

October 3, 2014

Ed Anzek
Department of Planning
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

**Subject: File No. 98-025 Andover Woods Condos, East & West Sides;
Wetland Use Permit Review #18;
Revised sites plans received by the City of Rochester Hills on
October 1, 2014**

Applicant: Trowbridge Land Holdings LLC

Dear Mr. Anzek:

The above referenced project proposes to construct 13 buildings comprising 26 condominium units on the 9.378-acre eastern property and 8 buildings comprising 16 condominium units on the 17.289-acre western property. The site is located on the east and west sides of N. Rochdale Drive, just north of Walton Boulevard. The subject site includes wetlands and a watercourse regulated by the Michigan Department of Environmental Quality (DEQ) and City of Rochester Hills. Sargent Creek, a high quality stream, bisects the property and comprises the approximate northern boundary of the project.

ASTI has reviewed the site plans received by the City on October 1, 2014 (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. The current plans were reviewed by ASTI in the context of a valid Wetland and Watercourse Boundary Determination completed by Brooks Williamson and Associates on July 26, 2013 for this site (for the east and west sides of Rochdale Drive, south of Sargent Creek only). ASTI inspected the site on August 30, 2013 and is satisfied that Sheet 25 and Sheet 26 of the current plans accurately show this wetland delineation. The current plans depict the on-site wetlands with alpha-numeric labeling of the wetland flagging as surveyed in the field. This is to ASTI's satisfaction.

The current plans also indicate that the wetland flagging of the boundaries of wetland shown north of Sargent Creek (on both the east and west sides of the project) were not surveyed. Therefore, any wetland boundaries shown north of Sargent Creek will not be considered valid on future submittals of this project without an on-site confirmation by ASTI.

3. **Use Permit Required (§126-561).** This Section establishes general parameters for activity requiring permits, as well as limitations on nonconforming activity. This review has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
 - a. A plan sheet depicting and stating all individual wetland impacts in square feet must be provided for the entire project area. This information is depicted on Sheet 23 and Sheet 24 of the current plans to ASTI's satisfaction.
 - b. No wetland impacts are proposed on the west side on the current plans. This is to ASTI's satisfaction.
 - c. The current plans show that on the east side 6975 square feet of permanent wetland impacts will occur to the DEQ- and City-regulated linear wetland (Wetland B) south of the proposed retaining wall, north of the cul-de-sac of Rochdale Court. The impacts will result from the construction and associated grading of the cul-de-sac of Rochdale Court and Units 11 and 12. These wetland impacts are depicted to ASTI's satisfaction on Sheet 24 of the current plans. This portion of Wetland B is of low quality and is not considered by ASTI to be a vital natural resource to the City and ASTI recommends the City allow for a Wetland Use Permit for these activities.
 - d. The current plans show that on the east side 3580 square feet of permanent wetland impacts will occur to the DEQ- and City-regulated isolated wetland in the southwestern portion of the east side (Wetland C) from the construction of and grading activities associated with Units 5 and 6 and a small portion of Rochdale

- Court. These wetland impacts are depicted to ASTI's satisfaction on Sheet 24 of the current plans. This scrub/shrub and forested wetland to be impacted is of moderate to low quality and is not considered by ASTI to be a vital natural resource to the City.
- e. Previous plan submittals for this site, the east side specifically, stated that the artesian well north of the proposed Unit 26 (per the current plans), was capped several years ago and does not contribute water to the wetland nearby. ASTI recommends that proof of proper abandonment be supplied by the applicant or that plans of proper abandonment of this artesian well be included on revised plans. The current plans do not depict grading on or very near the well and a note stating that grading activities shall not affect the well is included on the current plans. This is to ASTI's satisfaction.
4. **Application for Use Permit (§126-564).** This Section lists specific requirements for Wetland Use Permit applications. The following items must be addressed on a revised and dated Wetland Use Permit application and additional documentation submitted for further review:
- a. A Michigan Department of Environmental Quality (DEQ) wetland and floodplain permit is required for this project as proposed. To ASTI's knowledge, a DEQ permit has not been obtained for the project as shown on the current plans. A DEQ permit must be obtained and submitted to the City for review.
5. **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:

Due to the high quality of Sargent Creek and the close proximity of the proposed development to the floodplain and riparian wetlands associated with Sargent Creek, it is important to balance the benefits which may reasonably be expected to accrue from the proposed activity against the foreseeable detriments of the activity (§ 126-565.1). The amount of grading and land balancing has been significantly reduced from previous submittals. However, ASTI continues to stress that efficient construction sequencing and best management practices (BMPs) are critical for avoiding impacts to Sargent Creek. The current plans and supplemental information do not indicate any proposed land clearing or grading in close proximity to Sargent Creek. ASTI recommends that the applicant consult the City and ASTI prior to changing any plans that would include proposed grading in close proximity to Sargent Creek. Moreover, ASTI recommends the applicant consult the City prior to

conducting any land clearing on-site.

6. **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. The current plans show all areas of of the Natural Features Setback labeled as such on the current plans. Additionally, all impacts to Natural Features Setback areas are provided in linear feet on Sheet 23 and Sheet 24 of the current plans to ASTI's satisfaction.
 - b. The current plans show that on the west side 288 linear feet of Natural Features Setback will be impacted from the construction of and grading activities associated with the construction of Detention Basin A and its associated outlet. These impacts are stated on Sheet 23 of the current plans to ASTI's satisfaction. This proposed action would qualify for an exemption to the Natural Features Setback 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. Any areas of temporary Natural Features Setback impacts associated with this activity must be restored with original soils or equivalent soils and seeded with a City approved seed mix, where possible. Additionally, any plantings within the Natural Features Setback must be native Michigan species and genotype. Cultivars are not recommended.
 - c. On the west side, approximately 40 linear feet of Natural Feature Setback will be temporarily impacted from the construction of and grading activities associated with the construction of Detention Basin B and its associated outlet. These impacts are stated on Sheet 23 of the current plans to ASTI's satisfaction. This proposed action would qualify for an exemption to the Natural Features Setback 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. *These impacts must still be stated as directed in Comment 6.a on revised plans.* Additionally, any areas of temporary Natural Features Setback impacts associated with this activity must be restored with original soils or equivalent soils and seeded with a City approved seed mix, where possible. Additionally, any plantings within the Natural Features Setback must be native Michigan species and genotype. Cultivars are not recommended.

- d. On the west side, 15 linear feet of Natural Feature Setback will be impacted from the construction of a vegetated storm water overflow swale from Detention Basin B. These impacts are stated on Sheet 23 of the current plans to ASTI's satisfaction. This proposed action would qualify for an exception to the Natural Features Setback 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. Additionally, any areas of temporary Natural Features Setback impacts associated with this activity must be restored with original soils or equivalent soils and seeded with a City approved seed mix, where possible. Additionally, any plantings within the Natural Features Setback must be native Michigan species and genotype. Cultivars are not recommended.
- e. On the east side, the current plans depict 650 linear feet of Natural Feature Setback will be permanently impacted from the construction of and grading activities associated with the construction of the cul-de-sac of Rochdale Court, and Units 11, 12, 13, and 16. These impacts are stated on Sheet 24 of the current plans to ASTI's satisfaction. The Natural Features Setback here is of low quality and ASTI recommends a modification to allow for these proposed actions. Additionally, any areas of temporary Natural Features Setback impacts associated with these activities must be restored with original soils or equivalent soils and seeded with a City approved seed mix, where possible. Additionally, any plantings within the Natural Features Setback must be native Michigan species and genotype. Cultivars are not recommended.
- f. On the east side, 503 linear feet of Natural Features Setback will be permanently impacted from the construction of and grading activities associated with the construction of Units 4, 5, 6, 7, 23, and 24 and a portion of Rochdale Court. These impacts are stated on Sheet 24 of the current plans to ASTI's satisfaction. The Natural Features Setback here is of low quality and ASTI recommends a modification to allow for these proposed actions.
- g. On the east side, 30 linear feet of temporary Natural Features Setback impacts will result from the construction of the outlet from Detention Basin C. These impacts are stated on Sheet 24 of the current plans to ASTI's satisfaction. This proposed action would qualify for an exception to the Natural Features Setback 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. Additionally, any areas of temporary Natural Features Setback impacts associated with this activity must be restored with original soils or equivalent soils and seeded with a City approved seed mix, where possible. Additionally, any plantings within the Natural Features Setback must be native Michigan species and genotype. Cultivars are not recommended.

7. **Floodplain Use and Regulation (§114-126).** This Section lists specific requirements for Floodplain Use Permit applications and reviews.
 - a. The City Engineering Department will complete a detailed floodplain review; however, ASTI recommends that any required compensatory floodplain cuts be provided on-site, if applicable.

RECOMMENDATION

ASTI recommends the City approve the above-referenced project as proposed on the current plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



Kyle Hottinger
Wetland Ecologist



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Professional Wetland Scientist #1313