

**MARION TOWNSHIP
ZONING BOARD OF APPEALS**

Monday, February 6, 2017
7:30 p.m.

AGENDA

CALL TO ORDER:

PLEDGE OF ALLEGIENCE:

APPROVAL OF AGENDA: *February 6, 2017*

INTRODUCTION OF MEMBERS:

CALL TO PUBLIC:

APPROVAL OF MINUTES FOR: *January 9, 2017 Regular Meeting*

OLD BUSINESS:

No Old Business

NEW BUSINESS:

- 1) ZBA Case # 02-17 – Chestnut Development – Pinckney Road Vacant Land
Tax ID# 4710-24-100-004*

CALL TO PUBLIC:

ADJOURNMENT:

Submitted by: S. Longstreet

Approved: _____

**MARION TOWNSHIP
ZONING BOARD OF APPEALS
JANUARY 9, 2017**

MEMBERS PRESENT: Larry Fillinger, Larry Grunn, Linda Manson-Dempsey, Dan Lowe, and Dan Rossbach

MEMBERS ABSENT: None

OTHERS PRESENT: Annette McNamara, Zoning Administrator

CALL TO ORDER

Larry Fillinger called the meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Linda Manson-Dempsey motioned to approve the agenda as presented. Dan Rossbach seconded. **Motion carried 5-0.**

MEMBERS PRESENT

The members of the Zoning Board of Appeals introduced themselves.

CALL TO THE PUBLIC

No response.

APPROVAL OF MINUTES

June 6, 2016 Regular Meeting: Linda Manson-Dempsey motioned to approve the minutes as presented. Larry Grunn seconded. **Motion carried 5-0.**

OLD BUSINESS

None.

NEW BUSINESS

ZBA Case #01-17—Patric & Stephanie Jobst, 395 Abby Brook Lane, Tax ID #4710-35-203-021

Mr. & Mrs. Jobst were present, along with the builder, Mitch Harris. A portion of the front of the house is four feet outside the building envelope. The owners are requesting a five-foot variance from Section 8.01 F 3 a. The builder said the wetlands in the rear of the property presented a problem, and the building was turned by accident. Linda Manson-Dempsey said the wetlands aren't depicted on the plot plan submitted with the land use permit.

Steve Ward, who owns the adjacent vacant parcel, said that moving the well has impacted the location of his drain field. Karen Leitch from Mitch Harris Builders said that sometimes the Livingston County Health Department requires them to move the location. Mr. Harris said the LCHD required them to move the well to the southwest corner, but the location can be changed.

Mr. Jobst asked the board members to focus on the variance request. Mrs. Jobst said they had letters from neighbors and the HOA. Scott Sada, 143 Abby Brook, is president of the HOA and he said no letter was sent.

Larry Grunn asked Mr. Harris what solution he could offer. Mr. Harris said most of the houses in the area are 103 feet from the center line of the road; however, because of the radius of the cul-de-sac, this house is actually 141 feet from the center line of the road. He also said the surveys will be done before the basement is dug in the future.

Call to the Public

No response.

Motion

Dan Rossbach motioned for ZBA Case #01-17—Patric & Stephanie Jobst, 395 Abby Brook Lane, Tax ID #4710-35-203-021, to relax the front-yard setback requirement, Section 8.01 F 3 a by allowing a five-foot variance, considering the following criteria:

1. That the restrictions of the township zoning ordinance would unreasonably prevent the owner from using the property for a permitted use. *Not reducing the setback would present the owner from using the property as it exists based on the conditions that are present.*
2. That the variance would do substantial justice to the applicant and a lesser relaxation than that requested would not give a substantial relief to the owner of the property. *It would be impractical to move the house and would create a hardship to relocate.*
3. That the request is due to the unique circumstances of the property. *The property owner was not aware of the situation and the unique circumstances that were created, in part because of the wetlands in the back.*
4. That the alleged hardship has not been created by a property owner. *The situation was not created by the property owner; it was created by the builder.*
5. That the difficulty shall not be deemed solely economic. *The difficulty was not created by the owner and it isn't practical to move the house.*

The variance is granted subject to conditions and will be void if the conditions are not met. Screening will be placed in the front yard, three 4" caliper deciduous trees evenly spaced across the front. An escrow account with \$2000 will be created within the next eight days.

Dan Lowe seconded. Roll call vote: Rossbach—yes; Manson-Dempsey—no; Fillinger—yes; Grunn—yes; Lowe—yes. **Motion carried 4-1.**

ANNUAL ORGANIZATIONAL MEETING

Linda-Manson Dempsey motioned to nominate Larry Fillinger as the chairman. Dan Lowe seconded. Roll call vote: Rossbach, Manson-Dempsey, Fillinger, Grunn, Lowe—all yes. **Motion carried 5-0.**

Larry Fillinger motioned to nominate Linda Manson-Dempsey as the vice chair. Dan Rossbach seconded. Roll call vote: Lowe, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

Larry Fillinger motioned to nominate Dan Lowe as secretary. Linda Manson-Dempsey seconded. Roll call vote: Lowe, Grunn, Fillinger, Manson-Dempsey, Rossbach—all yes. **Motion carried 5-0.**

ADJOURNMENT

Linda Manson-Dempsey motioned to adjourn at 8:32 pm. Larry Grunn seconded. **Motion carried.**

APPLICATION TO ZONING BOARD OF APPEALS

ZBA Case # 0217
Tax Code 4710.24.100.004
Current Zoning Rural Residential
Fee Paid 1,000
Date Received 1.17.17
Received by Justin Spahn

Applicant Chestnut Development LLC
Address 10253 Grand River Ste 700
Telephone 810 599 5147 (Home) 810 599 8359 (Work)

Applicant is (check one): Owner Purchaser Representative

Purchaser or Representative needs a letter of permission from owner

Nature of Request (check applicable one)

- Administrative Review (per Section 5.05 A)
- Interpretation of Ordinance (per Section 5.05 B 1, 2, 3 or 4)
- Variance Request (see below)

1. Zoning Ordinance Section Section 6.020
2. Letter stating reason request should be granted (per Section 5.05 C)
3. Requirement per Section 4.03 D
4. Required Livingston County Health Department evaluation

Office Use Only	
Meeting Date <u>2.6.17</u>	Action Taken _____
Conditions (if applicable) _____ _____	
Signed _____	



Chestnut Development, LLC
Chestnut Home Builders & Real Estate
6253 Grand River, Brighton, MI 48114

January 16, 2017

Marion Township Board
2877 W Coon Lake Road
Howell, MI 48843

RE: 47-10-24-100-004, Chestnut Creek Drive (private road)

Marion ZBA Members;

We are hereby requesting two variances for the construction of a private road in sections 23 and 24 of Marion Township. These two variances are as follows:

1. Variance to construct a private road for a length of 2,100 ft.
2. Variance to build such road to a width of 20 ft.

In consideration of these variances, please consider the following items.

1. The current Marion Township ordinance regulates that a gravel private road in the township cannot serve more than 30 single family dwelling units on a single entrance. The ordinance does not speak to road length, only number of dwelling units. It has been determined by township staff that the road length is restricted to requirements as set forth by the Livingston County Road Commission. *- Please see Spicer Group letter dated 1-17-17 & variance reference*
2. The current edition of the International Fire Code also recommends single access point roads to 30 dwelling units with no limitation on length. The submitted plan meets this requirement and has been approved by the Howell Area Fire Department. *See HAFD letter dated 1-17-17*
3. The previous Marion Township Zoning Ordinance allowed private gravel roads to lengths of 2000 ft.
4. It is not unusual for the Livingston County Road Commission to grant variances for road lengths longer than the standard requirement for public roads.
5. The parcel in question is essentially bisected by a creek/county drain along with a series of ponds that are regulated by the Michigan DEQ, making a second access point impractical. Furthermore, MDEQ staff has indicated that they would not look favorable on a wetland permit to encroach on the regulated wetlands on this site as other alternatives such as a narrower road aligned to pass through the wetland area are available and practical. *See emails dated 9-15-16 & 11-14-16*
6. The current Marion Township Ordinance indicates that the road shall be constructed to

current Township Engineering Standards, however the township has none that have been adopted at this point. Furthermore, while roads with smaller lots are appropriate for wider roads that accommodate parking along the road, these parcels are all significant in size to allow for ample driveway parking. As such, the fire department has required the road to be posted with "no parking" signs on both sides of the street as depicted on the plans.

7. As this roadway only serves 12 individual parcels with no provision for any future extensions, the traffic on this road will be minimal.

8. AASHTO guidelines indicate that an effective width of 20ft is considered adequate for low volume roads where meetings and passing infrequent and the proportion of trucks is low. This roadway as proposed meets this design guideline requirement. *width of road thru wetlands is an issue*

With regards to section 5.05C please consider the following answers that correspond to the 5 indicated requirements:

1. The restrictions in the township ordinance would unreasonably prevent the permitted use of the property as a shorter road length would not adequately provide access to the parcel to be divided in accordance with the current zoning. Furthermore, the site contains unique environmental characteristics that a secondary entrance impractical. Furthermore, a narrower roadway allows the road to be aligned through the regulated wetland area with minimal impact to the environmental constraints that they contain.

2. The requested variances would do substantial justice as lesser variances would not allow the parcel to be divided under the current zoning guidelines while protecting the unique environmental constraints that exist on the site. Furthermore, the requested variances are within other conventional guidelines as described above.

3. The variances are due to the unique circumstances of the property as described above.

4. The alleged hardship is unique to the property as described above and is a unique historical condition that has not been created by the property owner either past or present.

5. The variances requested are not solely economic but are due to the unique environmental constraints contained on the property.

Should you have any questions regarding this issue, please feel free to contact myself at your earliest convenience.

Respectfully,



Steve Gronow
Owner

HOWELL AREA FIRE DEPARTMENT
FIRE MARSHAL DIVISION

1211 W. Grand River
Howell, MI 48843
517-546-0560
FAX: 517-546-6011
firemarshal@howellfire.net

DATE: January 17, 2017

TO: Chestnut Development
6253 Grand River Ave, #700
Brighton, MI 48116

FROM: Jamil Czubenko, Fire Marshal

PROJECT: Chestnut Creek Site Plan, Marion Township

REF: Site Plan Review-Approved w/exceptions noted

COMMENTS:

I have reviewed the above listed site plan and find that it is *satisfactory* as presented as long as the following conditions are met:

1. Where the road is 20' wide to 26' wide then I would require that no parking be allowed on both side of the street and be posted with "No Parking-Fire Lane" signs. Where the road is more than 26' wide to 32' wide then I would require that no parking be allowed on the hydrant side of the street and be posted with "No Parking this side of street" signs.
2. A Dry Hydrant shall be installed at the road, at the static water source near Sites 10 and 11. Final location will be determined by the Howell Area FD and the Developer.
3. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall be placed a distance apart equal to not less that one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
4. All roads in this development shall not exceed 10 percent in grade.

Any changes in this site plan shall be submitted to the Howell Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call. Thank you for the opportunity to review this site plan.

January 17, 2017

Annette McNamara
Marion Township
2877 W. Coon Lake Road
Howell, MI 48843

RE: Chestnut Creek PR# 01-16
Marion Township, Livingston County, MI

Dear Mrs. McNamara

We have received and reviewed the site plan for Chestnut Creek Development which is located on the east side of D-19/Pinckney Road between E. Coon Lake Road and E. Davis. The plans were prepared by Livingston Engineering on behalf of Chestnut Development dated 8-11-2016. We offer the following comments:

General

The proposed property appears to be planned for residential units with lots ranging in size from 2.29 to 12.80 acres. The site is approximately 69.61 acres and is zoned rural residential.

Parcel boundary lines are mostly labelled with bearings and distances, but are incomplete. A complete legal description should be shown.

The parcel does not have continuous frontage to D-19, but instead has about 160' of frontage at the south boundary and about 270' of frontage near the north boundary. Access to the bulk of the parcel is not feasible via the south frontage due to surface water and wetlands, and access via the north frontage is constrained to a narrow passage between two surface water bodies. The proposed private road running between the two water bodies and the property line does not meet several design requirements and will be investigated in depth below.

→ The existing telephone pole adds to the constraint - read email thread btwn Bob & DTE Rep.

No proposed landscaping is shown on the plans. We defer to the Township Planner on the required landscaping.

The first page of the plans includes a vicinity map showing the general location of the site. The shape of the site on the vicinity map does not match the shape of the parcel as shown in the road layout plan. The vicinity map should be to scale (minimum 1" = 2000') and show a north arrow.

Contours are shown on the road layout plan and meet the required 2' intervals. It is apparent that water generally surface flows to the water bodies on and about the site. Water is flowing west over most of the site. There are no wooded areas shown on the plans. A full tree survey is not necessary, but at a minimum, tree lines should be shown on the plan drawings.

There are no utilities shown on the site. LCRC requires that a 12' private easement for public utilities be designated outside and contiguous to the road right of way.

In order to ensure that the proposed road continues to meet specifications, Marion Township specifies that a road maintenance agreement and road easement agreement be made. We recommend that this be pursued per Section 6.20.C.1.i-1.

The proposed private road is a gravel surface serving a proposed 12 units. Township road design requirements specify that a gravel road be used to serve no more than thirty single-family dwelling units.

Storm Water

The site plan does not propose any additional storm water detention measures. The only storm water management on the site are the road side ditches and one proposed cross culvert. Most of the water is shown to be conveyed to the ponds and wetlands on site. The developer should show that the ponds are able to handle any additional water, not only after construction of the road, but after building on the lots. Special consideration should be given to the fact that the road is being placed between two ponds on a narrow strip of land and may be subject to flooding. The same consideration should be applied to lot 11, which is a flag lot with the only land access being a strip about 35' wide between two ponds.

The plan shows an existing cross culvert at D-19 being left in place and utilized. The developer should show that the existing culvert is sufficient to handle the existing flows, as well as any additional water being redirected to it along the proposed private road. This culvert should also be shown on the profile view.

Private Road

The developer intends to serve this site by a proposed private road. The proposed road is shown to be a 20' wide gravel road. The road is shown to have a 2% crown throughout most of its length, with the exception that where it nears the property line to pass the surface water, it is shown to have a 2% one-way crown. According to LCRC standards, a subdivision road is not to have a superelevation. It appears that the road was designed this way because it is too close to the property line to leave room for roadside ditching. By utilizing a one-way crown, the developer is able to prevent draining water from the road onto the adjacent property.

The designer opted to use a "Road Line / Curve Table" to show length, radii, and line/chord direction. As previously stated, one of the curves does not meet the minimum radius of 230'. Also, the table is cut off on the bottom by the page border, so information for C7 and L8 are not shown.

Where the road is too close to the property line for a ditch, it is not centered within the designated road right of way. This is typically discouraged but could be allowed given the circumstances.

The road cross section shows 7" of 23A aggregate over 6" of Class II sand subbase placed on top of compacted subgrade (also called subbase on the plans). LCRC requires this cross section, plus 3" of HMA on top. According to the FHWA Gravel Roads Construction and Maintenance Guide, the suggested minimum gravel layer thickness for low subgrade support and an estimated daily number of heavy trucks of 0-5 is 6.5". We feel that considering this is a development with only 12 lots, the proposed cross section with 7" gravel surface is sufficient. No soil borings were taken in the proposed roadway so we have no sure way of determining the suitability of the subgrade.

The site plan shows a single road, 2001' from D-19 centerline to the center of the terminating cul-de-sac. LCRC specifications require that a cul-de-sac be no longer than 750'. They also specify no more than 1300' without an intersection. Both of these requirements are not met by the current proposed plan.

The cross section and profile of the proposed road shows roadside ditches to move water from the road to either the surface water bodies on site or to the existing roadside ditch on the east side of D-19. The cross section of the ditch meets the minimum requirements of the LCRC. We have no reason to believe that any additional capacity will be required. As for the profile of the ditch, LCRC requires no less than 1% grade along the centerline of a roadside ditch. This requirement is not met in several areas along the length of the road. The profile of the road also does not meet LCRC requirements; K values of all 7 vertical curves do not meet the required minimum of 40 for crests and 50 for sags. Finally, LCRC requires a minimum road width of 30', the proposed road width is 20'.

A permit must be acquired from LCRC for the approach at D-19. This permit will require minimum approach radii of 35' along with acceleration and deceleration lanes. LCRC may also require a left turn bypass lane.

A proposed cross culvert is shown near station 11+80. This culvert is intended to move storm water from the north roadside ditch to the outlet at the existing pond. The profile shows roughly 1' 3" of cover over the pipe to the road surface and the annotation on the plan requires a minimum of 1' of cover. This meets the manufacturers' specifications for ADS N-12 pipe. In order to meet this cover requirement, the ditch bottom would have to be lower than the typical cross section. The profile view shows the ditch centerline at roughly half the height of the pipe. In order to get the ditch low enough to allow proper drainage to and from the cross culvert ends, while still meeting the side slope criteria (1:4 maximum), the ditch centerline will also need to be moved farther from the road at this location on both sides. Additionally, it appears that the pond receiving water from the culvert is at elevation 928 and the culvert invert is shown to be 927.81. A high water elevation should be shown and the culvert should be placed above that elevation.

Recommendation

At this time, we recommend the plan not be approved. There is a lot of information missing, or designs not meeting requirements set by Marion Township or Livingston County Road Commission. We note the following deficiencies:

1. Show all line/curve data in the table.
2. Vicinity map to scale with accurate site shape/size shown and a north arrow
3. Please included soil borings within road alignment, as well as the boring logs.
4. Show tree lines on the plans
5. Show legal description on the plans.
6. Ditch grades at a minimum of 1%.
7. Minimum intersection radii at D-19 of 35'. Obtain permit from LCRC, which may require left turn bypass lane and acceleration/deceleration lane.
8. K values for vertical curves should meet LCRC requirements (40-50 for crests and 50-60 for sags)
9. The proposed road should be 30' wide. This will prove difficult between station 1+00 and 6+00.

January 17, 2017
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10. The ditch should be shown deeper at the cross culvert near station 11+80 to accommodate drainage through the culvert. This should also be compared to the high water elevation of the pond south of the road to ensure that the culvert is draining properly, not holding water.
11. A water surface elevation should be shown for each pond on site.
12. A cul-de-sac over 750' is not allowed per LCRC requirements. The road would need to be shortened or some type of variance be granted by the Township for the longer length.
13. Complete road maintenance / easement agreements with terms and conditions
14. Solicit comments from Livingston County Road Commission and Livingston County Drain Commission

If you have any questions or require any more comment on this matter, please feel free to contact our office.

Sincerely,



Kevin J Wilks, E.I.T.
Design Engineer
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131



Philip A. Westmoreland, P.E.
Senior Project Manager
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131

CC: SGI File
Ken Recker, P.E., Livingston County Drain Commissioner
Kim Hiller, P.E., Livingston County Road Commission
Timothy J. Zimmer, P.E., Livingston Engineering

Annette McNamara

From: Annette McNamara <za@mariontownship.com>
Sent: Wednesday, December 14, 2016 4:30 PM
To: Bruce Powelson (realtorbuff@gmail.com); Cheryl Range
supervisor@mariontownship.com
Cc:
Subject: FW: New private roads near power poles

FYI - Below is communication between Bob Hanvey and DTE representatives that was not included in your package.

From: Mark J Cetnor [mailto: m]
Sent: Wednesday, December 14, 2016 3:50 PM
To: Bob Hanvey >
Cc: za@mariontownship.com; Duane Stokes < m>; Tammy Beal
Subject: RE: New private roads near power poles

Bob,

This is more of an elevation change. If the proposed grade change doesn't violate NESC clearances to the utility lines and the blocks are kept about 5ft from pole, no issue with DTE.

Mark J Cetnor
DTE Electric
Planning Supervisor-NWPD

DTE Common Documents

From: Bob Hanvey [mailto: p.com]
Sent: Thursday, December 08, 2016 9:49 AM
To: Mark J Cetnor
Cc: za@mariontownship.com; Duane Stokes; Tammy Beal
Subject: RE: New private roads near power poles

Hi Mark – I'm concerned about a road serving up to 12 single family homes being so close to a major power pole. The center line of the proposed access road is about 15 feet from the pole. I think they are attempting to protect the pole by installing large (2 feet x 2 feet stacked two high) concrete blocks close to the pole. The proposed private road is the only access point to the development so all the construction equipment and materials will be brought in passing very close to the pole.

We don't have anything in our ordinance that specifies isolation distance from a power pole.

The attached file is the section of the plans near the power pole. It almost looks like the pole is in the blocks.

What are your thoughts on the isolation distance and adequacy of protection?

Thanks

Bob Hanvey

From: Mark J Cetnor [mailto:]
Sent: Tuesday, December 06, 2016 2:29 PM
To: Paul M Ganz ; Bob Hanvey < >
Cc: Tammy Beal < >; Duane Stokes

Subject: RE: New private roads near power poles

Paul,

Yes we have preliminary drawings on this development. There is a pole at the entrance that may need to be relocated, which developer is aware of. It's an expensive pole to relocate, has 40kv line on top of distribution line. He may be trying to alter the entrance to avoid the pole relocation.

Mark J Cetnor
DTE Electric
Planning Supervisor-NWPD

DTE Common Documents

From: Paul M Ganz
Sent: Tuesday, December 06, 2016 1:13 PM
To: Mark J Cetnor; Bob Hanvey; John E Wagner
Cc: Tammy Beal; za@mariontownship.com; Duane Stokes
Subject: Re: New private roads near power poles

Mark, is this in WO yet?

Paul M. Ganz
DTE Regional Manager for Ingham, Livingston and Washtenaw counties
425 South Main, LL 114. Ann Arbor 48104
3

On Tue, Dec 6, 2016 at 11:40 AM -0500, "Bob Hanvey" < > wrote:

Hi Paul – I'm the Supervisor at Marion Township in Livingston County. We have a developer who wants to build a new private road to access a proposed development. The proposed private road will be adjacent to one of your power poles.

Does he need any approval DTE?

Are there specific design standards for isolation distances between private roads and power poles? On the plans the centerline of the proposed road is about 20 feet from the pole and they are proposing installing something called "bin blocks" that appear to be 2 foot concrete blocks placed against the pole.

I have not obtained your easement yet. It is in section 24 of Marion Township, T2N R4E, Livingston County. The easement is about 300 feet east of D-19 between Coon Lake Road and Davis Road. The easement is recorded in Livingston County L 382 P 76.

The developer is Chestnut Development. Have they contacted you about providing power to the development?

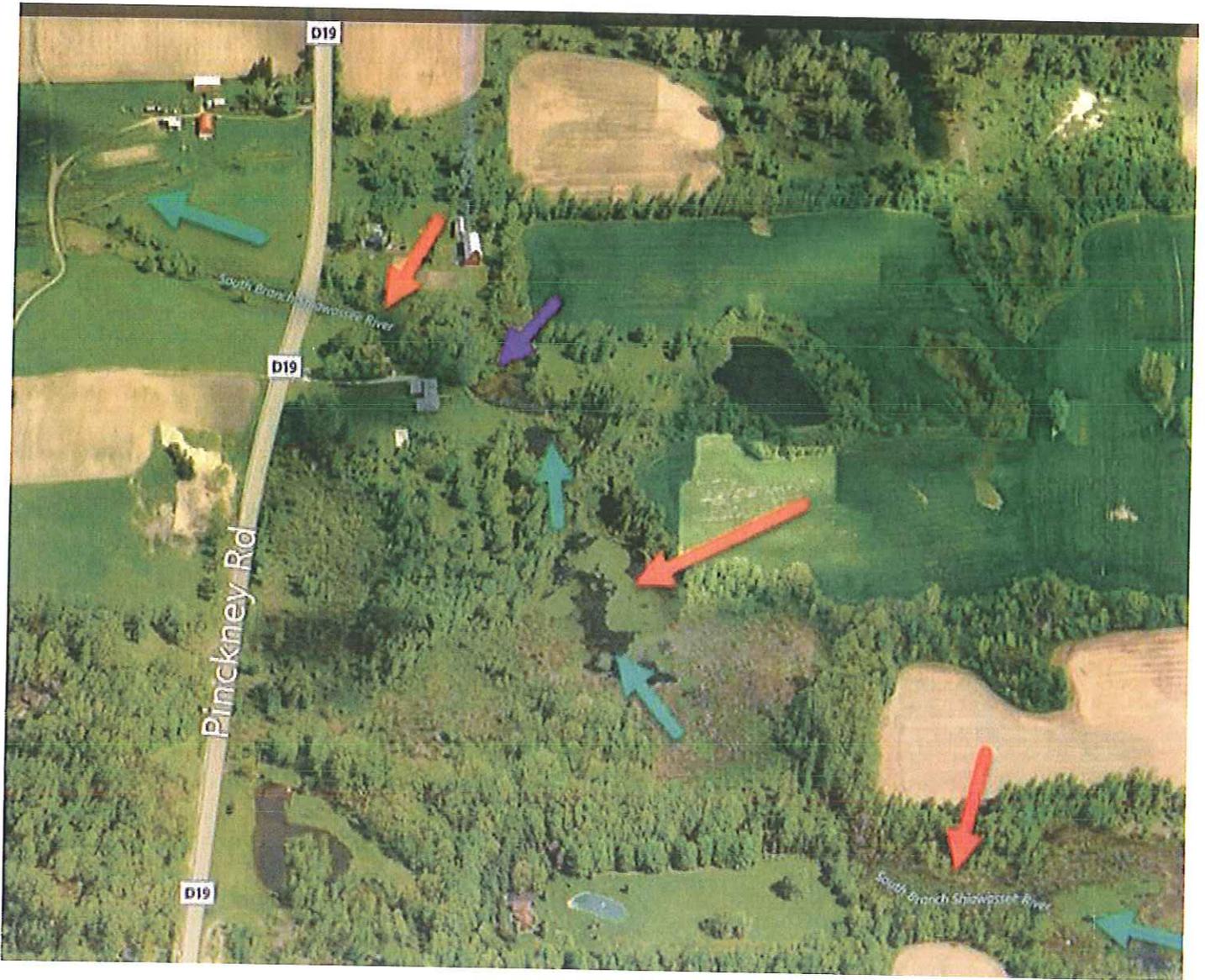
Thanks
Bob Hanvey

Annette McNamara

From: Kolhoff, Thomas (DEQ) <KOLHOFFT@michigan.gov>
Sent: Thursday, September 15, 2016 7:45 AM
To: Annette McNamara (za@mariontownship.com)
Cc: Cervelli, Donna (DEQ)
Subject: Proposed Chestnut Creek development

Hi Annette,

I received the Chestnut Creek plan you sent. Based on the location map and what is shown in the plan, it would appear the site is what I show in the aerial photo below. If this is the case, the road crossing appears to cross the South Branch Shiawassee River that is connecting all the wetland through the area. The river/stream and wetland are regulated under Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the NREPA. From what I see on aerial photos, I assume there is an existing culvert connection at the proposed location where their road crosses through the area (approximate purple arrow). This culvert will likely need to be replaced. I also question the accuracy of what is identified as "water" on the plan, because it does not appear to accurately identify the wetland area observed on aerial photos, and since the plan also contains some lightly dotted areas with dashed line boundaries (not labeled on the plan) that also appear to be wetland on aerial photos (along Pinckney Road and east/west of the identified "water" along the south lot line), I question the accuracy. Again, this does not appear to accurately represent the wetland at the site, and there has been no mention or even acknowledgement on the plan, that the South Branch Shiawassee River flows through the site. The river/stream at this location may also have a 100-year floodplain regulated under the State's Floodplain Regulatory Authority, found in Part 31, Water resources protection, of the NREPA. There would be a Part 31 regulated floodplain if the up-stream drainage area is greater than 2-square miles. It would appear that the Chestnut Creek plan made no attempt to accurately identify the wetland and river/stream at the site and in a situation like this, it should be accurately identified (on-site determination) and then surveyed on the plan. It is difficult for me to see how they can cross through the area with the proposed road without needing a permit from the DEQ, but again, I haven't conducted an on-site reviewed of the crossing location. I should also note that I am also somewhat familiar with this site from when I recently reviewed an application on the parcel just to the north (corner of D-19 and Davis). From that review, I can say that this is a high quality and sensitive wetland system where there have been Threatened and Endangered (T&E) species identified in the past. I don't know if they are still a concern, but they did show up as a possible concern, when reviewing the site to the north. So, I recommend caution when reviewing the site to be sure the wetland and river/stream have been properly identified and accurately shown on the plan, and that these resources won't be impacted by the development. Also, if there is a Part 31 regulated floodplain, this may impact the location of building locations on the parcel. Thanks for the opportunity to comment. Please let me know if you have any other questions.



Thomas Kolhoff
DEQ, WRD, Lansing District
P.O. Box 30242
Lansing, Michigan 48909
517-284-6666
kolhofft@michigan.gov

Timothy J Zimmer

From: Kolhoff, Thomas (DEQ) <KOLHOFFT@michigan.gov>
Sent: Monday, November 14, 2016 10:44 AM
To: jbridgland@niswander-env.com
Cc: 'David LeClair'; 'Timothy J Zimmer'; 'Chestnut Dev Steve Gronow'; za@mariontownship.com
Subject: RE: Pre-App Meeting Summary - Chestnut Creek Drive

Mr. Bridgland,

Thank you for the follow-up e-mail concerning our Pre-Application Meeting held last week. Your e-mail accurately reflects what we discussed when reviewing the site. No Part 303 and/or Part 301 permit would be required from the DEQ, if the road can be located over the existing culvert with no culvert extension, or widening into the wetland required. This would include improving the road surface over the existing culvert. However, if the culvert needs to be extended, or if the road would need to be widened into the wetland, then a part 303 and/or Part 301 permit would be required. The wetland flagging observed by the DEQ appeared to accurately represent the wetland boundary as flagged by Niswander Environmental. Thanks again for the meeting summary. Please let me know if you need any information or further clarification from me.

Tom

Thomas Kolhoff

DEQ, WRD, Lansing District
P.O. Box 30242
Lansing, Michigan 48909
517-284-6666
kolhofft@michigan.gov

From: Jeff Bridgland [mailto:jbridgland@niswander-env.com]
Sent: Friday, November 11, 2016 12:52 PM
To: Kolhoff, Thomas (DEQ) <KOLHOFFT@michigan.gov>
Cc: 'David LeClair' <david@livingstoneng.com>; 'Timothy J Zimmer' <tim@livingstoneng.com>; 'Chestnut Dev Steve Gronow' <steve@chestnutdev.com>; za@mariontownship.com
Subject: Pre-App Meeting Summary - Chestnut Creek Drive

Mr. Kolhoff,

Thank you for taking the time to meet with me and my client, Steve Gronow, at his property on Wednesday 11/9/16 located off of D-19 in Marion Township. As you are now aware, the wetland areas within the Project Limits were flagged by Niswander Environmental in April 2016. It is our professional opinion that the onsite wetlands are regulated by the MDEQ due to their hydrologic connectivity to the South Branch of the Shiawassee River, which runs through the site. Mr. Gronow and his engineer (Livingston Engineering) are not proposing to impact the wetland or stream in any way during construction of the proposed residential development. SESC measures will be implemented to ensure that indirect impacts such as sedimentation are also avoided. It is my understanding Marion Township has granted a variance for the centerline of the proposed gravel driveway to be offset within the existing 66' road easement, which eliminates the need to move the existing road and thus eliminates the need to impact the wetland resources on this property. With regards to the existing culvert, we feel that this culvert is appropriately sized to accommodate flow, and no extensions will be necessary.

This statement isn't true. Do they need a variance?

If you have any questions or concerns, please feel free to contact me at (810) 225-0539.

Jeff Bridgland