

MINUTES
LAND DIVISION COMMITTEE

October 14, 2008

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

Present

Chair B. MacDougall, Warden J. Burns. Members: G. Minielly and J. Foubister. Also present were Secretary-Treasurer D. Posliff, Deputy-Secretary-Treasurer T. Dewsbury and Planners W. Nywening and F. Garardo.

Absent

None.

Discussion took place regarding the request from B. MacDougall to move the December 9, 2008 meeting to December 10, 2008 due to a conflict that both her and J. Foubister have. It was decided the meeting will be rescheduled to Wednesday, December 10, 2008. T. Dewsbury reminded members of the change of date for the next meeting from Tuesday, November 11, 2008 to Wednesday, November 12th, Committee Room # 2.

Plan of Subdivision

Application 38T-07003

Kenneth Dobbin
Part Lot 16, Concession 2, Wyoming
Town of Plympton-Wyoming

An application for the approval of a draft plan of subdivision has been made by Kenneth Dobbin with the intention of creating 92 residential lots for single-detached dwellings.

Ray Dobbin & Ken Dobbin were present on behalf of the application. Twelve members from the public attended. Also attending were L. Napper, Mayor, Town of Plympton-Wyoming, C. DeSchutter, Administrator-Clerk, Town of Plympton-Wyoming, K. Pratt, Deputy-Clerk, Town of Plympton-Wyoming, D. Nelson and G. DeBoer, Councillors, Town of Plympton-Wyoming.

R. Dobbin outlined the application for Plan of Subdivision regarding lot configuration, servicing, lot grading & surface water drainage.

W. Nywening outlined the planning report that was submitted for the proposed plan of subdivision. He spoke on the drainage issue, which appears to be a major concern to the residents in that area, as well as the servicing to the lots.

He stated that there are two processes that occur with a plan of subdivision. The first process is a public meeting that approves the layout of the proposed plan, which the County of Lambton does, and the second is the subdivision agreement, which covers items such as drainage, servicing and phasing, that the Town of Plympton-Wyoming must enter into with the applicant. He reviewed the roles of each in this regard and stated that under the Planning Act there is a fourteen day time period, starting tomorrow, during which time a decision cannot be made on this application. He then continued on to address the issues that had been raised by the neighbours.

Chair B. MacDougall then asked for any members of the public to voice their concerns or questions. D. Nelson inquired about the use of grinder pumps on Lots 1-4 and asked if there would be any odour associated with them. R. Dobbin replied that they flow directly to the sanitary sewer so there isn't.

B. Crawford, representing The Royaleigh, informed committee that during heavy rains they experience severe ponding on Huron Street and outlined the drains that are connected to their property. He feels due to the size of them they cannot work quickly enough and is concerned about any more surface water that might be directed that way due to the proposed subdivision. He also suggested that the 10" drain along the southwest side of the subdivision does not exist even though R. Dobbin has a report on it from 1971.

J. Hendra also spoke on the surface water drainage concern and stated that during rainfall his property gets flooded. He wants to know, in writing, how he is going to be reimbursed for damages to his dwelling that will occur when the first four lots are tied into the existing drain.

R. Dobbin explained that there is an existing drain that goes through the property from the north east and outlined the other drains that run through that area of Wyoming. He explained the intent of their proposal for drainage.

J. Kapala spoke on the water problem he has on his property and asked how they were going to deal with the grading of the lots in the proposed subdivision in order that his problem doesn't worsen. R. Dobbin replied that there would be a grading plan that will have to be adhered to for this area. J. Kapala also asked about the timing of the construction because if it is going to be phased in he has concerns about the construction vehicles and increased traffic which he feels will occur.

Chair B. MacDougall asked R. Dobbin, due to the concerns she was hearing from the public, to explain the surface water drainage, construction traffic in regards to the phases and heavy construction vehicles using the side streets.

W. Nywening discussed the need to get more input from the Town in regards to the conditions that committee will require in their decision.

D. Posliff then outlined the fourteen day decision timeline.

J. Kapala asked about the entire subdivision (92 lots) using the existing sanitary sewage station on Thames Street and wondered if it would have the capacity to handle the flows. R. Dobbin replied that the Town engineer will review this but it is believed it will.

M. McGill spoke about the existing water problems on his lot and asked how this will be addressed in light of the four lots that are being proposed beside his property. R. Dobbin explained the proposal for drainage on those four lots, which includes ponds, lot building through grading and catch basins being installed.

It was then asked if the Huron Street drainage issue and subsequent conditions imposed regarding this would be circulated to the owners in the area. W. Nywening explained that this would be dealt with at the municipal level through the subdivision agreement. Deputy Secretary-Treasurer T. Dewsbury noted that if members of the public had signed in at the meeting, they would receive further correspondence regarding this meeting.

L. Napper stated that he would like to see the committee defer the decision on this draft plan of subdivision in order that more discussions can take place regarding the residents' concerns.

G. DeBoere also felt that the neighbouring farmers need to be notified if the drains are moved or changed to accommodate the subdivision plan as this might affect the drainage on their properties.

M. Hendra asked why the meeting was being held if the engineers aren't sure if the drainage issue can be addressed properly and questioned when they would they be sure. W. Nywening stated that more discussion with the Town Engineer is required on this issue.

J. Kapala asked if there are new drains that will be required to be installed due to the subdivision, will all the existing landowners be re-assessed and required to pay again as they have already paid once? W. Nywening explained that the developers will be responsible for any drainage costs associated with the new development. Mr. Kapala feels that the current drains are draining farm property from the east through the town's drainage system.

Chair B. MacDougall explained that the decision today will probably be deferred in order that all the concerns raised can be dealt with by the municipality.

E. Roane asked if R. Dobbin knew about the existing drains and if they indeed do exist as he stated.

J. Vrolyk informed committee about his concerns regarding his driveway and the extension that would be required. W. Nywening explained that this would be included in the subdivision agreement and the costs borne by the developer.

R. Adams indicated that he hadn't received any correspondence regarding this meeting and requested that he receive anything that will be circulated regarding this meeting.

J. Kapala questioned the construction access coming from Thames Street – has a decision on that been made yet? He feels the road is too narrow for the construction vehicles. Will explained that one of the conditions of approval he has recommended was that a temporary construction access be installed off Confederation Line, but this will be subject to discussion with the Town.

Chair B. MacDougall closed the public portion of the meeting and asked if members had any questions or concerns.

J. Foubister expressed concerns regarding the use of grinder pumps for the four lots that are being planned at Confederation Line. What happens in the case of a hydro outage? He asked if the developer could consider altering the lot configuration for the frontages to be from the main subdivision road. He also expressed concern about the suggested public walkway to the park. It is his experience that they become a nuisance to the abutting landowners, collect garbage and that they cannot be maintained properly. He noted that requests to close and sell them to the adjoining landowners have been received and completed in the City of Sarnia approx. 6 – 10 times already.

G. Minielly questioned why the engineer wants to utilize grinder pumps as there could be other ways to deal with this issue as previously mentioned by J. Foubister. R. Dobbin replied that the lots were proposed in that layout in order to match the lots across the road. He feels that the owners would deal with a hydro outage in relation to a grinder pump in the same manner used for a hydro outage and a sump pump.

T. Dewsbury summarized the correspondence received regarding neighbour concerns which were surface water drainage, location of pumping stations, extension of through roads vs. proposed cul-de-sacs and construction routes.

R. McEwen requested that someone review the existing drains in order to ascertain that they are indeed where the reports indicate they are.

Chair B. MacDougall thanked everyone for attending and asked for committee's decision on this application.

Foubister/Minielly: That the committee defer making a decision on application 38T-07003 until the issues discussed are clarified and that all persons present will be invited to a future meeting to hear the solutions.

Carried.

Application A-002/08

Scott McKellar
3260 River Street
Township of Brooke-Alvinston

An application has been made for a minor variance to permit the construction of a 11.5 m (38') x 18 m (60') cover-all storage structure on the lands described as Con 6, Pt Lot 20, 3260 River Street. The applicant is seeking relief from Section 6.1 a) - required minimum front lot line setback of 20m whereas the applicant is requesting a variance to reduce the minimum front lot line setback to 7.3m.

COMMENTS

The lot is designated "Residential" in the Official Plan and zoned "Agricultural (A2)" in the Zoning By-law.

Attending the meeting was the applicant Scott McKellar.

The applicant was asked to speak to his application and he informed committee that he has always used that area for hay storage and that to move it anywhere else on the property would involve moving the hydro wires, which he doesn't want to do due to the cost and work involved. He requires the minor variance due to the configuration of the lot and the closed road allowance that runs in front of it. Due to that he has always thought that this was a side lot line but under the Zoning By-law it is actually his front lot line and therefore needs the variance.

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

Minielly/Foubister: That Application A-002/08 be approved with conditions.

Carried.

Conditions:

- a) That the minor variance apply only to the cover-all storage structure as presented in the application, and;
- b) That the applicant obtain any necessary permits for the cover-all storage structure and comply with the Township Zoning By-law and Ontario Building Code as applicable.

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-008 & B-009/08 Michael Oke
Lot 5, Plan 12
Township of Brooke-Alvinston

The applicant wishes to sever an existing residential parcel and create 2 building lots 22 m (72.435 ft) x 56m (184 ft) located on Centre Street; 1 building lot 22m (72.435 ft) x 71 m (234.33 ft) located on Railroad Street and 1 irregular building lot 37m (22.4 ft) x 71m (234 ft) located on Railroad Street. The applicant plans on constructing a personal residence on the east lot on Railroad Street and further develop the balance of the property with residential homes in the future.

COMMENTS

The land is currently designated as “Residential Area” in the Township of Brooke-Alvinston Official Plan and is zoned “Residential R1” in the Zoning By-Law.

Attending the meeting was the applicant Michael Oke.

The applicant was asked to speak to his application but he stated that he had nothing to add to the submitted application.

The Planner read his report. J. Foubister asked Mr. Oke about the narrow strip of land on his site plan that currently has a barn sitting on it. Mr. Oke replied that it is an alley and that he is currently negotiating with the municipality to purchase it and merge it with the proposed severed lot. G. Minielly inquired into running the sewer from Elm Street instead of having to use a grinder pump and Mr. Oke replied that the municipality has refused this request.

The Deputy-Secretary-Treasurer read the correspondence received from the Township of Brooke-Alvinston stating they have no objection to the application.

Foubister/Minielly: That Application B-008 & B-009/08 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 the applicant be responsible for the cost to the Township of Brooke-Alvinston of providing and installing an access culvert on the severed (and/or retained) portion.

The Chair advised of appeal procedures.

Application B-010/08

Steve and Ruth Watson
Lots 1-3, Plan 5, 2 Queen Street
Township of Brooke-Alvinston

The applicant wishes to sever a vacant parcel into two equal portions. The existing 60m (198') by 50m (165') lot would be severed into two equal portions. Each lot would have a frontage of 30m (99') along Queen Street and a depth of 50m (165').

The land is currently designated as "Residential Area" in the Township of Brooke-Alvinston Official Plan and is zoned "Residential R4" in the Zoning By-Law.

Attending the meeting was the applicant Ruth Watson.

The applicant was asked to speak to the application but she stated that she had nothing to add to the submitted application.

The Planner read his report and the Deputy-Secretary-Treasurer read the correspondence received from the Township of Brooke-Alvinston stating they have no objection to the application provided a condition is imposed requiring the applicants to research and request that the Council of the Township of Brooke-Alvinston pass a by-law deeming the subject lands no longer part of a plan of subdivision.

Burns/Foubister: That Application B-010/08 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 the applicant be responsible for the cost to the Township of Brooke-Alvinston of providing and installing an access culvert on the severed (and/or retained) portion.
6. That the applicant research and request that the Council of the Township of Brooke-Alvinston pass a by-law deeming the subject lands no longer part of a plan of subdivision.

The Chair advised of appeal procedures.

Adjournment

The Chair declared the meeting adjourned.

Time: 11:15 a.m.

Bev MacDougall
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer