

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND
MUNICIPAL PLANNING MINUTES OF APRIL 23RD, 2008- 7:00 P.M.**

Council met in the Municipal Planning Meeting on Wednesday, April 23rd, 2008 at 7:00 p.m. in the Council Chambers at the Municipal Office in Grafton, with Mayor William Finley presiding.

Members Present: Mayor William Finley
Deputy Mayor Dalton McDonald
Councillors: Raymond Bennis
Walter Broegelmann
Bill Holmes
Art Jeninga
Cathie Ritchie

Staff Present: Terrence Korotki, Clerk/Administrator/Planning Co-ordinator
Robin van de Moosdyk, Deputy Clerk

Others: Betty Carruthers, resident
Eleanor Olmsted, resident
Terrace Good, resident

I. CALL TO ORDER

Mayor Finley called the meeting to order at 7:03 p.m.

II. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

Mayor Finley declared a pecuniary interest with the Informal Consent application of Jenn and Jason Kelly, **AH-10/2008** as Mrs. Kelly is his niece.

III. PUBLIC MEETING- 7:03 P.M.:

MOTION TO COMMENCE A PUBLIC MEETING

Moved by Councillor Broegelmann, seconded by Councillor Jeninga;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, commence the Public Meeting at 7:03 p.m. CARRIED."

7:03 p.m. – Mr. E. Falkenburg **By-Law No. 16-2008**, Part of Lot 25, Concession 10 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "By what method what date and what notice of this meeting was sent?"

Notification:

The notice of Public Meeting was circulated on March 31, 2008 to property owners within four hundred (400') feet of the subject property and all affected ministries and agencies.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

Purpose:

The purpose of the proposed Zoning By-law Amendment is to amend By-law No. 619 of the former Township of Haldimand by changing the zoning on the subject lands from the Rural (RU) Zone and the Environmental Control (EC) Zone to the Rural Residential (RR) Zone. The Amendment will permit the subject property to be developed for one single family dwelling house.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Is there anyone present other than the applicant in support of this zoning by-law amendment?"

The Planning Co-ordinator, Terrence Korotki, advised that there was no one present, requesting clarification concerning this application.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Is there any written comments received?"

The Planning Co-ordinator, Terrence Korotki advised the following comments were received from the following ministries and agencies:

- **Letter from Mrs. Markus dated April 15, 2008:** We have recently received notice about a second meeting for the Proposed Zoning By-Law Amendment on April 23rd, 2008. We understand from your correspondence that the revised Zoning By-law Amendment will permit the property to be developed for single family dwelling house, in accordance with all standard provisions of the Rural Residential Zone of By-Law No. 619 of the former Township of Haldimand. We, Roberta, Janet and Terry Ellen Markus are writing this letter to oppose the Zoning By-Law Amendment for the lands described above. We are asking that this letter be presented to Council of the Corporation of the Township of Alnwick/Haldimand at the public meeting on Wednesday, April 23rd, 2008 at 7:00 p.m. at the Municipal Office in Grafton, Ontario. In the last letter that we sent to the Township of Alnwick/Haldimand on February 27, 2008 we raised a number of concerns regarding the proposed residential development of Concession 10, Part Lot 25. Besides our concerns about the size and height of the building being proposed we raised a number of other concerns that we would like to see the Council and Mr. Falkenburg address. Firstly, we are concerned that the property in question may be part of the Oak Ridges Moraine. It is our understanding if that was the case no development can take place. Secondly, our property and other properties are located downhill from the proposed development. We need assurances from Mr. Erich Falkenburg and the Township of Alnwick/Haldimand that the new development will not impact our well water resources or contaminate our water or lands. Can you give us a guarantee that this will not occur or any other adverse effects? What kinds of considerations have been made for the building's water, septic system, run off, etc.? How will the potential erosion problems be dealt with on and around this site? In addition, Packer Road is a nominally marginal road especially in the section between our property and the proposed site. If the project goes ahead how will the residents access their property? Will then come from County Road 9 or First Line? If they plan on accessing it from First Line and Packer Road the Township, will need to spend a considerable amount of money improving and then maintaining the road. Either way, more traffic on this marginal road would be very disruptive to us and our neighbours in the way of dust, noise, etc. As long time residents of Packer Road we are concerned about the impact of the proposed development on the rural landscape from an environmental, personal health and aesthetic point of view. We look forward to your response.

- **Letter from Mr. Falkenburg dated April 22, 2008:** I'd like to inform you and other people of the Township involved in the Zoning Application that I have revised by preliminary Design Proposal for a residential building on my property, in eliminating a full story and reducing the total height, measuring from ground floor level to the centre of the roof now only 28 feet.

- **Lower Trent Conservation Authority comments the same as dated February 22, 2008:** Lower Trent does not in general support lands being removed from EC zoning unless it can be demonstrated that no negative impacts will occur to the feature(s) being protected or that the need for EC zoning is void. In this case, we are of the opinion that the EC zoning is appropriate. The slope's stability has not been evaluated and an assessment should be undertaken prior to a zoning change. Therefore, with the information provided Lower Trent Conservation Authority can not support the approval of this zoning amendment. Lower Trent recommends that the application, at a minimum be deferred in order for the applicant to provide geotechnical documentation to the satisfaction of Lower Trent Conservation Authority which illustrates that the slope is stable and that vegetation removal will not result in uncontrolled erosion of the slope and possible sediment laden runoff entering the watercourse. The documentation should also demonstrate that the proposed location of the dwelling is in compliance with the required setbacks from the erosion hazard.

- **Haliburton Kawartha Pine Ridge District Health Unit letter dated February 11, 2008:** No objections.

- **Pine Ridge Municipal Planning Agency:** The application is to change the zoning on the subject land from Rural (RU) and to a Rural Residential Exception No. 224 (RR-224). The purpose of the application is to rezone the property to permit the construction of a dwelling house with 2 dwelling units. The proposed property will contain special provisions to permit an increase in height to 16.76 metres. Our review concludes that there are no Provincial issues with respect to the proposed Zoning By-Law amendment. The lands are designated as Rural Residential in accordance with the Township Official Plan. Based on the above, PRMPA recommends that Rezoning Application 16-2008 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to Rural development in the municipality.

- **Alnwick/Haldimand Public Works Department as submitted on February 12, 2008:** Conditional upon land dedication for road widening purposes.

Councillor Bennis asked if there had been a site visit conducted with representatives of Lower Trent Conservation Authority. Mr. Falkenburg stated there was but he was of the opinion that he does not have to conduct the geotechnical study as the slope is stable.

Mayor Finley noted that Council cannot disregard the conditions or requirements of an agencies or authority that is circulated with respect to planning applications. It is up to the applicant to comply with these requirements and/or requirements.

Mayor Finley suggested that the Clerk/Administrator/Planning Co-ordinator, Terrence Korotki assist in arranging another on site meeting with representatives of Lower Trent Conservation Authority, Mr. Falkenburg and Members of Council who can attend to review this matter.

MOTION TO ADJOURN THE PUBLIC MEETING

Moved by Councillor Bennis, seconded by Councillor Holmes;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, reconvene to the Municipal Planning Meeting at 7:18 p.m. CARRIED."

7:19 p.m. – Mr. E. Falkenburg **By-Law No. 16-2008**, Part of Lot 25, Concession 10 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, defer the Zoning By-Law Amendment, as submitted by Mr. E. Falkenburg, **By-Law No. 16-2008**, Part Lot 25, Concession 10 (former Township of Haldimand) now in the Township of Alnwick/Haldimand, until such time as an additional on-site meeting can be conducted with the representatives of the Lower Trent Conservation Authority. CARRIED."

IV. FORMAL CONSENT(S) 7:20 P.M.:

7:20 p.m. – Clarence and Gene Jaynes, **AH-07/2008**, replaces File AH-06/2007, Concession 3, Part Lot 18 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

The following commentary and comments were presented at the Municipal Planning Meeting held on March 26, 2008:

Mr. and Mrs. Jaynes, Agents: Peter and Sandra (Walls) Jaynes, are requesting a severance for the creation of one residential lot. The approximate size of the lot will be 2.60 acres and the retained parcel will be approximately 5.10 acres from a parcel of approximately 7.80 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located on County Road #23 and that the lands are not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural and the Zoning is Rural (RU). Mr. and Mrs. Jaynes have owned the lands for approximately 43 years. All ministries and agencies were circulated and the following comments were received:

- **County of Northumberland:** No concerns.
- **Haliburton Kawartha Pine Ridge District Health Unit:** No objections.
- **Letter from 5512623 Ontario Limited dated March 18, 2008:** I am a resident of this Township and I own lands adjacent to the lands subject to the above application. I believe that my lands are affected by this decision. I own a portion of a Provincially Significant Wetland (PSW) known as the Shelter Valley Wetland Complex, which I purchased for conservation purposes from the applicant. This wetland complex extends through the applicant's lands and through my lands. Our lands are situated entirely with the Rice Lake Plains Natural Area. Much of the wetland complex is designed as an ANSI.

For almost a year I have been requesting that Council require an Environmental Impact Study (EIS) prior to making any decisions with respect to new land uses for properties in close proximity to this PSW and to the streams running to the PSW. So far, Council has refused to take my requests into consideration.

I AGAIN request that Council defer its deliberation on this consent application until such time as an EIS has been completed and reviewed to ensure that not only is the PSW protected but enhanced. As EIS must be conducted prior to the approval of an application for severance on lands within 120 metres of a Provincially Significant Wetland pursuant to section 5.12.8 of the Township of Alnwick/Haldimand Official Plan (OP) approved in June 2007. I have attached pages 89 and 90 of the OP for your review.

The lands subject to this application are part of a parcel of land extending into lot 19, all described in one deed. This application will permit two new lots of record in addition to the 34 acres conveyed to me in 2005. Furthermore, the Jaynes contemplate additional severances on environmentally sensitive lands in lots 19 and 20, also in close proximity to this wetland complex. In addition, an application has been submitted by another landowner to Council for three new houses immediately across from the PSW.

I have many objections to this application. I have briefly set forth some of my objections below and I reserve my rights to make further objections.

1. This is NOT a non-farm consent application. This applicant has been farming these lands for some fifty years. The land use has been agricultural for more than fifty years. The farm has farm buildings, sheds, crops, and livestock. The farm house is located on fields which have been used as a hayfield and which are on the same deed as most of the rest of the farm. The applicant has not disclosed these abutting lands showing the boundaries and dimensions. Peter Josephs, the municipal planning consultant, has written a memorandum on October 22, 2007 to the Township with respect to the complicated zoning of this farm. This property has never been used for any purpose other than agricultural. This property, including the retained and severed portions, has always been assessed as farm taxable. Most of the adjoining properties are also agricultural.
2. The previous application for consent was deemed refused by the provisions of the Planning Act. Furthermore, the applicants did not comply with the conditions of severance. This new application attempts to sever an irregular parcel with dimensions of 444 frontage and 509 feet depth compared to the previous application where the dimensions were 495 frontage by 459 feet depth. This brings the severed lot another 50 feet closer to my lands and 50 feet closer to the PSW to the south. The severed and retained portions are clearly within the mapped regulation limit of the Ontario Regulation 163 for 06, shown on the attached map.
3. The application is erroneous and contains material misstatements. The applicants should have answered the questions indicating the following:
 - On the severed and retained lands, there is an agricultural operation, there is a watercourse, there is a seasonally wet area, and there is slope.
 - Within 500 metres of the severed and retained lands, there are Provincially Significant Wetlands and there are at least two natural gas and petroleum pipelines.

The contents of this application have been sworn to be correct, yet it contains material misstatements. This application has been sent to various agencies for comments containing erroneous information. The agencies' comments should be reviewed carefully in light of such material misrepresentations and a correct application should be re-circulated so that the agencies can make informed decisions. Council should reject this application on the grounds that the applicant has submitted a misleading and erroneous application. Furthermore, it is even more imperative that an EIS be required as the applicants and their agents seem to be in denial that there are wetlands in the immediate vicinity of their lands, which require protection. The PSW extends through lots 20, 19, 18 and 17 to the south, east and west.

4. The 2005 Provincial Policy Statement requires that new land uses, such as the creation of new lots, must comply with the Minimum Distance Separation (MDS) calculation. This application does not meet the MDS test. The MDS guidelines must be rigorously enforced in a severance application and cannot contemplate that a minor variance could be brought at the time of rezoning.
5. This new consent application is dated February 2008 and is subject to the provisions of the Township's Official Plan effective June 2007, wherein enhancement and preservation of the environment is one of the basic objectives set forth in s 2.3.3. In addition to the other policies of s. 5.12, development and site alteration, which includes specifically the creation of new lot requiring approval under the Planning Act, shall only be permitted within 120 metres of a PSW following the completion of an EIS in accordance with the guidelines of the Minister of Natural Resources, as set forth attached in s. 5.12.8.1 According to the Report Card on the Shelter Valley Creeks Subwatershed, PSWs comprise only 2% of the total land area of the 119 km sq of the watershed. The Shelter Valley Creek which traverses the property is a valuable cold water trout stream.
6. This severance application is inconsistent with the Places to Grow Act, 2005. Currently there are two subdivision proposals with over 130 lots property for Alnwick/Haldimand with hundreds of vacant lots of record also available for development. Potential development on these lots far exceed the Township's growth targets. Between the years 2006 and 2011, the proposed population increase for Alnwick/Haldimand is from 6,435 people to 6,725 people, or an increase of 290 people over five years. Assuming 2.3 people per household, this would be 126 new residences in five years, and an average of about 25 new residences per year. Planned and approved development currently exceeds these growth targets.

An EIS is required prior to any decision of Council. Furthermore, this consent application should not be approved for the above reasons.

- **Pine Ridge Municipal Planning Agency:** The subject lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits the creation of lots for single family residential uses. The Provincial Policy Statement (PPS) also permits limited residential development in the rural areas of the municipality provided there are no conflicts with the Growth Plan for the Greater Golden Horseshoe.

The sketch supplied by the applicant indicates a barn located on the adjacent lands. The PPS requires that new lots be in conformity with the Minimum Distance Separation Formula (MDS).

Based on the above, PRMPA recommends that Consent Applications AH-07/2008 be approved.

- **Lower Trent Conservation Authority:** It is our understanding that a major concern of the appellants was the absence of an Environmental Impact Study (EIS) on the original consent. The Township of Alnwick/Haldimand's Official Plan policy (in compliance with the Provincial Policy Statement) states that development within 120 metres of a provincially significant wetland must have an evaluation of the ecological function of the lands and it must be demonstrated that there will be no negative impacts on the natural features and their ecological functions as a result of the proposed development. The definition of development under the PPS includes the creation of a new lot. It would appear that the proposed severed lot and its building envelope would be outside the 120 metre "area of influence" of the PSW, and therefore Lower Trent did not recommend the completion of an EIS. Based on the concerns of the pending appeal of by-law 39/2007, the Municipality may deem it prudent to require an evaluation to be completed on the retained parcel. Lower Trent would offer to review the EIS on the Municipality's behalf and provide comments on same.

Mr. Terrace Good was present and stated the following: "I am the president of 512623 Ontario Limited, the owner of the lands to the south. I have been a resident in this community for 20 years during which, I have become involved in the protection of environmentally sensitive lands. I have written a letter to Council voicing my concerns with this application. I have purchased 160 acres at the head water of the Shelter Valley Creek. I have purchased 24 acres of forest adjacent to the Northumberland County Forest. I am the owner of an ANSI called the "Grafton Swamp" according to my MPAC assessment notice on Boomerang Road and I purchased 37 acre parcel which contains a Provincially Significant Wetland known as the Shelter Valley Wetland Complex. It is also an ANSI. For a year I have been requesting Council to ensure that an Environmental Impact Study is done to ensure that this wetland is protected.

FOR THE RECORD, I continue to object to this severance. I request written notice of this decision please afford me the protection of the environment under the Official Plan.

Mrs. Olmsted stated that the heading listed on the agenda for this application for this evenings meeting states it replaces file number AH-06/2007. However, under the Provisions of the Planning Act, this new application does not in fact replace any previous file.

Mrs. Olmsted noted that the lands in question, with respect to frontage and depth are not listed the same for both file numbers, the signs have not been posted correctly even though the survey stakes are present. Mrs. Olmsted asked clarification as to which dimensions are the applicants actually wanting to use. If they use the dimensions as noted on the application presented tonight, then the proposed severed property would be another fifty feet (50') closer to the existing ANSI owned by Mr. Good. Mrs. Olmsted also inquired as to the correctness of the agency comments and have they noted to revised dimensions of the proposed severed lands.

Councillor Bennis asked Mr. Jaynes the approximate distance between the proposed severed lands and the nearest pipeline to the south. Mr. Jaynes stated that it was approximately 1,500 metres away.

Mrs. Olmsted stated that in her review of the Consent Application Form, the applicant does not state the distance from the pipeline to the retained portion, which is in very close proximity.

Deputy Mayor McDonald suggested that the application be circulated to the Trans Canada Pipeline for their review and comments with respect to their lines in this location and in relation to this application.

Councillor Bennis asked Mr. Good and Mrs. Olmsted that if the applicants were to have the Environmental Impact Study completed and then reviewed and commented on by the Lower Trent Conservation Authority and it was in favour of the applicants, would they abide by the findings and conclusions, pertaining to this matter. Mrs. Olmsted stated that during the appeal they confirmed they would accept mediation if the Environmental Impact Study was completed. Mrs. Olmsted noted that there is also a question with respect to the Minimum Distance Separation Calculation and was it calculated with the old dimensions from the previous severance or has it been completed with the new dimensions being used.

THE FOLLOWING ADDITIONAL INFORMATION HAS BEEN RECEIVED WITH RESPECT TO THIS PLANNING APPLICATION:

- **Enbridge Pipelines Inc. dated April 16, 2008:** Enbridge does not have any comments or concerns with the proposed planning application requesting severance.
- **Trans-Northern Pipelines Inc. dated April 15, 2008:** I confirm that Trans-Northern's petroleum products transmission pipeline is situated roughly 120 metres south of Pipeline Road, and therefore well south of both the lands to be severed and the lands to be retained. The proposed severance will not affect the pipeline right-of-way, and the existing land use will not change. Consequently, Trans-Northern has no concern with respect to the proposed severance.
- **TransCanada Pipelines Ltd. dated March 27, 2008:** Please be advised that TransCanada Pipelines Ltd. has no reservations or concerns regarding the proposed construction of a single family dwelling on Lot 18, Concession 3 fronting on Eddystone Road, Township of Alnwick/Haldimand.
- **Draft Memorandum of Understanding as submitted by Ms. Olmsted on behalf of Terrace Good and 512623 Ontario Limited:** The Clerk/Administrator/Planning Co-Ordinator, Terrence Korotki advised that a copy of the Draft Memorandum of Understanding was provided to him on April 21, 2008 by facsimile for his review. He also stated that he tried to contact Ms. Olmsted to relay his concerns and opinions with respect to the Memorandum.

Mrs. Olmsted noted that the draft Memorandum of Understanding was for discussion purposes only and not for consideration in the Municipal Planning Meeting Minutes.

- **Letter from Sandra and Peter Jaynes dated April 23, 2008:**

This statement is meant to respond to the correspondence submitted by Mr. Good/Ms. Olmstead at the Planning Meeting of March 26, 2008 and to their comments made at that time.

Mr. Good read us a brief resume of his history with this Township. Although we are duly impressed with the amount of land Mr. Good has been able to purchase in the past 20 years, it does not make him any more of an environmentalist as the people who have lived in this Township for generations. Although we are grateful for Mr. Good /Ms. Olmstead's dedication to the preservation of our Township, the suggestion that the land in the Township must be saved for the "simple country folk" who are too naive to understand how these things work, is the height of condescending attitude and arrogance. In keeping with the same line of presentation as Mr. Good/Ms. Olmstead, we hope you will be patient as we give council our own history.

As it may be your job tonight to decide whether or not to grant consent for our application to sever, it is has become our job to explain to you why this land it so important to us. Mr. Good/Ms. Olmstead once suggested that perhaps we could just pick another lot of land somewhere else. We ask, however, why should we leave our own Township to homestead? So, on a personal note, we are a newly married couple, we have a combined family of eight children, three extended family members, one grandson and one on the way. My husband was born and raised right here in this very township. Truth is, we could easily shop around for another piece of property but we have the opportunity to live on this same land as the fourth generation Jaynes.

The importance of building next door to my husband's parents cannot be stressed enough. As time passes and everyday activities become difficult for them, having us next door would prolong their staying in their own home and enjoying their independent living on the land they love.

We are asking for a single family dwelling, just big enough for family dinners and celebrations - a place for BBQ's, sleigh rides and making family memories. We are not big land developers - the worst we could do the property is plant more trees. Mr. Good calls himself an environmentalist but he needn't help us to save the land from ourselves. Three generations of Jaynes' men haven't destroyed the land yet, and this one is not likely to either. We are asking to build a home on Eddystone Rd., next door to the people who have offered their support and best wishes in our efforts to become their neighbors.

My husband has given to this community since he had the ability to do so. I could fill this room with witnesses who could attest to that fact. I work here in the Village as Postmaster. I volunteer on the Canada Day Parade Committee and supervise the Grafton Summer Fun Day Camp Program for children. One of our sons resides here in Grafton with his fiancé and one of our son's attends the local public school. We are law-abiding, tax paying individuals, we volunteer our free time and give back to this community. Our family - even extended - support and attend the activities this Township provides. We are the kind of people where an old fashioned hand-shake is still as good as any written word and who respect a person's actions more than their bank account.

In Mr. Good's letter dated March 18, 2008, read aloud at the March 26th Planning Meeting, he suggests that Clarence and Gene contemplate additional severance of lands in lots 19 and 20. What business is this of Mr. Good's? Perhaps Mr. Good would like to discuss just how he became privy to this information by way of "inadvertently" picking up a letter discussing same between the Clerk Administrator and the Solicitor for the Jayne'. Any inquiries that Clarence and Gene may or maynot have made with the Township is none of Mr. Good's concern as it does not represent an application at this time. In fact, this precious Provincially Significant Wetland that Mr. Good would have us all believe he is so adamantly hell-bent on protecting, he was recently willing to negotiate for trade with Clarence and Gene for the lands they own to the west of the subject property. Mr. Good/Ms. Olmstead extended their height of arrogance by believing the Jaynes' would every be willing to negotiate with them again - what the Jaynes'are, is too polite to ask them to leave their home.

Again, is his letter Mr. Good wants to "reserve his rights to make further objections." Mr. Good wants to ensure his protections of the environment and his protections of his rights to object, even if they override the rights and protections warranted to us as applicants.

Mr. Good further suggests that the previous consent was refused. We are sure he is well aware that the time allotted for meeting the conditions of severance expired thanks to his appeal of our re-zoning application. Mr. Good/Ms. Olmstead have gone to great lengths to concern themselves with regard to our Survey or lack thereof. For their information, we had one in its preliminary stages and we stopped its completion upon an appeal being filed on our application. Therefore, at this point we now have a partial survey on lands we may actually never own. Mr. Good/Ms. Olmstead would have us spend money endlessly on a process which may become for nothing in the end, if they get their own way. It is our contention that the application for consent requires a "SKETCH" not a survey and that was exactly what was provided for consideration.

We take specific offence to the suggestion that this application is erroneous and contains material misstatements. We answered the questions correctly, to the best of our knowledge. There is no watercourse on the retained/severed lands, it is on the lands to the East, Broomfield property. There is no seasonally wet area on the severed/retained lands and we clearly indicated the gentle slope existing between the severed/retained lands. With reference to the "agricultural operation" questions Mr. Good thinks he has offered up as yet another issue, we reply as such: Although we appreciate Mr. Good's brief account of the agricultural operations on the Jayne' farm, the questions on the application for consent were answered appropriately with this regard. The agricultural operation in affect on the subject lands that Mr. Good refers to, consists of Clarence simply cutting down the hay, bundling and feeding it to his cattle. In fact, the proposed location for the house at the top of the hill was chosen for the very reason that this is a difficult area of land to utilize - thus producing the irregular shaped piece of property intended to be severed. Clarence does not actively plant and/or cultivate this field and has not for years. I suppose he could let the hay grow and remain uncut, for all intense purposes, go to waste, if that would make Mr. Good feel better about his neighbors yard.

With regard to Mr. Good/Ms. Olmstead's concerns about the pipelines in the area, letters from all three pipelines have been received and are on file confirming that the agencies governing them have no concerns with our application for consent.

Mr. Good suggests that this severance application is inconsistent with The Places To Grow Act, 2005. We would suggest that this argument is not relevant as it is our understanding that each severance and/or by-law application is dealt with on its own merits. A letter from the representative from the Pine Ridge Municipal Planning Agency, dated February, 2007 stated: "The Provincial Policy Statement permits limited residential development in the rural areas of the municipality. A single lot severance would be considered limited residential development..... PRMPA recommends that consent be given with respect to our application for severance as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to the creation of lots for non-farm residential uses." They further responded in February, 2007 - as part of their response to the same application that - "The subject lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits the creation of lots for non-farm residential uses, provided that no more than two lots are created from any one holding." The subject property to this inquiry represents ONE holding and should not be lumped in with other properties under application, in order that Mr. Good may validate this particular argument. We feel our application, whether approved or denied, should be reviewed on its own. This application for consent should not be held hostage based on future "potential" and/or "proposed" applications. If Mr. Good/Ms. Olmstead continue to be successful in their quest to control the development of the lands located in the Township of Alnwick/Haldimand, this same Township will become a ghost town, subsequently, nobody will be here to enjoy the "environment" anyway.

It is our understanding that if the Places to Grow Act and the Clean Water Act were to be considered with respect to severance and/or by-law applications, that the Lower Trent Conservation Authority along with other significant agencies would have already reviewed said Acts and made their final decisions in consideration of their requirements and applicability to the subject property. Unlike Mr. Good/Ms. Olmstead, we trust that the agencies that oversee and issue or deny approval, have done their job.

With respect to the never-ending concern as to whether or not an EIS is or is not required, we say this:

We believe that Mr. Good/Ms. Olmstead have demonstrated their true intentions as they continue to appeal and/or interfere with nearly all applications at one stage or another, before the Council for the Township of Alnwick/Haldimand, regardless of whether or not their arguments have merit.

Further, we believe that Mr. Good/Ms. Olmstead have acted in bad faith by using these individual claims for the purpose of bullying applicants and the Township in an attempt to further their own agenda; one of which, seems to be to incorporate mandatory Environmental Impact Studies on all applications. For Council to recommend an EIS, in order to satisfy Mr. Good/Ms. Olmstead's personal desires, would be setting a dangerous precedent, in our opinion.

An EIS is not being requested by any of the government agencies that presently oversee/review and set conditions for applications to consent and/or re-zone with regard to the subject lands. The Clerk for the Township along with the Municipal Planner and the Council, at least up to tonight, have made no requirements as well. We have spoken with Gary Jewell from an Environmental Consulting Firm in Trenton and he advises that he is familiar with the subject lands and does not, in his professional opinion, believe such a Study is necessary.

In an act of good faith we have measured and re-measured the subject lands and have attempted to be as accurate as possible. We will agree that the proposed lot lines have become increasingly unclear. So, with that said and with regard to the MDS calculation, we understand we are required to meet the 500 ft. lot-line distance to the corner of the barn. Our proposal to satisfy this issue would be to instruct our Surveyor, Ivan B. Wallace, to make the 500 ft. mark, the start of the proposed lot line located on Eddystone Rd.

In addition, with regard to the Provincially Significant Wetlands located south of the subject property, we are willing to measure 120 meters plus 1 inch north of the corner lot post of Mr. Good's property and mark this point as the southeast corner of the proposed severed lot. This should take us out of the designated area requiring an EIS to be performed. It is our intention to prove that we are more than willing to give an inch on this subject even though we do so in protest, as we whole-heartedly believe that Mr. Good/Ms. Olmstead know full well that our intentions with the severed and/retained lands are of no threat to the Provincially Significant Wetlands in question. Further, the Lower Trent suggested a 30 meter buffer zone be put in place to accommodate any concerns with respect to the watercourse on the Broomfield property, to the east of the subject lands. We have no concerns with regard to this EC and have no concern enhancing the natural vegetation buffer already in existence. If however, an EIS becomes a necessity under OMB ruling, we will be requesting the original lot line located on the easterly boundary of the subject lands.

It is our personal opinion that Mr. Good/Ms. Olmstead are not interested in resolving the issues at hand. They have met with the Municipal Planner, Peter Joseph. They have met, on several occasions with Township Clerk, Terry Korotki. Ms. Olmstead attended a OMB pre-hearing meeting - completely unprepared to proceed.

At this meeting, Township Solicitor, Wayne Fairbrother was also unsuccessful in negotiating any reasonable conversation resulting in the resolution of the issues, whatever they might specifically be. At this same meeting, OMB Judge Sills advised Ms. Olmstead that they were not allowed to have an endless list of issues; that it would be reasonable to expect them to prepare a list of specific issues. Mr. Good/Ms. Olmstead have also spoken directly to Councillor, Ray Bennis giving him the impression they were prepared to resolve the issues as well. They recently, as of April 11th, met with Terry Korotki once again and suggested a proposal, but as of yet refuse to put this in writing. Given the events of the past, we hesitate to trust them at their word. It is our opinion that Mr. Good continues to "reserve his rights to make additional and further arguments," in an attempt to prolong the resolution of any issues that pertain to the subject property. It certainly feels like there is an attempt to delay any resolution, and now the simple passing of the application consent. The Township Clerk can attest to the fact that he has attempted, along with the Municipal Planner, to meet and negotiate with the Mr. Good/Ms. Olmstead in order to resolve the issues.

It seems all reasonable efforts have been exhausted and Mr. Good/Ms. Olmstead would like to continue the deferring game until Township tires of the entire issue and simply denies this application. The only fair and reasonable handling of this application would be to put us in the position for taking this to the next level, that being OMB. This level of problem-solving serves to provide both Mr. Good and ourselves with the opportunity to present our case to an agency who will govern the procedures and declare an outcome once and for all.

We respectfully request that Council vote to pass this application to sever based on the process that exists at this time. Pass this application based on the policies and procedures at your disposal. Mr. Good will take the allotted 20 day appeal time and then make his appeal on the final day - late afternoon - as per his usual course of action. We will then contact Andy Dwang, at the OMB - who has been patiently awaiting notification to proceed with setting a hearing date. We truly believe that only an OMB judge can settle the issues in question - whatever they may actually be. We ask Council to stand behind the Clerk Administrator, and the Agencies that contribute to the decision-making process and stay the course and as a result of that course, pass this application for consent to sever so that we can either go ahead and plan a future or give up the dream. Our hope is that you will allow us to continue to fight for the land by your passing this Application for Consent. The subject land is not just property, it is part of our heritage, part of our family and hopefully part of our future.

Moved by Councillor Jeninga, seconded by Councillor Ritchie:

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approved Consent Application **AH-07/2008**, for Clarence and Gene Jaynes, Agent: Peter Jaynes and Sandra (Walls) Jaynes, Part Lot 18, Concession 3 (former Township of Haldimand) now in the Township of Alnwick/Haldimand,

- Conditional upon payment of a **\$4,550.00** Residential Development Fee;
- Conditional upon the applicant conveying and registering on title lands sufficient lands for road improvement purposes;
- Conditional upon the applicant registering sufficient covenants on the title to protect overland surface water drainage patterns to ensure that drainage from the adjacent municipal road allowance properties shall remain unimpeded over the property;

Recorded vote requested by the Mayor Finley:

Councillor Raymond Bennis	Yea
Councillor Walter Broegelmann	Yea
Councillor Bill Holmes	Yea
Councillor Art Jeninga	Yea
Councillor Cathie Ritchie	Yea
Deputy Mayor Dalton McDonald	Yea
Mayor William Finley	Yea

MOTION CARRIED UNANONIMOUSLY."

V. INFORMAL CONSENT(S) – 7:54 P.M.:

Mayor Finley declared a pecuniary interest with the Informal Consent application of Jenn and Jason Kelly, **AH-10/2008** as Mrs. Kelly is his niece and departed from the Municipal Planning Meeting at 7:54 p.m.

MOTION FOR DEPUTY MAYOR MCDONALD TO CHAIR MEETING

Moved by Councillor Broegelmann, seconded by Councillor Bennis;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, that Deputy Mayor McDonald Chair the Municipal Planning Meeting at 7:55 p.m. due to the pecuniary interest declared by Mayor Finley. CARRIED.”

7:55 p.m. – Jason and Jenn Kelly, **AH-10/2008**, Concession A, Part Lot 14 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Lot Addition.

Mr. and Mrs. Kelly are requesting a severance for the creation of a lot addition. The approximate size of the lot will be 0.10 acres and the retained parcel will be approximately 4.71 acres from a parcel of approximately 4.81 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are not located in the Oak Ridges Moraine Conservation Plan area. The Official Plan designation is Hamlet and the Zoning is Rural (RU).

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. and Mrs. Kelly, **AH-10/2008**, Concession A, Part Lot 14 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED.”

MAYOR FINLEY TO RETURN AS CHAIR OF MEETING:

Moved by Councillor Broegelmann, seconded by Councillor Holmes;

“Be it resolved that Mayor Finley return as Chair of the Municipal Planning Meeting at 7:55 p.m. CARRIED.”

7:56 p.m. – Carl Bevan, **AH-11/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Easement/Right-of-way.

Mr. Bevan is requesting a severance for the creation of an easement/right-of-way. The approximate size of the easement/right-of-way will be 2.3 acres and the retained parcel will be approximately 2.3 acres from a parcel of approximately 4.6 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located in the Natural Core area of the Oak Ridges Moraine Conservation Plan area.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. Bevan, **AH-11/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED.”

8:00 p.m. – Mike Desjardins, **AH-12/2008**, Concession 2, Part Lot 18 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Non-Farm.

Mr. Dejardins is requesting a severance for the creation of a lot. The approximate size of the lot will be 2.50 acres and the retained parcel will be approximately 3.5 acres from a parcel of approximately 6.0 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are not located in the Oak Ridges Moraine Conservation Plan area.

Moved by Councillor Ritchie, seconded by Councillor Holmes;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. Dejardins, **AH-12/2008**, Concession 2, Part Lot 18 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED.”

VI. APPROVAL OF MINUTES – 8:03 P.M.:

Municipal Planning Meeting Minutes of March 26, 2008.

Moved by Councillor Bennis, seconded by Councillor Ritchie;

“Be it resolved that the Minutes of the Municipal Planning Meeting of March 26, 2008, be adopted. CARRIED.”

Working Session Notes of Friday, April 11, 2008, as prepared by Mr. Peter A. Josephs, Municipal Planner (if available from Mr. Josephs)

Moved by Councillor Holmes, seconded by Councillor Ritchie;

“Be it resolved that the Notes of the Working Session of Friday, April 11, 2008 with respect to the McQuillan Subdivision Planning Proposal and as prepared by Peter A. Josephs, Municipal Planner, be deferred. CARRIED.”

VII. BUSINESS ARISING FROM PREVIOUS MINUTES- 8:10 P.M.

There was no business arising from previous minutes.

VIII. CORRESPONDENCE – 8:11 P.M.:

Letter from Mr. Michael Connelly dated March 16, 2008 addressed to the Municipal Property Assessment Corporation RE: Bill 122/Lots of Record.

Moved by Councillor Ritchie, seconded by Councillor Jeninga;

“Be it resolved that the letter from Mr. Michael Connelly dated March 16, 2008 addressed to the Municipal Property Assessment Corporation RE: Bill 122/Lots of Record, be received and filed. CARRIED.”

Letter from the Ontario Municipal Board dated March 19, 2008 RE: Withdrawal of appeal by Mallory.

Moved by Councillor Broegelmann, seconded by Councillor Holmes;

“Be it resolved that the letter from the Ontario Municipal Board dated March 19, 2008 regarding the withdrawal of the appeal by Mallory, be received and filed. CARRIED.”

Letter from Clark Consulting Services dated April 14, 2008 RE: Latest Concept Plan for the McQuillan Lands.

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

"Be it resolved that the Clerk/Administrator/Planning Co-ordinator, Terrence Korotki for this correspondence and Concept Plan as submitted by Clark Consulting Services for the McQuillan Subdivision to the Alnwick/Haldimand Fire Department Chief, David Wright, Public Works Superintendent, Cameron Ward and the Chief Building Official/By-Law Enforcement Officer, Michael Godin for their review and written comments. CARRIED."

Letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 RE: Growth Plan for the Greater Golden Horseshoe 2006 – Size and Location.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

"Be it resolved that the letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 regarding the Growth Plan for the Greater Golden Horseshoe 2006 – Size and Location, be deferred to the next meeting scheduled on Wednesday, May 28, 2008, to permit sufficient time for review and written comments. CARRIED."

Letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 RE: Growth Plan for the Greater Golden Horseshoe 2006 – Places to Grow – Built Boundaries.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

"Be it resolved that the letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 regarding the Growth Plan for the Greater Golden Horseshoe 2006 – Places to Grow/Built Boundaries, be deferred to the next meeting scheduled on Wednesday, May 28, 2008, to permit sufficient time for review and written comments. CARRIED."

Letter from the Ministry of Municipal Affairs and Housing dated April 4, 2008 RE: Draft Official Plan Amendment, Concession 8, Part of Lot 2, County Road 29 and Covert Hill Road.

Moved by Councillor Bennis, seconded by Councillor Holmes;

"Be it resolved that the letter from the Ministry of Municipal Affairs and Housing dated April 4, 2008 regarding the Draft Official Plan Amendment, Concession 8, Part of Lot 2, County Road 29 and Covert Hill Road, be received and filed for information. CARRIED."

Email from the Ontario Municipal Board dated April 11, 2008 RE: Confirmation of Meeting Room – Tuesday, June 3rd and 4th, 2008 for Allan/Betty Smith Merge 2 Lots.

Moved by Deputy Mayor McDonald, seconded by Councillor Holmes;

"Be it resolved that the Council of the Township of Alnwick/Haldimand request the attendance of Mr. Wayne Fairbrother, Municipal Solicitor and Mr. Peter A. Josephs, Municipal Planner to attend the Ontario Municipal Board Hearing on June 3rd and 4th, 2008 for the Consent Application of Allan and Betty Smith, to represent the Township of Alnwick/Haldimand; subject to written confirmation from Mr. and Mrs. Allan Smith that they shall be attending, with their legal representation, this Ontario Municipal Hearing as scheduled. CARRIED."

Letter from the Ganaraska Region Conservation Authority dated April 9, 2008 RE: Managing the Cobourg Creek Watershed – development of watershed plan by the end of 2008 and establishment of a Technical Review Committee.

Moved by Deputy Mayor McDonald, seconded by Councillor Holmes;

“Be it resolved that the Letter from the Ganaraska Region Conservation Authority dated April 9, 2008 regarding the managing the Cobourg Creek Watershed – development of watershed plan by the end of 2008 and establishment of a Technical Review Committee, be received and filed. CARRIED.”

Information Sessions notice from the International Joint Commission Release of proposed new Order of Approval and plan for regulation of the levels and flows in the Lake Ontario-St. Lawrence River system through the dam at Cornwall-Massena.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

“Be it resolved that the notice of the Information Sessions from the International Joint Commission Release of proposed new Order of Approval and plan for regulation of the levels and flows in the Lake Ontario-St. Lawrence River system through the dam at Cornwall-Massena, be received and filed. CARRIED.”

IX. NEW BUSINESS – 8:30 P.M.:

County of Northumberland Growth Management Planning Study Update

Mayor Finley and the Clerk/Administrator/Planning Co-ordinator, Terrence Korotki, provided an update and brief overview to Council members with respect to the County of Northumberland Growth Management Planning Study.

Email from Don Dixon addressed to Mr. Lou Rinaldi, M.P.P., Northumberland dated April 21, 2008 RE: Oak Ridges Moraine Plan.

Moved by Deputy Mayor McDonald, seconded by Councillor Bennis;

“Be it resolved that the email from Don Dixon addressed to Mr. Lou Rinaldi, M.P.P., Northumberland dated April 21, 2008 regarding the Oak Ridges Moraine Plan and lots of record, be received and filed. CARRIED.”

Memorandum from Peter A. Josephs & Associates dated April 18, 2008 RE: Proposed Plan of Subdivision by Mr. Rocco Cornacchia, Part Lots 34 and 35, Concession “A”, (former Haldimand Township) now in the Township of Alnwick/Haldimand.

Moved by Councillor Holmes, seconded by Councillor Broegelmann;

“Be it resolved that the Memorandum from Peter A. Josephs & Associates dated April 18, 2008 regarding the proposed Plan of Subdivision by Mr. Rocco Cornacchia, Part Lots 34 and 35, Concession “A”, (former Haldimand Township) now in the Township of Alnwick/Haldimand, be received and filed. CARRIED.”

Letter from Mr. Lou Rinaldi, M.P.P., Northumberland addressed to Honourable Jim Watson, Minister of the Ministry of Municipal Affairs and Housing dated April 18, 2008 RE: Oak Ridges Moraine Plan and Lots of Record.

Moved by Councillor Ritchie, seconded by Councillor Jeninga;

"Be it resolved that the letter from Mr. Lou Rinaldi, M.P.P., Northumberland addressed to Honourable Jim Watson, Minister of the Ministry of Municipal Affairs and Housing dated April 18, 2008 regarding the Oak Ridges Moraine Plan and Lots of Record, be received and filed. CARRIED."

Notice of Parliamentary Procedures Workshops being facilitated by Mr. Fred Dean, Barrister and Solicitor on July 10, 2008 in Peterborough at the County Court House from 10:00 a.m. to 4:00 p.m.

Moved by Councillor Broegelmann, seconded by Councillor Ritchie;

"Be it resolved that the Council of the Township of Alnwick/Haldimand direct that the Clerk/Administrator, Terrence Korotki or alternate, Deputy Clerk, Robin van de Moosdyk attend the Parliamentary Procedures Workshop in Peterborough on July 10, 2008 from 10:00 a.m. to 4:00 p.m. CARRIED."

X. BUSINESS FROM COUNCILLORS – 8:45 P.M.:

Councillor Bennis

Councillor Bennis advised that he and Councillor Jeninga would be submitting a joint report to Council with respect to the Workshop they attended on April 22, 2008 in Peterborough pertaining to the Greenbelt legislation.

Councillor Bennis requested an update with respect to the drainage issues on Charlotte Street in Grafton. Councillor Bennis was advised that correspondence was forwarded to Mr. Sherwin with respect to the costs and the municipality is awaiting his response pertaining to proceeding with this project.

Deputy Mayor McDonald

Deputy Mayor McDonald directed that a report be completed and submitted to the Council on May 1, 2008 with respect to the repairs and works completed to address the liability concerns as illustrated in the correspondence received from Cowan Insurance dated November 2007 with respect to all municipally owned structures, centres, facilities etc.

Councillor Jeninga

Councillor Jeninga requested that the County of Northumberland administration staff be advised that unnecessary funds were used to mail out the notices with respect to the Prescribed Burns in the Northumberland County Forest, as a smaller envelop could have been used which would have reduced the amount of postage required.

Councillor Ritchie:

Councillor Ritchie expressed concerns with membership attendance at the Heritage Alnwick/Haldimand Committee meetings and asked if the Terms of Reference could be amended to address the number of members required to facilitate a quorum in order to make decisions and proceed with projects.

XI. QUESTIONS FROM THE PRESS/PUBLIC/GALLERY – 9:07 P.M.:

Mrs. Carruthers asked if Mr. Angelos Bacopoulos, Director of Waste and Transportation of the County of Northumberland had requested a meeting with Council to review the remediation work plan for the Eagleson Landfill Site.

Mayor Finley advised that he had met with Mr. Bacopoulos on Monday of this week and it was at that time that Mr. Bacopoulos advised that he would be seeking an appointment time with Council to review all the Waste issues.

REVIEW OF THE 2008 BUDGET – SCENARIO #6 – 9:10 p.m.:

The Clerk/Administrator, Terrence Korotki distributed an amended copy of the proposed 2008 Budget – Scenario #6, and reviewed the amendments as requested from the previous meeting.

FINAL 2008 BUDGET MEETING/SETTING OF THE TAX LEVY

The presentation of the Final 2008 Budget for the Corporation of the Township of Alnwick/Haldimand shall be held on Monday, May 5, 2008 at 7:00 p.m. to 8:00 p.m. in the Council Chambers in the Hamlet of Grafton; and further that the setting of the 2008 tax levy be completed thereafter.

CONFIRMING BY-LAW – 9:25 P.M.:

By-Law No. 43-2008 - Being a by-law to confirm the proceedings of the Municipal Planning Session of April 23, 2008.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

“Be it resolved that **By-Law No. 43-2008**, being a by-law to confirm the proceedings of the Municipal Planning Session of April 23, 2008, be given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 23rd day of April, 2008. CARRIED.”

XII. ADJOURNMENT – 9:26 P.M.:

Moved by Deputy Mayor McDonald, seconded by Councillor Broegelmann;

“Be it resolved that the Municipal Planning Meeting of April 23, 2008, be adjourned at 8:50 p.m. CARRIED.”

MAYOR, WILLIAM FINLEY

**CLERK/ADMINISTRATOR/PLANNING
CO-ORDINATOR, TERRENCE KOROTKI**