

## CITY COUNCIL REPORT

October 4, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
Carol Anderson, Parks and Recreation Director  
Steven J. Vandette, City Engineer

SUBJECT: Fetterly Drain Work

In response to comments and questions raised at the October 1, 2007 City Council meeting, this report gives an overview of the status of the current work on the Fetterly Drain and on tree removals within the drain easement and adjoining properties. Since this work is somewhat related to proposed development of the area by the Garrett Family Limited Partnership, information on the approval status of these developments is also provided.

### EXECUTIVE SUMMARY

The Fetterly Drain widening and deepening work is being done under the authority of the Oakland County Drain Commission.

The OCDC has authorized this work under an agreement with Ladd's, Inc., Real Estate & Development who obtained approval of their engineering plans and authorization to proceed utilizing their own contractors. The contractors are required to stay within the existing 40' wide county drain easement for the Fetterly Drain.

The City of Troy, although lacking jurisdiction, has been monitoring the tree removal and drain work several times per week during visits to the site by engineering and parks and recreation staff. We communicate regularly with Pat and Lon Ullman as they keep us abreast of activities and we monitor the site to assure that all city regulations and requirements are being met. Our assessment of the current situation is that while the contractor has gone outside the county easement onto city property, the encroachments have been minor and were not done in willful violation of the easement line; one exception being tree removals on city property at the confluence of the Fetterly and Gibson drains that were done with the City's knowledge and permission.

Tree removals have occurred on private property owned by the Garretts that exceeds the 25% limit on trees 4-10 inches in diameter, as provided by Chapter 28 - Tree Regulations and the City's Landscape Design and Tree Preservation Standards; however, upon notice to the property owner, any further removals have ceased.

A City Council resolution adopted on October 20, 2003 prohibited any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions, but it has no authority over the current activities.

An MDEQ permit application to enclose a portion of the Fetterly Drain, place fill in wetlands and construct a storm water management system (detention basin) discharging to the drain for the purpose of developing the Oak Forest South site condominiums is scheduled to have a MDEQ public hearing at 7 pm Thursday, November 8, 2007 in the Troy City Council Chambers. City staff is reviewing the application and will submit comments at this hearing.

A previous MDEQ permit application for Oak Forest North has been withdrawn, but is expected by the MDEQ to be re-submitted at a later date.

All previous approvals of Preliminary Site Plans for the development of the Oak Forest North and Oak Forest South Site Condominiums, which straddle the Fetterly Drain, have expired. No new plans have been submitted to the city for these developments.

### **FETTERLY DRAIN JURISDICTION**

The Fetterly Drain is a legally established county drain under the jurisdiction of the Oakland County Drain Commission (OCDC). In accordance with the Michigan Drain Code, the Drain Commissioner is authorized to contract or make agreements with any private entity with respect to construction, operation or maintenance of county drains. Pursuant to their authority, the OCDC entered into an agreement with Ladd's Inc. (Joel and Dale Garrett) to clean out the Fetterly Drain from Square Lake to the Gibson/Renshaw Drain near the south end of Willow Grove; a distance of approximately 2,930 feet. The work consists of widening and deepening the drain, all within the existing 40' wide county drain easement and in accordance with engineering plans reviewed and approved by the OCDC. The Engineering Department, and our consultant, Hubbell, Roth and Clark, Inc., reviewed the plans and provided comments, but no incorporation of these comments into the plans or city approval of them was a pre-requisite for approval by the OCDC.

### **ACCESS TO DRAIN DURING CONSTRUCTION**

The Garretts own various properties from which the drain easement is accessible from Willow Grove. These are the same properties that were proposed for site condo development, but are currently not approved by the City due to the expiration of the preliminary site plans (attachment "B", 2004 to 2007 portion of the Oak Forest Subdivisions and Site Condominiums City Council Timeline).

The contractor is not permitted to go on city property at the south end of Willow Grove or on the City's future park site abutting Square Lake. The contractor is required to stay within the county drain easement. City Engineer Steve Vandette spoke to Garrett's contractor at the site just prior to starting work and reviewed all work requirements and limitations with him. The contractor acknowledged that he was aware of these requirements and limitations and would work within all of them.

The following items were discussed on September 6, 2007 with the tree removal contractor on site, with Mr. Dale Garrett later that same day and with Mr. Lon Ullmann on the day the tree removals began.

- They cannot remove any trees on city property except within the Drain easement.

- They cannot access city property on the south side of Willow Grove or the parcel fronting on Square Lake except within the Drain easement.
- The Drain easement is staked. Wetland areas are flagged. The equipment operators acknowledged the staking.
- They will be removing trees from the Drain easement area. Two brush areas (absent of large trees) on Garrett's property will be cleared to stockpile wood chips.
- Trees under 4 inches can be removed without limitations. Trees over 4 inches, up to 10 inches in diameter, are limited to 25% removal.
- Trees can be removed in wetland areas, but stumps must remain. Ground must not be excavated in wetland areas not within the Drain easement.
- No earth moving will be done; a different contractor will do this.

### **TREE REMOVALS IN DRAIN EASEMENT**

Tree removal work started on August 8, 2007. Trees within the 40' wide county drain easement were removed in accordance with the approved engineering plans and agreement with the OCDC.

The county drain easement is not limited by ordinance restrictions on tree removals.

### **TREE REMOVALS ON PRIVATE PROPERTY**

Limited brush and tree clearing was also to be done on Garrett's properties in order to allow access to the drain and chipping of trees removed from the drain easement. Since there is no city approved plan for development, the property owner is only limited by the requirements of City Ordinance Chapter 28 - Tree Regulations, which states:

(D) Tree Protection Prior to Development. To prevent the unnecessary destruction of trees on land where a building permit or subdivision approval has not been issued, the destruction within any five (5) year period, of more than twenty-five (25) percent of the trees on any parcel of real property within the City, without prior approval of the director shall be prohibited.

(Rev. 6-5-89)

Trees that are subject to the 25% removal limit are those within the size range of four (4) inches to ten (10) inches diameter, in accordance with the City's Landscape Design and Tree Preservation Standards.

Jennifer Lawson, Environmental Specialist and Ron Hynd, Landscape Analyst, inspected the site on several occasions and have determined that the trees removed to-date have exceeded the 25% stated by Chapter 28. However, the property owner claimed that the trees were removed upon approval from the Michigan Department of Agriculture, **through an approval of nursery stock** as the property was inspected as a nursery.

City staff received a copy of the nursery stock inspection from the Michigan Department of Agriculture for parcel # 88-20-11-201-012 (parcel with a majority of spruce trees, as evidenced on aerial photos). City Staff reviewed the plant inspection report and determined that the property owner

may ball and burlap or spade out any of the spruce not in the wetlands, however may not cut and destroy any of the spruce on site.

During site inspections, City staff saw no signs of a balling and burlap or spading operation. The spruce trees denoted as nursery stock were being mulched onsite. The provided MDA inspection was for nursery stock, not mulch.

On September 17, 2007, City staff informed Mr. Garrett via FAX that other than harvesting the spruce for nursery stock, additional trees shall not be removed from this site other than trees under 4"; trees within the drain easement; and dead trees.

Any additional trees removed, other than those in the drain easement, would violate Chapter 28, and the City has the authority to issue citations to the property owner for such actions.

### **EASEMENT REQUEST**

Prior to starting the drain work, Ladd's requested an additional temporary 40' easement running parallel along the west side of the county drain easement and across two city owned parcels. The plan that was submitted with Ladd's easement request was reviewed, but not approved. A letter requesting additional information (attachment "L") was sent on September 14, 2007. Upon review and staff approval of the additional information, it would be presented to City Council for granting of an easement. To date, no additional information has been submitted, nor does it appear likely that this easement will be pursued, since the drain work is already in progress and the contractors are primarily staying within the county easement.

In 2003, City Council granted an easement across the City's southern parcel, but that approval was subject to review and approval of site engineering plans to be submitted at a later date. There was no resolution pertaining to the north parcel abutting Square Lake.

### **ENCROACHMENT ON CITY PROPERTY**

Jennifer Lawson, Environmental Specialist and Ron Hynd, Landscape Analyst, have inspected the site several times per week since the work began and have determined that although minor encroachments have occurred, mostly due to some difficulties maneuvering large equipment within tight working areas, they are not willfully violating the limits of the easement or trespassing on city property. At the south end of the drain, permission was given by Ron Hynd for the contractor to go outside the easement and onto City property to remove several dead ash trees and trees along the banks of the drain that had fallen into the water. This area needed to be cleared and the eroded banks stabilized. This is the largest encroachment onto City property, but it was done for the betterment of the drain and with our knowledge and permission.

### **PREVIOUS COUNCIL ACTIONS AND RESTRICTIONS**

Pursuant to the belief that there was City Council action years ago that would prevent the clearing of land or any drain improvements without City approval, a resolution adopted on October 20, 2003 may come closest to supporting that belief, but it has no authority over the current activities.

Resolution #2003-10-526 states:

...BE IT FINALLY RESOLVED, that NO PROPOSAL SHALL BE SUBMITTED to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.

The resolution deals with the prohibition of any City financial participation on items including drain improvements, regional storm water detention and land exchanges among others. Since the current activity is privately funded and being done under the jurisdiction of the OCDC, there is no City financial liability or authority.

### **MDEQ PERMITS AND DETERMINATIONS**

On May 29, 2007 the Michigan Department Of Environmental Quality (MDEQ) held a public hearing pursuant to an application for a wetland permit (MDEQ file #07-63-0048-P) to fill and mitigate for wetlands that would be impacted by the proposed Oak Forest Site Condominiums. City Engineer Steve Vandette and Environmental Specialist Jennifer Lawson attended and provided verbal and written comments (attachment "G"). Among the items raised was the fact that the site plans had expired, that the new plans included 7 more lots than previously approved by the city and that would result in greater impact on wetlands, and that the wetland assessment of October 17, 2001 expired in 2004. The applicant, Garrett Family Limited Partnership, subsequently withdrew the MDEQ permit application.

Another MDEQ permit application (file #07-63-0082-P) that was submitted last April 17<sup>th</sup> (attachment "F") is still being processed. Wattles Square, Inc., the applicant, seeks to enclose a portion of the Fetterly Drain, place fill in wetlands and construct a storm water management system (detention basin) discharging to the drain for the purpose of developing the Oak Forest South site condominiums. Once again, the MDEQ is being asked to permit activities that have not yet been approved by the City of Troy, since no Preliminary Site Plan for this development has been approved. Although site plan approval is not required by the MDEQ, the submittal is somewhat unusual in that local approval typically occurs first. City Engineering staff is currently reviewing this MDEQ application and will provide comments at the MDEQ public hearing scheduled for 7pm Thursday, November 8, 2007 in the Troy City Council Chambers.

On August 7, 2007 the OCDC notified the MDEQ by letter (attachment "H") that they intended to clean out the Fetterly Drain and that it is their understanding that no MDEQ permit is required for this work.

On August 9, 2007 the MDEQ advised the OCDC that the Fetterly Drain is a stream pursuant to regulation under the state Inland Lakes and Streams Act and that while there are some permit exemptions for certain activities within county drains, the MDEQ determined that the proposed Fetterly work did not qualify for exemptions. The OCDC responded with their letter of August 21 saying that the Drain Code allows the Drain Commissioner to contract or make agreements with any private corporation in respect to any matter connected to the construction, operation or maintenance of any drain and that the State of Michigan does not have jurisdiction over this activity (attachments "I" & "K", MDEQ and OCDC letters). Their letter also included a copy of a 1994 MDEQ letter supporting the Drain Commissioners position. To date there has been no response from the MDEQ.

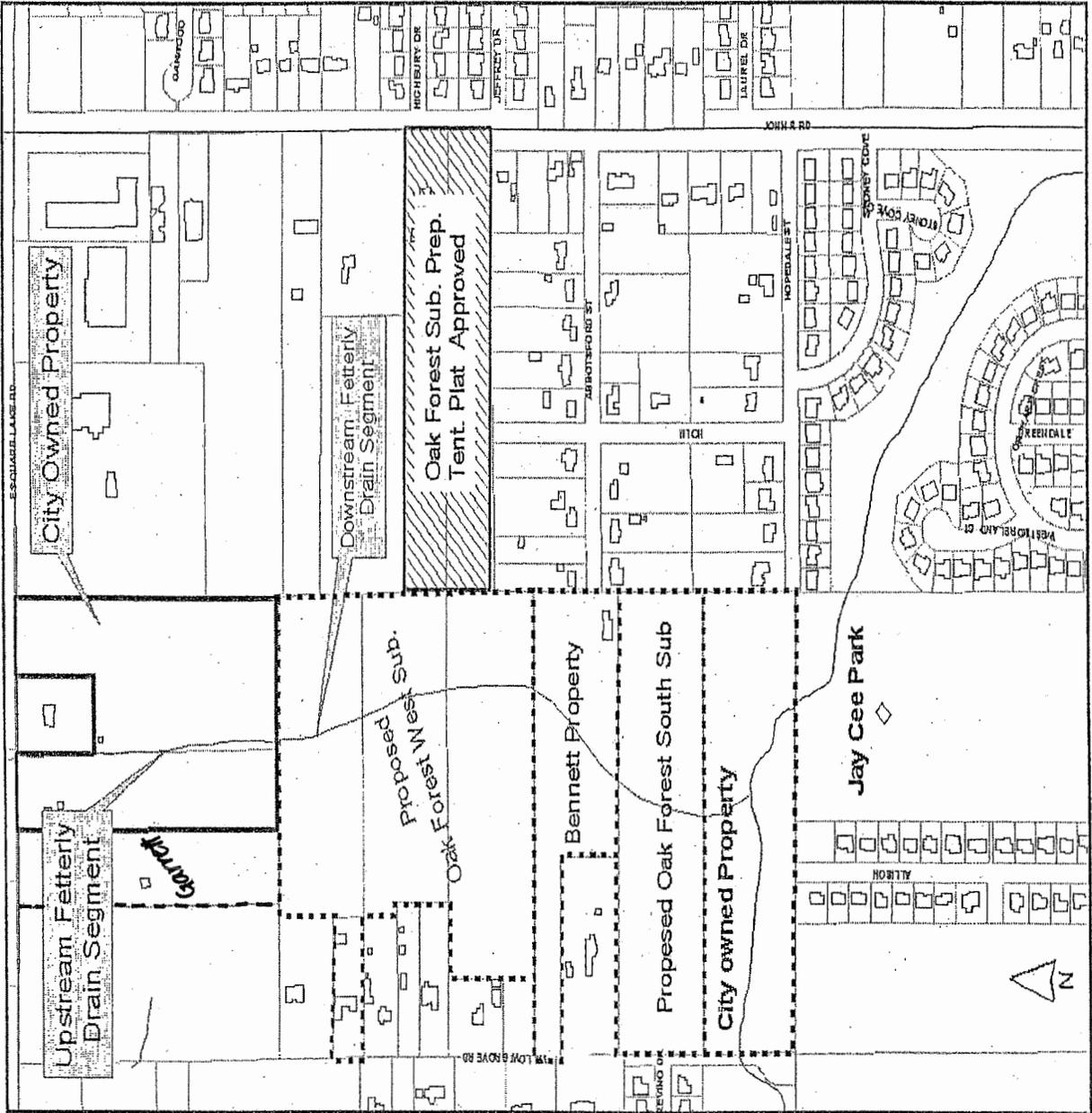
FETTERLY DRAIN WORK REPORT  
TABLE OF ATTACHMENTS

- A – Property Location and Ownership Map
- B – City Council Time Line - Oak Forest Subdivisions and Site Condominiums
- C – City letter to OCDC, 2/24/05 – Engineering Comments on Fetterly Drain Plans
- D – City letter to OCDC, 12/7/05 – Engineering Comments on Fetterly Drain Plans
- E – MDEQ Permit Application #07-63-0048-P submitted 3/15/07, (Withdrawn by Garrett Family Limited Partnership)
- F – MDEQ Permit Application #07-63-0082-P, submitted 3/15/07 – Public Hearing Scheduled
- G – City Engineer’s Comments to MDEQ – Comments provided at 5/29/07 Public Hearing
- H – OCDC letter to MDEQ, 8/7/07 – OCDC Intends to Clean Out Fetterly Drain
- I – MDEQ letter to OCDC, 8/9/07 – MDEQ claims Jurisdiction of Proposed Fetterly Drain Activities
- J – Ladd’s letter to City Engineer, 8/17/07 – Request Easement Approval to Facilitate Access to the Fetterly Drain
- K – OCDC letter to MDEQ, 8/21/07 – State of Michigan has no Jurisdiction
- L – City Engineers letter to Ladd’s Real Estate and Development, Inc., 9/14/07 Request for Additional Information for Request to Use City Property

**Attachment "A"**

**Property Location and Ownership Map**

INFORMATION



**Attachment "B"**

**City Council Time Line - Oak Forest Subdivisions and Site Condominiums**

## **Oak Forest Subdivisions and Site Condominiums City Council Time Line**

- 07-09-2001 City Council postpones Tentative Preliminary Plat for Oak Forest Subdivision (Revised) to July 23 meeting.
- 07-23-2001 City Council grants Tentative Preliminary Plat for Oak Forest Subdivision (Revised), subject to the City requesting a MDEQ Wetlands Permit public hearing before continuation of the Final Plan Approval Process.
- 12-03-2001 Memo to City Council (Agenda Item G-14) re: Fetterly Drain & Proposed Oak Forest Subdivisions.
- 12-17-2001 City Council postpones Fetterly Drain & Proposed Oak Forest Subdivisions to date not later than 3-18-02.
- 01-14-2002 Status Report re: Fetterly Drain & Proposed Oak Forest Subdivisions to City Council (Agenda Item G-10)
- 05-06-2002 Memo to City Council (Agenda Item G-18) re: Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 05-13-2002 Presentation to City Council (Agenda Item A-1) Update on Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 06-03-2002 Presentation to City Council (Agenda Item A-2) Update on Status of Improvements to the Fetterly Drain for the Oak Forest, Oak Forest South, and Oak Forest North Subdivisions.
- 07-08-2002 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).
- 06-16-2003 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).
- 07-21-2003 Memo to City Council (Agenda Item G-14) re: Oak Forest Subdivision, Fetterly Drain, Regional Detention, and Linear Park Development Status.
- 08-04-2003 City Council resolution that Ladd's Real Estate & Development shall proceed, if desired, with development of Oak Forest Subdivision in accordance with all current state & local legislation and development standards passes.
- 08-18-2003 City Council motion to reconsider previous resolution postponed to Sept. 8, 2003.

- 09-08-2003 City Council motion to reconsider previous resolution fails. City Council motion to reject all offers by developers for property owned by the City in Section 11 fails.
- Memo to City Council (Agenda Item G-11) re: Letter from Dale Garrett regarding city owned property.
- 10-20-2003 City Council approves resolution to hire appraiser to evaluate City and Garrett owned properties in Section 11 and that **NO PROPOSAL SHALL BE SUBMITTED** to City Council that includes any payment for land, regional detention, drain improvements, wetland mitigation or easements related to development of the Oak Forest subdivisions.
- 06-07-2004 City Council grants 1 year extension of Tentative Preliminary Plat for Oak Forest Subdivision (Revised).
- 04-18-2005 City Council approves Preliminary Plan for Oak Forest Site Condominium and Oak Forest South Site Condominium.
- 06-05-2006 One-year extension granted for Preliminary Plan for Oak Forest Site Condominium and Oak Forest South Site Condominium
- 04-2007 Engineering plans received showing 5 more lots in Oak Forest Site Condominium and 2 more lots in Oak Forest South Site Condominium than permitted by the approved Preliminary Plan. Plans not reviewed due to non-compliance with approved preliminary plan.
- 05-2007 Letter to Garrett from Planning Department regarding need for submittal of new preliminary plans for review and approval due to the addition of 7 lots to the previous plans. The previous preliminary plans expired on April 18, 2007.

**Attachment "C"**

**City letter to OCDC, 2/24/05 – Engineering Comments on Fetterly Drain Plans**

February 24, 2005

Steven A. Korth, P.E.  
Assistant Chief Engineer  
Oakland County Drain Commission  
One Public Works Drive  
Waterford, MI 48328

Re: Proposed Fetterly Drain Improvements

Dear Mr. Korth:

Our review of the plans prepared by Professional Engineering Associates (PEA) has revealed several important items of concern that have not been satisfactorily addressed by PEA. Relating back to our consultant's December 6<sup>th</sup> plan review letter, a copy of which was sent to your attention and is also attached, the following items from that letter still need to be addressed:

- The impacts on the streambanks at the downstream end of the project at the confluence of the Gibson/Renshaw and the Fetterly drain (Jaycee Park property) have not been considered. These streambanks are in extremely poor condition. If actions are not taken to protect and repair these banks, the impacts of the proposed project will be detrimental to Jaycee Park and to downstream residents due to erosion, sediment deposit and loss of land. Protective measures must be incorporated into the plans and made part of the project.
- The future road culverts shown on the plans for future roads are presumably related to preliminary site plans previously submitted and approved by the city. Since the design of these culverts will be reviewed in the future by the City of Troy and they will not be installed until after engineering plans for the subdivisions have been reviewed and approved by the city, it should be made clear that OCDC plan approval DOES NOT include approval of the future culverts. If this is not done, we believe your future review and permit authority as well as the city's review of those culverts will be compromised.

There are many other items listed in the review letter, such as the soil erosion permit from Troy, MDEQ wetland permit and items related to these permits that we acknowledge are beyond the purview of the OCDC and will be addressed later.

Regarding the necessary easements for this work, please know that the plans include a new easement across city property depicted as 20-11-201-013 on the plans. The new parcel number for this property is 20-11-400-016 and is part of Jaycee Park. Troy City Council previously granted approval to access the EXISTING Fetterly Drain easement across city-owned property (Resolution #2002-02-082 attached). The City never approved a new easement for the drain. An actual description of a new easement and easement document has never been submitted nor approved by the City Council. Considering that there are now new council members since the resolution approving access was adopted in 2002, it is uncertain whether the now required wider drain easement would be approved today. Regardless, a new easement will need to be approved by Troy City Council.

Please feel free to contact me at 248-524-3383 should you have any questions.

Sincerely,

Steven J. Vandette, P.E.  
City Engineer

Enclosure

cc: Brian Murphy, Asst. City Manager/Services  
William Huotari, Deputy City Engineer  
Jennifer Lawson, Environmental Consultant

**PRINCIPALS**

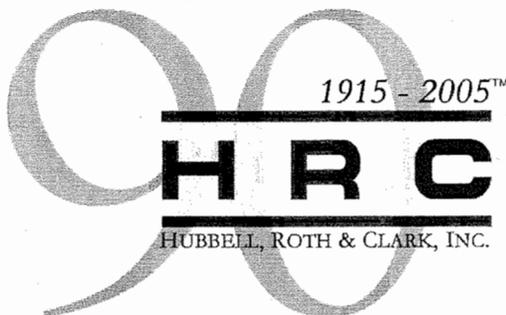
Gerald F. Knapp  
Thomas E. Biehl  
Walter H. Arix  
George E. Hubbell  
Peter T. Roth  
Michael D. Waring  
Keith D. McCormack  
Curt A. Christeson

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David P. Wilcox  
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Daniel W. Mitchell  
Jesse B. VanDeCreek  
Robert F. DeFrain  
Marshall J. Grazioli  
Thomas D. LaCross

December 6, 2005

City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Attention:

Re: City of Troy  
Fetterly Drain Improvements

HRC Job No. 20050622

Dear Mr. Vandette:

This letter is written in regards to the proposed Fetterly Drain Improvement Project prepared by Professional Engineering and Associates. In conjunction with the City of Troy Engineering Department, we have completed a review of the above referenced plans. Following is a summary of our combined comments:

1. Must contact Mark Fife with the Michigan Department of Environmental Quality (MDEQ) regarding NPDES Program. (517) 241-8993. (Site is over 5 acres).
2. Must apply for a soil erosion permit from City of Troy Engineering Department (Part 91, PA 451).
3. Application must be made to the MDEQ for floodplains (PA 451, Part 31). The previously submitted Flood Study has been reviewed by the City in regards to the tributary drainage district, the existing flowrates routed through the drain, the starting water surface elevation at the Gibson-Renshaw Drain, and the existing 100 year HGL along the Fetterly Drain. A revision to the existing Flood Insurance Rate Map appears to be valid due to the more detailed topographic and modeling performed along the drain. Final approval for the revision will be required from the Oakland County Drain Commissioner (OCDC), MDEQ and Federal Emergency Management Agency (FEMA).
4. Soil turbidity curtains should be used throughout the extent of the project area, to minimize any soil erosion and sedimentation impacts. Please see attached detail.
5. There are extensive wetlands onsite, especially in the riparian areas. A wetlands permit is required from the MDEQ. Please verify that any impacts to the wetlands will be minimized, and if there are impacts, they should be restored/mitigated/etc. This is ultimately an MDEQ issue.
6. The seed mix provided is mostly acceptable, however the following questions should be answered:
  - a. What are the seed quantities?

**RECEIVED**

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**ENGINEERING**

- b. What are the seeding locations?
  - c. What are the guarantees for growth/establishment?
  - d. A plan for invasive species management should be integrated into the planning, installation and maintenance of this project.
  - e. Several of the species listed are available in plugs, rather than seeds – what are the locations of these plugs?
  - f. There should be a mechanism for goose/vermin protection for these plugs.
  - g. What is the location of the straw/coconut erosion blanket?
  - h. The straw/coconut erosion blanket needs to be staked.
7. At each of the stream crossings, an aesthetic planting of shrubs/trees to accentuate the natural character of the stream is recommended. Suggested plants include, but are not limited to:
- |                               |                      |
|-------------------------------|----------------------|
| a. <i>Cornus stolonifera</i>  | Red osier Dogwood    |
| b. <i>Viburnum trilobum</i>   | Highbush Cranberry   |
| c. <i>Viburnum dentatum</i>   | Arrowwood Viburnum   |
| d. <i>Sambucus Canadensis</i> | Elderberry           |
| e. <i>Larix laricina</i>      | Tamarack             |
| f. <i>Thuja occidentalis</i>  | Northern White Cedar |
| g. <i>Tsuga canadensis</i>    | Eastern Hemlock      |
| h. <i>Picea mariana</i>       | Black Spruce         |
| i. <i>Taxodium distichum</i>  | Baldcypress          |
| j. <i>Nyssa sylvatica</i>     | Black Tupelo         |
| k. <i>Asimina triloba</i>     | Pawpaw               |
| l. <i>Alnus rugosa</i>        | Speckled Alder       |
| m. <i>Alnus rubra</i>         | Red Alder            |
| n. <i>Quercus bicolor</i>     | Swamp White Oak      |
| o. <i>Quercus palustris</i>   | Pin Oak              |
8. Once a landscape planting plan that addresses both #5 and #6 for each stream crossing is completed, the City shall review it to verify the ecological and aesthetic benefit that the planting will provide.
9. To decrease downstream impacts, sinuosity of the stream channel needs to be addressed. The MDEQ will review this permit application, and ask this same question.
10. Impacts to the downstream end of the project will be drastic at the confluence of the Gibson/Renshaw and the Fetterly Drains on the Jaycee Park streambanks. These area streambanks are in extremely poor condition and are in need of restoration. These proposed project impacts need to be addressed to protect the already failing banks of the Gibson/Renshaw Drain. If actions are not taken to protect and restore these banks, the impacts may be detrimental to downstream residents, including erosion, sediment deposit and loss of land. Actions would include:
- a. Utilizing bioengineering techniques to stabilize the banks and provide structure for the soil to stay in place,
  - b. Utilizing hardscape (natural stone/ledge rock) to receive the direct impact of the flow and mitigate the force of the water.
- Incorporate these protective measures into the project plans.
11. The 100 year HGL needs to be added to the typical drain cross section on sheet D-5.
12. To minimize the backwater during a 100 year storm event, should the future road culverts be sized for a 100 year storm event?

13. Provide the City with a copy of the executed drainage easement description and sketch thru each of the affected parcels.
14. The drainage district limits need to be revised. Area C should be expanded to include the area on the west side of Willowgrove that is connected by a road side culvert. Also, Area A should be reduced to exclude the portion of the northerly of the homes on the south side of Atkins Road. A revised drainage district description for the Fetterly Drain may be required by the OCDC.
15. Should the channel transition from proposed to existing be shifted further from the proposed culvert to allow for velocities to dissipate prior to reaching the culvert. This would help to prevent undermining of the culvert. Natural rip rap should also be placed along the channel bottom and banks to extend into the sloped transition section.
16. The 10 year and 100 year HGL's need to be shown on the cross sections on the cross section sheets.
17. At the future roadway crossings show proposed slope to the drain and show the required fencing.
18. Provide the City with a copy of the required approval from the Oakland County Drain Commissioner's office.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Michael MacDonald, P.E.  
Associate

MM/mm

pc: Troy; J. Lawson, S. Finlay  
OCDC; S. Korth  
HRC; W. Alix, File

**Attachment "D"**

**City letter to OCDC, 12/7/05 – Engineering Comments on Fetterly Drain Plans**

December 7, 2005

Steven Korth  
Oakland County Drain Commission  
One Public Works Drive  
Waterford, Michigan 48328-1907

Re: Fetterly Drain Improvements

Dear Mr. Korth

Enclosed is a copy of HRC's plan review comments that were faxed to you earlier. The review comments are a compilation of comments from HRC and my staff. As we discussed, we would ask that these comments be properly incorporated into the plans before your office gives approval.

By copy of this letter to PEA, we request that three revised sets of plans, incorporating both City and OCDC comments be submitted to my attention. The City and OCDC will continue to coordinate our reviews so that approval is given simultaneously.

With regard to the City's requirement for a fence along the improved drain, we will consider approving an alternate to the standard chain link fence, such as a split rail type, provided that the fence is made of long lasting maintenance free materials. A fence plan including details of the proposed fence should be included with the next submittal.

Sincerely

Steven J. Vandette. P. E.  
City Engineer

cc: John Szerlag; City Manager  
Brian Murphy, Asst. City Manager/Services  
David Baumhardt, PEA

**Attachment "E"**

**MDEQ Permit Application #07-63-0048-P submitted 3/15/07**

**(Withdrawn by Garrett Family Limited Partnership)**



**Attachment "F"**

**MDEQ Permit Application #07-63-0082-P, submitted 3/15/07**

**Public Hearing is Scheduled**



Monday, October 08, 2007

# Land and Water Management Division

## CIWPIS on line

**Notices and Hearings**

**New Applications**

### Coastal and Inland Waters Permit Information System

File Number:

07-63-0082-P

**File No:** 07-63-0082-P

**Status:** Public Hearing Scheduled

**Name:** Wattles Square, Inc  
**Address:** Suite 103  
 5877 Livernois Road  
 Troy, MI 48098

**County:** Oakland  
**Twn/Rng/Sec:** 02N/11E/11

**Government:** City of Troy

**Subdivision:**

[Back](#)

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Placing your cursor over the field will display tool tips (IE, 4.0+). This web site is best viewed with IE 4.0 or greater. If this site does not work correctly please [let us know](#).

**Note:**

Some fields are blank dependent upon application type and/or status.

**Waterbody:** Fetterley Drain  
**ProjectName:** Oak Forest South

**Lot:**  
**Tax ID:** 20-11-201-12

**Activity:** Condominiums  
**Activity:** Fills  
**Activity:** Outfall Structure

**MITAPS:**

**Parts:** 301 325 303 31 315 323 353 Sec404

1 X R

**Type:** Public Notice  
**Renewal:**

**Field:** Anne Hokanson  
**Entry:** Kate Lederle

**Southeast Michigan District Office**  
 27700 Donald Court  
 Warren , Michigan  
 48092-2793  
 586-753-3700

**Date Received:** 4/17/2007  
**Date Sent to Field:** 9/26/2007  
**Date Extended:**  
**Date Site Inspection:**  
**Date Public Hearing:** 11/8/2007

**Date Final Action:**  
**Date Permit Expires:**  
**Date Revised:**  
**Date Public Notice:** 9/26/2007  
**Date CR Mailed:** 05/11/2007

This information is a summary of LWMD-MDEQ project file: 07-63-0082-P.

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY

PO Box 30204  
Lansing, Michigan 48909

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Land and Water Management Division of the Michigan Department of Environmental Quality will hold a public hearing at the City of Troy City Hall, Council Chambers, 500 West Big Beaver Road, Troy, Michigan, on Thursday, November 8, 2007, at 7:00 p.m.

The purpose of this hearing is to secure the views of interested persons concerning the following application for permit:

Application for Permit 07-63-0082-P under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, by Wattles Square, Inc, Suite 103, 5877 Livernois Road, Troy, Michigan 48098. The applicant proposes to enclose a portion of Fetterley Drain, place fill in wetland and construct a storm water management system discharging to the drain for the purpose of developing Oak Forest South site condominiums. The work site is located southeast of Willow Grove and Square Lake Roads. Approximately 135 linear feet of the drain will be enclosed in a 48 inch diameter pipe with approximately 381 cubic yards of fill placed over the culvert and 0.09 acres of adjacent wetland. Additionally approximately 292 cubic yards of fill will be placed in 0.13 acres of adjacent and isolated wetlands for site development. Approximately 118 cubic yards of spoils will be dredged from 0.04 acres of wetland for a storm basin. Two proposed storm water basins will discharge to the drain through 18 inch diameter pipes. Riprap will be placed at the culvert and discharge pipe ends. Total wetland impact proposed is approximately 0.25 acres. Mitigation is not proposed. The project is located in T2N, R11E, Section 11, City of Troy, Oakland County, Michigan.

The application is available for review at the DEQ website, [www.deq.state.mi.us/CIWPIS](http://www.deq.state.mi.us/CIWPIS), or may be reviewed in the Land and Water Management Division, DEQ, 27700 Donald Court, Warren, Michigan 48092-2793, by calling 586-753-3862. The public hearing record will remain open for 10 days after the public hearing date. Any written comments to be submitted for the public hearing record must be received at this address on or before the close of the record.

The hearing will be held pursuant to Section 30105 of the cited statute. The hearing will not be a court-type proceeding; witnesses will not be sworn, and there will be no cross examination. Public hearings are primarily informational and are held to encourage the expression of views and presentation of facts.

The Michigan Department of Environmental Quality will, upon written request, provide a copy of the Department's decision on this application.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

By: Wendy Fitzner  
Wendy Fitzner, Chief  
Permit Consolidation Unit  
Land and Water Management Division  
517-373-9244

Date: October 4, 2007

NOTE: Persons with disabilities needing accommodations for effective participation in this meeting should call the telephone number listed above one week in advance to request mobility, visual, hearing, or other assistance.

**State of Michigan**  
**Department of Environmental Quality**

Land and Water Management Division  
27700 Donald Court  
Warren MI, 48092-2793  
586-753-3700

File No. 07-63-0082-P

Date: September 26, 2007

**PUBLIC NOTICE**

Wattles Square, Inc., 5877 Livernois Road, Suite 103, Troy, Michigan 48098, has applied to this office for a permit under authority of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The applicant proposes to enclose a portion of Fetterley Drain, place fill in wetland and construct a storm water management system discharging to the drain for the purpose of developing Oak Forest South site condominiums. The work site is located southeast of Willow Grove and Square Lake Roads. Approximately 135 linear feet of the drain will be enclosed in a 48 inch diameter pipe with approximately 381 cubic yards of fill placed over the culvert and 0.09 acres of adjacent wetland. Additionally approximately 292 cubic yards of fill will be placed in 0.13 acres of adjacent and isolated wetlands for site development. Approximately 118 cubic yards of spoils will be dredged from 0.04 acres of wetland for a storm basin. Two proposed storm water basins will discharge to the drain through 18 inch diameter pipes. Riprap will be placed at the culvert and discharge pipe ends. Total wetland impact proposed is approximately 0.25 acres. Mitigation is not proposed. The project is located in T2N, R11E, Section 11, City of Troy, Oakland County, Michigan, in accordance with plans attached to this notice.

**THIS NOTICE IS NOT A PERMIT**

The proposed project may also be regulated by one or more additional parts of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, that are administered by the Land and Water Management Division (LWMD). The requirements of applicable parts are considered in determining if it is in the public interest to issue a permit.

When a permit application is received requesting authorization to work in or over the inland waters of the State of Michigan, pursuant to PART 301, INLAND LAKES AND STREAMS, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, AS AMENDED, the Act provides that the department submit copies for review to the department of public health, the city, village or township, and the county where the project is to be located, the local soil conservation district, any local watershed council organized under Part 311, and the local port commission. Additional notification is provided to certain persons as required by statute or determined by the department.

Those persons wanting to make comments on the proposed project shall furnish this office with their written comments no later than 20 days from the date of this notice. Written comments will be made part of the record and should reference the above file number. Objections must be factual, specific, and fully describe the reasons upon which any objection is founded. Unless a written request is filed with the department within the 20-day public comment period, the department may make a decision on the application without a public hearing. The determination as to whether a permit will be issued or a public hearing held will be based on evaluation of all relevant factors defined in Sections 30106 and 30311, or permit criteria defined by other appropriate Parts of the NREPA. These Sections address the effect of the proposed work on the public trust or interest including navigation, fish, wildlife, and water quality among other criteria. Public comments received will also be considered.

This application will be reviewed by federal agencies in accordance with an agreement with the U.S. Environmental Protection Agency, under provisions of Section 404 of the Federal Clean Water Act Amendments of 1977.

cc: DNR, Wildlife, Natural Heritage  
DNR, Wildlife, Southfield  
Oakland Co. Clerk  
Oakland Co. Drain Comm.  
Wattles Square, Inc, applicant  
Clinton River Watershed Council  
LWMD, Floodplains, Maria Zingas  
LWMD, 404 Coordinator  
USEPA  
See file for adjacent property owners

DNR, Fisheries, Southfield  
Oakland Co. Health Dept.  
City of Troy Clerk  
Oakland Soil Conservation Dist.  
History Division  
Holloway Environmental Planning, Inc.  
LWMD, Subdivisions/Condos  
USACE  
USFWS

Revised



US Army Corps of Engineers (USACE)

Michigan Department of Environmental Quality (MDEQ)



AGENCY USE	Previous USACE Permit or File Number	Date Received <b>RECEIVED</b> SEP 19 2007 MDEQ/LWMD PERMIT CONSOLIDATION UNIT	Land and Water Management Division, MDEQ File Number <b>07-63-0082-P</b>	AGENCY USE
	USACE File Number		Marina Operating Permit Number	
	<b>Warren - A. Hokanson</b>		Fee received \$ <b>2000 - ck # 1197</b>	

- Complete all items in Sections 1 through 9 and those items in Sections 10 through 21 that apply to the project. Clear drawings and cross sections must be provided.

<b>1 PROJECT LOCATION INFORMATION</b>						
<ul style="list-style-type: none"> <li>Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s).</li> </ul>						
Address <b>N/A</b>		Township Name(s) <b>City of Troy</b>	Township(s) <b>T 2N</b>	Range(s) <b>R 11E</b>	Section(s) <b>11</b>	
City/Village <b>City of Troy</b>		County(ies) <b>Oakland</b>			Property Tax Identification Number(s) <b>20-11-201-12</b>	
Name of Waterbody <b>Fetterley Drain</b>		Project Name or Job Number <b>Oak Forest South CEC #070-762</b>		Subdivision/Plat	Lot Number	Private Claim
Project types (check all that apply)	<input checked="" type="checkbox"/> private <input type="checkbox"/> building addition <input type="checkbox"/> other (explain)	<input type="checkbox"/> public/government <input type="checkbox"/> new building or structure	<input type="checkbox"/> industrial <input type="checkbox"/> building renovation or restoration	<input type="checkbox"/> commercial <input type="checkbox"/> river restoration	<input type="checkbox"/> multi-family <input checked="" type="checkbox"/> single-family	
The proposed project is on, within, or involves (check all that apply)						
<input type="checkbox"/> a stream	<input type="checkbox"/> a pond (less than 5 acres)	<input type="checkbox"/> a Great Lake or Section 10 Waters	<input type="checkbox"/> a natural river	<input type="checkbox"/> a new marina	<input type="checkbox"/> a structure removal	
<input type="checkbox"/> a river	<input type="checkbox"/> a channel/canal	<input type="checkbox"/> a designated high risk erosion area	<input type="checkbox"/> a dam	<input type="checkbox"/> a utility crossing	<input type="checkbox"/> a wellhead	
<input checked="" type="checkbox"/> a ditch or drain	<input type="checkbox"/> an inland lake (5 acres or more)	<input type="checkbox"/> a designated critical dune area	<input checked="" type="checkbox"/> a wellhead	<input type="checkbox"/> a utility crossing	<input type="checkbox"/> a designated environmental area	
<input type="checkbox"/> a floodway area	<input type="checkbox"/> a 100-year floodplain	<input type="checkbox"/> a designated environmental area	<input checked="" type="checkbox"/> 500 feet of an existing waterbody			
<b>2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, AND THE CONSTRUCTION SEQUENCE AND METHODS</b>						
<ul style="list-style-type: none"> <li>Attach separate sheets, as needed, including necessary drawings, sketches, photographs, aeriols, or plans.</li> </ul> <p><b>See Attached Description</b></p>						
<b>3 APPLICANT, AGENT/CONTRACTOR, AND PROPERTY OWNER INFORMATION</b>						
<ul style="list-style-type: none"> <li>The applicant can be either the property owner or the person or company that proposes to undertake the activity.</li> <li>If the applicant is a corporation, both the corporation and its owner must provide a written document authorizing the agent/contractor to act on their behalf.</li> </ul>						
Applicant (individual or corporate name) <b>Wattles Square, Inc.</b>			Agent/Contractor (firm name and contact person) <b>Todd Holloway, Holloway Environmental Planning, Inc.</b>			
Mailing Address <b>5877 Livernois Rd. Suite 103</b>			Address <b>23 Devonshire Road</b>			
City <b>Troy</b>		State <b>MI</b>	Zip Code <b>48098</b>	City <b>Pleasant Ridge</b>		
Daytime Phone Number with Area Code <b>248-828-1726</b>		Cell Phone Number	Daytime Phone Number with Area Code <b>248-546-9480</b>		Cell Phone Number	
Fax <b>248-828-3573</b>		E-mail	Fax <b>248-374-8600</b>		E-mail <b>tholloway@cecinc.com</b>	
Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes						
If No, provide a letter signed by the property owner authorizing the agent/contractor to act on his or her behalf or a copy of easements or right-of-ways. If multiple owners, attach all property owners' names, mailing addresses, and telephone numbers. Disclose any DEQ conservation easements or other easements, deed restrictions, leases, or any other encumbrance upon the property in the project area. A copy of the land restriction must be provided.						
Property Owner's Name (If different from applicant)			Mailing Address			
Daytime Phone Number with Area Code		Cell Phone Number	City	State	Zip Code	

**4 PROPOSED PROJECT PURPOSE, INTENDED USE, AND ALTERNATIVES CONSIDERED** (Attach additional sheets if necessary)

- The purpose must include any new development or expansion of an existing land use.
- Include a description of alternatives considered to avoid or minimize resource impacts. Include factors such as, but not limited to, alternative construction technologies; alternative project layout and design; alternative locations; local land use regulations and infrastructure; and pertinent environmental and resource issues.
- For utility crossings, include both alternative routes and alternative construction methods.

*See attached alternatives description*

**5 LOCATING YOUR PROJECT SITE**

- Provide the requested information listed below to help staff locate your project site.
- Attach a copy of a map, such as a plat, county, or USGS topographic map, clearly showing the site location and include an arrow indicating the north direction.
- Project area must be staked at the time of application submittal.

Is there an access road to the project?  No  Yes (If Yes, type of road, check all that apply)  private  public  improved  unimproved

Name of roads at closest main intersection *Square Lake* and *Willowgrove*

Directions from main intersection *south of intersection*

Style of house or other building on site  ranch  2-story  cape cod  bi-level  cottage/cabin  pole barn  none  other (describe)

Color \_\_\_\_\_ Color of adjacent property house and/or buildings \_\_\_\_\_

House number \_\_\_\_\_ Address is visible on  house  garage  mailbox  sign  other (describe)

Street name *Willowgrove Road* Fire lane number \_\_\_\_\_ Lot number \_\_\_\_\_

How can your site be identified if there is no visible address? *by site plan ex. features*

Provide directions to the project site, with distances from the best and nearest visible landmark and waterbody *see attached location map*

Does project cross boundaries of two or more political jurisdictions? (City/Township, Township/Township, County/County, etc.)

No  Yes (If Yes, list jurisdiction names.)

**6** List all other federal, interstate, state, or local agency authorizations required for the proposed activity, including all approvals or denials received.

Agency	Type approval	Identification number	Date applied	Date approved / denied	If denied, reason for denial
<i>City of Troy</i>	<i>Site plan</i>		<i>pending</i>		
<i>OCDC</i>	<i>Soil</i>		<i>pending</i>		
	<i>Erosion</i>		<i>pending</i>		

**7** If a permit is issued, date activity will commence (M/D/Y) *08/01/2007*

Proposed completion date (M/D/Y) *12/31/2010*

Has any construction activity commenced or been completed in a regulated area?  No  Yes

Were the regulated activities conducted under a MDEQ permit?  No  Yes

If Yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s) (M/D/Y) */ /*

If Yes, list the MDEQ permit number

Are you aware of any unresolved violations of environmental law or litigation involving the property?  No  Yes (If Yes, explain)

**8 PUBLIC NOTIFICATION** (Attach additional sheets if necessary)

- Complete information for all *adjacent and impacted property owners* and the lake association or established lake board, including the contact person's name.
- If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.

Property Owner's Name \_\_\_\_\_ Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

*See attached list*

Name of  Established Lake Board  or Lake Association and the Contact Person's name, phone number, and mailing address

**9 APPLICANT'S CERTIFICATION** **READ CAREFULLY BEFORE SIGNING**

I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, that it is true and accurate, and, to the best of my knowledge, is in compliance with the State *Coastal Zone Management Program* and the *National Flood Insurance Program*. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the MDEQ, USACE, and/or their agents or contractors to enter upon said property in order to inspect the proposed activity site and the completed project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.

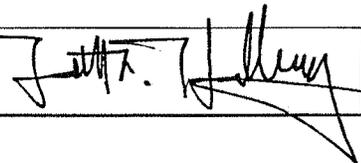
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- All applicants must complete all of the items in Sections 1 through 9 on pages 1 and 2 of this application.
- Complete those items in Sections 10 through 21 that apply to the project. Submit only those pages where you have provided information.
- Your application will not be processed if the application form is not completely filled out.
- List here the application page numbers being submitted and a brief description of other attachments included with your application.
- Submit 8.5" by 11," 8.5" by 14" or 11" by 17" size drawings with 4 copies. The USACE requires one set of drawings on 8.5" x 11" paper, with all notations clearly legible. Larger copies may be submitted in addition to the standard size copies.
- A letter of authorization from the owner must be included if not signed below by the owner.

<input type="checkbox"/> Property Owner	Printed Name	Signature	Date (M/D/Y)
<input checked="" type="checkbox"/> Agent/Contractor	<i>Todd D. Holloway</i>		<i>07/31/2007</i>
<input type="checkbox"/> Corporation - Title			

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10 PROJECTS IMPACTING WETLANDS OR FLOODPLAINS OR LOCATED ON AN INLAND LAKE OR STREAM OR A GREAT LAKE

- Check boxes A through N that may be applicable to your project and provide the requested information.
If your project may affect wetlands, also complete Section 12. If your project may impact regulated floodplains, also complete Section 13.
Provide an overall site plan showing existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures, land change activities and soil erosion and sedimentation control measures. Review sample drawings for guidance in completing site-specific drawings for your project.
Some projects on the Great Lakes require an application for conveyance prior to Joint Permit Application completeness.
On a Great Lake use IGLD 85 surveyed converted from observed still water elevation. On inland waters, NGVD 29 local datum other
Observed water elevation (ft) date of observation (M/D/Y) / /

A. PROJECTS REQUIRING FILL (See All Sample Drawings)

- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27.
Attach both plan and cross-section views to scale showing maximum and average fill dimensions.

(Check all that apply) floodplain fill wetland fill riprap seawall, bulkhead, or revetment bridge or culvert
boat launch off-shore swim area beach sanding boatwell crib dock other storm outlet

Fill dimensions (ft) Length varies, see plan width maximum depth Total fill volume (cu yd) 673 cyds Maximum water depth in fill area (ft) N/A

Type of clean fill pea stone sand gravel wood chips other clay Will filter fabric be used under proposed fill? No Yes (If Yes, type)

Source of clean fill on-site, If on-site, show location on site plan commercial other, If other, attach description of location

Fill will extend n/a feet into the water from the shoreline and upland n/a feet out of the water. Fill volume below OHWM (cu yd)

B. PROJECTS REQUIRING DREDGING OR EXCAVATION (For dredging projects see Sample Drawing 7, for excavation see other applicable Sample Drawings)

- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27.
Attach both plan and cross-section views to scale showing maximum and average dredge or excavation dimensions.
The applicant will be notified if sediment sampling is required.

(Check all that apply) floodplain excavation wetland dredge or draining seawall, bulkhead, or revetment
navigation boat well boat launch other

Total dredge/excavation volume (cu yd) 118 cyds Dimensions length width depth Dredge/excavation volume below OHWM (cu yd) Method and equipment for dredging dozer

Has proposed dredge material been tested for contaminants? No Yes (If Yes, attach testing results) Will dredged or excavated spoils be placed on-site off-site. Attach a detailed disposal area site plan, location map. If dispose off site, provide address and letter of authorization.

Has this same area been previously dredged? No Yes (If Yes, provide date and permit number, if available) / / /
If Yes, are you proposing to enlarge the previously dredged area No Yes

Is long-term maintenance dredging planned? No Yes (If Yes, when and how much?)

C. PROJECTS REQUIRING RIPRAP (See Sample Drawings 2, 3, 8, 12, 14, 17, 22, and 23. Others may apply)

Riprap waterward of the shoreline OR ordinary high water mark Dimensions (ft) length width depth Volume(cu yd)
Riprap landward of the shoreline OR ordinary high water mark varies varies depth Volume(cu yd) 2.3 cyd

Type of riprap field stone angular rock other Will filter fabric be used under proposed riprap? No Yes (If Yes, type)

D. SHORE PROTECTION PROJECTS (See Sample Drawings 2, 3, and 17)

(check all that apply) riprap - length (ft.) seawall/bulkhead - length (ft.) revetment - length (ft.) Distances of project from both property lines (ft)

E. DOCK - PIER - MOORING PILINGS (See Sample Drawing 10)

Type open pile filled crib Seasonal structure? No Yes
Proposed structure dimensions (ft) length width Dimensions of nearest adjacent structures (ft) length width

F. BOAT WELL (No Sample Drawing available)

Type of bank stabilization wood steel concrete vinyl riprap other
Boat well dimensions (ft) Length width depth Number of boats
Volume of backfill behind sidewall stabilization (cu yd) Distances of boat well from adjacent property lines (ft)

G. BOAT LAUNCH (No Sample Drawing available) (check all that apply) new existing public private commercial replacement

Proposed overall boat launch dimensions (ft) length width depth Type of material concrete wood stone other Land & Water Mgt. Div

Existing overall boat launch dimensions (ft) Length width depth Boat launch dimensions (ft) below ordinary high water mark Length width depth AUG 06 2007

Distances of launch from both property lines (ft) Number of skid piers Skid pier dimensions (ft) width length Permit Consolidation Unit

H. BOAT HOIST (No Sample Drawing available)

(Check all that apply) seasonal permanent cradle side lifter other located on seawall dock bottomlands

I. BOARDWALKS AND DECKS IN WETLANDS - OR - FLOODPLAINS (See Sample Drawings 5 and 6. Provide table if necessary)



(Check all that apply)  boardwalk  deck Boardwalk or deck is on  fill  piling Dimensions (ft) length width

**10 Continued - PROJECTS IMPACTING WETLANDS OR FLOODPLAINS OR LOCATED ON AN INLAND LAKE OR STREAM OR A GREAT LAKE**

J. INTAKE PIPES (See Sample Drawing 16)  OUTLET PIPES (See Sample Drawing 22)

Type  headwall  end section If outlet pipe, discharge is to  wetland  inland lake  
 pipe  other  stream, drain, or river  Great Lake  other  
 Dimensions of headwall OR end section (ft) length *n/a* width *SEE PLANS* depth *SEE PLANS* Number of pipes *2* Pipe diameters and invert elevations *18"@657.0, 18"@656.0'*

K. MOORING AND NAVIGATION BUOYS (No Sample Drawing available)  
 • Provide an overall site plan showing the distances between each buoy, distances from the shore to each buoy, and depth of water at each buoy in feet.  
 • Provide cross-section drawing(s) showing anchoring system(s) and dimensions.

Number of buoys *0* Type of anchor system *SEE PLANS* Purpose of buoy  mooring  navigation  swimming  
 Dimensions of buoys (ft) width *SEE PLANS* height *SEE PLANS* Do you own the property along the shoreline?  No  Yes  
 If No, you must provide an authorization letter from the property owner(s)

L. GROINS (No Sample Drawing available)  
 • Provide an overall site plan showing the distances (ft) of the outermost groins from the property lines, distances between groins, length and width of each groin, and the distance from the existing toe of the bluff to the lakeward end of the groins.  
 • If existing groins are located on adjacent properties, provide distances (ft) from closest neighboring groin to your property lines on the site plan. Provide cross-section views showing the length and height of each groin and the height of groin ends above the observed water level (date and time). If step down type, show the height of each section above the observed water level.

Number of groins *0* Type of groin  steel  wood  other Will groin be placed on a foundation?  No  Yes (If Yes, dimensions of foundation (ft) length width height

M. FENCES IN WETLANDS, STREAMS, OR FLOODPLAINS (No Sample Drawing available)  
 • Provide an overall site plan showing the proposed fencing through wetlands, streams, or floodplains.  
 • Provide drawing of fence profile showing the design, dimension, post spacing, board spacing, and distance from ground to bottom of fence (if in a floodplain).

(check all that apply)  wetlands  streams  floodplains Total length (ft) of fence through wetlands streams floodplains Fence height (ft) Fence type and material

N. OTHER - e.g., structure removal, marine railway, low sand trap wall, breakwater, and structural foundations in wetlands or floodplains

**11 EXPANSION OF AN EXISTING OR CONSTRUCTION OF A NEW LAKE OR POND (See Sample Drawings 4 and 15)**

Which best describes your proposed waterbody use (check all that apply)  wildlife  stormwater retention basin  stormwater detention basin  recreation  wastewater basin  other  
 Water source for lake/pond  groundwater  natural springs  Inland Lake or Stream  stormwater runoff  pump  sewage  other  
 Location Of the lake/basin/pond  floodplain  wetland  upland

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Will project involve construction of a dam, dike, outlet control structure, or spillway?  No  Yes (If Yes, complete Section 17)

**12 ACTIVITIES THAT MAY IMPACT WETLANDS (See Sample Drawings 8 & 9)**

• For information on the MDEQ's Wetland Assessment Program, visit the LWMD website or call 517-373-1170.

(check all that apply)  fill (Section 10A)  dredge or excavation (Section 10B)  boardwalk or deck (Section 10I)  dewatering  
 fences (Section 10M)  bridges and culverts (Section 14)  draining surface water  other storm water

Has a professional wetland delineation been conducted for this parcel?  No  Yes (if Yes, provide a copy; if federal method was used, supply data sheets) Applicant purchased property  before OR  after October 1, 1980.

Is there a recorded DEQ easement on the property?  No  Yes (If Yes, provide the number)

Has the MDEQ conducted a wetland assessment for this parcel?  No  Yes (If Yes, provide a copy)

Describe the wetland impacts, proposed use or development, and efforts to avoid/minimize impacts. Describe the wetland alternatives and provide the type and amount of mitigation proposed if more than 1/3 acre is to be impacted. **See attached description of activities. Note: Spoils will be placed in upland as road base.**

Is any grading or mechanized land clearing proposed?  No  Yes (If Yes, show locations on site plan) Has any of the proposed grading or mechanized land clearing been completed?  No  Yes (If Yes, label and show locations on site plan)

- Complete the wetland dredge and wetland fill dimension information for each impacted wetland area.
- Attach additional sheets if necessary and label the impacted wetland areas on a site plan drawn to scale. Attach at least one typical cross-section for each wetland dredge and/or fill area. Also complete Section 10A for fill and Section 10B for dredge or excavation activities.
- If dredge material will be disposed of on site, show the location on site plan in an upland area and include soil erosion and sedimentation control measures.

Wetland dredge dimensions	maximum length (ft) <i>100</i>	maximum width (ft) <i>38</i>	dredge area <input type="checkbox"/> acres <input checked="" type="checkbox"/> sq ft <i>1,835</i>	average depth (ft) <i>1.73</i>	dredge volume (cu yd) <i>118</i>
Wetland fill dimensions	maximum length (ft) <i>140</i>	maximum width (ft) <i>55</i>	fill area <input type="checkbox"/> acres <input checked="" type="checkbox"/> sq ft <i>9,104</i>	average depth (ft) <i>varies</i>	fill volume (cu yd) <i>673</i>
Total wetland dredge area <input type="checkbox"/> acres <input checked="" type="checkbox"/> sq ft <i>1,835</i>			Total wetland dredge volume (cu yd) <i>118</i>		
Total wetland fill area <input type="checkbox"/> acres <input checked="" type="checkbox"/> sq ft <i>9,104</i>			Total wetland fill volume (cu yd) <i>673</i>		

Permit Consolidation Unit



The proposed project will be serviced by <input checked="" type="checkbox"/> public sewer <input type="checkbox"/> private septic system (If septic system, show existing and new or expanded system on plans)	If septic system, has application been made to the County Health Department for a permit? <input type="checkbox"/> No <input type="checkbox"/> Yes	If Yes, has permit been issued? <input type="checkbox"/> No <input type="checkbox"/> Yes (If Yes, provide a copy)
---	--	---

Land & Water Mgt. Div.  
 AUG 06 2007  
 Permit Consolidation Unit

**13 FLOODPLAIN ACTIVITIES** (See Sample Drawing 5. Others may apply.)

- Attach additional sheets with the requested information when multiple floodplain activities are included in this application.

(check all that apply)  fill  excavation  other

Site is (est above  ordinary high water mark (OHWM) OR  observed water level. Date of observation (M/D/Y) / /

Fill volume below the 100-year floodplain elevation (cu yd) \_\_\_\_\_ Compensating cut volume below the 100-year floodplain elevation (cu yd) \_\_\_\_\_

**14 BRIDGES AND CULVERTS** (Including Foot and Cart Bridges)

- Provide detailed site-specific drawings of existing and proposed *Plan View* (Sample Drawing 14A), *Elevation View* (Sample Drawing 14B), *Stream and Floodplain Cross-Section* (Sample Drawing 14C), *Stream Profile* (Sample Drawing 14D) and *Floodplain Fill* (Sample Drawing 5) at a scale adequate for detailed review.
- Provide the requested information that applies to your project. If there is not an existing structure, leave the "Existing" column blank.
- If you choose to have a Licensed Professional Engineer "certify" that your project will not cause a "harmful interference" for a range of flood discharges up to and including the 100-year flood discharge, then you must use the "Required Certification Language." You may request a copy by phone, email, or mail. A hydraulic report supporting this certification may also be required.
- Attach additional sheets with the requested information when multiple crossings are included in this application.

	Existing	Proposed		Existing	Proposed		
Culvert type (box, circular, arch) and material (corrugated metal, timber, concrete, etc.)	none	48" RCP	Bridge span (length perpendicular to stream) OR culvert <input type="checkbox"/> width <input type="checkbox"/> diameter (ft)	none	48"		
Bridge type (concrete box beam, timber, concrete I-beam, etc.)		RCP	Bridge width (parallel to stream) OR culvert length (ft)		135 LF		
Entrance design (projecting, mitered, wingwalls, etc.)			Bridge rise (from bottom of beam to streambed) OR Culvert rise (from top of culvert to streambed) (ft)	n/a	42"		
Total structure waterway opening above streambed (sq ft)	none	12.6					
<input type="checkbox"/> elevation of culvert crown	Upstream	n/a	659.0'	Higher elevation of <input checked="" type="checkbox"/> culvert invert OR <input type="checkbox"/> streambed within culvert (ft)	Upstream	n/a	655.0'
<input type="checkbox"/> bottom of bridge beam (ft)	Downstream	n/a	658.7'		Downstream	n/a	654.7'
Elevation of road grade at structure (ft)	n/a	663.0'	Distance from low point of road to mid-point of bridge crossing (ft)				
Elevation of low point in road (ft)	n/a	662.3'					
Cross-sectional area of primary channel (sq ft) (See Sample Drawing 14C)			Average stream width at OHWM outside the influence of the structure (ft)	Upstream			Downstream
Reference datum used (show on plans with description) <input type="checkbox"/> NGVD 29 <input type="checkbox"/> IGLD 85 (Great Lakes coastal areas) <input checked="" type="checkbox"/> local							

High water elevation - describe reference point and highest known water level above or below reference point and date of observation. **RECEIVED**

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**15 STREAM, RIVER, OR DRAIN CONSTRUCTION ACTIVITIES** (No sample drawing available)

- Complete Section 10A for fill, Section 10B for dredge or excavation, and Section 10C for riprap activities.
- If side casting or other proposed activities will impact wetlands or floodplains, complete Sections 12 and 13, respectively.
- Provide an overall site plan showing existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures and land change activities. Provide cross-section (elevation) drawings necessary to clearly show existing and proposed conditions. Be sure to indicate drawing scales.
- For activities on legally established county drains, provide original design and proposed dimensions and elevations.

(check all that apply)  maintenance  improvement  relocation  enclosure  new drain  wetlands  other

Dimensions (ft) of existing stream/drain channel to be worked on. length \_\_\_\_\_ width \_\_\_\_\_ depth \_\_\_\_\_

Dimensions (ft) of new, relocated, or enclosed stream/drain channel. length 135' width 48" depth 48" Volume of Dredge/excavation (cu yds) \_\_\_\_\_

Existing channel average water depth in a normal year (ft) 6" Proposed side slopes (vertical / horizontal) 1 to 4

How will slopes and bottom be stabilized?  
erosion control seeding

Will old/enclosed stream channel be backfilled to top of bank grade?  No  Yes Length of channel to be abandoned (ft) \_\_\_\_\_ Volume of fill (cu yds) \_\_\_\_\_

If an enclosed structure is proposed, check type  concrete  corrugated metal  plastic  other

Dimensions of the structure size length \_\_\_\_\_ volume of fill \_\_\_\_\_

Will spoils be disposed of on site?  No  Yes (If Yes, show location of spoils on site plan in an upland area.)

Reference datum used (show on plans with description)  NGVD 29  IGLD 85 (Great Lakes coastal areas)  local

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PERMIT CONSOLIDATION UNIT



April 10, 2007 (revised 7/30/07)

**"Oak Forest South Project "**

Sec; 11, City of Troy, Oakland County

CEC Project 070-762

**Permit Activities Description**

**1. Activities within Wetland:**

-Place a total of 673 CYDS of porous fill within 9,104 SF of existing wetland in four (4) locations including one (1) drain crossing (listed below) to construct proposed residential subdivision and associated streets. (See cross-sections #3 and #5)

-Excavate 118 CYDS within 0.42 acre of existing wetland to construct proposed detention area.

**NOTE: Dredge spoils to placed in upland as road base.**

**2. Activities within Drain:**

-Place 6 SYDS of rip-rap and one (1) 18" RCP pipe, and 8 SYDS of rip-rap and one (1) 18" RCP pipe to discharge storm water to receiving drain (Fetterley Drain) from two (2) permanent upland detention basins. (See cross-section #2)

-Place 140 LF of 48" RCP pipe and 381 CYDS of fill for public street crossing (See cross-section #4)

**Project Alternatives**

The proposed site improvements have been located to minimize impacts to the wetland per Oakland County Drain Commission and local design standards. No alternative exists.

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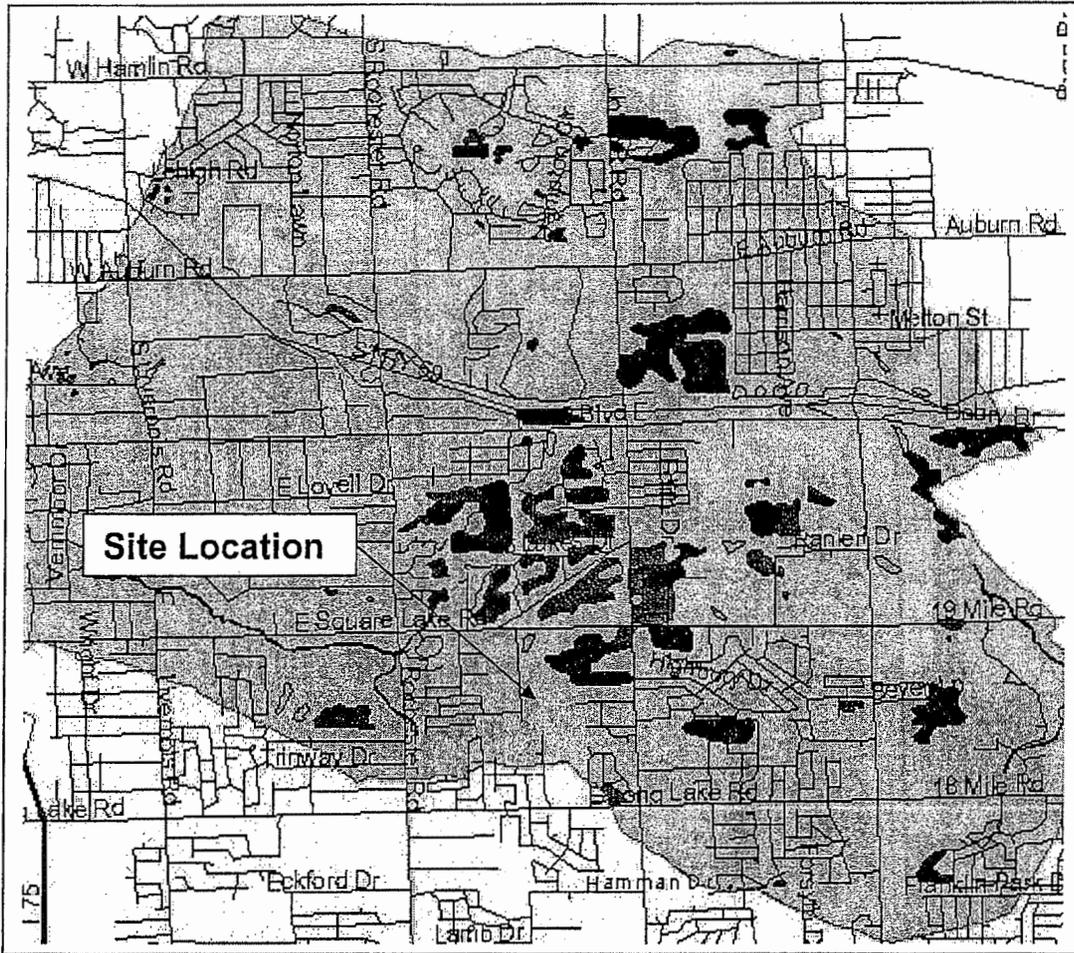
070-762.ltr02.activities.073107.doc

**Civil & Environmental Consultants, Inc.**

**Detroit**  
28265 Beck Road, Suite C-1  
Wixom, Michigan 48393  
Phone 248/374-8600  
Fax 248/374-8599  
Toll Free 866/380-2324  
E-mail detroit@cecinc.com

**Pittsburgh** 800/365-2324  
**Chicago** 877/963-6026  
**Cincinnati** 800/759-5614  
**Columbus** 888/598-6808  
**Export** 800/899-3610  
**Indianapolis** 877/746-0749  
**Nashville** 800/763-2326  
**St. Louis** 866/250-3679

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**Permit Application- Location Map**

(page 1 of 1)

**"Oak Forest South Project"**

Sec. 11; City of Troy, Oakland County.

**Wattles Square, Inc.**

CEC Job #070-762

April 10, 2007

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**Civil & Environmental Consultants, Inc.**

Detroit 28265 Beck Road, Suite C-1  
 Wixom, Michigan 48393  
 Phone 248/374-8600  
 Fax 248/374-8599  
 Toll Free 866/380-2324  
 E-mail detroit@cecinc.com

Pittsburgh 800/365-2324  
 Chicago 877/963-6026  
 Cincinnati 800/759-5614  
 Columbus 888/598-6808  
 Export 800/899-3610  
 Indianapolis 877/746-0749  
 Nashville 800/763-2326  
 St. Louis 866/250-3679

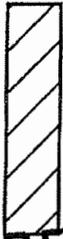


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WETLAND LEGEND (EXISTING CONDITIONS):



MDEQ REGULATED WETLANDS



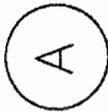
WETLANDS SURVEYED/RESURVEYED ON 10/4/01, 10/19/01, & 11/1/01



SOIL BORING LOCATIONS SURVEYED ON 10/4/01 & 10/19/01



100-YEAR FLOODPLAIN



WETLAND IDENTIFICATION (SEE TABLE)

NOTE: ALL AREAS SHOWN AS CONFIRMED IN THE FIELD BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ON 11/1/00 AND 10/17/01. THESE AREAS WERE SURVEYED BY PE A ON 11/6/00, 10/4/01, 10/19/01, & 11/1/01.

WETLAND INFORMATION (EXISTING CONDITIONS)

WETLAND I.D.	AREA (SQUARE FEET)	AREA (ACREAGE)	REGULATED?
A	353 S.F.	0.008 AC.	Y
B	2,039 S.F.	0.047 AC.	Y
C	13,344 S.F.	0.306 AC.	Y
D	4,437 S.F.	0.102 AC.	Y
E	640 S.F.	0.015 AC.	Y
F	135 S.F.	0.003 AC.	Y

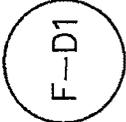
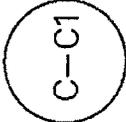
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**PROPOSED DEVELOPMENT**  
 OAK FOREST SOUTH SITE CONDOMINIUMS, 25 RESIDENTIAL UNITS

**WETLAND LEGEND (PROPOSED CONDITIONS):**

 WETLAND FILL  
 WETLAND CUT  
 F-D1  
 C-C1  
 NORMAL WATER LEVEL IN DETENTION BASINS  
 #2

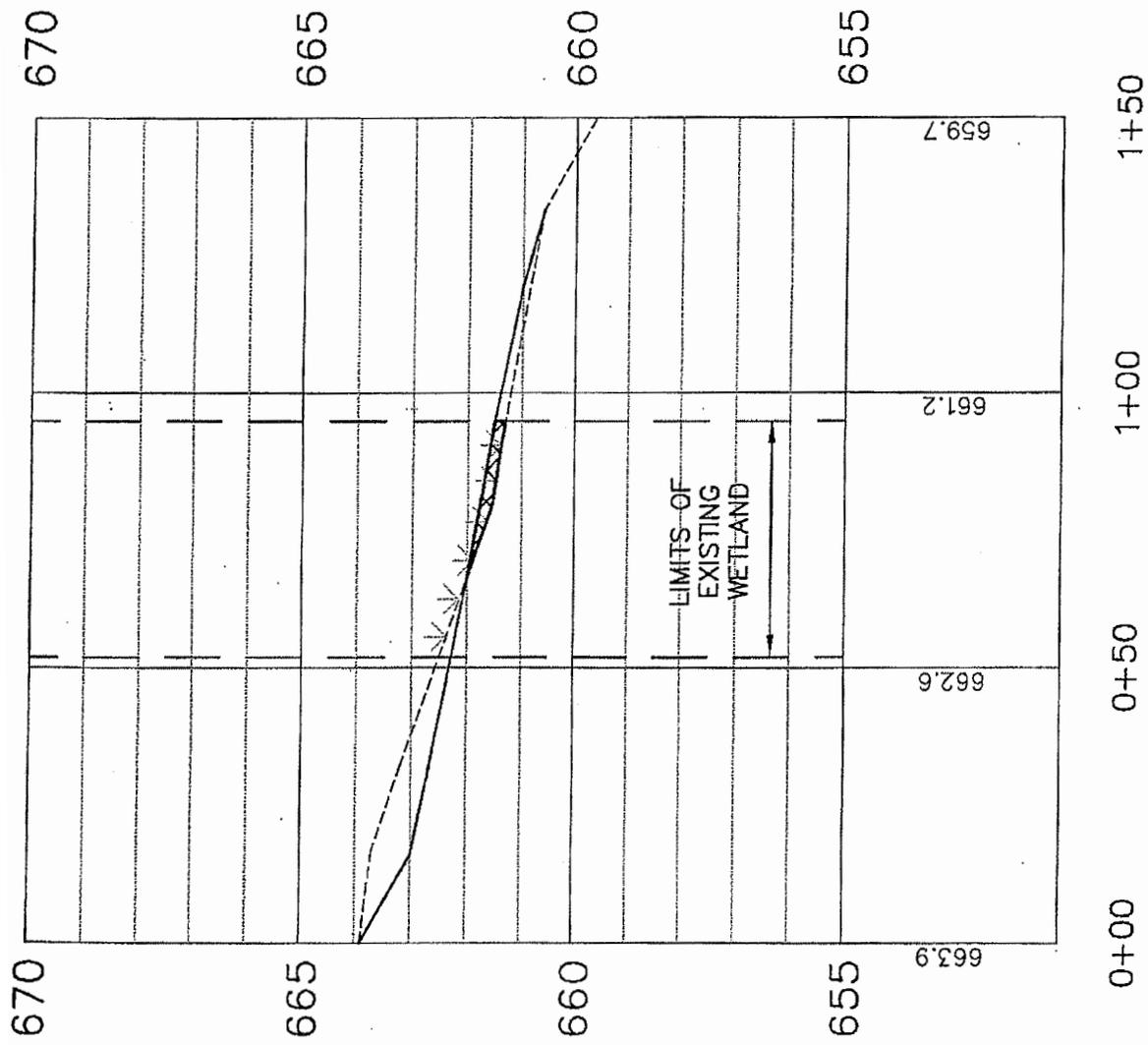
WETLAND FILL SUMMARY			
WETLAND I.D.	AREA (SQ. FEET)	AREA (ACREAGE)	FILL VOLUME (CUBIC YARDS)
F - A 1	353 S.F.	0.008 AC.	1.8 C.Y.
F - B 1	2,039 S.F.	0.047 AC.	236.4 C.Y.
F - C 1	3,853 S.F.	0.088 AC.	381.0 C.Y.
F - C 2	2,281 S.F.	0.052 AC.	42.2 C.Y.
F - C 3	298 S.F.	0.007 AC.	5.5 C.Y.
F - D 1	254 S.F.	0.006 AC.	5.8 C.Y.
F - E 1	26 S.F.	0.001 AC.	0.02 C.Y.
TOTAL FILL	9,104 S.F.	0.209 AC.	672.72 C.Y.
WETLAND CUT SUMMARY			
WETLAND I.D.	AREA (SQ. FEET)	AREA (ACREAGE)	CUT VOLUME (CUBIC YARDS)
C - C 1	1,835 S.F.	0.042 AC.	117.6 C.Y.
TOTAL CUT	1,835 S.F.	0.042 AC.	117.6 C.Y.
TOTAL WETLAND IMPACT	10,939 S.F.	0.251 AC.	

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CROSS-SECTION #1 "F-A1"  
 SCALE: 1'=4' VERTICAL, 1"=40' HORIZONTAL

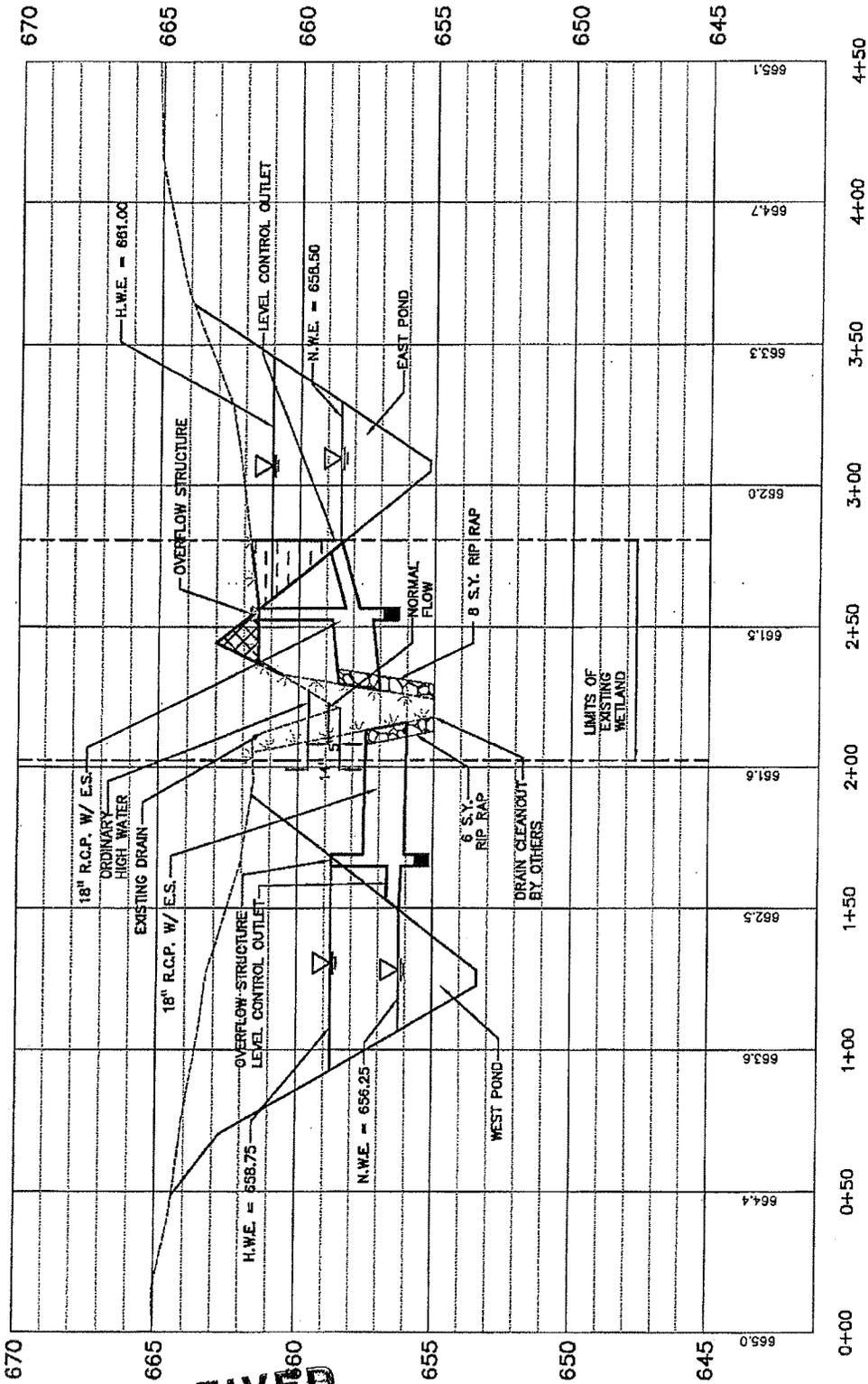
TOTAL FILL	1.8 C.Y.
TOTAL AREA	353 S.F.
AVERAGE DEPTH OF FILL	0.14 FT.

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CROSS-SECTION #2 - DETENTION BASINS, F-C2 AND C-C1  
SCALE: 1"=4' VERTICAL, 1"=40' HORIZONTAL

TOTAL FILL F-C2	42.2 C.Y.
TOTAL AREA	2,281 S.F.
AVERAGE DEPTH OF FILL	0.50 FT.

TOTAL CUT C-C1	117.8 C.Y.
TOTAL AREA	1,835 S.F.
AVERAGE DEPTH OF CUT	1.73 FT.

DETENTION BASINS:					
DETENTION BASIN	DRAINAGE SHED AREA (ACRES)	DETENTION VOLUME REQUIRED* (CUBIC FEET)	DETENTION VOLUME PROVIDED (CUBIC FEET)	VOLUME REQUIRED FOR PERMANENT WATER QUALITY** (CUBIC FEET)	VOLUME PROVIDED FOR PERMANENT WATER QUALITY (CUBIC FEET)
WEST POND	5.05	10,371	10,580	-2,933	3,147
EAST POND	3.91	9,189	10,206	2,271	2,728

\* - MINIMUM VOLUME FOR DETENTION BASINS PER CITY OF TROY REQUIREMENTS USING "A SIMPLE METHOD FOR RETENTION BASIN DESIGN"

\*\* - MINIMUM PERMANENT WATER VOLUME FOR WATER QUALITY PER MDEQ STORMWATER GUIDELINES, FIRST FLUSH, 1/4" OF RUNOFF

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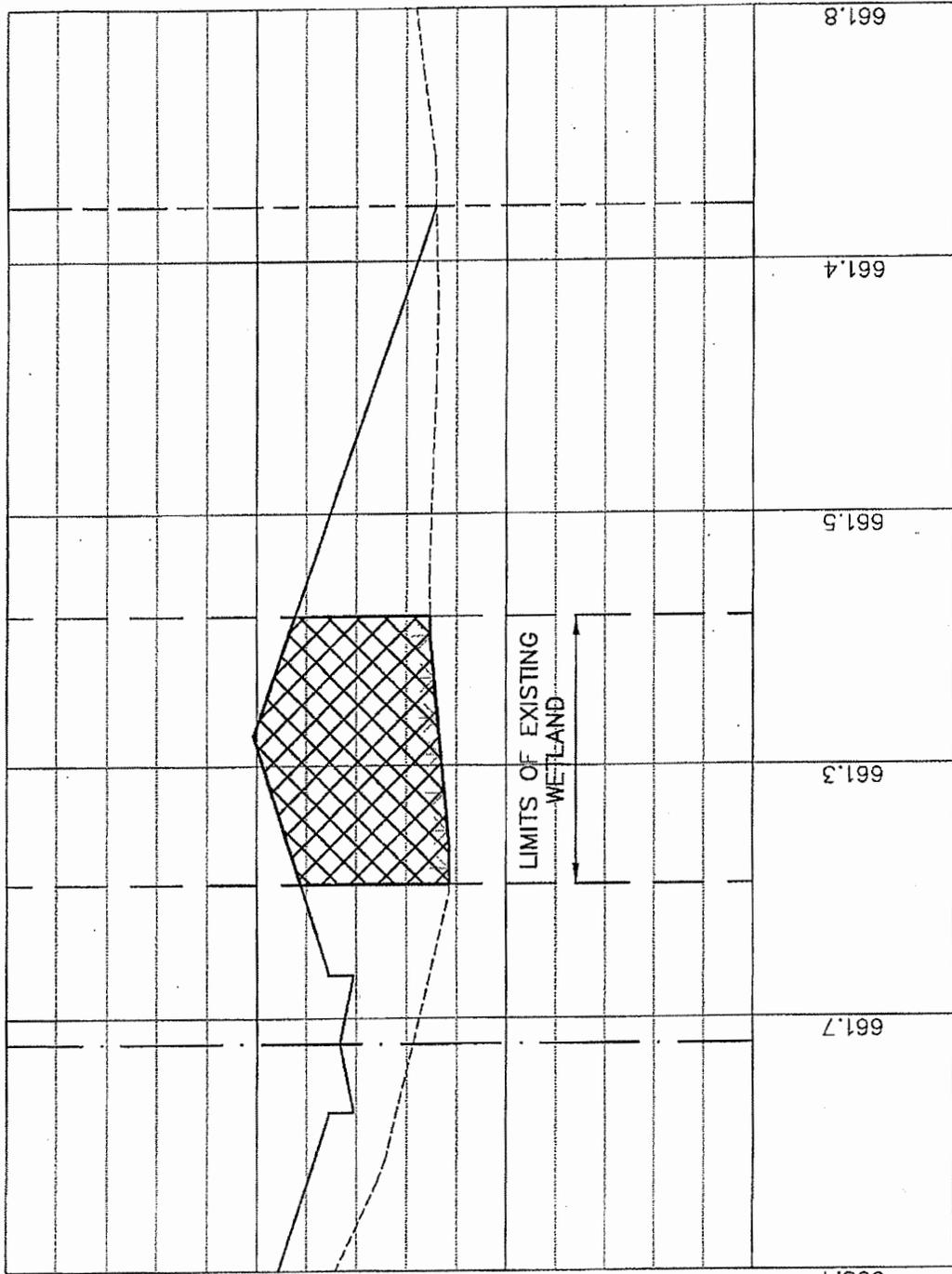
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670

665

660

655



2+50

2+00

1+50

1+00

0+50

0+00

CROSS-SECTION #3 "F-B1"  
 SCALE: 1"=4' VERTICAL, 1"=40' HORIZONTAL

TOTAL FILL	236.4 C.Y.
TOTAL AREA	2,039 S.F.
AVERAGE DEPTH OF FILL	3.13 FT.

670

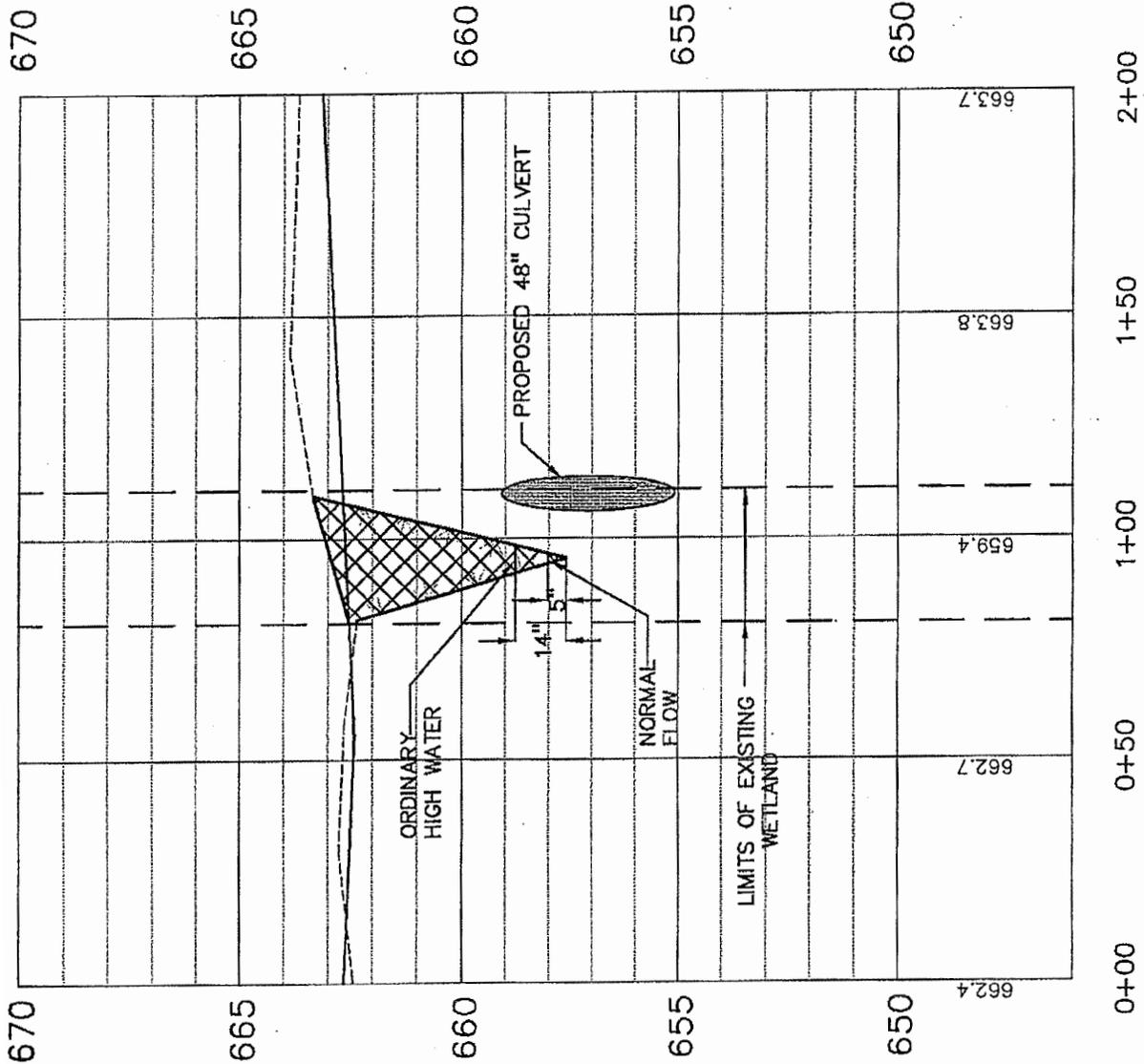
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CROSS-SECTION #4 "F-C1"  
 SCALE: 1"=4' VERTICAL, 1"=40' HORIZONTAL

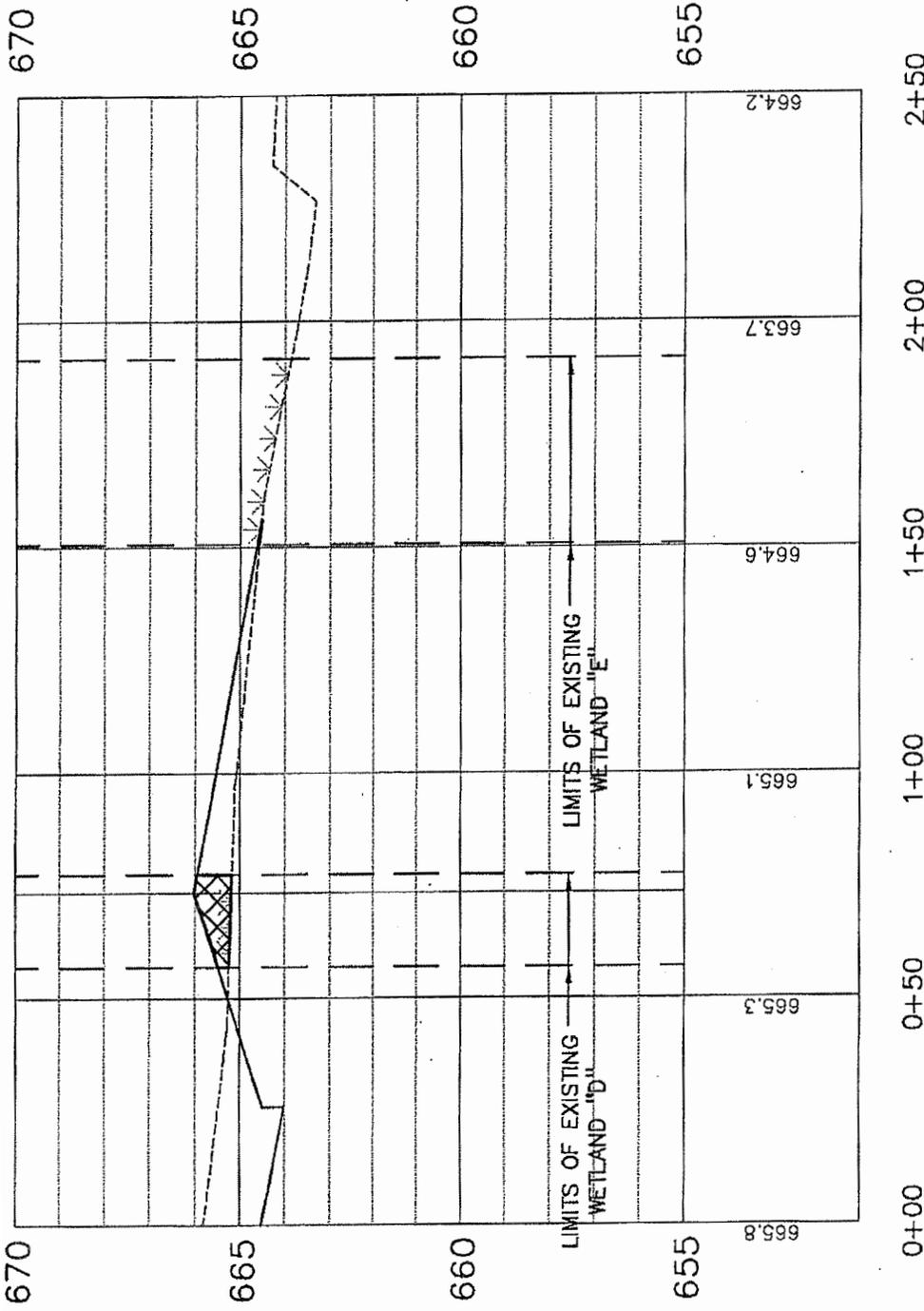
TOTAL FILL	381 C.Y.
TOTAL AREA	3853 S.F.
AVERAGE DEPTH OF FILL	2.67 FT.

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CROSS-SECTION #5 "F-D1" "F-E1"  
 SCALE: 1"=4' VERTICAL, 1"=40' HORIZONTAL

IMPACT AREA "F-D1"	
TOTAL FILL	5.8 C.Y.
TOTAL AREA	254 S.F.
AVERAGE DEPTH OF FILL	0.62 FT.

IMPACT AREA "F-E1"	
TOTAL FILL	0.02 C.Y.
TOTAL AREA	26 S.F.
AVERAGE DEPTH OF FILL	0.02 FT.

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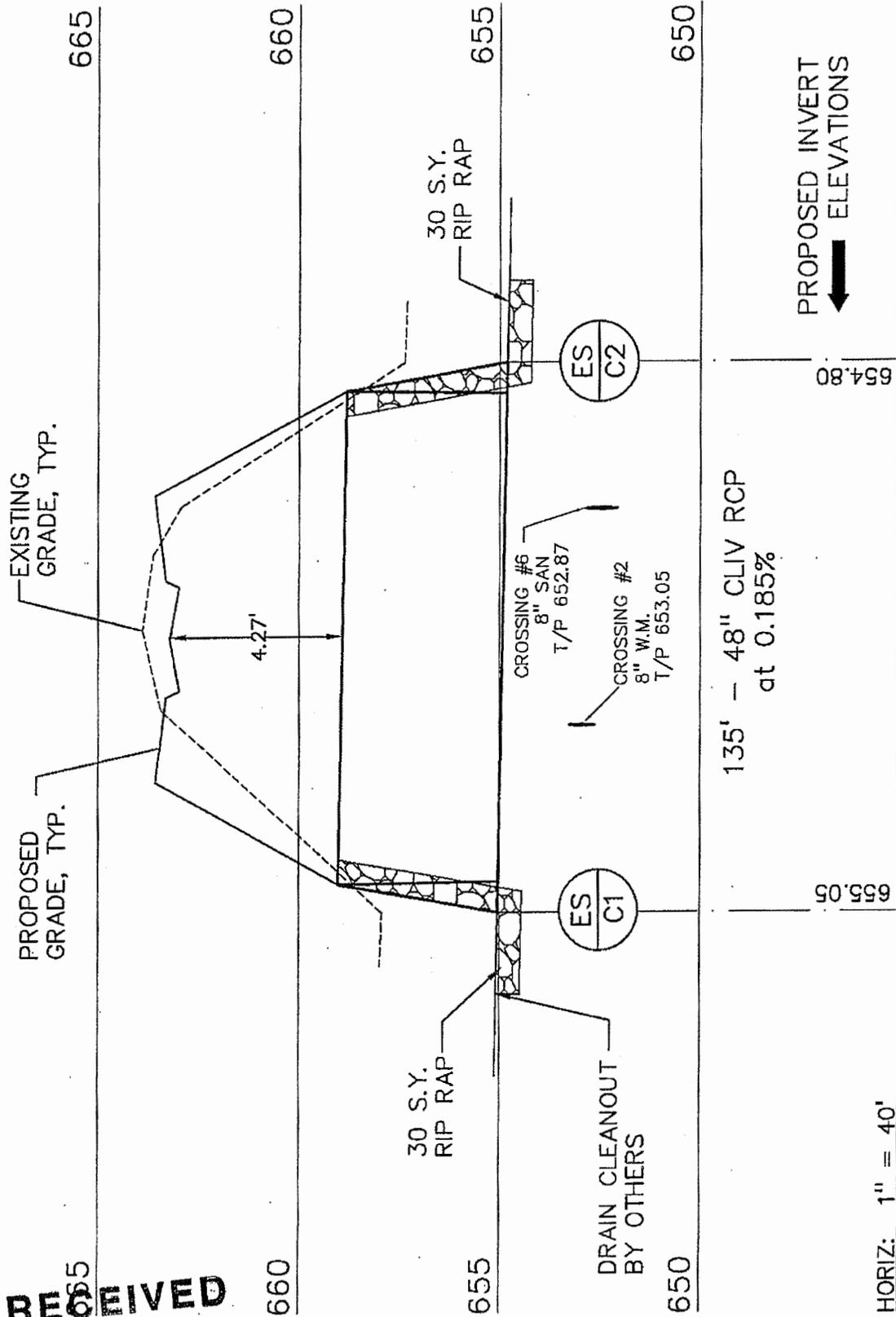
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HORIZ: 1" = 40'  
VERT: 1" = 4'

NOTE:  
 48" CULVERT CAPACITY = 61.8 C.F.S.  
 PEAK FLOW IN DRAIN = 60.6 C.F.S.  
 10 YEAR STORM-RATIONAL METHOD  
 FROM COUNTY DRAIN PLANS.

**Attachment "G"**

**City Engineer's Comments to MDEQ – Comments provided at**

**5/29/07 Public Hearing**

May 29, 2007

To: Michigan Department of Environmental Quality  
Land and Water Management Division

From: Steven J. Vandette, P.E.  
City Engineer, City of Troy

Re: Public Hearing Comments on Application No. 07-63-0048-P  
Oak Forest Site Condominiums

I'd like to provide you with information on the status of Oak Forest Site Condominium plans with the City of Troy. This project is the topic of tonight's Public Hearing, for which the Garrett Family Limited Partnership is seeking a DEQ permit for various activities related to the development of this site condominium.

As per a May 10, 2007 letter from Troy City Planner Mark Miller to Dale Garret (copy attached), the status of the site plans for Oak Forest Site Condominium is as follows:

1. The plans submitted for Final (engineering) Approval are not consistent with the plans that received Preliminary (site plan) Approval on June 5, 2006. The Preliminary Approval of June 5th was a one-year extension that expired April 18, 2007. To date there has been no formal review of the engineering plans by the City of Troy, including those plans provided to the MDEQ as part of the application.
2. Whereas Oak Forest received Preliminary Approval in 2006 for 76 units and Oak Forest South received Preliminary Approval for 23 units, the Engineering plans that were submitted for Final (engineering) Approval in April 2007 proposed 81 units in Oak Forest and 25 units in Oak Forest South; a difference of 5 more and 2 more in these developments.
3. These additional units result in increased residential density and greater impact on wetlands than the plan that received its original Preliminary Approval in 2005. For this reason, Preliminary Approval is considered expired and the project shall be treated as a NEW submission.
4. MDEQ's Level 3 Wetland Assessment of October 17, 2001 expired on October 17, 2004. The City of Troy Zoning Ordinance requires that all subdivisions and site condominium developments submit a Wetland Determination for the entire property prior to Preliminary Approval. City Management requests that an updated Wetland Determination be submitted with the application for Preliminary Site Condominium Approval, since hydrology and vegetation may have changed in the area since it was last assessed by the MDEQ in 2001. This will likely be done by a wetlands consultant and subsequently reviewed by MDEQ, similar to the process that occurred prior to the public hearing this evening.

As for comments on the DEQ application itself, I'd like to bring the following items to your attention:

1. Contrary to the note appearing prominently on the Wetland Permit Plans prepared by Professional Engineering Associates, the Fetterly Drain Cleanout has not been completed by the Oakland County Drain Commission, but rather, it remains TO BE completed. Also, this drain cleanout is not being done at the request of the City of Troy; it is proposed to be done by the developers under a permit to be issued by the Oakland County Drain Commission. The City of Troy is not a party to nor will the city be funding any part of this work.
2. No hydrology or hydraulics study was done in the 1980's to determine the 100-year flood plain elevation for the Fetterly Drain from Square Lake Road to the Gibson-Renshaw Drain that includes a portion of the drain within the Oak Forest Development. This area is designated as an approximate Zone "A" area that was determined by approximate study methods. A detailed study by Professional Engineering Associates has been done that proposes an elevation of 658.5 at the confluence with the Gibson-Renshaw Drain and 672.45 at the upstream limit located 225 feet southeast of Atkins Road. To our knowledge, a Conditional Letter of Map Revision has not yet been approved by FEMA. This Map Revision must be approved before the proposed development can occur.

**Attachment "H"**

**OCDC letter to MDEQ, 8/7/07 – OCDC Intends to Clean Out Fetterly Drain**



OAKLAND COUNTY DRAIN COMMISSIONER

**John P. McCulloch**  
DRAIN COMMISSIONER  
OAKLAND COUNTY

**Kevin R. Larsen**  
CHIEF DEPUTY  
DRAIN COMMISSIONER

August 7, 2007

Michigan Department of Environmental Quality  
Land & Water Management Division  
PO Box 3024  
Lansing, MI 48909-7704

Reference: Fetterly Drain, City of Troy, Oakland County

Ladies and Gentlemen:

This letter is to inform you that this office intends to clean out the Fetterly Drain, a legally established County Drain under the jurisdiction of this office. The Fetterly Drain was established in 1944 and is located in the Southwest ¼ of Section 2 and the Northeast ¼ of Section 11, T. 2N., R. 11E., City of Troy, Oakland County. In that the Fetterly Drain was established prior to 1973, it is our understanding that a MDEQ permit is not required for this work.

The work will commence just south of Square Lake Road and end at the confluence with the Gibson-Renshaw Creek. Approximately 2,930 lineal feet of open ditch drain will be deepened and widened and all disrupted areas will be revegetated. All work will be performed within the existing Fetterly Drain right-of-way, with excess spoils removed to an appropriate upland site.

If you have any questions concerning this matter kindly contact the undersigned at 248-452-8645.

Sincerely,

Karen L. Warren, P.E.  
Civil Engineer III

KLW/ds

c: City of Troy  
Ladd's Inc.

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AUG 09 2007

**ENGINEERING**



One Public Works Drive  
Building 95 West  
Waterford, MI 48328-1907  
[www.oakgov.com/drain](http://www.oakgov.com/drain)  
P 248.858.0958  
F 248.858.1066

**Attachment "I"**

**MDEQ letter to OCDC, 8/9/07 – MDEQ claims Jurisdiction of**

**Proposed Fetterly Drain Activities**



STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOUTHEAST MICHIGAN DISTRICT OFFICE



JENNIFER M. GRANHOLM  
GOVERNOR

STEVEN E. CHESTER  
DIRECTOR

August 9, 2007

Ladd's Inc.  
5877 Livernois, Suite 103  
Troy, MI 48098

Attention: Mr. Dale E. Garrett

Dear Mr. Garrett:

SUBJECT: Proposed Fetterly Drain Cleanout, T2N, R11E, Section 11, City of Troy

The Michigan Department of Environmental Quality (DEQ) has recently obtained a copy of plans prepared by Professional Engineering Associates, dated March 24, 2005 last revised September 6, 2006, and a drain agreement, dated January 9, 2007, between the Oakland County Drain Commissioner (OCDC) and Ladd's, Inc. which authorizes Ladd's, Inc. to cleanout and remove sediment within 2,930 lineal feet of the Fetterly Drain.

Please be advised that the Fetterly Drain is a stream pursuant to regulation under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Part 301 does provide some permit requirement exemptions for certain activities within designated county drains, however it has been determined that the proposed work outlined in the agreement between Ladd's Inc. and OCDC does not meet these exemptions.

Prior to commencing any dredging within the Fetterly Drain, you must apply for and obtain a permit under Part 301. A permit application is attached for your convenience. Any unauthorized regulated activities initiated on this project without a permit may subject the violator to enforcement action as appropriate.

We anticipate and would appreciate your full cooperation in this matter. Feel free to contact this office if you have any questions.

Sincerely,

Anne Hokanson  
District Representative  
Land and Water Management Division  
586-753-3870

Enclosure

cc: Mr. Steven Korth, Oakland County Drain Commission  
Mr. Steven Vandette, City of Troy Engineering Department  
Mr. Todd Holloway, CEC, Inc.  
Mr. Andrew Hartz, DEQ

**Attachment "J"**

**Ladd's letter to City Engineer, 8/17/07 – Request Easement Approval to**

**Facilitate Access to the Fetterly Drain**

# LADD'S, Inc.

Real Estate & Development - SINCE 1906

5877 LIVERNOIS, SUITE 103, TROY, MI 48098  
VOICE: 248-828-1726 • FAX: 248-828-3573

August 17, 2007

Steve Vandette  
Engineering Department  
City of Troy  
500 W. Big Beaver  
Troy, MI 48098

Re: Cleanout of Fetterly Drain, Section 11

Dear Mr. Vandette:

This office, acting as contractor for the Oakland County Drain Commissioner, will soon be commencing a cleanout of the Fetterly Drain from its confluence with the Gibson-Renshaw Drain to Square Lake Road. A copy of the permit for this activity from the Drain Commissioner's Office was dropped off at the City Engineering Department on August 10.

In order to facilitate temporary access to the drain by the construction equipment, we are requesting an area forty feet in width running parallel along the west side of the Fetterly Drain easement across two city-owned parcels, namely parcel numbers 20-11-201-24 and 20-11-201-013. The requested areas are shown on the enclosed map. These temporary access areas will be restored, seeded, and mulched following the completion of the cleanout activities.

Please provide us with written permission to make use of the forty feet adjacent to the drain easement. Contact me at (248)828-1726, ext. 206 if you require further information to process this request.

Sincerely,  
LADD'S, INC.

  
Dale E. Garrett

Encl.

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AUG 17 2007

ENGINEERING

NORTH 1/4 CORNER  
SECTION 11  
T.2N., R.11E.  
(L. 17277, P. 659)

SQUARE LAKE ROAD

STA. 29+79  
P.O.E. IMPROVEMENTS

N 00° 37' 37" W  
949.47'

DRAINAGE AREA 'C'

FETTERLY DRAIN  
existing 40' drain easement

N 17° 26' 01" W  
532.60'

20-11-201-002

requested  
40' access

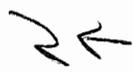
20-11-201-002

20-11-201-001

20-11-201-018

20-11-201-018  
(C. 17277, P. 659)

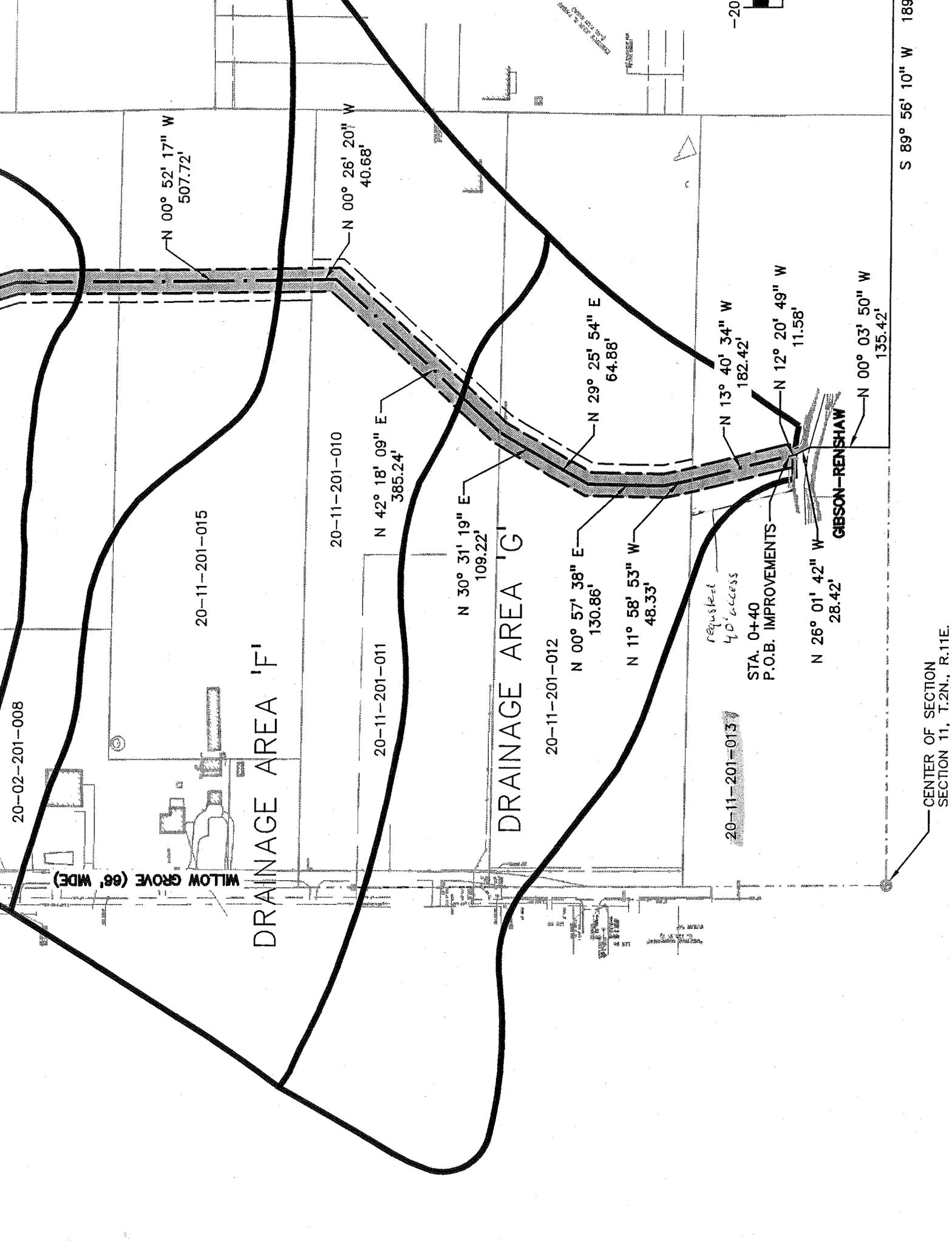
DRAINAGE AREA 'D'



1" = 200'



EXISTING 40' DRAIN EASEMENT  
SEE PLAN 17277, P. 659



20-02-201-008

MILLOW GROVE (66' WIDE)

20-11-201-015

DRAINAGE AREA 'F'

20-11-201-010

20-11-201-011

DRAINAGE AREA 'G'

20-11-201-012

20-11-201-013

Request  
40' access  
STA. 0+40  
P.O.B. IMPROVEMENTS

GIBSON-RENSHAW

N 00° 52' 17" W  
507.72'

N 00° 26' 20" W  
40.68'

N 42° 18' 09" E  
385.24'

N 30° 31' 19" E  
109.22'

N 00° 57' 38" E  
130.86'

N 11° 58' 53" W  
48.33'

N 29° 25' 54" E  
64.88'

N 13° 40' 34" W  
182.42'

N 12° 20' 49" W  
11.58'

N 26° 01' 42" W  
28.42'

N 00° 03' 50" W  
135.42'

CENTER OF SECTION  
SECTION 11, T.2N., R.11E.

S 89° 56' 10" W 189'

-20

**Attachment "K"**

**OCDC letter to MDEQ, 8/21/07 – State of Michigan has no Jurisdiction**



John P. McCulloch  
DRAIN COMMISSIONER  
OAKLAND COUNTY

Kevin R. Larsen  
CHIEF DEPUTY  
DRAIN COMMISSIONER



One Public Works Drive  
Building 95 West  
Waterford, MI 48328-1907  
www.oakgov.com/drain  
P 248.858.0958  
F 248.858.1066

August 21, 2007

RECEIVED

AUG 23 2007

ENGINEERING

Ms. Anne Hokanson, District Representative  
Michigan Department of Environmental Quality  
Land and Water Management Division  
27700 Donald Court  
Warren, Michigan 48092-2793

**Reference: Proposed Fetterly Drain Cleanout  
City of Troy, Oakland County**

Dear Ms. Hokanson:

This letter is in response to your correspondence to Ladd's Inc. dated August 9, 2007 regarding the cleanout of the Fetterly Drain. The Oakland County Drain Commissioner has entered into an agreement with Ladd's Inc. to cleanout and remove sediment within 2,930 lineal feet of the drain.

In accordance with Section 431 of the Drain Code, MCL 280.431, the Drain Commissioner is authorized to contract or make agreements with any private corporation in respect to any matter connected to the construction, operation or maintenance of any drain. As documented in this office's letter dated August 7, 2007, the work is being performed within the existing Fetterly Drain easement. In addition, the drain was established prior to 1972, therefore, the State of Michigan does not have jurisdiction under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451. Please see the attached letter dated December 8, 1994 acknowledging the position of the State of Michigan as it relates to its jurisdiction of the Fetterly Drain.

We have authorized Ladd's Inc. to begin this work immediately. If there are any further questions concerning this matter please contact the undersigned at 248-452-2027.

Sincerely,

Joseph W. Colainne  
Attorney & Insurance Administrator

JPC/ds

Enclosure

c: Mr. Steven Vendette, P.E., City Engineer, City of Troy  
Mr. Dale E. Garrett, Ladd's Inc.  
Mr. Andrew Hartz, MEDQ

NATURAL RESOURCES  
COMMISSION

JERRY C. BARTNIK  
LARRY DEVUYST  
PAUL EISELE  
JAMES P. HILL  
DAVID HOLLI  
JOEY M. SPANO  
JORDAN B. TATTER



JOHN ENGLER, Governor

DEPARTMENT OF NATURAL RESOURCES

ROLAND HARMES, Director

LAND AND WATER MANAGEMENT DIVISION  
SOUTHEAST MICHIGAN DISTRICT HEADQUARTERS  
38980 SEVEN MILE ROAD  
LIVONIA, MICHIGAN 48152

December 8, 1994

G. Yrjanainen

W. Klockow  
J. Kozma

*AWK 12-29*

Mr. Joseph P. Kozma, P.E. Chief Engineer  
Oakland County Drain Commission  
One Public Works Drive  
Waterford, Michigan 48328-1907

RE: Fetterly Drain,

Dear Mr. Kozma:

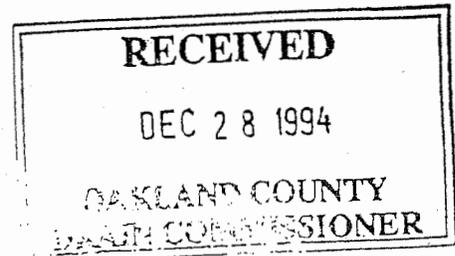
The department has received your letter identifying your intentions to conduct work within the Fetterly Drain. We appreciate this notification.

Based on the information in your letter, we concur with your assessment of the state's jurisdiction over the proposed work under the Inland Lakes and Streams Act (1972 PA 346, as amended). Per your letter, we understand that the drain was established prior to 1972, the work is being conducted under the authority of the Drain Commissioner's office pursuant to the drain code, and the work is considered maintenance and improvement within existing easements. The state therefore does not have jurisdiction under Michigan's Inland Lakes and Streams Act.

Thank you again for the courtesy of this notification. Should you have any questions regarding this letter you may contact me at (313) 953-1488.

Sincerely,

Michael B. Nurse  
Land and Water Management Analyst



cc.

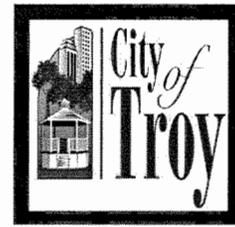
LWMD (B. Horney)



**Attachment "L"**

**City Engineers letter to Ladd's Real Estate and Development, Inc., 9/14/07**

**Request for Additional Information for to Use City Property Request**



September 14, 2007

Dale Garrett  
Ladd's, Inc.  
5877 Livernois, Suite 103  
Troy, MI 48098

Re: Fetterly Drain Improvements  
Request to Use City Property

Dear Mr. Garrett:

Pursuant to our phone conversation and your correspondence of August 17, 2007 regarding the use of a forty (40) foot wide easement adjacent to the existing Fetterly Drain easement across two (2) city-owned parcels, the following information items are needed in order that this request may be fully reviewed and presented to Troy City Council for their consideration:

1. Delineation of wetland areas within the easement areas on city property. Any disturbance of wetland areas outside of the existing Fetterly Drain easement may require a permit from the MDEQ.
2. Delineation of the location of trees four (4) inches or larger and any proposed clearing within the easement areas on city property.
3. Delineation of the proposed truck/equipment haul routes.
4. Work outside of the Fetterly Drain easement would require a Soil Erosion and Sedimentation Control permit from this office. A copy is enclosed for your use.
5. Provide a landscape restoration and tree replacement plan for trees over four (4) inches and/or significant clearing is required within the proposed easement areas on city property.
6. Provide a construction schedule which identifies the start and end date for activities within the easement areas on city property.

As stated previously, the above information would be reviewed by this office and then presented to Troy City Council for their approval and granting of an easement.

Please call me at (248) 524-3383 if you have additional questions.

Sincerely

Steven J. Vandette, P. E.  
City Engineer

cc: Brian Murphy, Asst. City Manager/Economic Development Services  
Jennifer Lawson, Environmental Specialist