

Springfield Plan Commission Meeting  
Springfield Town Hall  
Monday, February 4, 2013

**Call to order, Roll Call, Pledge of Allegiance**

The meeting was called to order at 7:30 p.m. by Chair Jeff Gabrysiak. Jim Pulvermacher, Scott Laufenberg, Jeff Endres, Karen Crook and Elliott Long, Joe DeYoung, Engineer, Atty Mark Hazelbaker and Deputy Clerk/Treasurer Jan Barman were present. Also present: Steve Resan, Duane Toenges, Dan Nemke, Karl Crave, Daryl Applebury, Dan Dresen, Arthur Meinholz, Leo Ziegler, Dave Merritt, Lynn Trine, Robert Trine, Greg Hunt, Gina Lamberty, Chuck Schwenn, Jose Rojo and Jeanne Whitish. The Pledge of Allegiance was recited.

**Confirmation of Compliance with Open Meetings Law**

Deputy Clerk Barman reported that notice of this meeting was met by posting at the Town Hall, corner of CTH K and Church Roads, and Bong Excavating on Schneider Rd and website.

**Minutes for January 7, 2013**

**Motion (Pulvermacher/Laufenberg) to approve the January 7, 2013 Public Hearing and Plan Commission Meeting Minutes. Motion carried, 6 – 0.**

**Public Comment:** None

**Gina Lamberty/Greg Hunt, Hwy 19** - Review of site plan for placement of home, Sec 3.

The applicant was asked to return so the Plan Commission, Town Board and town engineer could review the site plan for their future home as this lot has some challenges to it. The main concern with the plans presented was the 6' retaining wall by the neighboring lot, water would go around this wall into their area. A 21" drain pipe to be installed (solid corrugated metal) Jim Pulvermacher suggested they use PVC instead. The applicant presented a revised site plan which eliminates the retaining wall. Joe DeYoung accepted the revised site plan. **Motion (Endres/Pulvermacher) to approve site plan exhibit 3 dated Feb 3, 2013, a storm water/erosion control plan will be needed. Motion carried, 6 – 0.**

**Leo A Ziegler, owner, GL Dairy Biogas LLC/US Biogas LLC, agents**, rezone & CSM approval of 23 acres from A-1Ex to A-B, Conditional Use Permit for manure digester project, and design review of project on Schneider Road in Sec. 33.

Daryl Applebury (Gunderson Lutheran rep) gave an update on the revised plans. The substrate delivery and the loading and unloading of products will be done inside the building now. The lagoon will be concrete as originally planned. Lighting plan only change is the entrance light will be moved by the entrance area (which changed also), landscaping similar to the previous plan. They have the deceleration/acceleration lanes marked and are in compliance with the DOT regulations. The vision easement is limited to one foot height vegetation. Jeff Endres asked that the vision easement be documented.

The deceleration is 150' and 125' taper equals 275' and acceleration is 200' total. Plan consistency – needs to meet 6 criteria for Dane County and conditions CUP 2227 – Petition # 10512. Request to lower the speed limit to 45 MPH on Schneider Road from Capital View Road to Church Road.

Elliott asked about the local agri resources (product to local gardeners, growers), a representative from Purple Cow Organic was in attendance and explained if they allow the local public access to this product they have to be concerned about the integrity of the product and quality, also. There are also the costs for handling the product and vehicles on the property and dealing with traffic loading up the product.

They do not have a signed contract at this time but will consider this option in the future. Jeff Gabrysiak asked on behalf of Bob Wagner, who could not attend the meeting, on the number of trucks per day with substrate and manure. There will be 10-11 substrate trucks and 6-7 trucks of manure per day, one load of fiber/day max and they will try to avoid the rush hour times and bus schedules. Our town roads are built to handle this truck traffic. Biogas is aware of the safety/traffic issues and they are trying to work with us on this issue. All drivers will have CDLs. The commission then reviewed the conditions for CUP 2227 – Number 5 – change language on best efforts for trucking, number 11 remove maximal to largest single tank capacity, add #18 – language for annual meeting of representatives, town board or plan commission members and two representatives from neighborhood. Add # 19 – language for adding the fourth digester and returning to the Town Plan Commission and Board with plans and routes for the roads being used.

The issue of bonding the roads was explored and the route that the trucks will be taking. Board Supervisor Dresen questioned the Vosen Road route. This would spread the truck traffic out some and would be 3-4 trucks/day for the Vosen Road route. Jeff Endres recommended not to use this route when the roads are posted in the spring when weight limits are in effect. Jim Pulvermacher asked about bonding the road, Biogas is fine with bonding the road. Joe DeYoung stated he was ok with truck traffic, acceleration/deceleration lanes to be built regardless of route.

Request to add 6 more trees around the corner towards the building.

This facility will be paying both property and personal property taxes, it is not a non-profit business. **Motion (Endres/Pulvermacher) to recommend adoption of resolution in the matter of Plan Consistency And Conditional Use Permit Findings Related to GL Dairy Biogas Project with spelling corrections. Motion carried, 6 – 0. (See attached resolution)**

**Motion (Endres/Crook) to approve the conditions as written and stated below: changes to Version #2 (conditions) #5 language on school buses best efforts, #11 remove maximal and add largest single tank, add #18 for annual committee meeting and #19 for fourth digester to submit plan for routes and farms involved. Motion carried, 6 – 0. This includes the approval of the rezone and CSM. (See attached conditions).** Note: Need to return for design review approval.

**Jose Rojo, Hwy 12 & 19 (Joe Miller property)** conditional use permit for possible purchase of property for a horse farm, 37 acres, Sec. 6. Jose Rojo and Chuck Schwenn presented a site plan of what Jose is considering for this property. Three buildings: 20 horse stall barn with tack room and office, hay and equipment barn and an indoor riding arena. There would be 2 outdoor riding arenas as well as 5 fenced pastures with 5.5 acres each and a trail that will fenced. He will also construct a single family home on this property. His plan includes many of the conditions for the CUP that the town would like to have. The commission advised Jose to contact Scot Hinkle with W/DOT and Pam Dunphy with Dane County Highway about setback and location for entrance to parcel. They also informed Jose about needing a storm water plan with the pastures being next to Lake Brandenburg. Jose is planning on 1 horse per acre so there will be enough pasture area. All horses will be inside overnight, no outside boarding. Also, one pasture will be a rest at all times. Jeff Endres – rotating of pasturing just makes good sense. The Plan Commission agreed this would be a good use of the land.

Jeff Endres excused from commission

**Interview candidates for Plan Commission** – Jeff Endres and Steve Resan

The Commissioners asked Jeff why he would like to remain on the Plan Commission – he responded that he enjoys the issues, helping the applicants and seeing them work things along and would like to be around for the TDR program and getting it implemented.

Jeff returned to the commission.

The commission then asked Steve Resan why he would like to be on the commission – Steve’s specialty was water and waste water treatment which he is now retired from. He was involved in many municipal projects from design end to finished project. He believes he could help solve problems with farms, he doesn’t have any bike issues and has the time to serve on the commission. Steve believes that the North Mendota Parkway will cause more pushing for development, pressure out of City and Town of Middleton to develop. Also, the dairy industry will be challenged with more cash crops. Steve has lived in the town since 1990 and would like the character of the town to remain.

**FUDA report update** – Jan gave a brief summary of the FUDA study report – the Environmental Conditions Report and Health Impact Analysis are great tools for the town and would like to see the town use them. They are trying to have a meeting with all 4 communities that were involved with the Plan Commissions.

**Communications/Announcements**

Several handouts were given, reminder of Public Hearing, Tuesday, February 5, 2013 at 6:30 on the TDR program and the Comprehensive Land Use Plan. Reminded commissioners to vote on Tuesday, February 19<sup>th</sup> here at the town hall. Jeff Endres would like to give a presentation on the Yahara Pride certification for farmers in the future.

**Adjourn**

**Motion (Pulvermacher/Long) to adjourn at 10:00 p.m. Motion carried, 6 – 0.**

Jan Barman  
Deputy Clerk/Treasurer

Version 3 – Approved by Plan Commission on 2-4-13

**RECOMMENDED CONDITIONS FOR CUP #2227**

**GL Dairy Biogas Manure Digester**

**January 24, 2013 Draft**

1. The applicant shall submit a stormwater management and erosion control plan covering the entire CUP area for the duration of operations that meets with the approval of the Dane County Land Conservation Department and receive approval of an erosion control and stormwater management permit from the Dane County Planning and Development Department before construction may commence.
2. The applicant shall apply for and receive all other required local, state and federal permits before construction commences and proof of such permits shall be filed with both Dane County Planning and Development Department and the Town of Springfield.
3. No materials other than those approved as part of the plan of operation may be processed by the Digester. Manure may be stored only in the designated storage bins and facility.
4. With respect to road conditions and use, prior to commencement of operations:
  - (a) the Town Engineer, MSA Professional Services, shall assess the conditions of the roads adjacent to the Digester and furnish a copy of that assessment to the Applicant;
  - (b) the Applicant shall prepare a plan for routing of Digester traffic and other intended use of Town roads, which shall be reviewed and approved by the Town;
  - (c) the Applicant shall execute a Road Use and Maintenance Agreement with the Town. The Agreement shall, among other things, require the Applicant to assure that all spills and tracking of manure caused by the Digester and its haulers shall be cleaned in a reasonable time and manner.
5. The Applicant shall instruct its truck operators to use its best efforts to avoid from hauling manure during times when school buses are operating on the hauling routes. The Applicant shall also use its best efforts to avoid manure traffic during the commuting hours of 6:30 am to 8:00 am and 4:30 pm to 6:00 p.m. Ordinary operating hours for truck hauling shall be 5:00 a.m. to 9:00 p.m., subject to the exceptions noted in this paragraph. The Operator may request the Town Chairperson to grant permission to operate trucks outside the regular hours in emergency conditions.
6. The Applicant shall be responsible for construction of all agreed-upon road improvements and modifications recommended by the Town Engineer, at the Applicant's expense.
7. The property shall have gates securely locked when there are no personnel on site outside of ordinary business hours. The site shall be signed "NO TRESPASSING." The site shall have suitable remote security monitoring systems approved by the Town.

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8. Any repair, construction or maintenance activities which may generate more than 75 dB of sound at the property line shall occur between the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday with only urgent or unexpected repairs and maintenance activity occurring outside of such hours.

9. The Applicant shall require all trucks and excavation equipment to have muffler systems that meet or exceed their original equipment standards. The Applicant shall direct all of its truckers to refrain from engine braking while hauling manure or substrate.

10. The Zoning Administrator, town Building Inspector or designee may enter the premises of the operation to inspect those premises with reasonable advance notice to ascertain compliance or to investigate an alleged violation. Anyone inspecting the property will be escorted by the Applicant and will comply with all safety regulations.

11. The plant shall be built so that a passive containment system will catch and retain in containment 110 percent of the largest single tank capacity, or such other amount as is required by the DNR.

12. Dane County and the Town of Springfield shall be listed as additional insureds on the project construction liability insurance policy.

13. The Applicant shall manage unloading and other operations to reasonably minimize idling of trucks.

14. The Applicant shall comply with the spill prevention and emergency response plan approved by the State of Wisconsin. The Plan shall assure that alarm systems shall monitor the Digester at all times when the Digester is operating but personnel are not physically present. The Applicant shall assure that a person with authority to supervise emergency response operations on the plant premises shall be on call within a 15-minute response time. The Applicant shall inform the Town, the Middleton Fire District and the Dane County Sheriff's Department West Precinct of the names and phone numbers of the persons who are on call for given periods of time.

15. All other conditions of approval recommended by the Town Engineer are incorporated by reference herein and attached.

16. GL Dairy Biogas LLC is a limited liability company established to operate this project. Gundersen Lutheran or another entity acceptable to the Town shall either execute a guarantee of the obligations of GL Dairy Biogas LLC or provide security which is sufficient in type and amount to assure the Town and County that resources will exist to (a) secure performance of road agreements (b) pay the costs of environmental remediation in the event of an accidental discharge or other accident at the Digester to the extent required by the DNR permit issued to the facility or a plan of correction from the DNR; and (c) pay for the proper and sanitary closure and site remediation of the project upon the termination of Digester operations, consistent with the requirements of a decommissioning plan approved by the Town.

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17. The final design, landscaping and site plans of the Digester shall be reviewed and approved by the Town under the Design Review Ordinance of the Town.

18. The Applicant shall participate in a community meeting with representatives of the neighborhood and the Town on at least an annual basis. At that meeting, the Applicant shall respond to issues raised by the Applicant. The Applicant shall make a written report to the Town on the results of the meeting,

19. Prior to the construction of a fourth digester on the property, the Applicant shall submit to the Town a plan which identifies the farms or other customers to be served by the additional capacity, the traffic routes to be used, and other modifications in the operation.

RESOLUTION IN THE MATTER OF PLAN CONSISTENCY AND CONDITIONAL USE  
PERMIT FINDINGS RELATED TO GL DAIRY BIOGAS PROJECT  
[DANE COUNTY ZONING PETITION 10512 AND CUP 2227]

WHEREAS, GL Dairy Biogas, LLC, has applied for rezoning of 22.3 acres of land to the A-B zone, and a conditional use permit applicable to 15 acres of to the property, as well as approval of a certified survey map to create a separate legal parcel;

Whereas, the proposed rezoning is to facilitate construction of a manure biodigester on land currently owned by Leo Ziegler and located on Schneider road in the southeast quarter of section 33 of the Town;

Whereas, the real estate involved currently is zoned A1 exclusive, and is subject to the intergovernmental agreement between the Town of Springfield and the City of Middleton;

Whereas, the proposed project is located in the portion of the Town which is identified in the Town Comprehensive Plan as the Agricultural Preservation District;

Whereas, within the Agricultural Preservation District, six criteria apply to requests to establish commercial or industrial uses;

Whereas, a conditional use permit may be issued only if the Town finds that the proposed use meets the criteria provided for by sec. 10.255 of the Dane County Ordinances;

Whereas, the Plan Commission heard a formal presentation by the applicant at the Commission's December 3, 2012 meeting, and received further information and input in writing and at its January 7, 2013 meeting, and, based upon that information and its deliberations, hereby makes and resolve the following findings as its advice to the Town Board of the Town of Springfield:

**A. Plan Consistency.** The Plan Commission recommends that the Town Board make the following findings with respect to consistency with adopted Comprehensive Plan:

One. Rural location. The manure digester is a processing facility for a bulky commodity which cannot practically be transported out of the rural area in which it is generated. The rural location, therefore, is necessary in order to support the farm customers that the digester is being built to support. The portion of non-agricultural material (the "substrate") to be processed by the digester chemically enriches the digestion process and makes it more efficient. The substrate is already transported for treatment, and the rural location is equally appropriate for treatment of the commodity, which will supplement the agricultural function of the digester.

Two. Conflict with farm operations. Placement of the digester on Schneider Road will not conflict with existing farm operations. Indeed, it may facilitate existing farm operations.

Three. On-site wastewater system. The project will require bathrooms and other domestic plumbing to support the personnel working on the site. However, the number of employees working on the site

it actually is quite minimal and there is no reason to doubt that an on – site system can be installed to serve these domestic plumbing needs.<sup>8</sup>

Four. Future uses. Because of the nature of the operation of the manure digester, it is unlikely that it will encourage development of related commercial operations which would be incompatible with agriculture. A deed restriction limiting use of the property to agriculture related activities should be required as a condition of approval

Five and Six. Compliance With Town Siting and Design Review. Based upon the preliminary<sup>3</sup> plan of the digester facility and site layout, it appears that the proposal complies with the Town's siting requirements. As to design, approval shall be conditioned upon compliance with the Town design review ordinance, which will assure that the facility is developed in a manner which harmonizes with the vicinity.

Based upon the proposal's satisfaction of elements 1 through 6 of the Agricultural Preservation District of the Comprehensive Plan, the Plan Commission recommends that the Town Board find that the proposed use is consistent with the Comprehensive Plan.

#### **B. Conditional Use Permit Criteria.**

With respect to the criteria for approval of conditional use permits, the Plan Commission recommends that the Town Board find as follows:

*1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The Commission finds that the proposed manure digester operation does not pose any significant risk to public health safety or general welfare. It appears that the digester will reduce negative impacts from Dairy operations in the Town of Springfield by reducing the amount of manure<sup>8</sup> which is processed through land spreading. As a result, odors, exposure to pathogens, the amount of phosphorus and other nutrients deposited in the soil will decrease. Based upon information about the operation of manure digesters in other communities, it appears that they pose no unusual risk to public health or safety. Conditions imposed on the operation through the CUP can address any concerns about operations. The Plan Commission finds that this condition is satisfied.

*2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.*

The neighborhood in which the digester will be cited is agricultural, zoned for long-term agricultural uses and planned for those uses. Establishment of the manure digester enhances the Town of Springfield goal of preserving agriculture for the long-term. As the economics of agriculture have changed, the scale of agriculture operations have increased. Construction of this manure digester is a necessary response to the environmental impact of the very large Dairy operations which have arisen in response to the economics of the dairy industry. Although there were objections to the digester expressed by people who live in residential areas, under the Comprehensive Plan adopted by the Town of Springfield and applicable zoning, agricultural uses are entitled to precedence. Further, the Town has required agricultural impact notices in the approval of all subdivisions built in the Town during the past 20 years, such that people purchasing residences in the Town have been placed on

notice that their future use of their residences would be subject to agricultural activities. Accordingly, the Plan Commission finds that this condition is satisfied

*3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The proposed manure digester will facilitate development and improvement of the surrounding property for the agricultural uses that are contemplated in this district. In the Comprehensive<sup>6</sup> Plan, surrounding property has been designated as an Agricultural Preservation District. Further, in the intergovernmental agreement between the City of Middleton and the Town of Springfield, the area in which the digester would be located is part of "Area B," which is an area within which neither the City nor the Town will pursue non-agricultural development. The digester project will facilitate long-term economically viable dairy farming in the Town of Springfield, consistent with the protection of the environment. For that reason, the Plan Commission finds that this condition is met.

*4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.*

The proposal has adequate electrical service, access and provisions for drainage and site improvements. Conditions upon the approval of the conditional use permit will assure that adequate provisions are made to address the needs of the operation without negative impact on the neighborhood. The Plan Commission finds that the condition is met.

*5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;*

The proposed manure digester will change the patterns and flow of traffic in the vicinity. However, land spreading of manure currently underway in the Town already generates substantial traffic and has impact on neighbors and communities. Conditions on the conditional use permit are needed to mitigate conflicts with commuter traffic, school bus traffic and other potential issues related to road wear and safety. Based upon the report of the Town's engineers, it appears that these issues are manageable through the imposition of conditions. Therefore, the Plan Commission finds that the condition is met.

*6. That the conditional use shall conform to all applicable regulations of the district in which it is located.*

The proposed manure digester will meet all applicable regulations of the A-B zoning district if a conditional use permit is granted. As found previously herein, the proposed digester meets the requirements of the Agricultural Preservation District. For these reasons, the Plan Commission finds that this condition is met.

The Plan Commission having concluded that the manure digester proposed in DANE COUNTY ZONING PETITION 10512 AND CUP 2227 is consistent with the applicable provisions of the Town Comprehensive Plan, and meets the six criteria for approval of a conditional use permit, the Plan Commission recommends that the Town Board approve the zoning petition and conditional use permit, conditioning the approval of the permit on such conditions as are recommended by the Plan Commission and adopted by the Town Board.

Dated: February 4, 2013

TOWN OF SPRINGFIELD PLAN COMMISSION