

MINUTES
LAND DIVISION COMMITTEE

December 10, 2008

A meeting was held at the County Building at 10:30 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.

Application B-012/07

Roger Buurma
3261 Little Ireland Road
Township of Brooke-Alvinston

The applicant wishes to sever a rural residential lot containing an existing dwelling from a 40 h farm property. The proposed severed lot would have an area of approx. 1.9 acres.

COMMENTS

The land is currently designated as "Rural Area" and "Significant Woodlot" in the Township of Brooke-Alvinston Official Plan and is zoned "Agriculture (A1) and "Environmental Protection (EP-WD)" in the Zoning By-Law.

Attending the meeting was the applicant Roger Buurma. The applicant was asked to speak to his application and he stated that he had nothing further to add at this time.

The Planner read his report and explained the issue of the easement that is being requested.

The Deputy-Secretary-Treasurer read the correspondence received from the Township of Brooke-Alvinston stating they have no objection to the application provided that a condition be imposed requiring the registration on the property title of the proposed easement for farm access. T. Dewsbury also read the correspondence received from D. Van Damme outlining his objection to the application.

Minielly/Burns: That Application B-012/07 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 proposed easement for farm access be registered on title.

The Chair advised of appeal procedures.

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.

B. MacDougall opened the meeting by reviewing why the meeting was convened again.

Ray Dobbin & Ken Dobbin were present on behalf of the application. Eight members from the public attended. Also attending were L. Napper, Mayor, Town of Plympton-Wyoming and A. Wills, Planning Coordinator, Town of Plympton-Wyoming.

R. Dobbin outlined what steps had been taken to review the existing drains as this had been one of the concerns from the residents at the last meeting. He stated that both drains had been dug up, are free of silt and are in working condition. He also spoke regarding the stormwater management pond that is planned. A petition has been given to the municipality by the Dobbins to have the Barnes Drain cut-off moved to the farm parcel. He informed committee that at the previous meeting he mistakenly referred to the first four lots as requiring grinder pumps. In fact these would require injector pumps only if there were plumbing fixtures installed in the basements of any house that might be built. The rest of the house would be gravity fed from the existing sewage lines.

He spoke on the issue of construction vehicle traffic and stated that Huron Street and Thames Street will not be used for access during construction of the new roads. The sewage pumping station will be located at the south end of the proposed plan of subdivision as requested.

W. Nywening outlined the events that have taken place since the previous public meeting. The municipality has approved the first four lots that will be fronting on Confederation Line and the use of injector pumps. After receiving additional information from R. Dobbin they have also approved the drainage plan that is proposed for those lots. Due to their size the lots will be graded properly to allow all the stormwater to be dealt with on the lots themselves.

W. Nywening discussed the concern of residents that the first four lots could be developed and the rest of the subdivision isn't completed. R. Dobbin replied that they have started the process of moving the drain as a commitment to proceeding further. The cost of this will be assessed to the developer. W. Nywening indicated that this will be dealt with through the draft conditions.

W. Nywening reviewed the issue of construction vehicle traffic and indicated that Niagara, Thames, Erie and Huron Streets will not be allowed to be used for construction vehicles during the construction of the services. He informed the residents that council indicated that they may not be able to restrict construction traffic after the roads have been completed and assumed as a public road.

W. Nywening updated committee on the other concerns that were dealt with at the meeting with municipal council:

- a) The Ontario Street walkway has been changed to a through street;
- b) The Town Engineer has indicated that the temporary turning circles are not required;
- c) The conditions of approval are largely unchanged from the previous recommendations but the plan has been modified to reflect the changes the Town has requested.

The Town has to enter into an agreement with the developer and it will cover the following items:

- recommendations from the Town Engineer;
- Huron Street cul-de-sac;
- noise and vibration studies;
- construction vehicles prohibited during the construction of roads and services as a minimum;
- Lots 1-4 will be allowed to be created prior to connection to the stormwater pond but will be required to hold all stormwater.
-

Bev thanked staff for all the work that has been done regarding the residents' concerns and thanked L. Napper and A. Wills for attending the meeting. She opened the meeting to comments from the public.

M. McGill asked about the moving of drains and how long this would take. R. Dobbin explained what would happen with the drainage on the first four lots and said the timeline for the process would take approximately one year. He indicated he has flooding now in his back yard and asked how this would be dealt with after houses are built. R. Dobbin stated that the four lots will be lower and then built up at the rear lot lines in order that the surface water from these lots will remain on the lots and not flood the abutting properties. M. McGill then inquired about the building of houses and the subsequent opening of the roads. K. Dobbin explained that this would be done in phases, which is also dealt with through the subdivision agreement with the Town. A. Wills reiterated that the plan of subdivision agreement will control the phasing. L. Napper explained this is common practice in the municipality with subdivision approval.

R. Crawford asked if there would be provisions in the agreement for flooding of the street and parking lot at the Royaleigh. He suggested increasing the size of the outlet or make arrangements to connect with the King-Hancock Drain in order to get rid of their drainage problems. He also asked how the drainage assessment would be dealt with. R. Dobbin explained that there is a petition with the Town and there will be a meeting that he will be invited to in order deal with this concern. L. Napper stated that he will ensure the Town Engineer is made aware of the problem.

W. Nywening explained the history of the drains in Wyoming and how difficult the drainage is due to the inadequate size of them. L. Napper indicated that he has been made aware of this issue and he has spoken to the Town Engineer about the drainage problems in Wyoming.

E. Roane stated that he feels the drainage issue for the first four lots has been dealt with adequately; however, what will happen if the purchaser constructs a very large house on the lot and then alters the grading at the rear because he doesn't want the stormwater sitting there? He also asked about the next phase and is it going to be guaranteed that the draining will be dealt with in it. R. Dobbin replied that it will take approx. one year for the drainage to be dealt with. W. Nywening stated that the Barnes Drain work is not part of the first phase. It is separate and could be done before phase two. He also confirmed that the first four lots will be required to hold their stormwater. L. Napper indicated that the Town will make every effort to move the drain process along.

B. MacDougall then closed the meeting for public comments and inquired whether any written submissions had been received. Deputy Secretary-Treasurer T. Dewsbury replied that there has not been.

Minielly/Foubister: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-07003 be given draft approval, subject to the following conditions:

Carried.

- 1) That the draft approval applies to the plan prepared by R. A. MacKenzie and dated November 15, 2007, which provides for the development of 92 single detached dwellings and 6 blocks.
- 2) That the draft incorporate the following revisions:
 - a) That the cul-de-sac opposite Ontario St be changed to a through-street ending at the west property line to provide a future street extension.
 - b) That the block(s) for the pumping station and stormwater management facility be included in the plan of subdivision as blocks and be clearly labelled as such.
 - c) That easements for sanitary sewer shall be provided over the fronts of Lots 1 to 4 in favour of the Town, if required.
 - d) That private easements for drainage be provided over the rear of Lot 2 in favour of Lot 1 and over the rear of Lot 3 in favour of Lot 4.
 - e) That the pumping station block shall be eliminated if the pumping station is located on the stormwater management block.

- 3) That the road allowances included in this draft plan be shown and dedicated as public highways and that the names of the proposed roads be consistent with the 911 protocol.
- 4) 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 cash-in-lieu of parkland will be from the date of the extension of draft approval.
- 5) That the owner convey Blocks 92 to 98 inclusive and the Block(s) for the pumping station and the stormwater management facility, to the Town of Plympton-Wyoming.
- 6) That the owner enter into a Subdivision Agreement with the Town of Plympton-Wyoming which is to 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, 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) Provision of a new sanitary sewer pumping station on the block at the end of the extension of Thames Street or on the storm water management facility block.
 - c) Satisfying the Town with respect to drainage and storm water management.
 - d) Provisions requiring the submission of a plan for sediment and erosion control for the construction phase of this subdivision.
 - e) Installation of a fire hydrant system to the satisfaction of the fire department.
 - f) Urban design being incorporated into the subdivision (i.e. boulevard trees) to the satisfaction of the Town of Plympton-Wyoming.
 - g) Implementing the recommendations prepared by NorthWest Consulting Civil Engineers and dated September 12, 2008, especially with regard to the drainage, grading and phasing of Lots 1 to 4, and the protection of existing drains during construction.
 - h) Removing the cul-de-sac at the end of Huron Street and restoring street, driveways and boulevards to the Town's satisfaction and at the applicant's expense.
 - i) Implementing the recommendation of the noise and vibration study prepared by HGC Engineering and dated April 1, 2008.

- j) The geometry, grade, drainage, signage and any other relevant matters of the proposed connections with Confederation Line, Huron Street and Thames Street.
 - k) Phasing arrangements to the satisfaction of the Town.
 - l) Providing for construction access to be prohibited on Niagara Street, Thames Street, Erie Street and Huron Street.
 - m) If final approval is to be granted to Lots 1 to 4 as a Phase before an outlet is available for them other than the existing King-Hancock Drain, the subdivision agreement shall require the following:
 - i) That all required stormwater retention be provided on the lots themselves without excessive grading and without contributing to any flooding on adjacent areas.
 - ii) That prior to obtaining final approval on Lots 1 to 4, the owner initiate the Drainage Act process for relocating the Barnes Drain Cut-off to the east side of the property, inclusive of a connecting outlet for Lots 1 to 4. Measures shall be in place to ensure the cost of relocation and any up-sizing in capacity required by the subdivision are paid entirely by the owner.
- 7) That the owners obtain reserve sewage capacity from the Town for the proposed development.
- 8) 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 County of Lambton and the Town of Plympton-Wyoming. The provisions of the approved servicing plans must be incorporated into the Subdivision Agreement with the Town.
- 9) That details of the outlet of the stormwater management facility be prepared in consultation with the Town and St Clair Region Conservation Authority (SCRCA) and subject to any permits or approvals required from the SCRCA.
- 10) That the owners satisfy Hydro One with respect to servicing capacity for the proposed development or, if necessary, that final approval of the plan be phased in accordance with the availability of electrical servicing.
- 11) That the owner 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, in a form satisfactory to Union Gas Limited.
- 12) 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 9 inclusive have been satisfied.

- 13) 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 8 has 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 St. Clair Conservation Authority as to 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 10 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 11 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 within three (3) years of the date of this approval.

W. Nywening outlined the process that will now take place. Secretary-Treasurer D. Posliff will make a decision and a copy of the decision will go to all persons attending this meeting.

Adjournment

The Chair declared the meeting adjourned.

Time: 11:30 a.m.

Bev MacDougall
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer