

Cindy Wasinger Thomas
Facilitator, Three Villages Community Association / EndBreck Coalition
Waukesha County, Wisconsin

May 19, 2026

Art Baumann, P.E. — Traffic Operations, Development Review Team Lead
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Kevin Koehnke — Permits
Wisconsin Department of Transportation — Southeast Region
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Karen Schuh, Village Administrator/Clerk — Village of Vernon
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Kris Snyder, Clerk/Treasurer — Village of Waukesha
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**RE: FORMAL DEMAND TO HALT GROUNDBREAKING — BRECK ATHLETIC
COMPLEX, TAX PARCEL BBV 2022999002, HIGHWAY 164, BIG BEND, WI — CUP
CONDITION 4 (TIA) NOT SATISFIED — WISDOT ACCESS PERMIT NOT ISSUED —
CONSTRUCTION MAY NOT BEGIN**

To All Parties:

I write as a Waukesha County resident and Facilitator of the Three Villages Community Association and EndBreck Coalition to formally demand that no site grading, construction, earthwork, or access improvement activity commence at the Breck Athletic Complex (Tax Parcel BBV 2022999002, Highway 164, Big Bend, Wisconsin) until: (1) the Traffic Impact Analysis required by CUP Condition 4 has been completed and approved by WisDOT; and (2) all required Highway 164 access permits under Wis. Admin. Code Trans. 231 have been formally issued. The basis for this demand is set out below and is grounded entirely in the public record. I have retained attorney Joseph R. Cincotta, copied on this letter, and reserve all legal rights.

I. CUP CONDITION 4 EXPRESSLY PROHIBITS CONSTRUCTION UNTIL TIA IS COMPLETE AND WISDOT-APPROVED

Phase 1 of the Breck Athletic Complex was approved by the Village of Big Bend on April 30, 2026. CUP Condition 4, adopted as part of that approval and confirmed at the April 16, 2026 Plan Commission meeting, requires completion and WisDOT approval of the Traffic Impact Analysis before construction may begin. This is not a future aspiration — it is an express construction hold.

The TIA was not completed before approval. The record establishes this beyond dispute. An ISG email from February 2026 states explicitly that the traffic analysis “got started but is on hold until the decision here happens.” Village Planner Ben Greenberg acknowledged the TIA was pending at the April 16, 2026 Plan Commission meeting, framing it as a condition rather than a completed submission. The developer himself confirmed on WTMJ radio on May 12, 2026:

“You’ve got to take a look at traffic, you got to follow ordinances — clearly that’s something that we’re doing.” — Eric Weishaar, Developer, WTMJ interview, May 12, 2026

That statement is an acknowledgment on the public record that the traffic analysis obligations remain outstanding. Groundbreaking before those obligations are met violates the express terms of the CUP this developer accepted.

II. WISDOT INDEPENDENTLY REQUIRED AN INITIAL REVIEW DOCUMENT AND TIA AT THE JANUARY 27, 2026 DEVELOPMENT REVIEW MEETING — NEITHER HAS BEEN PRODUCED

On January 27, 2026, WisDOT convened a formal Development Review Team meeting (Log #1061) with WisDOT traffic operations, permitting, access management, and land division staff alongside the developer, ISG, Kraus-Anderson, Cedar Corp, and Village representatives. The transcript of that meeting establishes the following unambiguous requirements:

- WisDOT Development Review Team Lead Art Baumann required submission of a written Initial Review document covering trip generation, trip distribution, growth rates, and trip assignment before WisDOT would finalize the TIA scope.
- Art Baumann required traffic counts at the Skyline Avenue and Town Line Road intersections — weekday 13-hour counts and Saturday peak-window counts — to be submitted with the Initial Review document.
- ISG traffic analyst Corona Woychik acknowledged these requirements on the record and

agreed to produce the Initial Review document.

- WisDOT Permits representative Kevin Koehnke confirmed that permit plan requirements would be determined after TIA findings — meaning no access permit can issue before the TIA is complete.
- Art Baumann stated that the site is restricted to no more than one access point on Highway 164, and that the study must analyze conditions both with and without that access point.

As of this date, no Initial Review document has been submitted to WisDOT, no traffic counts have been conducted and transmitted, and no TIA has been completed. The requirements stated on the record on January 27, 2026 have not been met. If any of these documents have in fact been submitted, we request immediate production of copies with the date of submission and the name of the approving WisDOT representative.

III. WISDOT POLICY AND TRANS. 231 INDEPENDENTLY REQUIRE A TIA AND ACCESS PERMIT BEFORE ANY CONSTRUCTION

Independent of the January 27 meeting and the CUP conditions, the following legal requirements apply:

- WisDOT’s Traffic Impact Analysis Guidelines (2024, Bureau of Traffic Operations) state: “A TIA should be considered whenever traffic generated by the proposed development is expected to exceed 100 vehicles in the peak hour — the developer is required to provide it.” They further state: “The TIA preparer shall complete the TIA prior to finalizing the development design — Prior to obtaining any permits, the developer shall receive WisDOT’s acceptance of the completed TIA.” (TIA Guidelines, Preface, p. A-1–A-2, April 2024.) The developer’s own marketing materials project 2,100–3,000 persons per peak tournament weekend across 26–30 weekends annually, and 1,800+ persons per week for regular operations. Phase 1 alone generates an estimated 175–250 peak-hour vehicle trips — well above the 100-trip threshold.
- Wis. Admin. Code Trans. 231.01(1): No driveway connecting to a state trunk highway may be constructed without a permit issued under s. 86.07(2), Stats. Trans. 231.03(2): The number of permitted driveways is the minimum necessary without undue impairment of the safety and utility of the highway. Trans. 231.02: All costs are the permittee’s responsibility; no revisions may be made without written WisDOT approval. No access permit has been issued for any connection to Highway 164.
- Waukesha County Chapter 15, §15-54(e): A bypass lane is mandatory at any T-intersection where adjacent highway traffic exceeds 2,500 vehicles per day. Highway 164 at this location carries approximately 10,300 AADT. This requirement is not discretionary. No bypass lane design or funding commitment was submitted or required as a CUP condition.

IV. THE PUBLIC RECORD DOCUMENTS MULTIPLE FAILURES THAT THE TIA IS DESIGNED TO RESOLVE

The traffic and road infrastructure deficiencies documented in the public record are not abstract concerns. They are concrete engineering failures confirmed by the developer's own submissions and on-record statements:

- Highway 164 currently has no turn lanes, bypass lane, signal infrastructure, or approved access point design at the Breck site. A project that will draw 3,000–6,000 visitors on peak tournament days — the developer's own sales figures — requires all of these. None has been designed or funded.
- Town Line Road, Skyline Avenue, and Big Bend Drive are all deficient against Town of Vernon commercial road standards. Town Line Road and Skyline Avenue are estimated at 20–22 feet of pavement against a required 24-foot commercial minimum with 72–80-foot rights-of-way. Big Bend Drive is the narrowest at 18–20 feet and is already restricted by Vernon §290 parking prohibition near the Town Fire Pond — it cannot serve as a primary egress route.
- Village Engineer Will Hein PE stated in writing on March 2–3, 2026: “The capacity of the receiving system is my concern.” That concern was raised about the stormwater infrastructure. The same concern applies to road capacity. No corrected analysis was ever submitted, and Hein approved the plan on April 30.
- An experienced developer who publicly supported the project — Steve Adkins, a Big Bend resident with 30 years of heavy civil construction experience — submitted a formal letter on January 29, 2026 stating that WisDOT “will require a controlled access point on STH 164 following the traffic study.” His attorney Tracy J. Murn of Axley LLP submitted a legal letter three days before the January 29 public hearing documenting that a traffic study must be required before, not after, any construction. Both are in the public record. Both were ignored in the approval.

Additionally, the active I-43 Rock Freeway and Diverging Diamond Interchange construction project at the I-43/WIS 164 interchange — underway since April 6, 2026, continuing through 2027 — places tournament-day traffic surges directly on a reduced-capacity interchange under live construction. Tournament weekends projecting 1,000 or more vehicle trips converging on a constrained DDI have not been evaluated in any WisDOT traffic model. This is not a peripheral concern — it is a public safety issue that the TIA exists specifically to address.

V. DEMANDS

We formally demand the following:

- 1. WisDOT Development Review Team:** Confirm in writing that no site grading, construction, or access-improvement work may begin at Tax Parcel BBV 2022999002 until: (a) the required Initial Review document has been submitted to and accepted by WisDOT; (b) a full Traffic Impact Analysis meeting WisDOT guidelines has been completed, reviewed, and approved; and (c) all Highway 164 access permits under Trans. 231 have been formally issued. Please also confirm whether any Initial Review document, traffic counts, or TIA submissions have been received from ISG or the developer, with the date of receipt and current review status.
- 2. Developer (Eric Weishaar / Breckenridge Landscape):** Direct your contractor to suspend any planned groundbreaking activity immediately. CUP Condition 4 prohibits construction before TIA completion and WisDOT approval. Proceeding before that condition is satisfied constitutes a violation of the CUP this developer accepted. Please produce copies of any submissions made to WisDOT related to the Initial Review or TIA, with dates.
- 3. ISG (Chelsea Davis, Corona Woychik):** Confirm in writing the current status of the Initial Review document and TIA, including whether the Initial Review has been submitted, the date of any submission, and WisDOT's response. ISG's own February 2026 email states the traffic study was "on hold until the decision here happens." The decision has happened. The study must now be completed before construction proceeds.
- 4. Village of Big Bend:** Confirm in writing whether the Village considers CUP Condition 4 satisfied as of this date. If not, confirm that the Village will enforce the condition and will not issue any construction-related permits until Condition 4 is met and the WisDOT access permitting process is complete. The community will be monitoring this site and will document any construction activity that commences before these conditions are satisfied.

VI. RESERVATION OF RIGHTS

I have retained attorney Joseph R. Cincotta and our coalition is actively pursuing all available legal remedies, including certiorari of the April 30, 2026 Village Board approval. If construction commences before CUP Condition 4 is satisfied and all required WisDOT Trans. 231 access permits are issued, I will immediately seek injunctive relief and file formal complaints with WisDOT's Inspector General, the Federal Highway Administration, and any other appropriate state and federal agency.

Please provide written responses within ten (10) business days. This letter will be made part of the public record.

Respectfully submitted,

Cindy Wasinger Thomas
Facilitator, Three Villages Community Association / EndBreck Coalition
Waukesha County, Wisconsin

cc: Secretary Kristina Boardman — Wisconsin Department of Transportation — Kristina.Boardman@dot.wi.gov | DOTExec@dot.wi.gov — (608) 266-1114
cc: Joseph R. Cincotta, Esq. — Law Offices of Joseph R. Cincotta LLC — jrc4@chorus.net — (414) 416-1291
cc: Village of Vernon — clerk@villageofvernonwi.org — Att: Jeff Millies, Village President
cc: Travis L. Schroeder, NR Basin Supervisor, Wisconsin DNR SE Region — Travis.Schroeder@wisconsin.gov
cc: DNRSERegion@wisconsin.gov
cc: Waukesha County Department of Community Development — (262) 896-3370
cc: Waukesha County DPW — (262) 548-7790 — Ch. 15 bypass lane enforcement
cc: Wisconsin Attorney General's Office
cc: Federal Highway Administration — Wisconsin Division
cc: Tracy J. Murn, Axley LLP — tmurn@axley.com — Counsel for Steve & Jessica Adkins
cc: Milwaukee Riverkeeper — Cheryl Nenn

EXHIBITS REFERENCED

Exhibit A: WisDOT Development Review Meeting Transcript, January 27, 2026 (Log #1061) — excerpts showing IR document requirement, traffic count requirement, and access permit sequencing

Exhibit B: WisDOT Traffic Impact Analysis Guidelines, April 2024 — Preface pp. A-1–A-2 (100 peak-hour threshold; TIA required before permits)

Exhibit C: Wis. Admin. Code Trans. 231.01, 231.02, 231.03 — Access permit requirement for state trunk highway connections

Exhibit D: ISG email, February 2026 — traffic study “on hold until the decision here happens”

Exhibit E: Eric Weishaar, WTMJ interview, May 12, 2026 — developer acknowledges traffic/ordinance obligations outstanding

Exhibit F: Ben Greenberg, April 16, 2026 Plan Commission transcript — acknowledges TIA pending, frames as condition

Exhibit G: Steve Adkins 10-point planning requirements letter + Tracy J. Murn Axley LLP attorney letter — January 26–29, 2026 — both in public record; both document mandatory pre-construction TIA requirement

Exhibit H: Waukesha County Chapter 15, §15-54(e) — mandatory bypass lane at T-intersections exceeding 2,500 vpd

Exhibit I: Village of Big Bend CUP Condition 4 — construction hold pending TIA completion and WisDOT approval