



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

O. Reg. 163/06 PERMIT APPLICATIONS #RP-23-216

MINUTES

DATE: October 12, 2023

TIME: 1:03 p.m.

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

PRESENT:

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

ABSENT / REGRETS: Bobbi, Wright, Sherry Hamilton

STAFF: Rhonda Bateman, Gage Comeau, Kelly Vandette

APPLICANTS: Property Owner, Toni Troke
Agent, Jamie O'Shea, Dor-Ann Homes Ltd.

GUESTS:

1. Call to order

The meeting was called to order by Chair Mullin at 1:03 p.m.

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

RES: HC15/23

Moved by: Jim Alyea

Seconded by: Rick English

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 DOR-ANN HOMES LTD. for Toni Troke to undergo site preparation, the construction of a single-family dwelling and septic system, in the City of Quinte West, Geographic Township of Sidney, Concession 9, Part of Lot 7-8, on a vacant lot on Rosebush road assessment roll number ARN 120421107029411.

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 their 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

Jamie O'Shea, Dor-Ann Homes Ltd. presented for the owner, Toni Troke, the applicant's presentation to the Hearing Board as provided in the agenda package.

7. Additional Information Sharing

a. Questions from the Board

Director Alyea asked for clarification if the structure has a basement. Gage Comeau confirmed the structure would be built with no basement.

Director Ainsworth asked for clarification regarding the red and yellow lines in the map if the area is within the regulatory 100-year floodplain. Gage Comeau confirmed that the yellow line is the regulatory limit and the red line is the regulatory flood event.

Director Reid commented that the area is not in a wetland and although in a floodplain, there are other structures built beside. She is not aware of any flooding in that area.

Chair Mullin commented that each Hearing application case is independent and has no bearing on the current case presented.

Director Ainsworth asked if the city zone made any difference if updated and does it meet requirements for single family dwelling. Gage Comeau responded that zoning does meet the requirements for single family dwelling; however, the zoning type does not impact LTC's policies or the administration of Ontario Regulation 163/06.

There were no further questions from the Board.

b. Comments or Questions from the Applicant

Director Wheeldon asked how the developer can ensure fill will meet the requirements. Jamie O'Shea responded that the criteria and design will meet the specific elevations to meet the requirements.

Director English asked if the sewage pump will be above flood elevation. Jamie O'Shea confirmed that the pump will be designed to support the requirements for elevation and drainage. Gage Comeau commented that the septic tank pipes will be above the floodplain elevation to prevent backflow.

Director Sandford asked where is well located in relationship to the septic tank. Jamie O'Shea showed location and that it meets specification and distance from the septic.

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: HC16/23

Moved by: Jeff Wheeldon

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 1:33 pm

RES: HC17/23

Moved by: Jim Alyea

Seconded by: Eric Sandford

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

Carried

Time 1:55 pm

Guests and Staff returned to the Hearing Board meeting.

9. Motion on the Hearing Board Decision

The Board will approve the permit with the following conditions:

- *The finished floor elevation (FFE) of the dwelling structure are to be at a minimum elevation of 114.7 metres (CGVD1928) and there are to be no openings below the minimum FFE elevation;*
- *Electrical and heating equipment in the dwelling structure is to be situated at an elevation no lower than 114.7 metres;*
- *Any fill placed in the floodplain on the property (i.e., below the 114.4 metre 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 and septic;*
- *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.*

RES: HC18/23

Moved by: Lynda Reid

Seconded by: Jim Alyea

THAT the permit application RP-23-216 be approved with conditions as provided by staff.

Carried

10. Motion to adjourn the Hearing Board

There being no further business, the meeting was adjourned.

RES: HC19/23

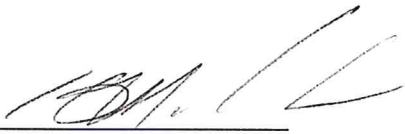
Moved by: Rick English

Seconded by: Jim Alyea

THAT the Hearing Board meeting for permit application RP-23-216 be adjourned.

Carried

Time: 2:00 pm



Bob Mullin, Chair



Rhonda Bateman, CAO/ST

