

# BALDWIN TOWNSHIP PLANNING COMMISSION MINUTES

May 22, 2024

## Call to Order:

On this 22nd day of May 2024 the regular meeting of the Baldwin Planning Commission was called to order by Chairman Clarence Mattson at 7:00 p.m.

## Pledge of Allegiance:

All stood and recited the Pledge of Allegiance.

## Roll Call:

The Commissioner's present was, Chair Clarence Mattson, Vice Chair Sherry Newman, Joy Johnson, Calvin Schmock, Patti Miller, William McGowan, and Richard Marshall.

Also present were Town Board Liaison Jay Swanson, and Town Planner Dan Licht.

**Claim Forms:** Claim forms were filled out and returned.

## Approve Agenda:

*Joy Johnson made the motion to approve the agenda as presented. Richard Marshall seconded the motion, all in favor motion passed.*

## Approve Clerk Minutes: from April 24, 2024

*Correction on page 4, take the "s" off hearings.*

*Richard Marshall made the motion to approve the April 24<sup>th</sup> minutes with the one correction. Joy Johnson seconded the motion, all in favor motion passed.*

## Public Hearing: Variance to construct a single family dwelling

Dan Licht went over the Planning Report and is made part of the minutes.

Robert and Molly DuBois – 9255 Dunbar, Brooklyn Park

With nothing more to add Clarence Mattson opened the public hearing at 7:08 pm

No comments or questions from the public. *Sherry Newman made the motion to close the public hearing at 7:08. Calvin Schmock seconded the motion, all in favor motion passed.*

*Calvin Schmock made the motion to approve the variance with the 3 conditions that are stated. Sherry Newman seconded the motion.*

Clarence Mattson asked if there was any further discussion.

Richard Marshall – here are several variances here. We have to draw the line somewhere. I don't think this is the right thing to do and there are no concessions at all.

Calvin Schmock – I feel we are getting some concessions because right now his garage is on Baldwin township property. They are creating some space around that property line.

Joy Johnson – My concern is we are setting a precedence on this lake. Everyone else can say they got to do it.

Clarence Mattson – When I came on the Board, Andy made a comment about variances. Everything is set up for a reason. They are looking at a variance because for some reason they need to change that. Look at a variance you are making, this what you want and we can make an exception this time, but the plans could be awesome but if they don't meet the comprehensive plan we have to look at it as a variance. Is it necessary, yes it will be nicer and cleaner but the impervious service is increasing from 38% to 55% that is a considerable amount.

Joy Johnson – With a septic not working and you have to move it they are not making that problem, with this garage they created the problem.

Richard Marshall – My question is do we have rules for variances.

Dan Licht – That is the criteria outlined in the findings. What you are discussing is the 4 car garage a necessity or convenience. The question simply comes down to does the Planning Commission feel that in order to have the 1300 sq. ft. garage warranted or can it be downsized to meet the set back and still approve variances from the road and driveway width and impervious service.

William McGowan – That is one thing I see if it was down to a 3 car garage you will eliminate the setback problem, reduce impervious service and maybe 1 car has to set outside. You would eliminate a lot of the impervious service, you would go from a 4 car to a 3 car garage and you have a 3 car driveway which reduces the impervious service quite a bit and reduces setbacks.

Clarence Mattson – We have a motion and a second, had plenty of discussion, all in favor say aye, opposed same sign. Clerk said she needs a count.

Aye - Calvin Schmock and Sherry Newman

Nay – William McGowan, Patty Miller, Richard Marshall, Joy Johnson, and Clarence Mattson. Motion failed.

Dan Licht – You can consider another motion with an additional condition that the plan be revised that would comply with the side setbacks, reduce impervious service with a 3 stall garage.

William McGowan - I would approve that.

Clarence Mattson – Would you make that motion?

***William McGowan made the motion to change from a 4 car garage to a 3 car garage and a 3 car wide driveway to eliminate the variance on the north side and reduce the impervious service. Richard Marshall seconded the motion, Calvin Schmock abstained. Motion passed in favor 6 to 1.***

Sherry Newman – We should have discussion in a future meeting in regards to these <sup>parameters</sup> perimeters because having our community doing outlines for homes or whatever and then come in here and we say we are creating something different here we should have specs on paper so they know and this won't happen again.

Clarence Mattson- informed the applicant that it's their right to go to the Town Board. Our big concern was to get away from the north and south boundaries.

Applicant – if we moved it over and kept the 4 car garage would you approve?

Dan Licht – you take away the garage reduces the impervious service about 5% and get it's under 50% and only increasing by 12%.

Clarence Mattson – recommendation is to get a revised plan to meet the setbacks and reduce the impervious service helps.

Dan Licht – This goes to the Town Board on June 17<sup>th</sup> and this gives them time if they want to revise it.

## **Public Hearing: Zoning Ordinance amendment for Shoreland Overlay District**

Dan Licht went over the Planning Report and is made part of the minutes.

The Planning Commission has discussed this at special meetings, to make amendments to chapter 19 zoning ordinance which is the shore land overlay district. To add additional public waters to the shore land district

classified as natural environment lakes. This was initiated by the DNR and Sherburne County has it in their ordinance and now Baldwin has to do the same. Town staff is recommending approval as presented.

At 7:13 pm Clarence Mattson opened the public hearing.

With no questions or comments from the public asked for a motion to close the public hearing.

*Calvin Schmock made the motion to close the public hearing at 7:13 p.m. Joy Johnson seconded the motion, all in favor motion passed.*

Discussion – Sherry Newman – with new wet lands are there any changes in regards to Baldwin Township's responsibility into maintaining surrounding area?

Dan Licht – no, simply, basic development regulations any land adjacent to within 1000 feet.

Jay Swanson – with Lake Margarete things will change but DNR is in control.

Dan Licht – DNR has declared these to be under Minnesota rule and the Township has to adopt this. Especially as a township currently, because the town ordinance has to be consistent with the County's ordinance until the corporation is approved that can cause Sherburne County to say the township is not carrying out its duties, we are going to take back responsibility for enforcement of the shore land overlay district. Any issues like the variance it would go back to Sherburne County.

*Calvin Schmock made the motion to approve the Zoning Ordinance as presented. Joy Johnson seconded the motion, all in favor motion passed.*

#### **New Business: Ordinance establishing Administrative Code Enforcement procedures**

Dan Licht - this was discussed at the meeting in April. We need to have a process in place dealing with enforcement when it becomes necessary. The process that is outlined is when the town receives a complaint we will send a first step letter. This violation exists and would like to discuss this with you. If there is no resolution then we send an official notice and if not corrected in a reasonable time there is the ability for the town to impose a penalty. This can be appealed. Township can do a court action. Staff recommends approval.

Patty Miller – have a couple of questions and corrections

P.3 under procedure A-3 omit "s"

P.3 under citation #C would public take exception to that? Would it be better to say "the code enforcement officer is authorized to issue citations for a code violation?"

P.5 #5 take out city and replace with Town

#6 is there a time frame – Dan said can add 5 business days

#7 take out city council replace with Town

#8 a. #3 take out city council and replace with Town

P.6 #F take out extra the "s"

Jay Swanson – We want the Board to know that something is going on before any issues or violations. That complaint will come to the Board and the Board will direct the code enforcement officer to go out and issue any citations.

Dan Licht – That is the process we are following now, we provide a spread sheet to the Town Board and get direction to proceed.

Calvin Schmock/Jay Swanson – at the beginning of the paragraph; under the direction of the Town Board supervisors the code enforcement officer is authorized to.

*Patty Miller made the motion to approve the Code enforcement procedures. Richard Marshall seconded the motion, all in favor motion passed.*

**Old Business:**

Richard Marshall – I see a large garage go up I want to know about that. When I drive around I think, I don't remember that that went before us. Are we outside our purview that we want to know about these things.

Dan Licht – you get a monthly summary of the building permits issued so that you know a permit has been issued. Zoning is set up that all commercial, industrial and sub divisions come before the Planning Commission. Someone building a house and it meets all the requirements of the zoning ordinance, that does not come to the Planning Commission.

Clarence Mattson – I would like to bring up what was brought up at the last discussion we had and maybe do this at our special. You brought up adding some kind of criteria, we have the 25% impervious. If someone has a small lot at our special to discuss how should we look at that. Do we consider the size of the lot, the lake and how do we address that. If we could bring this up at the next special meeting.

**Town Supervisor Liaison Update: Jay Swanson**

At the last Board meeting question was asked where are we with Jakes Tree Service.

Dan Licht – he has not followed up with me.

Maybe the Board needs to send him a letter, at some point we need to put the brakes on.

We have come a long way with the variances. Before unless it was an extreme hardship to was a no.

Around west side of Elk Lake there are boundary issues, drainage issues and set back issues. The County watched seasonal cabins become year round homes. In the future if there is any place needing a sewer system of some sort or utilities of some sort this would be the first area.

One thing we thought about was a dry hydrant which is a 10,000 gallon tank buried in the ground that will replenish the water in that tank. This allows our tender trucks to bill thee rather than at the hall or in Princeton.

At Elk Lake we own a lot across from the boat launch. This would be a good location for a dry hydrant.

Another thing we believe to have is some sewage dumped into Elk Lake. Thought we had it taken care of and Mr. Schreder has gone out to inspect the sewer systems along the shoreline and did not find anything wrong. The Town's stand is we can't find it. We need proof that it is happening. It's been determined by those who know that this is normal lake matter. This is an ongoing issue and we are still working on it.

Cal Watson, one of the last and so far the only member of the fire department to make it to 20 years. He was a founding member.

**Commissioners Update:**

Richard Marshall – Have to be careful with people that want all or nothing, may be reasonable but not right.

Calvin Schmock – Need to have starter homes come back, if I was a newly married couple where do I fit into Baldwin Township?

Patti Miller – When we update ordinances can we get copies.

Sherry Newman – Will be getting in touch with Zac and will be attending the park meeting to get an overview of what is happening with the parks. Will also talk to Mary Larson about FunFest and these two topics will be in the newsletter.

**Town Staff Update: Dan Licht**

No applications pending at this point. Have been talking to the property owner on 169.

**Miscellaneous Information and Communications:**

Richard Marshall – looking for stuff that has been done in the past I only go back to about 2021. We should have minutes saved back to 2017. One thing I found is the mission statement. Our main focus was on land use.

Sherry Newman – I have all the documents from the meetings. I am sure we can find a place to start.

Dan Licht – Would you rather review what Richard Marshall has on what has been done in the past which is background then we can to the exercise.

**Adjourn:**

*A motion was made by Calvin Schmock which was seconded by Richard Marshall to adjourn the Planning Commission Meeting at 9:09 p.m. All in favor motion carried. Meeting adjourned at 9:09 p.m.*

Marlene Nelson

Respectfully submitted:

Marlene Nelson

Admin Support

Clarence Mattson

Clarence Mattson, Chair

26 Jun 24

Date

Attendees: Bob & Molly DuBois, Dan & Sharon Fischer