REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: **February 11, 2016** **TIME: 9:50 A.M.**

File Number: **B33/15**

Applicant: **Julia Tyndale-Biscoe**

Subject Lands: TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Lots 66 & 67, Reg Pl 55, 259 St. Andrew Street E.

Proposal is a request for consent to convey fee simple for a proposed severance 470 square metres with 12.5m frontage in the TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Lots 66 & 67, Reg Pl 55, 259 St. Andrew Street E, vacant land for proposed urban residential use; retained lands are 1015 square metres.

ISSUES: at request of agent – applications being brought back to committee together with easement applications B130/15 and B131/15 to address drainage issues
neighbour concerns;

SUMMARY of FILED REPORTS and COMMENTS:

Township of Centre Wellington – staff opinion – in support of application; conforms to zoning by-law for the R2 zone provisions (as permitted under the C1 zoning) property is designated under the Ontario Heritage Act – Township will require a Heritage Impact Assessment (prepared by qualified professional) as a condition; should demonstrate no negative impacts; lot heavily treed – tree retention plan required through site plan approval process; Township's Infrastructure Services staff concern with drainage – will require drainage easement as a condition of severance; no objection to applications subject to conditions set out – generally satisfies necessary policies and current criteria for residential infill & intensification; new buildable lots within Urban Centre. **Updated comments (June 9/15) – in addition to condition 7 regarding Lot Grading and Drainage a separate condition to address drainage easement that provides rights for one property over another to the satisfaction of the Township to be finalized during the site plan stage. See condition #13.**

County Planning - notice cards were posted; conforms with Official Plan – Fergus Urban Centre; consistent with Provincial Policy; Deferred Application B154/11 to be withdrawn – condition to address - no concerns

Conservation Authority (GRCA) – no objections

Others (e.g. neighbours) – Judy McCabe Smith (249 St. Andrew Street East, Fergus N1M 1R2) – concerns – effect of ground water/drainage and possible loss of mature trees**; request notification of consideration**
Valts Groskopfs (279 St. Patrick Street East, Fergus N1M 1M5) – oppose severances; bought my property because it was a quite private street not subdivision**; request notification of consideration and decision**
William McCaw (279 St. Andrew St. E. Fergus N1M 1R2) – concern regarding impact of drainage **request notification of consideration and decision**

PROPOSED CONDITIONS of APPROVAL

1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document including the Form 2 Certificate for Consent B33/15.
3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review and issuance of the Certificate of Consent for the severed parcel.
4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.
5) THAT the Owner receive approval from the Township of Centre Wellington road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the Township of Centre Wellington file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
6) THAT the Owner satisfy all the requirements of the Township of Centre Wellington, financial and otherwise (included but not limited to Taxes paid in full; copy of Deposited Reference Plan; undertaking to advise Twp when deed is Registered; Tax Assessment Roll Setup Fee paid) which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
7) THAT the Owner enter into a Development Agreement and/or Site Plan Agreement (Lot Grading and Drainage) to the satisfaction of the Township of Centre Wellington and further that the Township of Centre

Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

8) THAT a tree retention plan will be required as part of the site plan approval process to the satisfaction of the Township of Centre Wellington and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

9) THAT servicing connections to both the severed and retained lots be confirmed to the satisfaction of the Township of Centre Wellington; and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

10) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

11) THAT the Owner provide a Heritage Impact Assessment demonstrating no negative impacts and implementing any recommendations on the property designated under Part IV of the Ontario Heritage Act to the satisfaction of the Township of Centre Wellington and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

12) THAT consent application B154/11 if formally withdrawn from consideration to the satisfaction of the County of Wellington Planning Department; and further that the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

13) THAT the Owner enter into an Easement Agreement to the satisfaction of the Township of Centre Wellington to address drainage issues (details of which will be addressed during site plan approval process); and further that the Township of Centre Wellington file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

January 28, 2016

NOTICE OF CONSIDERATION IN PUBLIC FORUM

Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B33/15

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Julia Tyndale-Biscoe **(now Eric & Annette Van Grootheest)** 259 St. Andrew St. E Fergus ON N1M 1R2	CENTRE WELLINGTON (Fergus) Lots 66 & 67, Reg Plan 55 259 St. Andrew Street E

Proposed severance is 470 square metres with 12.5m frontage (severed #1 on sketch), vacant land for proposed urban residential use.

Retained parcel is 25.5m fr x 77.6m = 1015 square metres, existing and proposed urban residential use with existing dwelling & garage

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, February 11, 2016**

AT 9:50 A.M. for the purpose of considering this matter.

CONSIDERATION WILL BE HELD IN THE: 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

NOTICE is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.

Please also be advised that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

Additional Information regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

TO: **Agent – Jeff Buisman**
Others: Judy McCabe Smith (249 St. Andrew Street East, Fergus N1M 1R2)
Valts Groskopfs (279 St. Patrick Street East, Fergus N1M 1M5)
William McCaw (279 St. Andrew St. E. Fergus N1M 1R2)

REPORT SUMMARY

OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION

Date of Consideration: **February 11, 2016** **TIME: 9:50 a.m.**

File Number: **B34/15**

Applicant: **Julia Tyndale-Biscoe**

Subject Lands: TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Lots 66 & 67, Reg Pl 55, 259 St. Andrew Street E.

Proposal is a request for consent to convey fee simple for a proposed severance 470 square metres with 13m frontage in the TOWNSHIP OF CENTRE WELLINGTON (Fergus) – Lots 66 & 67, Reg Pl 55, 259 St. Andrew Street E, vacant land for proposed urban residential use; retained lands are 1015 square metres.

ISSUES: at request of agent – applications being brought back to committee together with easement applications B130/15 and B131/15 to address drainage issues
neighbour concerns

SUMMARY of FILED REPORTS and COMMENTS:

SEE APPLICATION B33/15

PROPOSED CONDITIONS of APPROVAL

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County of Wellington Planning and Land Division Committee
Deborah Turchet, Secretary-Treasurer
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

January 28, 2016

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Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations

with respect to Application for consent,

File B34/15

APPLICANT

Julia Tyndale-Biscoe
259 St. Andrew St. E
Fergus ON N1M 1R2

LOCATION OF SUBJECT LANDS:

CENTRE WELLINGTON (Fergus)
Lots 66 & 67, Reg Plan 55
259 St. Andrew Street E

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William McCaw (279 St. Andrew St. E. Fergus N1M 1R2)

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street, Guelph, ON N1H 3T9

MINUTES

ON APPLICATION B33/15

APPLICANT	**LOCATION OF SUBJECT LANDS:**
Julia Tyndale-Biscoe 259 St. Andrew St. E Fergus ON N1M 1R2	CENTRE WELLINGTON (Fergus) Lots 66 & 67, Reg Plan 55 259 St. Andrew Street E

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COMMITTEE MEMBERS PRESENT: **George Bridge, Warden; Andrew Lennox - Chairman**
Councilors Shawn Watters, Don McKay, Allan Alls

DATE: **June 11, 2015**

Appearing Before the Committee: Jeff Buisman – agent; Jameson Pickard – P&D Staff
Jeff Smith & Wm. McCaw - neighbours

Public Hearing Notes: CONSOLIDATED CONSIDERATION B33/15 & B34/15
Land Division Committee considered aerial views and pictures of the site and written reports; J. Pickard – neighbour concerns – drainage; J. Buisman – variation of application – B154/11 Deferred; new person involved – request of two lots instead of one semi-detached; 2 family dwellings; rear line has been moved back to 1.2m from existing stone garage on retained; significant drop of land – design sets of stairs at the side of homes; prior to submission – can service; plumbing will pump up to St. Patrick Street; PPS – infill in urban area; planner reports highlighting concerns of trees and drainage; propose drainage on retained overland to St. Andrew Street – details worked through Township – condition to address; trees – want to preserve as many as possible; tree protection and compensation plan – condition; J. Smith – indicated his house location; heritage trees on severed – 80 years or more – destroy heritage; tree route system has something to do with the flow of underground water; tree removed – concern underground water flow – when added on (renovation) water did seep up – were not able to put in stone – sump pump very active; two homes in very narrow strip of land – concern; Warden Bridge – could one home make a difference; J. Smith – don't believe so; could come out and see this – next door gardens; (Jameson showed google street view) Wm. McCaw – NE to retained; heritage house – share all concerns as J. Smith – also surface water concern – root cellar and crawl space; pine floors; surface water could make its way into our home – furnace etc; question easement – how would that happen – to deal with surface water – water does not respect property lines; J. Buisman – strip of land for over land flow contained in ditch or swale; have not designed this yet; 3-6m wide normally could be 10m as there is room; Wm. McCaw – ash tree and maple trees may be effected by easement; backyard is quite private with trees; easement would preclude any potential to develop on this lot; J. Smith – with our project received certificate from Township and Heritage to keep in footprint; 1850's stone cottage; landscaped – water problems could cause problems; applicant different from past; J. Buisman – application is in her name but she is selling to my client; J. Smith – is this to get a higher value? J. Buisman – not question intention; D. McKay – where does water go now? J. Buisman – the property flat runoff; you cannot negatively affect others and it is not intended to cause problems; J. Smith – underground water is concern and risk to investment; Wm. McCaw – under kitchen dug deeper – always get water in spring – goes down drain to street – always some – not a big issue; ground water will seek a place to go; if building – changes; water incursion through stone; D. McKay – is there some ability to study this? J. Buisman – not an expert at underground water; confident that surface can be taken care of; J. Pickard- if committee feels a condition for hydrog? J. Smith - who is applicant; J. Buisman - Julia Tyndale-Biscoe is the applicant; A. Lennox – we cannot speculate ownership – we are here for land division issue; Warden Bridge – trees – because no building can be established without condition; S. Watters – because of location of homes – underground water; Committee is concerned – need resolution of groundwater management;

Moved by Councilor Don McKay Seconded by Councilor Shawn Watters

THAT applications B33/15 and B34/15 be deferred until such time that the agent can investigate and address potential issues relating to groundwater management.

Carried.

B130/15 & B131/15

Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

December 17, 2015
20259-11
Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
GUELPH, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet,

Re: Severance Applications B33/15 & B34/15
259 St. Andrew Street East, PIN 71392-0060
Lot 66, Southside St. Patrick Street
Lot 67, Northside St. Andrew Street
Registered Plan 55, Town of Fergus
Township of Centre Wellington

These two severance applications were deferred to address concerns about additional ground water seepage into the abutting properties. This concern has been addressed and we kindly ask that this application be brought back to the County of Wellington Land Division Committee.

The ground water seepage concern was addressed by having a sub-surface report prepared by MBN Environmental along with a Servicing & Grading Plan by VanHarten Surveying so that additional ground water seepage would not be allowed into the abutting properties. Both studies were submitted to the Township of Centre Wellington for review and approval. Triton Engineering, consulting engineers for the Township of Centre Wellington, reviewed the proposal and their comments indicate that everything is in order (see three submissions prepared by Triton). The Township will be submitting a letter in the New Year that the development meets their approval.

The design (see Grading and Servicing Plan) calls for a storm sewer across the rear yard of the two semi-detached dwellings and along the easterly portion of the retained parcel (259 St. Andrew Street). We recommend that these sewer lines be protected by easements registered on title. We are, therefore, submitting two new severance applications for the proposed easements. The easement in the retained parcel will benefit both semi-detached units and the easement in the easterly semi-detached unit will benefit the westerly semi-detached unit.

LAND SURVEYORS and ENGINEERS

Please contact me if you have any questions or comments.

Van Harten Surveying Inc.

Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

c.c. Eric Van Grootheest
c.c. Brett Salmon, Township of Centre Wellington

Van Harten
SURVEYING INC.

LAND SURVEYORS and ENGINEERS

November 5, 2015
20259-11
Jeff.Buisman@vanharten.com

County of Wellington Land Division Committee
74 Woolwich Street
GUELPH, Ontario
N1H 3T9

Attention: Ms. Deborah Turchet

Dear Ms. Turchet,

Re: Severance Application B154/11
Severance Applications B33/15 & B34/15
259 St. Andrew Street East, PIN 71392-0060
Lot 66, Southside St. Patrick Street
Lot 67, Northside St. Andrew Street
Registered Plan 55, Town of Fergus
Township of Centre Wellington

You asked for an update of Severance Application B154/11.

This application was originally deferred so that the applicant could clarify with the Township of Centre Wellington how to obtain servicing for the proposed lot.

Two new severance applications (B33/15 & B34/15) have been made for the subject property to create two new parcels fronting on St. Patrick Street East to the north of the existing dwelling. These severance applications (B33/15 and B34/15) have been deferred so that concerns about additional ground water seepage could be dealt with. We have submitted a Site Plan and are waiting for approval from the Township of Centre Wellington. Once the Site Plan is approved, Severance Applications B33/15 & B34/15 will go back to the Land Division Committee.

Application B154/11 will be withdrawn as a condition of the approval of Severance Applications B33/15 & B34/15.

RECEIVED
NOV 17 2015
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

423 Woolwich Street, Guelph, Ontario N1H 3X3
Phone: 519-821-2763 | Fax: 519-821-2770

660 Riddell Road, Unit 1, Orangeville, Ontario L9W 5G5
Phone: 519-940-4110 | Fax: 519-940-4113

www.vanharten.com

R.P. Magahay, B.A. J.E. Buisman, B.E.S., B.Sc., O.L.S R.M. Mak, B.Sc., O.L.S J.M. Laws, B.Sc., O.L.S. J.M. Duffy, P.Eng.