Minutes  
Natural Features Protection Review Board  
October 27, 2020  
Regular Meeting  

Held virtually via Zoom Video Conference  4:00 p.m.  

A. Called to Order at 4:01 p.m.  

B. Roll Call and Excuse Absent Members  

Directors present: Ashley Cole-Wick, Erin Fuller, Mitch Lettow, Paul MacNellis, Kyle Martin, Alan Sylvester  

Directors absent: Bobby Glasser  

Director Fuller made a motion to excuse absent members, supported by Director MacNellis. Motion approved unanimously by voice vote.  

C. Adoption of Agenda  

Director Fuller made a motion to approve the agenda as presented, supported by Director MacNellis. Motion approved unanimously by voice vote.  

D. Approval of Meeting Minutes from September 29, 2020  

Director MacNellis made a motion to approve the meeting minutes from the September 29 meeting, supported by Director Sylvester. Motion approved unanimously by voice vote.  

E. New Business  

1. Public hearing for a variance request at 500 Golden Drive for relief from the NFP native plant standard.  

Staff and applicant presentation:  

Jamie McCarthy, staff liaison introduced the project and provided background, stating the project is part of the IL center at Heritage Community of Kalamazoo and is breaking ground this fall. According to Jay Prince, Executive Director, the gardens are considered essential to the project for healthy living of the residents. Mark Robinson, landscape architect for the project explained the project is looking for a variety of plants more than native-only plants can offer. He explained the rationale for selection of a limited number of non-native plants, including species most tolerant of salt around the drives. Several plants were selected for ground cover or shading, and other vegetation and ground cover was selected to ensure most robust plants.  

Director MacNellis asked Mr. Robinson about the Thuja request, which was selected to provide screening to the neighborhood to the south. Director Lettow asked Mr. Robinson why cultivars
are selected and whether it was for practical purposes, aesthetics, or supply chain issues. Mr. Robinson said it was a practical matter and due to supply chain issues.

Director Fuller asked if the percentage of native versus non-native plants in the request is based on area coverage or species number. Mr. Robinson explained that it is the individual plant numbers.

Director Martin asked about pachysandra and mentioned it’s listed by USDA as invasive. He stated that he has noticed this same tendency here locally. He asked if there’s an alternative. Mr. Robinson noted this landscape bed has well defined borders of turf grass and should limit the risk of unwanted spread.

Director Lettow told the board he checked the MISIN website and none of the non-native plants were listed as invasive. He was pleased with the diversity of the planting. Director MacNellis said he’s pleased with extend of plantings and wanted to know if they have professional landscaping services to be sure to it is well maintained over time. Mr. Prince stating the organization employs full-time grounds staff to maintain landscaping.

Public comments: None

Discussion: Director MacNellis stated that he was in support of the request for relief due to the consideration and planning that went into the landscape plan. He indicated his vote was not meant to set a precedence for granting variances, as he would consider each on a case-by-case basis in the future.

Director MacNellis made a motion to approve a recommendation to the Zoning Board of Appeals to grant a variance request at 500 Golden Drive for relief from the NFP native plant standard for a portion of a garden project planned in connection with the new construction of an independent living center. The motion was supported by Director Martin. The motion was approved unanimously by roll call vote.

2. Approval of the Natural Features Protection Site Plan for a bio-scrubber construction project located at 1415 Harrison Street.

Ms. McCarthy introduced the project and applicant, which is the City of Kalamazoo. The project involves building a bioscrubber and associated infrastructure to abate odor concerns at the Kalamazoo Water Reclamation Plant. Ryan Stoughton, manager and engineer on the project explained the purpose of the bio-scrubber, proposed location, and work to be performed.

Director Cole-Wick asked about whether work would be done at the Kalamazoo River bank or within the river channel. Mr. Stoughton said work would be setback from the river’s edge by at least 25 feet or more. Director Cole-Wick noted the concern over rare species would likely only be aquatic species in the river, so she was not concerned about impacts.

Mr. Stoughton stated that the City has been working with EGLE to determine if wetlands are present in or along the Kalamazoo River in this location. EGLE indicated a wetland determination was not required as no wetlands were evident during a recent site visit. Ms. McCarthy recommended this documentation be shared with staff for the file.
Director Fuller asked about the tree removal that was noted on the NFP application. Mr. Stoughton stated he is working with the City Forestry Supervisor and will provide an exact species list with DBH for each. Director Fuller requested staff work with Mr. Stoughton to confirm the replacement plantings meet the NFP requirements. Mr. Stoughton has been working with the City’s Tree Committee since the City’s tree ordinance also applies to this site.

Director Fuller made a motion to approve the Natural Features Protection Site Plan for a bioscrubber construction project located at 1415 Harrison Street, conditional on receipt of the MNFI letter and trees species replanting list. The motion was supported by Director Lettow. The motion was approved unanimously by roll call vote.

3. Approval of the Natural Features Protection Site Plan for an accessible trail construction project located at 3401 Nazareth Drive.

Ms. McCarthy introduced Mitch Lettow as representing the Southwest Michigan Land Conservancy (SWMLC) as project manager of the Bow in the Clouds project. Mr. Lettow states his conflict of interest and will abstain from voting on the approval. Mr. Lettow discussed the project in terms of the natural features present on the site. He explained that the project is construction permissive trails which are allowable within wetland setback areas per the code. Mr. Lettow described how the woodland standard was applied and that it is being met by removing only 17 trees, mostly Syberian Elm and Box Elder. In lieu of an MNFI rare species review, SWMLC has an agreement with USFWS to perform rare and endangered species review for their work. Mr. Lettow explained how the Project will manage for Massasauga Rattlesnake in their inactive season.

Director Fuller made a motion to approve the Natural Features Protection Site Plan for an accessible trail construction project located at 3401 Nazareth Drive (Bow in the Clouds Preserve). Motion was supported by Director MacNellis. Director Lettow abstained from voting and the motion was approved unanimously by roll call vote.

F. Old Business

Ms. McCarthy gave an update on the progress of NFP Phase 2. The City mailed notice letters to 6,200 addresses/taxpayers. The City has received many inquiries, mostly requesting more information. There are a few property owners who are objecting to the re-zoning on their properties. At this time staff would not recommend these parcels be removed since they have natural features located on the property or are located within setbacks. Director Fuller asked about a factsheet, and Ms. McCarthy noted that one exists on the website. Director Fuller and other members suggested adding a link from Phase 1 website to the Phase 2 website and make the FAQ sheet more visible. Map and text amendments will go to the PC on 11/5 and then two meetings of the CC; if approved board will have new map in effect early 2021.

G. Board Comments

Lettow asked about how a resident would be impacted by NFP standards. McCarthy explained that all property owners are beholden to following the rules, regardless if a permit or other special permission is necessary. She explained what type of projects
require site plan and board approval and which are done administratively. She suggested the board consider this list of project types again in early 2021 if the board is faced with many more applications with expansion of the map. The board might consider creating a project flowchart to help determine the appropriate level of review.

Mr. Lettow also asked the board about their comfort level with cultivar native species and whether it met the intent of NFP. McCarthy mentioned that in the proposed text amendments the use of nattivars by right was being removed and that the board would have the authority to approve such uses during regular NFP project review and approval.

H. Citizen Comments

Mr. Richard Stewart of the Southtown Neighborhood called in to confirm that parcels between Stockbridge and Lake Streets have been added to the proposed expansion of the NFP Overlay District. Ms. McCarthy said these parcels have been added. Director Sylvester mentioned he’s familiar with the project at that location and the concerns the neighbors have about development. Ms. McCarthy will be sure to communicate what NFP can and cannot do for protection since the ordinance does not prohibit development. She also mentioned that a site plan was already approved for the project before being added to the NFP Overlay District.

L. Adjourned meeting at 5:51 p.m.

Jamie McCarthy – Recording Secretary

Mitch Lettow – Board Chair