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January 28, 2021

Kristen Kapelanski, Planning Manager  
Department of Planning and  
Economic Development  
**City of Rochester Hills**  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309-3033

**Subject: File No. 19-031 Camden Crossing Site Condominiums;  
Wetland Use Permit Review #3;  
Plans received by the City of Rochester Hills on  
January 26, 2021**

**Applicant: Jim Polyzois**

Dear Ms. Kapelanski:

The above referenced project proposes to construct twenty-six residential structures on 9.36 acres of land located in the northeast quadrant of Hamlin Road and Crestline Street. The subject site includes wetland regulated by the City of Rochester Hills, but not likely regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

ASTI has reviewed the site plans received by the City on January 26, 2021 (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 Wetland and Watercourse Boundary Determination completed on the site by the Applicant's wetland consultant, Atwell, which was verified in the field by ASTI on January 22 and July 31, 2019. One wetland was found in the northern portion of the site.
  
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. On-site wetland appears to be shown accurately on the Current Plans. All alpha-numeric wetland flagging is shown on the Current Plans as applied in the field as well as the delineators name and date the wetland delineation was completed. The applicant is advised that wetland delineations are only considered valid by the City and EGLE for a period of three years past the completion date.
  - b. All wetland on the site is regulated by the City because it is a portion of a wetland that extends off-site that is greater than two acres in size, but less than five acres in size.
  - c. The Current Plans show 11,547 square feet of the on-site wetland will be permanently impacted from the construction of the proposed detention basin in the northeast portion of the site. This proposed action qualifies for an exemption to the Wetland and Watercourse Ordinance 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. This must be specifically noted on revised plans.
  - d. The Current Plans indicate that approximately 250 square feet impacts to the on-site wetland are to occur from proposed grading activities in the area of wetland flag A8 to the western end of the proposed detention basin. ASTI

assumes these impacts will be temporary. However, these impacts must be shown on revised plans indicating the calculated square footage of the temporary impacts and a note stating any temporarily impacted wetland areas will be restored to original grade with original soils or equivalent soils and seeded with a City-approved wetland seed mix.

- e. As stated above, the City-regulated wetland impacts associated with the construction of the proposed on-site detention basin qualify for an exemption to the City's Wetland and Watercourse Ordinance. However, the on-site wetland will be bisected from its off-site portion to the east as a result. Therefore, in order to protect the remaining on-site wetland from potential mowing activities, intensive use, or other unplanned impacts, ASTI recommends a single or split rail wooden fence, or some other City-approved protective structure be constructed around the remaining portion of the on-site wetland. A non-permanent structure such as a wooden fence will allow for relatively easy maintenance access to the existing gas main that lies within the remaining on-site wetland and Natural Features Setback while providing a demarcation of the area of the remaining on-site wetland.
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 is required for this project as proposed on the Current Plans. It is likely that neither a Part 303 nor Part 301 permit from EGLE are required. However, EGLE should be contacted to confirm this assertion.
  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. The Current Plans show the on-site Natural Features Setback area to ASTI's satisfaction. However, the Current Plans only indicate the total calculated linear feet of Natural Features Setback impacts on-site. Revised plans must show each individual Natural Features Setback impact separately, temporary or permanent, labeled as such, and calculated by the applicant.

- b. The Current Plans indicate approximately 420 linear feet of impacts to the on-site Natural Features Setback will occur from the construction of the proposed detention pond. This proposed action qualifies for an exception to the Natural Features Setback Ordinance 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 must note that BMPs will be implemented during the construction phase of the project and that any temporarily impacted Natural Features Setback are to be restored to original grade with original soils or equivalent soils and seeded with a City-approved wetland seed mix. This must be specifically noted on revised plans.
- c. In the central portion of the site, the Current Plans indicate that approximately 190 linear feet of Natural Features Setback will be impacted by the construction of a portion of the proposed concrete walking path. This area has been historically maintained as lawn for at least ten years based on review of historical aerial photography and is of low ecological value and function; therefore, ASTI recommends the City allow for these impacts. However, it is unclear if these impacts are temporary, permanent, or a combination of both. Revised plans must show these Natural Features Setback impacts stated in linear feet and clarify what areas are permanent and temporary impacts.
- d. The Current Plans indicate approximately 110 linear feet of permanent Natural Features Setback impacts will occur from the construction of proposed Unit 16 and associated grading activities. The Natural Features Setback in this area has been comprised of semi-maintained lawn for at least the last ten years based on review of historical aerial photography and is of low ecological value and function; therefore, ASTI recommends the City allow for these impacts. However, these impacts must be shown and stated in square feet on revised plans.
- e. Reducing the amount of impervious cover on sites, especially within the Natural Features Setback, is always a goal for preferred plans within the City. This action allows slower run-off and more filtration of stormwater prior to entering wetlands, lakes, and streams, and helps reduce sedimentation within natural features. The proposed concrete pathway in the central portion of the

site is in close proximity to the Natural Features Setback. Therefore, ASTI recommends that the portion of the proposed path north of Cardinal Lane be constructed with gravel, porous cement, or some other City-approved ecologically viable substance. This must be shown on revised plans.

**RECOMMENDATION**

ASTI recommends the City withhold approval of the Current Plans on the condition that all items in Comment 3.d, 3.e, and 5.a through 5.e are addressed and shown on revised plans.

Respectfully submitted,

**ASTI ENVIRONMENTAL**



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