

THE CORPORATION OF THE TOWNSHIP OF HORTON

## Planning Committee Meeting

September 19, 2011 - 3:00 p.m.

There was a Meeting of the Planning Committee held in the Municipal Council Chambers on Monday, September 19, 2011. Present were: Chair Robert Kingsbury, Mayor Don Eady, Councillor Margaret Whyte, Councillor Glen Campbell, Councillor Jamie Larone; Committee members: Jim Ferguson, John Wilson, David Brown and Bob Lockwood; staff members Mackie McLaren, CAO/Clerk and Rose Curley, Administrative Assistant.

1. CALL TO ORDER

Chair Kingsbury called the meeting to order at 3:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by committee members or staff.

3. MINUTES OF: July 13, 2011  
August 17, 2011 Minor Variance Public Meeting

The Planning Committee reviewed the Planning Committee minutes of July 13 and the Committee of Adjustment minutes - August 17, 2011 – Application A01-01 – Pleau Minor Variance.

4. BUSINESS ARISING:

- **Garden Lake Trail - possible solution to “registered” right of way**

Mackie McLaren, CAO/Clerk reviewed the legal advice from the Township lawyer regarding a possible solution to the “registered” right-of-way issue on Garden Lake Trail. Her suggestion was that in some situations where an individual in this area is seeking a severance or a permit, they may seek a minor variance from section 3.15 and section 2.167 of the Township Zoning By-law, with respect to the requirement that the right-of-way be registered. Such a variance might be justified if the owner was able to demonstrate a legal right of access existed even though not on a registered right-of-way. In these cases the Committee would consider as a condition of the variance that a legal opinion be provided by a lawyer that a legal right of access exists and an agreement with the Township should be registered on title which states that the Township has relied on this opinion in issuing a permit and wherein the owner releases the Township from any liability as a result of its reliance. This option would be done on a “case by case” basis.

After discussion the Planning Committee agreed that we should provide this legal advice to the residents that are affected by the Garden Lake Trail right-of-way issue.

Moved by Bob Lockwood, Seconded by John Wilson

That the Planning Committee directs the CAO/Clerk to forward this legal information to Bernie & Lydia Pleau’s lawyer for their action and make property owners in the area aware of this legal comment.

Carried.

- **Dwight MacMillan cottage relocated and toilets & sinks removed**

Mackie McLaren, CAO/Clerk reported that the Township had entered into an agreement with Dwight and Margaret MacMillan to relocate and convert the existing cottage into a storage shed and that the MacMillans would provide a drainage ditch on their property adjacent to the Ritz property to intercept surface water. They were also required to provide a security deposit of \$2,500.00. The MacMillan's have now met these conditions and are requesting a refund of their security deposit. This will be discussed at the Special Council Meeting later this evening.

5. DELEGATIONS:

3:05                    **Nancy Baker**                    **consent applications B113 & 114/11**

The Committee reviewed Consent Applications B113, & B114/11. These applications will create two new lots and a lot addition to an existing lot. It was noted that this property is located in the Garden Lake Trail area and does not have a legal right-of-way registered. After discussion the Committee agreed to support the applications with the condition that the legal right-of-way issue be resolved.

Moved by Dave Brown, Seconded by Margaret Whyte

That the Planning Committee recommends that Council support Consent Applications B113/11 and B114/11 with the following conditions:

- Development Charge
- that the applicant resolve the legal right-of-way issue

Carried.

4:00                    **Brian Whitehead**    **5 lot severance proposal for Peter Prince**

Mr. Brian Whitehead, Engineering Consultant, Jp2g, was present to discuss Mr. Peter Prince's 5-lot severance proposal on the Garden of Eden Road. He noted that his firm was working on a Planning Justification Report as required if there are more than 5 lots created from the original parcel. He reviewed the different aspects of this report: impact on municipal services, hydrogeology assessment, water quality analysis, lot grading and drainage. He noted that he and Ron Moss, also from Jp2g, Mr. Prince and Jeff Schruder, Municipal Infrastructure Manager, Horton Township met at the site of the proposed severances. The recommendations discussed will be included in this report. He noted that this meeting tonight is a pre-consultation meeting only and that the severance applications will address the concerns of a noise attenuation study, vegetative buffer, consent agreement, and any other conditions of the severances.

Chair Kingsbury requested that Jeff Schruder, Municipal Infrastructure Manager submit a report regarding this application. Councillor Margaret Whyte noted that at a recent OEMC conference, subdivisions and severances were discussed and that many municipalities recommend getting a comment from the local Fire Department. She requested that we request a comment from our Fire Department regarding this severance.

6. DEACON SITE PLAN VIOLATIONS

The Committee reviewed the report that had been prepared by Mackie McLaren, CAO/Clerk regarding site plan infractions on the Deacon property. The Committee also reviewed the pictures that had been taken when Dennis Fridgen, our Chief Building Official and Jeff Schruder, our Municipal Infrastructure Manager carried out a site visit to the property. It was noted that Randy Corbin, Fire Chief was also asked to inspect the property under the fire code but as of yet has not completed an inspection. Also, Chair Kingsbury had previously asked why a building permit for the deck and fence around the swimming pool was issued without a site plan amendment. Dennis Fridgen, Chief Building Official has advised that as the construction of a deck and fence isn't a commercial use there was no need for a site plan amendment. Our by-law granting authority for site plan agreements is for Commercial, Industrial and Institutional uses.

The Committee discussed the infractions and noted that they were concerned about potential fire hazards. The Committee asked that the Fire Chief be requested to carry out an inspection as soon as possible and to report back for the next Planning Committee Meeting. They agreed that once we hire a new Municipal Law Enforcement Officer that this be his first assignment. Also, Mackie McLaren, CAO/Clerk was requested to check with the Planning Department whether a site plan amendment is required for the issuance of a building permit for the deck and fence around a swimming pool.

7. CORRESPONDENCE

- **Township letter to George Jackson Toyota**

The Committee reviewed the letter that the Township sent to George Jackson regarding: the need for a building permit for the nine storage containers on the site and for the two roofs constructed between the containers; and a site plan amendment to show the nine containers, the two roofs and their proper locations. Mackie McLaren, CAO/Clerk was asked to follow up with Toyota and report back at the October 04, 2011 Council Meeting.

- **Township letter to Charles Cheesman – TransCanada pipeline**

Mackie McLaren, CAO/Clerk reviewed a letter that he sent to Charles Cheesman, County of Renfrew Planning Department regarding a request from Trans Canada Pipelines that asks that the setback from the TransCanada pipeline right-of-way be reduced from 10 metres to 7 metres. As the County of Renfrew's Official Plan calls for a 10 metre setback, Mackie McLaren, CAO/Clerk was requested to consult with the County Planning Department for clarification.

8. Other Business

There was no other business to discuss.

9. Next Meeting                      Wednesday October 12, 2011 @ 4:00 p.m.

The next Planning Committee meeting will be held in the Municipal Council Chambers on Wednesday, October 12, 2011 at 4:00 p.m.

**NOTE:                      MINOR VARIANCE PUBLIC MEETING AT 4:30 P.M.**

The Planning Meeting was adjourned at 4:30 p.m. to go into a public meeting for Minor Variance Application A02-11 – Aaron and Nathalie Carswell.

The Planning Meeting returned to regular session at 4:43 p.m.

10. CONFIRMING RESOLUTION

Moved by Glen Campbell, seconded by Dave Brown

That the Committee pass this confirming resolution to cover any actions or directions given during the open portion of this Committee Meeting which are minor in nature and which were not set out in By-law or Resolution.

Carried.

11. ADJOURNMENT

Moved by John Wilson, Seconded by Margaret Whyte

That this Committee Meeting be adjourned at 4:45 p.m.

Carried.

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Chair

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Secretary