

Riverwoods would cause environmental disruption

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By Leslie Kvistad

I write to voice my opposition to the Lennar-Riverwoods 320-unit high-density proposed development. I would be opposed to this ill-advised development even if I didn't live in the immediate area.

The Natural Inventory Report by McHenry County Soil and Water lays out more environmental concerns than I can possibly include here, and is recommended reading.

I applaud the Woodstock Plan Commission for recommending against all three measures presented for votes. Among the many speakers at the meeting was Dave Brandt, a retired soil scientist with the USDA Natural Resources Conservation Service, who worked at the Woodstock office for 26 years. Mr. Brandt provided his expert opinion simply as a concerned citizen – concerned about the impact of the unsuitable soil and water on the area where the development would be placed. He addressed three reasons why he was shocked by what he found and why from an environmental perspective the development is “beyond problematic.”

First, Mr. Brandt testified about aquifer sensitivity. He explained that nearly all of the acreage has a high potential for shallow-aquifer contamination. He testified that if 246 basements were built on this land, this would provide 246 new permanent pathways to directly pollute our groundwater. And this contamination would surely make its way to area wells if basements were allowed – as the developer acknowledged that it insists upon because of market demands.

Mr. Brandt next pointed out that 41.8 acres is on a sensitive aquifer recharge area. This consists of the area along Lucas Road that the developer seeks to annex into Woodstock and then rezone from farmland into R3. The developer would place high-density duplex units on much of this sensitive aquifer. On our sensitive aquifers, the pollution potential starts at soil SURFACE. He told us that this increases the potential for contamination of area wells and our water supply.

Then Mr. Brandt explained that the danger to our sensitive aquifer was compounded because of the highly permeable soils on more than half the acreage. Brandt summarized: “I would suggest that the potential for permanent groundwater contamination on this site should be scaring you, now.”

Yet Lennar waved off the warnings in the NRI Report and the expert’s decades spent working in McHenry County for the protection of our soil and water. Lennar claimed that the dire warnings were mere “speculative concerns.” But the NRI Report is required by law and amounted to far more than speculation. The developer claimed that it had done its own due diligence. When the developer’s attorney asked its own expert whether there was a risk to contamination of area wells, the individual paused – and finally stated, “Not ... to the best of my knowledge.” The response was not exactly reassuring. (Lennar admitted that it would not offer to pay nearby owners if and when their wells go dry or become contaminated.)

Consider the words of Lennar’s attorney. During the meeting, the developer was questioned whether the decision to install basements in the 246 homes was because Lennar was “in it to make money.” To this, the developer’s attorney bellowed: “Of course they’re in it to make money.” Well, that’s the American way.

Consider what would happen to those who purchase a house on such environmentally challenged soil. Lennar requests a waiver of the standard implied warranty of habitability. (*See p. 5 re Lennar’s warranty brochure: Disclaimer of Implied Warranties*). And once the unsuspecting buyer agrees to the Lennar *Limited Warranty*, they – along with all future owners – are barred from bringing any claim other than those allowed by the original warranty. ([*See p. 3 re Lennar’s warranty brochure*](#)). Even worse – using the words from Lennar’s website – potential buyers must “give up your right to go to court to assert or defend your rights.” In its place, Lennar insists on costly binding arbitration of all disputes. [[Some companies offer homeowners the choice of arbitration or going to court](#). Lennar does not offer this choice.]

Taking a step back, the developer has the right to retain the current zoning and develop the original parcels with access off Doty Road. But Lennar gets into environmental trouble when it asks the city to annex the parcel abutting Lucas Road, where they seek to place 76 duplexes. Woodstock deserves high-quality growth. But not with the dangers forecast by the expert testimony and the NRI Report.

We plead for careful consideration of the environmental disruption that this development presents to current area residents and future Lennar homebuyers.

Leslie Kvistad is a resident of Woodstock since 2008 and resides on small horse farm. She is committed to giving back to the environment and has dedicated much of her land to prairie plant pollinator gardens.

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