

Christina Smith

From: Leslie Blackburn
Sent: Sunday, October 19, 2025 11:38 PM
To: Jan Godek; Christina Smith
Subject: For 10/20 BOT meeting: Request to Toll Brothers
Attachments: Request to Toll Brothers.pdf

Hi Christina and Jan, as Fred Lucas suggested in our 10/16 meeting, I am respectfully submitting for our Board consideration, a concrete offer of a request to Toll Brothers that could be beneficial to all parties and that I would support.

I suggest it be reviewed at the beginning of the unfinished business agenda item so that input from all Board members can be included and we can adjust as needed, and then present to Fred Lucas for his review with Toll Brothers.

Please include in packets.

I suggest that it could be done with a motion something like this, which I or any of us can initiate in the meeting:

“I move to send this list of requests via Fred Lucas to Toll Brothers for their consideration to modify their proposal to Lodi Township. If Toll Brothers is willing to consider it, then also request that our attorneys, Jesse O’Jack and Fred Lucas, draft a resolution for approval with conditions and an amendment to the amended consent judgment including these Lodi Township considerations.”

Then if the Board is willing to send this request, we would postpone the vote on the site plans until Toll has time to review and submit accordingly.

Thank you,

Leslie

Leslie Blackburn
Lodi Township Trustee
pronouns: they/them
(why this is important: pronouns)

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Request to Toll Brothers

The Final Site Plan and second amendment to the ACJ are not acceptable as currently drafted. Including the following: **plans lack adequate tree-loss mitigation, resolution of wetlands encroachments, adequate wetland mitigation, required assessment/mitigation of deleterious impact on neighboring properties including ZO 55.02.B violation, failure to secure drainage rights (45.10.J.4), economic impact on surrounding properties (42.301.A6), agreed-upon open space, and public benefit.**

The Township foresees a pathway to agreement if Toll Brothers can meet the following conditions:

1. Toll Brothers will acquire Susan Miller's 19.05 acre parcel on terms to be arranged between seller and buyer.
2. Toll Brothers will eliminate the North WWTP from their site plans and operate the South WWTP to process wastewater from both developments. South plant shall be properly sized for both developments.
3. Utilities will be run, as needed, along the west edge only of the acquired property and will not encumber more than one acre of the acquired land. Tree cutting will be kept to a minimum and be approved by the Township Board as part of final approval.
4. Toll Brothers will arrange for donation, to a qualified **Michigan land trust or public entity*** (see list below), of the former Miller property (less utilities acreage), plus the approximately 6 acres of undisturbed upland forested area named in the site plans, plus additional, adjacent forested and wetland acreage (currently designated open space). The combined acreage will total not less than 30 acres. The land will be designated a public preserve with public access from Waters Road by way of the development's roadway and an additional stub road if needed. A map of the land designated for donation will be subject to Township Board approval to verify contours consistent with the above.
5. Lodi Township will accept the wetland mitigation plan of: paying credits to a wetland bank as well as improving the wetlands on site as proposed by Toll Brothers. The Township needs more details on, and to approve, how the improvements will be managed.
6. Lodi Township will accept the front yard setback deviations to 17 lots, yet the 25 foot wetland setback shall be undisturbed during construction and in perpetuity with appropriate changes to the edge of construction/silt fence (--xx--) line, signage and HOA documentation.
7. Toll Brothers will adjust lot boundaries to exclude 25 foot wetland setbacks and meet Amended Consent Judgement conditions bullet 5, ZO 54.08.E.6. The Township will give serious consideration to lot size deviation requests in order to protect wetlands.
8. Toll Brothers will seek consultation from Limnotech or another highly qualified, independent water projects expert to evaluate downstream adverse effects of the WWTP discharge plans and will undertake needed mitigation efforts, if any, to prevent flooding, bank erosion, and

other harmful effects of altered water flow and quality. The Township Board will approve the choice of consultant.

9. Toll Brothers will use cut-and-fill construction only where absolutely essential since large-scale bulldozing and regrading violates many provisions of the Zoning Ordinance and is highly destructive of the natural features that were not adequately disclosed in the preliminary site plans. With few exceptions, designated open space shall preserve the original, native trees and vegetation or, if preservation is impossible, be relandscaped by a qualified, township-approved company utilizing native trees and vegetation. Exceptions can be approved by the Township Board in areas heavily invaded by non-native, invasive species.
10. HOA documents will include a list of prohibited invasive plant and tree species in order to protect the preserve and other open space areas from rapidly spreading, destructive plants. This list will be gathered from consulting local area experts such as Plantwise, a local, native plant and ecological restoration company.
11. Toll Brothers will consider including the Planning Commission's request for a bridge over wetlands to further reduce wetland impact.
12. Toll Brothers will include in HOA documentation that the HOA will encourage and actively support--with education and expertise--landscaping with native plants and no-mow grasses rather than extensive turf grass area.
13. Lodi Township Board will accept Toll Brothers' request to not provide street lighting.
14. Lodi Township Board will accept that sidewalks on one side of internal roads where shown is reasonable and appropriate to minimize impacts on existing wetlands.
15. Toll Brothers will pay \$750,000 to the Township to compensate for trees cut and not replaced and will plant 2 native trees per building site. [Include specifics of size of replacement tree, care plan for trees in initial period after planting to prevent high mortality and/or a plan to replace those replacement trees that die within a few months of planting? Does our ordinance cover this?]

Benefits of this proposal to Toll Brothers include:

1. They are freed from any fencing and signage obligations to the Miller parcel.
2. Their South Preserve homeowners are freed from concern about a polluted, possibly-flooding stream close to their properties.
3. They are freed from the need to build, operate, maintain, and provide escrow money for the North plant.

4. They are freed from losing lots on North due to 300 ft isolation distance for wells from WWTP discharge.
5. They are able to meet township requirements for appropriate open space, public benefit, tree mitigation and PUD additional eligibility criteria.
6. They are freed from the obligation to manage a significant portion of their designated open space, which will be managed by a land trust.
7. They are able to donate land to achieve a significant tax benefit.
8. Many of their building sites will back up to a nature preserve available for home owners' use, not a fenced no-trespass private property.
9. Walking access to a nature preserve will be a strong selling point for new homes and will support higher home prices, especially for the many homes backing directly onto the preserve.
10. Toll Brothers will be freed from the need to provide street lighting, and their homeowners will have the benefit of reduced light pollution and improved night skies.
11. Toll Brothers will create good will and decrease opposition within the community.
12. They can legitimately use the name "Preserve".

*List of possible land conservancy groups: Legacy Land Conservancy, Washtenaw County Natural Areas Preservation Program, Michigan Nature Association, City of Ann Arbor Parks and Recreation [the preserve will be in the Greenbelt], Southeast Michigan Land Conservancy, The Nature Conservancy (Michigan chapter).