

Baldwin Township
Planning Commission Meeting Minutes
August 28, 2024 at 7:00 p.m.

Call to Order:

Chair Clarence Mattson called the Planning Commission meeting to order at 7:01 pm.

Pledge of Allegiance:

All present stood and recited the pledge of allegiance.

Roll Call:

Present: Chair Clarence Mattson, Vice Chair Sherry Newman, Commissioners Patti Miller, William McGowan, Richard Marshall, and Joy Johnson.

Also present were Town Planner, Dan Licht, Deputy Clerk Kayla Nielsen and Town Board Liaison, Jay Swanson.

Absent: Commissioner Calvin Schmock.

Planning Commission Claim Forms: All claim forms were filled out and returned to the Deputy Clerk Nielsen.

Approve Agenda: Chair Mattson said that item "C" was to be removed from the agenda, as the minutes from July 24, 2024 were not completed.

Commissioner Newman motioned to approve the agenda with item C removed. Commissioner Johnson seconded. All in favor. Motion carried.

Approval of Minutes: Removed from the agenda.

Public Hearings:

Jake Bayerl – 28145 Elk Lake Road E

Chair Mattson introduced the application.

Town Planner Licht presented the planning report.

Applicant Jake Bayerl was present and stated there is only one neighbor affected by the setback.

Chair Mattson opened the public hearing at 7:08 pm. Seeing no questions or comments, Chair Mattson asked for a motion to close the public hearing.

Commissioner Johnson motioned to close the public hearing at 7:08 pm. Commissioner Miller seconded. All in favor. Motion carried.

Chair Mattson asked if the applicant agreed with the conditions recommended by Town staff. Mr. Bayerl agreed.

Commissioner Miller motioned to adopt Findings of Fact as presented and recommend approval of a variance for 28145 Elk Lake Road (PID 01-428-0150), subject to the conditions as stated. Commissioner Newman seconded. All in favor. Motion carried.

Clarence Mattson said the applicant would be considered at the next Town Board meeting on September 9th 2024.

Kevin & Elizabeth Reem – 28543 100th Street NW - Variance for expansion of detached building.

Town Planner Licht presented the planning report.

Applicant Elizabeth Reem was present and had no comments

Chair Mattson opened the public hearing at 7:15pm. Seeing no questions or comments, Chair Mattson asked for a motion to close the public hearing.

Commissioner Miller motioned to close the public hearing at 7:15pm. Commissioner McGowan seconded. All in favor. Motion carried.

Chair Mattson asked the applicant about the four conditions recommended by Town staff. Mrs. Reem agreed with the conditions.

Commissioner McGowan asked how far the structure will be from the road. Ms. Reem replied that it will be a couple of feet. Town Planner Licht said there is plenty of room for snow removal and storage on the other side of the road.

Commissioner Johnson motioned to adopt Findings of Fact as presented and recommend approval of the variance for 28543 100th Street (PID 01-00405-0090), subject to conditions as stated. Commissioner Miller seconded. All in favor. Motion carried.

Chair Mattson stated the application will be considered at the next Town Board meeting on September 9th 2024.

Lakeside Investment

Chair Mattson introduced the application.

Town Planner Licht presented the planning report.

Present representing the applicant was Seth Monroe of Rum River Land Surveyors. Also present was applicant Todd Maloney. Mr. Monroe explained that planning for this subdivision started nine months ago. The subdivision application was submitted before the Zoning Ordinance was amended to establish the wetland with the property as a Natural Environmental lake. Mr. Monroe said they are requesting a variance with the subdivision application to allow a

reduction in the setback from the Ordinary High-Water Level by the amended Zoning Ordinance to allow the same lots that would have been allowed before the Zoning Ordinance amendment.

Chair Mattson opened the public hearing at 7:32 pm.

Cheryl Nelson, 28110 116th Street Zimmerman, stated the Planning Commission is making a mistake by allowing this variance. Mrs. Nelson stated she is concerned about losing the quality of water in this area. Mrs. Nelson asked who approached who to sell this land.

Town Planner Licht clarified that the Department of Natural Resources made a change in the classifications between wetland and a Natural Environment Lake. Town Planner Licht explained the wetland review process for compliance with the Wetland Conservation Act. Town Planner Licht said that there is no impact from the proposed development to the wetland.

Mike Seurer, 11837 283rd Avenue, stated concern about development, including an active eagle's nest and there are swans, sandhill cranes, bear, and deer. Mr. Seurer is concerned about cutting off the wildlife corridor. He further stated there should only be one lot and not two lots to the east of the Natural Environment Lake. Additionally, he encouraged the Planning Commission to table this application and drive by the property themselves. Mr. Seurer said this is public water and his concerns are about water quality, the wildlife and the need for parks in Baldwin.

Lou Miller, 11745 283rd Avenue, encouraged the Planning Commission to look at the DNR recommendations and to deny the variance request, as this is a wildlife corridor and the eagle's nest is active.

Chair Mattson asked if there were any more comments or questions. Seeing none at this time, Chair Mattson asked for a motion to close this portion of the public hearing.

Commissioner Johnson made a motion to close the public hearing at 8:02 pm. Commissioner Miller seconded. All in favor. Motion carried.

Commissioner Newman asked if the small lot is Lot 1 or lot 2. Town Planner Licht responded that the smaller lot is lot 1. Commissioner Newman asked if there is enough room to build on that lot. Town Planner Licht responded there is a buildable area in the corner.

Commissioner Marshall asked what the exception property is. Town Planner Licht responded that the property owner entered into an agreement to sell a portion of their property. They are going to subdivide a piece of the property to separate it from what they are going to develop and will be platted as an out lot.

Commissioner Johnson stated there is a lot of wildlife in her neighborhood and they only have a one-half acre lots.

Chair Mattson asked the representatives if they were aware of the conditions of approval cited by Town staff. Mr. Maloney responded that they agreed with the conditions.

Town Planner Licht read the conditions for the record, adding that the Planning Commission may include an additional condition, and further requested that the developer obtain an Eagle General Disturbance Permit.

Supervisor Swanson asked if there is room to build on Lot 2 with a 150-foot setback from the Ordinary High-Water Level. Town Planner Licht responded there would need to be a revised plan showing the 150-foot setback to confirm.

Commissioner Newman stated that she is not comfortable with Lot 2, based on the audience comments regarding the grade of the property and recommended the Ordinary High-Water Level be surveyed.

Commissioner Johnson asked if it would be possible to purchase this property and turn it into a park. Supervisor Swanson responded that would be a Town Board decision. Town Planner Licht stated the Park Committee recommended that the park dedication be met by payment of fees and not land acquisition for this development.

Chair Mattson asked Mr. Monroe and Mr. Maloney their thoughts on having the Ordinary High-Water Level surveyed. Mr. Monroe questioned if the survey would be done in a timely manner. Town Planner Licht stated that the plat and variance application needs to be acted on at the same time, to mean that the plat cannot be approved with the variance.

Sheldon Pool with Lakeside Investments, Inc., stated that when the property was purchased, there was not a 150-foot setback requirement, but now halfway through the project, the DNR changed the classification of the waterbody from the wetland to a Natural Environment Lake.

Town Planner Licht stated the Planning Commission can recommend approval with the 15 conditions, disapprove the plat based on non-compliance with the required setbacks, or table and request the developer to survey the Ordinary High-Water Level of the Natural Environment Lake.

Commissioner McGowan made the motion to table application. Commissioner Newman seconded. All in favor. Motion carried.

Oaks of Battle Brook, 31585 124th Street

Chair Mattson introduced the application

Town Planner Licht presented the planning report.

Applicants Joss Jondahl, 29820 108th Street, and Jason Betzler, 12222 313th Avenue were present.

Chair Mattson asked if they had anything they wanted to add. The applicant answered: "not at this time."

Chair Mattson opened the public hearing at 8:50 pm.

Heide Steele, 31603 123rd Street, asked what kind of traffic can be expected and what are the hours of business.

Kevin Steele, 31603 123rd Street, stated concern about the traffic with their driveway right next to their property. If the driveway was moved further south it would not be a problem.

Bryan Balker, 31226 123rd Street, stated their property is just below Oaks of Battle Brook and they have a nursery with lots of plants and animals. Mr. Balker is concerned about run off of oil and gas contaminating the ground.

Mr. Betzler stated this is more for equipment and storage. Workers will show up around 8 am. Mr. Jondahl stated they currently have 6 employees. Mr. Betzler stated there is at least 50 feet between the driveway and the property line.

Town Planner Licht stated the Planning Commission can impose daytime hours from 7 am to 10 pm.

Commissioner Newman made the motion to close the public hearing at 9:11 pm.

Commissioner Johnson seconded. All in favor. Motion carried.

Commissioner Newman stated the Planning Commission should discuss the issue of noise. Chair Mattson discussed considering day hours and night hours. Mr. Jondahl stated the shop will be used for maintenance of the equipment and office space for himself and Mr. Betzler. Ninety percent of the equipment is at the job sites. Hours can vary; however, office hours will be 7am to 7pm Monday through Saturday. No operation on Sunday. There is no stockpile of material.

Commissioner Miller motioned to approve construction of the shop with the 11 conditions and hours of operation. Commissioner McGowan seconded. All in favor. Motion carried.

New Business:

Baldwin North (ABRA Auto)

Dan Licht presented the planning report.

Chair Mattson asked if there were any questions from the Commissioners. Since there were no questions, Chair Mattson read through the 4 conditions.

Commissioner Marshall motioned to approve the building expansion with the four conditions. Commissioner Newman seconded. All in favor. Motion carried.

Chair Mattson stated the application will be considered at the next Town Board meeting on September 9th 2024.

Old Business: None

Town Supervisor Liaison Update:

Supervisor Swanson stated nothing at this time.

Commissioner Update:

Chair Mattson discussed being civil during Planning Commission meetings. Commissioner Johnson stated the Planning Commission is here for all residents and to help guide them through the process of what the commission can and cannot do. Town Planner Licht stated it is hard to deny an applicant if the applicant meets the requirements of the Town and County.

Town Staff Update:

Town Planner Licht stated at the next meeting there will be one application of a simple plat.

Miscellaneous Information and Communication:

Adjourn:

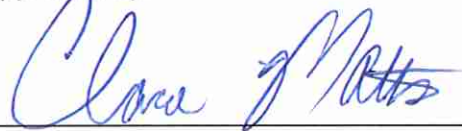
Commissioner Marshall motioned to adjourn the August 28th, 2024 Planning Commission meeting at 9:38 pm. Commissioner Johnson seconded. All in favor. Motion carried.

Respectively Submitted by:



Kayla Nielsen
Deputy Clerk

Approved by:



Clarence Mattson
Chair

11/13/2024

Date:

Attendees: Cindy Delkamp, Bill Delkamp, Scott Case, Jake Bayerl, Andy Schreder, Seth Monroe, Cheryl Nelson, Sheldon Pool, Kedrick Johnson, Todd Maloney, Nicole Straw, Elizabeth Reem, Kevin Steele, Heidi Steele, Michael Seurer, Kelli Duerr – RRC, Lou Miller, Tara Perkins, Joss Jondahl, and Jason Betzler.