

## **PLANNING ADVISORY COMMITTEE**

### MINUTES

County Council Chambers  
7 Broadway Street West, Paris  
Wednesday, December 17, 2008  
7:00 p.m.

**Present:** Mayor Eddy, Councillors Wheat, Schmitt, Haggart, Atfield, Powell, Chambers, Hodge, Coleman and Gatward

**Regrets:** Councillor Simons

**Staff:** Johnston, Pomponi, Davidson, Stone and Lehmann

### **APPROVAL OF AGENDA**

Moved by – Councillor Coleman  
Seconded by – Councillor Wheat

That the Planning Advisory Committee agenda for December 17, 2008 be approved, with additions.

.Carried

### **ELECTION OF CHAIR AND VICE CHAIR**

The Deputy Clerk called for nominations for the position of Chair of the Planning Advisory Committee. Councillor Wheat nominated Councillor Schmitt. On a motion of Councillor Chambers and seconded by Councillor Coleman, nominations for Chair of the Planning Advisory Committee were closed. The Deputy Clerk called for a vote on the nomination of Councillor Schmitt as Chair of the Planning Advisory Committee, and this motion was carried.

The Deputy Clerk called for nominations for the position of Vice Chair of the Planning Advisory Committee. Councillor Atfield nominated Councillor Hodge. On a motion of Councillors Gatward and Chambers, nominations for Vice-Chair were closed. The Deputy Clerk called for a vote on the nomination of Councillor Hodge as the Vice Chair of the Planning Advisory Committee, and this motion was carried.

Councillor Schmitt assumed the Chair.

Committee concurred that application ZBA25/08/SS would be heard at this point in the meeting.

### **PUBLIC HEARINGS UNDER THE PLANNING ACT**

1. **ZBA25/08/SS LOT 1 of PLAN 1029, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF BRANTFORD, LOCATED AT 22 AIRPORT ROAD**

In the matter of an application received from IBI Group, Agent for 1590361 Ontario Inc., Applicant / Owner of LOT 1 of PLAN 1029, COUNTY OF BRANT, GEOGRAPHIC

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**TOWNSHIP OF BRANTFORD, LOCATED AT 22 AIRPORT ROAD, to change the existing Special Industrial zoning to permit the establishment of a brick manufacturing plant and accessory uses at the subject lands.**

- **Mr. John Ariens, Planner, IBI Group - Agent for the Applicant, Mr. Joe Zamparo, Applicant and Mr. Mike Shaw, Environmental Engineer, Agent for the Applicant**

Mr. Ariens, Mr. Zamparo and Mr. Shaw reviewed with Committee a power point presentation entitled "22 Airport Road Public Meeting" and discussion focused on the following:

- History of brick making;
- Process of brick making;
- Aerial photo of subject lands;
- Site Plan;
- Dust;
- Noise;
- Traffic;
- Emissions;
- Odour and Vibration;
- Water;
- Well Head Protection Area;
- Airport Height Concerns;
- Airport Zoning

Mr. Steve Stone, Senior Planner, reviewed the application with Committee and noted that the applicant proposes to change the Zoning By-law regulations on the subject lands to permit the establishment of a brick manufacturing and accessory uses. He noted that the site has an approximate frontage of 141 metres and an approximate area of 11 hectares. He noted that the proposal will utilize the now vacant Blue Bird facility.

The Senior Planner reported that the property is designated as Special Industrial in the Official Plan and is subject to Special Policy Area 7. The Senior Planner reviewed Special Policy Area 7 and noted that it applies to lands designated Industrial and noted on Schedules "A" or "B", with a "7" and are restricted in the range of industrial activities permitted in order to ensure adequate protection to the groundwater. The Senior Planner reviewed the uses that are not permitted in Industrial Special Policy Area 7.

The Senior Planner reviewed that the site is currently regulated by the Special Industrial or M2 Zone and reviewed the uses permitted within said zone. The Senior Planner noted that a brick manufacturing plant is not specifically listed as a permitted use within the current zone warranting the proposed change. The existing building, new additions, parking and outdoor storage will comply with the applicable M2 Zone regulations.

The Senior Planner noted that technical comments were received as follows:

Public Works – No objections;

City of Brantford – Requested a deferral in order that the concerns of the Airport Authority, concerning the operational flexibility of their facility, are assured by the applicant;

Brant Haldimand Norfolk Catholic District School Board – Expressed concerns about the potential for environmental impact on the surrounding area;

Public – Expressed concerns about the impact from the proposed use on the neighbourhood (letters and petitions attached to the application)

- **Committee Questions and Comments**

Discussion focused on the following:

Number of Shifts

Mr. Ariens noted that at present, the applicant is proposing one shift.

Recycling of “Non-Matching” Bricks

Mr. Ariens reported that all “non-matching” bricks are recycled.

Water Usage

Mr. Ariens reported that the projected water usage is approximately 5,000 gallons per day, based on one shift. Committee requested further clarification with respect to whether the applicant is proposing one shift or two shifts and noted that the difference in water consumption between the two would be considerable. Mr. Ariens noted that a ten hour shift is being proposed by the applicant, and whether that is a ten hour shift with one kiln line or two kiln lines is unknown at present. He noted that with one kiln line, there would be less water usage and that with a second kiln line, there would be more usage, but within the same time frame. Mr. Zamparo reported that a second kiln line would double production and would double the amount of water used, from 5,000 gallons per day to 10,000 gallons per day.

Emissions

Committee expressed concern with respect to emissions and in response to questions regarding the calculation of light particulate, Mr. Shaw reported that the dry scrubber removes 95% of the light particulate traveling out of the stack and that the emissions are calculated on a maximum half hour / gram per second ratio. Mr. Shaw noted that there are regulations governing particulate matter emissions and that the emission rate for this particular facility would be three grams per second.

Ongoing Plant Inspections

Mr. Shaw reported that typically, in a new plant, the Ministry of the Environment requires that compliance testing be completed at such time as the facility becomes operational. Mr. Shaw speculated that such a compliance condition will be included in the Certificate of Approval for the facility and that ultimately, inspections are at the discretion of the Ministry of the Environment. Mr. Shaw noted that there will be conditions contained in the Certificate of Approval with respect to record-keeping, maintenance, training, procedures, etc. In response to questions from Councillor Haggart, regarding the Municipality’s ability to request that the Ministry of the Environment conduct inspections on a regular basis, Mr. Shaw reported that at such time as the application is submitted to the Ministry of the Environment, it is posted on an Electronic Bulletin Board “EBR” for the public’s view. He noted that the public can comment on

the EBR and can make specific requests of the Ministry, as well as submit recommendations, concerns, etc. Committee expressed concern that the average person would not know that such a system exists and would likely not be in a position to utilize same.

- **Public Consideration**

Mr. L. Fazari – 33 Farrow Road

Mr. Fazari requested information with respect to whether sulphur and / or nitrogen would be emanating out of the stack. Mr. Fazari reviewed with Committee a copy of an aerial photograph of the property that he obtained to demonstrate the proximity of his property to the subject lands. Mr. Fazari reported that he had researched the various health problems associated with brick manufacturing plants and expressed particular concern that a breeze would blow any emissions from the proposed manufacturing plant directly toward his home.

Ms. G. Crawford - 16 Kingsmount Crescent

Ms. Crawford thanked Committee for the opportunity to voice her concerns with respect to the proposed brick manufacturing plant and discussed the following:

- opinion that there was a lack of disclosure regarding the application;
- justification Report submitted on November 14, 2008;
- change of wording to remove “concrete batching” from the Zoning amendment;
- Council’s obligation is to the ratepayers;
- opinion that proponents have been misleading;
- petition with more than 330 signatures in opposition of the application;
- Concerns regarding noise, dust, air quality, health, quality and supply of water, contamination
- opinion that the application has been changed to suit the needs of the proponent;
- Class 1 v.s. Class 2 industry

Ms. Crawford reiterated that she and the petitioners she represents are in strong opposition to the application.

Mr. R. Coyne – 8 Dalewood Ave

Mr. Coyne expressed concern that the quality of water in the area will be directly impacted by the proposed manufacturing plant. He noted that the County’s Official Plan provides that development requiring an excess of 10,000 litres of water per day must undergo a hydrogeological study. Mr. Coyne requested information as to whether or not such a study had been conducted. Mr. Coyne expressed concerns with respect to the safety of the aquifer and requested information with regard to the Airport Pumping Station’s ability to facilitate the excess water usage that would result if the application were approved.

Mr. Coyne noted that Planning staff is not in a position to determine whether or not the manufacturing of cement brick is concrete batching. He read an excerpt from the Justification Report, prepared by IBI Group, noting “that cement will be mixed in a mixer and after mixing, the batch will be placed in moulds”. Mr. Coyne noted that in accordance with the County’s Official Plan, concrete batching is not permissible and that if the Official Plan is modified to allow for the application, a dangerous precedent will be set.

Mr. Coyne expressed his belief that the applicant purchased the former Blue Bird plant fully aware that bricks could not be manufactured on site, without first obtaining a zoning amendment and further suggested that County staff have assisted the applicant with his submission, particularly with respect to the removal of the words “concrete batching” from the zoning amendment language.

Mr. Coyne noted that he is not opposed to industry, but, that this particular type of industry is not compatible, given that there are residential and school zones in close proximity to the site.

Ms. J. Woodley – 22 Kingsmount Crescent

Ms. Woodley presented a photo representation of the hopper truck that will be used to transport materials into and out of the proposed manufacturing site. Ms. Woodley expressed concern that County Highway 53 is only a two lane highway and has historically moved at a rate far too fast for the surroundings. Mrs. Woodley noted that an additional twenty four hopper trucks per ten hour shift would create additional traffic problems along County Highway 53 and requested that a traffic impact study be undertaken to review the issue.

Ms. P. Patton – Willowdale Street

Ms. Patton reviewed an article from the Globe and Mail, noting that “polluters can be successfully sued for emitting annoying odours, dust or noise – even if they are in compliance with government regulations, the Supreme Court of Canada ruled on November 20, 2008. In a landmark ruling favouring the environmental movement, the Court allowed a class action launched by 2,000 citizens near Quebec City who suffered for half a century from an irritating blanket of dust and odour emanating from a St. Lawrence Cement Inc. plant that was located in their midst.” Ms. Patton questioned whether the County could be sued by area residents, should the application be approved.

Ms. Patton expressed concern with respect to the annual Brant United Way Air Show and noted that the event will likely be detrimentally impacted by the height of the proposed smoke stack and the pollutants emanating from the smoke stack.

Mr. J. Lackow – Managing Director of Asco Power Technologies Canada - 17 Airport Road

Mr. Lackow reported that he is the Managing Director of Asco Power Technologies Canada, which is located directly across the road from the subject lands. Mr. Lackow reported that Asco Power Technologies Canada is an electrical manufacturer, supplying products across the country for “mission critical emergency power applications”. He noted that the power applications utilize intricate electronic and mechanical components, which can be contaminated by airborne particles, causing a malfunction of the equipment.

Mr. Lackow reported that Asco Power Technologies Canada has been in operation at 17 Airport Road for 44 years and that although the company is desirous of remaining at that address, it is a division of Emerson Electric, a multi-national organization, and should Emerson Electric feel it prudent, they will investigate the relocation of the operation, thereby eliminating 70 County jobs. Mr. Lackow expressed his strong opposition to the application.

Mr. J. Quin – Manager of Technical Services and Property Management, City of Brantford

Mr. Quin reviewed with Committee a copy of the report authored by Mr. Ted Salisbury, General Manager of Community and Development Services, City of Brantford, requesting that the County defer the application until such time as comments have been received from NAV Canada. Mr. Quin noted that a considerable amount of money was spent in order to refurbish the Brantford Airport and that it is important to fully understand the impact of such a manufacturing plant before a final decision is made.

Mr. M. Culshaw – Airport Manager – Brantford Flight Centre

Mr. Culshaw expressed concern with respect to the application and in particular, referred to the following:

- the height of the smoke stack could adversely affect descend heights;
- if the smoke stack increases in height, minimum altitude rates are increased and could negatively impact the airplanes;
- the velocity of the plume emanating from the smoke stack and the water / moisture content contained within that plume could cause safety issues.

Mr. G. Graham – Colborne Street West

Mr. Graham expressed concern with regard to the crushers that would be used on site. He noted that he has personal experience using such machines and that despite the applicant's best efforts to avoid a noise issue, there will be noise. He noted that a steel-clad building will only add to the issues. Mr. Graham reported that in conversation with real estate agents, he has been advised that should the application be approved, and the brick manufacturing plant commence operations, that the neighbouring residential property values will decrease by a minimum of 20%.

Mr. S. Carlin – 16 August Ave

Mr. Carlin expressed concern with the discrepancy in information provided by the applicant and the applicant's agent, with respect to whether one shift or two shifts would be utilized at the plant and the effect that a second shift would have on water consumption, availability and quality. Mr. Carlin questioned what assurances the public has that the applicant will not add additional shifts. Mr. Carlin expressed further concern with respect to the number of hopper truck traveling into and out of the plant and noted that although the applicant may be indicating that there will only be three trucks per hour (one truck every twenty minutes), that the public has no assurance that this number won't be increased.

• **Mr. John Ariens, IBI Group – Agent for the Applicant**

In response to questions, Mr. Ariens discussed the following:

Crusher

Mr. Ariens reported that the crusher will produce noise, but that it will entirely housed within an insulated building. He noted that all crushing operations will be conducted indoors.

### Airport

Mr. Ariens advised that the manufacturing plant will not interfere with Airport operations. He noted that the applicant is not seeking relief from the existing Airport rules and regulations and that comments have been sought from NAV Canada because of the zoning change required.

### Asco Power Switching & Controls

Mr. Ariens suggested that if Asco Power Switching & Controls has been able to co-exist for 44 years with the former operations conducted on the subject lands, as well as with two gravel pits in close proximity to Asco, that there should not be an issue with co-existing with a brick manufacturing plant.

### Brant United Way Annual Air Show

Mr. Ariens reported that the applicant has provided access to the subject property to allow parking for patrons of the Air Show.

### Traffic

Mr. Ariens noted that the hopper trucks will access the subject lands via Highway 403 and Colborne Street West and that the vehicles will not be heading in an easterly direction.

### Hydrogeological Study

Mr. Ariens reported that only if the applicant was going to be utilizing groundwater in excess of 10,000 gallons per day, would a hydrogeological study be required, but that this particular application would utilize municipal water.

### Contaminants

Mr. Ariens reported that the operations would be fully contained indoors and that contaminants would drain to the sewer and not leech into the ground.

### Dust

Mr. Ariens reiterated that the operations would be fully contained indoors and that with proper dust suppression measures in place, dust will not be an issue.

### Emissions

Mr. Shaw reported that the combustion of natural gas results in varying byproducts and chemicals, such as nitrogen oxide, carbon dioxide and additional trace chemicals. In response to questions regarding sulphur, Mr. Shaw reported that there exists sulphur within the clay, resulting in an emission of sulphur dioxide. Mr. Shaw noted that as an Environmental Engineer, he could only comment that the applicant will meet the Ministry regulations and in most cases, the plant will operate at a level well below the allowable emissions limit. Mr. Shaw noted that particulate matter accounts for the highest percentage of the allowable emissions limit and that that amount is registering at a level of about 76%.

With respect to the velocity of the emissions, Mr. Shaw reported that the gas velocity from the stack is a standard velocity and wouldn't generally impact the aerodynamics of a airplane.

- **Committee Consideration**

In response to questions from Councillor Atfield, Mr. Zamparo reported that the concrete brick manufacturing process involves zero "slump", which means that there is a minimal amount of water utilized to form a mix, resulting in little runoff.

In response to comments from the public, regarding Mr. Zamparo's use of a numbered company as applicant, Mr. Zamparo noted that this was done in an effort to remain competitive and not to deceive or mislead the public.

With respect to being a "good neighbour", Mr. Zamparo noted that he has owned the subject lands for less than a year and that in that time, he has supported the Brant United Way by donating the use of his parking lot during the Air Show, has allowed the local fire department to test a new fire truck in the facility and has also allowed the O.P.P. and the MTO to utilize the property as an inspection point, in an effort to maintain road safety.

In response to the public's concern that their respective phone calls weren't returned and / or questions were unanswered by Mr. Zamparo and / or his staff, Mr. Zamparo noted that employees at his existing plant were unaware of the company's plans for expansion and were therefore unable to respond to questions.

In response to questions from Councillor Powell, Mr. Zamparo reported that his existing facility has a clean record with the Ministry of the Environment.

In response to questions from Councillor Chambers, the Senior Planner noted that tabling the application would result in the application likely being heard again at the February 2009 Committee meeting, contingent upon an endorsement being received from NAV Canada.

Moved by – Councillor Wheat  
Seconded by – Councillor Atfield

That Zoning By-law Amendment File No. ZBA25/08/SS, from IBI Group, agent for 1590361 Ontario Inc., applicant / owner of Lot 1 of Plan 1029, County of Brant, in the geographic Township of Brantford, located at 22 Airport Road, wherein the application proposes to change the existing Special Industrial zoning to permit the establishment of a brick manufacturing facility and accessory uses at the previously mentioned location, **be tabled**.

.Carried

The Committee recessed at 8:48 p.m. and reconvened at 8:53 p.m.

## **MINUTES**

Moved by – Councillor Coleman  
Seconded by – Councillor Powell

That the Planning Advisory Committee minutes of October 15, 2008, be approved, as printed.

.Carried

Moved by – Councillor Coleman  
Seconded by – Councillor Powell

That the Planning Advisory Committee special meeting minutes of November 17, 2008, be approved, as printed.

.Carried

2. **ZBA26/08/MD PART OF LOT 24, CONCESSION 9, LOCATED AT 382 HARLEY ROAD, GEOGRAPHIC TOWNSHIP OF BURFORD, COUNTY OF BRANT.**

**In the matter of an application received from Stubbe Farm Products, owner of PART OF LOT 24, CONCESSION 9, LOCATED AT 382 HARELY ROAD, GEOGRAPHIC TOWNSHIP OF BURFORD, COUNTY OF BRANT, to extend and modify the zoning requirements of the subject lands to permit the location of an office structure closer to Muir Road.**

Mr. Marcus Davidson, Senior Planner, reported that the applicant is proposing to extend and modify the zoning requirements of the subject lands to permit the location of an office structure closer to Muir Road.

He reported that pursuant to Section 34(12) of the *Planning Act*, notice was given and the application was circulated to concerned agencies and by first class mail to all assessed property owners within 120 metres of the property, and posting of notice on site.

With regard to consideration of the Brant County Official Plan, the Senior Planner reported that the property is designated as Agricultural and Flood Prone Areas and Steep Slope Area. He noted that the proposal would comply with the Agricultural designation.

The Senior Planner reported that the site is currently zoned Agricultural with a special exception (A-94) and that the A-94 zone limits the location of the proposed structure to a specific area on the site. He advised that the intent of this amendment is to amend and extend the zoning to the west, to permit the construction of an office structure related to the existing operation.

The Senior Planner referred to the two pieces of correspondence attached to the Planning report, related to Minimum Distance Separation calculations. He noted that in order to allow consultation between the owner of the subject lands and the adjacent agricultural operation, the application was deferred at the last Planning Advisory Committee meeting and that the result of that deferral was a modification to the application, which shifted the zone line 77.25 metres to the east, taking into consideration the potential expansion of the adjacent livestock operation.

The Senior Planner reported that the construction of the office structure will be subject to Site Plan Control, which will deal with issues such as landscaping, buffering, location of structure, etc.

The Senior Planner reported that no adverse comments were received in relation to the proposal. The Senior Planner advised that Planning Staff is of the opinion that the request is appropriate, as it will alleviate impact on the adjacent residential, and the stream that crosses the property.

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- **Mr. Rob van Poorten, J.H. Cohoon Engineering – Agent for the Applicant**

Mr. van Poorten reported that he is in agreement with the recommendation of Planning staff.

- **Committee Consideration**

Moved by – Councillor Powell

Seconded by – Mayor Eddy

That File No. ZBA26/08/MD, from Stubbe Farm Products, owner of Par of Lot 24, Concession 9, geographic Township of Burford, County of Brant, located at 383 Harley Road, to rezone and amend the zoning requirements of the subject lands, specifically, to permit an office use 77.25 metres (180.0 metres currently required) from Muir Road and 15.0 metres from the northerly lot line, and to reduce the rear yard (easterly setback) for non-manufacturing building or structures associated with and / or accessory to the permitted manufacturing and fabricating business to 15.0 metres (65.0 metres currently required), **be approved.**

.Carried

3. **PS3/08/MD PART OF LOT 6, RANGE 1, EMPR, GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT**

**In the matter an Application received from J.H. Cohoon Engineering Limited, agent for 832605 Ontario Inc., owner of PART OF LOT 6, RANGE 1, EMPR, GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT, to develop a portion of the property for 7 Village Residential Lots.**

The Senior Planner reported that pursuant to Section 51 of the *Planning Act*, notice was given and the application circulated to concerned agencies and by first class mail to all assessed property owners within 120 metres of the property, and posting of notice on site.

He reported that the subject lands are bounded on the south by Burtch Road, to the west by the Village of Mount Pleasant, and to the north and east by Agricultural lands. He noted that this application proposes to create a new residential subdivision, which will include 7 Village Residential lots and that the subject lands are both designated and zoned to allow for the proposed use.

In support of the application, the Senior Planner reported that the applicant has provided a number of technical studies and reports, which are currently being reviewed by both internal staff and external agencies.

With regard to comments received, as noted in the planning report, the Senior Planner advised that correspondence has been received by the adjacent landowner to the east of the subject lands.

Technical Comments were received as follows:

Grand River Conservation Authority (December 1, 2008) – Asking that the application be deferred until a preliminary storm water management brief has been submitted to the satisfaction of the Conservation Authority.

Forestry Officer – No objections to the development, noting it would be preferable to preserve as many trees as possible on the property.

Parks and Recreation Department – Requesting that cash-in-lieu be taken for parkland dedication.

John Borda – 491- 493 Burtch Road – Opposed to the development, citing concerns with potential contamination of wells and drainage.

J.H. Cohoon Engineering Limited – Responding to the GRCA regarding their comments of December 1, 2008.

Grand River Conservation Authority (December 11, 2008) – Noting that applicable section of tributary of Mt. Pleasant Creek has been classified by OMNR to be a cold water stream, with fish habitat. Require a fishery assessment report.

Public Works Department – Extensive comments contained in addendum item 1.

That Senior Planner reported that Planning Staff is recommending that in an effort to facilitate the receipt and analysis of public input, the Committee refer the application back to Planning Staff, for detailed analysis and further report to a future Planning Advisory Committee.

- **Mr. Joe Cohoon – J.H. Cohoon Engineering – Agent for the Applicant**

Mr. Cohoon reported that he is in agreement with Planning Staff's recommendation that the application be deferred. Mr. Cohoon provided Committee with a topographical map of the subject lands and reviewed the Hamlet designation. Discussion focused on servicing, drainage, dual discharge areas and the concerns of the Grand River Conservation Authority. Mr. Cohoon noted that the rear yards of proposed Lots 1 to 6 will utilize infiltration galleries. He further reported that an archaeological survey has been conducted and that a clearance letter is forthcoming. Mr. Cohoon noted that a traffic impact study has been completed and no issues have been identified.

In response to questions regarding the rear yard infiltration galleries, Mr. Cohoon noted that when installed properly, in this case by the developer, the systems require little to no maintenance. He noted that the most common problem with infiltration galleries is sedimentation and that the galleries would be protected from sedimentation until such time as the grass is in place. With regard to inspection of the infiltration galleries, Mr. Cohoon noted that the systems are inspected by the geotechnical engineer.

- **Public Questions and Comments**

Mr. J. Borda – 491- 493 Burtch Road

Mr. Borda reported that he owns and operates a working farm adjacent to the subject lands. He expressed a number of concerns with respect to the application and discussion focused on the following:

- concern that seven residences on four acres of land, along with the construction of a road, poses a number of safety issues;

- Burtch Road is only 25 feet wide and there are existing difficulties when trucks attempt to turn out and onto Burtch Road;
- issues with people illegally parking at the intersection of old County Road #24;
- snow removal issues;
- opinion that developer should be required to fence the area, similar to the park in Mt. Pleasant;
- request for a six foot chain link fence to deter trespassing on farms with snowmobiles, dirt bikes, lawn clippings, garbage, etc.;
- concern that seven septic systems on a four acre parcel of land will contaminate Mr. Borda's two wells, as the natural underground streams flow directly into Mr. Borda's two wells;
- concern that only a portion of the potential development is being presented to Committee and the public;
- significant drainage issues, as previously reported by Mr. Borda, with respect to the Municipal drain that empties onto Mr. Borda's property. Mr. Borda indicated his frustration that the ditch and driveway culvert below have not been lowered;
- opinion that any and all development in the centre of the Village must be stopped until various issues have been rectified

#### Unidentified Area Resident

An unidentified area resident expressed concern that the application presented to Committee is not an accurate and complete representation of what is actually intended for the subject property.

#### Ms. J. Farrell – 498 Burtch Road

Ms. Farrell expressed concern with respect to curbs and gutters, trees, proposed frontage, the number of homes being proposed, the loss of a "small community feel", the potential for Native land claim issues and traffic. With respect to the traffic impact study conducted, Ms. Farrell noted that the traffic problems will stem from the corner of Mount Pleasant Road and Burtch Road.

#### Mr. K. McLeod – 507 Burtch Road

Mr. McLeod expressed concern with respect to snow removal in the subject area during the winter months and particularly that the snow would be pushed up against the garage on his property. Mr. McLeod requested information with regard to the distance between the proposed road and his fence.

#### Mr. J. Borda – 491 – 493 Burch Road

Mr. Borda expressed concern that Committee was being provided with plans that area residents have not had the opportunity to review. In response, the Senior Planner noted that the plans being provided to Committee are simply a colour copy of plans previously distributed to area residents.

#### Unidentified Area Resident

An unidentified area resident expressed concern that the potential exists that his standard of living will be encroached upon, should the application be approved.

Mayor Eddy noted that the Brant County Federation of Agriculture has reviewed Mr. Borda's drainage concerns and fully supports his request that the storm water drainage issues be rectified as soon as possible.

- **Mr. Joe Cohoon, J.H. Cohoon Engineering – Agent for the Applicant**

In response to questions and concerns posed by members of the public, Mr. Cohoon discussed the following:

Drainage Issues at Borda Property

Mr. Cohoon noted that he understands that the issue involves a municipal drain, and, accordingly, if works are required, that the works must be approved in accordance with the *Municipal Act* and / or the *Drainage Act*.

Septic Systems

Mr. Cohoon reported that the proposed septic systems are utilized in new and improved treatment facilities and substantially reduce the impact of nitrates. He noted that the systems are properly designed, installed and inspected.

Traffic

Mr. Cohoon advised that the proposed intersection has been designed to allow for vehicular traffic, including large trucks, turning from the proposed subdivision onto the road.

Potential Native Land Claims

Mr. Cohoon reported that Six Nations has received a copy of the application and that his office has attempted, unsuccessfully, to arrange for a meeting with representatives of Six Nations.

Trees

Mr. Cohoon noted that the intent is to plant native species of trees along the boulevards in the proposed subdivision.

Snow Removal and Storage

Mr. Cohoon reported that there is ample snow storage capability within the proposed subdivision. He noted that along the front of Burtch Road, the distance between the road and the tree line that abuts Mr. McLeod's garage is approximately thirty feet.

Styles of Homes

Mr. Cohoon noted that the styles of homes included in the proposed subdivision will vary. He further noted that the styles of homes will be at the discretion of the developer.

Moved by – Councillor Gatward  
Seconded by – Councillor Coleman

That File No. PS3/08/MD, from J.H. Cohoon Engineering Limited, agent for 832605 Ontario Inc., owner of Part of Lot 6, Range 1, EMPR, geographic Township of Brantford, County of Brant, to develop a portion of the property for seven residential lots, be **deferred**, until such time as the technical concerns of both the Grand River Conservation Authority and the County of Brant can be addressed.

.Carried

In response to questions from Councillor Haggart, the Senior Planner noted that all efforts will be made to hear the application at the January meeting of Committee, but, should that not be possible, the application will be submitted to the February meeting of Committee.

4. **ZBA30/08/MD REST ACRES ROAD AND POWERLINE ROAD, PART OF LOT 11, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT**

**In the matter an application received from Plansmith Urban and Rural Planning, agent for the County of Brant, owner of PART OF LOT 11, CONCESSION 2, GEOGRAPHIC TOWNSHIP OF BRANTFORD, COUNTY OF BRANT, to amend the zoning requirements of the subject lands from Agricultural (A) to Recreational (RE), to permit the construction of a twin-pad facility.**

The Senior Planner reported that pursuant to Section 34(12) of the *Planning Act*, notice was given and the application was circulated to concerned agencies and by first class mail to all assessed property owners within 120 metres of the property, and posting of notice on site.

With regard to consideration of the Brant County Official Plan, the Senior Planner reported that the property is designated as Agricultural within the Urban Settlement Area of Paris. He noted that section 3.10(1)(e) of the Official Plan states that “no Official Plan Amendment will be required for the conversion of lands in any land use if dedication is for a public park or public recreational facility”. Accordingly, as the subject lands have been dedicated, the proposed use complies with the provisions of the Official Plan.

The Senior Planner advised that the site is currently zoned Agricultural and that in order to permit the proposed structure, it is necessary to rezone the lands to a Recreational (RE) zone. It was noted that a planning justification report has been provided by Plansmith in this regard, and is satisfactory to Planning staff.

With regard to Site Plan Control, the Senior Planner reported that County buildings or structures can be exempted from site plan control, but when a County project involves a public component, like the Twin Pad, the project proceeds through the site plan process, similar to how any other commercial / industrial / institutional use would proceed. He noted that at this time, staff will review the project with regard to servicing, landscaping, traffic, stormwater management, location of the structure and grading and drainage.

The Senior Planner reported that a Stage 3 and Stage 4 archaeological study has been completed, as well as a stormwater management report and geotechnical investigation. He advised that staff is satisfied with the technical studies completed to date, and expect additional technical studies like traffic and servicing reports to be completed as part of the site plan review

process.

It was noted that no adverse comments were received in relation to the proposal.

Public Works – No objections.

Fire Department – No objections.

The Senior Planner reported that Planning staff is of the opinion that the request is appropriate, as it is consistent with the Provincial Policy Statement and it complies with the provisions of the Official Plan.

- **Mr. Brian Smith – Plansmith Urban and Rural Planning – Agent for the Applicant**

Mr. Smith reviewed servicing, Provincial Policy Statement and the Official Plan, as they relate to the application. Mr. Smith noted that the application does not require an Official Plan amendment, only a rezoning. Mr. Smith reviewed the history of the site selection process. With regard to potential access issues, Mr. Smith noted that the proposed Twin Pad Complex is strategically located in terms of its proximity to Highway 403 and to the proposed development in southwest Paris. Discussion focused on the importance of pedestrian access and Mr. Smith reported that a traffic impact study is underway.

- **Public Questions and Comments**

Mr. K. Middleton – 77 Washington Street

Mr. Middleton expressed concern that he did not receive notice of the public hearing. He reported that the notice posted on the subject lands advertises a proposed “institutional” use and that despite the fact that the notice was revised to a “recreational” use on November 26, 2008, the notice on site continues to state “institutional”. Mr. Middleton questioned whether or not Committee members felt that there is a conflict of interest with respect to zoning. He expressed his opinion that Council is not in full agreement with respect to the proposed site and questioned if the decision could proceed directly to the Municipal Board.

With respect to rezoning, Mr. Smith noted that at present, the subject lands are being farmed, but, that the lands are located within the urban settlement boundary of Paris and that the farming at this stage is considered an interim use, until such time as the lands are required for urban development.

With respect to the notice on site, the Senior Planner reported that the application was originally submitted with a recommendation for institutional use and then subsequently modified to comply with the notice provisions of the *Planning Act*.

Mr. L. Clarkson - 670 Bishopsgate Road

Mr. Clarkson expressed concern with respect to pedestrian walkways, trails, safety measures, etc. being included in the design of access to the proposed facility. In response, Mr. Smith noted that the County’s secondary plan requires that Rest Acres Road be developed at a pedestrian level and that a pedestrian level streetscape will be included in the design.

- **Committee Consideration**

Moved by – Councillor Coleman  
Seconded by – Councillor Atfield

That File No. ZBA30/08/MD, from Plansmith Urban and Rural Planning, agent for the County of Brant, owner of Part of Lot 11, Concession 2, geographic Township of Brantford, County of Brant, located at the southeast intersection of Rest Acres Road and Powerline Road to rezone the subject lands from Agricultural (A) to Recreational (RE), **be approved**.

.Carried

5. **ZBA27/08/SS LOTS 39 TO 55, INCLUSIVE AND PART OF LOT 38, WEST OF MILL RACE AND EAST OF ELM STREET, LOTS 1 TO 10 INCLUSIVE, WEST OF ELM STREET, PART OF ELM STREET, PART OF MILL RACE AND LOT 1, BLOCK 57, REGISTERED PLAN 492, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF PARIS, 80 WILLOW STREET**

In the matter an application received from J.H. Cohoon Engineering Ltd., Agent for Stirling Bridge, Applicant of LOTS 39 TO 55, INCLUSIVE AND PART OF LOT 38, WEST OF MILL RACE AND EAST OF ELM STREET, LOTS 1 TO 10 INCLUSIVE, WEST OF ELM STREET, PART OF ELM STREET, PART OF MILL RACE AND LOT 1, BLOCK 57, REGISTERED PLAN 492, COUNTY OF BRANT, GEOGRAPHIC TOWNSHIP OF PARIS, 80 WILLOW STREET, to rezone the subject lands to change the present Residential Second Density (h-sR2-21) Zone to Residential Multiple First Density (h-sR4-xx) Zone in order to permit a freehold, common elements plan of condominium.

Councillor Haggart noted that he has been personally named in an ongoing lawsuit involving the subject property, and withdrew himself from the discussion.

Mr. Steve Stone, Senior Planner, reported that the subject property is situated in the North Paris Settlement Area and is designated in part as Medium Density Residential. He reported that the applicant proposes to redevelop the property for a range of medium density residential, rowhouse uses. He reported that the entire site has an approximate frontage of 212.3 metres along Willow Street and has an approximate gross area of 2.716 hectares. The Senior Planner noted that the proposed development will be serviced via the County's sanitary service and water supply systems within the Willow Street road allowance.

- **Committee Question and Comments**

In response to questions regarding parking, the Senior Planner reported that parking provisions will be governed by the County's parking by-law and that there will be additional visitor parking made available throughout the complex.

- **Mr. Bob Phillips, J.H. Cohoon Engineering Limited – Agent for the Applicant**

Mr. Phillips reviewed the history of the application and discussion focused on the sharing of common elements, two storey units, frontage, private driveways, parking spaces per unit, the extensive works undertaken to remediate the site from environmental issues, risk assessment studies, density, servicing capacity constraints, traffic, potential for flooding and storm water management.

In response to questions from Councillor Powell, with regard to the Certificate of Property Use, the Senior Planner reported that the Certificate is a private document that runs with the land itself and that it is advertised online, on the Environmental Registry, for thirty days.

With regard to snow plowing and garbage collection, the Senior Planner reported that the Condominium Association would attend to such things and that those items would be addressed as part of the site plan approval process.

In response to questions from Councillor Gatward, the Senior Planner reported that permits issued by the Grand River Conservation Authority run with the ownership of the land.

- **Public Questions and Comments**

Mr. J. Timon – 74 William Street

Mr. Timon expressed concern with a lack of information available at the County's website. Mr. Timon expressed concern with regard to traffic, parking, lack of parkland space and the impact that the proposed development would have on the local school system. Mr. Timon noted that an approval of the application would be irresponsible and would result in increased danger to area residents.

Ms. J. Acri – Grand River Street South

Ms. Acri reported that last year, when she renovated her home and converted an existing kitchen into a bathroom, the renovation was delayed as a result of County concern that there may not be the capacity to accommodate another bathroom within the home. She questioned if one bathroom would cause such a level of concern, how 112 family homes in the same area could be accommodated. Ms. Acri posed questions with regard to what recourse the area residents would have if the construction was completed at a sub-standard level and how, without basements, could the proposed homes avoid issues with water, sewer, etc.

Moved by – Councillor Wheat  
Seconded by – Councillor Gatward

That the 11:00 p.m. curfew be extended.

.Carried

Mr. B. Kennedy

Mr. Kennedy expressed concern with respect to the density and scale of the proposed development. He noted that his concerns are mainly related to parking, pedestrian and vehicular traffic, lack of parking, lack of parkland and open space, the absence of an intersection at Willow Street and William Street and the potential for East River Holding's property to be used for overflow parking and the open lot used for a playground.

Mr. C. Brown – 83 Willow Street

Mr. Brown requested that Committee not approve the application, in an effort to not "destroy the best street in Paris".

Unidentified Area Resident

An unidentified area resident questioned the feasibility of constructing 112 residential units in the space of four hectares and expressed her concern with respect to emergency vehicle access in the proposed development.

- **Mr. Bob Phillips, J.H. Cohoon Engineering Limited – Agent for the Applicant**

In response to comments and questions received from the public, Mr. Phillips noted that an updated traffic impact study has been conducted and the results of that study have indicated that the proposed development, regardless of the number of homes constructed, would have no significant impact on the traffic on Willow Street. With respect to parkland, Mr. Phillips noted that Community Services has indicated a desire to reserve a strip of land along the Grand River, to be transferred to public ownership, to allow for access to the Grand River. With respect to the sale cost of each unit, Mr. Phillips noted that the units will sell for approximately \$225,000 to \$275,000 and are not “low income housing” as suggested by various members of the public. With regard to servicing, Mr. Phillips noted that the Public Works Department has been provided with a copy of the application and there has been no issue identified with respect to the sanitary sewer capacity. Mr. Phillips reported that numerous discussions have taken place with Mr. Kennedy, with regard to the private issues and concerns of Mr. Kennedy, on behalf of East River Holdings.

- **Committee Consideration**

Mayor Eddy expressed his opposition to the individual driveways, for the residences that border Willow Street, as included in the draft plan. He noted that all driveways and garages should be internal to the development. In response, Mr. Phillips noted that there are only two points of access into and out of the proposed development and that all driveways are internal to the development.

In response to questions from Council Schmitt regarding emergency vehicles, Mr. Phillips noted that the turning radiuses included in the draft plan are in compliance with the *Ontario Building Code*.

Councillor Chambers asked that attendees be cognizant of the fact that it is the respective property owners, not Committee, nor Council, who is responsible for submitting the applications heard by the Planning Advisory Committee. He noted that comments like “why are you approving this?” are premature at this time, as Committee has not made a definitive decision with respect to the application.

Moved by – Councillor Chambers

Seconded by – Councillor Atfield

That the consideration of the Application for Plan of Condominium / Subdivision File No. PS4/08 received from J.H. Cohoon Engineering Ltd., agent for Stirling Bridge, applicant of Lots 39 to 55 inclusive and Part of Lot 38, West of Mill Race and East of Elm Street, Lots 1 to 10 inclusive, West of Elm Street, Part of Elm Street, Part of the Mill Race and Lot 1, Block 57, Registered Plan 492, in the former Town of Paris, in the County of Brant, located at 80 Willow Street, wherein it is proposed to redevelop this property for a 112 unit freehold, common elements plan of Condominium / Subdivision **be tabled**.

.Carried

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**CONSENT ITEMS TO BE RECEIVED**

Moved by – Councillor Chambers  
Seconded by – Councillor Coleman

That the following consent item be received as information:

- i. County of Brant Agricultural Committee minutes of August 11, 2008;
- ii. County of Brant Official Plan Public Meeting minutes of October 9, 2008;
- iii. County of Brant Accessibility Committee meeting minutes of October 20, 2008;
- iv. County of Brant Accessibility Committee meeting minutes of November 17, 2008;
- v. County of Brant Heritage Committee meeting minutes and recommendation of November 6, 2008;
- vi. County of Brant Heritage Committee meeting minutes and recommendation of December 4, 2008

.Carried

**REPORTS FROM STAFF**

**PA-08-59 – Representation at Ontario Municipal Board Hearing – M. Davidson**

Discussion focused on the advantages and disadvantages of the various options provided for in the “Municipal Policy for Staff, Legal and Consultant Representation at Ontario Municipal Board Hearings”.

Moved by – Councillor Chambers  
Seconded by – Councillor Coleman

That either legal representation and / or consultants represent the Municipality at an Ontario Municipal Board (OMB) Hearing regarding the merits of County Council's refusal to pass a by-law with regard to Zoning By-law Amendment File No. ZBA16/08/MD, received from J.H. Cohoon Engineering Limited, agent for George Moyer, owner of Part of Lot 10, Concession 2, WFC, County of Brant, geographic Township of Onondaga, located on Old Onondaga Road.

**.Defeated**

Moved by – Councillor Haggart  
Seconded by – Councillor Atfield

That a member of County Planning Staff represent the municipality at an Ontario Municipal Board (OMB) Hearing regarding the merits of County Council's refusal to pass a by-law with regard to Zoning By-law Amendment File No. ZBA16/08/MD, received from J.H. Cohoon Engineering Limited, agent for George Moyer, owner of Part of Lot 10, Concession 2, WFC, County of Brant, geographic Township of Onondaga, located on Old Onondaga Road.

**.Defeated**

The Director of Development Services suggested that rather than wait for Planning staff to be subpoenaed, Committee authorize a member of Planning staff to attend at the OMB hearing, thereby demonstrating the County's willingness to facilitate the process. Committee disagreed

with the Director's suggestion and concurred that Planning staff would attend at the OMB hearing, at such time as they are in receipt of a subpoena directing same.

**MMM Group Contract for Additional Fees for Update of Official Plan – D. Johnston**

The Director reviewed the history of MMM's work in conjunction with updating the County's Official Plan and discussion focused on the additional work required to complete the draft Official Plan.

In response to questions from Councillor Powell, the Director reported that Mr. Tyrrell and Ms. Reid would be attending at future Official Plan meetings, as not all members of the MMM team are required to attend at each meeting.

Moved by – Councillor Chambers  
Seconded by – Councillor Gatward

That staff be authorized to sign the Contract for Additional Project Fees with MMM Group Limited, for the additional work required in connection with the Official Plan update, at a cost of \$14,775, inclusive of disbursements and exclusive of GST.

.Carried

**PA-08-62A - King & Benton Development Corp. – D. Johnston**

The Director reviewed the revised conditions of draft approval and noted that the word "servicing" replaces the word "development" in condition 2 and that condition 6, dealing with Development Charges, has been revised to highlight that although the subject lands fall outside of the boundaries of Southwest Paris, the developer agrees to pay Development Charges on a scale that would be applicable to lands located within Southwest Paris.

Committee reviewed correspondence received from the Manager of Infrastructure Services, noting that by granting draft plan approval, the County is obligated to provide servicing capacity for the development, once all pertinent approvals have been received and are in place. It was noted that clauses are contained in the draft plan of approval to mitigate those obligations and Committee concurred that the legal opinion of the County's solicitor be obtained, in an effort to ensure that the conditions of draft approval are as legally robust as possible.

Moved by – Councillor Hodge  
Seconded by – Councillor Coleman

That prior to Council's acceptance of the conditions contained in the draft plan of approval for File No. PS1/07/SS from King & Benton Development Corp., owner of Part Lot 9 and Lot 10, Concession 2, Rest Acres Road and Bethel Road, County of Brant, geographic Township of Brantford, that the County solicitor be requested to review said conditions, in an effort to protect the best interests of the County and to provide comment on the risk being taken by the County.

.Carried

**In Camera at 11:45 p.m., to discuss legal matters,** on a motion of Councillors Chambers and Coleman.

This portion of the meeting is recorded in the In Camera – Confidential Planning Advisory Committee minutes dated December 17, 2008.

**Open Session at 11:55 p.m.,** on a motion of Councillors Haggart and Coleman.

**CORRESPONDENCE**

Letter from Gerry and Fran Morgan Re: Conestoga Trail Bluegrass and Gospel Festival

Moved by – Councillor Chambers  
Seconded by – Councillor Coleman

That the correspondence received from Gerry and Fran Morgan be received as information.

.Carried

**ADJOURNMENT and NEXT MEETING**

The Committee adjourned at 11:58 p.m., on a motion of Councillors Powell and Atfield, to meet again on Wednesday, January 21, 2009, 7:00 p.m. at the County Council Chambers, Paris.

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Secretary