



**LOWER TRENT**  
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY  
HEARING BOARD**

for

**O. Reg. 41/24 PERMIT APPLICATION #RP-24-200**

**MINUTES**

**DATE:** October 10, 2024

**TIME:** 1:00 p.m.

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

**PRESENT:**

ON SITE		REMOTE SITE
Bob Mullin (Chair)	Jim Alyea	Sherry Hamilton
Eugene (Gene) Brahaney (Vice-Chair)	Jeff Wheeldon	
Eric Sandford	Rick English	

**ABSENT/REGRETS:** Lynda Reid, Bobbi Wright, Mike Ainsworth

**STAFF:** Rhonda Bateman, Gage Comeau, Chitra Gowda, Anne Anderson,

**APPLICANTS:** Property Owners - Kim and Jose Lima (remotely)  
Agents - Scott Stewart of SES Drafting & Design, Caleb Henderson and Bryon Keene of Jewell Engineering

**GUESTS:**

**1. Meeting called to order by the Chair**

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: HC1/24

Moved by: Jeff Wheeldon

Seconded by: Jim Alyea

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

Carried

### 3. Opening Remarks by Chair for RP-24-200

Chair Mullin made the following remarks:

We are now going to conduct a hearing under Section 28.1 of the Conservation Authorities Act in respect of an application by SES Drafting & Design on behalf of Kim and Jose Lima , for permission to undergo site preparation and the construction of a single-family dwelling, detached accessory building and septic system in the Municipality of Trent Hills, Northumberland County, Geographic Township of Seymour, Part of Lot 14, Concession 13, on the property known as 130 Lake Road.

The Authority has adopted regulations under section 28.1 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, unstable soils or bedrock, 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 28.1 [5]) provides that:

“(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority.”

While 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 Chair or Acting Chair 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. A correction was noted in the slide deck for the date of the Notice of Hearing which noted September 25, 2024. Gage noted that the permit application met the intent of the regulation but did not meet the requirements of current staff policies for issuing permits.

#### **6. Applicant Presentation**

Scott Stewart of SES Drafting & Design and Bryon Keene of Jewell Engineering presented for the property owners Kim and Jose Lima, the applicant's presentation to the Hearing Board as provided in the agenda package.

#### **7. Additional Information Sharing**

##### **a. Questions from the Board**

Director Wheeldon asked about the difference between the regulation and staff policies. He asked if the staff policies are overly strict compared to the regulation, if the proposal met the regulation. Gage Comeau explained that the staff policies provide additional considerations to review permit applications, in support of the regulation. He noted that the Trent River regulatory floodplain is a "one zone" area where, per the staff policies, development is not permitted. Gage added that scoped policies could be considered in the future for the Trent River one zone area.

Director Rick English asked if the septic system was proposed to be on a raised bed. Gage Comeau responded that the building apron including the septic bed (not the entire property) is proposed to be on a raised bed.

Director Wheeldon asked if there is room for new homes to be built in the area that might impact the flood hazard. Bryon Keene of Jewell Engineering replied that most of the area is already developed; and that the addition of the small footprint of the proposed building would not increase flooding impacts nor increase risk to occupants of the property.

Director Gene Brahaney asked if the newly developed area in the vicinity was also subject to the floodplain limit. Gage Comeau responded that there is an increase between the previous and current flood hazard elevation, which varies by location.

Directors English and Alyea asked if there is any known occurrence of water on the roads in that area or a history of flooding in that area, or if flooding could be possible in the future. Gage Comeau responded that he is not aware of historical flooding on Lake Road; and that there is one section where flooding occurred due to a failure of infrastructure (at a culvert crossing).

Director Sandford asked how global warming is considered in the updated floodplain mapping. Gage Comeau responded that climate change was considered for the hydrological event (200 years event for Trent River). For the purposes of regulating, LTC considers the 100 year event

for the Trent River. Rhonda Bateman added that the floodplain mapping was provided to municipalities to assist them with future climate change scenarios. The provincial government has not provided direction to use the climate change mapping information.

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: HC2/24

Moved by: Eric Sandford

Seconded by: Jeff Wheeldon

THAT the Hearing Board move to in-camera session.

Carried

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

Time 1:44 pm

RES: HC3/24

Moved by: Eric Sandford

Seconded by: Jeff Wheeldon

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

Carried

Time 1:56 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 is to be at a minimum elevation of 185.30 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 185.30 metres CGVD1928;*
  - *Pipes of the septic system must be at or above the floodplain elevation of 185.00 metres CGVD1928;*
  - *The crawlspace floor is to be situated no lower than 1 metre below the floodplain elevation of 185.00 metres CGVD1928 (i.e., no lower than 184.00 metres CGVD1928);*
  - *The subject permit is to be amended to include the construction drawings and final site plan for*

*the future detached accessory structure prior to the construction of the proposed accessory structure on the property. The future detached accessory structure is to be constructed with a minimum finished floor elevation (FFE) of 185.00 metres CGVD1928, engineered slab foundation and will not include any dwelling units;*

- Any fill placed in the floodplain on the property (i.e., below the 185.00 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, septic and future detached accessory structure;*
- 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: HC4/24

Moved by: Jim Alyea

Seconded by: Eric Sandford

THAT the permit application RP-24-200 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: HC5/24

Moved by: Jim Alyea

Seconded by: Rick English

THAT the Hearing Board meeting for permit application RP-24-200 be adjourned.

Carried

Time: 2:02 pm



Bob Mullin, Chair



Rhonda Bateman, CAO/ST

