

Minutes - Planning & Building Committee



MEETING DATE: February 7, 2011

LOCATION: L.E. Shore Memorial Library

PREPARED BY: Corrina Giles, Town Clerk

A. Call to Order

- Councillor Martin chaired the meeting in Deputy Mayor McKinlay's absence. Chair Martin called the Committee meeting to order with designated Committee members Councillor Ardiel and Gamble in attendance. Also in attendance was Councillor Halos.
- Also in attendance was Senior Policy Planner Cindy Welsh, Planner Bryan Pearce, Planner Shawn Postma and Acting CAO and Director of Engineering and Public Works Reg Russwurm, Director of Special Projects Peter Tollefsen and Agreement Coordinator and Committee of Adjustment Secretary Lori Carscadden

- Approval of Agenda:

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

THAT the Agenda of February 7, 2011 be approved as circulated, including any revisions to be made, Carried.

- No member declared a pecuniary interest with regard to any matter listed on the Agenda.
- Previous Minutes

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

THAT the Minutes of January 17, 2011 be approved as circulated, including any revisions to be made, Carried.

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

B.1 Application for Consent – B18-2010 and Zoning By-Law Amendment Part Lot 23 & 24, Concession 3 - Stan Back

Chair Martin read the Application for Consent, noting the Owner/Applicant's name is Stan Back and the Agent is D.C. Slade Consultants Inc.

Michael noted the purpose of this consent is to consider a request to sever a 1.95 hectare parcel of land containing a residence and garage. A 1.71 hectare parcel also containing a residence is proposed to be retained.

Michael noted the subject lands were previously comprised of two separate lots each with one single detached dwelling. The lots have now merged together creating two dwellings on one property. The intent of this application is to re-create the two parcels with each parcel having one dwelling.

Michael noted the legal description of the property is Part Lot 23 and 24, Concession 3, with the severed parcel having a frontage of 119.2 m., a depth of 111.3 m and an area of 1.954 ha. Michael noted the retained parcel would have a frontage of 151.2 m, a depth of 115.0 metres and an area of 1.707 ha with both parcels having access on an open and maintained Provincial Highway. Michael noted the subject property has municipal water and no municipal sewer.

Michael then read the Notice of Application and Public Meeting to consider a Zoning by-law amendment noting that the Planning Department of the Corporation of the Town of The Blue Mountains has received an Application for a Zoning By-law Amendment.

Michael noted the Planning Committee of Council of the Corporation of the Town of The Blue Mountains will hold a public meeting for the purpose of considering an Application for a Zoning By-law Amendment.

Michael noted the purpose of this By-law is to address a potential condition of Consent Application B18-2010 that proposes to sever two existing single detached dwellings from one lot into two separate lots each containing one dwelling. An amendment is required to the Zoning By-law in order to establish proper zone standards for the two existing dwellings on the proposed lots.

Michael noted the effect of this By-law is to rezone the subject lands from the Limited Rural 'A2' Zone and Residential 'R3' Zone to the Residential 'R3' Zone with an exception or other appropriate zone in order to limit the development potential on these lands until a comprehensive development proposal can be made on the lands.

Michael noted in support of this application are a Planning Justification Letter, Site Plan and Concept Plans.

Michael noted the subject lands of this By-law are legally described as Part Lot 23 and 24, Concession 3; Town of The Blue Mountains.

Michael noted it is important to note that if a person or public body does not make oral submissions at tonight's meeting or make written submissions to the Town before the by-law is passed, the person or public body is not entitled to appeal the decision of The Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the OMB, unless in the opinion of the Board there are reasonable grounds to do so.

Michael noted if you wish to be informed of the decision of Town Council, please ensure that you advise the Town Planner or Clerk in writing of this.

The Clerk then read correspondence received from the Niagara Escarpment Commission, Grey County Planning & Development Department, and Grey Sauble Conservation Authority.

Planner Shawn Postma then reviewed the Application and noted the Applicant is seeking to separate one lot into two lots. Shawn confirmed no decision would be made at this evening's meeting and that a Staff Report will be brought forward to a future Planning Meeting.

Consultant Clinton Stredwick of D.C. Slade Consultants spoke reviewing the Application and noted currently the subject property has two residences on one lot, and noted the Application would remedy the situation by severing the lot into two lots. Clinton noted the site has municipal water and septic services and noted this would not be considered new development.

Clinton then noted the Ministry of Transportation has not commented, but confirmed the existing entrances will be maintained. Clinton then noted the current zoning is RR-50 and identified the land proposed to be zoned hazard.

Councillor Gamble then spoke questioning if there are one or two water services, Clinton replying two.

Councillor Ardiel spoke questioning when the properties merged, Clinton replying 20 years prior.

Councillor Halos questioned if there are two entrances currently, Clinton replying that each of the proposed lots has its own entrance and will continue to use the existing entrances.

Chair Martin then spoke questioning if the Planning Department agrees with the zoning applied for, Shawn replying that Planning has determined a restriction of the zoning is to the current use and any future development must come to Council to reapply.

As no one wished to speak, Chair Martin declared the Public Meeting to be closed.

B.2 Application for Consent – B16-2010 and Zoning By-Law Amendment East Part Lot 30, Concession 12 - Ross Camplin

Chair Martin read the Application for Consent, File No. B16-2010, noting the owner is Ross Camplin, the Applicant is Dennis Klinsky and the Agent is D.C. Slade Consultants.

Michael read the Notice noting the purpose of this consent is to consider a request to sever a 0.99 hectare parcel of land from an existing 19.8 hectare agricultural parcel and deed it as a lot addition to an existing residential lot within the agricultural parcel. The intent of this lot addition is to include an existing shared entrance to the residential parcel and to provide additional land to separate the residence and agricultural use.

Michael noted the legal description of the property is in Town of The Blue Mountains, East Part Lot 30, Concession 12, the severed parcel having a frontage of 41.52 m. and a depth of 213.36 m and an area of 0.99 ha. Michael noted the retained parcel would have a frontage of 255.0 m., a depth of 620.00 m and an area of 18.8 ha. Both the severed and retained parcels have access on an open and maintained Municipal Street, with no municipal water or municipal sewer.

Michael then read the Notice of Application & Public Meeting to Consider a Zoning By-Law Amendment noting the Planning Department of the Corporation of the Town of The Blue Mountains has received an Application for a Zoning By-law Amendment, and that the Planning Committee of Council of the Corporation of the Town of The Blue Mountains will hold a Public Meeting for the purpose of considering an Application for a Zoning By-law Amendment.

Michael noted the purpose of this By-law is to address a potential condition of Consent Application B16-2010 that proposes to sever a portion of vacant land from an agricultural parcel and deed it as a lot addition to an existing residential parcel.

An amendment to the Zoning By-law is required to recognize a new minimum lot frontage and minimum lot area requirement for the revised layout of the two parcels. The minimum lot frontage and lot area requirements are 150 metres and 20 hectares respectively.

Michael noted the effect of this By-law is to rezone the proposed residential parcel that is to be enlarged from the General Rural 'A1' Zone to the Rural Estate Residential 'RERa' Zone and to establish a new minimum lot area requirement of 18.5 hectares for the retained agricultural parcel.

Michael noted in support of this application are a Planning Justification Letter and Site Plan.

Michael noted the subject lands of this By-law are legally described as East Part Lot 30, Concession 12, Town of The Blue Mountains.

Michael noted it is important to note that if a person or public body does not make oral submissions at tonight's meeting or make written submissions to the Town before the by-law is passed, the person or public body is not entitled to appeal the decision of The Corporation of the Town of The Blue Mountains Council to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the OMB, unless in the opinion of the Board there are reasonable grounds to do so.

Michael noted if you wish to be informed of the decision of Town Council, please ensure that you advise the Town Planner or Clerk in writing of this.

The Clerk read correspondence received from Grey County Planning and Development and Grey Sauble Conservation Authority.

Planner Shawn Postma reviewed the Application referencing the specialty agricultural lands, Provincial Policy Statement and Official Plan. Shawn referenced the County's concern about removing prime agricultural lands from agricultural use to buffer from a non-farm use and noted the Town has similar concerns, and confirmed this will be further addressed in a report back to the Committee.

Shawn then noted the Recreation Department has an interest in obtaining trail access at the back of the property on the North and South side of the river, further noting the river is a tributary of the Beaver River. Shawn noted he will be working with the Recreation Department on this.

Clinton Stredwick, Planning Consultant for D.C. Slade Consultants spoke noting he is representing Mr. Klinsky and Mr. Camplin on this application. Clinton noted the lot is 48.98 acres currently. Clinton noted the lot addition would add .99 hectares of land to the existing residential lot and would reduce the conflicts between the residential lot and the agricultural use, further noting that currently both the agricultural use and residential use share an entrance. Clinton noted that if the consent is granted, that the residential lot would be 1.77 hectares.

Clinton then referenced the agricultural land being taken out of production noting the severed parcel is .3 hectares or .75 acres in size. Clinton then referenced the current zoning being specialty agricultural, rural and agricultural and hazard and noted the minimum distance separation applies as use #8 is present.

Clinton noted that in his opinion this consent is in accordance with the Town's Official Plan, as it is a minor adjustment and is in accordance with the Provincial Policy Statement. Clinton noted this consent will correct an irregular lot shape and will improve the access for both the severed and retained lots.

Clinton then spoke to the County's concerns including minimum distance separation, compliance with the Provincial Policy Statement, and County Official Plan and noted the consent would increase the setbacks from the existing residence property line and noted the Town's Official Plan promotes the reduction of land use conflicts between the uses.

Dave Slade, Planning Consultant, then spoke noting he is surprised by the County's comments and wanted to explain how the consent meets The Blue Mountains' Official Plan and the County's Official Plan, noting there is no conflict with the minimum distance separation as there are no barns in the area and the residential parcel is existing, further noting the residential parcel is currently an awkward shape that will be squared up if the consent is granted.

Councillor Ardiel then spoke questioning where the new access will be for the agricultural lands, Dennis then spoke identifying the location for the entrance for the larger agricultural parcel.

Councillor Halos then spoke questioning the class of soil, Shawn replying the lands are designated specialty agricultural with Class 1 or 2 soils.

Dave Slade then spoke noting he was not made aware of the Recreation Department seeking trail access on the property and noted he will speak with Mr. Camplin about this.

As no one further wished to speak, Chair Martin declared the public meeting to be closed.

C. Deputation

C.1 Gary Bochna – Millpond Homes Copy of correspondence from Graham Partners LLP dated February 2, 2011 attached.

Gary Bochna spoke further to Consultant Colin Travis' comments noting he and his consultant have assisted him in his conclusions regarding the Millpond Homes. Mr. Bochna can substantiate his concerns with professional background information and referenced his solicitor's correspondence of February 2, 2011 sent to Council, specifically the potential for contaminated lands in a residential development is of concern to him.

Mr. Bochna referenced the prior gas station on the site and the fuel tanks that are still buried in the ground. Mr. Bochna noted the Millpond development has a problem regarding setbacks and silt and fill in the Mill Pond.

Mr. Bochna reviewed his solicitor's correspondence, including non-conformity in the northwest corner of the property, lot coverage, distance from the Mill Pond and preservation of trees.

Mr. Bochna noted the planning reports are not correct and believes Grey Sauble Conservation Authority has overlooked some issues and has asked the Committee to review the 15 metre setback from the Mill Pond. Mr. Bochna noted his consultant is a key consultant in the area.

Councillor Gamble then questioned if Mr. Bochna has witnessed silt flowing from the site, Mr. Bochna replying the proponent has issued a no trespassing order against him so he is unable to be on the site, but further noted he is positive there will be runoff because of the slope of the site.

Councillor Ardiel then questioned if there have been site inspections, Mr. Bochna replying that Andy Sorensen of Grey Sauble Conservation Authority has not visited the site, further noting another permit would be required as the existing permit has expired.

Gail then questioned if an application has been received for the other site, Senior Policy Planner Cindy Welsh replying no. Mr. Bochna then spoke noting concern that the potential Brownfield site could be a residential development. Shawn then noted the original application included an environmental Phase 1 report for review by the Committee. Mr. Bochna noted he believes the total process is flawed.

Councillor Halos then spoke questioning if an environmental Phase 1 report was completed, Shawn replying the results of the Phase 1 will determine if a Phase 2 assessment is required.

Chair Martin then spoke questioning if the development is being developed in phases, Shawn replying yes, noting there is a first and second phase with the rear portion being a future phase.

Bob then spoke noting the matter was deferred at the January 24, 2011 meeting, Michael noting the Committee will wait for further information from Planning Staff and from the OMB hearing, and further asked that Planning Staff keep Mr. Bochna apprised of when this matter comes before the Committee or Council.

D. Staff Reports as circulated

D.1 Committee of Adjustment 2010 Annual Report – PL.11.04

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

THAT Council receive Planning & Building Services Department Staff Report No. PL.11.04, "Committee of Adjustment 2010 Annual Report" for information purposes.

In speaking to the Motion, Councillor Gamble noted that it appears, due to the reallocation of Staff costs, that last year the Committee was in a deficit and questioned if there is any way to alter the rates for the Committee of Adjustment, Committee of Adjustment Secretary Lori Carscadden replying she does not believe there is any intent by the Committee to increase the fees, further noting on average the Committee addresses 17 applications per year.

Councillor Ardiel then spoke questioning the increase in costs, Lori replying it is due to Staff time and further noted the Committee of Adjustment members are paid a per diem, mileage and for conferences, confirming that this portion has increased. Gail noted if the number of applications received have decreased, that the costs should decrease as well. Lori then noted that Staff time and benefits are now allocated to the Committee of Adjustment where this was never done in the past.

The Committee then voted on the Motion, Carried.

Bob then referenced “design blocks” and questioned if this is what the Town wants or if it is the Town’s dream.

Bob then spoke referencing the residential properties that are close to property lines and questioned if the setbacks will be eliminated. Bob further noted planting trees along the curbside is a concern for visuals when turning onto Bruce Street now with the current plantings.

Bob spoke noting he cannot support the recommendations contained in this Report.

Chair Martin then spoke noting many items in the Report are not mandatory, Cindy replying that these are guidelines only, and are the tools required to bring architecturally pleasing features to the area, Michael replying that this should be referenced in the document, that the information contained are guidelines only.

Cindy then spoke noting the proposed open house would be the third open house in a series as design guidelines were included in the Planning Urban Design Standards and Community Improvement Plan.

Michael then asked that the Clerk and Cindy schedule a date for the public open house, Gail replying this open house should be on a Saturday to include those residents who live elsewhere to attend.

Councillor Gamble then spoke noting he is not satisfied with the streetlights in newer developments and noted Bruce Street, King Street and Arthur Streets are precedents and noted the number of streetlights should be reduced as there is no conservation in energy if there are more streetlights erected and further noted he does not believe this is conducive to a small town. Acting CAO and Director of Engineering and Public Works Reg Russwurm replying that lighting levels have been raised, further noting there is a standard of lighting required for walking and driving and noted lower wattages require more standards. Reg then noted engineering standards covers the Town’s responsibilities and liabilities. Bob then noted he would like to see fewer, taller and brighter streetlights, Reg replying that engineering standards are due to come back to the Infrastructure and Recreation Committee for review.

Moved by: Gail Ardiel Seconded by: Joe Halos

THAT Council does hereby receive Planning Staff Report PL.11.16, DRAFT - The Blue Mountains Design Guidelines; and

THAT Council direct staff to hold a public open house respecting DRAFT - The Blue Mountains Design Guidelines as per the Town of The Blue Mountains Policy & Procedures for Provision of Notice and Manner of Giving Notice to the Public, dated January 28, 2008; and

THAT Council provide direction on the preferred day/timing/location of the public open house, Carried.

E. Minutes & Reports List - Receive/Adopt

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

THAT the Committee of Adjustment Minutes of November 18, 2010 be received by Council, Carried.

F. New & Unfinished Business

1. Letter from Travis and Associates Inc. dated February 2, 2011
Redline Revision to Phase 2 – Millpond Homes

G. Next Meeting Date

March 7, 2011

H. Adjournment

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

THAT this Planning & Building Committee meeting does now adjourn at 8:59 p.m., Carried.