



**LOWER TRENT**  
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY  
HEARING BOARD  
for  
O. Reg. 41/24 PERMIT APPLICATION #RP-25-022 to RP-25-024**

**MINUTES**

**DATE:** March 13, 2025

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

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

**PRESENT:**

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

**ABSENT:** None

**STAFF:** Rhonda Bateman, Chitra Gowda, Gage Comeau, Scott Robertson

**APPLICANTS:** Property Owners – Ken Nicholson, Caleb Nicholson  
Agent – Arnold H. Vandermeer (VanMEER LTD.)

**GUESTS:** Crowe Valley Conservation Authority, Art Chamberlain (remotely)

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

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

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

RES: HC1/25

Moved by: Sherry Hamilton

Seconded by: Rick English

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

Carried

### **3. Opening Remarks by Chair for RP-25-022 to RP-25-024**

Chair Brahaney 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 VanMEER LTD. on behalf of 2632863 Ontario Inc., for permission to undergo site preparation to construct future dwelling structures in the Trent River floodplain on North Trent Street, Village of Frankford, City of Quinte West, Geographic Township of Sidney, Concession 6, Part of Lot 3-4.

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 comprehensive staff report to the Hearing Board as provided in the agenda package.

Director Eric Sandford asked if the area is prone to ice pack formation. Gage Comeau responded that the area is not prone to ice pack formation issues.

Director Rick English asked about the size of each lot, and Gage Comeau replied that each lot is approximately half of an acre in area.

## **6. Applicant Presentation**

The applicant's agent Arnold H. Vandermeer (VanMEER LTD.) described the project, including the history. The project was first a draft plan of condominium, where the vacant lot was proposed to hold condominium units, and the common driveway owned by the condominium corporation. Environmental Impact Statement (EIS), Fisheries, Parks Canada, pre-servicing related and other approvals were obtained using the previous LTC floodplain mapping.

With the new floodplain mapping, the two-dimensional modelling resulted in an increase in water levels by 0.2 to 0.3 meters. Due to the flat nature of the property, this in turn resulted in increased water levels. There is major flow on the east side of the island, and the river widens.

The three units are proposed in an ineffective flow area where the proposed development will not increase the water levels. Further, the floodproofing proposed will not affect the flow of water, and the flood level will be outside of lot lines. Five units were built last year. For the proposed development, all underground servicing is completed, utilities installed, roads are completed, a roundabout is roughed in, and the shoreline was cleaned up.

It is proposed that there be a 30-meter buffer from top of bank to the houses; of which an 18-meter setback from the bank will be naturalized area which condominium owners will not have access.

Arnold H. Vandermeer concluded that if the application was approved last year using the previous floodplain mapping, the development would have been built, and flood issues may have occurred. However, now there are solutions being proposed.

## **7. Additional Information Sharing**

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

As noted below, additional questions arose from Board members after the property owner's agent presented.

Director Bob Mullin asked if fill had been brought to the property. Arnold H. Vandermeer replied that fill was placed on the property, outside of the regulated area. He added that the lot sizes are approximately 50 feet by 100 feet and comply with R2 zoning of the City of Quinte West by law.



Director Bobbi Wright asked for an explanation of how future owners will be restricted access to the river shore. Arnold H. Vandermeer responded that the City of Quinte West has designated the area as an Environmental Protection Area. The condominium agreement would also designate the 18-meter buffer as a setback to the edge of the river. It is the responsibility of the condominium corporation to demonstrate that condominium owners will not have access to the designated area. Large boulders will be placed at the setback line to delineate property maintenance limits. The agreement will be registered on title as well.

**b. Comments or Questions from the Applicant**

There were no additional comments or questions from the applicant or their agent.

**c. Comments or Questions from Staff**

There were no additional comments or questions from Staff.

**8. Deliberation (In-Camera/Closed Session)**

RES: HC2/25

Moved by: Jeff Wheeldon

Seconded by: Rick English

THAT the Hearing Board move into closed session.

Carried

Guests and Staff left the meeting for the Board to carry out deliberation in closed session.

Time 1:29 pm

RES: HC3/25

Moved by: Eric Sandford

Seconded by: Rick English

THAT the Lower Trent Conservation Hearing Board move out of closed session.

Carried

Time 1:41 pm

Guests and Staff returned to the Hearing Board meeting.

**9. Motion on the Hearing Board Decision for RP-25-022 to RP-25-024**

The Board will approve the permit with the following conditions:

- *Final grades of the filled and graded area is to be surveyed and provided to LTC confirming any floodplain changes. Additionally, engineered fill is to be used through the approved filled and graded area;*
- *Permits are to be amended to include the construction drawings for each freehold condominium unit;*
- *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.*

Chair Brahaney noted that the Board members discussed the quality of the required fill. Director Eric Sandford said that the terminology discussed was "engineered fill". Gage Comeau added that the fill type is determined at the site level with the City of Quinte West, and can also be included as a condition in the permit. Director Eric Sandford asked if the applicant agreed with the conditions. The applicant Ken Nicholson responded that he agrees with the permit conditions.

RES: HC4/25

Moved by: Lynda Reid

Seconded by: Sherry Hamilton

THAT the permit application RP-25-022 to RP-25-024 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: HC5/25

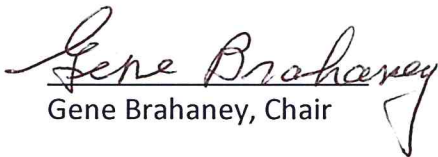
Moved by: Jeff Wheeldon

Seconded by: Bob Mullin

THAT the Hearing Board meeting for permit application RP-25-022 to RP-25-024 be adjourned.

Carried

Time: 1:46 pm

  
Gene Brahaney, Chair

  
Rhonda Bateman, CAO/ST