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PLANNING COMMISSION  
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Marine on St. Croix, MN 55047  
(651) 433-8510

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**AGENDA**  
**TOWN OF MAY**  
**PLANNING COMMISSION**  
**October 28, 2021 at 7:00 p.m. via Zoom**

- I. Call to order**
  - a. Review and approval of minutes from September 30, 2021 PC Meeting
  - b. Ted Nesse Interest in Planning Commission position
  
- II. Public Hearings**
  - a. Connexus/Anoka Electric Cooperative Substation Application
  
- III. Adjourn**

**TOWN of MAY  
WASHINGTON COUNTY, MINNESOTA  
OFFICIAL PLANNING COMMISSION MINUTES  
September 30, 2021**

The Planning Commission for the Town of May held its regular monthly meeting on Thursday, September 30, 2021, via video/telephone conference. Members in attendance were Chair John Arnason, Don Rolf, Lester Rydeen, and Alternate Mitchell Otterson. Members Walter Peterson and Chad Nelson were absent. Also present were Town Clerk/Treasurer Linda Tibbetts (at the Town Hall) and Town Planner Nate Sparks. Planning Commission Chair Arnason called the meeting to order at 7:00 p.m.

Notice of the Planning Commission Meeting and Public Hearing was published in the township's legal newspaper, the *Country Messenger*, posted at the Town Hall, and posted on the township's website. Notice was sent to neighbors of applicant's subdivision.

**Minutes from July 29, 2021, Planning Commission Meeting**

Arnason moved, seconded by Rydeen, to approve the July 29, 2021 minutes as presented. By Roll Call Vote: Arnason: YES; Rydeen: YES; Rolf: YES; Otterson: YES. Motion passed.

**Harvieux Subdivision Application**

Sparks outlined the Manning Ridges Preliminary and Final Plat Application received by Dave Harvieux for 13757 Manning Trial North. Harvieux is requesting approval of a preliminary and final plat to create two separate parcels from a property which is about 28 acres in area. The site is zoned Rural Residential and has an existing home. This zoned area allows density of one unit per ten acres which would allow two parcels. Lot 1 is the proposed newly created buildable lot and would be 10.01 acres in size. Lot 2 would have the existing house and would be 16.59 acres in size. The right-of-way dedication would be 1.31 acres. As currently proposed, Sparks said both lots would exceed the required 300 feet of frontage for lots in a minor subdivision which exceeds four acres in area. Sparks reported Section 901.04.20 of the Subdivision Ordinance requires soil testing for the installation of both a primary and secondary on-site sewage disposal. As a condition of approval, the applicant must receive a septic permit from Washington County. Some soil testing sites are identified on the survey. The results of this testing should be reviewed with Washington County to determine two septic sites on the new lot and the alternate site for Lot 1.

The property has several accessory buildings which would need to be removed. There are three sheds on proposed Lot 2 that are identified to remain. One is 2,065 square feet in area, another is 445 square feet in area, and the third is 413 square feet in area. The town's zoning ordinance allows lots between five and twenty acres to have up to two accessory structures that total up to 2,500 square feet in area. With all three, this would exceed the size limitations. The building of 445 square feet could be removed and the remaining two would meet this requirement.

Finally, Sparks noted the Town Engineer reviewed the proposed plans and noted no lowest floor elevation is proposed on Lot 1.

Chair Arnason opened the public hearing without objection at 7:07 p.m. as his authority as chair of the Planning Commission.

Bill Bongard of 13889 Manning Trail was present at the hearing. His property is to the north of the proposed subdivision. He notes the wetland areas and notes concerns for water runoff. Dan Thermes, the surveyor on the project, noted the low land delineation was noted on the plat. Sparks wants more detail as the proposed plat doesn't include such. Bongard asked what Harvieux's plans are for the subdivision. Harvieux noted if the subdivision is approved by the Town Board, he plans to place the properties on the market.

Chair Arnason closed the public hearing without objection at 7:15 p.m. as his authority as chair of the Planning Commission.

The Planning Commission members did not have questions regarding the proposed subdivision.

Arnason moved, seconded by Otterson, to recommend the Town Board approve the Harvieux Subdivision as presented subject to the following conditions:

1. The 445 square foot accessory building on Lot 2 shall be removed prior to the recording of the final plat.
2. All necessary permits shall be sought by the applicant.
3. The septic system design and location on Lot 1 and the alternate site on Lot 2 is to be reviewed and approved by Washington County or the Town's Septic Consultant.
4. A park dedication fee of \$800.00 is to be paid to the Town of May prior to recording the plat.
5. All comments from the Conservation District, Watershed District, Town Engineer, and Town Attorney shall be addressed.
6. The access points and right-of-way dedication are subject to review and approval by Washington County and the Town Engineer

By Roll Call Vote: Arnason: YES; Rydeen: YES; Rolf: YES; Otterson: YES. Motion passed.

Chair Arnason adjourned the meeting without objection at 7:19 p.m. as his authority as chair of the Planning Commission.

Respectfully submitted,

Linda M. Tibbetts  
Clerk/Treasurer

## Linda Tibbetts

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**From:** tnesse@nesse.org  
**Sent:** Tuesday, October 12, 2021 7:02 PM  
**To:** 'Linda Tibbetts'  
**Cc:** john.arnason@andersencorp.com  
**Subject:** RE: Planning Board

Dear Chairman Arnason:

I'd like to be considered as a candidate for the open alternate position on the May Township planning commission. I've been impressed with the business-like approach I've seen on issues that have come before the commission, and I'd be able to make a contribution to the work of the commission. The well-documented and up-to-date information our town clerk was able to provide about the work of the commissioners is an indicator of a well-run local function that serves our community well.

I've retired from a career as an engineering executive (with bouts of actual useful work on electronic product designs), and I've found the creative yet systematic approach required for successful design projects applies well to other domains where people need to cooperate for great results. Good listening, consistent application of requirements and collaborative problem-solving can help keep one out of the newspaper whether one is designing life-safety equipment or whether one is interpreting zoning and development requirements.

Mona (my wife) and I have been in the area for over 20 years, much of it just south of here on 97th Street in Stillwater Township. Our son and daughter remain relatively nearby with their families and careers. Mona and I had the shell of our Ostlund Court North home put up starting December 2017, and we took over the work ourselves, as planned, later that winter. There were a couple of notable items where our architect's plan didn't meet Township requirements, and I remain impressed by the speed with which we got actionable feedback and approval of revised plans so that we didn't miss a very small window in a difficult contracting environment. I'd like this opportunity to give back to my community.

Please feel free to contact me for additional information.

Best Regards,  
Ted Nesse

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**From:** Linda Tibbetts <Linda@townofmay.org>  
**Sent:** Tuesday, October 12, 2021 11:37 AM  
**To:** tnesse@nesse.org  
**Cc:** john.arnason@andersencorp.com  
**Subject:** RE: Planning Board

Hello Mr. Nesse:

Thanks for reaching out. The Board recently updated the Town Code on the Planning Commission. A copy of the ordinance is attached, as well as the section of the Town Code from before. The meetings are the last Thursday of the month. Current members include John Arnason, Chair; Don Rolf, Vice Chair; Lester Rydeen; Walter Peterson; Chad Nelson; and Alternate Mitchell Otterson. The pay is \$25 per meeting attended.

If you are interested, please submit a letter of interest.

Thanks!

Linda

Linda Tibbetts  
Clerk/Treasurer  
Town of May  
P.O. Box 60  
Marine on St. Croix, MN 55047-0060  
(651) 439-1706  
[linda@townofmay.org](mailto:linda@townofmay.org)  
[www.townofmay.org](http://www.townofmay.org)

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**From:** [tnesse@nesse.org](mailto:tnesse@nesse.org) <[tnesse@nesse.org](mailto:tnesse@nesse.org)>  
**Sent:** Friday, October 8, 2021 1:53 PM  
**To:** 'Linda Tibbetts' <[Linda@townofmay.org](mailto:Linda@townofmay.org)>  
**Cc:** [john.arnason@andersencorp.com](mailto:john.arnason@andersencorp.com)  
**Subject:** Planning Board

Hi Linda:

Not sure I want to commit yet, but I'd like to know the responsibilities of the planning commissioner alternate. We seem to get good decisions from the commission, and it's possible I may be able to contribute. Is there a list of responsibilities I could review?

And thanks for having my visual aid available for the brief Ostlund Tr N discussion last night. I was returning from central MN and stopped along the road in a small town to participate as I could. I was pretty sure I'd have a chat with the local constable before my business was complete, but your helpful agenda reordering got me back on the road quickly.

Thanks!  
Ted Nesse  
651 402 1650



**MEMORANDUM**

TO: Town of May Planning Commission  
Town of May Board Chair and Supervisors

FROM: Nate Sparks, Town Planner

DATE: October 20, 2021

RE: Connexus Energy – Conditional Use Permit & Variances  
13200 170<sup>th</sup> Street North

**Background**

The Town has received an application for a conditional use permit with variances from Connexus Energy to allow for a wireless communications tower at 13200 170<sup>th</sup> Street North. The site is currently utilized as an electrical substation. The proposed tower would require multiple variances from the Town Code.

Attached for reference:

Application  
Site Plan  
Building Plans

**Site Location & Zoning**

The subject site is located at 13200 170<sup>th</sup> Street N. This is located on the north side of County Road 4 between 13128 and 13290 170<sup>th</sup> Street. The property is zoned Rural Residential. The site is approximately 1 acre in size.

In the Rural Residential District, Essential Services for transmission services, buildings, and storage are allowed via Conditional Use Permit. This site predates the code and there is no conditional use permit on file. Any expansion of the site would require a new conditional use permit but the pre-existing conditions would be grandfathered.

Also, within the Rural Residential District, a wireless communications tower requires a conditional use permit.

**Applicant's Request**

The applicant is requesting to place a 60-foot-tall wireless communication tower at the site of the substation. The tower would have a satellite dish type apparatus on the top of the tower. The dish is three feet in diameter. The tower will be placed approximately 35 feet from the north

property line within the fenced area surrounding the substation. The pole will be about 100 feet from both the east and west property lines and about 160 feet from the right-of-way. The setback requirements are 40 feet from the front, 20 from the sides, and 50 from the rear.

In past communications about this project, the applicant stated the following:

“The pole would serve as multipurpose communications structure for attaching antenna for the following:

- Critical Need - Land Mobile Radio system (LMR) – Connexus energy uses a digital radio communications system for voice communication to mobile unit (trucks, other field vehicles) and handheld radios for field crews. The system currently employs a public cellular radio channel for backhauling the signal from existing communications system located at May Substation. The cellular system is not compatible with the digital radio system, and often cuts out radio traffic from the field unit to the home base. This is a safety and service reliability issue that needs to be fixed. Connexus is pursuing installing a microwave broadband system at this location to resolve this issue.
- Connexus is moving forward with installing AMI (Automated Metering Infrastructure) system. The microwave would also be used as part of the communication system to route field data traffic to Connexus office.”

### **Application Review**

The proposal is to place a 60-foot private radio communications tower on the site of the substation. The Town Code provides that no structure, including communication towers, may exceed 35 feet in height. Exceptions are found for towers in Section 603 of the Town Code when in receipt of a conditional use permit and meeting certain standards.

The Zoning Ordinance also states that such structures must meet all accessory building setbacks. The structure is about 35 feet from the rear setback. The ordinance requires 50 feet.

### **In Section 603.08.C, the following towers are permitted with a Conditional Use Permit within the Rural Residential District:**

1. Antennas attached to an existing structure or tower and not extending more than 15 feet above the highest point of the structure or tower.
2. A free standing communication tower not exceeding a total of 199 feet in height.
3. Antennas attached to an existing structure or tower exceeding 15 feet above the highest point of the structure or tower not to exceed a maximum total height of 199 feet.
4. A tower within the easement of a high-power transmission line or within 50 feet of the easement on the same side of a road to a maximum height not to exceed a total of 199 feet in height.

Comment: *The proposed tower is within 50 feet of the substation. It could be possibly construed to fit under 603.08.C.4 in the section above. It would also fit under the general provision for a tower under 603.08.C.2 above.*

**Then in Section 603.09 it is stated the prohibited towers. This includes:**

- C. No tower over 35 feet in height shall be located within 500 feet of any residential dwelling other than the dwelling on the parcel on which the tower is to be located.

Comment: *No survey was provided but it appears to be approximately 380 feet from the house on the property to the west.*

- E. No tower over 35 feet shall be erected in an area one-half (1/2) mile West of the centerline of State Highway 95 to one (1) mile East of the centerline of State Highway 95 or one-quarter (1/4) mile from the centerline of State Highway 96 and County Roads 4, 15 and 21, unless it can be demonstrated through visual impact demonstration that the tower will be visually inconspicuous as viewed from the road on a year-round basis.

Comment: *The tower is within 1/4 mile of the centerline of County Road 4. Nothing has been submitted depicting any degree of visual inconspicuousness.*

**Section 603.10 it is listed the performance standards that all towers must meet:**

- A. The minimum lot size for construction of a tower over 35 feet in height shall be ten acres.

Comment: *The site is about 1 acre. It does not meet this requirement.*

- B. Towers located closer to a property line than a distance equal to the height of the tower shall be designed and engineered to collapse progressively within the distance between the tower and property line. The applicant for any tower shall submit written documentation explaining tower construction and possible failure and provide assurance that blowing or falling ice can be contained on the subject property. At a minimum, the tower shall comply with the minimum setback requirement of the zone in which it is located.

Comment: *The tower is about 35 feet from the north property line, which is less than the height of the tower. No information on collapsing was provided.*

- C. A tower shall be located on a parcel of land so as to have the least impact on adjoining properties and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.
- D. The tower location shall provide the maximum amount of screening for off-site views of the facility. The Zoning Administrator reserves the right to require

creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Existing on-site vegetation shall be preserved to the maximum extent practicable.

### **Conditional Use Permit Review Criteria**

The Town Officials must ascertain that the proposed use will not be detrimental to the health, safety, or general welfare of the Town, nor will cause serious traffic congestion/hazards, nor will seriously depreciate surrounding property values, and that the proposed use is in harmony with the general purpose of the Zoning Ordinance and Comprehensive Plan.

### **Variance Review Criteria**

To grant a variance, Town Officials must make the following findings:

1. The proposed variance is consistent with the Comprehensive Plan.
2. The proposed variance is in harmony with the general purpose and intent of this Ordinance.
3. The applicant for the variance established that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means:
  - a. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
  - b. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
  - c. The variance, if granted, will not alter the essential character of the locality.
  - d. Economic considerations alone do not constitute practical difficulties.
4. A variance shall not be granted for a use not allowed under the zoning ordinance for property in the zone where the affected person's land is located.
5. The Town may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

### **Staff Review**

Connexus has communicated this request with Town Officials in the past and has been advised that it would require several variances and that the Town would be keenly interested in the appearance of the site and pole.

In a sense, the site could be viewed as not being intensely visually impacted by the inclusion of a pole, as it is not the most idyllic and serene site in the Town as the location of a substation. However, the visual impacts to neighboring properties cannot be ignored.

Connexus has been stating for years that the communications pole is necessary for the operations of their essential service. If the Town Officials find that there has been an adequate demonstration of need, a reasonable accommodation for this personal wireless communication tower with some degree of variance may be acceptable. The site being small and non-conforming in its present condition would be the likely rationale.

At minimum, however, the substation should be more properly screened and the direct view of the tower from County Road 4 should be obscured. Also, information on how the tower would collapse should be provided.

If the Planning Commission finds that the variances are too great for this accommodation, however, it would be appropriate to recommend denial of the request.

Also of note, is that the site would be receiving a conditional use where the existing conditions would be documented, if approved.

The Planning Commission may wish to table this request if it is felt that reviewing additional information would be necessary to make a recommendation.

### **Recommended Action**

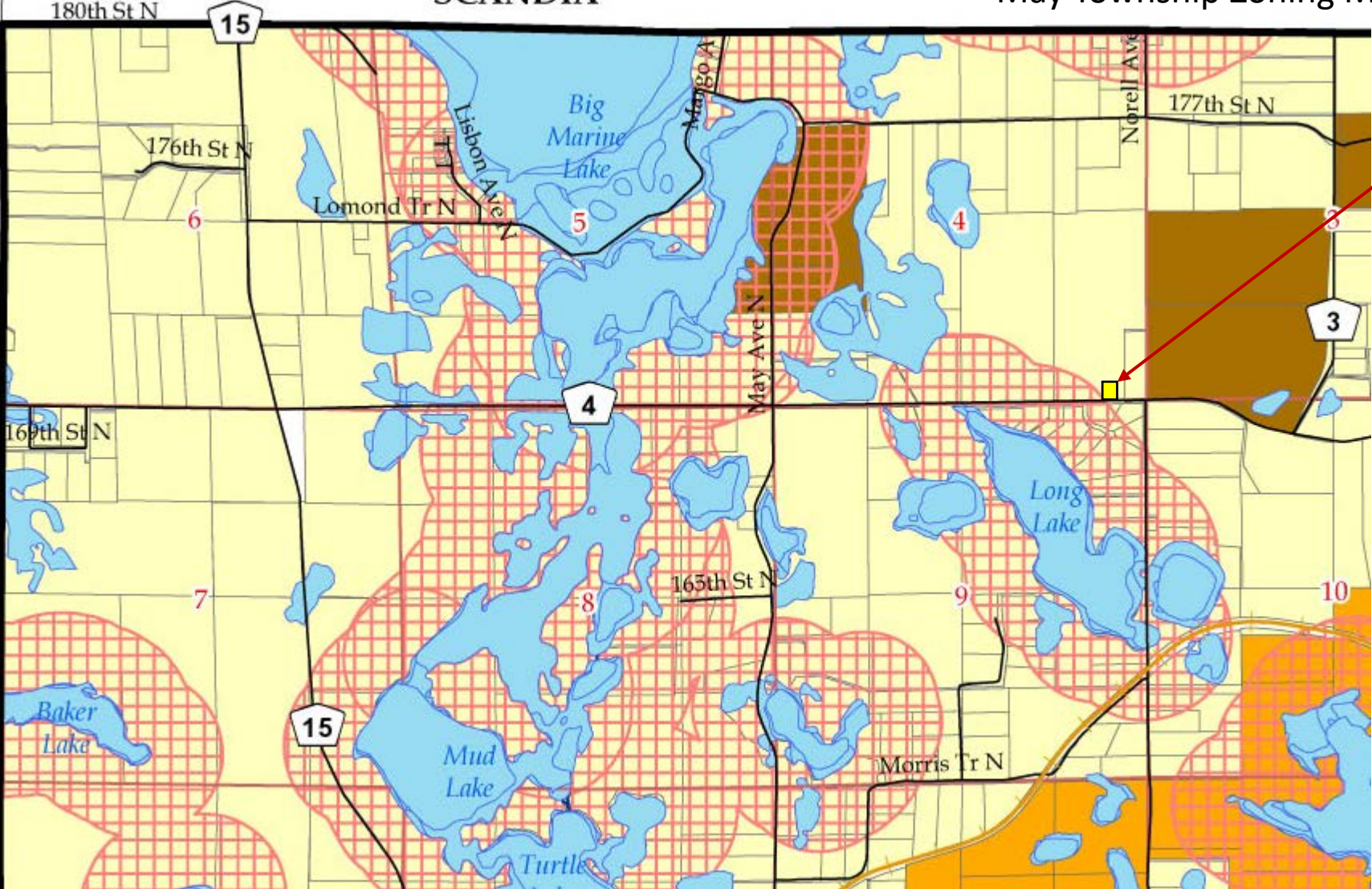
If Town Officials find that the proposed variances are acceptable, the proposed conditional use permit may be approved. Staff would find that the following conditions should be met:

1. A landscaping plan demonstrating screening trees on all sides shall be supplied to the Town subject to review and approval by Town Staff.
2. An escrow to guarantee plantings shall be provided.
3. A more detailed and accurate site plan shall be provided with the landscaping plan depicting the height of all structures on the site, height of fencing, and other information deemed relevant by Town Staff for the conditional use permit documents.
4. Any comments from the Town Engineer and Town Attorney shall be addressed.

# Connexus Energy – May Substation Communications Pole

## SCANDIA

## May Township Zoning Map



May Substation   
 13200 170th ST N, Marine on St. Croix, MN  
 Washington County

**Town of May**




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**2030 COMPREHENSIVE PLAN**

**Zoning**

**Zoning Districts**

- RR, Rural Residential (1:10)
- C, Conservancy (1:20)
- AG, Agriculture (1:40)
- General Business/Commercial

**Overlay Districts**

- SRC: St. Croix River Management District
- Shoreland Management District
- Mining Overlay Area
- Township Boundary
- Sections
- Railway
- Public Roads
- Water
- Rivers
- Streams



Connexus Energy – May Substation Communications Pole – Plan View



- Location:
- With existing substation fenced area – NE corner

# Connexus Energy – May Substation Communications Pole – Street View





# CONDITIONAL/INTERIM USE PERMIT APPLICATION

Town of May  
P.O. Box 60 | Marine on St. Croix, Minnesota 55047  
651-439-1706 | [linda@townofmay.org](mailto:linda@townofmay.org)  
Washington County, Minnesota

Owner(s) of Property: Connexus Energy (bda Anoka Electric Cooperative)

Address of Property: 13200 170th Street N

Telephone and Email of Owner(s): 763-286-3939 mike.felber@connexusenergy.com

Washington County PID: 04.031.20.44.0002

Legal Description: Section 04 Township 031 Range 020 PART OF SE1/4-SE1/4 DESC AS FOLL BEG AT PT ON S LINE OF SD SE1/4-SE1/4 DIST 412.08FT W OF SE COR THEREOF THN N (ASSUMED BEARING) PAR WTH E LINE OF SD SE1/4-SE1/4

Current Zoning of Property: Commercial

Operator(s) of Enterprise: Mike Felber

Address of Enterprise: 14601 Ramsey Blvd

Telephone and Email of Enterprise: 763-286-3939 mike.felber@connexusenergy.com

Condition Use: Small Business (Interim)  Kennel  Non-Profit  Cell Tower  Other: Utility

*(Note: Small business requires a parcel of ten acres or more. The operator of the small business must reside at the property.)*

### Description of Operation

*(Note: Answer only those questions that apply. If your application is for a Small Business or Non-Profit you will need to answer all questions. However, if your application is for a private (non-commercial) kennel or temporary mobile home as examples, many questions do not apply.)*

Name of Operation: \_\_\_\_\_

Type of Service Provided: \_\_\_\_\_

Number of Residents: \_\_\_\_\_

Number of full-time employees and/or part-time employees: \_\_\_\_\_

Detailed description of operation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### Site Plan and Details of Operation

A detailed site plan must be provided, based on a to-scale drawing or survey of the property, showing the following:

- property boundaries and dimensions
- size of parcel in acres
- buildings (existing and proposed)
- adjacent roads
- all setbacks (from roads, lot lines and protected waters)
- driveway access
- parking
- drainage
- fencing
- storage areas
- lighting
- signage

- vegetative screening (existing and proposed)
- location of well and septic system

- (other information as required by Section 704.04 of the Town Code)

Accessory building(s) to be used: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(use, open or enclosed, size by length/width, setbacks in feet including side/rear, existing building and/or buildings to be built. Explain how each building will be used.)*

Who prepared site plan, if other than applicant: \_\_\_\_\_

If other than applicant, list contact information: \_\_\_\_\_

Describe the following:

Visitors per day: Average \_\_\_\_\_ Peak \_\_\_\_\_

Cars/Vehicles per day: Average \_\_\_\_\_ Peak \_\_\_\_\_

Parking spaces filled per day: Average \_\_\_\_\_ Peak \_\_\_\_\_

Visitor trips per day in and out: Average \_\_\_\_\_ Peak \_\_\_\_\_

Deliveries/pickups per day: Average \_\_\_\_\_ Peak \_\_\_\_\_

Vehicles, trailers, machinery, raw materials, large products on site: \_\_\_\_\_  
 \_\_\_\_\_

Describe movement of vehicles, trailers, machinery, raw materials, large products, if not described above: \_\_\_\_\_  
 \_\_\_\_\_

Days of Operation/Hours of Operation: \_\_\_\_\_

Lighting: \_\_\_\_\_

Signage and Advertising: \_\_\_\_\_  
 \_\_\_\_\_

Noise Factors (*describe source, intensity, time duration, and mitigation*): \_\_\_\_\_  
 \_\_\_\_\_

Chemicals, pollutants, hazardous waste storage and disposal: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Any additional information about proposed operation: Connexus currently uses cellular modem as media for communication. This is not reliable and adequate for current and future requirements at this location. Connexus proposes to install a single direct buried steel pole that will be 60 feet about ground for the purpose of mounting a microwave antenna for communications. This pole will be inside the existing electric substation fence.  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTICE**

If this application is for a Small Business/IUP, CUP, Township ordinances require: a 10 acre minimum parcel size; the operator of the business must reside at the property; minimum 100 foot accessory building side lot line and rear lot line setbacks if the business is to operate out of an accessory building. Small Business regulations are further described in Chapter 4, Article 402 of the May Town Code. If this CUP application is for a Kennel, these regulations are described in Chapter 5, Article 501; if this CUP application is for a Cell Tower, these regulations are described in Chapter 6, Article 603.

It is the responsibility of the applicant to obtain copies from the Town Clerk/Treasurer of any and all Township ordinances and supporting materials related to their application and proposed use, including Section 704.04 "Conditional Use Permits", before submitting the application.

**ATTEST AND AGREE**

By signing this application, I attest that I have read and understand the application, and that the statements and descriptions I provide herein to be true, and constitute an accurate description of the property and the proposed conditional use operation. I further understand that this is only an application and is not a Conditional Use Permit, and that the conditional operation or use proposed herein shall not begin or take place until a Conditional Use Permit has been agreed to and executed by both myself and the Town.

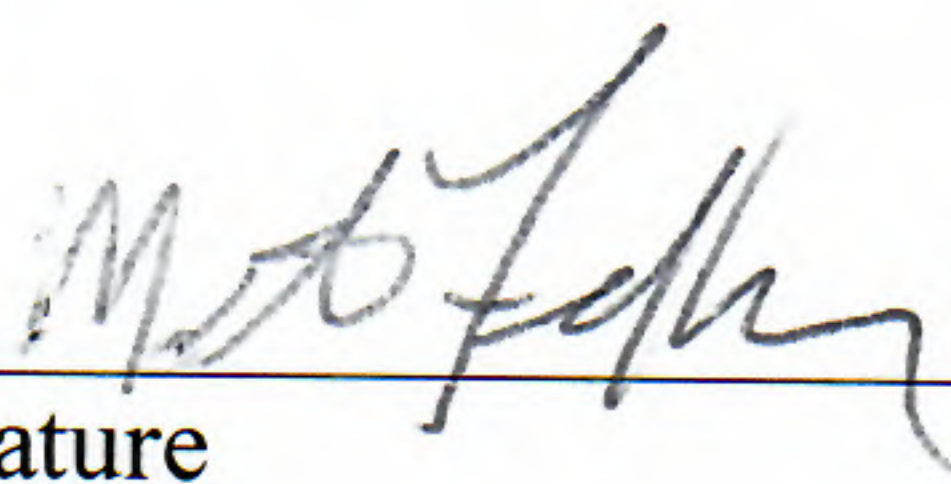
I further understand and agree that if a Conditional Use Permit is granted, that as a condition of its grant, the Town may conduct a periodic review of my permit and of my operation. Further, my operation is also subject to compliance with the directives of any governmental or regulatory body or agency having jurisdiction over the use of the property, and subject to compliance with any statute, rule or regulation pertaining to the property or the use.

Conditional Use Permits are generally reviewed annually at the direction of the Town Board. This review may be informal such as an opportunity at the Annual Town Meeting for anyone to comment on any "conditional" use operating in the Town, or it may be formal such as a public hearing for one or more specific operations. The Board will notify the permit holder 10 days in advance of any formal permit review process.

I further understand that if the Town determines through such review or otherwise, that said conditional operation is being conducted in violation of, or otherwise outside the scope of, this application and/or any Conditional Use Permit, that such permit may be revoked by the Town, and the permit holder, once notified, shall cease the conditional operation immediately.

Finally, I understand that to cover expenses incurred by the Town in acting upon this application, a cash escrow will be due with the submission of this application, in an amount specified to me by the Town Clerk, and that until such escrow is paid in full, this application is incomplete and will not be processed. Should the Town's expenses fall short of the cash escrow, a refund will be due to me. Should the Town's expenses exceed the escrow, I will be asked to furnish an additional cash escrow and/or pay any invoices resulting from this application in a timely manner, before further work by the Town on this application can continue.

Mike Felber



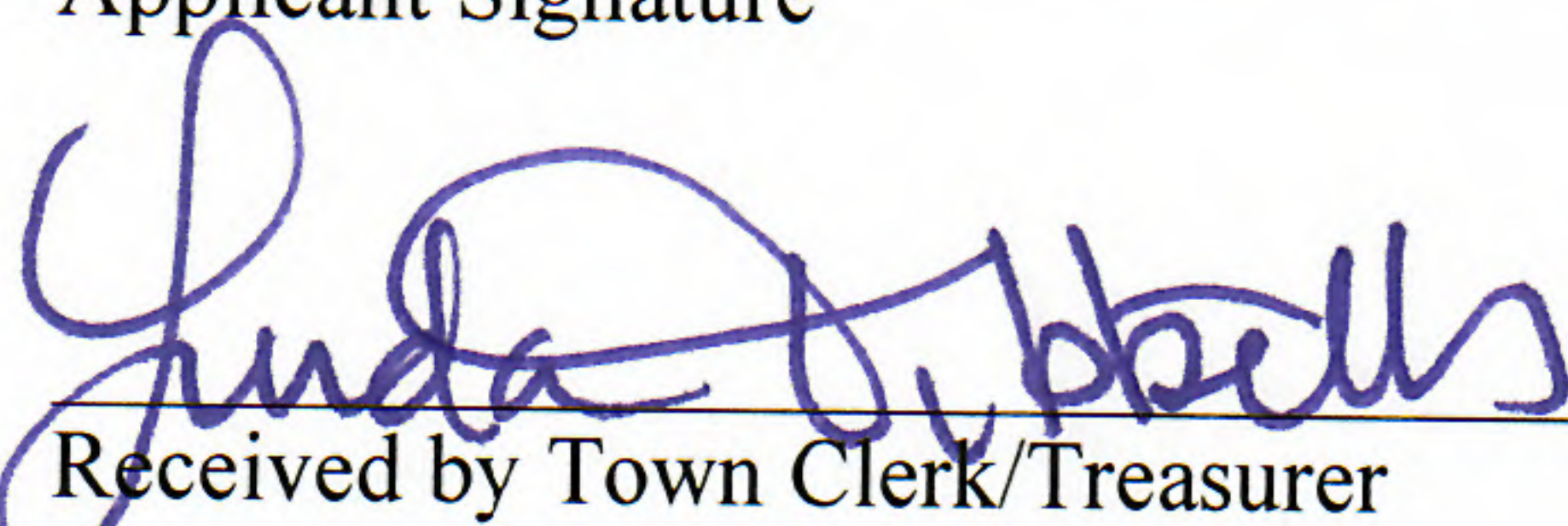
Digitally signed by Mike Felber  
Date: 2021.09.09 10:31:44 -05'00'

Applicant Signature

9/9/21

Date

Applicant Signature



Received by Town Clerk/Treasurer

Date

9-27-2021

Date Received

\$2000 Escrow \$100 fee

Amount of Filing Fee and Escrow

9-27-2021

Date Received



Same pole at a substation in Coon Rapids

Connexus May Sub



Three ft dish



Overall height  
60ft

Ground

