

MINUTES
LAND DIVISION COMMITTEE

December 1, 2009

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

Present

Chair Wm. Bilton. Warden J. Burns. Member G. Perry. Also present were Secretary-Treasurer D. Posliff, Deputy-Secretary-Treasurer T. Dewsbury, Planners E. Nadalin and W. Nywening.

Absent

B. MacDougall.

Application B-004/09

Carol Gray
East ½ Part Lot 18, Con
753 Cuthbert Road
Township of Dawn-Euphemia

An application has been made with the intent to create a rural residential lot containing a surplus farm dwelling and associated barn/drive shed. The proposed parcel would have a frontage of 61 m (200'), a depth of approximately 134 m (440') and an area of 0.8 hectares (2 acres). The proposed retained parcel would be approximately 39.6.5 hectares (98 acres) in size.

COMMENTS

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 the applicant Carol Gray and neighbour Leslea Williams.

The applicant was asked if she wished to speak to her application and she declined.

The Planner outlined his 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/Perry: That application B-004/09 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. That the certificate of consent required by Section 53(42) of the Planning Act 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 retained parcel be rezoned to prohibit a dwelling.
7. That the applicant satisfies the County of Lambton Private Sewage Coordinator with the following:
 - a) that a 'Notice of Advisory' be applied to the newly created parcel. It 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 'Notice of Advisory' pertains to the site plan that will be completed to the satisfaction to the Private Sewage System Coordinator. The site plan must demonstrate a 50 square meter contingency area that is located in native, undisturbed soils and 'reserved' for a future septic system.
8. That a 9-1-1 municipal addressed be assigned to the retained farm parcel.

The Chair advised of appeal procedures.

Plan of Subdivision

Application 38T-09001 Henderson Builders
Part Lot 16, Con 1
Broadway Street
Town of Plympton-Wyoming

An application for approval of a draft plan of subdivision has been made by Henderson Builders Limited with the intention to create 16 residential building lots. The property is currently vacant and surrounded by a church and existing residential development on Broadway, Isabella, Sycamore and Zone Streets.

The proposal conforms to Provincial Policy Statement 2005 (PPS) promoting growth through infilling within existing designated settlement areas with full municipal services.

The proposed residential subdivision conforms to the County's Official Plan as it is located within one of the County's designated Urban Centres.

The proposal conforms to the Town of Plympton-Wyoming Official Plan, which identifies Wyoming as the main Urban Settlement Area in the municipality and designates this particular property as "Residential". Abutting properties on all sides are also designated "Residential".

Attending the meeting were the applicants Scott Henderson and Jack Dupee. Also in attendance were C. Cimetta and C. Bladon, for applicant, R. McMichael, A. Wills and W. Bartlett, for the Town of Plympton-Wyoming, and neighbours G. Charlebois, P. Paton, R. Howes, G. Smith and E. Steele.

W. Nywening reviewed his planning report. The Deputy-Secretary-Treasurer read the correspondence which had been received.

The applicants were asked if they wished to speak to their application. C. Cimetta, Solicitor for the applicants, introduced the applicants and outlined the application and the progress to date. He stated that he has reviewed the conditions for draft approval and has no objections other than Condition 2 a), which he acknowledged was inserted in order to allow for storm water installation. He asked for the words "or easement" to be added after "block" in this condition as he feels that this will allow the developer to work with the municipality to decide whether this should be an easement granting the municipality access or a block that will be conveyed to the municipality. He indicated that a decision did not need to be made at today's meeting regarding this issue of conveyance versus easement. He feels by the insertion of this wording that it would facilitate further discussions and allow a mutual agreement to be explored. He stated that he is satisfied with all other conditions as listed in the planning report.

G. Charlebois asked for clarification regarding the road extension as illustrated on the draft plan and P. Paton asked what was going to happen to the existing park on that block of land. W. Nywening indicated that it might be beneficial at this point to work through the planning report and perhaps some questions would then be answered. He explained that there are two process involved with draft approval for a plan of subdivision. The first process takes place at the Land Division Committee which approves the plan layout and conditions and the second process which takes place at the municipality which addresses other items. W. Nywening explained the proposed road extension to Sycamore Street, which was always anticipated, and noted that the location of the park on that lot was always considered temporary. He discussed the need for the storm sewer along the rear of Lots 1 through 8 and the reason why the municipality would like a block established along the rear of the lots, which would ensure this takes place. He made reference to Mr. Cimetta's wording request and stated that it doesn't matter which process is used and that future discussions with the municipality can be held to determine this.

W. Nywening reviewed the five metre setback shown on Lot 1 on the west lot line which is to be used for the sewer line to connect at the main roadway. He indicated that a minor variance has been already been obtained. He suggested that land could be obtained from the severed lot fronting Broadway Street, as this lot has not been registered yet, in order to make allowance for the five metres and provide a larger building envelope of Lot 1.

W. Nywening stated that the municipality has asked for Lot 1 in order that it can be used as a park and indicated that the developer is agreeable to entering into discussions regarding this idea. W. Nywening reviewed the lot details in case this lot is going to be used as a building lot. He suggested that, if the lot is determined to be a saleable lot, the municipality should review the building plans to ensure compatibility with the lot fronting onto Broadway Street. He then reviewed the rest of the draft conditions contained in the planning report.

Deputy-Secretary-Treasurer T. Dewsbury read the correspondence received and Chair W. Bilton asked if anyone wished to address the concerns outlined in the correspondence. W. Nywening indicated that the proposed lot sizes meet the requirements in the Zoning By-law and that if the committee requests anything different, there must be adequate justification for the request. He discussed servicing issues and costs and also noted that lack of housing in an area does drive up the costs of existing housing.

C. Cimetta feels that this proposed plan is infilling development rather than new development and that it will complement the existing development. He stated that the developer will ensure the lots will enhance the existing residential homes.

He stated that the proposed development of this plan of subdivision will alleviate drainage concerns in this area and indicated that the developer and staff have discussed this issue several times and feels it has been suitably addressed.

R. Howes stated that he lives on Isabella Street and when those houses were built the developer was required to have sixty foot frontage for the lots and feels that this application should also be required to have the same lot frontage instead of the suggested 50 foot frontage. He stated that he thought there was a by-law that was passed by the municipality that would not allow any lots smaller in size in this area. Chair W. Bilton explained that the proposed lots do meet the requirement of the current zoning by-law.

P. Paton stated that he also lives on Isabella Street and asked if perhaps by approving these smaller lot sizes that a precedent will be set for future development in the neighbourhood. He asked if the committee is looking at the square footage of the lot only. He feels it is a matter of existing prestige lots versus infilling lots.

C. Cimetta stated that the frontage and area of the lots in the proposed plan meet or exceed the municipal zoning by-law and the developer is not asking for relief from this requirement. He feels this is a non issue as the lot sizes exceed the size that the municipality states is justified in this area. W. Nywening confirmed that the minimum lot frontage required in this area is 15 metres.

E. Steele lives on Zone Street and stated that he has drainage concerns with this proposal as he has had drainage issues in the past and this proposal will add more load to the Stonehouse Drain. He feels that any drainage proposed needs to be done well in order that there will not be any problems or impact on the existing properties. He stated that the municipality cleaned up this area a few years ago and that the engineer for the municipality at that time informed him that this area needs to have a retention pond placed there in order to address the drainage problems. W. Bartlett stated that he was the engineer that spoke to E. Steele and stated that the idea of the retention pond was only one of several suggestions made at that time. He noted that the municipality is aware of the drainage issues and will be working with the developer to look after this.

P. Paton stated that last year his property insurance company informed him that his insurance policy would be increasing as Wyoming is being placed in a "high flood" designation.

R. Howes asked who determines the grading that the houses would be built at. P. Paton stated that the water table is very high in this area. C. Cimetta stated that this issue will be addressed as part of the subdivision agreement with the municipality.

G. Perry expressed concerns about the size of Lot 1 and hopes that a settlement can be reached. J. Burns asked at which stage the discussions are with the municipality regarding the issue of a park on Lot 1. He also asked about the building restrictions on Lot 1. C. Cimetta replied that condition 7 g) addresses the issue of building restrictions on Lot 1. He also noted that there have been productive discussions with staff regarding Lot 1 and that if this lot is conveyed to the municipality and does become a park, then the building issue no longer exists. He stated that if twenty feet from the rear of the lot facing Broadway Street is added to Lot 1 then there will be a large enough area to build on.

G. Charlebois asked about reconfiguring Lot 1 using the 20 feet from the other lot and then using that area as a small park. S. Henderson stated that this was not an option. G. Perry expressed concerns about the 5 metre easement infringing upon the future lot owners.

J. Burns asked if there is a park elsewhere near this proposed subdivision and W. Nywening replied in the affirmative. A. Wills reiterated that the municipality would like to see Lot 1 become a park but this has not been finalized. J. Burns asked if the committee has the authority to ensure this happens. Secretary-Treasurer D. Posliff replied that it does and outlined two options for the committee's information. The first one is to withhold draft approval until the issue is resolved, and the second option is that he can give draft approval which will allow the negotiations with the municipality to proceed and then put that decision in the draft approval.

W. Nywening outlined the proposed draft conditions regarding Lot 1, parkland-in-lieu fees and the building plans for Lot 1.

J. Burns stated that he doesn't feel the committee should insert a condition regarding the placement of a park.

A. Wills reiterated that, in regards to condition 2 a), the municipality would prefer a block versus an easement in order for the municipality to perform maintenance requirements. R. McMichael stated that there are still other drainage items that need to be discussed and determined. C. Cimetta reaffirmed that his applicant only wishes the amendment in order to allow for discussion and that ultimately this will be determined by the subdivision agreement.

Secretary-Treasurer D. Posliff suggested that condition 2 a) be revised to add "as determined by the municipality" to the already revised amendment. Therefore the amended condition 2 a) is to read "That a 5m wide block or easement, as determined by the municipality, be created along the rear of Lots 2 to 8 inclusive.

Burns/Perry: That the Committee make recommendation to the Secretary-Treasurer of the Land Division Committee that Application 38T-09001 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 July 27, 2009, which provides for the development of 16 single detached dwellings.
- 2) That the draft incorporate the following revisions:
 - a) That a 5m wide block or easement, as determined by the municipality, be created along the rear of Lots 2 to 8, inclusive;
 - b) That a 5m wide easement be shown along the east side of Lot 1;
 - c) That any land abutting Lot 1 that is not registered as part of the parcel of land created by severance application B-04/09 be incorporated into the proposed plan of subdivision as part of Lot 1.
- 3) 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.
- 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 any cash-in-lieu of parkland will be from the date of the extension of draft approval.
- 5) That the owner conveys the block referenced in Condition 2 a) to the Town of Plympton-Wyoming, if necessary.
- 6) That the owner registers the easement over Lot 1 referenced in Condition 2 b) to the Town of Plympton-Wyoming for the operation and future maintenance of a storm sewer and for access over the lands.
- 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 to the satisfaction of the Town of Plympton-Wyoming;
 - f) Provision of a connecting street to Sycamore Crescent via the parcel described as Block 14, Plan 763;
 - g) If Lot 1 is not acquired by the Town as a park, a requirement for the Town to approve the proposed building plans for any house on Lot 1 prior to a permit being issued, to the end that the Town is satisfied the house location and design will respect the amenity of the lot known as 487 Broadway St;
 - h) The geometry, grade, drainage, signage and any other relevant matters of the proposed connections with Sycamore Crescent and Broadway Street.
- 8) That the owners obtain a minor variance from the Zoning By-law to permit construction of future buildings on Lots 1 to 8 inclusive within the 5m storm sewer setback.
 - 9) That the owners obtain reserve sewage capacity from the Town for the proposed development.
 - 10) 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.
 - 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 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.
 - 13) That any works to be completed within the County Road allowance including those required within the subdivision agreement with the Town, shall be to the satisfaction and prior approval of the County Public Works Department.

- 14) That the owner satisfy the St Clair Region Conservation Authority with respect to any permits and/or review fees required for drainage works to be completed in connection with the Stonehouse Drain.
- 15) 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.
- 16) 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 10 has been satisfied.
- 17) 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.
- 18) 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.
- 19) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the County of Lambton Public Works Department as to how Condition 13 has been satisfied.
- 20) That prior to final approval by the Secretary-Treasurer of the Land Division Committee, the County is advised in writing by the St Clair Region Conservation Authority as to how Condition 14 has been satisfied.
- 21) 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.
- 22) 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 giving draft approval]*.

The Chair advised of appeal procedures.

Adjournment

The Chair declared the meeting adjourned.

Time: 10:45 a.m.

William Bilton
Chair

Terrie Dewsbury
Deputy-Secretary-Treasurer