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August 8, 2016

Sara Roediger
Department of Planning and
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033

**Subject: File No. 16-010 Henry Ford Pharmacy;
Wetland Use Permit Review #3;
Plans received by the City of Rochester Hills on
July 22, 2016**

Applicant: Dembs Development, Inc.

Dear Ms. Roediger:

The above referenced project proposes to construct one commercial building for use as a medical pharmacy on approximately 3.2 acres of land. The site is located along the north side of South Boulevard, east of John R Road, and west of Dequindre Road. The site includes one wetland regulated by the City of Rochester Hills and one roadside ditch under the jurisdiction of the Oakland County Water Resources Commissioner's Office (OCWR).

ASTI has reviewed the site plans received by the City on July 22, 2016 (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 previously completed by the Applicant's wetland consultant on March 30, 2016, which was confirmed in the field by ASTI on May 10, 2016. The plans for this project dated May 3, 2016 depicted two watercourses on-site; one running parallel along South Boulevard (Van Maele Drain) and one running north to south along the east property boundary of the site (unnamed watercourse). ASTI agreed with this determination with knowledge that the DEQ would be reviewing the site at a later date to make a final regulatory determination.

Upon inspection of the site, DEQ determined that the Van Maele Drain along South Boulevard was acting as a roadside ditch and was not a DEQ-regulated feature within the area of the project. Therefore, ASTI concedes that the Van Maele Drain in the area of the project is likewise not a City-regulated natural feature. However, the Van Maele Drain is under the jurisdiction of the OCWR and necessary permits from this entity may be required for the project as proposed on the Current Plans.

The DEQ also asserted that the unnamed water course along the east property boundary was a linear wetland, to which ASTI also concedes. This wetland is regulated by the City because it is a portion of a larger wetland system to the north that is within 500 feet the 38-acre Carter Lake, within Thelma G Spencer City Park. It is ASTI's opinion that this wetland could also be potentially regulated by the DEQ. The Applicant's wetland consultant contacted the DEQ about the jurisdictional status. DEQ e-mailed a response that the area was indeed a linear wetland and not a stream, but did not give a clear indication as to what the DEQ-regulatory status was for this linear wetland. It should be noted that the Applicant shall be responsible for any State-regulated wetland impacts related to this project, if applicable.

During ASTI's May 10, 2016 site inspection, observed vegetation within the linear wetland was dominated by the invasive species reed canary grass (*Phalaris arundinacea*), narrow-leaved cattail (*Typha angustifolia*), and common reed (*Phragmites australis*). Water observed within the linear wetland exhibited an oily sheen that appeared to be non-biotic. No wildlife was observed using the linear wetland; moreover, minimal potential for extensive wildlife use exists. Based on these factors, it is ASTI's opinion that the on-site linear wetland is of low ecological quality and not a vital natural resource to the City. However, it does appear to serve as a significant storm water conveyance for the immediate area.

No other regulated natural features were observed on the Property. The Applicant should be advised that wetland delineations are only considered valid by the DEQ and the City for a period of three years.

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. A Wetland Use Permit from the City, and potentially a permit from the DEQ and OCWR, are required for this project as proposed on the Current Plans. Once all applicable permits are obtained by the Applicant, they must be submitted to the City for review.

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. All on-site wetland and proposed wetland impacts are shown on the Current Plans to ASTI's satisfaction. Additionally, the Current Plans depict the Van Maele Drain along South Boulevard to ASTI's satisfaction.

 - b. The Current Plans show that approximately 500 linear feet of the Van Maele Drain will be enclosed as part of the project. This feature is under the jurisdiction of the OCWR and all applicable permits must be obtained by the Applicant and submitted to the City for review. Per the DEQ jurisdictional assessment that this feature acts as a road side ditch in the area of the project and ASTI's agreement with this assertion, this feature is not regulated by the City.

 - c. The Current Plans show that approximately 965 square feet of the linear wetland along the eastern property boundary will be impacted for the construction of an enclosed culvert and associated grading in the southeastern corner of the site. The linear wetland is of low-ecological quality as described in Comment 2.a and functions mainly as a storm water conveyance from north of M-59. It is ASTI's opinion that this proposed enclosure will have minimal effect on the current primary function of the linear wetland and that a Wetland Use Permit for this action be issued by the City.

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 depict all Natural Features Setback areas on Sheet 3 to ASTI's satisfaction. Please note that because the Van Maele Drain along South Boulevard is not a City-regulated feature, no Natural Features Setback area is required to be shown around this feature.
 - b. The Current Plans indicate that approximately 10,400 linear feet of Natural Features Setback will be permanently impacted along the eastern property boundary from the construction of a proposed parking lot, a proposed retaining wall, and associated utilities, and from the construction of the enclosed culvert and associated grading in the southeast portion of the property. The Natural Features Setback in this area contains native species such as box elder (*Acer negundo*) and gray dogwood (*Cornus racemosa*), but is dominated by invasive species such as honeysuckle (*Lonicera tatarica*), mustard garlic (*Allaria petiolata*), and glossy buckthorn (*Frangula alnus*). Total canopy cover was approximately 20% in this area. The Natural Features Setback in this area is of poor floristic quality and is sparsely vegetated; it is ASTI's opinion that it offers minimal buffer quality to the linear wetland. Therefore, ASTI recommends the City allow a Natural Features modification in this area. However, the amount of Natural Features Setback impacts appears to be stated in square feet. ASTI estimates that approximately 420 linear feet of Natural Features Setback will be impacted from these activities as described and shown on the Current Plans. ASTI recommends that the linear footage of Natural Features Setback impacts be recalculated and shown on revised plans.
 - c. The Current Plans indicate that approximately 50 linear feet of Natural Features Setback will be temporarily impacted in the adjacent property near the southeast corner of the site from proposed grading activities associated with the proposed enclosed culvert. The Applicant was advised to show valid written permission from the adjacent landowner authorizing the proposed grading activities planned off-site in this area or provide some other valid reasoning for this action. The Applicant has supplied the City with a letter from the proper adjacent landowner that authorizes this proposed work. This is to ASTI's satisfaction.

RECOMMENDATIONS

ASTI recommends the City approve the Current Plans on the condition that the items in Comments 3.a and 5.b are addressed and shown on revised plans.

Respectfully submitted,

ASTI ENVIRONMENTAL



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Wetland Ecologist



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