

**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>

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

To: Mark Opitz <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 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>

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

To: Mark Opitz <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

Heather Catterson

From: Heather Catterson <heathercatterson@gmail.com>
Sent: Monday, September 13, 2021 12:06 PM
To: Mark Opitz <mopitz@cityofmiddleton.us>
Cc: aattoun@cityofmiddleton.us; Nathan Catterson <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 18th 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>

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

To: Mark Opitz <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>

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

To: Mark Opitz <mopitz@cityofmiddleton.us>; Abby Attoun <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
Rachelkvasnica.bunburyrealtors.com
Follow me on Facebook @RachelKvasnicaSellsHomes

Christopher Reed (statement #1)

From: Christopher Reed <cmreed2004@gmail.com>
Sent: Tuesday, September 14, 2021 6:17 AM
To: Rachel Kvasnica <rkvasnica@bunburyrealtors.com>
Cc: Mark Opitz <mopitz@cityofmiddleton.us>; Abby Attoun <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

--

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>
Date: Tue, Sep 14, 2021 at 4:23 PM
Subject: Re: PC Item #1: Statement from Reed
To: <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

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