

January 26, 2016

Sara Roediger  
Department of Planning and  
Economic Development  
**City of Rochester Hills**  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

**Subject: File No. 15-006 Bloomer Woods Condominiums;  
Wetland Use Permit Review #2;  
Plans received by the City of Rochester Hills on  
January 15, 2016**

**Applicant: Lombardo Homes/G. Windingland**

Dear Ms. Roediger:

The above referenced project proposes to construct 30 residential condominium units on a 12.843-acre property located on the east side of John R. Road, north of Avon Road, and south of Bloomer Road. The subject site includes wetlands regulated by the City of Rochester Hills and likely the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on January 15, 2016 (Current Plans) for conformance to the Wetland and Watercourse Protection Ordinance and the Natural Features Setback Ordinance and offers the following comments for your consideration.

## **COMMENTS**

1. **Applicability of Chapter (§126-500).** The Wetland and Watercourse Protection Ordinance is applicable to the subject site because the subject site is not included within a site plan which has received final approval, or a preliminary subdivision plat which received approval prior to January 17, 1990, which approval remains in effect and in good standing and the proposed activity has not been previously authorized.

2. **Wetland and Watercourse Determinations (§126-531).** This Section lists specific requirements for completion of a Wetland and Watercourse Boundary Determination.
  - a. This review has been undertaken in the context of a valid Wetland and Watercourse Boundary Determination previously completed by ASTI for the property on May 6, 2015. ASTI agrees with the depiction of the on-site wetlands on the current plans. The applicant should be advised that wetland delineations are only considered valid by the DEQ and the City for a period of three years.
3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review of the Current Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
  - a. All impacts to City- and DEQ-regulated wetlands are shown on the Current Plans to ASTI's satisfaction.
  - b. The Current Plans show approximately 655 square feet of wetland impacts will occur in the northwest portion of the site from the construction of a proposed storm water culvert and from the construction of a proposed detention pond. The wetland in this area is of low quality and ASTI recommends that the City allow a Wetland Use Permit for this action. These impacts are shown on the Current Plans to ASTI's satisfaction.
  - c. The Current Plans show approximately 215 square feet of temporary wetland impacts will occur from the construction of a proposed storm water culvert in the northwest corner of the site.

This proposed action qualifies for an exception to the Wetland Use Permit provided that: (1) a prior written notice is given to the City Engineer and written consent is obtained from the City Mayor prior to work commencing; (2) the work is conducted using best management practices (BMPs) to ensure flow and circulation patterns and chemical and biological characteristics of wetlands are not impacted; and (3) such that all impacts to the aquatic environment are minimized. Revised plans should also note that BMPs will be implemented during the construction phase of the proposed project. ASTI recommends that any temporary impact areas be restored to original grade with original soils or equivalent soils and seeded with a City-approved wetland seed mix, where possible. This is noted on the Current Plans to ASTI's satisfaction.

- d. The Current Plans show approximately 1,300 square feet of permanent wetland impacts will occur in the west-central portion of the site from the construction of a portion of the proposed Balsam Circle private drive. The wetland in this area is of low quality and ASTI recommends that the City allow a Wetland Use Permit for this action. These impacts are shown on the Current Plans to ASTI's satisfaction.
  - e. The Current Plans show approximately 12,200 square feet of permanent wetland impacts will occur in the north-central portion of the site from the construction of Lot 15 and Lot 16. The wetland in this area is forested and of medium quality and the impacts to this wetland are shown on the Current Plans to ASTI's satisfaction. In a previous review, ASTI recommend that the City allow for a Wetland Use Permit for this action on the condition a permanent barrier, such as a field stone wall 18-inches or more in height, be placed along the northern boundaries of Lots 15 and 16 so as to prevent any further unplanned impacts to the wetland in this area. The Current Plans indicate that an 18-24" boulder barrier with tree plantings is proposed in this area, which is to ASTI's satisfaction.
4. **Use Permit Approval Criteria (§126-565).** This Section lists criteria that shall govern the approval or denial of an application for a Wetland Use Permit. The following items must be addressed on a revised and dated Wetland Use Permit application and additional documentation submitted for further review:
- a. A Wetland Use Permit from the City and a DEQ Part 303 Permit are required for this project as proposed. Once a DEQ permit is received by the applicant, it must be submitted to the City for review.
5. **Natural Features Setback (§21.23).** This Section establishes the general requirements for Natural Features Setbacks and the review criteria for setback reductions and modifications.
- a. All Natural Features Setback areas are shown and labeled as "Natural Features Setback" and all impacts to Natural Features Setback areas are depicted and stated in lineal feet on revised plans, which is to ASTI's satisfaction.
  - b. Approximately 175 linear feet of Natural Features Setback in the northwest portion of the site will be permanently impacted from the construction of the proposed detention pond. The Natural Features Setback in this area is of low quality and ASTI recommends that the City allow for a Natural Features Setback modification for this action. These impacts are shown on the Current Plans to ASTI's satisfaction.

- c. Approximately 600 linear feet of permanent Natural Features Setback impacts will occur in the north-central portion of the site from the construction of Lots 17, 18, 19, 26, and a portion of Balsam Circle. The Natural Features Setback in this area is of low quality and ASTI recommends that the City allow for a Natural Features Setback modification for this action. These impacts are shown on the Current Plans to ASTI's satisfaction.
- d. Approximately 300 liner feet of Natural Feature Setback will occur in the north-central portion of the site from the construction of Lots 14, 15, 16, and a portion of Balsam Circle. The Natural Features Setback in this area is of low quality and ASTI recommends that the City allow for a Natural Features Setback modification for this action. These impacts are shown on the Current Plans to ASTI's satisfaction.

**RECOMMENDATION**

ASTI recommends the City approve the Current Plans on the condition that a DEQ permit for the Current Plans, as stated in Comment 4.a, is obtained and submitted to the City for review.

Respectfully submitted,

**ASTI ENVIRONMENTAL**



Kyle Hottinger  
Wetland Ecologist



Dianne Martin  
Director, Resource Assessment & Mgmt.  
Professional Wetland Scientist #1313