

**TOWN of MAY  
WASHINGTON COUNTY  
PLANNING COMMISSION  
September 27, 2012**

The Planning Commission of the Town of May met for their regular meeting on Thursday, September 27, 2012, at 7:00 pm at the May Town Hall. Members in attendance were: Chairman John Arnason, Steve Magner, Mark Dupre, Lester Rydeen, Jyneen Thatcher, Jeff Chase. Absent: Don Rolf, Chad Nelson, Lester Rydeen, and Alternate William Still. Also present: Linda Klein, Town Clerk; Bill Voedisch, Town Board Chair. Chairman Arnason called the meeting to order at 7:00 pm.

**Approval of Minutes** – Arnason moved, seconded by Chase, to approve minutes of the August 30, 2012, planning commission meeting. All approved.

**Public Hearing**

**BTG and BTGII Mining Interim Use Permit**

Mr. Nicholas Arnt has submitted applications for new 5 year Interim Use Permits to continue the operation of the gravel mines known as BTG and BTG II. The BTG (Schifsky) mining pit is a 105 acre mine located off of May Avenue, south of the Washington County mine and west of BTG II. The BTG II (Indykiewicz) mining pit is 134 acres in area and is located north of County Road 7, east of BTG. If approved, the proposed request will cause new permits to be issued for both the BTG and BTG II mines covering September, 2012 to September, 2017.

As noted in the Comprehensive Plan, three existing mines are located in the Town of May: Washington County, BTG and BTG II. The Comprehensive plan defines the boundaries of the mining area within a Mining Overlay District, which is an L-shaped area bordered on the West by May Avenue and the South by CSAH 7. Both the BTG and the BTG II sites are located within this overlay. Once mining is done, these sites are planned for future residential use in the 2030 Land Use Plan.

Both the BTG and the BTG II sites are zoned RR, Rural Residential. The two sites are also located within the aforementioned mining overlay district. This mining use dates back to the early 1970's and is permitted via an Interim Use Permit, which is good for five years.

Per Section 401.04 of the Town Code, Gravel mining operations require a Mining IUP, which are reviewed on an annual basis to document compliance with the Permit. The current mining permits governing both BTG sites expire in September of 2012.

The BTG property is 105 acres in area. The current permit allows for the extraction of sand and gravel and the crushing of natural material, mined from this site only, in accordance with the plans revised on August 6, 2012. Recycling of product (hauling in and crushing of blacktop and/or concrete) is specifically prohibited at BTG. The applicant has submitted an updated Restoration plan and a revised map illustrating the mining area proposed for 2012 - 2017.

The BTG II property is 134 acres in area. Mining and crushing of natural material, plus asphalt

and concrete hauled in for recycling, is subject to the plans submitted by Bruce Folz and Associates in December of 1991. In an updated Restoration plan, the applicant has submitted a revised map illustrating the mining area proposed for 2012 - 2017. The mining area is approximately 10 acres in size and is located at the northwest corner of the property.

Mining of these sites has occurred in phases, generally moving from west to east in a time frame determined by the needs of the market. Future mining of BTG II will also move south towards CR 7. The depth of the excavation on BTG is limited to an elevation of 954. The depth of the excavation on BTG II is limited to 934 feet.

Section 401.06 of the Town Code limits mining operations to the hours of 7 a.m. to 7 p.m., Monday through Saturday. "Operation" includes driving of hauling trucks or equipment into or out of the gravel pit, loading, repairing, road work or engine start-up of any kind. Crushing operations are limited to 7 a.m. to 6 p.m., with no crushing allowed on Saturdays.

Both current permits limit on site crushing to 150 days out of a calendar year, and the applicant is asking for 180 days under the new permits. At a maximum of 22 crushing days a month, 180 days exceeds a normal 7 month mining season, in fact it exceeds 8 months. The planner questioned the need for 180 crushing days.

Trucks are allowed to enter the gate and idle inside the pits starting at 6:45 rather than idling outside the gate, which previously caused complaints. At the request of the Town, BTG has ceased using direct access to May Avenue in favor of accessing through the BTG II site directly onto County Road 7. In February of 2006, BTG reached an agreement with Washington County to allow the County pit this same access to County Road 7 through the BTG sites. This has worked well and has taken gravel traffic off of the Town road May Avenue.

In both the BTG pits, fences and warning signs are required around the sites. The BTG I pit does not have a fence on its northern boundary as it abuts the County pit.

As noted in both permits, a dust control product application is required in May and August each year and at additional times if directed by the Town Board. Class five surface is required on all haul routes within the mining area. This includes the connection to the County mine to the north. A section of the main entrance road was paved and is a major help controlling dust. It should remain paved.

Landscaping, including staggered rows of trees and berms, has been required over the years to screen the activity. Tree planting and erosion control measures are to continue according to current plans, which are subject to periodic inspection and possible amendment by the May Town Board. Mining Ordinance and current permit require that the applicant adhere to Federal, State, County, and Township noise standards.

Final restoration for the BTG site shall be in accordance with the 1992 plan and any amendments thereto. For BTG II any restoration done prior to August of 2007 shall adhere to the restoration plan created by Bruce Folz and Associates dated December 4, 1991. Restoration accomplished after August of 2007 shall generally adhere to the amended plan approved by the Town in August of 2005, however mining may now expand east of the haul road. The 50 foot

wide stand of trees to the south and east must be retained. The applicant shall work with the Town Engineer on in-field restoration to ensure that it is being done in accordance with the plans.

With the previous 5 year permit, the applicant furnished surety bonds (BTG = \$85,000, BTG II = \$83,400), which run continuously 18 months beyond the time when the mining operations and final restorations are completed. The applicant is working with the Town Engineer to determine the final amounts of these bonds for this next five year period.

An annual report is submitted to both the County and May Township specifying the amount of material removed, areas to be mined within the next year, and evidence the required bond and insurance is still valid and in force.

There have been concerns raised that BTG mining may be occurring in the County's 50-foot setback at the boundary with a neighboring residential property to the north, and that cut-banks in that area are steep. The operator states that the historic fence lines in that area are quite inaccurate, and he will commission the survey of new line stakes at that location. Thus, whether or not mining is occurring within the 50 foot setback needs to be determined. Our site tour did confirm however, that cut-banks in the area of this residential boundary are steep. Staff recommends that this area should be restored to a safe slope.

The subject mines have been in operation in excess of 30 years. The Town understands the importance of continuing the mining of aggregate material where it has been approved. However, it also understands the negatives associated with the activity on the surrounding area. The Town and County regulate this use, and attempt to control the negative aspects via the permitting process.

### **Planning Commission Discussion**

Chairman Arnason opened the meeting up to planning commission questions. Nick Arnt, BTG mining representative, went over the site plan drawings with the commission, explaining where they will be working for the next five years. Dupre asked about height restrictions for the recycle or restoration piles. Arnason moved, seconded by Dupre, to open the public hearing. All approved.

Magner brought up the topic of recycling and what materials are accepted on site in the BTG pits. Arnt agreed that the Town can establish limits on the types of material that can be recycled in the mines.

Voedisch described what the County can bring in for crushing – only asphalt from their own jobs. He feels that the BTG operation is using more materials, and he wonders what kind of restrictions need to be put on these mines. Arnt said they want to crush stone, concrete from road or driveway or parking lots, bituminous, and native material (i.e., limestone, etc.) from projects they and their partners are involved with and from other sources as approved by the Town Board.

Voedisch brought up the topic of wetlands, noting that 2 years ago he received an email requesting all new wetland delineation statements for the BTG mines. However, he is of the understanding that the Washington County mine does not need to meet the same requirements as the BTG mines. All agreed that there are communication problems among the various wetland agencies.

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

Magner moved, seconded by Dupre, to recommend that the Town Board approve mining permits for BTG and BTG II, subject to the following conditions:

1. The standards from the 2007 permit shall remain in effect except where the Town has approved changes to those standards.
2. Maps showing the limits of excavation shall be revised by the applicant to exclude areas within the County's 50-foot setbacks.
3. The applicant shall establish by survey, correct boundary stakes between BTG and the residential property to the north. If excavation has been done inside the 50 foot setback, the operator should correct this in the near term.
4. The cut-banks in the boundary area with this same residential area shall be restored to a safe, continuous slope in the near term.
5. The applicant shall receive all necessary permits from Washington County.
6. The applicant shall receive all necessary permits from the Watershed District. All correspondence for this permit shall include the Town Engineer.
7. The restoration plans shall be reviewed and approved by the Town Engineer, who will then set the bonding amounts.
8. The mining areas shall be limited to that which is defined within the revised restoration plan.
9. BTG II recycling materials are limited to stone, clean concrete from road or driveway or parking lots, bituminous, and native material (i.e., limestone, etc.) from projects they and their partners are involved with and from other sources as approved by the Town Board.
10. All stockpiles in both pits will be limited to 1,000 feet elevation and will be reviewed in the future as the areas are mined.

All approved.

Hearing no further business, Arnason moved, seconded by Dupre, to adjourn. All approved.

Respectfully submitted,

Linda Klein, Town Clerk