

Geo Piers

Lincoln Avenue Capital still does not have a design for the foundations of the two apartment buildings it plans to construct at the Hartmeyer site. Mark Ott said that geo piers will be used to stabilize the soils under the apartment buildings. Holes will be drilled and filled with aggregate materials. The design is not yet completed. There might be many shallow geo piers or fewer but deeper geo piers. In response to questions, Mark Ott asserted that the two six story buildings can be supported on the site's soils. Because this meeting is the final public meeting, Madison's citizens will not be able to question the completed design of the project before the Plan Commission meeting.

Chris Elholm and Doug Nelson asked how the developer will handle the millions of gallons of water displaced by the project. The developer's team denied that millions of gallons of water will be displaced. And how can they put in a swimming pool without affecting contaminants and water usage? There is really no need for a pool.

Lincoln Avenue Capital's development team will write a Materials Management Plan, which details how it will handle toxic materials and surface water runoff. This Plan must be approved by the Wisconsin DNR. Soils contaminated by PAH's (Poly Aromatic Hydrocarbons) will be removed. Soil contaminated by

arsenic might be moved around onsite and then "capped". When construction is completed, Lincoln Avenue Capital will document that they followed the Materials Management Plan. At the public meeting they repeatedly promised to follow all Wisconsin and local regulations. It looks like the public will not see the final Materials Management Plan before the Plan Commission considers approving the project.

Ideally, the City should require that a full Phase Two environmental investigation of the Hartmeyer land be performed and released to the public, on Legistar, for public comments. City approvals of the apartment buildings without a full Phase Two environmental investigation would be a failure to fulfill the City's due diligence obligations to protect the safety of future residents on the site.

(If interested, Material Safety Data Sheets (MSDA) can be provided.)

Prepared by concerned northside residents: Chris Elholm, Don Lindsay, and Jeff Argelander

From: [Jennifer Argelander](#)
To: [All Alders](#)
Subject: Item 51 (Legistar 74065) --OPPOSE
Date: Tuesday, January 3, 2023 1:58:19 PM

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

Dear Alders,

There are so many issues with the Hartmeyer development from contamination to inappropriate housing development. In a report that was prepared by the City during the OMSAP process, the north side was shown as an area that already has above average levels of supported housing. It seems that is of no concern for our City's leadership. If we are to get above average levels of additional low income housing then we need to make sure that our local supportive services are funded to help the residents, our neighbors. Concentrations of low-income housing on Allied Drive created all kinds of problems a decade and a half ago. We made things better in part by tearing down larger apartment buildings and building some market rate housing, including single family homes. Now, the City is experiencing some problems in the high-concentrations of low-income housing in the Northport Drive area. Have we not learned anything? We are squeezing 550 units in a very small area with a lack of services. Even the Police Department submitted concerns which the City once again blew off in the Plan Commission meeting.

Why are we not seeing the same levels of investment on the north side as other sides of town?

The City is supposedly working to reduce car use and push people to public transportation and yet on our side of town, we see a major reduction in bus service for the ONLY bus route to the ONLY general grocery store on the north side. The bus route runs every 30 minutes now and this summer will be changed to run on a once every hour schedule, with NO weekend service. That means that low income families and seniors who want to use the bus to get food, but need to shop weekends, will be out of luck. High school kids that work weekends at the Pick N Save will need to find a way to get to the store in time for their shift. This is just the tip of the iceberg.

There will be serious strains on area schools, public safety services, and traffic demands on N Sherman. And yet, the Council and the Mayor seem to live in a fantasy world thinking these issues will just disappear. How many times do we have to learn that a concentration of affordable housing with lack of services does not end up well? Why can't we be smarter about developing safe affordable housing? And not on contaminated land. Meanwhile a 60-unit apartment project in Tenney Lapham is being touted as too dense. Oh wait, that is lakefront and a higher income area.

Jennifer Argelander
Erie Court, Madison

From: [Joan A Bell-Kaul](#)
To: [All Alders](#)
Subject: FINAL APPROVAL OF THE Oscar Meyer Development Plan?
Date: Tuesday, January 3, 2023 12:15:19 PM

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Why did I and many members of my Nextdoor “Environmental/Nature/Wildlife” Group register NO votes for AGENDA ITEM 51,#74065, final approval of the OMDP???

1. People who LIVE in that area do NOT want such intensely-MASSED housing packed into a neighborhood that, SO FAR has not been a crime-area; high density “massed” housing has been proven to invite crime and traffic congestion
2. This is land on a Wetland Overlay, and IT IS IN AN ENVIRONMENTAL CORRIDOR!
3. Placing 2000 additional people and along with 800 car parking space in this area is insanity. MASSED housing-congestion invites crime.
4. No testing for toxic chemicals has been done on much of the area slated for this development —again, this is just “asking” for future lawsuits.

Thank you for considering the key reasons for our NO vote on agenda item

Respectfully,

Joan Bell-Kaul, Lead: Nextdoor website’s “Environmental/Nature/Wildlife” Group: as of today, 845 members

From: [Sandy Bennett](#)
To: [Myadze, Charles](#)
Cc: [All Alders](#)
Subject: Agenda item #51 Oscar Mayer/Harmeyer Project
Date: Tuesday, January 3, 2023 5:01:43 PM

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Dear Alder Myadze,

I am writing to urge you to vote against this project or at least to delay it for further study. I don't think most Northside residents are even familiar with the size of this project or the many environmental concerns it raises. And just on aesthetics, why do all of these developments need to consist of the same flat-roofed ugly architecture? People want to live someplace they can afford, but don't they also want a neighborhood that inspires? Why couldn't some townhouses be incorporated into this project for some variety? Madison can do better!

Thank you for your consideration,

Sandy Bennett
4210 Brown Lane

[Sent from Yahoo Mail on Android](#)

From: [Dave J. Bierman](#)
To: [Plan Commission Comments](#); [All Alders](#)
Subject: City of Madison, Common Council and Plan Commission -12/12/2022 Letter Opposing Action on Legistar 74065, 74056, and 74721.
Date: Monday, December 12, 2022 3:37:00 PM
Attachments: [Legistar Items 74065-74056-74721 PlanComLetter12-12-2022-DJB.pdf](#)

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Plan Commission, Common Council and Staff

Attached above, please find Letter Opposing Action document, Legistar Items 74065-74056-74721_PlanComLetter12-12-2022-DJB

Please distribute this document to Common Council Members, Plan Commission Members, and post to Agenda Item 14 (Legistar 74065) Agenda Item 15 (Legistar 74056) and Agenda Item 16 (Legistar 74721) as testimony of record in opposition to approval of these items.

Thank You

David Bierman

514 Nova Way

Madison WI 53704

608-370-3701

dbierman@watco.com

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: [Dave J. Bierman](#)
To: [All Alders](#)
Subject: City of Madison, Common Council and Plan Commission -1/3/2022 Letter Opposing Action on Legistar 74065.
Date: Tuesday, January 3, 2023 1:36:01 PM
Attachments: [Legistar Item 74065 CoMCommonCouncil-Letter1-3-2023.pdf](#)

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Common Council and Staff

Attached above, please find Letter Opposing Action document, Legistar Item 74065_PlanComLetter12-12-2022-DJB

Please distribute this document to Common Council Members and post to Agenda Item [51](#) (Legistar 74065) as testimony of record in opposition of approval of this item.

Thank You

David Bierman

514 Nova Way

Madison WI 53704

608-370-3701

dbierman@watco.com

From: [Dorothy](#)
To: [Plan Commission Comments](#)
Cc: [All Alders](#)
Subject: Conditional Use - 2007 Roth St.
Date: Saturday, December 10, 2022 2:48:44 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

From: [Angela Burgette](#)
To: [All Alders](#)
Subject: #51, Oscar"s prop.
Date: Thursday, January 5, 2023 11:36:06 AM

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

I am a N.side voter and I totally oppose #51. Do not pass this sorely lacking plan!! Angela D Burgette

From: [Greta Casey](#)
To: [All Alders](#)
Subject: NO NO NO on OM!
Date: Wednesday, January 4, 2023 5:25:50 PM

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

Too dense, too toxic! Would you do this development on the wealthy West side?

This is land in a wetland overlay district.

This is land in an environmental corridor.

This project makes no sense in terms of putting 2000 people and 800 cars in one small location on an already all too busy roadway on N Sherman.

The ground is contaminated with cancer causing chemicals and the city is going to require testing (Phase I) for the 15 ac CN zoned wetland area which is likely less contaminated than the land where the buildings are slated to be located. Based on those findings, the city may require more stringent Phase II testing only on the 15 acres it may acquire for a public park. Why isn't the city requiring that the entire parcel at 2007 Roth St is assessed with both PH I and PH II environmental assessments given we already know that there are carcinogens in the soil and groundwater?

The OMSAP has within it these "green and resilient" goals based on input from SNA and the residents of D12. To date, the project misses the mark on most of the goals below:

GREEN & RESILIENT RECOMMENDATIONS

Goal 1: Increase parks, urban open spaces, recreational opportunities throughout the planning area.

1. Designate a portion of the Hartmeyer property around the existing wetland as an integrated passive

and active park that is approximately 16 acres in size, inclusive of the wetland.

2. During a future park planning process, engage a diverse mix of community members representative

of the Northside to consider the layout, amenities, and accessibility features to ensure the future park

space serves everyone.

3. Work with the Oscar Mayer property owners, and East Madison Little League to maintain long-term

public open space for baseball.

4. Encourage multi-use spaces that serve the needs of a diversity of cultures. New community gathering

spaces should be designed as multi-faceted spaces that can be used by a wide variety of residents and

function as comfortable social outlets for underrepresented groups

Goal 2: Deploy stormwater management practices and green infrastructure techniques in development and redevelopment projects to reduce stormwater runoff into the lakes and stream and minimize impacts from intense rain events.

1. Consider including key stormwater improvements and green roof/ grey water investments a TIF eligible expense in the area.

2. Integrate vegetation into the built environment, such as terrace plantings, living walls, and green roofs.

3. Utilize suspended pavement systems like Silva Cell or other techniques to provide

stormwater control and support the growth of healthy street trees, particularly for trees planted on paved terraces.

4. Encourage practices such as bioswales, rain gardens, rain barrels, vegetation and other green infrastructure techniques in new development and areas of redevelopment.

Goal 3: Prioritize the use of green building strategies and certifications in development and redevelopment projects to achieve holistic, integrated sustainability outcomes including water resource protection, waste reduction, climate resilience, and community health promotion.

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.

Margaret Casey

510 Stand Street 53704

From: [C Debevec](#)
To: [All Alders](#)
Subject: Oscar Mayer plan needs tweaking - let's hit PAUSE
Date: Tuesday, January 3, 2023 6:40:11 PM

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

This is a good start but there are too many concerns re: contamination and suitability for residential. Im sure you are all familiar with the concept of environmental justice - why is this designated for low income residential hmmm? Also the possibility of a large swath of this area becoming major regional transportation hub suggests the wise thing to do would be take a step back and look at the big picture.

I realize theres developers chomping at the bit wanting this to be approved. Out of state developers should not be driving this process - both the fate of this site and determining best location for regional transit hub are a couple of the most important decisions this city has made in some time.

Thank you for your consideration.

Cathy Debevec
1885 E Main St., Madison, WI

From: [Coco Doherty](#)
To: [All Alders](#)
Subject: Agenda #51
Date: Wednesday, January 4, 2023 8:56:44 PM

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

I 100% oppose agenda # 51!!! Please stop putting up cement in what little green space we have left. Traffic is already horrible and will only get worse.

From: [Marilyn M Doll Rayner](#)
To: [All Alders](#)
Subject: #51 of today's Council meeting
Date: Tuesday, January 3, 2023 11:30:21 AM

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

Do not pass this agenda item. Housing [I know we need more!] is just too dense. Bring the buildings down 2 floors. Also protect the pond and wildlife a bit better.
Taxpayer on Northside, Marilyn M Doll Rayner

From: [Chris Elholm](#)
To: [All Alders](#)
Subject: OPPOSITION: Legistar 74065, Item 51
Date: Tuesday, January 3, 2023 11:25:54 AM

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

In the City of Madison's frenzy to approve a development of 550 affordable housing units at 2007 Roth St., you've turned a blind eye again and again and again to a very real and critical concern: building on contaminated land. Why don't units of City government halt this rush before it's too late and agree that PH1 and PH2 testing is essential on land prematurely rezoned for residential housing? Why should a CSM move forward before thorough testing is completed? Is it your fear that the extent of contamination and that health and safety risks would be revealed? Why is the need for testing so obvious to local citizens who have immersed themselves in this process while it is repeatedly downplayed by City officials? Isn't foresight better than hindsight? It's disheartening, discouraging, and dismaying to live in a progressive city like Madison where citizens saying "I told you so" becomes the norm.

Sherman Neighborhood Association Board Member

From: [chet hermansen](#)
To: [All Alders](#)
Subject: Items 14 - 15 - 16 of tonights agenda should not be passed.
Date: Monday, December 12, 2022 2:39:37 PM

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

I would have our panning commission stop any and all development of the proposed property until the whole truth is known as far as the extreme contamination.

If you continue to move forward with building what is proposed would you let you children or Grandchildren live in the completed buildings?

Please vote no to these terrible agenda items.

Thank you . Chet Hermansen. S.N.A.

Member and 61year resident of the Northside.

From: [Kester, Dolores](#)
To: [All Alders](#)
Subject: FW: OPPOSE AND Comments on Agenda items 51 (Legistar #74065) and related matters
Date: Tuesday, January 3, 2023 12:29:06 PM

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

Greetings to members of the Common Council:

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 to the Plan Commission in connection with this development project by the Sherman Neighborhood Association (see below). I am now writing to OPPOSE Agenda item 51 (Legistar #74065) as an individual. To clarify, I oppose not just the SURVEY MAP but also the zoning of the TRU2 and RMX without having tested the land so that it is safe for residential housing. Possibly you saw the article in the paper about this?

https://madison.com/news/local/environment/apartments-can-go-on-polluted-site-if-it-can-be-cleaned-up-madison-plan-commission/article_80cf016a-ade5-5780-95d0-fdfc15f68daa.html#tracking-source=home-top-story

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 shown on the proposed Certified Survey Map at issue 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 is agenda item and all related matters 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: [Becky Leidner](#)
To: [All Alders](#)
Subject: Agenda #51 (Legistar 74065)
Date: Tuesday, January 3, 2023 9:37:23 AM

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Dear Alders,

I'm writing one last time to urge you to oppose approval of the Oscar Mayer development. This short-sighted, poorly-designed, environmentally-destructive monstrosity has been a foregone conclusion since it was first proposed. Once again, profit, tax revenue, and "development" will win out over suitability, environment, and justice. There is little more I can say at this point except to ask you to look at the site, the neighborhood, and the plan and ask yourselves how you can possibly approve this in good conscience.

Thank you,

Rebecca Leidner
1915 Spohn Ave.
Madison WI 53704

From: gordian@nym.hush.com
To: [All Alders](#)
Subject: Oppose item 51 (Legistar 74065)
Date: Tuesday, January 3, 2023 12:41:26 PM

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

Please oppose item 51 (Legistar 74065). The purpose of this item is to locate low income housing in an area prone to flooding and on land contaminated by toxic chemicals. Approval of this measure would be a step in the wrong direction.

Don Lindsay

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 12:00:17 PM

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

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.

JIM POWELL

Madison Environmental Justice
mejo.us ~ 608.240.1485

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<`Only dead fish go with the flow;`<
><((((°>`..,.,.,.´\`...><((((°>..´\`><((((°>
Laws change; people die; the land remains.

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 2:33:30 PM

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

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: sluysb@aol.com
To: [All Alders](#)
Subject: letter from Police Chief Donahue
Date: Monday, December 19, 2022 10:40:53 AM
Attachments: [Captain Donahue's letter to PC..docx](#)

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

Dear Alders,

During the recent plan commission meeting, Police Chief Donahue sent a letter expressing concerns related to increases to housing in a highly dense proposed affordable housing complex located at 2007 Roth Street, see attached.

As we continue with hyper dense developing on Madison's North side, please be sure that we have the public safety resources well funded for future budgets.

We need to make sure that we have enough fire trucks that can address high rise developments. Do we have enough trucks at the North fire house with the correct equipment to put out a fire on the upper levels and to evacuate the residents? Do we have enough first responder vehicles should medical care be needed?

We need to be able to address traffic increases on roads that are already far too busy.

Building housing that encourages 800 cars into a compressed area makes no sense. The BRT local connector route is a couple of blocks to the East and a proposed multi modal hub is just next door. Why are we not requiring solar panels on the large proposed flat roof buildings to help reduce utility costs for the residents as well as for charging the EV parking spaces in the building? The residents would be helped to such a great degree with such a plan in place. A commitment from the developers that this will happen, should be required.

Has anyone yet spoken with area schools to address their concerns as they will be exponentially expanding in just 2 years.

Does it make sense to allow the Plan Commission to continue to approve housing in areas that already are under pressure to address all public safety and educational concerns?

Thank you,

Beth Sluys
District 18

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

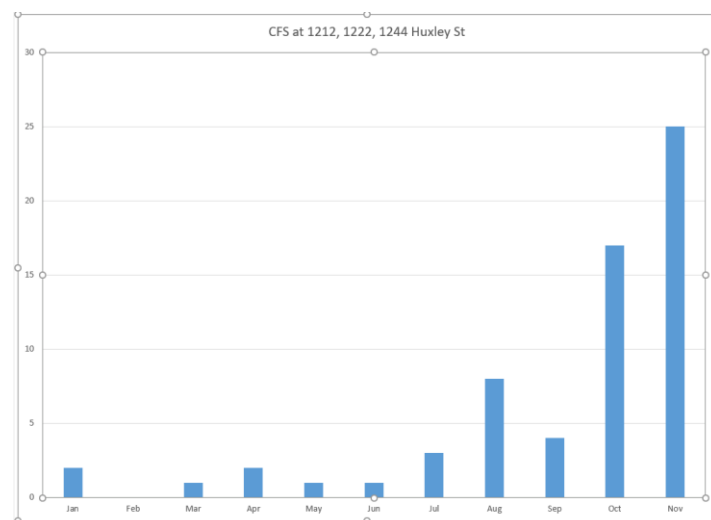
Please see the attached thoughts regarding the proposed residential buildings on Huxley/Roth St.

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: sluysb@aol.com
To: [All Alders](#)
Subject: Agenda Item 51 - In Opposition
Date: Tuesday, January 3, 2023 12:51:01 PM
Attachments: [CC_010323.docx](#)

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

Dear Alders,

Please vote no on the approval of the CSM for the wetland property located at 2007 Roth Street.

Please find my comments in the attached document.

Thank you for your service.

Beth Sluys

3 January 2023

Common Council

Agenda Item 51

Legistar: 74065

2007 Roth Street - Wetland

Submitted by Beth Suits, 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 for property located at 2007 Roth Street

This land is within a wetland overlay district. While it has had zoning changes from Industrial General to a wetland overlay district, to residential, according to our municipal code, no housing should be allowed in this wetland area. This proposal does not further the protection 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. No housing should be allowed in an environmental corridor. The senior housing will lie directly on top of the environmental corridor and should not be allowed.

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, not a thorough field survey has been conducted with ground penetrating radar to determine any human remains or artifacts that may be in the area. 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 ditching were being dug in this area. The bones were given over to Charles E. Brown, the state archaeologist. They should be returned to the Hb-Chunk Native for proper interment. No disruption of this land should occur until a thorough investigation is completed by the Hb-Chunk Native in collaboration with the state history society. We have found indigenous mound sites and still are finding artifacts all over Madison, why are we ignoring this opportunity to serve our Hb-Chunk neighbors and allow for a complete and *thorough* site survey?

This property does not meet the 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."

Near by Denetral Park was going to be developed for housing but had issues related to the high groundwater level 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 Pot h 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 drains into a local collection system in this area, it floods the Fox Valley building basement. This area is a flood plain and has high water level close to flood level of 853 MSL. It is largely comprised of hydric soils which are not stable for high rise buildings. The city has failed to address this by not having this location reported to FEMA as flood plain.

This property has known carcinogenic 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 invest in his "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 based on a Phase I study of contamination levels. Oscar Mayer had to stop using groundwater from its well for food production due to high levels of TCE in the water. VDN 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 people's homes. Northgate Mall monitors TCE levels in the ground and reports to the VDN with the data. Monitoring is also taking place at the Oscar Mayer property for toxic vapor levels inside Building 43. How can we know what sort of vapor system we need for any buildings on this wetland site if a Phase I study is not completed? Guess work at best.

A complete phase I study would discern all past uses of this area including farming, a baseball field, coal piles (for the power house at Oscar Mayer), fuel oil, state record indicating a Hart Meyer land fill (state records indicate a Hart Meyer land fill existed), and small local businesses. It would complete thorough 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 on behalf of 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, groundwater and surface soils. A history of over 113 years of heavy industrial use starting with massive coal piles and

Larger tanks of fuel oil (both heavy and light) and with contamination issues) and landfilling has created contamination issues.

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

The high density of this proposed development will over-concentrate community living arrangements in an area that is immediately adjacent to a busy rail road corridor, with a proposed major roadway on the west and immediately through both building sites. Immediately to the east, the Canadian Pacific rail road operates freight line that is slated to have more heavy freight traffic as well as higher speed trains should Amtrak be established in Madison. Passenger rail travel at greater speeds and so will be not only noisier but faster in an area slated to have lots of children. If the rail crossings instantly intensify the noise of the two buildings, pedestrian and bicycle 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 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 with 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 the eastern edge of the parcel. These buildings will cause a negative impact on residents as they value the wetland and 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.

The noise level for the proposed facilities will be intense with the current buildings being immediately adjacent to the rail road tracks as well as facing directly into the airport where we anticipate arrival of F35 jets in April / May of this year. HUD guidelines for multi-family housing would not allow for these buildings with courtyard 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 strict 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 ensure public health and safety.

As we see the arrival of the F35 jets, we need to consider the noise levels with 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 excessive high buildings are located with the 3-mile building height-restricted area for the airport. What considerations have been made regarding the building height legal requirement?

The impact of the excessive heights will also be a valuable and key piece of blue infrastructure, the functional 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 into 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 heights will cause intense shadowing of the wetland and likely negative impact the plant life that supports the ecosystem. Significant 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 addition, 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- or oriented development in the area that provides age-in-place living options for neighborhood residents, walkable services and transit.

Agenda Item 51 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 northside general grocery store will only make it harder on the elderly and working families as they have only 15 minutes on 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 Northside of Madison.

From: [Steve Verburg](#)
To: [All Alders](#)
Subject: please vote no on housing people on polluted OM site
Date: Tuesday, January 3, 2023 7:15:59 PM

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

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

Members of the Common Council:

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 to the Plan Commission by the Madison Environmental Justice Organization and request that council members 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: [Carolyn Virginia](#)
To: [All Alders](#)
Subject: Oscar Mayer Development plan
Date: Tuesday, January 3, 2023 1:56:21 PM

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

Good afternoon,

I understand the plan will be discussed at tonight's meeting. In general I support the plan but would ask that more testing be done to ensure that the contaminants are fully assessed.

Carolyn

Pronouns: she/her/hers

From: [Barbara Waxman](#)
To: [All Alders](#)
Subject: I'm registering in opposition to the proposal for the Hartmeyer area.
Date: Wednesday, January 4, 2023 11:31:59 AM

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

Sent from my iPhone

From: [Rick Zynda](#)
To: [All Alders](#)
Subject: Comment about tonight's meeting
Date: Tuesday, January 3, 2023 7:39:27 PM

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

I wish to register my objection to item #51 on your agenda for the reasons submitted by Oscar Meyer neighborhood representatives. It's a poor location for a large apartment complex. Thank you.

Rick Zynda

Sent from my iPhone