



January 14, 2020

DNR Project No. DC-0201

Mr. Mike Rupiper, PE
Director of Environmental Resources Planning
Capital Area Regional Planning Commission
210 Martin Luther King Jr. Blvd., Room 362
Madison, WI 53703

Subject: [Environmental Corridor Amendment Request to the Central Urban Service Area – CARPC #1901EC-CUSA-Fitchburg, DNR DC-0201](#)

Dear Mr. Rupiper:

We have completed our review of the subject environmental corridor amendment request from the City of Fitchburg received on December 13th, 2019. The proposed project will slightly decrease the minimum vegetated buffer width between the northern top of the stream bank and the site pavement to range between as little as 44 feet to greater than 75 feet. A public hearing for the amendment was held on December 12th, 2019. The CARPC Water Quality Management Letter of recommendation was then submitted to the Department on December 13th, 2019. **We hereby approve of this request.**

The proposed project site is located at 3101 Fish Hatchery Road in the City of Fitchburg (see Map 1). The site contains multiple buildings with most of the remaining 4.5-acre site being covered in asphalt paving. The total existing impervious cover is 177,100 square feet, or 90 percent of the site. The total area of proposed impervious surface, excluding a gravel access drive, within the riparian buffer will be approximately 4,970 square feet, a buffer impact decrease of 940 square feet from existing conditions. The 75-foot stream buffer reduction is proposed to be largely mitigated by the installation of stormwater management facilities to capture and treat stormwater runoff from most of the development and planting of native vegetation within the environmental corridor.

The Department finds that the proposed amendment is consistent with water quality standards under section 281.15, Wis. Stats., and is hereby approved with the following conditions as recommended by CARPC in their December 2019 letter titled: *Water Quality Management Letter for Environmental Corridor Amendment Request #1901EC – CUSA – Fitchburg*:

The City of Fitchburg will demonstrate continued commitment to pursue the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:
 - a. Install stormwater and erosion control practices prior to other land disturbing activities.
 - b. Provide at least 80% sediment control for the amendment area for the 1-year, 24-hour design storm, in accordance with the City of Fitchburg Stormwater Ordinance.
 - c. Utilize a green roof to reduce stormwater runoff volume.
 - d. Provide a level spreader or similar practice to disperse the flow of water discharging toward the riparian buffer and/or maintain existing stable outlets.

2. Require that the environmental corridor stream buffer be established in dense, grassy, native vegetation, maintained at a height of at least 6 inches.
3. Work with the eastern property owner to establish an egress route to the north such that the existing gravel access drive / easement can be abandoned and restored to native vegetation.
4. Stormwater management facilities shall be placed in environmental corridor. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.

Statewide AWQM Plan Amendment

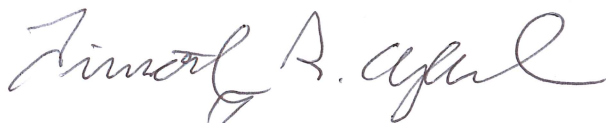
This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *Dane County Water Quality Plan* and will be forwarded to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Wis. Stats. The approval of this environmental corridor 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.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Larry Palm – Executive Chairperson, CARPC
Kris Hampton – Secretary, CARPC
Lisa Helmuth – Water Resources Management Specialist, DNR
Matt Droese – Wastewater Engineer, DNR
Mike Sorge – South Central Water Resources Supervisor, DNR
Tim Ryan – South Central Wastewater Supervisor, DNR
Sonja Kruesel – City Planner / Zoning Administrator, City of Fitchburg

Map 1





100 State Street, Suite 400, Madison, WI 53703

www.CapitalAreaRPC.org

December 12, 2019

Mr. Timothy R. Asplund
Monitoring Section Chief
WDNR – Bureau of Water Quality
101 S. Webster Street
Madison, WI 53707-7921

Re: Water Quality Management Letter for Environmental Corridor Amendment Request
#1901EC – CUSA - Fitchburg

Dear Mr. Asplund:

On November 11, 2019, the City of Fitchburg submitted an amendment application to the Capital Area Regional Planning Commission requesting a revision to the environmental corridor boundaries of the Central Urban Service Area. The proposed environmental corridor amendment is located in the Nine Springs Creek watershed (HUC 12: 070900020702). The site is a proposed high-density mixed-use development, redevelopment of a former juice packaging facility, at 3101 Fish Hatchery Road in the City of Fitchburg. The proposed access drive and parking would provide a 41-foot minimum width vegetated buffer for Nine Springs Creek, which is less than the 75-foot minimum width adopted in the environmental corridor policies and criteria of the *Dane County Water Quality Plan*. The request requires a variance to the environmental corridor policies and criteria adopted in the *Dane County Water Quality Plan*. A public hearing was held on the proposed amendment at the December 12, 2019 meeting of the Capital Area Regional Planning Commission. The City's application and the Commission staff's analysis report of the proposed amendment have been submitted to the Department's Surface Water Integrated Monitoring System.

It is the Capital Area Regional Planning Commission staff's opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, with the conditions of approval recommended below to further improve water quality and environmental resource management.

Mr. Timothy R. Asplund

December 12, 2019

Page 2

At our December 12, 2019 meeting, the Capital Area Regional Planning Commission voted to recommend approval of this amendment to the Wisconsin Department of Natural Resources, based on the City's submittal, and conditioned on the continued commitment of the City of Fitchburg to pursue the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:
 - a. Install stormwater and erosion control practices prior to other land disturbing activities.
 - b. Provide at least 80% sediment control for the amendment area for the 1-year, 24-hour design storm, in accordance with the City of Fitchburg Stormwater Ordinance.
 - c. Utilize a green roof to reduce stormwater runoff volume.
 - d. Provide a level spreader or similar practice to disperse the flow of water discharging toward the riparian buffer and/or maintain existing stable outlets.
2. Require that the environmental corridor stream buffer be established in dense, grassy, native vegetation, maintained at a height of at least 6 inches.
3. Work with the eastern property owner to establish an egress route to the north such that the existing gravel access drive / easement can be abandoned and restored to native vegetation.
4. Stormwater management facilities shall be placed in environmental corridor. Easements and perpetual legal maintenance agreements with the City, to allow the City to maintain stormwater management facilities if owners fail to do so, shall be provided for any facilities located on private property.

If you have any questions regarding this matter, please do not hesitate to contact Mike Rupiper, the Commission's Director of Environmental Resources Planning.

Sincerely,



Larry Palm
Executive Chairperson



Kris Hampton
Secretary

cc: Ms. Sonja Kruesel, City of Fitchburg Planning and Zoning



Map 1 Amendment Area

**Proposed Amendment to the
Dane County Water Quality Plan,
Revising the Environmental Corridors
in the Central Urban Service Area**

-  Proposed Environmental Corridor (0.5 acres)
-  Existing Environmental Corridor (0.5 acres)

Date: 11/11/2019

0 150
Feet



Prepared by staff
of the CARPC.

**Staff Analysis of Proposed Amendment to the
Dane County Water Quality Plan, Revising the Environmental
Corridors of the Central Urban Service Area
in the City of Fitchburg**

1. Existing Conditions

The proposed project site is located at 3101 Fish Hatchery Road in the City of Fitchburg (see Map 1). The site was originally developed as the Bowman Dairy Milking Parlor and Processing Facility in 1929. It was later converted to a juice concentration processing facility by Foremost Farms until 2007 until it was sold to Citrus Systems, whom operated the facility until closing in 2018. Petroleum products and solvents that were used and stored on the site in the past have contaminated portions of the underlying soil and groundwater. Some remediation actions have been conducted at the site. However, a Phase II Environmental Impact Statement for the site included subsurface investigations, completed by SCS Engineers in October of 2019, of the soils and groundwater and found residual contamination around much of the site. The Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment closed the active remediation of the site in 2003 with the condition that a deed restriction be recorded to require a surface barrier, such as a paved surface, over the remaining soil contamination ([link to BRRTS information](#)).

The site was originally developed before there were any environmental corridor or stormwater management requirements in effect. The site contains multiple buildings with most of the remaining 4.5-acre site being covered in asphalt paving. An existing approximately 20-foot-wide gravel access drive enters the southwest corner of the site from Fish Hatchery Road prior to crossing the southern property line. The drive runs parallel to Nine Springs Creek immediately south of the site and provides access from Fish Hatchery Road to an adjacent property east of the site. The total existing impervious cover is 177,100 square feet, or 90 percent of the site.

The environmental corridors of the Central Urban Service Area were originally adopted in 1983, using 1969 USGS Quad maps as a base map. The corridors on the southern portion of the subject parcel were delineated as part of the original corridor delineation based on a 200-foot vegetative buffer strip centered along Nine Springs Creek and a Federal Emergency Management Agency (FEMA) 100-year floodplain (see Map 2). Sometime between 1988 and 2005 the environmental corridors were adjusted to remove some wetland area immediately east of the site and to include some additional wetland/riparian area farther east from the site, resulting in the environmental corridors as they are currently mapped (see Map 2). The distance between the stream northern top of bank and the existing asphalt pavement currently ranges between as little as 45 feet to greater than 75 feet. However, only a small portion of this area is vegetated as the approximately 20-foot gravel access drive is located between the pavement and the stream top of bank. Of the portion of the gravel access drive that is within the limits of the site, as little as 10 feet of vegetation separates the gravel

edge from the top of bank with an additional 10 feet of vegetation between the gravel drive and the site pavement. The total area of existing impervious surface, excluding the gravel access drive, within the riparian buffer is be approximately 5,930 square feet.

Land uses adjacent to the parcel are commercial/industrial to the north and northeast, Nine Springs Creek, wetlands and open space to the southeast and south, and commercial, multi-family buildings along with the Nine Springs Golf and Disk Golf Course on the other side of Fish Hatchery Road.

2. Description of Proposal

The site is proposed for redevelopment with a new, high density (160 dwelling units and 10,000 square feet of commercial space), mixed-use commercial residential apartment complex (see Map 3). A wetland delineation has not been conducted for the project, however, the Wisconsin Department of Natural Resources (WDNR) has provided concurrence of no wetlands present within the limits of the site. The WDNR 2013 Wetland Inventory shows a large wetland complex within 200 feet of the southeast parcel corner. The total proposed impervious cover is 137,500 square feet, or 70 percent of the site. The proposed project will very slightly decrease the minimum vegetated buffer width between the stream northern top of bank and the site pavement to range between as little as 44 feet to greater than 75 feet. The total area of proposed impervious surface, excluding the gravel access drive, within the riparian buffer will be approximately 4,970 square feet, a buffer impact decrease of 940 square feet from existing conditions.

The 75-foot stream buffer reduction is proposed to be largely mitigated by the installation of stormwater management facilities to capture and treat stormwater runoff from most of the development and planting of native vegetation within the environmental corridor. Redevelopment sites are typically not required to provide the same level of stormwater management requirements as new development. However, the City of Fitchburg ordinance requires both redevelopment and new development sites to reduce, to the maximum extent practicable, total suspended solids load leaving the redeveloped site by 80%, based on the average annual rainfall, as compared to no runoff management controls. The ordinance also states that new parking areas only need to achieve 60% total suspended solids reduction. The proposed stormwater management plan includes an underground detention facility and a wet detention pond at the southeast corner of the site. In addition, should the eastern property owner be willing to abandon the existing gravel access drive as a result of better access to the extended portion of Traceway Drive to the North, the developer has committed to removing the existing gravel drive and restoring the area to native plantings. Infiltration, including the use of porous pavement, is not proposed as a result of the subsurface petroleum and commercial solvent contamination. However, the development is proposing to include a green roof, which will provide improved stormwater volume control compared to current conditions.

Map 1 – Amendment Area



Map 1 Amendment Area

Proposed Amendment to the
Dane County Water Quality Plan,
Revising the Environmental Corridors
in the Central Urban Service Area



Proposed Environmental Corridor (0.5 acres)



Existing Environmental Corridor (0.5 acres)

Date: 11/11/2019

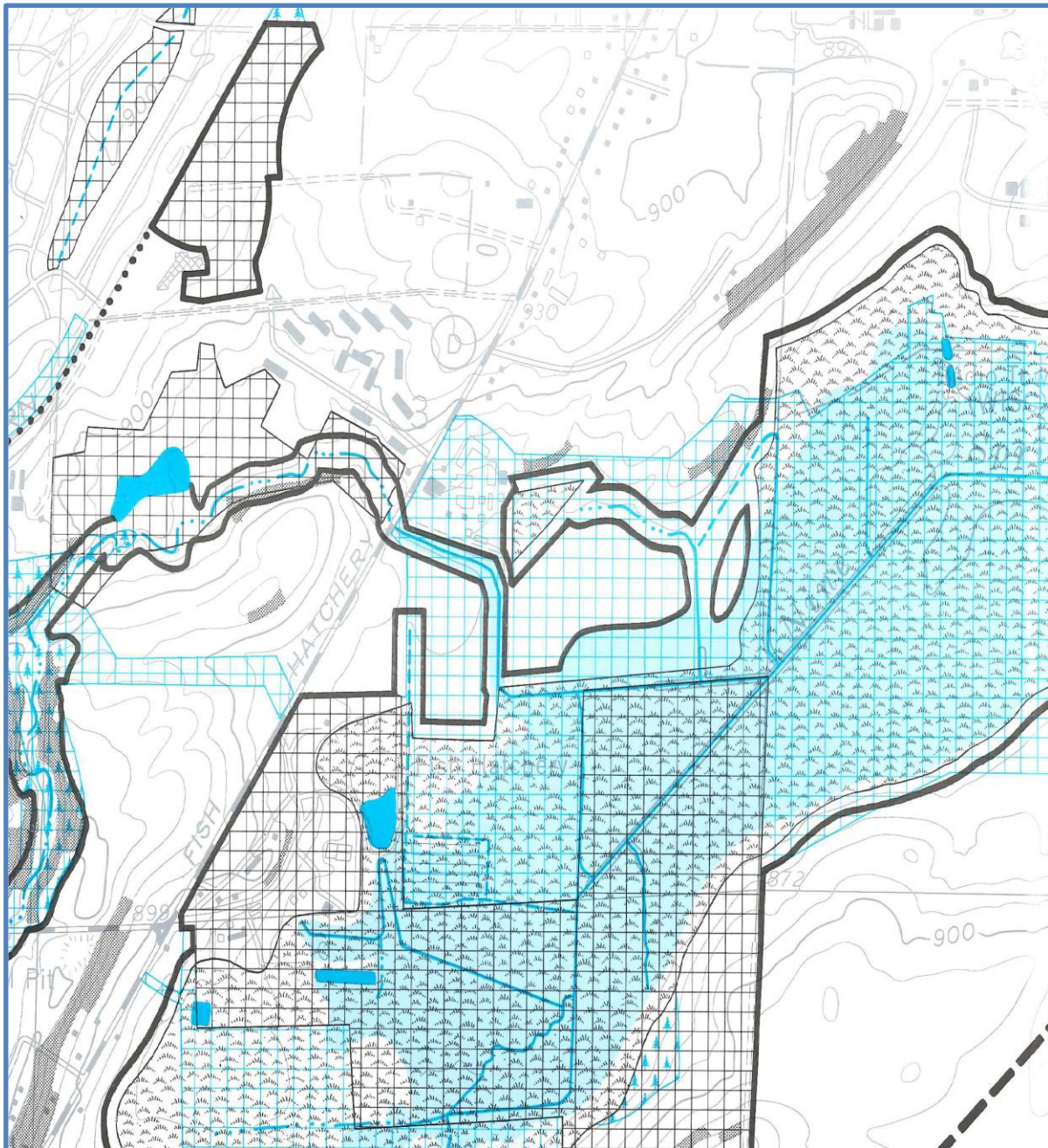
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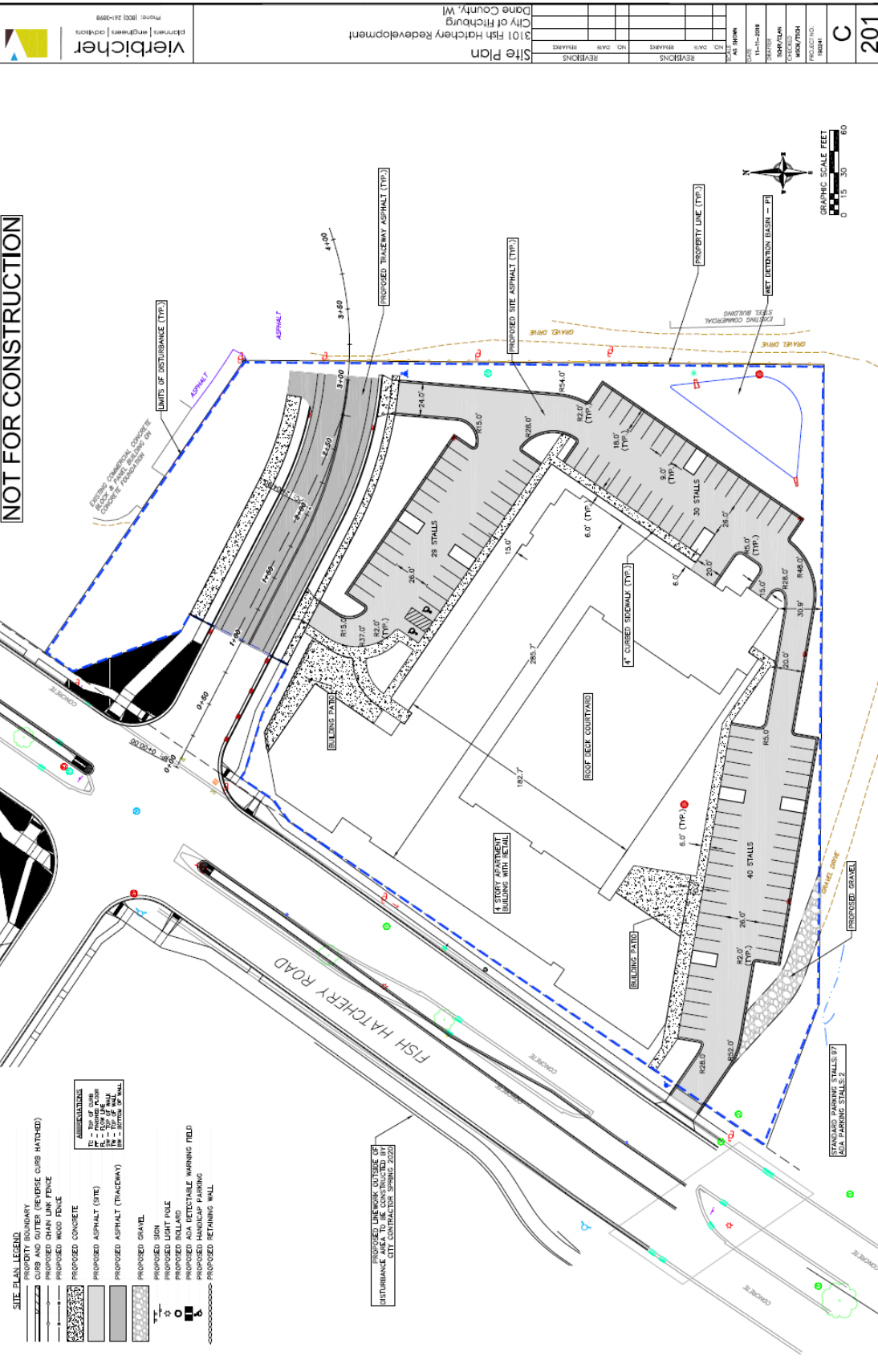


Prepared by staff
of the CARPC.

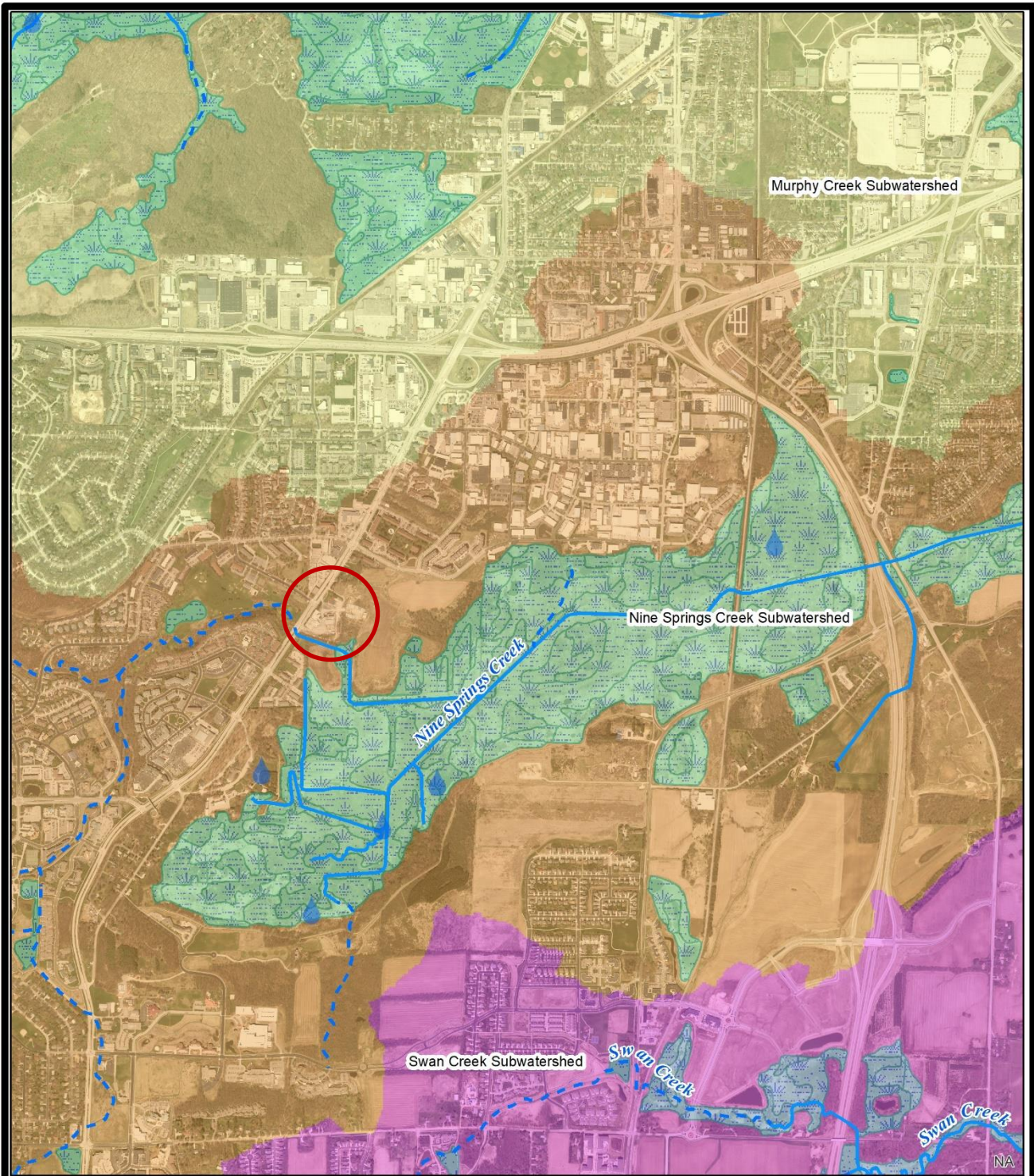
NA, Parcels

Map 2 – 1983 Environmental Corridor Map





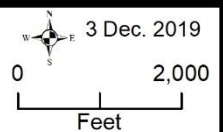
Map 4 – Subwatersheds



Map 4 Subwatersheds

Proposed Amendment to the
Dane County Water Quality Plan,
Revising the Environmental Corridors
in the Cental Urban Service Area

Rivers and Streams	Subwatersheds
--- Intermittent	 Murphy Creek
— Perennial	 Nine Springs Creek
● Springs	 Swan Creek



Prepared by staff
of the CARPC.

Nine Springs Creek Wetlands

The environmental corridor in this area is associated with Nine Springs Creek, where it first becomes a perennial stream, upstream of its associated wetlands. The Nine Springs Creek wetlands cover an expansive area of over 650 acres between Fish Hatchery Road and State Highway 14 (see Map 4).

3. Consistency and Conflict with Adopted Plans and Policies

The City of Fitchburg has determined that the multifamily residential land use proposed for the site is consistent with the City's Comprehensive Plan, adopted in 2009 and most recently amended in 2018, and with its planning goals for the Fish Hatchery corridor. The City Council of the City of Fitchburg acted at its November 12, 2019 meeting to approve Planned Development District – General Implementation Plan zoning for the subject property authorizing a request for a “major change” to the environmental corridors of the Central Urban Service Area.

Environmental Corridor

The *Dane County Water Quality Plan* outlines policies regarding the delineation and designation of environmental corridors in the *Environmental Corridors* report, last updated and adopted by the Dane County Regional Planning Commission in 1996 and approved by the WDNR in 1997. The report establishes the need for a minimum 75-foot vegetative shoreland and wetland buffer. The need for buffer strips is based on the role they play in filtering pollutants from stormwater runoff; protecting stream banks and wetlands from erosion; providing space for the natural meander, shifting, and expansion of streams and wetlands; and protecting the habitat functions of these resource areas. Because of the natural resource functions provided by vegetative buffer strips, any encroachment into the minimum buffer width of 75 feet requires an evaluation of the impacts of the encroachment. This evaluation is performed through the Water Quality Plan amendment process and the requirement for WDNR review and approval.

The Capital Area Regional Planning Commission (CARPC) subsequently adopted Environmental Corridor Policies in February 2008. These policies include:

- Existing development (impervious area) is exempted from inclusion in corridors.
- Vegetative buffers for wetlands and shorelands (75-feet minimum and excluding impervious surfaces).

There are no specific policies regarding redevelopment sites.

Stormwater Management

The existing site has seen the addition and modification to multiple buildings since the 1930s, before there were any stormwater management requirements in effect. Current City of Fitchburg (Chapter 30) and Dane County (Chapter 14) ordinances do not require redevelopment sites to meet any peak runoff rate

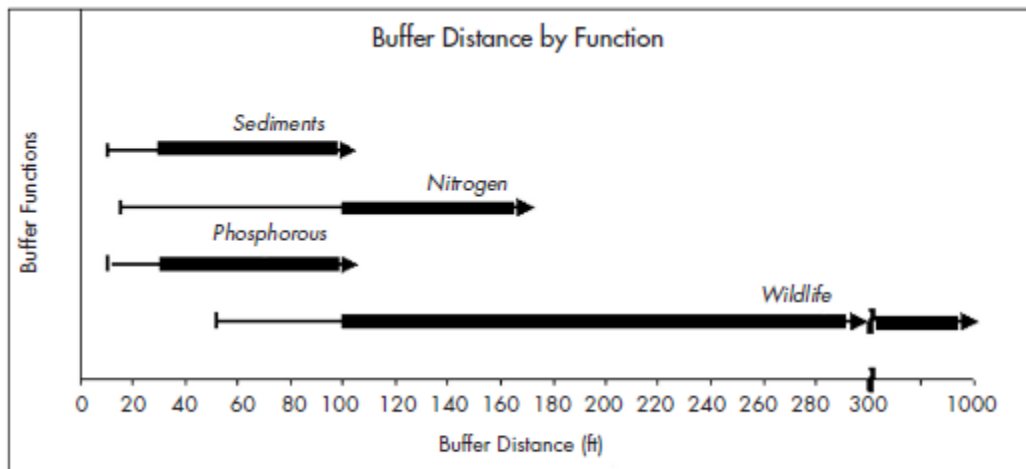
control or volume control standards. The City of Fitchburg ordinance requires both redevelopment and new development sites to reduce, to the maximum extent practicable, total suspended solids load leaving the redeveloped site by 80% (60% for new parking areas), based on the average annual rainfall, as compared to no runoff management controls. This exceeds the 40% sediment control required for redevelopment sites under the Dane County ordinance.

4. Impacts or Effects of the Proposal

Redevelopment of the site will provide for an additional 160 dwelling units and leasable commercial space without any increase in the size of the urban service area.

The redevelopment plan for the site will include a stormwater management plan to provide at least 80% sediment reduction and a currently undetermined amount of peak rate control and volume control. This will result in an improvement in water quality since the current site has no stormwater management.

The proposed vegetated buffer width of 44 to greater than 75 feet is sufficient to provide sediment and phosphorus removal. In addition, the total proposed buffer area impacted is 940 square feet less than the present buffer impact. The proposed buffer width will provide little to no wildlife benefits, as does CARPC's standard 75-foot buffer.



*Effective buffer distance for water quality and wildlife protection functions. The thin arrow represents the range of potentially effective buffer distances for each function as suggested in the science literature. The thick bar represents the buffer distances that may **most** effectively accomplish each function (30 - > 100 feet for sediment and phosphorous removal; 100 - > 160 feet for nitrogen removal; and 100 - > 300 feet for wildlife protection. Depending on the species and the habitat characteristics, effective buffer distances for wildlife protection may be either small or large.*

Source: *Planner's Guide to Wetland Buffers for Local Governments*, Environmental Law Institute 2008.

Table 1. Pollutant Removal Rates (%) in Buffer Zones					
Reference	Buffer Vegetation	Buffer Width (meters)	Pollutant		
			TSS	TP	TN
Dillaha <i>et al.</i> 1989	Grass	4.6	63	57	50
		9.1	78	74	67
Magette <i>et al.</i> 1987	Grass	4.6	72	41	17
		9.2	86	53	51
Schwer and Clausen 1989	Grass	26	89	78	76
Lowrance <i>et al.</i> 1983	Native hardwood forest	20 - 40	-	23	-
Doyle <i>et al.</i> 1977	Grass	1.5	-	8	57
Barker and Young 1984	Grass	79	-	-	99
Lowrance <i>et al.</i> 1984	Forested	-	-	30-42	85
Overman and Schanze 1985	Grass	-	81	39	67
Young <i>et al.</i> 1980	Grass	27.4	-	88	87

Source: Aquatic Buffers Fact Sheet. Center for Watershed Protection Stormwater Manager's Resource Center web site (<http://www.stormwatercenter.net/>)

The proposed underground detention facility and wet detention pond will include outfall structures that tend to concentrate the flow. These concentrated flows can cause erosion and channeling where it discharges to the receiving waters. It is therefore important to design the discharge structures with level spreaders or similar practices to spread the flow and prevent channelization and erosion.

The proposed site layout and future sitework methods are being coordinated between the developer, developer's engineer(s) and the WDNR to further mitigate the known subsurface petroleum and solvent contamination. The removal of contaminated soils during excavation of the building will result in the reduction of total contaminants onsite.

5. Alternatives

One alternative is for no redevelopment to occur on the site. This would not improve water quality since there is currently no stormwater management for the site and less vegetated buffer than proposed within the redevelopment. In addition, there would be no further subsurface contaminant removal.

Another alternative would be to redesign the site layout to accommodate a 75-foot vegetated buffer for Nine Springs Creek and associated floodplain and wetlands. This would result in an unknown cost increase for the project and has already been determined by the developer that the project would be unviable. The project not moving forward would result in no redevelopment of the site and therefore no improvement in water quality or subsurface contaminant remediation.

6. Controversies, Comments Received, Unresolved Issues

The proposal has been reviewed by the City of Fitchburg Plan Commission and approved by the City Council.

A public hearing has been scheduled for December 12, 2019, at 7:00 p.m. to receive testimony on this proposed amendment to the *Dane County Water Quality Plan*. Staff has not received any comments on the proposed amendment at this writing.

7. Conclusions

The “major change” to the environmental corridors is located on a parcel that was originally developed in the 1920s or 1930s, prior to environmental corridors and stormwater management requirements. The environmental corridors were first delineated in 1983 after the original development had taken place.

The following conclusions can be made in support of the proposed amendment:

- The proposed site includes a stormwater management plan to provide at least 80% sediment reduction and a currently undetermined amount of peak rate control and volume control through an underground detention facility, a wet detention pond, and a green roof. In comparison, there is no stormwater management for the existing site. The 80% requirement exceeds the 40% requirement for redevelopment in the Dane County Ordinance.
- The proposed project will increase the vegetated buffer area by 940 square feet over existing conditions for Nine Springs Creek south of the site while maintaining a minimum buffer width of 41 feet and up to and greater than the 75-foot buffer width required by CARPC’s adopted policies and criteria in some locations.
- The proposed project will encounter known subsurface contaminants during the construction process that will require removal and/or remediation resulting in a net decrease of onsite contaminants.
- Overall, the redevelopment will reduce the impervious area on the parcel by approximately 39,600 square feet.

In summary, the proposed changes on the site will have positive impacts to water quality overall. It is the Regional Planning Commission staff’s opinion that the proposed amendment is consistent with water quality standards under Wis. Stat. § 281.15, with the conditions of approval identified below to protect water quality and provide environmental resource management.

CARPC staff recommends that approval of this amendment be conditioned on the City of Fitchburg’s continued commitment to pursuing the following:

1. Submit a detailed stormwater management plan for CARPC and DCL&WCD staff review and approval prior to any land disturbing activities in the amendment area. The stormwater management plan shall include the following:

- a. Install stormwater and erosion control practices prior to other land disturbing activities.
 - b. Provide at least 80% sediment control for the amendment area for the 1-year, 24-hour design storm, in accordance with the City of Fitchburg Stormwater Ordinance.
 - c. Utilize a green roof to reduce stormwater runoff volume.
 - d. Provide level spreaders or similar practice to spread the flow of water discharging toward the riparian buffer.
2. Require that the environmental corridor stream buffer be established in dense, grassy, native vegetation, maintained at a height of at least 6 inches.
3. Work with the eastern property owner to establish an egress route to the north such that the existing gravel access drive / easement can be abandoned and restored to native vegetation.

CITY OF FITCHBURG

FISH HATCHERY ROAD / NINE SPRINGS CREEK ENVIRONMENTAL CORRIDOR AMENDMENT

This information supports the City of Fitchburg's application to amend the environmental corridor mapped in the vicinity of Fish Hatchery Road and Nine Springs Creek on a 4.5-acre parcel that is proposed for redevelopment (parcel number 225/0609-031-5152-0). The parcel is addressed at 3101 Fish Hatchery Road, and is located east of Fish Hatchery Road and south of Post Road. The lands are within the City of Fitchburg and within the existing Urban Service Area, and are served by the City's sanitary sewer and water.

This proposal is consistent with the City's plans for the area and the site, and will improve environmental outcomes. Specifically:

- 1) It will reduce encroachment into the mapped corridor.
- 2) It will improve water quality with the addition of stormwater management infrastructure.
- 3) Amending the corridor is the only path forward to complete the project and produce the various community benefits that go with it. Without the amendment, the project is not feasible.

Submitted: November 11, 2019

Prepared by: Vierbicher

With support from the City of Fitchburg Staff

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Introduction

The City of Fitchburg (City) is submitting this request for an amendment to the Environmental Corridor to facilitate the redevelopment of an obsolete commercial site in the City. The request would result in the removal of some lands from the Environmental Corridor, and the addition of other lands, resulting in a modification to the mapped corridor. The subject property is east of Fish Hatchery Road at the intersection of Traceway Drive, south of Post Road. The site is surrounded by the former Bowman Dairy on the north, east, and south sides. To the south, the Nine Springs Creek E-Way also abuts the site, and the Sun Valley Apartments are across the creek further south. To the west across Fish Hatchery Road are the Nine Springs Golf & Disc Golf Course, and a senior multifamily apartment development currently under construction. For purposes of this application, the proposed redevelopment site is referred to as the "subject property" or "the site".

The subject property is owned by MADLAND LLC. The City is currently considering an application for Planned Development / PDD zoning to facilitate redevelopment of the site from a vacant, aging commercial food processing facility to a high-density mixed-use development with commercial space and residential apartments. The project will not require expansion or extension of municipal sewer. The redevelopment will utilize the existing sewer lateral, and thus will not require sanitary sewer review by the State Department of Safety and Professional Services (DSPS), a sewer extension letter, or a 208 Letter.

Attachment A (Development Site Plan) shows the subject property and proposed project in relation to Fish Hatchery Road and the Nine Springs Creek. **Attachment B** (Environmental Corridor Exhibit) shows the existing and proposed layout of the corridor in relation to the site plan.

Plan Consistency and Need

1.1 City Resolution

A resolution in support of this application is scheduled for action by the City Council later this month. Upon approval, the resolution will be provided as a supplement to this application.

1.2 Community Plans

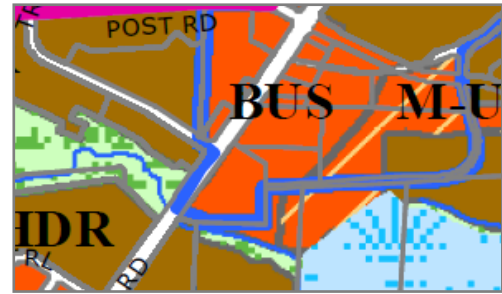
The City has determined that the multifamily residential land use proposed for the site is consistent with the City's Comprehensive Plan adopted in 2009 (and amended most recently in 2018), and with its planning goals for the Fish Hatchery corridor, which is a major gateway to the City and one of two areas targeted for potential redevelopment and infill. The City has also determined that the proposed Environmental Corridor amendment is consistent with its long-range planning goals, objectives, and policies.

City Comprehensive Plan

The proposed redevelopment is consistent with the planned future land use, as well as the general goals and policies in the City's Comprehensive Plan. The Comprehensive Plan is available online at www.fitchburgwi.gov/888/Comprehensive-Plan.

The area is planned for Business and Mixed Use land uses. The e-corridor is mapped as Park and Conservancy (see **Attachment C** and inset image).

Considering the proposed redevelopment project, the proposed corridor amendment advances the following goals, objectives, and policies from the City's Comprehensive Plan:



(Land Use)

Future "Mixed Use" areas on the Future Land Use Map are intended for a variety of housing units, types, and densities along with neighborhood scale retail businesses and offices, sometimes all located in mixed-use buildings. The plan provides that in some cases, stand-alone buildings may be permitted, and identifies Planned Development (PDD) zoning as the primary zoning district to achieve this.

Future "Business" areas are intended for office, warehouse, light industrial buildings that offer retail trade or services for individuals or businesses.

Goal 1: Preserve and enhance the natural and agricultural resources and features of the City.

- Objective 1: Follow a pattern for development consistent with the long term urban growth map and its related phasing plan.
 - Policy 2: Focus development in areas that can be serviced by gravity flow sanitary sewer.
 - Policy 3: Focus development away from high quality agricultural lands, by following the urban growth boundary map.
- Objective 2: Protect environmental resources from development by promoting sustainable development and revitalization.
 - Policy 1: Provide for a minimum 75 feet environmental corridor or buffer zone to protect manageable stream areas. Distance measurements will be consistent with Capital Area Regional Planning Commission policy.
 - Policy 2: To protect wetlands, and the biological components of wetlands and related water bodies, provide for a 75 foot environmental corridor or buffer zone within the current (2007) urban service area...
 - Policy 7: Protect life and property by not allowing development near or in identified floodplains.

Goal 2: Develop a compact urban community that is visually and functionally distinct from its rural and agricultural community.

- Objective 1: Promote infill, reinvestment and redevelopment of land and uses.
 - Policy 1: Infill, reinvestment, or redevelopment areas should be in accord with a plan adopted by the City. One such plan currently in place is the "North Fish Hatchery Road Opportunity Analysis and Concept Planning".

- Policy 2: Plans for infill, redevelopment or reinvestment shall, where appropriate transit service exists or is to be provided, be based on the principles of mixed-use transit oriented development.
- Objective 2: Restore underutilized, blighted, or underdeveloped properties within current commercial and residential neighborhoods.
- Objective 3: Preserve open space, natural areas, and rural and agricultural land by promoting compact development that contains a logical and sustainable mix of uses and building types.
- Objective 5: Extend utilities and infrastructure in a way that balances market demand with an average annual growth rate not to exceed 75 acres per year, and using existing and proposed infrastructure in an efficient manner.
- Objective 6: Promote development in areas that encourages options to alternative transit modes.
 - Policy 1: The City will seek to develop transit-oriented development along the eastern rail corridor, and existing bus routes, by planning high density mixed-uses around current or future transit stops.

(Natural Resources)

Goal 2: Provide public access to unique natural areas.

- Objective 2: To preserve and maintain selected wooded areas, vegetative cover, streams, ponds, natural drainage ways, steep slopes and other natural resources in and around the City.
 - Policy 4: Provide environmental corridors of sufficient width to protect wildlife, water quality and biological components of wetland and stream corridors.

(Housing)

Goal 2: Promote the efficient use of land for housing.

- Objective 1: Encourage compact neighborhood and development patterns.
 - Policy 2: Encourage the development of planned residential areas large enough to allow "mixed use" with a variety of housing types, complementary commercial and open space uses. Encourage use of innovative design and cluster development.
 - Policy 3: Housing development shall be undertaken with respect to the natural resources, environmental corridors and promotion of open space.
 - Policy 4: Create plans for unused and underutilized land in the existing urban service area to promote in-fill development.
 - Policy 5: Recognize that development at higher but livable densities promotes wise use of the land resource and reduces land required to meet housing demand. This helps to preserve agricultural and other open space land outside the urban service area.

- Objective 2: Promote residential development to occur in areas with existing infrastructure and sewer prior to promoting growth at the periphery where new utility and service expansion are needed.
 - Policy 1: Locate housing in areas that are served by full urban services, including sanitary sewers and public water within convenient access to community facilities, employment centers and to arterial highways.

(Economic Development)

Goal 1: Encourage economic development opportunities appropriate to the resources, character, and service levels in the City.

- Objective 1: Encourage the creation of compact mixed-use activity centers as an alternative to suburban style, single use, low density office and research parks.
 - Policy 2: Encourage greater floor area ratios and taller buildings with provision of underground or structured parking.
 - Policy 3: Mixed use and employment centers are to be visible and easily accessible to existing or planned transit routes.
 - Policy 6: Carefully integrate commercial development and mixed use developments with predominately residential areas.
- Objective 4: Grow Fitchburg's economy while preserving the City's quality of life and protecting the environmental, natural and cultural resources.
 - Policy 2: Require the disclosure of any soil or groundwater contamination on sites before approving development proposals.

(Transportation)

Goal 1: Develop and maintain a coordinated land use and transportation system

- Objective 1: Plan transportation infrastructure, in redevelopment projects and new developments, to encourage compact, urban development patterns.

Goal 2: Provide a safe and efficient transportation system that allows for the convenient movement of people and goods.

- Objective 2: Maintain a transportation system that allows for proper traffic management and travel time reliability.
- Objective 3: Maximize the use of existing transportation investments.

(Environmental Corridors)

- Within buffer areas, land uses should generally follow CARPC guidelines.
- Encroachment should be "limited, with high level erosion control and native vegetation restoration." ... "Generally, it is not the intent of the environmental corridors or buffers to prevent or obstruct the necessary maintenance, expansion or construction of stormwater management facilities."
- Encourages buffers that are 100 feet or less in width to use native vegetation throughout the buffer area as long as it does not conflict with other facilities. New

construction should not locate within a corridor or buffer zone, and restoration is encouraged.

At this time, the City is currently conducting a 10-year update to its Comprehensive Plan, to meet state statutory requirements. However, the goals, objectives, and policies highlighted above continue to guide land use decisions in this area.

In addition to the Comprehensive Plan, the "North Fish Hatchery Road Opportunity Study and Concept Planning" study from 2004 identified critical needs and future goals for the corridor. Some of the needs identified were improved neighborhood connections across Fish Hatchery Road and making pedestrian and bike access more safe, convenient, and attractive. Goals included:

- Enhance the business district's economic viability and vitality.
- Provide for safe multimodal access.
- Enhance pedestrian use and safety.
- Create a visually appealing, inviting and sustainable image for the corridor.
- Unify, connect and integrate the neighborhoods with the business district.
- Preserve and enhance open space and recreation opportunities, and protect water quality in the Nevin Springs Fish and Wildlife Area.
- Create a safe place – both in perception and reality.

The redevelopment of the subject property will further the City's goals for development, including prioritizing redevelopment in appropriate areas (areas with existing urban infrastructure, transit access, and proximity to jobs) while protecting natural resources. It will provide compact housing and commercial development on an infill site that will be integrated with and complement existing neighborhoods.

The proposal will help further the City's goals for transportation and mobility by directing high-density residential and commercial use along an arterial corridor served by transit (Madison Metro routes 40, 47, 49 serve bus stops adjacent to the site, and route 75 to the Epic Campus in Verona stops within ½ mile). The County will reconstruct this portion of Fish Hatchery Road in 2020 and 2021, and the project will include pedestrian / multimodal enhancements. In the future, the City plans to extend Traceway Drive to the east of Fish Hatchery Road, an extension that is incorporated into the redevelopment plans for the subject property.

The ways in which the City's environmental goals will be advanced by the redevelopment of the subject property are further explained in the following sections.

1.3 The Need for Environmental Corridor Amendment

As part of a broader redevelopment effort, the modification of the Environmental Corridor at this location will allow for orderly development in keeping with the City's immediate and long-range goals, by directing more intensive development to the existing urban area, protecting environmental resources, improving multimodal access, and enhancing the City's economic (tax) base.

Specifically, the proposed project will provide new housing units and commercial space, facilitate improvements to the City street and pedestrian network, and bring the site up to current-day stormwater management standards. This will benefit the surrounding neighborhood residents, water quality within the Nine Springs E-Way, and the overall image of the Fish Hatchery Road corridor.

The site was developed before stormwater requirements or environmental corridor policies were in effect. The current facility closed in 2018 after operating for many years as a juice packaging facility, and prior to that it was part of the larger Bowman Dairy bottling and farm operation. The site soils have been found to be contaminated by petroleum products and solvents (and while an initial clean up was conducted previously, there continues to be some residual contamination). For this reason, the site's ability to infiltrate stormwater and accommodate underground parking structures is limited (see **Attachment E** SCC Phase 1 ESA Executive Summary).

The proposed development reduces the amount of impervious area within the "natural" corridor, while achieving superior outcomes in collection and treatment of stormwater, and therefore a superior environmental result.

The City welcomes a high-quality development that will maximize the potential of this site – a challenging, highly visible property with existing infrastructure available to serve it. The developer has been coordinating with the City, and is proposing a concept that will provide approximately 160 new residential units and first-floor retail space in a new five-story building, with associated parking (150 covered stalls and 99 surface stalls) and stormwater management facilities meeting current requirements.

The City has examined alternate ways to progress the development, and given the constraints of the Comprehensive Plan, the site, and the coordination required with the Fish Hatchery Road improvements, a major amendment to the environmental corridor via this application was determined to be best way to proceed. In the absence of this amendment, it is not anticipated that the redevelopment project will progress. Maintaining the site in its current state of decay and contamination is not in the best interest of the City nor the public.

Intergovernmental Cooperation

2.1 Notification of Adjacent Local Governmental Units

The City of Madison, the only adjacent municipality, is aware of this application. No objections to the proposal have been received to date by any other unit of government.

Land Use

3.1 Existing and Proposed Land Use

Attachment B shows the proposed Environmental Corridor boundary in relation to the existing Corridor boundary, surrounding lands, waterway, floodplain, and wetlands. **Attachment C** shows the future land uses for this area and the rest of the City.

Table 1 shows the existing and proposed land uses for the site. Note that the listed areas are approximate.

Table 1: Existing and Proposed Land Use Cover

Land Use / Surface Type	Existing Site (sf)	Proposed Site (sf)	In Existing E-Corridor (sf)	In Proposed E-Corridor (sf)
Buildings	58,600	63,400	0	0
Pavement (asphalt/concrete)	101,200	72,200	15,500	0
Gravel	17,300	1,900	2,200	1,900
Subtotal: Impervious Surfaces	177,100	137,500	17,700	1,900
Stormwater Management	0	3,400	0	3,400
Landscape	20,700	56,900	6,100	14,500
Subtotal: Green Space	20,700	60,300	6,100	17,900
Total:	197,800	197,800	23,800	19,800

The redevelopment of this site is expected to provide approximately 160 new multifamily housing units and over 10,000 square feet of commercial space. Based on the design concept, the project will provide 249 total parking stalls, which is a ratio of 1.56 stalls per unit. A single-story of covered parking will provide approximately 150 stalls, and will contain a green rooftop terrace with plantings to create a unique common space overlooking the environmental corridor to the south (see image below for an example of the type of space envisioned). Because all of the required parking cannot be contained within the structure, an additional 99 surface stalls are proposed. Overall, the redevelopment will reduce the impervious area on the parcel by approximately 39,600 SF.

Stormwater management facilities will consist of one (1) new wet detention pond and a new underground detention facility. These facilities are described in more detail below.



Example of proposed rooftop terrace

Natural Resources

4.1 Treatment of Natural Resources

The natural resources considered at this location (both on and off-site) include Nine Springs Creek and adjacent floodplain, steep slopes, wetlands, groundwater, and endangered species (see **Attachment B** for location of creek, floodplain, and existing vs. proposed corridor limits).

Waterway, Floodplain and Steep Slopes

Nine Springs Creek is classified as a navigable waterway by the DNR where it runs adjacent to the subject property. The floodplain associated with the creek lies entirely off-site and would not be affected by the proposed corridor amendment. The proposed development plan provides native prairie plantings within all of the available green space in the south end of the site, in order to maximize the vegetative buffer for water quality and aesthetic benefits.

The subject property is characterized by topography that slopes from northwest to southeast, from approximately 888 feet to 864 feet in elevation. The site contains small areas with slopes greater than 12% and 20%, which are man-made features associated with landscaping and driveways.

An existing gravel driveway runs across the southwest corner of the site and along the creek, providing access to the adjacent property to the east. This driveway must be maintained for neighboring access and thus is not proposed for alteration. However, should the use of this driveway be abandoned by its current user, as a result of superior access via the extension of Traceway Drive, the Developer will undertake to remove the driveway and re-vegetate the area. This option will not be available without the corridor amendment, as the development will not proceed, and the Traceway Drive extension will not be built.

Wetlands

The subject property has been cleared of wetlands by the DNR (**Attachment B** for the existing topography in the vicinity, and **Attachment D** for DNR email correspondence on wetland concurrence). DNR-mapped wetlands do exist ~160' southeast of the site; however no delineations have been done for these wetlands in conjunction with this project or corridor amendment application.

Soils and Groundwater

Soil borings and analysis has confirmed the presence of contamination on site, including an area that was previously capped and additional contamination outside of the cap area. The site's contamination is documented in the Phase 1 Environmental Site Assessment conducted by SCS Engineering in 2019, and a deed restriction requiring maintenance of an impervious engineered cap (Document #3724186). There are two closed cases on the property: BRRTS #03-13-000414 and BRRTS #04-13-037332. In ongoing discussions with the DNR the Developer is conducting a Phase 2 Environmental Assessment and preparing a material management plan for dealing with the site, but has initial agreement to recap the residual contamination as part of the development proposal. For this reason, the project does not propose infiltration of storm water. See below for further description of stormwater management practices. (See **Attachment E**, SCS

Phase 1 Executive Summary, and **Attachment F** deed restriction document #3724186 for more information.)

Endangered Species

An endangered resources review verification form has been provided by the WDNR confirming the project is covered under the broad incidental take permit/authorization for no/low impact activities. No further endangered resources review is required. (See **Attachment G**)

4.2 Environmental Corridors

Existing and proposed environmental corridors are shown on **Attachment B**. The proposed corridors will comprise the following (including both on-site and off-site areas):

- The Nine Springs Creek waterway;
- FEMA-mapped floodplain;
- The stormwater management facilities (basins) serving the redevelopment site;
- Steep slope areas.

The existing corridor buffer was mapped and measured based on the creek Ordinary High Water Mark (OHWM) offset 75 feet, plus the width of steep slopes. The proposed corridor buffer runs from the creek to the edge of the parking lot, and includes the southeast corner of the parcel which will contain a new stormwater basin.

Under the proposed plan, the amount of impervious area within the existing corridor will be reduced by 1,956 SF. The proposed corridor limits would include no impervious areas on the site, except for a portion of the existing gravel driveway, which the developer proposes to remove and re-vegetate if abandoned.

The existing corridor has an average width of 72.3 feet (as measured from the OHWM to the existing pavement edge). The minimum buffer within this corridor segment is 46.7 feet; the maximum is 99.6 feet. As proposed, the modified corridor would have an average width of 94.8 feet, with a minimum 40.6-foot buffer and maximum 282.2-foot buffer. On the west end of the subject property, the corridor is proposed to be reduced in order to accommodate the need for emergency vehicle access and parking, which generally corresponds to the existing paved area, with some reductions. On the east end of the subject property, the corridor is proposed to be widened to include the new stormwater management facilities within the corridor.

The proposal complies with the environmental corridor requirements established by CARPC and WDNR by maintaining the stream, adjacent steep slopes, and floodplain in the corridor. The proposed impervious areas lie substantially within the existing developed impervious areas.

Utilities and Stormwater Management

5.1 Sanitary Sewer Service and Water Supply

As noted above, the subject property is already served by the City of Fitchburg's sanitary sewer systems, and no new connection is necessary. A new 6" water service off Fitch Hatchery Road is proposed for the building.

5.2 Stormwater Management

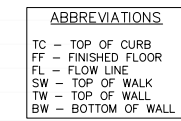
The subject property and Nine Springs Creek lie within the Yahara River and Lake Monona watershed. This watershed encompasses a 60,000-acre area that includes the south, central, and east sides of Madison, and nearly half of the City of Fitchburg. The watershed is tributary to the Lower Rock River.

Currently, the site contains no stormwater management infrastructure and provides no water quality or runoff rate controls. The proposed redevelopment will include stormwater detention facilities which will reduce total suspended solids (TSS) leaving the site by at least 80% compared to no runoff management controls or 60% for new parking areas, meeting City of Fitchburg requirements for redevelopment. In addition, the vegetative buffer provided on the south end of the site is expected to provide some sediment removal. Due to the existing, residual contamination issues noted above, the site will be unable to provide infiltration or bioretention facilities.

Planned locations for stormwater facilities are shown on **Attachment A**. These facilities will be implemented through future site plan and permitting approvals through the City of Fitchburg and the WDNR. All facilities will be privately owned and maintained by the property owner.

Conclusion

In summary, the City and the developer team are enthusiastic about the prospects of improving this site. We look forward to working together with CARPC to establish a modified environmental corridor boundary in order to complete this project. The proposed redevelopment will have positive impacts to water quality, as well as the broader planning goals of the City of Fitchburg, thus making it a success for the community.



PROPOSED LINEWORK OUTSIDE OF
DISTURBANCE AREA TO BE CONSTRUCTED BY
CITY CONTRACTOR SPRING 2020



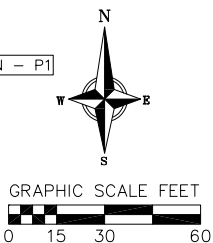
LIMITS OF DISTURBANCE (TYP.)

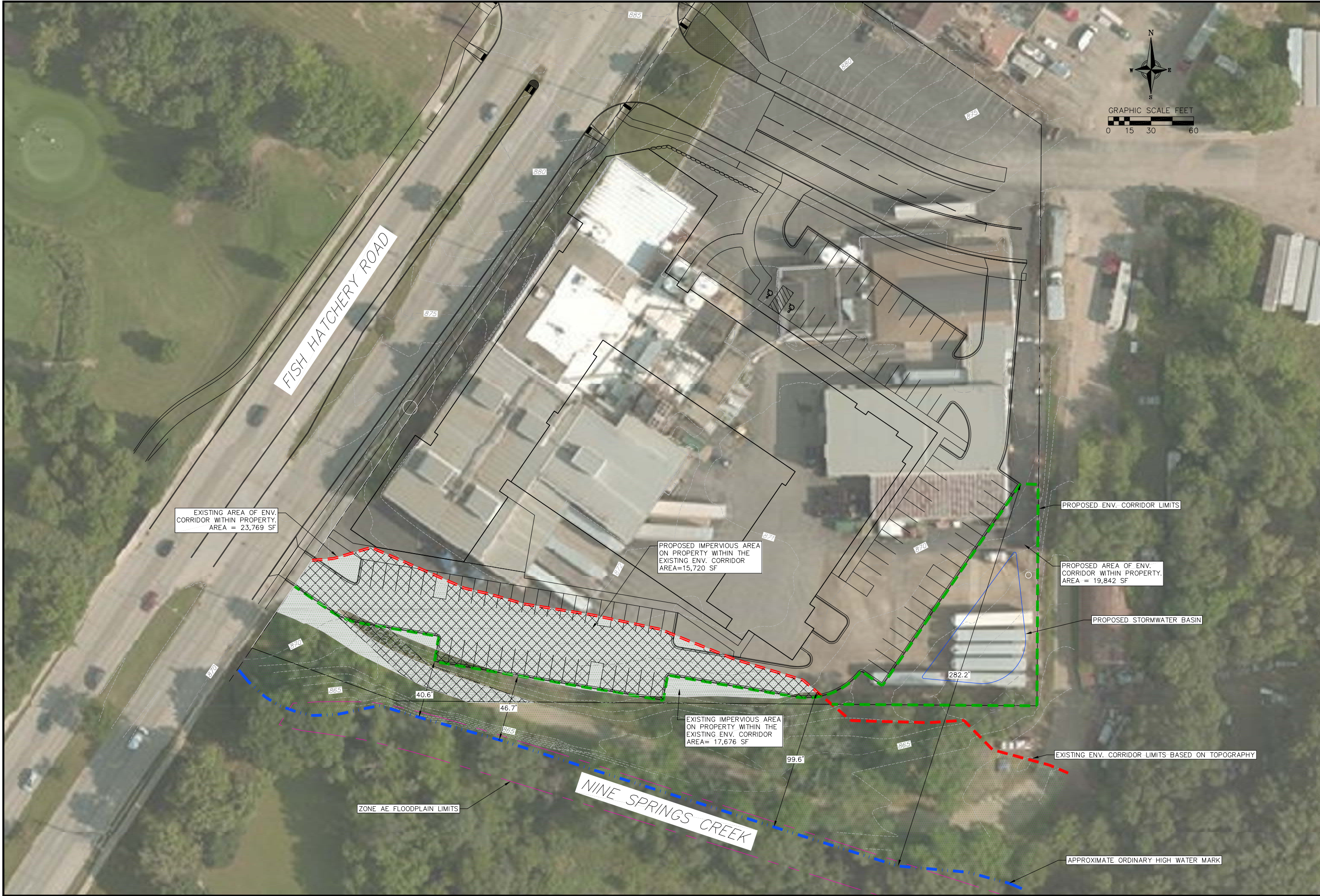
PROPOSED TRACEWAY ASPHALT (TYP.)

PROPOSED SITE ASPHALT (TYP.)

PROPERTY LINE (TYP.)

WET DETENTION BASIN – P1





Environmental Corridor Exhibit
3101 Fish Hatchery Redevelopment
City of Fitchburg
Dane County, WI

REVISIONS		REVISIONS	
NO.	DATE	NO.	DATE

SCALE AS SHOWN
DATE 11-11-2019
DRAFTER SCHR
CHECKED MSCH/TSCH
PROJECT NO. 190241

C
X

FUTURE LAND USE PLAN MAP





Gina Schultz <gsch@vierbicher.com>

RE: 3101 Fish Hatchery Road - Wetland Screening

Rortvedt, Eric - DNR <Eric.Rortvedt@wisconsin.gov>

Thu, Oct 3, 2019 at 1:42 PM

To: Gina Schultz <gsch@vierbicher.com>

Cc: "Ramminger, Allen J - DNR" <Allen.Ramminger@wisconsin.gov>, "Kikkert, Kara A - DNR" <kara.kikkert@wisconsin.gov>, Spencer Christiansen <schr@vierbicher.com>, Matt Schreiner <msch@vierbicher.com>, Neil Pfaff <npfa@vierbicher.com>

Hi Gina,

Al Ramminger and I concur that within the project location as depicted in the attachment, there is no wetland. Please submit this email with the stormwater eNOI as evidence that this site is clear of wetland concerns.

Thanks

Eric Rortvedt, P.E.

Phone: (608) 273-5612

Eric.Rortvedt@Wisconsin.gov**From:** Gina Schultz <gsch@vierbicher.com>**Sent:** Thursday, October 03, 2019 11:32 AM**To:** Rortvedt, Eric - DNR <Eric.Rortvedt@wisconsin.gov>**Cc:** Ramminger, Allen J - DNR <Allen.Ramminger@wisconsin.gov>; Kikkert, Kara A - DNR <kara.kikkert@wisconsin.gov>; Spencer Christiansen <schr@vierbicher.com>; Matt Schreiner <msch@vierbicher.com>; Neil Pfaff <npfa@vierbicher.com>**Subject:** 3101 Fish Hatchery Road - Wetland Screening

Hi Eric,

A site located at [3101 Fish Hatchery Road](#) in Fitchburg, Wisconsin was identified on the DNR's Surface Water Data Viewers website because of wetland indicators along the southern boundary. The site is currently developed; however the proposed improvements includes a five story mixed-use building with associated parking. The southern area of the project area is primarily made up of impervious surfaces. Neil Pfaff from our office performed a wetland screen for the site (please see attached wetland screen).

We are looking for confirmation from you that no additional wetland investigation/delineation is required.

Thank you,

Gina Schultz

[Redacted Signature]

Vierbicher

[400 Viking Drive](#)

Reedsburg, WI 53959

Call / Text / Fax - (608) 402-6386

www.vierbicher.com

[Redacted Footer]



September 30, 2019

Eric Rortvedt
Water Resources Engineer - Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, WI 53711

Re: Onsite Wetland Screening
3101 Fish Hatchery Road
Fitchburg, Wisconsin

On September 26, 2019 a wetland screening was conducted for the site located at 3101 Fish Hatchery Road in Fitchburg, Wisconsin. The site is approximately 5.02 acres (199,673 square feet) in size. The proposed development includes a five story mixed-use building with covered parking, retail establishments, and apartments. Existing drainage patterns will be maintained with stormwater runoff being managed in the rear of the site. As part of this project, right-of-way will be dedicated to the City of Fitchburg for the extension of Traceway Drive to be constructed concurrently. Nearby water bodies include an unnamed stream (WBIC 804400) and unnamed ponds (WBIC 5575708 and 5590116). The wetland screening area encompasses the existing, developed area.

The Surface Water Data Viewer Map depicts wetland indicators on the southwest corner of the project site. South of the main drive is a maintained grassway that slopes to the road which runs around the perimeter of the project area. This area of the project is both impervious and maintained grass and therefore not wetland. The attached photo log depicts the site's existing impervious condition.

We believe no further wetland investigation will be required and would appreciate your confirmation for the site per the existing proposed plan.

If you have any questions please feel free to contact me at 608-402-6380 or npfa@vierbicher.com.

Thank you,

Neil Pfaff, PE, PH, CST

cc: Al Ramminger, WDNR
Kara Kikkert, WDNR
Spencer Christiansen, Vierbicher
Matt Schreiner, Vierbicher

Enclosures: September 18, 2019, Site Photos - Existing Conditions
Concept Plan
Surface Water Data Viewer Wetland Map
Aerial Map
Topographic Map
Historical Aerial Photographs



Taken from Fish Hatchery Road facing northeast.





Taken from Fish Hatchery Road facing east.



Taken from south of the project site facing north.





Taken south of project site facing northwest.



Taken south of project site facing northwest.



Taken from center of project site facing north.



Taken from center of project site facing west.





Taken from center of project site facing east.



Taken from east side of project site facing north.



Taken from east side of project site facing north.



Taken from northern edge of project site facing northwest.



Taken from northeast corner of project site facing southwest.





Taken from northwest corner of project facing south.





Taken from northwest corner of the project site facing east.



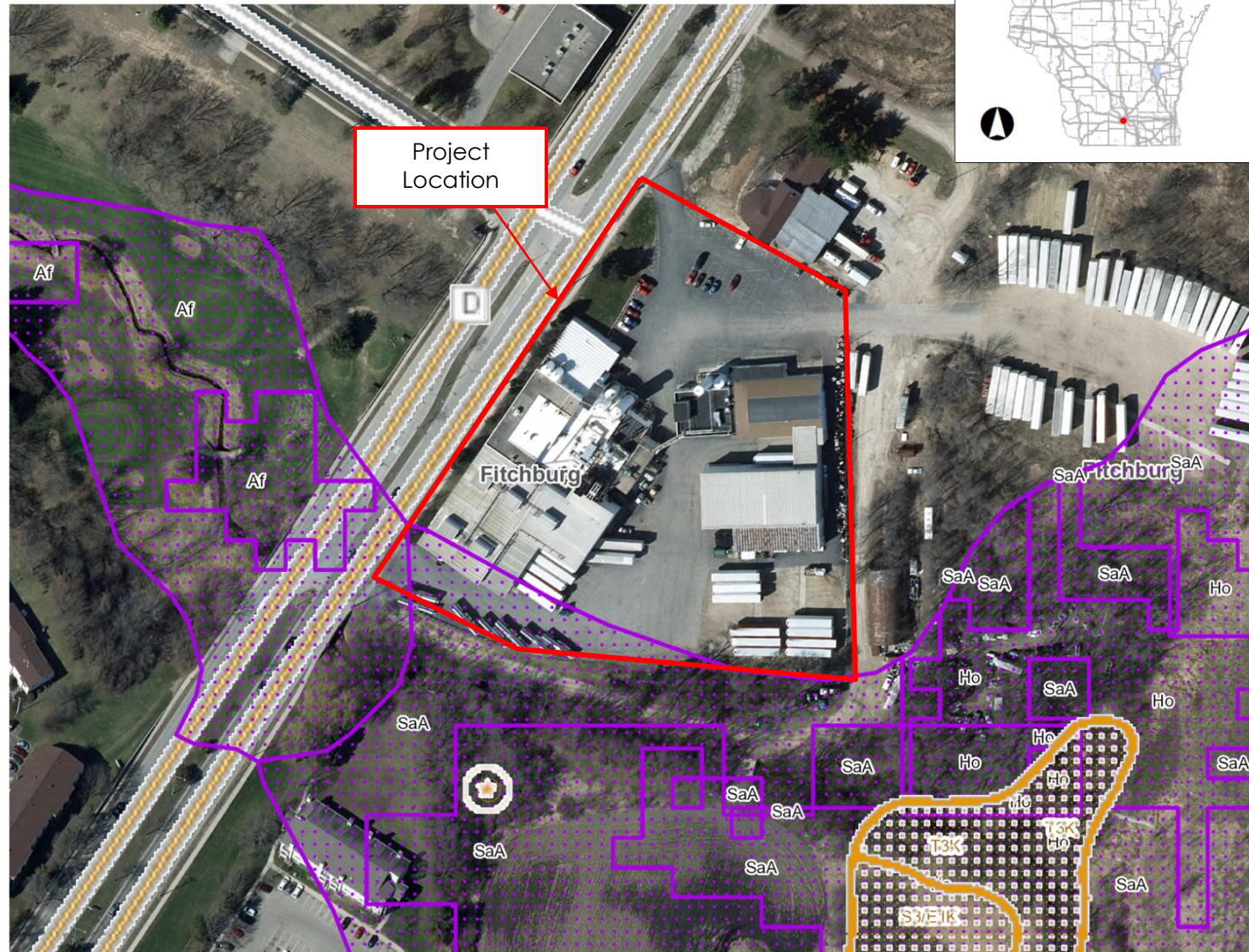
Taken from northwest corner of project site facing north.



Taken from northwest of the project site facing southeast.



Surface Water Data Viewer Map



0.1 0 0.03 0.1 Miles

NAD_1983_HARN_Wisconsin_TM

1: 1,980

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal>



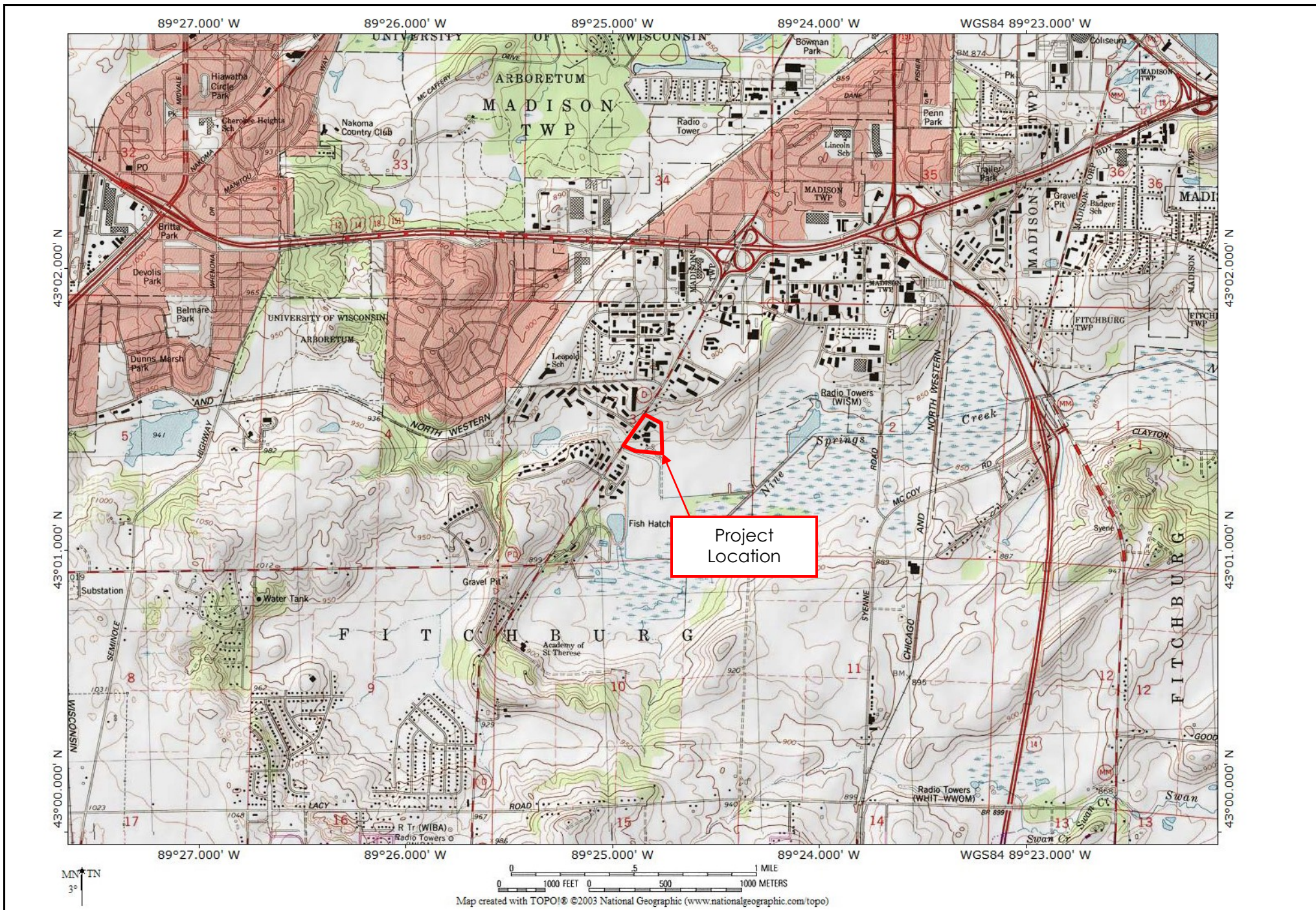
Legend

- Wetland Identifications and Confirmations
 - Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled Points
 - Wetland Class Areas
 - Wetland
 - Upland
 - Filled Areas
 - Wetland Class Points
 - Dammed pond
 - Excavated pond
 - Filled excavated pond
 - Filled/draind wetland
 - Wetland too small to delineate
 - Filled Points
 - Wetland Class Areas
 - Wetland
 - Upland
 - Filled Areas
 - NRCS Wetspots
 - Maximum Extent Wetland Indicators
 - Municipality
 - State Boundaries
 - County Boundaries
 - Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
 - County and Local Roads

Notes



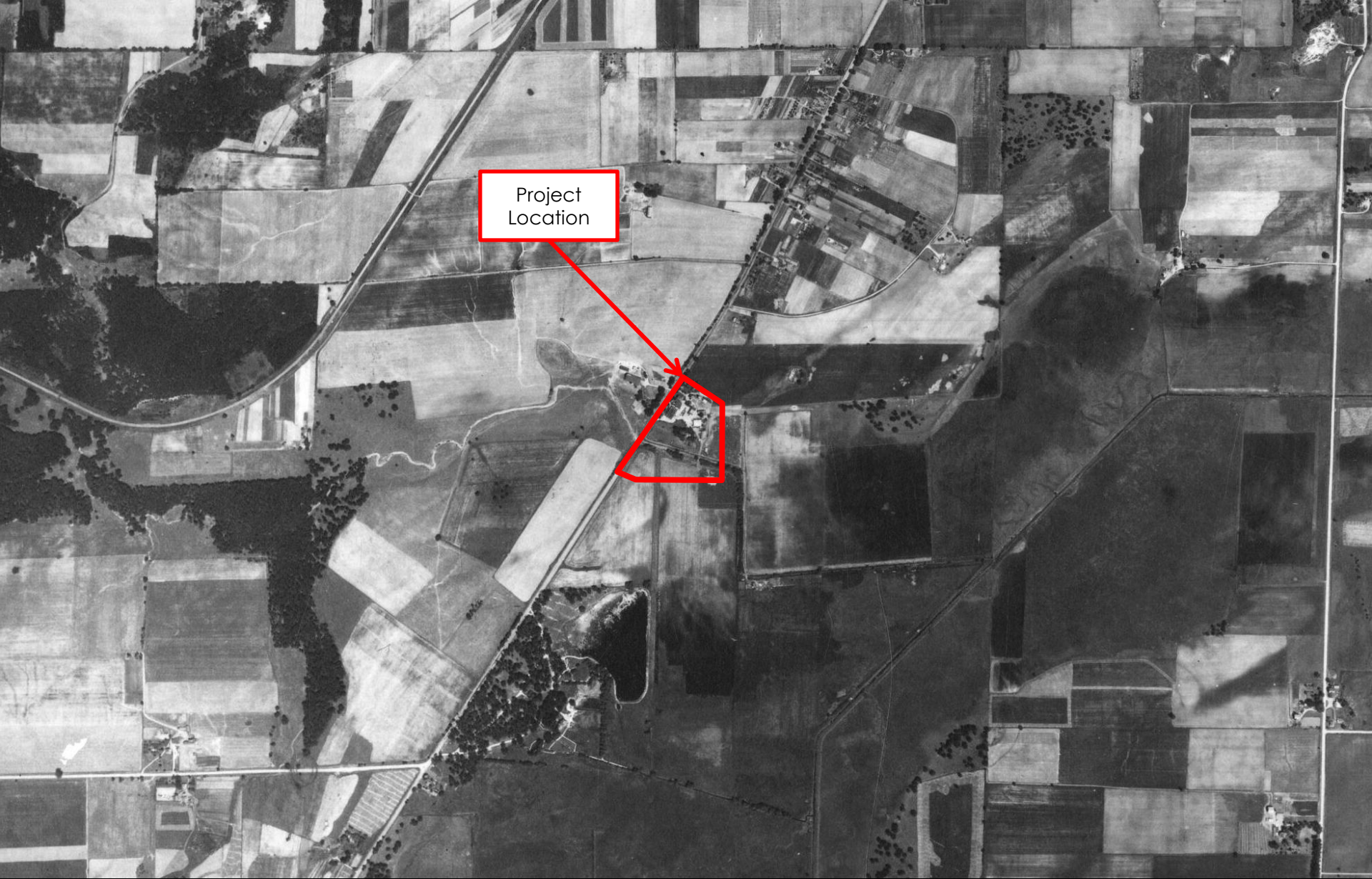




Topographic Map
3101 Fish Hatchery Redevelopment
City of Fitchburg, Dane County, Wisconsin

vierbicher
planners | engineers | advisors



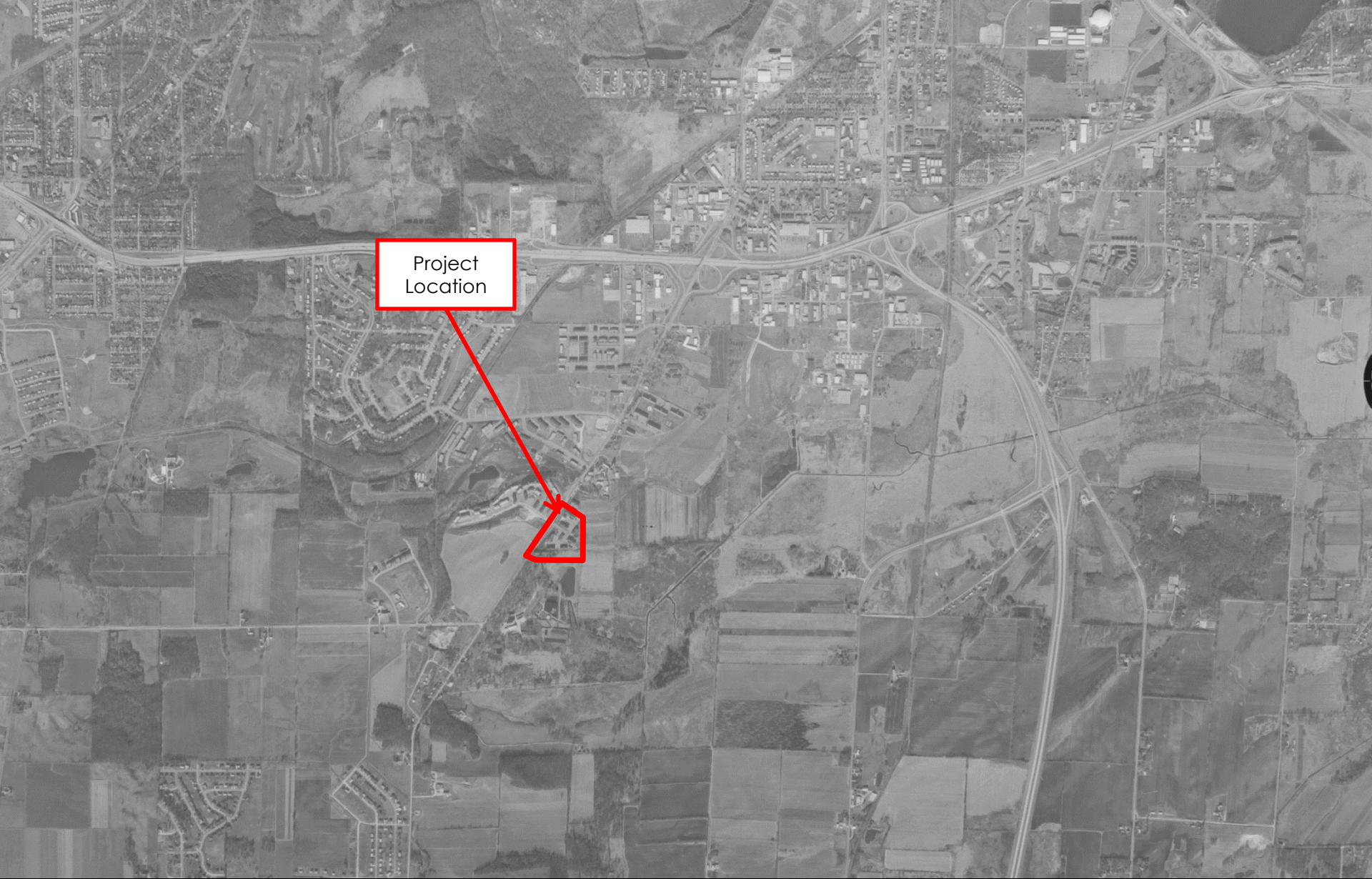


Project
Location













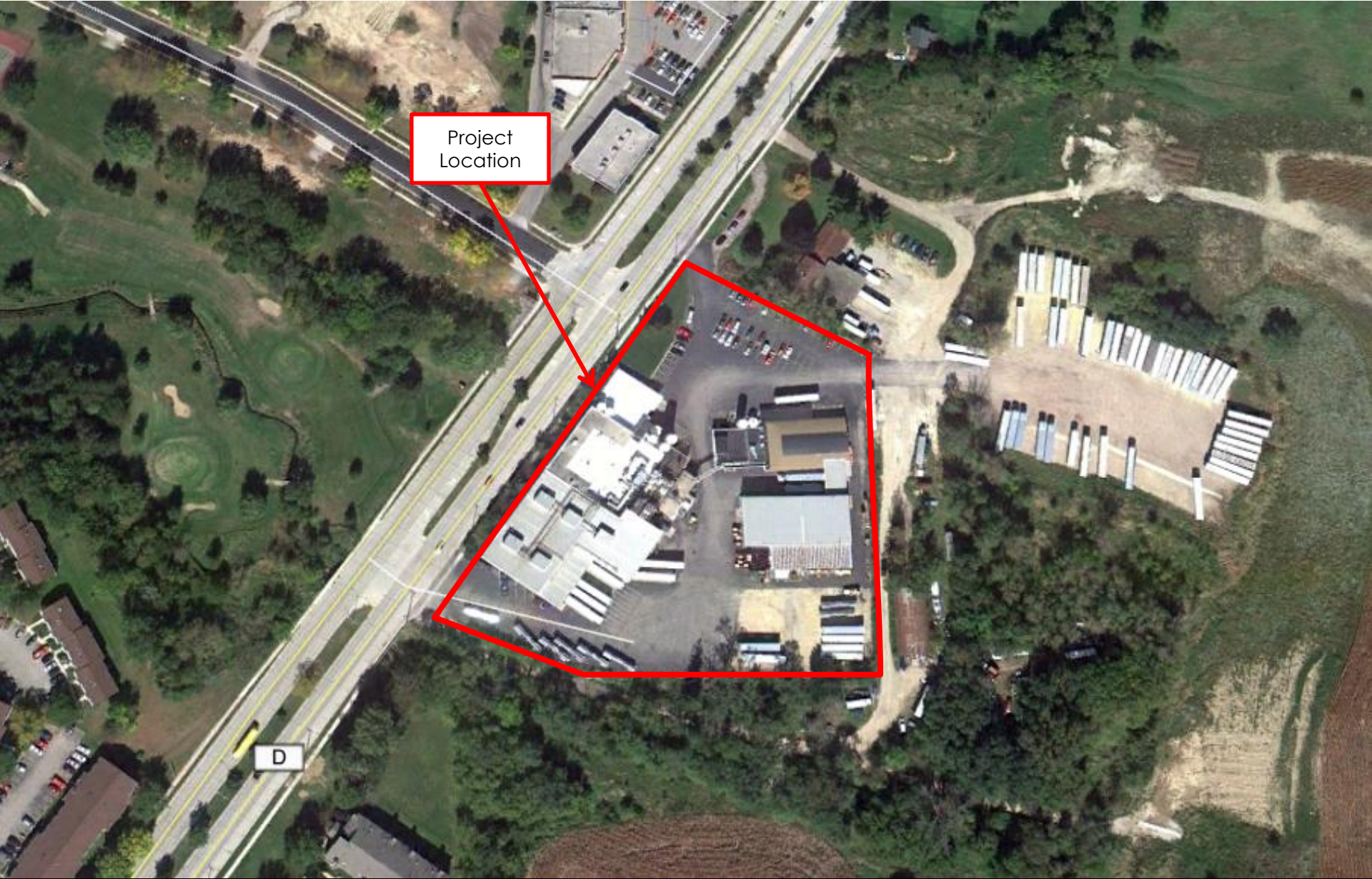
Project
Location

Fish Hatchery Rd









Project
Location





Project
Location

D



Phase 1 Environmental Site Assessment

Madland, LLC Property
3101 Fish Hatchery Road
Fitchburg, WI 53715

Prepared for:

Inventure Capital, LLC
2820 Walton Commons West, Ste 125
Madison, WI 53718
608-468-6605

SCS ENGINEERS

25219133.00 | June 21, 2019

2830 Dairy Drive
Madison, WI 53718-6751
608-224-2830

EXECUTIVE SUMMARY

SCS Engineers (SCS) performed a Phase 1 Environmental Site Assessment (ESA) consistent with the Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (AAI) as set forth in 40 CFR, Part 312 and the ASTM International (ASTM) Standard E1527-13 on one parcel of land owned by Madland, LLC, located at 3101 Fish Hatchery Road, Fitchburg, Wisconsin, hereafter referred to as the Property.

The Property historically operated as a dairy farm and milk bottling plant followed by the manufacturing and packaging of juice products. The Property is planned for redevelopment as a six-story, slab-on-grade, mixed-use commercial and residential apartment building.

The purpose of this Phase 1 ESA is to identify, to the extent practicable, recognized environmental conditions (RECs) in connection with the Property. In order to accomplish this, an historical review and an inspection of the Property were performed.

This assessment has revealed no evidence of RECs in connection with the Property except for the following:

- **The presence of residual petroleum impacts to soil and groundwater related to the former storage and use of petroleum products.** The former leaking underground storage tank (LUST) case documented residual soil and groundwater contamination on the Property. A deed restriction is in place to maintain an impervious cap over the residual petroleum impacts.
- **The presence and/or potential presence of solvents related to their historic storage and use on the Property.** The Property historically used and generated spent chlorinated solvent wastes, and little is known about the use and storage of solvents on the Property. Tetrachloroethylene (PCE), 1,2-dichloroethane (1,2-DCA), 1,1,1-trichloroethane (1,1,1-TCA), and 1,1,2-trichloroethene (1,1,2-TCA) were detected in groundwater samples collected from two monitoring wells during the LUST investigation. Chlorinated solvent impacts to soil and groundwater were not specifically investigated on the Property and no information was available to indicate any actions taken after solvent use on the Property was identified as a REC in the 2007 Phase 1 ESA.

DEED RESTRICTION	
Document Number	Document Title

DANE COUNTY
REGISTER OF DEEDS
DOCUMENT #
3724186

05/30/2003 02:14:48PM

Trans. Fee:
Exempt #:

Rec. Fee: 19.00
Pages: 5

002429

Declaration of Restrictions

In Re: See Exhibit A.

STATE OF WISCONSIN)
) SS
COUNTY OF SAUK)

WHEREAS, Foremost Farms USA is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property, and as of August 21 and 22, 1999 when soil samples were collected on this property, petroleum-contaminated soil remains on this property at the location depicted on Exhibit B (Figure 1).

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further soil remediation activities on the property at the present time.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

The engineered cap that exists on the above-described property in the location shown on the attached map, labeled Exhibit B, on the date that this restriction was signed shall be maintained in compliance with the Impervious Engineered Cap (Performance Standard) Placement and Maintenance Plan dated February 17, 2003 that was submitted to the Wisconsin Department of Natural Resources by Foremost Farms USA as required by section NR 724.13(2), Wis.

Recording Area
Name and Return Address
James V. Wittenberger Foremost Farms USA P.O. Box 111 Baraboo, WI 53913-0111

225-0609-031-5152-0

Parcel Identification Number (PIN)

5/19

Adm. Code (1999), unless another barrier, with an infiltration rate of 10^{-7} cm/sec or less, is installed and maintained in its place.

In addition, the following activities are prohibited on any portion of the above-described property where an impervious cap has been placed or where impervious surfaces exist as depicted on Exhibit B, unless prior written approval has been obtained from the Wisconsin Department of Natural Resources or its successor or assign: (1) Excavating or grading of the land surface; (2) Filling on capped areas and areas with impervious surfaces; (3) Plowing for agricultural cultivation; and (4) Construction or installation of a building or other structure with a foundation that would sit on or be placed within the cap or impervious surface.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction inures to the benefit of and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded by the property owner or other interested party to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

002431

Exhibit A

Parcel 1:

Part of Lots 12 and 13, Plat of Maple Lawn Heights and part of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 and part of the Northeast 1/4 of the Southwest 1/4, all in Section 3, Township 6 North, Range 9 East, formerly in the Town of Fitchburg, now in the City of Fitchburg, Dane County, Wisconsin, more particularly described as follows: Commencing at the East 1/4 corner of said Section 3; thence South 86 degrees 22 minutes 57 seconds West, 2,732.50 feet to the City of Madison monument representing the center of said Section 3; thence South 88 degrees 42 minutes 1 second West, 37.36 feet to the centerline of Fish Hatchery Road and the point of beginning of this description; thence North 34 degrees 2 minutes 0 seconds East along said centerline 438.08 feet; thence South 55 degrees 58 minutes 0 seconds East, 282.52 feet; thence South 408.47 feet; thence West 450.06 feet to the North-South 1/4 line of said Section, said point being 208.5 feet South 2 degrees 13 minutes 17 seconds West from the center of said Section; thence North 89 degrees 54 minutes 22 seconds West, 142.35 feet to the centerline of Fish Hatchery Road; thence North 34 degrees 2 minutes 0 seconds East along said centerline 186.80 feet to the point of beginning of this description. Subject to Fish Hatchery Road along the Northwestern side thereof.

Parcel 2:

Easement for the benefit of Parcel 1 as created by Sanitary and Storm Sewer Easement granted by Bowman Farms, Inc., by Vice President and Secretary to Golden Guernsey Dairy Cooperative, Juice Products Division, dated May 3, 1993, and recorded May 10, 1993, at Volume 22673 of Records, Page 10, Document No. 2464765, over the following described land; A 40 foot strip of land located in the Northwest 1/4 of the Southeast 1/4 of Section 3, Township 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, the centerline of which is described as follows: Commencing at the East 1/4 corner of said Section 3; thence South 86 degrees 22 minutes 57 seconds West, 2,732.50 feet; thence South 86 degrees 42 minutes 01 second West, 37.36 feet; thence North 34 degrees 02 minutes 00 seconds East, 438.08 feet thence South 55 degrees 58 minutes 00 seconds East, 282.62 feet; thence South 00 degrees 00 minutes 00 seconds West, 408.47 feet to the Southeast corner of the Golden Guernsey Cooperative Property; thence South 90 degrees 00 minutes 00 seconds West, 10.00 feet to the point of beginning of said centerline; thence South 00 degrees 00 minutes 00 seconds West, 204.00 feet to the point of termination of said easement.

Tax Parcel No. 225-0608-031-5152-0

James V. Wittenberger

By signing this document, James V. Wittenberger asserts that
her or she is duly authorized to sign this document on behalf of
Foremost Farms USA

IN WITNESS WHEREOF, the owner of the property has executed this
Declaration of Restrictions, this 28th day of May MAY,
2003.
03 28th

Signature: James V Wittenberger James V Wittenberger

Printed Name: James V. Wittenberger James V. Wittenberger

Title: Regulatory Compliance manager Regulatory Compliance MANAGER
28th

Subscribed and sworn to before me this 28th day of May MAY,
2003. 03

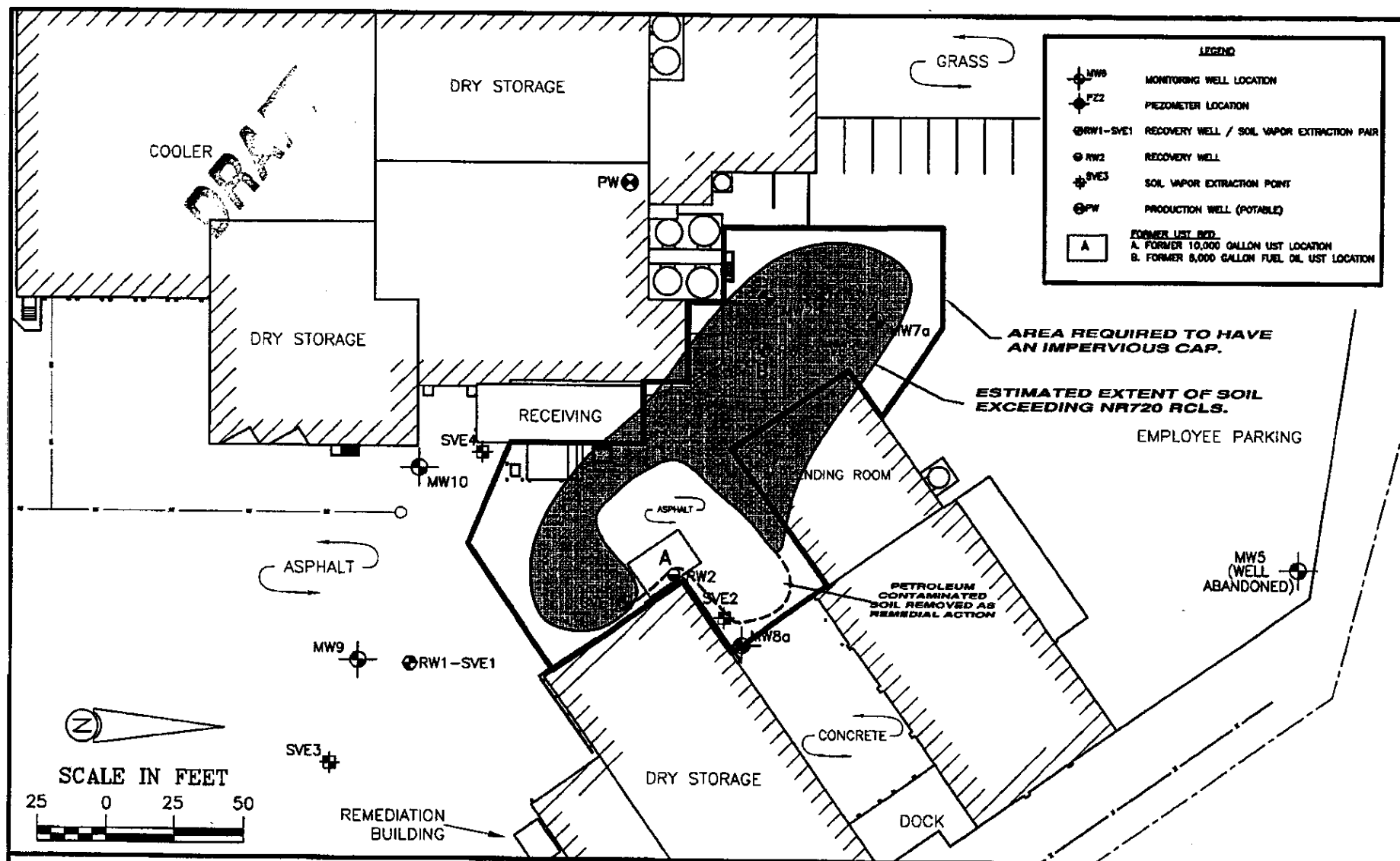
Amy J. Breidenstein

Notary Public, State of Wisconsin Wisconsin

My commission 01-09-05 01-09-05

This document was drafted by:

Thomas P. McElligott, Esq.
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Milwaukee, WI 53202



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WISCONSIN ▲ MICHIGAN ▲ ILLINOIS ▲ MINNESOTA ▲ IOWA

CREATION DATE: 02/11/03
DRAWN BY: DDP
REVISION DATE: 00/00/00

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ESTIMATED EXTENT OF SOIL EXCEEDING NR720 RESIDUAL CONTAMINANT LEVELS AND LOCATION OF IMPERVIOUS CAP

FOREMOST FARMS USA
3101 FISH HATCHERY ROAD
FITCHBURG, WISCONSIN

PROJECT NUMBER: FFM08-1408-0150

FIGURE 1

Notice: This form is authorized by s. 29.604, Wis. Stats. This completed signed form fulfills the requirement of an Endangered Resources Review and should be attached to other permits requiring an ER Review to show that Endangered Resources requirements have been met. Personal information collected on this form will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Instructions: Complete this form if your project is covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities and therefore does not require an Endangered Resources Review.

Section 1: Applicant and Project Information

Requester Name Carter Lanser		Organization or Agency Name Vierbicher			
Project Name 3101 Fish Hatchery Road		County Dane	Township 06 N	Range 9	Section 3
Telephone Number (608) 821-3946	Email Address clan@vierbicher.com				

Project Description

Demolition of 2 existing steel and block buildings. Construction of a 62,000 mixed use residential/retail building.

Indicate who you are completing this form as:

- ☒ DNR Staff
☐ Certified Reviewer
☐ Other: _____

Section 2: Broad Incidental Take Permit/Authorization Coverage Information

How is your project covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities?

- ☐ It is included in the list of activities in Table 1 – No/Low Impact Table for All Species at All Times of the Year.
☒ It is included in the list of activities in Table 2 – No/Low Impact Table by Taxa Group for DNR Staff and ER Certified Reviewers Only and the Taxa groups for the species of concern are covered.
☐ It is included in the list of activities in Table 2 – No/Low Impact Table by Taxa Group for DNR Staff ER Certified Reviewers Only and the species of concern are covered by the Avoidance Measures document.

Activity Number(s)

2-A1: Any activity performed in urban/residential areas, manicured lawn or other artificial/paved surface
AND 2-A15: Building Demolition

Section 3: Applicant Certification

By my signature below, I certify that to the best of my knowledge, the information stated above is complete and accurate.

NOTE: If submitting this verification electronically, please type your name on the signature line. Your typed name, along with the email message generated from electronic submittal of this form, will be used as an electronic signature which is the legal equivalent to an actual signature.

Angela White
Signature

10/15/2019
Date Signed

Angela White
Requester/Submitter Name (please print)