

**MINUTES of PLAN COMMISSION MEETING
March 20, 2018 @ 7:00 P.M.**

Members Present: Michael Calewarts, Steve Olsen, Kathy Janssen, Keith Brunner, Michael Gaworek, Melissa Trepanier, Bill Krueger, Ralph Witte, Zoning Administrator, Clerk – Michelle Wallerius. Attorney James Sickel, Bryan Lemmens and Chad Kane on behalf of N.E.W. Digestion, LLC. Meeting called to order by Chairman Bill Krueger at 7:00 p.m.

PLAN COMMISSION AGENDA

1. Review of Minutes from February 13, 2018. Motion by Steve Olsen and seconded by Melissa Trepanier to approve. MC

2. CUP for N.E.W. Digestion, LLC: Conditional Use Permit applied for 2009. Fees associated with the CUP set at \$1,500 per Town ordinance. Administrator Witte states they were unable to locate the original signed CUP and with the new plant being constructed he is looking to ensure CUP is signed and on file as the project moves forward and compliances with Town ordinance. Attorney Sickel provides background as to his file notes. From correspondence in 2011, parties agreed to conditions 1 & 3 and inspection of facilities upon notice. Quarterly reports with truck numbers into facility and report where the by-product is being land spread. Quarterly chemical reports filed with DNR and testing of leak detection tanks. N.E.W. requests 2, 4 & 5 be re-written to provide State reporting requirements. Attorney Sickel states CUP should be tailored to what is currently in place versus retro-active to 2011. Plan Commission needs to consider community impact to the public health/welfare, natural resources, roadways, etc.

Bryan Lemmens, CFO of NEW Digestion, LLC states the new plant will be fully operational in 2019. No longer will land spread, but would like to keep as an option. Material trucked into facilities by third parties. By-produce is land applied per DNR standards and reporting currently handled by Robert E. Lee & Associates with quarterly report filed with Town and DNR.

Question if CUP is required due to “co-generation” and why this would not fall under Industrial zoning? Zoning is exclusionary – a digester was not considered as a use under the existing zoning ordinance when it was created, and a Conditional Use Permit is required to cover anything outside the standard permitted use. Question if CUP needs to be approved every year?

Discussion about who makes determination or notification if a spill occurs in the Town? Chad Kane states spills are reported to the DNR per their guidelines. Discussion that a Town Board member should be notified of spills so they are aware of the situation and can keep the public advised if questions are asked. CUP to renew annually with report of the Zoning Administrator to be presented to the Town Board upon renewal.

Attorney Sickel questions if CUP should include anything in addition to cover the new plant operations? Bryan and Chad feel the existing CUP covers the new operation effectively. Language to be cleaned up to clarify automatic renewal upon report of Zoning Administrator with payment of annual fee of \$1,500. If the use changes, this can then be addressed annually

with a revision to the CUP. Reporting done with DNR standards. Plan Commission requests they provide notification of spills to the municipality. No other issues.

Attorney Sickel to draft CUP for N.E.W. Digestion's review and then to be sent back to Plan Commission for recommendation and then to Town Board for approval. Discussion that Town can change CUP if the "use" changes. Inquiry as to how the fee was set. Plan Commission states it was set by them at a meeting when the digester was added as a conditional use to the zoning code. Fee to cover the administrative cost to review and inspect annually, wear and tear on town roads and initially odor problems were an issue which required Town action.

Motion by Melissa Trepanier to adjourn at 8:00 p.m. Seconded by Michael Gaworek, MC

Prepared by: Michelle Wallerius