

## Rezoning stalled over drainage dispute

Written by Ozaukee Press

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### Village told neighbors action would be blocked unless corrections made

Village of Fredonia officials have placed a requested rezoning of vacant land in the stalled Village Green subdivision on hold until unresolved drainage issues are addressed.

The village action was spurred by ongoing complaints raised by neighboring property owners Kendall and Carla Thistle, who have doggedly sought satisfaction from the developer after suffering significant flooding damage seven years ago.

The couple, whose seven-acre property is in the Town of Fredonia, trace their woes to when the subdivision began, but approved stormwater drainage measures were not properly constructed.

They contend their problems went largely ignored as the original developers, Regency Hills Development Corp., went bankrupt.

After making repeated appearances before the Village Board, trustees adopted a resolution in 2010 saying the Thistles' concerns must be satisfied before future phases of the Village Green subdivision would be approved by the village.

Those concerns were specifically identified as the outflow and swale of a detention pond designed to keep stormwater from flowing off the subdivision land.

That stipulation came into play when M&I Bank, which has taken over the development, approached the village with a request to rezone an undeveloped section of the subdivision to allow farming.

The bank asked that the 82-acre parcel be rezoned from residential and community business use to agricultural.

During a recent public hearing on the change, Thistle said the village should put off accommodating the bank until its drainage obligations are met.

"Consider what people considering moving to the Village of Fredonia think when they see how the village fails to stand behind its residents," Thistle said.

"These are not problems I created myself and I have been very patient. Think of how this reflects on the village."

Despite repeated appearance at village meetings, Thistle said his concerns are being treated differently because he lives in the township.

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“Are you saying I have no voice?” he asked officials.

Giving weight to their case, the Thistles have retained attorney Elizabeth Gamsky Rich who wrote a summary letter to village officials.

“The Thistles have been waiting for years for a resolution of this problem, and have incurred significant damages over that period. The developer’s attention to this matter is long past due,” Gamsky Rich wrote.

The attorney said legal action would be considered if the problem is not resolved “immediately.”

Trustees tabled action on the rezoning, contending the question of responsibility for resolving the drainage issue needs to be addressed first.