

## Scio landowners seek sewage plant permit

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Couple who wants to build 179 homes on 144 acres also faces water, zoning issues

News Staff Reporter

Two landowners in Scio Township are seeking permission to build a private sewage treatment facility for a development of 179 homes on a prime piece of land just west of Ann Arbor.

The request to the Michigan Department of Environmental Quality reflects a 2003 Michigan Court of Appeals ruling that allowed landowners seeking such permits to bypass local governments.

Linda Ward Smith said she and her husband, Mark A. Smith, want to build the private sewage treatment facility so they can develop their farm, which is on the north side of Liberty Road west of Wagner Road. They propose putting 179 single-family homes on 144 acres.

The private sewage treatment permit would allow the Smiths to discharge a maximum of 48,000 gallons of wastewater into the ground each day.

The private system is necessary because the Smiths' land is not in the township's water and sewer district, which is supplied by Ann Arbor. Although the project could use individual septic systems, Smith said their preference is a larger sewage facility.

"Having regular municipal services would be my first choice," Linda Smith said. "I would rather have on-site sewer treatment than have nothing at all."

Regardless of whether the DEQ approves the private sewage permit, the Smiths have other problems to deal with, such as water service and rezoning. The aquifer below the land is contaminated by 1,4-dioxane, part of a longstanding contamination that Pall Life Sciences Inc., a short distance to the east, is working to clean up.

The rezoning is necessary because township zoning allows one house on 2.5 acres, although the master plan would allow one house per acre. The Smiths are seeking a planned unit development zoning that would allow one house on about 0.83 acres. Smith said she wants to cluster the houses.

Smith said she and her husband tried four times previously to get their land rezoned. A public hearing on the rezoning is scheduled for Feb. 28.

The DEQ private sewage treatment permit usually takes months to approve and is independent of any of the other township decisions. DEQ officials familiar with the project could not be reached.

Township officials have usually been wary of private sewer treatment systems because they fear the township may be forced to take responsibility for them if they fail.

"The (concern) that immediately comes to my mind is who is responsible for it," Scio Township Supervisor Charles Nielsen said. "I guess that I just need to see some kind of assurance that they function and that the homeowners' association is truly going to monitor and take care of that."

The 2003 court ruling gave sole responsibility for issuing private sewage treatment facility permits to the DEQ and said the DEQ could not first require townships to pass a resolution saying they would take ultimate responsibility for such systems.

The court ruling also raised concerns among some township officials that the permits will be used by landowners as another way to pressure townships for rezonings.

"Once allowed to do it, do they think they can get around zoning more easily?" Nielsen said.

Township Clerk Kathleen Knol emphasized the sewage treatment facility permit does not supersede township zoning ordinances.

"Right now, I believe our position is we will be following our master plan and the zoning that is in the plan for the township," Knol said.

James Kimble, a neighbor to the Smith property, said his main concern is the kind of houses, not the sewer system.

"If they are similar to the houses in the Polo Fields (subdivision), I would say, 'Yes,' " Kimble said. "If not, I would say, 'No.' "

Township Trustee Charles Ream, whose property abuts the Smith land, said it is one of the best remaining "viewsapes" in the township.

"It's the largest piece of beautiful, open, undeveloped land right in close to Ann Arbor," he said. "It's obviously a piece of land that the (Ann Arbor) greenbelt was created for."

Ann Arbor's greenbelt millage was created to provide money to preserve open space in Ann Arbor and several townships surrounding it. Scio Township also has its own land preservation millage.

Ream suggested that some "creative" solution could be found to both allow the Smiths to develop the land but also preserve much of it as open space.

This is the second time in less than a year that a landowner in the township has sought permission for a private sewage system. Last spring, Paul Lubienski sought permission for land he owns north of the Huron River. Lubienski withdrew his first request but has since filed another.

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