



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

O. Reg. 41/24 PERMIT APPLICATION #RP-24-232

MINUTES

DATE: March 17, 2025

TIME: 1:02 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	
Jim Alyea	Eric Sandford	
Jeff Wheeldon		

ABSENT/REGRETS: Mike Ainsworth, Bobbi Wright

STAFF: Rhonda Bateman, Chitra Gowda, Gage Comeau, Scott Robertson, Kim Stephens

APPLICANTS: Property Owners – Al LeBlanc (LeBlanc Enterprises)

Agent – Bryon Keene and Elliott Fledderus (Jewell Engineering Inc.)

GUESTS: Nicholas Fischer (Conservation Ontario)

1. Meeting called to order by the Chair

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

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

RES: HC6/25

Moved by: Jeff Wheeldon

Seconded by: Eric Sandford

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

Carried

3. Opening Remarks by Chair for RP-24-232

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 Al LeBlanc, for permission to undergo site preparation to support future development in the Butler and Arena Creek floodplains and within 30 metres of a wetland on the Vacant lot on Cedar Street, Municipality of Brighton, Northumberland County, Geographic Township of Cramahe, Concession 1, Part of Lot 1.

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.

Director Jeff Wheeldon asked if fill is proposed to be placed beyond the current setback area (regulatory flood hazard limit). Gage Comeau confirmed that the fill is proposed to be placed beyond the regulatory flood hazard limit.

Chair Gene Brahaney noted the presence of a bale of straw on the property and asked if there was any relevance or significance. Gage Comeau indicated that there is no significance currently; however, straw bales may be used during construction.

6. Applicant Presentation

The property owner's agent Bryon Keene and Elliott Fledderus (Jewell Engineering Inc.) presented to the Hearing Board as provided in the agenda package.

Director Wheeldon asked if the proposed development and flood mitigation measures would increase the velocity of flow. Elliott Fledderus confirmed that the velocity could be affected; however, the modelled water levels are mapped at several cross sections to the outlet to Lake Ontario and there are no concerns with velocity changes.

Director Wheeldon asked about the purpose of the berm. Gage Comeau noted that there is no documentation of the original purpose of the berm. It may have been a flood berm in the 1980s. There is a channel that handles drainage from another watercourse feature that has been heavily altered over time. This water feature is a small tributary that runs north to south and joins Butler Creek. The municipality has an easement to maintain the drainage system including the berm.

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 Jim Alyea noted that he had visited the subject property a few times and asked if the type of fill had been determined to help mitigate scour. He mentioned the example of shot rock, to help mitigate scour from Butler Creek. Director Alyea also asked if the culvert size would increase due to the water level increase, and how much of the tree line would need to be removed.

Bryon Keene (Jewell Engineering Inc.) responded by indicating that the fill would include engineered fill; fill moved from one part of the property to another or brought in from outside; and that the perimeter would be riprap to mitigate scour. Bryon Keene also said that the culvert would need to be a larger span, which is a consideration for the municipality. He showed the Hearing Board where trees must be removed using a map within the presentation.

Director Alyea asked about the quantity of fill needed. Bryon Keene (Jewell Engineering Inc.) responded that approximately 30,000 cubic meters of fill is needed for the development. He noted that the required fill could be moved from the northern part of the property, or it could be brought from outside. He added that engineered fill is required for certain locations including below roads.

Director Wheeldon asked if the fill would be placed beyond the 30-meter setback. Gage Comeau noted that fill can be placed beyond the 30-meter setback, but that development is restricted in the floodplain.

Director Eric Sandford asked if there would be any impacts to aquatic life in Arena Creek. Gage Comeau responded that aquatic life is present in Arena Creek, outside of the area of development. During flooding, spills can occur into the area of development.

Director Sandford asked who is responsible for maintaining the drainage ditches. Gage Comeau responded that the drainage channels are maintained by the property owner.

Director Sherry Hamilton asked if the municipality would become responsible for the channel where Arena Creek is proposed to be directed to. Gage Comeau noted that it is not possible to determine who is responsible at this time; however, similar to stormwater management ponds, the municipality may take over responsibility from the developer.

Bryon Keene added that there are several municipal ditches draining to the subject property. The proposed development would provide the municipality with an improvement to drainage.

The property owner Al LeBlanc (LeBlanc Enterprises) said that the drainage ditch would be protected by an easement. If the development results in freehold, the municipality would be responsible to maintain the ditch; while if it becomes a condominium, the corporation would be responsible. A legal easement will help ensure maintenance.

Director Rick English noted that the required fill amount is large and asked how much could be moved from the north part of the property. The property owner Al LeBlanc responded that approximately 5,000 cubic meters could be moved from the southern part of the property.

Director Bob Mullin noted that he visited the property. He asked if the property was zoned commercial. Bryon Keene replied that it is currently zoned residential and that it was farmed several years ago.

b. Comments or Questions from the Applicant

There were no additional comments or questions from the Applicant.

c. Comments or Questions from Staff

There were no additional comments or questions from Staff.

8. Deliberation (In-Camera/Closed Session)

RES: HC7/25

Moved by: Eric Sandford

Seconded by: Sherry Hamilton

THAT the Hearing Board move to in-camera session.

Carried

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

Time 1:29 pm

RES: HC8/25

Moved by: Eric Sandford

Seconded by: Jim Alyea

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-24-232

The Board will approve the permit with the following conditions:

- *Permit be valid for a period of 5 years to allow for the placement and alteration activities within identified work area noted in the grading plan and flood mitigation report (Jewell Engineering, dated December 19, 2024);*
- *Final grades of the filled and graded area including the proposed drainage channel is to be surveyed and provided to LTC confirming any floodplain changes;*
- *Side slopes of all fill material are to be graded to a 3:1 (horizontal: vertical) slope ratio;*
- *Following the removal of the earthen berm, the area is to be revegetated with a native seed mix identified in consultation with LTRCA staff;*
- *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: HC9/25

Moved by: Eric Sandford

Seconded by: Bob Mullin

THAT the permit application RP-24-232 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: HC10/25

Moved by: Rick English

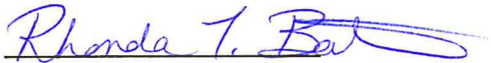
Seconded by: Sherry Hamilton

THAT the Hearing Board meeting for permit application RP-24-232 be adjourned.

Carried

Time: 2:28 pm


Gene Brahaney, Chair


Rhonda Bateman, CAO/ST