

Denmark Township Planning Commission Meeting  
Erin Glen 6680 St Croix Trail LLC Major Subdivision  
Public Hearing

January 19, 2016 (continued from 09/21/15)

**Planning Commission members present:** Don Schneider, Charlie Grote, Bob Barr

ex-officio Kathy Higgins

**Absent:** Steve Radke, Roger Lang

**Board Members Present:** John Kummer

**Others Present:** Attorney Kyle Hartnett (Kennedy-Graven), Engineer Cara Geheren (Focus)

**7:05 PM** Chair Barr opened Public Hearing.

Erin Glen 6680 St Croix Trail S- Major Subdivision. PID 04.027.20.41.0001 & PID 03.027.20.32.0010

Arash Moin (Stonebrooke Engineering) and owner Scott Goltz (6680 St Croix Trail, LLC) present.

The Applicant proposes to subdivide 2 parcels totaling 51 acres into 11 buildable lots.

At the July Planning Commission meeting the Commission tabled the applicant's request for Preliminary Approval of a Major Subdivision until the September 21<sup>st</sup> meeting to allow for the submission of additional materials. Additional information was requested by the Town Planner (via the 7/16/15 staff report), Town Engineer, (via the engineer's report dated 7/14/15), and Town Attorney (via the Plat Opinion letter dated 7/20/15). Follow up correspondence was sent to the applicant on 7/24/15 and 8/24/15 reiterating the outstanding issues from the July Planning Commission Meeting. Staff received updated plans on 9/2/15.

Planner submitted 09/09/15 Staff Report with updates to the 07/16/15 Staff Report.

At the 09/21/15 Public Hearing, the Applicant requested an additional 120 day extension, to 02/10/16 to allow sufficient time to gather and provide additional information and approvals to the Town.

Outstanding Items Addressed.

Stonebrooke- Made changes to the treatment pond next to the Sieben property and corrected slopes and issues related to the turn lane on Co road 21. Will be removing the cul-de-sac completely and making new driveways out to the edge of the existing cul-de-sac. Tree inventory has been completed; trees have been surveyed and marked for removal on the survey by an arborist.

Width (299.24 ft) of Lot 1, Block 1 has been corrected to show the required 300 ft.

Engineer reviewed Applicant's 01/11/16 updated plans and provided 01/12/16 report.

Drainage- Plans have been adjusted to make accommodations to direct the potential for groundwater away from the existing drainfield and send it toward the County ditch, using clay liners and trenches as barriers to prevent groundwater from finding its way to the drainfield area.

Tree inventory has been completed. Engineer is requesting that the trees that are on the grading limits are identified as to whether they will be removed or will remain, and how those remaining will be protected.

An NSP encroachment agreement must be executed between the NSP easement owner, developer and Town prior to start of construction.

County approval of the turn lanes will need to be obtained by the Applicant (Engineer recommends prior to execution of the Development Agreement).

Stonebrooke- Will be sending a copy of the plans to the arborist, to review the grading plans to look at which trees may be able to be saved, based on what is shown on the plans, and anything that may be needed to protect those trees can be added into the plans. Has been trying to get into contact with NSP to get an encroachment agreement and will check on written approval from the property owner of where the easement is. Has addressed the County comments regarding the turn lane and are waiting for approval.

Denmark Planner reviewed the revised 12/30/15 plans and provided the Planning Commission with detailed report dated 01/13/16 with 13 proposed conditions.

Planning Commission reviewed the proposed conditions with the Applicant.

Denmark Township Planning Commission Meeting  
Erin Glen 6680 St Croix Trail LLC Major Subdivision  
Public Hearing

January 19, 2016 (continued from 09/21/15)

Developer's comments regarding the recommended conditions.

Development Agreement- being taken care of, no issues.

Plat- once approval of preliminary plat, a final will be submitted with any comments addressed.

Stormwater- working on stormwater maintenance agreement.

Grading- have addressed 4:1 slope on plans. Added notes to the plan for grading of future street and proposed driveways in excess of a 10% gradient within the right of way.

Streets and Driveways- plan was revised to show updated construction be done in the cul-de-sac, note added to plan to coordinate the construction. There were 2 locations where catch basins were in proposed driveway locations, so driveway locations were adjusted to assure catch basins would be outside of that area. Waiting to hear back from the County regarding the turn lane. Note added to plan to require the new driveway surface to match the existing driveway and to require all disturbed areas to be restored with 6" topsoil and seed/sod.

Well and Septic- permits will be obtained from the Department of Health.

Tree Removals- plan is to submit copy of plans to arborist. Invasive species will be taken care of through the covenants.

Waiting to hear back from NSP and will address any changes necessary.

**PUBLIC COMMENT-**

Harry Sieben (St Croix Tr S)- Raised issue of potential impact of water infiltration of nearby property, appreciate the cooperation received and believes the plans have corrected the potential problem and has no concerns regarding it now.

Tree Removal- Received confirmation from development owner (Scott Goltz) that his property is not part of the homeowner's association. Not sure how the tree removal/survey will work out as no one knows exactly where the houses will be located on the lots. Questioned how the arborist's role will work, and who reviews this.

Engineer Geheren indicated that this would be submitted with the developer's revised plans, so Engineering will likely have 1 more round of review, which will happen prior to execution of a Development Agreement, and before a pre construction meeting. Engineer will participate in a walk through to identify potential trees.

Asked for information regarding invasive species on property that will be developed? Stonebrooke- would need to look into this. Higgins- understands that the covenants allow for removal of invasive species. Goltz noted that he does not intend on doing any buckthorn removal during the development of the road. The covenants will require each lot owner to address/remove invasive species.

John Kummer (Pt Douglas Dr S)- From a conservation perspective, would like to include requirement of rain sensors for lot owners having sprinkler systems. Note to include base course/road course and terms of when the Town will provide for road maintenance. Construction traffic should occur on and off St. Croix Trail rather than 65<sup>th</sup> Street (sign directing). Engineer noted that these items will be addressed in the Development Agreement.

**7:32 PM** Public Hearing closed. Written comment period will remain open for 10 days. Written comments must be submitted to the Town Clerk. Planning Commission Opened.

Discussion on conditions- Higgins suggested adding additional conditions to the Planner's recommended conditions for the proposal.

Well and Septic- Add conditions from Chris LeClair's (Dept of Public Health) 12/23/15 letter regarding additional soil borings/perc tests and protection of area for the primary and secondary individual sewage treatment systems.

Tree Removal- incorporate the Engineer's 01/12/16 staff report as a condition.

Add condition that the covenants be revised per the Attorney's recommendations, to assure consistency with Town Ordinance.

Denmark Township Planning Commission Meeting  
Erin Glen 6680 St Croix Trail LLC Major Subdivision  
Public Hearing

January 19, 2016 (continued from 09/21/15)

Add comments regarding requirement of rain sensors for lot owners using sprinkling systems.

**Double underlined/italic conditions were added by the Planning Commission.**

**Motion Barr/2<sup>nd</sup> Schneider to forward the Erin Glen Major Subdivision 6680 St Croix Tr S, Preliminary Approval Application to the Town Board with a recommendation to approve based on the Planner's 01/13/16 Findings of Fact and subject to the following conditions:**

1. **Development Agreement.** The Applicant shall enter into and record a Development Agreement that is satisfactory to the Town Attorney. More specifically, the Development Agreement shall include provisions related to, but not limited to, constructing the planned public improvements in accordance with the approved plans, providing the Town financial security for the construction of such improvements, the maintenance of public improvements and under which circumstances the Town will assume maintenance of the roads being built, payment of the park dedication fee, required covenants, and such other provisions as the Town Attorney determines are appropriate.
2. **Plat.** The Final Plat shall be submitted with the following conditions:
  - a. A final plat be prepared which is consistent with the preliminary plat, the Denmark Township Development Code, and state law;
  - b. The Applicant satisfactorily completes any and all requirements after final review of the final plat;
3. **Stormwater:**
  - a. The developer (and respective successors and assigns) must maintain all stormwater facilities (i.e. ponds and infiltration basins). This requirement must be clearly documented in the Developer's Agreement.
  - b. A Stormwater Maintenance Agreement that details operation and maintenance schedules and responsibilities must be provided for Township and SWWD review. The Developer must record this final approved agreement in perpetuity.
  - c. The Applicant must provide for the on-going maintenance of the storm water ponds constructed within the plat by creating a homeowners association and making it responsible for such maintenance or by some other method acceptable to the Town Board. Alternatively, the Applicant may enter into a storm water maintenance agreement with the Town.
4. **Grading:**
  - a. Correction to Sheet 10 – The proposed grading along the east side of the “future street” must be revised to meet a minimum 4:1 slope.

Denmark Township Planning Commission Meeting  
Erin Glen 6680 St Croix Trail LLC Major Subdivision  
Public Hearing

January 19, 2016 (continued from 09/21/15)

- b. **Correction to Sheet 10 – Clarify the plan note regarding grading of the “future street” to be completed with the project at this time.**
- c. **All proposed driveways in excess of a 10% gradient within the right-of-way must be revised on the plans.**

5. **Streets and Driveways.**

- a. **The proposed connection to the cul-de-sac to the west shall be coordinated with the Township.**
- b. **Relocate conflicts where driveway connections align with proposed catch basins on Lots 1 and 4, Block 3.**
- c. **Written approval must be provided from Washington County on the proposed turn lane improvements along St. Croix Trail prior to construction.**
- d. **Sheet 12 – Clarify the plan note: “Reconstruct and Transition Driveway...” to (1) require the new driveway surface to match the existing driveway (i.e. bituminous or concrete material) and (2) require all disturbed areas to be restored with a minimum 6” of topsoil and seed / sod.**

6. **Well and Septic:**

- a. **All well permits are subject to the requirements of Minnesota Department of Health.**
- b. **All individual sewage treatment system permits are subject to the requirements of Washington County Department of Public Health and Environmental.**
- c. **Meet requirements for lot testing and septic site protection as noted on Chris LeClair’s 12/23/15 letter.**

7. **Tree Removals:**

- a. **The Applicant shall consult with an arborist to avoid damage to nearby trees when trees are removed within the construction limits. The arborist will also conduct a walk-through to confirm tree removals for construction of the road and which trees within the right-of-way could remain. The final tree removal plan shall be submitted to the Town.**
- b. **The tree removal plan sheets must clearly identify each tree to be removed. Plan notes and details as necessary to provide a standard level of care when removing certain tree types and sizes must be added to the plans and signed by a certified arborist.**
- c. **The tree removals plan sheets must also clearly identify each tree to be protected. A tree protection detail must be provided with adequate plan notes to be signed by a certified arborist.**

Denmark Township Planning Commission Meeting  
Erin Glen 6680 St Croix Trail LLC Major Subdivision  
Public Hearing

January 19, 2016 (continued from 09/21/15)

**d. The Covenants allow for removal of invasive tree species;**

8. All representations, written and oral, made by the Applicant and the Applicant's agents and representatives to the Town contained in and concerning the application must have been true, complete, and accurate at the time they were made;
9. Written approval of the proposed improvements (within or near the NSP Easement) must be provided from the owner of the NSP Easement.
10. The Applicant is in compliance and will remain in compliance at all times with all applicable laws, rules, and regulations concerning the property for which this approval is granted;
11. Park Dedication. The Applicant shall pay a park dedication fee in lieu of land dedication. This fee shall be paid at the per lot fee as established by the Town Board as part of Township fee schedule. Park dedication shall be paid by the subdivider prior to the Township signing the final plat and/or development agreement.
12. Fees. The Applicant shall pay all planning, engineering and legal fees and costs incurred by the Towns for processing this approval application. In the event any fees are outstanding they will be paid by the Applicant within fourteen (14) days of receiving a bill from the Town. In the event the fees are not paid, this approval shall terminate automatically upon recording of a Notice of Nonpayment by the Town.
13. Inspections. The Town, its officers, and consultants may enter the Property, after providing reasonable notice to the Applicant or Owners, at all reasonable times to conduct inspections for the purpose of ensuring compliance with this approval. Prior notice to inspect the Property is not required in the event of an emergency.
14. Engineering Report dated 01/12/15 incorporated into conditions.
15. Covenants shall be revised per the Attorney's recommendations, to assure consistency with Town Ordinance.
16. Rain Sensors shall be required for lot owners using sprinkling systems.

With all present voting yes, Motion Carried 3-0-0.

**OTHER BUSINESS:**

**APPROVAL OF MINUTES-**

Motion Grote/2<sup>nd</sup> Barr approval of Minutes 12/21/15 Planning Commission/ Wehking Variances & Sunshare Zoning Code Amendment to allow Commercial Solar. With all present voting yes, Motion Carried 3-0-0.

7:40 PM Motion Barr/2nd Schneider to adjourn. With all present voting yes, Motion Carried 3-0-0.

Becky Herman  
Denmark Township Clerk/Treasurer