

Minutes of a public meeting to consider a draft Plan of Subdivision being Ministry of Municipal Affairs and Housing File No. 37T-01002 on Tuesday, August 7, 2001 at 5:30 p.m.

Present: Deputy-Mayor Robert Pillon  
Councillor Lynne Fox  
Councillor Frank Gorham  
Councillor Mickey Bezaire  
Councillor Rosa White  
Mayor Tony DiBartolomeo (5:45 p.m.)  
Councillor Anthony Leardi (6:00 p.m.)

Also present: Bill King  
Dave Mailloux  
Lory Bratt

A list of those members of the public in attendance is attached hereto and forms part of these minutes.

In the absence of Mayor DiBartolomeo the Deputy-Mayor assumed the Chair.

Deputy-Mayor Pillon opened the meeting and welcomed all those in attendance. He stated the purpose of the meeting was to consider a proposed plan of subdivision on County Road 20 being Part Lot 14, Concession 1 and requested the Planning Coordinator to summarize the proposal.

#### Planning Coordinator

An application has been submitted to the Ministry of Municipal Affairs and Housing for approval of a Plan of Subdivision described as Part of Lot 14, Concession 1 located on the north side of County Road 20 and east of Front Road South. The plan proposes 44 semi-detached units. The development is proposed to be fully serviced. The subject property is designated Low Density Residential and Natural Environment in Amherstburg's Official Plan. The property is currently zoned Agricultural (A) Zone and Environmental Protection (EP) Zone.

An application to re-zone the property to residential was refused by the Town of Amherstburg on August 28, 2000. The matter is currently before the Ontario Municipal Board on an appeal by the developer. As a result of a preliminary hearing for this matter the Ontario Municipal Board requested that the Town of Amherstburg hold the public meeting prior to the October 9, 2001 Board hearing. If required the Plan of Subdivision for the lands can then be joined to the appeal.

In accordance with the provisions of the Planning Act, the Ministry of Municipal Affairs and Housing has requested the Town to hold a public meeting and forward a record of the public meeting and comments to their Ministry. However, due to the status of the zoning on the property, it is difficult to provide planning comments on a draft plan where zoning requirements have not been finalized or approved.

We, therefore, respectfully suggest that Council neither support nor object to this draft Plan of Subdivision but merely fulfill the requirements of the Ministry and the Ontario Municipal Board by holding the public meeting.

The following comments were received from the various agencies circulated:

- (i) Letter dated August 7, 2001 from the County of Essex.

Deputy-Mayor Pillon then asked for comments on behalf of the applicant.

Michael Duben, Solicitor

Mr. Duben on behalf of Big Creek Development addressed Council advising that they have had an opportunity to review Administration's report, and while they have no problem in principle with the recommendation in the report, they would like to change the language to better reflect that the entire matter will be dealt with before the Ontario Municipal Board.

Dr. John Spellman

Dr. Spellman referenced certain zoning standards and other development standards for subdivisions. He stated that stakeholders may want to address issues with Council in addition to the Ontario Municipal Board. He believed the Town should maintain the option to have further public meetings and he objects to the OMB having final word on subdivision standards.

Mr. Duben noted that the Town can participate in the OMB hearing and they would have no objection to the Town's participation.

Mr. Duben then offered the following wording for consideration by Council:

That Council advise the Ministry of Municipal Affairs and Housing that the municipality is not prepared to take a position on the draft Plan of Subdivision "and that all matters be resolved by the Ontario Municipal Board".

Mr. Duben then summarized the Ontario Municipal Board pre-hearing session advising that the Board is providing for two evening sessions for those parties who are unable to attend during the day.

Dr. Spellman stated that in addition to zoning issues there are other issues to be addressed, i.e. is this affordable housing, playground areas, setbacks, sideyards, parking, etc. He felt these are all issues that the residents should be able to speak to at a follow-up public meeting.

Bill King explained that a separate development agreement is negotiated with the municipality which deals with items such as parkland, servicing issues, etc. The Ontario Building Code sets out building standards for housing. The municipality cannot dictate architectural features.

Mr. Peter Hrastovec, Solicitor for Kenjockey Farms Group addressed Council advising he concurs with Mr. Duben's suggestion that the appeal should deal with both the zoning and plan of subdivision. Everything can then be completed at one hearing with fundamental interests being stated through professional evidence. Mr. Hrastovec did state, however, that he would like to see the Town of Amherstburg involved directly in the process and he would like to see the Town represented at the OMB hearing.

Brian Chillman, Solicitor for Randy Cyr who owns and leases 60 acres in the area of the proposed development is opposed to the development. It is their understanding that both the rezoning and Plan of Subdivision will be before the Ontario Municipal Board. He agreed that the Town should be involved in the hearing.

Jim Reaume feared the proposal was being fast-tracked by joining the zoning and Plan of Subdivision.

Cindy Prince, Planner for the applicant explained that ideally the application for rezoning and the Plan of Subdivision would have been filed concurrently.

The Plan of Subdivision will address a number of concerns and the OMB has requested that, if required, the application can be joined to the appeal. The purpose of tonight's meeting is for the Town to host a meeting as requested by the Ministry of Municipal Affairs and Housing who is the approval authority for Plans of Subdivision within the County of Essex. The municipality does not approve the subdivision but hosts a meeting to gather comments and forward them to the Ministry. With respect to the OMB hearing the residents are welcome to attend the hearing in addition to the two evenings which have been set aside for those who are unable to attend during the day. By ensuring that both applications are before the Board all concerns can be addressed. The Ontario Municipal Board will not hold separate hearings for each application. By hearing both applications this provides the Board with maximum flexibility and also is more economical for all parties concerned.

Paul Morneau, 3834 Concession 3 North, expressed concern that the decision making authority of local government is taken away and given to the Province. He expressed concern that agricultural lands are not being protected.

Mayor DiBartolomeo advised that Council made a decision to deny the application and the appeal process is now in place.

Sharon Colman, 1426 Front Road South, stated that if Council has said no to the application they should have their lawyer at the hearing representing the people.

Deputy-Mayor Robert Pillon stated that when Council considered the application for rezoning a report from Administration offered 3 recommendations to support the application, however, Council was not receptive to approve the rezoning. Council will discuss whether legal representation will be engaged at the Board hearing.

Neil Mathieson, 2761 County Road 20, noted that if residents express all of their concerns at this meeting they will also have to repeat the process at the Board hearing.

Clarification for the dates of OMB hearing was requested. The hearing commences October 9th for 8 days with two evening sessions being scheduled for October 11 and 12, 2001.

Eugene Reaume questioned the purpose of this meeting.

Joe Reaume, 47 Fryer Street, felt that this was the public's opportunity to speak and if required their concerns should be expressed both tonight and at the OMB hearing.

Annette Reaume asked if the Ontario Municipal Board will receive a copy of the minutes of this public meeting.

She was advised yes that the OMB has requested a copy of the minutes.

Brian Hutchins, 4430 Concession 4 South, thanked Council for refusing the application and indicated he was against building along the creek and any development that will hinder the environment. He expressed concern that these decisions are taken out of local government's hands and questioned the cost of these hearings for local taxpayers. Mr. Hutchins also expressed concern that if residents are unable to attend the hearing each day it is difficult to know what is going on.

Dr. J. Spellman requested that the minutes reflect Council's concern that the residents be given the fullest opportunity to speak at the OMB hearing.

Rick Reid, 3811 County Road 20, stated he is approximately 3-4 miles from the subject area, however, feared that once development starts it will edge closer and closer and then can't be stopped. He cited the Town of LaSalle as an example. He felt it was a strange place for what, in his opinion, is geared to income housing. He questioned whether the existing schools can handle further capacity. Mr. Reid felt Big Creek is a beautiful waterway in Southwestern Ontario and should remain that way.

Dan Laing, 1267 Front Road South, is offended that the Ontario Municipal Board has taken control of this application. He hopes that Council will oppose the application and do what they can to represent the residents.

Jeff Faucher, 2381 County Road 20, felt if this type of development is allowed to proceed there won't be creeks and waterways. He felt the Town should have lawyers present at the hearing to represent the people.

Dr. J. Spellman stated that, in his opinion, the advice given to Council by Administration on the rezoning was wrong. He feels that Council followed the official plan policies and did the right thing by refusing the application.

Mayor DiBartolomeo asked who the planning consultants are for those opposing the application.

Mr. Hrastovec advised they have not yet retained a planning consultant, however, have every intention of complying with the OMB hearing process and time frames set out.

Councillor Bezaire noted that Council opposes the rezoning and they are currently looking into sending legal counsel.

Moved by M. Bezaire  
Seconded by T. DiBartolomeo

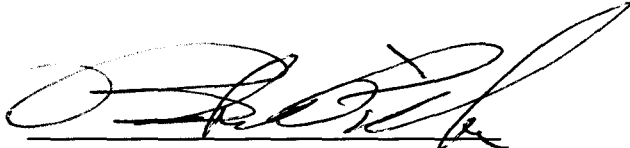
That Council advise the Ministry of Municipal Affairs and Housing that the municipality is not prepared to take a position on the Draft Plan of Subdivision (File #37T-01002) and that all matters be resolved by the Ontario Municipal Board.

- carried -

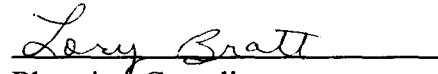
ADJOURNMENT

Moved by M. Bezaire  
Seconded by F. Gorham

That this public meeting be adjourned at 6:50 p.m.  
- carried -



Deputy-Mayor

  
\_\_\_\_\_  
Lory Bratt

Planning Coordinator



**ATTENDANCE RECORD**

**PUBLIC MEETING**

DATE: August 7/01

NAME	ADDRESS	SIGNATURE
DAN LAING	1267 Front Rd. S	Dan Laing
HAZEN PRICE	1117 " " "	Hazen Price
RICK REID	3811 City Rd 20	Rick Reid
BRIAN HUTCHINS	4430 4th Con A Burg	Brian Hutchins
PAMELA HUTCHINS	4430 Con. 4 R Rd A Burg	Pamela Hutchins
JOSEPH REAUME	47 FRYER ST ABURG.	Joseph Reaume
GENE REAUME	1247 FRONT RD SABURG	Gene Reaume
NEIL MATHIESON	2761 KINGS HWY	Neil Matheson
DEBBIE HILLS	3931 CONC 3 S A-BURG	Debbie Hills
Daniel Dupon	PO-Box 99 A Burg	Daniel Dupon
BOB SUTHERLAND	-96 RANKIN AVE	Bob Sutherland
John & Lois Fauler	2381 County Rd 20	John & Lois Fauler
Ed & Doris Fauler	2561 County Rd 20	Ed & Doris Fauler
J.W. SPELLMAN	RR 2 - 5873 5 <sup>th</sup> con malden	J.W. Spellman
P.K. HASTOUC	2510 Ouellette Windsor - solicitor	P.K. Hastouc
B.L. Chillman	455 Pelissier St. Windsor - solicitor	B.L. Chillman
RANDY CYR	1265 TANGLEWOOD Ct. LaSalle	Randy Cyr
SHARON COLMAN	1426 FRONT ROS. A BURG	Sharon Colman
ROSS ESPOSITO	1507 FRONT ROS. A BURG	Ross Esposito
NORBERT BOLLEN	4461 Conc 4 South	Norbert Bollen
JOE LAFRAMBOISE	607 DALHOUSIE ST. JENNIE	Joe Laframboise
Jim Reaume	140 Superior St. LaSalle	Jim Reaume
Paul Morin	3834 3RD CONC. RD NORTH	Paul Morin
PATRICK PILLON	4201 4th Conc Rd NORTH	Patrick Pillon
SUSAN PILLON	4201 4th Conc Rd N	Susan Pillon
Mary Treloche	9503 Walker Rd McGeer	Mary Treloche
Lenora Treloche	9503 Walker Rd McGeer	Lenora Treloche
Steven Treloche	9503 Walker Rd McGeer	Steven Treloche
Laura Harmon	Harvest End Dr Windsor	Laura Harmon

