

**MINUTES**  
**LAND DIVISION COMMITTEE**

**December 19, 2007**

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

**Present**

Chair B. MacDougall. Warden J. Burns. Member G. Minielly. Also present were Secretary-Treasurer D. Posliff, Deputy-Secretary-Treasurer T. Dewsbury, Senior Planner B. Uitvlugt, Planners E. Nadalin, W. Nywening and Chief Building Official C. Nauta.

**Absent**

J. Foubister.

**Discussion**

Discussion took place regarding the correspondence received from the Township of Brooke-Alvinston regarding their motion passed on November 22, 2007 implementing an immediate moratorium on rural severances and their subsequent request that Land Division Committee not accept applications for rural severances. Chair B. MacDougall informed committee that she had spoken with Mayor McGugan regarding council's concerns. She indicated that it appears to be a divisive issue for their council. She relayed their comments regarding application B-010/07 and informed committee that W. Nywening had met with council in relation to the application. She thanked W. Nywening for his hard work with this application. D. Posliff discussed his correspondence to Brooke-Alvinston council regarding this issue and also informed committee that he has spoken with Stéphane Thiffeault, County Solicitor and it is his opinion that Land Division Committee cannot legally decline rural severance applications for the Township of Brooke-Alvinston, based on their motion. W. Nywening also spoke on the issue of surplus dwellings. D. Posliff and W. Nywening have met with R. Holland, Treasurer-Administrator, Township of Brooke-Alvinston to discuss this issue and they will continue to meet to help council through this process.

D. Posliff outlined his memo to committee regarding changing the Land Division Committee application deadline date. The new procedure will ensure that the circulation of the application and planner's report is available to the municipal council in a timely manner.

**Plan of Subdivision**

Application 38T-07004

T.W. Gray a/f 1560906 Ontario Ltd. (Youssef)  
Blocks C & D, Plan 600 (Corunna)  
Township of St. Clair

An application for approval of a draft plan of subdivision has been made by T.W. Gray a/f 1560906 Ontario Ltd. with the intention of creating forty eight (48) residential building lots for single-detached dwellings.

The proposal consists of an irregular shaped parcel of land located in Corunna, south of Parkdale Park and north of Paddock Green Subdivision. The subject lands comprise of an area of approximately 5.6 hectares (~13.8 acres) in area with a frontage of ~201 metres along St. Clair Boulevard and 167 metres along Bentinck Drive.

Also attending the meeting were Terry Gray, a/f the applicant, Hugh Devin and Pete Gilliland.

Planner B. Uitvlugt informed committee that the lands in question have been subject to a recent zoning by-law amendment which zones the overall property R1-8 which requires the use to be for single-detached residential dwellings and site specific provisions to address the adjacent railway. He outlined the conditions in his report and also indicated that the proposed plan might be phased in.

P. Gilliland expressed concerns about the proposed sound barrier wall which will be constructed along Bentinck Drive. On the plan the wall extends only to Lot 41 and the neighbours located on the east side of Bentinck Drive are concerned with the view into the backyards of the remaining lots which will not have this wall constructed. H. Devin questioned the possibility of the remaining lots along Bentinck Drive having fencing constructed and that it is to the neighbour's satisfaction. T. Gray indicated that the developer would address this issue. Chair B. MacDougall indicated that the stepping of the fence should be required in the Plan of Subdivision agreement with the municipality. H. Devin inquired if Lambton County is doing a traffic study or if one has already been completed as he has concerns about the traffic flow and the elementary school that is located in that area. He asked if the possibility of a pedestrian crossing could be considered. He also inquired if the municipality had addressed the issue of one of the proposed roads exiting close to the railway. B. Uitvlugt stated that the municipality had no concerns with the location of the intersection in relation to the railway.

H. Devin inquired into the removal of trees and asked if there was a plan in place in order to keep it to a minimum. T. Gray replied that removal will be necessary for both the construction of the streets and development of some of the lots. The developer will be working with a landscape architect to develop a plan to save as many trees as possible. A schedule will be attached to the plan of subdivision agreement.

Drainage for the subdivision was discussed and T. Gray indicated that each lot will contain a catch basin in the rear yard for drainage.

Minielly/Burns: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-07004 be given draft approval.

Carried.

### **Applications**

#### **Application A-004/07**

Art Griffiths Farms Inc.  
6645 Petrolia Line, Part Lot 5, Con 10  
Township of Brooke-Alvinston

The applicant requests relief from Section 5.2 a) of the Brooke-Alvinston Zoning By-law, *Minimum Distance Separation I (MDS I)*, which requires a setback of 300m from livestock facilities to the east. In this regard, the applicant proposes to create a residential lot containing a surplus farm dwelling that is approximately 178m from a livestock facility on the north side of Petrolia Line to the east and approximately 228m from a livestock barn on the south side of Petrolia Line to the east.

Application B-006/07 was granted by the Land Division Committee to sever this lot and obtaining this variance is a condition of consent.

### **COMMENTS**

The lands are designated “Rural Area” in the Brooke-Alvinston Official Plan and “Agriculture (A1)” in the Zoning By-law. The Official Plan allows the severance of surplus farm dwellings subject to criteria such as compliance with MDS I (or obtaining a variance).

Attending the meeting were the applicants Art & Carolyn Griffith.

The Planner read his report and the Deputy-Secretary-Treasurer read the submission received from the Township of Brooke-Alvinston stating they have no objection to the application.

Minielly/Burns: That Application A-004/07 be approved.

Carried.

The Chair advised of appeal procedures.

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.

**Application B-009/07**

813877 Ontario Ltd. c/o Carlyle Cross  
1227 Downie Road, Part Lot 24, Con 6  
Township of Dawn-Euphemia

An application has been made with the intent to sever an approximate 40 hectare (100 acres) farm fronting on Downie Road. The proposed severed parcel (see attached) would have a frontage of 119 m (390'), a depth of approximately 122 m (400') and an area of approximately 1.4 hectares (3.6 acres). The proposed retained portion would be approximately 38.6 hectares (96.4 acres).

The Official Plan (OP) for the Township of Dawn-Euphemia designates the subject lands "Agriculture" and the subject lands are zoned "Agricultural (A1) Zone" in the Township Zoning By-law 25 of 2002.

Attending the meeting was Kevin Boyd on behalf of the applicant. He told committee there is a single-family residential dwelling, a double-wide trailer, an accessory storage building, two drive shed's and a carport currently located on the proposed severed parcel. The applicants wish to sever the parcel, as the home and out-buildings are surplus to their needs. The owners are bona-fide farm operators and maintain a large-scale farm operation that includes several other properties located within the municipality. The main farm residence is located on one of their other currently-owned farm parcels. This home is surplus to their needs.

The Planner read his report and the Chief Building Official read her report. The Deputy-Secretary-Treasurer read the submission received from the Township of Dawn-Euphemia stating they have no objections to the application subject to the conditions set out in the Planner's report.

Burns/Minielly: That Application B-009/07 be approved with conditions.

Carried.

The Chair advised of appeal procedures.

**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 certified 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 or 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 applicant obtain a site specific Zoning By-law amendment to recognize a) the increased size of the severed parcel and b) the rezoning of the proposed retained parcel to prohibit the erection of a new farm/residential dwelling (in perpetuity).
7. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following:
  - a) That the septic system be demonstrated to this department by lot diagram. The septic system shall be partially uncovered to confirm the component location, size and condition. This must be completed to the satisfaction of the Private Sewage System Coordinator.
  - b) That a site inspection be conducted to confirm location of the septic system and to ensure that sewage/effluent is not being emitted or discharged onto the surface and that that it is wholly contained within the newly created parcel.
  - c) That the second system be decommissioned and no longer utilized to facilitate this structure.

**Application B-010/07**

Janet Gibbons a/f Deborah Smith  
8993 Petrolia Line, Part Lot 28, Con 10  
Township of Brooke-Alvinston

The applicant wishes to sever a residential lot containing an existing dwelling from a 55 acre<sup>+/-</sup> farm property fronting on Petrolia Line. The proposed severed parcel would have a frontage of 43m, a depth of 137m and an area of approximately 0.59 Ha (1.4 acres). The proposed retained farm would be approximately 53 acres with 150.87m frontage and containing no structures. The applicants apparently own several parcels in excess of six

hundred acres within Lambton and Middlesex Counties and live on one of them. The purpose of the severance is to dispose of a surplus farm dwelling.

The lands are designated “Rural Area” in the Brooke-Alvinston Official Plan, with a “significant woodlot” and “Hazard & Environmental Protection” designation on the southerly portion of the farm. The corresponding Zoning designations are “Agriculture (A1)”, “Environmental Protection Woodlot (EP-WD)”, and “Environmental Protection-Hazard (EP-H)”.

Attending the meeting was Janet Gibbons, solicitor for the applicants, the applicants Doug & Deborah Smith, Craig & Tori Sanders and Councillor McNeil, Township of Brooke-Alvinston.

Ms. Gibbons spoke to the application and informed committee of the history and the reason for the application. She indicated that the applicants did not have concerns with the conditions listed in the planner’s report except for the first condition which required the retained parcel be registered in the same as and merged with the existing farm parcel to either the east or west.

The Planner read his report and the Chief Building Official read her report. The Deputy-Secretary-Treasurer read the submission received from the Township of Brooke-Alvinston which stated they had no objection to the application provided that the six conditions listed in the planner’s report form part of the conditions of the severance. The submission from the St. Clair Region Conservation Authority was also read which stated they had no objection to the application.

Minielly/Burns: That Application B-010/07 be approved with the conditions listed in the planner’s report excluding the first one, which states: That Section 50(3) apply to any future conveyance of both the severed and retained portions and the retained farm be registered in the same as and merged with the existing farm parcel to either the east or west.

Carried.

The Chair advised of appeal procedures.

**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 certified 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 the retained farm be rezoned to prohibit a dwelling unless it is merged with the lot to the east, which already has a house.
6. That a variance or site specific rezoning be obtained with respect to Minimum Distance Separation requirements and the livestock facility to the north.
7. That the barn on the lot abutting to the west be removed if within the applicant's power to do so, or that a minor variance be obtained to the MDS.
8. That each resultant parcel including the abutting parcel with which the subject lot shares access have its own access to a municipal road and that such accesses be installed or upgraded at the applicant's cost to the satisfaction of the Township of Brooke-Alvinston.
9. That the size of the lot be increased to 0.8 ha unless the proposed lot size is demonstrated to the satisfaction of the County of Lambton Private Sewage System Coordinator to be appropriate for existing soil conditions.
10. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following:
  - a) a site diagram be provided showing the location of the current septic system as well as demonstrate, by site plan, a 50 square metre contingency area that is located in native, undisturbed soils and "reserved" for a future septic system;
  - b) that the system be partially uncovered to confirm the component location, size and condition;
  - c) that a "Notice of Advisory" be registered on title reflecting the served/contingency area.

**Application B-011/07**

Philip Walden a/f Estate of Ruby McKay  
6224 Egremont Road, Part Lot 2, Con 1 NER  
Township of Warwick

The applicant wishes to sever a 120 acre parcel along the original concession line - into a 57 acre parcel at the corner of Egremont Road and Forest Road (in the 1<sup>st</sup> Con NER) and a 63 acre parcel at the corner of Brick Yard Line and Forest Road (in the 2<sup>nd</sup> Con NER).

The lands are designated “Agricultural Area” in the Official Plan and “Agricultural (A1) in the Zoning By-Law. Watercourses crossing the property are designated “Hazard & Environmental Protection” and zoned “Environmental Protection-Hazard (EP-H)”. The woodlot at the concession line is designated “Significant Woodlot” and contains a locally significant wetland—the “Spicebush Wetland”. The zoning of the woodlot is “Environmental Protection-Woodlot (EP-WD)” and Environmental Protection- Wetland (EP-WET)”.

Attending the meeting was Philip J. Walden, solicitor for the Estate of Ruby McKay, Norma Scott and Les Frayne, executors, Scott Stevens and Mike DeMers.

P. Walden outlined the application. The intent of the application is to re-establish the two original parcels in order that the farmers that currently work the land have the opportunity to purchase the parcels.

The Planner read his report and the Chief Building Official read her report. The Deputy-Secretary-Treasurer reported that no submissions have been received.

Minielly/Burns: That Application B-011/07 be approved with conditions.

Carried.

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 certified 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 Warwick for the apportionment of drainage assessments on the involved properties.
5. That the applicant is responsible for the cost to the Township of Warwick of upgrading or providing and installing an access culvert on the severed portion, if the Township Road Superintendent is not satisfied with the condition of existing entrances.

### Adjournment

The Chair declared the meeting adjourned.

Time: 11:42 a.m.

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Bev MacDougall  
Chair

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Terrie Dewsbury  
Deputy-Secretary-Treasurer