



## COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, November 7, 2011 at 9:30 a.m. in the Lower Boardroom at the County Court House, 1 Huron St., Stratford.

### **Committee Members Present:**

Ian Forrest (Chair)  
Mert Schneider (Vice-Chair)  
Jim Aitcheson  
Bill French  
Rhonda Ehgoetz

### **Staff Present:**

Leslie Belland (Secretary-Treasurer)  
Geoff VanderBaaren (Planning Representative)

### **1. CALL TO ORDER**

With quorum present, Chair Ian Forrest called the meeting to order at 9:32 a.m.

### **2. ADOPTION OF AGENDA**

**Moved by: Mert Schneider**  
**Seconded by: Jim Aitcheson**

THAT the Land Division Committee agenda for November 7, 2011 be approved. **Carried.**

### **3. DECLARATION OF PECUNIARY INTEREST**

No Disclosure of Pecuniary Interest stated.

### **4. ADOPTION OF PREVIOUS MINUTES**

**Moved by: Rhonda Ehgoetz**  
**Seconded by: Bill French**

THAT the minutes of the August 15, 2011 Land Division Committee meeting be approved. **Carried.**

### **5. HEARING OF APPLICATIONS FOR CONSENT**

#### **5.1 File No.: B15/11**

**Name of Applicant:** Shakespeare Capitol c/o Brian KNECHTEL

**Legal Description:** Part Lots 6 and 19, Registered Plan 331, South Easthope Ward, Township of Perth East (2183 Line 34, Shakespeare)

**Nature of the Application:** To create a new lot by severing a vacant 6,222 square foot parcel for residential purposes, subject to a proposed 10' wide x 102' deep easement for the

purpose of connecting an existing sanitary sewer service to the retained lands, while retaining a 6,614.84 square foot parcel with an existing duplex.

Brian Knechtel, applicant, was in attendance. He had no comments. Geoff VanderBaaren said that the application was straight forward. Regarding the easement, he said that when the sanitary service went in, there was no line to connect to and that there are other lots in the area that are in the same vote. He also said that the ZB requirements are met.

**Moved by: Mert Schneider**

**Seconded by: Jim Aitcheson**

THAT Application B15/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid. **Carried.**

5.2 **File No.:** B16/11

**Name of Applicant:** Michael HOLMAN

**Legal Description:** Lot 69 and Part Lot 75, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (316 Huron Road, Sebringville)

**Nature of the Application:** To create a new lot by severing a vacant 2251.282 square metre parcel for residential purposes, while retaining a 1300 square metre parcel with an existing single family dwelling. A cul-de-sac is proposed by the applicant for access to the newly created lots via the existing road right-of-way from Red Maple Lane.

Please note that the comments are the same for both B16/11 and B17/11.

The applicant, Michael Holman, was in attendance as were several surrounding property owners. To address some of the concerns raised by neighbours, Mr. Holman commented that he wanted to make the best use of the property and that the water issues would be dealt with at the time of development. He said there is natural drainage back to the creek and that there is a drop off from Red Maple Lane but that it drops off to his property. Regarding the concern that neighbours would lose their nice view, he said would be creating two nice new grassed properties and that the drainage issues would be dealt with. Geoff VanderBaaren commented on the proposed easement, noting that it is on the east side of the subject property as opposed to the west side as shown on the photo. He also commented that the asphalt width of the existing right-of-way leading to the cul-de-sac is the same as others and that the cul-de-sac had been approved by the Township. Mr. Holman spoke to the concern for the necessity of extra wells, commenting that there may be no new wells necessary as three properties can access one well and that septic shouldn't be an issue. Dan Culliton and Janet Neumeister were in attendance to make their concerns regarding drainage known, and Ian Forrest commented that these issues would be dealt with through the consent servicing agreement between the applicant and the Township. Wayne Jarmuth raised a concern

regarding possible damage to Red Maple Lane during construction and Ian Forrest said that if there was damage to a Township road, then the Township would be responsible for fixing it. He noted that the road met the standards in the 1970's and was tested when the Township assumed it. Ian Wynands raised concerns that new residents would not like the bright lights from the neighbouring ball diamond and Ian Forrest felt that new owners need to make themselves aware of the surrounding uses. Dan Culliton asked how long does Mike Holman have to be responsible for snow removal and Geoff VanderBaaren replied that there would be a one year road maintenance period. Jim Aitcheson questioned the width of the road to the cul-de-sac and Geoff VanderBaaren replied that it is 49.5'. It was questioned whether there would be enough room for emergency vehicles and Geoff noted that it would be worked out in the road design, but that there is enough existing road width. He also noted that the width of Red Maple Lane is 66'. Rhonda Ehgoetz questioned how much the area would be built up and Mike Holman felt it wouldn't be very much, but that it would be determined by an Engineer.

**Moved by:** Rhonda Ehgoetz

**Seconded by:** Mert Schneider

THAT Application B16/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
4. Confirmation be received from the Township of Perth East of an approved Zoning By-law Amendment to zone the retained property for the proposed residential development.
5. Confirmation be received from the Township of Perth East that a Consent Servicing Agreement between the applicant and the Township has been entered into to address all of the applicable servicing and development issues to the satisfaction of the Township.
6. That the applicant convey to the Township of Perth East the road extension (cul-de-sac) along with a 0.3 metre reserve along the easterly end of the road to the satisfaction of the Township of Perth East.
7. An undertaking from a solicitor that the Deeds for Consent Application B16/11 and B17/11 will be registered concurrently. **Carried.**

**File No.:** B17/11

**Name of Applicant:** Michael HOLMAN

**Legal Description:** Lot 69 and Part Lot 75, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (316 Huron Road, Sebringville)

**Nature of the Application:** To create a new lot by severing a vacant 2541.770 square metre

parcel for residential purposes, subject to a proposed easement for drainage purposes, while retaining a 1300 square metre parcel with an existing single family dwelling. A cul-de-sac is proposed by the applicant for access to the newly created lots via the existing road right-of-way from Red Maple Lane.

Please note that the comments for both B17/11 are the same as for B16/11.

**Moved by: Rhonda Ehgoetz**

**Seconded by: Mert Schneider**

THAT Application B17/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
4. Confirmation be received from the Township of Perth East of an approved Zoning By-law Amendment to zone the retained property for the proposed residential development.
5. Confirmation be received from the Township of Perth East that a Consent Servicing Agreement between the applicant and the Township has been entered into to address all of the applicable servicing and development issues to the satisfaction of the Township.
6. That the applicant convey to the Township of Perth East the road extension (cul-de-sac) along with a 0.3 metre reserve along the easterly end of the road to the satisfaction of the Township of Perth East.
7. An undertaking from a solicitor that the Deeds for Consent Application B16/11 and B17/11 will be registered concurrently.
8. That an easement for drainage purposes in favour of the Township of Perth East be registered on the lands to be created through Consent Application B17/11 and that such easement be described on a reference plan. **Carried.**

5.3 **File No.:** B18/11

**Name of Applicant:** Brad BAIN

**Owners:** Howard and Adelind Mitchell

**Legal Description:** Lots 121, 122, 131 and 132, and Part of Lot 120, Registered Plan 363, Milverton Ward, Township of Perth East (19 Main Street North)

**Nature of Application:** To create a lot addition by severing a vacant 69.64 square metre commercial property, to be added to the abutting Lots 114, 115 and 116, Registered Plan 363 (16 Mill Street) owned by Mornington Communications Co-operative Limited, while retaining 2017.41 square metres with an existing two storey commercial/residential building. The

application is also to create an easement over a 68.679 square metre area over the retained parcel for access purposes to the rear of 16 Mill Street from Pacific Avenue.

Neither the applicant nor the owners were in attendance. Geoff VanderBaaren explained that the Mornington Communications building located at 16 Mill Street has a retaining wall that is in need of repair, however the wall is actually the property of the abutting property owners and that Mornington Communications are taking ownership of the wall. There is a proposed easement behind Mornington Communications to allow for maintenance of the wall.

**Moved by:** Jim Aitcheson  
**Seconded by:** Bill French

THAT Application B18/11 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
  2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
  3. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the certificate under Section 53(42) of the Planning Act, 1990 is affixed, the name(s) of the owner(s) of the abutting lands to which the parcels are being joined, are the same as the transferee(s) in the said transfers.
  4. That the area being severed be added to the abutting lot owned by Mornington Communications Co-operative Limited and that Section 50(3) or (5) of the Planning Act, 1990 shall apply to any subsequent conveyance or transaction of the severed parcel and the Certificate under Section 53(42) shall contain reference to this stipulation.
  5. Confirmation be received from a solicitor that the resultant lot (severed lands and the land to which it is being added) will be encumbered by any mortgage(s) as one lot at the time of registration of transfer or that there are no outstanding mortgages/encumbrances on the lands to which the severed lands are being added.
  6. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N. **Carried.**
- 5.4 **File No.:** B03/10 (Deferred from April 12, 2010, Reason for Deferral: Until Official Plan conformity is addressed and drainage issues are resolved by a drainage engineer).  
**Name of Applicant:** Hugh CAREY  
**Legal Description:** Lot 53, Registered Plan 363, Milverton Ward, Township of Perth East (11 Maple Street)  
**Nature of Application:** To create a new lot by severing 641.9 square metres for residential purposes while retaining 666.7 square metres with an existing house and shed. A single family dwelling is proposed for the severed portion.

The applicant's agent, Trevor McNeil, was in attendance. Geoff VanderBaaren explained that since the deferral of the application, an Official Plan Amendment has been obtained and that

the drain has been moved by the Township and cleaned up. Trevor McNeil spoke to the concern of the standing water, noting that the proposed drainage plan would allow for a swale to collect water and it would drain to a catch basin. Marion Roth who lives next door to the subject property was in attendance and commented that she still has concerns with water in her basement and that the water is coming from the catch basin to her property. She said there is still an active pipe running through the subject property and questioned whether a swale would pick up the water from the pipes. Trevor McNeil expressed concerns that Mr. Carey would have to foot the bill to remove the pipes.

**Moved by: Jim Aitcheson**  
**Seconded by: Bill French**

THAT Application B03/10 be granted provisional consent subject to the following conditions:

1. Confirmation be received from a solicitor that the Certificate of the Official will be scanned and attached to the electronic registration of the Transfer.
2. The Committee being provided with a description that is consistent with the application and equal to that required for registration of a deed/transfer or other conveyance of interest in land under the provision of the Registry Act or Land Titles Act (2 copies of Registered Reference Plan required).
3. Confirmation be received from the Township of Perth East that the parkland dedication fee has been received.
4. Confirmation be received from a qualified well driller that the existing well has been decommissioned in accordance with the requirements of the Ministry of the Environment.
5. Confirmation be received that the applicant has entered into an agreement with the Township of Perth East to address the potential relocation of drainage pipes through the proposed severed lot. **Carried.**

## 6. REPORTS

The November 7, 2011 report on new and pending applications was reviewed. Leslie advised that three new applications had been received since the LDC agenda package going out.

## 7. CORRESPONDENCE – None

## 8. APPEALS

Leslie advised the Committee that an appeal to the OMB had been received from Christopher and Nancy Ellens appealing conditions 8 and 9 of their provisional consent.

## 9. OTHER BUSINESS

- 9.1 The Committee discussed the OACA 2011 Fall Seminar hosted by the County, agreeing that it had been a successful event.

## 10. CLOSED MEETING – No Closed Meeting

## 11. REPORTING OUT FROM CLOSED MEETING

**12. NEXT MEETING**

Friday, February 3rd, 2012.

**13. ADJOURNMENT**

**Moved by:** Mert Schneider  
**Seconded by:** Rhonda Ehgoetz

THAT the meeting adjourn at 11:33 a.m. **Carried.**

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Leslie Belland, Secretary-Treasurer

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Ian Forrest, Chairman

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