



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

O. Reg. 163/06 PERMIT APPLICATIONS #RP-23-144

MINUTES

DATE: September 14, 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	
Bobbi Wright		

ABSENT / REGRETS: Jeff Wheeldon, Rick English, Mark DeJong

STAFF: Rhonda Bateman, Gage Comeau, Kelly Vandette

APPLICANTS: Property Owner, Brian Cooney
Agent, Bryon Keene, Jewell Engineering Inc.

GUESTS:

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: HC10/23

Moved by: Gene Brahaney

Seconded by: Jim Alyea

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 Jewell Engineering Inc. for Brian Cooney to undergo the placement of fill material (430 m³) within the regulated area associated with future development within a floodplain at 40 Whispering Woods Drive, City of Quinte West, Township of Murray, Concession A, Part of Lot 19.

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

Brian Keene, Jewell Engineering Inc. presented (Appendix 1) for the owner, Brian Cooney.

7. Additional Information Sharing

a. Questions from the Board

Director Alyea provided background history of the roadway and area with reference to the culverts' size at the time of late 1990s.

Director Brahaney visited site and commented that the site appeared to have steps and recent planting of pine trees. He asked Mr. Cooney if there was a previous house on the lot.

Mr. Cooney responded with history of the lot development over the past 12 to 14 years and said it was previously owned by another person; however, he has done some planting and installed the steps for the house.

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: HC11/23

Moved by: Bobbi Wright

Seconded by: Mike Ainsworth

THAT the Hearing Board move to in-camera session.

Carried

Guests and Staff were asked to leave the meeting for Board deliberation.

Time 1:27 pm

RES: HC12/23

Moved by: Jim Alyea

Seconded by: Eric Sandford

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

Carried

Time 1:35 pm

Guests and Staff returned to the Hearing Board meeting.

9. Motion on the Hearing Board Decision

The following conditions given are:

- *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;*
- *Proposed dwelling is constructed as a slab on grade structure and will not have a basement;*
- *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: HC13/23

Moved by: Jim Alyea

Seconded by: Eric Sandford

THAT the permit application RP-23-144 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: HC14/23

Moved by: Jim Alyea

Seconded by: Gene Brahaney

THAT the Hearing Board meeting for permit application RP-23-144 be adjourned.

Carried


Time: 1:37 pm



Bob Mullin, Chair





Rhonda Bateman, CAO/ST



40 WHISPERWOOD DR

MR. BRIAN COONEY
PERMIT APPLICATION HEARING

Lower Trent Region
Conservation Authority




FLOOD INVESTIGATION

Current Study

- 335 ha
- Two tributaries

Original Study (PSR)

- 260 ha
- Single tributary



2



FLOOD INVESTIGATION

Current Study

- Regional Flow – 19.3 m³/s ←
- 100-Yr Flow – 4.2 m³/s

Original Study (PSR)

- Regional Flow – 9.6 m³/s ←
- 100-Yr Flow – 4.5m³/s





3

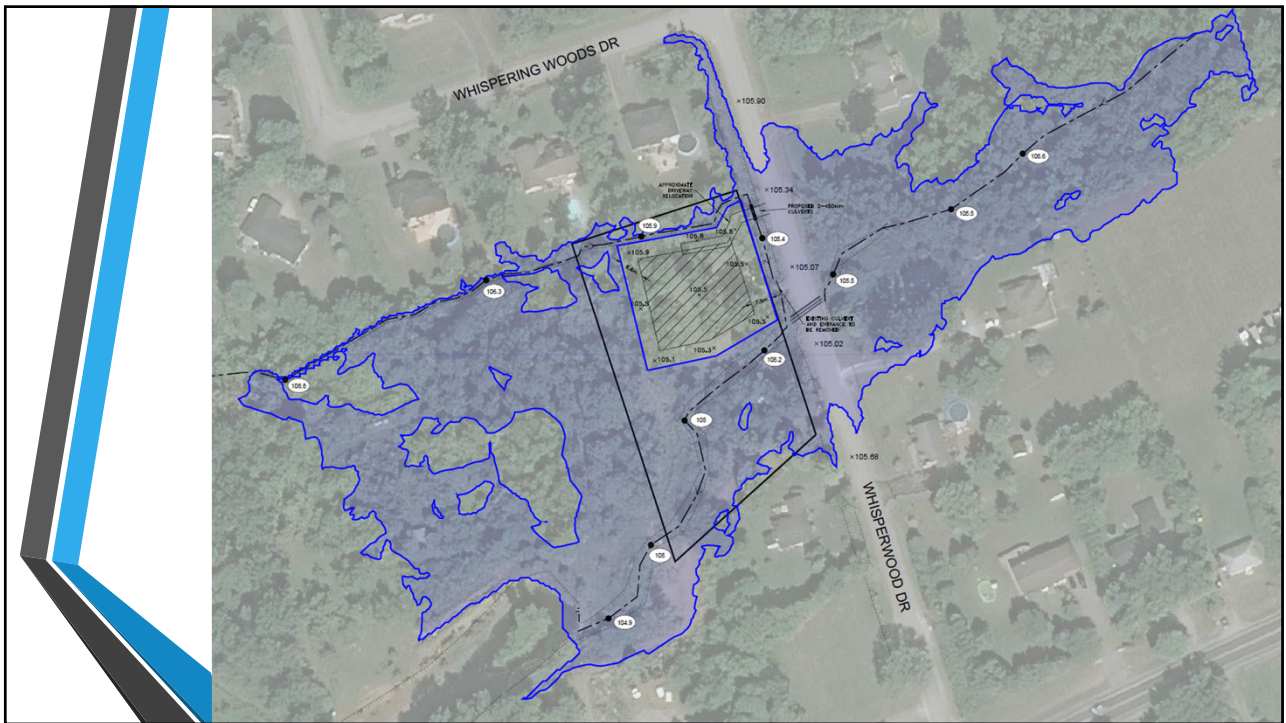
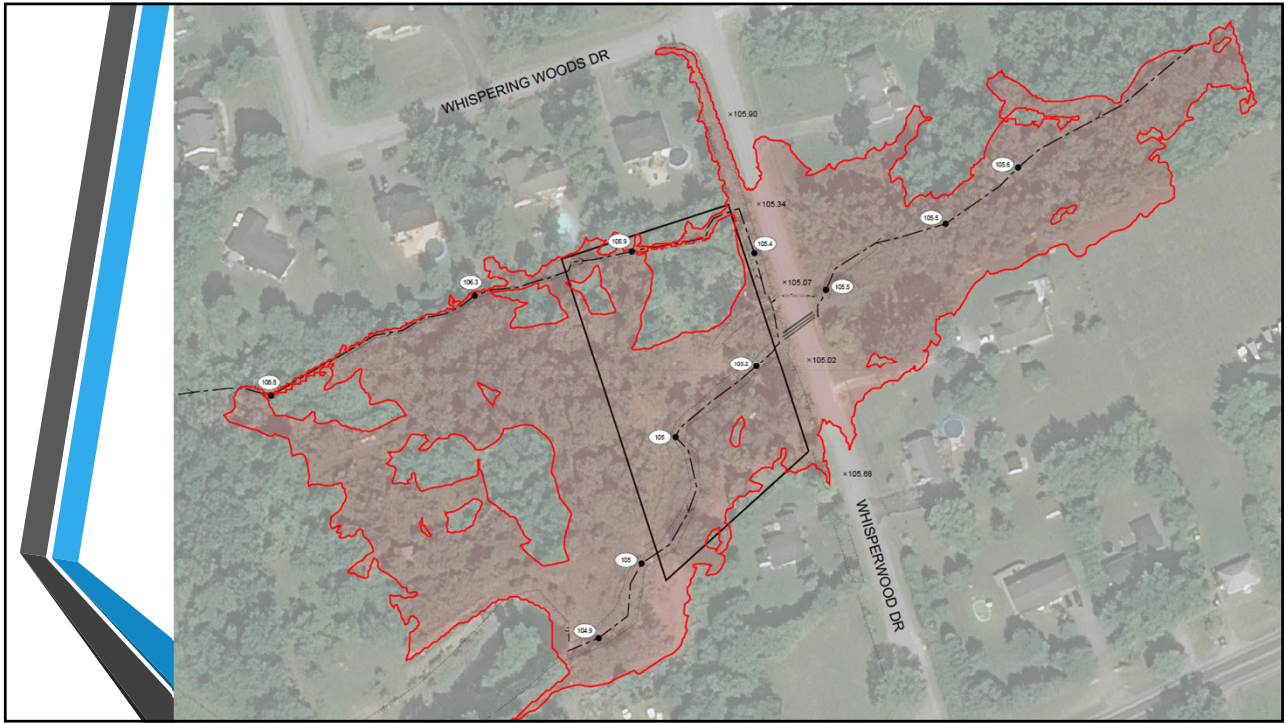
FLOOD INVESTIGATION

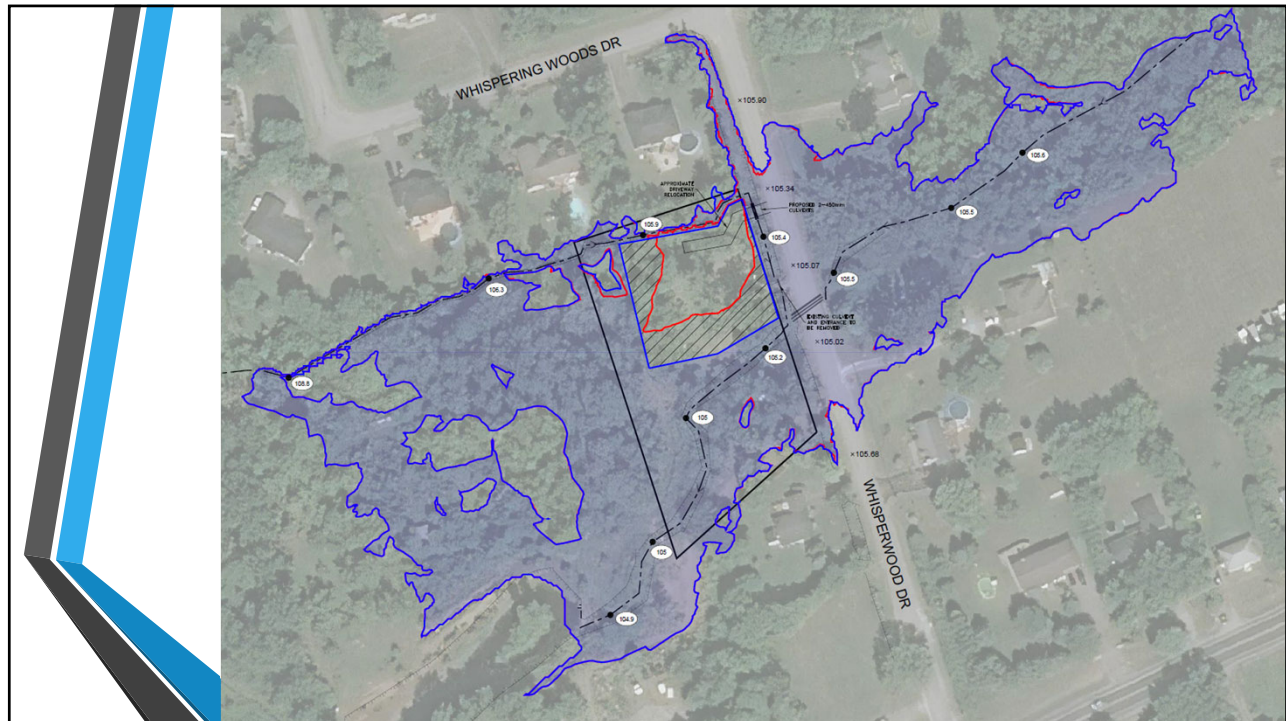
Results

- Land may be filled to provide building envelope
- **No increase in flooding risk to adjacent lands**



4





SAFE ACCESS



Driveway should be relocated

Depth of overtopping is 0.21m

Therefore, safe access is assured.

SUMMARY

1. No Impact on Control of Flooding
2. Safe Access is Assured

Application Meets the Tests

