

MINUTES
LAND DIVISION COMMITTEE

The Land Division Committee of the County of Lambton met at the Lambton County Buildings at 9:00 a.m., Tuesday, February 8, 2005, to hold a hearing into a plan of subdivision application.

Present: Chair J. Foubister, Warden Patricia Davidson. Members: B. Bilton and T. Case. Also present were Deputy-Secretary-Treasurer M. Pauschenwein and Planner Maria Cossa-Rossi.

Absent: None.

APPLICATION B-001/05

J. Philip Walden s/f Carlyle and
Darryl Searson
Plan 3, Block A (Watford)
5221 Nauvoo Road
Township of Warwick

An application was made with the intent to sever one-quarter of a 2.81 acre property. The owners wish to sever the quarter where a small operating custom sawmill is located. The proposed severance would have an approximate frontage of 37.7 metres, a depth of 75.4 metres and an area of 0.7 acres. The retained portion would have an approximate area of 2.1 acres and contains 2 outbuildings used for personal storage. No changes in land use are being proposed at this time for either the proposed severed or retained portions. The property is being divided between two brothers who also live in residences along either side of the subject property.

Attending the meeting were J. Philip Walden, solicitor for the applicants, Carlyle and Marilyn Searson and Percival Heath.

Mr. Walden spoke to the application explaining that the property is to be split one-quarter/three quarters with the saw mill being on the one-quarter portion. Darryl Searson will be the proposed owner of the 2.1 acre parcel and Carlyle Searson will be the proposed owner of 0.7 acre parcel.

The Official Plan for the Township of Warwick designates the lands to be severed "Industrial" and they are zoned "Industrial M1" in the Township Zoning By-law 54 of 2000.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other correspondence received.

Case/Bilton: That Application B-001/05 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.

3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
4. That the applicant enter into an agreement with the Township of Warwick for the apportionment of drainage assessments on the involved properties.
5. That the applicants obtain entrance permits from the County of Lambton Public Works Department should any new access or alteration to existing entrances be required.
6. That Minor Variances are required for the undersized lot frontages on both the proposed severed and retained parcels from the Township of Warwick.
7. That the applicants demonstrate to the County's Planning Department that all buildings are located on the proposed parcels and comply with all zoning setback requirements.
8. That, if any buildings do cross the lot line, then either the proposed lot lines need to be adjusted taking into account the required yard setbacks or the buildings removed.

APPLICATION B-002/05

Hayter a/f Ken/Barb Alderman
Concession 6, East Part Lot 18
3277 Nauvoo Road (Alvinston)
Township of Brooke-Alvinston

An application has been made with the intent to sever a 21.31 acre property. The applicant proposes to sever a portion with an approximate frontage of 60.96 metres, a depth of 87.2 metres and an area of 1.13 acres. The retained portion would be approximately 20.18 acres. Mr. Hayter proposes to develop the proposed severed portion for a warehouse, offices and a truck loading facility.

Attending the meeting were Ken Alderman whose wife is the owner of the subject property and Chad Hayter the proposed purchaser of the proposed severance.

Mr. Hayter explained that his business is growing and he is proposing to erect a commercial building for his plumbing and heating business. Mr. Alderman said that this would be a good thing for Alvinston and that this business is expanding rapidly.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other correspondence received.

There was a discussion regarding storm water management on the proposed severed portion. The Planner explained that this issue would be dealt with through the site plan approval process.

Davidson/Case: That Application B-002/05 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
4. That a septic system approval is obtained from the County of Lambton Septic Inspector, in accordance with Part 8 of the Ontario Building Code and which provides a contingency area in the event the first septic system requires replacement or additional capacity.
5. That the applicant obtain, at his expense, an Entrance Permit from the County's Public Works Department prior to the construction of any new access driveway or the modification of any existing access driveway onto County Road 79.

APPLICATION B-003/05

St. Clair Region Conservation Foundation
Concession 5, Part Lot 19
784 Kerry Road
Geographic Twp. of Euphemia
Township of Dawn-Euphemia

APPLICATION B-004/05

St. Clair Region Conservation Foundation a/f
Jim Thompson
Concession 5, Part Lot 18
Geographic Twp. of Euphemia
Township of Dawn-Euphemia

Two applications have been made by the St. Clair Region Conservation Foundation (SCRCF). The SCRCF is associated with the St. Clair Region Conservation Authority, and its mandate is to raise funds for purchases of the conservation authority.

In the first application, B-003/05, the SCRCF is applying to sever 1.8 ha (4.45ac), which includes a single family dwelling and accessory buildings from its 40ha (100ac) property located at 784 Kerry Road. The SCRCF received the parcel in 2004 by the bequest of the late Fannie Gawne. The proposed severed parcel would then merge with that of the adjoining landowner to the south, Jim Thompson. Mr. Thompson wants to purchase the property to provide a reliable water supply for this adjoining livestock operation.

In the second application, B-004/05, the SCRCF is applying on behalf of Jim Thompson, the adjoining landowner, to sever the equivalent acreage of woodlot (1.8ha or 4.45 ac) from his 40ha (100ac) property to add to the SCRCF's property at Kerry Road. Mr. Thompson's proposed severed parcel would merge with the SCRCF's property.

The Official Plan of the Township of Dawn-Euphemia designates both of the lands proposed to be severed as "Agriculture, Woodlot and Hazard Lands" and they are zoned "Agricultural (A1) and Environmental Protection – Hazard and Woodlot" in the Township Zoning By-law 25 of 2002.

Attending the meeting was Ralph Coe of the St. Clair Region Conservation Authority. Mr. Coe explained that at one time, both properties were owned by the Gawne family. When Mrs. Gawne died the southerly parcel was purchased by Mr. Thompson and the remainder was left to the Conservation Foundation with a lifetime interest for Mrs. Gawne's son. The Conservation Foundation has recently acquired the interest from Mrs. Gawne's son. The property will be used for a demonstration site for woodlot management, etc.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other correspondence received.

Case/Davidson: That Application B-003/05 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
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 severed lands are deeded in the same name and interest as the lands to which they are being added and that Section 50(3) of the Planning Act applies to any future conveyances or transactions.

7. That the applicants demonstrate to the County Septic Inspector that the existing septic system is fully contained on the severed lot, and provide a contingency plan in the event the existing septic system requires replacement or additional capacity.

Davidson/Case: That Application B-004/05 be approved with conditions.

Carried.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
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 severed lands are deeded in the same name and interest as the lands to which they are being added and that Section 50(3) of the Planning Act applies to any future conveyances or transactions.

PLAN OF SUBDIVISION

APPLICATION 38T-04003

Danbury Developments Inc.
Part Lots 231, 230, R.P. 413 and
Block 15 of R.P. 786, Corunna
Township of St. Clair

An application for approval of a draft plan of subdivision has been made by Danbury Developments Inc. The subject lands are located in the north end of Corunna abutting the Royal Canadian Legion and described as Part Lots 231 & 230 of Registered Plan 413 and Block 15 of Registered Plan 786.

The applicant intends to subdivide the lands into 4 townhouse buildings, with a total 22 units, and 10 single detached dwellings.

Three of the townhouse buildings will have 16 units front on the north side of Paget Street and the fourth townhouse building, with the remaining 6 units, will front on the south side of Paget. The 10 single detached dwellings will front on the west side of an unopened (to be developed with the Plan) portion of Queen Street.

St. Clair Township's Official Plan places the subject lands within the "Residential" land use designation. The primary uses permitted in "Residential" designation will be for residential dwelling units. Various types of dwellings will be included, with preference being given to the locating of similar densities of development together. Varieties of residential dwelling types will not be mixed indiscriminately, but will be arranged in a graduation so that higher density developments will complement those of lower density, with sufficient spacing to maintain privacy and amenity.

Within the "Residential" designation, St. Clair Township encourages areas of new development to reflect the existing built-up area. This application proposes mixed low and medium density residential development, which is already an established pattern of development in the area. The adjacent land uses are primarily residential and institutional. For example, the Royal Canadian Legion lands (institutional) are located to the north, Nash Landing Phase 1 (mixed low and medium residential) to the south, the Legion (institutional) and residential to the west, and single detached dwellings (St. Clair Heights) to the east.

The primary residential uses permitted within Residential areas are low density housing types, not exceeding 8 units per acre, including single and semi-detached dwellings. Other permitted uses also include medium and high-density dwellings. Medium-density attached dwellings are permitted up to a maximum density of 14 units per residential acre. The proposed development complies with these requirements.

Attending the meeting were the owner Dan Brousseau, his solicitor Francis DeSena and Jim Haxton, Chairman of the Legion property committee.

Mr. DeSena explained that Mr. Brousseau had purchased an L shaped piece of property from the Royal Canadian Legion and that Mr. Brousseau proposes to subdivide the lands into 4 townhouse buildings, with a total 22 units, and 10 single detached dwellings. Three of the townhouse buildings will have 16 units and front on the north side of Paget Street and the fourth townhouse building, with the remaining 6 units, will front on the south side of Paget. The 10 single detached dwellings will front on the west side of an unopened portion of Queen Street.

Mr. Haxton, on behalf of the Royal Canadian Legion attended to ensure that a buffer, in the form of a fence, is erected between the Legion property and that of Mr. Brousseau.

The County's Public Works Department has also reviewed the Draft Plan and has concerns about the future potential impact it may have on the County Road Network, specifically because the proposed subdivision will be accessed via Queen Street which is accessed off of Hill Street (County Road #4).

The County Public Works Department wants to reserve the right to request an independent traffic impact assessment be conducted from time to time to determine if the development is having an impact on the County Road Network and whether improvements, such as signage, traffic signals and/or auxiliary lanes are warranted. The cost of any such study and subsequent improvements would be borne by Danbury Developments Inc. This condition is to be included in the Subdivision/Site Plan Agreement between the Municipality and Danbury Developments Inc. since the County would, if deemed necessary, make the request through the Municipality.

The Planner read the planning report and the Deputy-Secretary-Treasurer read other correspondence received. A letter of objection was read in which the writer stated that the townhomes should be consistent with those that were built in Nash Court. Mr. DeSena responded by stating that the writer, Mr. Wellington, was probably not aware that Mr. Brousseau was the developer of that area as well.

Davidson/Bilton: That the Land Division Committee made recommendation to the Secretary-Treasurer that Application 38-T-04003 be given Draft Approval.

Carried.

Conditions:

1. That Consent Application B3/04 be completed and approved by the Township of St. Clair.
2. That the road allowance included in this draft plan shall be shown and dedicated as a public highway.
3. That the Owner provides a parkland dedication or cash-in-lieu to the satisfaction of St. Clair Township. The Owner also agrees, if requesting an extension of draft approval, the date for calculation of cash-in-lieu of parkland will be from the date of the extension of draft approval.
4. That such easements as may be required for utility and/or drainage purposes shall be granted to the appropriate authority.
5. That the owner enter into a Subdivision/Site Plan Agreement with St. Clair Township, which shall be registered on title of the lands once the plan of subdivision is registered and which shall satisfy all the concerns of the Town, financially and otherwise, which shall include but not be limited to:

- a) The provision of a municipal sanitary sewer and/or connection, storm sewer and water distribution services, subject to the satisfaction of the St. Clair Township Engineer and in keeping with the Ministry of Environment standards.
 - b) The Owner satisfying the Township with respect to storm water management.
 - c) Provisions requiring the submission of a plan for sediment and erosion control for the construction phase of this subdivision.
 - d) Provisions for the erection of a uniform boundary fence between the subject lands and the Royal Canadian Legion (Leslie Sutherland Branch 447).
 - e) In conjunction with the Municipality, the County of Lambton reserves the right to request an independent traffic impact assessment be conducted from time to time to determine if the development is having an impact on the County Road Network and whether improvements (i.e. signage, traffic signals, auxiliary lanes, etc.) are warranted. The cost of any such study and subsequent improvements shall be borne by the Owner.
6. That the Subdivision/Site Plan Agreement between the Owner and St. Clair Township may contain phasing arrangements to the satisfaction of the Municipality.
 7. That the Owner obtains reserve sewage capacity from St. Clair Township for the proposed development.
 8. That the Owner obtains approval from the Ministry of Environment for the final servicing plans. The provisions of the approved servicing plans must be incorporated into the Subdivision/Site Plan Agreement with St. Clair Township.
 9. That the Owner obtains capacity from Hydro One Networks Incorporated for the proposed development or, if necessary, that final approval of the plan be phased in accordance with the availability of electrical servicing.
 10. That the Owner obtains capacity from Union Gas for the proposed development.
 11. That prior to final approval by the County, the County is to be advised in writing by St. Clair Township how Conditions 1 through 7 have been satisfied.
 12. That prior to final approval by the County, the County is to be advised in writing by the Ministry of Environment how Condition 8 has been satisfied.
 13. That prior to final approval by the County, the County is to be advised in writing by Hydro One Networks Incorporated how Condition 9 has been satisfied.

14. That prior to final approval by the County, the County is to be advised in writing by Union Gas as to how Condition 10 has been satisfied.
15. Prior to signing the Final Plan, the Owner shall submit:
 - one (1) original plan;
 - four (4) transparent duplicates;
 - six (6) white paper copies;
 - two (2) 3¼“ micro floppy diskettes with the final plan (AutoCad compatible) and;
 - three (3) copies of the Subdivision/Site Plan Agreement executed with St. Clair Township.
16. This Draft Approval shall lapse if Final Plan Approval or an extension of Draft Plan Approval is not obtained within three (3) years of the date of this approval, being **February ----, 2008.**

Adjournment

The Chair declared the meeting adjourned to meet again on March 8, 2005.

Time: 11:00 a.m.

Jim Foubister

Chair

Madeline Pauschenwein

Deputy-Secretary-Treasurer