

## Minutes - Planning & Building Committee



**MEETING DATE:** January 17, 2011

**LOCATION:** L.E. Shore Memorial Library

**PREPARED BY:** Corrina Giles, Town Clerk

### A. Call to Order

- Chair McKinlay then called the Committee meeting to order with fellow designated Committee members Councillors Martin, Ardiel and Gamble in attendance. Also in attendance were Councillors McKean and Halos.
- Also in attendance was Director of Planning and Building David Finbow, Senior Policy Planner Cindy Welsh, Planner Bryan Pearce, Planner Shawn Postma and Director of Engineering and Public Works Reg Russwurm, Director of Special Projects Peter Tollefsen and Director of Recreation Shawn Everitt
- Approval of Agenda:  
  
Moved by: R.J. Gamble                      Seconded by: John McKean  
  
THAT the Agenda of January 17, 2011 be approved as circulated, save the removal of Agenda Item D.4 and the addition of discussion regarding Ontario Good Roads Association, Carried.
- No member declared a pecuniary interest with regard to any matter listed on the Agenda.
- Previous Minutes  
  
Moved by: Gail Ardiel                      Seconded by: R.J. Gamble  
  
THAT the Minutes of December 8, 2010 be approved as circulated, including any revisions to be made, Carried.

### B. Public Meetings - 7:00 p.m.

#### B.1 OPA – Design Guidelines & Road Classifications

Chair McKinlay read the Notice of Public Meeting to receive agency and public comments regarding a proposed official plan amendment, noting the Town wants public input.

Duncan noted the purpose and effect of the proposed Official Plan Amendment is to:

1. Add policies to the Section 3.0 General Development Policies that will provide for design guidelines to be established within the Town which will clarify the design objectives of the Official Plan and to be considered by the municipality during the development approval process; and,
2. Modify Appendix Map "G" Roads Plan to add ten new Collector Roads. The proposed collector roads are as follows:

Victoria Street South (from Arthur Street West to Duncan Street West);

Duncan Street West (from 10<sup>th</sup> Line to Russell Street West);  
Napier Street West (from Beaver Street South to Bruce Street South);  
Monterra Road (from Grey Road 19 to Grey Road 21);  
10<sup>th</sup> Line (from Peel Street South to Duncan Street West);  
Albert Street (from 10<sup>th</sup> Line to Alfred Street West);  
Peel Street South (from 10<sup>th</sup> Line to Arthur Street West);  
Peel Street North (from Arthur Street West to Cameron Street)  
Beaver Street South (from 10<sup>th</sup> Line to Victoria Street South); and  
Clark Street (from Marsh Street to Grey Road 2).

The above noted are town-wide initiatives.

Duncan noted any person or agency may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Official Plan Amendment. If you wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the official plan, you must make a written request to Corrina Giles, Town Clerk, Town of The Blue Mountains, P.O. Box 310, 26 Bridge Street East, Thornbury, Ontario, N0H 2P0. Any appeal of the proposed Official Plan Amendment must be made to Sharon Vokes, County Clerk, County of Grey, 595 9th Avenue East, Owen Sound, Ontario, N4K 3E3 after the County of Grey has rendered its decision on the matter.

Duncan noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision of the Council of the Town of The Blue Mountains to the Ontario Municipal Board.

Duncan noted if a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of The Blue Mountains before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Duncan noted additional information relating to the proposed Official Plan Amendment is available for inspection during regular office hours at the Planning Division of the Planning & Building Services Department, 26 Bridge Street East, Thornbury or by calling (888)258-6867 or (519)599-3131 ext. 262.

Duncan noted at this public meeting, the Town seeks to receive comments to aid in our decision-making process. It should be noted that a decision will not be made at this public meeting. The Planning Division will bring recommendations forward to a Council Meeting at a future date following this public meeting.

The Clerk then read correspondence received from Nottawasaga Valley Conservation Authority, Grey County and noted 22 correspondences received from residents.

The Committee then discussed if all 22 correspondences should be read, Chair McKinlay noting he would like to hear the Staff presentation first, and then comments received will be read by the Clerk.

Director of Planning and Building David Finbow then reviewed the application noting all correspondences received are with respect to the collector road designations, including correspondence from Grey County with respect to design guidelines.

Senior Policy Planner Cindy Welsh then spoke regarding design guidelines noting a preliminary report was brought before the Planning and Building Committee at the December 8, 2010 Meeting. Cindy reviewed the history of design guidelines noting it was not included in the Official Plan in 2006.

Cindy referenced the Planning and Urban Design Study noting it is consistent with the design policy objectives of the Town's official plan, while design guidelines will be a stand-alone document, not being a part of the official plan. Cindy then noted any changes to the design guidelines will not require an official plan amendment.

Director of Engineering and Public Works Reg Russwurm then spoke regarding collector roads and reviewed the corridor hierarchy noting it is to provide safe movement of people, then reviewing the purpose of collector corridors. Reg noted the official plan speaks to right-of-way access and establishes the distance between roads as collector to collector.

Reg noted the roads are proposed to be designated in accordance with the Transportation Study dated March 2010.

Reg then identified the current and proposed collector roads and the proposed collector roads in Thornbury West.

Reg then spoke to the timing of road upgrades, construction standards including sidewalks, bike lanes, travel lanes, turning lanes, stormwater management, open space and streetscape improvements.

Reg identified the short term and long term impact on residents, noting changes may not occur for 40 years. Reg then identified the impact on development and the impacts on water and sewer and spoke to the municipality's options.

Robert Johnston, resident on Cameron Street then spoke questioning the meaning of design standards, David replying it is a tool for development guidelines and deals with architectural approach to design. David then noted the intent is that Council will amend the official plan as it relates to design guidelines, noting it is a stand-alone document that deals with issues such as spatial separation, buffering, and enhancing the public realm.

Dan Bentley, resident in AppleJack spoke questioning if the official plan has been approved, Duncan replying that the Town currently has an official plan and noted the official plan five year review is now started. Duncan then noted the official plan is available for anyone to review in the Town office. Mr. Bentley then questioned if design guidelines would apply to the Telfer development, Duncan replying that the Telfer development has not been approved and further noted the design guidelines, once approved, would set the stage for new development.

Michael Seguin, resident on Peel Street, spoke noting he believes insufficient notice was given for the public meeting and noted the frequently asked questions posted to the website regarding collector roads and design guidelines is insufficient. Michael then questioned why other roads are not identified as collector roads and noted there would be substantial impact on residents if the road width is increased from 20 metres to 26 metres, including loss of trees and vegetation.

Michael then questioned why collector roads and design guidelines are being brought forward at this time, noting it may spur reactive development. Michael then noted future travel demands for future development have not been determined and noted this is not responsible planning.

Rose Marie Gosselin, resident at 29 Napier Street West, spoke questioning if design guidelines are to fit in with secondary plan for guidelines, David replying through the public information session, it was identified that small town vision and feel should continue and respect the current official plan.

Rose Marie then noted her street is quiet with no sidewalks and noted the proposed number of cars on her street would have a great impact.

Malcolm Kirk, resident at Napier Street West, then spoke expressing concern for children's safety as they walk to school along Napier Street.

David Fletcher, resident at 136 Augusta Crescent, then spoke questioning the name of the consultant that completed the transportation study and the cost, Reg replying Aecom through CC Tatham & Associates, and noted it was a three way split between MTO, Grey County and the Town with each share being approximately \$83,000, further noting other issues were addressed in the document as well.

Brian Nelson, resident at Napier Street, spoke on behalf of the Napier Victoria Street residents noting their recommendation is to defer approval of Official Plan Amendment #24 until the official plan is complete as there is not enough information received, noting there is no traffic data, little planning policy at this time, and believes all bases are being covered as all roads have been selected as collector roads.

Maxine Corea, resident at 95 Napier Street, spoke questioning why the Town needs more development, Duncan replying that the Town is trying to plan ahead.

Mary Lou Hibbard, resident at 165 Napier Street West, then spoke noting her family moved here from London 11 years ago to escape urban development. Mary Lou noted she is concerned about Thornbury West becoming urbanized and is concerned with traffic on Napier and Beaver Streets. Mary Lou noted the traffic on the 10<sup>th</sup> Line is excessive at times as people travel to Tomahawk for sporting events and noted the intersection of Beaver Street and 10<sup>th</sup> line should be improved as it is a very busy intersection. Mary Lou noted she is concerned for children's safety in this area.

Catherine Sholtz-Seguin, resident at Peel Street North, spoke noting she does not understand the motive for designating Peel Street North as a collector road, noting Peel Street North is the only street identified as a proposed collector road north of Highway #26.

John Brady, resident at 147 Bruce Street, spoke noting the discussion this evening has a strong sense of distrust to Council and Town Staff, further noting Council should try to gain the community's trust.

Jim Uram, resident at 69 Duncan Street, spoke noting the collector road issue should be sent back to Staff for further research, noting the designated roads should not be raised to collector road standards. Jim further noted it appears the design concept is small town feel moving to an avenue feel.

Neil Anderson, resident at 189 Peel Street North, spoke questioning what work will be completed on the Peel Street hill, Reg replying the MTO will be completing an intersection improvement at the corner of Peel Street and Highway #26 in the next little while in conjunction with development, further noting the plan is to cut the hill down. Reg then noted he will ensure the developer speaks to Mr. Anderson regarding access at Peel Street.

Neil then questioned if the widening would be taken before the development is completed, David then spoke noting this development is currently before the Ontario Municipal Board and is not approved to proceed at this time.

Robert Johnston, then spoke noting he appreciates Council's time and applauds Council for being forward thinking, noting standards need to be in place before development. Robert then noted development and growth need to be encouraged so people can move to the area, further noting with development comes employment in the area and without development the Town will not prosper. Robert then questioned why collector roads are being looked at now, further noting once the official plan review is completed that the collector roads should be reviewed at that time.

Shareen Stenhouse, resident at 62 Napier Street West spoke referencing the Telfer development and the 6 metre easement, and noted she would like to see sidewalks created for the safety of children walking to school. Shareen then questioned if the collector roads require 12 metres, David replying the local road width is 66' wide, and a collector road would require an additional 3 metres on each side of the road, but noted this may vary from 3 metres on each side to 4 metres on one side and 2 metres on the other side.

Vincent McEwen, resident at 171 Grand Cypress, spoke regarding designating Monterra Road as a collector road and noted the road will pass through a residential area where residents regularly bike and walk. Vincent then noted designating Monterra Road as a collector road will affect the safety of the residents.

Christina Smith, resident on Monterra Road, spoke noting Monterra Road is a very quiet road where residents walk and bike. Christina noted she would like to see Monterra Road designated a road for residents only and would like the speed limit reduced.

David Fletcher, resident, spoke questioning who drives the process for this evening's public meeting, Duncan replying this is a decision of Council from Staff Reports based on the Transportation Study, further noting designating collector roads at this time assists with long term planning. Duncan further noted the Committee will make a recommendation to Council and it is Council's decision as to whether it will proceed.

Rose Marie Gosselin then spoke noting she appreciates the public meeting and the work Council and Staff do. Rose Marie then questioned if it is common to designate collector roads through quiet residential streets, Duncan replying the Study anticipates where the traffic will be and where the traffic will need to travel to, with an estimation of the volume so the Town can plan for it.

Catherine Scholtz-Seguin, spoke regarding the letters received by the Town in response to the Notice and noted residents want proper development and further noted meetings should be held on Saturdays, and further noting she does not believe notice was sufficient and advertising at Christmas time is not acceptable.

David then spoke noting letters received by Town Clerk Corrina Giles or Senior Policy Planner Cindy Welsh are acknowledged and noted a complete package, including all correspondences received, will be provided to Council.

Shareen Stenhouse then spoke noting she rarely receives a reply to emails sent to Council members.

Mary Lou Hibbard then spoke again noting she is not in favour of designating Napier and Beaver Streets as collector roads, and noted she is concerned for the safety on these roads. Reg then spoke noting if work is completed on Napier Street that it will be funded through taxation, but if the roads are designated as collector roads that it will be paid for by development. Duncan then spoke noting there are alternatives, and noted this Committee has not made any decisions on this matter.

Lee Camplin, resident at 255 Cameron Street, spoke questioning why Council members are not reviewing emails the day of public meetings, Duncan replying he read all emails received up until 5:30 a.m. this day and will review all emails received after that time, later this evening.

Hal Penny, resident at 112 Augusta, spoke noting he has reviewed other municipality's collector road designations noting Ontario Provincial Standards differs from standards with provincial standards.

Glen Harris, resident at 96 Napier Street, spoke noting he has safety concerns for his two children walking along Napier Street and questioned if sidewalks could be installed along the side of the road, but maintain the road's designation as a local road. Duncan replying there is a possibility for this, but noted it may not be a priority to install sidewalks along a local road.

Councillor Martin then spoke noting he is speaking as a resident of The Blue Mountains at 23 Louisa Street West, and noted he would like to preserve his right to appeal, and noted he is also speaking as a member of Council. Michael then noted he is concerned with this proposed official plan amendment and noted the amendment should be split to deal with each item separately. Michael noted he supports the comments made by Michael Seguin, Brian Nelson and Jim Uram and filed with the Clerk.

Michael then noted he is troubled with the design guidelines in the official plan, but are to be independent of the official plan and can be amended without the public process taking place. Michael noted he believes this is unrealistic and this issue should have dialogue with prospective developers. Michael then noted dealing with design guidelines is premature when the 5 year review is underway now.

Michael then noted he is in agreement with the concept of collector roads on roads such as Clark Street, but noted he believes the Transportation Study is flawed as it relates to collector road designations on Napier, Bruce, and Duncan Streets as Council does not know where the development will be, so Council and the consultant will not know where the traffic will be.

Michael then questioned the proper criteria for collector roads and noted these roads are not designed for traffic at peak times. Michael then noted sidewalks can be installed on local roads, if that is Council's wish. Michael then noted he is concerned about this and believes this to be premature and that collector roads should be part of the 5 year review. Michael noted when this matter comes forward as a Staff Report that Planning and Building should include arguments in favour of and against.

Councillor McKean then spoke questioning if Clark Street and Monterra Road need to be widened or if they meet the 26 metre criteria. Reg replying portions of Clark and Monterra meet the width requirement.

Councillor Halos then spoke referencing the comments received, recognizing the public seems to be concerned with safety. Joe then noted development will occur where land is purchased and at that time the Town would comment and suggest on the development. Joe then noted the community wants long range planning and Council are preparing for this and noted sidewalks and bike lanes would make the area safer. Duncan then spoke noting there will be full and open discussion with the report.

Dick Edmunds then spoke noting the Town does not have control over what developers bring, but Council has control over what is accepted. Dick further noted this is a rural area, not an urban area and long term planning must be looked at.

The Town Clerk then summarized correspondence received from Brian Nelson on behalf of Napier-Victoria Residents' Group, Mitchel and Marlene Freedman, Mitchel Freedman, Sid Silverberg, Maxine Corea, Dick Edmunds, Helene and Bruce Bond, Jim Dobson, Usprech Family, Mary-Jane Jones, Jane and Steve Moysey, Dan Norgard, Warren and Diane Hanna, Cate McMullen, Steve Moysey, David and Judy Conway, Catherina Sholtz-Seguin, Ray and Fran Mount, Ron Tadman, John and Georgina Greenhough, Tim Burkholder, County of Grey, Kevin Cassidy, Shareen Stenhouse, Blue Mountain Resorts Limited, Christine Smith and Glen Harris.

## **C. Deputation**

N/A

## **D. Staff Reports as circulated**

### **D.1 Cedar Run – Thornbury Horse Park Notice of Application for a Zoning By-law Amendment “Presentation”**

Director of Planning and Building David Finbow spoke to provide the Committee with information regarding an application received from Cedar Run for a zoning by-law amendment.

David reviewed previous land use approvals on site and identified the site location. David noted the June 2009 Site Plan Agreement further defined one temporary horse show event. David then reviewed the land use exchange agreement.

David then identified the current application and the ask of official plan amendment #10 and noted the issues to be addressed include traffic, stormwater management, noise, lighting, Health Department concerns including potable water and sanitary facilities. David then noted a public meeting will be held in March 2011 and will review the need for a special events by-law to set ground rules.

Councillor McKean questioned County Road access onto Grey Road #2, Director of Engineering and Public Works Reg Russwurm spoke referencing discussions with MTO and the County regarding an environmental assessment at this intersection. Reg then noted an entrance on the County Road is a concern and noted the County has concerns with stormwater management.

Councillor Gamble then spoke questioning if there will be overnight uses, for camper trailers, David replying some events will have RVs used for accommodation, further noting Consultant David Slade will provide clarification.

Councillor Martin then spoke noting this zoning is satisfactory and noted the Town should facilitate this. Michael further noted the Dodge Rodeo event was fantastic and noted it did not impact anything, further noting all of Council should view the site. Michael then noted the Town should give access as soon as possible so that Cedar Run can move forward and the land exchange should be worked out to move forward as this is economic development for the community.

Councillor Gamble then questioned if the Town considers the Indian Brook stormwater management through the property, Reg replying the Indian Brook is not a drainage course, but is a regulated stream.

**D.2 Application for Consent – B11-2010, - PL.11.02  
Part Lots 2 & 3, Plan 824 – 212 Arlberg Crescent  
Joseph Lesiak**

Moved by: R.J. Gamble                      Seconded by: Gail Ardiel

THAT Council receive Planning Staff Report PL.11.02, “Application for Consent File No. B11-2010 – Joseph Lesiak; Part Lots 2 and 3, Plan 824; Part 5, 16R-1624; Part 2, RP 16R-6901; 212 Arlberg Crescent; Town of The Blue Mountains”; and

THAT Council authorize Consent No. B11-2010, subject to the following conditions:

1. That the severed parcel be deeded as a lot addition to the property abutting to the east in accordance with Section 50 (3) of the *Planning Act, R.S.O. 1990*; and
2. That any existing mortgage commitment on the severed parcel be extended to cover the whole, newly created parcel, Carried.

**D.3 Sign By-law Review Committee – PL.11.07**

Councillor Halos spoke noting he received a call from a resident that could not erect a sign at this time as the Sign By-Law Review Committee had not been formed.

Chair McKinlay then spoke questioning if the Committee is in favour of two members of Council and one public member sitting on the Sign By-law Review Committee.

Director of Planning and Building David Finbow spoke if Council would like a 2/1 Committee, that the Town will seek a member from the BIA or Chamber of Commerce and will ask that these two organizations put forth one name. Councillor Ardiel replying this is a great idea.

Moved by: R.J. Gamble                      Seconded by: Michael Martin

THAT Director of Planning and Building David Finbow will seek a single nomination from the BIA and Chamber of Commerce to sit on the Sign By-Law Review Committee; and

THAT two Council members will be considered for Council appointment to the Sign By-Law Review Committee, Carried.

#### **D.4 Property Standards Appeal Committee – PL.11.08**

Agenda Item D.4 was pulled from the Agenda as members of the Property Standards Appeal Committee were appointed at the Inaugural Meeting.

#### **D.5 Millpond Homes (Phase 2) Redline Revisions – PL.11.09**

Director of Planning and Building David Finbow then spoke noting the report is self-explanatory

Moved by: R.J. Gamble                      Seconded by: John McKean

THAT resident Gary Bochna be permitted to address the Committee regarding Agenda Item D.5, Carried.

Gary Bochna spoke thanking the Committee for allowing him to address the Committee. Mr. Bochna referenced the designs proposed some time ago noting the current site plan is not as proposed and referenced reduced setbacks. Mr. Bochna then noted the setbacks from his site were reduced from 9 metres to 1.5 metres and referenced the OMB appeal. Mr. Bochna then referenced other concerns, including the footprint of the site, Planner Shawn Postma spoke noting the footprint of the site is smaller than permitted.

Mr. Bochna then spoke regarding the Thornbury Autoparts site noting it is to be converted to residential zoning and noted the fuel tanks are still buried on the site and noted he does not believe the environmental assessment completed is not adequate.

Mr. Bochna then noted the proponent has cut trees down on the Mill Pond and noted he is concerned with the property adjacent to the watercourse. Mr. Bochna noted fill has been dumped in the Mill Pond and noted this should be looked at as well. Mr. Bochna then asked that the Committee carefully review this development with respect to contamination, the environmental assessment completed and the footprint.

Chair McKinlay thanked Mr. Bochna for his concerns.

Councillor Martin then questioned the location of Mr. Bochna's property in relation to the Mill Pond development, Mr. Bochna then identified his property and noted where the setbacks have been increased through the OMB hearing.

Planner Shawn Postma then spoke noting the request included in the Report is from the applicant and noted the substantial changes include a reduction in the number of units from 22 to 27, changing the location of the garages, reducing the height of the units to moving to a bungalow type unit.

David then spoke noting the OMB is seized of this.

David then spoke noting the lands on the Mill Pond are regulated under the Grey Sauble Conservation Authority.

Councillor McKean then spoke questioning if the developer is in contravention of a GSCA permit, if the Town would be permitted to hold the developer up at the permit stage, David replying yes at Phase 2.

Colin Travis, consultant on behalf of the applicant, was then asked to speak in response to Mr. Bochna.

Mr. Travis referenced page 2 of the Staff Report noting the developer must comply with the GSCA permit and noted the draft plan of condominium was approved and included certain tests, further noting draft plan of approval is required.

Councillor Halos then spoke questioning if David has any recommendations as to the former Thornbury Autoparts location, David replying the engineering drawings identify this area as a park, noting no planning application is in place for this parcel. David then noted if it is determined there are contaminates on site that they will have to be cleared up.

Councillor Gamble then spoke noting this matter should be tabled for two weeks to the February 7 meeting for further information on the concerns of Mr. Bochna.

Moved by: R.J. Gamble                      Seconded by:                      Michael Martin

THAT the Planning & Building Committee Staff Report PL.11.09 "Request for Redline Revision, be tabled to the February 7, 2011 Planning and Building Committee Meeting to receive further information on the concerns of resident Gary Bochna, Carried.

Councillor Halos then spoke questioning if Mr. Bochna is satisfied with this, Mr. Bochna replying no.

#### **D.6 Building Division Summary 2010 – B.11.02**

Director of Planning and Building David Finbow reviewed the Report noting the number of permits issued was increased in 2010

Moved by: R.J. Gamble                      Seconded by:                      Gail Ardiel

THAT Council does hereby receive By-law Staff Report B.11.02, Building Division Summary 2010, Carried.

#### **D.7 By-law Division Summary 2010 – B.11.01**

Director of Planning and Building David Finbow reviewed the Report and the work of by-law enforcement, noting the Town does not have Staff to deal with by-law enforcement matters as related to short term accommodation if this is the ruling of the OMB.

Moved by: Michael Martin                      Seconded by:                      Gail Ardiel

THAT Council does hereby receive By-law Staff Report B11.01, By-law division Summary 2010, Carried.

#### **D.8 Removal of Part Lot Control – PL.11.03 Part Block 10, Plan 1124 – Woodlands by Sierra**

Moved by: Michael Martin                      Seconded by:                      John McKean

THAT the Planning & Building Committee receive Staff Report PL.11.03 "Removal of Part Lot Control, Woodlands by Sierra, Part Block 10, Plan 1124, Town of The Blue Mountains"; and

THAT Council grant a Part Lot Control By-law to remove Part Lot Control to facilitate registrations within Phase 3 of the Common Elements Plan of Condominium, Carried.

#### **D.9 Proposed Curling Club Facility – PL.11.10**

Director of Planning and Building David Finbow spoke referencing a Report to the Infrastructure and Recreation Committee that identified the location for the proposed Curling Club facility at the arena and noted a potential location of Moreau Park or at the Community Centre end of the Beaver Valley Community Centre as the original site is very close to the residents.

Moved by: R.J. Gamble                      Seconded by: Gail Ardiel

THAT Council receive Staff Report PL.11.10 respecting the “Proposed Curling Club Facility” and authorize Town Staff to undertake a review as to the appropriate location of the proposed facility on the Beaver Valley Community Centre lands and/or Moreau Park lands, Carried.

#### **D.10 New Town Hall Paving Stones – Recognition of “Settlement Areas” of the Town**

Moved by: R.J. Gamble                      Seconded by: Joe Halos

**THAT Council** receive Staff Report PL.11.05 respecting “New Town Hall Paving Stones – Recognition of ”Settlement Areas & Historic Names” of the Town” and approve the names to be recognized as contained in this Report and including Swiss Meadows, Carried.

#### **D.11 Minutes of Settlement – Terrasan – PL.11.06**

Councillor Gamble spoke noting this project should not include buildings that are 15 metres in height, Director of Planning and Building David Finbow replying height is not referenced in the Minutes of Settlement.

David then noted there are two appellants remaining, a limited company and Blue Mountain Watershed Trust Foundation (“BMWTF”), further noting he requires endorsement from Council to proceed with the Minutes of Settlement.

Moved by: Michael Martin                      Seconded by: John McKean

THAT Don Kerr be heard on behalf of Blue Mountain Watershed Trust Foundation, Carried.

Mr. Kerr then spoke referencing a change to OPA 20 in Schedule D noting the BMWTF are satisfied with this change. Mr. Kerr further noting the setbacks for the Provincially Significant Wetlands will be determined noting the review has not been completed by BMWTF and Schedule E has not been provided at this time. David then spoke noting an Affidavit of Cindy Welsh will not address the setbacks.

Mr. Kerr then spoke noting the Minutes of Settlement indicate the setbacks have not been determined and noted this may require an amendment to the Minutes of Settlement.

Deputy Mayor McKinlay then spoke acknowledging Mr. Kerr's apprehension on behalf of the BMWTF. David then spoke noting the recitals can be amended by solicitor John Metras to satisfy the BMWTF, further noting he will have John Metras speak with Mr. Kerr to resolve the matter.

Mr. Kerr then spoke noting an agreement was reached between the parties on October 26, 2010 and the BMWTF are trying to resolve this matter as quickly as possible.

Moved by: John McKean                      Seconded by: Joe Halos

THAT Council receive Staff Report PL.11.06 respecting "Minutes of Settlement – Terrasan" and authorize the Mayor and Clerk to execute Minutes of Settlement related to appeals filed respecting the Terrasan Lands.

Councillor Martin requested a recorded vote:

Councillor Ardiel	Yay
Councillor Gamble	Nay
Councillor Halos	Yay
Councillor Martin	Nay
Councillor McKean	Yay
Chair McKinlay	Yay

The Motion is Carried.

Moved by: R.J. Gamble                      Seconded by: Gail Ardiel

THAT this Committee hereby agrees to proceed past the prescribed adjournment time of 11:00 p.m., Carried.

#### **E. Minutes & Reports List - Receive/Adopt**

N/A

#### **F. New & Unfinished Business**

Councillor Martin then spoke noting the Committee should review the process of providing authorization to Staff to proceed to a public meeting.

#### **G. Next Meeting Date**

February 7, 2011

#### **H. Closed Session**

Moved by: Michael Martin                      Seconded by: R.J. Gamble

THAT with regard to subsection 239 of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board; and

WITH regard to Ontario Municipal Board Appeals; and

THAT with regard to subsection 239.(3.1) of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to personal matters about an identifiable individual, including Town or local board employees; and

WITH REGARD TO review of applications for committee appointment; and with regard to a letter of recognition for a local board employee; and

THAT with regard to subsection 239(2) of the *Municipal Act, 2001*, this Council do now move into closed session in order to address matters pertaining to a proposed or pending acquisition or disposition of land by the municipality or local board;

AND with regard to consideration of the Town land inventory,

AND with regard to a personal matter about an identifiable individual, including Town or local board employees, Carried.

Council moved into closed session at 11:14 pm.

Council moved into public session at 12:05 am.

## **I. Adjournment**

Moved by: R.J. Gamble                      Seconded by: Joe Halos

THAT this Planning & Building Committee meeting does now adjourn,  
Carried.