

This document was prepared by the Raintree Village Homeowners Association (RVHA) and presents the history and current status of the matter of the Mondrian Properties, Inc. "Raintree Village on the Park" new development (formerly known as "Paradise Park at Raintree Village") as of July 9th, 2017. This document is located at [www.rvha.org/documents/2017-07-09-update-on-RVHA-and-new-subdivision.pdf](http://www.rvha.org/documents/2017-07-09-update-on-RVHA-and-new-subdivision.pdf).

Mondrian Properties, a home builder based in Shelby Township, is the new owner of the three parcels of land formerly owned by the Troy School District and located south of Raintree Park. Mondrian Properties has built many communities in Troy, including Chatwal Park (on the north side of Wattles just west of Rochester Rd), and is currently building the Estates of Willowbrook (on the east side of John R south of Wattles).

RVHA board members Craig Chamberlain and David Eisenbacher participated in a 30 minute conference call with Joseph Maniaci of Mondrian Properties on Tuesday, February 21st, 2017. Mr. Maniaci provided some basic information about the development plans for the property. The RVHA representatives raised the issue of the use of the detention pond in Lakeside Park, a private park owned by RVHA. RVHA believes that any development making use of the detention pond should share the burden of maintenance costs.

The purchased property is 18 acres and is heavily wooded. Mondrian Properties plans to build 59 single family homes on 12 of the acres, preserving 6 acres, all wooded, on the southeast corner of the site, including 1.38 acres of regulated wetlands which will not be disturbed. In the 12 acres to be developed, the goal is to keep as many of the trees as possible, so they will be doing selective cutting rather than clear cutting. Mondrian Properties plans to have a buffer around the new subdivision to screen it from existing neighbors.

The parcel is zoned R1-C and the developer is using the City of Troy's new cluster option. No lot will be narrower than 60 feet. North Lake Dr, which will be the only point of access to the new subdivision, will be extended and will have sidewalks, and there will be at least one sidewalk north to Raintree Park. There will be no sidewalk or other access through the southwest corner of the parcel by the curved part of Madison Dr between Kings Point Dr and Woodgate Dr.

Construction hours are regulated and are from 7:00am to 7:00pm Monday through Saturday, with no construction on Sundays unless exceptions are granted by the City of Troy. Mondrian Properties will schedule street sweepers for cleaning any mud or dirt from North Lake Dr. The model homes will initially be at the Estates of Willowbrook site.

Mondrian Properties held an informational event at Joe Kool's Sports Bar & Grill on March 7<sup>th</sup>. Representatives from Mondrian Properties were present to distribute information and answer questions. The event was attended by many Raintree Village homeowners.

On March 14<sup>th</sup>, 2017, RVHA delivered to the City of Troy a memo containing the following two paragraphs:

"Raintree Village Homeowners Association (RVHA) maintains that the retention pond located in Lakeside Commons is not a public utility that may be freely used by any entity. RVHA does not consent to solely bearing the maintenance and upkeep costs for other users of the retention pond."

“RVHA is interested in working with Oakland County Water Resources Commissioner, the City of Troy, and Mondrian Properties, developer of Paradise Park at Raintree Village, to establish a joint maintenance agreement for the benefit of the homeowners of Raintree Village and Paradise Park, and the City of Troy.”

The April 25<sup>th</sup>, 2017 meeting of the City of Troy Planning Commission included a preliminary site plan review for the renamed “Raintree Village on the Park” development. The Planning Commission voted 8 to 0 in favor of granting preliminary approval, subject to four conditions. The fourth condition concerns the use of the detention pond in Lakeside Park.

During the meeting, Brent Savidant, Planning Director for the City of Troy, addressed the topic of the detention pond. He said that the new subdivision does have a right to use RVHA’s pond, that it is a fairly unique situation, and that the Oakland County Water Resources Commission (OCWRC) is concerned about the responsibility of pond maintenance being in the hands of a homeowners association. Mr. Savidant said that the OCWRC is most comfortable with the City of Troy taking over pond maintenance, and that the City is open to that. He said that the City is interested in the long-term success of this resource. The minutes of the April 25<sup>th</sup> meeting include qualifying text that states “the City recognizes the challenge and is open to the concept of maintaining the pond provided the numbers work.”

Eleven Raintree Village homeowners spoke at the public hearing and expressed concerns that included existing problems with standing water in back yards and the impact on that by the new development, increased traffic, the loss of woods behind homes, loss of property values, loss of habitat for wildlife, lack of a convenient walking path between Raintree Village and the new subdivision, and use of RVHA’s detention pond.

RVHA president Craig Chamberlain read a statement of RVHA’s position, which was included in the agenda packet. The statement identified three specific areas of concern for pond maintenance (concrete structure maintenance, bank erosion remediation, and sedimentation remediation), and included the following text: “RVHA requests that approval of the final plan for construction be contingent on one of the following things: The development plans include a storm water facility, an agreement between RVHA and Mondrian Properties be formalized, or Oakland County or the City of Troy clarify that they are responsible for pond maintenance.”

The agenda packet also included a letter by former City Manager Phil Nelson, dated January 17<sup>th</sup>, 2007, to David Eisenbacher, who was RVHA president at the time. The letter concluded that land areas outside of the Raintree Village subdivision have the right to use the detention pond, and that maintenance responsibilities for the pond lie entirely with RVHA. Mr. Eisenbacher is currently RVHA vice president and spoke during the public hearing, raising several points in rebuttal to the Phil Nelson letter.

After discussion by the members of the Planning Commission, the commission passed a resolution recommending to City Council that Preliminary Site Condominium Approval be granted for the new development, subject to four conditions. The text of the fourth condition is “As a design consideration, review the final operation and maintenance of the existing retention basin on the Shanahan drain, whether it should be operated and maintained by the City of Troy, Raintree Village Homeowners Association or Oakland County Water Resource Commission, or any combination thereof.”

RVHA performs and contracts for several maintenance activities at Lakeside Park, which includes the detention pond. Some of these activities include lawn cutting, fertilization, weed control, tree trimming and dead tree removal, goose fence maintenance, and removal of invasive plant species. RVHA welcomes having the City of Troy be responsible for concrete structure maintenance, bank erosion remediation, and sedimentation remediation.

Mondrian Properties engaged the engineering firm PEA to conduct a bank erosion investigation. PEA's report confirms that the banks have receded about 6 feet over the last 40 years.

The PEA report includes the following two paragraphs:

"Based on our research and calculations, the detention pond is functioning as designed and has the capacity to service the total drainage district of 529.29-acres. The erosion issue does not impact the function of the detention system – it is an aesthetic condition. Although no survey or probing was conducted during our investigation, it is apparent that the pond slopes below the water surface are flatter than the designed 1:6 slopes. It is also apparent, that over the years, sediment has collected in the bottom of the pond. While the collection of sediment decreases the permanent volume in the pond, it has no detrimental effect on the detention volume."

"As previously mentioned, the erosion of the pond banks has occurred over 40-years with no preservation. The majority of the side-slopes are unvegetated and drop 1 to 2-feet off the edge and left untreated will continue to erode. At a minimum, the banks near the Shanahan Drain outlet and the headwall should be restored."

The PEA report does not address whether the rate of erosion may accelerate if the banks are not treated.

The PEA report includes two preliminary cost opinions based on treating the existing conditions and preventing future erosion. The costs for these improvements range from \$50,000 to over \$130,000.

At the Troy City Council meeting on June 19<sup>th</sup>, 2017 it was announced that a public hearing for the preliminary site plan review by the City Council of the proposed subdivision will be held at the July 10<sup>th</sup>, 2017 meeting. The announcement states that Mondrian Properties has agreed to the following:

1. Pay for the demolition, earthwork and erosion control of the banks near the Shanahan Drain outlet and the headwall (as per the PEA Report, Option #1)
2. Add language to the Master Deed to pay matching dues to the RVHA for maintenance of the retention pond and park.

The announcement includes the text "The City will monitor the functionality of the pond moving forward but at this time maintenance shall continue to be the responsibility of the RVHA."

Upon learning that the City of Troy negotiated pond maintenance without including RVHA, RVHA contacted the City Manager to request a meeting. This meeting was held June 29<sup>th</sup> and included the City Manager and representatives from City departments including Planning, Engineering, and Public Works, a representative from the Oakland County Water Resources Commission, Joseph Maniaci from Mondrian Properties, and Craig Chamberlain and David Eisenbacher from RVHA.

Based on the discussion at the June 29<sup>th</sup> meeting and subsequent discussions in person, by phone and by email, RVHA prepared a letter of intent dated July 9<sup>th</sup>, 2017 for presentation to City Council on July 10<sup>th</sup>.

The agenda packets for the June 19<sup>th</sup> and July 10<sup>th</sup> meetings of City Council are available at <http://o.troy.mi.gov/CouncilMeetings/MeetingArchive.aspx>. The agenda packets include the PEA report on the pond and past communications between the City and RVHA and Raintree Village homeowners including those cited above. RVHA's letter of intent is available at <http://www.rvha.org/documents/2017-07-09-letter-of-intent.pdf>.