

# Middleton Westport Joint Zoning Committee Agenda

Wednesday, September 29, 2021 7:00 PM

Virtual Meeting via [www.zoom.us](http://www.zoom.us)

**Zoom Meeting ID: 816 9335 4257 Passcode: 867 5309 Call In: 312 626 6799\***

(If needed, a toll-free phone number is available by calling (608) 821-8394 prior to the meeting.)

Posted on the City's web site at [meetings.cityofmiddleton.us/](http://meetings.cityofmiddleton.us/) 9/24/21 5:30 p.m.

## Roll Call

## Public Hearing

## Approval of Minutes

- 1) Minutes of August 18, 2021

## Agenda Items

- 1) **Initial Consult: Jordan Meier concept plan for Wegenke property -- East of County Highway Q, south of Briggs Rd.**

**BACKGROUND:** Prior to submitting a CSM, Jordan Meier is seeking feedback on the concept of building four single family residences on the eastern four acre portion of the property. These sites will be accessed by a private road through the western four-acre portion of the property. The sanitary sewer servicing these four sites would connect to the sanitary sewer under Signature Drive via easement through the condo lot on Signature Drive which is also included in his contract to purchase this property. Water would be supplied by individual wells.

**RECOMMENDATION:** Provide feedback on the 4-lot concept, including regarding the shared driveway and utility connections.

**ENCLOSURES:** Letter of Intent; Concept drawing; Email from resident with concerns

- 2) **Request to Amend the General Implementation Plan Pertaining to 20-acre Parcel Directly East of 6043 Oncken Road (PC-2620)**

**BACKGROUND:** The Master Development Plan, which serves as the GIP for The Community of Bishops Bay (CBB), does not list either a cemetery or a funeral home as either a permitted or conditional use of property designated as an NC lot type (zoning district)--hence the need to amend the GIP. On Sept. 21, the applicant submitted a revised site plan showing the funeral home replaced by an open air park structure and parking area. Area residents worry that approving the GIP amendment would:

- Forgo the opportunity to have a school on this site and could set the stage for more changes to the master plan
- Harm property values and hinder resales
- Negatively affect the environment (potential impact on ground water, bird habitat)
- Require long-term maintenance of the cemetery property
- Lock in the use of the property (cemeteries rarely convert to other land uses)

- Set a precedent for establishing a cemetery in a residential area

The Waunakee School District has not indicated they plan to site a school on this property (or anywhere in CBB, for that matter), and it is not uncommon for cemeteries to be located in residential settings (for example, next to churches). Web searches yield various opinions about some of the other concerns. The Middleton Plan Commission is scheduled to hold a public hearing on the GIP amendment at its Sept. 28 meeting.

**RECOMMENDATION:** Staff will report any action taken by the Plan Commission following their Sept. 28 meeting. While we acknowledge the concerns raised by residents in the area, Planning staff do not have any objection to the GIP amendment as long as the cemetery is developed in accordance with all applicable state regulations.

**ENCLOSURES:** Applicant submittal with engineering staff comments; Revised submittal and email dated 9/21/21; Excerpt from Cmty of Bishops Bay GIP; Photos showing site context; Public statements received by 9/24/21

### 3) Scheduling Next Meeting, potentially for early November

#### Adjournment

**Public Comment:** The chairperson has the discretion to recognize people who wish to speak regarding a particular agenda item not associated with a public hearing. If one person is recognized to speak, then others will also be given the opportunity to speak. To avoid potential violations of the Wisconsin open meetings law, the commission will not accept public comments regarding items that are not listed on the agenda. The public is welcome to provide comments at the beginning of regularly scheduled Common Council meetings.

**Potential Quorum of Other Bodies:** It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

**Meeting Accommodations:** Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608) 821-8350, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

**Staff contacts for this meeting:** Mark Opitz, [mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us) (608) 821-8394  
Tom Wilson, [twilson@townofwestport.org](mailto:twilson@townofwestport.org) (608) 849-4372

**MIDDLETON-WESTPORT JOINT ZONING COMMITTEE**  
**Wednesday, August 18, 2021 6:00 p.m.**

**MEETING MINUTES**

*These minutes are not final until they are formally approved at a subsequent meeting*

Meeting materials are available on the City's website at <http://meetings.cityofmiddleton.us/>  
A recording of the meeting is available at: <https://www.youtube.com/watch?v=z3s5u1jW9P8>

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**Roll Call**

Chair Sipsma called the meeting to order at 6:00 p.m. The meeting was conducted online only via the Zoom platform.

**MEMBERS PRESENT:** Randy Bruce, Dean Grosskopf, Cynthia Kennedy, Kurt Paulsen, Ken Sipsma

**MEMBERS ABSENT:** One vacancy

**OTHERS PRESENT:** Mark Opitz, Tom Wilson, Madeline Wall

**Minutes of March 24, 2021, Meeting**

**Motion** by Paulsen, seconded by Grosskopf, to approve the draft minutes as prepared. **Motion passed** 5-0.

**Agenda Items**

**Item #1: Potential General Implementation Plan Amendment to Allow Natural Cemetery and Funeral Home**

Opitz spoke about the need for a GIP amendment for this site to operate as a cemetery or a funeral home and gave an overview of the process for approving a GIP amendment. Wilson gave an overview of the background on previous uses on the site. The site is located in the city but borders houses in the town. In the master development plan it was proposed as a church or a school. A church that had proposed locating here was unable to do so because of issues getting water and sewer to the site. It is a former quarry that was filled in and not suited to foundations for houses.

Madeline Wall from Wisconsin Foundation gave an overview of the site. They decided that a cemetery was the best use for the site instead of housing or a school due to the geological limitations of the site. There is a need for more cemeteries in the region. They would follow guidelines of the Green Burial Council for a natural burial ground that is more environmentally friendly and lower cost than a typical cemetery.

Committee questions and discussion focused on whether there are any WI laws or regulations pertaining to natural burials, whether future development is planned nearby, potential annexation and utility issues, and groundwater. There is another natural burial ground in Wisconsin, and they are required to be certified by the Green Burial Council. There are three houses near the site, and Bishop's Bay development is planned nearby. Committee members asked for more information on how natural burial would affect nearby wells and what the soil type is in the area.

Wilson recapped that the hope from the Westport members of the committee is that Middleton holds their public hearing and takes comments, and then provides the Joint Zoning Committee an opportunity to provide them comments to consider before taking action.

**Adjournment**

**Moved** by Kennedy, seconded by Paulsen, to adjourn. **Motion passed** 5-0, and the meeting adjourned at 6:40 p.m.

*Minutes prepared by Scott Heacock, Planning Intern, based on the recording. These minutes should not be considered finalized until they are formally approved at a subsequent meeting of the Committee.*





999 Fourier Drive, Suite 201  
Madison, WI 53717  
(608) 826-0532 phone  
(608) 826-0530 fax  
www.vierbicher.com



August 31, 2021

Mr. Mark Opitz, Planning and Zoning Administrator  
City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Mr. Thomas Wilson, Administrator  
Town of Westport  
5387 Mary Lake Road  
Waunakee, WI 53597

RE: Letter of Intent – Concept Plan for Wegenke Property – CTH Q

Dear Mr. Opitz and Mr. Wilson:

Attached is a preliminary concept plan for the Wegenke property on CTH 'Q'. This property is under contract by Mr. Jordan Meier who is proposing to subdivide the easternmost portion of the property to create four (4) residential lots by Certified Survey Map. We would appreciate your consideration and comments at the next JZC meeting. Some further explanation of the proposed land division is provided in the paragraphs that follow.

Access

Access to the lots will be created by constructing a private road through the western portion of the property from CTH Q. As shown on the concept plan, the private road will be 20-foot wide with a ribbon / mountable curb on one side. Due to the length of the private drive needed to access the lot location (~1,700'), we anticipate installing a pull-off area (8'xx50') approximately 600' from the entrance on CTH Q. In addition, there will be a cul-de-sac turnaround at the end of the private drive with a 70-foot diameter bulb. While the private drive width is generally suitable for two-way traffic, the pull off area and turn around will allow access for emergency services vehicles.

Utility Services

As you may know, the elevation of the property precludes the ability to connect to the public water supply system without a booster station. Therefore, water supply for the residences will require installation of individual private wells.

It is our understanding that the property is within the urban service area for the Town of Westport. We have proposed extending the public sewer system in easements along the eastern edge of the property from Signature Drive.

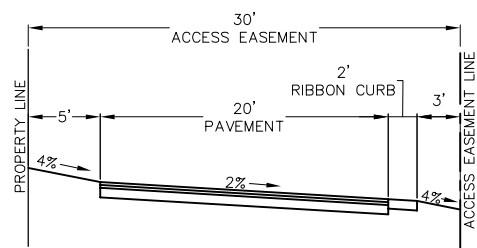
Electric (underground), natural gas, and telecommunication services will be contracted for installation through the local service providers.

Stormwater Management

Two locations for stormwater management have be reserved along the east-west portion of the property. The design of these facilities will meet the current Town of Westport ordinance requirements. The final location and configuration of the stormwater management system will be determined during the design process.

We look forward to discussing our proposal with you further. Should you have any questions please feel free to contact me.

M:\Meier\_Jordan\210300\_Westport Development\Issued Plans\2021-08-31 LOI\2021-08-31 Meier Letter of Intent.docx

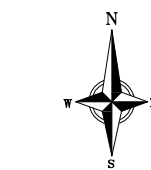


DRIVEWAY TYPICAL SECTION

**OVERALL SITE INFORMATION**  
 TOTAL SITE AREA = 7.8 ACRES  
 STORMWATER MANAGEMENT = 0.8 ACRES  
 DRAINAGE EASEMENT = 0.7 ACRES  
 PRIVATE DRIVE EASEMENT = 1.3 ACRES  
 TOTAL RESIDENTIAL LOT AREA = 4.0 ACRES  
 TOTAL RESIDENTIAL LOTS = 4

**SITE PLAN LEGEND**

- PROPOSED PRIVATE DRIVE
- PROPOSED STORMWATER EASEMENT
- PROPOSED LOTS



GRAPHIC SCALE FEET  
 0 30 60

CONCEPTUAL LAYOUT

REVISIONS	NO.	DATE	REMARKS

DATE	08/24/2021
DRAFTER	JUL/AKAN
CHECKED	TSCH
PROJECT NO.	210300
SHEET	1 OF 1

## Mark Opitz

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**From:** Tom Wilson <twilson@townofwestport.org>  
**Sent:** Wednesday, September 22, 2021 2:36 PM  
**To:** Mark Opitz  
**Subject:** FW: New development proposal

FYI re Meier/Wegenke proposal....

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**From:** joep [aesindustrial.com](mailto:joep@aesindustrial.com) <joep@aesindustrial.com>  
**Sent:** Tuesday, September 21, 2021 10:12 PM  
**To:** Tom Wilson <twilson@townofwestport.org>  
**Subject:** Fwd: New development proposal

Tom,

My neighbor asked that I forward this to you.

Sent from my iPad

Begin forwarded message:

**From:** Edward J Rubin <[e.rubin@utah.edu](mailto:e.rubin@utah.edu)>  
**Date:** September 21, 2021 at 7:49:06 PM CDT  
**To:** "joep [aesindustrial.com](mailto:joep@aesindustrial.com)" <[joep@aesindustrial.com](mailto:joep@aesindustrial.com)>  
**Subject:** New development proposal

Dear Joe,

Here's the text that I'd like to convey to the appropriate people. Could you please send it to the appropriate people, to save time?

Thanks for your help,  
Ed

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I write as a resident of Briggs Rd in Waunakee concerned about further development of the parcels near mine at number 6155. In brief, which I can expand if you desire:

- I seriously worry about potential increased density of traffic and noise, which would seriously change and degrade the area;
- I seriously worry about the loss of habitat for the wildlife that so enriches the area;
- I seriously worry about the loss of the green space, the trees, that are so precious;

I understand the right to develop property, but I request that you limit any to one single-family dwelling, which is in line with the other properties on our road.

Sincerely,

Edward J. Rubin

6155 Briggs Rd.  
Waukegan, WI  
53597



# PLAN COMMISSION APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

Plan Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7 p.m. in the Council Chambers of Middleton City Hall. The following **must be submitted THREE weeks** prior to any Plan Commission meeting for staff review and agenda placement. Failure to submit a complete package may result in the return of all items, a resubmittal fee, and a delay of your project.

1. Plan Commission Application & Checklist (this packet).
2. Required fee(s) **and deposit (see chart below)**.
3. One (1) copy of the submittal and an electronic version emailed to [dattoe@cityofmiddleton.us](mailto:dattoe@cityofmiddleton.us).

LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

**Project Address:** \_\_\_\_\_

<b>Applicant:</b> The Wisconsin Foundation Inc		
<b>Address:</b> 1818 Parmenter Street Middleton WI 53562		
<b>Phone:</b> 608-575-1018	<b>Fax:</b>	<b>Email:</b> maddie@twallenterprises.com

<b>Owner:</b> The Wisconsin Foundation Inc		
<b>Address:</b> 1818 Parmenter Street, Middleton WI 53562		
<b>Phone:</b> 608-575-1018	<b>Fax:</b>	<b>Email:</b> maddie@twallenterprises.com

**Project Description:** Rezoning a current piece of vacant land to create a Natural Burial cemetery. A future funeral home will eventually be built along Oncken Road.

**Owner/Applicant Signature:**  \_\_\_\_\_ **Date:** 7/8/2021

Terrence R Wall (Feb 16, 2021 16:23 CST)

**Note:** City ordinances are on the City website at <http://www.ci.middleton.wi.us/ordinances/ordinances.htm>

Fees (check what applies):	
Certified Survey Map	\$200 + \$25/lot
Concept Review	\$50
Conditional Use Permit	\$300
Design Review	\$200
Design Review Revisions	\$50
Final Plat	\$400 + \$50/lot
Preliminary Plat	\$400 + \$50/acre
<input checked="" type="checkbox"/> Rezoning	\$400-\$2,000**
Sign Variance	\$200
SIP/SIP Modification	\$50-\$400**

\* Specific Implementation Plan in Planned Development District  
 \*\* Fee based on cost of project. **For Rezoning:** single lot or project = \$400, larger projects and PDD rezoning requests = \$1,000 for projects up to 50 acres, and \$2,000 for projects over 50 acres. **For SIP Modifications:** projects under \$10,000 = \$50, between \$10,000 and \$50,000 = \$200, and over \$50,000 = \$400.

Deposit
An Escrow Deposit of \$5,000 is required per Ord. 10.128(2) to cover project review costs by outside consultants when necessary. See attached excerpt from City Ordinances.
Waiver authorized: <input type="checkbox"/> _____ date _____
<b>TRAFFIC IMPACT ANALYSIS</b> <b>Required Yes <input type="checkbox"/> No <input type="checkbox"/></b>

# CITY OF MIDDLETON REZONING CHECKLIST

Project Name: <b>The Wisconsin Foundation Cemetery</b>	Submitted By: <b>Terrence Wall, Director</b>
Project Address: <b>See legal description</b>	Date Submitted: <b>7/8/2021</b>

All requests for a zoning map or district change, after receipt by the Zoning Administrator, shall be forwarded to the Plan Commission. The Plan Commission shall, after study, make its recommendation to the Common Council. The Plan Commission will set a date for a public hearing by publishing a Class II notice.

**Note:** Include on the plan sheets each applicable item listed below with all formal plan submittals. This list is not intended to show all applicable requirements. All boxes should be checked, or marked "N/A" if the item does not apply. Ten (10) copies of the plans must be submitted with this checklist as a single package no later than 4:30 pm, Tuesday, three (3) weeks prior to presentation at Plan Commission.

- 1. Site plan of all lots and structures including surrounding properties within 200'.
- N/A 2. Utility installations and easements.
- 3. **Lot dimensions, area and legal description.**

Request to change PDD-G district to AG & B-3 district of the following described land: \_\_\_\_\_  
LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4,  
PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

Public Hearing date as established by the Plan Commission (Class II Notice): \_\_\_\_\_

Date notice mailed to all affected property owners: \_\_\_\_\_

Applicant's statement: Please see attached cover letter for statement.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<b>Staff Contacts</b>		
<b>Abby Attoun-Tucker, AICP</b>	<b>Mark Opitz</b>	<b>Daphne Xu</b>
Planning & Community Development Director	City Planner Zoning Administrator	Associate Planner
(608) 821-8343	(608) 821-8394	(608) 821-8377
Email: <a href="mailto:aattoun@cityofmiddleton.us">aattoun@cityofmiddleton.us</a>	Email: <a href="mailto:mopitz@cityofmiddleton.us">mopitz@cityofmiddleton.us</a>	Email: <a href="mailto:dxu@cityofmiddleton.us">dxu@cityofmiddleton.us</a>
Fax: (608) 827-1080	Fax: (608) 827-1080	Fax: (608) 827-1080
<b>Diane Attoe: Office Manager, Public Works Department</b> Phone: (608) 821-8370 / Fax: (608)827-1080 Email: <a href="mailto:dattoe@cityofmiddleton.us">dattoe@cityofmiddleton.us</a>		





July 8, 2021

Middleton Plan Commission  
City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Re: The Wisconsin Foundation Request for Cemetery

Dear Middleton Plan Commission:

The Wisconsin Foundation is asking to change the zoning for 20 acres on Oncken Road that encompasses the old quarry, to a cemetery and future funeral home, with the follow up question of whether we should de-annex to Westport.

The old quarry land has been filled with construction debris but was not compacted and therefore, it is not feasible to develop this area for homes or buildings, except near Oncken Road for a small funeral home. Due to the lack of utilities on the site, we are requesting city water well and sewer access, but it is not our intent to build the funeral home immediately. We are willing to wait for city sewer and water.

This land is presently zoned as a planned development district or PDD. We had planned for a public school here, but it has become clear that the Waunakee School District is going to select a site in Waunakee for the next school.

There is a huge need for a new cemetery in the metro area given the fact that the existing cemeteries are filling up. Therefore, we are requesting that this land be rezoned for a cemetery, and future funeral home and mausoleum (no crematorium).

This would be a "Natural Burial Cemetery" as defined by the Green Burial Council, meaning that it would use burial practices that have no long-term degradation of the soil health, plant diversity, water quality, and ecological habitat. There is only one other natural cemetery in the entire state of Wisconsin. Natural cemeteries also require restricting the burial density to no more than 500 burials/acre. This would include conducting an Ecological Impact Assessment as well as using only natural and biodegradable burial containers/shrouds (i.e. wicker, wood, cloth), and absolutely no plastic, metal, or synthetic materials. It would also limit the size and type of memorial markers to prevent impairment of the ecological conditions of the natural landscape, and embalming is strictly prohibited. Attached you will find the requirements from the Green Burial Council for hybrid and natural cemeteries. We plan to meet the higher standard requirement of a Natural Cemetery. We have also included a number of walking paths for visitors to use.






We ask that you please process our proposed SIP rezoning request for the 20 acres of land based upon the attached plat to create a Natural Cemetery.

Thank you,

The Wisconsin Foundation

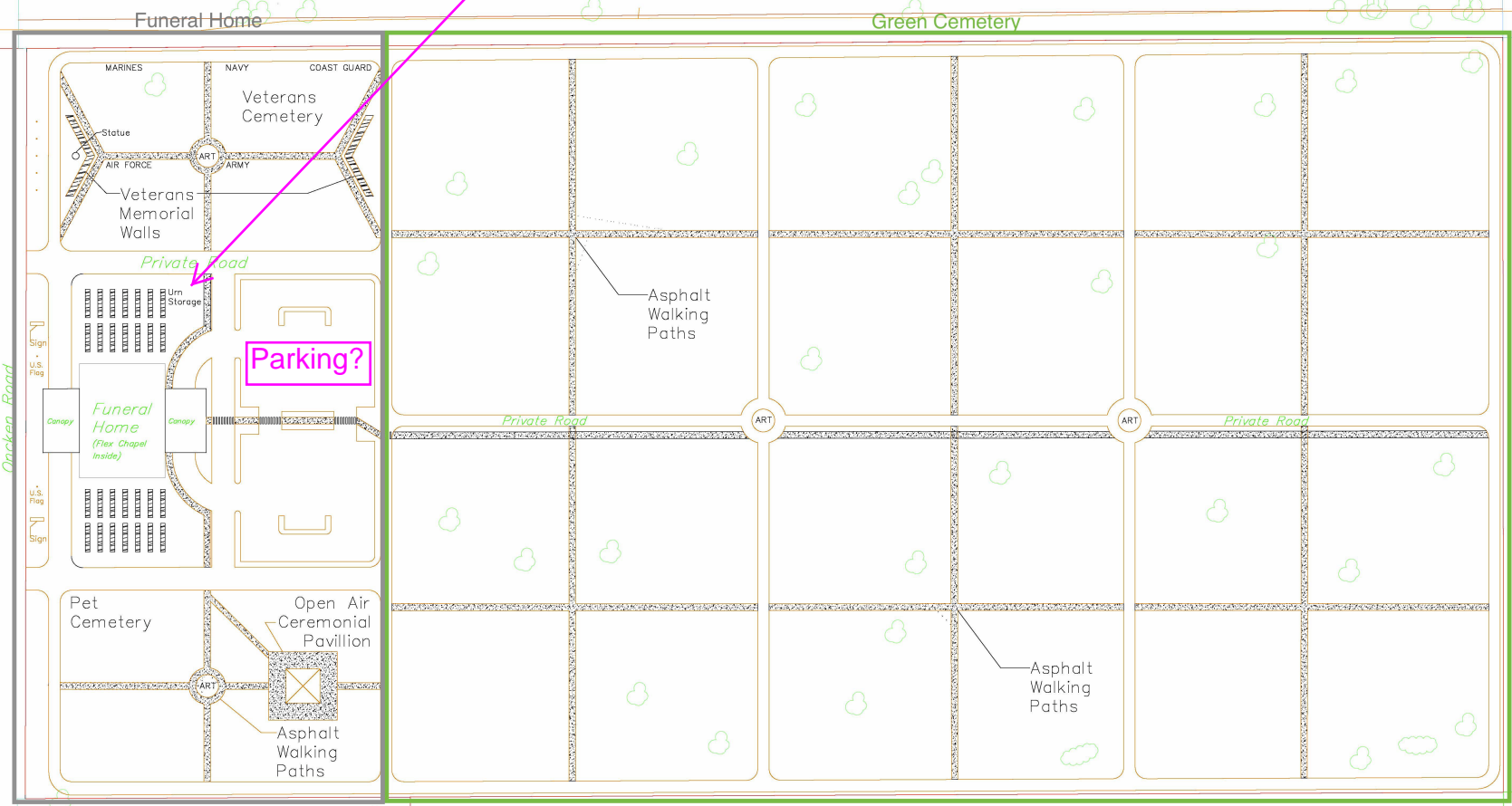
By:   
Terrence R Wall (Feb 16, 2021 16:23 CST)  
Terrence Wall, *President*

As noted in narrative, water and sanitary sewer services are not currently available, and may be deferred up to 12.31.2040.

Show extents of former quarry activity.

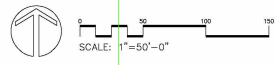
Clarify if these are intended as above ground structures for urn storage (columbarium).

Provide drawing showing this proposed cemetery land use in context of surrounding planned development.



Parking?

It appears the north arrow should be oriented to the left.



**Oncken Road – Wisconsin Foundation Inc. Cemetery**

Legal description: LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9

Utilities: There are currently no utilities on the site.

Easements: There are currently no easements on the site.

2019 Property Records for City of Middleton, Dane County

May 4, 2021

Tax key number: 0809-293-9320-2

Property address: Oncken Rd

Traffic / water / sanitary: Medium / None / None

Legal description: LOT 1 CSM 13066 CS83/295-298 03/23/2011 F/K/A PRT OF SEC 29-8-9 PRT SW1/4SE1/4, PRT SE1/4SW1/4 & PRT SW1/4SW1/4 & SEC 31-8-9 PRT NE1/4NE1/4, PRT NW1/4NE1/4, PRT SW1/4NE1/4, PRT SE1/4NE1/4 & PRT NE1/4SE1/4, PRT NW1/4SE1/4, PRT SW1/4SE1/4, PR T SE1/4SE1/...

Summary of Assessment	
Land	\$ 0
Improvements	\$0
Total value	\$0

Land									
Qty	Land Use	Width	Depth	Square Feet	Acres	Water Frontage	Tax Class	Special Tax Program	Assess Value
1				852,687	19.575	None	Exempt other		\$0

	Standard	Hybrid Cemetery	Natural Burial Grounds
1.	Accurately represent earned level of GBC certification in marketing materials, websites, and conversations with the public, clients, and the media.	✓	✓
2.	Provide clients and families with the opportunity to participate in the burial and ritual process, in keeping with state law and with these standards.	✓	✓
3.	Accept for burial only decedents that have not been embalmed or those embalmed only with GBC-approved, nontoxic chemicals.	✓	✓
4.	Prohibit the use of a vault (partial, inverted, or otherwise), a vault lid, concrete box, slab or partitioned liner in the burial plot.	✓	✓
5.	All burial containers, shrouds, and other associated products made only of natural, biodegradable materials.	✓	✓
6.	Develop a <i>Maintenance and Operations Manual</i> to be utilized by all staff members, contractors, and volunteers to implement site goals, policies, and best practices.	✓	✓
7.	Establish an endowment fund to ensure the long-term maintenance of the site by setting aside at least 10% of all burial plot sales.	✓	✓
8.	Conduct an <i>Ecological Impact Assessment</i> , starting with a property baseline document that includes existing ecological conditions and sensitive area analysis. Update periodically to assess future property/habitat conditions and plant inventory.		✓
9.	Restrict access and burial operations within sensitive areas as identified in the <i>Ecological Impact Assessment</i> .		✓
10.	Use operational and burial practices that have no long-term degradation of soil health, plant diversity, water quality, and ecological habitat.		✓
11.	Limit the type and size of memorial markers so that they do not impair the ecological conditions and aesthetic of the natural cemetery landscape.		✓
12.	Site conditions as identified in the <i>Ecological Impact Assessment</i> and sensitive areas analysis, will restrict burial density on the property; therefore, Natural and Conservation burial grounds will have limits to		✓

	<p>allowable burial density. For Natural Burial, the cemetery's average density shall not exceed 500 burials/acre. For Conservation Burial, average density shall not exceed 300 burials/acre. Burial density of sensitive areas may be transferred to less restricted areas on the property to maximum densities of Natural Burial - 600/acre, Conservation Burial - 400/acre.</p>		
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## Mark Opitz

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**From:** Madeline Wall <maddie@twallenterprises.com>  
**Sent:** Tuesday, September 21, 2021 12:57 PM  
**To:** Mark Opitz; Mark Opitz  
**Subject:** Green Cemetery  
**Attachments:** Cemetery Updated 9.20.21.pdf

Hi Mark,

I was wondering since the hearing for the plan Commission to review the green cemetery submittal has been delayed, would we be able to slightly update our plan? We have added a buffer of trees next to the house as well as modified the shape of one path in order to properly connect it to the master plan. We are also willing to hold off on the funeral home since there is no water/sewer.

Thanks,

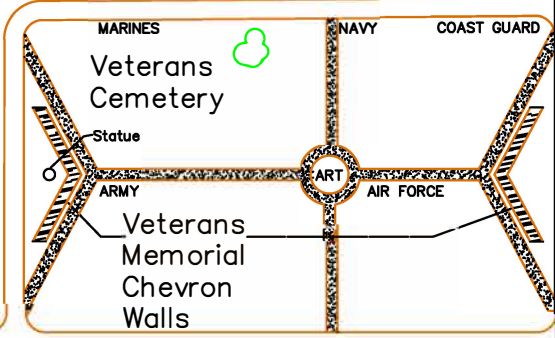
Maddie

**Madeline Wall**  
**Development**  
**T. Wall Enterprises Mgt, LLC**  
**Email:** [Maddie@twallenterprises.com](mailto:Maddie@twallenterprises.com)  
**Cell Phone:** 608.509.3193

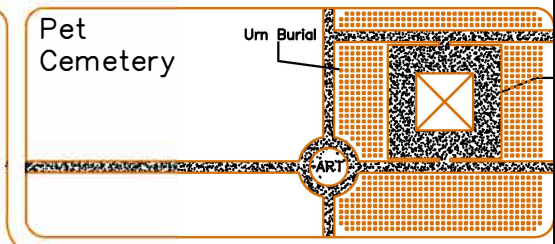
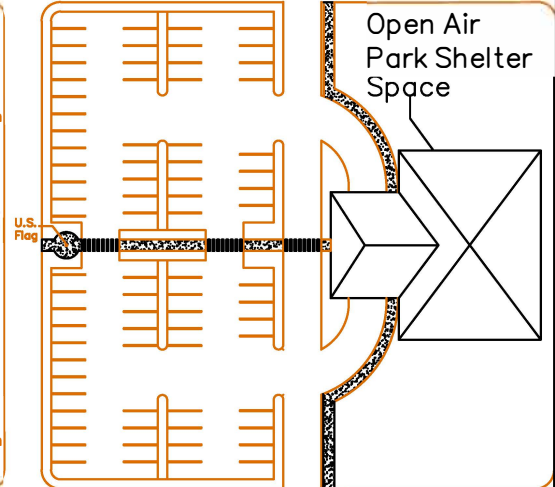


DISCLAIMER: This communication is for discussion purposes only and shall not be construed or interpreted as an ascent/agreement to modify the terms of any signed/executed agreements/contracts/leases. T. Wall Enterprises' policy is that: (i) such agreements/contracts/leases cannot be modified by email, text or verbal communication; (ii) only a written and signed amendment to such agreement/contract/lease can modify/change the terms of such agreements; and (iii) only the President (or the manager of the President) sign an agreement/contract/lease or an amendment thereto or authorize an expenditure (i.e. employees of T. Wall Enterprises Mgt, LLC, beside the President, do not have authority to enter into agreements or authorize expenditures). Signed agreements/contracts/leases may not be modified unless/until an amendment is signed/executed by all parties thereto (a statement of agreement shall not suffice for this purpose). The signed agreement/contract/lease shall govern in the event of a discrepancy between agreement/contract/lease and the foregoing communications or any other verbal or written communication between the parties representatives. This email communication, absent a signed written authorization from the President of the Parties, shall not authorize the receiver of this communication to commit any time or money for any proposed work unless/until a signed written authorization in the form of an agreement/amendment or letter is provided to the receiver of this communication. If this communication is related to a lease, then the Landlord's failure to enforce the strict terms of the Lease and/or Landlord's failure to send a notice of Tenant's default under the Lease, if any, shall not be construed as a waiver of such Landlord rights to enforce the terms of the Lease or a waiver of any future remedies.

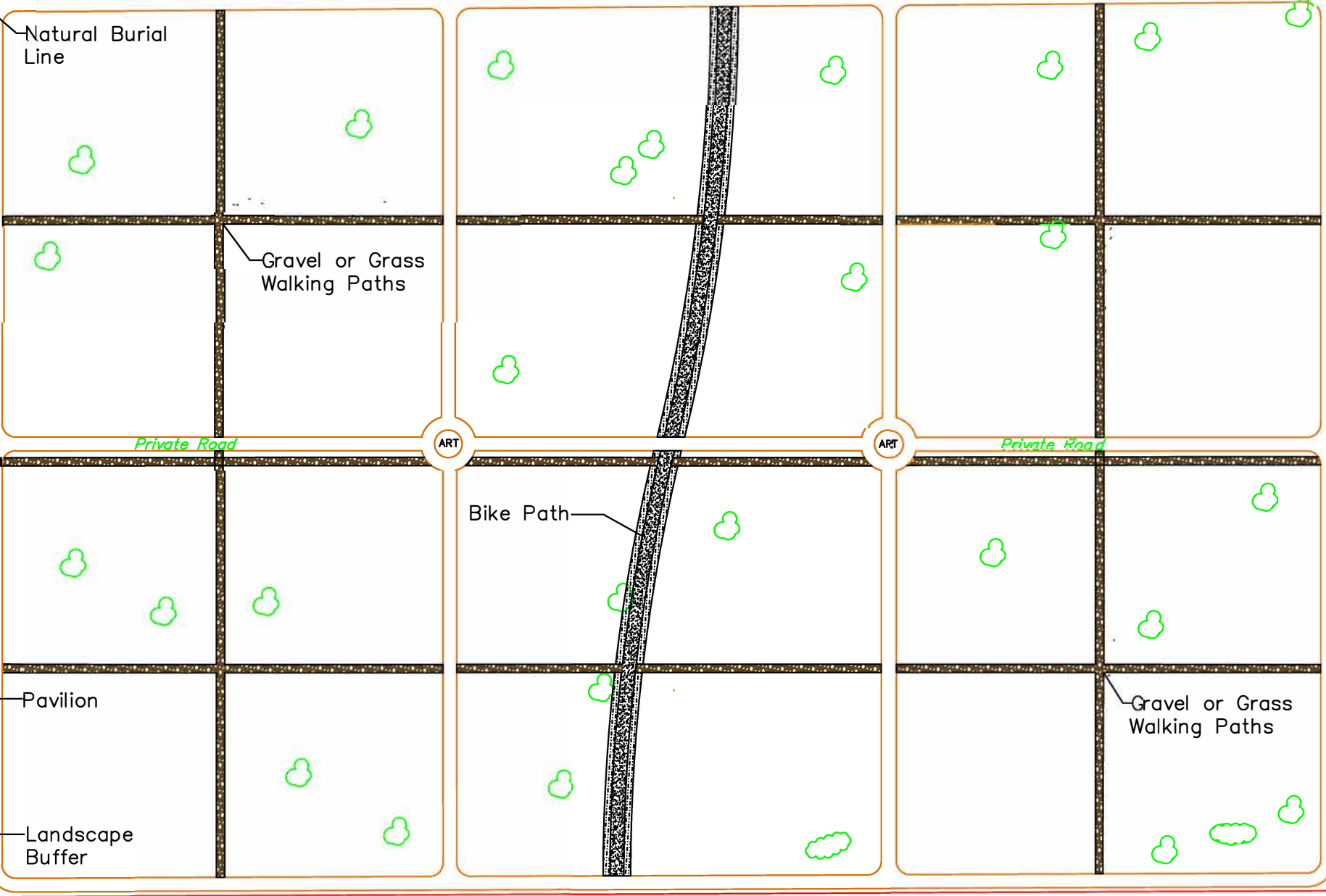
Military Branch Flags



Private Road



Landscape Buffer



Oncken Road





# Excerpt from Community of Bishops Bay Master Development Plan



Map 3: Regulating Plan  
Neighborhoods

- Anticipated City of Middleton/ Town of Westport Boundary
- Neighborhood Boundary

**NOTES:**  
 - Individual neighborhood boundaries are approximate.  
 - The Farm, The Woods, The Prairie and Prairie Estates are located in the Town of Westport.

\* Only this portion of the Estates neighborhood can use the MF-R lot type.



THE COMMUNITY OF  
**BISHOPS BAY**  
 WHERE THE GOOD LIFE GROWS

The Community of Bishops Bay

vierbicher • swa group • knothe & bruce architects • bouril design studio



Photos showing various perspectives of the Oncken Road property owned by The Wisconsin Foundation Inc.



The southern edge of the 20 acre property is approximately 1,650 ft. (0.3 miles) from the nearest residences in the Community of Bishops Bay. The residence directly west of the property is set back approximately 30 feet from the shared lot line.

**Public Input pertaining to 9/28/21 Public Hearing  
Community of Bishops Bay GIP Amendment (Rezoning) to allow a  
Natural Burial Cemetery and Funeral Home along Oncken Road**

Updated 9/24/21 2:00 p.m.

**Jamie Spalinger**

**From:** Jamie Spalinger <[spal3@att.net](mailto:spal3@att.net)>

**Sent:** Saturday, September 11, 2021 11:38 AM

**To:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>

**Subject:** Statement pertaining to 20-acre parcel directly east of 6043 Oncken Rd

Dear Mr. Opitz,

We are the home owners at 6043 Oncken Rd and would like to provide our statement prior to this hearing on Tuesday, Sept. 14 at 7pm pertaining to 20-acre parcel directly east of of our property. We are strongly against developing a cemetery and funeral home on this parcel for the following reasons:

1. The original plan by Bishops Bay was for a park or natural area and we welcome this use of the land.
2. We have no interest in having a cemetery next to our home. This is unprecedented...a cemetery development next to a private residence. A cemetery is existing and then homes are built next to and around the cemetery by choice in Middleton and Waunakee.
3. We are concerned about property resale value.
4. We have ground water concerns.

We enjoy and respect the development of the Bishops Bay Community. We were shocked and disappointed to hear about this potential use of the land.

Thank you for taking our statement.

Jamie and Mary Jo Spalinger

**James Goetz**

-----Original Message-----

**From:** James Goetz <[james@nglawyers.com](mailto:james@nglawyers.com)>

**Sent:** Monday, September 13, 2021 6:59 AM

**To:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>

**Subject:** The Wisconsin Foundation

As someone who is unable to attend the board meeting next I wanted to go on record that me and my family are strongly opposed to the rezoning. It is terrible for us for the community and this is a clear attempt by a developer who ran out of money to make changes for a short term profit. This will drive land value for the community down, destroy any more chances of residential development, which is good for taxes year in and year out, while only creating a handful of jobs. A vote in support of this rezoning to our house is a vote that will never again see support from our household.

Regards,

James Goetz  
Office Manager  
Nicholson Goetz, & Otis, S.C.  
22 East Mifflin Street, Suite 90  
Madison, WI 53703  
608.237.6854 (phone)  
608.819.8273 (fax)  
[james@nqlawyers.com](mailto:james@nqlawyers.com)

## Heather Catterson

**From:** Heather Catterson <[heathercatterson@gmail.com](mailto:heathercatterson@gmail.com)>  
**Sent:** Monday, September 13, 2021 12:06 PM  
**To:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>  
**Cc:** [aattoun@cityofmiddleton.us](mailto:aattoun@cityofmiddleton.us); Nathan Catterson <[macularstar@aol.com](mailto:macularstar@aol.com)>  
**Subject:** Public Comments - September 14, 2021 Planning Commission Meeting

Dear Mark,

Thank you for taking the time to send me the information regarding the proposal to modify the Bishops Bay Master Plan to allow for a natural cemetery. Please use this e-mail as registration of my public comments for the September 14, 2021 Planning Commission meeting.

Both my husband and myself greatly oppose this modification to the Master Plan. We currently live in the Back Nine Neighborhood in the Community in Bishops Bay. Although the neighborhood is not located on Oncken Road, looking at the aerial, our neighborhood is actually quite close on the north east side to the proposed natural cemetery. Before we purchased our lot, we spent a lot of time reading and understanding the master plan before making our purchase. We would have not purchased our lot had we known that a cemetery and funeral home were part of this plan. As a licensed Real Estate Broker, I understand the negative impact that living near a funeral home and cemetery can bring to Real Estate values and sales. We would all like for the Community of Bishops Bay to be developed, but feel that this addition would only benefit the developer in the short-term and hurt the development in the long-term as neighborhoods are planned for development around this site, and this change would impact and slow sales.

In addition, I am very concerned about the impact to groundwater. I watched the August 18<sup>th</sup> Middleton Westport Joint Zoning Meeting, and during this meeting Madeline Wall stated that up to 500 burials can take place per acre and this plat has 20 acres which would equate to 10,000 burials. These burials would be allowed to be buried in shrouds, nothing else. Per Madeline's admission at this meeting, there is only one other natural cemetery in the state and a handful in the U.S.. I am very concerned about the lack of understanding and studies that have taken place on what 10,000 natural burials can do to the groundwater given the proximity to homes, the Dorn Creek Wildlife Area, Governor Nelson State Park, Lake Mendota, and Inspire Early Childhood pre-school where hundreds of kids attend daily.

It is for these reasons listed above, that we oppose this change to the Master Plan, and ask the commission to not approve this change.

Sincerely,

Nathan and Heather Catterson

4922 Saint Annes Drive

## Alex Cummings

**From:** Alex Cummings <[amcummings@uwalumni.com](mailto:amcummings@uwalumni.com)>

**Sent:** Monday, September 13, 2021 10:02 PM

**To:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>

**Subject:** Opposition to cemetery on Oncken Rd.

Hello Mark Opitz,

We are residents of the Bishops Bay Community (Back nine neighborhood) and are writing to voice our opposition to the approval of zoning for a natural cemetery on Oncken Rd. We are concerned that this change will have a detrimental effect on the community and its potential for future growth. This change seems to benefit almost exclusively the T Wall organization, with negative consequences, both current and future, for all who live in proximity. Although a natural cemetery is marginally better than a traditional cemetery in its prevention of chemicals introduced to the environment, it still creates an exceptional amount of waste. In our opinion, it is a misuse of the land. Such a cemetery will still require an exceptional amount of water, fertilizer, and maintenance to maintain. More concerning is the fact that the land will effectively be unusable long term. Once it becomes a cemetery, that land cannot be used for anything else ever again without a considerable amount of legal, financial, and physical resources applied to it. Additionally, once it's filled, within a generation it will be nothing more than land completely unsuitable for building, with no remaining financial resources to maintain it. We have an obligation to future generations to prevent such waste and misuse.

Please do not approve a change to the zoning of this land for use as a cemetery.

Sincerely

Alex and Katie Cummings



## Rachel Kvasnica

**From:** Rachel Kvasnica <[rkvasnica@bunburyrealtors.com](mailto:rkvasnica@bunburyrealtors.com)>

**Sent:** Monday, September 13, 2021 7:34 PM

**To:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>; Abby Attoun <[aattoun@cityofmiddleton.us](mailto:aattoun@cityofmiddleton.us)>

**Subject:** Public Comments for Sept 14th Planning Meeting - Community of Bishops Bay Master Plan

Hi Mark-

I received your information regarding the upcoming planning meeting regarding the community of bishops bay master plan. Please use this e-mail as registration of my public comments for the September 14, 2021 Planning Commission meeting.

Both my family and many other neighbors oppose the current proposal up for discussion tomorrow for the change to the master plan. We spent a lot of time and consideration reviewing the master plan before purchasing and building our home in the community of bishops bay, back nine. Our kids attend Inspire Early Childhood school as well as the Waunakee Public School District. Had we known of a plan to implement a cemetery (natural or not), this would've significantly impacted our decision to build a home in this neighborhood.

There are several concerns that support my opposition:

1. As a licensed Realtor, I feel very strongly that this will impact the home values in our neighborhood regardless of the perceived distance from the back nine development. Average home values in this neighborhood based on recent and pending sales are ranging from \$700,000- \$2,000,000. Several homes in our neighborhood will have this in their line of site out their backyards.
2. This will deter some cultures from purchasing a home in here, thereby reducing the total buyer pool. Our buyer pool is already challenging for some agents who don't realize the uniqueness of our search area — promoting homes that are annexed into the city of Middleton but with a Waunakee school district while being welcomed to the neighborhood with a "Town of Westport" sign can be very confusing for out of town buyers. As we want to continue to increase diversity and economic status into the Middleton and Waunakee communities, I don't see how the funeral home and natural cemetery will support that goal at all.
3. This isn't far away from residential properties. I'm very concerned about the limited data on the impact that 10,000 decomposing bodies will have into the ground water near childcare, residential homes, etc.
4. Having this cemetery/burial site spread over 20 acres really isn't comparable land space to a typical green burial site. The vision sent over by T-Wall of other green burials as their inspiration (such as the Farley center of natural path cemetery), is nowhere near similar to this situation. While Farley is 25 acres, it is located among NO densely populated neighborhoods. If the land near Farley (in Verona) is developed into a residential area, those future buyers will have the disclosure up front before building multi-million dollar homes nearby. To bring this right into a planned populated residential area with such limited data is a detriment.

Given the land was determined to be unsuitable for homes, not an option for the school district, etc, it seems that this is the way for T-Wall to make a quick profit on the land rather than protect the benefits that this community was meant to bring. There are so many other ideas that would be more suitable for everyone that could really bring the community together with less of an impact on home values. (I.e. A community park, a dog park, another splash pad, additional sports fields, open space, a small community beach, etc). I challenge the city to ensure Mr Terrance Wall, who operates under the Wisconsin Foundation, to come up with something that will actually be beneficial to this community. He has many promises that he is yet to uphold in the community of bishops bay. This proposal is just a way for him to get some money quickly into his pockets for other endeavors. He is clearly having financial challenges and wanting to make an exit. This burial site will only further hamper the speed in which properties are purchased in support of the master plan.

It is for these reasons listed above, that we oppose this change to the Master Plan, and ask the commission to not approve this change.

Thanks,

Rachel Kvasnica, Realtor, MBA  
Top Producer since 2017  
Bunbury & Associates Realtors  
608.571.3583  
[rkvasnica@bunburyrealtors.com](mailto:rkvasnica@bunburyrealtors.com)  
[Rachelkvasnica.bunburyrealtors.com](http://Rachelkvasnica.bunburyrealtors.com)  
Follow me on Facebook @RachelKvasnicaSellsHomes

## **Christopher Reed (statement #1)**

**From:** Christopher Reed <[cmreed2004@gmail.com](mailto:cmreed2004@gmail.com)>  
**Sent:** Tuesday, September 14, 2021 6:17 AM  
**To:** Rachel Kvasnica <[rkvasnica@bunburyrealtors.com](mailto:rkvasnica@bunburyrealtors.com)>  
**Cc:** Mark Opitz <[mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)>; Abby Attoun <[aattoun@cityofmiddleton.us](mailto:aattoun@cityofmiddleton.us)>  
**Subject:** Re: Public Comments for Sept 14th Planning Meeting - Community of Bishops Bay Master Plan

Hi Mark:

With respect to T Wall's request to approve changes to the Master Plan, my wife Laura and I, also ask the commission to NOT APPROVE this change.

Similar to Rachel's comments, we chose to build in the Bishops Bay Back Nine due to its being in the Waunakee School District but also much closer to the Town of Middleton, our children's activities and Edgewood High School. We had many choices to choose from but would not have chosen this neighborhood if we had known there was a future cemetery to be located nearby. Mr. Wall has made frequent requests to change the Master Plan, many or most of which you have agreed to. I'm sure you are aware the Town of Westport refused many of his requests for changes related to his developments of The Farm and The Prairie on County M due to the financial impact on their community and Mr. Wall's attempts to shift his costs over to their residents.

I have attended Waunakee Zoning board meetings (stocked with commissioners who are developers and contractors) and have witnessed first hand the dismissal of resident's concerns that have led to dire outcomes for that town and urge you to consider the interests of residents of our town and nearby neighborhoods. As Rachel pointed out, are there not alternative opportunities to develop this land into a positive force for good to local residents such as the splash pads or open space? The commission should not be worried about the financial position of the developer which may only lead to further difficult decisions by the commission down the road as he tries to unload his liabilities on Middleton.

I would suggest the commission consider the following: Has the commission adequately studied the potential impact on property values that the change in the zoning to a cemetery would cause and has the commission adequately studied the impact of potential ground-water contamination? Is the commission prepared to accept the financial and legal liabilities that such a decision might cause and its fiduciary responsibilities to the residents of the Bishops Bay Back Nine?

Do you want to be a commission similar to the Town of Westport or similar to the Town of Waunakee?

Chris Reed

## Jennifer Reckner

**From:** Jennifer Reckner <jenniferreckner2019@u.northwestern.edu>

**Sent:** Tuesday, September 14, 2021 11:22 AM

**To:** Mark Opitz <mopitz@cityofmiddleton.us>; Abby Attoun <aattoun@cityofmiddleton.us>

**Subject:** Natural cemetery opposition

Hi Mark- I received your information regarding the upcoming planning meeting regarding the community of bishops bay master plan and I've watched the previous zoning board meeting. Please use this e-mail as registration of my public comments for the September 14, 2021 Planning Commission meeting. Both my family and many other neighbors oppose the current proposal up for discussion tonight for the change to the master plan. We spent a lot of time and consideration reviewing the master plan before purchasing and building our home in the community of Bishops Bay and the promise of an elementary school within the plans was one deciding factor for us. We had no knowledge that this was no longer in the master plan, and in fact, is still listed in the plan on the Community of Bishops Bay website. People purchasing homes in the neighborhood right now are still being given plans including a school. Had we known of a plan to implement a cemetery (natural or not), this would have significantly impacted our decision to buy a home in this neighborhood. There are several concerns that support my opposition: 1. I worry that this will impact the home values in our neighborhood regardless of the perceived distance from the back nine development. Average home values in this neighborhood based on recent and pending sales are ranging from \$700,000- \$2,000,000. Several homes in our neighborhood will have this in their line of site out their backyards. Also the draw of having a school within the neighborhood will be foregone. 2. This will deter some cultures from purchasing a home here, thereby reducing the total buyer pool. Our buyer pool is already challenging for some real estate agents who don't realize the uniqueness of our search area — promoting homes that are annexed into the city of Middleton but with a Waunakee school district while being welcomed to the neighborhood with a "Town of Westport" sign can be very confusing for out of town buyers. As we want to continue to increase diversity and



economic status into the Middleton and Waunakee communities, I don't see how the funeral home and natural cemetery will support that goal at all. And coming from a mixed ethnicity family, increasing diversity is of the utmost importance to us. 3. This proposal is not far away from residential properties even though that is what was said at the zoning board meeting. I'm very concerned about the limited data on the impact that 10,000 decomposing bodies will have into the ground water near childcare, residential homes, etc. This could impact health outcomes for families and an environmental scientist should be hired to analyze this before the plans go any further. 4. Having this cemetery/burial site spread over 20 acres really is not comparable land space to a typical green burial site. The vision sent over by T-Wall of other green burials as their inspiration (such as the Farley center of natural path cemetery), is nowhere near similar to this situation. While Farley is 25 acres, it is located among NO densely populated neighborhoods. If the land near Farley (in Verona) is developed into a residential area, those future buyers will have the disclosure up front before building multi-million dollar homes nearby. To bring this right into a planned populated residential area with such limited data is a detriment. I also wonder if the homeowners in Westport are aware of this as they would have no reason to look up any city of Middleton meetings. Have they been contacted and made aware? Considering that we as Community of Bishops Bay homeowners found out about this accidentally, I am guessing they are unaware. Given the land was determined to be unsuitable for homes, it seems that this is the way for T-Wall to make a quick profit and gain tax exemptions on the land rather than protect the benefits that this community was meant to bring. There are so many other ideas that would be more suitable for everyone that could really bring the community together with less of an impact on home values. (I.e. A community park, a dog park, another splash pad, additional sports fields, open space, a small community beach, etc). I challenge the city to ensure Mr. Terrance Wall, who operates under the Wisconsin Foundation, to come up with something that will actually be beneficial to this community. He has made many promises that he is yet to uphold in the Community of Bishops Bay and often completely lacks transparency, as evidenced by the HOA being completely unaware of this proposal. This proposal is just a way for him to get some money quickly into his pockets for other endeavors. He is clearly having financial challenges and wanting to make an exit. This burial site will only further hamper the speed in which properties are purchased in support of the master plan. It is for these reasons listed above, that we oppose this change to the Master Plan, and ask the commission to not approve this change.

Thank you for your time.

Respectfully,  
Jennifer Reckner  
4420 Back Nine Dr.  
Middleton, WI 53597

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Jennifer Reckner, MA, NCC, LPC, CCTP  
Alumna, Counseling@Northwestern  
Past Chair, Graduate Student/Emerging Professional Committee  
American Mental Health Counselors Association

## Tessa Macomber

**From:** Tessa Macomber <tessa.chell@gmail.com>

**Sent:** Tuesday, September 14, 2021 3:54 PM

**To:** Mark Opitz <mopitz@cityofmiddleton.us>

**Subject:** Statement on tonight's Public Hearing

Hello Mr. Opitz,

I am a resident of the Community of Bishops Bay and it has been brought to my attention that the developer of our neighborhood, The Wisconsin Foundation Inc/ Terrance Wall, had requested an amendment to the general implementation plan in the developed district of our neighborhood. It's my understanding that it has been proposed that the area directly east of 6043 Oncken road be rezoned for the use of a cemetery and funeral home. Specifically, as a natural cemetery. During the Middleton Westport Joint Zoning Meeting on 8/18/21, Madeline Wall mentioned that the area would have potential for 500 bodies/burials, including shrouds. I would like to express my sincere opposition to this rezoning. Not only would this change likely impact the surrounding natural habitats of many species of native nesting birds (specifically the Eastern meadowlark, Northern bobwhite and short-eared owl to name a few) but one also has to wonder what the groundwater impact of such a facility and burial ground would have on the area. Additionally, my family relocated to this area specifically based on the Master Development Plan for the Community of Bishops Bay, which did not include a burial ground and funerary facility. Had it been in the plan we would not have moved to this area. Should the site be rezoned, we would quite possibly choose to move to a different city or town.

As I am unable to attend this evening's meeting, I would once again like to express my opposition to this rezoning.

Thank you very much.

Tessa Macomber

Member and Homeowner, Community of Bishops Bay

## Luke Wolfe

**From:** Luke Wolfe <lukewlf@gmail.com>

**Sent:** Tuesday, September 14, 2021 4:09 PM

**To:** Mark Opitz <mopitz@cityofmiddleton.us>

**Subject:** Comments for September 14 Planning Meeting - Community of Bishops Bay

Hi Mark,

I am sure that you have gotten emails from others in my neighborhood in regards to the meeting this evening about the Community of Bishops Bay master plan. Please consider this email as my public comments for the September 14, 2021 planning commission meeting. First off, I would like to say thank you for taking the time to read through our concerns and listen to what we have to say.

My wife and I took a significant amount of time to find the neighborhood that we wanted to raise our children in. As somebody who grew up in the Wexford neighborhood on the west side of Madison, I had a picture in my mind of what I was looking for. After finding our home and reviewing the master plan for development, we decided that this was going to be a great fit for us and our future family. I know that we are not alone in how we came to the decision to move into this neighborhood.

The news about what T Wall is trying to do to the master development plan is concerning to me. To have the shift in plans from a school to a graveyard completely goes against the direction that this neighborhood was moving in. I understand if the grounds are not appropriate to build such a structure on, but showing that they would be able to construct a funeral home shows that this is not undevelopable land, but instead that he is looking to reduce his tax burden and free up capital for other ventures, at the expense of the community and the city of Middleton. I see no way how this cemetery would be looked at as anything other than a flaw in the future community, which is a large addition to the Middleton area.

I am aware that he is wanting to approach this burial area like the Farley center, but it is completely different. The Farley center is in an undeveloped area and is not surrounded by spaces currently slated for residential development.

I am also concerned that he is playing mental games for his own benefit by including a veterans cemetery and a pet cemetery in the same space. They know that these are two topics that people generally avoid disagreeing with, but it feels disrespectful to play games with the veterans in our community by seemingly using them as a tool to free up capital for himself.

Like others in my community, I believe that this space could be better suited for items that add to this area for all members of the Middleton community. As somebody who grew up with a great pool next to my neighborhood, I would love to see an actual pool available to community members in the area so that their only options are not having to belong to Bishops Bay or driving the 10 minutes to the Middleton Public Pool. I would also think that this area could be a community center/nature center for the Dorn Creek natural area. Even adding the land to the land dedicated to regrowing the natural grasslands would be a great improvement and would add considerable value to the future "City Center" development that is expected to be constructed at the corner of Onken and Highway Q. To be able to have a space that people are able to go and walk and enjoy nature that is next to shops and restaurants would be incredible and draw many to the area.

For these reasons, I oppose this change to the master plan and ask that the commission does not approve the change.

Thank you,  
Luke Wolfe

## **Christopher Reed (statement #2)**

**From:** Christopher Reed <cmreed2004@gmail.com>  
**Sent:** Tuesday, September 14, 2021 5:33 PM  
**To:** Mark Opitz <mopitz@cityofmiddleton.us>; Rachel Kvasnica <rachel.a.kvasnica@gmail.com>  
**Subject:** Fwd: PC Item #1: Statement from Reed

Hi Mark:

I would like this email logged into the minutes of the commission to make them aware that Mr. Wall's attorney responded to my public comment.

In contrast to the statement "The intent of the disclosure attached is not to silence your voice but for you to reach out to the developer with your feedback rather than making public adverse comments first, like you did", I consider having Mr. Wall's attorney respond to my public comments as indeed an act of intimidation and completely inappropriate.

Respectfully, I do not consider a cemetery to be a valuable amenity and reiterate my request that the commission not approve the changes to the master plan.

Thank you,

Chris Reed

**From:** Taylor Brengel <[taylor@bishopsbaycommunity.com](mailto:taylor@bishopsbaycommunity.com)>  
**Date:** Tue, Sep 14, 2021 at 4:23 PM  
**Subject:** Re: PC Item #1: Statement from Reed  
**To:** <[cmreed2004@gmail.com](mailto:cmreed2004@gmail.com)>

Mr. Reed,

The City of Middleton and Town of Westport have forwarded your **public** comments opposing The Community of Bishops Bay LLC's proposed amendment to the Master Development Plan (MDP) to permit a cemetery/funeral home along Oncken Road.

Attached is a document that encumbers your lot in the Community of Bishops Bay and was disclosed on the title commitment for your lot before you purchased in the Community of Bishops Bay. Please pay close attention to the emphasis added. Specifically, you were notified before you even purchased the

lot that the developer, The Community of Bishops Bay LLC, can deviate from the MDP and amend the MDP in its sole discretion.

The reason the Developer recorded this notice is because there will be on-going development and YES there will be changes to the MDP to adapt to changing market conditions and as the Developer sees fit. Specifically pay close attention to page 13 of the MDP which states:

This chapter covers the overall Vision for the Community of Bishops Bay. The Vision consists of a set of governing principles that shall guide the development and quality of the General Implementation Plan, Comprehensive Development Plan, and Design Review District throughout the life of the project. In addition to guiding principles for Bishops Bay as a whole, there are more specific principles that apply to individual neighborhoods. The overall Vision statements should be applied to the entirety of Bishops Bay, and the neighborhood statements to each respective neighborhood. The ultimate build-out of Bishops Bay will occur over time, and as such, the vision contains broad statements to allow for Bishops Bay to adapt to satisfy changing market demands now and in the future.

Also page 20 of the MDP:

## Regulating Plan

The Regulating Plan is comprised of two maps: the Neighborhoods map and the Blocks and Lot Types map. The **Neighborhoods** map illustrates the seven different neighborhoods in Bishops Bay. Each neighborhood will have its own character, but remain interconnected with other neighborhoods in Bishops Bay. The zoning district chart in this section shows which lot types are allowed in which neighborhoods. The intent of the Regulating Plan is to establish the character of each neighborhood while allowing a measure of flexibility so future SIP submittals can respond to market needs at the time the SIP is submitted. The neighborhood map shows general neighborhood boundaries. Those boundaries will be refined and adjusted as SIPs with lot layouts are submitted.

The intent of the disclosure attached is not to silence your voice but for you to reach out to the developer with your feedback rather than making public adverse comments first, like you did.

On a side note, I personally live two blocks (not over half a mile, like you do) from a cemetery and the cemetery near my house is a valued amenity and cherished for its open space. The Developer's hope is to proceed with the cemetery now, before the Reserve Hill Neighborhood is developed, so that the landscaping/screening for the cemetery can mature by the time future homes are proposed adjacent to the cemetery.

Please let the developer know if you have any future concerns.

Sincerely,

Taylor

*F. TAYLOR BRENGEL, J.D.*

*Legal Counsel*

*The Community of Bishops Bay LLC*

*Email: [Taylor@BishopsBayCommunity.com](mailto:Taylor@BishopsBayCommunity.com)*

*Cell Phone: 608.628.8366*



**DISCLAIMER:** This communication is for discussion purposes only and shall not be construed or interpreted as an ascent/agreement to modify the terms of any signed/executed agreements/ contracts/offers. The Community of Bishops Bay's, and its broker's, policy is that: (i) such agreements/contracts/offers cannot be modified by email, text or verbal communication; (ii) only a written and signed amendment to such agreement/contract/offer can modify/change the terms of such agreements; and (iii) only the President (or the manager of the President) can sign an agreement/contract/offer or an amendment thereto or authorize an expenditure (i.e. employees of The Community of Bishops Bay's broker, beside the President of The Community of Bishops Bay LLC, or its affiliates, do not have authority to enter into agreements or authorize expenditures). Signed agreements/contracts/offers may not be modified unless/until an amendment is signed/executed by all parties thereto (a statement of agreement shall not suffice for this purpose). The signed agreement/contract/offer shall govern in the event of a discrepancy between agreement/contract/offer and the foregoing communications or any other verbal or written communication between the parties representatives. This email communication, absent a signed written authorization from the President/Manager of the Parties, shall not authorize the receiver of this communication to commit any time or money for any proposed work unless/until a signed written authorization in the form of an agreement/amendment or letter is provided to the receiver of this communication. If this communication is related to an Offer, then the Seller's failure to enforce the strict terms of the Offer and/or Seller's failure to send a notice of Buyer's default under the Offer, if any, shall not be construed as a waiver of such Seller's rights to enforce the terms of the Offer or a waiver of any future remedies.

## Hamid Emamekhoo

**From:** Hamid Emamekhoo <h.emamekhoo@gmail.com>

**Sent:** Tuesday, September 14, 2021 6:44 PM

**To:** Mark Opitz <mopitz@cityofmiddleton.us>; Abby Attoun <aattoun@cityofmiddleton.us>

**Subject:** Natural cemetery opposition

Hi Mark- I received your information regarding the upcoming planning meeting regarding the community of bishops bay master plan and I've watched the previous zoning board meeting. Please use this e-mail as registration of my public comments for the September 14, 2021 Planning Commission meeting. Both my family and many other neighbors oppose the current proposal up for discussion tonight for the change to the master plan. We spent a lot of time and consideration reviewing the master plan before purchasing and building our home in the community of Bishops Bay and the promise of an elementary school within the plans was one deciding factor for us. We had no knowledge that this was no longer in the master plan, and in

fact, is still listed in the plan on the Community of Bishops Bay website. People purchasing homes in the neighborhood right now are still being given plans including a school. Had we known of a plan to implement a cemetery (natural or not), this would have significantly impacted our decision to buy a home in this neighborhood. There are several concerns that support my opposition: 1. I worry that this will impact the home values in our neighborhood regardless of the perceived distance from the back nine development. Average home values in this neighborhood based on recent and pending sales are ranging from \$700,000- \$2,000,000. Several homes in our neighborhood will have this in their line of site out their backyards. Also the draw of having a school within the neighborhood will be foregone. 2. This will deter some cultures from purchasing a home here, thereby reducing the total buyer pool. Our buyer pool is already challenging for some real estate agents who don't realize the uniqueness of our search area — promoting homes that are annexed into the city of Middleton but with a Waunakee school district while being welcomed to the neighborhood with a "Town of Westport" sign can be very confusing for out of town buyers. As we want to continue to increase diversity and economic status into the Middleton and Waunakee communities, I don't see how the funeral home and natural cemetery will support that goal at all. And coming from a mixed ethnicity family, increasing diversity is of the utmost importance to us. 3. This proposal is not far away from residential properties even though that is what was said at the zoning board meeting. I'm very concerned about the limited data on the impact that 10,000 decomposing bodies will have into the ground water near childcare, residential homes, etc. This could impact health outcomes for families and an environmental scientist should be hired to analyze this before the plans go any further. 4. Having this cemetery/burial site spread over 20 acres really is not comparable land space to a typical green burial site. The vision sent over by T-Wall of other green burials as their inspiration (such as the Farley center of natural path cemetery), is nowhere near similar to this situation. While Farley is 25 acres, it is located among NO densely populated neighborhoods. If the land near Farley (in Verona) is developed into a residential area, those future buyers will have the disclosure up front before building multi-million dollar homes nearby. To bring this right into a planned populated residential area with such limited data is a detriment. I also wonder if the homeowners in Westport are aware of this as they would have no reason to look up any city of Middleton meetings. Have they been contacted and made aware? Considering that we as Community of Bishops Bay homeowners found out about this accidentally, I am guessing they are unaware. Given the land was determined to be unsuitable for homes, it seems that this is the way for T-Wall to make a quick profit and gain tax exemptions on the land rather than protect the benefits that this community was meant to bring. There are so many other ideas that would be more suitable for everyone that could really bring the community together with less of an impact on home values. (I.e. A community park, a dog park, another splash pad, additional sports fields, open space, a small community beach, etc). I challenge the city to ensure Mr. Terrance Wall, who operates under the Wisconsin Foundation, to come up with something that will actually be beneficial to this community. He has made many promises that he is yet to uphold in the Community of Bishops Bay and often completely lacks transparency, as evidenced by the HOA being completely unaware of this proposal. This proposal is just a way for him to get some money quickly into his pockets for other endeavors. He is clearly having financial challenges and wanting to make an exit. This burial site will only further hamper the speed in which properties are purchased in support of

the master plan. It is for these reasons listed above, that we oppose this change to the Master Plan, and ask the commission to not approve this change.

Thank you for your time.

Respectfully,

Hamid Emamekhoo  
4420 Back Nine Dr  
Middleton, WI 53597

## Elizabeth Rana

**From:** Elizabeth Rana <lizrana@me.com>  
**Sent:** Saturday, September 18, 2021 8:51 PM  
**To:** Mark Opitz <mopitz@cityofmiddleton.us>  
**Subject:** Regarding a cemetery at Bishops Bay development

Hi,

There are numerous articles and studies that state that there is the possibility of ground water contamination from any cemetery. Here is an excerpt.

states that there could be ground water contamination....."Therefore, some researchers (Bitton et al. 1983; Trick et al. 1999) have suggested that the groundwater contamination by bacteria and viruses in cemeteries results from contemporary pollutions. However, some microorganisms are long-living and, in appropriate environmental conditions, can survive in soil profile or in groundwater for some time, e.g., B. anthracis, variola virus and Clostridium spp. (Yates et al. 1985; Haagsma 1991; West et al. 1998). The survival period varies (Rudolfs et al. 1950; Romero 1970; Creely 2004). Lower temperature, higher soil moisture content associated with lower microbial activity, more alkaline environment, and higher organic matter content are the factors that extend the survival period of these microorganisms (Pacheco 2000), especially in the form of endospores. Creely (2004) states that the survival period of pathogens and saprophytes in the ground is limited to a maximum two to three years. In the case of V. cholerae this period is shorter and lasts approximately 4 weeks. However, some microorganisms can survive even up to 5 years and, in this time, they can migrate and reach the groundwater, e.g., E. coli (Rudolfs et al. 1950; Romero 1970). Usually, the migration time takes from 1 to 4 weeks (Pacheco 1986). Dent (2004) reported that in Australia this process may take up to 100 days. Some investigations suggest that this period may be extended to 6 to 8 months (Silva 1994)."

Thank you for your time.

Sincerely,  
Elizabeth Rana