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April 21, 2014

James Breuckman
Department of Planning and
Economic Development
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309-3033**Subject: File No. 13-009 Villas at Shadow Pines PUD;
Wetland Use Permit Review #2;
Plans received by the City of Rochester Hills on
April 8, 2014****Applicant: Shadow Pines LLC**

Dear Mr. Breuckman:

The above referenced project proposes to construct 14 buildings comprising 28 condominium units on a 9.825-acre property as a Planned Unit Development (PUD). The site is located on the north side of South Boulevard, approximately 0.75 miles east of Adams Road. The subject site includes wetlands regulated by the Michigan Department of Environmental Quality (DEQ) and City of Rochester Hills.

ASTI has reviewed the site plans received by the City on April 8, 2014 (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 reviewed the draft PUD agreement between the applicant and the City that was included as part of the Current Plans 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 King and MacGregor Environmental for the subject property, which was confirmed by ASTI on February 28, 2014, and as shown on the Current Plans. ASTI acknowledges that the applicant has supplied the City with the month and year (October 2012) that the wetland delineation was completed as shown on the Current Plans in their response to review comments letter dated April 3, 2014. 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. All impacts to wetlands are sufficiently stated in square feet on Sheet 1 and on Sheet 5 (Preliminary Grading Plan) of the Current Plans. Wetland impacts must also be shown on the final grading sheet showing existing and proposed topographical contours.
 - b. “Wetland Fill Area 1” indicates that 4,008 square feet of direct and permanent regulated wetland impacts will result from the construction of Unit 13B and 14B. ASTI is satisfied with the depiction of these impacts. However, these proposed wetland impacts must also be shown with existing and proposed grades as stated in Comment 3.a.

Additionally, to preserve the functions of this wetland area post-completion of this project, ASTI recommends constructing a permanent barrier at the limits of the proposed wetland impacts to prohibit future development in this DEQ- and City-regulated wetland. Barriers, such as a fieldstone/boulder wall or some other decorative and highly visible barrier should be considered, but would be subject to approval by the City.

- c. “Wetland Fill Area 2” indicates that 12,111 square feet of direct and permanent regulated wetland impacts will result from the construction of a portion of the proposed Trace View Drive and its associated utilities, from the construction of a proposed retaining wall north of the area of the proposed Units 9A, 10A, and

11A, and from a proposed forebay associated with the proposed detention basin north of Unit 11A. ASTI is satisfied with the depiction of these impacts. However, these proposed wetland impacts must also be shown with proposed grades on revised plans, as stated in Comment 3.a.

Additionally, ASTI is satisfied with the depiction of the proposed retaining wall in this area as shown on the Current Plans, which will help preserve the functions of this wetland area post-completion of this project.

- d. "Wetland Fill Area 3" indicates that 4,611 square feet of direct and permanent regulated wetland impacts will result from the construction of Units 7A and 8A and an associated portion of Trace View Drive. ASTI is satisfied with the depiction of these impacts. However, these proposed wetland impacts must also be shown with proposed grades on revised plans, as stated in Comment 3.a.

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 DEQ Part 303 Permit and a Wetland Use Permit from the City are required for this project as proposed. Once a DEQ permit is received by the applicant, it must be submitted to the City for review.

The Current Plans depict approximately 0.476 acres of DEQ- and City-regulated wetland will be impacted as part of the project. The applicant should be aware that the DEQ can require wetland mitigation for impacts over 1/3 acres to DEQ-regulated wetland. If the DEQ determines wetland mitigation is applicable to this project, the applicant must supply a detailed mitigation design and planting plan as part of revised plans.

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 submittal 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.

- b. All Natural Feature Setback areas are labeled to ASTI's satisfaction on the Current Plans.
- c. The Current Plans show that no impacts are proposed to the Natural Features Setback in the area to the north of Units 4B, 5A, and 6B. To preserve the functions of this area of Natural Features Setback, ASTI recommends constructing a permanent barrier to prohibit future development in this area. Barriers, such as a fieldstone/boulder wall or some other decorative and highly visible barrier should be considered, but would be subject to approval by the City.

RECOMMENDATION

ASTI recommends the City withhold approval of the above referenced project until the items contained in Comments 3.a through 3.d, 4.a, and 5.c, have been addressed on revised plans and submitted for further review.

Respectfully submitted,

ASTI ENVIRONMENTAL



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Wetland Ecologist



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