

**TOWN of MAY  
WASHINGTON COUNTY  
PLANNING COMMISSION  
June 28, 2012**

The Planning Commission of the Town of May met for their regular meeting on Thursday, June 28, 2012, at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Steve Magner, Don Rolf, Mark Dupre, Lester Rydeen, Chad Nelson, Jeff Chase. Absent: Jyneen Thatcher and alternate William Still. Also present: Linda Klein, Town Clerk. Chairman Arnason called the meeting to order at 7:00 pm.

**Approval of Minutes** – Arnason moved, seconded by Rydeen, to approve minutes of the January 26, 2012, planning commission meeting. All approved. Arnason moved, seconded by Dupre, to approve the February 23, 2012, planning commission meeting with minor changes submitted by Arnason. All approved.

**Public Hearing  
Minor Subdivision  
Anna Anderson Estate**

**Background**

The Anderson Estate has submitted an application for a minor subdivision. The site is about 23 acres in size and is an unaddressed property located on Otchipwe Ave at 131<sup>st</sup> St. The subdivision proposes two lots and thus constitutes a minor subdivision. The subdivision requires a variance as Section 901.09.01 requires the access points for new parcels within a subdivision to be shared.

In July of 2011, the Town Board approved a lot line adjustment such that the north property line was adjusted about 300 feet south. The lot line adjustment has made this property into a more rectangular shape of about 23 acres in size. The property is zoned Rural Residential and lies within the Shoreland Management District. The Rural Residential District allows for a density of one (1) dwelling unit per ten (10) acres. Minimum lot size allowed is 2.5 acres of contiguous buildable land, provided the overall density does not exceed the allotted one per ten. Carnelian Creek is located on southwest corner of the site and Big Carnelian Lake is located nearby. The Shoreland Ordinance states that minimum lot sizes and densities defer to the underlying zoning district.

The yield plan calculation resulted in a maximum of two (2) lots. Only two lots are proposed, so the proposed subdivision meets the Town's density standards.

The Minor Subdivision proposes to split the property into two separate lots.

**Lot One, Block One, Anna F Anderson Addition:**

- The parcel is proposed to be 11.66 acres in size after dedication of right-of-way. There are about 11 acres of contiguous buildable.
- The minimum lot width meets the ordinance requirements.
- The applicant has proposed a house and septic site that are conforming to Town ordinances.

**Lot Two, Block One, Anna F Anderson Addition:**

- Proposed to be 11.25 acres in size after dedication of right-of-way. There are about 10 contiguous acres of buildable land.

- This parcel meets the ordinance standards for width and depth.
- The parcel has Carnelian Creek running through the southwestern corner.
- There is an existing driveway on the SW corner of the property that serves an adjacent property.
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Both parcels meet the 300 feet of frontage on a public road requirement.

Section 901.09.01 states that where minor subdivisions are creating 2 or more new undeveloped parcels, the access points must be shared. For this division, the applicant is proposing an access point to be shared by Lot 2 and the parcel to the south instead of with Lot 1. The result would be the same number of access points but the planner's report indicates that this deviation requires a variance.

The Town may approve a variance for this if the use is reasonable and there are practical difficulties in meeting the standards of the ordinance. Sharing a driveway between these two new parcels could be problematic as it would require a driveway to be near the area of greater slopes. By sharing a driveway access point with the property to the south, this request appears to be meeting the general intent of the ordinance.

Soil borings have been provided on both parcels. As a condition of approval, review and approval shall be received from the Washington County Public Health and Environment Department regarding the septic system locations.

Carnelian Creek has a flood plain with an undetermined base flood elevation. The proposed building area on Lot 2 is about 20 feet higher in elevation than the creek, and thus, the building site appears to be acceptable. At the time of the building permit, the lowest floor elevation of the house will need to be established at an appropriate level.

Wetland areas near the Creek are scattered on the south end of the site. The wetland is about 80 feet from the proposed house on Lot 2 at its closest dimension and about 360 feet from the proposed new house site on Lot 1. The approval of the subdivision shall be subject to Washington County Conservation District's review and approval of the wetland delineations. Easements around the wetland and ditch are subject to review and approval of the Town Engineer, Conservation District, and Washington County. The applicant has provided easements that include the wetland buffers..

### **Planning Commission Discussion**

Chase asked how the property is followed regarding the yield plan calculation; i.e., in the future, what prevents further subdivision? Arnason stated that the details of the subdivision are noted in a Development Agreement or a deed restriction that is recorded at the County. This will state that no further development is allowed.

Arnason moved, seconded by Rydeen, to open the public hearing. All approved.

A resident asked about how existing services provided via the easement are impacted, i.e., electric, gas, etc. Arnason stated that the Town's obligation is approval of the subdivision, and the services provided via the easement is the landowner's responsibility.

The representatives of the estate came forward to address an alternate driveway location for the south lot. Arnason said that the idea for requiring a common driveway is to avoid many driveways next to one another for safety purposes. He stated that a shared driveway will be required, regardless of which driveway is chosen as the primary access point.

Arnason asked the planner if a variance is really required, due to the fact that only one lot is being created. But he agreed that it does make sense to allow the northern lot to have a driveway. He made it clear to the applicant, however, that a third driveway into the site would require a new application and public hearing for an additional variance.

The planner summarized by stating that the proposed minor subdivision with variance is consistent with the 2030 Comprehensive Plan, the Zoning Ordinance, and the Subdivision Ordinance requirements.

Arnason moved, seconded by Rydeen, to close the public hearing. All approved.

Arnason moved, seconded by Dupre, to recommend to the Town Board that they approve the minor subdivision with the following recommendations:

1. Prior to receiving any building permits, the Town Engineer and County Department of Public Works shall approve and permit the location of a driveway access and culvert for a single family home.
2. The driveway location of Lot 1 shall be relocated to be across from 131<sup>st</sup> St N.
3. Review and approval shall be received from the Washington County Public Health and Environment Department regarding the proposed septic system.
4. A wetland delineation report shall be provided as required by Washington County. A copy of this report shall be provided to the Town.
5. A park dedication fee of \$800 is to be paid to the Town of May prior to final approval.
6. Any conditions added by the Town Engineer shall be adhered to.
7. The subdivision is subject to the review and approval of Washington County.
8. The subdivision shall be recorded with Washington County.
9. Prior to any construction, a building permit must be obtained from May Township.
10. The driveway for Lot 2 shall either be shared with the existing driveway on the SE corner of Lot 2 or be shared with the driveway for Lot 1 or the applicant can apply in the future for a variance for a potential third driveway.

All approved.

## **Public Hearing**

**Annette Glamós**

### **CUP/Variance – Preserve Existing House and Construct Second Dwelling**

Annette Glamós has submitted an application for a Conditional Use Permit and Variance at her property located at 16420 Orwell Rd. The applicant is seeking a Conditional Use Permit to allow for a second dwelling unit, as the applicant is seeking to construct a new house and preserve the existing house as guest quarters. The variance is required because there will be four accessory

buildings (including the existing house) located in front of the new house. The property is zoned Rural Residential and is within the Shoreland Management District.

The applicant is proposing to construct a new house. Instead of tearing down the old house, the applicant wishes to keep it as a guest house. Section 705.06 of the Zoning Ordinance states that guest houses are allowed as accessory buildings in the Rural Residential District provided the building may not have kitchen facilities.

The ordinance under Section 705.05 E allows for properties in the Rural Residential District greater than 5 acres to have 2,500 square feet of accessory buildings. Properties with 2.5 or more acres are allowed to have two accessory structures. Both limitations are waived for agricultural buildings on parcels over 20 acres. Currently, the Glamos property agricultural and uses the following buildings:

40 x 60 pole barn

28 x 36 pole barn

18 x 16 hay barn

14 x 16 machine shed

30 x 10 saw mill

12 x 12 pump house

32 x 35 existing house

Corn Crib

Garden Shed (built before the "Garden Shed" definition changed from under 160 sq feet to under 120 sq feet)

All of the listed buildings, with the exception of the existing house and the garden shed, are agricultural buildings. Section 705.05-E-2 states that the garden shed does not count towards the number and size limitations. The existing house, which then would be the only accessory building, as a guest house, is 1,120 square feet in size, less than the 2,500 square feet limitation.

The existing house, machine shed, and pump house were ineligible for a Certificate of Compliance since, once the new house is placed, these structures would have a setback less than 80% of the setback of the new home. Since Kruppenacher and the resulting amendment to State Statutes, when reviewing variances, the Town must now consider whether or not the proposal is a reasonable use and if there are "practical difficulties" present that prevent conformity to the strict terms of the ordinance. The placement of the new house is reasonable, and there are practical difficulties (removing many mature oak trees and living close to road traffic) in placing the new house so close to the road so as to eliminate any need for variance for the other buildings.

**Conditional Use Permit.** The second dwelling requires a Conditional Use Permit to ensure that it is properly maintained and does not become a hazard or blighted and unsightly. If there are concerns regarding maintenance or the possible eventual need for "tear down," a financial guarantee to the Town (cash, bond or letter of credit) could be required to cover tear down, should the applicant not comply with an order to repair the structure.

Arnason moved, seconded by Dupre, to open the public hearing. All approved.

Ms. Glamos stated that she intends to paint the house and bring it into good repair this summer, as well as removing the kitchen facilities. Magner asked about if guest quarters are an accepted use in

the Code. He wondered how the Town confirms that the guest house stays compliant once the COO is issued and the plumbing is removed.

Arnason moved, seconded by Chase, to close the public hearing. All approved.

Arnason moved, seconded by Chase, to recommend that the Town Board approve the variance and CUP with the following conditions:

1. The guest house shall be kept in good condition in regards to the roof, exterior siding, doors, and windows, and general exterior appearance. Further, the interior condition must meet minimal standards to safely house guests.
2. The kitchen plumbing shall be removed from the existing house within 30 days of a Certificate of Occupancy being issued at the new house.
3. The guest house be subject to ongoing inspections to make certain the guest house is adhering to the first two conditions.

### **Public Hearing**

#### **Arcola Mills Historic Foundation**

#### **Request to Amend Existing Conditional Use Permit (CUP)**

Arcola Mills engaged in a month long experiment in October 2011 where the site was a National Park Service Visitor Information Center. The partnership allowed Arcola Mills to gain more exposure, increase usage at the site which recently has been very low, as well as developing a new revenue producing activity. This experiment included putting up new signage and allowing the NPS to use the historic buildings on site to house program activities. The Town Board granted approval for this activity to occur for one month. During this month-long experiment it was reported there were 4,077 visitors to the site. Arcola Mills and the NPS are now seeking to amend the Conditional Use Permit to include this programming and activity at the site on an ongoing basis.

### **PROPOSED AMENDMENTS**

Arcola and the NPS are co-applicants to amend the existing CUP. The proposed amendments to the CUP are mostly related to the signage and number of visitors and can be summarized as follows:

**Signage Plan.** For the one month trial in 2011, there were several signs placed directing traffic into the site, and then away from the residences to the south on Arcola Trail. For the amendment to the CUP, the signage will include 2 directional signs (referred to as the “Southbound Directional Sign” and “Northbound Directional Sign” on the sign plan) on Highway 95 directing traffic onto Arcola Trail. Then a sign (“Trailblazing Sign”) on Arcola directing traffic to keep going straight where the pavement ends and the road turns to gravel. Then there will be a sign pointing into the site next to the existing Arcola Mills sign (“Entrance Sign”). For traffic leaving the site there will be a sign directing traffic back to Highway 95 (“Exit Sign”). Arcola Mills also proposes to put small 3” x 2” signs up along the trails to direct people around the site, if needed.

**“Tier”/Daily Usage System.** Currently the number of visitors is governed by a tier system that is as follows:

	Existing Town CUP
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Tiers	Ave Daily Usage	Number Days/Year	Max Annual Usage
1	Less than or equal to 27	365 days	9,855 person days
2	More than 27, but less than 65	24 or fewer days	1,560 person days
3	More than 65, but less than 100	12 or fewer days	1,200 person days
4	More than 100, but not to exceed 300	2 days	600 person days
<b>Total</b>			13,215 person days

As proposed for this amendment, the tier-ing system will need to change. The proposed change would be in effect from April 1<sup>st</sup> to November 1<sup>st</sup> and be based on the following:

<b>Proposed Amendment</b>					
<b>From April 1 to October 31 Annually (Approx 30 weeks)</b>					
Tier	Avg Daily Use	Days per Week	Max # Visitors	Days / year	Total Visitors
1	Less than or equal to 27	1	27	30	810
2	More than 27 less than 65	2	65	60	3,900
3	More than 65 less than 100	2	100	60	6,000
4	More than 100 less than 300	2	300	60	18,000
Total					28,710

The new proposed total is very similar to the 4,077 guests reported from the one month study but spread out over a seven month period. Currently, Tier 4 events require notice to the Town Clerk prior to occurring. Proposed Tier 4 events will take place up to 2 days a week and be a more common occurrence. Daily visits to the site in October 2011 ranged from 22 to 443, with an average of 136 visitors per day. This month long experiment received a large amount of publicity and the numbers are expected to be lower. The site is expecting lower numbers of visitors during the week and peak numbers of visitors on the weekends. The applicant has indicated that the site may now close over the winter.

The site programming is intended to shift from planned independent events more into activities related to the Natural Park Service. At this time, no specific changes to the activities defined in the CUP have been offered.

**Parking.** There are no changes planned for parking at the site. Currently, there is a parking lot with 30 spaces, 12 spaces along the road, and 4 handicapped spaces by the mansion, total. At peak times, people have been parking on Arcola Trail on the north side and west of the entrance drive, which is consistent with the current CUP. In order to ensure that parking does not occur anywhere else, it may be appropriate to require signage. The site also has a small grassy area that has been identified under the last CUP amendment as overflow parking by the turnaround south of the existing parking lot. Signage may be appropriate to ensure this is used to reduce parking on the street.

**Traffic.** The National Park Service activities drew a larger number of visitors to the site than what was previously anticipated. Thus, there will be a greater amount of vehicle traffic. If the exiting traffic is directed away from travelling south on Arcola Trail, the impact to the residential neighborhood should be limited.

Currently, Arcola Trail turns from pavement to gravel about 600 feet before the entrance to the site. With the proposed traffic levels, road maintenance can become a concern and the Town may need to consider paving that section in the future.

**Site Buildings.** There are several ancillary buildings, unrelated to historic lumbering activity, on the site in varying degrees of condition / decay. As part of the CUP Amendment in 2009, some of the buildings were required to be fenced off. As more people visit the site, it would be appropriate to continue this practice and perhaps take steps towards removing some of the dangerous buildings.

In summary, Sparks stated that to accommodate the National Park Service use on the site, the signage plan and the tier-ing plan is proposed to be amended. The signage plan will direct traffic into and out of the site in a manner to limit the impacts to the residential properties to the south. The tier-ing plan will allow for a larger number of visitors and larger number of peak events and eliminate the need to notify the Town Clerk for such events.

#### **Planning Commission Discussion**

Arnason called for planning commission comments on the planner's report. Rolf commented that is good to see the site being used in a productive way.

Arnason moved, seconded by Dupre, to open the public hearing. All approved.

Ray Marshall stated that the planner's report was certainly accurate and offered to answer any questions from citizens or the commission.

Arnason asked about the October trial month and if the new use in conjunction with NPS will be the same as during that trial period, or if additional Arcola Mills activities will also be conducted at the same time. Marshall stated that they have no specific programming plans, but any activity would be designed so as not to be in conflict with NPS activities taking place. He stated that the majority of activity in the summer would be as an NPS service. Arnason also expressed concern about the parking and especially parking that spills out onto Arcola Trail. Marshall said they are investigating additional parking and they will add such parking when funds are available. Arnason asked if the report had a count of cars as well as visitors. Sparks said that the NPS made a rough estimate of how many people came in each car (approximately 3.5 people per car).

Mike Berens brought up the issue of parking, being that the silver lining to the parking situation is that it limits speeding on Arcola by narrowing the road. He also stated that as adjoining property owners, they would like to have the traffic directed back to the north entrance to Highway 95. Other than that, Mr. Berens indicated that Arcola was a good neighbor and he did not have any complaints about the NPS trial period last October.

David Johnson, Chairman of Stillwater Township board, appeared representing the neighbors on the south. His concerns relate to access, not use. The community favors the expanded use of the use of Arcola Mills. The proposed access off Arcola Trail raises significant issues for them. Their history with the NPS concerns a Master Plan the NPS was developing in the past for similar usage (Visitor Center) on property located near the high bridge at the border of Stillwater and May Township. Stillwater Township concluded that the effect on township roads would be deleterious without some form of compensation or help from the NPS for the upkeep on the roads. NPS was unwilling to support this request, and the plan was aborted.

Mr. Johnson's recommendation is that a direct access road be created to carry traffic directly from Highway 95 to Arcola Mills, thus eliminating the need to use township roads. After hearing Mr. Johnson's recommendation, Mr. Berens expressed support for the idea of a separate access road off of Highway 95. Arnason asked when the discussions were held with the NPS, and he indicated the Master Plan goes back at least 20 years.

Jim Maher, a volunteer with Arcola Mills and NPS experiment, reported that most people he talked to during the October experiment came into the site via the signs on Highway 95 as opposed to Google mapping the site and following shortest directions. Dupre asked about the septic system, and Marshall stated they have concurred with the permit requirements with no problems.

Based on the uncertainty of the usage, Dupre suggested an extended trial period. Arnason stated that he is in favor of Dupre's idea of having an extended trial period from now through the Fall to see how the partnership works and see how much attendance and traffic is generated. Rolf agreed on the trial period idea, and that the final decision on the CUP could be made after the trial period information is gathered.

Magner moved, seconded by Arnason, to close the public hearing. All approved.

Arnason moved, seconded by Chase, to recommend to the Town Board that they deny the proposed amendments to the existing CUP, but grant approval for a temporary trial period through October 2012 consistent with the request in the CUP application. Their additional recommendations included a suggestion that Arcola Mills Foundation and the NPS do some work around how to increase parking within the facility during this trial period and the feasibility of another access directly off of Highway 95. The following conditions were recommended:

1. Parking in the internal overflow lot, approved during the last amendment process, should be encouraged, thus reducing if not eliminating parking on Arcola Trail. Signage managing this parking goal is appropriate to require.
2. At the end of the trial, statistics regarding the number of visitors shall be provided to the Town to review against the proposed Tier-ing Plan.
3. Based on actual traffic counts that occur, the Town may require that the applicants pave the gravel portion of Arcola Trail up to the site entrance.

All approved.

**Topics for further discussion:**

1. Minimum floor elevations. The topic was generated based on discussion of the Anderson subdivision near Carnelian Creek.
2. Guest quarters/kitchens. A question arose regarding code book definitions of making certain that guest quarters are not a second residence.
3. Noticing requirements. Is 500 foot radius adequate to cover all the people who need to be noticed?

Hearing no further business, Arnason moved, seconded by Rydeen, to adjourn. All approved.  
Respectfully submitted,

Linda Klein,  
Town Clerk