

October 24, 2018

Ms. Kristen Kapelanski
Planning Manager
Department of Planning &
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

**Subject: File No. 18-015 - Brewster Village PUD;
Wetland Use Permit Review #2;
Plans received by the City of Rochester Hills on
October 15, 2018**

Applicant: Robertson Brothers Homes

Dear Ms. Kapelanski:

The above referenced project proposes to develop approximately 7.2 acres of land into a Planned Unit Development (PUD). The site is located along the west side of Brewster Road, south of Tienken Road and north of Walton Boulevard. The site includes four wetland areas not regulated by the City of Rochester Hills or the Michigan Department of Environmental Quality (DEQ).

ASTI has reviewed the site plans received by the City on October 15, 2018 (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. Please note that ASTI has not reviewed a draft PUD agreement between the applicant and the City prior to publication of this wetland review.

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 previously completed by the applicant's wetland consultant. The applicant's wetland consultant (BWA Consulting) completed a wetland delineation on February 22, 2018 as detailed in a BWA Consulting's wetland delineation letter report dated February 26, 2018, which was submitted to the City for review. ASTI inspected the wetland delineation on August 14, 2018 and agrees with the flagging and the depiction of the on-site wetlands on the Current Plans.

No City-regulated wetlands are present on the property. All on-site wetlands on-site are less than two acres in size, none are within 500 feet of a inland lake, stream or pond as defined by Part 301, Inland Lakes and Streams, and none of the on-site wetlands are of significant ecological value or a valuable natural resource to the City; none of the on-site wetlands are regulated by the City.

The on-site wetlands are not regulated by the DEQ per a DEQ Wetland Identification Report dated July 23, 2018, which was supplied to the City for review.

- b. **City Wetland Quality Assessments**

The on-site wetlands are very small and total 0.113 acres (4,922 square feet) and are of very similar ecological character. The on-site wetlands were forested wetlands that exhibited dominant vegetation such as the common native species of green ash (*Fraxinus pennsylvanica*) and cottonwood (*Populus deltoides*). Tree cover was moderate and individuals ranged in size of approximately 3 inches diameter to 15 inches in diameter. Tree canopy coverage varied from approximately 30%-60%. Woody understory vegetation was thick and was dominated by the invasive species of glossy buckthorn (*Frangula alnus*). Herbaceous cover was sparse and sporadic and was dominated by the invasive species of reed canary grass (*Phalaris arundinacea*). Scattered areas of soil piles were observed in close proximity to the on-site wetlands. However, no obvious signs of detrimental contaminants were observed within the on-site wetlands other than common residential waste. Wetland A was dominated by native species, but did exhibit significant amounts of invasive species. The observed tree, shrub, and herbaceous layers within the on-site wetlands have very low potential to provide anything but limited habitat for common suburban wildlife. The on-site wetlands are not contiguous to any watercourses or water bodies and very small.

Therefore, they offer little ability to detain significant amounts of storm water or ground water recharge. Based on these factors, it is ASTI's opinion that the on-site wetlands are of low ecological quality and should not be considered a valuable natural resource to the City.

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. No City- or DEQ-regulated wetlands are present on the property. Neither a Wetland Use Permit from the City or a Part 303 permit from the DEQ are required to impact the on-site wetlands.
 - b. The applicant proposes to perform maintenance to the detention pond on the adjacent property to the north in assumed cooperation with the adjacent land owner and the City. Maintenance is to be in the form of dredging the detention basin to original construction design elevations per plans from City records. This work is exempt from the City's Wetland and Watercourse Protection 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.

Additionally, ASTI recommends the applicant confirm with the DEQ that this work does not require a Part 303 permit prior to commencing any dredging activities.

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.
 - a. No DEQ-regulated wetlands are present on the property. All on-site wetlands on-site are less than two acres in size, none are within 500 feet of an inland lake, stream or pond as defined by Part 301, Inland Lakes and Streams, and none of the on-site wetlands are of significant ecological value or a valuable natural resource to the City; none of the on-site wetlands are regulated by the City. Thus, neither a Wetland Use Permit from the City or a Part 303 permit from the DEQ are required to impact the on-site wetlands.

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. Should the City accept the applicant's proposal to develop the subject property as a PUD, subject to final review and approval as part of the site plan review process, the on-site Natural Features Setback regulations can be waived by the City at its discretion. The applicant should note that upon the request of the City, ASTI will re-evaluate any Natural Features Setback impacts if the City does not waive Natural Feature Setback regulations.

The Current Plans indicate that approximately 450 linear feet of Natural Features Setback will be permanently impacted from the proposed development. All Natural Features Setback areas on-site are generally comprised of mowed lawn areas. The dominant species observed in these areas were planted grasses such as annual grass (*Poa annua*) and Kentucky blue grass (*Poa pratensis*). Scattered shrubs such as the invasive species of glossy buckthorn and autumn olive (*Elaeagnus umbellata*) were also present. Scattered trees such as the common native species of cottonwood and box elder (*Acer negundo*) were also observed. Tree and shrub canopy was estimated to be approximately 10% or less. The Natural Features Setback areas on-site are of poor floristic quality and appear to be maintained and/or controlled by mowing and other vegetative maintenance activities.

RECOMMENDATIONS

ASTI recommends the City approve the Current Plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



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