

**Minutes of an Amherstburg Municipal Council Special Public Meeting  
Held in Council Chambers at 5:30 p.m. on January 11, 2010**

**PRESENT:**

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

**ALSO PRESENT:**

Pamela Malott, Chief Administrative Officer  
Brenda Percy, Manager of Council & Leg. Services/Clerk  
Lory Bratt, Planning Coordinator  
Jackie Hubbs, Manager of Development Services

Loris Collavino  
Vic Farago  
Rene Kielbasa

**CALL TO ORDER**

The Mayor called the meeting to order at 5:30 p.m.

**DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**REPORTS OF MUNICIPAL OFFICERS**

**Report # 1**

A report from Lory Bratt, Planning Coordinator dated January 4, 2010 regarding the Proposed Zoning By-Law Amendment (former General Chemical Lands). Lory Bratt provided an overview of the proposed zoning by-law amendment. Lory Bratt noted that the meeting is to implement policies in OPA Number 9 and 1, which Council adopted at December 14, 2009 Council meeting.

Lory Bratt advised that there is a by-law included on the public meeting agenda for Council's consideration.



**COMMENTS FROM THE PUBLIC**

Loris Collavino sought clarification of the holding provision and when it may be removed.

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

That Council receive the comments made at this public meeting in connection with the Proposed Zoning By-Law Amendment (former General Chemical Lands);

That the report by Lory Bratt dated January 4, 2010 regarding a proposed Zoning Bylaw Amendment for the former General Chemical lands be received;

And further that subject to Council consideration of written and oral comments received, draft By-law No. 2010-03 being a By-law to amend Zoning By-law 1999-52 be placed and read at the regular Council agenda following this public meeting.

**Motion Carried**

**ADJOURNMENT**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

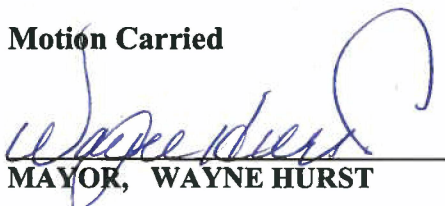
That Council rise and adjourn at 5:41 p.m.

**Motion Carried**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

That Council return to In Camera Session at 5:42 p.m.

**Motion Carried**

  
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MAYOR, WAYNE HURST

  
\_\_\_\_\_  
CLERK, BRENDA M. PERCY









**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

2009 Board of Directors

January 7, 2010

Town of Amherstburg  
Rick Fryer  
Anthony Leardi – Vice-  
Chair

Ms. Brenda Percy, Clerk  
Town of Amherstburg  
271 Sandwich St. S.  
Amherstburg ON N9V 2A5

Town of Essex  
Marilyn Bowman  
Ben Rogers

Dear Ms. Percy:

Town of Kingsville  
Christopher Lewis  
Tamara Stamp

Town of Leamington  
Tom Bain  
Al Fazio

RE: Notice of Public Meeting to Consider Zoning By-Law Amendment (ZBA/4/09) -  
Conc. 2 lots 2 and 3, Conc. 1 lots 6, 7, 8; Lands Bounded By And Abutting Front  
Road North, Texas Road, Conc. 3 North And Alma Street ; ARN:  
372936000001500,372936000001000, 372936000000300, 372935000000100,  
3729420000004800, 3729420000008100; PIN: 015430337,015441690,  
015441617,015441558 ; Applicant: Former General Chemical Lands ; Regulated  
Area: Detroit River.

Town of Leffville  
Sue Desjardins  
Ray Renaud

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 a Zoning By-Law Amendment  
(ZBA/4/09).

Municipality of  
Leamington  
Rick Atkin  
Bill Derbyshire

The correspondence submitted by this office in review of the Official Plan Amendment for these  
lands dated October 16, 2009, has been attached for your convenience, and remains applicable.  
This letter has been attached for your convenience.

Township of Pelee  
Daphne Wigner

If you should have any questions or require any additional information, please do not hesitate to  
contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

Town of Tecumseh  
Marnel (Pat) Elias  
Tom Burton

Thank you.

City of Windsor  
Doree Baister – Chair  
Jo-Anne Gignac  
Percy Macfield  
Fulvio Velantinis

Sincerely,

General Manager/  
Secretary-Treasurer  
Ken Schmidt

  
Rebecca Belanger, MCIP, RPP  
Conservation Planner

/  
cc: Mr. Anthony Leardi, ERCA Board Member, Town of Amherstburg,  
Mr. Rick Fryer, ERCA Board Member, Town of Amherstburg  
Ms. Teri Gilbert, MOE





**Essex Region  
Conservation  
Authority**

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2009 Board of Directors

October 16, 2009

Town of Amherstburg  
Rick Fryer  
Anthony Leardi – Vice-  
Chair

Ms. Brenda Percy, Clerk  
Town of Amherstburg  
271 Sandwich St. S.  
Amherstburg ON N9V 2A5

Town of Essex  
Morley Bowman  
Ron Rogers

Dear Ms. Percy:

Town of Kingsville  
Christopher Lewis  
Tamara Stomp

RE: Notice of Public Meeting to Consider Official Plan Amendment (OPA NO.1) -  
Conc. 2 lots 2 and 3, Conc. 1 lots 6, 7, 8; Lands Bounded By And Abutting Front  
Road North, Texas Road, Conc. 3 North And Alma Street ; ARN:  
372936000001500.372936000001000. 372936000000300. 372935000000100.  
372942000004800. 372942000008100; PIN: 015430337.015441690.  
015441617.015441558 ; Applicant: Former General Chemical Lands ; Regulated  
Area: Detroit River.

Town of Lakeshore  
Tom Bain  
Al Fazio

Town of LaSalle  
Sue Desjarlais  
Ray Renand

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 Official Plan Amendment (OPA NO.1).

Township of Pelee  
Darlene Wiper

Lands on the Westside of Sandwich Street North

Town of Tecumseh  
Marcel (Pat) Blais  
Tom Burton

We note that the two parcels 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. In addition, shoreline construction activities may be affected by Section 14 of the Public Lands Act and/or Section 35 of the Fisheries Act. Through Memorandums of Understanding with both the Ministry of Natural Resources (MNR) and the Department of Fisheries and Oceans (DFO), in certain specific cases additional authorizations and/or compensation agreements may be required. In these cases, ERCA will forward the necessary information to the appropriate agencies for their review and approvals.

City of Windsor  
Dave Brister – Chair  
Jo-Anne Gagnac  
Percy Hatfield  
Fulvio Valentini

General Manager/  
Secretary-Treasurer  
Ken Schmidt

It should be noted that any proposed future development on this parcel would be subject to setback restrictions from top of bank of the Detroit River. The setback is determined from a site specific analysis. The setback imposed will vary depending on the degree of shoreline protection and the nature of the development proposed. It should also be noted that any future construction activities on this parcel may require shoreline engineering solutions to overcome flooding and/or erosion associated with the Detroit River. We cannot be more specific in this regard without an actual proposal from the owner.

Regarding the proposed policy to allow for the recognition of the marina as a recreational site in the Official Plan, we have no issue.

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Ms. Percy  
October 16, 2009  
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**Lands on the Eastside of Sandwich Street North (former General Chemical Manufacturing Facility)**

We note that the General Chemical Drain is 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.

We are supportive of a flexible policy approach in order to create the linear trail linkage from Thomas Sideroad to the Detroit River. There are unresolved issues surrounding the appropriate siting of this trail extension which require further discussion and cooperation.

Portions of this site contain natural features of unknown significance. To our knowledge natural heritage inventories have never been completed on this parcel therefore, the application of Section 2.1 of the PPS which would recognize/exclude this site as a significant woodland/ wildlife habitat or containing the significant portions of the habitat of an endangered or threatened species, as identified by the Ontario Ministry of Natural Resources (OMNR) is questionable. Existing information about natural heritage features (i.e., significance, boundaries, etc.) may be obtained from the following contact at the Chatham office of the OMNR:

Allen Woodliffe, *District Ecologist*  
Ontario Ministry of Natural Resources  
P.O. Box 1168  
870 Richmond St.  
Chatham, ON N7M 5L8  
Phone: (519) 354-4108  
Fax: (519) 354-0313  
E-mail: allen.woodliffe@mnr.gov.on.ca

Section 2.1.3 a) of the Provincial Policy Statement (PPS) states "*Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species*". Section 2.1.6 of the 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).

Prior to allowing any change in land use on this parcel and or further development, the proponent should be required to undertake an Environmental Impact Assessment for those portions of the site which are in a natural state or within 50m of the natural areas, ERCA can assist with this delineation and the scoping of a required EIA at such a time that the study is necessary.

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Ms. Brenda Percy, Clerk  
October 16, 2009  
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We are supportive of the need to have a drainage/ stormwater management plan undertaken prior to finalization of any site plan for these lands ensuring that quantity and quality are addressed based on the guidelines provided in the March 2003, *Stormwater Management Planning and Design Manual* from the Ministry of the Environment.

**Lands on the Eastside of Thomas Sideroad (former Soda Ash Settling Basin)**

We note that portions of these 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. Big Creek bisects the General Chemical lands in this location, accordingly the Department of Fisheries and Oceans (DFO) drain classification system is applicable should a future owner propose works in the vicinity of the Creek, such as the installation of a culvert or drainage outlet. These types of proposals would need to be reviewed in accordance with the Fisheries Act and may need a Federal Authorization with respect to potential fish habitat issues, dependant on the proposal. As detailed in our Level III agreement with the DFO, the ERCA is responsible for the evaluation of proposed works as to their impact on fish habitat.

We are supportive of the re-designation of the SASB to an Open Space/Natural Environment designation. The Big Creek Watershed Plan will provide greater clarity surrounding the environmental characteristics of the natural features and appropriate protection designation and management. ERCA can assist with recommendations regarding tree planting species, quantities and management of the SASB lands.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA office by phone at (519) 776-5209 or by fax at (519) 776-8688.

Thank you.

Sincerely,



Rebecca Belanger, MCIP, RPP  
*Conservation Planner*

/  
cc: Mr. Anthony Leardi, ERCA Board Member, Town of Amherstburg,  
Mr. Rick Fryer, ERCA Board Member, Town of Amherstburg  
Ms. Teri Gilbert, MOE