



# GREEN OAK CHARTER TOWNSHIP

10001 Silver Lake Road, Brighton, MI 48116  
Phone: 810-231-1333 ext.104 Fax: 810-231-5080

Green Oak Charter Township  
Planning Commission  
Regular Meeting  
Thursday, December 21, 2017  
7:00 p.m.

Green Oak Charter Township Hall  
10001 Silver Lake Road  
Brighton, MI 48116  
810. 231-1333

## AGENDA

1. Call to Order
2. The Pledge to the Flag
3. Roll Call of the Commission
4. Approval of the Agenda
5. Approval of December 7, 2017 Regular Meeting Minutes
6. Call to the Public (Limited to agenda items only)
7. Business Items:
  - A. Warden House Historic District
  - B. Election of officers
  - C. Regular Scheduled Planning Commission meeting dates for 2018
  - D. Discussion on Text Amendment to Woodland Protection Ordinance
8. Reports
  - A. Chairman Report
  - B. Township Board Representative
  - C. Zoning Board of Appeals Representative
  - D. Planning Consultant
  - E. Correspondence
9. Call to the Public
10. Adjournment

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Posted: December 14, 2017

### PLANNING COMMISSION

Lamberto Smigliani, Chairperson  
Keith Lee  
Sarah Pearsall, Secretary  
Michelle Stock

Michael Sedlak, Twp. Board Rep.  
Timothy Keyser  
Deborah Sellis

Green Oak Charter Township  
Planning Commission  
Regular Meeting Minutes  
December 7, 2017

Approved: \_\_\_\_\_

The meeting was called to order by Mr. Smigliani at 7:03 p.m.

Roll Call: Keith Lee  
Sarah Pearsall  
Michael Sedlak  
Deborah Sellis  
Lamberto Smigliani  
Tim Keyser  
Michelle Stock

Also Present: Debra McKenzie, Zoning Administrator  
Paul Montagno, Carlisle Wortman

Guests: 2

**APPROVAL OF AGENDA**

**Motion by Pearsall, second by Stock  
To approve the agenda as presented.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**Approval of the November 16, 2017 Regular Meeting Minutes**

Ms. Stock corrected a typographical error in the minutes.

**Motion by Pearsall, second by Sellis  
To approve the minutes of November 16, 2017 as amended.**

**Voice Vote: Ayes: Unanimous  
Nays: None**

**MOTION APPROVED**

**CALL TO THE PUBLIC - None**

**BUSINESS ITEMS**

- 1. Site Plan Approval, Welker Properties, SP11-2017 at 7987 Lochlin Dr. Brighton MI 48116. Parcel #4716-12-301-009**

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Mr. Montagno referenced the Carlisle Wortman memo dated November 27, 2017. He explained the proposed plan is generally acceptable and would recommend approval at such time as the applicant submits revised plans to address the following outstanding items:

1. Provide a curbed and landscaped island at the end of the middle parking bay.
2. Apply truck turning templates to the circulation plan.
3. Reduce the number of proposed parking spaces.
4. Update the landscaping planting list and planting plan.
5. Replace the wall pack on the east side of the building with a fully cutoff, down directed, light fixture.

Mr. LeClair explained LCRC already approved the new driveway entrance and they had no issue with it.

David LeClair explained this building was built in the last 1990's and then two additions were put on one in 2012 and one in 2014. This addition will be just over 7,000 sq. feet. This is the 3<sup>rd</sup> expansion in 5-6 years. The applicant really needs all the parking he can get. He owns 10 tattoo shops in Michigan and it's not unusual to have meetings with his employees. They do have truck turning and there are some numbers to correct on the landscaping. Lighting they can take care of. There is a flood plain on this site. They do have the DEQ permit for the flood plain fill which is almost 300'. They would not like to put the island in due to the fact they would lose 2 parking spaces and they would lose their permit with the State. The rest of the issues they can take care of. They do have to get a conditional letter of map amendment after they get Planning Commission approval.

Mr. Smigliani confirmed there would no longer be any outdoor storage once the extension is built.

Mr. Montagno explained the zoning ordinance outlines the minimum parking spaces, more than double parking seems like a lot. They are at capacity now with 37 existing spaces, with a new building it is reasonable there would be more needed. Mr. LeClair explained there are around 30 employees and there are trainings that go on.

Mr. Smigliani stated he is not opposed to the parking.

Mr. Sedlak stated 21 additional spaces does not appear to put the applicant over the impervious surface amount.

**Motion by Stock, second by Sellis**

**To approve the site plan for Welker Properties, SP11-2017 at 7987 Locklin Dr. Brighton MI 48116, Parcel #4716-12-301-009. With the following items to be addressed from the Carlisle Wortman memo dated 11/27/17**

- 1. Apply truck turning templates to the circulation plan.**
- 2. Reduce the number of proposed parking spaces.**
- 3. Replace the wall pack on the east side of the building with a fully cutoff, down directed, light fixture.**

99 and address the items listed in the CES engineering memo dated 11/27/17.

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101 **Roll Call Vote: Ayes: Unanimous**  
102 **Nays: None**

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104 **MOTION APPROVED**

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106 **REPORTS**

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108 **Chairman** – Mr. Smigliani stated the Commission should plan on doing the election of  
109 officers at the January meeting.

110 **Township Board Representative** – Clerk Sedlak provided an update regarding the last  
111 Board of Trustees meeting. There was also brief discussion regarding the area wide traffic  
112 analysis.

113 **ZBA Representative-** Ms. Pearsall brought the Commissioners up to date regarding the  
114 last ZBA meeting.

115 **Planning Consultant** – Mr. Montagno commented on the SELCRA Master Plan  
116 approval.

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118 **Correspondence** – Ms. McKenzie commented the historical documents were provided  
119 to the Planning Commission and she explained this will be on the Boards agenda in  
120 January.

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122 **CALL TO THE PUBLIC** - None

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124 **ADJOURNMENT**

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126 Mr. Smigliani adjourned the Planning Commission meeting at 7:33 p.m. due to no further  
127 business.

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129 Respectfully Submitted,

130

131 *Kellie Angelosanto*

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133 Kellie Angelosanto  
134 Recording Secretary

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**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Green Oak Township Planning Commission  
**FROM:** Paul Montagno, AICP, Township Planner  
**DATE:** 12/13/17  
**RE:** Warden House Historic District

We have received a study for a potential historic district in the township being called the Warden House Historic District. The study was developed by the Historic District Study Committee which has been appointed by the Green Oak Township Board of Trustees to recommend potential historic districts within the Township with the intent of maintaining and preserving significant architectural and historical sites. The report outlines the significance of the structures and land. Based on the Local Historic District Act, Act 169 of 1970, the Planning Commission is to make a recommendation to the Township Board regarding the approval of the proposed district.

The proposed district is for a parcel located at 9797 Rushton Road, with parcel identification number 4716-23-400-006.

The parcel is located in an R2 – Single Family zoning district. The lands surrounding the parcel are also zoned R2 except the township owned land immediately to the south that houses the fire station which is zoned PL – Public land.

The future land use plan in the Master Plan designates this parcel and the parcel immediately north of it as High Density Residential. Both of these parcels contain single family homes. The surrounding properties to the south (the fire station) and to the east (Brummer Elementary) are designated as Public Land. The land to the north is designated as Low Density Residential. All of this land is currently developed and we do not expect these lands to change. The land across the street is designated as Medium Density Residential. This land is undeveloped but could be developed as a single family neighborhood.

Based on the existing and planned land use we do not see the establishment of this historic district as being detrimental to the existing land uses or future growth potential of the area. From an infrastructure and land use planning stand point we would support the designation.

CARLISLE/WORTMAN ASSOC., INC.

Paul Montagno, AICP  
Planner

cc. Mark St. Charles, Township Supervisor  
Debra McKenzie, Planning & Zoning Administrator  
John Enos, Principle, CWA

**Warden House Historic District Study Committee Report**

Historic District Name:	Warden House Historic District
City	Green Oak Township
County:	Livingston
Date Transmitted:	
Report Type	Draft
Total Number of Resources:	2
Historic:	2
Non-Historic:	0
Percentage:	100%

**District is Significant Under the Following National Register Criteria**

***Criterion B. Significant Persons***

**Reason:** The Warden House is significant under National Register Criterion B for its association with Robert Warden and his family who made a significant impact on the early settlement period of Green Oak Township, MI. Warden, a farmer by profession, was very active politically and held many offices including supervisor, school inspector, township clerk, justice of the peace, school commissioner and delegate to the 1850 Michigan Constitutional Convention. Other members of the locally prominent family also held local political offices and continually farmed the land for nearly 140 years. Warden, along with Kinsley Bingham, is credited for naming of the Township in recognition for his hometown of Greenock, Scotland.

***Criterion C: Architecturally Significant***

**Reason:** Constructed c. 1843, as one of the oldest and among the first frame houses in the township, the dwelling is locally significant. As an example of Greek Revival style house from the township’s early settlement period, it has retained a relatively high degree of integrity. Additionally, the 1870s Gothic-influenced style carriage house and the property’s landscape features also have retained a good level of integrity.

**Legal Boundary Description:**

SEC 23 T1N R6E COMM AT THE S 1/4 COR OF SEC, TH N 00°11'45"E ALONG C.L. OF RUSHTON RD 874.54 FT TO POB, TH N 00°45'E 225 FT, TH S 89°50'35"E 387 FT, TH S 00°11'45"W 225 FT, TH N 89°50'35"W 387 FT TO POB, 2AC, SPLIT 3-80

**Charge of the Committee:** The Green Oak Township Board of Trustees appoints a Historic District Study Committee to recommend potential historic districts within Green Oak Township with the intent of maintaining and preserving significant architectural and historical sites in the Township.

**Committee Members:** Fred Hanert, Ginger Jones, Ruth Munzel, Jenna Walker, Diane Wynings.

**Contact Name:** Cheryl A. Chidester  
**Address:** 10595 McCabe Rd., Brighton, MI 48116  
**Phone:** 517-304-6552  
**E-Mail:** cabchidester@gmail.com

**Warden House Historic District  
Green Oak Township, Michigan**

**Charge of the Committee:** The Green Oak Township Board of Trustees appoints a Historic District Study Committee to recommend potential local historic districts within Green Oak Township with the intent of maintaining and preserving significant architectural and historic sites in the township.

**Composition of the Committee:**

- Fred Hanert, Chair
- Ginger Jones, Vice-chair
- Ruth Munzel
- Jenna Walker
- Diane Wynings, Secretary

**Historic District Studies:** Warden House Historic District, 9797 Rushton Road, South Lyon, Livingston County, Michigan

**Boundaries of Proposed District:**

*Verbal Boundary Description*

SEC 23 T1N R6E COMM AT THE S 1/4 COR OF SEC, TH N 00\*11'45"E ALONG C.L. OF RUSHTON RD 874.54 FT TO POB, TH N 00\*45'E 225 FT, TH S 89\*50'35"E 387 FT, TH S 00\*11'45"W 225 FT, TH N 89\*50'35"W 387 FT TO POB, 2AC, SPLIT 3-80

*Boundary Justification*

The boundary includes the entire parcel held by the current owners, including all historic resources.

*Visual Boundary Description:* See maps on pages 13 and 14.

### History of the Proposed District:

Established by the act of the Territorial Legislature, March 17, 1835, Green Oak was one of the first three townships organized in Livingston County.<sup>1</sup> Among the early settlers to the area, was Robert Warden (Worden), who left Greenock Scotland in August 1832 and, after a brief residence in Onondaga County, NY settled in Green Oak Township.<sup>2</sup> With his brother-in-law Kinsley S. Bingham, sisters Margarite (Warden) Bingham and Janet Warden, he traveled from New York first by oxen and wagon, then by boat on the Erie Canal to Buffalo. The group traveled by horse and wagon to Detroit, then Ann Arbor.<sup>3</sup> Leaving the women in Ann Arbor, the men rode north in search of soil similar to what they left in New York.<sup>4</sup> Warden and Bingham purchased 320 acres in the west half of the township's section 12 in May 1833 from Jay Olmstead. (Bingham would go on to hold several political offices including Governor of Michigan.) The group found temporary housing in Whitmore Lake while a log house was constructed on the property<sup>5</sup>. Warden, Bingham and his wife (Warden's sister) lived in the log cabin until 1849.<sup>6</sup> Bingham and Warden are listed on the same line as 1844 resident tax-payers.<sup>7</sup> Together they farmed the land and lived under the same roof.<sup>8</sup> In 1835 and 1836, they each purchased additional parcels together and as well as individually from the Government.<sup>9</sup>

In 1841, Robert Warden "went east" to marry Caroline Bingham. The wedding took place on September 30, in Marcellus, New York. In 1849, Robert Warden purchased the dwelling and 200 acres that became known as the Warden Farm.<sup>10</sup>

The first owner of the land was Ives Smith of Oakland County, Michigan, who purchased the 160 acres of the property from the United States in 1833<sup>11</sup> and received the Land Patent in 1835.<sup>12</sup> Smith, along with his wife, Sally, sold the property to Garret Houghtaling (Houghtilling) (and other land) in June, 1837.<sup>13</sup> The Houghtalings constructed a house on the property in

<sup>1</sup>Franklin Ellis, *History of Livingston County, Michigan. With illustrations and biographical sketches of its prominent men and pioneer* (Philadelphia: Everts & Abbott, 1880), 322.

<sup>2</sup> Ibid, 323.

<sup>3</sup> Janet Warden, "Warden Family Oral History", notes. (Warden Binder, Green Oak Township Historical Society, MI. 1976)

<sup>4</sup> Donna Taylor, ed. *Yesteryears of Green Oak, 1830-1930* (Brighton, Michigan: Green Oak Township Historical Society, 1981), 35.

<sup>5</sup> "Scotland Holds Key to Naming of Green Oak Township", *South Lyon Herald* (February 8, 1962).

<sup>6</sup> Ellis (*Livingston County*) 324.

<sup>7</sup> Ibid, 326.

<sup>8</sup> Caroline Bingham Warden (Letter, 1841).

<sup>9</sup> Ellis (*Livingston County*), 328-329.

<sup>10</sup> Livingston County Deed Records, Warranty Deed, Liber 13, 515.

<sup>11</sup> Milton Charboneau, ed. *First Landowners of Livingston County, Michigan, from U.S. Tract Records* (Howell, Michigan: Livingston County Genealogical Society, 1986) 154.

<sup>12</sup> Livingston County Deed Records, Land Patent, Liber 78, 576.

<sup>13</sup> Livingston County Deed Records, Warranty Deed, Liber 1. 408.

c.1843.<sup>14</sup> According to some accounts, it was the first frame house in the area. (Houghtaling arrived in Michigan in 1820 and was a successful blacksmith by trade - the first in the area.<sup>15</sup>) At the time of Garret Houghtaling's death, William O. Houghtaling became rightful owner of the property in 1845.<sup>16</sup> He then passed on ownership to Rachel Houghtaling.<sup>17</sup> In 1849, Robert Warden purchased the house and 200 acres from Rachel (Houghtaling) Preston and Ava Preston (Rachel's second husband<sup>18</sup>) for \$2000.<sup>19</sup> An 1864 map of land ownership documents that Warden is the owner of the parcel<sup>20</sup> and the 1873-74 Livingston County Directory, in Green Oak Township section, Robert Warden is listed as living on 200 acres in section 23.<sup>21</sup>

By the time the Wardens moved into the home, they had nine children. Three daughters died in 1855, a son in 1856 and another daughter in 1868. These sad events were blamed on having the well too close to the outhouse. Four children grew to maturity, Janet, Ada, Laura, and Robert.

Warden, a farmer by profession, attended the Agricultural College of the State of Michigan for two years.<sup>22</sup> The family ran a dairy business.<sup>23</sup> Butter was a popular item produced by the Wardens and sold to the community. They also grew corn and wheat, raised sheep and had apple trees. Warden, and later his son, plowed for the neighbors as well as built and mended fences. Some of the family's garden seeds were sent to them by relatives and friends in Scotland.<sup>24</sup>

Warden was very politically active. He held numerous local offices first as a Democrat, then after 1854, a Republican.<sup>25</sup> (The change of party affiliation was likely because, like his brother-in-law Kinsley Bingham who was elected Governor of Michigan in 1854, Warden was strongly opposed to slavery.<sup>26</sup>) From 1837 through 1869, Robert Warden served most years either as the Township Clerk or Supervisor, Warden held the office of Justice of the Peace for several terms beginning in 1845 through 1864. Additionally, he held offices of School Commissioner, School Inspector and Treasurer.<sup>27</sup>

<sup>14</sup> Livingston County, Tax Rolls. 1837-1880, (Volume 61, Archives of Michigan Historical Center0.

<sup>15</sup> Samuel W. Durant, *History of Oakland County, Michigan* (Philadelphia: L. H. Everts & co., 1877), 216.

<sup>16</sup> Livingston County Deed Records, Warranty Deed, Liber 9, 508.

<sup>17</sup> Livingston County Deed Records, Warranty Deed, Liber 9, 506.

<sup>18</sup> Livingston County Genealogical Society, *1840 Federal Census* (Livingston County Genealogical Society, Howell, MI, 1990).

<sup>19</sup> Livingston County Deed Records, Warranty Deed, Liber 13, 515.

<sup>20</sup> *Map of Road District of Green Oak* (Archives of Michigan, 1864).

<sup>21</sup> *Livingston County directory for the years 1873-4: embracing the residents, business houses, officials, churches, schools, publications, organizations, hotels, stage routes, state post offices; together with a sketch of the county.* (Ann Arbor: John W. Keating and John H. Pawling, c.1873) 20.

<sup>22</sup> "Robert Warden Pioneer of Green Oak Dies Tuesday", *South Lyon Herald* (1939, clipping, Green Oak Township Historical Society Archives, MI.)

<sup>23</sup> Janet Comstock (Warden), Letter (c.1880.)

<sup>24</sup> Warden Family Papers, 1832-1886" (Collection 118, Michigan State University Archives & Historical Collections, East Lansing, MI).

<sup>25</sup> S. D. Bingham, *Early history of Michigan, with biographies of state officers, members of Congress, judges and legislators* (Lansing: Thorp & Godfrey, 1888), 670.

<sup>26</sup> Ellis (*Livingston County*) 332.

<sup>27</sup> Ellis, 330-331.

Warden also served in a number of regional and state positions. He was a delegate to the Michigan Constitutional Convention of 1850,<sup>28</sup> which framed the Michigan Constitution.<sup>29</sup> Additionally, Warden was appointed a commissioner of the Detroit and Shiawassee Railroad Company, the first railway line in the county which was incorporated by an act of Legislature on March 22, 1837.<sup>30</sup> The company was created and authorized “to construct a railroad with a single or double track from Detroit, in the county of Wayne, through Farmington in the county of Oakland, Kensington, in the township of Lyon, Byron, in the county of Shiawassee, to Shiawassee village, in said county of Shiawassee; with power to transport, take, and carry persons and property upon the same by the power and force of steam or animals, or in any mechanical or other power, or combination of them”.<sup>31</sup> Warden was also involved in petitioning the U. S. Congress to keep the original proposed route of Territorial Road, Grand River Trail (Avenue). In 1832, the United States Congress authorized the President Andrew Jackson to appoint three commissioners to lay out a road “from Detroit, through Shiawassee County, to the mouth of the Grand River” for military and other purposes.<sup>32</sup> Bingham learned of a petition to divert the road from the course selected by the commissioners seemingly designed to profit the petitioners and started his own petition. One of the 125 counter-petition signatures was Warden’s.<sup>33</sup>

Also of interest is his involvement in establishing The Livingston County Pioneer Association. Founded on July 4<sup>th</sup>, 1850, its purpose was “the collection and keep in remembrance the many interesting incidents connected with the early settlement of Livingston County, and thus to be instrumental in handing the same down to future generations; to cherish and keep alive that peculiar fellow-feeling existing among those who were called to endure together the thousand hardships and privations consequent upon the settlement of a new county; to afford opportunities for the interchange of thought, and the cultivation of a more social state of feeling in the community; and, through the medium of public lectures and addresses, to afford a pleasing and interesting entertainment for all”.<sup>34</sup>

However, Warden is best known locally as the person who gave the township its name. While the intent was to name it after his home, Greenock, Scotland, a legislative mistake replaced “ock” with oak; hence, Green Oak Township.<sup>35</sup> Actually, it was Bingham who filed a request for a post office and asking that the township be named after Warden’s home town in Scotland. Sometime during the multiple of paperwork, the mistake was made. The first post office was located on the Bingham-Warden property in Section 12 and Bingham was appointed its first

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<sup>28</sup> Ibid, 44.

<sup>29</sup> Taylor, 54.

<sup>30</sup> Ibid, 57.

<sup>31</sup> Franklin Ellis *History of Shiawassee and Clinton counties, Michigan, with illustrations and biographical sketches of their prominent men and pioneer* (Philadelphia: D.W. Ensign & co., 1880), 33.

<sup>32</sup> Ellis (*Livingston County*), 51.

<sup>33</sup> Clarence Edwin Carter, *Michigan Territorial Papers* (Washington, D.C., U.S. Department of State, 1934).

<sup>34</sup> Ellis, 48.

<sup>35</sup> Taylor, 54.

postmaster.<sup>36</sup>

Robert Warden died in 1880 and was survived by four children: Janet, Ada, Laura and Robert, and his wife, Caroline.<sup>37</sup> His wife, Caroline L. Warden, inherited the property.<sup>38</sup> Following her death in 1884, heirs Janet (Warden) Comstock, Ada Warden and Laura C. (Warden) Stevens sold their inherited portion of the property to Robert Warden Jr. in 1885.<sup>39</sup>

Robert Warden Jr. married Nettie Borden (also of Green Oak Township) in 1883.<sup>40</sup> Like his father, Robert Warden Jr. participated in the affairs of the township and held elected offices including Treasurer and Justice of the Peace.<sup>41</sup> They raised a son, Walter and a daughter, Janet.<sup>42</sup> Farming, particularly dairy farming, continued to support the family. Janet graduated from Michigan Normal College in 1917 and taught locally.<sup>43</sup> Walter Warden, who had graduated from Michigan Agricultural College, farmed with his father.<sup>44</sup> He married Lucy Olsaver of Green Oak Township.<sup>45</sup> They had one daughter, Betty Jane.<sup>46</sup> Walter Warden was also locally politically active serving as the Township Treasurer 1917-18 and Clerk 1920-30.<sup>47</sup> Walter's untimely death in 1938 of pulmonary embolism as cause of death, pneumonia or as it was sometimes known as "thresher's pneumonia", caused the family hardship.<sup>48</sup> When Robert died in 1940 his wife, Nettie, inherited the farm.<sup>49</sup>

After Walter Warden's death, portions of the property were leased and sections eventually sold.<sup>50</sup> A section of the property and the house remained in the family until 1980.<sup>51</sup> The home and two acres were sold in 1982 to Michael and Gail Smolarz.<sup>52</sup>

<sup>36</sup> Ibid, 209.

<sup>37</sup> Caroline Bingham Warden (Letter, 1841).

<sup>38</sup> Livingston County Deed Records, Warranty Deed, Liber 76, 349.

<sup>39</sup> Livingston County Deed Records, Ordering Determining Heirs, Liber 131, p. 355; Warranty Deed, Liber 83, 167

<sup>40</sup> Marriage License, Corwin Waddle Wynings and Betty Jane Warden, 1936, Livingston County, MI, private collection.

<sup>41</sup> Taylor, 211-212.

<sup>42</sup> United States Census Records, 1920.

<sup>43</sup> "Wardens Observe Golden Wedding on Tuesday", *South Lyon Herald* (October 24, 1933, clipping, Green Oak Township Historical Society Archives).

<sup>44</sup> State of Michigan, Diploma, Robert Warden (January 26, 1881, private collection).

<sup>45</sup> United States Census Records, 1930.

<sup>46</sup> Ibid, 1940.

<sup>47</sup> Taylor, 210-211.

<sup>48</sup> State of Michigan, Department of Health, Death Certificate, Walter Warden (1938, private collection).

<sup>49</sup> Livingston County Deed Records, Quick-Claim Deed, Liber 43, 644; Warranty Deed, Liber 106, 357

<sup>50</sup> Livingston County Deed Records, Warranty Deed, Liber 189, 161; Quick Claim Deed, Liber 209, 147

<sup>51</sup> Annette Jaworski, "Passion for the Past", *Brighton Argus and Livingston County Press* (December 29, 1999, C1-2. Warden Binder, Green Oak Township Historical Society, MI)

<sup>52</sup> Livingston County Deed of Records, Warranty Deed, Liber 861, 675.

**Architectural Description:**

The integrity of the resources and the setting of the property have been retained. Sitting on an approximately two-acre parcel facing Rushton Road, the two-story front-facing cross-gabled house features Greek Revival elements including wide moulding with return eaves. The original section building rests on a fieldstone foundation and original wood cladding is extant. The façade's 9/9 first-story windows and a majority of the windows of the earliest section of the house are original as is the two red-brick chimneys located on the gable-ends. The roof of the entire house is clad in asphalt shingles.

Wide moulding surrounds the original paneled façade door. The façade's single-story shed roof porch displays two simple columns and two pilasters. While the porch and the large rectilinear bay window, located on the north elevation, are not original to the house, they can be seen in an 1860 photograph of the house. The bay window allows for stairway access to an added second story bedroom and features 4/4 windows decorative recessed panels at its base.<sup>53</sup> A single-story addition on the east elevation was constructed in 1890.<sup>54</sup> The gable roof is extended to create a shed roof porch. A second addition which extends the first addition on its north elevation has extensive windows. It was originally a screened-in porch off the summer kitchen.<sup>55</sup>

The c. 1876 carriage house (stable) is situated to the rear, or east side, of the house and faces south.<sup>56</sup> It is a one-and-a-half-story front-gabled building with 1980s shed-roofed wings additions.<sup>57</sup> The roofing is asphalt shingles. The simple board-and-batten siding suggests a Gothic Revival influence. Building elements include fixed four and six-paned windows and wide eaves. The double-sliding doors are centered in the south elevation's gable. Two modern garage doors are installed in each of the shed-roofed bays. The original section of the carriage house remains the focal point and dominant unit of the building.

The property has retained a significant amount of integrity. The buildings are situated among mature lines of trees, some of which have been there since the Civil War. The gardens include plantings original to the first Wardens including white violets. A white rose bush planted by Lucy Warden.<sup>58</sup> Wrought iron fencing around one of the gardens located near the east elevation of the house is also extant.

**Statement of Significance for the Proposed District:**

The Warden House is significant under National Register Criterion B for its association with Robert Warden and his family who made a significant impact on the early settlement period of Green Oak Township, MI. Warden, a farmer by profession, was very active politically and held many offices including supervisor, school inspector, township clerk, justice of the peace, school commissioner and delegate to the 1850 Michigan Constitutional Convention. Other members of

<sup>53</sup> Smolarz, Gail and Mike Smolarz, "Warden House" (Unpublished manuscript, c. 1990).

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

<sup>56</sup> Warden Family Papers, 1832-1886".

<sup>57</sup> Ibid.

<sup>58</sup> Janet Warden, "Warden Family Oral History", notes. (Warden Binder, Green Oak Township Historical Society, MI. 1976)

the locally prominent family also held local political offices and continually farmed the land for nearly 140 years. Warden, along with Kinsley Bingham, is credited for naming of the Township in recognition for his hometown of Greenock, Scotland.

The Warden House is significant under National Register Criterion B. Constructed c. 1843, it is one of the oldest and among the first frame houses in the township. The dwelling is a good example of architecture of the early settlement period of Green Oak Township. Much of the dwelling's Greek Revival elements are extant and it possesses a relatively high level of integrity. Additionally, a good level of integrity of the 1870s Gothic-influence carriage house and the landscape of the two-acre setting of the property have also been retained.

**Historic District Resources:**

Contributing Resources (100%):     House  
  Carriage House

Non-Contributing Resources (0%):   NA

**Photographs:**



Warden House, c. 1860  
Source: Warden Family  
Private Collection



Caroline (Bingham)  
Warden 1817-1844  
Source: Warden Family  
Private Collection



Robert Warden, 1814-  
1880  
Source: Warden Family  
Private Collection



Walter Warden (1885-  
1938) and mother, Nettie  
(Borden) Warden pictured  
next to the carriage house.  
Source: Warden Family  
Private Collection



West (façade) and north elevations of the Warden House



West (façade) and south elevations of the Warden House



The south elevation of the Warden House with view of the 1890 addition



The north elevation with view of the summer kitchen porch addition

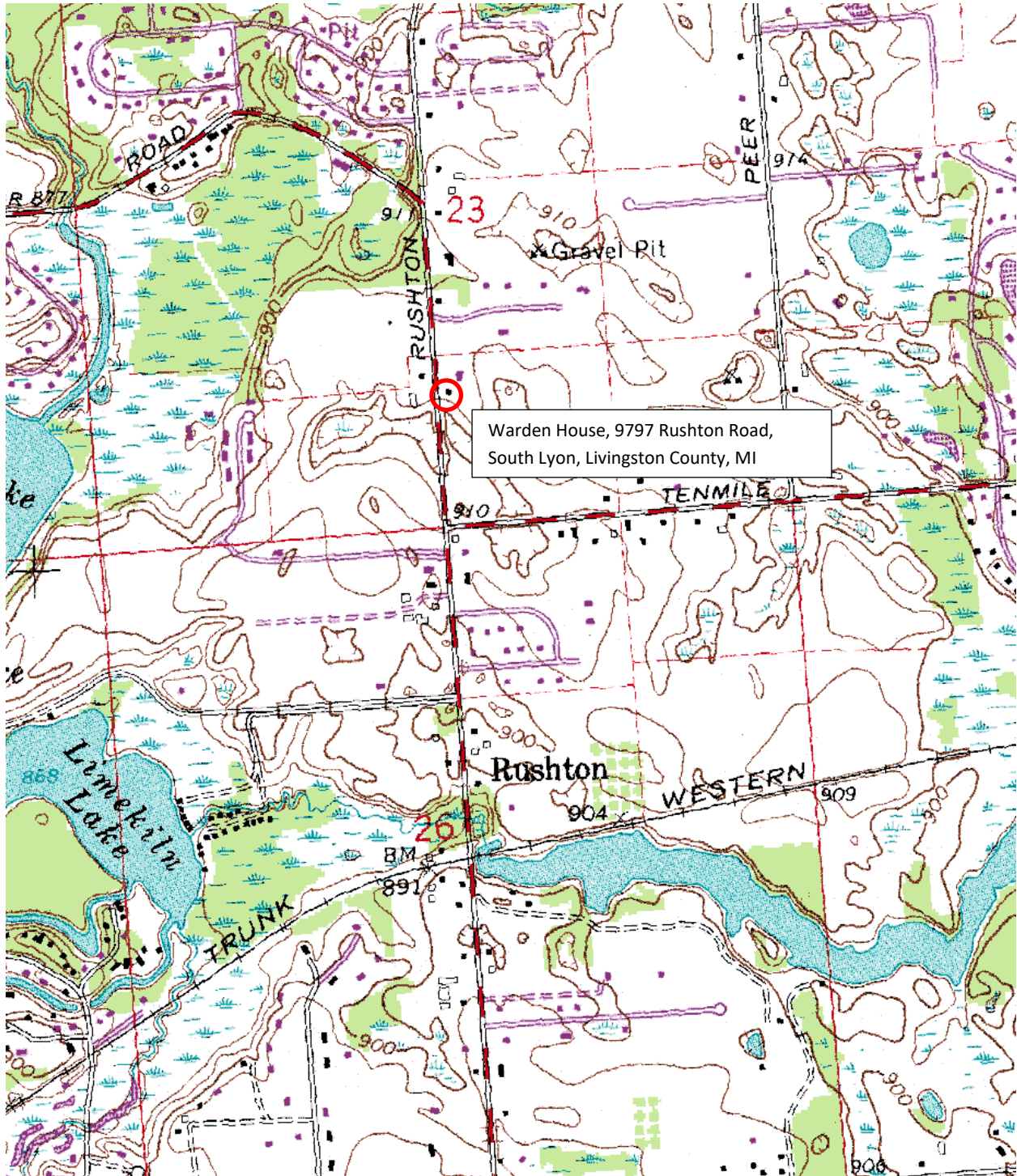


The south elevation of the c. 1876 carriage house and additions



The historic landscape of the Warden property

Maps of Proposed District:



Warden House, 9797 Rushton Road,  
South Lyon, Livingston County, MI



Approximate Property Boundaries of the proposed Warden House Historic District

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## GREEN OAK CHARTER TOWNSHIP

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### GREEN OAK CHARTER TOWNSHIP PLANNING COMMISSION SCHEDULE OF MEETING DATES FOR 2018

Planning Commission meetings to be held at 7:00 p.m. at the Green Oak Charter Township Hall, 10001 Silver Lake Road, Brighton, Michigan on the following dates:

Tentative Dates:

January 4, 2018

January 18, 2018

February 1, 2018

February 15, 2018

March 1, 2018

March 15, 2018

April 5, 2018

April 19, 2018

May 3, 2018

May 17, 2018

June 7, 2018

June 21, 2018

July 19, 2018

August 2, 2018

August 16, 2018

September 6, 2018

September 20, 2018

October 4, 2018

October 18, 2018

November 1, 2018

November 15, 2018

December 6, 2018

December 20, 2018

Meetings subject to cancelation due to lack of business

Persons with disabilities needing accommodations for effective participation in any of these meeting should contact the Green Oak Charter Township Clerk's Office at least 5 business days prior to the meeting to request mobility, visual, hearing or other assistance.

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#### PLANNING COMMISSION

Lamberto Smigliani, Chairperson  
Deborah Sellis, Vice Chairperson  
Sarah Pearsall, Secretary  
Michael Sedlak, Twp. Board Rep.

Michelle Stock  
Keith Lee  
Timothy Keyser



**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Green Oak Charter Township Planning Commission

**FROM:** Paul Montagno, AICP, Township Planners

**DATE:** December 14, 2017

**RE:** Woodland Protection

During the previous dissuasion of potential updates to the tree protection section of the Zoning Ordinance, the planning commission requested a review of neighboring community requirements with regard to tree removal. We review the zoning ordinances for neighboring townships and found the most only regulate tree removal in conjunction with development that requires planning commission approval. However, at least two communities have more stringent requirements. The following is a list of what we found:

Northville Township: Tree removal appears to only be regulated through site development that requires planning commission approval.

Hamburg Township: No tree protection ordinance.

Lyon Township: Tree removal permit is required for all parcels except that on a single family parcels in a residential development 2 protected trees may be removed per year without a permit and without replacement requirements. 3 or more trees being removed does not require a permit, but does require replacement. On single family parcels outside a residential develop up to 10 trees can be removed per year without a permit and without replacement requirements. 11 or more trees being removed requires a permit and requires replacement.

Brighton Township: Tree protection appears to only be addressed in as a component of development in certain circumstances.

Milford Township: Tree removal appears to only be regulated through site development that requires planning commission approval.

Salem: tree protection requirements apply to all development or construction projects requiring site plan approval or zoning compliance. Requires the protection of 80% of the trees outside a proposed building area.

Webster: Natural features protection is only related to development projects.

CARLISLE/WORTMAN ASSOC., INC.

Paul Montagno, AICP  
Planner

#175-1402

cc: Mark St. Charles, Township Supervisor  
Debra McKenzie, Planning & Zoning Administrator

Richard K. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Principal*  
David Scurto, *Principal* Benjamin R. Carlisle, *Principal* Sally M. Elmiger, *Principal* Craig Strong, *Principal* R. Donald Wortman, *Principal*  
Laura K. Kreps, *Associate* Paul Montagno, *Associate*

John Enos, Principle, CWA

## Sec. 38-363. Woodlands protection and preservation.

- (a) *Purpose.* It is the purpose of this section to protect woodlands within Township and preserve the economic, health, [aesthetic](#) and environmental values associated with woodlands. Regulation of the removal of [tree](#) resources will help protect and preserve an important natural feature of the Township for the benefit of present and future generations, and for the future well-being of the public health, Township character, and the natural environment. The provisions of this section are also intended to prohibit clear-cutting of [woodland areas](#) within the Township.
- (b) *Applicability.* This section shall apply to land for which a site plan, plat or site condominium plan has been submitted for approval to the [Planning Commission](#) on or after the effective date of the Ordinance from which this chapter is derived. The provisions of this section shall also apply to simple land divisions under Chapter 18, pertaining to land divisions and subdivisions, and the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- (c) *Exemptions.* [Excluding the removal of landmark trees,](#) ~~The~~ the following activities or conditions are permitted under this section unless otherwise prohibited by statute or other ordinances:
- (1) *Residential parcels of five acres or less.* Notwithstanding the provisions of this chapter, removal or transplantation of [trees](#) is permitted on [not more than 50% of a lot on](#) residential parcels of five (5) acres or less, provided, the parcel supports only one (1) [dwelling](#) and permitted residential [accessory uses](#), and provided that the parcel is not part of a site plan, plat, or site condominium being reviewed or anticipated for review under subsection (b) of this section. Such exemption shall not apply to [landmark trees](#) located on such parcels.
  - (2) *Emergencies.* This section shall not bar [tree](#) removal, transplantation, or other prohibited activities where such actions were made necessary by a genuine emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other natural or manmade disaster, in order to prevent injury or damage to persons or property, or to restore order.
  - (3) *Dead or damaged trees.* This section shall not bar removal, transplantation, or trimming of dead, diseased, infested, or damaged trees, where the damage resulted from an accident or natural cause, and, provided that the removal or trimming is accomplished through the use of accepted standard forestry practices and techniques.
  - (4) *Public utilities.* This section shall not bar repair or maintenance work performed by public utilities, which would necessarily require the trimming or cutting of trees; however, it is intended to encourage the preservation of trees by public utilities, wherever possible.
  - (5) *Agricultural uses.* This section shall not bar removal or transplantation of trees occurring during the use of the land for [agriculture](#) purposes or the operation of a commercial nursery or certified tree farm, provided, the commercial nursery or certified tree farm has been licensed with the state and has received all other necessary licenses and permits.
  - (6) *Woodlands management.* Thinning, selective clearing, and trimming of trees shall be exempt from the permit requirements of this section, if conducted in accordance with professional forest management techniques as directed by a forester licensed and registered in the state. Woodlands management activities shall not, however, include clear cutting or the wholesale removal of significant [vegetation](#) for the site. [A permit for woodland management shall be required to engage in such activities. Through the application for a woodland management permit, the applicant must demonstrate that any proposed tree removal will promote the overall health of the woodland.](#)
- (d) *Tree inventory.* A [tree](#) inventory shall be required for all lands, parcels, and projects to which this section applies. [However, a tree inventory is not required for section of site that will not be disturbed.](#) ~~The Planning Commission shall have the authority to waive the tree inventory requirements of this subsection, if such requirements are determined to be unreasonable, unnecessary, or not applicable, provided the~~

~~Planning Commission shall not have the authority to waive such requirements for woodlands within building envelopes and when pertaining to landmark trees. If the tree inventory is waived, the Planning Commission may still require compliance with some of the noted required information, and may also include an indication of tree massing and a statement indicating predominate species and the estimated number and size of trees on the site within each massing.~~ The tree inventory shall include the following information:

- (1) An inventory indicating the location of all existing trees that are six (6) inches in diameter at breast height (dbh) or more, including off-site trees within twenty-five (25) feet of the property lines where development activities will occur, and all trees to be affected by the development, such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, be relocated, or be removed shall be so designated. Clearing limits shall be clearly shown on the inventory. The inventory shall be accompanied by a separate key, identifying the numbered trees by size, common name, and condition.
- (2) Tree location inventories are to be performed by actual field survey by a registered land surveyor, registered landscape architect, or certified arborist or forester. Professionals must verify the contents by seal or signature, whichever is applicable.
- (3) If existing trees are to be relocated, the proposed location for such trees, together with a statement of how such trees are to be protected and/or stored during land clearance and construction, and how the trees are to be maintained after construction.
- (4) A statement showing how trees to remain are to be protected during land clearance and construction, and on a permanent basis, including the proposed use of tree wells, protective barriers, tunneling, or retaining walls.
- (5) A description of soil types and characteristics.

(e) *Historic or landmark trees.*

- (1) Historic or Landmark Trees are trees that are distinctive because of their age, size, type or historical significance, and are defined as any of the following:
  - a. Any tree (except invasive species) with a DBH of twenty four (24) inches or larger.
  - b. Any tree that would qualify as a Historic or Landmark Tree that was removed from a site up to three (3) years prior to a site plan being submitted to the Township. This tree shall be considered an existing Historic or Landmark Tree for mitigation purposes outlined in this section.
  - c. Any tree that has attained the associated DBH size in the following table:

~~A nomination for historic or landmark tree designation shall be reviewed and determined by the Planning Commission.~~

~~Any Township property owner may nominate a tree within his or her own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request, and, if the tree is determined to meet the criteria listed in subsection (c)(3) of this section, it shall be placed on the Township's landmark tree inventory.~~

~~The Planning Commission may designate a tree, upon nomination, as a landmark tree or historic tree upon a finding that one (1) or more of the following unique characteristics exist:~~

~~The tree is the predominant tree within a distinct scenic or aesthetically valued setting.~~

~~The tree is of unusual age or size for that species in this climatic and geographic location. For example, trees listed as large trees on the register of big trees or the state botanical club.~~

~~The tree has gained prominence due to unusual form or botanical characteristics.~~

~~The tree has some historical significance to the Township.~~

~~The building department shall maintain an inventory of all nominated and designated historic or landmark trees.~~

~~A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a one to one (1:1) caliper inch basis. For example, a forty eight (48) inch landmark tree shall be replaced by twenty four (24) two (2) inch trees. Such replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health and condition of the tree is such that it should not be counted.~~

Landmark trees. All landmark trees are identified in the following table:

<i>Common Name</i>	<i>Species</i>	<i>Size** (inches)</i>
Arborvitae	<i>Thuja occidentalis</i>	18
Ash	<i>Fraxinus</i> spp.	24
American basswood	<i>Tilia americana</i>	24
American beech	<i>Fagus grandifolia</i>	24
American chestnut	<i>Castanea dentata</i>	8
Birch	<i>Betula</i> spp.	18
Black alder	<i>Alnus glutinosa</i>	18
Black tupelo	<i>Nyssa sylvatica</i>	18
Black and white walnut	<i>Juglans nigra</i> , <i>J. cinerea</i>	24
Buckeye (horsechestnut)	<i>Aesculus</i> spp.	24
Cedar, red	<i>Juniperus</i> spp.	18
Crabapple (cultivar)	<i>Malus</i> spp.	12
Douglas fir	<i>Pseudotsuga menziesii</i>	24
Eastern hemlock	<i>Tsuga canadensis</i>	18
Elm	<i>Ulmus</i> spp.	24
Flowering dogwood	<i>Cornus florida</i>	8
Ginkgo	<i>Ginkgo biloba</i>	24
Hickory	<i>Carya</i> spp.	24
Kentucky coffee tree	<i>Gymnocladus dioica</i>	24
Larch/tamarck	<i>Larix laricina</i> (eastern)	18
Locust	<i>Gleditsia triacanthus</i>	24
London plane / Sycamore	<i>Platanus</i> spp.	24
Maple	<i>Acer</i> spp. (exc. <i>negundo</i> , <i>saccharinum</i> )	24
Oak	<i>Quercus</i> spp.	24
Pine	<i>Pinus</i> spp.	24
Sassafras	<i>Sassafras albidum</i>	15
Spruce	<i>Picea</i> spp.	24

Tuliptree	Liriodendron tuliperifera	24
Wild cherry	Prunus spp.	24

\* The landmark tree list includes the species that are prevalent in this area. Size designations take into consideration the potential longevity of the tree so that protected trees may still have years to grow.

\*\* Size = dbh (diameter at breast height when measured 4 ½ feet above the existing grade).

A permit shall be required to remove any landmark or historic tree. Any Historic or Landmark Tree shall be replaced on a one to one (1:1) caliper inch basis. For example, a forty-eight (48) inch landmark tree shall be replaced by twenty-four (24) two (2) inch trees. Such replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health and condition of the tree is such that it should not be counted.

- (f) *Trees to be removed/protected.* Developments that are subject to the woodlands preservation regulations of this section shall indicate all trees proposed to be removed and preserved on the provided tree inventory. The trees designated for protection shall be properly protected from damage due to construction operations and development. Prior to commencement of development or construction operations, land clearing, filling, or any land alteration, a developer must erect and maintain suitable protective barriers to protect trees designated to remain under the submitted plan. The protective barriers shall be required for all trees designated to remain in place by the submitted plan.
- (g) *Development of land parcels.* Subject to the exemptions listed in subsection (c) of this section, no person shall remove, cause to be removed, transplant, or destroy, on any land in the Township slated for land development to which this chapter applies, any tree having a six (6) inch or greater dbh, without first obtaining approval subject to the provisions of this section. Protected trees shall be mitigated or replaced in accordance with the provisions of this section.
- (h) *Tree mitigation and replacement.*
- (1) *Requirement.* For each protected tree required to be preserved under the terms and standards set forth in this section, and which is permitted to be removed under this section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth in subsection (i)(2) of this section.
  - (2) *Specifications.*
    - a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees; shall be state department of agriculture nursery grade no. 1 or better; and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, mulched, and watered, and shall be guaranteed by the applicant for a period of two (2) years.
    - b. Trees usable for replacement trees may be transplanted on-site, using appropriate and accepted procedures and precautions.
    - c. For all regulated trees removed, replacement shall be on a one-for-one (1:1) basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a dbh of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet in height.
    - d. Landmark trees shall be replaced at a rate of one (1) inch of replacement tree for each dbh inch of landmark tree removed.
    - ~~e. If more than fifty percent (50%) of the parcel of land is designated on the Township's woodlands map, an applicant shall not be required to replace more than thirty percent (30%) of all protected trees, excluding landmark trees.~~
    - e. The Planning Commission shall be authorized to waive portions of the tree replacement requirements when:
      - i. Site factors, tree conditions, or development requirements warrant special consideration; or
      - ii. If the applicant has adjusted site design to save landmark trees.
  - (3) *Location.*

- a. *Township approval required.* The Township shall approve **tree** relocation or replacement at off-site locations in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed, provided that survival shall not be jeopardized by **improvements** or activities.
- b. *Relocation or replacement off-site.* Where it is not feasible and desirable to relocate or replace trees on-site, relocation or replacement may be made at another location in the Township that has been approved as part of the approval.
- (4) *Environmental trust fund.* If **lot coverage** or site characteristics prohibit on-site or off-site mitigation, contribution to the **Township's environmental trust fund** may be permitted. In lieu of replacing regulated **trees**, the **Planning Commission** may direct **the applicant to exercise the option to contribute money to the Township's environmental trust fund. Payment to the environmental trust fund, per tree removed, shall be in accordance with replacement fee schedules as established by the Township Board, and shall be used to fund tree planting activities on public land** ~~of~~ including public right-of-way areas, on private lands within easements, or to fund other projects that contribute to the environmental quality of the Township such as general land preservation, wetland mitigation, wetland preservation, establishment or development of parks, non-motorized pathway development, or amenities related to any of the above listed projects.