

THE CORPORATION OF THE TOWNSHIP OF BROCK

CANNINGTON COMMUNITY CENTRE

PLANNING COMMITTEE

SESSION SEVEN

MONDAY, MARCH 27, 2006

The Seventh Meeting of the Planning Committee of the Corporation of the Township of Brock, in the Regional Municipality of Durham, was held on Monday, March 27, 2006, in the Upper Auditorium of the Cannington Community Centre.

Members present:	Mayor:	Keith Shier
	Regional Councillor:	Larry O'Connor
	Councillors:	Karen Windatt
		John Grant
		Reg Starr
		Debbie Bath at 7:15 p.m.

Members absent:	Councillor:	Allan Simpson – regrets
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Staff Members present:	Deputy Clerk-Administrator Thomas G. Gettinby (recording the minutes) Clerk-Stenographer Susan Creighton Planning Consultant Valerie Cranmer of Valerie Cranmer & Associates
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I. CALL TO ORDER

Chair Larry O'Connor called the meeting to order at 7:00 p.m.

II. PURPOSE

1. TO HOLD A PUBLIC MEETING, ON BEHALF OF THE REGION OF DURHAM, TO CONSIDER AN APPLICATION FOR A PROPOSED DRAFT PLAN OF SUBDIVISION.
2. TO HOLD A PUBLIC MEETING TO CONSIDER AN APPLICATION FOR AN AMENDMENT TO THE TOWNSHIP OF BROCK OFFICIAL PLAN AND RESTRICTED AREA BY-LAW 287-78-PL.

RE: Sernas Associates
On behalf of Donald and Paul Grills
Part Lot 20, Concession 11 (Brock)
Files: S-B-2005-01
1-2006-OPA(B)
1-2006-RA

CHAIR LARRY O'CONNOR OUTLINED THE FOLLOWING POINTS FOR THE BENEFIT OF THOSE IN ATTENDANCE:

1. The purpose of this public meeting is to obtain public input in respect of an application for approval of a draft plan of subdivision to permit 10 lots to be used for single-detached residential purposes. In addition, the public's input is requested with respect to an application for an official plan amendment to redesignate the lands from the Residential – Developable on Private Services land use classification to the Residential – Developable on Full Municipal Services land use classification; and input is requested with respect to an application for rezoning from the Development (D) Zone category to a Residential Type No. 1 (R1) Zone category to implement the plan of subdivision.
2. There will be no decision made, on behalf of the Township of Brock or Region of Durham, with respect to the applications at this meeting.
3. Subdivision Application
 - a) You may submit to the Clerk any written comments with respect to the plan of subdivision tonight. Thereafter, you must forward written

submissions directly to the Region of Durham Planning Department to the address shown on the Notice you received in the mail with a copy to the Township of Brock.

- b) If you wish to be notified of the decision of the Region of Durham Planning Department in respect of the approval of the plan of subdivision, you **MUST MAKE A WRITTEN REQUEST** to the Region of Durham Planning Department.
- c) Persons who wish to receive notice of the adoption of the official plan amendment and zoning by-law amendment, if adopted by Council, **MUST SUBMIT A WRITTEN REQUEST** to the Township of Brock.

4. Official Plan Amendment Application and Zoning Application

- a) Persons who speak to the official plan amendment application and zoning application tonight and/or make written submissions to the Township of Brock will automatically receive a notice of the date upon which Planning Committee makes a decision on the applications.
- b) Upon adoption, if applicable, the official plan amendment will be forwarded to the Region of Durham Planning Department for approval. Once the Region makes a decision in respect of this matter, there is a provision for appeals to the Ontario Municipal Board. Notification of a decision of the Region **MUST BE MADE IN WRITING** to the Region of Durham Planning Department at the appropriate time.
- c) In the event that the actual zoning by-law is passed by Council, it will be circulated in a formal manner under the provisions of the *Planning Act*, and at that time, if objections are received, a hearing will be held before the Ontario Municipal Board, at which time the objectors will be informed of a hearing date.

5. If a person or public body files an appeal of a decision of the Region of Durham and/or Township of Brock in respect of the proposed draft plan of subdivision and/or zoning by-law (if adopted) **AND** does not make oral or written submissions, the Ontario Municipal Board may dismiss the appeal.

6. **CHAIR LARRY O'CONNOR CALLED UPON THE APPLICANT AND/OR REPRESENTATIVE TO OUTLINE THE PROPOSAL FOR THE BENEFIT OF THOSE IN ATTENDANCE.**

Mr. Paul Grills, the applicant, introduced Lynn Collins, B.E.S., Urban and Environmental Planner, and Aaron Christie, P. Eng., Associate, Project Manager, of Sernas Associates, Consultants on behalf of the applicant.

Lynn Collins spoke to the plan advising that 10 residential lots are proposed on the east side of the Albert Street South extension. The applicant was approached by the Durham District School Board insofar as the provision of land on which to erect a new public school and land to provide for the extension of Albert Street in order to provide road frontage for the new school. At the time of the installation of services for the new school and the extension of Albert Street South, the applicant had services installed in anticipation of future residential development for the 10 lots proposed.

7. **CHAIR LARRY O'CONNOR OPENED THE MEETING TO THE PUBLIC TO RECEIVE INPUT CONCERNING THE SUBJECT APPLICATION.**

Mr. Bert Arnold, 56 Park Street, Cannington, advised that it is his understanding that utility servicing such as hydro, gas, water and sewage have reached their maximum and will this new development over load the system or will the servicing deficiencies be overcome? He enquired whether the proposed new homes will result in increased taxes and is it possible that in the future more homes will be developed which would subsequently block the rural view of those residents living on Park Street.

Aaron Christie advised that the only servicing constraints in Cannington that he is aware of pertain to sanitary capacity and that as part of this application, the property owner must make a contribution to Durham Region's retrofit program which involves existing homes to be outfitted with water efficient flush toilets and water saving shower heads in order to provide the capacity for the 10 lots under consideration. He is not aware of any constraints involving water, gas or hydro.

Lynn Collins reiterated that Mr. Grills must pay \$30,000.00 towards the Region's retrofit program so that there will be no tax burden to the tax payers in this regard.

Chair Larry O'Connor advised that it is Regional and Municipal Policy that taxpayers not bear the cost of new development, thus the reason for development charges which are paid on the development of new lots.

Susan Lillico, 114 Park Street, Cannington, advised that she is currently appealing her property assessment and when dealing with MPAC, commented that the mess which has been created as the result of the construction of the new school, should devalue her property. She is concerned that in response to this comment, MPAC has advised that if homes are built on the lands adjacent to the new school that her taxes will increase.

Ms. Lillico advised that she objects to the application as the process is flawed, advising further that when the school was first a consideration, she was not thrilled with the proposed location, as one of the reasons she purchased her home was because it backed onto agricultural lands. It is now apparent that there was more going on than the development of a new school and this application appears to have come in "through the back door" and she now wishes she had objected to the rezoning application for the new school. She provided members of the committee with photos of the view from her back yard before and after the construction of the new school, noting that she is 2 blocks from the new school location and that the landscape to the rear of her property has changed drastically. This drastic change in the landscape indicates to her that there is more going on than just the construction of a new school and that she is not a "happy camper".

Frank Choyce, 70 Park Street, Cannington, advised that he has previously voiced his objection to the new school and was surprised to see himself in the local newspaper as the result of the comments voiced. He is against the subdivision and reminded those present of an attempt to develop this land some 20 years ago with no success due to a lack of sewage capacity. He asked whether 10 homes would be developed now followed by another 10 homes in the future. He has lived at his current address for 40 plus years and has always looked out upon Grills' cows and farm field. He feels that the creation of 10 new lots is just a tax grab by the municipality and that his property taxes are currently outrageous. He agrees with the comments made by Susan Lillico and he lives farther away from the new school than she does, also seeing only mountains of dirt from his back yard. He is also not a "happy camper".

Lynn Collins advised that from discussions with Durham Region there is capacity at this time for 10 units only, subject to the retrofit program funding. There being no capacity beyond this, there are currently no plans for further units. She cannot speak to what might happen 20 years into the future.

With respect to the comments made by MPAC concerning taxes, the subject lands have always been in the Cannington Urban Area for development consideration even though the use has been agricultural in nature.

Aaron Christie advised he does not know what the issues are concerning sewage capacity and if the sewage capacity is upgraded, there is still a process to be followed with respect to any future development. He addressed the grading and elevation in conjunction with the construction of the new school, advising that an error was made in this regard on the part of the contractor and that changes are to be made to rectify the situation.

Marlene Sargent, 127 Park Street, Cannington, advised that she is neither for nor against the proposal and that she lives one block from the proposed location of the new homes. From her home, all she can see of the school construction is that which is visible from the end of Albert Street and a large pile of dirt behind her neighbour's home. She does not feel the proposal will impact her. In support of the application she advised that Cannington has experienced a stagnation of growth, partly because of a lack of lands available for development in the urban area. She reiterated that the Durham Official Plan

allows for the lands on which the 10 lots are proposed to be created to be developed and that the subdivision will be an asset to the community, even if the rural setting currently experienced by existing homes will be changed, in that it will bring in new people and stimulate the economy of the area.

She commented that the piles of dirt to the rear of the homes on Park Street are the result of the creation of the storm water management pond and not the proposed homes and that this is to be corrected and will not remain an eye sore. She advised that development takes time, reiterating that the subject lands have always been designated for development and although the rural view will be impacted, the development will act as a stimulus for the community.

Frank Choyce, 70 Park Street, Cannington, commented it was his understanding that there is a building freeze in Cannington. Chair Larry O'Connor explained that there is a limit on development in Cannington due to servicing constraints, however that Mr. Grills has met with Regional Works and will contribute to the Region's Retrofit Program in order to accommodate servicing for the 10 lots proposed. The Greenbelt Legislation prohibits development outside of the urban boundaries and municipalities are currently prohibited from expanding their urban boundaries. The subject lands have always been within the urban boundary. He noted that it is not council that develops lands but a developer.

Mr. Choyce enquired whether Albert Street South will be a dead end street or will the Queen Street road allowance be used, to which Lynn Collins advised that Queen Street will not be used for access purposes and that Albert Street South will be a cul-de-sac.

Mr. Wilbert Murray, 126 Park Street, Cannington, enquired respecting the storm water management pond and was advised by Aaron Christie that the storm water management pond serves two functions, and is a requirement of the Province, the LSRCA and the municipality. Its first purpose is quality control in that dirty water from the roads, the school property and the subject property will flow into the pond, where it will settle and be filtered. It will then flow through an existing swale to the Beaver River. The second function of the storm water management pond is quantity control in that the water running off the development lands must be released at the same rate it would have been prior to development in the area having taken place. The capture area for the pond is the school, the roadway and the proposed 10 lots.

Mr. Bert Arnold, 56 Park Street, Cannington, enquired whether a storm water management pond is necessary due to the lay of the land and was advised by Aaron Christie that a storm water management pond is a necessary development criteria. Mr. Arnold commented that the location of a storm water management pond so close to a school is not appropriate, however that he feels the new school could have been better located. Aaron Christie advised that the storm water management pond is part of the school development.

Chair Larry O'Connor advised that a subdivision development cannot negatively impact existing homes and thus the requirement for the storm water management ponds. Another consideration of storm water management ponds is the impact of severe storms in an attempt to minimize flooding situations. Regardless of the proposed subdivision, the school had to have a storm water management system, however in this particular instance, the applicant and the DDSB will share the one pond.

Mr. Arnold enquired whether other schools have storm water management ponds and was advised by the Chair that all recent school developments, especially those around new housing developments will have storm water ponds. They are however, not usually on school lands.

Mr. Wilbert Murray, 126 Park Street, Cannington, commented that the earth behind his home is now 6 feet higher than it was originally and will it be taken away? Aaron Christie reiterated the fact that a mistake had been made in this regard by the contractor for the school project and that although the elevation of the land behind the Park Street residences will be higher, some of the earth will be removed. Lynn Collins advised that some of the fill is from the school and will be removed from the site.

Mr. Murray enquired of the applicant whether it is his intent to use the lands on which the dirt is piled for agricultural purposes, following construction of the school and was advised in the affirmative. Mr. Grills further advised that he accepted some of the fill to ease the costs to the DDSB to have the earth trucked away. He further advised that there

have been no “back door deals” and that having been born and raised in the area, as were his father and grandfather, there has never been nor ever will be any “back door deals”. Mr. Grills advised that by accepting some of the dirt fill, it saved the taxpayers and that no one else stepped forward to provide the land for the extension of Albert Street South and a storm water management pond. The issue of the mountains of earth will be looked after when the weather permits. Mr. Grills addressed the comment respecting development of the subject lands some years ago advising that the available servicing at the time had been delegated to the Barkey Subdivision development.

Mr. Frank Choyce, 70 Park Street, Cannington, enquired whether the DDSB has any concerns respecting the proximity of the storm water management pond to the school and was advised by Lynn Collins that for the majority of the year, the pond will be dry, and that the DDSB is very aware of the pond’s location. She added that it is a necessary requirement of development. Chair Larry O’Connor commented that the proximity of the school to the river is likely more of a concern.

Mr. Rick Flindall, 65 Albert Street, Cannington, advised it was his understanding that there was to be overflow parking for the school on the east side of Albert Street South where the new homes are proposed. The layout for parking was explained to Mr. Flindall and those present as depicted on the drawing available. Mr. Flindall enquired whether as part of a traffic study, the existing Albert Street will be reconstructed and was advised by the Chair that the purpose of this meeting is to receive public input, however that council realizes the need for infrastructure changes in this regard which will become a budget consideration.

Mr. Flindall commented that the existing road is narrow and he does not want to see a pedestrian/vehicular accident as the result of the narrow road conditions. The Deputy Clerk-Administrator advised Mr. Flindall that his comments have been noted for consideration during the development process and for consideration by council during the budget process.

Mr. Flindall commented that the storm water management pond which has been constructed seems to be working well because for 22 years he and his neighbours have experienced drainage problems on an annual basis, with none having been experienced since the pond was installed.

Mr. Dave Birchard, 62 King Street, Cannington commented that there are no sidewalks along Park and Albert Streets and how will the students safely get to school, to which the Chair advised that this concern has been previously raised and will be a budget consideration of the municipality. Mr. Birchard also raised the issue of the speed of vehicles traveling along Park Street and will it be enforced? Chair O’Connor advised in the affirmative in this regard, advising further that consideration will be given to crossing guards in the area once the new school opens.

Susan Lillico, 114 Park Street, Cannington, apologized to the applicant, advising it was not her intent to impugn the Grills name nor the manner in which the subject application has been handled. She clarified that if this development was tied to the school, as it appears to be, that the two applications should have been considered concurrently. She confirmed that she is aware that the subject lands are within the urban boundaries and could be developed. Ms. Lillico advised she does not agree with the grading which has been undertaken.

Mr. Frank Choyce, 70 Park Street, Cannington, enquired whether buses will travel to the school via Albert Street and leave via Prince Street and was advised that bus routes have yet to be determined, however that any possible road upgrades would impact bus routes. Mr. Choyce advised that he drives a school bus and that because Albert Street is narrow and has deep ditches it would be dangerous for two buses to pass and that it would make sense for buses to enter the school from Albert Street and exit the school via Prince an allowance for parking on the school property along the east and north sides of the land.

Marlene Sargent, 127 Park Street, Cannington, enquired as to the size of the lots proposed and whether it is the intent of the applicant to develop single family dwellings thereon. She also enquired who would build the proposed homes and what the time frame is for the sale of the proposed lots? Lynn Collins responded to the questions advising that single family dwellings are proposed for construction on lots that are 50 feet wide by 150 feet in depth. There is currently no timeline insofar as the sale of the lots and no builder tied to the applicant. Lynn Collins advised that sidewalks are depicted on

the plan along Albert Street South in the vicinity of the school and the proposed lots. She further advised that these 10 lots will generate development charges which can be used for road improvements.

Anne MacDermid, 151 River Street, Sunderland enquired whether another storm water management pond will be required should future development take place and was advised by Aaron Christie that the existing pond has been constructed to currently accommodate the school and the 10 proposed lots, however that it might possibly be expanded to accommodate future development off Queen Street. Mrs. MacDermid enquired whether the LSRCA has approved the storm water management pond and was advised in the affirmative and that in addition, a Certificate of Approval has been applied for through the MOE. Mrs. MacDermid enquired whether the LSRCA will be involved should further development take place in the future insofar as the storm water management pond and was advised in the affirmative.

Susan Lillico, 114 Park Street, Cannington, enquired of the applicant when the municipality was first notified of his intent to develop this land and was advised by Mr. Grills that the application was submitted in January 2006, however that preliminary discussions had taken place previous to that.

8. CHAIR LARRY O'CONNOR INQUIRED OF THOSE PRESENT IF ANYONE HAS ANY FURTHER INPUT TO MAKE AT THIS TIME, ADVISING FURTHER THAT FOLLOWING THIS EVENING'S MEETING, QUESTIONS/COMMENTS CAN BE SUBMITTED IN WRITING TO THE TOWNSHIP OF BROCK AND/OR THE REGION OF DURHAM.
9. There being no further input received concerning the subjection application, Chair Larry O'Connor requested a motion to close the meeting.

III. ADJOURNMENT

Resolution No. 1-7

MOVED BY Reg Starr that the Public Meeting of the Planning Committee as held concerning files: S-B-2005-01, 1-2006-OPA(B) and 1-2006-RA – Sernas Associates on behalf of Donald and Paul Grills, now be closed at 8:05 p.m.

MOTION CARRIED

CHAIR

SECRETARY