



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

**O. Reg. 163/06 PERMIT APPLICATIONS FOR
#RP-23-055 and #RP-23-108**

MINUTES

DATE: July 13, 2023

TIME: 1:00 p.m.

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

PRESENT:

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

ABSENT / REGRETS: Bob Mullin, Lynda Reid, Mark DeJong

STAFF: Rhonda Bateman, Gage Comeau, Alexander Moroni, Kelly Vandette

APPLICANTS: For RP-23-055:

Owner: Jim Pillsworth, 2852241 Ontario Inc.

Agent: Amanda Redden, P. Eng., Jewell Engineering Inc.

For RP-23-108:

Owner: Tom Trumble

Agent: Elliott Fledderus, P. Eng., Jewell Engineering Inc.

GUESTS: Bryon Keene, Jewell Engineering Inc., Kristina Damsic, Cambium, Tim Williams, Michael Trumble, Barb Trumble

1. Call to order

The meeting was called to order by Vice-Chair Brahaney at 1:02 p.m.

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

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

Carried

For Hearing Board File #RP-23-055:

3. Opening Remarks by Chair

Vice Chair Brahaney 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 Jewell Engineering Inc. for 2852243 Ontario Inc. to undertake a watercourse re-alignment along a tributary stream of Colborne Creek at 37B Durham Street North, Township of Cramahe, Concession 2, Part of Lot 29.

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

Amanda Redden, Jewell Engineering Inc. and Kristina Damsic, Cambium presented on behalf of the applicant property owner 2852243 Ontario Inc. to the Hearing Board as provided in the agenda package.

7. Additional Information Sharing

a. Questions from the Board

There were no further questions from the Board.

Director Sandford if the development area included storm water management plans.

Amanda Redden confirmed that a storm water management area is identified in the plan.

Director Sandford asked where does the water in the facility drain. Amanda Redden stated that water collected in the storm water management area is cleaned before flowing back into the already existing stream.

Director English asked what the pipe size is for the water flows. Amanda Redden responded with 750 mm for flow through.

Director Alyea asked if there are conditions that LTC staff would request that would allow the permit if approved. Gage Comeau responded that staff had draft conditions.

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

The Board deliberated and moved into discussion.

Director Alyea commented that he visited the site.

Director Sandford asked if there was any silt management and concerned contamination would be a risk to the cold-water creeks within the area.

Director Sandford would like to ensure the silt is managed. Gage Comeau supported and confirmed that silt management is part of the application and a condition of any permit would include appropriate sediment management measures.

Gage Comeau commented that the interference of a watercourse whether man-made or a natural watercourse is irrelevant under the policy. He suggested that if staff had more flexibility on the conditions such as this type of case; i.e., where the watercourse is small and where the applicant is willing to reconstruct the watercourse resulting in improved conditions overall.

9. Motion on the Hearing Board Decision

RES: HC07/23

Moved by: Jim Alyea

Seconded by: Eric Sandford

THAT the permit application RP-23-055 be approved with conditions provided by staff.

Carried

Time 1:43 pm

For Hearing Board File #RP-23-108:

10. Opening Remarks by Chair

Vice Chair Brahaney 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 Jewell Engineering Inc. for Tom Trumble to undergo site preparation and alterations including fill placement associated with future development at 2420 Shelter Valley Road, Northumberland County, Geographic Township of Haldimand, Concession 3, Part of Lot 12.

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.

11. Disclosure of pecuniary interests

There was no disclosure of pecuniary interests for this Hearing.

12. 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.

13. Applicant Presentation

Tom Trumble spoke to the Board and stated that he has owned the property for 40 years and it is his responsibility to provide reliable and accurate information and that Jewell Engineering will be giving that information on his behalf in their presentation. He is relying on the Board making the right decision and thanked the Board.

Elliott Fledderus, Jewell Engineering Inc. presented to the Hearing Board on behalf of the applicant property owner Tom Trumble as provided in the agenda package.

Bryon Keene, Jewell Engineering Inc. spoke to the Board and commented that they have reviewed the criteria and tests for meeting policy requirements with LTC staff and that the analysis supports and meets the requirements.

14. Additional Information Sharing

a. Questions from the Board

Director English asked if through placing fill, will the ground be as high as the neighbours.

Elliott Fledderus responded that the fill would be close to level to the neighbour’s lot.

Director Ainsworth commented that he resides on the road and he has never seen that area flood. He supports the applicant to permit the house being built.

Elliott Fledderus commented that the fill amount is 15 centimetres above the flood level to ensure the height will exceed the Timmins flood event for extra safety.

Director Sandford asked where is the fill coming from. Elliott Fledderus responded that the Mr. Trumble would work with a contractor but ensure it is suitable.

Director Sandford asked about the original house that was previously built on the property. Mr. Trumble responded that it was in 1980 and identified where it was situated on the site map. He is proposing a shift closer to south towards the road. He also commented that the road was also raised a long time ago.

Elliott Fledderus commented that the site grade and development of the stable slope supports the driveway and that no culvert is required.

Director Alyea commented that this area is between buildings and confirmed that the construction of the proposed home will not have a basement but will be built on a pad.

Director Ainsworth commented that culverts are not found along the area and are not required.

Gage Comeau was asked if the 5-year term was transferrable to another home owner should Mr. Trumble sell. Gage Comeau responded that the 5-year permit timeline is not transferrable.

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.

15. Deliberation

Staff was asked to share if any conditions. Gage Comeau shared the list of conditions:

- *Permit be valid for a period of 5 years to allow the owner to amend this permit so that it is inclusive of the future single-family dwelling and septic system;*
- *The finished floor elevation (FFE) of the single-family dwelling is to be at a minimum elevation of 167.30 metres (CGVD1928) and there are to be no openings below the minimum FFE elevation;*
- *Final grades to be surveyed and provided to LTC confirming any changes to flood storage;*
- *Side slopes of all fill material are to be graded to a 3:1 (horizontal: vertical) slope ratio;*
- *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.

16. Motion on the Hearing Board Decision

RES: HC08/23

Moved by: Mike Ainsworth

Seconded by: Sherry Hamilton

THAT the permit application RP-23-108 be approved with conditions provided by staff.

Carried

17. Motion to adjourn the Hearing Board

There being no further business, the meeting was adjourned.

RES: HC09/23

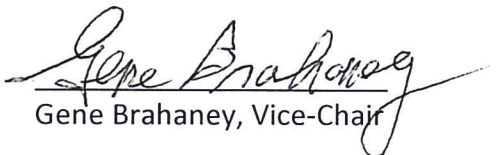
Moved by: Rick English

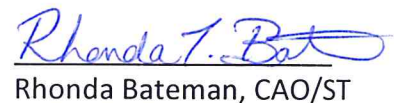
Seconded by: Jim Alyea

THAT the meeting for permit application RP-23-055 and RP-23-108 be adjourned.

Carried

Time: 2:27 pm


Gene Brahaney, Vice-Chair


Rhonda Bateman, CAO/ST

