

**TOWN of MAY**  
**WASHINGTON COUNTY, MINNESOTA**  
**OFFICIAL PLANNING COMMISSION MINUTES**  
**September 25th, 2025**

The Planning Commission for the Town of May held its regular monthly meeting on Thursday, September 25<sup>th</sup>, 2025 at the May Town Hall. Members in attendance were Chair Chad Nelson, Ted Nesse, Dave Ubel and Lester Rydeen, David Langer, and Mitch Otterson; Town Planner Nate Sparks, and Town Clerk Bobbi Hummel. Member Dave Mandel was absent.

Chair Chad Nelson called the meeting to order at 7:00 p.m.

**Minutes from May 29th, 2025, Planning Commission Meeting.**

Nesse notes two corrections on the minutes. Page 4 AUD should be changed to “ADU”, Page 3 should say...minor and “major” subdivisions. Clerk Hummel will make the necessary corrections.

Motion by Rydeen, seconded by Nelson to approve minutes from the May 29<sup>th</sup>, 2025 meeting. All in favor. Motion passed.

**Public Hearing. Interim Use Permit. 14680 May Ave. Cannabis Cultivation. Zachary and Alexa Cole, Southfarthing Cultivation, LLC**

The State of MN has legalized certain cannabis uses and the township created a cannabis ordinance that required the allowance of cannabis in certain zoning districts. The applicant is seeking to operate a cultivation business. The site is about 60 acres and structures on the property are already designated for growing. An outdoor growing area is also onsite. There are performance standard requirements that the operator has met. Planner Sparks recommends approval with conditions. The applicant is present and can answer any questions.

Rydeen would like to know the strength of the substance, where it will be sold/distributed.

A: The applicant states that the strength is 22-28% THC with 20% CBD quality. It will be picked up by a state licensed driver who will take it off the farm right after harvest and deliver it to a manufacturing facility where it will be made into an edible form. All the plants will have bar codes, tracked, and he will be audited at least 2-3 times per year by the state. A personal accountant will also provide regular audits. Tracking is done in two different computer programs. It must be tracked from seed, germination, education, and into flowering. Weighing is required at harvest, after processing (weigh all the leaves). Storage is required on site until a state truck operator comes to remove it twice per year. The applicant will only grow the product. Nothing will be sold on site. He cannot consume anything he grows in his facility. Everything is taken off the property.

Chair Nelson appreciates that the request is well within the ordinance.

Public Hearing is open at 7:13p.m.

Roger Tatge. 12133-155<sup>th</sup> St. Concerned about the smell.

A: The product will be processed by curing it, either by hanging inside for 14 days and trimming it (removes leaves) and then putting it into bags. Most likely, he will be freezing the trimmed product. There should be no smell issues.

Sue St. Sauver. 15132 Norell. Who monitors the workers on site?

A: Cameras record all activities at all times, and must be kept for 2 years. The state of MN can request the recordings at any time.

Chair Nelson asks about proximity to schools.

A: The applicant is not close to any schools in the area.

Have property values been considered?

A: Chair Nelson is not aware of any studies that have been done. Nelson views this as an agricultural product that has been deemed by the state as legal. Resident notes that it is still illegal as a schedule 1 narcotic – federal law proceeds state law. Resident asks if the Commissioners would consider a requirement to require that the OCM reports be shared with the township. With this new use, auditing may take several years to get up and running. Sparks notes that if violations occur, the township should be getting reports from the state.

The applicant notes an 8-foot security fence around the entire facility, with cameras and tracking facilities at the door and gate. He has been growing hemp for 5 years. The facility is located in the middle of a remote site and surrounded by woods, unseen from the road. As far as he knows it has not affected property values in other areas, though he is not an expert on that.

Sparks notes that while the points are valid, the state adopted the statute and the township is required to allow this use and must approve uses that meet the criteria. While there is room for interpretation, the ordinance the township adopted is actually more restrictive and thoughtful than it needed to be. This is a novel use and the concern is understandable, but the applicant has been thorough in his approach.

Bill Schoonover. 14249 May Ave. May Township has many agriculturally based properties. People are trying to figure out a way to keep farming going. It is getting more difficult to make a living in farming. Requests for land usage may change as farmers need to make use of their land. More changes are coming and this is an opportunity to help adopt to this progressive use. He applauds this request as the applicant has deep knowledge of the requirements. He supports farmers in finding new ways to grow and stay thriving in a legal way in within the parameters of the township ordinances.

Jeannie Provo-Petersen. 16901 Northridge Ave N. What if the vendors the applicants hope to work with do not work out? What oversight is there if the smell became a concern, or if process on-site changed? What oversight does the township have to ensure safety within the restrictions.

A: Nelson notes the conditions that are also part of an IUP approval. There is ability to revoke a IUP if needed. The applicant is also being governed by the Office of Cannabis Management (OCM) at

the state level. The applicant states he was required to have a waste water management plan, and he must disclose any pesticides they are planning to use. He plans to be as organic as possible and the only pesticide they will use is Lesco's. Cow manure is used for nutrients. Water cycles are on a timer. Waste must be processed and removed by the state. The applicant is happy to have town staff come visit/tour the facilities anytime.

Scott Dunlap. 12710 Norell Ave. N. Suggests the applicant send emails of inspections to the Board each time he is inspected.

A neighbor to the applicant supports this request and is confident he will follow all the requirements. She notes that anyone can legally grow 4 plants in their house.

Nelson, seconded by Rydeen, motions to close the public hearing at 7:47 p.m.

Langer motions to recommend approval of an IUP for cannabis cultivation at 14680 May Ave., adding a condition that an annual report/inspection from the OCM be submitted by Mr. Cole. Seconded by Otterson. All in favor. Motion passed.

**Public Hearing. Comprehensive Plan Amendment, Rezoning, and Interim Use Permit. 14259 May Ave. Mining Request. Frank Frattalone, Diggers, LLC**

Sparks presents multiple applications from Frank Frattalone, Diggers, LLC., including a comprehensive plan amendment, rezoning, and an Interim Use Permit to operate a mine. The request is for two properties just off of May Ave. Mining properties are required to be in the mining overlay land use designation in the comprehensive plan, and also within the mining overlay district within the township, these two properties are currently outside of the mining overlay district. There are currently 3 parcels in the mining overlay district, it includes the Washington County Pit, BTG, and BTG II Pit (now Cemstone). They are all off of County Rd. 7. The mines all share an access point on Cty. Rd. 7. Currently Washington County must go through the Cemstone sites to get access to their mine. All three of the current mines are within the overlay in the comprehensive plan and zoning ordinance. The request is to amend the comprehensive plan to put the properties in the mining overlay district, rezone the lots and then get a Interim Use Permit (IUP) to mine the land. All three changes must be approved to move forward. The township is a non-urban community and as required comprehensive plan, must provide mining material/facilities/areas to mine. The Met Counsel approved the comprehensive plan as meeting this goal. Also noted, within the zoning ordinance, it states only one principal use of a property is allowed. There is a house on the property and mining is not identified as an accessory use.

Mining can trigger a mandatory EAW (Environmental Assessment Worksheet) that may dictate if an EIS (Environmental Impact Statement) is required. The proposal here does not require an EAW because the size is under the mandatory threshold.

An Interim Use Permit is required to mine. Gravel mining operations must meet criteria to operate. Most notably, the comprehensive plan and rezoning must be in place/approved before an IUP can be granted for mining.

This request has been before the Board a number of times in the past. All previous requests have been denied. This proposal includes mining 700-800 thousand cubic yards of fill, occurring in phases, including reclamation plans, crushing (90 days per year proposed), hours of operation (Mon.-Sat. with no holidays), noise plans, and a landscaping plan. If an IUP is issued it would be good for 5 years including annual permits that report the material quantities and targets. Bonds are also required for the reclamation guarantee. It is fairly straightforward. Setbacks and plans are also required and provided with the application.

Access to the site is an issue at this time. The applicant is seeking to use a previously closed access off of May Ave, currently used only as an emergency access. There is concern around large trucks commingled with local residential traffic and potential damage to a local scenic road. However, the applicant is offering to help re-do the road to help support the additional mining traffic load.

The considerations that need to be considered are; is the site is appropriate for mining, is adding additional mining consistent with the comprehensive plan, is the rezoning justified, are the requirements met, general safety of the surrounding land, traffic conditions, parking, property values, scenic views, effect of the use on comprehensive plan.

Overall issues seen by the township are the access, it is inconsistent with the comprehensive plan, it is not in the mining overlay (the township cautions any expansion), and it is not consistent with policies. If the above issues can be remedied and approved an IUP may be granted. If recommended for approval, watershed comments need to be addressed, road reconstruction details need to be gathered, and a Washington County approval will also need to be granted.

The applicant is well versed in mining operations and the application is complete and well presented.

Chair Nelson asks what the current capacity of the existing mines are now. Sparks received comments from the Township Engineer that the other mines have quite a bit of material left. He estimates 2 million yards left in the privately owned mines. However, the rate of mining is up to the owners. Perhaps the time to expand the mining overlay is when those mines are closer to empty.

Member Langer finds it difficult to get passed changing a comprehensive plan in order to approve a mine. This request does not have a need or capacity to change at this time. This property was never in the mining district; there needs to be a demand for it. It is tough to even get passed the first hurdle of a comprehensive plan amendment. There is existing land dedicated for mining purposes already.

Member Nesse asks about the plans for processing outside materials. Nate notes that it is fairly common to have outside material brought into a site.

Brianna Smith, attorney for applicants. Ms. Smith is happy to answer any questions/concerns tonight and has supplied a 3-ring binder with additional information to each Planning Commission member.

Addressing the issue of prematurity with the comprehensive plan amendment and zoning change, there are several policies in the township plan that support this request. The Land Use Policy

requires the applicant to preserve, maintain, or restore natural resources – aligning with the comprehensive plan regarding aggregate resources recognizing the pockets of aggregate resources in the township, including the Frattalone property.

While there are 3 other mines to the south of this property, it is important to note that this is a request to simply expand in the same area where mining is already happening. With the approval of the other mines in the same area, Ms. Smith states that with contiguous acres of aggregate, as is the case here, the property owners do in effect have a right to mine the entire area. The concept is that when you approve the initial area for mining you are effectively approving, at some point, the rest of the expansion. Another land use that allows for fair use in managed development that is in the long-term best interest of the town. The applicant has waited nearly 20 years since last denied the request to mine this area and have been in this business for many years. The applicant would do this in a responsible and respectful manner. The gravel produced could be utilized on the township roads.

If there is concern about this not being consistent with the neighborhood, the packet of information that was handed out highlights the residential support of this mine surrounding the area. Based on discussions the owners had their neighbors. There is only one house the abuts this May Ave. site. The applicants are willing to find an alternative access route if needed and can condition an approval tonight on finding an alternative access.

Truck traffic with this mining application would not use any part of a township scenic road. The roadway that is utilized is one that the applicants are proposing to make all the needed repairs to the roadway. An approval can be conditioned on this and any other reasonable improvements the township requests.

Frank Frattalone (applicant). Mr. Frattalone had tried to get access from the previous owners of the former BTG sites and it just never worked out. The new owners (Cemstone) are open to the idea, but concerned about their permit and need to be respectful of a township decision regarding access. At this time, Mr. Frattalone is still in communication with Cemstone to get shared access off of Cty. Rd. 7. Mr. Frattalone notes that one of the Cemstone mines does not have much material left. Washington County is almost out as well. Mr. Frattalone has also offered Washington County a shared gravel trade to benefit the community.

Tony Frattalone. 14259 May Ave. He has lived in May Township for 30 years, raised his kids here, has supported the community, and farmed his property. The need for resources in the area is growing; resources are getting rare and keep moving out to more rural areas. He clarifies that this is a gravel pit, not a mine. It is a small area with gravel, located in a low area with trees all around it. Mr. Frattalone demonstrates a backup alarm that is required on trucks. The new alarms are quieter, and based on how much other noise in the area there is. Only if there is more noise in the area the alarms on the truck gets louder. Again, a plan was provided to rebuild the portion of May Ave. to support truck weight and trips. A meeting with Cemstone this week was left with no answer for the access, but he believes if this can move forward access will not be a problem.

Nesse has concerns about an excessive amount of material hauled into the township only to be processed here and then taken out of the township again. Other concerns include continual traffic, wear on the roads, noise, and he does not want to see an industrial processing facility. But

reasonable recycle processing is common in this business. How can we be assured this won't create a new skyline and how can we control the amount of material brought in and out for processing.

Mr. Frattalone explains that it is about \$2.06 to run a quad-axel truck per minute. If material is coming in, they will be hauling something else out at the same time. Trucking is so expensive that the goal is to make a round trip where one product comes in and another goes out with the same truck. The pit is low (in a hole) so unlikely that any views would be changed.

How many trucks per day? A: An estimated 54 truckloads on a busy day.

Chair Nelson asks about the other mines/gravel pits the applicant operates. What is the necessity to open another gravel pit in May Township? A: Proximity and location.

Nelson, seconded by Otterson, to open the public hearing at 9:03 p.m.

Stephanie Nelson, 12637 Square Lake Trail. The request is to mine 27 acres; will you ask to mine the rest of your land later? Cemstone is likely trying to purchase more property to expand. There is a fear that a precedent will be set if this rezone is allowed. She has concerned that the traffic will be on Square Lake Trail and the hours of operating is the same time the kids get on the bus. More industrial will not keep the township rural and this is not the right decision for the township.

Tara Ellison. xx115 May Ave. N. Concerned about Saturday hours, dust, and noise.  
*(mostly inaudible conversation about trees and setbacks from railroad tracks)*

Cindy Johnson. 15250 May Ave. How will they get the pit so deep? Blasting?  
A: *(inaudible/unclear...)* Once the material is out, they will restore the site as Mr. Frattalone wants to farm the land again.

Andy Nelson. 12637 Square Lake Trail. Mr. Nelson would recommend the township not open up more land in the township until the other land is exhausted and the resources are gone. One of the neighbors is the Schroeder family trust that borders both sides of this land, they are in negotiations with Cemstone and Frattalone to sell them the land.

Bob Bramstedt. 14520 Morgan Ave. He lives just north of the Frattalone. Noise pollution, air pollution, property devaluation. 35 years ago, that property was zoned rural residential. Mr. Bramstedt has provided a letter for the Board stating his intentions, desires and the avenues he will take. It does not seem like this use fits right now. This property is also near a wetland.

Allan Perry 15250 May Ave. N. The comprehensive plan does not allow this use. 20,30,60 monster trucks would be traveling on May Ave. or Square Lake Trail, we use these roads every day – are we supposed to wait? 60 trucks is a traffic jam. This does not mesh with a rural community.

Anonymous. 60 trucks over a 12-hour period equates to 1 truck every 12 minutes.

Resident on Norell. A couple years ago when the gravel pit came in, they proposed about 1 truck every 12 minutes. It wasn't long before it was 1 truck every 2 minutes. The resident went to the

Stillwater Township meeting to see what was happening with Miller Excavating, there were 1000 trucks per day. What is my property value going to be worth? What about the groundwater and how is it being protected? May Township is a sandpile. Hours and noise are concerning.

Clay Wagner. 80650-136<sup>th</sup> St. N. Has lived her for 30 years and has known the Frattalone family for 22 years. They are extremely involved in the community with fundraising and supporting the school. Their heart is with the community and at the same time trying to run a business. There is compromise to be made. The Frattalone philosophy is take care of your community, neighbors, and do the right thing.

Attorney Brianna Smith notes that there are town codes that ensure the trees, setbacks, noise issues all have minimum standards that need to be in compliance.

Nelson motions, seconded by Rydeen, to close the public hearing at 9:24 p.m. Chair Nelson appreciates all the input from the public.

Langer is not comfortable recommending a modification of the comprehensive plan nor changing the zoning on the property.

Rydeen asks how much can the lines move toward Hwy 7? Is there gravel all the way to 7?

A: The elevation does not allow us to go all the way to 7. (*inaudible*)

Otterson sees issues with the proximity so close to a wetland. He is not sure this is the right time nor the right location. Langer theorizes that the watershed will do their due diligence to protect the water and not sure if that is within the township's control/worry.

Rydeen felt the May Ave. entrance should be the correct and only access point. Each mine should utilize one entrance and have direct access to their mine from that point. It should be brought up to a 9-ton road, depending on the truck size. A gate should be added. If the road needs repairs, the gate gets shut until it is fixed. Everyone needs and uses the resources from a gravel pit. He is unsure about changing the comprehensive plan, there are issues both ways. This needs to be looked at positively. There are issues with a gravel pit but the township needs to be stronger about the language surrounding the current gravel pits.

Nesse found 3 non-starters for this request. Changing it from agricultural to mining overlay, putting truck traffic back on to May Ave., and possibility of a large recycle operation.

Nelson notes other areas in the township have aggregate as well that might be a better location. Maybe it is time to be more proactive about long term goals. Where it makes sense to place mining allowance in the township so we can be strategic in where mining or other uses are allowed in the future. He can't find a consideration for approval at this point.

Langer motions to recommend denial to the Board for a comprehensive plan amendment, rezoning, and an Interim Use Permit for Diggers, LLC, Otterson seconds. All in favor. Motion passed.

Meeting adjourned at 9:51 p.m.

Respectfully submitted by Bobbi Hummel.

A handwritten signature in cursive script that reads "Bobbi Hummel".

Bobbi Hummel  
Clerk/Treasurer