



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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January 6, 2009

DNR File No. DC-0129

Mr. Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Subject: Amendment to the *Dane County Water Quality Plan*, Revising the
Central Urban Service Area boundary and environmental corridors in the Town of Burke.

Dear Mr. Mesbah:

We have completed our review of the subject amendment request that was submitted to the Department on November 25, 2008 by the Capital Area Regional Planning Commission. The Department hereby approves this amendment request which adds 22.3 acres to the Central Urban Service Area for redevelopment. The addition area includes 13.5 acres of existing right-of-way, 2.8 acres of existing developed land and 6 acres of environmental corridors.

The proposed amendment area is located west of Interstate Highway 30/90/94 and its' eastbound off ramp onto HWY 51, and east of Daentl Road, in the Town of Burke. The amendment area will be served by the Madison Metropolitan Sewerage District. (See Map 1)

The proposed amendment was requested by the Town of Burke on September 15, 2008 and was adopted by the Capital Area Regional Planning Commission per Resolution CARPC No. 2008-24 on November 13, 2008.

This Department approval is subject to the condition that the Town of Burke complies with the following conditions stated in Resolution CARPC No. 2008-24:

1. Submit a detailed stormwater management plan for the amendment area for CARPC and DCL&WRD staff review and approval prior to sanitary sewer service extension. Plan should include control measures to maintain predevelopment rates of runoff for all storms up to and including the 100-year event, and to prevent increased downstream erosion. Plan should also include stormwater quality treatment and protection measures for the entire amendment area to mitigate the adverse impacts of development to the maximum extent practicable, including the capture of 80% of TSS for 1-year and 2-year storms, prevention of re-suspension of captured sediment, prevention of the flushing of floatables, and treatment of other urban stormwater contaminants. Restoration of prior converted wetlands for stormwater polishing, if and where practicable, should be included in the stormwater plan. The use of a bio-swale for the conveyance of runoff to the existing pond on the parcel should also be included in the stormwater plan.

2. Create stormwater easements for all stormwater facilities and include these in environmental corridors. Stormwater easements should allow access for maintenance by municipal entities if necessary. All pervious areas on the proposed site plan should be included in environmental corridors.
3. Get WDNR concurrence for the detailed wetland delineation conducted by NRC for the site.
4. Get WDNR guidance for any impact from the proposed redevelopment on threatened and endangered species nearby, and implement suggested mitigation measures.
5. Restore the parking lot north of Token Creek to its natural condition, or implement other erosion control measures, for the protection of Token Creek.

The Department also supports the recommendation that the Town pursue the idea of dedicating the small parking lot parcel north of the Creek as an access point for the planned water trail in Token Creek.

The approval of this sewer service area amendment does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

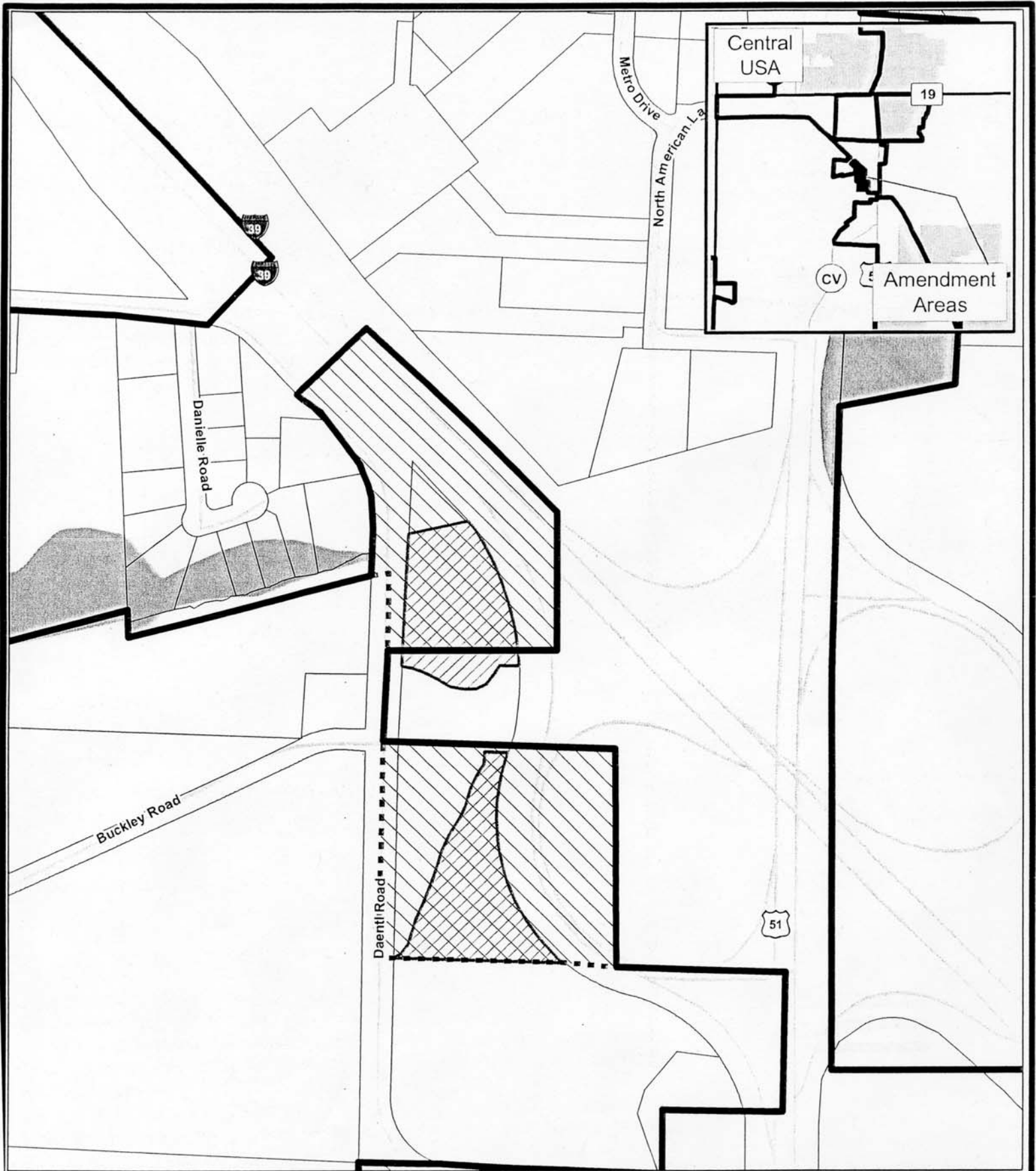
Sincerely,



Todd L. Ambs, Administrator
Division of Water

cc:

Kevin Viney, Chair, Town of Burke, 5365 Reiner Road, Madison, WI 53718
Brenda Ayers, Clerk, Town of Burke, 5365 Reiner Road, Madison, WI 53718
Jeff Miller, President, Village of DeForest, P.O. Box 510, DeForest, WI 53532-0510
JoAnn Miller, Clerk, Village of DeForest, P.O. Box 510, DeForest, WI 53532-0510
Jeremy Balousek, P.E., Dane County Land Conservation Department; 1 Fen Oak Court; Madison, WI 53718
Sue Joshoff, DNR - SCR – Fitchburg
Daniel Helm, DNR - SCR – Fitchburg
Larry Benson – DNR – SCR – Fitchburg
Tom Gilbert – WT/3



Map 1
Amendment to the
Central Urban Service
Area in the
Town of Burke

- | | |
|---------------------------------------|--|
| Existing Urban Service Area Boundary | Environmental Corridor to be Added (6.6 acres) |
| Service Area to be Added (22.3 acres) | Existing Environmental Corridor |
| Proposed Urban Service Area Boundary | Parcels |
| | Incorporated Area |

0.6 acres of environmental corridor are to be added within the existing urban service area.

29 Sept 2008

0 400

Feet

Prepared by staff
of the CARPC.