



**Waukesha County e-newsletter July 2013**  
*“America’s true history is not about ‘Great Men’,  
but about grassroots rebels and movements.” Jim Hightower*

Waukesha County Environmental Action League is posting this e-newsletter, which features ordinary neighborhood people who have forged grassroots movements within their communities to tackle the job of standing up for their community, their environment---and their democracy. Each fight is still ongoing and needs any support that you’re able to give.

**☒ New Berlin Group Fights Wal-Mart Rezoning**

At the Northern Gateway to New Berlin a beautiful stand of trees defines the landscape. Coming from the west on Greenfield or coming from the north on Moorland, your first image of this entryway to the city is that of



a lovely forest of mature trees including oak, sugar

maple, ash, shagbark hickory, black cherry, ironwood and basswood. Home to a variety of wildlife, including deer, great-horned owls and other birds, this forest is even larger in acreage than required for an “Isolated Natural Resource Area” [“at least 5 acres,” Appendix J., New Berlin 2020 Comprehensive Plan]. This is a story about those who care about this environment and those who threaten it.

Residents of the surrounding neighborhoods love this natural area, and residents throughout the city value the quiet residential neighborhoods and rural character of New Berlin. The 2020 Comprehensive Plan, developed with citizen input, reflects values such as these. Unfortunately, elected officials working with Wal-Mart have disregarded citizen input, changed the Comprehensive Plan and intend to destroy this forest to build a 24/7 Wal-Mart.

To make way for a Super Center near the intersection of Greenfield Avenue and Moorland Road, Wal-Mart plans to raze the Charcoal Grill restaurant, level the naturally-sloped land and remove over 13 acres of old-growth trees, replacing them with impervious asphalt.

Here’s a brief history of the actions of elected officials and Wal-Mart and the emergence of a grassroots effort to fight them:

→ December 20, 2012, the City published notice for a public hearing after Wal-Mart requested changing the Comprehensive Plan and zoning so they could build a store on this land. Despite very little notice, neighbors created flyers and spread the news by word of mouth.

→ At the January 7<sup>th</sup> public hearing, New Berlin residents spoke of their opposition to the rezoning and development for almost three hours. They related their concerns about the destruction of trees, traffic, noise, light, and flooding. Not one resident spoke in favor of it.

→ Residents began to hold meetings and organize. Going door to door, “Neighbors First New Berlin” collected over 1,800 signatures on their petition urging the Common Council to oppose the changes to the Comprehensive Plan and rezoning. Despite their efforts, the New Berlin Plan Commission voted to recommend approval on May 6<sup>th</sup> and the Common Council voted to adopt the changes to

the Plan and rezone the property on May 14<sup>th</sup>.

→ This ad hoc group of New Berlin residents--Neighbors First New Berlin--filed a lawsuit in Waukesha County Circuit on June 12<sup>th</sup> alleging that the New Berlin Common Council’s action to amend the City’s Comprehensive Plan and rezone land from residential to commercial for the development of a Wal-Mart Super Center was unlawful. The lawsuit alleges the City did not comply with the state statute that requires notice of the public hearing be published at least 30 days prior to the hearing and that the rezoning is inconsistent with the City’s Comprehensive plan.

**Neighbors First New Berlin needs your help.**

Even though the City has voted to hold a new public hearing on August 12<sup>th</sup>, Neighbors First thinks the City simply plans to go through the motions and then rubber stamp the rezoning.

Time is of the essence. Neighbors First is looking for environmental and other experts willing to help with the fight.

**Neighbors First New Berlin is fighting against the money**

**and power of one of**



**the largest companies in America, one with a history of environmental abuses.**

Neighbors First needs your donations to help pay for records requests, ads to

publicize their side of the story, printing, etc.



To make a donation, please make checks payable to and send to:

**Neighbors First New Berlin  
15120 W. Woodview Drive,  
New Berlin, WI 53151.**

The IRS classifies Neighbors First New Berlin as a Miscellaneous Non-Profit Community Group working on Projects.

More information about the organization and its concerns can be found on their website and Facebook page. If you'd like to receive email alerts or have any questions, please feel free to contact Jocelyn Bubolz, [rbubolz@wi.rr.com](mailto:rbubolz@wi.rr.com), or by phone at (262) 789-0294. Web site:

<http://neighborsfirstnb.org/>

Facebook:

<https://www.facebook.com/pages/Neighbors-First-NewBerlin/420247338061937?fref=ts>

**☒The Million-Dollar Mile  
City of Delafield Plans to  
Widen Milwaukee Street,  
Cutting Down 171 Trees  
in the Process.**

After early and strong opposition by Delafield residents, the *Million-Dollar Mile*, as it was originally known, was sliced in half



by the Delafield Common Council during a November 2012 meeting. One big reason for that opposition was the cost. To avoid a referendum (projects of over one million dollars automatically go to referendum), the City split the project into two phases. "Phase One" of the project is under half a mile of

Milwaukee Street, running from downtown Delafield to the eastern edge of the City's Fireman's Park.

Bids were opened in March, and trees began to be cut for the utility company to move poles/gas pipelines and cable. Trees slated for removal for utility company purposes weren't included in the original 171 total provided to residents. Residents have tried to find out how many trees will be taken in Phase One and Phase Two, as well as cost estimates for each phase, but the City administration has restricted information and tossed out contradictory information with the apparent intent of avoiding citizen scrutiny. Long-time resident Ross Wandschneider says:

**"Citizens are waking up to the fact that democracy does not exist in Delafield."**

Freedom of Information Act (FOIA) requests have been met with, "Our computer was hacked and we have no records."

During this time, another group of residents--growing in both strength and number--has filed intent to sue.

They have become a group of citizens beyond Milwaukee Street - calling themselves the Milwaukee Street Neighbors. The question being asked (among others) is: Why is the City intent on completing a project that has minimal support? This lack of support is evidenced by the numbers of people at meetings and responses to mailings. Consistently, those against the project outnumber those who support it by 10:1. It's a project that has no support - solving a problem that does not exist.

The biggest concern remains: The trees have not all been taken (yet) but will be impacted. The City (without working with or talking to the

citizens) has changed the path of the sidewalk to wind behind and around



trees. This is an obvious attempt to accommodate concerns of the Milwaukee Street Neighbors.

HOWEVER, a cursory examination of the proximity of the ditches to the roots of the trees leads one to conclude that while the trees are not coming down immediately---in the numbers that show on blueprints---they will not survive this project. Root damage is inevitable.

Further concerns are that stormwater will be fast-tracked off the roads and straight

into the lake. The new gutter system might pull



some particulate matter out (in retention tanks) - but oils lie on top of the water and will be swept straight into the lake at the western edge of St. John's Bay on the southwest

portion of Lake Nagawicka. This already-impaired waterway will surely suffer the consequences.

Citizen resistance to the Common Council's action is



growing. Those little green and white signs are spreading faster

than a virus. "Stand with Milwaukee Street Neighbors" is a statement of frustration and visible evidence that this is not over.

What can one do?

- Speak.
- Show up.
- Question.
- Demand democracy.

Milwaukee Street Neighbors is building a website. Please watch this space for the web address, which we'll post when it is launched.

The temporary contact is:  
[Chloe.wandschneider@gmail.com](mailto:Chloe.wandschneider@gmail.com)

Phone: 262-646-2100

Or write to:

Milwaukee Street Neighbors  
PO Box 180422  
Delafield WI 52018

### **☒ Waukesha West Bypass Fight**

WEAL is committed to a balanced highway plan that provides safe, well-maintained roadways, alternative transit options, and no new highways. Right now, Waukesha County is proposing to build the West Waukesha Bypass around the west side of Waukesha. The West Waukesha Bypass extension has been on the books for 40 years. And that's where it should stay. This project is a \$56+ million road project looking for a reason to be built! Shortly after the project was announced, WEAL helped create the Coalition Opposed to the Waukesha West Bypass.

The project's draft Environmental Impact Study (EIS) was released in late October 2012 and a Public Hearing was held in early December 2012. Nearly all of the comments received were in opposition to the Waukesha West Bypass extension. One of the most egregious aspects of the project is the plan to build the



southern end of the highway through the Pebble Creek Environmental Corridor. We can't allow this to happen! WEAL and other members of the Coalition Opposed to the Waukesha West Bypass were at the Public Hearing and helped organize and mobilize Bypass opposition! The coalition has presented a "No Build, Improve!" alternative, but this alternative was never

seriously entertained by planners.

WEAL and the Coalition Opposed to the West Waukesha Bypass continue their fight. Opposition to the West Bypass is growing as more and more Waukesha residents find out details about the project.

The Coalition sponsored a Rally recently along the route and launched an awareness campaign by distributing "No Bypass" yard signs. The Coalition is also selling "No Bypass" T-Shirts as a Fundraiser at [weal.org](http://weal.org).

Coalition members have been busy writing letters to encourage greater scrutiny by politicians and other decision makers. The Coalition has also created a special Fund that will be used to pay legal expenses should it come to that. The County had announced that the final Environmental Impact Statement (FEIS) would be released in late May or early June. However, in July planners announced that the Final EIS would be delayed, perhaps up to a year, because project approval has not come from the Federal Highway Administration. We believe our efforts have helped shine a light on this terrible road-building project.

When the final EIS is released, Coalition leaders will be reading the document over carefully to see if the numerous objections to the project submitted during the Public Hearing process last December are addressed! Coalition leaders have studied the accident analysis, and once again found the Planners' Statistics to be



higher than actual. The Planners average annual accident rate for the Bypass route is 76 per year. The Coalition has verified an average of 57 per year. In

either case, this averages out to about 4 or 5 accidents per month, nearly all minor fender benders caused by inattention at stop signs.

**This is hardly a reason to spend \$65 million on a new superhighway when the DOT can't afford to maintain highways already built!**

Please support the Coalition by visiting [WEAL.org](http://WEAL.org) and learning more. Volunteer to place a yard sign, purchase a T-Shirt, or make a donation. But by all means, join the coalition and help us fight the Bypass!

Visit [www.weal.org](http://www.weal.org) to learn more. And, if you haven't signed our petition, go to [ipetition.com](http://ipetition.com) and use keyword "Waukesha".

### **☒ Walk Away Wal-Mart Formerly Upscale Retail Development at Pabst Farms Morphs into Nothing-Special Wal-Mart and Sam's Club.**

In 2002, the City of Oconomowoc entered into an agreement with Pabst Farms Development\*\* creating a Tax Incremental Financing (TIF) district to help fund the development of the much-hyped Pabst Farms retail mall.

The project was sold to the community as a destination outdoor mall, anchored by high-end tenants, and said to "Feature national department stores, upscale merchants, a multi-screen theater and 'top-tier' restaurants in a dynamic, pedestrian-friendly environment." General Growth Properties (GGP) was retained in 2006 to help build it. Two years later, amidst the housing market collapse and economic recession, GGP was out and the project stalled. Local radio talk show host Mark Belling

complained, "One year after a new developer was hired to bring the Pabst Farms retail center to fruition, not a single major retailer has been signed [and now] the likely major tenants will be Target, OfficeMax, Kohl's and PetSmart....Pabst Farms was supposed to be special."

2008 brought a new developer, Developers Diversified Realty (DDR), who came in with great promise, and exited in similar disappointment in June 2012.

On May 22, 2013 it was announced that WalMart and Sam's Club were coming to Pabst Farms. Upscale open-air malls and even midrange retailers became a distant memory.

Walk Away WalMart was formed in response to that announcement. Walk Away organizer and Pabst Farms resident, Brian Nemoir, says there is no shortage of issues on which to oppose Wal-Mart and Sam's Club. Opposition ranges from environmental concerns to dislike of the labor and business practices of the Wal-Mart juggernaut to anger over the amount of public money expended to achieve so little.

Nemoir declined to discuss environmental concerns, saying he wasn't as well informed in that subject area as others may be, but his biggest concern is that "the community invested heavily into Pabst Farms with specific goals in mind. Wal-Mart and Sam's Club preliminary plans fail to meet even minimal standards of the original plan."

The community has spent nearly \$46 million on the Pabst Farms Development including: a \$14 million highway exchange, a \$24 million TIF, a \$3 million arterial, and a \$2.5 million tax break.

**WEAL sees the biggest environmental problem**

**as lying with the entire development, which converted "1500 acres of historically significant land"**

(the words of original developer Peter Bell)

**which was productive farm land and prime recharge area for Waukesha's deep aquifer and Oconomowoc's private and public wells, to impervious surfaces such as roofs, roads and parking lots.**

**And an open invitation encouraging sprawl.**

Nemoir wants Walk Away Wal-Mart to be "a clearing house for action" and to "harvest opposition" against Wal-Mart and Sam's Club in Pabst Farms. He wants to demonstrate to elected officials that the community is concerned and watching what they will do next. Walk Away Wal-Mart held a rally in early June, and members regularly attend City Council meetings. They're working to garner 1000 signatures on their petition by September, and educating businesses, the public and local decision-makers.

To become involved, Nemoir recommends the following:

→ Sign the online petition at

[www.walkawaywalmart.com](http://www.walkawaywalmart.com)

→ "Like" us on Facebook.

→ Visit the website for updates and actions.

→ Contact City Council members and attend Council meetings to let elected officials know of your concerns.

Nemoir can be reached at 262-646-2342

*\*\*Part of Pabst Farms is within the Village of Summit, and part within the City of Oconomowoc. The retail mall*

*portion of the development is fully within City boundaries.*

**☒ Save the Date**

**→ November 14, 2013  
7pm**



Australian scientist David E. J. Garman, a specialist in water resources and pollution control and also founding dean of the graduate School of Freshwater Sciences at the University of Wisconsin-Milwaukee (UWM) will present:

**A Tale Of Two Cities**

**A presentation which will overview the importance of the Great Lakes and the quest of communities to divert its resources.**

The UWM School of Freshwater Sciences is the only graduate school in the nation dedicated solely to the study of freshwater issues.

"Dr. Garman brings tremendous experience to our university and represents exactly what we want our new school to become: an international leader in the field of freshwater sciences," said Chancellor Michael R. Lovell. "His agreeing to become the founding dean of the UWM School of Freshwater Sciences is an indication that there is global recognition of our region's potential to be a world leader in water research, policy and technology development."

"David Garman brings a truly global perspective on freshwater science that bridges the public and private sectors. His experience in developing and applying water technology solutions throughout the world is uniquely suited to advancing the School of Freshwater Sciences' goal of being in the forefront of water research globally," said UWM Provost Johannes Britz.



**Stay tuned for more details**