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November 4, 2020

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

**Subject: File No. 19-042 - North Row Development Rochester Hills;  
Wetland Use Permit Review #3;  
Plans received by the City of Rochester Hills on  
October 22, 2020  
ASTI File No. 11482-12**

**Applicant: North Row LLC (Kevin Baird)**

Dear Ms. Kapalanski:

The above referenced project proposes to construct a residential apartment complex comprised of five total buildings on approximately 3 acres of land located at 6870 Old Orion Court, east of Rochester Road.

ASTI has reviewed the site plans received by the City on October 22, 2020 (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.

This review has been partially undertaken in the context of a Wetland and Watercourse Boundary Determination completed on the site by the Applicant's wetland consultant, NF Engineers, on August 7, 2019. ASTI agreed with and confirmed this wetland delineation in the field on November 8, 2019. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) inspected this delineation in June of 2020 and determined that 3,563 square feet (0.08 acres) of additional wetland was on the property, which increased the size of the on-site wetland to 0.49 acres and extended it to the north towards Maplehill Road. Because EGLE has the final authority on the extent of wetlands in Michigan, ASTI concedes to the extent of wetland on-site as determined by EGLE and as shown on the Current Plans. NF Engineers completed an additional wetland delineation per EGLE on July 15, 2020; ASTI inspected the additional delineation fieldwork on October 28, 2020 and agrees with the depiction of the on-site wetlands on the Current Plans.

One wetland, which is regulated by the City and EGLE, was identified on the property.

#### Wetland Quality Assessment

One wetland was observed on the property; its quality assessment is as follows:

The on-site wetland is located in the western and northern portions of the property. The on-site wetland is an emergent and scrub/shrub wetland. The emergent portion is dominated by the invasive species of Phragmites (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*), and narrow-leaved cattail (*Typha angustifolia*); the scrub/shrub portion was dominated by the invasive species of glossy buckthorn (*Frangula alnus*). Additional vegetation within the shrub layer was dominated by the common native species of green ash saplings (*Fraxinus pennsylvanica*) and silky dogwood (*Cornus amomum*) and the invasive species of Tartarian honeysuckle (*Lonicera tatarica*). The on-site wetland did not exhibit a significant tree canopy layer but did contain scattered individual trees of the common native species of cottonwood (*Populus deltoides*), box elder (*Acer negundo*), and crack willow (*Salix fragilis*). Vegetation cover within the entirety of the on-site wetland was approximately 90-100%.

In the western portion of the on-site wetland, hydrology appears to be mainly supplied from ground water inputs; likely from the west/northwest. No ground water seeps were observed by ASTI, but surface water and saturated soils at the surface have been observed during work on the property in 2019 and 2020, which indicates ground water as the on-site wetlands primary hydrological source. In the additional northern portion of the on-site wetland, hydrology appears to be supplied mainly from surface water run-off from the adjacent suburban development. Soils within the on-site wetland were mucky and clayey

and appeared generally undisturbed. The on-site wetland provides surface water detainment enhancing ground and surface water quality prior to entering an unnamed watercourse to the southeast of the property. This unnamed watercourse ultimately empties in Stony Creek, which is a high-quality watercourse within the Clinton River watershed. Vegetation within the on-site wetland is dominated by invasive species and is of low floristic quality. The on-site wetland provides some of the last remaining natural water filtration and detainment functions in close proximity to Stony Creek, but its small size limits its ability to perform large-scale natural functions. Thus, the on-site wetland should be considered a marginal quality natural feature 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. On-site wetland appears to be shown accurately on the Current Plans as well as all alpha-numeric wetland flagging as applied in the field, which is to ASTI's satisfaction. Additionally, the Current Plans show that the Applicant's wetland consultant, NF Engineers, completed the wetland delineation on August 17, 2019 and July 15, 2020, which is also to ASTI's satisfaction. 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. The on-site wetland is regulated by the City and likely EGLE because it is within 500 feet of an unnamed tributary of Stony Creek to the southeast of the property. The unnamed tributary of Stony Creek exhibited defined channel bed and banks and thus, meets the definition of a stream under Part 301, Inland Lakes and Streams.
  - c. The Current Plans show 7,885 square feet (0.181 acres) of the on-site wetland will be impacted from the construction of an outdoor amenity area, the site access drive and parking lot, and portions of all proposed buildings, and from the construction of a boulder retaining wall. The on-site wetland is of low ecological quality and marginal function and is not a valuable resource to the City. The proposed impacts are not likely to significantly alter the wetland's current natural functions. Furthermore, the proposed 2-3 feet high boulder retaining wall should prevent future unintended impacts to the on-site wetland while preserving City aesthetics. This is to ASTI's satisfaction. Therefore, ASTI recommends that the City allow for these impacts.

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 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. The Current Plans show all on-site Natural Features Setback areas labeled correctly and all show all impacts to on-site Natural Features Setback areas calculated and stated in linear feet to ASTI's satisfaction.
  - b. Natural Features Setback areas were separated into two areas: in the area of impacts associated with the construction of Buildings A and B and north of Building C and impacts south of proposed Building C. The Natural Features Setback area associated with proposed Buildings A and B and north of Building C was partially wooded and shrubby. This area was dominated by the common native species of cottonwood and box elder, and the invasive species of glossy buckthorn, honeysuckle, and autumn olive (*Elaeagnus umbellata*). Total tree canopy was approximately 25% in this area and the shrub layer was thick. The invasive species garlic mustard (*Allaria petiolata*) dominated the herbaceous layer. Natural Features Setback areas south of proposed Building C were generally comprised of mowed lawn areas dominated by the adventive species of Kentucky blue grass (*Poa pratensis*), ground ivy (*Glechoma hederacea*), and alsike clover (*Trifolium hybridum*). This area did not exhibit any significant woody vegetation. The on-site Natural Features Setback areas on-site are dominated by invasive and adventive species (approximately 80% total coverage) and therefore low in ecological quality and function.
  - c. The Current Plans show that 211 linear feet of permanent impacts to Natural Features Setback will occur from the construction activities associated with the construction of Buildings A and B and grading north of Building C. The Natural Features Setback areas on-site are of low ecological quality and function and offer little buffer quality to the on-site wetland. Thus, ASTI recommends the City allow for the proposed impacts.
  - d. The Current Plans show that 276 linear feet of permanent impacts to Natural Features Setback will occur from the construction of the site's access drive. The

Natural Features Setback areas on-site are of low ecological quality and function and offer little buffer quality to the on-site wetland. Thus, ASTI recommends the City allow for the proposed impacts.

- e. The Current Plans show that 170 linear feet of Natural Features Setback will be permanently impacted from the construction of the proposed on-site detention pond in the southern portion of the site.

This action would qualify 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. BMPs must be implemented during the construction phase of the proposed project and any temporarily impacted areas must be restored to original grade with original soils or equivalent soils and seeded with a City-approved seed mix. This is all noted on the Current Plans to ASTI's satisfaction.

**RECOMMENDATIONS**

ASTI recommends the City approve the Current Plans.

Respectfully submitted,

**ASTI ENVIRONMENTAL**



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