



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

O. Reg. 163/06 PERMIT APPLICATIONS #RP-21-203

MINUTES

DATE: June 8, 2023

TIME: 1:00 p.m.

LOCATION: Administration Office, 714 Murray Street, Trenton / Virtually

PRESENT:

ON SITE		REMOTE SITE
Bob Mullin (Chair)	Eric Sandford	Lynda Reid
Gene Brahaney (Vice-Chair)	Sherry Hamilton	
Mike Ainsworth	Jim Alyea	
Jeff Wheeldon	Rick English	
Bobbi Wright		

ABSENT / REGRETS: Mark DeJong

STAFF: Rhonda Bateman, Gage Comeau, Ashley Anastasio, Scott Robertson, Kim Stephens, and Kelly Vandette

APPLICANTS: Owner, Jim Carlisle

GUESTS: Tom Trumble

1. Call to order

The meeting was called to order by Chair Mullin at 1:00 p.m.

2. Motion for the Board of Directors to sit as the Hearing Board

RES: HC01/23

Moved by: Mike Ainsworth

Seconded by: Bobbi Wright

THAT the Board of Directors sit as the Lower Trent Conservation Hearing Board.

Carried

3. Opening Remarks by Chair

Chair Mullin made the following remarks:

We are now going to conduct a Hearing under Section 28 of the Conservation Authorities Act in respect of a permit application by Jim Carlisle, owner regarding the construction of two additions to an existing single-family residence within the regulated area associated with the Cold Creek floodplain, located at 111 March Street, City of Quinte West, Geographic Township of Sidney, Concession 5, Lot 2.

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse effect on the control of flooding, erosion, dynamic beaches, pollution or conservation of land, or to permit alteration to a shoreline or watercourse or interference with a wetland. This Hearing is about granting permission to develop under the Authority regulations; a separate matter from approvals under the *Planning Act*.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Hearing Board is to determine whether or not a permit is to be issued, **with** or **without** conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing. It is not our place to suggest alternative development methods.

It is to be noted that if the Hearing Board decision is "to refuse" or "not support" the proposed work within the permit submission, the Chairman or Acting Chairman shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunals.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question. The procedure in general shall be informal without the evidence before it being given under oath or affirmation. If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.

At this time, if any member of this Board has intervened on behalf of the Applicant with regards to this matter, they should recuse themselves so there is no apprehension of bias and that a fair and impartial Hearing may be conducted.

4. Disclosure of pecuniary interests

There was no disclosure of pecuniary interests for this Hearing.

5. Staff Report and Presentation

Gage Comeau, Manager, Watershed Management, Planning and Regulations presented the staff report to the Hearing Board as provided in the agenda package.

6. Applicant Presentation

Jim Carlisle, Owner introduced himself, provided history of his property since owning, and spoke to his presentation as provided in the agenda package. He complimented Gage Comeau in assisting him in the process for his plan.

7. Additional Information Sharing

a. Questions from the Board

Director Wheeldon asked staff if the letter from Quinte Conservation and/or a peer review provided information, would it change anything for the application. Gage Comeau responded that they would need to compare equal conditions as the past conditions are not the same as current policy requirements.

Director Wheeldon asked if there were updates to the flood plain mapping, would it change anything? Gage Comeau responded that he does not know until they see it. He further commented that the 1981 and 1983 were the last reports and with new technology; such as, 3D viewing and use of LiDar mapping, it will produce a more precise identification of the area.

Director Ainsworth asked what of the other houses in the area are the rules applied and is there a grandfather clause for these homes. Gage Comeau responded that for homes already existing, LTC cannot do anything unless new permit requests are received; at which time, LTC will require a permit. With regards to grandfathering clauses, this would only be applied under planning and zoning applications; whereas, permits are similar to building permits in that it has to meet current requirements regardless what was permitted in the past.

Director Ainsworth asked about bringing in fill to meet conditions. Gage Comeau responded that permitting does not support the placement of fill to allow for future development as it against current policy; however, limited volumes of fill material can be supported to assist existing development in undertaking floodproofing measures.

Director Reid asked Mr. Carlisle how often does he see the water from Cold Creek from his home. Mr. Carlisle replied that ever day can he see Cold Creek from the window in the house. Cold Creek never runs dry and runs under the railway not beside. When he is outside standing, he cannot always see the water.

Director Reid commented that if the elevation of home meets flood proofing according to drawings would the addition be at the same level of flood proofing. Mr. Carlisle responded yes and that he is just replacing deck and closing in. Lynda confirmed that not extending beyond deck area and questioned whether the east side of the home could be withdrawn for the extra garage.

Chair Mullin confirmed that board members are to address the facts as provided in the staff and applicants presentations.

Director Sandford asked if the new addition is on stilts. This was confirmed.

Director Ainsworth asked which zone of the two zones is the property in and is it accepted for cold creek floodplain. Gage Comeau responded that on the west side is a one zone and considered a floodway.

There were no further questions from the Board.

b. Comments or Questions from the Applicant

There were no further comments or questions from the Applicant.

c. Comments or Questions from Staff

There were no further comments or questions from Staff.

8. Deliberation (In-Camera)

RES: HC02/23

Moved by: Jim Alyea

Seconded by: Sherry Hamilton

THAT the Hearing Board move to in-camera session.

Carried

Guests were asked to leave the meeting for Board deliberation.

Time 1:39 pm

RES: HC03/23

Moved by: Rick English

Seconded by: Mike Ainsworth

THAT the Lower Trent Conservation Hearing Board move out of in-camera session.

Carried

Time 2:02 pm

Chair Mullin invited the guests back into the Hearing Board meeting.

9. Motion on the Hearing Board Decision

Gage Comeau shared the following proposed conditions.

- The finished floor elevation (FFE) of the additions are to be at a minimum elevation of 111.33 metres (CGVD1928) and there are to be no openings below the minimum FFE elevation;
- Any demolition materials are to be disposed of appropriately and removed off-site;
- Side slopes of all fill material are to be graded to a 3:1 (horizontal: vertical) slope ratio;
- Any fill placed in the floodplain on the property (i.e., below the 111.03 metres flood contour) is to be limited to that strictly required to accommodate the elevations noted in

mitigation measures 1-2 of this letter, frost protection and proper drainage around the structure. No fill placement is supported beyond the building footprint;

- Electrical and heating equipment in the additions are to be situated at an elevation no lower than 111.33 metres;
- Appropriate erosion and sediment control measures are to be implemented prior to construction, maintained in good repair during the construction phase, and remain in place until all disturbed soil surfaces have become stabilized and/or revegetated to prevent the movement of sediment away from the construction site;
- All disturbed areas are to be revegetated (e.g., reseeded using a native seed mix) upon completion of the permitted works as soon as planting conditions permit;
- Local drainage is to be maintained; and,
- LTC staff are to be contacted and advised of when the work is being undertaken.

RES: HC04/23

Moved by: Gene Brahaney

Seconded by: Mike Ainsworth

THAT the permit application RP-21-203 be approved with conditions provided by staff.

Carried

10. Motion to adjourn the Hearing Board

There being no further business, the meeting was adjourned.

RES: HC05/23

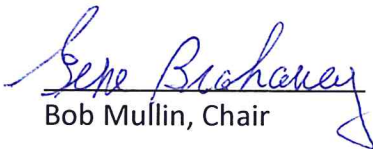
Moved by: Rick English


Seconded by: Mike Ainsworth

THAT the meeting for permit application RP-21-203 be adjourned.

Carried

Time: 2:06 pm


Bob Mullin, Chair


Rhonda Bateman, CAO/ST