

**MINUTES OF A TOWN OF AMHERSTBURG  
PUBLIC MEETING**

**MONDAY OCTOBER 1<sup>st</sup>, 2007 @ 7:30 p.m.**

**Town of Amherstburg Council Chambers  
271 Sandwich Street South, Amherstburg, Ontario**

**Please Note: All Public Meetings of Council are recorded by an electronic recording device.**

**AGENDA**

**PRESENT:**

Mayor Wayne Hurst  
Deputy Mayor Robert Bailey  
Councillor Rick Fryer  
Councillor Robert (Bob) Pillon  
Councillor John Sutton  
Councillor Rosa White  
Councillor Paul Renaud

**ALSO PRESENT:**

Frank Pizzuto, Chief Administrative Officer  
Lou Zarlenga, Manager of Public Services  
George Balango, Manager of Development Services  
Lory Bratt, Planning Coordinator  
Pamela Malott, Clerk  
Dan Lebydeck, ERCA  
Tim Byrne, ERCA  
Engineer Mickelson  
Peter Valente  
Anne Eldracher  
Robert Pouget

Meeting convened 7:30 p.m.

Proposed Draft Plan of Subdivision under Section 51(20) of the Planning Act. Hunt Club Creek Inc.

**DISCLOSURE OF PECUNIARY INTEREST**

None.

**PRESENTATIONS**

George Balango, Manager of Development Services, gave the following presentation:

### Urban Design Guidelines

The Town is in the process of preparing urban design guidelines. Where appropriate, the recommendations of this study may be applied in connection with draft approval.

### PUBLIC COMMENTS

- Anne Eldracher commented that her mailing was forwarded to former spouse and correct mailing address will be provided. She owns 5 acres in outline shown as included and is pleased with the proposal as viewed. She is requesting verification on "Buffer, does it go to the edge of Creek?". George Balango responded that this is not encompassed in subdivision lands. Anne commented that she has confirmation and survey. Peter Valente commented that application has been made by Land Titles Absolute and Ms. Eldracher will be contacted.
- Robert Pouget, representing son and daughter-in-law, 425 Lowes Side Road, near old Smith property commented that natural water flow comes from Smith property and flows back into the Creek at present. He wants to know what will happen with run off water when subdivision is built and is concerned as to when this will be addressed. George Balango commented that the Town is waiting on agency and Public Works comments. Mayor Hurst commented that individuals will also have additional opportunities to raise concerns at a future time.
- Councillor B. Pillon asked "Why are there 2 Storm Water Ponds?" Engineer Mickelson responded that they had to split storm water ponds in order to not encroach on drainage in one area or another.
- Councillor R. White asked "Can water retention ponds not be spread over larger area?" Engineer Mickelson responded that Storm Water Management Ponds are as small as possible which is a goal put forward from the Developer.
- Anne Eldracher commented that as much land as possible should be allocated to Parkland. Confirmed acreage of 4.3 hectares = 10.6 acres for Park.
- Mayor Hurst confirmed that this meeting is an initial review. Amherstburg is trying to get capacity for sewers. Developers getting the application in is advantageous.

### REPORTS OF MUNICIPAL OFFICERS

#### Report # 1

Report from George Balango, Manager of Development Services dated September 26<sup>th</sup>, 2007.

Moved By Rosa White  
Seconded By Rick Fryer

That Council receive the report and that this subdivision application be approved that



**Essex Region  
Conservation  
Authority**

360 Fairview Avenue West, Suite 311, Essex, Ontario, Canada N8M 1Y6  
phone: (519) 776-5209 fax: (519) 776-8688  
email: admin@erca.org home page: www.erca.org

2007 Board of Directors

September 27, 2007

**Town of Amherstburg**  
Rick Fryer  
Anthony Leardi

Ms. Pam Malott, Clerk  
Town of Amherstburg  
271 Sandwich St. S.  
Amherstburg ON N9V 2A5

**Town of Essex**  
Morley Bowman  
Ron Rogers

**Town of Kingsville**  
Christopher Lewis  
Tamara Stomp

Dear Ms. Malott:

**Town of Lakeshore**  
Al Fazio  
Charles McLean

RE: Notice of Public Meeting to Consider Draft Plan of Subdivision (37-T-02006) - Part of Lots 6 & 7, Concession 1; Part of Lot 20, Concession 2; East Of Fryer Street, South Of Lowes Sideroad; ARN: 37296000000600, 37296000000800; PIN: 705700347, 705700336, 705700278; Applicant: Peter Valente.

**Town of LaSalle**  
Suc Desjarlais  
Ray Renaud - Chair

**Municipality of  
Leamington**  
Rick Atkin  
Bill Derbyshire

The following is provided for your information and consideration as a result of our review of the above referenced Notice of Public Meeting to Consider Draft Plan of Subdivision (37-T-02006).

**Township of Pelee**  
Darlene Wiper

**Town of Tecumseh**  
Joe Bachetti  
Tom Burton

For the owner's information, we note that the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). Prior to any construction or site alteration, or other activities affected by the regulations, the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority.

**City of Windsor**  
Dave Brister - Vice Chair  
Jo-Anne Gignac  
Percy Hatfield  
Ken Lewenza

**General Manager/  
Secretary-Treasurer**  
Ken Schmidt

We have recommended that the proponent undertake a stormwater management analysis addressing both quality and quantity for the entire subject parcel. Our staff have conducted a preliminary review of a Planning Stormwater Management Report completed by N.J. Peralta Engineering Ltd. in October of 2006. As further site design proceeds, our office will be reviewing the required final Stormwater Management Report and related design drawings. Until such time as a final Stormwater Management Report is reviewed by our staff and found to be acceptable, we are unable to make any final recommendations with respect to the Application for Draft Plan of Subdivision.

.../2



Ms. Pam Malott, Clerk  
September 27, 2007  
Page 2

We note that the subject property is adjacent to (within 120 metres of), a Provincially Significant Wetland (PSW), as identified by the Ontario Ministry of Natural Resources (OMNR). Specific information regarding this PSW (i.e., significance, boundaries, etc.) may be obtained from the following contact at the Chatham office of the OMNR:

Holly Simpson, *Area Biologist*  
Ontario Ministry of Natural Resources  
P.O. Box 1168  
870 Richmond St.  
Chatham, ON N7M 5L8  
Phone: (519) 354-8210  
Fax: (519) 354-0313  
E-mail: holly.simpson@ontario.ca

Section 2.1.6 of the Provincial Policy Statement (PPS) states “*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.3, 2.1.4 and 2.1.5 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions*”. This demonstration of no negative impact is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA).

Our office has previously received an EIA, dated May 2007, for the proposed development, conducted by consultants from BioLogic. Our preliminary review has resulted in recommendations to the proponent’s consultants for modifications and additional information. Our office has recently received an updated EIA on September 25<sup>th</sup>, 2007. We are currently reviewing the updated EIA as well as correspondence from the Ontario Ministry of Natural Resources, dated August 27<sup>th</sup>, 2007, for the proposed development, to ensure that previous concerns have been incorporated. Upon completion of a thorough review of the recently submitted documents in consultation with the Ontario Ministry of Natural Resources staff, we will finalize a complete review of the EIA and forward same to the Town of Amherstburg, The County of Essex, and the Ontario Ministry of Natural Resources for their information and consideration. Until such time as all of the outstanding issues have been resolved with respect to the EIA process, we are unable to make any final recommendations with respect to the Application for Draft Plan of Subdivision.


.../3

Ms. Pam Malott, Clerk  
September 27, 2007  
Page 3

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA *Conservation Biologist*, Dan Lebedyk by phone at (519) 776-5209 ext. 409, by fax at (519) 776-8688 or by e-mail at [dlebedyk@erca.org](mailto:dlebedyk@erca.org).

Thank you.

Sincerely,



Socrates Alexander Shinas, AICP, MCIP, RPP  
*Conservation Planner*

/dl

cc: Peter Valente  
Rick Fryer, ERCA Member, Town of Amherstburg  
Anthony Leardi, ERCA Member, Town of Amherstburg  
Bill King, County of Essex  
Daraleigh Irving, MNR, Aylmer

Town of Amherstburg  
Council Public Meeting  
October 1, 2007 7:30 p.m.

**CORRESPONDENCE**

Attached, and forming part of these minutes, is correspondence from Essex Region Conservation Authority, dated September 27, 2007 regarding the Draft Plan of Subdivision under Section 51(20) of the Planning Act. Hunt Club Creek Inc.

**MOTION TO ADJOURN**

Moved by J. Sutton  
Seconded by R. Fryer

That the meeting adjourn

**Motion Carried**

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Mayor

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Clerk

The total area of the lands under consideration is 86.1 hectares (212.8 acres). The predominant use is agriculture. The Big Creek and arms (Marsh Creek) of the Big Creek lie adjacent to the subject lands. The applicant has submitted an Environmental Impact Assessment (revised and submitted September 26, 2007), an Archaeological Assessment, a Storm Water Management Report, a Blasting Impact Assessment, an Air Quality Assessment of Amherst Quarries and a Noise Impact Study in support of the application.

These reports are under review by Provincial Ministries, the Essex Region Conservation Authority and the Public Works Department.

### Official Plan

The draft plan proposes to permit single detached and semi detached lots, two park blocks, two storm water management facilities and a buffer between the proposed single family development in the southwest part of the site and Marsh Creek. The Official Plan allows the proposed uses, subject to compliance with Natural Environment policies, the Provincial Policy Statement, and the provision of services such as schools, fire protection, water supply, sanitary sewers (including treatment facilities) and storm drainage facilities.

### Zoning

Holding provisions apply to the entire site and will continue until full municipal services are available.

The lands are zoned Special Provision Holding Residential First Density/Residential Third Density (h-R1/R3-3) Zone and Special Provision Holding Environmental Protection/Residential First Density/Residential Third Density (h/h-2EP/R1/R3-3).

The R1 zone permits the proposed single family lots and the R3-3 zone permits the semi-detached lots. The Environmental Protection zone is intended to prevent the construction of buildings and structures on flood prone and environmentally sensitive lands. Big Creek and Marsh Creek are Provincially Significant Wetlands.

### Phasing

Development will be based on the availability of services. The timing of development will be dependent on the construction of services to the subject lands. The completion of a servicing plan encompassing an area generally including the subject lands, the lands bounded by Fryer Street, Simcoe Street (both sides) and Meloche Road has been initiated by the Town.

### Parkland

The total parkland dedication required from this plan, based on 5% of the total land area, is 4.3 ha (10.6 acres). Total combined dedication of parkland shown on the plan satisfies this requirement.

### Road Allowances and Subdivision Design