

December 18, 2014

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

**Subject: File No. 03-009-Enclaves of Rochester PUD
Wetland Use Permit Review #3;
Plans received by the City of Rochester Hills on
Decmebr 9, 2014**

Applicant: TJ Realvest, LLC

Dear Ms. Roediger:

The above-referenced project proposes to construct 26 residential single-family buildings on two parcels totaling 30.52 acres as a Planned Unit Development (PUD). The site is located on the east side of Rochester Road, south of Mead Road, north of Tienken Road. The subject site includes wetlands regulated by the Michigan Department of Environmental Quality (DEQ) and City of Rochester Hills. Additionally, the project is within a Priority One Natural Area as shown on the current Rochester Hills Natural Features Inventory Map.

ASTI has reviewed the site plans received by the City on December 9, 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 not reviewed a draft Planned Unit Development (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 completed by King and MacGregor Environmental for the subject property, which was confirmed by ASTI on September 26, 2013. The Current Plans generally show this wetland delineation to ASTI's satisfaction. However, the wetland boundary lines appear crossed to the west of the proposed detention basin, south of Lot 7. ASTI assumes this is a drawing discrepancy and, as stated previously issued Wetland Review letters, this should be corrected/addressed on revised plans.

The Current Plans indicate the wetland consultant responsible for the wetland delineation (King and MacGregor Environmental) and the date it was completed. This is to ASTI's satisfaction. 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 2 and Sheet 3 of the Current Plans. These wetland impacts must also be shown on the final grading plan for this project.
 - b. The Current Plans depict 4631 square feet of direct and permanent wetland impact from the construction of a proposed road and utility installation and associated utility easement easement north of the existing Tree Top Lane, west of Lot 23 and south/southeast of Lot 24. Utilizing the existing Tree Top lane for the proposed road and utilities appears to be the alternative that will minimize wetland impacts in this area. Therefore, ASTI is satisfied with the depiction of these impacts.
 - c. The Current Plans depict 1977 square feet of direct and permanent wetland impact from the construction of a proposed road and utility installation and associated utility easement easement south of the existing Tree Top Lane, west

of Lot 21 and east of Lot 25. Utilizing the existing Tree Top lane for the proposed road and utilities appears to be the alternative that will minimize wetland impacts in this area. Therefore, ASTI is satisfied with the depiction of these impacts.

- d. The Current Plans depict 671 square feet of direct and permanent wetland impact from the construction of proposed road, utility installation and associated utility easement, and the placement of a culvert southeast of Lot 26 and northwest of Lot 5. Constructing the proposed road and utilities at the narrowest portion of the wetland in this area appears to be the alternative that will minimize wetland impacts in this area. Therefore, ASTI is satisfied with the depiction of these impacts.
- e. The previously submitted plans depicted 3675 square feet of direct and permanent wetland impact from the construction of a retaining wall and grading associated with the construction of Lot 5, entailing the placement of approximately 700 cubic yards of fill within a regulated wetland. ASTI recommended that Lot 5 not be constructed to preserve wetland and Natural Features Setback functions. ASTI also recommended that a proposed retaining wall associated with the proposed Lot 5 on the previous plans be realigned to follow the western lot line of the proposed Lot 6.

The Current Plans show that Lot 5 and Lot 6 have been adjusted and that no wetland impacts in this area are proposed. Additionally, the proposed retaining wall is shown on the Current Plans as being aligned along the west lot line of Lot 5, consequently reducing the proposed impacts to the Natural Features Setback in this area. It is ASTI's opinion that these revisions as shown on the Current Plans are indicative of preserving regulated wetland and the Natural Features Setback and their respective functions, and are exemplary of the objective of a PUD by maximizing open space and minimizing impacts to a Priority One Natural Feature Area of the City. This is to ASTI's satisfaction.

- f. The Current Plans (and as on the previous plan submittal) depict regulated wetland abutting Lot 24 on three sides and by the northern property boundary of the project. The previous submittal indicated no wetland impacts associated with Lot 24. ASTI previously stated that crossing a portion of the wetland depicted around Lot 24 would be the only feasible way to access that area for construction activities and ultimate use and that the majority of Lot 24 is abutted by Natural Features Setback and is within 25 feet of regulated wetland. ASTI recommended that Lot 24 *not* be constructed, thereby preserving Natural Features Setback and associated wetland and their respective functions.

The Current Plans depict 1367 square feet of direct and permanent wetland impacts from a proposed wetland crossing to the proposed Lot 24. ASTI still recommends that Lot 24 *not* be constructed in order to preserve Natural Features Setback and associated wetland and their respective functions in this area, which would be exemplary of the objective of a PUD by maximizing open space and minimizing impacts to a Priority One Natural Feature Area of the City. These revisions must be shown on revised plans.

Additionally, the upland and wetland areas (including the Natural Features Setback) associated with the proposed Lot 24 are forested. By not developing this area, the applicant could, upon the City's discretion, include the trees in this area as part of the City tree preservation requirements.

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.

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. 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.
 - b. All Natural Features Setback areas are depicted and labeled to ASTI's satisfaction on the Current Plans.
 - c. ASTI recognizes that the applicant has included four sections of retaining walls as part of the Current Plans (and previous plans), presumably to protect natural features and promote open space, which is an objective of a PUD development within the City. However, ASTI still recommends constructing additional permanent barriers to prohibit future development within other areas of Natural

Features Setback (and associated wetland areas). ASTI recommends constructing these barriers along lot lines that are generally comprised of the Natural Features Setback, specifically: a) the west lot line of Lot 23, b) the west lot lines of Lot 20 and Lot 21, c) the east lot line of Lot 26, and d) the south lot line of Lot 1. 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.

6. Additional Comments.

The Current Plans indicate that a conservation easement is to be placed over areas of on-site wetland. This is to ASTI's satisfaction and should be considered as meeting an objective of a PUD. Once a final plan is approved by the City and the final areas of wetland to be placed within a conservation easement are specified, the applicant should provide a copy of the final conservation easement to the City for filing.

RECOMMENDATIONS

ASTI recommends the City withhold approval of the above-referenced project until the items contained in Comments 2.a, 3.f, 4.a, and 5.c and 6 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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