

**From:** [Fun to Build](#)  
**To:** [Figueroa Cole, Yannette](#); [All Alders](#); [Mayor](#)  
**Subject:** Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, Agenda Item #6 for Common Council Meeting 7/16/24, 6610-6706 Old Sauk Rd  
**Date:** Thursday, July 11, 2024 10:39:31 PM

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To President Cole, All Alders and Mayor Rhodes-Conway,

We ask that you reverse your decision as appealed and defer approval of the Stone House proposal at 6610-6706 Old Sauk Rd until: a) a Stormwater Plan is approved by City Engineering and b) the City can provide an adequate stormwater infrastructure to accommodate increased storm runoff caused by the Stone House project.

If we were asked a year ago if we thought a 138-unit apartment could be built at this location so close to our home we would have said no way, that we are in the middle of 4 square miles of suburban neighborhoods and protected by zoning laws. Little did we know.

Back in October, 2023 at the initial Stone House proposal meeting our reaction was then as it is today, Stone House is trying to cram too much into this 3.7 acre location. Stone House has chosen to start with a large building design and left a small amount of room for a stormwater system, as an engineer I would say it should be the other way around, first figure out the room needed for a solid performing stormwater design and then design the building.

Since this initial proposal meeting we have learned a lot.

We have learned that the Plan Commission and Stone House teamed up in advance and conspired together to advance a radical zoning change and an urban building design to our suburban neighborhood prior to any public comment period. We watched in disbelief, despite overwhelming public opposition and professional analysis as the Plan Commission approved the project unanimously and without discussion. We have learned that our voices as residents are not being considered and that we are only pawns in the game to make it look like there is public involvement. This project was approved before it was announced.

We have learned that this location is identified on a City of Madison Flood Risk map.

We have learned from City Engineering that this property has an enclosed depression and the only way to drain it is via a storm sewer pipe and that Old Sauk Rd has a storm sewer that needs to be upsized and currently there are no plans to upsized. Since there are no City plans to make modifications, there are no available storm sewer accommodations to handle increased storm runoff caused by the Stone

House project.

We have learned from City Engineering that this project must be designed and managed in such a way that there is no additional flooding to adjacent property owners after development when compared to pre-development.

We have learned that revised MGOs in 2020 make stormwater planning more stringent, this is a result of the August, 2018 flooding and a recent history of more intense rainfall events in West Madison.

We know Stone House does not have a City Engineering approved Stormwater Plan.

We have reviewed Stone House's engineer's (Wyser Engineering) Stormwater Plan last revised on 5/24/24 and we do not believe their design will be successful and will not achieve 100% performance, 100% of the time.

We have learned the following about their Plan:

- a) it does not include spare reserve capacity where flow can be diverted to in an emergency or to perform cleaning maintenance,
- b) it does not include an underground water level or water flow monitoring system,
- c) it is relying on infiltration into soils with subpar percolation rates,
- d) it does not include confined space entry into the underground infiltration basins for inspection and cleaning and to our knowledge where there are no local confined space vessel cleaning services available,
- e) when the underground infiltration basins foul, do not drain properly and fill, 100% of the rainwater shed from all roofs and driveways will overflow directly to the west property line discharge point and onto adjacent neighborhood properties and
- f) it does not include a system that would provide regular performance reports to the City, utilize a flow meter at the west property line discharge point, on-site rain gauging, programming and a PLC (programmable logic controller) to ultimately determine if compliance of no additional flooding post development vs. pre-development is being met.

And lastly, we have learned through Alder Guequierre's Blog dated 6/30/24 that he and possibly City Engineering are using their position(s) to try and help Stone House, what does this all mean? Alder Guequierre stated: "On June 27 I met with Greg Fries of Madison's stormwater management engineering team to brainstorm about things we hope to see in the final Stone House stormwater and maintenance plans. We have reached out to the developer and their engineer with some ideas and will explore them and other ideas that may bubble up in further conversation."

For all these things mentioned here we ask that you reverse your decision as appealed and defer approval of the Stone House proposal at 6610-6706 Old Sauk Rd.

Sincerely, Gary and Barb Foster  
6506 Old Sauk Rd

**From:** [Fun to Build](#)  
**To:** [Mayor](#); [All Alders](#); [Figueroa Cole, Yannette](#); [Plan Commission Comments](#)  
**Subject:** Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, 6610-6706 Old Sauk Rd  
**Date:** Monday, July 15, 2024 8:41:23 PM

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

At the Common Council 6/18/24 meeting Helen Bradbury, Stone House Development gave the impression that she and Stone House Development had answered all questions raised by residents, which is not true.

On 3/14/24, I generated a full list of questions for Staff, Engineering and Stone House Development. I did receive and appreciate answers from Staff and Engineering that were published in a 3/20/24 Blog by Alder Guequierre, but Helen Bradbury and Stone House Development have never answered any of my specific questions, only responded once by saying I could find the answers in their presentations, which was not possible and made no sense.

So that there would be no confusion, I began prefacing the questions on 3/26/24 as “New Question for Stone House Development”. I sent out follow-ups on 4/8/24 and then again on 5/14/24 and have never received any specific answers. See below for the questions that remain unanswered as of today.

*New Question for Stone House Development, 3/26/24: Describe what construction methods will be used and required to install the stormwater systems and the plans to be used that will not allow any damage to surrounding properties?*

*New Question for Stone House Development, 5/7/24: We have been told that you are not responsible to fix all flooding issues of the area, just those created by your new development and no worse than pre-development conditions. Do you plan to go beyond the minimum required and help out with the existing situation?*

*New Question for Stone House Development, 3/26/24: The homes in our neighborhoods have architectural styles with sloped roofs, most of them resembling Colonial, Mid-Century, French/English Country, not Craftsman or Prairie and not with flat roofs. Have you considered proposing Townhouse Style apartment designs with gable roofs (like those that can be found elsewhere in the City of Madison)?*

*New Question for Stone House Development, 3/26/24: Describe how this development will meet or exceed ordinances referenced in the District 19 Blog answers dated March 20, 2024 addressing light pollution. Because the development is so tall and had to be moved close to Old Sauk Rd to deal with shadowing issues, the one and only driveway is now at the back very close to many neighbors. Describe how vehicle lights will not be an issue for the neighbors?*

*New Question for Stone House Development, 3/26/24: Describe how this development will meet or exceed ordinances referenced in the District 19 Blog answers dated March 20, 2024 addressing noise pollution. Because the development is so tall and had to be moved close to Old Sauk Rd to deal with shadowing issues the one and only driveway and all its associated vehicle noises are now at the back of the development very close to many neighbors. Describe how vehicle noises will not be an issue for the neighbors?*

*New Question, 3/26/24 for Stone House Development: Describe your plan to recycle demolition materials and not just send everything to a landfill?*

*New Question for Stone House Development, 3/26/24: What specifically have you done, or could you do to gain support of your development with the surrounding neighbors that you are so greatly impacting?*

*New Question for Stone House Development, 3/26/24: Part of the discussion at the 3/13/24 meeting was about the apartment rental rate pricing structures, would you confirm that pricing will always be at market rate and never a rent assistance rate or a low-income rate?*

*New Question for Stone House Development, 4/8/24: The 3/13/24 proposal eliminated one of the two access points into the underground parking and relocated the one and only access to the rear of the facility. This change creates confusion, congestion, safety concerns and traffic issues for those coming into and out of the facility, including the added congestion with deliveries being made in a tight area on the access road behind the building. In addition, twenty-one parking spaces were added with headlights facing directly into neighbor's windows on St Andrews Cir and with all deliveries being made to the facility in very close proximity to homes to the north. These parked vehicles will be 20' to 30' from neighbor's homes resulting in unwanted around the clock noise and chaos. All of the natural buffers that were in the 10/24/23 proposal were eliminated in the 3/13/24 proposal. What specifically will be done to eliminate 100% these impacts and to the satisfaction of all adjacent neighbors?*

*New Question for Stone House Development, 5/7/24: At the 3/13/24 presentation it was unclear about the exact building heights and whether the shadow drawings presented were very accurate. Now that you know the building heights more accurately and the building location on the site would you now provide accurate shadow drawings?*

Sincerely, Gary Foster  
6506 Old Sauk Rd

**From:** [Ann MacGuidwin](#)  
**To:** [Mayor](#); [All Alders](#); [Plan Commission Comments](#)  
**Subject:** Please post as public comments for 82950, 82972m 83477, 82979, 84123 / 6610-6706 Old Sauk Rd  
**Date:** Tuesday, July 16, 2024 12:20:47 AM

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

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

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

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

#### **Why is the Stone House Old Sauk Rd case unusual?**

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

demonstrate proof-of-concept should be provided.

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

### **What are the issues with the underground infiltration facilities?**

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

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

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

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

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

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

Ann MacGuidwin  
106 Blue Ridge Pkwy

**From:** [Chuck Nahn](#)  
**To:** [All Alders](#); [Figueroa Cole, Yannette](#); [Guequierre, John](#); [Mayor](#); [Plan Commission Comments](#)  
**Cc:** [Mary Umbeck](#); [jeff western](#); [Fries, Gregory](#); [Schmidt, Janet](#); [Tim Burns](#)  
**Subject:** Please Post as Public Comments for 82950, 82972, 83477, 82979 and 84123, 6610-6706 Old Sauk Rd  
**Date:** Friday, July 5, 2024 1:34:13 PM

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Dear Mayor Rhodes-Conway, President Cole and All Alders,

My name is Chuck Nahn and I reside at 5623 Sandhill Drive in Middleton. I am a registered Civil Engineer, with over 40 years of experience, retained by the adjacent neighboring property owners to review and comment on the Stormwater Management and Erosion Control Plan for the Old Sauk Road Apartments.

My overall stormwater review of this development is that a high-density multi-family residential development with corresponding greatly increased paved surfaces is being proposed into a small undeveloped area with existing flooding problems caused primarily by inadequate storm sewer infrastructure along Old Sauk Road. To meet City ordinances and achieve the high-density development, the developer is implementing novel, untested underground practices to meet the runoff rate, water quality, infiltration and oil and grease requirements of the City ordinance. I have a number of concerns as detailed in my review comments based on two revisions of the stormwater plan dated April 8, April 22 and May 24 including but not limited to:

- **Underground Tank Infiltration Rate-**
  - The infiltration rates used in the report are too high and do not have a correction factor applied to account for soil compaction during construction. Please note the design infiltration rate is integral toward meeting City ordinance for runoff rate control, water quality and infiltration requirements.
  - Soil compaction during construction is inevitable based on the weight of rock and concrete vault structure on top of native soil interface for underground tanks.
  - Mixing the soils 5 feet below the native soil interface will not increase infiltration based on Dr. John Norman's (professor emeritus of soil science) comments.
  - Sodium Chloride used for winter deicing of street, driveway and parking lot may cause soil clogging and immediate infiltration failure based on Dr. Norman's comments.
- **Pre-existing Detention not applied to on-site discharge-** City ordinance requires pre-existing detention applied to on-site discharge. Stormwater plan applies pre-existing detention to off-site discharge from Old Sauk Road flooding and not on-site discharge from paved area increase associated with proposed development.
- **Potential Increased Flooding to Lower basements for North Property Owners-** Underground Tank infiltration can potentially cause groundwater mounding and increased groundwater flow to the north inundating northern property owner's household lower level and basement. Please note these basements are 7 feet below the native soil interface of Underground Tank #1 which is located 40 feet from the native soil interface.
- **Proposed Underground Tank Outflow pipes elevations-** If underground infiltration tanks should not infiltration as designed, the outflow pipe elevation will negate  $\frac{3}{4}$  of the existing storage of the underground tanks.

I have numerous additional stormwater management plan comments that I submitted to City Engineering on June 4, 2024 with no response received. I request an in-person meeting with City Engineering and the developer's engineer to review these additional issues. Given the uncertainties



that exist at this time, we ask that you defer a decision on the zoning change until further detail becomes available regarding the proposed stormwater practices for this development. The risk of increasing flooding in an already flooded area if these practices do not perform as designed definitely should be considered in more detail before a decision to change the zoning and demolish existing structures is made. For example, if the underground tanks remain filled with water, flood protection volume is lost which is needed to protect downstream property owners

Thank you for your consideration of these issues.

Chuck  
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