

COUNTY OF PERTH LAND DIVISION COMMITTEE

The County of Perth Land Division Committee met on Monday, December 16, 2013 at 9:30 a.m. in the Court Room at the County Court House, 1 Huron St., Stratford.

Committee Members Present:

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

Staff Present:

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

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT the Land Division Committee agenda for December 16, 2013 be approved. **Carried.**

3. DECLARATION OF PECUNIARY INTEREST

No Disclosure of Pecuniary Interest stated.

4. ADOPTION OF PREVIOUS MINUTES

Moved by: Bill French
Seconded by: Rhonda Ehgoetz

THAT the minutes of the November 18, 2013 Land Division Committee meeting be approved.
Carried.

5. HEARING OF APPLICATIONS FOR CONSENT

5.1 File No.: B09/13 (AMENDED)

Name of Applicant: Rick Boisvert and Denise Konings Boisvert

Legal Description: Part Lot 24, Concession 4, Wallace Ward, Municipality of North Perth (8639 Road 164)

Nature of Application: To create a new lot by severing a vacant 1.26 hectare (3.11 acre) agricultural parcel for residential purposes, while retaining a vacant 3.47 hectares (8.57 acres).

The applicants' agent, Pierre Chauvin, was in attendance. He commented that he was present to support the applications noting that the subject property is within the Gowanstown settlement area and that the retained portion is outside of the settlement area and will remain as agriculture. Geoff VanderBaaren advised that in its review of their growth plan, the Municipality of North Perth is going through the process of evaluating whether settlement area boundaries should change and that North Perth is recommending changes to settlement areas, however, the Land Division Committee should consider policies in place today. Bill French questioned whether the subject property would be developed in the future. Pierre Chauvin replied that there is no current plan for development of the subject property, but by creating these lots it is possible to subdivide in the future, however, the Ministry of Transportation limits development. He also commented that these lots would not be out of character for Hwy 23 south and that it is the applicants' intention to create the lots within the settlement area. Jim Aitcheson questioned what type of buildings are on the severed portion and Pierre Chauvin replied there is a residence.

Moved by: Ian Forrest

Seconded by: Rhonda Ehgoetz

THAT Application B09/13 (As Amended) 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation of an approved Zoning By-law Amendment to place the severed lot in the "Hamlet Village Residential Zone (HVR)".

6. Confirmation of an approved Zoning By-law to recognize the reduced lot frontage and lot area of the retained lot in the "Agricultural Zone (A)".
7. Confirmation be received from the Ministry of Transportation that approval has been obtained for the proposed access to Highway No. 23 (Road 164).
8. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any). **Carried.**

File No.: B38/13

Name of Applicant: Rick Boisvert and Denise Konings Boisvert

Legal Description: Part Lot 24, Concession 4, Wallace Ward, Municipality of North Perth (8639 Road 164)

Nature of Application: To create a new lot by severing 4.66 hectares (11.52 acres) with an existing house and two storage sheds while retaining a vacant 3.47 hectares (8.57 acres).

Moved by: **Jim Aitcheson**

Seconded by: **Bill French**

THAT Application B38/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation of an approved Zoning By-law Amendment to place the severed lot in the "Hamlet Village Residential Zone (HVR)".
6. Confirmation be received from the Ministry of Transportation that approval has been obtained for the proposed access to Highway No. 23 (Road 164).
7. Confirmation be received from the Municipality of North Perth that all financial requirements of the Municipality have been satisfied (if any). **Carried.**

5.2 File No.: B39/13**Name of Applicant:** Janet Lee Neumeister**Legal Description:** Lot 68, Registrar's Compiled Plan #511, Ellice Ward, Township of Perth East (312 Huron Road, Sebringville)**Nature of the Application:** To create a new lot by severing an approximate 5585 square metre vacant parcel for residential purposes while retaining a 921.35 square metre parcel with an existing single family dwelling.

The applicant, Janet Neumeister was in attendance. She explained her applications, noting one is for a lot addition to the abutting property which would allow for room to move the septic if the need ever arose. She also commented that she does not wish any trees to be removed from the property. Geoff VanderBaaren commented that the severed lots are on the north and south ends of Holman Court and it would have been preferable to construct Holman Court onto the Neumeister property but the trees on the property made it impossible. He said that Marvin Smith has inspected the woodlot on the subject property and has advised that it needs to be preserved. The creation of the lot as proposed will preserve the woodlot. He also noted that the property subject to B39/13 does not have public road frontage and that the Township of Perth East would need to remove the 0.3 metre reserve.

Moved by: Ian Forrest**Seconded by:** Bill French

THAT Application B39/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. Confirmation be received from the Township of Perth East 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 and for contacting the Township Clerk to satisfy this condition.

6. Confirmation be received from the Township of Perth East that the parkland dedication fee has been paid.
7. Confirmation be received from the Township of Perth East that the 0.3 metre reserve at the east end of Holman Court be opened as a public street.
8. Confirmation be received from the Township of Perth East that the severed lot has been rezoned to the satisfaction of the Township.
9. Confirmation be received from a Solicitor that Application B39/13 and B40/13 will be completed concurrently. **Carried.**

File No.: B40/13

Name of Applicant: Janet Lee Neumeister

Legal Description: Lot 68, Registrar's Compiled Plan #511, Ellice Ward, Township of Perth East (312 Huron Road, Sebringville)

Nature of the Application: To create a lot addition by severing a vacant 314.66 square metre parcel to be added to the abutting parcel described as Lot 67, Registrar's Compiled Plan #511, Ellice Ward, Township of Perth East, owned by Danny Christopher Culliton and Janet Lee Neumeister, while retaining a 921.35 square metre parcel with an existing single family dwelling.

Moved by: **Jim Aitcheson**

Seconded by: **Ian Forrest**

THAT Application B40/13 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 by the Perth County Land Division Committee Secretary-Treasurer that the notice sign and sign frame posted on the subject property has been returned to the issuing Municipality within 30 days of the decision of the Land Division Committee. If the notice sign is not returned, confirmation must be received that a replacement sign fee of \$100.00 has been paid to the issuing Municipality prior to the final consent approval.
5. 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.

6. That the area being severed be added to the abutting property described as Lot 67, Registrar's Compiled Plan No. 511, Ellice Ward, Township of Perth East, owned by Danny Christopher Culliton and Janet Lee Neumeister 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.
7. 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.
8. An undertaking from a solicitor that the parcels will be consolidated under Land Titles onto one P.I.N.
9. Confirmation be received from the Township of Perth East 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 and for contacting the Township Clerk to satisfy this condition.
10. Confirmation be received from the Township of Perth East that the retained lot has been rezoned to the satisfaction of the Township.
11. Confirmation be received from a Solicitor that Application B39/13 and B40/13 will be completed concurrently. **Carried.**

6. REPORTS

6.1 New and Pending Applications

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT the December 16, 2013 report on new and pending applications be received for information.
Carried.

7. CORRESPONDECE - None

8. APPEALS - None

9. OTHER BUSINESS

9.1 Policy for limiting the time an applicant and/or member of the public has to address the Committee.

Moved by: Ian Forrest
Seconded by: Bill French

THAT Item 9.1 be deferred. **Carried.**

10. CLOSED MEETING – No Closed Meeting

11. REPORTING OUT FROM CLOSED MEETING – N/A**12. NEXT MEETING**

The following meeting dates were chosen for 2014, with a proviso to revise, if necessary:

February 10th, April 28th, June 23rd, August 11th, October 20th, and December 15th.

13. ADJOURNMENT

Moved by: Ian Forrest
Seconded by: Jim Aitcheson

THAT the meeting adjourn at 10:25 a.m. **Carried.**

Leslie Belland, Secretary-Treasurer

Meredith Schneider, Chairman