



**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
SPECIAL MEETING OF COUNCIL MINUTES**

C06/17

March 8, 2017

7:00 p.m.

COUNCIL CHAMBERS

PRESENT: A. Jeffs, B. Konc, R. Dykstra, T. Gilmore, T. Hessels

STAFF PRESENT: S. Smith, R. Nan, M. Kirkham, M. Smith, L. Gudgeon, K. Foster
A. Cross, A. Dashwood

1. Call to Order

Mayor Jeffs called the meeting to order at 7:00 p.m. and announced that the Special Meeting would be audio recorded for minute taking purposes.

2. National Anthem

3. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no disclosures noted by members of Council.

4. Public Hearing

This public hearing was chaired by Mayor Jeffs.

Mayor Jeffs explained that the purpose of the public hearing, held pursuant to Section 34/51 of the Planning Act, is to receive comments from the public and public agencies with respect to the proposed Draft Plan of Condominium and proposed

amendments to Zoning By-law 034-2014 submitted to the Township by Lakewood Beach Properties Inc. for lots 16 & 17, Concession 1.

Purpose & Details of the Application:

Presentations were given by:

- D. Riley, Senior Planner – SGL Planning & Design Inc.
- C. Selig, Planning Lead – T. Johns Consulting Group Ltd
- J. Maitland, Project Engineer – T. Johns Consulting Group Ltd

Presentations have been attached to these minutes as Appendix “A”

Questions from Council:

Alderman Hessels inquired if there was a mandatory septic cleanout time.

J. Maitland explained that the septic bed is non-conventional and will not have a build up of solids over time. The solids are broken down within the treatment before it goes to groundwater and only liquid would be leaving the system. Eventually the spoil would need removing but that would be a long process.

Alderman Konc asked for clarification on the “Municipality Responsibility Agreement” that was mentioned in the presentation. Township of Wainfleet Planner Ms. Ivins advised that the agreement would be the responsibility of the Niagara Region and not the Township.

Alderman Konc commented on the potential pipe that would be laid down Lakeshore Road for the purposes of water and wastewaters services and asked if there would be an agreement put in place that would remove any liability from the Township if that pipe were to break and cause damage. D. Riley advised that one of the purposes of the Municipality Responsibility Agreement is to ensure that any damages caused by servicing would be the responsibility of the Niagara Region and would be a condition of approval.

Alderman Konc asked if there had been peer reviews done on this project aside from the traffic study. C. Selig informed Council that a peer review had been done on the Environmental Site Assessment and the initial EA findings. B. Konc noted that Council has not seen the documents and stated the importance of receiving this information to allow Council to make an educated decision on this project.

Alderman Konc asked what the tax benefit would be for this type of development. A. Cross noted that he would look into this with the Municipal Property Assessment Corporation.

Resolution No.C-076-2017

Moved by Betty Konc

Seconded by Richard Dykstra

“**THAT** the Treasurer be hereby directed to report back to Council with information regarding taxation on a development of this nature.”

CARRIED

Alderman Konc asked if there would be a second area for visitor parking. C. Selig stated there is an assigned block for additional parking.

Alderman Dykstra asked whether there was anything put in place (aside from the NPCA portion) for preservation of habitat. A representative from the environmental group stated the overall benefit plan which was submitted to the MNR includes the protection of the Fowler’s Toad habitat. The methods to achieving this are the introduction of additional dunes, removal of vehicular traffic as well as education programs, which were all accepted by the Ministry.

Alderman Dykstra asked if restoration activities were pre-construction. The response was yes and that that the deadline for completion is December, 2017.

Alderman Dykstra inquired about any plans for removal or remediation of the existing septic system and was informed that MOECC guidelines would outline the process, which would include draining the system with a pumper truck, removal of any material and restoration prior to future use. It was noted that the entire system would be removed, which would be outlined in the condition of approval.

Alderman Dykstra inquired if there were special guidelines for fire and emergency services for this type of development and noted that there are significantly higher winds in that area. Alderman Dykstra was informed that there are proposed hydrants with appropriate spacing, which are consistent with standards of this type of development. The water storage system will provide sufficient fire flow in accordance with MOECC standards and Fire Underwriters. The private water service will fill the cistern on site and the water flow at any given time would be sufficient to provide the domestic and fire flow demands.

Alderman Hessels commented that appropriate mechanisms should put in place to eliminate liability on the Township and suggested that a notification clause be adopted to warn future residents of the potential for noise and odours.

Public Comments:

Mayor Jeffs requested input and comments from anyone in attendance, the following was offered:

Andrew Watts, 10810 Rathfon Road

Mr. Watts addressed Council with his concerns regarding the proposed Lakewood development and does not support the project for the following reasons:

- Development not in character with Wainfleet culture
- Fowler's Toad Habitat unprotected
- Development does not fit within Wainfleet's Official Plan or Zoning Bylaw
- Public interest being ignored
- Septic tank maintenance
- Strategic Plan deliberations did not mention the need/want for development in Wainfleet

Jeffery Ward, 11277 Harbourview Road

Mr. Ward inquired about the land designated as 03 in the developer's presentation and whether that designation included the beach. C. Selig advised that the unit lines come through to the beach; however the 03 designation will be across the units.

C. Selig noted that there will be clear condo unit lines to identify who the individual owners are if there were ever any issues within that 03 zone as opposed to a communal ownership. C. Selig stated that the units were set up in consultation with the Ministry of Natural Resources & Forestry.

Mr. Ward commented that there is a bylaw in place that prohibits the sale of waterfront property. Planner, S. Ivins explained that the bylaw in which Mr. Ward is speaking to is specifically for land that is owned by the Township, which is kept in public ownership.

Mr. Ward asked if there had been a Native Artifact Study done on the property and was advised by C. Selig that an archaeological study was completed and there were no artifacts found.

Mr. Ward voiced his concerns on the following:

- 1.5 parking space allotment
- Septic bed to accommodate 41 units
- Odour of wastewater treatment plant

J. Maitland stated that the discharge beds proposed for the site will be receiving highly treated affluent from a wastewater treatment facility and that the proposed solution has been done in accordance with the Ministry of the Environment.

Josh explained that the treatment being used is the same that is used to treat drinking water and the reduction of contaminants would be significant.

Faye Suthons, 60762, Regional Rd 27

Ms. Suthons thanked Council for allowing her to voice her opinion on the proposed Lakewood development. Ms. Suthons stated that she is not in support and does not believe that the proposal is in keeping with the Townships "*find your country side*" motto. Ms. Suthons noted that Wainfleet has experienced water and septic issues in the past and questioned how a 41 unit development with septic and water system can accommodate this without any problems. Ms. Suthons concluded by asking Council to think about the impact on future generations when making a decision on the proposal.

Gary Bellhouse, 12613 Lakeshore Road

Mr. Bellhouse stated that he has been a Wainfleet resident for the last 30 years. After reading the proposal Mr. Bellhouse believes that the proposal is keeping in line with Wainfleets Strategic Plan for economic development. Further to that, the goal is to create a substantial, economic environment that keeps taxes at a reasonable level and promotes responsible development in areas designated in the Official Plan.

Mr. Bellhouse added that this project is supported by provincial, regional and municipal land use policies which permit residential development in lakeshore residential areas.

Mr. Bellhouse stated that he believes the experts in their capacity are correct with their findings and trust their judgement, which is why he is in support of the proposed Lakewood development.

Dan Augustine, 12150 Gallinger Street

Mr. Augustine states that he is very much in support of the proposed development for the following reasons:

- 1) Attracts new people to the Township of Wainfleet
- 2) Increases the tax base
- 3) Will allow for new businesses to grow

Mary Jane Hall, 11640 Lakeshore Road

Ms. Hall asked if Townships Zoning Bylaw permits 41 units on a single lot.

D. Riley explained that the minimum lot size for a new lot can be as small as .4 hectares if a hydro geological study has been completed and shows that the property can be serviced with private services. D. Riley added that the proposal is for 41 units (plan of condominium), which is different than the creation of individual lots. The 41 units will be serviced by a communal system rather than each individual lot receiving private services.

Ms. Hall raised her concerns around the potential for noise and odour with respect to the waste water treatment plant, which would be located across the street from her residence.

The treatment plant will go through a noise and odour study and in the design process; measures will be taken to ensure that potential issues are attended to.

Carol Nagy, 11321 Neff Street

Ms. Nagy advised that she was not in favour of the proposed development and asked if the septic system had been tested against a site similar to this one of this magnitude. Ms. Nagy also questioned what defined “sustainable private services.”

Ms. Nagy asked that the Township’s best interest be considered when making a decision on development.

Theresa Zierle, 41491 Malowany Road

The following is a list of reasons Ms. Zierle not in support of the development:

- Pollution
- Hospital location too far
- Increased traffic
- Disappearing beach access
- Against Wainfleet Official Plan

Ms. Zierle voiced her concerns with the proposed development and feels public opinion is being ignored. Ms. Zierle stated that Wainfleet is a farming community and believes that the vacant land should be used as a park for the community.

Norma Bird, 11754 Lakeshore Road

Ms. Bird stated she was surprised to see that the original proposed 34 unit development has changed to 41 units. Ms. Bird voiced concern of the potential for the development to interfere with public access to the beach.

C. Celig advised that the property includes the beach in terms of ownership and the units will go to the edge of the Fowler’s Toad habitat. C. Celig stated that the actual beach front is in within a different block within the plan of condominium and the residents of the 41 units will have access to the beach with no intention from the developer to install barriers.

Ms. Bird states that there has been considerable flexibility that has been given to the developer within planning regulations and feels that residents are not given the same opportunities with their land. D. Riley advised that certain planning policies restrict where development can go and confirmed that the property in question is currently

zoned and designated to permit a condominium development, subject to specific requirements.

Ms. Bird is concerned on the amount of street lights that will need to be installed for a development of this size and the potential for light pollution.

C. Selig stated that a light plan would be submitted through the conditions of the draft plan. This light plan would then be submitted to the township for approval before installation. Ms. Bird requested that the public be included in this process and also notified of the decision.

Marianne Kidd, 12190 Lakeshore Road

Ms. Kidd thanked Council for the opportunity to comment on the proposed planning applications. Ms. Kidd explained that she is in support of the development for the following reasons:

- Bigger tax-base for Wainfleet
- In line with Wainfleet Strategic Plan (Economic Development)
- Potential for new businesses
- Help support jobs
- New families to welcome into community

Lee Bott, 11775 Lakeshore Road

Ms. Bott stated that she is not in support of the proposed development for the following reasons:

- Septic system in line with well lines
- Septic system contaminants – Ms. Bott requested soil be tested regularly
- Significant tree removal
- Permit to remove Fowler's Toad habitat, which is an endangered species
- Traffic congestion
- High density housing
- Rural community

Ms. Bott asked for clarification as to who will own the property up to the beach. C. Selig stated that the units will have unit lines that come through the Fowler's Toad habitat and the beach block will be owned by the condominium corporation.

Kevin Robins, 32035 Bell Road

Mr. Robins commented on the proposed development and asked that all parties affected are taken into consideration and treated the same. Mr. Robins hopes that little things can be done for those who are not in support of the development (i.e. continued beach access) .

Next Steps

S. Ivins stated that all comments received by agencies and the public will be reviewed and a recommendation report will be submitted to Council at a later date.

5. Bylaw to Confirm the Proceeding of Council

Resolution No. C-077-2017

Moved By Terry Gilmore
Seconded By Richard Dykstra

"**THAT** the following bylaw be now read a first, second, and third time and finally passed this 8th day of March, 2017:

- a) Bylaw No. 012-2017 being a bylaw to adopt, ratify and confirm the actions of the Council at its special meeting on the 8th day of March, 2017."

CARRIED

6. Adjournment of Meeting

Resolution NO. C-078-2017

Moved By Betty Konc
Seconded By Ted Hessels

"**THAT** Council for the Township of Wainfleet do now adjourn."

CARRIED

Council adjourned at 10:04 p.m.

A. Jeffs, MAYOR

M. Kirkham, DEPUTY CLERK

Approved by Council – April 18, 2017