



**Title:** Permit #24-525: 26275 Smithtown Road Driveway and Utility Installation

**Prepared by:** Name: Veronica Sannes, Permitting Technician  
Phone: (952) 641-4580  
vsannes@minnehahacreek.org

**Recommendation:**

Approval of MCWD permit 24-525 in accordance with the submitted plans and with the following conditions:

- Payment of permit application, mailing, and engineering review fees
- Submit a draft Maintenance Declaration in accordance with the Waterbody Crossings and Structures Rule and on MCWD approval, file with Hennepin County and provide MCWD a stamped copy
- Submit final phone, cable, gas, and electric utility plans for MCWD review for conformance with the Waterbody Crossing and Structures rule before the associated work begins
- Submit contractor contact information for inspection report communication
- Before culvert installation begins, MCWD staff will be notified 5 business days in advance via email

**Project Location and Scope**

Location and Hydrology:

The Project area is located at 26275 Smithtown Road, Shorewood, within the Lake Minnetonka subwatershed. The onsite stream, Pebble Creek, is a first-order, intermittent stream that receives runoff from approximately 12 acres. Pebble Creek flows north into a wetland complex before eventually draining into East Upper Lake of Lake Minnetonka.

The 26275 Smithtown Road parcel was originally 2.38 acres and was subdivided into two parcels, Parcel A and B, at the October 15<sup>th</sup>, 2024 Shorewood City Council meeting. Parcel A is 0.92 acres and Parcel B is 1.46 acres. The proposed work is occurring on Parcel B, but the “site” as defined for MCWD regulatory purposes is Parcel A and B together, as they are contiguous parcels under common ownership. Attachment A provides a project area map and Attachment B contains the existing and proposed site plans.

Project Purpose and Scope:

Rick, Tony, and Amy Denman (Applicant) have applied for a Minnehaha Creek Watershed District (MCWD) permit to install an approximately 500-foot long and 12-foot wide driveway across Pebble Creek, a first-order stream, and to install water, sanitary sewer, phone, cable, gas, and electric utility crossings beneath the stream (Project) at 26275 Smithtown Road in the City of Shorewood. Water and sanitary sewer line plans are currently provided and staff recommends as a condition of the permit that utility plans for the phone, cable, gas, and electric lines be required before utility installation. A future single-family home is not encompassed by this permit and will need additional future Erosion Control permitting.

Regulatory Framework and Triggers:

The MCWD’s Erosion Control, Waterbody Crossings and Structures, and Floodplain Alteration rules apply to the Project. The Stormwater Management rule is not applicable for this project as the proposed work is single-family residential construction on an existing lot of record creating less than an acre of hard surface (section 2(b)1). If future house construction, together with the hard surface presently constructed, should exceed one acre, the rule would apply to the total amount of hard surface. MCWD staff and District Engineer have reviewed the Project and concluded that it meets the applicable MCWD rules. The Project is before the Board of Managers due to public request received during the public notice period.

**MCWD Rule Analysis:**

### Erosion Control Rule

MCWD's [Erosion Control Rule](#) applies to projects that propose to disturb more than 5,000 square feet or move 50 cubic yards or more of material. The Project proposes to disturb 0.32 acres (13,939 square feet) and have an excavation volume of approximately 300 cubic yards of material; therefore, the rule applies. The Applicant has provided an erosion control plan, shown in Attachment B, which includes perimeter control around the construction limits, silt fence between the proposed work and Pebble Creek, a rock construction entrance, erosion control blankets and seed on all disturbed areas, and a rock ditch check downstream of the proposed in-stream work to encourage sediment settling. Staff have reviewed the permit application and have found it to be complete and compliant with all Erosion Control Rule requirements.

### Waterbody Crossings and Structures Rule

MCWD's [Waterbody Crossings and Structures Rule](#) applies when a roadway bridge, boardwalk, utility, conveyance, or associated structure is proposed below the top of bank of a waterbody, any such structure is proposed to be placed beneath a waterbody, or when a project proposes to enclose any part of a waterbody within a pipe or culvert. The Project proposes four 24" high-density polyethylene (HDPE) culverts to convey the flow of Pebble Creek beneath a driveway crossing, therefore, the rule applies. The Project also proposes subsurface crossings for water, sanitary sewer, phone, cable, gas, and electric lines, which also triggers the rule.

Section 3(a) states that the use of the bed or bank of a waterbody must meet a demonstrated specific need. The need for the culvert and utility installment is to provide vehicular access and utility access to the proposed house. The lot size is too narrow to accommodate home construction on the northern section of parcel, therefore it is necessary to cross Pebble Creek to access the parcel's buildable area. MCWD practice considers this to meet the criterion of demonstrated need.

Section 3(b) requires that the Project retain hydraulic capacity and a project in a watercourse may not increase upstream or downstream flood stage. The Project is in a watercourse and applicant has modeled the proposed culverts and found there is no increase in upstream or downstream flood stage. The changes in the 100-year high water elevations are outlined in the table below. The MCWD engineer has reviewed the analysis and concurs in it.

Location	Existing 100-Year Elevation (ft)	Proposed 100-Year Elevation (ft)	Change in 100-Year Elevation (ft)
Upstream of Culvert	955.82	955.80	-0.02
Downstream of Culvert	955.00	954.80	-0.20

Table 1. 100-Year High Water Level Summary

Section 3(c) requires that the Project preserve navigational capacity. There is no navigational capacity in the existing or proposed condition. Pebble Creek is an intermittent stream with low flows that are not capable of navigation.

Section 3(d) requires that aquatic and upland wildlife passage be preserved. Due to the low flows, there is little to no aquatic wildlife passage in the existing condition, and that passage capacity will be maintained. The sizing of the culverts allows for passage of small wildlife within the culverts. The proposed driveway will also not prohibit passage of deer or other wildlife that would cross in the area.

Section 3(e) requires that the crossing be designed to not promote erosion or scour, or otherwise affect bed or bank stability or water quality within the waterbody. The proposed design includes riprap downstream of the culvert to disperse flows. The design has been reviewed by the District engineer to ensure that the proposal has appropriate invert elevations and downstream dispersion of flows so as to not promote erosion, scour, or adversely affect water quality.

Section 3(f) requires that the crossing be the "minimal impact" solution to the specific need. The Project must meet the demonstrated need of creating access to the proposed home and not increasing upstream or downstream flood stage while being the minimal impact solution. The applicant reviewed the 4 alternative designs below, and further states that they modeled many other culvert designs to reduce the number of culverts while not increasing upstream or downstream flood stage.

Alternative 1 – No-build: A no-build alternative does not meet the Project need as it would not allow access to the future house.

Alternative 2 – Bridge: Due to the curvature of Pebble Creek, if a bridge were proposed, it would need to be 40-feet long with a foundation and abutments. The foundation and abutments would need to extend below the creek. From a constructability perspective, staff concurs that this alternative is infeasible and not the minimal impact solution.

Alternative 3 – Concrete Box Culvert: If a concrete box culvert were proposed which did not increase upstream or downstream stage, a 6-foot concrete box culvert would be required to be constructed. Due to the angle of the creek, a custom box culvert would be required. This alternative would require additional heavy-duty equipment to install the culvert, and therefore due to constructability, staff concurs that this alternative is infeasible and not the minimal impact solution.

Alternative 4 – Arch Culverts: An alternative using two 49" x 33" CMP arch pipes was modeled and found to not increase upstream or downstream flood stage. However, due to the angle of the creek, there would likely be constructability issues with the end sections that may lead to encroachment onto nearby properties. Because the pipes are wider, they necessitate wider end sections which would need to be placed in an area that is already constrained by property boundaries.

MCWD Staff and District Engineer have reviewed the alternatives analysis and modeling for the culverts and have found that the proposal meets the minimal impact criterion.

Sections 3(g)1 & 2 require that subsurface crossings provide a minimum clearance of three feet below the bed of a waterbody and a setback of at least 100 feet from the waterbody bank for pilot, entrance, and exit holes associated with horizontal directional drilling. If the 100-foot setback cannot be feasibly provided, the setback may be reduced on the basis of an erosion control plan and other appropriate measures that will preserve streambank integrity and prevent sediment movement. The Applicant proposes to install water, sanitary sewer, phone, cable, gas, and electric lines beneath Pebble Creek. The water and sanitary sewer lines are proposed for immediate construction and will have three feet of clearance beneath the creek. The other utilities will be contracted at the time of the home construction. The plans note that the crossings must have a minimum clearance of three feet below Pebble Creek and that bore holes must be set back at least 100 feet from the waterbody bank. The resubmission of plans with updated utility plans is recommended as a condition of the permit.

Section 3(h) regulates sanitary sewer force mains or siphon crossings. The proposed sanitary sewer line is not a force main, and therefore not regulated under this section.

#### Floodplain Alteration Rule

MCWD's [Floodplain Alteration Rule](#) applies when a project proposes to fill, excavate, or grade within the floodplain of a waterbody. Because the project proposes fill and excavation within the floodplain of Pebble Creek, the rule is triggered.

Section 2(b) of the Floodplain Alteration Rule states that a structure intended for residential occupancy must be constructed so that door and window openings are at least two feet above the 100-year high water elevation of the waterbody. The future single-family home is not encompassed under permit 24-525, and therefore the freeboard requirement is not applicable.

Section 4(a) states that any floodplain fill must be offset so there is no loss in flood storage between the ordinary high water (OHW) and 100-year floodplain elevation. The Project proposes 13.36 cubic yards of fill within the 100-year floodplain of the stream. This fill is due to the culvert installation. To offset the fill, the applicant proposes 15.51 cubic yards of compensatory storage, resulting in the creation of 2.15 cubic yards of net floodplain storage.

Section 4(b) states that fill within a watercourse must meet the following criterion:

1. No impervious surface may be placed within the 10-year floodplain or within 25 feet of the watercourse centerline, whichever greater, unless the surface is: (1) no more than 10% of the site 10-year floodplain area; or (2) a linear component of a public roadway or trail: The Project proposes impervious surface for the driveway

within 25 feet of the centerline of Pebble Creek. However, the proposed impervious surface is not within the 10-year floodplain of Pebble Creek as the 10-year floodplain elevation directly upstream of the culvert is 995.13 feet and the driveway elevation is 957.5 feet. Therefore, the project conforms to section 4(b)1, as the proposed impervious surface is less than 10% of the site's 10-year floodplain area.

2. Applicant must meet the No-Rise Standard: The Applicant has submitted modeling in the form of HydroCAD models showing that the proposed culvert and associated fill meets the No Rise Standard by not increasing the 100-year high water level by more than 0.00 ft from the existing to proposed condition. As shown in Table 1, the 100-year high water level is shown to decrease both upstream and downstream of the culvert.

#### **Public Request for Board Review:**

As a part of the MCWD review process, a public notice (Attachment C) was sent to property owners within 600 feet of the Project parcel, in which comments, questions, and request for consideration by the Board of Managers could be received. During the public notice period which started February 19<sup>th</sup> and concluded March 5<sup>th</sup>, MCWD received two public comments (see Attachment D). After receiving the comments, MCWD met with one of the concerned property owners and the Shorewood City Engineer to discuss the project and the property owner's concerns. The following concerns have been raised by the two commenting property owners:

1. Potential effects on wetland and watershed health: Concerns that development, changes to the creek, and less vegetation will have adverse effects on the downstream wetland and that the project does not align with MCWD's wetland protection goals.
2. Impact to the bed and bank of Pebble Creek: Concerns that the project is not adequately protecting the bed and bank of Pebble Creek.
3. Disruption to wildlife habitat: Concerns that the project and tree removal will result in a loss of habitat, specifically citing owls, hawks, pileated woodpeckers, turkeys, and deer.
4. Tree removal: Concerns that the loss of trees will have a negative effect on habitat and water quality.
5. Effects of grading and increased impervious surface: Concerns that the increased grading and impervious surface would have adverse effects on stormwater runoff and groundwater recharge.
6. Groundwater Impacts: Concerns that the project may alter the water table. The commenters have requested a hydrologic assessment for the project.
7. Smithtown Ponds Construction: A commenter requested that MCWD evaluate potential violations and/or incorrect construction of the nearby Smithtown Ponds project that the City of Shorewood constructed under MCWD Permit 21-113.

MCWD staff and the District Engineer have reviewed the public comments and assessed these concerns. The following outlines MCWD's response to the concerns, within the framework of the MCWD Rules.

#### Wetland and Watershed Impact

Nearby property owners expressed concern that MCWD Policies are to protect wetlands, however this project isn't being reviewed for wetland impacts. The Project site drains to a downstream wetland complex before ultimately reaching Lake Minnetonka. However, there are no delineated wetlands on site, nor any wetlands identified from the National Wetland Inventory or MCWD Functional Assessment of Wetlands, and therefore the Wetland Protection rule does not apply. MCWD has reviewed the Project under the Erosion Control rule so that Best Management Practices are in place to minimize sedimentation off site and into downstream waterbodies.

#### Impact to Pebble Creek

Concern is raised regarding potential impacts to Pebble Creek. While installing the culverts involves some level of disturbance, the Project is being reviewed under minimal impact analysis for the Waterbody Crossings and Structures rule, to confirm that the proposed culvert is the minimal impact solution to the demonstrated need while meeting all other applicable regulations. Because of the geometry of the lot, there isn't vehicular access to the buildable parcel area without crossing Pebble Creek. As noted above, MCWD practice has been to allow a driveway crossing designed for least impact, when that is necessary to preserve buildability of a conforming residential lot. A temporary ditch check will also be installed downstream of the work to minimize sediment movement as a part of the Applicant's Erosion Control Plan.

#### Wildlife

Concern is raised regarding the impact that the construction and tree removal will have on wildlife habitat. While the general impact that the project and construction will have on wildlife is not regulated by MCWD, the effect that the Project will have on wildlife passage has been evaluated under the Waterbody Crossings and Structures Rule.

#### Tree Removal

There is concern regarding tree removal for Project construction. While MCWD does not regulate tree removal, the City of Shorewood has a tree ordinance, with a replacement requirement, that staff understands will be implemented as a part of the city building permit process.

#### Grading and Increased Impervious Surface

A concern is raised regarding the effect that the proposed grading and impervious surface will have, and that the increased impervious surface should be regulated. The new and reconstructed impervious surface for the driveway and future home is less than an acre (between 12,000-15,000 square feet, or 0.28-0.34 acres, depending on final design) and is part of a single-family residential development on an existing lot of record and therefore the Stormwater Management rule does not apply. However, the Applicant is proposing a filtration basin to capture and treat the runoff from the home in accordance with City stormwater regulations.

#### Effect on Groundwater

Nearby property owners expressed concerns about the potential impact on groundwater levels as a result of both the driveway and future single-family home. They have requested that a hydrologic assessment be a requirement. They noted that they have experienced high groundwater levels and that many homes in the neighborhood run sump pumps for their basements. While MCWD does not regulate groundwater impacts, the District Engineer does not expect changes to groundwater levels due to the proposed Project because the crossing does not impound flow to infiltrate and is designed to mimic existing flow conditions by matching grades upstream and downstream of Pebble Creek. The City of Shorewood has also discussed in its review of the proposed project that the City requires that the lowest floor of the new home be at a minimum of 4 feet above any observed groundwater and 2 feet above historic evidence of groundwater.

#### Smithtown Ponds

The City of Shorewood constructed the nearby "Smithtown Ponds" project (MCWD Permit 21-113) to provide rate control and reduce flows in Pebble Creek and Freeman Park Channel during high flow events, and to provide stormwater treatment for the Strawberry Lane road reconstruction project. The expressed concern is that the ponds were constructed incorrectly and are reducing flows to Pebble Creek and Freeman Park Channel for low flow events as well. The MCWD permit is not yet closed out. The City is in the process of preparing an as-built survey for the project. MCWD will review the survey in the ordinary course of business to verify whether the project was built according to the approved plan and whether any further action is required before the permit is ready to close.

#### **Summary:**

The Applicant has applied for a Minnehaha Creek Watershed District permit under the Erosion Control, Waterbody Crossings and Structures, and Floodplain Alteration Rules. Based on staff and the District Engineer analysis of the Applicant's submittals, the application meets the criteria of all applicable MCWD rules.

Staff recommends approval of the permit application with the conditions listed at the beginning of this report.

#### **Attachments:**

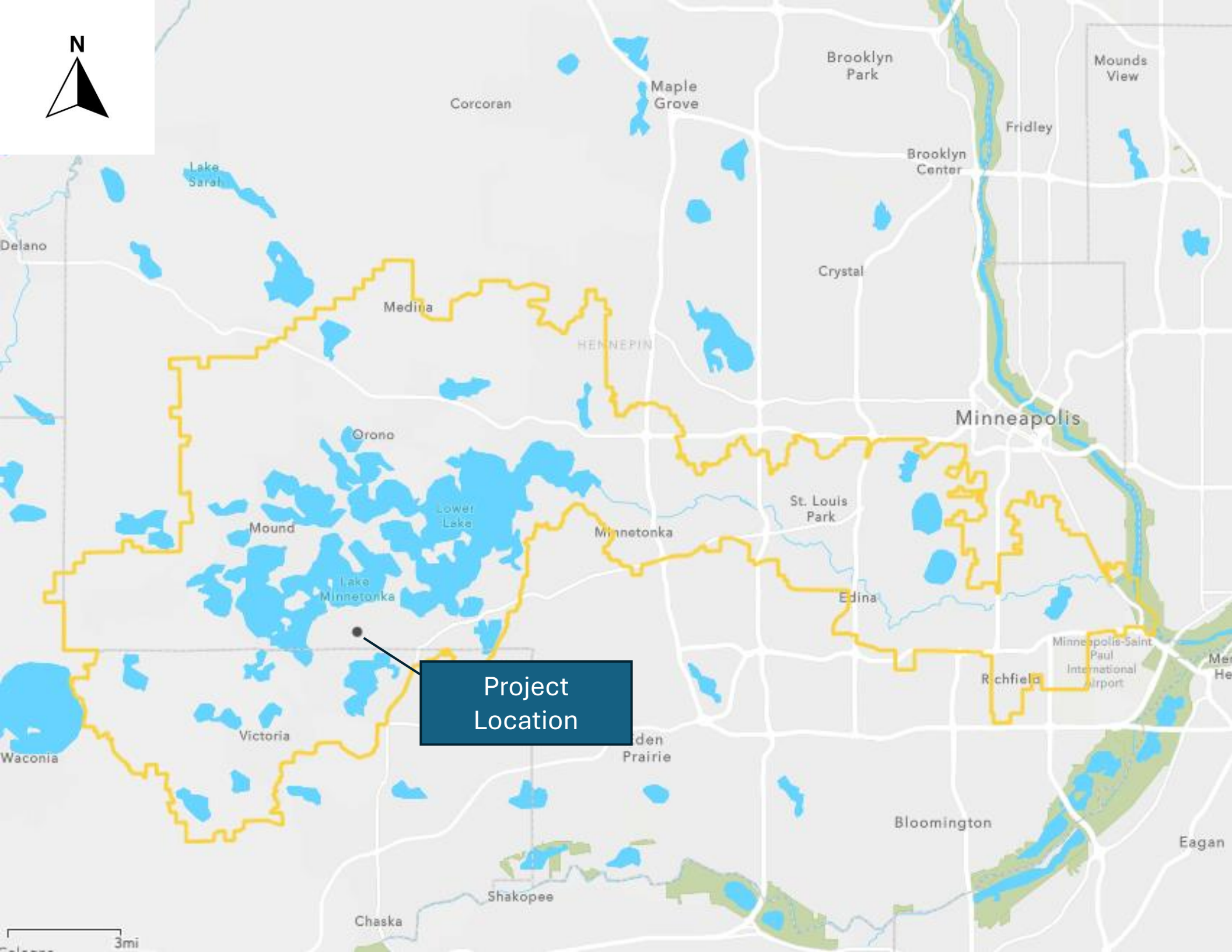
Attachment A – Project Location Map

Attachment B – Site Plans

Attachment C – Public Notice

Attachment D – Public Comment

## **Attachment A: Project Location Map**



Project Location



Lake Minnetonka



Wetland Complex

Project Location

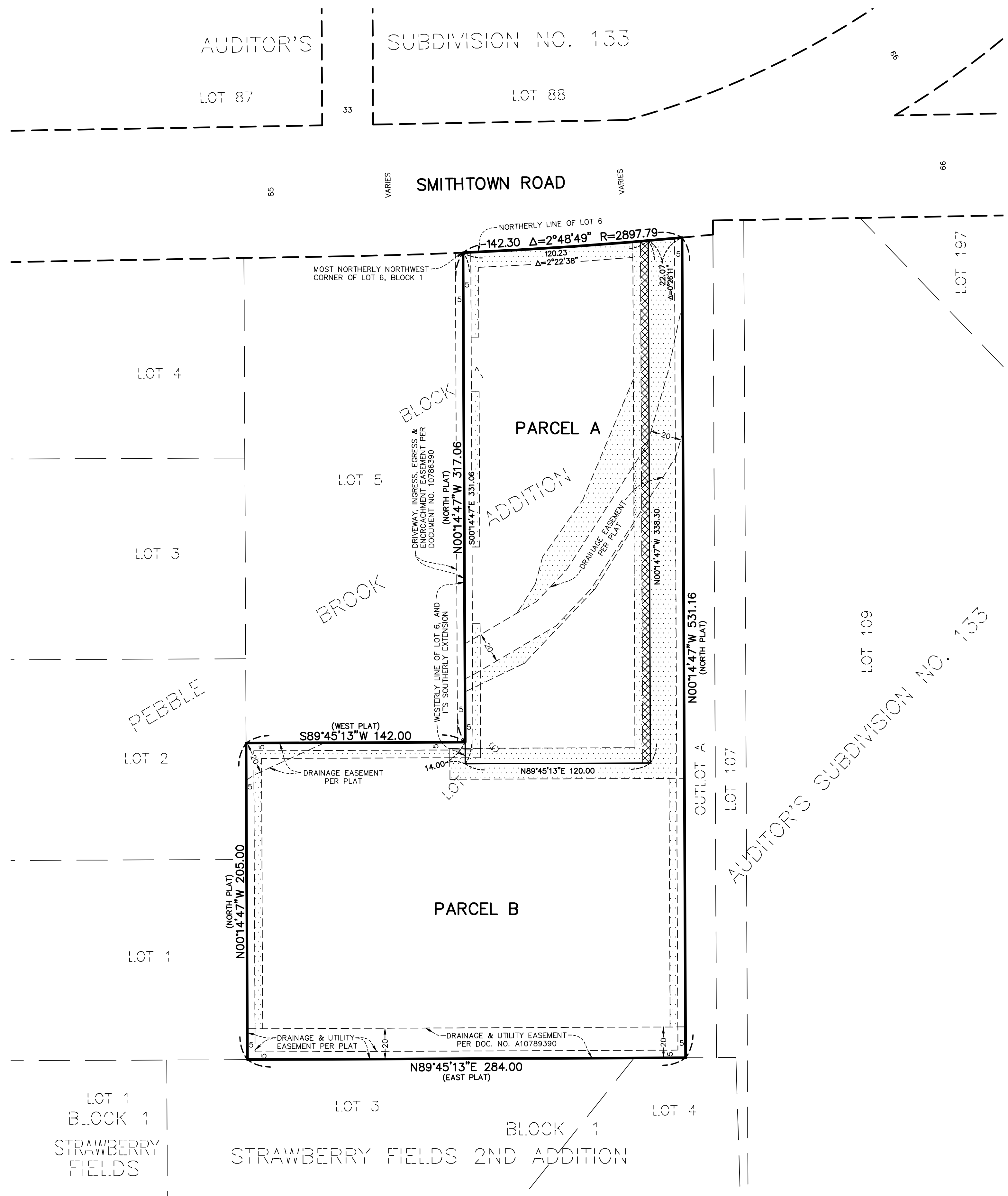
Freeman Park  
Shorewood

0.2mi



**Attachment B: Site Plans**

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**EXISTING PROPERTY DESCRIPTIONS**

**EXISTING PARCEL DESCRIPTION**  
 Lot 6, Block 1, PEBBLE BROOK ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota

**PROPOSED PROPERTY DESCRIPTIONS**

**PROPOSED PARCEL A DESCRIPTION**  
 That part of Lot 6, Block 1, PEBBLE BROOK ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, described as follows:

Beginning at the most northerly northwest corner of said Lot 6; thence on an assumed bearing of South 00 degrees 14 minutes 47 seconds East, along the west line of said Lot 6 and its southerly extension, a distance of 331.06 feet; thence North 89 degrees 45 minutes 13 seconds East a distance of 120.00 feet; thence North 00 degrees 14 minutes 47 seconds West a distance of 338.30 feet to the northerly line of said Lot 6; thence westerly along said northerly line of Lot 6 to the point of beginning.

Subject to a private driveway easement over and across the east 5.00 feet thereof, for the benefit of Parcel B.

**PROPOSED PARCEL B DESCRIPTION**

Lot 6, Block 1, PEBBLE BROOK ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, EXCEPT that part described as follows:

Beginning at the most northerly northwest corner of said Lot 6; thence on an assumed bearing of South 00 degrees 14 minutes 47 seconds East, along the west line of said Lot 6 and its southerly extension, a distance of 331.06 feet; thence North 89 degrees 45 minutes 13 seconds East a distance of 120.00 feet; thence North 00 degrees 14 minutes 47 seconds West a distance of 338.30 feet to the northerly line of said Lot 6; thence westerly along said northerly line of Lot 6 to the point of beginning.

Together with a private driveway easement over and across the east 5.00 feet of Parcel A.

**NOTES**

- Existing parcel address is 26275 Smithtown Road, Shorewood, its property identification number is 32-117-23-42-0012.
- Field work was completed 4/19/2024.
- This survey is based on Title Commitment No 62651 dated October 13, 2024, issued by CHB Title, LLC as agent for Stewart Title Guaranty Company.
- The gross area of Existing Parcel is 2.383 Acres or 103,804 square feet. The gross area of proposed Parcel A is 0.921 Acres or 40,112 square feet. The gross area of proposed Parcel B is 1.462 Acres or 63,692 square feet.

**SURVEYOR'S CERTIFICATE**

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota. That this survey does not purport to show all improvements, easements or encroachments, to the property except as shown thereon.

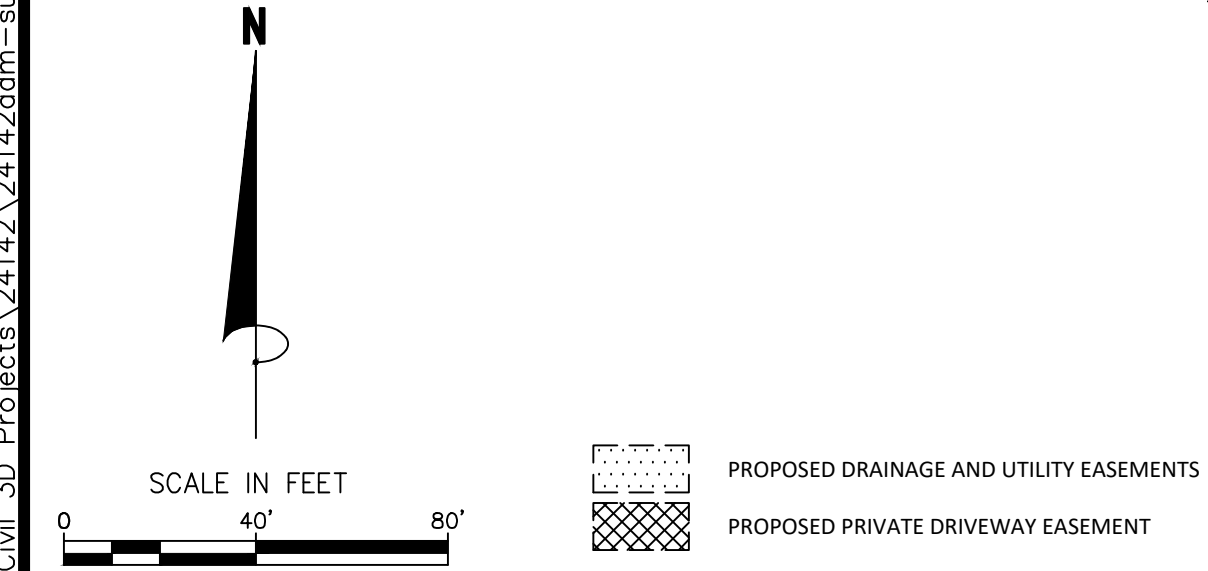
Signed this 17th day of May, 2024

*Marcus F. Hampton*  
 Marcus F. Hampton MIV L.S. No. 47481

**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 2999 WEST C.R. 42, SUITE 100, BURNSVILLE, MN 55306  
 PHONE: 952.890.6044 mhampton@jrhinc.com  
 www.jrhinc.com

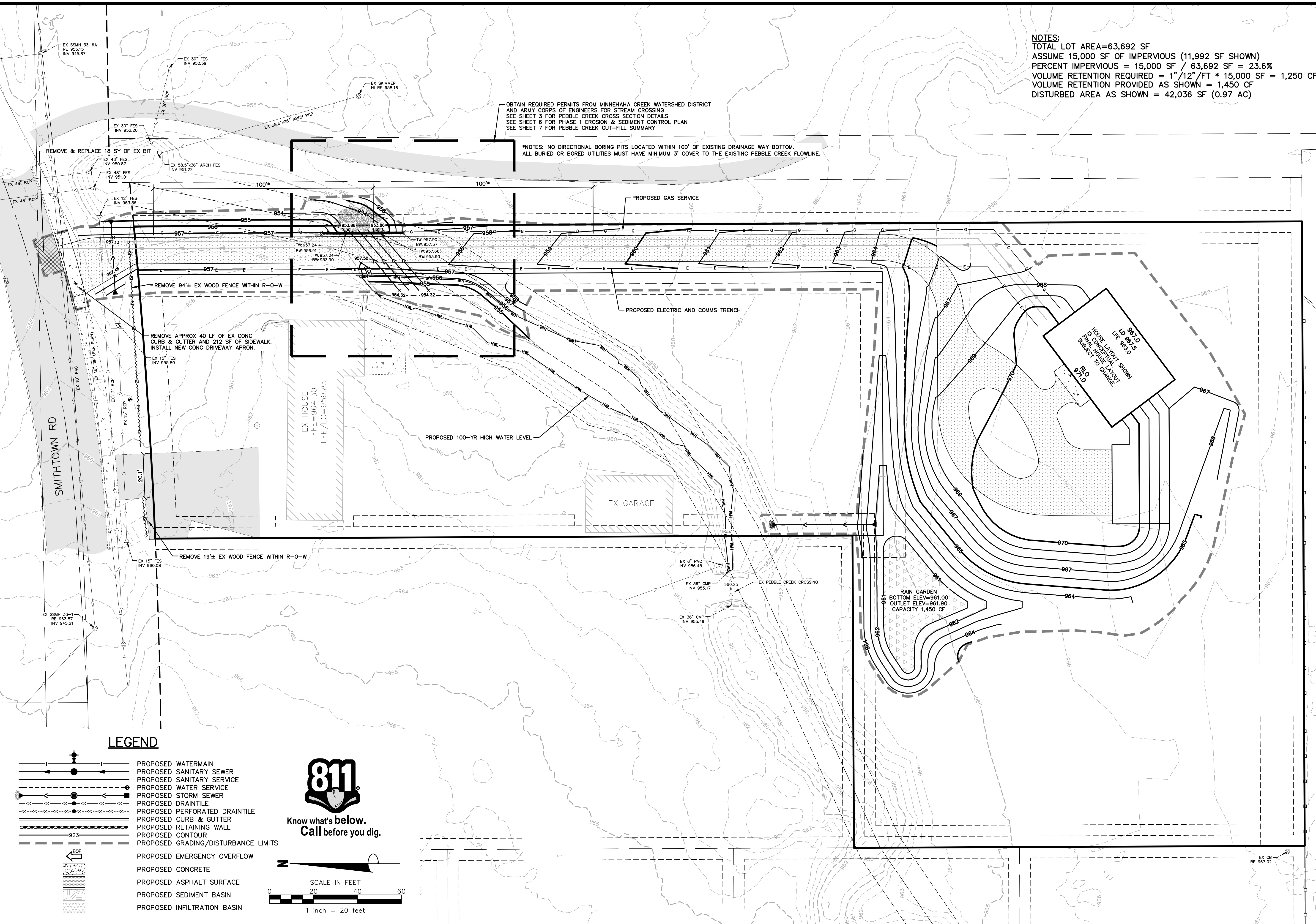
26275 SMITHTOWN ROAD  
 SHOREWOOD, MINNESOTA  
 ADMINISTRATIVE SUBDIVISION  
 FOR  
 TONY AND AMY DENMAN  
 26275 SMITHTOWN ROAD, SHOREWOOD, MINNESOTA 55331

DRAWN BY	PLM
DATE	5/17/2024
REVISIONS	
A 10/28/24 Title Commitment	
CAD FILE	24142adm-sub.dwg
PROJECT NO.	24142-00
FILE NO.	1-24-034
SHEET 1 OF 10	



PROPOSED DRAINAGE AND UTILITY EASEMENTS  
 PROPOSED PRIVATE DRIVEWAY EASEMENT

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**NOTES:**  
 TOTAL LOT AREA=63,692 SF  
 ASSUME 15,000 SF OF IMPERVIOUS (11,992 SF SHOWN)  
 PERCENT IMPERVIOUS = 15,000 SF / 63,692 SF = 23.6%  
 VOLUME RETENTION REQUIRED = 1"/12"/FT \* 15,000 SF = 1,250 CF  
 VOLUME RETENTION PROVIDED AS SHOWN = 1,450 CF  
 DISTURBED AREA AS SHOWN = 42,036 SF (0.97 AC)

OBTAIN REQUIRED PERMITS FROM MINNEHAHA CREEK WATERSHED DISTRICT AND ARMY CORPS OF ENGINEERS FOR STREAM CROSSING. SEE SHEET 3 FOR PEBBLE CREEK CROSS SECTION DETAILS. SEE SHEET 6 FOR PHASE 1 EROSION & SEDIMENT CONTROL PLAN. SEE SHEET 7 FOR PEBBLE CREEK CUT-FILL SUMMARY.

\*NOTES: NO DIRECTIONAL BORING PITS LOCATED WITHIN 100' OF EXISTING DRAINAGE WAY BOTTOM. ALL BURIED OR BORED UTILITIES MUST HAVE MINIMUM 3' COVER TO THE EXISTING PEBBLE CREEK FLOWLINE.

**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 2999 W. Ctr. Rd. 42, Suite 100, Burnsville, MN 55306  
 PHONE: (952)890-6044 FAX: (952)890-6244

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
 Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

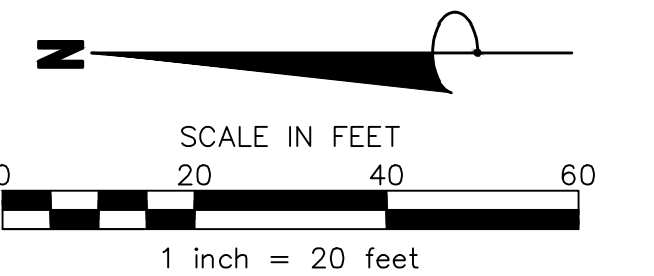
**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**GRADING & DRAINAGE PLAN**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

DRAWN BY	JSO
DATE	05/20/2024
REVISIONS	
07/11/2024	TREE PRES. PLAN
10/17/2024	EX DRIVEWAY
10/28/2024	CITY COMMENTS
11/25/2024	WATERSHED COMMENTS
01/07/2025	WATERSHED COMMENTS
02/06/2025	WATERSHED COMMENTS
02/21/2025	WATERSHED COMMENTS

CAD FILE  
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 PROJECT NO.  
 24142  
 SHEET 2 OF 10

**LEGEND**

- PROPOSED WATERMAIN
- PROPOSED SANITARY SEWER
- PROPOSED SANITARY SERVICE
- PROPOSED WATER SERVICE
- PROPOSED STORM SEWER
- PROPOSED DRAINTILE
- PROPOSED PERFORATED DRAINTILE
- PROPOSED CURB & GUTTER
- PROPOSED RETAINING WALL
- PROPOSED CONTOUR
- PROPOSED GRADING/DISTURBANCE LIMITS
- PROPOSED EMERGENCY OVERFLOW
- PROPOSED CONCRETE
- PROPOSED ASPHALT SURFACE
- PROPOSED SEDIMENT BASIN
- PROPOSED INFILTRATION BASIN



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
 Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**PEBBLE CREEK CROSS SECTION**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

07/11/2024	TREE PRES. PLAN
10/17/2024	EX DRIVEWAY
10/28/2024	CITY COMMENTS
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02/06/2025	WATERSHED COMMENTS
02/21/2025	WATERSHED COMMENTS

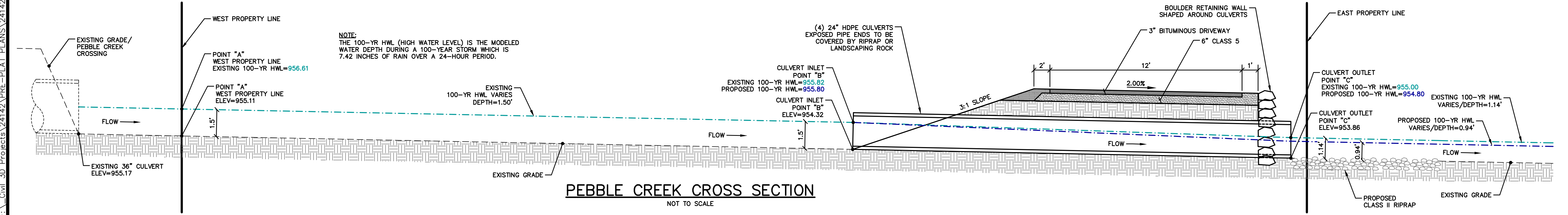
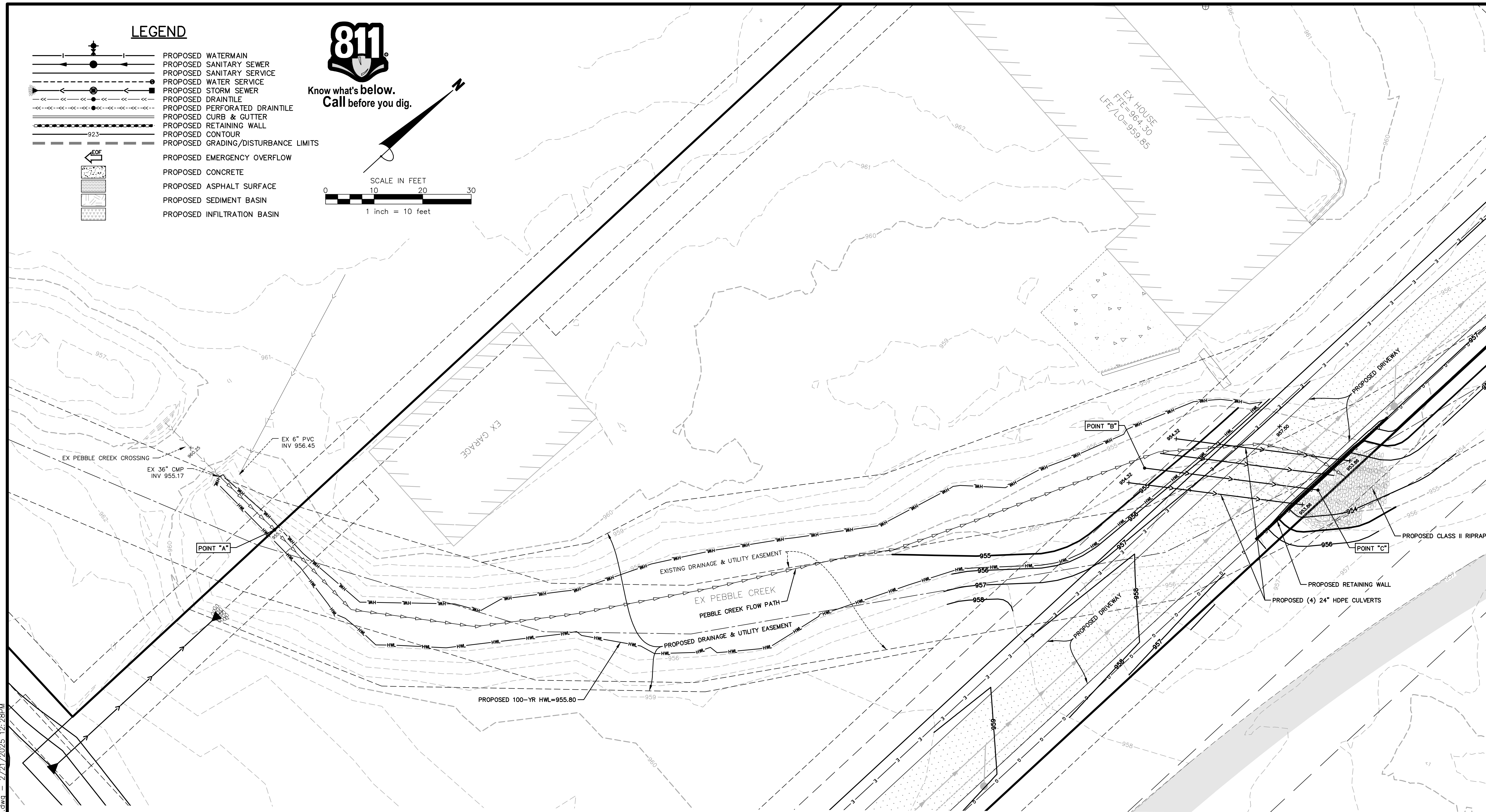
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SHEET 3 OF 10	

**LEGEND**

- PROPOSED WATERMAIN
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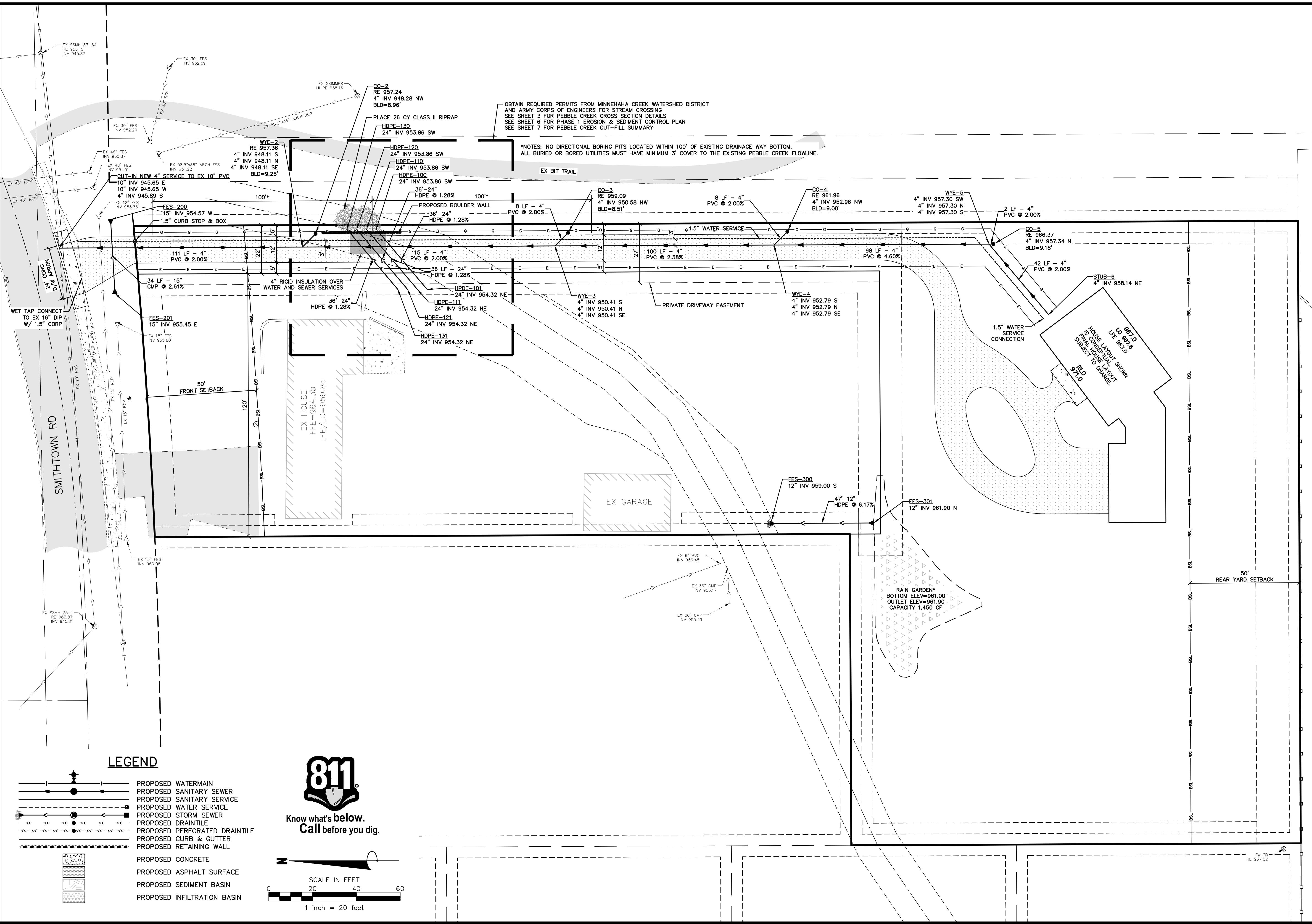
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 Know what's below.  
 Call before you dig.

SCALE IN FEET  
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 1 inch = 10 feet



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OBTAIN REQUIRED PERMITS FROM MINNEHAHA CREEK WATERSHED DISTRICT AND ARMY CORPS OF ENGINEERS FOR STREAM CROSSING. SEE SHEET 3 FOR PEBBLE CREEK CROSS SECTION DETAILS. SEE SHEET 6 FOR PHASE 1 EROSION & SEDIMENT CONTROL PLAN. SEE SHEET 7 FOR PEBBLE CREEK CUT-FILL SUMMARY.

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**LEGEND**

- PROPOSED WATERMAIN
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- PROPOSED SANITARY SERVICE
- PROPOSED WATER SERVICE
- PROPOSED STORM SEWER
- PROPOSED DRAIN TILE
- PROPOSED PERFORATED DRAIN TILE
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- PROPOSED CONCRETE
- PROPOSED ASPHALT SURFACE
- PROPOSED SEDIMENT BASIN
- PROPOSED INFILTRATION BASIN

**811**  
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SCALE IN FEET  
0 20 40 60  
1 inch = 20 feet

**James R. Hill, Inc.**  
PLANNERS / ENGINEERS / SURVEYORS  
2999 W. Ctr. Rd. 42, Suite 100, Burnsville, MN 55306  
PHONE: (952)890-6044 FAX: (952)890-6244

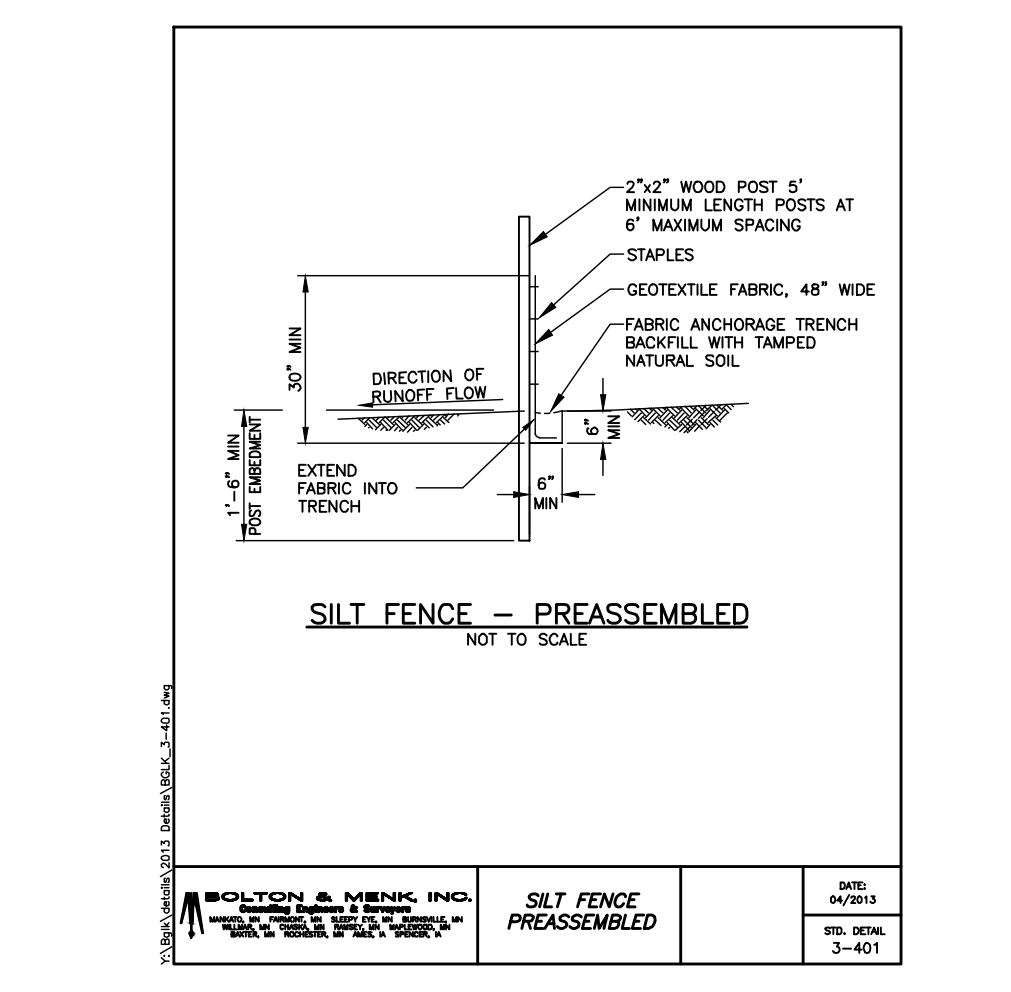
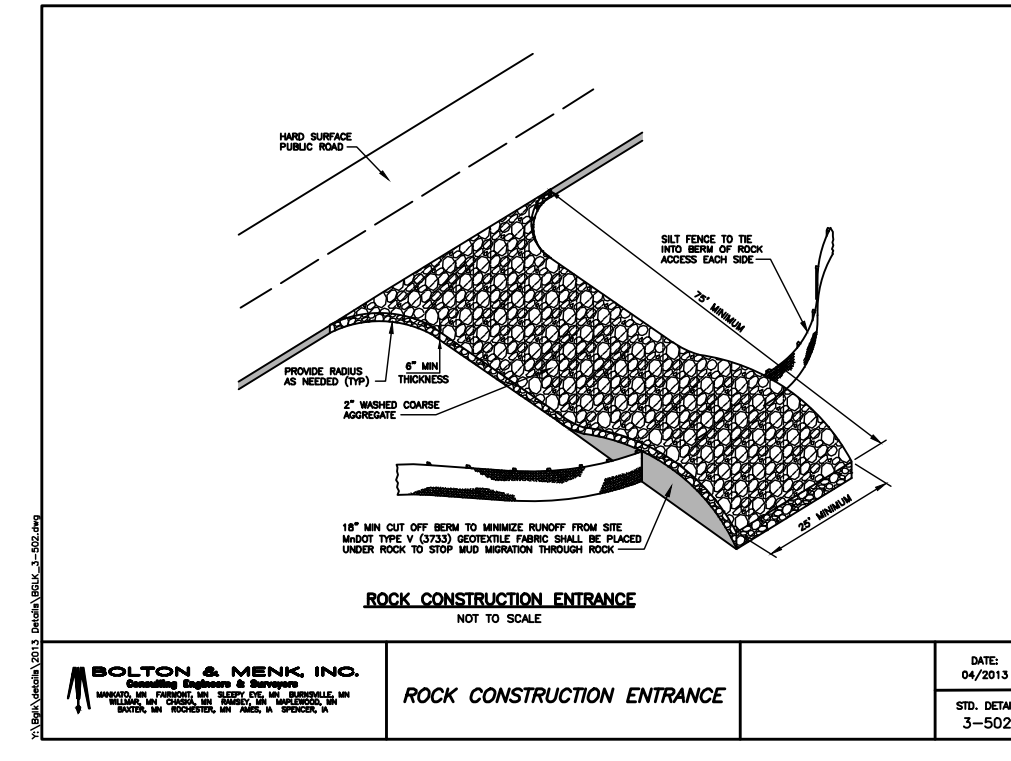
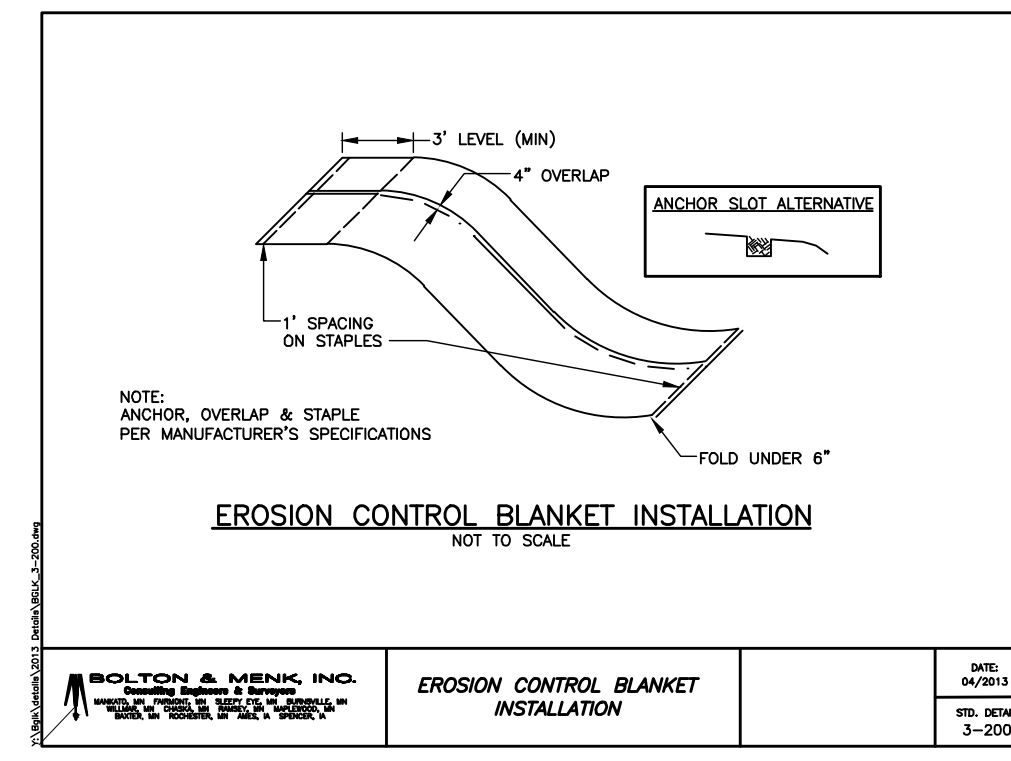
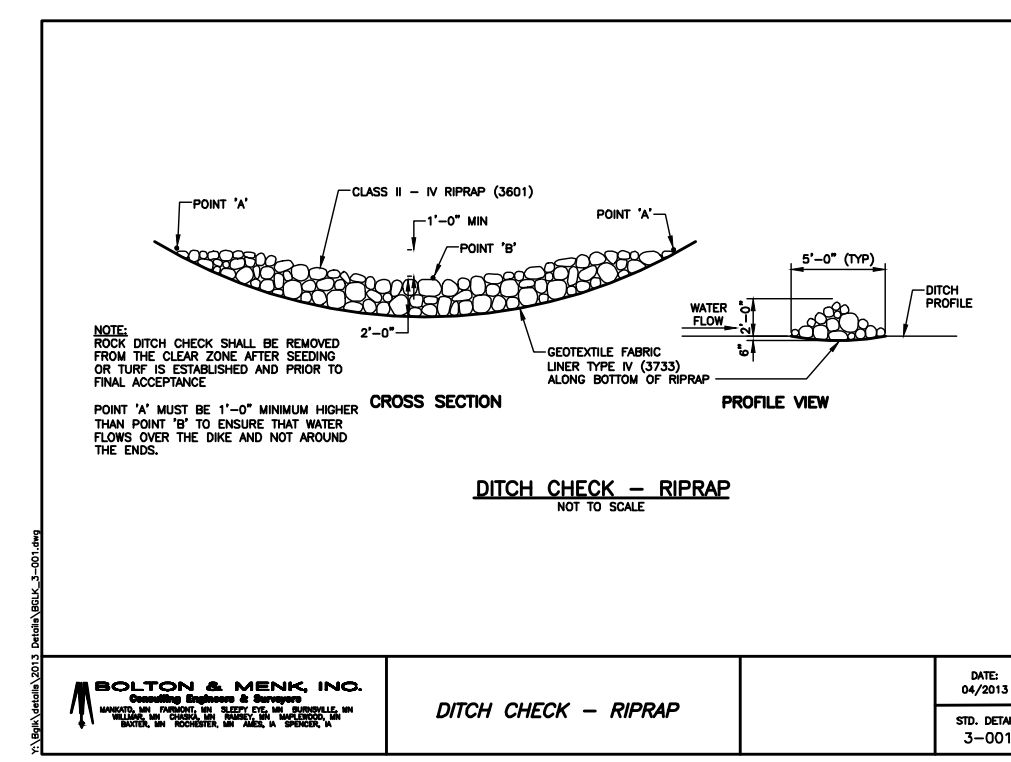
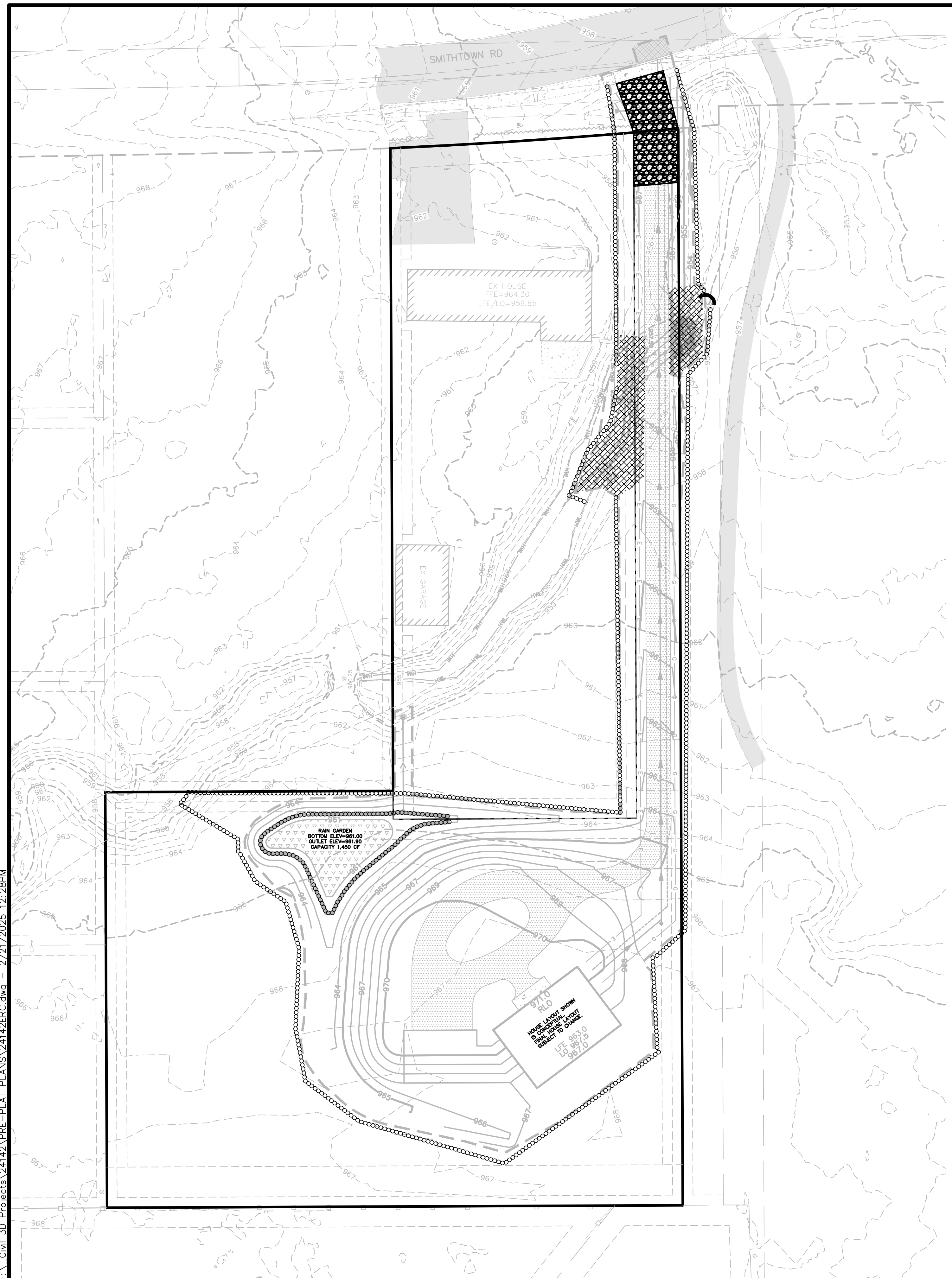
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Minnesota.  
**PRELIMINARY**  
Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
SHOREWOOD, MINNESOTA  
**SITE & UTILITY PLAN**  
FOR  
**TONY AND AMY DENMAN**  
26275 SMITHTOWN RD

DRAWN BY JSO
DATE 05/20/2024
REVISIONS
07/11/2024 TREE PRES. PLAN
10/17/2024 EX DRIVEWAY
10/28/2024 CITY COMMENTS
11/23/2024 WATERSHED COMMENTS
01/07/2025 WATERSHED COMMENTS
02/06/2025 WATERSHED COMMENTS
02/21/2025 WATERSHED COMMENTS

CAD FILE  
24142U  
PROJECT NO.  
24142  
SHEET 4 OF 10

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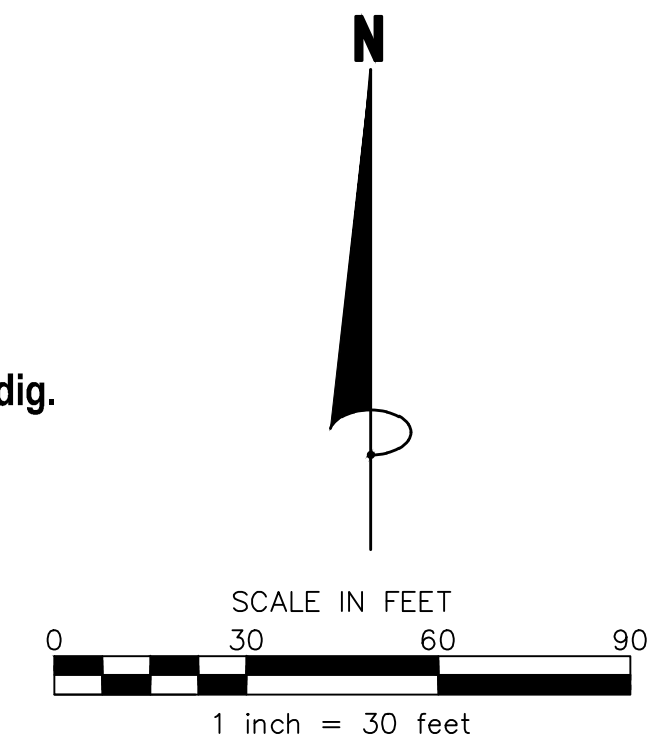
### LEGEND

	EXISTING WATERMAIN
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING UNDERGROUND GAS
	EXISTING UNDERGROUND ELECTRIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING UNDERGROUND FIBER OPTIC
	EXISTING OVERHEAD POWER LINE
	EXISTING LIGHT POLE
	EXISTING TRANSFORMER
	EXISTING TELEPHONE PEDESTAL
	EXISTING TV PEDESTAL
	EXISTING CURB & GUTTER
	EXISTING RETAINING WALL
	EXISTING FENCE
	EXISTING RAILROAD
	EXISTING CONTOUR
	EXISTING WETLAND EDGE
	EXISTING SOIL BORING LOCATION
	EXISTING TREELINE/TREES
	EXISTING ASPHALT
	EXISTING CONCRETE
	EXISTING GRAVEL
	EXISTING WETLAND
	PROPOSED WATERMAIN
	PROPOSED SANITARY SEWER
	PROPOSED SANITARY SERVICE
	PROPOSED WATER SERVICE
	PROPOSED STORM SEWER
	PROPOSED DRAIN TILE
	PROPOSED PERFORATED DRAIN TILE
	PROPOSED CURB & GUTTER
	PROPOSED RETAINING WALL
	PROPOSED CONTOUR
	PROPOSED GRADING LIMITS
	PROPOSED EMERGENCY OVERFLOW
	PROPOSED CONCRETE
	PROPOSED ASPHALT SURFACE
	PROPOSED SEDIMENT BASIN
	PROPOSED INFILTRATION BASIN
	PROPOSED SILT FENCE
	PROPOSED SILT FENCE POST CONSTRUCTION
	PROPOSED SILT FENCE HEAVY DUTY
	PROPOSED WIMCO
	POST STORM SEWER CONSTRUCTION
	PROPOSED YARD CB INLET PROTECTION
	POST STORM SEWER CONSTRUCTION
	PROPOSED DITCH CHECK - MnDOT TYPE 3
	POST GRADING/UTILITY CONSTRUCTION
	PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
	PROPOSED EROSION CONTROL BLANKET
	MnDOT CATEGORY 20

- ### NOTES
1. PRELIMINARY DISTURBED AREA = 0.95 ACRES. SUBJECT TO CHANGE WITH FINAL HOUSE DESIGN.
  2. ALL GREEN SPACES SHALL BE SEEDED AND MULCHED OR SODDED AFTER CONSTRUCTION HAS BEEN COMPLETED.
  3. A FINAL EROSION AND SEDIMENT CONTROL PLAN WILL BE SUBMITTED WITH BUILDING PERMIT.



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PHONE: (952)890-6044 FAX: (952)890-6244

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**PRELIMINARY**  
Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

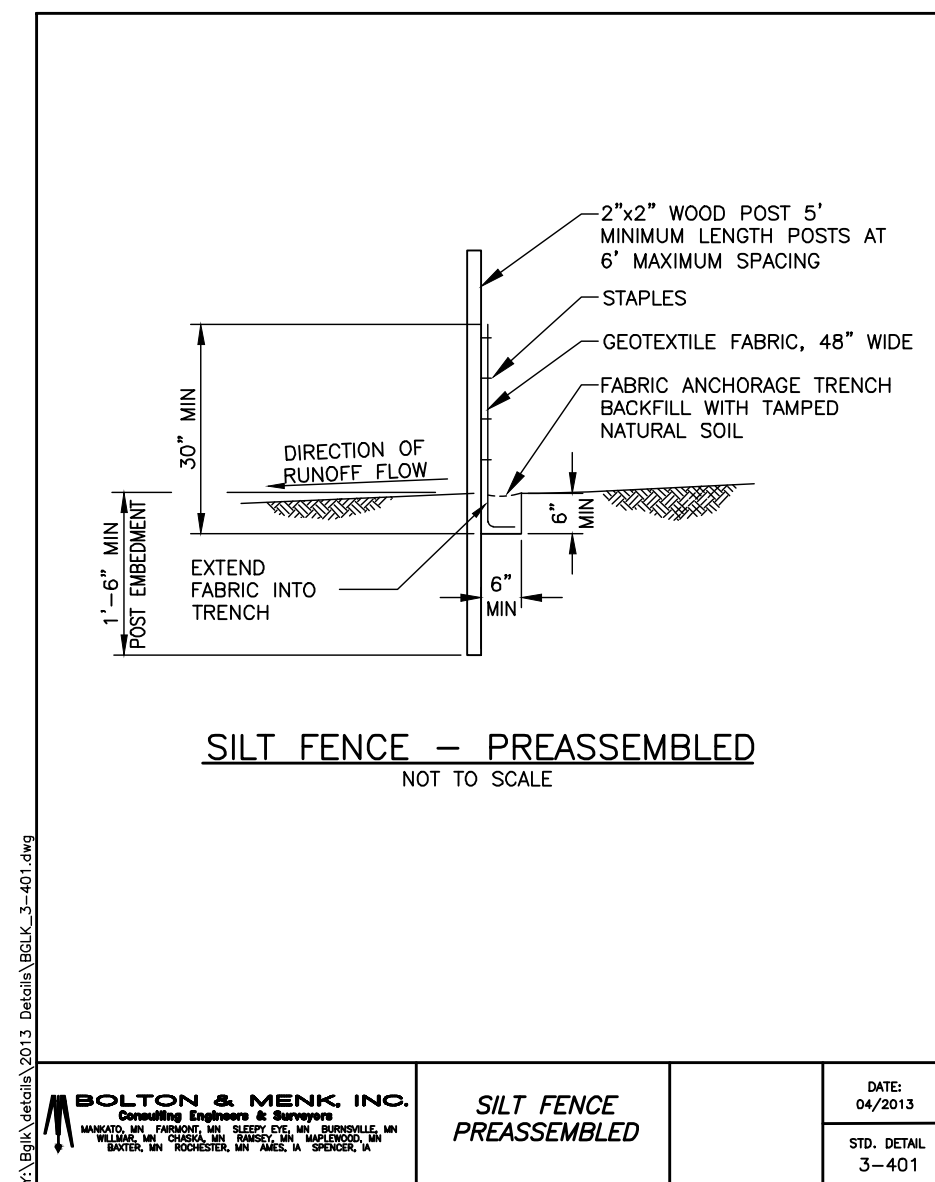
**26275 SMITHTOWN RD LOT SPLIT**  
SHOREWOOD, MINNESOTA  
**PRELIMINARY EROSION & SEDIMENT CONTROL PLAN**  
FOR  
**TONY AND AMY DENMAN**  
26275 SMITHTOWN RD

**DRAWN BY**  
JSO  
**DATE**  
05/20/2024  
**REVISIONS**

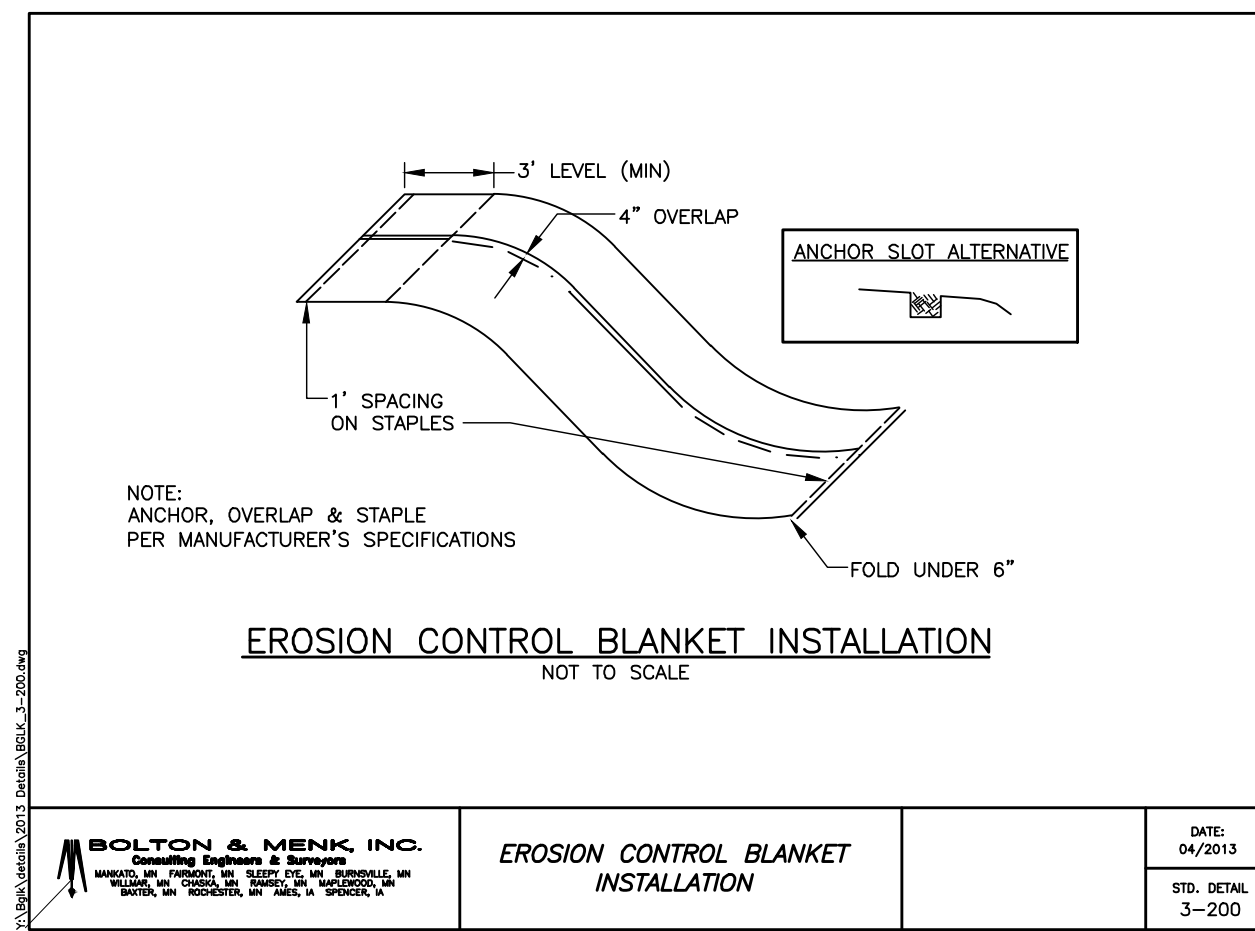
07/11/2024	TREE PRES. PLAN
10/17/2024	EX DRIVEWAY
10/28/2024	CITY COMMENTS
11/25/2024	WATERSHED COMMENTS
01/07/2025	WATERSHED COMMENTS
02/06/2025	WATERSHED COMMENTS
02/21/2025	WATERSHED COMMENTS

**CAD FILE**  
24142ERC  
**PROJECT NO.**  
24142  
**SHEET 5 OF 10**

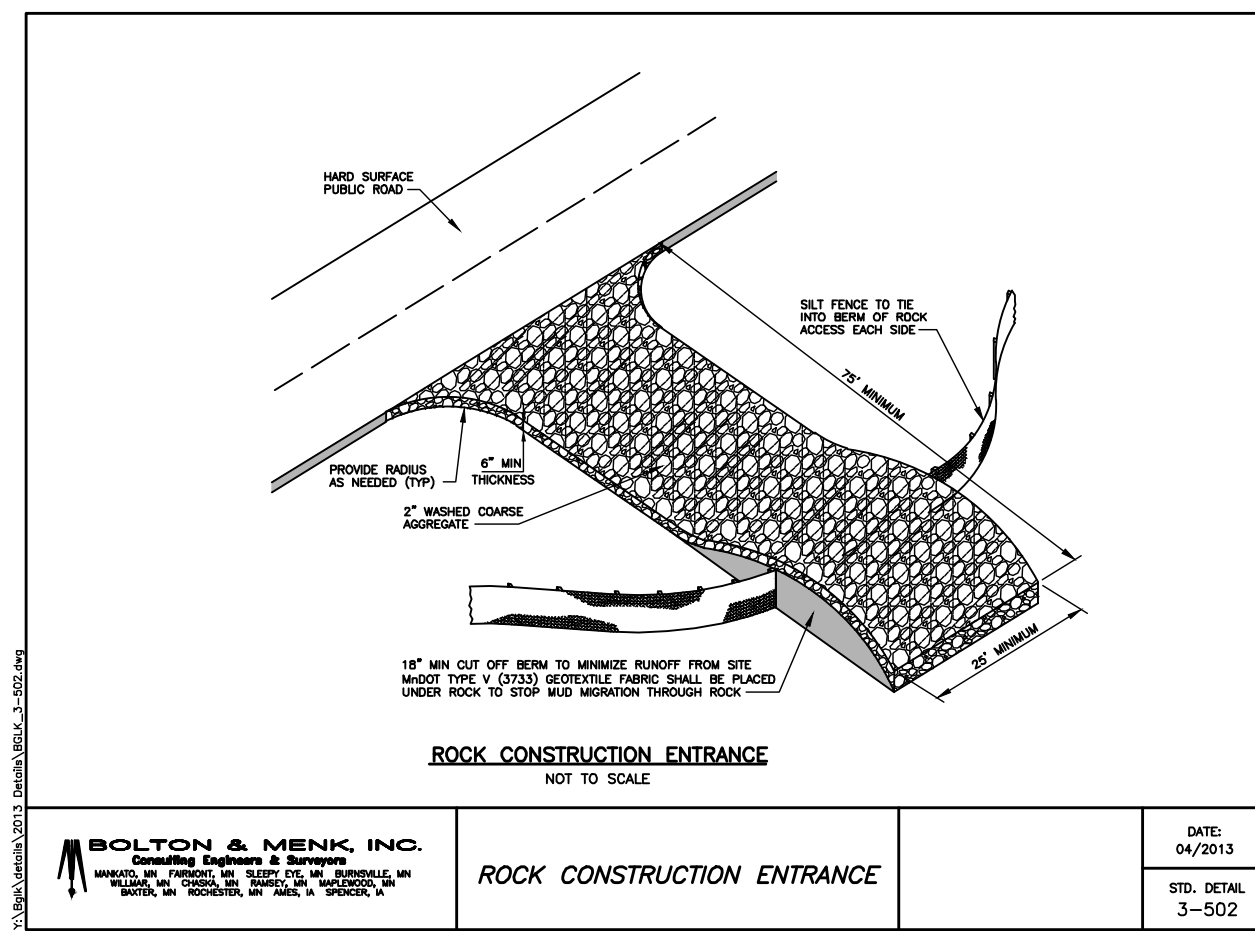
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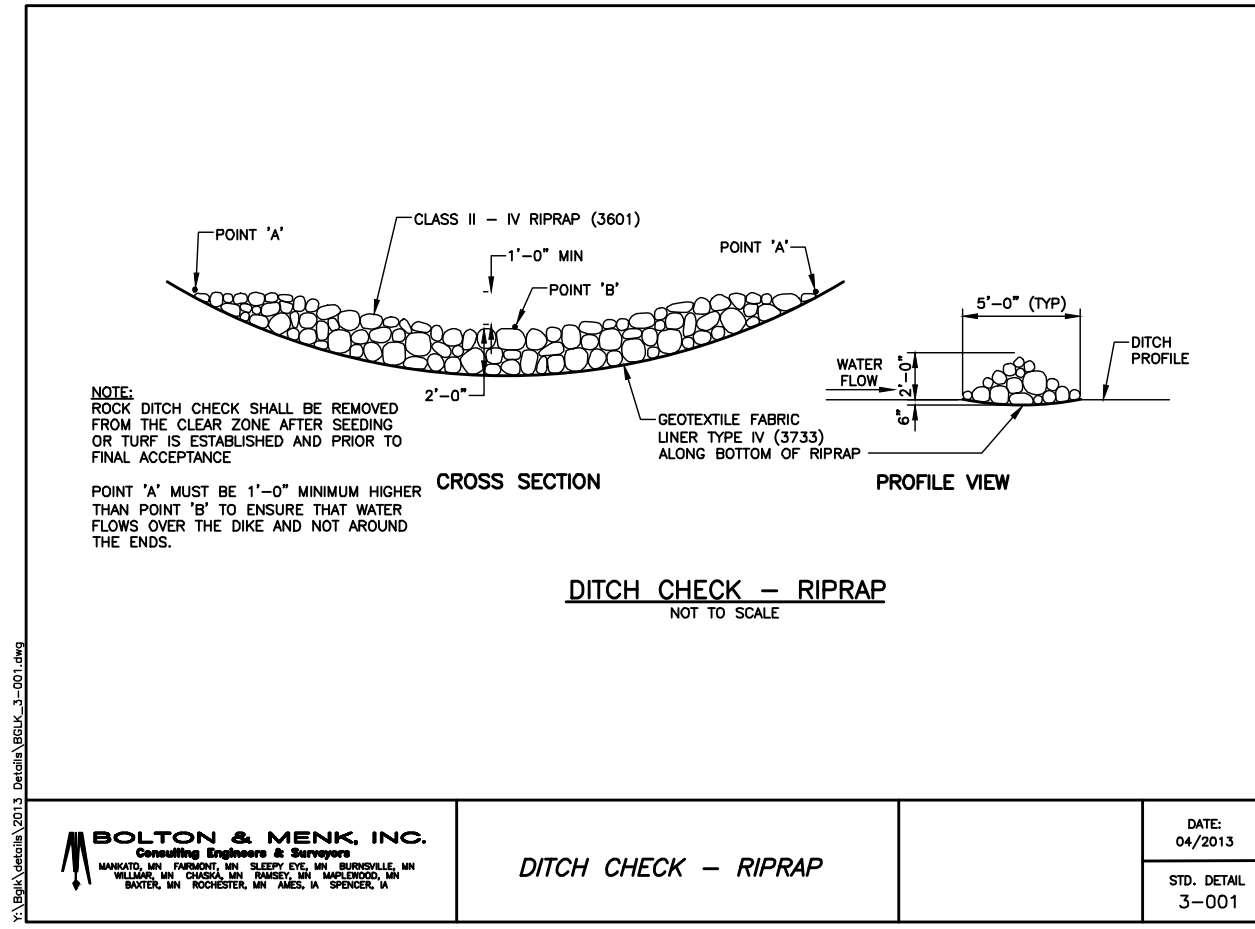
<b>BOLTON &amp; MENK INC.</b> Consulting Engineers & Surveyors 2000 W. WISCONSIN ST., SUITE 200, BURNSVILLE, MN 55306 TEL: 952.890.6044 FAX: 952.890.6244	<b>SILT FENCE</b> PREASSEMBLED	DATE: 04/2013
		STD. DETAIL: 3-401



<b>BOLTON &amp; MENK INC.</b> Consulting Engineers & Surveyors 2000 W. WISCONSIN ST., SUITE 200, BURNSVILLE, MN 55306 TEL: 952.890.6044 FAX: 952.890.6244	<b>EROSION CONTROL BLANKET</b> INSTALLATION	DATE: 04/2013
		STD. DETAIL: 3-200



<b>BOLTON &amp; MENK INC.</b> Consulting Engineers & Surveyors 2000 W. WISCONSIN ST., SUITE 200, BURNSVILLE, MN 55306 TEL: 952.890.6044 FAX: 952.890.6244	<b>ROCK CONSTRUCTION ENTRANCE</b>	DATE: 04/2013
		STD. DETAIL: 3-502



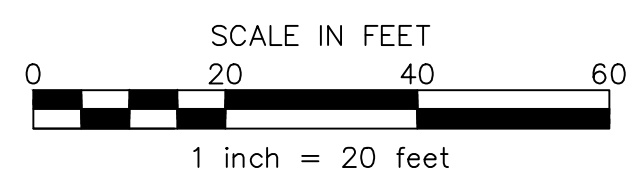
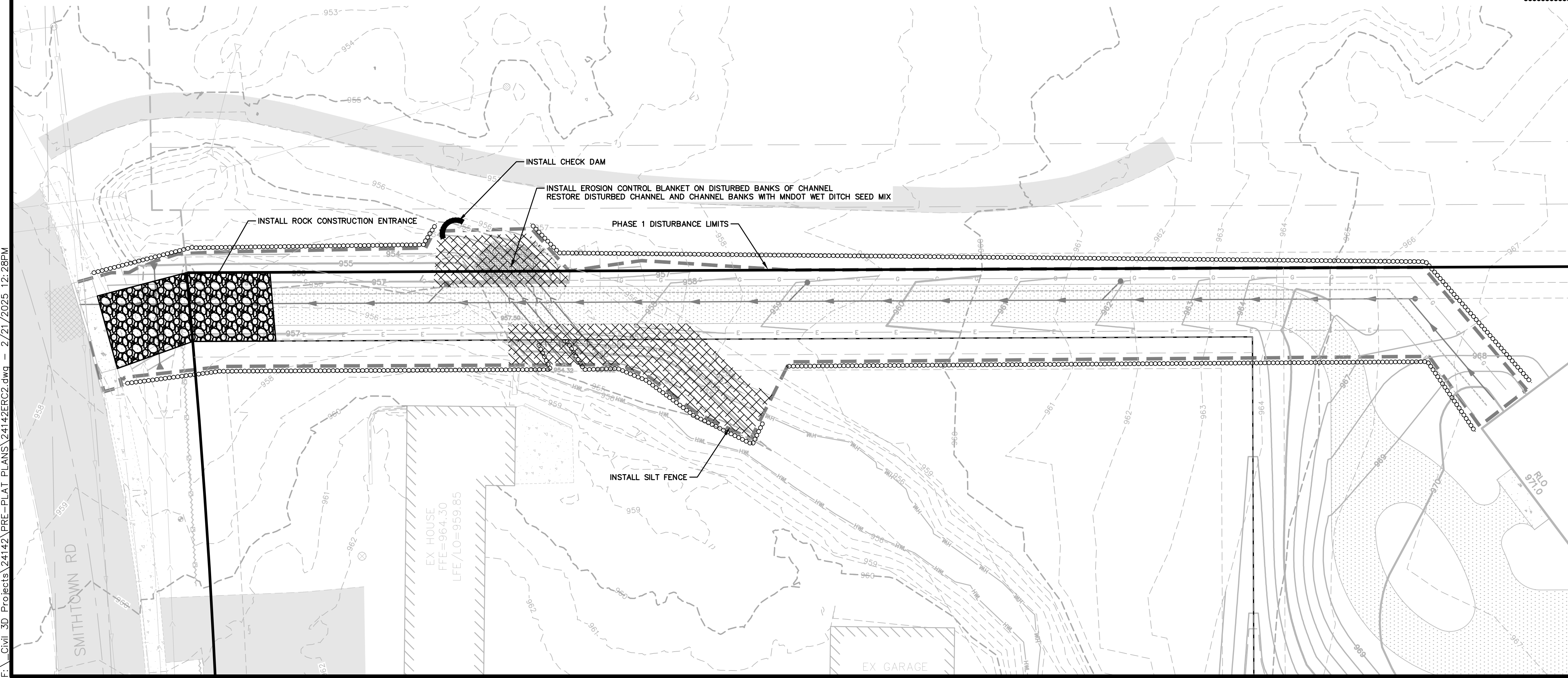
<b>BOLTON &amp; MENK INC.</b> Consulting Engineers & Surveyors 2000 W. WISCONSIN ST., SUITE 200, BURNSVILLE, MN 55306 TEL: 952.890.6044 FAX: 952.890.6244	<b>DITCH CHECK - RIPRAP</b>	DATE: 04/2013
		STD. DETAIL: 3-001

### LEGEND

	EXISTING WATERMAIN
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	EXISTING UNDERGROUND GAS
	EXISTING UNDERGROUND ELECTRIC
	EXISTING UNDERGROUND TELEPHONE
	EXISTING UNDERGROUND FIBER OPTIC
	EXISTING OVERHEAD POWER LINE
	EXISTING LIGHT POLE
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	EXISTING TELEPHONE PEDESTAL
	EXISTING TV PEDESTAL
	EXISTING CURB & GUTTER
	EXISTING RETAINING WALL
	EXISTING FENCE
	EXISTING RAILROAD
	EXISTING CONTOUR
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	EXISTING TREELINE/TREES
	EXISTING ASPHALT
	EXISTING CONCRETE
	EXISTING GRAVEL
	EXISTING WETLAND
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	PROPOSED SANITARY SEWER
	PROPOSED SANITARY SERVICE
	PROPOSED WATER SERVICE
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	PROPOSED CONCRETE
	PROPOSED ASPHALT SURFACE
	PROPOSED SEDIMENT BASIN
	PROPOSED INFILTRATION BASIN
	PROPOSED SILT FENCE
	PROPOSED SILT FENCE POST CONSTRUCTION
	PROPOSED SILT FENCE HEAVY DUTY
	PROPOSED WMCO
	PROPOSED POST STORM SEWER CONSTRUCTION
	PROPOSED YARD CB INLET PROTECTION
	PROPOSED POST STORM SEWER CONSTRUCTION
	PROPOSED DITCH CHECK - MnDOT TYPE 3
	PROPOSED GRADING/UTILITY CONSTRUCTION
	PROPOSED TEMPORARY ROCK CONSTRUCTION ENTRANCE
	PROPOSED EROSION CONTROL BLANKET
	MnDOT CATEGORY 20

**NOTES**

1. PHASE 1 DISTURBED AREA = 15,462 SF = 0.35 ACRES.
2. ALL GREEN SPACES SHALL BE SEEDED AND MULCHED WITH TURF MIX OR SODDED AFTER CONSTRUCTION HAS BEEN COMPLETED UNLESS OTHERWISE NOTED.

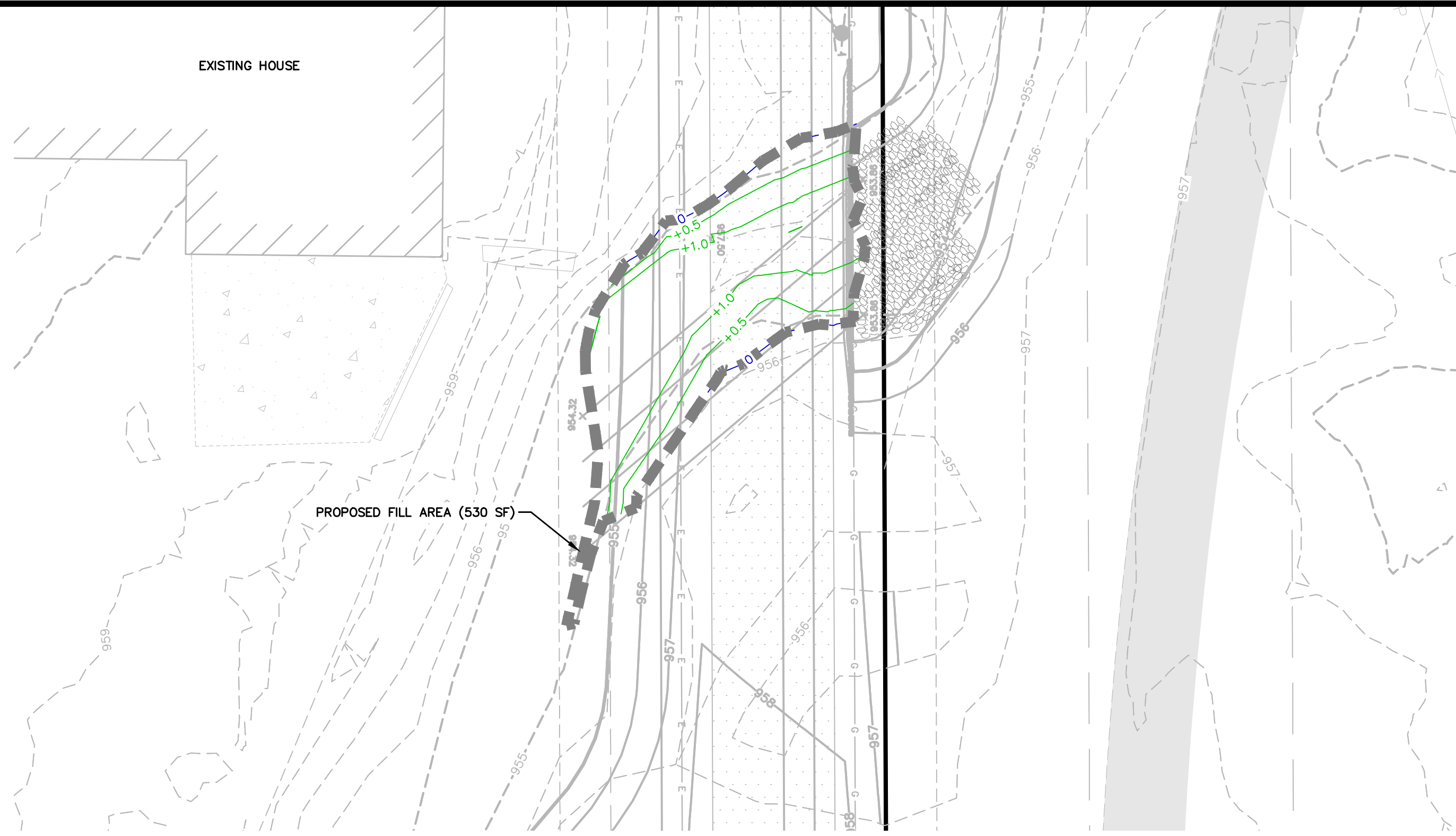


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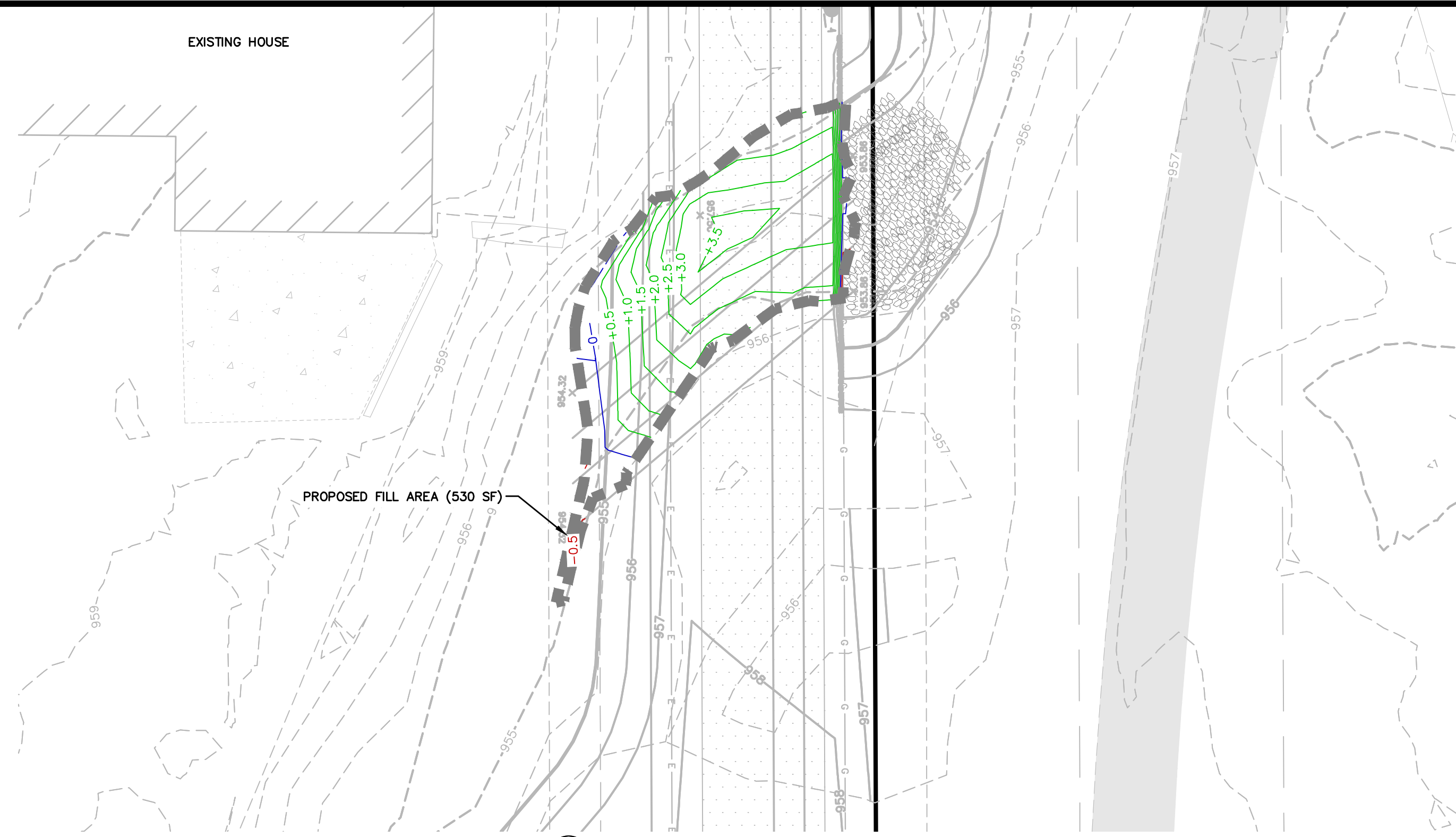
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
**PRELIMINARY**  
 Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**PHASE 1 EROSION & SEDIMENT CONTROL PLAN**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

DRAWN BY JSO
DATE 05/20/2024
REVISIONS
07/11/2024 TREE PRES. PLAN
10/17/2024 EX DRIVEWAY
10/28/2024 CITY COMMENTS
11/25/2024 WATERSHED COMMENTS
01/07/2025 WATERSHED COMMENTS
02/06/2025 WATERSHED COMMENTS
02/21/2025 WATERSHED COMMENTS
CAD FILE 24142ERC2
PROJECT NO. 24142
SHEET 6 OF 10



EXISTING HWL COMPUTED AT 1.5' DEPTH



① TOTAL PROPOSED FILL



② TOTAL PROPOSED FILL ABOVE THE EXISTING HWL



③ PROPOSED ADDED STORAGE BELOW EXISTING HWL

SUMMARY:

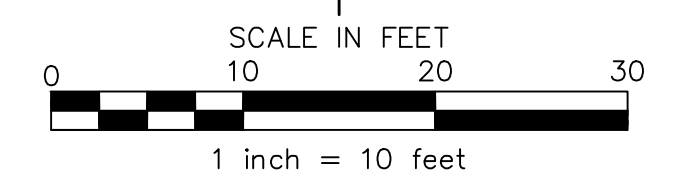
THE PROPOSED FILL BELOW THE EXISTING HIGH WATER LEVEL (HWL) IS COMPUTED BY THE TOTAL FILL MINUS THE FILL ABOVE THE EXISTING HWL

(1) PROPOSED TOTAL FILL – (2) PROPOSED FILL ABOVE EXISTING HWL = 13.36 CY

(3) PROPOSED ADDED STORAGE = 15.51 CY > 13.36 CY



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**PRELIMINARY**  
 Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**PEBBLE CREEK CUT-FILL MAP**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

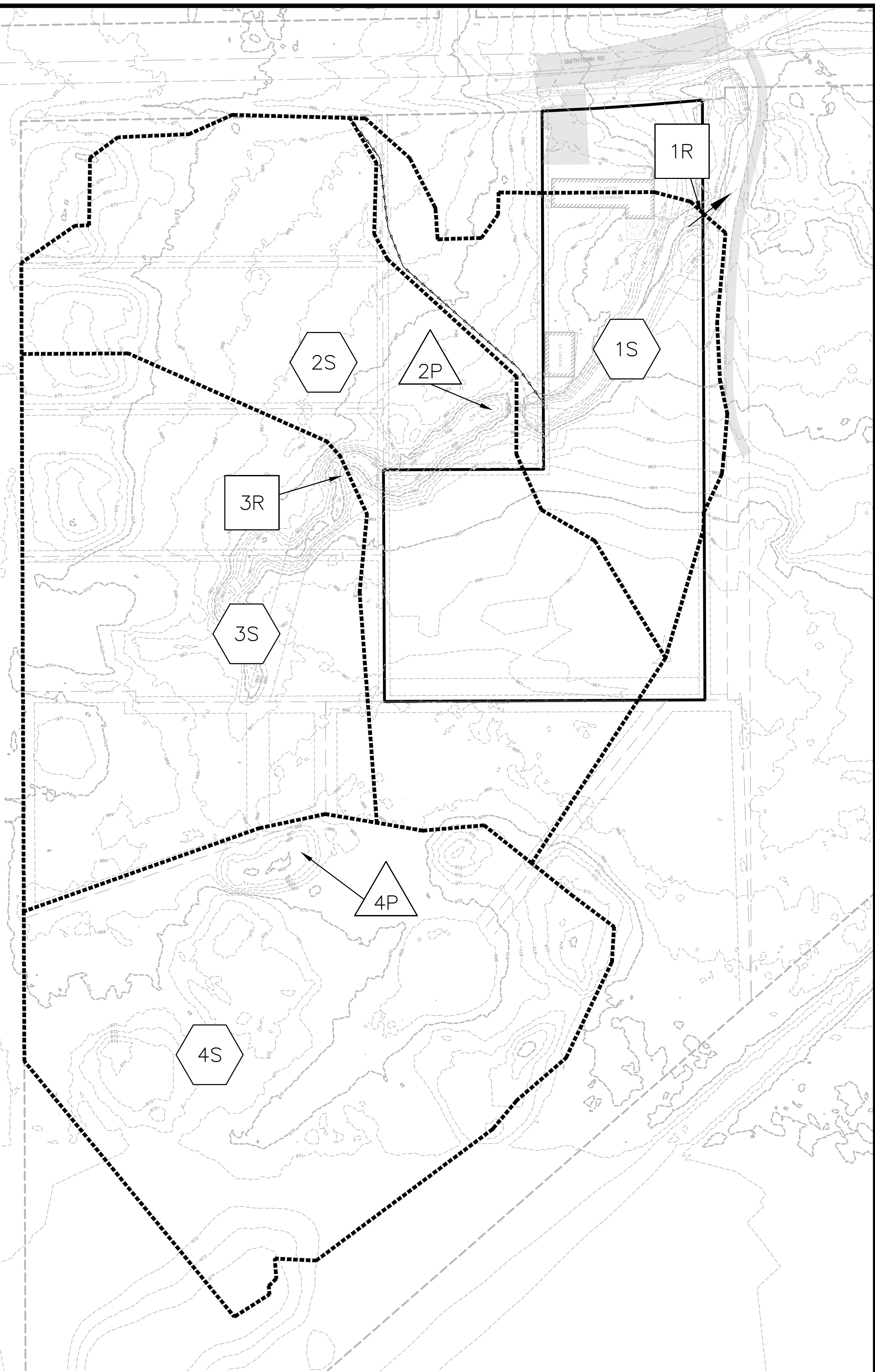
DRAWN BY	JSO
DATE	05/20/2024
REVISIONS	
07/11/2024	TREE PRES. PLAN
10/17/2024	EX DRIVEWAY
10/28/2024	CITY COMMENTS
11/25/2024	WATERSHED COMMENTS
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02/06/2025	WATERSHED COMMENTS
02/21/2025	WATERSHED COMMENTS

CAD FILE  
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 PROJECT NO.  
24142  
 SHEET 7 OF 10

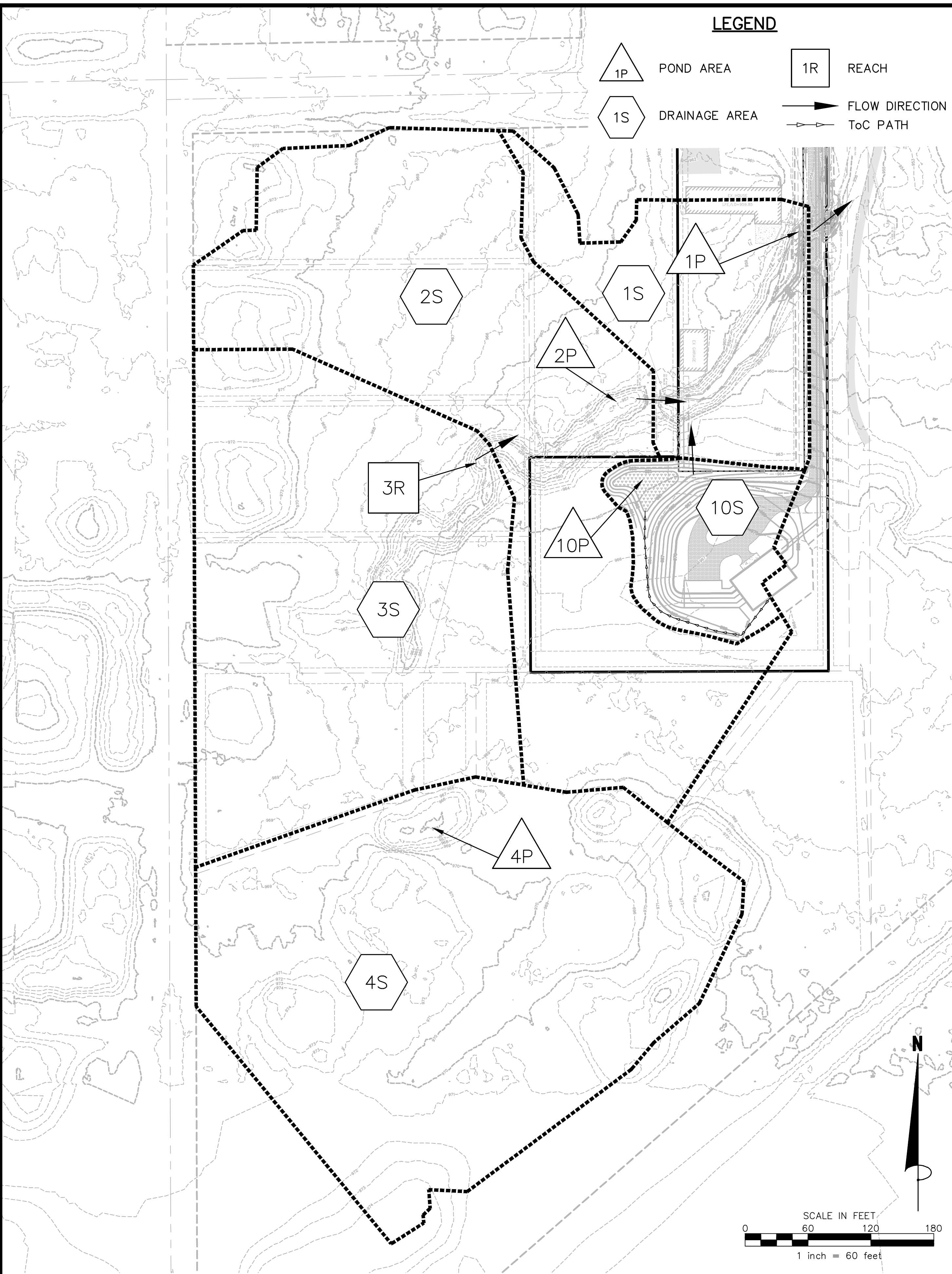
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EXISTING DRAINAGE MAP



PROPOSED DRAINAGE MAP

**LEGEND**

- 1R REACH
- 1S DRAINAGE AREA
- 1P POND AREA
- FLOW DIRECTION
- TOC PATH

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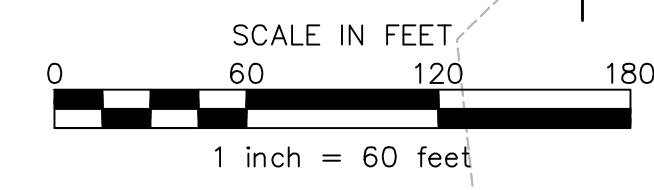
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**PRELIMINARY**

Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**DRAINAGE MAPS**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

DRAWN BY JSO	DATE 05/20/2024
REVISIONS	
07/11/2024 TREE PRES. PLAN	
10/17/2024 EX DRIVEWAY	
10/28/2024 CITY COMMENTS	
11/25/2024 WATERSHED COMMENTS	
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02/06/2025 WATERSHED COMMENTS	
02/21/2025 WATERSHED COMMENTS	
CAD FILE 24142DRN	
PROJECT NO. 24142	
SHEET 8 OF 10	





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**NOTES:**  
 THE HOUSE LAYOUT IS CONCEPT. FINAL LANDSCAPE PLAN THAT MEETS THE REQUIREMENTS OF THE CITY OF SHOREWOOD SHALL BE SUBMITTED WITH BUILDING PERMIT.  
 MINIMUM TREE REPLACEMENT IS 2.38 ACRES X 8 TREES/ACRE = 19 TREES.  
 PROPOSED 20 TREES SHOWN ON PLAN.

**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
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**PRELIMINARY**  
 Date: \_\_\_\_\_ Reg. No. \_\_\_\_\_

**26275 SMITHTOWN RD LOT SPLIT**  
 SHOREWOOD, MINNESOTA  
**PRELIMINARY LANDSCAPE PLAN**  
 FOR  
**TONY AND AMY DENMAN**  
 26275 SMITHTOWN RD

DRAWN BY JSO
DATE 05/20/2024
REVISIONS
07/11/2024 TREE PRES. PLAN
10/17/2024 EX DRIVEWAY
10/28/2024 CITY COMMENTS
11/25/2024 WATERSHED COMMENTS
01/07/2025 WATERSHED COMMENTS
02/06/2025 WATERSHED COMMENTS
02/21/2025 WATERSHED COMMENTS
CAD FILE 24142L
PROJECT NO. 24142
SHEET 10 OF 10

## **Attachment C: Public Notice**

The Minnehaha Creek Watershed District (MCWD) is currently reviewing a permit application at 26275 Smithtown Road in Shorewood. The project, proposed by Rick, Amy, and Tony Denman, involves the installation of underground utilities and a culvert across Pebble Creek. You are receiving this notice because your property is located within 600 feet of the project site.

MCWD reviews for compliance only with applicable MCWD rules. The city, county, or another public agency may require other permits or approvals.

Site plans and additional information can be found on our website under Public Notices – Permit #24-525 or by following the QR code.

If you have questions or wish to request Board consideration regarding the project's compliance with MCWD rules, please contact Veronica Sannes at vsannes@minnehahacreek.org before March 5th at 4:30 p.m.



The Minnehaha Creek Watershed District (MCWD) is currently reviewing a permit application at 26275 Smithtown Road in Shorewood. The project, proposed by Rick, Amy, and Tony Denman, involves the installation of underground utilities and a culvert across Pebble Creek. You are receiving this notice because your property is located within 600 feet of the project site.

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## **Attachment D: Public Comment**

**From:** [john ha \[REDACTED\]](#)  
**To:** [Veronica Sannes](#); [Alan Ye \[REDACTED\]](#); [Wanda ha \[REDACTED\]](#)  
**Subject:** Permit #24-525 26275 Smithtown Road Shorewood MN Denman  
**Date:** Saturday, March 1, 2025 11:12:12 AM

---

You don't often get email from john@balchco.com. [Learn why this is important](#)

Hello Veronica,

We are contacting you regarding The 26275 Smithtown road permit application. We have opposed the project from the beginning as it didn't meet the requirements for subdivision without a variance.

We expressed our concerns to the city of Shorewood:

Will it negatively affect the water table for us? (all our neighbors have water issues that we don't have or want) we asked for a soil hydrologist -the city declined.

Will removing fifty mature trees negatively impact the owls - hawks - pileated woodpeckers - turkeys and deer? The city didn't express any concern.

Will altering the natural flow of pebble creek be desirable? You would decide that. The city declined to pursue any action and the application barely passed on a 3-2 vote.

In our opinion the city of Shorewood would rather have the tax income from a Rick Denman (Charles Cudd) home than follow their ordinance or preserve the environment for everyone else.

We hope the Minnehaha Creek Watershed District will place a higher value on water table concerns, wildlife and environment than the city does.

Please deny the application.

Best Regards,

Wanda and John Ha [REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Alan Y [REDACTED]  
**To:** Veronica Sannes  
**Subject:** Permit #24-525, 26275 Smithtown Road, Shorewood MN  
**Date:** Sunday, March 2, 2025 5:22:58 PM

---

You don't often get email from a.yelsey@gmail.com. [Learn why this is important](#)

To: V. Sannes, Minnehaha Creek Watershed District  
From: Alan Y [REDACTED]  
Subject: Permit #24-525, 26275 Smithtown Road, Shorewood MN  
Copy List: Shorewood Residents, Shorewood City Council, MN DNR, Regional State Legislators & Senators

My property is within 600ft of the applicant's location, but more importantly, my property and the adjoining natural resources were and remain damaged by the construction of what is called Smithtown Ponds. The proposed new construction will contribute further to that damage.

I oppose the permit on the grounds that my neighbors and I do not know how the applicants will mitigate damages and comply with MCWD rules and regulations. At this time, my evidence and understanding, and that of my neighbors, is that the application is non-compliant with MCWD rules and regulations. My evidence and understanding is that the Smithtown Ponds Project, which systemically affects a broad area of homeowners, habitat, ecosystems, watersystems (Pebble Creek and Freeman Creek), including the applicant's proposal, and including the southern shore of Lake Minnetonka and all watersheds south of Lake Minnetonka, is clearly non-compliant with MCWD rules and regulations. All such non-compliance should be immediately researched and acted up to fulfill the responsibilities under the law for MCWD to protect the area's ecosystem and enforce its own rules and regulations.

Here is a summary of current permit non-compliance and current and inter-related Smithtown Ponds non-compliance with MCWD rules and regulations:

1) The Smithtown Ponds Project has clearly and illegally impeded the historic and essential flow of water from Pebble Creek and Freeman Creek into the watershed and wetlands along Grant Lorenz Road and Edgewood Road at the southern border of Lake Minnetonka. The two creeks have flowed mostly year round in the past and fed the Lake and wetlands with essential water to support habitat, waterfowl, wetlands and the entire watershed. After construction, due to construction non-compliance, the flow of water from both creeks has been greatly and illegally diminished, threatening the entire lower Lake ecosystem. I urge MCWD to research the extent of the non-compliance, and require the parties to remedy the problem as required by MCWD rules and regulations, and also required by State and Federal rules and regulations regarding the protection of creeks and watersheds from unnecessary and illegal diminishment and disruption.

2) Because Smithtown Ponds has clearly damaged the entire lower Lake ecosystem by severely reducing creek flow and by removing almost 1,000 water absorbing trees and plant life, Permit #24-525 will add significantly to the problem and introduce further problems that MCWD has the mandate and jurisdiction to prevent and repair. Further, area homeowners affected by the non-compliance of Smithtown Ponds (flooding, heightened water table, reduced habitat and diminished private enjoyment) will experience further damage following the current construction plans under Permit #24-525.



A. A wide paved impervious driveway will be placed immediately beside and through hundreds of feet of pebble creek and the concentrated feed of water from Freeman Creek downstream. This long and massive driveway immediately to the west of Smithtown Ponds and immediately to the west and through Pebble Creek, including a large and deep home and basement, violates numerous MCWD rules and regulations including:

a1-Unnecessarily and significantly impacting and disturbing the creeks, the streambank, the creek beds directing rain and melt into the creeks, the creek flow, the adjacent wetlands and habitat, the natural erosion controls, the topographical drainage angles and features, vegetation buffers, the natural filtering of water flow north, and the functionality of the adjacent parks and open-space.

a2-Unnecessarily and significantly impacting/harming the beds and banks of the waterways through encroachment and infrastructure, and through the unnecessary and significant impact of the crossing of the pebble creek waterbody and the disturbance of the natural productive flow of surface and groundwater.

a3-Unnecessarily and significantly impacting and disturbing the area water-table, drainage and waterflow, and the area's large trees and vegetation, in a way that will cause higher more damaging water-tables to area residents, more standing water, lower rates of water absorbing soils and vegetation, and much greater compression of area soils, coupled with much larger areas of impervious surface. Drainage issues are a major concern and violate MCWD rules and regulations if not fully addressed.

a-4-Unnecessarily and significantly impacting/harming, directly and indirectly, the quality and biodiversity of wetlands by contributing to diminished or drained wetlands by shutting down the essential flow of water downstream to the wetlands and Lake Minnetonka.

a-5-Unnecessarily and significantly impacting/harming and degrading the health of surface water and groundwater by add a massive increase in impervious and contaminating surface area in an area already seriously harmed by Smithtown Ponds. Rainfall and runoff volume will be uncontrolled downstream.

a-6-Unnecessary and significantly impacting/harming, through mass grading, the quality and flow of healthy and beneficial surface waters and groundwaters. The reconstructed creek beds have a high risk of becoming unstable, ecologically damaging and harmful to water quality and beneficial drainage.

a-7-Unnecessary and significantly impacting/harming, through the further massive displacement of ground soils and construction of a full basement and additional impervious surface, the high local water table to an extent that may flood area basements due to an already very high water table, and may harm the entire area ecosystem by raising already dangerously high ground water levels.

Thank you for your consideration. I am always available to discuss this matter. I urge you to fix the obvious non-compliance of Smithtown Ponds with your rules and regulations and actively address the current non-compliance of the plans for 26275 Smithtown Road with your rules and regulations. I would appreciate any updates throughout the process.

Alan



**From:** John Ha [REDACTED]  
**To:** Veronica Sannes; Alan Ye [REDACTED]; Wanda ha [REDACTED]  
**Subject:** Smithtown road permit  
**Date:** Tuesday, March 4, 2025 5:39:48 PM

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[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Hello Veronica

Thank you offering the time to discuss this matter but I am out of the country until the 10th.

We are concerned about the issues I referred to in my email. I would appreciate your help in getting the board to review this application thoroughly. The MCWD may not feel it is within their area of purview but any detrimental effects of this permitting would have been preventable by not approving it and the MCWD is currently the final arbiter of these matters.

Thank you

Wanda and john ha [REDACTED]

Sent from my iPhone



**MINNEHAHA CREEK**  
**WATERSHED DISTRICT**  
QUALITY OF WATER, QUALITY OF LIFE

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**From:** Alan Ye [REDACTED]  
**Sent:** Tuesday, March 4, 2025 6:31 PM  
**To:** Veronica Sannes <vsannes@minnehahacreek.org>  
**Cc:** John Ha [REDACTED]  
**Subject:** Re: Permit #24-525 26275 Smithtown Road Shorewood MN Denman

Hi Ms. Sannes:

Thank you for offering further opportunities for discussion and consideration of the 24-525-26275 Permitting matter.

If you have the responsibility and authority to gather data and report on the permitting matter and my input to the MCWD Board as they consider this matter, I would be happy to meet with you at the east end of the property in question at your convenience any time this Thursday or Friday for an evidence walkabout. If you have no power to report or influence the consideration and the rules and regulatory enforcement, there is no need to meet. If we meet I would also like to present evidence also that the inter-connected Smithtown Ponds project is non-compliant with MCWD rules and regulations and needs corrective action to avoid further damage to area wetlands and ecosystems. I would ask that you consider the evidence and present it fairly to MCWD.

I presented to the Board several years ago regarding the Smithtown Ponds MCWD rules violations. I felt that I was not valued and not welcomed. My time to speak was severely restricted, I felt I was merely tolerated and I believe my ample evidence of violations were ignored. So, I do not plan to request a hearing before the Board on this matter unless the Board has changed into a regulatory body that would respect citizen input.

Thank you.

Alan  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [Alan Ye](#)  
**To:** [Veronica Sannes](#)  
**Cc:** [John H](#)  
**Subject:** Re: Permit #24-525 26275 Smithtown Road Shorewood MN Denman  
**Date:** Thursday, March 6, 2025 4:19:02 PM

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Dear Ms. Sannes:

I appreciate your well crafted and researched response to my input. I can be available to meet onsite at any of the times you proposed.

Please explain why your permit review does not include explicit MCWD rules and regulations directly applicable to the proposed project review:

Beds and Banks minimal impact, encroachment and disruption.

Wetland and watershed protection and minimal impact.

Streambank minimal impact, stabilization, disruption minimization and protection.

Water body crossing minimal impact, vegetation buffers, excavation protections.

Wetland protection and enhancement, quality and quantity, biodiversity, limit direct and indirect impacts, restoration of diminished wetlands.

Impacts of mass regrading, deforestation and increased impervious surface.

Protect and improve the ecological health of surface water and groundwater and reduce rainfall and stormwater runoff.

These explicit MCWD objectives and responsibilities do not seem to appear in the upcoming review even though they are integral to the consideration of the permit under MCWD rules.

Further, I asked that you consider also during our onsite meeting and upcoming board meeting the obvious violations of MCWD rules and regulations and non-compliance I am formally reporting by the adjacent and inter-connected Smithtown Ponds project.

Would you please respond directly to these concerns.

Thank you.

Alan Ye

Sent from my iPhone

On Mar 6, 2025, at 3:06 PM, Veronica Sannes <[vsannes@minnehahacreek.org](mailto:vsannes@minnehahacreek.org)> wrote:

**From:** [John Ha \[REDACTED\]](#)  
**To:** [Veronica Sannes](#)  
**Subject:** Hasselbalch  
**Date:** Tuesday, March 11, 2025 10:38:42 AM

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Hello Veronica

I understand the limits of the MCWD authority.

My primary concern is with the water table.

All the property owners on Peach Circle have sump pumps that run - we do not.

We asked the city of Shorewood to require a hydrological assessment of the potential impact to our property of this proposed subdivision (as the City cannot grant a variance if it negatively impacts the adjoining properties) they decided to take the chance (as quoted in the minutes) much to our dismay!

We are requesting the MCWD require a hydrological assessment of the potential impact to water table and to our property as part of the approval.

We would really benefit from your help as the city has let us down in this regard and we have nowhere else to turn (other than litigation).

Thank you

Wanda and John Ha [REDACTED]

Sent from my iPhone

**From:** [John Ha \[REDACTED\]](#)  
**To:** [Veronica Sannes](#)  
**Subject:** Hasselbalch  
**Date:** Sunday, March 16, 2025 11:16:25 PM

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Veronica

Thank you for meeting with Alan to discuss the issues - sorry I couldn't make the meeting- I was obligated elsewhere.

Will you be able to ask the board to consider the inclusion of a hydrological assessment as part of the permitting process?

I think the City needs to address the water issues.

Thank you

Wanda and John ha [REDACTED]

Sent from my iPhone

**From:** [John Ha](#) [REDACTED]  
**To:** [Veronica Sannes](#)  
**Subject:** Re: Hasselbalch  
**Date:** Tuesday, March 18, 2025 8:45:55 AM

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Veronica

Everyone seems to want to absolve themselves from any responsibility for the groundwater impact- not the city not MCWD - if not the watershed district then WHO?

I believe it the watershed district has jurisdiction over the watershed- do I need to ask a court to decide?

Thank you

Wanda and John ha [REDACTED]

Sent from my iPhone