

**Meeting No. 41**  
**Time: 7:00 p.m.**  
**Location: Sydenham**

**Present:**        **Mayor**                                **Gary Davison**  
                  **Deputy Mayor**                        **John McDougall**  
                  **Councillors,**                            **Allan McPhail**  
   **Bill Robinson**  
   **Ron Vandewal**  
   **Larry York**  
   **Del Stowe**

**Staff:**            **Wayne Orr, CAO, Lindsay Mills, Planner, Louise Fragnito, Treasurer,**  
                         **Rick Chesebrough, Fire Chief, Mark Segsworth, Public Works Manager,**  
                         **Angela Maddocks, Recreation Coordinator, Judy Herrington, Executive**  
                         **Assistant**

**1. Call to Order**

**Resolution No. 2012-41-01**

**Moved by Councillor Vandewal    Seconded by Councillor Robinson**

**THAT the Council meeting of December 4<sup>th</sup>, 2012 be convened at 7:00 p.m.**  
**Carried.**

**2. Declarations of Pecuniary Interest**

**Councillor Vandewal and Councillor Robinson declared a pecuniary interest with respect to the Accounts Payable.**

**3. Scheduled Closed Session - nil**

**4. Recess**

**5. Delegations**

**(a) Mr. Dan Cumming, The Sands Road Residents Association, re Ouellette Subdivision**

**Mr. Cam Salsbury presented on behalf of Mr. Dan Cumming. He handed out a document entitled "Sands Road Residents' Association Presentation to Public Meeting, December 4, 2012." Mr. Salsbury read the three page presentation which included an Appendix: "Presentation of March 16, 2010."**

**In summary, he said that the Sands Road Residents' Association appeared before Council on Tuesday, March 16, 2010 and presented its views regarding the 16 lot subdivision for Sands Road, arguing that it would have significant detrimental effect on the residents of Sands Road and irreversible impact on the environment in the area. He said that those misgivings are still valid today.**

**Since that time applications for Plan of Subdivision and a zoning by-law amendment have been made for the creation of 16 lots for single detached residences on a proposed new road with access from Sands Road.**

**He added that with regard to the rezoning, they are concerned with the proposed use of the property which is subject to flooding, contains steep slopes, and has areas which are rocky, low-lying, and marshy. Provision for restricting building in such areas is specifically provided for in The Planning Act R.S.O. 1990. Mr. Salsbury elaborated by referencing several parts and sections of the Act.**

**He concluded by saying that they fear this proposal is poorly planned, premature, exposes the township to additional and unwarranted expense, poses**

**environmental risk, and threatens the quiet, rural lifestyle enjoyed by current residents in the area.**

**(b) Mr. Mike Fitzsimmons, re Ouellette Subdivision**

**Mr. Fitzsimmons was not in attendance.**

**6. Public Meeting**

**Resolution No. 2012-41-02**

**Moved by Councillor Robinson      Seconded by Councillor Vandewal**

**THAT a public meeting be held to discuss planning matters related to:**

- **Review of Application for Plan of Subdivision and Associated Zoning By-law Amendment, Part of Lots 9 & 10, Concession IX, Storrington District, Township of South Frontenac**
- **Township-Initiated Housekeeping Amendment to the Township of South Frontenac Comprehensive Zoning By-law**

**Carried.**

**(a) Review of Application for Plan of Subdivision and Associated Zoning By-law Amendment, Part of Lots 9 & 10, Concession IX, Storrington District, Township of South Frontenac**

**Mr. Lindsay Mills, Planner, advised the purpose of his report is to bring to Council an application for a plan of subdivision and a zoning by-law amendment and to hold a public meeting on the application as required under the terms of the Planning Act. The report includes a location attachment, lot layout plan, agency comments, letters from the public and a proposed amending by-law.**

**Mr. Mills advised that there are four main features that are noteworthy:**

- **2 stormwater ponds**
- **Southeast portion of land is low and marshy resulting in Lots 11 to 15 having a very limited building envelope, but that appear to meet all requirements**
- **a private lane is proposed to access the upper (northwest) portion of the land. Although it meets the policies of Planning, it is an awkward arrangement in that a number of properties would be bisected by the land and would scar the natural landscape**
- **Owner has agreed to dedicate to the Township a right-of-way that would connect Sands Road to Battersea Mill Street if required at some far distance time providing future access which is good long-range planning.**

**The land is zoned Urban Residential-First Density Zone (UR1) in the Township's Zoning By-law. The applicant is proposing to zone the land to Residential Zone (R) to recognize the proposed residential use of the lands and to recognize the wet portions in an Environmental Protection Zone. Although this would split a number of the properties, it would ensure that development does not occur on this portion of the land and this zoning seems appropriate.**

**The applicant is also proposing to reduce the normally required setbacks within the proposed lots. The Planning Department can support the lot frontage setback, but there is no justification to support other setback reductions and reduced front yard requests.**

**Mr. Mills says that the main challenge is finding the building envelopes. He said the developer has done a great job under the circumstances but he has scaled out the building envelopes and would like to see better proof as to why the houses cannot be built on the sloping lots so that they would have direct access to the public road.**

**The subject property is designated in the Township's Official Plan as "Settlement Areas" which meets the intent of the Official Plan.**

**Various studies were prepared and submitted in support of the development including Stage 1 and Stage 2 archaeological assessment, a hydrogeology, terrain analysis and nitrate impact assessment, a servicing options report, a drainage/stormwater management report and an environmental impact assessment. These studies have been peer reviewed by Malroz Engineering Incorporated. Agency comments include Public Works Department whose concern is that two stormwater ponds will require twice the maintenance compared to one stormwater pond; Fire Department whose concern is that the development has only one way in and one way out; Cataraqui Region Conservation Authority has no objection to the development provided conditions are carried out prior to final approval; KFL&A Public Health conclude that the site has limitations however feel there is sufficient area for two conventional septic beds.**

**A letter dated November 29, 2012 was received from John Burton. Mr Mills read the letter aloud noting his concerns regarding protecting the wetland areas and the watercourse, but is still concerned for the environment. Also, a letter of objection to the subdivision has been received and signed by many residents in the area.**

**It is recommended that Council:**

- 1. Receive the comments and attachments contained in the Planning Report dated November 29, 2012;**
- 2. Defer any decision on the rezoning of the property until the comments resulting from the public meeting are reviewed.**
- 3. Forward the Planning Report dated November 29, 2012 including attachments and comments from the public meeting to the County of Frontenac as the Township's comments on the subdivision proposal by Roger Ouellette.**

**Councillor York said it is very tough for the residents living on Sands Road. They are worried about the impact on wildlife and the environment even though legally the subdivision plans can go forward. He is suggesting that 10 lots would be better than 16 and feels this would be a positive way to move forward and make everyone happy.**

**Councillor Vandewal said that all delegations regarding subdivisions have the same concerns, such as Valleyview Estates in Sydenham. He said he never looks favourably at development for the reason that it will increase tax income. However, he is supportive of development because he feels that he has the privilege of living here and why should he stand in the way of others who want to live here. All agencies have to be consulted which incurs spending. Agencies have given their conditional approval. The OMB encourages development in the hamlets. However, that being said, Councillor Vandewal does not like this particular development noting that it is not well planned.**

**Councillor McPhail said he is not in favour of the proposed development as it now stands because it has been radically changed from its original format. Now the plan includes a right-of-way and two stormwater ponds. He likes the possible future access to Battersea Mill Street. He has a hard time supporting this development in spite of the agencies' approvals. It is in the outer limits of the hamlet with no connecting roads.**

**Councillor Stowe has serious concerns about building in a swamp. He is worried about the groundwater and foundations being flooded which could result in a**

cost to the Township. Lots 5 and 6 have a lot of water concerns. He said he would look at the development more favourably if they changed the lots around and eliminated the back road. He is also supportive of development, but good development. He feels it would be difficult to meet the Provincial Building Code standards for future buildings.

Councillor Robinson said he agrees with his colleagues and noted that all agency approvals included words of caution and conditions. He is not comfortable with the water concerns.

Mayor Davison said the same concerns were raised in the past regarding the Valleyview Estates subdivision in Sydenham but a chain link fence satisfied the concerns over the wetland.

Jim Mulder, a resident of Sands Road, asked if under the legislation governing subdivisions, if an easement for a private road would be allowed. Lindsay Mills responded that it is allowed. Jim Mulder said that the Township does not assume the road until it is completed to Township standards which would be later in the development. He said he thought the by-law stated that you cannot access a piece of property if it is not abutting a public road. He doesn't see how all 16 lots can be approved. He thinks only the ones abutting the public road can be approved. The lots at the top of the hill cannot be accessed by the public road.

Mr. Mills responded that all the lots do front on a public road.

Mike Keane, Fotenn Consultants, spoke on behalf of the Ouellette's. He attended the Committee of the Whole Meeting on November 27<sup>th</sup>, 2012 to better understand the concerns of Council. He also wants to explain why the plan of subdivision has changed since 2010.

The ridge on the site is 60 feet tall. Archaeological studies and a technical review were done. The technical review changed the road requirements for access to the rear lots. The new version increased the frontage on the lots none of which are smaller than 2 acres. The proposed rear lane solved the technical issues. This is not a unique situation and this type of arrangement has been done recently in other developments. The rear lane would also grant singular access minimizing disturbance of the land and avoid a zig zag arrangement that would do more damage to the ridge. He also noted that Hydro and KFL&A want everything to be on the same plane with respect to septic and wells, and at the same time, keep everything well back from the wetland. He said the developer will ensure the environmentally sensitive areas are identified and will protect it with the appropriate zoning.

Mr. Keane said the layout of the property is less than conventional, but has been approved for development by professionals from all four agencies and peer reviewed.

With respect to the two stormwater ponds, Mr. Keane said his engineers feel one pond would not be more cost effective to maintain because it would be deeper and would also pose a risk to safety for this reason.

Mr. Keane said he is happy to continue to work with Mr. Mills to ensure that they agree on the zoning.

In conclusion, Mr. Keane said the proposed development meets the intent of the Official Plan with it being within the boundaries of the hamlet. He said this could even be a catalyst for other future developments to occur closer to the hamlet of Battersea. He said he had an engineer present tonight if anyone wished to speak with him and he suggested residents visit the County of Frontenac in order to view the technological reports.

**Councillor Vandewal said he would prefer to see 10 very accessible lots instead of 16 so that the ridge would be undisturbed.**

**Kim Pineau, a Sands Road resident, said that flooded basements are common in her area and that residents live in fear of this every year. If construction changes the water flow and more basements are flooded, it will be a greater cost to the Township. She asked who do I sue?**

**Mayor Davison said a draw down test would be required first.**

**Dan Salsbury asked what the maximum gradient of the laneway is? Mark Segsworth, Public Works Manager, responded 12%.**

**Mayor Davison asked Mark Segsworth if there was ongoing maintenance to stormwater ponds. Mr. Segsworth responded "not as much as there should be."**

**Dan Cumming, a Sands Road resident, said that we are back to the water problem again. The northeast section of the property has a spring there with a steady stream of water all year. He questioned fencing a lot to keep people away from a wetland.**

**Scott Harkes, a Sands Road resident who lives at the end of the deep hill, said we have been blessed with light winters the last couple of years, but he is concerned about the winter melt that comes down the big hill. Water runs off and freezes on the road. He lives in fear of vehicles losing control and flying off the road onto his property particularly with increased traffic if the subdivision is approved.**

**Cathy Palmer has lived at the bottom of the hill for the past seven years and has a huge basement. She said she has had zero water problems in all the years she has lived there.**

**Vernon Sands says the proposal looks good on paper but it is missing information about the elevation with no mention of the height of the escarpment. Everything will drain into the wetland and eventually into the Rideau Canal.**

**Mayor Davison said there is information about the height of the escarpment. It is 60 feet high.**

**Deputy Mayor McDougall asked Mark Segsworth, Public Works Manager if his department could accommodate the upgrading if needed of Sands Road. Mr. Segsworth responded that Sands Road can support the traffic resulting from an additional 16 houses.**

**(b) Township-Initiated Housekeeping Amendment to the Township of South Frontenac Comprehensive Zoning By-law**

**Lindsay Mills, Planner, reviewed the Township-Initiated Housekeeping Amendment to the Township of South Frontenac Comprehensive Zoning By-law highlighting changes to terminology and definitions. He noted that staff using the By-law since 2005, have become aware of a number of minor errors/omissions in the by-law, both in the mapping and in the text of the document. In order to correct these errors and omissions and to clarify certain wording, an amending by-law must be passed that deals with each and every proposed correction (informally termed a "housekeeping bylaw").**

**The changes to the text of the By-law are mostly to make two major corrections:**

- 1. apply zoning to all lakes and waterbodies to prohibit floating boathouses and permanent house boats on the lakes**

2. correct the wording in the Recreational Resort Commercial zones to no longer permit existing structures located within the 30 metre setback to be reconstructed at a larger scale or closer to the water.

The general objective of the changes is to bring the By-law into conformity with the intent of the Official Plan to maintain the rural character of the lakes and to keep all development well set back from waterbodies.

Mr. Mills advised that the word “ponds” is to be removed the definition of “waterbody” on page 42 of the report.

Brian Hetherington said he has a portable boathouse that sits on the floor of the lake and he takes it out every fall and puts it back in the spring. He uses it to store his pontoon boat. Lindsay Mills responded that this by-law only affects new structure and that existing structures can continue.

Jeff Peck asked a question about Section 10 and Section 11 regarding non-conforming structures. Are we still protecting them? Lindsay Mills responded that this by-law will not affect any legal non-conforming uses.

Dave Salmon of Verona asked if a boat hoist that sits on the lake bottom is restricted by this by-law. Lindsay Mills responded that this would be considered a boat house. Mr. Mills repeated that if it has already been in place in the past, then it can stay. The by-law only addresses new structures. He said the current zoning by-law has already prohibited boat houses.

Dave Salmon asked if he takes it out each year and puts it back in, is it considered a new structure.

Jamie Curragh said he is concerned about the 5% maximum lot coverage for waterfront lots and no basement provision. He does a lot of work on waterfront properties. Lindsay Mills responded that the by-law does not prohibit full foundations, but they are restricted to being six feet high and should only be used for storage.

Deputy Mayor McDougall asked if a normal building 30 metres back is okay. Lindsay Mills responded yes an existing building would be okay. The by-law applies only to new structures within the 30 metre setback.

Councillor Stowe stated that you can demolish a building and rebuild, but you can't rebuild it on the same footprint if you can go further back from the water.

Councillor Vandewal stated that reconstruction on a larger scale would fall under resort residential. He said the Housekeeping By-law does not change the process. It is the same as before.

Maureen Belch said she has requested in the past to be notified when there are amendments to By-laws and to be provided this information. Mayor Davison said that asking staff to routinely provide this information is above and beyond normal expectations. Staff do not have time to supply all of this information. In addition, it is posted on the website. Lindsay Mills responded noting that he would not be inclined to share proposed amendments to any by-law with the public until it has been presented to Council for their review. He also said that there is nothing in the Planning Act requiring us to give someone the by-law prior to the meeting.

Councillor McPhail asked about Provincial Regulation 148 and shoreline alterations. How does this affect temporary structures? How are we dealing with this if our zoning is in conflict? How are we ensuring that the proposed amendments to our By-law and the provincial regulations work together seamlessly? Do the provincial regulations trump our zoning by-law?

**Mr. Mills said that he is not sure about this.**

**Deputy Mayor McDougall asked Lindsay Mills to look at the boat elevation issue. He feels it should not be considered a boathouse. Lindsay Mills agreed to look at it again.**

**Wayne Orr, CAO, said the definition of a structure is found under the Provincial Building Code.**

**Councillor Vandewal asked if our By-law will impact provincial regulations with regard to structures on the floor of the shoreline such as cribs to support docks.**

**Lindsay Mills suggested that we either pass the By-law and defer one section, or defer the entire By-law for further discussion.**

**Mayor Davison felt the entire By-law should be deferred for further discussion on the topic of regulation #148.**

**Resolution No. 2012-41-03**

**Moved by Councillor Vandewal    Seconded by Councillor Robinson**

**THAT an opportunity having been provided to discuss planning matters, that the public meeting be closed.**

**Carried.**

**7. Approval of Minutes**

**(a) Resolution No. 2012-41-04**

**Moved by Councillor Robinson    Seconded by Councillor Vandewal**

**THAT Council approve the Minutes of the November 20<sup>th</sup>, 2012 Council meeting.**  
**Carried.**

**8. Business Arising from the Minutes - nil**

**9. Reports Requiring Action**

**(a) Accounts**

**Resolution No. 2012-41-05**

**Moved by Councillor McPhail    Seconded by Councillor Vandewal**

**THAT Council receive for information the listing of the Accounts Payable and Payroll for the period ending December 4<sup>th</sup>, 2012 in the amount of \$778,291.00.**  
**Carried.**

**(b) Report from Angela Maddocks, Recreation Coordinator, re: Recreation User Fees in South Frontenac**

**Resolution No. 2012-41-06**

**Moved by Councillor Vandewal    Seconded by Councillor McPhail**

**THAT Council adopt the recommendation of the South Frontenac Recreation Committee to increase the following user fees for 2013:**

	<u>2013 Rate</u>	<u>2012 Rate</u>	
Swim Lessons (2 weeks)	\$ 50.00	\$ 40.00	
Bronze Courses (2 weeks)	\$115.00	\$110.00	
Day Camp (2 weeks)	\$230.00	\$200.00	
User Fee Per Child	\$ 8.00	\$ 6.00	Carried.

**(c) Report from Wayne Orr, Chief Administrative Officer, re: 2013 Budget**

**Deliberations**

**Council reviewed the report.**

**Wayne Orr, Chief Administrative Officer, pointed out that the province has announced significant cuts and that South Frontenac will lose \$206,600.00 from the Ontario Municipal Partnership Fund for the next three years. He noted that savings will need to be found somewhere to meet Council's objective of either a 2.98 or 3.28 percent increase overall.**

**Council was generally not in favour of the proposed integration of the garbage charge.**

**The budget is to come back to Committee of the Whole for discussion on service priorities.**

**(d) Report from Rick Chesebrough, Fire Chief, re: Vehicle Replacement**

**Resolution No. 2012-41-07**

**Moved by Councillor McPhail      Seconded by Councillor Vandewal**

**THAT Arnprior Fire Trucks be awarded the contract to build both the Pumper and Tanker, and that an additional \$2000.00 be approved for radio installations in the vehicles.      Carried.**

**(e) Report from Anne Levac, Planning Assistant, re: Closing of Unopened Street**

**Resolution No. 2012-41-08**

**Moved by Deputy Mayor McDougall      Seconded by Councillor York**

**THAT notwithstanding the Township's notice policy, Council considers a road closing by-law as it relates to John Street in Harrowsmith at the Council meeting of December 18<sup>th</sup>. It is also recommended that the usual \$300.00 administration fee for road closures be charged to Mrs. Hole in addition to the cost of one week's advertising.      Carried.**

**(f) Report from Anne Levac, Planning Assistant, re: Drainage works on private land**

**Mayor Davison requested that this item be deferred until the Public Works Manager has had the opportunity to look at this site and report back to Council.**

**10. Committee Meeting Minutes**

**Resolution No. 2012-41-09**

**Moved by Deputy Mayor McDougall      Seconded by Councillor York**

**THAT Council approve the following committee minutes:**

- **Minutes of the September 12<sup>th</sup>, 2012 Verona Community Association meeting.**
- **Minutes of the October 17<sup>th</sup>, 2012 South Frontenac Recreation Committee meeting**
- **Minutes of the October 23<sup>rd</sup>, 2012 Public Services Committee meeting**
- **Minutes of the October 29<sup>th</sup>, 2012 Loughborough District Parks and Recreation Committee meeting.      Carried.**

**11. By-laws**

**(a) By-law 2012-75**

**This by-law was tabled until clarification regarding the definition of boathouses and shoreline regulations are determined with the Conservation Authority.**

**12. Reports for Information - nil**

**13. Information Items**

**(a) Letter from County of Frontenac re Arterial Roads under Restructuring Order**

**14. New Business**

**(a) Councillor Robinson expressed his gratitude to Angela Maddocks, Recreation Coordinator, for her work in initiating and seeing through to completion the upgrading of the parks. They now have new playground equipment, ball diamonds have been resurfaced, etc. This is work that has been outstanding for some time, and it is a great benefit to the community to have it completed.**

**(b) Councillor Vandewal noted with amusement that the resident who was so vocal in the papers about the Housekeeping By-law encouraged everyone to attend the meeting on December 4<sup>th</sup>, however, she could not because she is in Florida.**

**15. Closed Session - nil**

**16. Confirmatory By-law**

**Resolution No: 2012-41-10**

**Moved by Councillor Stowe**

**Seconded by Councillor York**

**THAT By-law 2012-76, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given first and second reading this 4<sup>th</sup> day of December 2012. Carried.**

**Resolution No: 2012-41-11**

**Moved by Councillor York**

**Seconded by Councillor Stowe**

**THAT By-law 2012-76, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be given a third and final reading this 4<sup>th</sup> day of December 2012. Carried.**

**17. Adjournment**


**Resolution No. 2012-41-12**

**Moved by Councillor Stowe**

**Seconded by Councillor Stowe**

**THAT the Council meeting of December 4th, 2012 be adjourned at 8:57p.m. Carried.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk-Administrator