

MINUTES
LAND DIVISION COMMITTEE

August 10, 2010

A meeting was held at the County Building at 9:00 a.m. on the above date.

Present

Chair Wm. Bilton. Warden J. Burns. Members S. Arnold, B. MacDougall and A. Gillis. Also present were Secretary-Treasurer D. Posliff, Deputy-Secretary-Treasurer T. Dewsbury, Planners W. Nywening, E. Nadalin, F. Garardo and Chief Building Official C. Nauta.

Absent

None.

Plan of Subdivision

Application 38T-09002

DeSena a/f 1528535 Ontario Ltd (Elite Homes)
Part Lot 9, Concession 9
6681 Camlachie Road
Town of Plympton-Wyoming

An application for approval of a draft plan of subdivision has been made by 1582535 Ontario Ltd (Elite Homes) with the intention to create forty eight (48) residential building lots and three (3) blocks on a 5.1 hectare parcel.

The property is vacant except for a dilapidated house and a shed. Six residential lots abut to the north facing Egremont Road. Three residential lots and a church and cemetery abut to the east facing Camlachie Road.

The County Official Plan designates Camlachie, including this property, as Urban Settlement. The Town Official Plan designates it as "Serviced Hamlet Area" and permits a range of urban uses including residential. The proposed use as a residential subdivision therefore conforms to the intended use of the Official Plans as well as the general direction of the Provincial Policy Statement to focus growth within existing serviced areas.

The property is mostly zoned "Residential R5(4) Holding" in the Town of Plympton-Wyoming Zoning By-law.

Attending the meeting were F. DeSena, C. Bladon and the applicant Nelson Peters (Elite Homes). Also in attendance were Betty Nowasad, Bill Nowasad, Sandy Archer, Roger Archer, Ross Tius, Tom Parkes and Jay Pugh.

The applicants were asked if they wished to speak to the application. F. DeSena outlined the application and indicated that it is a residential subdivision application that

started approximately one year ago. This proponent has obtained a rezoning and utility easement approval at the municipal level. He stated that the application contains forty eight residential lots, a storm water management facility lot and a servicing easement and noted that the proposed number of lots has been changed from the original submission. He indicated that the engineering reports and servicing has also been approved. He explained that it is the intent to develop this subdivision in phases, with Phase One containing fourteen lots, Phase Two containing fourteen lots and Phase Three containing the remaining twenty lots.

B. MacDougall asked C. Bladon to explain the storm water management facility located on Lot 49. She also asked what phase it will be included in. C. Bladon stated that it will be included in the first phase of the subdivision process. She then asked about the appearance of it from the residents' viewpoint. C. Bladon stated that it is designed to be dry, and will only contain water after a storm. Any water that is collected during a storm will be dissipated within twenty-four hours.

B. MacDougall asked about the landscape surrounding this facility, specifically the species of trees proposed. C. Bladon replied this hasn't been discussed yet.

A. Gillis asked for clarification of the location on Camlachie Road and noted that it was stated in the application that the developer intends to market this subdivision towards seniors. She asked if it was felt that these lots were too large and what age group will be targeted. She feels that most seniors do not want the proposed lot sizes as they are not interested in maintaining a property this large. N. Peters replied that the size of the lots is the smallest available under the zoning requirements and servicing limits. He indicated that he is proposing a bungalow size of approximately 1300 to 1700 square feet as he wants to stay under the prices that are currently in place at the Huron Oaks and Sawmill Creek developments.

A. Gillis asked if this proposal can proceed within the existing servicing capacity in the municipality. W. Nywening replied that the engineer for the Town of Plympton-Wyoming has reviewed servicing capacity and there is room for this development to proceed. He stated that there is servicing capacity for both subdivision applications on the agenda today.

S. Arnold asked how the storm water management facility would be designed as it is imperative that the nearby Trussler Drain not be flooded. He stated that restrictors need to be installed in order to protect existing properties. C. Bladon explained the design of the servicing concept and stated that restrictors are included in the design.

The Chair asked the members of the public for comments.

R. Archer stated his property is located across the road from this proposal and he is concerned about the existing infrastructure in Camlachie being able to handle several hundred acres of development. W. Nywening outlined the existing servicing in that area

and how the system works. R. Archer said his concern is with storm water drainage as he has already had flooding issues and wanted to know where his storm water will go once the subdivision is built. W. Nywening explained that the municipality requires the subdivision to contain its own surface water and deal with it through the storm water management facility. C. Bladon stated that this subdivision should not contribute to any existing drainage issues in this area.

B. Nowasad spoke about the discussions that have taken place with the municipality regarding drainage problems in Camlachie. He asked, if the subdivision proceeds and the existing drainage issues worsen, if there would be the ability to have changes made to help this problem. C. Bladon replied that if this occurs it will have to be dealt with and upgrades can be made at that time.

A. Gillis asked if the storm water will be contained to the subdivision and C. Bladon replied that it will be.

S. Arnold stated that years ago when subdivisions were approved there wasn't a requirement for storm water management facilities and currently, when subdivisions are approved, care is taken to ensure that flooding doesn't occur.

R. Archer asked if there was a Plan B and who will look after this when the new system breaks. S. Arnold replied that it is a municipal responsibility.

B. Nowasad asked what size the restrictors in the storm water facility were going to be and C. Bladon stated that it is designed with a 75 centimeter orifice on the discharge line. B. Nowasad also stated that as far as he is aware the property does not drain anywhere at present and asked what will happen once the homes are built and the surface water goes into the storm water management facility and it cannot contain it. He feels that it will flood the facility and asked where the water will go at that point. F. DeSena explained that the servicing designs have been reviewed and approved by several agencies and stated that the storm water management facility is designed to hold the surface water that could occur according to the one hundred year flood standard. Final approval of the facility will be the responsibility of the Ministry of the Environment.

B. Nowasad asked who will be responsible for the maintenance of the storm water facility in regards to grass, landscaping, etc. F. DeSena replied that one of the terms in the plan of subdivision agreement states that the developer is responsible for two years and then the responsibility passes to the municipality. W. Nywening stated that the Town of Plympton-Wyoming requires the developer to guarantee the infrastructure for two years.

B. Nowasad asked about guarantees. W. Nywening explained that the municipality requires security deposits and explained the process the municipality requires through the plan of subdivision agreement at the end of each phase.

L. Napper said that the municipality is dealing with a complaint through the Drainage Act regarding the Robinson Drain but stated that this doesn't affect this application. He feels that this proposal might help alleviate some of the ponding that occurs on Egremont Road.

B. MacDougall asked about condition 9 e) listed in the planning report in regards to suitable trees that could be planted around the storm water management facility to help facilitate the removal of water and asked if this was being investigated. D. Posliff stated that it hasn't been considered at this point but explained that the County of Lambton is currently designing the Lambton Tree Legacy Program and possibly this issue could be included. She then stated she would be willing to approve the application if the condition could be amended to include this issue.

B. Nowasad asked how deep the storm water facility would be and C. Bladon replied that it is designed to hold the maximum amount of water from the one hundred year flood figures, which would be approximately 1.5 metres for a maximum of twenty-four hours. He stated that during a normal rain there would be minimal standing water being contained in it. B. Nowasad then asked what is being used as the point for measurement and C. Bladon stated that it was the ground level on the south side of the railway right of way.

Betty Nowasad asked if the facility overflows who would be responsible for the damages that could occur to the property owners. D. Posliff stated that if the facility is constructed according to the engineering design and approvals there shouldn't be flooding. F. DeSena noted that the engineered design has been through three levels of approval and has been over-engineered as requested by the Ministry of the Environment. He stated that in the case of a fluke storm and flooding occurred that the facility is a municipal asset and therefore the municipality would be responsible.

A. Gillis wanted to clarify that this proposed application will not affect the existing properties in terms of surface water runoff. C. Bladon confirmed she was correct.

Deputy-Secretary-Treasurer T. Dewsbury stated no correspondence has been received regarding this application.

W. Nywening reviewed his planning report.

Betty Nowasad asked about the proposed three phases and the timeline involved. N. Peters said that it is his intention to construct four or five houses in the next year and see how the market interest is. He said he will be starting phase one at the north-east end of the development as access to Camlachie Road is needed as well as the storm water management facility is included in this area.

MacDougall/Gillis: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-10002 be given draft

approval subject to the following conditions being fulfilled prior to the final approval of the Plan.

Carried.

Conditions

- 1) That the draft approval applies to the plan prepared by Malcolm Elms of Monteith & Sutherland Limited, dated June 23, 2010, which provides for the development of forty-eight (48) single detached dwellings.
- 2) That the draft incorporate the following revisions:
 - a) That all lots be confirmed to comply with the minimum lot size requirements and be adjusted, if necessary.
 - b) That Block 50 be excluded from the Plan as a remnant parcel or incorporated into Lot 28 and Block 49.
- 3) That Block 50, if excluded from the Plan as a remnant parcel, is registered in the same name and interest and merged with the lands abutting to the east.
- 4) That the owners obtain and register the necessary easement over the lot known as 6697 Camlachie Road.
- 5) That the road allowance included in this draft plan be shown and dedicated as a public highway and that the name of the proposed road be consistent with the 911 protocol.
- 6) That the owners provide a parkland dedication or cash-in-lieu in the amount of 5% to the Town of Plympton-Wyoming. The Owner also agrees, if requesting an extension of draft approval, the date for calculation of any cash-in-lieu of parkland will be from the date of the extension of draft approval.
- 7) That the owner conveys Block 49 and Block 51 to the Town of Plympton-Wyoming.
- 8) That the owner registers the easement over 6697 Camlachie Road to the Town of Plympton-Wyoming for the operation and future maintenance of services.
- 9) That the owner enter into a Subdivision Agreement with the Town of Plympton-Wyoming which is to be registered on title of the lands and which shall satisfy all the concerns of the Town, financially and otherwise, and shall include but not be limited to:
 - a) Provision of municipal sanitary sewers, storm sewers and water distribution services, subject to the satisfaction of the Town Engineer and in keeping with the Ministry of Environment standards;
 - b) Satisfying the Town with respect to drainage and storm water management;
 - c) Provisions requiring the submission of a plan for sediment and erosion control for the construction phase of this subdivision;

- d) Installation of a fire hydrant system to the satisfaction of the fire department;
 - e) The provision of trees within boulevards and storm water management facilities to the satisfaction of the Town of Plympton-Wyoming;
 - f) Phasing of development suitable to the Town;
 - g) Preservation of as many existing trees as possible;
 - h) Provision of a connecting street to Camlachie Road;
 - i) The geometry, grade, drainage, signage and any other relevant matters of the proposed connection with Camlachie Road.
- 10) That the owners obtain reserve sewage capacity from the Town for the proposed development.
 - 11) That the owners obtain approval from the Ministry of Environment for the final servicing plan and submit copies of the Certificates of Approval, issued by the Ministry of Environment, to the Town of Plympton-Wyoming. The provisions of the approved servicing plans must be incorporated into the Subdivision Agreement with the Town.
 - 12) That the owners obtain a zoning by-law amendment to remove the Holding symbol from the lands.
 - 13) That the owners satisfy Hydro One with respect to servicing capacity for the proposed development and provide Hydro One with electrical service drawings of a design to Hydro One's satisfaction.
 - 14) That the owners satisfy Union Gas Limited with respect to servicing capacity for the proposed development and provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services to the Plan, in a form satisfactory to Union Gas Limited.
 - 15) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the owner's solicitor how conditions 2 a), 3 and 4 have been satisfied.
 - 16) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Town of Plympton-Wyoming how Conditions 5 through 12 inclusive have been satisfied.
 - 17) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Ministry of Environment how Condition 11 has been satisfied.
 - 18) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Hydro One as to how Condition 13 has been satisfied.

- 19) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Union Gas as to how Condition 14 has been satisfied.
- 20) That prior to signing the Final Plan, the owners shall submit:
 - one (1) original transparent plan;
 - three (3) transparent duplicates;
 - three (3) white paper copies;
 - one (1) Compact Disc containing the draft plan properly geo-referenced to the NAD83 UTM Zone 17 Coordinate System, and;
 - one (1) copy of the Subdivision Agreement executed with the Town of Plympton-Wyoming.
- 21) That this Draft Approval shall lapse if Final Plan Approval or an extension of Draft Plan Approval is not obtained by *[insert date 3 years from date of giving draft approval]*.

The Chair advised of appeal procedures.

Application 38T-08004

DeSena a/f 2168721 Ontario Limited
Park Lots 23 & 23, Plan 3 &
Part Lot 18 Front Concession
Fleming Road
Town of Plympton-Wyoming

An application for approval of a draft plan of subdivision has been made by 2168721 Ontario Ltd with the intention to create sixty-nine (69) residential building lots and seven (7) blocks. The property is vacant farmland located at the southeast boundary of the Errol Village Hamlet. The application was originally submitted April, 2008 but was resubmitted after revision and extensive discussions on servicing.

This area is designated in the County Official Plan as Urban Settlement. The Town of Plympton-Wyoming Official Plan designates it as part of the "Serviced Hamlet Area" of Errol Village and permits only residential uses. The proposed use as a residential subdivision therefore conforms to the intended use of the Official Plans.

The property is zoned "Residential R5 Holding" in the Town of Plympton-Wyoming Zoning By-law.

Attending the meeting were F. DeSena, C. Bladon and the applicant T. Parkes (2168721 Ontario Limited). Also in attendance were Ross Tius, Terry Mason, Ingrid Mason, Ron Nauta, Brenda Dale, Kelly Haney, Cathy Pavli, Tony Pavli, Mike Haney and Don Carter.

The applicant was asked if he wished to speak to the application. F. DeSena outlined the application and stated that this application has been worked on for approximately two years and what is before committee today is an application that has involved municipal and county staff as well as engineers. He said that a rezoning has been obtained at the municipal level. He indicated that the storm water management facility has been designed in the same manner as the previous subdivision application committee approved and therefore wouldn't go into the details of explaining it again. He outlined that there are blocks on land fronting Fleming Road that will be dedicated to the municipality for road allowance and pedestrian traffic.

He stated that one item of concern his client has is the proposed Street D and informed committee that this was included due to a recommendation from the Town of Plympton-Wyoming Council for emergency access. He gave a brief history of King Street and indicated that there is a road allowance that is municipally owned that extends King Street southerly to connect with Lakeshore Road. He said that, if the lands to the south were developed, the municipality doesn't want King Street extended in a straight line and would therefore require it to be curved or altered in order to slow traffic flow. He indicated that, from his client's perspective, Street D is not required for this proposal and wanted to ensure committee understood who was asking for its inclusion. He stated that the design of phase one will remain unchanged regardless of the concern with Street D. He said that the engineered servicing concepts have undergone extensive review.

The Chair asked the members of the public for comments.

D. Carter asked about Block 70 on the proposal and if it was going to be a storm water pumping station. F. DeSena replied that it is a sanitary sewer pumping station.

R. Tius stated he has concerns with storm water management and indicated that he has had to install berms on his property to deal with the water runoff from this area. F. DeSena replied that the storm water management facility has been designed to deal with surface and storm water. C. Bladon then reviewed the servicing plan for this application and noted that it is designed to handle the water that could occur from the one hundred year storm standards. He also stated that there are improvements proposed by the municipality to the Carmichael Drain.

B. MacDougall asked for clarification regarding the location of the berms that R. Tius mentioned and it was indicated on the air photo that was on display. Discussion took place regarding flooding concerns from the residents on King Street. F. DeSena noted for the residents in attendance who reside on the west side of King Street, that the Maples Subdivision does not contain a storm water management facility.

A. Gillis asked what is causing the water problems for the existing houses on King Street. King Street resident B. Dale explained the layout of the drainage in that area.

T. Pavli stated that he has concerns about cutting into the existing woodlot and F. DeSena replied that the woodlot is not being affected by this application.

K. Haney said that at the last meeting regarding this plan of subdivision application, which was at the Town of Plympton-Wyoming, that F. DeSena stated they wouldn't be developing the lands to the south of this proposal. She then asked if the developer would be willing to move the proposed park as she does not want a park on King Street.

B. Dale stated at that same meeting there was discussion about a storm water management facility and she did not see it on the proposed plan that was circulated to residents. F. DeSena informed her that it was located on Block 74 on the design. She then asked if it was going to be located near Errol Village School to which F. DeSena replied that it was not. He then located the block on the proposed layout plan that was on display and noted the size and depth of it.

D. Carter stated that the proposed storm water management facility is abutting his property and shows a thirty-six inch pipe running through his property. He is concerned as he has not been contacted about it being on his property. C. Bladon explained how the drainage was designed for the proposal. F. DeSena explained the process that is currently taking place with the municipality regarding the repair to the Colborne Street Drain and stated that if the drain does not cross Mr. Carter's property, then the proposal will use the Carmichael Drain on Fleming Road. D. Carter said that it is his understanding that the Drainage Act is for agricultural properties only and doesn't affect his property. J. Burns informed him that the Drainage Act applies to all classes of lands.

W. Nywening said the provisions are worded in order to create outlets under the Drainage Act and if the developer cannot obtain a legal outlet, then they cannot proceed with the proposal. C. Bladon indicated that the original intent was to use the Carmichael Drain on Fleming Road, however, the municipality would like the Colborne Street Drain to be used for this subdivision. L. Napper stated that municipal council viewed this as an opportunity to tie into the Colborne Street Drain and thereby alleviating some of the pressure on the Carmichael Drain.

B. Dale asked if the Maples Subdivision was based on the agricultural drain as they have water problems. She then asked if the storm water management system would be the same for this application as it is apparent it is not working in that area. F. DeSena noted that the significant difference between the two subdivisions is that there isn't a storm water management facility for the Maples Subdivision and there is one planned for this proposal.

B. Dale asked, if the proposed dwellings are built higher than the existing houses on King Street, where the water will drain to. F. DeSena informed her that there will be rear yard catch basins on every lot and the surface water and the sump pumps will be sent to the storm water servicing system, which will then pump to the storm water management facility.

F. DeSena pointed out the storm water management facility in the Heritage Park Estates subdivision as an example of a properly functioning facility.

B. MacDougall asked about the Colborne Street Drain and whether it could alleviate the issues beyond this application. She asked if the landowners have discussed further development regarding their properties and if there was a larger plan developed to prevent landlocked parcels in the future. F. DeSena stated that all of those lands have access to municipal roads and would not be considered landlocked. He indicated that there are opportunities to develop those lands, however, they would also be required to contain a storm water management facility. He noted that the location of the proposed storm water management facility for this application abuts one of these parcels and that it could possibly be shared by future development to the north of this proposal.

A. Gillis expressed concerns about the complaint on the Colborne Street Drain and asked what the status of it is. L. Napper stated the process to deal with it is underway and explained the steps it will follow. She then asked the status of the Carmichael Drain and wanted to ensure that, as this proposal is based on using that drain, it isn't the drain causing the water problems for the King Street residents. She also asked about Street D as shown on the proposed layout. Wm. Bilton indicated that the planner will explain that issue when he presents the planning report.

Deputy-Secretary-Treasurer T. Dewsbury summarized the correspondence which had been received. Concerns appear to be that King Street remain a dead-end street due to traffic and speeding issues, new home sizes should be of the same or greater value as the existing homes on King Street, the elevation of the new homes should not exceed the height of the existing properties to prevent further flooding or other water issues, that street lights not be installed as the installation will constitute a loss of enjoyment of their properties and further they do not want them shining in their backyards and bedrooms, availability of existing properties in other areas of the municipality and their utilization prior to this development, concerns over the proposed lot sizes, concerns regarding prime agricultural land being taken out of production for this development, general loss of rural quality of life, the inclusion of Street D as Streets A and B connect to Fleming Road and the timing of the meeting date.

B. Dale stated that if the meeting date had been scheduled at a different time of day or date council chambers would be a packed room.

W. Nywening reviewed his planning report. He indicated that a decision has not been made regarding the placement of a park in this area, however, an area that can be used for waterline looping needs to be identified to allow the waterline connection without a street connection. He stated that discussions have taken place in order to deter traffic from travelling south on King Street and he has received direction from the municipality to allow the proposal as presented, however, that decision was made before resident's concerns were received. He suggested that L. Napper might be able to provide an update. He then reviewed drainage issues and the proposed storm water management

facility. He also noted that this proposal contains blocks that would become part of the trail system.

D. Carter requested the report on the Carmichael Drain as he wants to ensure that it will handle the surface and run-off water from the proposed subdivision. W. Nywening directed him to contact Will Bartlett, the Town's consulting engineer.

W. Nywening outlined the concerns regarding the proposed street layout, especially Street D. He explained the last minute suggestion of Street D for waterline looping. He stated he has concerns about the alignment of Streets A and B and has looked at options to change this.

Discussion took place regarding the development of the properties to the north of this proposal. B. MacDougall asked if the applicant has approached those landowners in this regard. F. DeSena replied that there have been discussions between the owners and no decisions have been made. R. Tius stated that this was untrue as he is unable to find out who is the current owner of the property being developed. F. DeSena stated that his client has had conversations with the landowners and there is a difference of opinions on various issues.

B. MacDougall asked about the issue of the proposed park and the waterline looping and connections to King Street. She asked if the park would be part of the next phase of the development and, if it is necessary to loop the waterline, questioned the need for a park at all. W. Nywening stated that looping of the waterline is necessary. B. MacDougall asked if instead of a park a municipal easement could be obtained to accommodate this. W. Nywening replied that it could be although it is difficult to manage a municipal easement under the ground.

B. MacDougall asked if there is a desire by the municipality to have parkland in this area when the next phase is developed. W. Nywening replied that if phase two is developed then the Town of Plympton-Wyoming would like the park, however, this might not be necessary if phase two does not proceed.

F. DeSena outlined a possible solution which would convert Street D to a block in order to be used for a municipal easement for waterline looping purposes.

B. MacDougall asked F. DeSena how this proposal would be developed and he indicated that it would be done in one phase. It is unlikely that it would be done in two phases.

T. Pavli asked that, if Street D remains, is there a way to keep the construction traffic from using King Street. B. Dale stated she doesn't want to deal with construction issues and questioned whether Street D is really needed. F. DeSena stated that he believes, due to the accesses from Fleming Road for Streets A and B, that the construction vehicles will be using Fleming Road and not King Street.

S. Arnold asked L. Napper if the proposal by F. DeSena for a municipal easement for waterline looping and the elimination of Street D would be agreeable to municipal council or should the committee defer this application to wait for their comments.

F. DeSena stated that his client does not wish to have the application deferred and feels that his proposal is a suitable solution.

Wm. Bilton stated that the committee does not want to impose a decision on the Town of Plympton-Wyoming and asked L. Napper if he felt the solution would be suitable to the municipality. L. Napper replied that he is not comfortable making that decision by himself on behalf of the council.

A. Gillis stated that it appears from the discussions that the municipal council has had enough time to make a decision regarding Street D and committee therefore should make a decision today regarding it.

T. Mason stated that he has concerns about the proposed parkland and indicated he doesn't like the terminology stated in the planning report as it is too general and doesn't address what type of park it could become. He said that Camlachie already has a community park that contains three baseball diamonds, complete with lighting, and he doesn't want that type of situation being developed in this area. He also has concerns about the wording in the planning report regarding traffic flows. He urged committee not to approve anything today that would result in the creation of a park and asked that committee take this into consideration.

S. Arnold said that in the application before committee there is not a park proposed and further that there is a cash-in-lieu of parkland condition in the planning report recommendations.

R. Tius stated he has concerns about future development and the impact it will have on his property at that point. He feels that the Town of Plympton-Wyoming has to deal with the Colborne Street Drain issue.

W. Nywening explained the difference between what is being approved today by the committee and what occurs at the municipal level through the plan of subdivision agreement.

M. Haney illustrated on the displayed air photo why the residents of King Street do not want Street D.

S. Arnold asked L. Napper if his council would be satisfied with the committee if they made the decision to remove Street D from the proposal. L. Napper replied that the municipality is already aware that this might occur.

A. Gillis proposed an amendment to the plan to accommodate the waterline looping through a municipal easement and the conversion of Street D to become a waterline easement as proposed by F. DeSena.

Gillis/Arnold: That the proposed plan be amended as proposed by F. DeSena.

Carried.

J. Burns asked if this amendment would allow the developer to have lots that will front on King Street and F. DeSena replied this will not.

B. MacDougall stated that she would be able to approve this proposal as long the same amendment regarding tree planting in the storm water management facility that was included in the previous application be applied to this application.

MacDougall/Burns: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-08004 be given draft approval, with the above noted amendments, subject to the following conditions being fulfilled prior to the final approval of the Plan.

Carried.

Conditions

- 1) That the draft approval applies to the plan prepared by T. Martin Nisbet of Nisbet, Robertson, dated June 23, 2010, which provides for the development of 69 single detached dwellings,
- 2) That the draft incorporate the following revisions:
 - a) Provision of one-foot reserves where future streets abut undeveloped lands to the south.
 - b) Conversion of Street “D” to a Block for a waterline easement.
 - c) That waterline looping be obtained through a municipal easement.
- 3) That the owners obtain the necessary drainage outlet for storm water across abutting lands.
- 4) That the road allowance included in this draft plan be shown and dedicated as a public highway and that the name of the proposed road be consistent with the 911 protocol.
- 5) That the owners provide a parkland dedication or cash-in-lieu in the amount of 5% to the Town of Plympton-Wyoming. The Owner also agrees, if requesting an extension of draft approval, the date for calculation of any cash-in-lieu of parkland will be from the date of the extension of draft approval.

- 6) That the owner conveys Blocks 70 to 76, inclusive to the Town of Plympton-Wyoming.
- 7) That the owner enter into a Subdivision Agreement with the Town of Plympton-Wyoming which is to be registered on title of the lands and which shall satisfy all the concerns of the Town, financially and otherwise, and shall include but not be limited to:
 - a) Provision of municipal sanitary sewers, storm sewers and water distribution services, subject to the satisfaction of the Town Engineer and in keeping with the Ministry of Environment standards.
 - b) Satisfying the Town with respect to drainage and storm water management.
 - c) Provisions requiring the submission of a plan for sediment and erosion control for the construction phase of this subdivision.
 - d) Installation of a fire hydrant system to the satisfaction of the fire department.
 - e) The provision of trees within boulevards and storm water management facilities to the satisfaction of the Town of Plympton-Wyoming.
 - f) Phasing of development suitable to the Town.
 - g) Provision of two connecting streets to Fleming Road and one to King Street.
 - h) The geometry, grade, drainage, signage and any other relevant matters of the proposed connections to Fleming Road and King Street.
- 8) That the owners obtain reserve sewage capacity from the Town for the proposed development.
- 9) That the owners obtain approval from the Ministry of Environment for the final servicing plans, and submit copies of the Certificates of Approval, issued by the Ministry of Environment, to the Town of Plympton-Wyoming. The provisions of the approved servicing plans must be incorporated into the Subdivision Agreement with the Town.
- 10) That the owners obtain a zoning by-law amendment to remove the Holding symbol from the lands.
- 11) That the owners satisfy Hydro One with respect to servicing capacity for the proposed development and provide Hydro One with electrical service drawings of a design to Hydro One's satisfaction.
- 12) That the owners satisfy Union Gas Limited with respect to servicing capacity for the proposed development and provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services to the Plan, in a form satisfactory to Union Gas Limited.
- 13) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Town of Plympton-Wyoming how Conditions 3 through 10 inclusive have been satisfied.

- 14) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the Ministry of Environment how Condition 9 has been satisfied.
- 15) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Hydro One as to how Condition 11 has been satisfied.
- 16) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by Union Gas as to how Condition 12 has been satisfied.
- 17) That prior to signing the Final Plan, the owners shall submit:
 - one (1) original transparent plan;
 - three (3) transparent duplicates;
 - three (3) white paper copies;
 - one (1) Compact Disc containing the draft plan properly geo-referenced to the NAD83 UTM Zone 17 Coordinate System, and;
 - one (1) copy of the Subdivision Agreement executed with the Town of Plympton-Wyoming.
- 18) That this Draft Approval shall lapse if Final Plan Approval or an extension of Draft Plan Approval is not obtained by *[insert date 3 years from date of giving draft approval]*.

The Chair advised of appeal procedures.

A. Gillis discussed the issue of the concerns with street lighting. She would like to see the developer use the type of street lights that do not spill into back yards. F. DeSena suggested that perhaps the applicant could take this under advisement and could be determined through the plan of subdivision agreement.

Application A-001/10

Arlene and Edgar Brown
3214 Elgin Street/8082 Railroad Line
Township of Brooke-Alvinston

An application has been made for a minor variance to permit the construction of an accessory use building on the lands known municipally as 3214 Elgin Street and 8082 Railroad Line. The applicant is seeking relief from the provisions of the Brooke-Alvinston Zoning By-law as it pertains to the following sections:

- a) Lot Coverage & Height of Accessory Buildings
Applicant requesting relief to construct an accessory use building excessive to maximum height permitted.

b) Accessory Building

Applicant requesting relief to construct an accessory use building within the front yard setbacks.

COMMENTS

The subject parcel is located on a corner lot at the intersection of Railroad Street and Elgin Street. The existing home is fronting Elgin Street and the existing accessory use building/barn is fronting Railroad Street. The shorter lot line abutting a street is considered the front lot line in the Township of Brooke-Alvinston Zoning By-Law. In this case the front lot line is Railroad Street. The lot frontage is 23 metres (78 feet) and the lot depth is irregular with a depth of 62 metres (204 feet). The property includes a home and accessory use building (dilapidated barn). The existing accessory use building was a former barn which has since deteriorated and is in need of immediate repair or demolishing.

The applicant has proposed to demolish the existing legal non-conforming dilapidated accessory use barn and replace it with a 1115 square metres accessory use building with a height of 7.6 metres.

The subject property is designated as “Residential” in the Township of Brooke-Alvinston Official Plan and as “Residential” (R1) in the corresponding zoning by-law.

Attending the meeting were the applicants Arlene and Edgar Brown. They were asked if they wished to speak to the application and E. Brown distributed information to the committee containing a plot plan and photos of structures on the property. He stated that he will be removing the dilapidated barn once he constructs the new building. He explained what each photo depicted and outlined his plans for the new structure. He stated that he has spoken to the adjacent neighbours and they have no concerns. B. MacDougall asked if he will do anything with the area where the current barn is located and replied he is not. She asked if he has spoken to the neighbor who will be impacted the most by the new structure. He replied that he has not spoken to them.

B. MacDougall stated that while she can appreciate the planning report recommending a variance of 5.5 metres for maximum height, she noted that there are higher buildings, ie. United Church, across the street from the proposed location and feels that the requested height of 7.6 metres would not be out of place.

S. Arnold asked why the proposed building will be located so close to Elgin Street. E. Brown indicated that the open area is already available. Discussion took place regarding the placement of the building so it is not situated in front of the dwelling. Discussion also took place regarding the merging of the lots that Mr. and Mrs. Brown own.

Deputy-Secretary-Treasurer T. Dewsbury read the correspondence received from the Township of Brooke-Alvinston. F. Garardo reviewed his planning report.

MacDougall/Burns: That Application A-001/10 be approved with conditions.

Carried.

- Conditions:
- a) A variance of 7.6 metres maximum height for the accessory use building be approved,
 - b) That as many trees and shrubs are salvaged as possible,
 - c) That only one point of access is maintained and allowed, and
 - d) That use of the proposed storage shed for human occupancy be prohibited.

- Reasons:
- In the opinion of the Committee:
- 1. The Variance is minor in nature;
 - 2. The intent of the official plan is maintained;
 - 3. The intent of the zoning by-law is maintained; and
 - 4. The variance is desirable for the appropriate development or use of the land, building or structure.

The Chair advised of appeal procedures.

Application B-004/10

Rogeruurma
1705 Hale School Road
Township of Dawn-Euphemia

An application has been made with the intent to create a rural residential lot containing a surplus farm dwelling, drive shed and two other smaller sheds. The proposed irregular shaped parcel would have a frontage of 106.7 metres (350 feet), a depth of approximately 128 metres (4420 feet) and an approximate area of 1 hectare (2.55 acres). The proposed retained parcel would be approximately 39.4 hectares (97.5 acres) in size.

Attending the meeting was the applicant Rogeruurma.

The applicant was asked if he wished to speak to his application.

E. Nadalin outlined the planning report and the Deputy-Secretary-Treasurer read the correspondence received from the Township of Dawn-Euphemia stating they have no objection to this application subject to the conditions being imposed.

Burns/MacDougall: That application B-004/10 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*
4. That the applicant enter into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
5. That if either the severed portion or the retained portion does not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Dawn-Euphemia providing such access.
6. That the County of Lambton Planning and Development Services Department confirm the Minimum Distance Separation Formula does not affect the proposed severance.
7. That a 9-1-1 municipal address be assigned to the retained farm parcel.
8. That the retained parcel be rezoned to prohibit a dwelling.
9. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following:

That a 'Notice of Advisory' be applied to the newly created parcel and is to be incorporated into the agreement, registered on title and included in all agreements of purchase or sale or lease of this property. The survey must demonstrate a 50 square meter contingency area that is located in native, undisturbed soils and 'reserved' for a future septic system.

Application B-005/10

Barb Alderman
3263 Nauvoo Road
Township of Brooke-Alvinston

The applicant has submitted an application for consent to sever a rectangular parcel 102 metres (335 feet) by 85 metres (280 feet) from an existing 7 hectare (17.5 acres) irregular shaped parcel.

The lands are currently designated as “Mixed Commercial/Industrial” in the Township of Brooke-Alvinston Official Plan and are zoned “Highway Commercial C2” in the corresponding Zoning By-Law.

The applicant was not present.

F. Garardo outlined the planning report and the Deputy-Secretary-Treasurer read the correspondence received from the Township of Brooke-Alvinston stating they have no objections to the application.

Arnold/Burns: That application B-005/10 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System and also in a form suitable for registration.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within one year of the notice of decision of this consent. *The County will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within one year of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*
4. That the applicant enter into an agreement with the Township of Brooke-Alvinston for the apportionment of drainage assessments on the involved properties.

5. That if either the severed portion or the retained portion does not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Brooke-Alvinston providing such access.

The Chair advised of appeal procedures.

Adjournment

The Chair declared the meeting adjourned.

Time: 1:05 p.m.

William Bilton
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer