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September 18, 2023

Dale Judd, Alex Elkins, Martha Gibson
The Primrose Town Board
County Road A
Verona, Wisconsin

Re: Deer Creek Rezoning and Conditional Use Proposal

Dear Town Board Members,

My name is Glenn Reynolds and I live at 1261 County Rd. U. I have lived here since 1982 when my wife and I moved into and rehabilitated an abandoned farmhouse and raised our family. I was fully supportive of my neighbor Shirley Sonstebly when she sold and rezoned her land for the benefit of the Deer Creek Conservation Club in 1988. Back then Deer Creek was founded and run by local citizens such as Pete Way and Leroy Haag. These were friends and neighbors who cared deeply about the land and the water in Primrose and their community. Their conservation efforts resulted in the complete restoration of the West Branch of the Sugar River just south of the Club property. Since the West Branch runs through our farm I watched firsthand as Leroy Haag and others from the Club worked with Dane County and Trout Unlimited to restore a once dead muddy waterway to a class 2 trout stream. But that was over 30 years ago.

The Club's priorities have changed. Now after 30 years of shooting lead and clay pigeons into a productive farm field, the Club proposes to expand shooting and further contamination to the same field without any plan to clean up the high levels of Benzene and lead now existing. The Club makes no mention of the soil contamination in the shot fall site or the adjacent intermittent waterway that leads directly to the West Branch of the Sugar River. References are made to lead recycling when it is "economically feasible, but that ship has sailed. Lead recycling may never happen because the Club waited too long to retrieve the lead which appears now to have oxidized and become one with the soil.

It seems obvious to me and the neighbors the Club has transformed from a local conservation organization to a shooting club that seeks to draw new members from miles around. Four years ago, the Club's lawyer, Larry Konopaki told the Town Board that shooting is 'what Club members do and that is who we are' and if the Club didn't get expanded shooting hours they would have to close their doors. Well the first part of that statement is obviously true but the second part is false.

The neighbors and I oppose the Deer Creek CUP and Rezone because it fails to establish by substantial evidence that it meets at least five of the criteria necessary to grant a CUP. If the Town Board finds that even one of the 8 criteria are not met then the CUP must be denied. But a denial must also be based upon "substantial evidence".

The Public Hearing held on September 18, 2023 will allow the neighbors to establish why the Deer Creek' Conditional Use Permit and rezoning request must be denied. What follows are the most relevant criteria for a CUP and how Deer Creek's proposal does not measure up.

- 1. The establishment maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

Deer Creek's proposal, if granted would clearly be detrimental and endanger the public health, safety comfort and general welfare. The soil test have established that 30 years of shooting lead and coal tar targets has contaminated a once productive farm field with high levels of lead and Benzene which are toxic to both human beings and wildlife. This poses a risk not only to Town residents and neighbors but to any one who comes in contact with the shot fall soil – especially children.

The Club now proposes to pour even more lead and coal tar into a once productive agricultural field with no plan to clean it up. The Club has not followed Best Management Practices such as the regular collection of lead in the shot fall area. The soil test confirms that the long delay in retrieving the lead has allowed the lead pellets to oxidize. The lead has now become a part of the soil but no less toxic. The risk to human health is highest for children for whom there are no safe lead levels. The Club does not even mention the Benzene contamination in the shot fall area that are 24 times above state mandated levels. There is also ample literature to demonstrate that lead toxicity in the soil can adversely affect birds and wildlife which either consume the pellets or the creatures such as earth worms that have contact with the soil.

The Club imposes no limits on the number of shots they can take place on an all day shoot. Using simple math calculations from the Club's proposal for an 8 hour all day

shoot would permit from 7500 to 10,000 shots in a single day and the deposition of an additional 500 to 600 pounds of lead to the contaminated farm field. Yearly deposition of lead would be measured in tons.

The health safety and welfare of Town citizens are not protected by the Club's proposal.

2. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.

The Club's proposal under the CUP and rezoning would clearly diminish and substantially harm the uses, values and enjoyment of adjacent properties. Miller Road has already lost two neighbors as a result of the Club's actions over the last few years.

Property values are obviously diminished when there is a large potentially chaotic clubhouse next door along with contaminated land. Imagine one weekend with an all day shoot on Saturday and then an extended hour party with 300 hundred people the next day. Who would buy a house next to a gun range that wants to shoot up to 7500 to 10,000 rounds in single day?

The impact on property values is obvious. With a chaotic movement of trucks and vehicles and potentially up to 300 people the chaos on Miller Road is a given. If the CUP is granted for all day shoots more people would come from miles around to shoot in the morning grab lunch and then shoot in the afternoon.

The neighbor's interests are not being protected by the Club's proposed CUP.

3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposal CUP will also impede the normal orderly development and improvement of the surrounding property for use as permitted in the Town. For instance when the Club closes its doors, the shot fall area could not be farmed as it was for the fast past century without cleaning up the lead and the benzene pollution. Farmers cannot work in the fields without having contact with the soil. Extra care would be

needed to blow dust off the clothes on the tractors so that it wouldn't be brought home. What farmer would want to take the chance of bringing home lead dust to poison his children?

It is certainly foreseeable that Miller Road could be extended and shot full area could be a potential building site. But the current soil contamination would prevent any person from living there safely for fear of lead and benzene contamination. No child could play in the front yard and no home gardens could grow fresh vegetables.

This is the first toxic waste site in the Town of Primrose.

4. The conditional use is consistent with the adopted town and county comprehensive plans and Farmland Preservation Standards

The Club's CUP and rezone requests are also NOT at all not consistent with the Town of Primrose Land Use Plan which promotes the preservation of agricultural land and prioritizes agriculture as the main economic activity in Primrose. It is hard to imagine justification for continuing to pollute a fertile farm field with toxic benzene and lead. The rationale to change the zoning from agriculture to recreational appears to be to remove the Town Land Use Plan protections for the land so that contamination can continue with impunity. It is incomprehensible that a conservation club would support such a reckless land use.

The Club's CUP and Rezone proposal violates every goal and policy of the Primrose Land Use Plan to preserve farmland for future generations.

The Deer Creek Sportsman's club started out as a small local group of Primrose citizens who were interested in fostering conservation, teaching young folks how to use guns and hunt and to revere the natural landscape. But things have changed over the last 30 years do Creek appears no longer to be a conservation club but a shooting club. Club contends that the CUP and rezone would not convert land from agricultural use yet that's exactly what a rezone would do. 20 acres of agricultural land would be lost to farming in the Town of Primrose forever.

Deer Creek's adjacent neighbors, however, support the Club's continued operation but on conditions that do not threaten the health safety and welfare of town citizens, threaten land, water, wildlife and agricultural land program productivity.

The conditions proposed by the neighbors would permit Deer Creek to continue shooting a maximum of six hours per week but no more than three hours per day. The Club would also be prohibited from the continuation of contaminated agricultural soil by

being required to use steel shot and nontoxic clay pigeons. The Club would also be required to clean up the contamination that exists and from this point forward follow Best Management Practices as recommended by the Environmental Protection Agency.

Thank you for consideration of these perspectives on how to resolve this controversy.

Sincerely

Glenn C. Reynolds