

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, April 28, 2014

The Public Meeting was held Monday, April 28, 2014 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications and a Plan of Subdivision.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Michael Givens
Deputy Clerk: Catherine More
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond
Director of Public Works: Deb Zehr
Chief Building Official: Darren Jones
Treasurer: Paul Dowber
Acting Fire Chief: Dave Guilbault
Business Economic Manager: Dale Small

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Darcy and Paula Trinier

The property subject to the proposed amendment is described as Part Lot 13, Concession 12, Geographic Township of West Luther, with a civic address of 8585 Line 12. The property is 41.18 hectares (101.77 acres) in size.

The purpose and effect of the proposed amendment is to rezone the “retained” agricultural (40.3 ha) portion of the subject lands to restrict future residential development. This rezoning is a condition of a surplus farm dwelling severance B99/13, granted by the Wellington County Land Division Committee November 14th, 2013.

Please note – Section 34 (12) of the Planning Act.

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(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on April 3, 2014.

2. Presentations by:

Linda Redmond, Township Planner reviewed comments prepared by Jameson Pickard, Junior Planner, dated March 25, 2014.

The zoning amendment is required as a condition of provisional consent (B99/13) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands (the retained parcel) are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

The property subject to the proposed amendment is described as Part Lot 13, Concession 12, Geographic Township of West Luther, with a civic address of 8585 Line 12. The property is 41.2 hectares (101.7 acres) in size.

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. This rezoning is a condition of severance application B99/13 under the surplus farm dwelling policies that were granted provisional approval by the Wellington County Land Division Committee November 14th, 2013.

Under the Provincial Policy Statement the subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

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The subject land is designated PRIME AGRICULTURE. Section 10.3.4 of the Wellington County Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

The subject lands are zoned Agricultural (A) This zoning by-law amendment will re-zone the retained agricultural lands to a site specific zone, which will include provisions to prohibit a dwelling on the 40.3 ha (99.5 ac) agricultural parcel. This rezoning is a requirement for applications which are submitted under the surplus farm dwelling polices of the official plan.

3. Review of Correspondence received by the Township:
 - Jennifer Prenger, Planning Technician, SVCA
 - Acceptable.
4. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
5. Mayor opens floor for any questions/comments.

The applicant's agent, William Nelson, was present to answer any questions and requested Council support.
6. Comments/questions from Council.

None

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Owner/Applicant: Gregory and Kathleen Leith

The property subject to the proposed amendment is described as South Part Lot 13, Concession 3, Geographic Township of West Luther, with a civic address of 8613 Sideroad 13. The property is 20.23 hectares (50 acres) in size

The purpose and effect of the proposed amendment is to rezone the property in order to continue to permit a second temporary residence (Garden Suite). The previous zoning expired in 2007 and requires an amendment to conform to the Zoning By-law. The property is currently zoned Natural Environment and Agricultural with a site specific provision to permit the second temporary residence.

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

7. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on April 4, 2014.

8. Presentations by:

Linda Redmond, Township Planner reviewed comments prepared by Jameson Pickard, Junior Planner, and dated April 24, 2014.

The zoning amendment is required for the renewal of a temporary use of a garden suite for a family member of the applicant. The Planning Department had no objections to implementing a renewal of the zoning amendment. Both the Provincial Policy Statement and County Plan provide for a temporary garden suite as an accessory residence in a Prime Agricultural area. The renewal of this amendment will be for a 10 year period.

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The subject land is legally described as Part of Lot 13, Concession 3 (Geographic Township of West Luther), with a civic address of 8613 Sideroad 13. The property is approximately 20.23 ha. (50 ac.) in size and is occupied by a residence, mobile home and accessory building.

The purpose of the amendment is to renew a temporary garden suite to continue to be located on the subject lands. The mobile home is for the accommodation of a family member and has been on the subject lands since 1994.

Under the Wellington County Official Plan the property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Section 6.4.3 and 6.4.6 of the Prime Agricultural Areas land use policies provide for consideration of accessory residential uses such as a garden suite provided that they are established near the farm buildings and adequate water supply and sewage disposal system must also be available.

Under the Zoning By-law the subject lands are zoned Agricultural (A), Natural Environment (NE) and Rural Area Exception (A-48) which allows for a second residential dwelling (1 unit) provided that the second unit take the form of a mobile home. This exception expired on January 12, 2007. The attached draft by-law renews the existing zone amendment to permit the continued use of the temporary garden suite for a further 10 years.

Section 6.12 of the General Provisions of the Zoning By-law provides for a garden suite in the Agricultural zone, pursuant to the Garden Suite legislation (Section 39.1) of the Planning Act.

The Planning Act now permits a Garden Suite for a period of up to 20 years, with extensions of 3 years. The temporary use has been in place for 10 years under the current owners. Given the current legislation permits 20 years, Council may wish to consider providing an extension of 10 years.

Additionally Section 39.1 of the Planning Act authorizes Council to enter into an agreement with the owner as a condition to passing a by-law allowing the temporary use of a garden suite. This agreement deals with matters related to the temporary use of the garden suite such as the installation, period of occupancy and removal of the garden suite. This agreement is not required; however, we recommend that the owners enter into an agreement with Wellington North in order that they understand their responsibilities.

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9. Review of Correspondence received by the Township:
 - Nathan Garland, Resource Planner, GRCA
 - No Objection

10. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.

11. Mayor opens floor for any questions/comments.

The Applicant present to answer any questions regarding the application. Kathleen Leith explained that her uncle has been living in the garden suite for the past 10 years.

12. Comments/questions from Council.

None

Owner/Applicant: Avila Investments Limited

The property subject to the proposed Draft Plan of Subdivision (File No 23T-13002) is located on Part Park Lots R and Q Survey MacDonald's Mount Forest; Part Lot 2, Concession WOSR Divisions 3 and 4; geographic Arthur Township; being Part 1 on Reference Plan 61R-7881, Township of Wellington North. The property is illustrated on the key map attached.

The application for a Draft Plan of Subdivision will result in the creation of a mixed density residential and commercial development on lands that are currently vacant. Specifically the overall proposal will create 231 single detached residential lots, 60 semi-detached residential lots and 7 townhouse blocks which will accommodate 120 townhouse units. A park/open space and storm water management area is also proposed as part of the overall plan. The details proposed Draft Plan of Subdivision (23T-13002) is as follows:

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Land Use	Lots/Blocks	Units	Area (Ha.)
Single Family Detached	Lots 1-100, 115-245	231	11.974
Semi-Detached Dwellings	Lots 101-114, 246-261	60	1.722
On-Street Townhouses	Blocks 262 - 268	120	3.115
Commercial	Blocks 269 - 270	2	3.168
Park/Open Space Area	Block 271		2.874
Walkway	Block 272		0.037
Storm Water Management	Block 273		1.746
Roads (Streets A-G)			6.469
TOTAL UNITS/AREA		411	31.105

Please note – Section 51 (43) of the Planning Act.

(43) Appeal. – Subject to Section 51, subsection (43) of the Planning Act, any person or public body may appeal a decision of the County of Wellington not later than 20 days after the day that the giving of written notice has been completed. If you wish to be notified of the decision you must make a written request to the **Director of Planning and Development, Corporation of the County of Wellington, 74 Woolwich Street, Guelph, ON N1H 3T9.**

The Township of Wellington North has been asked to give Notice and hold a Public Meeting pursuant to the Planning Act on behalf of the County of Wellington to obtain input on the above proposed plan of subdivision.

13. Notice for this public meeting was sent to required agencies and published in the Wellington Advertiser on Friday March 28, 2014.

14. Presentations by:

Linda Redmond, Township Planner reviewed her comments dated April 24, 2014. Ms. Redmond provided an overview of the subdivision application and provide th comments received to date.

The land subject to the proposed draft plan of subdivision is situated in the Urban Centre of Mount Forest (Wellington North). The property is on the west side of Highway 6. The size of the subject property is 31.1 hectares (76.8 acres).

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The application for a Draft Plan of Subdivision will result in the creation of a mixed density residential and commercial development on lands that are currently vacant. Specifically the overall proposal will create 231 single detached residential lots, 60 semi-detached residential lots and 7 townhouse blocks which will accommodate 120 townhouse units. A park/open space and storm water management area is also proposed as part of the overall plan.

A number of letters from the surrounding neighbours have been received. Some concerns and comments received include concerns with water runoff from the subject lands which have caused flooding issues for adjacent neighbours. Questions related to timing of construction and issues of dust and garbage during this period. Some residents would like to see trails and linkages provided within the development.

The following agency comments have been received to date:

Saugeen Valley Conservation Authority (SVCA)	Requesting deferral of the Draft Plan of Subdivision until the completion of an acceptable Environmental Impact Assessment (EIA) is completed to ensure the Greenland policies are met and to address potential impacts to the natural heritage features affecting the subject property.
Ministry of Transportation (MTO)	Satisfied with the Traffic Impact Study prepared by Paradigm Transportation Solutions Limit (April 2013). Conditions of draft approval have been provided that address the requirements for highway improvements, road widening's, site triangles, etc.
Upper Grand District School Board	No objection. Standard conditions have been submitted.
Wellington North Power	May require a new municipal sub-station to service the development and will require land for placement within the development. Also a servicing agreement will also be required.
Canada Post	Mail will be provided through centralized Community Mail Boxes (CMBs). Standard conditions have been submitted.
Union Gas	Standard conditions have been submitted.

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The proposed residential development is anticipated and encouraged by Provincial and County planning policy. The subject property is located within the urban settlement of Mount Forest. This large, vacant parcel of land is surrounded by large lot residential to the north and west and agricultural to the south and east. The property has a small frontage on the Saugeen River to the west. Section 4.4 of the Official Plan outlines Housing policies. The main applicable policy, Section 4.4.4, deals with Greenfield Housing, and requires a gross density of 6.5 residential units per acre. The development as proposed exceeds this density requirement.

The draft plan is showing a line of mature trees along the rear of the lots backing onto Highway 6. These trees would provide a good buffer from noise and dust and should remain. If they are not to remain an adequate buffer should be planted as compensation.

Comments have not been provided from the Township Consulting Engineer on the Storm Water Management report. There is no road access provided to the Storm Water Management area. Further clarification of this will be required.

In terms of servicing, the proposed development is to be provided with municipal sewage and water supply services. Sufficient capacity is available to date, however will form a condition of draft approval.

The subject land is currently zoned Industrial site specific with a holding provision (M1-27(H)). The proposed development would require a zone amendment, which will form a condition of draft approval.

There is a park/open space block identified on the plan. These lands are located within the Greenland designated area and consist primarily of environmental lands. The Official Plan provides criteria regarding the suitability of lands for use as municipal parkland and what is desirable. In particular section 13.10.2 e) considers the following as suitable, "land that is level, regularly shaped and not susceptible to major flooding, poor drainage, or other environmental or physical conditions which would interfere with their development or use for public recreation. Further work is required to determine an appropriate park area and/or a "cash-in-lieu" of parkland provision as a condition of approval. Further investigation on providing a potential trail network should also be undertaken.

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An Official Plan Amendment was adopted by County Council to redesignate the lands from Industrial to Residential, Commercial and Greenland. A zone amendment will be required in the future and will form a condition of draft approval.

While there are some technical matters that the applicant is required to resolve, we are satisfied that the proponent has addressed the applicable land use planning policies. This statutory public meeting provides an opportunity for the community and area residents to ask questions and seek more information from the proponent and their consultants.

15. Review of Correspondence received by the Township:
 - Candace Hamm, Environmental Planning Coordinator, SVCA
 - Dennis De Rango, Specialized Services Team Lead, Hydro One
 - Emily Bumbaco, Planning Department, UGDSB
 - Mary Jane Patrick, Analyst, Land Services, Union Gas
 - Matthew Aston, Manager of Operations, WN Power Inc.
 - Brian and Laura Kennedy, 960 Bentley Street, Mount Forest
 - Scott and Kim Hartle, 240 South Water Street, Mount Forest
 - Lorraine Dennis, Randy Foreman, Gordon Dennis, Dorothy Dennis, 966 Bentley Street, Box 274, Mount Forest
 - Phares W. and Mary P. Martin, 7121 Sideroad 2, Mount Forest
 - Jeffrey Holland and Jasmine Kid, 200 South Water Street, Mount Forest
 - Elsa Mann and Paul Kaye, 947 Bentley Street, Mount Forest

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16. Mayor opens floor for any questions/comments.

The Applicant, Tony Bagnara, President, Avila Investments Ltd., and his agents were present to answer any questions.

John Cox, John Cox Planning Consultants Inc., Agent, explained that this is part of the three step plan approval process. The first step was an Official Plan Amendment. When and if draft subdivision approval is received then a zoning amendment will be requested. The area near Highway 6 will be special highway commercial. The area at the rear of the property is greenlands. Commercial uses will be limited; ie. a drug store. There is no information regarding potential commercial users. There will be two commercial blocks at the corner of Highway 6 and Bentley Street. Access to the development will be off of Bentley Street. The Ministry of Transportation is adamant that there will be no access off of the highway. The highest density of residential units will be the townhouse block closest to the commercial use. Next will be semi-detached and single detached residences. Proposed park land is at the rear with the green lands. There will be access points, serviced with sidewalks, to the trail system that runs along the river; primarily along the north side of the river. Access points will be from the highway and the old rail bridge. There is potential use for pedestrian traffic to access the unopened Bristol Street. The overall density is a result of the Province's growth strategy and is reflected in the amendments to the Official Plan. They are required to have 6.5 units per acre (16 units per hectare). The 60 acres of developable land requires a minimum of 407 units. They are proposing 411 units. Some lots will have 50ft. frontage and some will have 40ft. to achieve the density level that will meet the standards. Improvements to the highway will include turning lanes. The developer is aware of the SVCA comments concerning an EIA. There is no development planned in the area they are concerned about.

Chris Sims, Gamsby and Mannerow Engineers, stated that a pumping station is to be built. The force main and the water main were brought across the river a few years ago with the service running along Bristol Street. There will be a water main loop out of Street A and another along Bentley Street. He will contact other owners to address concerns

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Elsa Mann, 947 Bentley St., stated that two items agreed to in an Undertaking were that a minimum of eight lots proposed along Bentley Street would have a minimum frontage of 60 feet and that water would be checked prior to and post development. She does have concerns regarding the density and understands the Provincial Policy; but, this proposed development does not meet the density of the surrounding area.

Lorraine Dennis, 966 Bentley Street, questioned where all of these people are coming from as there is nothing in Mount Forest to draw them. What is going to develop to attract those people? She is also concerned about property values.

Paul Kaye, 947 Bentley Street, had concerns with drainage on the south side of Bentley as water currently runs into an unfinished culvert and then onto their property. Mr. Kaye also inquired about hydro lines as Hydro One lines run along the north side of the road.

Mr. Sims explained that the subdivision service will come from Wellington North Power. They will have to deal with Hydro One. He would like to meet onsite with surrounding property owners to discuss drainage. Drainage will go to the storm water pond.

Scott Hartle, 240 South Water Street, asked about timelines. Which part of the project is the first phase and which is the last. When the land was zoned industrial there was a 100 foot environmentally sensitive area. The open space is really only about half as part of it is swamp and there is a constantly running tile. Is the open space in lieu of parkland? Who will maintain the berm that was put in place six years ago to reduce flooding as a lot of water comes off the property? Does this meet MDS requirements? Will anything be done to prevent garbage from blowing around? Where will the hydro substation be fed from? If the service for sewer runs down South Water Street will they be required to connect to it? Has school bus traffic been considered?

Ms. Redmond explained that MDS only applies to lands outside of urban properties.

Brad Schwindt, 505 Silver Street, also expressed concerns with water that ends up at his property. Is there any consideration of traffic lights as traffic is terrible now and will be worse with another 400 homes. As a builder he is concerned with 40 foot lots.

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Mr. Cox responded that MTO has based their decision on current traffic levels and future levels. MTO is proposing north bound left turn lanes. The development has to meet density requirements that include smaller lots.

Jim Stewart, 913 Bentley Street, drives tractor trailer and exiting Bentley is dangerous. By the time the truck gets turned onto the highway there is usually traffic that has come over the hill that has to stop. He has a beef farm across the road and there is large equipment coming in twice a year to spread manure. Mr. Stewart is concerned about complaints from new residents about his existing farm operation.

Mayor Tout agreed with Mr. Stewart that the intersection is dangerous. There have already been accidents. Traffic is ramping up speed coming over the hill. He is concerned for the increasing horse and buggy traffic as well.

William Nelson, local realtor, asked about provisions for parks for children as this area is completely physically detached from the rest of town. He would like to see consideration given to incorporating parkland so children do not have to cross the highway to get to a park.

Jeff Holland, 200 South Water Street, inquired about Bristol Street and the pumping station. He is also concerned with changes to drainage. Will there be communications with surrounding land owners during the construction?

Mr. Sims explained that the Township brought the force main and secondary water line across the river. The pumping station hasn't been built yet; but it will be brought in at the time of construction. Surrounding property owners will be told who the site manager is.

Councillor Yake commented that during other big construction projects they have gathered the public together to discuss issues.

Paul Hruska, 450 Glasgow Street, asked if there were any plans to bring the sewers across to the east side of Highway 6 along Murphy Street. Would the pumping station allow for that to happen? Mayor Tout stated there are no plans for extending sewers across the highway at this time.

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Barb Schellenberger, 931 Bentley Street, stated that this development will have a more significant impact with greater density. With 400 houses it would not be unreasonable to have 600 people living there. Will there be sidewalks along Bristol Street? The County has an Active Transportation vision over 25 years. Will there be walking trails that connect to what is there now. Walking over the Highway 6 bridge or the bridge at Angus Smith Park is dangerous in the winter. She would like to see park land included. Bentley Street is a municipal road. There will be urban standards on one side and rural standards on the other. Is there a long term maintenance plan for Bentley Street? She is concerned about lots facing Bentley Street. She thought she would be seeing the back yards when she looked out from her home but instead she will see 20 driveways. For people traveling into Mount Forest their first impression will be the backside of commercial buildings.

17. Comments/questions from Council.

Mayor Tout stated that this is an aggressive development within our community. Through discussions with MTO there was consideration regarding the widening of Bentley Street. Mayor Tout inquired how long this project will take to complete. Mr. Cox indicated that there will be some widening along part of Bentley Street. There will be no crossover intersections over Bentley. Bentley is under Township jurisdiction; however, MTO has jurisdiction over a portion of the street. Mr. Bagnara commented that this will be a long project and will be phased in. A lot will depend on the market.

Mayor Tout questioned if traffic lights could be discussed with MTO to address resident concerns. He is concerned for pedestrian safety. Mr. Cox stated that MTO is not accepting of other access. Bentley Street will be the access for commercial and residential traffic.

Councillor Burke asked if there would be any consideration to moving the stormwater management to where the open space is and the open space to where the stormwater management area is. She also inquired where the substation will be put in the development. Mr. Cox agreed that the stormwater location could be looked at. A location for the substation has not been allocated yet.

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Councillor Yake would like to see traffic issues discussed further with MTO. There is a lot of traffic now with school buses, transports, other vehicles and Mennonite buggies.

Mayor Tout thanked everyone for their comments and stated that another meeting will be held.

18. Adjournment 8:28 p.m.

C.A.O./CLERK

MAYOR