

Town of Merton
Public Hearing
July 20, 2022

To Consider the Conditional use Request of Mark Bell on Behalf of Beaumont Farm Legacy LLC,
To Conduct Land Altering Activities on Approximately 104.5 Acres
(with Approximately 108,900 SF of Disturbance)
To Construct a Pond – Tax Key – MRTT0393-999

Present: Chairman Klink, Commissioners Griffin, Jensen, Siepmann, and Good, Attorney Murn, Planner Haroldson, and Deputy Clerk Claas

Absent: Commissioners Morris and Queoff

Also Present: Mark Bell, Mark Theisen, Mike Kotlarek, Kristyn & Jeff Smith, Tom Halquist, Dave Richman, Don Bentzien, Paul Smith, Dawn & Gou Gastrow, Chris Dix, Chris Schmidt, Walter Baade, Walter Schaeffer, Pat & John Muehl, Jim & Linda Schneider, Don Reinbold, Gary Stippich, Dave & Terry Van Slett, Joe Klemm, John Syburg, Rick Schwalbe, Keric DeChant, John Maurer, Jerry Heine, Charles Luebke, Rick Eastman, Stuart Banghart, Greg Booton, Bill & Ruth Johnson, Avery & Amy Nunnally, and Frank Schmitz

This Public Hearing was Called to Order by Chairman Klink at 5:30 p.m.

Haroldson read the public hearing notice.

Bell stated he is proposing an agricultural pond per the agricultural zoning. They want to build a three-acre pond to service the farm that they're programming. The pond consists of different topographic conditions. Some shallow to attract turtles, frogs and birds and a deeper portion that would be more conducive to fish. The pond will be in excess of 500' from the nearest home. It's not in the shoreland zoning district. In addition to the goal of the agricultural nature of the pond, it's going to also have a very positive affect on the stormwater management of the farm.

Klink questioned if there was something designed in the pond that would allow for overflow. Bell said yes, they worked with a very experienced water management engineer. They have taken and undertaken various stormwater management advantages to the farm. In addition to the pond, they went to non-tillable crops and planted rye and clover. Bell said a lot of thought went into the location of the pond relative to topographic lines. They located the pond in an area that would collect the best amount of stormwater.

Good asked if the pond was just being filled by stormwater. Bell said it would be serviced by a well. They worked with County on a stormwater runoff plan during construction so silt fence is put in and they have a permit for that. Haroldson clarified that they will have a well and water will be pumped into the pond from the well and they will also capture some of the stormwater.

Haroldson stated originally it was proposed as 108,000 sq. ft., and now it's three acres. Haroldson questioned if the plan reflects the additional 25,000 sq. ft. Bell stated that was more of an approximation. The plan that was submitted in the packet is what the engineer is following and it should be 108,000 sq. ft.

Murn stated in the exhibit it says that material excavated from the pond will either be used for part of the pond construction or retained on site as shown on the diagrams. She said she doesn't have anything that shows exactly where that's going to go. Bell said the spoils will be predominantly used in two capacities. On the southern section of the diagram there is a berm that is being created and there is a berm on spoils transferred to the north side to essentially berm the north side. Murn asked if he could list that in a diagram that shows where all the excavated material is going. Klink asked how high the berm on Beaver Lake Road is going to be. Bell said their goal is to make it look and appear natural, but he doesn't know the height. They're going to shape it in rolling fashion and have some variation to it.

Chairman Klink opened the meeting to public comments and concerns.

Rick Schwalbe – N64W30498 Beaver Lake Road – questioned the depth of the well and does he have any reason to be concerned that that's going to draw water out of his water table that he uses for his well. Is this going to cause any problems for his well is his only concern. Klink asked Bell if he knows the depth of the well and what capacity it's going to be at. Bell said he doesn't have that information readily available, but he can certainly get that.

Lous Gastrow – W305N6262 Beaver View Road – stated his property is just west of where this is and his biggest concern is with this pond and all the drainage going to it. The lowest overflow is to the west and he's wondering if that all excess water when it rains or when the snow melts, is it all going to be flowing to the west and creating a river through his property and wash out his driveway. Klink stated the pond is also going to be like a stormwater collection area and if anything, it should lessen the amount of flow that comes through. Gastrow said it looks like he's going to have a liner in it so the water is not going to seep into the ground, it's going to sit there, and then it can overflow through the pipe when it rains and that water is going to end up flowing to the west, more than likely, and then he will have a river and a washed-out driveway every time we have a decent rain. That's his concern. Bell said he can look at the contour lines. It's not going to flow westbound. Gatrow said he knows there's a cutoff point on Beaumont Lane that where everything from this point flows west and everything from this point flows east. He just wants to make sure it's flowing east where there is room for it to kind of dissipate and not through the other properties. If it goes west it will wash out Drescher's septic system, flow across his property and take out his driveway, and then probably take out Eastman's and flood their house. Bell said he can assure him that the purpose of the pond in addition to the agriculture use is to improve the status quo.

Frank Schmitz – N64W30212 Beaver Lake Road – said he wants to welcome the neighbor here. He's very happy to have him.

The public hearing was closed at 5:45 p.m.

Respectfully submitted,

Holly R Claas
Deputy Clerk