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MEMO MEMO MEMO MEMO MEMO MEMO MEMO MEMO

May 12th, 2005

Mike Kowaleski
Environmental Health Services
Central Michigan District Health Department
2012 Preston Ave.
Mount Pleasant, MI, 48858

Richard A. Falardeau P.E.
Michigan Department of Environmental Quality
Land & Water Division
Constitution Hall
525 W Allegan St.
P.O. Box 30630
Lansing, MI, 48909-8130

Dear Mike and Richard:

The Village recently had completed a review of the soils in the Airpark and Canterbury Estates Plats. The information used to conduct this review was taken directly from the existing soil borings and well logs from the developed lots in these plats. This review was conducted by the Village's engineering firm, Rowe Incorporated (Mt. Pleasant office).

After reviewing the scientific data on the environmental science factors of these two plats it is the professional opinion of the Village's engineer that the soils in these plat can support additional septic systems, and as such the restrictions should be revised if not lifted.

Please consider this letter an official request from the Village to begin a formal review of the restrictions and possible removal of such for these two plats. Specifically the Airpark plat, it has long been rumored that the plat was supposed to have 25 permits for the 50 lots in, however that number was somehow reduced to 15 which is less than half of the lots in the plat. This plat is unique in that it has a large amount of land that cannot be developed in the Airport itself, along with Oxbow Park. Also, of the 15 permits that have been granted several are being used only for Airplane hangers and much lower environmental impact than a single family dwelling. Additionally, the soils show that what little clay that is in the plat is isolated and almost entirely more than 20 feet below the surface. Also, this plat is away from the lake and the natural path of the groundwater flows away from the lake.

Another consideration that needs to be accounted for is availability of grants to finance a new sewer project. In the 1970's when these restrictions were put in place there was

considerable Federal and even State funding to help with sewer projects, in fact the community was close to one of these grants but was unable to secure the funding. The grant picture today is much different than it was then and the funding options are simply not available to the Village to pursue a public sewer system at this time. The State revolving fund is also not an option as it is designed for repair of existing sewer lines and systems. In light of the lack of Federal, State, and Local funding a sewer is not a feasible option in the foreseeable future.

Enclosed you shall find the opinion of Rowe Inc. along with a map of the plat showing which lots have been built upon and the soils on record with the Health Department that were taken from that site with the well and septic systems. These soils are from a wide cross section of these two plats and represent more environmental data than the original restrictions were based on.

The Village is eager to work with both agencies on this matter as it is our opinion that the restrictions as they are in place are unreasonable and also constitute regulatory taking and thereby are illegal. At any time in this process if you desire to contact myself or arrange a meeting I would gladly make myself available in any way to assist in this project. Likewise, if you require additional information please make that request known and we can begin work and negotiate through this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy R. Wolff', written in a cursive style.

Timothy R. Wolff
Village Manager