

July 9, 2020

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

**Subject: File No. 19-022 – The Groves
(fka Rochester University Townhomes PUD)
Wetland Use Permit Review #1.1;
Revised Plans received by the City of Rochester Hills on
April 28, 2020**

Applicant: Pulte Homes of Michigan LLC

Dear Ms. Kapelanski:

The above referenced project proposes to construct 70 residential units on one parcel totaling approximately 7.9 acres of land. The site is located along Avon Road, east of Livernois, and west of Rochester Road. The site includes wetland regulated by the City of Rochester Hills and likely the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

ASTI has reviewed the revised site plans received by the City on April 28, 2020 (Revised 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, LLC on April 30, 2019. ASTI confirmed this wetland delineation in the field on May 20, 2019.

Two wetlands were identified within the Project Area: Wetland 3 (formerly Wetland 4) and Wetland 4 (formerly Wetland 5); both of which are regulated by the City and likely EGLE. Portions of Wetlands 3 and 4 are proposed to be impacted by this project.

Wetland Quality Assessments

Two wetlands were identified on the property. Quality assessments are as follows:

Wetland 3

Wetland 3, located in the west-central portion of the property, is forested wetland comprised of vegetation dominated by the native species of silver maple (*Acer saccharinum*), cottonwood (*Populus deltoides*), and American elm (*Ulmus americana*). The shrub layer of Wetland 3 consisted of the native species of gray dogwood (*Cornus racemosa*) and the invasive species of glossy buckthorn (*Frangula alnus*). Herbaceous vegetation within Wetland 3 was generally absent at the time of ASTI's inspection. Canopy within the on-site portion of Wetland 3 was estimated at approximately 50%, and trees were generally young with some moderately mature individuals. Mean vegetation cover within the entirety of the on-site portion of Wetland 3 was estimated at approximately 60% with an approximate total native species cover of 85% and approximate invasive species cover of 15%. Exposed and active groundwater seeps and surface water was observed throughout this wetland on the day of ASTI's site inspection. Wetland 3 provides direct surface water detainment enhancing water quality prior to entering the Clinton River to the west/northwest through a natural forested wetland system to the west of the Property. Soils within Wetland 3 were comprised of sandy clay and muck and appeared to be relatively undisturbed. The vegetation within

Wetland 3 is dominated by native species with very little invasive species. Wetland 3 provides some of the last remaining natural water filtration and detainment functions in close proximity to the Clinton River near the property and should be considered an important natural resource of the City per the City's Wetland and Watercourse Protection Ordinance.

Wetland 4

Wetland 4, located in the southern portion of the Property, is an emergent portion of a larger forested wetland system to the east of the Property. Wetland 4 was dominated by Phragmites (*Phragmites australis*). Wetland 4 appears to detain and conduct small amounts of storm water from precipitation events; no surface water or ground water was observed. Wetland 4 appears to be the result of adjacent site development to the west and south. Soils were comprised of sandy loams and appeared relatively undisturbed. The on-site portion of this wetland is dominated by invasive species, which reduces its potential to provide significant natural resource functions. Therefore, it is ASTI's opinion that Wetland 4 is of low ecological value and function and should not be considered an important 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 Revised Plans has been undertaken in the context of those general parameters, as well as the specific requirements listed below.
 - a. On-site wetland boundaries appear to be shown accurately and labeled consistently the Revised Plans. 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 and likely EGLE. Wetlands 3 and 4, as shown on the Revised Plans, are both portions of the same, larger wetland system to the west that exhibits a direct hydrological connection to the Clinton River and are, thus, regulated by the City and likely EGLE. The Revised Plans indicate both Wetlands 3 and 4 are regulated.
 - c. ASTI observed multiple discrepancies in the wetland impact amounts for on-site wetlands on former plans. The Revised Plans now show all impacts to on-site wetlands correctly and consistently throughout the plan set.

- d. The Revised Plans show that 317 square feet of Wetland 3 will be permanently impacted from the construction of an access road and associated grading. Although Wetland 3 should be considered an important natural feature to the City, the impacts to Wetland 3 are small. Moreover, these impacts are minimized by the implementation of a retaining wall structure at the impact area of Wetland 3 as shown on the Revised Plans. A structure of this sort will help ensure that the remaining portion of Wetland 3, both on- and off-site, will be protected from unintentional impacts in the future. The Revised Plans also include a typical drawing of the proposed retaining wall structure. All this information is to ASTI's satisfaction. The Applicant is advised the final approval of the type and material of the proposed retaining wall structure is subject to final approval by the City.
 - e. The Revised Plans show 2,857 square feet of Wetland 4 will be permanently impacted from the construction of an access road and associated grading. Wetland 4 is of low quality on-site, the proposed impacts are minor, and natural drainage processes will not be adversely affected by the proposed impacts. Moreover, these impacts as proposed should not necessarily compromise the functions of the off-site portion of Wetland 4. Therefore, ASTI recommends the City allow for a Wetland Use Permit for the impacts proposed to Wetland 4 in this area.
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 likely an EGLE Part 303 Permit are required for this project as proposed. Once an EGLE permit is received by the applicant, it must be submitted to the City for review prior to construction.
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 Revised Plans do not show any Natural Features Setback areas, but do indicate that approximately 400 linear feet of Natural Features Setback will occur as a result of the project.

RECOMMENDATION

ASTI recommends the City approve the Revised Plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



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