

## CMDHD – DEQ Meeting on February 8<sup>th</sup>, 2006

Meeting began around 10:10 am, at the CMDHD office on Preston Road.

Michelle Patton and Tracy Nelson from the CMDHD  
Sean Napleka and Ric Flardeau from the DEQ  
Tim Wolff and Charlie Kiel from the Village

### Isabella North

CMDHD presented a quit claim deed Liber 876 Page 565, dated April of 1997 that prohibits on site systems for many lots in the plat. The Village questioned whether the deed granted the CMDHD to act as a third party enforcer of the deed, if not, then the deed is mute in the matter. The Village also pointed out that the CMDHD has issued at least 2 or more permits for lots listed on the deed restriction to date.

CMDHD presented the Building and Use restrictions for Isabella North and pointed out clause two that limits development to residential use only. The Village questioned whether or not that phrase has been mandated for approval of the plat? If not, the CMDHD is not legally allowed to enforce that section and is obligated to review the Village's application based on the merits of the environmental factors at the site proposed.

The CMDHD asked if the Village were to supply written documentation of their position and documentation showing the Village's uses as allowed under the zoning code would the DEQ object to the application being reviewed in the manner requested by the Village. The DEQ did not object.

The DEQ pointed out that the plat was reviewed based on "residential use" and that any non residential permit would have to meet a different standard than residential.

### Isabella South - Airpark

The DEQ presented a map showing the original soil tests for the plat, they were located on or near lots 70, 79, 90, 137, and 149.

The DEQ stressed that the only way to review Isabella South or any of the plats is for there to be a complete review of the plat. This will also be needed for the Airpark plat. The Village will also have to clearly mark any abandoned gas/oil wells in those plats. The DEQ shows a well on lots 36/37 of Airpark and lots 96/97 of Isabella South. No water well may be located within 300 feet of either well.

For a complete review of either plat the following data will need to be collected by the Village and sent to the DEQ for review. Soil information for the plat, which shows soil info to a depth of 6 feet. Water samples, well logs, from as many of the existing wells in the plat and additional areas as requested by the DEQ. This may include attempting to obtain current water samples from existing wells.

Hydrogeological information will also need to be submitted showing underground flow of water.

While the DEQ presented this information on the process, it stressed that the whole village needs to have consideration. Such as the lake front lots on Isabella South, both the Village and DEQ agreed that these lots would be unsuitable for on-site systems. The Village discussed the possibility of cluster systems on the lake front lots in South and Golf Estates II.

The Village asked if the state has considered amending the "revolving fund" to allow for new construction. The DEQ does not believe any request has been made to date.

The Village suggested that it might be able to obtain data from the parks as to the soil conditions in areas where the Village does have ownership.

The DEQ pointed out that the Village could take measures in their zoning on regulating periodic inspections for septic tanks and systems.

There was discussion by all parties on possible solutions for the long term issue. The Village feels that if there are not additional users to a system created soon along with the additional tax base that logistically a sewer system is not feasible. The Village also is offering to combine lots it owns to reduce density. The DEQ restated that the long term answer needs to solve the buildability issue for everyone.

Meeting ended at 11:35 am