



COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, November 19, 2012 at 9:30 a.m. in the Council Chamber of the County Court House, 1 Huron St., Stratford.

Committee Members Present:

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

Staff Present:

Leslie Belland (Secretary-Treasurer)
Dave Hanly (Planning Representative)

1. CALL TO ORDER

With quorum present, Ian Forrest called the meeting to order at 9:30 a.m.

2. ADOPTION OF AGENDA

Moved by: Bill French
Seconded by: Mert Schneider

THAT the Land Division Committee agenda for November 19, 2012 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the minutes of the September 12, 2012 Land Division Committee meeting be approved. **Carried.**

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B26/12

Name of Applicant: Jamie CAVALIERE

Legal Description: Lots 187, 188, 230, 231, and 232, Registered Plan 331, South Easthope Ward, Township of Perth East (3982 Byron Street, Shakespeare)

Nature of Application:

To create a new lot by severing a 16,056 square foot parcel with an existing shed for residential purposes, while retaining 18,670 square feet with an existing house.

The applicant, Jamie Cavaliere, was in attendance. He asked for clarification regarding the proposed condition dealing with the apportionment schedule for municipal drains to be updated which Mr. Hanly explained that it is a redistribution of existing costs. Mr. Hanly also commented that the application is straight forward and that the property is zoned for development purposes.

Moved by: Bill French
Seconded by: Jim Aitcheson

THAT Application B26/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
5. That confirmation be received from the Township that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.
6. That all of the financial requirements of the municipality be satisfied. **Carried.**

5.2 File No.: B34/12

Name of Applicant: Robert and Karen DEWEERD

Legal Description: Lots 4, 5, 6 and 7, Registered Plan 334, South Easthope Ward, Township of Perth East (3998 James Street, Shakespeare)

Nature of the Application:

To create a new lot by severing a vacant 6,600 square foot commercial parcel for residential purposes, while retaining 25,608 square feet with an existing commercial building and business known as Bob's Used Cars.

The applicant, Bob Deweerd, was in attendance. In regards to the MTO's response that they require the entrance to the severed property on Regent Street be placed at the most southerly point of the property, Bob commented that the house was designed so that the entrance not

be on the southerly part of the property. Mr. Hanly commented that Mr. Deweerd would need to find an opportunity to speak to MTO regarding the entrance issue and MTO's permit requirements, and further that the application is straight forward and designated in the Official Plan for the proposed residential use.

Moved by: Jim Aitcheson
Seconded by: Mert Schneider

THAT Application B341/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
5. Confirmation be received from the Township that an approved Zoning By-law Amendment has been obtained to zone the severed property for the proposed residential development.
6. That confirmation be received from the Township that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment. **Carried.**

5.3 File No.: B27/12

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East (Nuhn Drive, Wartburg)

Nature of the Application:

To create a new lot by severing a vacant 4895 square metre parcel for residential purposes, while retaining a vacant 5034 square metre parcel.

File No.: B28/12

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East (Nuhn Drive, Wartburg)

Nature of the Application:

To create a new lot by severing a vacant 2450 square metre parcel for residential purposes, while retaining a vacant 5034 square metre parcel.

File No.: B29/12

Name of Applicant: Barbara WILDGUST

Legal Description: Part Lot 20, Concession 6, Ellice Ward, Township of Perth East (Nuhn Drive, Wartburg)

Nature of the Application:

To create a new lot by severing a vacant 2593 square metre parcel for residential purposes, while retaining a vacant 5034 square metre parcel.

Trevor McNeil, agent for the applicant was in attendance, as was Scott Wildgust. Mr. McNeil commented that he had discussions with the Perth East Planner, Geoff VanderBaaren, regarding different options for lot layouts and the potential for a future shared driveway by the owners of the retained portion and the proposed B27/12 parcel. Mr. Hanly commented that the applications are satisfactory for the proposal and that a consent servicing agreement would deal with the drainage issues, etc. Mr. McNeil added that a culvert to deal with drainage had been put in when Nuhn Drive was extended. Robert Hanson, the property owner to the west of the subject property, made the Committee aware of his concerns regarding standing water every spring and Chairman Ian Forrest replied that a Drainage Engineer will deal with these type of concerns through the Consent Servicing Agreement.

Moved by: Jim Aitcheson

Seconded by: Bill French

THAT Application B27/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
5. Confirmation be received from the Township that an approved Zoning By-law Amendment has been obtained to zone the severed and retained property for the proposed residential development.

6. Confirmation be received from the Township 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.
7. That application B27/12 be completed concurrently with B28/12 and B29/12.
8. That confirmation be received from the Township that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment.

Carried.

Moved by: Mert Schneider

Seconded by: Bill French

THAT Application B28/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
5. Confirmation be received from the Township that an approved Zoning By-law Amendment has been obtained to zone the severed and retained property for the proposed residential development.
6. Confirmation be received from the Township 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.
7. That application B28/12 be completed concurrently with B27/12 and B29/12.
8. That confirmation be received from the Township that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth

East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment. **Carried.**

Moved by: Jim Aitcheson

Seconded by: Bill French

THAT Application B29/12 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. The Committee being provided with an electronic file containing the digital plotting of the description under the provision of the Registry Act or Land Titles Act, including the textual description of file format, map standards used, scale, and location information such as lot, concession and municipality in a geocoded Autocad.dxf format. Alternatively, the Committee being provided with an Order pursuant to Section 150 of the Land Titles Act, R.S.O. 1990 or Section 80 of the Land Registry Act, R.S.O. 1990 issued by a Land Registrar exempting the transfer from the requirement that a reference plan be deposited.
4. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
5. Confirmation be received from the Township that an approved Zoning By-law Amendment has been obtained to zone the severed and retained property for the proposed residential development.
6. Confirmation be received from the Township 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.
7. That application B29/12 be completed concurrently with B27/12 and B28/12.
8. That confirmation be received from the Township that the apportionment schedule for municipal drains in this area be updated to the satisfaction of the Township of Perth East in accordance with Section 65.1 of the Drainage Act R.S.O. to show the new development and that the applicant will be responsible for all costs associated with this re-apportionment. **Carried.**

5.4 **File No.:** B30/12

Name of Applicant: Angela and Kevin HURST

Legal Description: Lot 81, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (344 Huron Road, Sebringville)

Nature of the Application:

To create a new lot by severing a vacant 10153 square metre parcel for residential purposes, subject to a proposed easement for drainage purposes, while retaining a 2253 square metre

parcel with an existing house and sheds. 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.

File No.: B31/12

Name of Applicant: Angela and Kevin HURST

Legal Description: Lot 81, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (344 Huron Road, Sebringville)

Nature of the Application:

To create a new lot by severing a vacant 4983 square metre parcel for residential purposes, subject to a proposed easement for drainage purposes, while retaining a 2253 square metre parcel with an existing house and sheds. 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.

File No.: B32/12

Name of Applicant: Angela and Kevin HURST

Legal Description: Lot 81, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (344 Huron Road, Sebringville)

Nature of the Application:

To create a new lot by severing a vacant 2778 square metre parcel for residential purposes, while retaining a 2253 square metre parcel with an existing house and sheds. 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.

File No.: B33/12

Name of Applicant: Angela and Kevin HURST

Legal Description: Lot 81, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East (344 Huron Road, Sebringville)

Nature of the Application:

To create a new lot by severing a vacant 3063 square metre parcel for residential purposes, while retaining a 2253 square metre parcel with an existing house and sheds. 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.

The applicants, Angela and Kevin Hurst, and their agent Doug Luckhart were in attendance. Mr. Luckhart gave some history on the property noting that the property is at the highest point in Sebringville and that the applicants are proposing to construct a swale to deal with drainage issues and that they would be hiring the MTE engineer group for this. Mr. Hanly commented that when the subdivision went in, the width of the streets were appropriate at that time. He said that the Hurst lands are designated Hamlet/Village and Infilling. In regards to servicing issues, he said that these would all be covered off in the condition requiring a satisfactory consent servicing agreement. He also commented on the impact to the abutting Wijnands property noting that it is unfortunate it is so close to Block 14 and suggested that tree screening may be appropriate. Further, he commented that Planning is recommending approval as the development is appropriate and that the Committee should consider a condition regarding buffering. He said that if there is not sufficient access that it should be dealt with by the Township and that the developer should be responsible for any damage to the road as a result of the construction. Mr. Luckhart replied that the applicants are prepared to do whatever is necessary. Kyle Wijnands, Wayne Jarmuth, and Chris Polkiewicz, all residents on Red Maple, brought their concerns to the Committee in regards to road and drainage issues. Chairman Forrest suggested deferment may be in order for staff and the proponent to discuss the issues of road shift, tree buffering, and drainage, etc. and to arrange a meeting time with the Township, applicant and surrounding property owners.

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT Applications B30/12, B31/12, B32/12, and B33/12 be deferred to allow the applicant time to consult with the Township of Perth East in regards to servicing, development and roadway issues to address concerns raised by the landowner abutting Block 14, Plan 496.
Carried.

6. REPORTS

6.1 The September 12, 2012 report on new and pending applications was reviewed.

Moved by: Mert Schneider
Seconded by: Bill French

THAT the September 12, 2012 report on new and pending applications be approved with the addition of Application B39/12 by Robert and Marjorie Irvine. **Carried.**

7. CORRESPONDENCE

7.1 October 22nd e-mail from Don MacMillan regarding digital drawings of reference plans as a condition of severed.

Moved by: Mert Schneider
Seconded by: Jim Aitcheson

THAT the October 22nd correspondence from Don MacMillan be received for information.
Carried.

8. **APPEALS** - None

9. **OTHER BUSINESS**

10. **CLOSED MEETING – No Closed Meeting**

11. **REPORTING OUT FROM CLOSED MEETING – N/A**

12. **NEXT MEETING**

Tentatively scheduled for Monday, February 11, 2013.

13. **ADJOURNMENT**

Moved by: Bill French
Seconded by: Mert Schneider

THAT the meeting adjourn at 11:29 a.m. **Carried.**