

MINUTES of PLAN COMMISSION MEETING
August 6, 2018 @ 7:00 P.M.

Members Present: Michael Calewarts, Steve Olsen, Kathy Janssen, Michael Gaworek, Keith Brunner, Melissa Trepanier, Bill Krueger, Ralph Witte, Zoning Administrator, Clerk – Michelle Wallerius.
Meeting called to order by Chairman Bill Krueger at 7:00 p.m.

PLAN COMMISSION AGENDA

1. **Review of Minutes from July 10, 2018.** Motion by Kathy Janssen and seconded by Keith Brunner to approve. MC

2. **Extension of existing Conditional Use Permit for ND-756-1 & ND-756-2 for NEW Organic Digestion, LLC for production of dry ice associated with the production of CO2 from digester:**
Present for NEW Digestion, LLC: Chad Kane, Bryan Lemmens, Attorney John Foscatto, General, Dean. Zoning Administrator Witte provides report of site visit and background of existing, pending and proposed construction for parcels ND-756-1 & ND-756-2. Per Town Code development cannot cover more than 70% of site; must leave 30% of green space and no more than 25 ft high. Front and side yards to remain open and required parking areas to be adequate. Current construction does not conform to these standards. ND-756-1 has approximately 3% of entire parcel left unpaved. Construction has started without permits, no parking readily available to Northern Concrete. Parking lot was constructed on ND-750-3 on County Hwy P, which is zoned AG-1; commercial vehicles not permitted. Letter sent to Northern Concrete on August 1st to cease parking of non-related agricultural vehicles on site.

In 2010 construction for the first digester began, this digester will be used as holding facility. With the construction of the new digester, a more efficient process was developed and the CO2 can be separated as a byproduct and is currently be stored in 4 100 ton storage tanks and trucked for resale. Ralph states the current location of NEW Digestion and Northern Concrete is designated as future business growth on the Town's Comprehensive Growth map and appropriate for an additional business use.

Steve Olsen questions if an additional Conditional Use Permit is being requested or if the Plan Commission is to decide if this is a permitted use under the existing CUP? Ralph states that is the question and the purpose of the meeting. The existing CUP relates to the manufacturing of gas as a permitted use. The proposed dry ice manufacturing plant is utilizing the CO2, while the natural gas is being piped and sold. Steve Olsen questions if there was a discussion of dry ice production while the current CUP was being negotiated between the attorneys? Attorney Sickel states he had no knowledge of a dry ice manufacturing plant. Mike Calewarts questions how running out of space and covering the entire area with concrete will be addressed. Ralph states they have pumps and an overflow system installed to address overflow; but the issue remains that one current structure is currently on the property lines and cannot be located there unless the parcels were combined. NEW indicates they will work on dissolving the two parcels and create one parcel to accomplish that objective. This will also address the 30% green space as required by Town code.

Attorney Foscatto states instead of releasing the CO2 into the atmosphere they intend to capture the gas for production of dry ice. Chad Kane states they recently were approached by American Foods as they purchase the CO2 gas to produce dry ice on site for their Green Bay meat packing plant. Instead of transporting the gas to them, American Foods indicated there was a need for facility that produces dry ice. They inquired if NEW would consider producing the ice on site. Mike Calewarts questions the safety of the gas stored in the tanks and how the manufacturing is regulated. NEW Organics has a Safety Director which oversee all their facilities and OSHA regulates the manufacturing of CO2.

Melissa Trepanier raises the concern that NEW Digester, Northern, BOE continues to fail to bring information to the Town before they start. It is a repeated pattern of starting construction without permits, moving forward with parking lots without the Town's knowledge. The residents of New Denmark have a right to be informed and if they fail to have a permit, there should be consequences and they are told to follow proper procedures. Comply or attempt to conform after the fact is not acceptable.

Attorney Sickel states the factor to consider for the Conditional Use Permit would be affect on traffic, affect on personnel, operational times (any change?), nuisance – odor, noise, increase in footprint, safety concerns. Dean states no increase in traffic as 4 trucks are either hauling liquid CO2 for resale or 4 trucks would be hauling cubes of manufactured dry ice. An additional 4- up to 10 employees would be added. Operation is 24/7 the same as the digester. Attorney Foscatto feels the manufacturing of CO2 into dry ice would fall within the same CUP conditions outlined.

Keith Brunner questions if there are any warning issues if a leak? Attorney Foscatto states no risk to the public. If the Plan Commission would like a report from their Safety Director, one can be provided. Mike Calewarts questions how much CO2 is stored onsite. 400 tons as there are 4 100 ton tanks which are nonflammable. Dry ice process discussed. Discussion if compressor will add to noise on site; Attorney Foscatto feels with the loss of the gensets from the old digester, the noise should decrease. Melissa Trepanier states they need to be mindful that New Denmark should be their priority and they should be the first to know what is happening before it happens. Melissa Trepanier inquires of Zoning Administrator if the existing CUP addresses all his concerns. Ralph states there is no substantial change to the manufacturing process as outlined in the CUP.

Mike Calewarts states he is okay with the production of the gas, and therefore it is already in place, no issue with the dry ice manufacturing. Motion by Mike Calewarts to approve and extend the existing CUP to allow for production/manufacturing of dry ice for ND-756-1 & ND-756-2. Second by Melissa Trepanier. Motion carried 6-1; Steve Olsen opposed.

3. **Any other business of the Commission may deem appropriate:** None.

Motion by Keith Brunner and seconded by Michael Gaworek to adjourn at 7:51 p.m. MC

Prepared: Michelle Wallerius, Clerk

Approved: DRAFT