

TOWNSHIP OFFICES
(248) 625-5111
FAX: (248) 625-2585

JOSE ALIAGA
Supervisor

CARI J. NEUBECK
Clerk

PAUL A. BROWN
Treasurer

TOWNSHIP TRUSTEES
SAM MORACO
THERESA A. NALLAMOTHU
RONALD A. RITCHIE
JIM TEDDER



CHARTER TOWNSHIP OF INDEPENDENCE
6483 WALDON CENTER DRIVE CLARKSTON, MICHIGAN 48346
www.indtwp.com

RESIDENTIAL OPEN SPACE ADVISORY COMMITTEE MEETING AGENDA

DATE AND TIME: Wednesday, March 13, 2024 at 6:00 PM
LOCATION: Independence Township Hall
6483 Waldon Center Drive, Clarkston, MI 48346

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**
- C. ROLL CALL**
- D. OFFICER REPORTS/UPDATES: Chair, Vice Chair, Secretary**
- E. APPROVAL OF AGENDA:** Agenda additions shall be added at the end of Regular Business.
- F. REGULAR BUSINESS:**
 - 1. Approval of minutes of February 14, 2024
 - 2. Selection of topics for initial tree/land preservation proposal (G Fisher) (appendices A&B)
 - 3. Presentation, Sue Julian, Director, Blue Heron, Headwater Conservancy – Topic Identifying and Protecting Endangered and Threatened Species (D Hunter)
 - 4. Sub Committee Reports
 - 1. Land/Parcel D Hunter
 - 2. Regulations G Fisher
 - 3. Communications J Kunse
 - 5. Liaison Communications (Board of Trustees, Planning Commission)
- G. PUBLIC COMMENT**
- H. BOARD MEMBER COMMENTS**
- I. Next meeting – 04-10-2024, @ Independence Twp Hall**
- J. ADJOURNMENT**

The Meeting will be conducted in-person at the Independence Township Hall unless otherwise specified, in accordance with the Open Meetings Act, MCL 15.263(2).

Only items listed on the Agenda shall be considered for action. A majority vote of the Board members present may add or delete an Agenda item.

**RESIDENTIAL OPEN SPACE ADVISORY COMMITTEE MINUTES
FEBRUARY 14, 2024**

A. CALL TO ORDER

Joseph Sucher, Chairperson, called the Meeting of the Residential Open Space Advisory Committee meeting to order at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA:

C. ROLL CALL:

Present: Deana Hunter
Adam Kline (ex. officio/non-voting)
Joette Kunse
Sam Moraco
Chelsea O'Brien
Eric Parker
Tom Pytel
Kevin Rosneck
Bill Scarborough
Joseph Sucher
Paul Brown

Absent: Gerald Fisher
Arnold Luallen

D. OFFICER REPORTS/UPDATES

Joe Sucher discussed the tree ordinance with Carlisle on commercial property. Bill Scarborough would like to discuss Washington Township tree ordinance.

E. APPROVAL OF AGENDA

MOTION by Sam Moraco to approve the agenda and seconded by Bill Scarborough

VOTE: Yes: All – 10; No: None Absent Fisher, Luallen CARRIED 10-0

F. REGULAR BUSINESS

1. Approval of the Minutes of January 10, 2024

MOTION made Bill Scarborough and seconded by Sam Moraco

VOTE: Yes: All – 10; No: None; Absent: Fisher, Luallen CARRIED 10-0

2. Sub Committee Reports

a. Land ID/Acquisition Committee

- i. The committee made a presentation of a form to consistently look at possible "open space land parcels." The form had information the committee feels is important for each parcel of potential "open space land," Committee titled the form "Open Spaces Land Analysis". They asked for feedback on the template. Members asked to add "market value" to the form. The committee recommends a consistent process of looking at properties.

- ii. The committee also would like to bring in a speaker to discuss how Rochester Hilles acquired land.
- iii. Presented ways to share maps of Michigan National Features Group, Greenways Marking GIS Mapping of Oakland County (overlay of what maps you would like to have) and provided handout on “Why Green Spaces Are Good” by Shishira Sreenivas.
- iv. Discussion of looking at endangered species properties near Springfield Township with Sue Julian, Blue Heron Land Conservancy, speaking in March.

b. Communication

- i. Discussion of “introducing committee on Independence Cable Channel with some committee members speaking and meeting for group photo at Clintonwood Park – new open space land.

3. Discussion of Tree Ordinance and Woodland Ordinances.

- a. Discussion of tree ordinance for commercial and or residential properties and caliber of trees. Bill Scarborough shared the Washington Township tree ordinance. Adam Kline sent the Oakland Township Tree ordinance. Discussion of a pathway a prospective ordinance should take in the township.

4. Update on functions of liaisons and procedures related thereto – S Moraco & Tom Pytel App

- a. Discussion but no motion.

5. Approval for posting – 2024 Schedule of Open Space Committee Meetings

- a. **Meeting Schedule for 2024** – March 13, April 10, May 8, June 12, July 10, August 14, September 11, October 9, November 13, December 11.

MOTION by Bill Scarborough to approve the meeting schedule for 2024 and seconded by Sam Moraco.

VOTE: Yes: 10; No: None Absent Gerald Fisher, Arnold Luallen; CARRIED 10-0

G: Public Comment – none

H Board Member Discussion - none.

I Next meeting – 3-13-2024@ Independence Twp. Hall 6:00 p.m.

J ADJOURNMENT – 8:00 p.m.

MOTION by Deanna Hunter, seconded by Eric Parker to adjourn the meeting at 8:00 p.m.

VOTE: Yes: All – 10; No: None; Absent Fisher, Luallen

Joette Kunse, Secretary

Joseph Sucher, Chairperson

Appendix A

Selection of Topics for initial tree and land preservation proposal

Gerry Fisher will lead our discussion narrowing down to a select few topics which if approved will be used to draft regulations designed to be an initial step in creating an environment that will protect the trees, open space, and other natural features of the township in which we reside.

Included is Gerry's initial comments about a starting point for discussing this topic. You should already have a copy of this,

WOODLAND ORDINANCE CONSIDERATIONS

Samples of General Concepts to Discuss Before Writing the Details

Gerald Fisher

2-21-24

Preliminary Note

A woodlands ordinance (sometimes referred to as a tree preservation ordinance) can have a number of conceptual alternatives, including objectives, take various forms, and require various types of applications, among other possibilities. Before writing the details of an ordinance, it is my recommendation to reach a consensus on the objectives and other choices you want, and then seek buy-in from the Planning Commission and Township Board. This memo is to provide samples of the types of decisions that should be made in advance.

It must be recognized that, as the requirements of the ordinance increase, the objections will proportionately increase, which means the likelihood of Township buy-in will decrease.

Conceptual Decision No. 1

What are your main objectives?

- Is it the goal to
 - Save all trees possible?
 - Save all trees above a specified width?
 - Save trees on the borders of the property, such as within the setback?
 - Save trees that will not interfere with the development of the property?
- Should the ordinance define the species of trees desired to be preserved, and then require the developer to do a tree survey (expensive) to use as a basis for ultimate requirements?

Conceptual Decision No. 2

What type of prohibition should be established prior to development plans and activity

- Can a property owner remove any and all trees before any development is proposed?
- Should there be no tree removal prior to plan approval?
- Can the owner/developer ask for permission to remove certain trees pending plan approval?
- Can the ordinance create a “free” zone in which trees could be removed before plans are approved?

Conceptual Decision No. 3

- Will a developer be required to replace all or some of the trees removed?
- What happens if the developer has no room on the property for this?
- Does the Township want to create a fund the developer can pay into to the extent replacement is not feasible? [THIS HAS BEEN GIVEN VERY ROUGH TREATMENT IN COURT]

Appendix B

Comments/Suggestions relating to tree preservation in general

Some of the responses received. These are included simply as food for thought, whether these succeed in round one of Gerry paring down remains to be seen.

TREE PRESERVATION ORDINANCE:

- Language regarding the purpose, intent and goals should be included.
- Which properties should it apply to:
 - All site plan approvals, subdivision, condominium, PUD, regardless of zoning district.
 - All Parcels over 5 acres where more than 50% of trees are to be removed. (submission requirements could be relaxed for “homeowners”).
- Permit should be required on parcels not needing a site plan, subdivision, condo, etc. review. If this confuses things, then require it for all.
- Protected trees:
 - All trees over 5 inches DBH
 - Landmark Trees
 - Woodlands
 - Trees located within proposed improvements to the site including building envelopes, roads, side walks, parking lots, driveways, retention ponds, utility easements, etc.
- Exclusions:
 - Agriculture
 - Forestry operations
 - Public utilities
 - Road right of way
 - Dead & unhealthy trees
 - Invasive trees
 - Trees that have become a danger
 - Emergencies
- The following guidelines should be included:
 - configuring the site plan with the goal of preserving trees, and in particular landmark trees and woodlands.
 - Preserving trees along property lines, within required setbacks and along wetland, lakes and rivers, should be preserved.
 - Locate improvements in areas that are already disturbed or clear of trees.
 - Minimize impact on preserved trees during grading.
 - Minimize grade changes in treed areas
 - Use of retaining walls, etc. to protect preserved trees.
 - Protection of remaining trees during construction
- Prohibit mass clear cutting of land.
- Require a site plan indicating the location of all trees should be provided, it should:
 - Be prepared by a registered forester, arborist or landscape architect.
 - Show the location of all trees,
 - with common and botanical names
 - List size at DBH
 - Clearly indicate any landmark trees, and woodlands over a specified size in acres.
 - Indicate which are to be removed or remain.

- Trees within a woodlands area do not need to be inventoried so long as that woodlands area is protected, will remain and the site plan so indicates that.
 - Indicate wetlands, lakes, streams, rivers, ponds. However landmark trees located within such woodlands should be indicated.
 - Indicate all proposed improvements to the site including building envelopes, roads, side walks, parking lots, driveways, retention ponds, utility easements, etc.
- Require a tree replacement plan indicating the location of all tree replacements. Protected trees shall be replaced as follows:
 - Landmark trees shall be replaced at a ratio of 1 ½ inches of DBH for each inch of DBH removed.
 - All other protected trees shall be replaced at a ratio of .75 trees for every one tree removed.
 - All tree replacements are separate from and in addition to other tree requirements within the ordinance
- Don't think I'm in favor of a tree "bank".
- Suppose it might be necessary to allow the applicant to allow replacement of trees elsewhere in the township in the event that the applicant can prove that abiding by the ordinance is impractical.
- Must be reasonable penalties for non compliance. Significant enough to keep developers from "just paying the fine"
- Gives PC ability to require additional trees if it can be determined that protected trees were removed within a period of up to 5 years prior to before site plan/subdivision approval.

ANN ARBOR

- Applies to all land, except
 - 3 acres or less
 - Greater than 3 acres but no more than 100 DBH inches of protected trees are removed within 12 months.
 - Farming ops
 - Forestry Ops
 - Public utilities
 - Road right of way
 - Dead or unhealthy
 - Invasive trees
- Clear cutting is prohibited except under forestry management plans.
- Removal permit is required
- All site plan reviews and subdivision plat reviews & parcels larger than 3 acres must
 - A tree/woodland survey,
 - Lists all trees to be removed and to remain.
 - Names them by common & botanical names, and size
 - Ecological characterization
 - Plant species
 - Wildlife use
 - Wetlands
 - Lake, stream bank or shoreline
 - Trees must be tagged & numbered
 - Prepared by registered forester, an International Society of Arboriculture certified arborist, or forester certified by Society of American Forestry.
 - Plotting of any heavily wooded parcels, outside of 100 ft or area to be disturbed may be waived by PC
 - A tree replacement plan
 - For every 1 inch of DBH of protected trees removed, ½ inch of replacement trees shall be planted.
- Provides some planning commission guidelines for determining if the proposed tree removal plan is reasonable.
- Defines landmark trees and provides more strict replacement criteria for same.
- If a tree is removed without approval, then for each 1 inch of DBH removed it must be replaced with 2 inches of DBH, plus other sanction
- Requires a bond for 3 yrs.
- Does allow for alternative mitigation when PC determines that the tree preservation makes use of the property unreasonable.
- Provides guidelines for protection of trees to remain.
- Provides guidelines for site planning in a way to protect & preserve trees and woodlands.

TROY

- Requires tree preservation plan for all site plans
- Applies to all parcels where a site plan review is required and any Subdivisions.
- Gives PC ability to require additional trees if it can be determined that protected trees were removed within a period of up to 5 years prior to before site plan/subdivision approval.
- Defines landmark trees
- Defines woodland as $\frac{1}{4}$ acre or more of wooded land.
- Tree inventory must show:
 - Location of all trees over 6 inches in DBH
 - Common & botanical names and size.
 - Indicate which trees to be removed and which to remain
 - Prepared by a certified forester or Registered Landscape Architect.
- Removal of landmark trees and woodlands is to be mitigated by
 - Woodland trees of 6 inches DBH or larger shall be replaced by replacement trees of 50% of the DBH of the trees removed.
 - Landmark trees (including those within woodlands) shall be replaced by trees equal to 100% of DBH of trees removed
 - All tree replacements are separate from and in addition to other tree requirements within the ordinance.
- Preserved landmark and woodland trees are given a credit of 2 times the DBH for any required tree replacements.
- Exemptions are:
 - Parcels not subject to site plan review
 - Removal necessary for utilities, etc.
 - Tree clearing for road right of way.
 - Dead or unhealthy
 - Invasive
 - Trees that have become a danger.
- Provides some guidelines for site planning that preserves landmark trees and woodlands.
- Provides guidelines for protection of remaining trees
- Permit not required, it is a part of site plan review

ORION

- Applies to all land within the twp.
- Applies to all trees over 4 inches DBH.
- Requires a permit
- Exceptions:
 - Parcels less than 5 acres.
 - Activities within a proposed building envelope or building site, including roads, road right of way, driveways, utility easements, retention ponds, septic fields.
 - Agricultural
 - Commercial nursery
 - Emergencies,

- Gov agencies
- Public utilities
- Dead/damaged trees
- Removal of 3 or fewer trees of less than 6 inches DBH
- Tree management plan
- Site plans, subdivision plats, condominium plans require tree removal permit.
- For parcels 5 acres or larger, 80% of the “protected” trees over 4 inches DBH shall be preserved (keep in mind, trees in building envelopes, roads, parking lots, utilities, etc are not protected).
- Tree survey is required, prepared by a registered arborist, forester or landscape architect.
 - Tree inventory requirement can be waived for woodlands of over 100 trees on over 10 acres if the woodlands is to be preserved.
- Requires bond
- Tree replacement is 1 to 1 .
- For landmark tree it is 1 inch of DBH for every inch of DBH for landmark trees removed.
- Provides guidelines for protection of remaining trees during construction
- Allows for residents to nominate a tree as landmark or historic. And requires TWP to maintain an inventory of such trees.

I was going through some old information from Texas this morning and thought some of it may be of help to your group. Use or discard - just wanted to pass along.

Purpose:

To enhance the quality of development through the provision of appropriate landscaping. The landscape regulations serve to safeguard and enhance property values while protecting public and private investment. The regulations encourage the preservation of the existing natural environment to aid in the stabilization of the environment's ecological balance whenever possible, and require property owners to provide landscape amenities, setbacks, open spaces, and screening that promote a positive image reflecting order, harmony, and pride for new development in the township. A critical component of these regulations is the preservation of trees that serve to clean the air, provide shade, reduce the amount of soil runoff due to erosion, and beautify the environment. The results of this effort will be a strengthening of the economic stability of the township's business, cultural, and residential areas.

The ordinance should provide detail regarding:

- Approved Plant Lists
- Landscape Set-back requirements
- Parking Lot Landscaping and Screening
- Tree Preservation and Replacement
- Landscaping Design and Materials Requirements
- Maintenance and Irrigation

That last bullet point is of particular interest to me. My question would be - so we require beautiful landscaping and irrigation of a site when it is developed. . . what happens 3-5 years down the road? What happens if they build out the site and let the landscaping go to pot? That does not enhance our township at all. That has happened to the old TCF/Huntington Bank site on Sashabaw. That location closed down in January 2024 and I can't tell you the number of times that I stopped by there over the past years and asked to speak to the manager to complain about the evergreen trees that were dying because of the invasives eating them up. Those evergreens are covered up in bittersweet and buckthorn. They also have a phragmites problem at the corner of their property. All 3 of those plants are listed as invasives in Michigan. They will kill mature trees. The manger would simply say "we have landscape people that take care of our property". End of story. Nothing was ever done.

Now that property is For Sale and I'm told by a Huntington representative that they have a contract they are currently working. What happens when a new owner comes into play? Are they required to re-establish all the landscaping that has been destroyed and who from the Township approves that? Will they be required to maintain the landscaping? Seems like no one is ever called to task with maintenance. Someone at the Township should be inspecting that element of a development on a periodic basis, in my opinion.













